

## **PART II. PLAGUE IN SAN FRANCISCO**

### **Kinyoun Faces the Plague Threat**

The fight for control over San Francisco's quarantine inspection program had been won by Rosenau and Wyman, but the political cost was high. Rosenau was very unpopular in San Francisco: the welcome he had received by the city Board of Health in 1896 had long since worn thin. His working relationships with his San Francisco colleagues were uncertain at best, and in the case of the board, openly hostile. At the same time, news that plague was spreading around the globe was finding its way to Wyman's desk via the MHS officers he had posted overseas. San Francisco was a problem. It was an obvious target for the spreading plague pandemic and had become hostile territory. If plague made its way to the port, there was no way Rosenau would ever get the cooperation he needed from the local authorities in order to fight an outbreak. Wyman needed to pull Rosenau out, but finding a man to take over in such difficult conditions would be a problem. Wyman would have to plan his next move.

As soldiers in arms against a common enemy, Wyman and Rosenau had developed an enduring friendship. The strength of the bond between them was highlighted in the summer of 1897, while Rosenau was fighting Wyman's war in San Francisco. Wyman relied on him as a friend to perform a very personal favor and service (in addition to his official duties). In July, Wyman wrote to say:

It is rarely that I have a personal matter to speak of or request to make, but just at present I am solicitous regarding a nephew who shipped as passenger on the Ship A. G. Ropes at New York some weeks ago and is expected to arrive at San Francisco early in August.

He has finished his junior year at Harvard College and was urged by his physician to take the roundtrip on a sailing vessel for his health. His trouble was caused by application to his studies and unappeased animal appetite and I have no doubt the long sea voyage will effect a speedy cure.

He returns on this same vessel and my care concerning him relates to the period while waiting for the A. G. Ropes to take her departure from San Francisco for New York. I expected to have given him a letter to you but the vessel sailed earlier than was announced and I missed the opportunity. He is a young man who has always been highly considered by his associates and stood well in his class at college . . . I would be grateful if you would take some little interest in him and make him feel there is someone friendly on hand, for he is missing acquaintances in San Francisco.<sup>85</sup>

Wyman's nephew, it seems, needed a good long drying out. Rosenau, friend and physician, came up with a perfect plan: when Frank Wyman arrived in San Francisco, Rosenau offered him the use of guest rooms on Angel Island during his stay in San Francisco. Young Frank would be out in the middle of the San Francisco Bay, far from the temptations of the city's Barbary Coast, and under the watchful eyes of his uncle's friend.<sup>86</sup> Walter Wyman was grateful for his nephew's protection, and would find a way to repay Rosenau for his friendship.

Wyman's relationship with Rosenau seems to be an aberration. History records Wyman as a martinet and what we would call today a workaholic. He never married and he died in office after twenty years as the surgeon general. Certainly, his relationships

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<sup>85</sup> Rosenau papers, Wyman to Rosenau, July 23, and August 7, 1897.

<sup>86</sup> Ibid.

with his other officers all seem to have remained quite formal in nature. In the cases of Kinyoun and Hamilton, his relations were cool if not directly adversarial. Whatever the reason, Rosenau appears to have had a remarkably close relationship with the Surgeon General. The fact that Wyman would trust his very personal business to Rosenau shows the degree of faith the Surgeon General had in Rosenau.

In June of 1898, the Treasury Department's Collector's office filed a complaint with Wyman over Rosenau's relations with the San Francisco port collector. Rosenau, it seems, had interfered with the customs inspection process while pursuing his quarantine inspection duties. Wyman knew the Secretary of the Treasury was likely to side with the Collector's office over any disagreement with the MHS, since collections were the primary mission of the Treasury Department. If Rosenau's activities were conflicting with the San Francisco Collector's office, his friend needed to be moved out of harm's way.<sup>87</sup>

In the autumn of 1898, at the end of the Spanish-American War, Wyman temporarily transferred Rosenau to Cuba in order to set up a quarantine inspection, leaving the San Francisco station under the interim command of a junior MHS officer, Dr. Brooks.. In the official history of the Public Health Service, Furman says that Wyman had decided to give Rosenau the position of Hygienic Lab director, and to send Joseph Kinyoun, the laboratory's sitting director, out to replace Rosenau in San Francisco. As Furman has it,

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<sup>87</sup> "The Quarantine Troubles," *San Francisco Call*, March 30, 1898 and Rosenau papers, Wyman to Rosenau, August 20, 1898.

He would not court criticism by making the exchange too obvious. First, he sent Rosenau, in the autumn of 1898, to Cuba to organize post war public health protection. He sent Dr. Kinyoun to San Francisco in the spring of 1899, making Dr. E. K. Sprague Acting Director of the Hygienic Laboratory until October 25, 1899, when Dr. Rosenau could take charge. Sending Dr. Kinyoun was not well received by the medical men of Washington, D. C.<sup>88</sup>

Between Rosenau's departure and Kinyoun's arrival, in San Francisco, Dr.

Brooks' role was to stay out of trouble and act as a place-holder until he was relieved.

Dr. Joseph J. Kinyoun was transferred suddenly, in late spring of 1899, after news of a plague ship bound for San Francisco was telegraphed to Wyman. News that a plague ship was headed for San Francisco provided a convenient pretext for announcing

Kinyoun's transfer to San Francisco. Evidently, the move came as a surprise to Kinyoun, who had expected to continue as the director of the hygienic laboratory in Washington.

In a letter to family, Kinyoun wrote:

I did not intend to go to San Francisco. In fact, it was the farthest from my intentions and expectations. I was led to believe by Dr. Wyman In the latter part of 1899 that when I was assigned to duty in Washington that my assignment meant exactly what it said. I therefore expected to continue my work in the laboratory, and had my arrangements made accordingly. Instead of this, and without a moments warning, my work was suddenly brought to a standstill; work which I had devoted the best years of my life, and through which I had been able, as well as instrumental in obtaining for the Marine Hospital Service a recognition in the Scientific world. Moreover, it was through my efforts that the hygienic laboratory was established.<sup>89</sup>

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88 Furman, 220-221.

89 Kinyoun papers, Kinyoun to Senator F. M (Francis Marion)Cockrell, January 24, 1901. p.8; Kinyoun to "My Dear Aunt and Uncle," June 29, 1901. p. 33. The date Kinyoun gives of "late 1899" for his conversation with Wyman appears to be at odds with the timing of events, and probably should read "1898." Kinyoun and his laboratory had moved to Washington in 1891. While Kinyoun had served in temporary duty away from Washington during the 1890's, he had always returned to run the hygienic

Kinyoun's laboratory had come to be known and respected as the leading hygienic research laboratory in the United States. Torn from his laboratory and his life's work as a bacteriologist, Kinyoun, with his young family in tow, was shipped to San Francisco to intercept bubonic plague. As Kinyoun put it, "Immediately on assuming charge of the quarantine, I became by inheritance the heir to a bitter fight that had been waged against the national quarantine by the state and city authorities."<sup>90</sup>

The fight that had become too dangerous for Rosenau had been handed over to Kinyoun. By whim of Surgeon General Wyman, the career paths of the two men were reversed. Kinyoun would now face the combined forces of the California political machine, run by the Southern Pacific Railroad, and an incoming epidemic of plague, with all the unpleasantness associated with its suppression. Meanwhile, Rosenau would be free to remodel the director's office back at the hygienic laboratory in Washington. While Rosenau settled in to his new role, Kinyoun was left sitting on the dock of the bay, watching for plague ships. One in particular, the *Nippon Maru*, was due into port soon after Kinyoun arrived in San Francisco.

The first suspected plague deaths in San Francisco are associated with the arrival of this ship, the jewel of the Toyo Kisen Kaisha's pacific merchant fleet.<sup>91</sup> The *Nippon*

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laboratory. From the context of the note, it appears that Kinyoun had been given assurances that he was to continue as the lab's permanent director.

90 Kinyoun papers, Kinyoun to "My Dear Aunt and Uncle," June 29, 1901. p. 4.

91 There is some indication from various sources that plague may have arrived in San Francisco in 1898, but the cause of death was not suspected at the time and no bacterial examination was done.

*Maru* steamed through the Golden Gate at dawn on June 27, 1899 flying a yellow quarantine flag atop its mast.<sup>92</sup> All along its voyage from Hong Kong to San Francisco, via Nagasaki and Honolulu, the ship carried the dreaded bubonic plague. On its way to Nagasaki, one of the steerage passengers died of symptoms resembling the plague. Suspecting the worst, the ship's surgeon, Dr. Deas, kept the body on board for examination once the Japanese port was reached.<sup>93</sup>

Japanese health officials determined the cause of death to be plague and ordered the body cremated and the ship into quarantine for seven days, believed at the time to be the extreme limit of the plague's gestation period. During the *Nippon Maru's* stay in Nagasaki, news of the plague was forwarded, via trans-pacific telegraph cable, to the quarantine authorities at ports in the ship's path. By the time the ship was released to travel on to Honolulu, news that a plague ship was moving into US held territory and on towards the mainland had made its way to Washington D. C. and onto the desk of Surgeon General Wyman.

By the time the *Nippon Maru* sailed for San Francisco in 1899, Wyman had spent the better part of the decade developing a system to fight and defeat epidemics. The MHS had matured into a well trained corps of motivated, professional health care officials organized on a military model. Their purpose was to fight wars against invading disease. Their mission was to win those wars. By the time the news about the *Nippon*

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92 "Plague Ship Nippon Maru Arrives Flying a Yellow Flag And Goes Into Quarantine," *San Francisco Chronicle*, June 28, 1899.

93 Ibid.

*Maru* reached Wyman towards the end of April 1899, the Surgeon General had already had a great deal of practice fighting epidemics.

The Spanish American War sent U. S. troops into Cuba and the Philippines. In Cuba soldiers met more and deadlier resistance from the local mosquito population than from the Spanish colonial forces.<sup>94</sup> The troops were under constant threat from yellow fever. In the Philippines American soldiers were fighting a guerrilla war against an ill equipped but motivated local population suffering from endemic smallpox. The troops arriving in California from the Philippines brought with them the occasional case of smallpox, and this alone was enough to keep the quarantine inspection controversy alive in the San Francisco press. Fear of a smallpox outbreak in San Francisco caused by returning troops was very real, and the city Board of Health had to rely unwillingly on Rosenau and the MHS for quarantine inspection. Off the Florida coast, U.S. soldiers in Cuba were dying from yellow fever. Fear was spreading that the troops would soon

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<sup>94</sup> Up until World War I and the mechanization of warfare, deaths from illness within the military were significantly greater than those caused by battle injuries. The US military was no exception. During the Spanish war, deaths from disease exceeded the battle death rate by five to one, with 5 battle deaths per thousand vs. 26 deaths per thousand caused by disease (5:26 ratio). During the US Civil war, northern forces suffered a 33:65 death ratio. According to the US military, by 1919, efficiencies in warfare and medicine had changed the balance. As of February 1919, the US military reported that American European Forces (A. E. F.) were suffering from a 57:17 death ratio, or 3.3 battle deaths for every disease fatality. At that, the disease ratio had been inflated by the influenza pandemic: “but for the influenza epidemic...the disease rate would have been cut in half.” The drop in death from disease was due “largely to the inoculation requirements of the army, and secondly to the efficient work of the medical corps.” Mechanization of warfare also played a part in tilting the statistics. While the US battle death rate had reached a new high mark, at 57 deaths per thousand, the British

bring yellow fever home from the conflict.<sup>95</sup> In addition, the MHS had dispatched officers to monitor a serious yellow fever outbreak in Mexico that was causing a great deal of concern to the Texas authorities.<sup>96</sup> Perhaps worst of all, Wyman had begun tracking an outbreak of bubonic plague in the port of Oporto, Portugal. The plague had made it across the vastness of the oceans and gained a foothold in Europe. The pandemic that started in Asia in 1894 was reaching out towards the shores of America.<sup>97</sup> The MHS was fighting public health battles on almost every front.

When the news came that the *Nippon Maru* was sailing towards Hawaii and on to the West Coast, Wyman began to deploy his forces. Prior to its annexation, Wyman had stationed an officer in Hawaii under the terms of the 1893 Quarantine Act. Under Section 2 the law states that:

Any vessel at any foreign port clearing for any port of place in the United States shall be required to obtain from the consul, vice-consul, or other consular official of the United States at the port of departure, or from the medical officer, where such an officer has been detailed by the President for that purpose, a bill of health . . . The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of consul at any foreign port for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned.<sup>98</sup>

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expeditionary forces had experienced a withering 110 deaths per thousand in battle by 1919. "Deaths in Battle 57 Per Thousand," *The Washington Post*, February 16, 1919.

95 "Yellow Plague at Santiago," *San Francisco Call*, June 22, 1899; "Yellow Fever at Santiago," *Sacramento Bee*, June 21, 1899; and "Yellow Fever On A Transport," *Sacramento Evening Bee*, July 6, 1899.

96 "Yellow Fever Rages in Mexico," *San Francisco Call*, July 2, 1899.

97 "Plague Spreading," *Sacramento Evening Bee*, June 9, 1899 and "The Plague at Oporto," *San Francisco Examiner*, August 19, 1899.

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



With the President's authority, Wyman had made sure that his quarantine officer, Dr. Carmichael, was in contact with the local Hawaiian health authorities and under orders to offer any and all assistance that might be requested by the local quarantine officers. When The *Nippon Maru* arrived in Honolulu on June 17 carrying the body of another possible plague victim, the ship, its passengers, and its cargo were immediately quarantined and an examination of the victim was performed. The cause of death was determined to be plague, and the ship's passengers, after weeks at sea, were stuck in the harbor.<sup>99</sup>

The news of the arrival of a plague ship was picked up by the Associated Press, which interviewed Surgeon General Wyman concerning the matter. While the *Nippon Maru's* passengers were in Hawaiian quarantine, Wyman assured the A. P. that the plague would not gain a foothold in Hawaii or in San Francisco. Wyman pointed out to the press that all of the necessary precautions would be taken to prevent plague from reaching the island's shore.<sup>100</sup> As it turned out, the Honolulu quarantine station was rat infested and determined to be too vulnerable to infection from plague to be used.<sup>101</sup> After

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99 "Death From Plague On Nippon Maru," *San Francisco Call*, June 26, 1899.

100 "No Danger from Bubonic Plague," *San Jose Mercury*, June 27, 1899.

101 "Plague Ship Nippon Maru Arrives Flying A Yellow Flag and Goes Into Quarantine," *San Francisco Chronicle*, June 28, 1899. By the time the *Nippon Maru* sailed for San Francisco with plague aboard, it had been known for some time that there was a relationship between rats and plague. While the specifics of the connection were still unknown, science and folk wisdom had agreed that rats, as the news article pointed out, were the "great disseminators of the bubonic plague."

two days of negotiation, the ship's local agent, H. Hackfeld & Co. arranged to use another ship, the *City of Columbia*, as a temporary quarantine vessel for the *Nippon Maru*'s Honolulu bound passengers. Cargo for the port would have to stay on board the *Nippon Maru* and be delivered after an additional quarantine period, when it was thought safe to do so.

The *Nippon Maru* was cleared to depart for San Francisco on June 20 with the idea that it would self-quarantine at sea. Left on board the *Nippon Maru* were its San Francisco bound passengers and one Honolulu passenger, a young Japanese woman suspected to be dying of plague. Apparently traveling alone, the dying passenger, age nineteen, was very likely a "picture bride" sailing to Hawaii to meet her prospective husband in Honolulu. Refused landing, and sailing away from her destination, the passage to San Francisco proved to be too long for the woman. She was buried at sea on June 25, 1899, two days out from the Golden Gate. The remaining passengers were told that she had died of "apoplexy."<sup>102</sup> Plague seemed to be on its way to San Francisco, but the authorities were trying to keep a lid on the news. Between Wyman's calming assurances to the Associated Press, and the cover story told to the *Nippon Maru*'s California bound passengers, official denials concerning plague had begun. So too, the public relations battle over the disease's existence in San Francisco had begun nine months before the first case of plague would be diagnosed in San Francisco.

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<sup>102</sup> *San Francisco Chronicle*, June 28, 1899 and "Died Fleeing From the Plague," *San Francisco Bulletin*, June 28, 1899.

Suspected plague in Hawaii was one thing; a plague ship steaming for San Francisco was a different matter altogether. Not only was San Francisco the destination port of the *Nippon Maru* on the American continent, it was the largest city on the Pacific coast, and a transportation hub to the rest of the continent. Wyman knew that if plague was on board the *Nippon Maru*, the first battle against this most deadly disease would be fought in the port of San Francisco under Kinyoun's leadership.

### **Germ and Politics**

The arrival of the plague ship *Nippon Maru* in San Francisco is fairly well documented. The fact that two bodies were recovered from the bay wearing life preservers from the ship, and that examination of the bodies showed the existence of plague-like bacteria, is widely accepted. Whether or not the bodies contained plague bacteria is a matter of dispute.<sup>103</sup> The dispute over the bodies marks the beginning of the war between Kinyoun and California's political machine. The incident was the focus of a

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103 At the time of the incident, the bacteriologist for the San Francisco Board of Health reported finding plague bacteria. Kinyoun did his own examination and determined that there was no plague. The controversy was played out in the San Francisco press during late June and early July, 1899. In Link's "A History of Plague in the United States of America," (1955) he supports the San Francisco Health Department's contention that plague bacteria was found. In *Plague*, written in 1985, Charles T. Gregg also supports the position that plague bacilli was found in the bodies. Writing in 1994, Guenter Risse, in "Politics of Fear," supports Kinyoun's contention that no plague bacteria was found. As Laurie Garrett points out in her book, *Betrayal of Trust: The Collapse of Global Public Health*, even in 1994, during the plague outbreak in India, health officials there could not initially determine the bacteriological identity of the disease. The Indian officials could only say that the bacteria was morphologically "similar" to *Yersinia pestis* (p. 39).

jurisdictional fight between the local and federal health authorities, one complicated by internal politics on both sides of the struggle.

Between the summer of 1897 and the spring of 1900, the actors t in the “politico-medical” crisis of the 1900 plague outbreak emerged. In San Francisco local political conditions evolved as the city adopted a new civic charter in order to clean up local government. While the new charter raised the hopes of “good government” reformers, referred to sometimes with a mixture of humor and contempt as “goo-goos,” old-style politicians continued to run the political machinery with old-style politics, breathing as much greed, graft, and chicanery into San Francisco’s political life as ever before. With the state’s largest population base, San Francisco’s politicians controlled the state government and the state’s politics. The net result was the continuation of the political status quo with a few name changes along the way and nothing to protect the innocent.

San Francisco’s Board of Health stood at the center of local complications. The board was a political holdover from the previous administration. While the new mayor James Phelan had been voted in on a “good government” ticket, the “goo-goos” did not control the city’s political machinery: the Southern Pacific Railroad did. The “Espee’s” interests in the board lay in the fact that it controlled the bureaucratic life of the San Francisco’s medical community. In order to contain incidents which could otherwise lead to numerous lawsuits lodged against the railroad by passengers injured in various railroad accidents, the Espee found it convenient to control San Francisco’s receiving

hospital where accident victims were taken for examination.<sup>104</sup> The board controlled the hospital and the “political doctors” associated with the process. The Espee’s chosen means of political control was patronage, and the city’s Board of Health provided many with a means of livelihood. In the spring of 1899, while the *Nippon Maru* was making its way across the Pacific on its infamous journey, the Board of Health’s spoils politics were being aired out in the pages of the San Francisco press.<sup>105</sup>

The fight over who would control the patronage jobs associated with the city’s Board of Health had developed into a rivalry between the managers of competing medical schools: Cooper Medical College (surviving as Stanford University’s School of Medicine), the University of California’s School of Medicine (UCSF), and San Francisco’s College of Physicians and Surgeons (P & S). That competition was renewed in April of 1899 during the annual convention of California’s State Medical Society. Having failed again to secure a position of control and influence during the election of society officers, Winslow Anderson, owner and president of the P & S, stalked out of the annual meeting. Protesting the election, he threatened to establish a new medical society

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104 In 1898, 47,741 people in the United States were injured or killed in railway accidents. “Railway Kills More Than War,” *San Francisco Examiner*, July 16, 1899.

105 While outside the scope of this paper, it should be noted that the political chicanery taking place at the board of health was not in the least bit unique. Political corruption during this period of “bossism” in America has been well documented. Of the many excellent books covering the topic, San Francisco is discussed in William A. Bullough, *The Blind Boss and His City: Christopher Augustine Buckley & Nineteenth-Century San Francisco* (Berkeley, Los Angeles and London: University of California Press, 1979) and Walton Bean, *Boss Ruef’s San Francisco* (Berkeley, Los Angeles and London: University of California Press, 1952). Additionally, the works of Franklin Hichborn should not be missed.

to be run on “a better and more advanced” foundation.<sup>106</sup> Shortly thereafter, Anderson created the San Francisco Clinical Society.<sup>107</sup>

When the railroad combination in San Francisco wanted to fill seats on the city Board of Health in the summer of 1899, it found willing physician candidates under the control of Dr. Anderson, who wanted access to the city’s receiving hospital. Not only had he and his colleagues at the College of Physicians and Surgeons been denied leadership roles within the state’s medical society, they had also been excluded from San Francisco’s Board of Health. The practical result of this exclusion was that doctors affiliated with the P & S were denied admitting privileges at the city’s receiving hospital and students were denied residency. Without admitting privileges, the P & S lacked a teaching hospital. Without patients or residency privileges, competing with the Cooper and UCSF medical schools was a losing battle. Dr. Anderson was determined to change the status quo and make some extra money as well by allying himself with the railroad interests.

Anderson turned to one of his patients and political friends, Daniel Burns. Under W. F. Herrin, senior attorney for the Southern Pacific, Republican Party politics in San Francisco were managed in part by Burns, whose exploits were a frequent subject of political cartoons appearing in the San Francisco press. Topped by a sombrero,

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106 “Talk of a New Medical Society,” *San Francisco Chronicle*, April 21, 1899.

107 *Pacific Medical Journal*, editorial, 42 (July 1899): 427.

“Mexican Dan” appeared in the middle of things political with regularity.<sup>108</sup> In the previous year of 1898, he had the job of “delivering” San Francisco for the Espee’s Republican candidate for governor, Henry T. Gage. Gage’s political base was in southern California, but to win the state, the Espee’s candidate needed to win San Francisco, which had by far the largest voting population. Dan Burns, himself an outsider to San Francisco, was responsible for making it happen.

Governor Gage and the Espee showed their appreciation by promising Burns the U.S. Senate seat being vacated by Stephen M. White, a Democrat, whose term had expired. In 1899, California’s federal senators were chosen by the state assembly. Gage’s victory had placed the state in Republican hands, and Gage, controlled by the Espee, wanted Burns for U.S. Senator.<sup>109</sup> Burns had the governor’s ear and his favor, and Anderson wanted in on the action, so he made a deal.

Promising cooperation with Burns, who arranged the appointments, Anderson succeeded in placing three P & S doctors on the four-member Board of Health, winning a major victory against his rivals and putting the body into the hands of the railroads. Control over the Board of Health by Burns and Anderson, however, would be short lived. Political rivalry and the city’s new reform charter would thwart Burns’ use of the board to channel patronage jobs.

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108 Earlier in his political career, Burns fled to Mexico to avoid prosecution in California, and picked up the nickname “Mexican Dan,” or, as often as not, just “The Mexican.”

109 Dan Burns’ bid for the U.S. Senate failed.

The positions everyone was so eager to control were themselves a point of contention. San Francisco had a new mayor, James Phelan, who was voted in on a reformist ticket. The Phelan Administration wanted to clean up the management of the city Board of Health. Under Burns, the Board had created quite a number of sinecure jobs, and Burns wanted to keep them. Local party bosses, double-crossed by Burns over patronage jobs with the city Board of Health, wanted to take them away. The local bosses arranged for the city's auditor to deny salary warrants for the unauthorized positions, and the press had a field day over the issue.<sup>110</sup>

Under the headline "A Small Army of Tax Eaters," the *San Francisco Chronicle* reported the Board had 221 employees in patronage positions, ranging from health examiners to bakers to gardeners and everything in between, including an "assistant mushman."<sup>111</sup> Ridiculing the patronage positions, the *Chronicle* followed a few of the employees around and reported that:

The garbage inspectors do not arise as early as the bakery man. On June 28<sup>th</sup> W. Grigg reached the office at 9 A.M. where he remained until 10. He then went out and inspected some scavenge carts until noon, when he promptly ate his luncheon, devoting an hour to the midday repast. He then worked until 3 P.M. Possibly Grigg quit early because he became exhausted by the 'extra or special service' he performed and which consisted of inspecting a manure pile on Market Street . . . The main occupation of the Boards of Health has been the creation of jobs for the "push." So ingenious have they been at this line that now there are a mushman and an assistant mushman in the County Hospital. The part politics plays in this department is shown in the fact that the assistant mushman is paid

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110 "Health Office Is Hard Hit," *San Francisco Examiner*, July 27, 1899, and "Crimmins and Kelly Getting Even On Burns," *San Francisco Examiner*, July 28, 1899.

111 "A Small Army of City Tax Eaters," *San Francisco Chronicle*, July 2, 1899.



\$18 a month, while his chief receives but \$15. The second mush stirrer has a bigger pull than the other fellow. Hence the heavier draw-down.<sup>112</sup>

Under the new city charter, the mushman was eliminated from the budget, as was his overpaid assistant. In retaliation, the Board of Health closed all of the city's receiving hospitals, arguing that there was no money in their budget to run the facilities. The fight between the Board of Health, run by Burns and his political doctor, Anderson, and the city's reform administration, under Mayor Phelan and the local politicians, dumbfounded observers. By August, the fight had become a topic of national attention. In an editorial, the American Medical Association described the battle:

The conflict between the Board of Health and the Supervisors, backed by the Auditor, has assumed a phase that promises much harm to the city of San Francisco... The root of the whole trouble lies in the fact that in the fall there will be held an election under the new charter, and the political bosses are all striving to secure as much patronage as they can in order to influence things at the election. If they can appoint a hundred or two of their political friends to jobs in the Board of Health office, then this hundred or two can do a good deal of electioneering, and help on the party through which they secured their appointments. The truth of the whole matter is fully understood by every one, yet the maneuvering for political advantage goes on all the time. Under the new charter these city offices will be appointed by the mayor, who will control almost all the patronage, and consequently the strife is a particularly bitter one.<sup>113</sup>

The battle over control of the Board of Health and the receiving hospitals tilted back and forth into the fall election season. In September, Burns and Anderson were able to take control of the city and county hospital. By forcing out its superintendent, Anderson was able to place D. A. Hodgehead, a P&S physician and Anderson's close

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112 Ibid.

friend, into the vacant position. Anderson was now in a position to control the hospital, its clinical services, and admitting privileges. At the same time, the Board voted to condemn the hospital as unfit for habitation, and planned the creation of a new facility.<sup>114</sup> With these two acts, Anderson was in a position to hand the P. & S. a brand new teaching hospital paid for by the city.

By October, the Board of Health had won a local court ruling allowing it to hire as many employees as it saw fit, prompting Mayor Phelan to say “there is evidently a conspiracy among the committees of the board to make economy odious.”<sup>115</sup> The Board of Health wasted no time making its political appointments. Dan Burns was once again in a position to control the board’s funds.

The tone of the battle changed on October 23, when the State Supreme Court ruled San Francisco’s new charter constitutional. The good government movement in California had finally won a most important victory. To Mayor Phelan, it meant that he now had the power to select and remove board members and city supervisors. To the city Board of Health and the supervisors controlled by the Burns faction, it meant that the game was up: the board members would be replaced in January 1900 under the new city charter. Burns and Anderson, minions of the Southern Pacific machine, were turned out.

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113 “San Francisco Notes,” *Journal of the American Medical Association*, 33:7 (August 12, 1899): 432.

114 “City Hospital To Be Closed,” *San Francisco Examiner*, September 3, 1899; “Planning A New City Hospital,” *San Francisco Examiner*, September 7, 1899; and “A Doctor Gives Up A Position,” *San Francisco Examiner*, September 21, 1899.

115 “Health Board Raid On Funds,” *San Francisco Examiner*, October 1, 1899 and “County Hospital Costs Too Much,” *San Francisco Examiner*, October 3, 1899.

Further, in the fall 1899 election, the city voted to keep its mayor, build a new hospital, erect new schools, and improve its sewage system. In January 1900, the city Board of Health was replaced by a new board of the mayor's choosing, and the city and county hospital again had a new superintendent. The Espee was not used to losing political battles and it prepared to fight its way back, but it would have to wait for new elections before it could try to retake the town.

The Southern Pacific was a formidable foe: its transportation monopoly in California had led to a near monopoly of the state's politics as well. Almost all business in the state had direct or indirect ties to the Espee's transportation system. With its ability to affect shipping costs, the Espee controlled the profitability of much of the state's business community. Many industry leaders allied themselves politically with the Southern Pacific, hoping to win favor with the transportation giant and maintain a stable and profitable business environment for themselves. With a firm hold on the California legislature and the state's governor's office, the Espee was usually well protected.

Any force or event that might challenge the Espee and its profits in California was therefore an enemy to be destroyed. The plague ship sailing toward California's Golden Gate in the spring of 1900 would pose a new challenge to the interests of the Espee and the Californian business community as a whole. The Southern Pacific's political machinery was about to come up against the deadly disease, and in so doing, collide with the Marine Hospital Service, which had both public health and internal political interests to protect.

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The medico-political crisis that would erupt in California over the discovery of plague in San Francisco had much in common with previous quarantine struggles, but it had its particular characteristics. First, the political machinery in California was in many ways monolithic, with an ability to marshal a vast array of forces in defense of its position. What was good for the Southern Pacific was good for California, and many of California's business interests were prepared to follow the Espee's lead. In addition to controlling the business community, the Espee controlled the governor's office and many in state and local government, thus exercising enormous power within California.

Next, the power of the Marine Hospital Service had been steadily increasing since the 1893 national quarantine act was passed. Wyman had practiced his political will and honed his skills in taking over local quarantine inspection and control. While the situation in San Francisco had provided for a lively controversy between the local authorities and Wyman's agency for several years, the MHS believed that it had the upper hand.

Also, the science of bacteriology, while still relatively new, had advanced significantly by 1900. It must be noted, however, that the epidemiology of plague was still poorly understood, and the controversy over the characteristics of the disease and how the plague moved through a human population was lively. With competing economic and political interests at stake, controversy was inevitable.

Finally, the personalities at play over the controversy displayed particular ego and arrogance. In California, the politicians and businessmen backed by the Southern Pacific were a colorful mix, from political scoundrels such as Dan Burns, to lawyers like the

brilliant William F. Herrin, and his tarnished minion, Governor Gage. Add to the mix political doctors, and newspapermen like Mike De Young and Fremont Older from a thriving and lively press, Chinese racketeers, and a local court system sympathetic to local political concerns. On the federal side of the controversy, Supervising Surgeon-General Wyman was “meticulous and a martinet,”<sup>116</sup> a political bureaucrat seeking to expand his power and influence, while justifying his actions on the grounds of improving in the nation’s public health. Acting for Wyman and the MHS was Dr. Kinyoun, the service’s best bacteriologist, and no doubt an arrogant man in his own right.

In the spring of 1900, the stage was set for a battle royal between a multitude of competing interests when bubonic plague appeared San Francisco. The federal government, represented by Kinyoun, was waiting to intercept the oncoming pandemic in hopes of stopping it at the continent’s doorstep. San Francisco’s business interests, reacting to the news of a dreaded contagious disease in their midst and the threat of a quarantine against the city, responded the same way that business interests had often responded in similar situations: they tried to bury the news and protect their trading concerns. San Francisco’s business and political elite turned to their governor, a man who they had placed in office, for help. Governor Gage, the Southern Pacific, and the rest of San Francisco’s business community chose to deny the existence of plague in hope that it would go away.

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116 Furman, 199.

Gage, inaugurated in 1899, was owned and operated by the Southern Pacific Railroad. Like a string of men before him, Gage was a polite bit of political fiction. Ever since the railroad had linked California's commercial interests to the rest of the continent, and from the time Leland Stanford sat in the governor's chair in 1860's, the interests of the railroads and the politics of California were wedded together with money and blood. By the time Gage took office in January of 1899, the "Espee" had expanded its control across all aspects of California's politics, controlling both the Republican and Democratic "machines." When Gage arrived in Sacramento to guide the wheel of state, he was driving a political locomotive built by the "octopus" of Frank Norris's famous novel.<sup>117</sup> Little did he know that his political train would be wrecked by a rat, a flea, and a recently discovered bacteria.

### **The Politics of Plague**

On March 6, 1900, the fears of the Marine Hospital Service came true: the bubonic plague pandemic found its way to the port of San Francisco, and a man lay dead in Chinatown. This brought to a head the long-standing tension between federal authorities on the one hand and state and local officials on the other. It also brought the schisms within the local medical community into bold relief.

Kinyoun's quarantine station at Angel Island was the only laboratory in the San Francisco area that had the resources for bacteriological testing. Dr. W. H. Kellogg, bacteriologist for the Board of Health in the city of San Francisco, had lost his budget to

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<sup>117</sup> Frank Norris, *The octopus, a story of California* (New York: Doubleday, Page & Co., 1901)

yet another local political battle, and was forced to bring his samples to Kinyoun.. All of the tests proved positive. Kinyoun contacted the local health authorities and sent a telegram to Wyman in Washington D C letting him know that he had positively identified the plague in San Francisco.

In 1900, the common belief in California and elsewhere was that plague was an "Asiatic disease." As Joan Trauner points out, anti-Asian discrimination in California extended into the realm of Public Health.<sup>118</sup> Many health officials blamed the Chinese and their enforced sub-standard living conditions within the Chinese ghettos as the source of epidemic disease.<sup>119</sup> Theories of germ transmission by way of dirty clothes and "foul and disgusting vapors" were only just being replaced by bacteriological science at the beginning of the twentieth century. Malaria, smallpox, and leprosy had all been blamed on San Francisco's Chinatown.<sup>120</sup> Now, with the discovery of a bubonic plague case in the basement of the infamous Globe Hotel, it too would be added to the sins of the Chinese population.<sup>121</sup>

Within days of the discovery, the San Francisco newspapers were shouting in headlines that the discovery of plague was a hoax. "Nothing But A Suspicion," and

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118 Trauner, 70-74.

119 Ibid.

120. Ibid.

121. The Globe Hotel's decline from a gold rush era palace to a symbol of Chinatown's filth and decadence is well described in Nayan Shaw, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown*, (Berkeley and Los Angeles, California: University of California Press, 2001), 32-120.

“Plague Fake Exploded” declared the *San Francisco Chronicle*.<sup>122</sup> A quarantine which was quickly put in place around Chinatown by the San Francisco Board of Health was just as quickly removed when white San Franciscans realized that the quarantine separated them from their Chinese domestic servants. The Board of Health was attacked by the press for its “criminal idiocy,” and demands were made to Mayor Phelan for the board’s removal.<sup>123</sup>

The only paper in the city to support the mayor and the Board of Health was the *San Francisco Examiner*, owned and edited by William Randolph Hearst. Hearst apparently thought that there was more to gain for his newspaper in playing up the sensationalism of a plague outbreak and going to battle against rival papers. To that end, Hearst put his powers of yellow journalism into high gear, both at the *Examiner* and across the nation, at the *New York Journal*, where publication of sensational plague stories made the San Francisco outbreak into a national and international story.<sup>124</sup> Furious that the *Examiner* and its New York affiliate, the *Journal*, would publicize the outbreak to the world, the *San Francisco Bulletin* reacted by writing that “What is needed in this community is the inoculation of the *Examiner* with the germs of bubonic plague.”<sup>125</sup> *The Occidental Medical Times* responded by saying, “Let this inoculation

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122 “Nothing But Suspicion,” *San Francisco Chronicle*, March 8 and “Plague Fake Exploded.” *San Francisco Chronicle*, March 9, 1900.

123 “Remove the Board of Health,” *San Francisco Chronicle*, March 8, 1900.

124. Kalisch, 117.

125. *San Francisco Bulletin*, March 8, 1900, quoted in Kalisch, 117.



extend to the owners, editors and managers of our dailies and we would suggest that, when subjects are needed for further experimentation, they be recruited from the ranks of sensational journalists."<sup>126</sup>

Within a few weeks, however, San Francisco's business interests would change tactics from noisy denial to suppression of the facts. Reaction across the country to the early news of plague had led to fears of reduced tourism and trade in California. The sensational denials out of the San Francisco press turned into sensational rumors around the nation. The business interests decided that "no news was good news" and enforced a plague news blackout on the San Francisco dailies. Most of the city's newspapers voluntarily censored themselves, the *San Francisco Examiner* being the outspoken exception. But from April 1, when economic pressure also forced the *Examiner's* silence, through the remainder of 1900, the San Francisco newspapers maintained a news blackout against the plague in the streets.<sup>127</sup>

No plague news out of San Francisco did not mean no news at all, however, The *Sacramento Bee* had picked up the story from the beginning. Charles Kenny ("C. K.") McClatchy was competing with the San Francisco newspapers, and unlike Hearst's gagged *Examiner*, the *Bee* was supported by Sacramento advertising dollars, and would get the news out to its eager readers. Accordingly, into the summer and fall, the *Bee* led off with headlines like: "The Bubonic Plague And No Mistake," "Chinatown Must Be

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126. Kengla, "Newspapers and the Plague," *Occidental Medical Times* 14:2 (April, 1900): 122.

127 Kalisch, 118-121.

Cleaned Up,” and “Two More Cases Of The Plague.”<sup>128</sup> Along with the *Bee*, the *Los Angeles Times* kept up a steady pace of plague news to inform California and the world. In addition, the *Occidental Medical Times*, the largest of the West Coast medical journals, opposed the campaign of denial being waged by San Francisco’s business community. It proved itself to be particularly unrelenting in the fight to get the truth out. Its April 1900 issue commented on the news blackout that the S. F. papers were perpetrating:

It is a common and certainly justifiable opinion that the press, especially in the dailies of our city, are notoriously sensational and unreliable, except when they are well paid to tell the truth, or when they wish to gain a point on a rival. This feature has been made extremely prominent since the discovery of a case of the plague. Such an amount of untruth, of political vituperation and of slander has rarely graced their pages. It seems that either from habit or inability to differentiate between true and false, their columns are ever teeming with rank sensation or pure falsehood.

It is generally assumed that newspapers are edited and conducted by intelligent men. The most prominent characteristic of education and intelligence is to be just and make at least some effort to learn the truth in all things . . . Bitter and scandalous have been the charges, and bitter and scandalous is the fight, *because the political program, arising out of the last election* was not carried out according to the demands of each; and the affair has resolved itself into a piece of base political debauchery, upon which we would hesitate to comment, if the reputation of the medical profession, its integrity and honor were not pitted against ignorance and untruth by unscrupulous, disreputable newspapers and thoughtless citizens.

Amidst the mass of rot and falsehood have been printed interviews of a most disgraceful nature with lawyers, laymen, ministers, doctors and politicians, condemning the Board of Health . . . These interviews have been granted by men of prominence and of the highest standing; and it is not only absurd, but unpardonable that they would proclaim that there was no plague, before it was possible to affirm or deny the assertion.

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128 *Sacramento Bee*, March 8, 1900, March 22, 1900 and April 6, 1900.

If no plague existed, are not the methods pursued by the press, their unfairness and injustice in condemning the actions of those who disagree with them, and their scandalous and abusive language used against the Board of Health and its assistants most conclusive evidence?<sup>129</sup>

By June, Dr. Kengla, editor of the journal, had reached a certain level of exasperation in his defense of the truth when he ended an editorial by saying

So much falsehood has been published, teeming with maliciousness and open charges of dishonesty, that if the honor of the profession were not at stake we would urge that all the barriers be removed and the disease be allowed full sway in order that the people might reap that reward they well deserve.<sup>130</sup>

Throughout the summer, the private and public debate was in full swing while the plague gained momentum. A case here and a case there was hardly enough to notice at first. The very slowness of the epidemic's advance was a point over which the debate raged. To those who were on the side of denial, the limited number of initial cases was the cornerstone on which their argument stood. Folklore and folk logic said that the plague would descend upon their town in a rush of death. Sensational press stories had heightened the city's expectations. The *Examiner's* reliance on Daniel Defoe's *Journal of the Plague Year*, with all of its gruesome detail of end-stage pneumonic plague scenes had done much to set the terms on which the plague was expected to operate.<sup>131</sup>

Additionally, the recent epidemics of yellow fever which had devastated the American

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129 "San Francisco Newspapers and the Plague," *Occidental Medical Times*, (April, 1900): 118-119. Emphasis added, the previous election being the 1899 gubernatorial race won by Henry Gage.

130 "The Plague," *Occidental Medical Times*, (June 1900): 118.

131 Silvio J. Onesti, "Plague, Press, and Politics," *Stanford Medical Bulletin*, 13:1 (February 1955): 4.

South had provided many with memories of sudden, horrific deaths from an equally mysterious disease. Many in San Francisco had come to expect the plague to kill in a manner befitting its reputation. That it was not killing *en masse* was casting hopeful doubt among many people eager to believe that the Black Death was not stalking the streets of San Francisco. And yet the plague was following its true epidemiological course, taking a few human victims while spreading throughout the city's rodent population, building towards a critical mass.

The bubonic form of plague is transmitted by the rat flea. Only a small percentage of rats and their fleas may be infected even when plague exists. With their long association with plague, rats and other rodent carriers of the plague bacilli, *Y. pestis*, generally host the disease in a dormant form. Occasionally the disease will become active and the rodent population affected will suffer an epizootic outbreak, called a "die-off." During a die-off, plague kills many of the host rodents and then recedes back again into a dormant form within the surviving host population. In the early stages of a human epidemic, only a relatively few encounters will occur between humans and infected rat fleas. Historically, epidemics have been associated with periods when the rats in a mixed human and rodent population experience an epizootic outbreak. Under these conditions, fleas carrying the plague bacteria migrate from the infected rat population into the human population and find new hosts. A flea which feeds on an infected host soon has its

digestive track blocked by a coagulant mixture of bacteria and blood.<sup>132</sup> With its proboscis and fore-stomach blocked, the now starving flea will seek out any host in an attempt to feed. The flea may bite its host multiple times in a desperate drive to feed. With each attempt, the flea regurgitates some of infectious mixture blocking its gut. Tens of thousands of virulent plague bacilli can be transferred with each flea-bite.<sup>133</sup> In this manner, plague moves from rat to man. Once bitten, the human host will develop the bubonic form of plague.

As the plague attacks its human host, the victim's lungs may become infected. In its pneumonic form, the disease attacks the lungs in a highly contagious form and is easily transmitted from person to person via coughing. The sputum expelled through coughing contains a very high percentage of plague bacilli.<sup>134</sup> Inhaled directly, the insuing plague pneumonia, if left untreated, is almost always lethal, with death occurring within 24 to 72 hours.<sup>135</sup> Most plague deaths historically associated with the disease were caused by the pneumonic form. In the early stages of a plague epidemic, the disease spreads through the rodent population with only occasional encounters with the human population. Plague may be resident in a rat population for months or years before

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132 Charles T. Gregg, *Plague: An Ancient Disease in the Twentieth Century*, 2d ed. (Albuquerque: University of New Mexico Press, 1985), 73-83.

133 Ibid.

134 Ibid.

135 Association of State and Territorial Directors of Health Promotion and Public Health Education, *Plague*, <<http://www.astdhppe.org/infect/plague.html>> accessed March 24 2002 and CDC Plague Home Page, <<http://www.cdc.gov/ncidod/dvbid/plague/>> accessed 1 February 2002.

a die-off triggers an explosive transmission of infection into the human population. In 1900, San Francisco was in the early stages of an epidemic.

Meanwhile, despite the denials, many in the business community knew enough to be concerned that Kinyoun's reports might soon provoke a quarantine against California. Chinatown's reputation as a source of disease and prevailing notions of the plague offered an obvious target. On May 16, the Southern Pacific and Santa Fe railroad companies met with the State Board of Health and demanded that Chinatown be quarantined, arguing that a quarantine of the district would forestall a general quarantine of California.<sup>136</sup>

The railroads, backed by the San Francisco Chamber of Commerce and the Merchant's Association, held all the cards. The state board, unable to resist, consented to the railroads' request and passed orders on to the San Francisco City Board of Health to act. According to Kinyoun:

In fact, the Southern Pacific and Santa Few [sic] railroad, at a public meeting of the State Board of Health on May 16, demanded that the City Board place a cordon of the strictest character immediately around Chinatown, because if it was not done, other States would, in order to protect themselves, enforce a rigid inter-state quarantine, which would practically tie up every railroad leading out of California . . . It might be said that the quarantine was enforced at the dictation of the railroad interests, so practically the commercial quarantine and not the measure which the City Board of Health recommended, nor desired to enforce, nor any of those who, having the best interests of the health of the country at

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<sup>136</sup> Kinyoun papers. Letter. Kinyoun to "My Dear Aunt and Uncle," June 29, 1901, 13. This letter, as well as two others in the collection describe in great detail the inside story of Kinyoun's experience. While the records of the Marine Hospital Service in the National Archives contain a significant amount of official correspondence, the addition of having Kinyoun's private opinions is invaluable in understanding the political atmosphere in which the story is played out.

heart, would have consented to, yet the City Board of Health was compelled . . . to accept the dictation of the railroads, and enforce the quarantine.<sup>137</sup>

On May 18, the San Francisco Board of Health declared that plague existed in the city and that "all necessary steps already taken for the prevention of its spread be continued, together with such additional measures as may be required."<sup>138</sup> The Chinatown district was placed under "the strictest" quarantine conditions, and the city Board of Health, along with the MHS, attempted to inoculate the Chinese community with an experimental plague vaccine. The effort failed because word had gotten around that the vaccine, known as the Haffkine prophylactic, was poisonous, and Chinatown was on the verge of a riot against the program. The Chinese, through their consul general, wrote to the Chinese Ambassador in Washington DC, protesting the treatment of Chinese nationals in San Francisco:

Authorities insist inoculation, even by force, all Chinese object, would rather go back to China than subject. They say there is no plague at all. Please use your influence at once to have authorities have officers her to facilitate matters as they intend to commence at once. If they inoculate by force there might be trouble and bloodshed and may lead to serious complications.<sup>139</sup>

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137.Ibid.

138 *San Francisco Examiner*, May 29, 1900.

139.Ibid., 472-473.

Secretary of State John Hay was asked by the Chinese Ambassador to investigate. The Secretary forwarded a request for information to Governor Gage's office, and Gage got on a train for San Francisco to begin an investigation.<sup>140</sup>

Pending the completion of the investigation and under orders from Governor Gage, the California State Board of Health refuted the findings of San Francisco's board and issued its counter opinion, sending telegrams to state boards of health across the nation on May 21, reading: "Reports outside of this State of the existence of bubonic plague here [San Francisco] have been grossly exaggerated . . . At this time there are no known cases of bubonic plague in California."<sup>141</sup> On the same day, acting on reports received by Dr. Kinyoun, and after asking and receiving approval of President McKinley, Surgeon General Wyman declared that the 1890 federal quarantine law was in effect.

Wyman telegraphed orders to Kinyoun:

During the existence of plague at any point in the United States, the Surgeon General, Marine Hospital Service, is authorized to forbid the sale or donation of transportation by common carriers to Asiatics or other races liable to the disease . . . Nor shall common carriers accept for transportation any class of persons who may be designated by the Surgeon General of the Marine Hospital Service, as being likely to convey the risk of plague contagion to other communities, and said common carriers shall be subject to inspection.<sup>142</sup>

With this telegram in hand, Kinyoun placed quarantine officers around San Francisco and at transportation points on California's borders. The attempt by the railroads to restrict

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140.Kinyoun papers, letter. Kinyoun to "My Dear Aunt and Uncle," June 29, 1901. 8.

141.Louis Kengla, "The Plague," *Occidental Medical Times* 14:6 (June 1900): 185.

142.Kalisch, 122.



the quarantine to Chinatown had failed, yet anti-Asian prejudice provided the perfect pretext for exactly the larger action they had hoped to avoid.

The situation called for immediate action, and once again, the railroads used the Chinese. They arranged through the Governor's office for the "Six Companies" to file suit in federal circuit court to end the quarantine, citing racial discrimination.<sup>143</sup> In private correspondence to Dr. Preston Bailhache, a senior officer with the MHS, Kinyoun described the situation as a "prearranged affair," saying that the suit

Originated in Sacramento, and passed through the hands of the District Attorney, then the [Chinese] Consul, and hence to the Minister, in order that the Governor might have an opportunity to institute an investigation . . . [it was clear] from information furnished to me by some people intimately associated with the Chinese, that the suit of injunction brought against me and the Board of Health had its origin in the same manner.<sup>144, 145</sup>

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143. Wong Wai v. Williamson, Civil Case No. 12937. A full description of the event can be found in Charles J. McClain, "Of Medicine, Race, and American Law: The Bubonic Plague Outbreak of 1900," *Law and Inquiry* 13, no. 3 (1988): 447-513.

144. Kinyoun papers, Kinyoun to "Dear Aunt and Uncle," June 29, 1901. 13-20 and Kinyoun papers, Kinyoun to "Dear Dr. Bailhache," August 9, 1900. Coombs, Frank Leslie (1853-1934). District Attorney for Northern California, 1899-1901. U.S. Representative from California 1st District, 1901-03; defeated, 1902. In a private letter, Kinyoun wrote: "It was equally certain that an agreement had been entered into between the Governor and his political adherents; that if Coombes [sic] did his part so as to secure my conviction, or removal, that the price for his treachery, he was to be made the nominee of the republican party for Congress. This latter was done by the machine, Coombes [sic] having little or no opposition."

145 Dr. Bailhache was more to Kinyoun than a close colleague within the Marine Hospital Service with whom he could confide. It appears that Dr. Bailhache was Preston H. Bailhache, confidante of John Hamilton and the Marine Hospital Service's agent within the National Board of Health during the fight for supremacy and survival between the two services. As a close political ally of John Hamilton, Bailhache was a holdover within the Wyman administration, and very possibly a political thorn in the side of the Wyman, who had successfully outmaneuvered Hamilton for the job of Supervising

Judge W. W. Morrow, U. S. Circuit Court, found in favor of the Chinese community on May 25, and ordered the quarantine lifted by Kinyoun.<sup>146</sup> Kinyoun understood this decision to represent a personal victory on the part of the governor against himself: “the Governor is reported on good authority to have said that he ‘had effectively broken my back so that I would give no more further trouble’.”<sup>147</sup> Kinyoun did as ordered, and lifted the federal quarantine.

On May 29, the city’s Board of Health, backed by the Board of Supervisors, elected to place a quarantine on Chinatown in order to forestall a threat from the state Board of Health to quarantine the entire city if something wasn’t done. Under pressure from the state, city authorities considered mass removal of the Chinese to Mission Rock and Angel Island. Additionally, a plan was floated to burn down Chinatown in order to clean the area.<sup>148</sup> The Chinese community took the matter to court seeking relief. For his role in the affair, Kinyoun found himself in Judge Morrow’s court once again, this time facing contempt of court charges. Things were clearly getting out of control.<sup>149</sup>

Governor Gage’s official response to the Chinese consul’s complaints, released on June 13, continued the attack on Kinyoun. Gage denied an outbreak of the plague in

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Surgeon-General. In addition, Dr. Bailhach was Joseph J. Kinyoun’s uncle, and very likely the man who introduced Kinyoun to the Marine Hospital Service.

146 Kellogg, "Present Status of Plague with Historical Review," 840.

147 Kinyoun papers, Kinyoun to Senator F. M. Cockrell, January 24, 1901. 3.

148 McClain, 482-489.

149 Ibid., 496-506.

Chinatown and blamed any mistreatment of the local Chinese population on federal health officials outside of his control.<sup>150</sup> On June 15, Judge Morrow found in favor of the Chinese citing Fourteenth Amendment equal protection laws as well as diversity of citizenship.<sup>151</sup> A few days later, Gage wrote to President McKinley and directly blamed the entire plague epidemic on Kinyoun, accusing him of acting in contempt of court and in a fashion bringing great harm to the state by way of quarantine and other actions. The governor ended his letter to McKinley by demanding that Kinyoun drop the quarantine.<sup>152</sup>

On June 18, the California delegation to the National Republican Convention, meeting in Philadelphia, visited the president in Washington. They denied the existence of plague and demanded the removal of Kinyoun. Facing reelection and a threat from California's delegates, the President ordered Wyman to end federal quarantine activities and he immediately complied.<sup>153</sup> In a private letter, Kinyoun explained the incident:

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150 Telegram from Governor Gage to John Hay, Secretary of State, June 13, 1900.. In appendix to the *Report of the Special Health Commissioners*. (Sacramento: State Printing Office, 1901), 16.

151 McClain, 501-506.

152 *Report of the Special Commissioners Appointed by the Governor to Confer with the Federal Authorities at Washington Regarding the Alleged Existence of Bubonic Plague in California*. (Sacramento: State Printing Office, 1901), 17-18.

153 Kinyoun papers, Kinyoun to "My Dear Aunt and Uncle," June 29, 1901. p. 15; "Quarantine Fake Explodes," June 19, 1900; "His Recall Is Demanded," *San Francisco Chronicle*, June 20, 1900. "All Quarantine Orders Have Been Suspended," *San Francisco Examiner*, June 19, 1900.

The efforts of the combined political interests of California were successful. On the afternoon of the same day, upon which the delegates reached Washington, a telegram was sent to me by the Surgeon General, to cease all inspection until further orders. This was accordingly done, and the quarantine procedures and measures instituted in California by Dr. Wyman came to a sudden end.<sup>154</sup>

While Wyman refused to pull Kinyoun out of San Francisco, the change in orders caused Wyman to reconsider the situation. Feeling the rebuke from the president, and in a mood to shift blame for the quarantine away from himself, Wyman began to separate himself politically from Kinyoun. As events continued to unfold in California, Wyman's support for Kinyoun, already tenuous, weakened.

During the fall of 1900, the San Francisco newspapers continued their attack against reports of the plague and vilified Dr. Kinyoun for continuing publicly to fight the disease. Under headlines reading "Has Kinyoun Gone Mad?" and "Indecencies Of Kinyoun," the *San Francisco Chronicle* charged Kinyoun with gross abuse of passengers aboard the O. & O.'s steamship *Coptic*:

For some time past passengers on incoming steamers have accused the quarantine authorities of needless brutality and outrageous indelicacy in the performance of their duties, and it has been openly charges by many that Kinyoun's methods were having the effect, designedly or unintentionally as the case may be, of driving business away from the port of San Francisco . . . While the details of the revolting methods employed by Kinyoun cannot be printed, they are such as to make it plain why many transpacific passengers are loud in denouncing Kinyoun as a brutal ruffian.<sup>155</sup>

The reports went on to say that Kinyoun and his officers were requiring mass public strip inspections of cabin passengers, even after ships had submitted clean bills of health. In a

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154 Kinyoun papers, Kinyoun to "My Dear Aunt and Uncle," June 29, 1901. 15.

coded telegram to Wyman, sent October 12, Kinyoun tersely explained the situation to the Supervising Surgeon-General:

Have received request committee Chamber Commerce to present myself explaining actions regarding treatment cabin passengers coptic in quarantine September 30 was at Port Townsend, September 30 knew nothing of circumstances until my returning October 4. Lumsden report charges without foundation attitude few cabin passengers probably due to ignorant of vessels possible infection plague; sensational articles in San Francisco press effort to effect transfer because my reports to bureau regarding plague and actuated by Governor and Southern pacific; whole matter political attack; general population kept in ignorance of facts; my letter forwarded committee bureau explains; have informed committee matter must be referred to bureau with request for instructions Kinyoun. (Not signed)<sup>156</sup>

In a follow-up letter, Kinyoun reported that “I have made a careful inquiry concerning the alleged treatment, and find that the abuses referred to existed only in the minds of the versatile reportorial staff of the local press.” Kinyoun went on to say that “this attack was premeditated and deliberate . . . Rumors have reached me that political

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155 “Has Kinyoun Gone Mad?” *San Francisco Chronicle*, October 2, 1900 and “Indecencies Of Kinyoun,” *San Francisco Chronicle*, October 3, 1900.

156 National Archives and Records Administration (NARA), RG 90, PHS, Central Files, 1897-1923, file #5608, box 627, telegram, Kinyoun to Wyman, October 12, 1900. Original coded message with translation in brackets reads:

Have received request committee Chamber Commerce to present myself explaining actions regarding treatment longing [cabin passengers] coptic in quarantine comfort [September 30] was at Autocracy [Port Townsend], comfort [September 30] knew nothing of circumstances until my returning commanding [October 4]. Adage [Lumsden] report charges without foundation attitude few longing [cabin passengers] probably due to ignorant of vessels possible infection bumpkin [plague]; sensational articles in author [San Francisco] press effort to effect transfer because my reports to bureau regarding bumpkin [plague] and actuated by locuacity [Governor] and bravado [Southern] pacific; whole matter political attack; lunacy [general population] kept in ignorance of facts; my letter forwarded committee bureau explains; have informed

influence has been used on several occasions in the past to secure my removal from this station.”<sup>157</sup> Privately, Kinyoun told his family that “the Chamber of Commerce, and allied mercantile bodies got together, and I was informed of their intent and purpose by some of the reportorial staff of San Francisco papers to the effect that a general onslaught was going to be made on me just as soon as an opportunity offered, and that I must be on my guard.”<sup>158</sup>

The media attack was premeditated and designed to damage Kinyoun’s reputation and drive him from his post. That Kinyoun was not in San Francisco at the time of the alleged incident was of no matter. According to Kinyoun, referring to his conversations with members of the San Francisco press, “Some of them told me that it was known in the editorial rooms of all the newspapers that I was away from San Francisco during the alleged occurrence, but notwithstanding the fact that they were informed, that it made no difference whatever. It was an opportunity which they could use to the best advantage in obtaining the removal of Dr. Kinyoun.”<sup>159</sup>

In the wake of the *Coptic* incident, the San Francisco Chamber of Commerce passed a resolution denying the existence of plague in the city, denouncing the treatment

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committee matter must be referred to bureau with request for instructions abutment [Kinyoun]. (Not signed)

157 NARA, RG 90, PHS, Central Files, 1897-1923, file #5608, box 627, letter, Kinyoun to Wyman, October 12, 1900.

158 Kinyoun papers, Kinyoun to “My Dear Aunt and Uncle,” June 29, 1901. 22.

159 Ibid.

of transpacific passengers by Kinyoun, and declaring him *persona non grata*.<sup>160</sup> The resolution went on to ask for the state representatives in Washington to demand Kinyoun's removal. Kinyoun dug in his heels. When asked by the San Francisco press if he would resign his post, he was resolute in refusal, saying "so far as I was officially concerned, I could stay here until Hades froze over, and so far, there had been only a slight frost."<sup>161</sup>

Kinyoun's reputation continued to suffer, however. In December Wyman chose to stop publishing his reports in the weekly *Public Health Reports*, even as he continued to publish the reports made by other officers in the field. The California press attributed the lack of reporting as proof that no plague existed, and to Kinyoun having been discredited in the eyes of the Supervising Surgeon-General.<sup>162</sup> Kinyoun appears to have drawn similar conclusions: in early January, he wrote to Wyman questioning the failure to report the increasing numbers of cases, and asking for permission to defend himself:

By reason of infamous statements and libelous charges made by Governor California in message, I most respectfully request publication in full my letter December 6 inadvertently dated November 6. Every statement made therein true and fully justified. Governor has by implication charged me being accessory to inoculating dead bodies with imported plague germs in order to foist upon community plague scare. This reflects on service as well as Kinyoun. Great stress now being laid press dispatch from Washington stating that Surgeon General no longer any confidence in reports sent by Kinyoun regarding the plague here as no further mention is made in public health reports. Kinyoun being disgraced and discredited. Situation demands action be taken by Surgeon General

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160 Ibid., 23.

161 Ibid., 24.

162 "Will Not Publish Kinyoun's Fakes," *San Francisco Chronicle*, January 8, 1901 and "The Case of Kinyoun," *San Francisco Chronicle*, January 9, 1901.

or allow me to defend myself. Rumors of Congressional investigation which I hope are true.<sup>163</sup>

Indeed, Wyman appears to have been separating himself and the MHS from the political controversy surrounding the epidemic, leaving one of his officers out in the cold. From Kinyoun's perspective, it must have appeared that Hell *was* going to freeze over after all.

As Kinyoun had reported, the death toll rose throughout the fall of 1900. The city's Board of Health continued to report that there was plague loose in the street, but the state Board of Health was under tremendous pressure from the governor's office to deny that the plague existed. Gage forced the resignation of several of the state board's officers and replaced them with men who passed the governor's anti-plague political tests. Chief among these was Dr. Anderson, president of the San Francisco College of Physicians and Surgeons and editor in chief of the *Pacific Medical Journal*. Anderson was in debt to the Burns Republican machine for his position in the San Francisco

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163 NARA, RG 90, PHS, Central Files, 1897-1923, file #5608, box 627, telegram, Kinyoun to Wyman, January 10, 1901. Original coded message with translation in brackets reads "By reason of infamous statements and libelous charges made by Loquacity [Governor] arsenal [California] in message, I most respectfully request publication in full my letter Confab [December 6] inadvertently dated Comport [November 6]. Every statement made therein true and fully justified. Laquacity [Governor] has by implication charged me being accessory to inoculating dead bodies with imported bumkin [plague] germs in order to foist upon community bumkin [plague] scare. This reflects on service as well as Abutment [Kinyoun]. Great stress now being laid press dispatch from Washington stating that Above [Surgeon General] no longer any confidence in reports sent by Abutment [Kinyoun] regarding the bumpkin [plague] here as no further mention is made in public health reports. Abutment [Kinyoun] being disgraced and discredited. Situation demands action be taken by Above [Surgeon General] or allow me to defend myself. Rumors of Congressional investigation which I hope are true."



medical community. Kinyoun described Anderson as “a man of no professional standing, a most noted quack, a most consummate scoundrel and villain.”<sup>164</sup> Not surprisingly, Anderson’s journal had early taken up the flag of denial and championed the anti-plague cause.<sup>165</sup> Anderson’s position and his journal lent an air of academic respectability to the cause of denial which the governor was happy to purchase.<sup>166</sup> The governor placed Anderson at the head of his hand-picked board, naming him as the Surgeon-General of the California State Militia.<sup>167</sup> “Thus reformed,” wrote the *Bee*, “the state Board of Health passed out of existence as a source of information relative to the existence of plague.”<sup>168</sup>

### Governor Gage’s Offensive

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164 Kinyoun papers, Kinyoun to “My Dear Aunt and Uncle,” June 29, 1901. 8.

165 Kalisch, 126.

166 Anderson’s trading on his college’s reputation to support the Governor’s policy of denial would end up costing dearly. Over the next several years the reputation of the college would be tainted by questions of professional competency. By 1902, several members of its founding faculty would resign in protest over Anderson’s support of the Gage’s policy of denial, and within a few years the college would close its doors under a cloud of controversy. Louis Kengla, “Dr. Frisbie’s Resignation,” *Occidental Medical Times* 16:7 (July 1902): 182, and Kellogg, “Present status of plague with historical review,” 838-840.

167 *Pacific Medical Journal*, (August 1900): 610, quoted in *Occidental Medical Times*, (August 1900): 353.

168 “Truth is Mightier,” *Sacramento Bee*, January 10, 1901.

At the beginning of January 1901, the plague had claimed twenty-two human victims and spread itself throughout San Francisco's rat population; the city's Board of Health was under siege; the federal quarantine officer was under personal attack, with the San Francisco press clamoring for his removal; the state Board of Health had been dismantled and replaced by a rubber stamp committee; the San Francisco newspapers and city's business community were complaining about lost business and tourist dollars, while the eastern press was reporting sensational rumors, unable to get reliable information from California's officials.

The *Sacramento Bee* covered the plague story as well as it could, stinging both Governor Gage and the San Francisco dailies for their inept and foolish handling of a simmering medical crisis affecting the state. On January 7, 1901, the 34<sup>th</sup> session of the California and Assembly began with the *Bee* announcing "a Dull Session in Prospect."<sup>169</sup> That was before the governor had his biennial address read to the joint Legislature the evening of January 8, and declared an open war of denial on the existence of the plague in California.

In many ways, Gage's first biennial address was a remarkable event. In a speech of roughly 20,000 words, the governor spent approximately one quarter of his time declaring that there was no plague in California. Gage opened the topic by saying "At this most favorable juncture for our people, a fearful shadow was cast upon our State, through the recklessness of certain city officials of San Francisco, assisted by a Federal

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169 "The Personnel of the New Legislature," *Sacramento Bee*, January 7, 1901.

officer, one Doctor Kinyoun.”<sup>170</sup> In the address, Gage went on to present his version of the plague story. Not only was there no possibility that plague could be in San Francisco, but *if* the plague bacteria was found, it *must* have been planted by someone wishing to harm California. During his address, Gage would ask “Could it have been possible that some dead body of a Chinaman had innocently or otherwise received a post-mortem inoculation in a lymphatic region by someone possessing the imported plague bacilli, and that honest people were thereby deluded?”<sup>171</sup> Gage’s comments amounted to a direct accusation aimed at Kinyoun. The rest of the presentation that night was equally charged and inflammatory, filled with accusations, denials, and innuendo:

Notwithstanding some official and private reports to the contrary, I am still convinced that up to this time no case of bubonic plague has existed in this State; and with ordinary vigilance of the Federal Quarantine Officers to prevent its importation from foreign countries, none will exist in the State, unless through the criminal negligence or connivance of those who might possess genuine imported bacilli, and who would be interested in planting the dreaded disease in our midst.

The false reports of the existence of the plague and the unjust quarantine of the state irreparably injured many of our business interests and numerous industries of the State. Travel was stopped in California, and visiting tourists made haste to leave our State. The prices of California fruits and cereals shrunk, and in the markets of other states, this placard was observable: ‘No California Fruits for Sale.’ Our commodities were for sale at a discount in foreign markets, and the reputation of this State as a Mecca for health seekers has been blackened for years to come...It is unnecessary to go further into details of our injuries as a people, in view of our widely-known bitter experience.<sup>172</sup>

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170 “Plague is the Burden of the Governor’s Message,” *Sacramento Bee*, January 9, 1901.

171 Ibid.

172 Ibid.

With that, the governor then called for several pieces of legislation to address the plague scare in California. Boiled down, the governor wanted four things. First, he wanted to make it illegal to possess plague bacteria samples, even for laboratory testing, without his express approval. Second, he intended to make the state Board of Health the only legal outlet of information concerning the plague within the state of California. Third, Gage planned to make it illegal for newspapers to report plague news. This item was aimed most directly at the *Bee*, and the owner, McClatchy, knew it. Gage had made a similar attempt in 1899 to silence the press by passing the “anti-cartoon bill” making it illegal for newspapers to ridicule the new governor’s relationship to the railroads. Finally, Gage suggested that the state set up its own quarantine office to take over the job from the federal officials.<sup>173</sup>

The editorial response from the *Bee* was swift and pointed, giving the Governor a lashing of the type our current news industry is incapable of delivering:

From the beginning to the end of the long dissertation in Governor Gage’s message relative to bubonic plague, there is not a single important statement that is true and the entire matter is full of baseless and absurd innuendoes that hold the author up to the contempt and pity of every honest scientist and of every man acquainted with the facts who reads them. Coming from the Chief Executive of the State and intended for circulation abroad they involve the State’s honor and should provoke the righteous indignation of every honest-minded citizen at the debauchery of the highest office . . . Even Governor Gage, in spite of his audacity and supreme faith in himself, would not have dared to take his present course had he not had the backing of the San Francisco press. Governed by a narrow view of commercial interests at stake and unable to see beyond the carloads of California produce then on the track ready to be sent to Eastern markets, and urged by the merchants themselves, the San Francisco dailies refused to print anything that could be construed into an admission that plague exists in the city.

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173 Ibid.

The danger to commercial interests is not that the truth shall be reported and proper precautions taken, but that the idea shall prevail that truth is being suppressed for the sake of present sales and that Californians are willing to jeopardize the health of the Nation in the interest of commercialism . . . Attempts to suppress the truth result only in rumor that is far worse than the facts warrant, and the sooner this principle is recognized, the better it will be for the future of the State, commercially and otherwise.<sup>174</sup>

The *Bee* published a point by point rebuttal to the charges made by the Governor in his address.<sup>175</sup> From that moment on, there was open warfare between the McClatchy newspaper and the Governor. By responding to the plague in the fashion chosen for him by the state's business interests, i.e., active denial and offensive legislative proposals flying in the face of the established medical facts, Gage had set the stage for a newspaper campaign that would ruin his credibility and open the door for other, sharper attacks on his dishonesty and debauchery in office.

Gage's tirade did not go unnoticed in Washington. Surgeon General Wyman was put on notice that his office and the authority of the MHS was being challenged by the State of California. Wyman, a politician by nature, had headed the MHS for enough years that the service had become an extension of himself. Any criticism of the MHS was taken personally by the surgeon general.

By January 12 more cases of plague were reported. On the suggestion of William Henry Welch of Johns Hopkins University, Secretary of the Treasury Lyman Gage (no relation to the governor) appointed an investigative commission to put an end to the

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174 "Truth is Mightier," *Sacramento Bee*, January 10, 1901.

175 Ibid.

politicized speculation on the existence of bubonic plague in California. Appointed on January 19, the secretary commissioned professors Lewellys Barker of the University of Chicago, Simon Flexner, University of Pennsylvania, and Frederick Novy of the University of Michigan. The “Commission for the Investigation of the Existence or Non-Existence of Plague in San Francisco” arrived in San Francisco in late January and set up shop at the University of California in Berkeley to begin their work.<sup>176</sup>

Immediately upon learning that the commission was in San Francisco, Governor Gage fired off a telegram to President McKinley protesting the uninvited commission and demanding that he have oversight in regards to its investigation. Secretary Gage, responding on behalf of the president, politely refused the governor’s demands, explaining that the commission was there in order to determine the facts, inasmuch as the governor had let it be known that he did not trust the federal quarantine officer assigned to San Francisco. The secretary told the governor that the commission would be completely independent of Dr. Kinyoun, the San Francisco Board of Health, the state Board of Health, and the governor’s office. In a rage, the governor contacted the university president and threatened to remove the University of California at Berkeley from the state budget unless the university evicted the commission from the campus where they had been allowed professorial courtesy to set up their laboratory.<sup>177</sup> Evicted, the commission found other accommodations within San Francisco and went to work.

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176 Kalisch, 127-128. and Lipson, 306.

177 “A Remarkable Record,” *Sacramento Bee*, part two of three, July 10-12, 1902.

Despite certain inconveniences, including being followed by detectives employed by the governor, the commission members continued their investigation.<sup>178</sup> One of the advantages the federal commission held was access to the Chinese community. On the advice of their legal counsel, the Chinese Six Companies agreed to cooperate with the commission's investigation. Every courtesy was extended to Commissioner Barker, and orders went out that all cases of illness and death within the Chinese community were to be reported directly to the Six Companies to aid in the investigation. In addition, the secretary of the Six Companies, Wong Chin, acted as a guide, liaison, and interpreter. In part as a result of the Chinese community's cooperation, the commission's work was able to positively identify six cases of plague during their two-week investigation.<sup>179</sup> The federal commission met with Governor Gage on February 16 and discussed their findings. As the *Bee* would report, "Gage In The Dumps Over That 'Conference.'"<sup>180</sup>

Gage's response to the rebuff was to attack the federal government in a speech to the Assembly, and invoke states' rights in defending California. "The meanest criminal," said Gage,

Cannot be denied the right of being confronted by his accusers...and it shall be contended that the great State of California shall be unjustly denied a similar privilege in the opportunity of facing those who, impugning the public health, as

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178 "Federal Commission Has Practically Finished," *Sacramento Bee*, February 18, 1901.

179 "The Report of the Government Commission on the Existence of Plague in San Francisco," *Occidental Medical Times*, (April 1901): 101 -117.

180 "Gage in the Dumps Over That 'Conference,'" *Sacramento Bee*, February 19, 1901.

the result of a secret, one-sided examination, might choose to cast an irremovable blemish upon the State's sanitary condition.

That being said, Gage demanded that immediate action be taken by the legislature to enact the plague bills "by which our State may assume that general and unrestrained control over the subject of the public health within its borders which so vitally concerns her, and which is her inalienable right by virtue of her sovereignty."<sup>181</sup> The governor introduced three major anti-plague bills via the Speaker of the Assembly, C. W. Pendleton of Los Angeles.<sup>182</sup>

Gage's bills were far-reaching and controversial, if not scandalous in their own right. A. B. 558 was referred to as the gag-law bill. Section 2 of the bill would have made it illegal for a newspaper to report on current or past cases of the plague in California. A. B. 559 would prevent doctors or newspapers from reporting cases of plague without first receiving approval from the California State Board of Health. All reports, and if warranted, all victims, alive or dead, would have to be first examined by

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181 "Gage Rebuked by President," *Sacramento Bee*, January 31, 1901.

182 In yet another case of convoluted California politics, Pendleton, elected by Gage supporters, had won his chair despite the popularity of Alden Anderson of Suisun. Anderson lost, reported the *Bee*, because he had been supported by W. S. Leake, manager of the *San Francisco Call*, who was an annoyance to Republican Party boss Daniel Burns of San Francisco. ("Yesterday Settled Speakership Fight," *Sacramento Bee*, January 7, 1901) While the decision on the speakership is a seemingly small detail, this snub by the Gage "push" to Leake and the *San Francisco Call* will later become an ironic detail in Gage's fight for re-election in 1902. Leake was named as a defendant in Gage's libel suit against the *Call* for exposing the San Quentin corruption scandal. The *Call*, with Leake in the lead, had done much to defeat Burns in his extraordinarily contended bid for a Senate seat in Washington the previous year. The Burns faction in the Assembly wanted to send a message that alliance with Leake, by plan or coincidence, was political poison. With



the state Board of Health. The board's finding would have to be entered into its official report before the case could be reported to the press. Since it was widely recognized that the California State Board of Health was in the pocket of the governor and would do his bidding to suppress any news that would support the contention that plague existed within California, the passage of A. B. 559 would effectively gag the medical community. Lastly, Pendleton's bill 560 authorized the state to provide the governor with \$100,000 in un-audited funds to be used at his discretion to fight the publicity battle against the plague.<sup>183</sup> Taken together, the bills would gag the press, gag the medical community, and give the governor what amounted to unlimited and untraceable funds to control the political situation. By forcing a battle, for such a cause the governor gained the sort of notoriety with the general public that politicians cannot long survive.

Gage may have been a fool to think that he could legislate away the plague, but his grandiloquence drew the 34<sup>th</sup> session of the Assembly into a political farce in which many of the players were reluctant actors. The details of the ensuing legislative battle are beyond the scope of this paper. In the end, however, the governor's forces were able to pass bills that authorized the effective gagging of the medical community and funded the

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Pendleton chosen as Gage's inside man, Assembly Bills A. B. 558, 559 and 560 were introduced to the house.

183 "Plague Day in the Assembly," *Sacramento Bee*, February 12, 1901. "Debate in Senate on Plague Appropriation," *Sacramento Bee*, February 15, 1901. Note: In 1901, homes in downtown Sacramento were frequently being advertised for well under \$1,000 in the *Sacramento Bee*, which puts the size of the Governor's slush fund into a bit of perspective.

governor's anti-plague slush fund. But the crowning anti-plague legislation, the press gag-law bill, was tabled and abandoned as unconstitutional.

Governor Gage's response to the findings of the federal plague commission extended on the federal level. Since the last thing he wanted was for the federal team to release its findings to the nation and the world, Gage needed to find a way to keep the report quiet. With that goal in mind, Gage formed his own commission of representatives to send to Washington D.C. for the purpose of burying the report. On February 27, at the invitation of the governor and the expense of the Southern Pacific Railroad, a meeting was held in Sacramento which included Gage, senior representatives of San Francisco's leading newspapers, and the head of the legal department of the Southern Pacific, William F. Herrin. Getting so many hostile competitors together to discuss California's response to the federal plague commission's report was nothing short of the formation of a war council. The *Sacramento Bee* quipped, "that any or all of these men could be made to meet under other than London prize ring or Marquis of Queensbury rules -- is certainly a subject for unusual comment."<sup>184</sup> By the end of the conference, the participants decided to send a delegation to Washington as soon as possible to meet with President McKinley and argue the case against federal intervention in San Francisco's plague problem.

The "Special Health Commissioners" sent to Washington included W. F. Herrin of the Southern Pacific, J. P. Young of the *Chronicle*, T. T. Williams of the *Examiner*,

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184 "More Pressure Upon McKinley. Remarkable Plague Conference Held Here Last Night," *Sacramento Bee*, February 28, 1901.

Henry Scott of the Union Iron Works, and Fremont Older of the *Bulletin*.<sup>185</sup> According to the *Bee*, their task was

To effect by political pressure what they have been unable effect by fair means - the removal of Dr. Kinyoun and the prevention of any measures that will admit the existence of plague in San Francisco - but above all their business will be to save San Francisco as the commanding port of the Pacific Coast. Everything will be subordinated to this, and they may even go to the extent of admitting the truth.<sup>186</sup>

It is of some interest to note that the editor of Hearst's *Examiner*, T.T. Williams, was included in the governor's group. The *Examiner* was at odds with the governor and the rest of the San Francisco press over the existence of plague in the city. Perhaps, since the *Examiner* had the largest circulation in San Francisco, Herrin and Gage believed it was better to include the *Examiner* in the plan than to exclude the paper and run the risk of that Hearst's papers would attack the plan in the San Francisco press. In any event, the commission was formed, including the *Examiner's* representative, and sent to Washington.

Not surprisingly, politics being what it is, San Francisco's mission to Washington was reasonably successful. California agreed to whitewash San Francisco's Chinatown and Surgeon General Wyman agreed to act like nothing was happening. Wyman's chief concern was to stop the spread of plague in California. Any sort of reasonable political accommodation that would accomplish his goal was acceptable. Accordingly, a deal was

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185 *Report of the Special Commissioners Appointed by the Governor to Confer with the Federal Authorities at Washington Regarding the Alleged Existence of Bubonic Plague in California*. (Sacramento: State Printing Office, 1901)

186 "More Pressure Upon McKinley," *Sacramento Bee*, February 28, 1901.

cut whereby the federal government would help hide the plague outbreak and California would help end the outbreak while it could still be contained.

Wyman agreed to bury the federal commission's report to prevent news of conditions in San Francisco from getting out. The MHS agreed to a ban on making any comment or reference to plague in California and to extend that ban across the service's quarantine stations. Further, to lessen tensions, Wyman agreed to remove Dr. Kinyoun from California providing that the San Francisco newspapers would stop personal attacks against him. On their part, the participating San Francisco newspapers agreed to a total ban on the topic of the plague in San Francisco. Finally, Gage, through Herrin and the others, agreed to assist the MHS in cleaning up the plague in San Francisco by disinfecting Chinatown.<sup>187</sup>

With the backing of California's two Senators, George C. Perkins and Thomas R. Bard, the deal was signed. Kinyoun's career would be sacrificed for the good of the country and to appease the politically powerful California business interests. A month after the agreement was signed, Kinyoun was removed from San Francisco and transferred to the docks of Detroit, Michigan.<sup>188</sup> One year later, Kinyoun resigned from the Public Health and Marine Hospital Service.

But Wyman had been too quick to deal: during the next year, the eradication campaign in San Francisco was unsuccessful. The disinfection and whitewashing

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<sup>187</sup> "Infamous Compact Signed by Wyman," *Sacramento Bee*, March 16, 1901. Lipson, 7.

<sup>188</sup> "Kinyoun Ordered to Detroit Mich.," *Sacramento Bee*, April 15, 1901.

campaign to which Gage had agreed to proved to be heavy on the whitewash and light on the disinfectant. Where the MHS had calculated the need for thirty tons of sulfur to be used, the state Board of Health bragged in their official report that they were able to accomplish the job using just 300 pounds, thus saving the state a substantial sum of money.<sup>189</sup> In fact, Gage's team issued orders not to cooperate with the federal cleanup operation. The state's health officers had agreed not to mention the plague under the Washington agreement, and they extended their understanding to include not reporting suspected plague cases to the federal health officers.<sup>190</sup>

During this period San Francisco also held a mayoral election and elected Eugene E. Schmitz, the Union-Labor Party candidate, as mayor. Schmitz forced the resignation of the sitting Board of Health for its position in support of the MHS, and literally occupied the board's offices. When the new president of the board, appointed by Schmitz, refused to vote as ordered, Schmitz refused to fund the board's annual report for two consecutive years as a means of suppressing news about the plague epidemic.<sup>191</sup> It appeared that those determined to suppress the truth had prevailed.

### **The Plague and Gage's Downfall**

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*189 Report of the Special Commissioners Appointed by the Governor to Confer with the Federal Authorities at Washington Regarding the Alleged Existence of Bubonic Plague in California.* (Sacramento: State Printing Office, 1901), 8.

190 Kalisch, 130-132.

191 Onesti, 4. San Francisco Board of Supervisors, *Municipal Reports*, (1901/1902): 481-492.

Plague was still in the streets in the spring of 1902 when California's election campaign season began. Unfortunately for Gage, the plague wasn't the only issue he would have to address in his re-election campaign. Since early in 1901, when news of the Senate's prison committee had pointed out problems at San Quentin, the *San Francisco Call* had been following the story. The *Call* had started its own investigation after the Senate decided not to pursue the matter due to lack of "corresponding benefit."<sup>192</sup> The animosity that the Gage-Burns interests had shown to the *Call's* manager W. S. Leake during the fight for the Assembly speaker-ship in January 1901, was now to be paid back in full. Timed to coincide with the primary campaign that would determine if Gage would be chosen by the Republican party to run for re-election, the *Call* launched a publicity campaign of its own. On May 24, 1902, the *Call* published the results of its investigation under the headline "SCANDAL OF THIEVERY, FORGERY AND CORRUPTION BURSTS UPON SAN QUENTIN PRISON, INVOLVING WARDEN AGUIRRE AS INSPIRING CRIMINAL AND GOV. GAGE AS BENEFICIARY."<sup>193</sup> On the same day, the *Sacramento Bee* reported "ANOTHER CASE OF BUBONIC PLAGUE."<sup>194</sup> The historical record for May 24, 1902 does not record the state of Governor Gage's digestion for the day.

The San Quentin scandal broke with a shout from the *Call*, the lead reading:

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192 *Sacramento Bee*, March 8, 1901.

193 "Scandal of Thievery," *San Francisco Call*, May 24, 1902.

194 "Another Case of Bubonic Plague," *Sacramento Bee*, May 24, 1902.

Consternation reigns in San Quentin Prison. A scandal which, in its revelation of wholesale crime has had few equals in this State, has burst over the institution, involving Warden Martin G. Aguirre and Henry T. Gage, the Governor of California. Warden Aguirre has been guilty of gross crimes and Governor Gage, his friend, associate and advisor, has been the beneficiary of these criminal acts. The State Treasury has been systematically and craftily robbed by a gigantic ring, of which Warden Aguirre is the inspiration and governing genius. Supplies, clothing and luxuries have been purchased with the money of this State, and fraud, forgery, misrepresentation, deceit, dishonest bookkeeping and the consummate craft of Warden Aguirre have blinded the Prison Directors to the crimes and have filched dollars dishonestly won from the Treasury of the State.

Convicts, the paper alleged, “have been employed . . . to conceal criminal transactions in the maze of crooked bookkeeping, in order that the family of Governor Gage, through the criminal assistance of Warden Aguirre, might thrive upon a dishonoring bounty.”

Furthermore,

Convicts have been employed to manufacture the most costly furniture, which has been sent by Warden Aguirre to friends of his and of Governor Gage in this city and elsewhere. A mammoth nest of official thievery, upon which Warden Aguirre is hatching, has been uncovered. Great firms in this city have been imposed upon, riot has ruled in San Quentin, extravagance there has had no curb, penitentiary records have been mutilated, accounts have been fuddled, convicts have been made to commit new crimes to hide the crime of their official guardians, and the State has been robbed that Warden Aguirre might show the generosity of a thief and Governor Gage might be the beneficiary.<sup>195</sup>

For the *Bee*'s part, the magnitude of the allegations against Gage solicited a stunned reply. Reprinting the *Call*'s charge in afternoon of the 24<sup>th</sup>, McClatchy could only say:

The *Bee* would be loath to believe the above. For much as it is opposed to Governor Gage, and vigorous as have been its editorials against him, it has not believed that and does not now believe that Henry T. Gage is personally a dishonest man. There is but one thing for the Governor to do under the

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195 “Scandal of Thievery,” *San Francisco Call*, May 24, 1902.

circumstances -- call the owner of the Call to strict account for the above damaging charges.<sup>196</sup>

From that point on, until the Republican Party convention was held in Sacramento at the end of August, Gage's chances at re-election diminished as each day brought bad news to the governor's office. Headline after headline revealed either details surrounding the San Quentin Prison scandal or reported more and troubling cases of plague.

The complexities of local primary politics, even when one knows the players, can be daunting. No attempt is made here to describe the machine politics that took place in San Francisco during the 1902 election primaries. Suffice it to say that the Espee machine that owned the Gage "push" carried the day. Despite the San Quentin scandal, its associated libel suit, and the ongoing plague epidemic that had badly battered the governor's reputation, the machine could still get out the vote for Gage. Furthermore, hoping an unelectable Gage would be the Republican candidate, the Democratic party also turned out its faithful to vote for the governor.<sup>197</sup> Gage won enough delegates during the primary on August 12 to have a very strong mathematical chance at winning his bid

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<sup>196</sup> "Startling Charge Against Gage," *Sacramento Bee*, May 24, 1902.

<sup>197</sup> Several articles indicate that the democratic vote in California's open primary was heavy for Governor Gage. The reasoning behind the democratic support appears to have been split by those who voted in favor of Gage. Some supported Gage because he was the "machine" candidate and the likely winner. Their votes were cast in favor of Gage in order to maintain their relationship with the "machine." Others, who disliked and opposed Gage, voted for the Governor in the belief that if he became the Republican candidate for Governor, he would lose to the Democratic candidate in the fall election. See "Lining Up For the Primary," *San Francisco Chronicle*, August 3, 1902; "Fight for Existence To Be Made By Gage Machine," *San Francisco Chronicle*, August 5, 1902; and "Democratic Votes Won For the Bosses," *San Francisco Chronicle*, August 12, 1902.



to stand for re-election at the Republican Party State Convention to be held in Sacramento on August 25.

While the Governor's forces were rallying behind the machine in order to provide Gage with enough primary votes to take him to the upcoming party convention, the plague had taken another, dangerous step in its journey towards an epidemic outbreak. As noted above, the *Bee* reported another case of plague the same day that the *Call* broke the San Quentin scandal. In early July, the *Bee* matched the *Call's* prison scandal by printing a history of the Governor's handling of the plague epidemic in San Francisco. Running on the front pages of the paper for three consecutive days, July 10 through 12, the *Bee* dragged the governor along through the whole sordid mess. By the end of the *expose*, the *Bee's* disgust for the Gage's mishandling of the epidemic was cold and disdainful:

The public demands to be amused sometimes in one way and sometimes in another. All enjoy reading Munchausen, and have been entertained by other writers of his kind, but when it comes to putting human life in the balance and sacrificing it simply for the almighty dollar, as has been the case in San Francisco, it is another matter. There is no word in the English language which can fittingly express the just contempt and hatred of such a policy among the intelligent, honest, and well informed.<sup>198</sup>

By July 15, the fifty-ninth case of the plague was reported in San Francisco. On July 25, the situation turned for the worse when three deaths from plague occurred. One

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198 "A Remarkable Record," *Sacramento Bee*, part three of three, July 10-12, 1902.

of the victims proved to have died from pneumonic plague.<sup>199</sup> The disease was mutating from a relatively confinable form into a highly contagious and invariably fatal one passed by air-borne transmission. The state Board of Health would do nothing, the San Francisco City Board of Health was locked in a legal battle with the new mayor over its defense of the plague facts and was itself helpless, and Gage was in full denial of the facts.<sup>200</sup>

The pneumonic cases were very disturbing to the health officials who were paying attention. M. J. White, Assistant Surgeon, MHS, the federal medical officer in command of the U.S. Plague Laboratory in San Francisco (euphemistically referred to in the San Francisco newspapers as the “Asiatic Laboratory”) wrote to the city Board of Health on August 24 concerning the plague. White was obviously disturbed by the character of the plague cases he was seeing:

During my connection with the plague work here, beginning April 1901, I have watched the course of the disease carefully, making daily observations, and I am now more apprehensive that the disease is likely to spread rapidly than I have been any time heretofore. I say this because the pneumonic cases are beginning to appear, along with increased virulence in the bubonic cases. Approximately the northern half of Chinatown seems to be thoroughly reinfected, and, as I view the matter, it is most imperative that immediate measures be taken to control the new outbreak of the disease . . . While I refer especially to Chinatown, it is considered very important that the extermination of rats throughout the city should be accomplished as soon as possible, especially along the water-front and in the markets.<sup>201</sup>

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199 “Three More Cases Of Plague Appear In San Francisco,” *Sacramento Bee*, July 25, 1902. “

200 Ibid.

201 “The Board of Supervisors, the Mayor, And the Plague,” *Occidental Medical Times*, (September, 1902): 384 - 387.

Upon receipt of the letter, the city Board of a Health took the matter to the Board of Supervisors, who agreed to hold an emergency meeting. According to the reports, Mayor Schmitz was enraged by the supervisors meeting to discuss the plague situation. The mayor's attempts to end the meeting and disrupt the process was stopped by a solid majority of the supervisors, who told the mayor that the machine's denial of the epidemic was over (Schmitz's policy towards the plague had mimicked that of Gage, with both following the directions of the machine.) The mayor was forced to back down in the face of solid opposition from a newly encouraged Board of Supervisors. The political wind was changing, shifting away from the Gage "push" and the governor's policy of denial.<sup>202</sup>

As the convention neared, it was clear from the press reports that the Republican machine was no longer prepared to back Gage for re-election. The public position of a unified push for Gage was crumbling as the moment of decision approached. Republican newspapers across the state ran stories indicating a general rank and file opposition to the governor's re-election bid. Two years of plague news, the last of which was dominated by the absurd and dangerous mishandling of the epidemic by the governor for political ends, was having its effect. From Los Angeles, the *L.A. Times*, began an article titled "The Plague in Reality" by saying:

The real "bubonic plague," attacking the taxpayer, is that of the ward heelers and political hangers-on who are conducting the campaign for Gov. Gage . . . They are a scourge that is fatal, as much to be dreaded and as expensive to contend against as the dreaded Asiatic disease. The microbes of this particular kind of "bubonic plague" attack every part of the body politic. They begin with the candidate for office, no matter whether it be State, county or city, and from him

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202 Ibid.

they suck every possible drop of blood . . . The “bubonic plague” germ has spread to every part of the city and State; into every avenue of business and social life. In most cases the conditions are so healthful as to give it no foothold; but it flourishes in the lodging-house districts and in the barrel houses, where morals and health are at a low ebb, and its cost to the candidate and to the taxpayer is so great as hardly to be reckoned.

As the Republican convention started, the Gage forces slipped away like rats leaving a sinking ship. By August 27, the *Chronicle* reported “Herrin On Hand To Help With Funeral.” Indeed, the head of the Espee’s machine had come to town to confer with Gage’s convention manager, Dan Burns. After a brief meeting with Gage’s handlers, the game was up.<sup>203</sup> Dr. George Pardee of Oakland won the nomination.

In the end, it is hard to say what caused Governor Gage the most damage. Gage was a governor who seemed to believe that he could invent his own reality. Throughout his administration, Gage was unequalled in his ability to alienate his constituency. Perhaps, after campaigning against the railroads, his single-minded support of the Southern Pacific during his administration caused many to doubt his sincerity. Certainly his public humiliation during the San Quentin Prison libel trial exposed his criminal debauchery to the voting public. But just as certain, a central theme of Henry T. Gage’s administration was what has become known as the “bubonic plague incident.” In his farewell address to the California legislature on January 5, 1903, Gage assuredly spent a

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<sup>203</sup> “Herrin On Hand To Help With The Funeral,” *San Francisco Chronicle*, August 27, 1902.

considerable portion of his speech rehashing his position on the plague, holding to the notion that it did not exist in California.<sup>204</sup>

In January 1903, state health officials met in Washington D. C. to discuss the plague outbreak in California. The official report of the meeting held that the California State Board of Health had acted "in gross neglect of official duty" and that Governor Gage had acted to obstruct the work of federal health officials and had endangered not only the health of the citizens of California but of the entire nation. The meeting ended with a resolution for a complete nationwide quarantine against California unless the state took immediate action to resolve the problem.<sup>205</sup> Faced with the possibility of an enforced quarantine of its ports and borders, California finally relented. San Francisco's business community got the message, and on February 3, 1903, reversed course. Now, instead of militantly denying a plague epidemic, the business community now declared itself shocked to learn that plague existed and ordered Sacramento to act immediately " to

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204 Second biennial message of Governor Henry T. Gage, in *Journals of the Senate and Assembly of California 35th Session*, vol. 1. 1903, (Sacramento: State Printing Office, 1903), 27-42. Loren George Lipson, "Plague in San Francisco in 1900," *Annals of Internal Medicine*. 77:2 (August 1972): 308. Hichborn, Franklin, *California History, 1891-1939*, (University of California, Los Angeles, 1951), unpublished manuscript. Haynes Foundation collection. 711-712.

205 Ibid. 134.

end the danger from bubonic plague so that the confidence of the Boards of health of other states may be restored and that no injury may result in commerce."<sup>206</sup>

Gage's successor, Pardee, a former member of the Oakland Board of Health and a physician in active practice, declared on January 19, 1903, that "Whatever the (U.S.) Marine Hospital Service desires me to do in the way of public health preservation will be done."<sup>207</sup> Over the next year, city, state, and federal health officials remodeled Chinatown, building out rats and their fleas. By the summer of 1904, health officials declared the plague epidemic officially over. Modern science had won out over ignorance and big money politics. Of the 126 reported cases of plague in San Francisco, 122 people had died.<sup>208</sup> Infected rats survived the eradication campaign and made it out of the city by foot and by rail, taking the plague with them into the golden hills of California and beyond. While a plague epidemic had been avoided in San Francisco, *Yersinia pestis* had won a foothold in North America.

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206 Ibid.

207 Gregg, 46-47.

208 Ibid.