

RACISM ON THE OREGON FRONTIER:
THE SNAKE RIVER MASSACRE OF 1887

by
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A THESIS

Presented to the Department of History
and the Honors College of the University of Oregon
in partial fulfillment of the requirements
for the degree of
Bachelor of Arts

June 1997

APPROVED: _____

Dr. Barbara Y. Welke

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An Abstract of the Thesis of
Matthew Aaron Stone for the degree of Bachelor of Arts
in the Department of History to be taken June 1997
Title: RACISM ON THE OREGON FRONTIER: THE SNAKE RIVER
MASSACRE OF 1887

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In the Spring of 1887, seven white men brutally murdered over thirty Chinese gold miners at a remote location along the Snake River, which defines the border between Oregon and Idaho. News of the massacre spread quickly, attracting the attention of Chinese consulate officials in San Francisco, who hired an investigator, and eventually appealed to Washington D.C. for assistance in bringing the murderers to justice. Ultimately, the local justice system failed to punish any of the seven men who committed the horrible crime, and soon the massacre faded away into relative obscurity.

Since the massacre, a few historians and journalists have revisited the atrocity, frequently citing greed as the primary motive for the murders. While some have suggested racism as a possible contributing factor, no one has undertaken a serious analysis of the murderers' reasons for brutally slaying almost three dozen Chinese men.

Recently discovered documents relating to the Snake River Massacre, have made it possible to reanalyze this tragic event with a new perspective. This thesis is a careful analysis of the driving forces behind both the massacre and the failure of local law enforcement to punish the men responsible.

ACKNOWLEDGMENTS

I wish to express my deepest gratitude to the professors who guided me through this project. Many thanks to Professors Max Grober and Jeff Ostler, whose varying perspectives and areas of expertise were extremely valuable in developing a well balanced thesis. Thank you especially to Max Grober, whose brilliance, patience, and dedication to the careful, balanced, and thorough study of history inspired me to pursue history as a major.

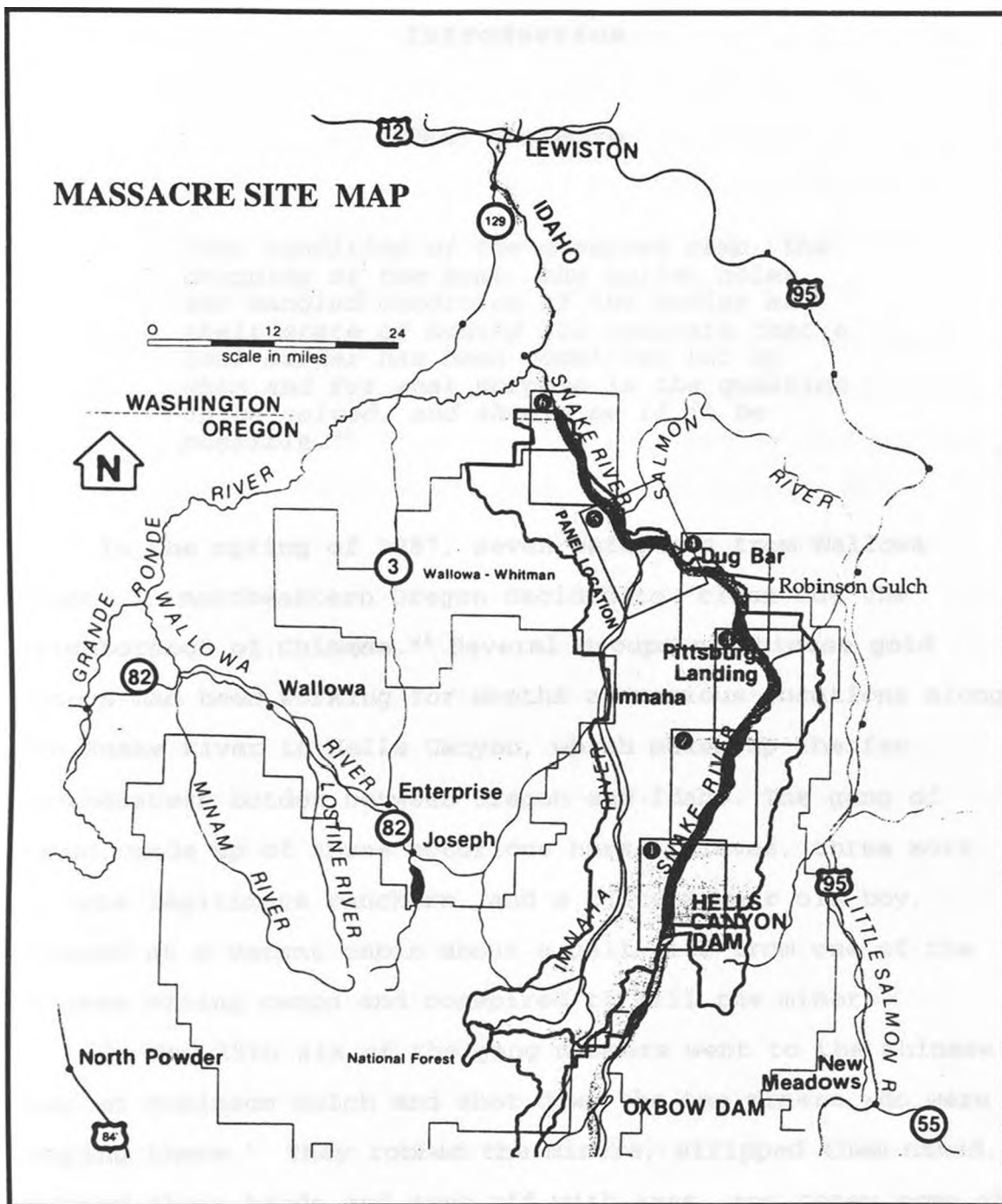
My deepest appreciation goes out to Professor Barbara Welke, my teacher, mentor, and friend. Professor Welke pushed me to never settle for mediocrity, to relentlessly pursue excellence. In so doing she helped me grow professionally and personally in ways that will benefit me for the rest of my life.

Finally, I wish to thank my wonderful friends and family who believed in me and my dedication to this thesis, tolerating my virtual absence from their lives for several months. Their support helped me immensely during the completion of this project, and continues to play a key role in my happiness.

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*Map modified from: U.S. Forest Service, Dept. of Agriculture, *The Wild and Scenic Snake River: Hells Canyon National Recreation Area*, University of Oregon Library, Depository 502, 26 August, 1994.

Introduction

The Massacre

"The condition of the deserted camp, the chopping of the boat, the bullet holes, and mangled condition of the bodies and their state of nudity all indicate that a foul murder has been committed but by whom and for what purpose is the question to be solved, and should be if it be possible."¹

In the spring of 1887, seven white men from Wallowa County in northeastern Oregon decided to "clean out the neighborhood of Chinese."² Several groups of Chinese gold miners had been working for months at various locations along the Snake River in Hells Canyon, which makes up the far northeastern border between Oregon and Idaho. The gang of seven, made up of three notorious horse thieves, three more-or-less legitimate ranchers, and a fifteen year old boy, stopped at a vacant cabin about a half-mile from one of the Chinese mining camps and conspired to kill the miners.

On May 25th six of the gang members went to the Chinese camp at Robinson Gulch and shot down the ten miners who were camping there.³ They robbed the miners, stripped them naked, chopped their heads and arms off with axes, and threw some of

¹ "Search For Murderers," *Lewiston Teller*, 23 June 1887, 2.

² "Told By a Dying Murderer," *Spokane Weekly Spokesman*, 1 October 1891.

³ While Stratton asserts that Frank Vaughan stayed behind while the others went to the Chinese camp, the newly released documents I obtained from Wallowa County contradict this claim. While none of the other accounts agree on this point, based on the evidence it is my assertion that Hezekiah (Carl) Hughes was the gang member who did not go to the camp with the others.

their bodies into the raging Snake River. The gang returned to Robinson Gulch the next morning and discovered that another group of eight Chinese miners had arrived at the camp sometime after the original massacre. The whites shot and butchered the second group and then went four miles down river to another Chinese camp at Dug Bar, where they slaughtered the thirteen miners working there. While many bodies were discovered near the massacre site, others were found many miles down river, as far away as Lewiston in the Idaho Territory.⁴ The fifteen year old and one of the "legitimate" ranchers would later testify that while they were present during the massacres, the "ringleaders" did all the killing.⁵ It seems highly implausible, however, that only three men could have shot and butchered all thirty-one Chinese without the help of the others present. That none of the Chinese victims escaped alive leaves the implication that they were overwhelmed by more than three predators.

The site of this gruesome bloodbath, Hells Canyon, is a rugged and remote gorge noted for its treacherous canyon walls and raging Snake River. Unmatched by even the Grand Canyon in terms of depth, this one hundred thirty mile long Canyon is 7,700 feet deep in places, over a third of a mile deeper than its famous Arizona counterpart.⁶ To the west of

⁴ Stratton, "The Snake River Massacre of Chinese Miners, 1887," Duane A. Smith, ed., *A Taste of the West: Essays in Honor of Robert G. Athearn* (Boulder: Pruett Publishing Co., 1983), 109-129; "The Mystery Solved," *Walla Walla Statesman*, 30 September 1891;

⁵ Depositions of Frank Vaughan and Robert McMillan by Judge Peter O'Sullivan, Handwritten Transcript, Wallowa County Court, April 16, 1888, Wallowa County Clerk's office, Enterprise, OR.

⁶ Carlos A. Schwantes, *The Pacific Northwest: An Interpretive History* (Lincoln and London: University of Nebraska Press, 1996), 1.

Hells Canyon lies in Wallowa County, Oregon, which was home to the white men responsible for the Snake River Massacre of 1887.

Not many historians have written extensively about this Oregon tragedy, and of those who have authored accounts of the massacre, none agree on what exactly happened or who was responsible. The most recent and, indeed, most scholarly account was published in 1983 by historian David H. Stratton, a retired Washington State University professor.⁷ Stratton's narrative of the massacre, supported by meticulous research, offers the reader a compelling look at the most brutal mass murder of Chinese by white settlers in American history. In addition to telling the story, however, he has laid the foundation for further analysis of issues surrounding the massacre.

Professor Stratton ends his account by suggesting that this was a race-based crime:

At first glance the Snake River murders might appear to have had little or nothing in common with the wave of anti-Chinese violence characterized by the well-known episodes in Western urban and industrialized areas such as Rock Springs, Wyoming, and Tacoma and Seattle, Washington. After all, the basic sin of human greed--the love of money as the root of all evil--seemingly explained

⁷ Stratton, *SNAKE RIVER MASSACRE*, 109-129; for other accounts see Bill Gulick, "Snake River Massacre," *Seattle Times Magazine*, 1 July 1973, 8-9; Gerald Tucker, "Massacre for Gold," *Old West*, Fall 1967, 26-28, 48; Bob Sincock, "Case is Closed," *Portland Oregon Sunday Journal*, 18 Sept. 1938, section 2 (Stratton's meticulous citation of sources makes his article the most credible of the four. None of the articles agree on specifics of the massacre, such as how many were killed and who did the killing, but based on my own research, the Stratton article holds up better than the other three).

this atrocity. Upon closer examination, however, it is obvious that a similar strain of racism constituted the fundamental cause of all these outbreaks.⁸

This thesis develops what Stratton calls the "obvious" link between this crime and the "similar strain of racism" that fueled other anti-Chinese outbreaks during the late nineteenth century. It will also explain how this very same racism influenced not only the massacre, but how the killers' community, Wallowa County, handled the perpetrators in the aftermath.

The first step in this analysis is an explanation of Chinese immigration to the United States during the latter half of the nineteenth century. The Chinese, who began arriving on the west coast shortly after the Europeans did, were in many ways integral to the development of the American West. In addition to characterizing the demographics of the Chinese immigrant population, Part One explains the role of Chinese labor in American frontier agriculture, mining, manufacturing, and railroad construction. A clear conception of this role is crucial to an understanding of how whites, through the racialist premise of "Manifest Destiny," would come to despise the very Chinese laborers who helped build the West.⁹

The whites who traversed the overland trail, beginning in the late 1840's, believed they had an inherent, God-given

⁸ Stratton, *The Snake River Massacre*, 124.

⁹ Ronald Takaki, *Strangers from a Different Shore* (Boston: Little, Brown and Company, 1989), 79-99.

right to the land of the West. This belief system revolved around a racist ideology rooted in the conviction that non-whites, including African Americans, Indians, Mexicans, and Asians, belonged to inferior races. Regional differences may have created slight variations in this ideology between whites, but belief in white superiority was a relatively consistent and growing tenet of white culture during this period; one that would have grave implications for early Chinese immigrants.¹⁰ Part Two explains how these beliefs, coupled with increasing labor competition between whites and Chinese, resulted in an explosion of anti-Chinese legislation and mob-violence, which crested during the 1880's.¹¹ Once the Snake River Massacre is put in context, its role in the pattern of anti-Chinese sentiment and violence becomes clear.

Part Three focuses primarily on how the community and local law enforcement of Wallowa County handled the perpetrators of this unthinkable crime. Building on the foundation of the previous two sections, Part Three shows how racist attitudes made an already weak frontier justice system even more impotent. Moreover, it will reveal how this tight-knit, white frontier community essentially sanctioned the crime by shifting blame to the rogue gang members who had fled, while cleansing the remaining perpetrators of the entire affair. This is not meant as a specific indictment of Wallowa County, Oregon, but rather as an analysis of how

¹⁰ Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, Massachusetts: Harvard University Press, 1981), 1-6, 156-157.

¹¹ Sucheng Chan, *Asian Americans: An Interpretive History* (Boston: Twayne Publishers, 1994), 45-54.

racism affected already weak frontier justice in the early American West.

Finally, it is important to note that I have benefited greatly from access to recently discovered documents related to the Snake River Massacre. In an August 1995 *Oregonian* article, reporter R. Gregory Nokes described how original handwritten documents pertaining to the massacre had turned up in a Wallowa County courthouse vault.¹² The documents, comprised of arrest warrants, subpoenas, court docket summaries, and other miscellaneous information, do not drastically alter Stratton's account of the massacre, but they do reveal significant information about the relationships that existed between members of the massacre gang and community leaders.¹³

Nokes points out in his article that the Snake River Massacre has never been covered in the *Oregon Historical Quarterly*. He astutely notes as well how little (if any) attention the massacre has received in Oregon history books. Yet this massacre is a crucial event in American, and of course Oregon history. When put in historical context, this relatively unknown tragedy loses the obscurity that its lack of notoriety suggests. Occasionally historians include the Snake River Massacre as an example of the nineteenth century trend of anti-Chinese violence, but in many cases it is left

¹² R. Gregory Nokes, "The Terrible Secret of Hells Canyon," *The (Portland) Oregonian*, 15 August 1995, sunrise edition, A01.

¹³ One of the newly discovered documents includes a deposition in which gang member Frank Vaughan testified to being present during the murders, but not actually taking part. This contradicts the Stratton account, which held that Vaughan stayed at the cabin and fixed dinner during the killings.

out altogether.¹⁴ This thesis is an analysis and a reminder of Oregon's tragic, yet significant role in the late nineteenth century anti-Chinese violence that swept the American West.

I.

A "Coolie" Invasion?

*In the second reign year of Haamfung [1852], a
trip to Gold Mountain was made.
With a pillow on my shoulder, I began my
perilous journey:
Sailing a boat with bamboo poles across the
sea,
Leaving behind wife and sisters in search of
money,
No longer lingering with the woman in the
bedroom,
No longer paying respect to parents at home.*¹⁵

The first Chinese migrants to cross the Pacific and work for any considerable length of time were "sugar masters" who began arriving in Hawaii in the early 1800s. These Chinese sugar experts, who had learned their skills in the sugar producing areas of the Guangdong Province back home, took their knowledge to Hawaii and began processing sugar. By the 1830s, several Chinese sugar operations were up and running

¹⁴ Northwest historian Carlos Schwantes cites the massacre briefly in his textbook *The Pacific Northwest*, 156-157, and so does Shi-shan Henry Tsai in *The Chinese Experience in America* (Bloomington and Indianapolis: Indiana University Press, 1986), 71; it is not cited in the anti-Chinese violence sections of Takaki, *Strangers from a Different Shore*, or Chan, *Asian Americans*. They are, however, otherwise excellent sources.

¹⁵ Lyrics from a Chinese folk song quoted from Takaki, *Strangers from a Different Shore*, 35.

on the islands of Maui and Hawaii. What fueled the need for outside labor was that the indigenous population, lacking immunity to diseases brought to the islands by Europeans, was declining rapidly. Chinese labor filled the increasing void, and by 1852, the first 195 contracted Chinese laborers had arrived to work the sugar cane fields. Between 1852 and the end of the nineteenth century, more than 50,000 Chinese workers had sailed to Hawaii. Eventually most of these contracted laborers left the islands because of rampant abuse by overseers and generally poor work conditions.¹⁶

Far more Chinese, however, chose to seek their fortunes in the rich gold territory of California, known to many as "Gold Mountain".¹⁷ In addition to the lure of California gold, poor conditions at home significantly increased the incentive for many to leave. Like those who went to Hawaii, the bulk of the first Chinese migrants were from the Guangdong Province, located along China's south coast. This province had been embroiled in war with Britain twice and was suffering from internal rebellions, ethnic strife, and higher taxes, which forced many farmers to sell their land. These problems, combined with an ongoing famine due to an exploding population and disastrous flooding, caused thousands of desperate Chinese to seek relief overseas.¹⁸ So while the lure of gold was an important influence, deteriorating conditions at home gave many Chinese every reason to take great risks in

¹⁶ Sucheng Chan, *Asian Americans: An Interpretive History* (Boston: Twayne Publishers, 1991), 26-27.

¹⁷ Takaki, *Stranger from a Different Shore*, 80.

¹⁸ Ronald Takaki, *Journey To Gold Mountain* (New York: Chelsea House Publishers, 1994), 18.

hopes of returning home with great fortunes. Ironically, the Chinese went to America's west coast for many of the same reasons whites did.

Central to the story of Chinese immigration is that the overwhelming majority of migrants were men. Several factors caused this gender imbalance. One reason was that the Chinese men who went to America were primarily sojourners, migrants who intended on working long enough to make a decent amount of money and then return home to their families. Another factor was that Chinese mothers were expected to stay home and take care of the family, and single women generally did not travel to far off places alone. Oregon's Chinese population was 98% male in 1880, which was characteristic of most other western states during that period.¹⁹

The challenges these men would face began on the boat for many of the Chinese sojourners. With an average trip taking up to two full months to complete, and given that many ships were overcrowded to begin with, the voyages presented numerous problems for the Chinese immigrants. Disputes among passengers, and between crew members and passengers, sometimes led to violence on board the ships. Moreover, lack of proper provisions and poor sleeping quarters only aggravated what was often an already strained state of affairs. Fortunately for passengers and crew alike, some captains quelled disputes amicably; others, however, caused great strife by using violence to deal with unrest. In a few

¹⁹Gregory C. McConnell, "Historical Geography of the Chinese in Oregon" (master's thesis, University of Oregon, 1979), 53.

cases the ships themselves ran into natural disasters. One such example is the case of the clipper *Bald Eagle*, which left Hong Kong for San Francisco on October 5, 1861. In addition to Chinese emigrants, the ship was loaded with rice, sugar, and tea. After leaving port, the *Bald Eagle* was never seen again, presumably sunk by a typhoon somewhere in the China Sea.²⁰ For the majority of Chinese who made it to America, the hardships would only continue.

The use of the disparaging term "coolies" to describe Chinese immigrants who began arriving in California during the 1850s, was somewhat bolstered by the often slave-like conditions of the journey. The term "coolie," which means "Ku li," or "muscle strength,"²¹ is a specific reference to the European and American practice (beginning in the 1840s) of either deceiving or kidnapping unsuspecting Chinese in order to transport them to Spanish and South American colonies; slave masters used them for working sugar cane fields in Cuba, constructing railroads in Panama, and working the guano pits of Peru. White brokers bought and sold them as slaves, often caging the Chinese up like animals, before handing them over to pirates for their deportation. Many Chinese committed suicide or were murdered for resisting their captors on board the slave ships, and of those who survived the trip, the vast majority never returned home alive. Out of 150,000 Chinese slaves taken to these colonies prior to 1865, only about 500

²⁰ Gunther Barth, *Bitter Strength: A History of the Chinese in the United States, 1850-1870* (Cambridge: Harvard University Press, 1964), 70-71.

²¹ Bill Gulick, "Murder in Hells Canyon," *Seattle Times Magazine*, 1 July 1973.

survived to return home.²²

Historian Gunther Barth argues in his book, *Bitter Strength*, that conditions aboard the ships headed for California were often similar to those of the "coolie" ships, and that the contracts these Chinese entered into were not much better than those used to carry out the slave trade to South America and Cuba. The system he links to the coolie trade was the "credit-ticket" system, whereby creditors advanced emigrants money to pay for the trip to California, under the contractual agreement that they would be repaid (with interest of course) from the laborers' earnings. Barth sees the credit-ticket system as "a disguised slave trade, managed chiefly by Chinese crimps and compradores who lured artisans, peasants, and laborers into barracoons and sold them to ticket agents."²³

More recently, however, scholars are challenging this view as myth. Chinese historian Shih-Shan Henry Tsai argues that U.S. laws and treaties were effective in preventing the coolie trade with respect to the Chinese who immigrated to the United States during the latter half of the nineteenth century. Tsai cites an 1847 U.S. law that made it a misdemeanor for vessel masters transporting passengers to and from U.S. ports to take on more passengers than was safe. But the law did not cover American shippers transporting people from one foreign port to another. Loopholes in this law

²² Shih-Shan Henry Tsai, *The Chinese Experience in America* (Bloomington and Indianapolis: Indiana University Press, 1986), 4-5.

²³ Barth, *Bitter Strength*, 67.

resulted in abuses, so in 1862 the U.S. Congress "passed the Prohibition of Coolie Trade Act which prohibited American shippers from engaging in any form of coolie trade."²⁴ Then in 1868 the United States and China agreed to what has become widely known as the Burlingame Treaty.

In 1867 China asked the U.S. minister to the Manchu Court in Peking, Anson Burlingame, to embark on a goodwill tour to some western countries including the United States. Burlingame, along with two Chinese envoys, arrived in San Francisco in April, 1868; arriving amidst great fanfare, Burlingame and company set out across country headed to Washington D.C. Upon arriving in Washington, they quickly went to work reexamining the Treaty of Tientsin, an 1858 agreement that both the Chinese and Americans agreed needed revision. The resulting amendments to the Treaty of Tienstsin are what became known as the Burlingame Treaty.²⁵

The treaty, followed with great interest in both China and the United States, contained two significant amendments to the Treaty of Tientsin. Article V stipulated that both countries recognized "the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from one country to the other for the purpose of curiosity, of trade, or as permanent residents."²⁶ This provision, insisted upon by the Americans,

²⁴ Tsai, *The Chinese Experience in America*, 7.

²⁵ Charles J. McClain, *In Search of Equality: The Chinese Struggle Against Discrimination in Nineteenth-Century America* (Berkeley: University of California Press, 1994), pg 30.

²⁶ Tsai, *The Chinese Experience in America*, 7.

directly opposed China's age-old laws prohibiting the free emigration of its citizens. As historian Charles McClain points out, this addition "could only have been interpreted by the Chinese as a ringing endorsement by this country of continued Chinese immigration."²⁷

The other significant provision of the Burlingame Treaty provided that "Chinese subjects visiting or residing in the United States, shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence, as may there be enjoyed by the citizens or subjects of the most favored nation."²⁸ Surely this provision gave considerable hope to many Chinese immigrants that upon arrival in the United States they would be assured certain rights, and that they would have legal recourse. McClain argues that although not effective immediately, the treaty did eventually prove helpful to many Chinese litigants, especially in federal courts.²⁹

Despite the positive language of this treaty, and other laws aimed at protecting Chinese immigrants, anti-Chinese sentiment pervaded the West, peaking in the 1880s. The legal and social impact of this growing negative sentiment on Chinese emigrants is further developed in Part Three, but it is important to note that the Chinese did not for the most part "enjoy the same privileges, immunities, and exemptions...as enjoyed by the citizens...of the most favored

²⁷ McClain, *In Search of Equality*, 30.

²⁸ *Ibid.*, 30

²⁹ *Ibid.*, 31.

nation." On the other hand, historian Shih-shan Henry Tsai argues strenuously against the commonly held notion that the Chinese who flocked to California in the nineteenth century were essentially "coolies," slaves not bound in chains, but rather by oppressive contracts and fervent anti-Chinese sentiment, which together functioned virtually as the coolie system had. Rather Tsai makes the case that "the Chinese emigration to California was free and voluntary, confined to independent emigrants who paid their own passage money and were in a condition to look to their arrangements."³⁰

In 1849 alone, over 70,000 gold seekers flocked to California; joining this '49 gold rush were 325 Chinese emigrants. Only twenty years later there were over 63,000 Chinese in the United States.³¹ But while thousands came for gold, many of these hopefuls ended up performing a wide array of non-mining jobs, some even opening their own businesses. Moreover, the Chinese did not all stay in California; Many left for other western states such as Oregon, Washington, Wyoming, Idaho, Nevada, and a few others. A small percentage even ventured east. In 1880 there were almost five hundred Chinese in Louisiana and just under a thousand in New York State.³² But wherever they went, the Chinese were considered a valuable and cheap source of labor by employers. These immigrants, known for their diligence and hard work made a significant contribution to American agriculture,

³⁰ Tsai, *The Chinese Experience in America*, 7.

³¹ Takaki, *Journey to Gold Mountain*, 21.

³² Tsai, 26.

manufacturing, and the construction of the transcontinental railroad.³³

In the South, Louisiana and Mississippi planters saw the Chinese as a way to replace lost slave labor. They imported Chinese workers primarily during the 1870s, and pitted them against former slaves, heralding them as model workers. Unhappy with conditions on the large plantations, most of the Chinese moved to more urban centers. By 1880, ninety-five percent of Chinese in Louisiana were living in New Orleans, working as cooks, operating laundries, and manufacturing shoes.³⁴

Another place the Chinese used their skills was New York. Prior to the completion of the Union Pacific Railroad in 1870, New York was home to fewer than one hundred Chinese; but not long after the railroad's completion New York saw an influx of Chinese, although a meager one by west coast standards. After 1871, Chinese laborers were hard at work in New York and New England performing various types of contract labor. Here again, many manufacturers viewed the Chinese as an excellent source of cheap and reliable labor. Calvin Sampson, for example, had closed his Massachusetts shoe factory after an extended wage dispute with a large trade union called St. Crispins. After reading in a newspaper about Chinese working in San Francisco, Sampson sent his foreman to California to recruit workers. The foreman returned with seventy-five Chinese whom he had hired at \$23 per month.

³³ Takaki, *Strangers From a Different Shore* (Boston: Little, Brown and Company, 1989), 79-99.

³⁴ *Ibid.*, 94-95.

Waiting for the foreign laborers at the train station was a crowd of angry whites, who made their distaste for importing Chinese labor well known. Although anger at Sampson's choice of labor subsided somewhat, fear of a Chinese "invasion" was quickly becoming more prevalent, as local newspapers were filled with disparaging cartoons and commentary about the Chinese.³⁵

By far the largest contribution nineteenth century Chinese laborers made in the United States was constructing the western half of the transcontinental railroad systems. First hired as an experiment by the Central Pacific Railroad in 1865, Chinese railroad workers numbered three thousand by year's end.³⁶ Recruiting many such laborers away from the mines, the Central Pacific built its Chinese work force up to over ten thousand at its peak. Company president Leland Stanford praised the Chinese workers as "quiet, peaceable, industrious, economical--ready and apt to learn all the different kinds of work" required for railroad construction. Stanford's enthusiasm was undoubtedly enhanced by his practice of paying the Chinese work force considerably less than their white counterparts.³⁷

Work on the railroad proved to be extremely dangerous. Unlike laying track across the plains of the Midwest, the crews who worked the far West dealt with treacherous mountain ranges and jagged rock formations. Many Chinese railroad

³⁵ Arthur Bonner, "The Chinese in New York, 1800-1950" in *Chinese America: History and Perspectives 1993* (San Francisco: Chinese Historical Society of America, 1993), 109-150.

³⁶ Chan, *Asian Americans*, 30.

³⁷ Takaki, *Strangers From a Different Shore*, 84-85.

workers died while attempting to set off dynamite in high mountain ranges. Sometimes even weather conditions proved deadly. One such example involves thousands of Chinese who were working in the tunnels of the High Sierras in 1887. Despite a fast approaching winter, the railroad bosses decided to press on. Heavy snowfalls hit earlier than expected, catching everyone off guard, and burying scores of Chinese laborers inside the tunnels. Conditions were so severe that most of the bodies could not be dug out until the following spring. Despite the hardship of railroad work, the Chinese continued on and completed the first transcontinental railroad in 1869, at which time ten thousand laborers were abruptly left unemployed.³⁸

While Chinese were not included in the celebration ceremonies upon completion of the first transcontinental railroad, the significance of the railroads to the development of the West must be prefaced with a recognition of who constructed them. In addition to the Central Pacific, the Chinese worked on the Southern and Northern Pacific railroads, as well as the California Central, California Southern, and many other systems. Chinese workers built railroads in California, Texas, Nevada, Alaska, Washington, and Oregon to name a few.³⁹

California gold may have lured many of the first Chinese emigrants to the western United States, but it quickly lost

³⁸ Chan, 31.

³⁹ Stan Steiner, *Fusang: The Chinese Who Built America* (New York: Harper and Row Publishers, 1979), 128-140.

its luster for many sojourners as jealous white miners sought to push Chinese out of the prosperous mining areas. In fact, the earliest anti-Chinese violence began in the mining districts of California where Chinese and European-Americans eventually competed for territory.⁴⁰ While the hostility drove some Chinese to other types of work, such as farming, fishing, and manufacturing, many either left California to mine in the Pacific Northwest, or stayed in California and avoided white mining areas. Despite the white hostility, however, Chinese miners remained a large percentage of the total mining population in the West. Even in California, where anti-Chinese brutality got an early start, the Chinese remained about 25% of the total mining population as late as 1870.⁴¹

Of those Chinese who left California for the Pacific Northwest, a large number went to Oregon. By 1880, Oregon's Chinese population of 9,000 was second to California's 75,000. Nevada was third with 5,400, and Idaho and Washington almost tied for fourth with about 3,500 Chinese each.⁴² With stories about gold discoveries in Idaho and Eastern Oregon reaching California around 1861, a large number of Chinese began leaving for these northwest regions in hopes of finding more peaceful and profitable mining areas. By 1870, the eastern Oregon mining population was 61.2% Chinese, a percentage that increased to almost 70% by 1880.⁴³

⁴⁰ Tomas Almaguer, *Racial Faultlines* (Berkeley: University of California Press, 1994), 165.

⁴¹ Steiner, *Fusang*, 124.

⁴² Tsai, *The Chinese Experience in America*, 26.

⁴³ Gregory C. McConnell, "Historical Geography of the Chinese in Oregon," 42-43.

The Chinese victims of the Snake River Massacre were just such miners. They had been mining above Lewiston in the Idaho Territory, when in October of 1886 they decided to try their luck by travelling south along the Snake River. Chea Po, Lee She, and others (their names are unknown) each led their respective mining parties up the river in search of gold. The parties, averaging about ten miners each, trudged along the banks of the river pulling their provision laden boats through the stiff current. By the spring of the following year, they had settled in spots near each other on the Oregon side of the Snake River, in what was to be their final resting place: Hells Canyon.⁴⁴

When put in historical context, the thirty-one Chinese miners who were murdered in Hells Canyon become part of the American story, not just migrant workers. While it is unclear what experiences they had had prior to 1887, they were part of a large migrant community that played a key role in building the West. Chea Po and the others were in a sense pursuing a dream similar to that of many whites who flocked to the West. But when and where whites viewed Chinese as competition, whether in mining, agriculture, or manufacturing, they sought ways to prevent the Chinese from pursuing this dream. The men who headed up the Snake River in 1886 were not competing with whites for the mining territory, though, because the Snake River was not known for

⁴⁴ Chang Yen Hoon, Chinese Minister to the U.S., to Thomas F. Bayard, Secretary of State, February 16, 1888, Microfilm M98, Notes from the Chinese Legation in the U.S. to the Dept. of State, RG 59, National Archives and Records Administration, Seattle, WA.

yielding much gold. Their timing, however, could not have been worse, for they were mining during the height of anti-Chinese violence in America, in an area frequented by white cattlemen.⁴⁵ The nature of this violence is crucial to a clear understanding of the Snake River Massacre.

II.

Racism, Violence, and "Manifest Destiny"

*"The crusade upon the Chinese is inspired mainly by race hatred. This is the top root of it. It is entirely similar to the hatred of negroes, so prevalent twenty or twenty-five years ago; and it is quite as base and irrational."*⁴⁶

Crucial to an understanding of the Snake River Massacre is a brief discussion of American violence and how it was manifested through white settler attitudes toward non-whites. Such a task demands a characterization of white settlers during this period (1850s-1880s), with emphasis placed on the white overlanders (and by extension the murderers) who settled in what became Wallowa County. As members of white pioneer culture, the perpetrators almost certainly were influenced by the tenets of "Manifest Destiny," a belief

⁴⁵ Stratton, "The Snake River Massacre," 115.

⁴⁶ "Race Hatred," *The Portland (Morning) Oregonian*, 26 February 1886, 2.

system central to the white settler's psyche.⁴⁷ When coupled with a description of the anti-Chinese violence that was cresting about the time of the Snake River Massacre, a much more comprehensive explanation of the crime is possible; one that reaches far beyond the greed of a few rogue outlaws.

Although explorers and missionaries traveled through the Oregon Territory during the early 1800s, the first family to emigrate to Oregon for the purpose of establishing a home arrived in 1840. By 1860, over fifty-three thousand people had traversed the Oregon Trail to settle in the Pacific Northwest.⁴⁸ As historian John Unruh argues, however, the nature of white migration westward varied greatly during this period. And the experiences of white overlanders on the journey west were as varied as their motives for leaving. Gold lured many in the beginning, but that would soon change.⁴⁹

White settlers did not begin residing in the Wallowa valley until the early 1870s. The area's extreme isolation and lack of irrigation prompted most early settlers to continue on to the Willamette valley.⁵⁰ Moreover, there was not much gold to be found in the area (except for meager deposits on the west bank of the Snake River) so it did not attract the throngs of fortune seekers that California and other northwest regions did. Not everyone, however, who went

⁴⁷ Reginald Horsman, *Race and manifest destiny: The origins of American racial Anglo-Saxonism* (Cambridge, Massachusetts: Harvard University Press, 1981), 1-6.

⁴⁸ Schwantes, *The Pacific Northwest*, 100-102.

⁴⁹ John Unruh, *The Plains Across: The Overland Emigrants and the Trans-Mississippi West, 1840-1860* (Chicago: University of Illinois Press, 1979), 379-382.

⁵⁰ Schwantes, 102.

to Oregon ended their journey in the Willamette valley.

Since water supply was crucial to any early settlement, some stopped in the Grande Ronde valley, which benefited from the irrigation of its large river. The Grande Ronde valley lies to the west of the Wallowa valley, from which it is separated by the Wallowa mountains. In time, a few men left their families in the Grande Ronde to prospect the livability of the valley to the east. What these men saw when they crossed over into the Wallowa valley were Nez Perce Indians and prime stockraising land. The draw of the land outweighed the potential conflict with the Indians, and beginning in the early 1870s, a few of the men, after building some form of shelter, were moving their families from the Grande Ronde to the Wallowa valley.⁵¹

Bordered by rugged mountain ranges and the Snake River, the Wallowa valley was isolated, and difficult to get to. But this meant that initially only those committed to staying would go to the trouble of moving into the valley. Subsequently, the white settlers who moved into the Wallowa valley were in large part families, with sights set on building homes, raising stock, bringing up children. These isolated communities were "close-knit," and they were there

⁵¹ Grace Bartlett, *The Wallowa Country (1867-1877)* (Fairfield, Washington: Ye Galleon Press, 1984),

15-20. Bartlett is a long time resident of Wallowa County who has written extensively about Wallowa County history and the Nez Perce Indians. Many of her accounts are based on her discussions (and friendships) with direct descendants of the involved parties. Historian David Stratton wrote of Bartlett in the introduction to this book that "her long residence in the Wallowa Valley and her painstaking study of its history have given her impressive credentials for this project." Bartlett's account reveals significant information about early Wallowa settlers, which has greatly aided my interpretation of the events.

to stay.⁵²

While frontier justice will be one of the key issues raised in Part Four, it is important to note here that the isolation and infancy of such frontier communities had a considerable impact on white attitudes about law and order, and on the ability of locals to enforce law. Organized government had not formed in these communities to efficiently handle crime and punishment, leaving justice in the hands of individuals or vigilante groups, people who wielded punishment however they saw fit. Without traditional institutions like local government and churches, frontier society was, in a sense, on its own. Even when there was law enforcement, it was often extremely ineffective because many crimes were committed in remote areas, where there were no eyewitnesses to report the crimes. Moreover, it was simply impractical and cost prohibitive for local sheriffs and deputies to pursue elusive offenders across rugged terrain, or across state and territorial boundaries.⁵³ The Wallowa valley did not become its own county, complete with a local law enforcement until 1887, the year of the Snake River Massacre.⁵⁴ Even then, seventeen years after the first white families had moved in, the newly formed Wallowa county most certainly suffered from the same law enforcement limitations other frontier communities did.

⁵² Ibid., 16.

⁵³ Richard M. Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York: Oxford University Press, 1975), 112.

⁵⁴ *History of Union and Wallowa Counties--State of Oregon* (n.p.: Western Historical Publishing Co., 1902), 484 (hereafter cited as *History of Union and Wallowa Counties*).

Lawlessness and violence naturally went hand in hand on the American frontier. Many whites viewed the frontier as a place that required rugged individualists, men willing to take risks, even employ violence to take what they wanted, whether that be land from Indians or money from an innocent passer-by. Whites viewed violence as both a reality and a necessity. It was the way to maintain property, and the way to move others, initially native Americans, out. Closely related to this idea was the tradition of American vigilantism.⁵⁵

Historian Richard Brown defines the vigilante tradition as "organized, extralegal movements, the members of which take the law into their own hands."⁵⁶ Vigilante groups, which began around 1767, often formed to bring order to lawless communities plagued by unchecked crime. But there was another element to vigilantism that was very much centered on racist ideology. Black lynchings in southern states, for example, were often committed by local vigilante groups who acted with the approval of their communities. So while vigilantism on one hand often established stability in new frontier regions overrun with crime, it was also a method of domination over non-whites, as will be discussed further in the case of anti-Chinese mob violence.⁵⁷ While in strict terms the Snake River Massacre gang was not a vigilante group, it is helpful to

⁵⁵ Joe B. Frantz, "The Frontier Tradition: An Invitation to Violence," Hugh Graham and Ted Gurr, eds., in *The History of Violence in America: Historical and Comparative Perspectives* (New York: Frederick A. Praeger, Pub., 1969), 127-153.

⁵⁶ Brown, *Strain of Violence*, 95-96.

⁵⁷ *Ibid.*, 126.

recognize that whites on the American frontier, especially in new communities without effective law enforcement, were accustomed to vigilante violence.

Eventually more whites decided to make the Wallowa valley their home, and by 1890 there were a little over thirty-five hundred people living there. About a third of this population lived in the Joseph and Enterprise area, commonly referred to as the upper valley.⁵⁸ They, like other overlanders of the time, represented a cross-section of midwestern and some southern states, coming from states such as Tennessee, Kentucky, Wisconsin, Ohio, Iowa, and Illinois, to name a few.⁵⁹

With the arrival of European Americans to the West came, naturally, white attitudes about race, beliefs central to the myth of "Manifest Destiny." At its most basic level, "Manifest Destiny" was the belief that white Europeans were a "chosen people", handpicked by God to carry white Christian culture from the eastern seaboard to the beaches of the Pacific ocean. Central to this myth was the idea that white Christians were a superior race, with superior government, religion, culture, and intellect. Whites considered Indians, Africans, Mexicans and Asians to be inherently inferior people. Not only were they lacking in intelligence and civilization, but they were impeding the inevitable: white domination.⁶⁰

⁵⁸ *History of Union and Wallowa Counties*, 487.

⁵⁹ John Unruh, *The Plains Across*, 90-117.

⁶⁰ Horsman, *Race and Manifest Destiny*, 4-5.

Elements of the "Manifest Destiny" ideology changed, however, as whites adapted to the new environment. By the 1850s, white expansion westward was becoming destiny realized as opposed to destiny anticipated. In the white settler psyche they had moved from anticipating white domination of the West, to fulfilling their purpose as the "chosen people." Had the continent been uninhabited, this racially loaded ideology might have played out more smoothly, but of course this was not so. Instead, it was used to justify violence against non-whites who were perceived as threats to the realization of providence.⁶¹ For the whites who settled in the Wallowa valley, it was the Nez Perce Indians who represented the initial threat.⁶² It would be unfair to assume that early Wallowa Valley settlers were firm believer's in the tenets of "Manifest Destiny," but after studying their encounters with the Nez Perce Indians, the connection becomes clear. It is this connection between whites in Wallowa Valley and white society's belief in "Manifest Destiny" that, once established, can aid in a better understanding of the Snake River Massacre.

While terms like "settler" and "pioneer" imply that white overlanders were original inhabitants, we know of course that Indian tribes already resided in much of the Oregon territory, of which the Wallowa region was no exception. The Nez Perce Indians, who inhabited parts of what became Oregon, Washington, and Idaho, acceded in 1855 to a

⁶¹ Ibid., 1-5.

⁶² *History of Union and Wallowa Counties*, 491.

treaty with the U.S. government that confined them to a large reservation. But trespassing whites found gold within the reservation boundaries in 1863; this resulted in part of the tribe consenting to a far smaller reservation east of Lewiston in the Idaho Territory. The new reservation did not include the Wallowa valley area west of the Snake River, where Chief Joseph and his band of four hundred Nez Perce were living. Joseph, who had assumed his father White Bird's leadership role in 1871, insisted that his band was not subject to the 1863 reservation boundaries because his father had never signed onto the agreement. This argument worked for awhile, but eventually white settlers convinced the U.S. government to force Joseph out.⁶³ In 1877, the federal government sent General Oliver O. Howard to force resisting tribe members, including Chief Joseph and his band of Nez Perce across the Snake River and onto the much reduced reservation boundary. The relocation was disrupted when a few frustrated Nez Perce killed four white settlers. The killings sparked the flight of over six hundred tribe members across country, including Chief Joseph. Chased by General Howard's troops, the Indians headed for presumed sanctuary in Canada, never reaching their destination. While about one hundred escaped, most did not get away; government troops killed some of the fleeing Nez Perce, and captured the majority, exiling them to Oklahoma.⁶⁴

Years later Chief Joseph captured what "Manifest

⁶³ Schwantes, *The Pacific Northwest*, 149-150.

⁶⁴ *Ibid.*, 150-151.

Destiny" meant for the Nez Perce in this passage from "The Great Trek of the Nez Perces:"

Through all the years since the white men came to Wallowa we have been threatened and taunted by them and the treaty Nez Perces. They have given us no rest. We have had a few good friends among white men, and they have always advised my people to bear these taunts without fighting. Our young men were quick-tempered, and I have had great trouble in keeping them from doing rash things...I learned then that we were but few, while the white men were many, and that we could not hold our own with them. We were like deer. They were like grizzly bears. We had a small country. Their country was large. We were contented to let things remain as the Great Spirit Chief made them. They were not; and would change the rivers and mountains if they did not suit them.⁶⁵

White settlers, hungry for the fertile Wallowa Valley land, and fueled by a perceived right of ownership embodied in "Manifest Destiny," were eventually successful in exiling the Nez Perce. The authors of the 1902 publication, *History of Union and Wallowa Counties*, represented prevalent white attitudes toward the native Wallowa inhabitants when they wrote that "the fondness of certain Nez Perce Indians for the Wallowa valley for several years proved a source of considerable annoyance to the whites, who complained of the Indians' presence with bands of diseased horses and looked upon them as a menace to the stock industry."⁶⁶ The underlying

⁶⁵ T.J. Stiles, ed., comp., *In Their Own Words: Warriors and Pioneers*, (New York: The Berkeley Publishing Group, 1996), 201.

⁶⁶ *History of Union and Wallowa Counties*, 491.

message of this passage is clear: The Nez Perce may have been "fond" of the land, but they were inferior to whites, who, with their superior culture, even livestock, had a right to the land.

By the time of Chief Joseph's famous flight from northeastern Oregon, the Chinese were experiencing a growing hostility aimed at them virtually everywhere they lived. But whites had to alter their racialist theory regarding the Chinese. By this time the Native Americans were a decreasing threat to whites because their population was in decline and U.S. reservation policy was successfully exiling their communities, where they did not impede white expansionism. Whites believed the Indians would naturally die out because they were both inferior and unassimilable. But the Chinese population did not significantly decrease until after 1890, so the racialist theory had to be altered to deal with this inconsistency. Historian Richard White argues that "late nineteenth-century opponents of the Chinese now argued that the Chinese would inevitably pauperize white labor and thus had to be driven out before they became demographically dominant on the coast."⁶⁷

Initially Chinese males had been encouraged to make the journey to America, as a burgeoning western United States supported the influx of cheap labor to build railroads, plant crops, and in general perform the grueling work associated with development. Ironically, by toiling as they did, the

⁶⁷ Richard White, "Race Relations in the American West," *American Quarterly* 38 (1986): 402.

Chinese hastened the arrival of the very people who would drive them out. As more whites arrived, competition for jobs increased, which fueled an already nascent disdain for the Chinese.⁶⁸ What little encouragement some Chinese might have felt in the beginning quickly turned to angry calls that "The Chinese Must Go!"⁶⁹ But before looking at the class issues associated with the anti-Chinese movement, one must first recognize that it was base racism, rooted in the tenets of "Manifest Destiny," that not only fostered but directly fueled the anti-Chinese movement, which blew up during the 1880s in an explosion of violence.

Underlying European Americans' attitudes toward Chinese was their belief that the Chinese were both "heathen" and "uncivilized." Chinese dress, religion, hair-style, and skin color became the proof that racist assertions of their inferiority were true, claims similar to those made about Native and African Americans. Similar to how many whites characterized blacks, they infantilized Chinese men, portraying them as "irrational, morally inferior, savage, lustful, and heathen."⁷⁰ Similar to their characterization of Indians, whites often likened Chinese to dogs, comparing their traditional Chinese haircut, which featured a shaved head and ponytail in back, to a dog's tail.⁷¹ In 1886,

⁶⁸ Chan, *Asian Americans*, 25-42.

⁶⁹ Takaki, *Strangers From A Different Shore*, 104. As Takaki explains, "The Chinese Must Go" was the title of a San Francisco play by Henry Grimm, which featured two Chinese characters conspiring against white labor. The title of the play became a call for action by anti-Chinese forces.

⁷⁰ Thomas Almaguer, *Racial Faultlines: The Historical Origins of White Supremacy in California* (Berkeley: University of California Press, 1994), 157-159.

⁷¹ *Ibid.*, 158.

Reverend E. Trumbull Lee argued in a much publicized article, that the Chinese must leave because "they have no ambition to become citizens, except in very rare instances, and they hug pagan traditions and customs with a tenacity which our better civilization cannot break." He went on to argue that "the Chinese are unclean and immoral to an extent unapproached by our lowest classes, except where individuals of these low classes have been overcome by the unclean and immoral stench of Chinese corruption, and have fallen into the sink of pagan abominations."⁷²

Added to this common characterization was the assertion that unlike Indians, who were declining in numbers and being filed away to reservations, Chinese immigrants were increasing in numbers and threatening white labor prospects. Historian Ronald Takaki, like Richard White, argues that "unlike blacks, the Chinese were seen as intelligent and competitive; unlike Indians, they represented an increasing rather than decreasing population. As an industrial army of aliens from the East, they threatened to displace and force white workers into poverty."⁷³ It would not be long before the federal government, and state governments, would begin a coinciding legislative assault on the Chinese.

In order to grasp the essence of anti-Chinese sentiment, one must recognize that this hostility was strikingly class-based in nature. Wealthy business owners were less likely to oppose Chinese immigration because they benefited greatly

⁷² *The Portland Morning Oregonian*, 26 February 1886, 3.

⁷³ Takaki, *Strangers from a Different Shore*, 103.

from the availability of cheap Chinese labor; it was working class white men who felt the most threatened by Chinese labor. Nationwide, labor organizations led the fight against the Chinese, claiming they were a direct threat to the livelihood of white labor. Labor leaders held anti-Chinese meetings to rally support for their cause, lobbied state and federal legislators, and in some cases initiated violence against Chinese. These groups used racist propaganda to promote their claim that white labor was under siege from a heathen race, one that was not only threatening white labor but poisoning white Christian culture with corruption and immorality. While economic factors were not the only reason for anti-Chinese sentiment, the competition between Chinese and white labor resulted in organized anti-Chinese groups.⁷⁴ Subsequently when depression hit the U.S. economy between 1882 and 1886, it was labor organizations that were most responsible for the scourge of anti-Chinese violence that rocked the West, peaking in 1886, about a year before the Snake River Massacre.⁷⁵

As public sentiment toward Chinese worsened, so did exclusionary laws, both on the federal and state levels. The state that most actively pursued anti-Chinese policies was California. With more than seventy percent of the Chinese immigrant population, competition between whites and Chinese became intense in the Golden State. One tactic used to

⁷⁴ Stuart Creighton Miller, *The Unwelcome Immigrant: The American Image of the Chinese, 1785-1882* (Berkeley: University of California Press, 1969), 195- 196.

⁷⁵ Gregory C. McConnell, "An Historical Geography of the Chinese in Oregon" (master's thesis, University of Oregon, March 1979), 100.

discourage Chinese gold miners in California was its 1852 Foreign Miners' Tax. It required Chinese miners who were not citizens to pay \$3.00 a month. The catch was that at that time Chinese could not legally become citizens anyway.⁷⁶ The worst part of the tax, however, was the way in which collectors obtained the fee. Because they were paid a percentage of the take, tax collectors often intimidated and extorted Chinese, threatening to kick them off of good mining claims if they did not pay an inflated rate.⁷⁷

As early as 1852, public pressure from white miners in California prompted a legislative report recommending taxes directly aimed at Chinese miners. The governor followed up the report with a speech declaring his personal desire to end all Chinese immigration, or at least bar them from working in California's mines. The 1860s and 1870s saw a surge of other attempts to expel, or at least punish the Chinese, with various new taxes aimed at Chinese businesses and miners; California even passed a law prohibiting California corporations from hiring Chinese employees.⁷⁸

Oregon passed its share of unfair taxes, and other forms of anti-Chinese legislation. The state constitution barred Chinese from voting, and prohibited those not already residents from owning property. The state legislature even prohibited interracial marriages, and barred Chinese from employment on public works during the 1860s and 1870s.

⁷⁶ Takaki, *Strangers from a Different Shore*, 82.

⁷⁷ Chan, *Asian Americans*, 46.

⁷⁸ McClain, *In Search of Equality*, 11-132.

Ultimately the court system would declare many of these laws unconstitutional, but that did not stop anti-Chinese forces from pursuing more exclusionary policies.⁷⁹ The Washington and Idaho territories also began levying unconstitutional mining taxes directed specifically against Chinese in the 1860s.⁸⁰

Naturally, anti-Chinese forces aimed great pressure not only at the state level, but at Washington D.C. With unanimous support from the West and South, and overwhelming support from the East, the U.S. Congress passed the Chinese Exclusion Act of 1882. The act prohibited any Chinese "laborer" from entering the country for a period of ten years, and denied citizenship to Chinese already living in the U.S.⁸¹ In fact, the original bill sent to President Arthur prohibited Chinese laborers from entering the country for twenty years, but Arthur thought this too extreme, so he signed a ten year ban instead.⁸² Six years after the first Chinese Exclusion Act was passed, it was broadened to include all Chinese immigrants, not just "laborers." It was renewed in 1892 and then extended indefinitely in 1902, resulting in a sharp decline in the Chinese population.⁸³

Oregon senators and representatives were among those arguing on behalf of anti-Chinese labor forces in Washington D.C. during the 1880s and 1890s. On February 26, 1886, Oregon Senator Mitchell railed against the Chinese in a speech

⁷⁹ McConnell, "An Historical Geography of the Chinese in Oregon," 89.

⁸⁰ Schwantes, *The Pacific Northwest*, 156.

⁸¹ Takaki, *Strangers from a Different Shore*, 111.

⁸² McClain, *In Search of Equality*, 148.

⁸³ Takaki, *Strangers from a Different Shore*, 111-112.

delivered on the senate floor. He characterized their immigration to the United States as a "cloud of wrath and evil that imperiled labor, prosperity, peace, even life itself," and argued that Congress should void all treaties recognizing Chinese immigration.⁸⁴ In 1893, ex-Senator Slater met with other anti-Chinese Oregonians in the eastern Oregon city of LaGrande. There, he introduced resolutions calling on the district representative to urge the president to execute the Geary Law, a federal law which called for the immediate deportation of Chinese.⁸⁵ Meetings like this, however, reached their peak during the 1880s, when anti-Chinese sentiment crested in a wave of violence.⁸⁶

One of the most notorious acts of mob-violence against Chinese occurred in the mining town of Rock Springs, Wyoming Territory. Chinese were first hired there in 1875 as replacements for white miners who had gone on strike. After a decade of resentment against their Chinese replacements, who outnumbered whites by a 2:1 ratio in 1885, the white miners decided to attack. On September 2, 1886, one-hundred fifty armed white men attacked their Chinese coworkers, killing twenty-eight, wounding fifteen, and driving the rest out of town. Over \$147,000 of Chinese property was damaged in the attack. Local authorities investigated, but ultimately the grand jury brought in no indictments for the massacre.⁸⁷

Five years earlier over 3,000 angry white men descended

⁸⁴ *The Portland Morning Oregonian*, 27 February 1886, 1.

⁸⁵ *History of Union and Wallowa Counties*, 182-183.

⁸⁶ Tsai, *The Chinese Experience in America*, 67.

⁸⁷ *Ibid.*, 70.

upon the Chinese section of Denver, Colorado, screaming "Kill the Chinese!" Dominated by unhappy white laborers, the mob ransacked Chinese quarters, brutally beating their Chinese victims and destroying property. In the end, the mob had murdered one Chinese launderer, injured scores more, and caused an estimated \$53,655.69 worth of damage to Chinese property. Authorities handled the outbreak by dispersing the mob with water hoses and taking all of the Chinese to jail for three days. Over fifty other outbreaks of mob-violence occurred in California, Alaska, Hawaii, Nevada, South Dakota, Washington, and Oregon.⁸⁸

Most of the Oregon violence occurred in a narrow time frame. For example, about a year prior to the Snake River Massacre there was an anti-Chinese outbreak near Portland in Oregon City. During the early morning hours of February 23, 1886, a mob of about sixty white men attacked the Chinese quarters of Oregon City. The Chinese were employed in the local woolen mills along with about one-hundred twenty white workers. The mob "burst open the doors of the dwellings, pulled the Chinese out of their bunks, cuffed them around, twisted their queues, robbed them of what money they had in their pockets and notified them that they must leave forthwith."⁸⁹

A week later a mob of masked, armed white men (about eighty altogether) set out on a campaign to systematically expel Chinese laborers from the town of Albina, also near

⁸⁸ Ibid., 68-69.

⁸⁹ *The Portland Morning Oregonian*, 23 February 1886, 3.

Portland. The Chinese, many of whom were employed as "wood-choppers," were staying in camps near where they worked when the mobs arrived and forced them to leave the camps. By 2:30am, the mob had forced about one-hundred eighty Chinese laborers from their camps in Albina and East Portland.⁹⁰ Although most of the Oregon violence occurred just prior to the Snake River Massacre, three years later in the eastern Oregon town of LaGrande, a similar mob went to Chinese washhouses and expelled as many Chinese as they could find, rounding them up at gunpoint and forcing them on trains for deportation.⁹¹

Altogether, there were over fifty anti-Chinese riots in western states during the late nineteenth century, with the most outrageous violence taking place during the 1880's.⁹² Comparatively speaking, Oregon's anti-Chinese violence never reached the proportions that it did in other states. But this should not be viewed as an indication that early white Oregonians were any less racist or discriminatory than other westerners. Until the 1880's, there simply was not much competition for labor in Oregon; when competition did increase, Oregon saw the same types of anti-Chinese violence that already had begun in other states.⁹³ The whites who moved to Oregon were steeped in the same tradition of "Manifest Destiny" that other new westerners were; once the Chinese were perceived as a growing labor threat, the ugly tenets of

⁹⁰ *The Portland Morning Oregonian*, 1 March 1886, 3.

⁹¹ *History of Union and Wallowa Counties*, 183.

⁹² Tsai, *The Chinese Experience in America*, 67-68.

⁹³ McConnell, "Historical Geography of the Chinese in Oregon," 88.

racialism surfaced as an added justification for Chinese expulsion. Violence was soon to follow.

The difficulty with linking the Snake River Massacre to the onslaught of anti-Chinese riots that rocked the 1880's is that in contrast to other violent attacks on Chinese, the perpetrators of the Snake River murders were not in direct competition with their victims. Since the murderers were not gold miners vying for lucrative mining territory, the similarity of their crime to other outbreaks is not as easily drawn. But given the brutality of the Snake River Massacre, it is clear that if anything, the murderers butchered their victims with even more disdain than the mobs who attacked Chinese elsewhere. And yet in the few accounts written about the crime, historians seem to struggle with the topic of motive, usually billing it first as a greed-based crime, while making mention of other anti-Chinese violence as a possible contributing factor.⁹⁴

The problem with describing the perpetrators of this crime as a "band of horse thieves" as most have, is that it distances the murderers from white society, implying that they were rogue whites, more apt to commit brutality for the sake of greed. Moreover, this characterization ignores the fact that only three members of the band had a prior history of thievery; furthermore, there is no evidence that any had ever committed violent crimes prior to the massacre. When one

⁹⁴ see Bill Gulick, "Snake River Massacre," *Seattle Times Magazine*, 1 July 1973, 8-9; Gerald Tucker, "Massacre for Gold," *Old West*, Fall 1967, 26-28, 48; Bob Sincock, "Case is Closed," *Portland Oregon Sunday Journal*, 18 Sept. 1938, section 2.

examines profiles of the individual perpetrators, the men lose their rogue quality, and take on a more average appearance. Such a characterization draws them ever closer to mainstream white frontier society, and makes their actions seem far less greed motivated, and ever more linked to the tenets of "Manifest Destiny."

The names of the Snake River gang members were Bruce Evans, J.T. (Tigh) Canfield, Homer Larue, Hiram Maynard, Frank Vaughan, Hezekiah (Carl) Hughes and Robert McMillan.⁹⁵ Based on original depositions of McMillan, Vaughan, and Hughes, the ringleader of the group was Bruce Evans, also known as "Old Blue," a notorious horse thief in the area. He was accused and convicted various times of changing brands on horses; after altering the brands, he would run the stock across the Snake River into Idaho, where he could sell the stolen animals with impunity.⁹⁶ While not appearing in the 1880 census, Evans is listed on the 1887 Wallowa County tax rolls as owning eighty-nine horses and fifty head of cattle.⁹⁷ This is important because it means Bruce Evans was not just passing through the area when he helped organize the massacre. Albeit a horse thief, he was an established member of the community by 1887. Moreover, the dates marked on relative court records indicate that most of Evan's legal trouble was limited to 1887, the year of the massacre.

⁹⁵ Stratton, "The Snake River Massacre," 116.

⁹⁶ This is based on Wallowa County Court records (warrants, sworn statements etc.), sent to me by the Wallowa County Clerk, which indicate that Evans, Canfield, and Larue had been accused of changing brands on horses several times prior to the massacre.

⁹⁷ Handwritten manuscript, "General History, Wallowa County Property," WPA Historical Records Survey, BX 66, Special Collections, University of Oregon, 1939.

Although Evans was the most notorious of the band, J.T. Canfield and Homer Larue also had unsavory reputations as horse thieves and cattle rustlers. Whether they worked directly with Evans or not is unclear, although evidence suggests Canfield probably worked directly with Evans at times.⁹⁸ While information about Larue is extremely limited, there is a little more relating to Canfield. Twenty-one years old at the time of the massacre, J.T. Canfield had worked for his father and mother on their farm. It is unclear whether he was born in Oregon, but he and his three siblings were the children of Hiram and Mary Canfield, white settlers from Ohio.⁹⁹

Census records indicate that Hezekiah Hughes worked "at home" for his parents, Thomas and Sarah, settlers from Kentucky, who, in addition to Hezekiah had nine other children. Hughes was thirty-seven years old at the time of the massacre.¹⁰⁰ Evidence indicates that he operated a legitimate ranch in the lower Wallowa valley, and there is no indication that he had been involved with Bruce Evan's illegal exploits.¹⁰¹

Frank Vaughan, the murderer who escaped indictment by turning state's evidence, was apparently esteemed enough to earn his way into the selected biographies section of the

⁹⁸ Based on warrants, sworn statements, and court docket entries (mostly dated between May and Aug., 1887) it appears that Evans and Canfield were probably partners. Arrest warrants were issued around the same times in May and August, 1887, for their arrests. Some of the warrants for Evans were issued the same day as those for Canfield.

⁹⁹ U.S. Census Office, *Original Schedule Of The Tenth Census Of Population, Oregon, 1880*, (Microfilm).

¹⁰⁰ Ibid.

¹⁰¹ Stratton, "The Snake River Massacre," 116.

History of Union and Wallowa Counties, published in 1902. The son of Enoch and Roxie Vaughan, Frank was born in Madison, Wisconsin on August 6, 1865. They moved to Nebraska in 1872, where a young Frank attended public school. The Vaughans left for Oregon in 1881 and settled in Wallowa county, where Frank took up stockraising and farming, probably on his parents' ranch. Twenty-two years old at the time of the massacre, he eventually moved to his own larger ranch, and in 1890 he married Minnie Adams, with whom he had three children. Vaughan was both a member of the Imnaha Lodge and the Modern Woodmen of America. Glaringly absent from the 1902 biography, however, is any mention of his involvement in the Snake River Massacre.¹⁰²

Robert McMillan, the youngest member of the gang, was only fifteen years old at the time of the massacre. A blacksmith's son, McMillan most likely fell into bad company and began working for Bruce Evans.¹⁰³ Other than his post-trial confession and a short pre-trial deposition transcript, there is very little information about the junior gang member. Given his age at the time of the massacre, it is unlikely (however not impossible) that he had been associated with the other gang members for very long. He did have some prior relationship to Evans, however, because Wallowa county court records indicate he had been called as a witness on Evan's

¹⁰² *History of Union and Wallowa Counties*, 568.

¹⁰³ Stratton, 116.

behalf regarding the horse stealing charges.¹⁰⁴

The men who committed the Snake River Massacre were for the most part established members of the community. Some had somewhat poor reputations for stealing horses, and others did not. But it does not seem likely that men like Vaughan, Hughes, Maynard, and McMillan would have associated with the "ringleaders" if Evans, Canfield, and Larue had been considered unusually evil pariahs in the community. But when we legitimize the ringleaders, we are forced to look beyond the easy explanation of greed, and recognize the larger forces responsible.

There are two main factors that discount the assumption this massacre was primarily a brutal act of robbery. First, the massacre took place during the peak of white hostility toward Chinese immigrants. It is hardly plausible that this factor was completely coincidental. Second, the brutality and magnitude of the crime far outweighed the alleged goal of the murderers. Even if the lure of gold helped initiate the idea of attacking the miners, it certainly does not explain why the gang spent two days shooting and chopping up thirty-one Chinese men. The way the murderers carved up their victims suggests an attempt to not only kill, but defile. By cutting off their heads and stripping them naked, in a sense the perpetrators took away the Chinese miners' humanity, leaving

¹⁰⁴ This information appears on a court docket entry written by J.J. Stanley, Justice of the Peace in *State of Oregon v s. Bruce Evans*. Stanley indicates that on May 30, 1887, subpoenas for "Omer Larue and Robert McMillan" were issued "as witnesses on behalf of the defendant. Ironically, This is within a week of the Snake River massacre. The docket was filed on July 1, 1889, by D.B. Reavis, county clerk.

them in a state of utter disgrace. This was a crime fueled by hate.

Some of the most revealing information about the Snake River Massacre involves the subsequent investigation and trial, which took place over a year after the murders. Inasmuch as the crime was representative of larger trends, so was the frontier justice system employed in the case, a system used by the community to cleanse itself of the most brutal Chinese massacre committed by whites in United States history.

III.

Redemption

*We the jury in the above entitled action
find the said defendants Hiram Maynard,
Robert McMillan and Hezekiah Hughes--Not
Guilty*

*William Green
Foreman¹⁰⁵*

The whole truth about the Snake River Massacre will probably be locked in the isolation of Hells Canyon forever. With no grand jury or trial transcripts available, and given that the only known eye-witnesses were the perpetrators and

¹⁰⁵ *State of Oregon vs. Hiram Maynard, Robert McMillan, and Hezekiah Hughes*, Wallowa County, Oregon, September, 1888.

their victims, we will never know for sure exactly what took place.¹⁰⁶ But the details of the actual massacre are only part of the story. The subsequent investigation, trial, and acquittal of three of the alleged murderers is at least as historically significant as the massacre itself. These events in the aftermath of the massacre shed light on this rural white community's response to the crime, and how Wallowa County residents used the court system to vindicate the four men who stayed in the community, while resting primary blame on the three who fled the area.

This chapter chronicles the local investigation as well as the Chinese-sponsored inquiry into the massacre to provide the most accurate picture possible of the brutal slayings. It outlines how Chinese representatives reacted to the news, and how the federal government, despite their pleas, remained uninvolved in the Snake River Massacre. More importantly, however, this section focuses specifically on Wallowa county, and how its residents dealt with the reality that members of their community committed this horrible deed. By closely examining court documents and other evidence, one quickly sees how this community used the frontier justice system to wash itself of the crime, and prepare the perpetrators who stayed behind for reentry into the community.

Word first got out that there had been a massacre within

¹⁰⁶ The four main accounts of the massacre (Stratton, Gulick, Tucker, and Sincok) vary drastically on certain points including how much money the men stole from the Chinese, who actually participated in the murders, how many Chinese were murdered, and what happened to the three ringleaders. Although the Stratton article appears to be the most free of errors, information in the recently discovered court records, which I obtained from the Wallowa County Clerk's office, somewhat contradicts his account of the massacre.

a week of the event, when another group of Chinese gold miners came upon one of the massacre sites, discovering their fellow miners' provisions and a few dead bodies. In fact, many locals initially speculated that these Chinese miners were responsible for the murders; others thought that Indians were responsible.¹⁰⁷ This notion was soon dispelled when a representative of the Sam Yup Company hired J.K. Vincent, a U.S. Commissioner from the Idaho Territory, to investigate the murders.¹⁰⁸ The Sam Yup Company, which had employed ten of the murdered miners, was one of the Chinese Six Companies, organizations that served various functions for Chinese immigrants including employment and legal protection.¹⁰⁹

On July 14th, 1887, the Chinese Consulate General, Liang Ting-tsiu (in San Francisco), wrote to Commissioner Vincent requesting "such information as you have in regard to the outrage."¹¹⁰ Within a few days, Vincent responded to the Chinese Consulate General with a detailed description of what he had learned in his investigation. The detached investigator's language Vincent used to describe the victims' paints a chilling picture of the crime. He described how a "Mr. Lewis" had discovered one of the Chinese victims "on Snake River above Lewiston near Lime-Kiln." The victim "had on clothes, a leather belt around his waist, shot in the back

¹⁰⁷ *Lewiston Teller*, 16 June 1887, 3.

¹⁰⁸ Chang Yen Hoon, Chinese Minister to the United States, to Thomas F. Bayard, Secretary of State, February 16, 1888, Microfilm M98, Notes from the Chinese Legation in the U.S. to the Department of State, RG 59, National Archives and Records Administration (hereafter cited as Chinese Legation Correspondence, RG 59, NARA, Seattle, WA).

¹⁰⁹ For more information on the formation and purpose of the Chinese Six Companies and the Chinese Consulate, see McClain, *In Search of Equality*, 13-15; 85-86.

¹¹⁰ Chinese Consulate General to J.K. Vincent, U.S. Commissioner, July 14, 1887, RG 59, NARA.

just below the shoulder blade, 2 cuts in back of head, one on each side done with an axe, found about June 16th." Another victim, according to Vincent, had been discovered about forty miles below Lewiston with no clothes on. The man had been "shot in breast just below heart; head very much cut and chopped." Another victim had been found on Log Cabin Bar, thirty miles below Lewiston. Vincent described this victim as having "2 shotwounds in small of back near back bone, head off as though chopped, left arm off between elbow and shoulder." He went on to explain how the man's head and arm were wrapped in a coat "which was fastened to his body, held there by belt around his waist."¹¹¹

In his letter to the Chinese Consul General, Vincent asserted that from what he had found "things seem to show that white men were the murderers." Vincent spent over a week snooping around the vicinity of the massacre, during which time he met a white man who had been at the Chinese camp, and another who was "the last one known to have been up there." Apparently one of the men had told him "some very curious stories about the matter," which made Vincent extremely "suspicious." Vincent also wrote that in the vicinity were some twenty or thirty "Bad men" who had been watching him closely; he traced some of the Chinese miners' provisions, specifically flour, to the bands of white men encamped in the area. Toward the end of his letter, Vincent declared that the

¹¹¹ J.K. Vincent, U.S. Commissioner, to Liang Ting-tiu and F.A. Bee, Consul General and Consul of China, San Francisco, California, July, 19, 1887, RG 59, NARA (the three descriptions of victims were actually part of an attached statement Vincent had written prior to the letter).

government "ought to take it in hand, for with actions like this none are safe."¹¹²

Despite repeated requests for more information about the massacre, the Chinese Consul General received no further reports from Vincent. So, on February 16, 1888, Chang Yen Hoon of the Chinese Legation in Washington D.C., wrote to U.S. Secretary of State Thomas Bayard on behalf of the Consul General. He pleaded with Bayard to assist in the investigation because despite offering a reward for the names of the perpetrators, the Chinese Consulate had been unable to learn the identity of the murderers. Chang Yen Hoon expressed grave concern that given the "shocking manner" of the murders, "other wicked persons may...follow the examples of the murderers," if the perpetrators were not apprehended and brought to justice.¹¹³

Chang Yen Hoon, and his predecessor Cheng Tsao Ju, had been expressing grave concerns to Secretary of State Bayard about the wave of mob-violence against Chinese for some time. Although they were successful in negotiating an indemnity for victims' families in the sum of \$276,619.75, no money was ever allocated for the relatives of the Snake River Massacre victims.¹¹⁴ As to the request for federal assistance in bringing the murderers to justice, Secretary of State Bayard assured Chang Yen Hoon that everything would be done to

¹¹² Ibid.

¹¹³ Chang Yen Hoon, Chinese Minister, to Thomas Bayard, U.S. Secretary of State, February 16, 1888, RG 59, NARA.

¹¹⁴ Charles C. Tansill, *The Foreign Policy of Thomas F. Bayard, 1885-1897* (New York: Fordham University Press, 1940), 142-159; Stratton, "The Snake River Massacre of 1887," 121.

achieve justice in the case. But assurances were all the Chinese received from Bayard who believed that "the conservation of the public peace is committed to the local authorities; and crimes of violence involving the lives and safety or the property of individuals are held to be in violation of the peace, and in derogation of the local laws and jurisdiction..."¹¹⁵ If anything would be done to solve the case, it would have to be local.

The local law enforcement that would handle the affair was brand new, as Wallowa county had formed only about a month prior to the massacre.¹¹⁶ And the legal system suffered from many of the problems historian Richard Maxwell Brown argues were common to many frontier areas:

Law enforcement was frequently inadequate. Throughout most of the nineteenth century... it was restricted to the immediate vicinity of county seat, town, or township. Localities lacked the economic resources to support constables, policemen, and sheriffs in long pursuits of lawbreakers...Linked with inadequate law enforcement was an uneven judicial system. Through fear, friendliness, or corruption, juries often failed to convict criminals. The lack of jails (in the early days) or their flimsy condition made it nearly impossible to prevent those in custody from escaping.¹¹⁷

That Wallowa county justice suffered from many of these

¹¹⁵ Bayard to Cheng Tsao Ju, February 18, 1886, *Chinese Legation Notes*, vol. 1, MS Dept. of State, as quoted in Tansill, *The Foreign Policy of Thomas F. Bayard*, 141.

¹¹⁶ *History of Union and Wallowa Counties*, 484.

¹¹⁷ Brown, *Strain of Violence*, 112-113.

characteristics would prove fatal to any chance that the murderers would be brought to justice.

As more brutalized bodies were found at points all along the Snake River, local pressure was building to catch the culprits. At some point (the exact time is not known), Bruce Evans, J.T. Canfield, and Homer Larue had been arrested as the ringleaders of the murderous group, but somehow they were all able to escape Wallowa county. According to one account, one ringleader convinced Sheriff Humphreys to take him to the outhouse, where he had arranged for a revolver to be hidden for him. He disarmed the sheriff and fled to Wyoming, leaving his family behind. The other two had been held in a "chicken coop" of a jail in Joseph, which apparently proved easy to break out of.¹¹⁸ For whatever reason Evans, Canfield and Larue were able to escape, the fact remains that by the first part of 1888, they were well out of the area, leaving Vaughan, McMillan, Hughes, and Maynard behind to face the grand jury.

Fear of retribution by other gang members had kept each man quiet until Evans, Canfield, and Larue fled the area. In early April 1888, almost a year after the massacre, Frank Vaughan turned state's evidence, and confessed to having been involved in the massacre. What he told the grand jury is unknown, but it was apparently enough to indict the other six men for murder. Hughes, McMillan, and Maynard were arrested shortly thereafter.¹¹⁹

¹¹⁸ Bob Sincok, "Case is Closed," *Oregon Sunday Journal*, 18 September 1938, 2.

¹¹⁹ "The Wallowa Butchery: A Confession By One of the Murderers--General Arrests Made," *Wallowa Signal* printed in the *Walla Walla Weekly Union*, 28 April 1888, 2 (the grand jury listed Evans, Canfield, and Larue in the indictment even though they had fled the area).

On April 16, 1888, Vaughan told County Judge Peter O'Sullivan that while he was present during the murders, he did not kill anyone, and "had no means of preventing the affair." He also said that Maynard and Hughes had remained at the cabin the group had been staying at, about three miles away from where the Chinese were mining. Vaughan did his best to put all the blame on Evans, Canfield, and Larue, claiming he knew of no plan to kill the Chinese prior to the massacre, and that he thought they were leaving the cabin because Evans and Canfield wanted to "hire a boat."¹²⁰

There are several puzzling aspects of Vaughan's deposition. Near the beginning of his testimony he admitted to being present at the time of the massacre, only later to backtrack and say that he and McMillan had been two or three hundred yards away from where the shooting took place, and only went to the camp after the shooting. He also claimed that he knew of no prior planning of the killings, only to say later that "there was some talk of what they were going to do...but no arrangements were made." After a few follow-up questions, the Judge stopped pursuing this discrepancy and did not bring up the issue again. Missing from Vaughan's testimony is any explanation of who chopped up the Chinese miners with axes.

The deposition was short, only about three and a half handwritten pages, and noticeably vague on key aspects of the

¹²⁰ Deposition of Frank Vaughan by Judge Peter O'Sullivan, Handwritten Transcript, Wallowa County Court, April 16, 1888, (copies of the depositions are available from the Wallowa County Clerk's office, located in Enterprise, Oregon).

massacre, such as what the men discussed before and after the killings. Vaughan did his best to implicate the three men who had already fled the area, while vindicating himself and the others who remained in Wallowa county of any direct involvement in the killings. When asked why he had implicated Maynard, Hughes and McMillan during the grand jury hearings, Vaughan denied that he had changed his story. Judge O'Sullivan did not question him further on this matter.¹²¹

Young Robert McMillan testified during his deposition that like Vaughan, he knew nothing about the killings until just before the shooting started. He stated that Maynard and Hughes had stayed behind in the cabin, and that they were not present during any part of the killing. When asked what he did at the Chinese camp, McMillan said that he "didn't do much of anything in particular," and that he "had no way of preventing anything that was done by other parties, and did nothing." McMillan, in a deposition even shorter than Vaughan's, did basically the same thing Vaughan had done. Without discussing crucial details about what exactly he was doing during the murders, McMillan placed all the blame on the three escapees, phrasing his defense similarly enough to Vaughan to be suspicious. He, like Vaughan, mentioned nothing about who mutilated the Chinese miners, chopping their arms and heads with axes.¹²²

Two days after Vaughan and McMillan testified, Maynard

¹²¹ Ibid.

¹²² Deposition of Robert McMillan by Judge Peter O'Sullivan, Handwritten Transcript, Wallowa County Court, April 16, 1888.

and Hughes closely followed what appears to have been a party line in their own depositions, claiming they had never been to the site of the massacre either before, during or after the killings. Both men also stated that they had nothing to do with the murders and they only heard of the massacre much later, although neither one revealed who told them. Moreover, Judge O'Sullivan made no attempt to establish what they were doing with Evans, Canfield, Larue, McMillan and Vaughan to begin with. All four of the depositions read more like a rehearsed and coordinated story, designed to rest all blame on three men who, in addition to having already shady reputations, were not around to contradict the story.¹²³

It appears some members of the community believed the four accounts because prior to the trial, while McMillan, Hughes and Maynard were being held in jail, thirty-three local "citizens, house holders, legal voters and tax payers," submitted a petition to the court stating that it was their "opinion and belief" from their "knowledge" of the circumstances that the men were being "wrongfully and illegally held."¹²⁴ Circuit Court Judge Luther B. Ison agreed with the petitioners, and in his statement authorized their release on bail, writing that "their guilt is not evident nor the proof thereof strong."¹²⁵

Members of the same community that had applied great

¹²³ Deposition of Maynard by O'Sullivan, and of Hughes by O'Sullivan, April 16, 1888.

¹²⁴ Handwritten petition for release of McMillan, Hughes, and Maynard, submitted to District Court Judge Luther B. Ison, and filed by B. Reavis, Wallowa County Clerk, May 17, 1888.

¹²⁵ Authorization for release on bail of McMillan, Hughes, and Maynard, signed by Circuit Court Judge Luther B. Ison, filed by B. Reavis, Wallowa County Clerk, May 17, 1888.

pressure on the alleged murderers to confess, were now petitioning for their release. The community conscience could be clear, it seems, as long as the blame for the butchery was attached solely to the three men who escaped. The pressure to convict at least some of the perpetrators was relieved when the responsibility left the county on the shoulders of Evans, Canfield, and Larue. The fact that they had been well-known as horse thieves only made this transference easier to accomplish.

By the time of the trial at the end of August, the stage was set for final redemption. Robert McMillan, Hezekiah Hughes, and Hiram Maynard were arraigned for murder on August 28, 1888. The three defendants were swiftly tried, and acquitted by the jury only four days later.¹²⁶ Unfortunately we are limited by the fact that there is no grand jury or trial transcript from which to draw specific conclusions about how the legal system functioned in this case; but as Richard Brown argues, "through fear, friendliness, or corruption, [frontier] juries often failed to convict criminals."¹²⁷ While there is no overt evidence of corruption or fear on the part of the jury, there are some elements of this case, beginning at the time of the grand jury, that point to a "friendliness" factor, which very likely had an impact on the outcome of the trial.

Jurors are influenced by a number of factors, many of which have no relation to the evidence presented or their

¹²⁶ Stratton, "Snake River Massacre," 124.

¹²⁷ Brown, *Strain of Violence*, 113.

legal responsibilities. As legal psychologist Curt Bartol argues, "Realistically, we know that a variety of factors can have an effect upon jurors, including their own biases (e.g., about race or political affiliation), the opinions of persons they respect, and community sentiments."¹²⁸ With such a small community, the opinions of prominent community members would have had great influence over potential jurors, and over community sentiment as a whole. Evidence indicates that the defendants in this case benefited from the support of such community members.

Several of the citizens who signed the petition for the release of McMillan, Hughes, and Maynard, were more than obscure residents of Wallowa County. William McCormack, for example, was a local stockraiser who, along with his brother Keith, was one of the original white settlers in Wallowa County. He built a house for himself nearby Peter O'Sullivan's house, who would later become the county judge. Along with other early Wallowa whites, McCormack had confronted Chief Joseph's band over the issue of property rights, a battle that culminated in the Nez Perce War of 1877. R.R. White, another original white settler in the area also signed the petition. Even J.H. Horner, an early Wallowa Valley historian, lent his name in support of McMillan, Hughes, and Maynard.¹²⁹ But these three defendants were not the

¹²⁸ Curt R. Bartol, *Psychology and American Law* (Belmont, CA: Wadsworth Publishing Company, 1983), 212-213.

¹²⁹ Handwritten petition for release of McMillan, Hughes, and Maynard, submitted to District Court Judge Luther B. Ison, and filed by B. Reavis, Wallowa County Clerk, May 17, 1888; for information on Horner, Wright, and McCormack, see Bartlett, *The Wallowa Valley*, 5, 26, 64 (Bartlett cites J.H. Horner's firsthand accounts of early Wallowa Valley history extensively in her book).

only gang members who had some connection to mainstream Wallowa County society.

For example, in May of 1887 (just prior to the massacre) Bruce Evans, R.A. Masterson, William Masterson, and Frank Vaughan, were all subpoenaed as witnesses on behalf of Canfield.¹³⁰ Evans and Vaughan were of course members of the Snake River Massacre gang, but the Mastersons were original white settlers and very active in the community. William Masterson had served in the citizens militia in 1877, when local whites forced the Nez Perce out of the Wallowa Valley.¹³¹ William's brother James Masterson, who had also served in the volunteer militia, was elected county commissioner in 1887.¹³² By all accounts, the Masterson's would have been desirable allies in Wallowa County.

The other intriguing aspect of Canfield's legal troubles is that Frank Vaughan was appointed "Special Constable" by J.J. Stanley, the Justice of the Peace, to serve Bruce Evan's subpoena calling him to appear on Canfield's behalf. Vaughan reported that he had traveled a hundred miles in his search, but was unable to locate Evans. This was less than two weeks before he and Evans were together along the Snake River.¹³³

From the time the first mutilated body of a Chinese miner was found along the Snake River, the newly established Wallowa County was forced to confront its responsibility for

¹³⁰ Copy of docket entries in case of *State of Oregon v.s. J.T. Canfield*, filed May 20, 1887.

¹³¹ Bartlett, *The Wallowa Valley*, 109.

¹³² *History of Union and Wallowa Counties*, 494.

¹³³ Subpoena for Bruce Evans to appear on behalf of the defendant in the case of *State of Oregon v.s. J.T. Canfield*, filed by D.B. Reavis, Wallowa County Clerk, May 20, 1887.

the brutal slayings. After the three ringleaders achieved their easy escape, the community had its solution: It could rest the blame on Evans, Canfield, and Larue, and use frontier justice to vindicate the other four. The defendants must have coordinated their stories, in a defense centered on the claim that they were in the vicinity, but Evans, Canfield, and Larue did all of the killing.¹³⁴ With the support of prominent community members, the remaining defendants could rest assured that they would be redeemed by the frontier justice system. Their acquittal on September 1, 1887, was the final state of cleansing.

Conclusion

Revelations?

*"I guess if they had killed 31 white men something would have been done about it, but none of the jury knew the Chinamen or cared much about it, so they turned the men loose."*¹³⁵

Shortly after the trial young Robert McMillan died, most

¹³⁴ See previously cited depositions of Vaughan, McMillan, Hughes, and Maynard.

¹³⁵ George S. Craig in an undated newspaper interview by Fred Lockley, "Observations and Impressions of the Journal Man," *Portland Oregon Journal*, in Wallowa County Museum, Joseph, Oregon, quoted in Stratton, "The Snake River Massacre," 125; Craig owned the vacant cabin used by the murderers and was subpoenaed to testify in court on behalf of the state on August 28, 1888.

likely of diphtheria.¹³⁶ Three years later in August of 1891 his father, Hugh McMillan, by then working as a blacksmith in Walla Walla, Washington, submitted a handwritten confession about the Snake River Massacre to a local notary public, a confession he claimed was told to him by his son just prior to his death. The only revelation made in the confession was that the gang killed more than one party of ten Chinese, but of course by the time the confession was published, scores more bodies had turned up. This was no revelation.¹³⁷

In terms of McMillan's involvement in the killings, the statement was no different from his deposition. Moreover, Hugh McMillan wrote almost every line of his son's confession in passive voice. For instance, he described the first killings by writing, "There were thirteen Chinese in the camp and they were fired on. Twelve Chinese were instantly killed and one other caught afterwards, and his brains beaten out." Hugh McMillan's use of passive voice throughout his son's confession made it possible for him to say what happened while omitting the agents. He concluded the statement by writing that his son was only present the first day, and that the rest of the confession was based on what the others had discussed in Robert McMillan's presence.¹³⁸

Hugh McMillan's reasons for submitting such a written confession, almost three years after his son's death, remain a mystery. One reason might have been that he wanted to clear

¹³⁶ *Walla Walla Statesman*, 30 September 1891; Stratton makes the claim that McMillan died of diphtheria, but I have been unable to find any primary sources that indicate cause of death.

¹³⁷ Bob Sincok, "Case is Closed," *Oregon Sunday Journal*, 18 September 1938, 2.

¹³⁸ *Walla Walla Statesman*, 30 September 1891.

his son's name in the minds of those who remained suspicious about Robert McMillan's involvement in the massacre. After all, the confession was essentially a description of how the Chinese were murdered, which was obvious from the state in which the bodies were found, concluded with yet another denial of any involvement on the part of young McMillan. The *Walla Walla Statesman* wrote of the confession that while it served to "clear up the mystery," it was "worthless to convict any of the murderers from a legal standpoint."¹³⁹ The newspaper seemed to be implying that the confession came too late to be effective, but in reality it would not have helped during the trial because McMillan did not confess to anything other than having knowledge about how the massacre unfolded. It was the same defense he had used earlier, and one that did not explain his, or anyone else's specific role in the massacre.

America's long held traditions of racism and violence joined forces, as they had in other areas of Oregon and the West, to eradicate from the land all "heathen" Chinese invaders. The Snake River Massacre, in conjunction with coinciding anti-Chinese outbreaks, represented a sort of domestic Sino-Caucasian race war. What differentiated the Snake River killings from other anti-Chinese violence, however, is that they were by far the most brutal. But implicit in America's tradition of vigilantism is that the end justifies the means, even if it means carrying out

¹³⁹ Ibid.

unthinkable acts of brutality.

Certainly there must have been residents of Wallowa County who were horrified by their neighbors' responsibility for the Snake River slaughter. But as local resident George Craig pointed out, the killers hadn't murdered white men, they had slaughtered Chinese miners, whom many whites wanted sent home to China. When the sheer brutality of the crime demanded blame be placed on someone, Evans, Canfield and Larue were the obvious choices. As for those who stayed behind, frontier justice washed them clean of the murders. As historian Samuel Walker points out, "The special character of American criminal justice lies in the high degree of direct and indirect popular influence over its administration."¹⁴⁰ Unfortunately for the Chinese, white justice on the American frontier meant the enforcement of an unofficial but well accepted racist law. It is no great wonder, then, that when seven white locals decided to "clean out the neighborhood of Chinese," there would be no one to stop them.

¹⁴⁰ Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford University Press, 1980), 3.

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