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Arson, Social Control, and Popular Justice in the American West

The Uses of Microhistory

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In June 1996, President Bill Clinton delivered a televised message to the country, warning of “a recent and disturbing rash of crimes that harkens back to a dark era in our nation’s history.” A wave of arson, aimed at black churches and portending a new conspiracy of racial terror, was sweeping the country. Evidence indicated ninety-eight church burnings over the previous eighteen months—fifty-two affecting predominantly black congregations, thirty of those in the South. The purported crisis activated a variety of interests. Clinton seized the occasion to rise above election-year politics with a Lincolnesque appeal for racial tolerance. Congress, laboring under the obstructionist Contract with America, welcomed the opportunity to demonstrate cost-free compassion. National media revived the familiar civil rights narrative to organize and signify the assorted facts instead of interrogating them. The story had something for everyone.

But was it true? Writing in the *New Yorker*, the late Michael Kelly took another look. Although churches, black and white, are common targets of people’s rage, national data actually show a sharp decline in arson since 1980. When culprits in church burnings are caught, their motives run a gamut from wage disputes to theological passions. In the fire that prompted

Clinton's news conference, the culprit turned out to be a disturbed teenage girl. Racial motives figure in some cases but usually as one among many precipitants, including insanity, fires concealing other crimes, random hooliganism, disputes over money, and so on. Some fires are set in black churches by disgruntled black parishioners. Evidence of an actual increase in black church burnings in the Southeast points to teenage vandalism (with schools also victimized) but no coordinated campaign or ideological message.

In short, detailed analysis shows there was no wave of church burning, no organized conspiracy, no return to the dark days of the civil rights struggle. There was, however, an opportunistic narrative fashioned from stylized facts and susceptible to its own explanation. Arson takes many forms: ubiquitous, multiform, polysemic, fungible. It appears in diverse historical settings that invite closer attention to their meanings and varieties.

At the outset, I distinguish between acts of arson that stem from pyromania and associated pathologies, and purposeful acts of what might be termed "social burning," however fuzzy the distinction may become in particular instances. "Arson is a crime that has always been with us and has been interpreted in a number of ways," writes a French historian (Abbateci 1978:157). In the Middle Ages, incendiaries were considered possessed by the devil; later as simply possessed or mad; and lately as sexually conflicted. But arson is also a social fact that varies by time, place, and circumstance. Arson has a long provenance in European history. Peasant risings burned manor houses, crops, warehouses, and tax records from the sixteenth to the nineteenth centuries (Hobsbawn and Rudé 1968; Ladurie 1979). Cottage spinners and handloom weavers displaced by the factory system joined E. P. Thompson's (1966) "army of redressers" in arson attacks on new mills and machines. Spanish townspeople burned churches and their icons of elite domination (Maddox 1993).

Yet arsonists were not only, perhaps not even mainly, rebels and redressers. Court records from Germany and France document crimes by malcontents, beggars, thieves, extortionists, and the insane (Abbateci 1978; Sabeau 1984; Schulte 1994). Beyond Europe, arson was part of the resistance repertoire developed by slaves on plantations in the Caribbean and the American South (Genovese 1972; Naipaul 1969). Is there a common denominator for these diverse instances? Are there patterns, types, meanings?

Across the American West in the late nineteenth century, fire was a constant menace. Prairie fires, lightning fires, spontaneous combustion, and accidental fires all threatened rustic settlements that seldom afforded fire protection. Yet fires from natural causes were known and anticipated

hazards of western living. Far more ominous was the surprisingly pervasive incendiary. Newspapers and other local history sources of the period document frequent instances of known and suspected arson, with targets including barns, fields, stables, stores, mines, trains, and hotels. Why was the practice so common? What did it mean?

Drawing on diverse cases, historians offer several interpretations of arson as a social phenomenon. For the moment, it is useful to consider explanations of arson *per se* rather than broader theories of collective action and protest that include incendiary acts in association with assorted other means of expressing grievance. Two general interpretations—arson as class action and arson as individual initiative—embrace most particulars.

Abbateci subscribes to the claim of a nineteenth-century jurist that arson was “the favorite crime of the lower classes” (1978:158). His research in France identifies three major categories of arsonists: (1) madmen; (2) beggars and day laborers who threatened to set fires unless they were given bread; and (3) tenant farmers who refused to vacate farms. But each type fitted a more general interpretation. The threat of fire was “a means of applying economic pressure...the weapon par excellence of the poorest categories within rural society [calculated] to obtain minimum subsistence or to improve their daily fare” (163). Similarly, evidence from East Anglia suggests that incendiarism “was a traditional form of rural protest, together with poaching, maiming, the stealing of farm animals, machine-breaking, the sending of threatening letters, and organized opposition to low wages, high prices and unpopular aspects of the Poor Law” (D. Jones 1976:5). Arson outbreaks came in waves marked particularly by unemployment, and the firebugs were typically agricultural laborers and tenants. “[T]he business was more organized than contemporaries liked to admit...considerable planning was involved...it was customary for those concerned to meet in a public house beforehand and then to journey out at the appropriate time [in gangs]” (14).

Other researchers find little evidence of collective action or class awareness. Hobsbawm and Rudé (1968:205), focusing on some of the same counties in southeastern England studied by Jones, reached a different conclusion: “Arson and the writing of threatening letters were, then, individual acts and, even if related to the general labourer’s movement, were rarely part of any organised plan.” Genovese’s study of American slaves (1972:614–15) agrees: “The arsonists’ courageous display of militancy did not always win support and encouragement in the quarters. Arsonists usually worked alone or at most in groups of two or three; their action usually represented retaliation for some private offense or injustice.” American

slaves might disapprove of arsonists in their ranks because their vengeance typically targeted property (food stores, cotton), the destruction of which threatened the welfare of the community (economic losses led to slave sales and family breakups). The suggestive point here is that logics of collective action and their explanations depend very much on context.

This paper examines the meaning of arson using microhistorical methods. Microhistory is a research *strategy* rather than a singular method, an “exploratory stance” in the words of Richard Maddox (this volume). Microhistory focuses on the detailed case study and endeavors to use the particular for understanding broader processes (Levi 2001). The strategy rests on the proposition that case-study detail is an essential foundation for drawing inferences about other, more general processes and interpretations.

I shall analyze in detail two cases drawn from nineteenth-century California. First, Owens Valley is an agrarian community set alongside the eastern Sierra in relative isolation from the rest of the state. The valley was home to a pioneer settlement of homesteaders, as well as Native Americans who were dispossessed of their tribal lands and reabsorbed as wage workers in the frontier economy. Averaging ten miles wide and stretching one hundred miles north to south, by the turn of the last century, the valley embraced four small towns and a number of hamlets, railroad depots, polling places, and school districts, and some five thousand souls. During these years, Owens Valley farms and towns experienced a wave of incendi- arism that fitted no obvious pattern. All manner of targets suffered unexplained fires. Culprits were sometimes known but never named, charged, or prosecuted. Residents seemed to understand the meaning of these events, although little was said of them publicly beyond routine reporting. Outside the precincts of local culture, they were a mystery.

The second case deals with a single act of arson at the elegant Hotel Del Monte, owned by the Southern Pacific Railroad and operated by its subsidiary Pacific Improvement Company in Monterey, California. On April 1, 1887, an overnight fire destroyed “America’s most luxurious seaside resort.” Like the Owens Valley arson wave, the Del Monte fire was never solved. Hotel owners accused a manager who had been discharged, but his public trial presented evidence that exonerated him. The fire was clearly arson, probably an inside job, but questions about who and why persisted. The large hotel staff included working-class whites, who faced the public as waiters and chambermaids, as well as a good many Chinese, who worked backstage in the kitchens and gardens. No one volunteered an explanation for the fire. Another mystery.

The two cases reveal at close range different worlds that lend different

contextual meanings to arson. The key is in the details and their configuration. Two stories emerge—stories conveniently silenced in the past (Trouillot 1995; Walton 2001). In the end, we return to competing theories of arson and show how microhistorical analysis supports new and contrasting interpretations.

FRONTIER JUSTICE

On March 18, 1876, the *Inyo (County) Independent* published a routine news story, entitled simply “Fire,” in its section on local affairs in the town of Bishop:

A little after 12 o’clock on Tuesday night there was a cry of “fire!” which put a sudden stop to the festivities then in full blast at the reception ball in the Masonic Hall, and aroused all others in town from their beds. The cause of the alarm was soon ascertained to be a pile of bailed hay in Bennett’s hay yard, situated between his law office and Rowley’s store, in which is the post office. For a while it looked pretty much as if friend Rowley was to be a victim the second time within the year to the “fire fiend.”...No doubt is entertained but this fire was the result of deliberate incendiarism, but whether in the hope of burning the town or certain of the hay only is more of a question.

Four months later, in the neighboring town of Big Pine, McMurray and Moore’s store was set ablaze. The *Inyo Independent* (July 1, 1876) called the fire a

deliberate attempt by a sneaking coward to destroy property, and take life, too, maybe, since two men were sleeping in the building, one in the store, and the other in the saloon adjoining ...very little, if any, doubt exists among those on the ground as to who the guilty party is.

Subsequent weekly editions make no mention of efforts to apprehend or punish the sneaking coward.

Fire visited towns and homesteads with equal frequency. On August 4, 1877, the *Independent* reported,

Last night parties here observed a bright light as if of an extensive fire down about George’s Creek. This morning we learn that Mr. C. M. Joslyn was unfortunate enough to lose his haystack containing some forty or fifty tons, by fire, accounting for the

light. As the flames were observed long after nightfall, and as no one slept near the stack, the possibilities are that this was the work of an incendiary.

From settlement in the 1850s until its connection by road and aqueduct to Los Angeles in 1913, Owens Valley lived the full western experience. Paiute Indians confronted, resisted, and eventually accommodated a diverse breed of pioneer settlers. Archaeological evidence demonstrates that these Indians practiced horticulture based on irrigation systems that belie characterizations of their primitive hunter-gatherer subsistence (Lawton et al. 1976). By the authority of the U.S. Army and the Land Office, new arrivals took up government-gifted 160-acre plots under pre-emption and homestead acts. But abundant land and water were insufficient to raise agricultural production much above subsistence levels in this isolated region given to long winters. A network of small towns stretched like worry beads from mercurial silver mines in the south to a short-lived railroad link running north to Virginia City, Nevada. For many years, government was rudimentary; civil authority was exercised mainly through vigilance committees and cooperative irrigation societies, or "ditch companies," built on the original Paiute design. Conflict suffused local society: conflict over wages in the mines and fields (where harvests depended on Indian labor), over property boundaries and grazing rights, over prices, credit, barter, and fair play in the stores and saloons. Austerity and alcohol bred short tempers. Contrary to western lore, gunplay was rare in retributive quarrels, but arson served its purposes in more flexible ways.

Yet order prevailed too. A rustic civil society took root in the ditch companies, fraternal lodges, women's auxiliaries, business clubs (for women and men), and churches. A citizenry sprinkled lightly over the vastness from Sierra Nevada peaks to Death Valley supported only such necessities as a county seat and a contracted home for the infirm. Law enforcement was minimal, but in its stead, civil society developed with an inclination for "popular justice."

Incendiarism played a revealing role in local society. Arson was common, varied in application, simultaneously condemned and casually acknowledged—in a word, patterned. Table 6.1 lists all incidents of known and probable arson identified in a fairly exhaustive review of the local press over the forty-year period 1870–1910 (Walton 1992). Newspaper items, similar in tone to those quoted above, were coded for information on arson, including date, time, target, victim, surmised explanation, and ensuing action, if any. Evidence drawn from the local press is bound to be selec-

tive, understated, and filtered. Yet it is the only surviving record of these events as they were known to contemporaries. Without these reports, we would know little of the conflicts permeating frontier life. As E. P. Thompson (1975a:257) describes anonymous, threatening letters appearing in the *London Gazette*, they “lie, like so many bi-weekly lobster traps on the sea bottom...catching many curious literary creatures which never, in normal circumstances, break the bland surface of the waters [of] historiography.”

Arson visited every social relationship and realm of local society. Indians fired the haystacks and buildings of their farm employers, miners burned machinery, disgruntled customers victimized businesses, farmers took revenge on one another over property and water disputes. The violence took place within and between classes. Table 6.1 identifies several large landowner victims (such as Stoutenborough and Shaw, who purchased and consolidated original homesteads), but it also lists smallholders locked in feuds with neighbors (Walter; Joslyn). By the end of the period, the targets and the local meaning of arson shift with the arrival of the Los Angeles Aqueduct. The fifty-two instances in table 6.1 reveal three critical social relationships in conflict: labor, market, and property.

Table 6.2 summarizes descriptive features of the instances. Like its European predecessor, frontier arson is a crime of anonymity and stealth. The incendiary's calling card takes the form of the deed. Fires typically occur in the middle of the night, targeting property rather than person. Summer, when agrarian labor and commerce are at their peak, is fire season, although it is a year-round sport. Favorite targets are haystacks, farm buildings, fields. Haystacks have special significance—they burn quickly, limit collateral damage, and send a message: “This could have been worse. Be advised!” Equally common targets are commercial establishments in town: stores, stables, saloons. Sometimes a place of business is attacked directly. Other times, moderation opts for an adjoining yard or outbuilding. Although knowledge of the arsonist's identity is frequently claimed, actual names are seldom given in the reports; when categorical identities are provided, they usually refer to outsiders. Unnamed Indians, tramps, and laborers are mentioned and only rarely an anonymous neighbor. This seeming paradox carries its own significance.

In some cases, of course, the arsonist's identity was unknown or merely suspected. In rare instances, the guilty party was identified and punished. John T. Dely, an unemployed Irish immigrant, torched a public bridge on the road between Lone Pine and the Cerro Gordo mine. The bridge, one of three costing the county \$27,000, was a collective good; its loss inconvenienced everyone. Dely, moreover, was the quintessential outsider.

TABLE 6.1
Proven and Suspected Arson Incidents, 1870–1910

<i>Date</i>	<i>Time</i>	<i>Target</i>	<i>Victim</i>	<i>Explanation</i>	<i>Action</i>
Aug. 12, 1871	—	Lumber pile	—	Insane act	None
July 13, 1872	—	Haystack	Van Dyke farm	Indian malice	None
Sept. 21, 1872	—	Building	—	Indian malice	None
July 19, 1873	—	Stable	Hightower and Co.	Unknown arsonist	None
Oct. 2, 1875	3 a.m.	New house	Gerrish	Vagabond arsonist	None
Nov. 13, 1875	Night	Stable, haystacks	Plumley farm	Suspected arson	Arrest, Dismissal
Mar. 18, 1876	Midnight	Hay yard, law office, store	Bennett, Rowley	Suspected arson, second time	None
July 1, 1876	Midnight	Store	McMurray and Moore	Arson	None
July 8, 1876	Morning	Haystack	Stage company	Suspected arson	None
July 22, 1876	Midnight	Brewery	Walter	Arson threats by known person	None
Sept. 23, 1876	1 a.m.	Haystacks, farm building, house	Watson farm	Followed quarrel with neighbor	None
Nov. 11, 1876	10 p.m.	Polling place	—	Prank	None
Nov. 25, 1876	—	Mexican shanty	—	Suspected Indian arsonist	Suspect fatally shot
July 21, 1877	—	Coal pile	Cerro Gordo mine	Suspected arson, labor troubles	None
Aug. 4, 1877	Night	Haystacks	Joslyn farm	Suspected arson	None
Aug. 18, 1877	—	Mine machinery	Union Consolidated	Arson	Arrest
May 12, 1878	—	Mexican hall	—	Arson	Warrant issued
June 15, 1878	9 p.m.	Barn	Bond farm	Tramps suspected of malice/carelessness	None
July 20, 1878	—	Stable	Bennett	Indian malice, second or third incident	None
Aug. 17, 1878	10–11 p.m.	Mine building and machinery	Beaudry Co.	Arson during labor troubles	None
Aug. 17, 1878	11:30 p.m.	General store	Stoutenborough	Arson by known person	None
Apr. 5, 1879	7 p.m.	Bridge	Inyo County	Arson	Miner arrested
May 3, 1879	2 a.m.	Mining town hotel, buildings	—	Suspected arson during labor trouble	None
July 19, 1879	2 p.m.	Haystacks, machinery	Shepherd farm	Indian carelessness	None
Mar. 25, 1882	—	House	Harrell	Suspected arson	None
Aug. 26, 1882	4 a.m.	Store, house, brewery	Stoutenborough	Arson threats by Indians, second incident	None
Apr. 28, 1883	—	Haystack	Shaw ranch	Possible arson	None
May 19, 1883	—	House	Williams farm	Suspected arson	None
Dec. 5, 1883	Night	Fields	Lewis farm	Possible arson	None
Dec. 5, 1883	—	Haystack	Briggs farm	Possible arson (the previous owner was also a victim)	None
Mar. 7, 1885	—	Fields	Robinson ranch	Indian mischief	None
Jan. 27, 1887	—	Haystack	Horton farm	Arson	None
July 20, 1889	—	Barn	John Dodge farm	Possible arson	None
Apr. 4, 1890	9 a.m.	Livery stable	J. G. Dodge	Possible second arson	None
July 23, 1890	3 a.m.	Commercial block	Ben and Michael Lasky	Possible arson, multiple instances	None
June 27, 1892	7 a.m.	Yard of general store	Ben Lasky	Arson	None
June 2, 1893	2 a.m.	Commercial building	Boland's building housing Lasky's general store	Possible arson, repeated instance	None
Sept. 8, 1893	3 a.m.	Home and office	Dr. Woodin	Possible arson	None
Mar. 2, 1894	10 p.m.	Home	Densmore	Arson	Chinese arrested and dismissed
July 20, 1894	Night	Shack	Goodale	Arson, homicide	Neighbors tried, found not guilty
Sept. 21, 1894	4 a.m.	County-contracted hospital	Mrs. Lewis	Possible arson, second incident	None
Dec. 20, 1895	9:30 p.m.	General store	Rhine	Arson	None
Dec. 27, 1895	Night	Livery stable, haystack	Julian's	Arson	None
May 19, 1899	2 p.m.	Haystack and buildings	Mairs ranch	Possible arson, vandalism at family store	None
Jan. 5, 1900	10 p.m.	Haystack	Walter farm	Suspected arson, second incident; quarrels with neighbor	None
July 26, 1901	10 a.m.	Haystack	Hessions farm	Possible arson	None
June 6, 1902	Early a.m.	General store, doctor's office	Rhine, Woodin	Possible arson, second incident for both	None
July 24, 1903	Midnight	Store, corral	Eibeshutz	Suspected arson	None
Jan. 4, 1907	—	Town building	Gollober	Arson, malice	None
Jan. 4, 1907	Early a.m.	Saloon	Johnson	Suspected arson	None
Feb. 13, 1909	Night	Aqueduct camp	Los Angeles City	Arson	None
Feb. 14, 1909	Night	Aqueduct camp	Los Angeles City	Arson	None

TABLE 6.2

Characteristics of Arson Incidents

<i>Time of Day</i>		<i>Target</i>	
6 a.m.–noon	4	Haystack, field, farm building	19
Noon–6 p.m.	2	Store, stable, business	17
6 p.m.–midnight	15	Home	6
Midnight–6 a.m.	14	Mine	3
		Public facility	4
Total	35	Other	3
		Total	52
<i>Month</i>		<i>Suspect by Social Category</i>	
January	4	Indian	7
February	2	Mexican	1
March	4	Tramp	2
April	3	Laborer	5
May	4	Neighbor	5
June	4	Total	20
July	13		
August	6		
September	4		
October	1		
November	3		
December	4		
Total	52		

Dismissed from a job in the mines, he had previously threatened revenge and had earned a reputation for insanity by claiming that the county had conspired to ruin his life. According to the *Inyo Independent* of April 5, 1879, the only question posed by his arrest was whether he would be treated as a criminal or a madman.

Compare Dely's case to the more common circumstance of the allegedly known but unnamed perpetrator. On August 17, 1878, the *Independent* reported:

A dastardly attempt was made by some incendiary to destroy the store of J. H. Stoutenborough in Bishop....In [a shed built onto the rear of the building] coal oil boxes had been piled up against the house and a match applied to the bottom. The flames were running high up in the air when discovered by Wm. B. Hutchings,



FIGURE 6.1

Midsummer haying in Owens Valley was also the peak season for arson incidents stemming from labor disputes and quarrels between farmers.

at the saloon on the opposite side of the street. Pistol shots were fired as an alarm; a crowd soon collected and the blaze was extinguished without damage. In this case the perpetrator is known and doubtless proof will be found to send him [to jail].

Yet that was the last heard of the dastardly attempt. Reasons for its silencing are suggested by the details of the case. Stoutenborough was a prosperous merchant and farmer in an economy that relied heavily on personal relations of credit and barter among neighbors. The attempt on his store seems to have been intended for discovery. The outside wall of the shed selected as the point of origin minimized damage, and the initial flames, visible from a nearby saloon, promised quick detection. Moderation of the deed was vividly illustrated in another fire at Julian's yard in Lone Pine. The targeted haystack was first divided in half, and only one side was burned. Two empty coal oil cans were left at the scene, perhaps to discount any conclusion that the fire was accidental. Arson sent a message, a warning that victims very likely understood from its context. But frontier

etiquette dictated that real agents and actual grievances were not discussed publicly. Local quarrels were private affairs.

A public story was constructed to fill in the interpretive gap between common crimes and their official neglect. Here, the venerable scapegoat proved to be outside agitators in ethnic costume. In August 1882, the Stoutenborough store, along with several adjacent town businesses, was badly damaged by an arson fire that also ignited explosives stored in a warehouse. On August 26, the *Independent* made no mention of the previous arson at the same location but proposed a new theory:

The current opinion as to the cause of the fire is that it was started by drunken Indians—doubtless the correct one. A “noble red” was heard to say last evening that he would burn Stoutenborough.... A calamity of this kind has been staring us in the face for many years, and still the Indian in all his drunken glory has been afforded to parade our streets, knife in hand, seeking whom or what he might devour. Worse than all, the miserable wretch who, in the teeth of the law, will persist in selling whiskey to every Indian who asks for it, has been permitted to live right in our midst and carry on the lucrative traffic with perfect impunity. Those who sell whiskey to Indians should be compelled forcibly to leave the place.... The Chinese quarters of town should be besieged and everyone compelled to evacuate. The Piute [*sic*] element should not be allowed to remain within the town limits after sunset.

The story reveals in several steps how the morality of arson was constructed. Outsiders in the form of Indians, Chinese, and tramps are the primary culprits. Merchants who sell liquor to Indians are perhaps more contemptible, but only Chinese vendors are identified. There is a determined effort to separate both the motives and the perpetrators of arson from the white settler community. In rare instances, the evidence provides clues to how quarrels developed within the community. In this case, Stoutenborough was victimized previously at the store, in which he also ran a brewery. Some combination of alcohol and commercial disagreement may explain the frequency of store and saloon fires. In truth, the abuse of alcohol by Indians and whites was a problem for public order, just as its production and sale were a profitable business in which the Chinese market share was small. The public story advanced to explain frequent incendiary fires intentionally obscured knotty quarrels among neighbors, silenced ten-

sions underpinning the social order, and conveniently projected responsibility on outsiders. Like plantation slaves, Indians were deemed childish or mischievous rather than reasonably vengeful.

A critical case illustrates both the process in which disputes developed and the imaginative ways in which conflict was externalized in scapegoats. A late-night intruder attempted to burn the Independence residence of S. A. Densmore in 1894. The culprit entered a back pantry of the house as the family slept, splashed kerosene on the walls, struck a match, and escaped as the flames brought down cans from shelves, which served as an alarm. According to the March 2 *Independent*:

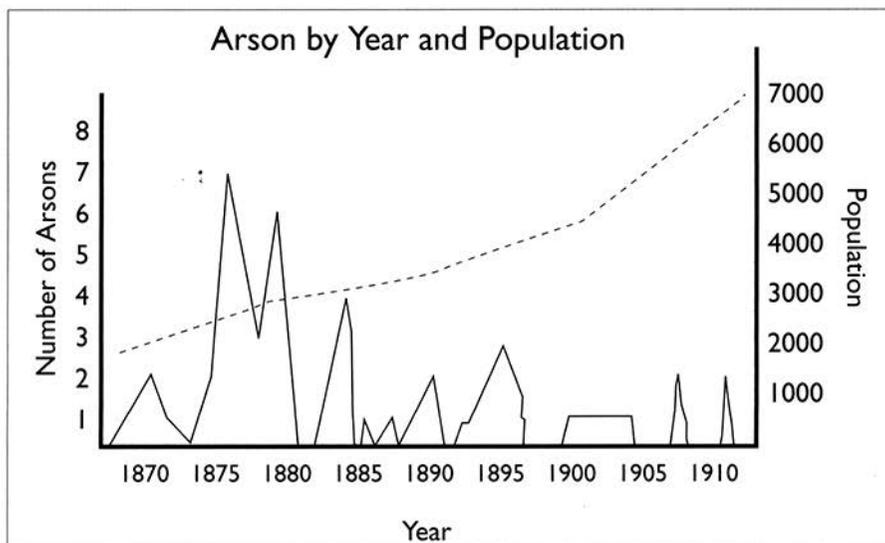
The deed must have been perpetrated by some person familiar with the premises as no noise was made either entering or leaving the place, and a spaniel always left in the house made no alarm and was outside in the morning. A chinaman now in county jail is suspected of the crime. A few days ago he was discharged from the employ of Mr. Densmore....Near the back gate are the imprints of a China shoe followed by toe-footed tracks to the brush north of town. The accused party has had a bad reputation, having served a term in state prison at Carson. Should there not be sufficient evidence to connect him with this crime an effort will be made to get him out of the county under the law requiring deportation of Chinese felons.

The explanation is shaky. One doubts that a "China shoe" leaves a distinctive imprint, and the "toe-footed tracks" smack of Orientalist imagination. And in spite of this evidence fixing guilt for the "dastardly attempt," plans to run the suspect out of town without a trial, as indeed occurred within a few days, appear already in motion.

Was this an effort to silence a deeper conflict? Some intriguing processual details were omitted from the official story. Densmore had been engaged in a running feud with his rural neighbor C. A. Walter, a tempestuous farmer who had also been a victim of arson. Recently, Walter had published a public notice demanding that Densmore repair an irrigation ditch that crossed Walter's property and was damaging his pasture. Public notices of this sort appeared occasionally in local papers and signified intense enmities that defied informal means of conflict resolution. Bad blood existed between Densmore and Walter, but that fact was not mentioned among the circumstances leading to this arson attack or, more generally, as the kind of problem that doubtless motivated many quarrels in

TABLE 6.3

Incidents of Arson in Owens Valley, 1887–1910, by Population.



this agrarian society. And the evidence demonstrates not simply that local tensions were neglected as explanations but that misleading accounts were deliberately fabricated—perhaps in an effort to keep the peace, albeit at the expense of the Chinese, the Indians, and the odd Irishman.

In a broader sense, the practice of arson on the western frontier was a means, devised in civil society and derived from venerable tradition, for regulating conflictive situations where law was deficient. It was a form of *social control*, a concept sociologists use to describe the process by which people define and respond to deviant behavior: “Social control consists of the efforts of authorities, or of society as a whole, to bring deviants back into line” (Tilly 1978:99). The patterned, varied, modulated, acknowledged, and unspoken yet implicitly understood incidences of arson suggest that it was a means of collective self-help employed by western pioneers whose nascent public institutions had yet to develop the capacity for law enforcement. That situation would change in predictable ways. But as long as the law failed, alternative means prevailed. As Donald Black (1983:41) explains, “theory would lead us to expect more violence and other crimes of self-help in those contemporary settings where law—government social control—is least developed, and, indeed, this appears to fit the facts: Crimes of self-help are more likely where law is less available.”

Quantitative data support the proposition, if we accept population

increase as a valid proxy measure of the growing means of law enforcement. As the population of Inyo County grew from two thousand to seven thousand from 1870 to 1910, law expanded, sheriffs extended their authority, property lines were surveyed, titles were stabilized, an increasingly monetized economy relied on more formal rules of exchange, and civil courts provided the means to adjudicate disputes. With these developments, arson declined, from a high point of six or seven per year in the late 1870s to one or two per year by the turn of the century. New traditions superseded old ones. Yet old ones were not so much forgotten as they were shelved until new occasions for recourse to popular justice arrived—as they did with protests against the Los Angeles Aqueduct in the early 1900s. In the early years, arson provided an all-purpose means of social control on the lightly governed frontier.

THE CHINESE AND THE PLUTOCRATS

As homesteaders and prospectors began straggling into Owens Valley in the 1860s, Monterey was already celebrating its centennial with new optimism. Although the colonial capital had languished after U.S. acquisition of California in 1846 and the gold rush of 1849, settlers were now filling the coastal towns and interior valleys. Lying between the historic harbor and the fertile Salinas Valley, Monterey was well positioned for development. In the 1870s, local investors built a narrow-gauge railroad connecting agrarian producers with coastal steamers headed for San Francisco and Los Angeles. Equally endowed, Monterey Bay supported a growing and varied fishing industry: Portuguese whalers, Japanese abalone divers, and Chinese squid fishermen. Lumber was harvested from heavily wooded coastal ranges, sand and rock quarried on the shoreline. Local apiarists boasted the finest honey, made from sage blossoms, and Monterey Jack cheese immortalized its namesake, either local land baron David Jacks or the jack press used to make cheese—no one is quite sure which.

Monterey's greatest asset, however, was the place itself. Artists congregated to paint a landscape described as "the greatest meeting of land and water in the world." Writers from Robert Louis Stevenson to Robinson Jeffers and John Steinbeck drew inspiration from its dramatic scenery and rich folklore. Monterey's history was written, first as a Spanish pastoral story of gentle missionary priests and gay rancheros and later as a narrative of Yankee progress. The latter story was made by and for those who would develop the town and sell it to the world (Walton 2001).

Entrepreneurs soon realized the potential for holiday excursions and resort hotels. The decisive step came in 1880, when California's powerhouse

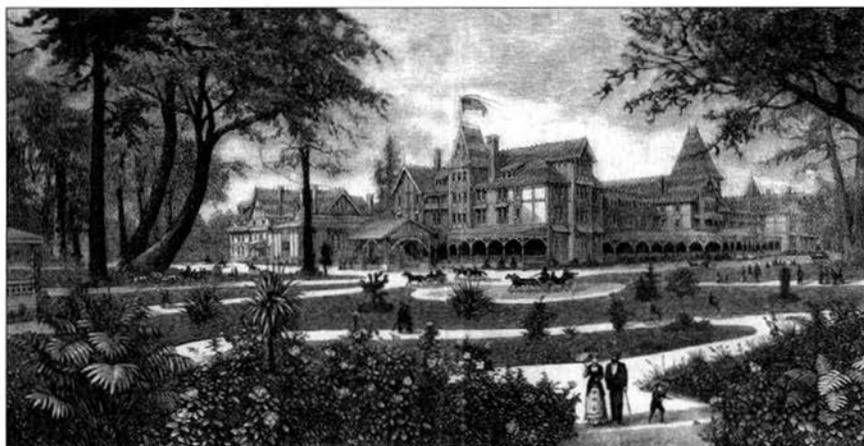


FIGURE 6.2

The luxurious Hotel Del Monte, built by the Southern Pacific Railroad in 1880, dominated the politics and reputation of Monterey. It also depended on a large local labor force.

Southern Pacific Railroad bought out the local line and established regular train service to San Francisco. Through its landholding subsidiary Pacific Improvement Company (PI Co.), the great SP acquired seven thousand acres in Monterey for a luxury hotel, parkland, and a real estate venture. Known pejoratively as the Espe or Octypus, the railroad soon dominated local life. By far the largest employer in town, the hotel built its own water and power systems, exempted itself from municipal taxes and ordinances, and called the tune in local politics. The hotel's address was given as Del Monte, California, suggesting that historic Monterey City was a mere appendage placed there for the entertainment of hotel guests. Billed as "the most elegant seaside establishment in the world," the Del Monte covered 150 acres of gardens and recreational facilities (a stable, polo field, Roman swimming pool, golf course, and tennis courts). Its centerpiece was the four-hundred-room Gothic-styled Swiss Chalet, which included elegantly appointed dining rooms and ballrooms surrounded by open-air porches. It soon became a redoubt of presidents, celebrities of stage and (later) film, visiting monarchs, and tycoons, including the three living members of SP's "big four": founders Leland Stanford, Charles Crocker, and Collis Huntington (Mark Hopkins having died the year the hotel opened).

The Hotel Del Monte perforce lived alongside the historic town of nearly two thousand people and drew its labor and provisions from the sur-

rounding county of ten times that number. Monterey's population was traditionally diverse. Before statehood, Hispanic conquerors mixed with a large population of California Indians. In the early nineteenth century, European and American traders developed a thriving agricultural export economy in hides and tallow. Wage labor was always in demand. Initially, Indians were conscripted for construction and ranch work. But as their numbers decreased (owing to disease and assimilation into *paisano* culture), employers looked abroad for labor-force recruits. In successive waves, the working class grew with Mexican, Chinese, Japanese, and Filipino cohorts, as well as a good many white immigrants from other states and Europe. By the 1880s, Monterey had a thriving Chinatown at its center and several Asian fishing villages on the outskirts (Lydon 1985).

Tensions underpinned relations between the town, its employers, and the largely ethnic working class. The waterfront district housing minorities and low-income workers in the fishing industry came to be regarded as an eyesore by hotel visitors passing that way on carriage tours of the peninsula. Periodic "slum-clearance" campaigns focused on dockside shanties and "resorts" featuring prostitution and games of chance. Chinese washhouses that hung drying laundry in plain view were considered a nuisance and discouraged by local ordinances. Peddlers, including ambulatory Chinese produce vendors, were controlled by costly licensing. City fathers failed to appreciate the many functional activities performed by minority communities or the irony of labeling as undesirable such well-patronized services.

California and much of the Pacific coast suffered a virulent anti-Chinese movement in the late nineteenth century (Saxton 1971). Although the worst of the outrages took place in San Francisco and rural communities in northern California, Monterey experienced its own version of intolerance. Businesses employing Chinese laborers suffered boycotts and even arson. Chinese villages were relocated at a greater distance from expanding neighborhoods. Chinese fishing vessels on the bay were rammed, their nets cut, and their crews charged with violating fish and game laws. Yet these conflicts were also managed, negotiated. Chinese fishermen took their cases to court, defended their rights, and countersued bullies for damages to their boats. Stable ethnic communities developed and sought respectability through celebrations of cultural tradition. Indeed, Chinese and Japanese businesses prospered. Legend holds that some of Monterey's industrialists established their canneries with capital borrowed anonymously from Chinese merchant-bankers. Minorities achieved their place, albeit a place beneath respectable society and behind the scenes—but an essential place nevertheless. Their social contract rested on certain understandings of what was expected of

them and what they might rightfully expect of their betters. They were not powerless in the relationship.

Late in the evening of April 1, 1887, the luxurious Hotel Del Monte broke out in flames. At the sound of the fire alarm around eleven at night, 275 guests were evacuated, some joining the hotel staff and the Monterey Fire Department in an all-night battle against the consuming flames. By morning, exhausted, sodden, and sooty volunteers beheld a scene of complete devastation. Only chimneys and beams rose from the smoldering foundation of the queen of American watering places.

As investigators assembled the evidence, it became apparent that the fire was the work of one or more arsonists. The blaze had originated on the basement floor, directly below the lobby and somewhere in the vicinity of the “circulating room” (providing access to water and gas pipes), an ice closet, and the “China (staff) dining room”—none of these places the likely source of an accidental fire. More incriminating, firefighting efforts were hampered because someone had closed a valve in the garden water system, not once but three times, causing a loss of pressure to the fire hoses.

In addition to these physical suggestions of arson, there were pointed suspicions. As it happened, April 1 was the date of a change in hotel management, involving the dismissal of E. T. M. Simmons, longtime clerk promoted to hotel manager during the previous year, and his replacement by the original manager, George Schoenwald, on PI Co. orders. Schoenwald accused Simmons of arson, telling police that his motive was revenge for dismissal. Schoenwald supported his suspicions with claims that Simmons needed money to support a style of high living (which further assumed that the fire was cover for robbery of the hotel safe), was seen moving about hotel corridors prior to the fire alarm, and had a bottle of turpentine that could have been used to start the fire in his quarters. Obvious ill will between the two managers prompted these suspicions.

On the strength of Schoenwald’s denunciation and PI Co. pressure for decisive action, Simmons was arrested, charged with arson, and tried in June at the county courthouse in Salinas. Two weeks of testimony from 150 witnesses demonstrated to nearly everyone’s satisfaction that there was no case against Simmons. Hotel employees accounted for his whereabouts up to the sound of the fire alarm, when he was seen salvaging the contents of the safe (which were intact) and assisting the fire brigade. The turpentine had been prescribed by a local physician for his daughter’s asthma, and the limit of his high living involved purchase of a Pacific Grove lot that he could well afford on his comfortable salary of \$200 a month (*People v. E. T. M. Simmons*, 1877). After the innocent verdict, Simmons countersued PI

Co. for \$100,000 in damages. He won the case but was awarded only court costs of \$741.

If Simmons was not the arsonist, who was? Local law enforcement never answered the question. Indeed, the malicious act and bad publicity were soon silenced as the hotel was rebuilt on an even grander scale and promoted anew in extravagant tones. Yet behind the facade of gracious living, trouble continued to plague the Del Monte. The events of April 1887 alone suggest tensions among the staff. Trial testimony indicated that Simmons was well liked; that others, including two chambermaids, were dismissed at the same time; and that Schoenwald was an abrasive man who, with the assistance of his fearsome wife, dealt abruptly with employees. Some, like stableman H. J. Palmer, reported previous "unpleasantries" with Schoenwald and F. S. Douty, who managed PI Co., which was headquartered at the hotel.

The Del Monte employed more than one hundred workers, from bookkeepers and front-office staff to waiters, chambermaids, and a number of Chinese described as "garden labor" (men) and "house cleaners" (women) by a census taker. The most nearly contemporaneous manuscript census of 1890 is lost to posterity, but data from 1900 indicate twenty-three Chinese servants living on hotel grounds, most of them (fifteen) adult males who worked in the landscaped gardens. Nea Lee was head gardener at the time, still unmarried at twenty-nine and the leader of a crew including many older men. Nea Lee had come to the United States in 1872 (at the age of fourteen), making him one of the longer-term residents within the immigrant population. The Chinese were resident aliens rather than naturalized citizens, yet most spoke English (in sharp contrast to other immigrants, such as Italians). They lived together in four communal households linked by kinship ties. They were, in sum, a close-knit group with the resources for collective action.

The fire was clearly an inside job and probably a collaborative effort, judging from coordinated action in the basement and garden water system. If some conspiracy of hotel workers was responsible, then who might they be? Of course, we do not know for sure. Yet one hypothesis incorporates the presumption of several arsonists (with some bond of mutual trust), who were likely to have had a grievance associated with the change of management, who had privileged access to the China dining room and hotel gardens, and who could move about unobtrusively shutting valves during the commotion. The arsonists were probably hotel workers, perhaps Chinese workers.

The hypothesis makes sense in light of historical precedents, labor

relations, and intergroup sentiments. Protest arson was a common practice in nineteenth-century California. In Monterey, incendiaries had attacked boathouses and streetcar company stables. The Del Monte experienced unexplained fires prior to and after April 1887. During the previous year, specific conflicts had arisen when the P.I. Co. purchased and leased properties in Chinatown through a community agent.

The *Monterey Argus* wrote on November 13, 1886: "There is a great deal of jealousy and ill-feeling existing among Chinese just now, which had already led to several incendiary fires....The trouble grew out [of] the collection of rents there by the P.I. Co. through one Choy, who appears to be a sort of head man in the town, but who they think divides up the rent collections with the P.I. Co."

The Chinese working class in Monterey suffered varied forms of mistreatment, ranging from harassment of peddlers and laundries to evictions of whole communities. We do not know about labor conflicts involving Chinese at the Del Monte prior to the fire, but we might suspect their presence given the general local pattern. That inference is supported by a strike of Chinese workers two years later at the El Carmelo, a hotel built in Carmel and managed by the P.I. Co. The incident speaks to labor relations that were arguably similar to those prevailing at the troubled Del Monte. The *Monterey Cypress* of September 10, 1889, explained:

When the guests at the El Carmelo sat down at breakfast Monday morning they found the course of events interrupted by the refusal of the waiters to serve Dr. Leonard because he had commented upon the character of the immigration pouring into the Golden Gate. The guests were convinced by this miserable manifestation of low spite that the Doctor was fully justified in his strictures....Mr. Seely [the manager] discharged the strikers at once but as the guests were hungry had to placate the strikers by a partial yielding to their contemptible demands.

In any event, someone—more likely some close-knit group of protesters—fired the Hotel Del Monte in April 1887. The point is to neither condemn the agents as lawbreakers nor romanticize them as avengers. Rather, it is to understand the historical circumstances in which protest arson flourished. Labor and ethnic relations were hostile. The combination of these conditions, precipitous dismissals, and the reintroduction of an onerous management may explain the otherwise mysterious fire. In any case, arson by hotel workers, perhaps Chinese workers, is a more plausible hypothesis than any offered at the time. It is a hypothesis, moreover, that

opens up the world of working-class and ethnic groups to examination and understanding.

CONCLUSION

Arson cases in Owens Valley and Monterey present two phenomena, two instances of action with a common name but separate meanings. In the frontier community, arson took many forms, including acts of protest vengeance by miners and Indians but more commonly collective action conforming to a normatively regulated pattern. The greater number of incidents, their tactics, targets, and feigned ignorance of responsibility all suggest a practice of social control. Neighbors exchanged rough warnings when their legitimate interests were threatened. Justified or not, in every case the community sanctioned such pragmatic methods of rule enforcement. Exceptions prove the rule. Incendiaries from outside the community—those who existed beyond its borders of solidarity or sanity—were named, sometimes apprehended, and rarely punished. The system operated as long as required. As law developed and governmental means of formal social control superseded popular justice, incendiarism disappeared.

The Del Monte fire in Monterey seems a clear case of protest, although details of the grievance are lost. Like Indians and miners of the eastern Sierra, Monterey's ethnic working class labored under a system of economic and racial injustice. Solid evidence shows that bitterness developed over managerial actions, that the Chinese were capable of reciprocating aggression, and that the hotel fire was a case of sabotage from within. Some of the secrets are lost, but others are revealed and describe a pattern traced by recoverable facts. The Del Monte fire was either initiated by hotel workers or facilitated by their connivance. Chinese workers had the means, opportunity, motive, and organization. Yet even supposing their role was more passive, the pattern of protest arson associated with class conflict and racial oppression holds.

Discussion of these results and interpretations at the School for Advanced Research seminar provoked three general reactions. The first concerns my use of the term *social control* and the implication that it assumes some kind of strict regulation or domination. No such implication is intended in sociological uses of the concept that refer to *attempts* that society (or, more precisely, the social-control agents of society, such as police or moral authorities) makes to regulate behavior with more and less success, depending on a host of circumstances, including, as here, the relative advancement of law.

A second criticism is more serious and more interesting. My colleagues

think I may be too cavalier in drawing inferences about the intentions, motives, and purposes or functions behind instances of arson for which the evidence is indirect and sketchy. To the charge, I plead guilty. Like Paul Eiss (this volume), who builds a story from a plaintive message inscribed long ago under exigent circumstances, I am constructing a narrative from fragments—a bit like the fragments of professors Beaudry, DeCorse, and Lightfoot. Is this interpretive practice justifiable outside the archaeological realms of necessity? That depends on the kind of risk a researcher wants to run. There are, after all, two kinds of risk we take in empirical research, two ways to go wrong, or what we know as type 1 and type 2 error. The first kind of error, the one we usually worry about, is to accept something as true when in fact it is false. To avoid this error, we set a high standard of evidence for our claims. But there is another way in which we may err. The second type involves rejecting something as false when in fact it is true—setting an evidentiary standard so high that only the most obvious truths are acceptable. Empirical work is always contingent. At some point, we make a choice about what we want to believe (or hypothesize), and we justify that choice as best we can. In the end, inference is our business.

In this study, I believe that we would miss something important by demanding a standard of proof about acts of arson that is customary for ordinary behavior. For in reality, there are what Thompson calls “crimes of anonymity” and, more generally, acts whose authorship is intentionally hidden in the very nature of the acts. To rule such action outside the realm of empirical investigation and inference would leave us poorer as the result.

A third reaction to the paper was summarized by Kathy Blee, who wisely noted that the term *arson* itself carries legalistic baggage and prejudices the act with this framing, and that my subject is perhaps a more generic form of “social burning.” Although I accept the observation, I have chosen to retain the term *arson* because it is the language of the actors in these dramas and because it carries a certain rhetorical bite that admittedly helps me draw the contrast with popular justice.

Others (Paul Eiss and James Brooks) suggest that I have overdrawn the distinction between the forms of arson that I call protest and those I call social control. Once again, there is merit in the criticism. Certainly, one can argue that the Hotel Del Monte fire that I construe as protest arson is also an instance of “social control from below.” Owens Valley miners and Indians burned in protest of wages, and later settlers mounted a protest movement against Los Angeles, employing arson in a larger repertoire of dissent. The distinction is imperfect, the types impure. What I hope to draw out with the contrasting terms, however, are two rather different phe-

nomena: arson as a common, pervasive, and modulated practice for regulating disputes, as opposed to arson as a rare act of vengeance by an aggrieved class.

Finally, there are more questions about these case histories than the evidence is able to answer. As Richard Maddox notes, the case studies would benefit from more processual analysis of the circumstances leading up to the acts of arson. The Densmore–Walter feud is a rare case of a quarrel that developed from a property dispute, depredations of the land, and public warnings. Less directly, labor disputes at the Hotel Del Monte are at least suggested by a surrounding context of rent disputes, business harassment, and anti-Chinese sentiment. But direct evidence is thin. Little is recorded about vigilantism in the Owens Valley beyond the occasional sheriff's posse dispatched in saloon shootings, nothing comparable to the situation described in Linda Gordon's *Great Arizona Orphan Abduction* (1999). Chinese laborers left no account of their rebellion (if such it was) comparable to the memorial that peasants in Paul Eiss's study left to mark their insurrection. Microhistory typically contends with such gaps in the historical record just as it explores innovatively the ways in which documents, oral histories, archaeology, visual evidence, and official censuses may be combined to supplement one another. We pursue lost voices and elusive contexts with the means at our disposal. The challenge and the lure of microhistory lie precisely in the craft required for its realization. In the end, microhistory must also rely on heroic inferences, an alternative less to be avoided than elaborated upon and defended.

Returning to the theories of arson that introduced this paper, it is clear that the opposition of class action and individual initiative fails to exhaust the possibilities or capture the deeper meanings revealed by comparative microhistory. Some arson is individually conceived, some the result of group action, and a good deal more collectively prescribed and understood. This study suggests that arson may serve either as revenge against some injustice of the social order or as a means of maintaining order—as protest or as social control. A new interpretation emerges, an argument that social control and protest forms of arson exist in a reciprocal relationship orchestrated by the development of law and its legitimate enforcement. In the absence of effective government, popular justice develops to define and enforce rules in imperfect ways. As law develops, rule enforcement is regularized but also made to serve dominant or privileged interests. Inequality multiplies and ossifies. Communal regulation declines in favor of formal state mechanisms more effectively used by the powerful. Arson and similar means of illegal protest become furtive weapons of the weak.

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This comparative microhistory of arson in nineteenth-century California accomplishes four explanatory ends. First, it reveals the social control form not previously noted or theorized in a large body of work on the subject. Second, it explores and contrasts the meanings of arson in the two cases. Third, it advances a new explanation for the occurrence of arson in the form of social control or protest based on the development of law. It suggests a generalization about broader processes, at least ones characteristic of the nineteenth-century American West. And, finally, the study reminds us that conventional terms such as *arson* or even *crime* are not self-evident, not reliable categories containing similar acts and meanings but often veils concealing the paradoxical nature of the empirical world. Microhistory is one way of lifting veils.

Note

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