

The Development of Policing in Portland, Oregon, 1870-1903: Professionalization
and the Persistence of Entrepreneurial Modes of Policing

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Daniel Voorhies
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Cynthia Cumfer

“The police are to the government as the edge is to the knife.”

—David Bayley, *Forces of Order*

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Abstract

This thesis examines the development of the Portland Police Department from 1870 to 1903. The bulk of this thesis is based on material, mostly old city council records, found in the city of Portland's archives at the Stanley Parr Archives and Records Center. In this time period, the Portland police evolved from an entrepreneurial system based on an elected City Marshal and his deputies to a "professional" bureaucratic police force based on a system of salaried, full-time police officers. This change did not occur rapidly or without resistance, and it was in this resistance to change that the police became corrupt, as they shifted to more illegal methods to earn extra income. The experience of Portland was one shared by many other American cities in the 19th century, although each city's police force developed in unique ways due to differing local conditions.

The resistance to the shift from the traditional to the modern style of policing was based in the resilience of traditional, entrepreneurial forms of policing. Instead of collecting fees for legitimate police work, police officers instead collected bribes in exchange for condoning illegal activity, or sometimes for engaging in it. As Portland grew, it became clear that in order to deal with the challenges of urbanization it was necessary to have as efficient and honest a police force as necessary. Those advocating police reform held that these qualities were the hallmarks of a professional force, and that in order to have a professional force, it was necessary to remove the police from the control of political machines. Once this was done, however, real reform failed to take hold. Simply put, reformers were barking up the wrong tree. In order for there to be real, lasting police reform, it would have been necessary to attack the entrepreneurialism which was embedded within police culture.

This thesis is lovingly dedicated to my parents, Stephen and Anna Voorhies. Thanks for putting me through college and for, well, you know, the gift of life and stuff.

Introduction

Thesis Statement

This is a study of the development of the Portland, Oregon police, and of its transition from a traditional policing organization to a modern one. The Portland police, as in most other American municipalities, evolved from an entrepreneurial system of policing. That term was developed by sociologist Allan Levett to describe the pre-modern police and their informal, non-rule bound behavior and reliance on fees rather than on salaries. Because of this dependence, they concentrated on those activities that would earn them the largest fees; in other words, the fee structure affected the exercise of police discretion. This began to change in the late 19th century, hand in hand with various other urban reform movements. The story of the development of the police is the story of their transformation into a “politicized bureaucracy”, governed by a set of internal rules and structures, which in turn were affected by the demands of those in political power.¹ In addition to tracing the roots of Portland’s police back to the police forces of London and the American East Coast, this thesis will look at the process whereby the Portland police moved from a traditional entrepreneurial model of policing to a modern professional one.

This transition was neither easy nor seamless. Rather, it was complex and nuanced in nature. Entrepreneurial policing was irreconcilable with modern policing and its emphasis on professionalism, rationalization of functions, and the notion that police were public servants who would put the common good above their own. Because the entrepreneurial spirit was so firmly entrenched in the culture of policing, any attempt to modernize policing in Portland was bound to be a long, drawn-out, and painful process.

¹ Eric Monkkonen, *Police in Urban America, 1860-1920* (New York: Cambridge University Press, 1981), 61-62.

It met resistance from those who found the old system profitable, especially police officers. Used to the privileges and perks of power, they disliked any challenges to their traditional benefits. As the city of Portland grew, however, so too did the impetus for change. As the task of governing the city became more complex, it became clear that traditional forms of government were so inefficient as to be harmful. Like other remnants of traditional forms of governance, entrepreneurial policing came to be seen as odious, corrupt, and illegal. In response, those officers who persisted in these behaviors closed ranks and went underground, in that they could no longer publicly collect fees or kickbacks, and were forced to depend on one another (illegal) cooperation in order to avoid getting in trouble. It was this deviant police sub-culture, with its roots in newly illegitimate entrepreneurial practices that hardily resisted reform efforts. Reformers saw the persistence of police corruption, and wrongly supposed that this was due to the pernicious influence of politics; and that political machines were to blame for police misbehavior. The reformers supposed that the cure was to remove the police from political influence, especially with regard to hiring, firing, promoting, and punishing officers. However, once this was done in 1903 police corruption and misbehavior continued. This was because it was the entrenched police sub-culture, and not political machines, that created a milieu in which corruption was accepted and engaged in. While machine politics may have created and nurtured this state of affairs, it was not responsible for its reproduction and internalization within the police department. The police were fully capable of doing that themselves.

Historiography

There are four main theories about the development and evolution of police agencies in 19th century America. The first school, of which Roger Lane is a proponent, sees the police as developing in direct response to the needs of growing cities. The police

developed hand in hand with city government, and must be studied in connection with the phenomenon of urbanization, especially with regards to large-scale urban disorder. Lane, who studied the early development of policing in Boston, maintains that the urban police force was a natural evolution from the previous watch/constable system. Urban riot had long been an accepted form of expression in early America, but “the needs of urban living, together with changing standards of personal conduct, were already beginning to erode this tolerance by the middle 1830’s.”² Following a series of serious urban riots, often accompanied by disastrous fires, it became apparent that the current system of policing was not sufficient to control serious disorder. While it took many years for the Boston police to become recognizably modern, Lane locates this need to control urban riot and disorder as being central to the creation of the new police. The new police were not, however, conceived as different from their predecessors and in fact coexisted with the old watch/constable system for several years. Other than controlling riots, the new police were “expected to do what they had always done; only better.”³

Unlike Lane, Samuel Walker sees modern police forces as different from earlier forms of policing in that the professionalization movement attempted to create a fundamentally different mode of policing. Walker defines modern police as “a system of law enforcement involving a permanent agency employing full-time police officers who engage in continuous patrol of fixed beats to prevent crime.”⁴ He describes police in the 19th century as:

...not only decentralized and subject to direct partisan political influence [they] were also part of a relatively well organized system of rackets. Corruption was endemic in the entire criminal justice system and served important social and political purposes. Finally, police practices were

² Roger Lane, *Policing the City: Boston 1822-1885* (Cambridge: Harvard University Press, 1967), 29.

³ Lane, *Policing the City*, 38.

⁴ Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington: D. C. Heath and Company, 1977), 3.

characterized by a set of informal processes that bore little relationship to the official mandate of the police.”⁵

Partisan politics, on both the local and state levels, often interfered with the creation and development of modern police forces, as political factions could not agree on what form these agencies would take, who would control them, and who would staff them.⁶ The solution to these problems was often thought of in terms of turning the police into a professional organization. Professionalism was identified as “providing a framework for the various reform ideas that were proposed for the police as well as the actual changes that were effected.”⁷ Professionalism requires individuals who have developed an expertise in a special and complex body of knowledge, and who, because of the complexity of their knowledge, which has usually been acquired through extensive training, have a monopoly on the legitimate use of this knowledge and associated powers and privileges. With this monopoly comes autonomy, the right to administer individual and practices within the field. And finally, professionals are motivated by service to the interests of the public and their clients.⁸ According to Walker, “The history of the police...becomes intelligible when we think of it in terms of its halting progress along the scale of professionalism.”⁹ However, he goes on to make the point that while American police agencies adopted the rhetoric of professionalism, they did not actually develop along professional lines, at least as the term applies to individual practitioners. That is, while police reformers adopted the rhetoric of professionalism, they actually moved to restrict the professional character of the police officer, by subjecting him to rigid and strictly hierarchical controls.¹⁰ In his final formulation of the history of the American

⁵ Walker, *Critical History of Police Reform*, 8.

⁶ Walker, *Critical History of Police Reform*, 6.

⁷ Walker, *Critical History of Police Reform*, ix.

⁸ Walker, *Critical History of Police Reform*, ix-x.

⁹ Walker, *Critical History of Police Reform*, x.

¹⁰ Walker, *Critical History of Police Reform*, x.

police, Walker sees it as “the story of the growing occupational identity and search for autonomy by local police bureaucracies.”¹¹ He finds that police professionalism applied only to the bureaucratic organization as a whole, and not to individual police officers.

Eric Monkkonen sees the creation of new urban police systems as being a radical departure from previous systems, rather than as a natural continuation and development caused by the growth of cities and crime.¹² He identifies four major innovative features of the new police. The first involved the hierarchical paramilitary command structure of the police, which provided for a centralized command and communication structure. The second was that the new police were part of the executive, administrative branch of local government, and not of the judicial branch. This was major change, since constables and marshals had worked directly under the courts, and were responsible for carrying the orders of the judiciary. Third, the new police were uniformed, and as such easily recognizable and highly visible representatives of governmental power and control. And fourth, the police were to be proactive, patrolling the city looking for crime, and also in the hopes that their visible presence would deter crime.¹³

In addition, Monkkonen differs in his model of police growth and in the way he looks at social control. He notes that most academics now look at social bureaucracies in terms of social control. In essence, institutions are seen as implements of social control used by the middle- and upper classes to control the poor, the so-called dangerous classes, and anyone else who was perceived as a threat to social stability. Monkkonen makes the point, however, that social control is seen as being negative and is used as a pejorative term by most academics. He writes, “The notion that not all social control

¹¹ Walker, *Critical History of Police Reform*, xiii.

¹² Monkkonen, Eric Monkkonen, *Police in Urban America: 1860-1920* (New York: Cambridge University Press, 1981), 9.

¹³ Eric Monkkonen, “History of Urban Police,” *Modern Policing*, Michael Tonry and Norval Morris (ed.) (Chicago: The University of Chicago Press, 1992), 550-551

must be bad, or that social control and positive virtue can exist in a complex relationship, has only begun to enter this corpus of historical writing.”¹⁴ The police, he theorizes, acted as agents of social control through the use of their law-enforcement powers, but also by providing positive services that reinforced and legitimated the social status quo. For instance, the police often provided forms of social welfare, such as providing soup kitchens, using station houses to lodge transients, and helping to reunite lost children with their parents.¹⁵ All these services aided people in need, while at the same time giving the person being aided a stake in the current social system and serving to strengthen the legitimacy of the police. That is, if someone accepted the aid of an agency, then that person has reason to lend more support both to that agency, and to the social system of which they are both a part. And, by the very act of accepting or seeking out police service, an individual reinforced the legitimacy of the police, by at least implicitly acknowledging their right to exist.

Sidney Herring represents the final historiographical school of thought, the Marxist school. He sees the evolution of the modern police force as part of the development capitalist society, and the capitalist state in particular. The argument is that as capitalism developed, individual capitalists found themselves unable to control the working classes. They therefore initiated a process of rationalization that depersonalized the ways in which individual and class behavior was regulated, replacing them with legal controls.¹⁶ In this analysis, the police serve to control the workers on behalf of the bourgeoisie, rather than maintaining social order on behalf of society as a whole. Unlike Monkkonen, who holds that not all

¹⁴ Monkkonen, *Police in Urban America*, 8.

¹⁵ Monkkonen, “History of Urban Police”, 555.

¹⁶ Sidney L. Herring, *Policing a Class Society: The Experience of American Cities, 1865-1915* (New Brunswick: Rutgers University Press, 1983), 8-9.

social control is bad, Herring argues that social control exists only to keep the working classes in line, for the benefit of the capitalist classes.

By the 20th century, the face of policing in America had changed from the informal traditional system to a formal, modern, and nominally professional model. The growth and development of urban cities was largely responsible for this change, as Lane points out. Walker, however, sees the professionalization movement of the late 19th century and early 20th as being directly responsible for the failures of policing in the 1960s, a period marked by skyrocketing crime rates and urban riots. Instead of producing any real reform, Walker sees professionalization as protecting the police subculture from external controls, thereby institutionalizing the very excesses it hoped to curb. Monkkonen looks at the development of the police on an aggregate scale, which enables him to trace the development of policing institutions in areas that did not have the same type of growth as East Coast urban. He found that the way in which many police forces developed was the result of explicit copying of what eventually became standard practices, in addition to being affected by the growth of urban areas. This cross-pollination of ideas and conventions resulted in a relatively uniform style of policing across an incredibly diverse landscape. Herring, who examines the development of 19th police from a Marxist perspective, also sees changes in policing as being caused by the growth of urban areas. He differs, however, on the role that the police played in these newly developed urban areas, seeing the police as serving mainly to aid the capitalist classes in their efforts to control the working class, insuring that they would have willing people to work in their factories. I agree to some degree with all these historians. However, I emphasize the ways in which the tensions between the emerging professional modes of policing and the older traditional modes affected police behavior. Traditional,

entrepreneurial modes of policing persisted, despite the efforts of reformers to eradicate them. In this sense, professionalism failed. But another result was that traditional ways of policing became identified as corrupt and criminal, which would lay the groundwork for a change in police culture in the late 20th century. In addition, I differ from Herring, in that I found that the police exercised social control in their own interests, not that of the capitalist classes, although the two sometimes coincided.

Organization of Thesis

The first chapter examines the development of policing in 19th century America. Since Portland did not exist in a vacuum, the development of its police force was affected by the modernization of police forces across America. It is therefore necessary to understand the general form of police development in other cities, since they would have an impact on the Portland police. Innovations and developments in one police force were often exported to other cities to become common practices. This chapter looks specifically at the police of London, New York, and Boston. London was the first city to develop a police force along modern lines, and as such was used as the template for police forces when American cities started to develop them. Boston and New York were important in that they were the first cities to develop police forces based on the London Metropolitan Police, and therefore set the particular mold for American forces, mediating between the London model and its emulators in the United States. This chapter also describes the police system that existed in Portland prior to the creation of its modern police force in 1870.

The second chapter deals with the first hesitant steps of change, from 1870 to 1880, as the Portland police moved from being an entrepreneurial organization towards a more modern, bureaucratic one. Despite superficial and cosmetic changes, however, old

police practices died hard, and the entrepreneurial character of the police remained fully in place. However, as the city and its government grew, entrepreneurial police activity began to seem more and more tainted by corruption and illegality, until it reached a point where it could no longer be tolerated. At this point, it became incumbent for the city government and police administrators to clean house, and form a police force free from corruption. This was often subsumed under the banner of professionalization, as most police reforms would be. This did not come without resistance from the patrol officers, who often resented attempts to deprive them of income, no matter how ill-got.

The third chapter picks up the story in 1880 and carries it through to 1903, when the Portland police became part of the civil service system. This twenty-three year period was characterized by more insistent demands for police reform, as it became obvious that traditional modes of behavior and thought still existed in a theoretically modern police force. This stage of the reform effort reached its culmination when the police were brought into the civil service system, since reformers at the time saw this as being the best way to professionalize and reform the police.

I found that the police in Portland developed along lines similar to those described by Lane. The growth of the city, and the demands this growth made on the city government, required that the police force rationalize its functions. In addition, the new modern police force was not initially all that different from the marshal system that existed before it; the main difference was one of size and increasingly rigid regulations. But, as Walker found, professionalization proved not to be the solution to police corruption. However, police reform and professionalization did not eliminate the problems associated with the traditional marshal system, serving instead to stigmatize, criminalize, and drive underground the entrepreneurial spirit which had become a part of the police subculture.

Chapter One: 19th Century Police Development

The first police force, created in London in 1829, had a direct effect on the direction that policing took in 19th century America. This was because the first American police agencies were explicitly modeled after the London Metropolitan Police; and, since these first police forces provided the model for those that would be adopted later by other cities, the London (or Peelian, after its creator) model had an indirect effect on almost all American police agencies. At the same time, the American police had more differences than similarities with the British police, due mainly to differing political and social contexts. In order to understand some of the factors and influences behind the development of the Portland police force, it is necessary to look at those trends in policing that would have had an effect on Portland. In addition, it is important to look at the early forms of policing in Portland in order to understand the context in which the police developed. Prior to the creation of a regular police force, the City Marshal and his deputies policed Portland. As the city grew, the failings of the marshal system became evident, until a point was reached where it was decided to adopt a regular police force staffed by salaried officers. This was similar to the experience of most other American cities in the 19th century, which made do with less formal policing mechanisms until the demands of government demanded a better organized, formal police agency.

Historical Development of Police Forces: London and the United States

The London Municipal Police are usually credited with being the first modern professional police system, having been created in 1829 by Sir Robert Peel's Metropolitan Police Act. While uniformed police had existed earlier in other countries,

such as France, they were often seen as being despotic instruments of absolutist power, and contrary to the freedom-loving nature of the English. For instance,

In Paris the police [were] practically a military force...In the rural districts the principle function of the police was the detection and suppression of attacks upon the government...Not until 1854 was the Paris civil police reorganized along the lines of the London Metropolitan Police.¹

As such, the continental model of policing was not adopted in the United States, and so remains outside the scope of this thesis.

Prior to 1829, the only police system in existence in England was the “constable and watch,” which had origins that stretched back to the 13th century.² Constables, who operated under the auspices and control of justices of the peace, had the responsibility to arrest those who broke the king’s peace or were responsible for various “nuisances”. These constables were compensated through a fee-based system, in which a set fee was paid out for each separate job performed. The watch began as an unpaid semi-voluntary position, but soon evolved into a low-paid job, one that tended to attract individuals of dubious competence and dedication. The watch patrolled at night, looking for disturbances and fires, when not busy drinking or sleeping.³ As one contemporary observer put it, the watchmen were “contemptible, dissolute, and drunken buffoons who shuffled along the darkened streets after sunset with their long staves and dim lanterns, calling out the time and the state of the weather, and thus warned the criminal of their approach.”⁴

¹ Leonhard Felix Fuld, *Police Administration: A Critical Study of Police Organizations in the United States and Abroad* (New York: The Knickerboxer Press, 1909), 24.

² Eric Monkkonen, *Police in Urban America: 1860-1920* (New York: Cambridge University Press, 1981), 31.

³ Monkkonen, *Police in Urban America*, 32-33.

⁴ T. A. Critchley, *A History of Police in England and Wales*, 2nd Ed. (London: Constable, 1978), 30. Quoted in Robert Reiner, *The Politics of the Police*, 3rd Ed. (New York: Oxford University Press, 2000), 17.

This type of policing was woefully incapable of dealing with the new problems of keeping order that was created by the combined forces of urbanization and industrialization.⁵ The inadequacy of a constable/watch system was especially apparent with regard to riots, which were becoming increasingly destructive. As Wilbur Miller points out, the development of new forms of capitalism in the first half of the 19th century made the propertied classes dependent on the stability of the stock market for their financial well-being. They could no longer tolerate the instability created in the market as a result of urban disorder, riots, and their violent suppression.⁶ Others disagree that the need to control urban unrest was the main reason for the development of the police. They claim that old forms of social control and its agents, such as the constables, magistrates, and army, were more effective than previously believed and that “Whatever motivated the establishment of the new police it was not the patent break-down or inadequacy of the old.”⁷ Indeed, the Metropolitan Police were not as unique as commonly thought. Sir Robert Peel, the Home Office Secretary responsible for the passage of the London Metropolitan Police Act in 1829, had experience with organizing the Royal Irish Constabulary in 1822, which was to be a model for the new London police. This semi-military force was created to help control the Irish and bolster English rule in Ireland, and served to educate Peel in the fact that without the compliance and cooperation of those being policed, the police were practically helpless.⁸

Most Londoners were initially suspicious of the new police, and many were actively hostile and violent toward police officers, at least initially. Englishmen feared

⁵ Reiner, *Politics of the Police*, 16-17.

⁶ Wilbur Miller, *Cops and Bobbies: Police Authority in New York and London, 1830-1870* (Chicago: The University of Chicago Press, 1977), 9.

⁷ Reiner, *Politics of the Police*, 37.

⁸ Miller, *Cops and Bobbies*, 1-2.

the creation of a police force similar to that of absolutist France.⁹ In addition, Great Britain at this time was deeply involved in a constitutional crisis over electoral representation for the middle-class, behind whom lay a seething and increasingly more self-conscious working class. The police had to walk a fine line between controlling these groups, especially the middle-classes, in order to preserve the order necessary for capitalism to thrive. At the same time the new police force had to avoid being identified as the instrument of upper-class repression, in order to maintain the legitimacy that was a prerequisite to any attempt to keep order. In order to counteract these fears, the London police commissioners turned their police into impartial representatives of the law. This was done by first isolating the police from the community, and then by holding their powers strictly to the limits of the law. Metropolitan Police were generally drawn from the rural areas outside the city, and were initially required to wear their uniform both on and off duty.¹⁰ London Police Commissioner Rowan held that “a centralized force free from public pressures was the best guarantee of the ‘liberty of the subject,’ because it could be regulated by clear, impartial principles, and any increases in its power would be through legal grants instead of extralegal responses to demands for order.”¹¹ As such, policemen were strongly discouraged from assuming any authority not specifically delegated to them by law.

The New York City and Boston police were in turn the models for the subsequent creation and development of police agencies in American cities. Both Boston and New York originally relied on a dual system of policing similar to London, with marshals or constables performing police duties for a set of fees, and a poorly regarded and badly

⁹ Miller, *Cops and Bobbies*, 3-4.

¹⁰ James Richardson. *The New York Police, Colonial Times to 1901*, (New York: Oxford University Press, 1970), 49; Miller, *Cops and Bobbies*, 33.

¹¹ Miller, *Cops and Bobbies*, 47.

paid night watch.¹² Like London, Boston and New York both faced a series of destructive civil disorders, rising crime, and a system of policing that was incapable of dealing with the challenges of maintaining order. As one historian wrote:

In police as in other matters, New York followed the lead of London...Between 1830 and 1845 the existence of [the London police] model plus a marked upsurge in crime, vice and disorder spurred efforts to provide a similar police force for New York City.¹³

A similar process occurred in Boston, where changing social standards were beginning to erode a tolerance for signs of social disorder.¹⁴ The final straw was the Broad Street Riots of 1837, which broke out in the center of the city, and required the calling out of the militia in order to restore order. As a result, the city government decided that it was necessary to develop a stronger police system.¹⁵

The actual creation of modern police seems to have occurred almost as a function of the process of urbanization. As citizens of Boston came to rely on city departments that had adopted professional values, they found themselves getting used to the services that such professional organizations could provide. The main objection against the creation of a regular, salaried police force was not levied against any undemocratic traits the officers might exhibit, but rather against the issue of cost. Many thought that such a police force would be prohibitively expensive.¹⁶ It should be noted that in Boston, the new police force supplemented but did not replace the old constable/watch system, and that the two systems coexisted until Boston unified them in 1859.¹⁷

¹² Monkkonen, *Police in Urban America*, 34.

¹³ James Richardson, *The New York Police*, 23-24.

¹⁴ Roger Lane, *Policing the City: Boston 1822-1885* (Cambridge: Harvard University Press, 1967), 29.

¹⁵ Lane, *Policing the City*, 33.

¹⁶ Lane, *Policing the City*, 37-38.

¹⁷ Lane, *Policing the City*, 38; Monkkonen, *Police in Urban America*, 42.

The development of the police in these two cities also took a separate path from the London police. In Boston, for instance, the city government preferred to keep their admiration for the London police to matters dealing with internal organization. Boston's "emphasis upon organic involvement in the community and in the normal political process was in direct contrast to the system of London."¹⁸ The London police isolated their men from the community, to insure impartiality, whereas the police in American cities were part of the community. This difference can be explained by the fact that in most cities, the police were appointed by elected officials, usually for a term of a year or two, and so did not constitute a truly professional force. In New York, for example, politically appointed policemen were not only expected to help their patron win elections if they wished to maintain their position, but they were also not to go around enforcing the law too extensively against their patrons political allies, in order not to alienate valuable sources of political mobilization.¹⁹ Many of these allies happened to be saloon owners, brewers, and others whose political influence protected them from feeling the effects of laws regulating alcohol.

The Boston police faced a similar problem. Like the London police and the New York City officers, they had to walk a careful line between controlling the populace and not antagonizing them. The best example of this has to do with the liquor trade. Once the new force was created, new uses were soon found for them, as "the existence of a strengthened instrument of police created demands for its exercise."²⁰ As the city and the people in it changed, new attitudes about what the police should do also developed. For instance, the temperance movement was beginning to grow, and many felt that the sale and consumption of alcohol was a social evil, that should be controlled or eliminated

¹⁸ Lane, *Policing the City*, 119.

¹⁹ Richardson, *The New York Police*, 49.

²⁰ Lane, *Policing the City*, 39.

through legislation and regulation. Of course, the police were the ones called upon to do the regulating.²¹ This issue had great implications for the legitimacy of the police, since failure to enforce liquor laws was perceived as negligence and corruption by some, while others would interpret enforcement of the law as overzealousness and persecution.²² Differences of opinion regarding morality issues usually were based along class and ethnic lines, with the upper class attempting to regulate the recreational and drinking activities of the working class, which was often composed of recent immigrants.

In contrast to British police, American police found themselves integrated into the communities they policed by virtue of the political realities of winning an appointment as an officer. In addition, 19th century American ideals regarding equality and democracy helped to insure that officers policed their beats on a personal, individualistic basis. This issue has been explored by Wilbur Mills in his examination of the differences between police legitimacy in London and in New York City. Many inhabitants of New York were initially suspicious of the new police, and as was the case in London, many were hostile and violent towards the new officers. New Yorkers seemed to fear the adaptation of monarchical English systems of social control. To counteract this, the integration of the police with those they policed was emphasized. Police were initially required to live in the wards they policed, and patrolled in plainclothes.²³ There existed a “democratic desire to make the force ‘but a part of the citizens’” which was manifested as a strong aversion to uniforms.²⁴ The policemen themselves were opposed to uniforms, equating them with servants’ livery and the transformation of the police into a tyrannical standing army. One orator claimed that “No man bearing the proud title of an American desire[s]

²¹ Lane, *Policing the City*, 40-43.

²² Lane, *Policing the City*, 45.

²³ Miller, *Cops and Bobbies*, 30.

²⁴ Miller, *Cops and Bobbies*, 35.

to appear in any dress that should make him conspicuous among his fellows.”²⁵ It wasn’t until 1853 that a simple blue uniform was adopted over the protests of both the police and the policed.

The New York police also differed in their ability to use extralegal methods in the service of social control:

the citizens who criticized many aspects of the force tolerated informal or extralegal discretionary power in the street...as their only bastion against the underworld. Leaving the police to their own devices was convenient, for they could be attacked if they stepped outside their limits of toleration—if respectable people became victims of brutality or illegality—but praised for harsh treatment of the ‘dangerous classes.’²⁶

It seems that New Yorkers were more willing to let the police step outside of their legal authority in order to avoid giving them more legal authority, with the opposite being the case in England. Perhaps this says something about the differing mentalities towards authority; with the English being much more concerned with abuses of authority, while Americans were more concerned with keeping legal authority to a minimum. The end result was that in the United States, police authority was based on personal individual authority, and as such was the very antithesis of police authority in London.

Police in Portland, beginnings to 1870

The development of the police in Portland was marked by the influence and dominance of partisan politics. Corruption was widespread, although it was only with the shift from traditional to modern standards of governance that certain political activities were seen as corrupt. As in most cities, the Portland police grew out of a system whereby officers earned most, if not all, of their income from performing specific tasks, such as serving warrants, arresting criminals upon receipt of a citizen complaint, and

²⁵ *New York Times*, 30 June 1854, p.4. Quoted in Miller, *Cops and Bobbies*, 35-36.

collecting delinquent taxes. Marshals and their deputies fully expected and to some degree were expected to use their position, and its attendant powers and privileges, to enrich themselves. They became police officers with the mindset of private entrepreneurs, not of public servants. Eventually the city became too large and complex for such informal mechanisms to be effective, and new standards of official behavior were adopted. These attempts to reform the system identified the old ways as inefficient at best and corrupt at worst, and attempted to eradicate them. The story of the emergence of police corruption is in many ways the story of the remnants of traditional forms of governance, driven underground by public disapproval.

Representatives of various trading companies who set up trading posts in order to obtain furs from Native Americans were the first white men to exercise police power in Oregon. They did this to insure that their trading efforts would be successful, which required that they control Native American behavior through the use of superior force and the threat of the use of force.²⁷ For example, in 1811, a partner in the Pacific Fur Company ordered a Clatsop Indian arrested, shackled, and placed in a deep hole for the crime of stealing tobacco.²⁸ A second incident occurred in 1813, when the Oregon Territory was temporarily under the control of Canada as a result of the War of 1812. An expedition of the Northwest Company was robbed of two bales of dry goods, and exercised its police powers by going to the nearest Native American village. Once there, “a number of women and children were taken hostage by this police force, after which the stolen property was surrendered, the hostages released, and the incident settled

²⁶ Miller, *Cops and Bobbies*, 141.

²⁷ Charles Abbot Tracy, *The Evolution of the Police Function in Portland, Oregon, 1811-1874*. (Ph.D. diss., University of California, Berkeley, 1976), 12.

²⁸ Tracy, *Police Function*, 17.

without further punishment.”²⁹ These actions seem almost not to be police actions at all, but mere vigilante bullying in a lawless frontier land

For some time, it seems that this was the only form of policing in the Oregon Territory. It wasn’t until various traders, explorers, and other miscellaneous frontiersmen started to form communities that they began to develop laws and formal policing systems.³⁰ One of the communities that started to grow was Portland, which was founded as a town site in 1845. Its economy was based on a farm economy, with merchants providing goods to farmers and shipping the raw product to California or the East Coast. The town soon became the major commerce center for the Willamette Valley, due to its location on the Willamette River and the successful efforts of its burgeoning merchants to promote it as such.³¹ The biggest factor behind the growth of Portland was the discovery of gold in California in 1848. After this discovery, and the subsequent gold rush of 1849, emigration to Portland increased. Oregon was in a prime position to provide the growing population of California with grains, fruit, lumber, and other goods, and entrepreneurs quickly realized that Portland was in a prime position to capitalize on this trade. By 1851, Portland had grown large enough to be formally incorporated as a city. Portland now mainly a commercial city, and had become the prime trading center for gold, liquor, and other commodities.³² Portland was incorporated in 1851, with a charter that provided for a mayor, a marshal, and common council consisting of nine members, all elected to

²⁹ Tracy, *Police Function*, 23-24.

³⁰ Tracy, *Police Function*, 45.

³¹ Gordon DeMarco, *A Short History of Portland* (San Francisco: Lexikos, 1990), 34-38.

³² Robert Douglas Johnston, “Middle-class political ideology in a corporate society: the persistence of small-property radicalism in Portland, Oregon, 1883-1926,” (Ph.D. diss., Rutgers University, 1993), 48-49.

office. The common council was given the power to appoint various city offices, pass ordinances, collect taxes, and engage in the general regulation of the city.³³

Prior to the incorporation of Portland, sheriffs and constables appointed by the territorial legislature were the only official police in the area. They operated exactly like marshal systems elsewhere; the only difference being that they had a wider geographical scope than city marshals.³⁴ The marshal system in Portland itself was similar to the constable system described by Eric Monkkonen. Under both systems, officers took the initiative when it was a matter of preserving the health or social order of the community as a whole, but initiated action with regard to criminal offenses only at the request of victims.³⁵ Even before the creation of a full-time regular police department, the city marshals were evolving towards such a force. As the city grew, the number of deputy marshals was gradually increased. In 1865, the city common council passed an ordinance allowing the city marshal to appoint two deputies who would draw a \$100 a month salary. Within two months this ordinance was rescinded, but the appointed deputies continued to serve nonetheless.³⁶

Generally speaking, one of the major differences between the modern form of policing and traditional forms was the new emphasis on crime prevention, which involved being proactive towards crime and disorder, rather than reacting only when asked to do so by some party. In Portland, however, the city marshal had been involved in crime prevention since 1864, when Marshal Hoyt appointed four “special deputies”, two to act as regular patrolmen and two to act as “night spies or detectives.”³⁷ This permanent force was slowly expanded, until an attempt was made in 1867 to organize the

³³ H. W. Scott, *History of Portland, Oregon, with Illustrations and Biographical Sketches of Prominent Citizens and Pioneers* (Portland: F. W. Baltes and Co., 1890), 176.

³⁴ Tracy, *Police Function*, 63-65.

³⁵ Eric Monkkonen, *Police in Urban America*, 35.

³⁶ Tracy, *Police Function*, 181-182.

existing system of deputy marshals and private night watchmen into a day and night police, paying them with a set salary in addition to any fees they earned for services provided. The mayor, who maintained that the position of marshal was already lucrative enough, vetoed this. As evidence, he pointed out that in 1866, the city marshal had made a profit of just over \$4,400. Despite this, the city council overrode his vetoes, and so created a fully salaried, albeit relatively small, police force for the city of Portland.³⁸

This move was marred by political complications. The appointed marshal died, and two replacements were appointed, each thinking that they were legitimate as a result of a very close election which was still being disputed. The two candidates appointed their own city officials, in effect creating two separate city governments. It took a United States Supreme Court ruling to determine which mayoral candidate had in fact won. After the Supreme Court unraveled that mess, the regularized marshals had a relatively quiet time going about the business of their office; more than likely lining their pockets at the same time.³⁹ The city, caught in a series of economic downturns, soon found the task of paying these marshals overly onerous, and took steps to reduce the amount of income earned through fees. At the same time, there were repeated calls for an increase in the size of the police, since three men were not adequate to control a population of 10,000.⁴⁰

The marshals showed a marked disinterest in performing those duties that were not profitable. As an example of the fee structure that existed in 1864, Oregon law allowed constables and marshals to collect two dollars for advertising and selling property, one dollar for summoning a jury and for serving an arrest warrant, and fifty cents for serving non-arrest court documents, committing an individual to prison, and attending court. For instance, in a case brought in 1869, the city marshal billed a total of

³⁷ Tracy, *Police Function*, 179.

³⁸ Tracy, *Police Function*, 187-190.

³⁹ Tracy, *Police Function*, 190-193

two dollars and twenty cents for serving a warrant, for mileage traveled to serve the warrant, for attending court, and for committing the convicted individual to jail.⁴¹ As a result of this particular incentive structure, it became difficult to motivate marshals to respond to citizen complaints that did not generate a fee. For example, in October 1868, a letter of petition was sent to James Lappeus, who was then the City Marshal. This letter requested that the marshal take police action on behalf of a the complainant:

Mr. Lappeus in as you are city marshal I do not think you certainly know of the existence of a house of ill fame and as there was [sic] two children here and they were bound to father and mother by [illegible] Anderson and Judge Marquam said that it would stand in any court and their mother came and took them away from us without consent I should like for you to see if you cannot do something to stop this house which is kept by Mrs. Nancy Ann Cotton, from its proceeding and restore the children to us if you refuse you are not doing your duty as marshal. And as Mrs. Cotton is living with a married man who has a family living on Washington Street you can go there about ten or eleven oclock [sic] at night and see for yourself [illegible] the man is married . . .⁴²

This was an attempt to motivate the marshal to do what the complainant perceived was his duty, albeit not a lucrative one, and intervene in some sort of a domestic dispute/custody dispute.

The city marshal and his deputies only involved themselves in issues having to do with vice if there was money to be made. More often than not, they wouldn't intervene at all, since doing so would cause financial harm either directly to their political patrons or to their supporters and friends. After all, the petitioner mentioned the "house of ill-fame" not to request that it be closed, or even as a reason to intervene.⁴³ Keeping a "house of ill-

⁴⁰ Tracy, *Police Function*, 198-203.

⁴¹ Tracy, *Police Function*, 324-325.

⁴² Letter to City Marshal, "Police", *Council Documents*, 1868, Box 17 of 140, City of Portland, Stanley Parr Archives and Records Center.

⁴³ In other words, a brothel or some other place used by prostitutes, or those engaged in other forms of lewd activities. The terms bawdy house and house of ill repute were often used to signify this.

fame” was illegal, yet the petitioner seemed more concerned with pointing out that its owner was in some sort of improper relationship with a married man, indicating that this counted more against her than her keeping a house of ill-fame. This indicates that the petitioner personally was not concerned with the existence of this brothel. It also indicates that the petitioner had little to no expectation that Lappeus would “do his duty” and shut down an illegal bawdyhouse, or act any differently towards those involved in commercial vice than he would to any other businessman.

If anything, Lappeus would have tended to be sympathetic to the owners and operators of businesses like the one operated by Mrs. Cotton. The official history issued by the Portland Police Bureau mentions that in 1868, two-thirds of the city councilmen were saloon owners, and the mayor of Portland was a frequent patron of their establishments. In addition, “During his years of public service, Lappeus was also part owner of the infamous Oro Fino saloon. The second floor of this business was referred to as a ‘theatre.’ It must have played to very small audiences, because it was composed of a series of small rooms.”⁴⁴ It seems likely that this was an early form of the “combination houses” which were essentially saloons that had rooms either above, below, or in the back where female prostitutes would ply their trade turn over a portion to the proprietor as rent. These prostitutes also danced in the saloon part of the establishment (which was against city ordinances) and hustled the male patrons for drinks, for which they received a commission.⁴⁵

In addition to profiting from his ownership interest in a combination saloon/bawdy house, Marshal Lappeus found other ways to profit from the existence of saloons and bawdy houses. One saloonkeeper, the notorious Edward Chambreau,

⁴⁴ History of the Portland Police Bureau,” *Portland’s Finest: Past and Present*. (Paducah, OK: Turner Publishing Company, 2000), 17.

explicitly recalled paying bribes to the police, and even used them to aid in defrauding his customers. Before reforming, Chambreau had a long and checkered career as a gambler and saloonkeeper, knew Lappeus before either of them moved to Portland.⁴⁶ In describing the running of his saloon in the late 1860s, he wrote, “Among the first thing I did when I took charge of this ‘Hell Hole’ was to fix the Policeman on my beat.”⁴⁷ This was a gambling establishment, and was primarily interested in separating as many people from as much of their money as quickly as possible. Every once in a while, however, someone would raise a fuss about losing:

It was not every one who lost money at the “games,” or who the “Girls” beat that would squell [sic]...Now I will tell you how it was done when any of those cases were reported to the Chief of Police. The “chief” in all probability would send a Policeman with this Victom [sic], who knew all ready all about the case, and who would also be a friend of mine, and who knew right where to find me.⁴⁸

Chambreau described how the responding police officer would take the citizen’s complaint, and then make a bargain with Chambreau, who would usually give one-third of the money taken to the officer. The officer would then go to the chief, who received a portion of the money. The officer would next talk to the complainant, saying that the gambler who fleeced him had fled, but as soon as he was caught and the money returned, the officer would write to the victim.⁴⁹

It is indicative of the blurring of the line between the marshal system and the regular police system that Chambreau constantly referred to the marshal and his deputies as the “chief of police” and “policemen.” This was the result of two facts: first,

⁴⁵ “In the Matter of Charges Filed Against Special Police Officer Jack Roberts, September 15, 1903”, “Police”, *Council Documents*, 1903, 2001-09, Box 80 of 140, 2-16.

⁴⁶ “History of the Portland Police,” 17.

⁴⁷ Edward Chambreau, *Edward Chambreau: His Autobiography*, Timothy Lee Wehrkamp, ed. (University of Oregon: D. History, 1976) 186.

⁴⁸ Chambreau, *Edward Chambreau*, 186.

Chambreau was writing his autobiography at a time when a regular police force using these titles existed, and so more than likely translated those titles back to the days when the police consisted of the city marshal and his deputies. Old ways of thinking about the police proved hard to change.

Another important duty of the marshal was insuring that city and state elections were orderly and had the desired results. While the records are silent as to whether or not this involved vote fixing, they do indicate that for every election, a large number of special marshals would be sworn in to serve for that one day. As one police scholar wrote in the early 20th century, “There is scarcely a city in the United States in which the police department has not been used as the ladder by which political organizations have crawled to power.”⁵⁰ And, since control of ballot boxes more or less means control of voting, it seems very likely that the marshal and his men engaged in at least some vote fraud. In any case, this practice of temporarily appointing special police officers for special occasions such as elections would continue into the 1870’s.

By 1870, a pattern of legal and illegal entrepreneurial law enforcement had become the norm. The city marshal profited from his position, and wasn’t concerned with how illegal or sordid the means used to achieve this goal were. His political masters, namely the mayor and common council, had little reason to complain, since they depended on the marshal to provide order during elections, and often derived profits from the same businesses the marshal protected. Corruption, after all, can serve political and social purposes other than the enrichment of the individual.⁵¹ Police corruption should be seen in the context of political machines, as “a means by which party favorites were

⁴⁹ Chambreau, *Edward Chambreau*, 186.

⁵⁰ Raymond B. Fosdick, *American Police Systems* (New York: The Century Co., 1920), 115.

⁵¹ Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington: D. C. Heath and Company, 1977), 8.

allowed to conduct illegal business.”⁵² The new police, though perhaps organized differently and called by a different name, would essentially retain their politicized and entrepreneurial character.

In short, while following the patterns of development of both Monkkonen and Walker, the police of the city of Portland was bound up with the development of the city bureaucracy as a whole. Though police reform efforts initially developed in isolation and piecemeal, eventually the “the *idea* of professionalization gained “hegemony” in police circles.”⁵³ Or at least the idea of paying lip service to that idea gained hegemony. As we shall see, the Portland police, on both the institutional and individual level, often found ways to resist professionalization. Still, this move towards a professional police force did result in changes to the way that the police did business.

⁵² Walker, *A Critical History of Police Reform*, 25.

⁵³ Walker, *Critical History of Police Reform*, xiv.

Chapter Two: Portland Police and the Survival of Entrepreneurial Policing, 1870-1880

Prior to the creation of a regular, salaried police force in 1870, the city marshal and his deputies policed the city of Portland, operating along traditional entrepreneurial lines. The creation of a regular police force in 1870 changed this; instead of earning money from fees, police officers were paid a monthly salary. In theory, they would dedicate themselves to working for the public good, since there no longer was a fee structure that created incentives for taking some kinds of police action and not others. However, this was not to be the case. The entrepreneurial mindset remained in place, but instead of earning fees from legitimate forms of work, the Portland police collected “fees” from other, more dubious sources. This marked the transition from open and accepted entrepreneurialism to illegal police corruption.

As the city grew, the entrepreneurial style of policing became less acceptable. Some individuals and reform groups were disgusted by their toleration of commercial vice and saloons, often as a result of bribes or kickbacks, made directly to police officers or their political masters. Some businessmen found this style of policing to be more and more tinged with illegality and corruption, and believed this detrimental to the image of the city as a good place to do business. The city government, while pressured by interest groups, was also beginning to find the current forms of policing financially burdensome. As the city grew, it found itself having to provide more services, which cost more money. In addition, recurrent periods of economic depression emptied the city coffers, eventually driving it into debt. Therefore, the city government soon found that the amount of money diverted by the police from the city treasury was unacceptable, and it instituted progressively more rigorous standards of bookkeeping and bureaucratic control.

The Last Years of the City Marshals and the Creation of Modern Policing in Portland

On 12 September 1870, the mayor of Portland signed Ordinance 852 into law. The most important provisions of this ordinance brought individual officers under tighter control by creating a hierarchical chain of command and committing to paper their organizational structure, rules, and duties. It also served to increase the police force by adding two officers to the police force, providing for auxiliary officers who could be called upon in emergencies, and allowing for a private police force of special officers. These special officers had all the authority of regular officers and were nominally under the command of the chief of police, but were paid by and served the interests of private citizens.¹

While breaking with the city marshal system that existed beforehand, the creation of a unified and salaried day and night police in 1870 was informed and influenced by previously existing policing norms. To illustrate the continuity between the two systems, the ordinance creating Portland's first day and night police simply appointed deputy marshals as police officers and the city marshal as the chief of police. To further blur the lines between the two systems, the document regularly used the titles interchangeably, so that the new officers continued to be referred to by the old title of deputy marshal.² The key characteristics of the marshal system that would have an impact on the development of the Portland police had to do with attempts by the police to enrich themselves and to support their political patrons.

As it happened, however, the city very soon found its efforts nullified when the Oregon Legislature voted to change the charter of the city of Portland, and to place the

¹ "Ordinance No. 852", *Ordinances*, 851-865, 1870, Box 3 of 15, City of Portland Archives.

² "Ordinance No. 852", *Ordinances*, 851-865, 1870, Box 3 of 15, City of Portland Archives.

newly created police force under the control of a police commission appointed by the Governor. On 15 October 1870, Senate Bill 34 passed the State Legislature and was signed into law by the Governor. This bill placed the police under the complete control of a state-appointed Police Commissioner Board, by amending the Charter of the City of Portland. This was justified by claims that "...the City Marshal [has] proved inefficient to maintain the peace and order of the city and the enforcement of city ordinances."³ It is extremely unlikely that this was the real motivation behind Senate Bill 34. Rather, it appears that partisan politics played a key role in its passage. The struggle for political control between the Democratic and Republican parties was very real and had become bitter. The Common Council of the city of Portland that approved the Ordinance was almost entirely Republican, while the Democrats controlled the Legislature. Senate Bill 34 can thus be seen as an attempt to regain control of the Portland police. Portlanders, especially Republicans, did not like this move. In protest, a petition bearing the names of 627 Portland citizens was presented to the Legislature, to no avail. Democratic legislators dismissed such protests on the grounds that not only was the Portland police inadequate, but a small number of Portland's élites were preventing the rest from receiving police protection for purely political measures.⁴

The Governor-appointed commissioners were given the power and authority to organize a day and night police. They were to make rules and regulations for the police, determine their salaries, appoint the Chief of Police, policemen, detectives, and jailkeepers, hear complaints against police officers, and discipline or fire officers against whom complaints were sustained. They chose as their Chief of Police former City Marshal James Lappeus, effectively insuring that the police force would remain as

³ Charles Abbot Tracy, *The Evolution of the Police Function in Portland, Oregon, 1811-1874*. (Ph.D. diss., University of California, Berkeley, 1976), 211.

⁴ Tracy, *Police Function*, 209-211.

similar as possible to the marshal system. The city government must have been especially frustrated by Section 167 of the bill, which mandated that:

The Board of Police Commissioners shall...report to the common council the estimated amount of salaries and other necessary expenses of the Police Department for the ensuing year and the Common Council must make appropriations to meet the expenses of the Police Department, and pay the same monthly as other accounts are paid out of the City Treasury.⁵

So, not only did the city have very little control over the functioning and composition of its police force, it also lacked any power over its budget.

Entrepreneurial policing didn't die with the creation of a modern police force in Portland, but persisted and expressed itself in new, often illegal forms. Lappeus had already shown his willingness to cooperate with and profit from the vice and saloon industries, as described in Chapter One. It would seem to be at the least very likely that Lappeus had some kind of arrangement with the bawdy houses. In March of 1870, a petition to suppress bawdy houses was presented to the Common Council, which with good many signatures attached. The majority of these signers were female.⁶ The fact that no action was taken with regard to this issue by May of 1871, when the Common Council attempted to intervene, indicates the depth of apathy the police as an institution felt towards citizens who were not politically connected. This frustrating state of affairs was to last until the City Charter was again amended by the Legislature in October of 1874, The lack of action in this case is most likely explained by the fact that the police had a vested interest in not creaking down on bawdy houses, especially the one which the Chief of Police partially owned.

⁵ Tracy, "Appendix G: Police Sections of the 1870 Amendment to Portland's City Charter," *Police Function*, 337-338.

⁶ Petition to Mayor and Common Council, "Police", *Council Documents*, 1870, 2001-09, Box 20 of 140, City of Portland Archives.

The City Council did attempt to assert its control over the police, but since the Police Commissioners, the Chief of Police, and individual policemen were beyond their direct influence, had no means at their disposal other than issuing formal resolutions airing their grievances. For instance, on May 10 1871, the Common Council issued a resolution dealing with the same topic as the above petition, which stated that:

In view of the fact the ordinance to suppress bawdy houses in Portland was not enforced by the police of the city, notwithstanding there was sufficient evidence to justify the filing a complaint against certain persons by the Chief of Police as directed by said ordinances, did duly pass a resolution reciting the existence of such sufficient evidence, and directing the Chief of Police to file such complaints, and whereas said Chief of Police, in disregard of said ordinances and of said resolution, does still neglect to file such complaints: Therefore Resolved...said Chief of Police is hereby ...ordained to proceed with the discharge of is duties...without further neglect.⁷

Having no power to remove the Chief, the Council could only issue non-binding resolutions, with no real force behind them. The very fact that the city had to resort to confrontational methods, such as the resolution above, indicates the degree to which the police were able to shirk their duties, and also the lack of control the city had over the police. There is no indication in the records if this prompted any action, as it seems to have been ignored in the same fashion as the citizen petition.

Politics frequently played a role in the appointment and dismissal of individual police officers as well, as in case of Thomas Burke. Officer Burke had two qualifications for appointment. He was a loyal Irish Democrat, and his brother, William Burke, was the police commissioner.⁸ Despite this splendid combination of political patriotism and nepotism, Burke seems to have performed his duties as a police officer well. He wasn't

⁷ Common Council to Mayor, "Police", *Council Documents*, 1871, 2001-09, Box 22 of 140, City of Portland Archives.

⁸ "History of the Portland Police," 18.

dismissed until 1877, when the city was under a Republican administration that replaced his brother, indicating the double-edged nature of the era's political system and its role in distributing jobs to the party faithful.⁹

The city government and the Police Commissioners often quarreled over the expenses of the police force. The city was legally required to pay the bills given them by the Commissioners, but the city nonetheless found that it could make the job of collecting this money as difficult as possible. In 1873 and 1874, there ensued a series of exchanges between the Board of Police Commissioners and the City Common Council concerning funding. On 5 November 1873, the City Committee on Health and Police notified the Common Council that the bills of the Police Chief for boarding prisoners during the months of June, July, August, and September were inaccurate. A total of \$257 had been billed to the city for prisoners being held for violation of state, not city, crimes. This meant that the state should have paid for the confinement of the prisoners (at the time, the Chief was allowed to bill one dollar per prisoner per day). In addition, a whole two days of board (\$2) was billed for prisoners who were taken to the jail, but not kept there. The state must have been quite happy to have the city pay for their prisoners, but the city government was not at all amused.¹⁰

Another conflict between the Commissioners and the city government involved the cost of the police force itself. In a letter dated January 21, 1874, a special committee recommended to the Mayor that the police force be reduced to ten officers and one captain, a reduction of six officers and one captain. The reason for this proposed cut was that the expense of paying for the police force was too great. As evidence, the letter included the following table:

⁹ Tracy, *Police Function*, 218.

¹⁰ Committee on Health and Police to Mayor and Common Council, "Police", *Council Documents*, 1873, 2001-09, Box 26 of 140, City of Portland Archives.

Table 1: Cost of Portland Police, 1868-1873 (Source: Special Committee Report to Mayor, "Police", *Council Documents*, 1874, 2001-09, Box 28 of 140, City of Portland Archives.

Year	Amount Paid Officers and Commissioners (\$)	Amount Received from Fines (\$)	Net Cost of Police (\$)
1868	9779.63	1112.75	8668.88
1869	6211.48	851.30	5360.18
1870	9544.64	1804.67	7749.97
1871	19339.93	8461.06	10878.87
1872	26886.82	5026.70	21860.12
1873	32377.75	4724.40	27650.35

This table makes the cities case fairly well, as the costs of the police force went up while revenues from fines go down. Mostly as a result of increases in the size of the police force, total net costs had increased by \$20,000 by 1873; while revenue from fines was up from the days of city control, it in no way compensated for the increase in costs. Not only that, but revenue from fines actually decreased in 1872 and 1873.

In addition, the Police Commissioners sometimes had problems getting money from the city. On April 14, 1874, the Police Commissioners wrote a three-page letter to the Mayor and Common Council as part of a dispute over the wages of the Commissioners. The city had decided that the Commissioners must meet a set number of hours per day in order to earn their fee. The President of the Police Commission, A. B. Hallock, responded:

...the Act of the Legislature limits the amount that each Police Commissioner can receive for a day's service [\$3], but the Act does not fix or limit the number of hours they must serve...Nor, in my opinion, does the statute confer upon your body any power or authority to fix, define, or limit the service of Police Commissioners, in time or otherwise,

and the ordinance you have passed...therefore requires me to perform extra-official acts.¹¹

The interesting point about this letter is the manner in which the Common Council is reminded of their limited power. The next day, A. B. Hallock sent another letter to the Mayor and Common Council:

Gentlemen—On the 4th of February last, by direction of the Board of Police Commissioners, I presented to you a bill for the services of the members of the Board in the month of January.

The bill was read and I believe referred to some committee. Over two months have elapsed and no mention has been made of the bill in the reports of your proceedings.

With the promptness for transacting public business which usually characterizes select bodies like your own, undoubtedly, this claim would have been paid long since. I therefore conclude that the bill has been lost or mislaid and to save your honors further additional trouble in searching for it, I enclose here with another bill of the same tenor and date, trusting you will give it your attention.¹²

While the city could attempt to circumvent and undermine the power of the Board of Commissioners, although they were unable to be anything other than a nuisance, making the commissioners lives more complicated than necessary.

Of course, the city could make all the recommendations and demands it wanted, but in the end the state-appointed Board of Police Commissioners was free to ignore them, and often did just that. In a letter from the Mayor to the Common Council dated May 20th, 1874, the Mayor complained:

Nearly a year ago I had the honor of recommending...that application be made to the Commissioners for a reduction of the police force...The

¹¹ President Board of Police Commissioners to Mayor and Common Council, "Police", *Council Documents*, 1874, 2001-09, Box 28 of 140, City of Portland Archives.

¹² President Board of Police Commissioners to Mayor and Common Council, "Police", *Council Documents*, 1874, 2001-09, Box 28 of 140, City of Portland Archives.

Commissioners having declined to reduce the force...made their estimate based upon the present force. The Council declined to levy a tax in accordance with the estimate...¹³

He goes on to state that the Council could notify the Commissioners that they would decline to pay for what it considered to be extraneous police, but that this would most likely lead the Board of Commissioners to compel the Common Council to make the appropriations.¹⁴ This sort of thing seems to have been an ongoing political conflict, which stopped only once city control was reestablished.

This conflict over control of the purse served to cripple efforts to transform the entrepreneurial nature of law enforcement in the 1870s. The Commissioners didn't care about inefficiencies in operations and expenditures, since they didn't have to pay the bill. Further, the State Commissioners were more than happy to hire more police officers than the Council wanted, possibly to reward Democratic supporters. Their justification that the additional police were required to insure the peace and quiet of the city may have been somewhat valid. After all, the increase in fines, from \$1804.67 in 1870 to \$8461.06 in 1871, does seem to indicate that more enforcement was going on. However, this could have just as easily been explained by the fact that more police were able to write more citations, while crime and disorder remained constant. In any case, fine revenue was down for the next two years, which undermined the Commissioner's arguments.

City Control: The Beginnings of Reform

On 29 October 1874, a Republican dominated state legislature amended the city charter once again, giving the city of Portland control of the Board of Police Commissioners. The Commissioners were to be elected by the voters of Portland, and in

¹³ Mayor to Common Council, "Police", *Council Documents*, 1874, 2001-09, Box 28 of 140, City of Portland Archives.

¹⁴ Mayor to Common Council, "Police", *Council Documents*, 1874, 2001-09, Box 28 of 140, City of Portland Archives.

any case were only authorized to appoint officers and regulate their activities. It was the Common Council to whom was given the power to determine how many officers were to be appointed, and how much the officers were to be paid.¹⁵ The loss of state control of the Board of Police Commissioners in late 1874 had dramatic effects. The Police Commissioner report of anticipated costs in 1875 estimated that the Police would only require \$14, 620, half the estimated budget of 1873. This saving was accomplished by providing for only nine regular officers, not the sixteen allowed for under state control.¹⁶ The city's requests for a reduction in costs were finally met, now that it had regained control.

This reduction in the size of the police force was not universally liked. As the city grew and the amount of commerce in it increased merchants and businessmen started to make more demands on the police, in order to insure that the city remained a safe and profitable place to do business. On June 21st 1876, the Police Commissioners wrote the Common Council to pass along the concerns of insurance companies:

The Agents of the several insurance companies have represented to us that a fire in the inundated portion of the city would be very disastrous...and that the absence of gas light might be a temptation to evil disposed individuals [they have] requested us to appoint 5 policemen or night watchmen: they being aware that you had limited the Board to an amount only sufficient to pay the present force, proposed that they would be responsible for the pay of the men until the restrictions could be removed: we therefore appointed 5 men on the 20th...to act as night watchmen in the exposed portions of the City, and would respectfully request that you make provision authorizing the employment of such force and providing for their payment, believing such additional force necessary at this time.¹⁷

¹⁵ Tracy, *Police Function*, 249.

¹⁶ Police Commissioners Report, "Police", *Council Documents*, 1875, 2001-09, Box 29 of 140, City of Portland Archives.

¹⁷ Police Commissioners to Mayor and Common Council, "Police", *Council Documents*, 1876, 2001-09, Box 30 of 140, City of Portland Archives.

The proposal of the insurance agents that special police officers with full police powers but paid for by businesses should provide them with additional security, eventually becoming a common practice in the city of Portland. The position of a Special Policeman was easily abused, however. For instance, a Special Policeman had been appointed to serve at the Oro Fino Theatre, the dubious establishment partially owned by the Chief of Police.¹⁸ In other words, the existence of the Special Officer was indicative of the close ties that the city government and the police department had with business elements, including illicit business elements.

Private citizens also attempted to shape police practices and patterns of enforcement. A frequent topic of concern for private citizens involved saloons. One such petition, signed by 25 citizens, requested that an officer be assigned to patrol an area that had seen a large increase in its population and number of saloons. One petitioner was so upset that he was moved to write underneath his signature:

This is to certify that the saloons are open here every night until 2 and 3 a clock [sic] and furthermore the drunks broke down 4 of my shade trees—my wife seen them through the window breaking down said trees.¹⁹

In addition, reformers were starting to call for social and political change, usually with regard to specific enforcement issues, such as regulating bawdy houses or banning saloons. Women made up the vast majority of these reformers, although they were a minority of the population. With a male/female ration of three to two, men had an even stronger influence on politics than in other parts of the country.²⁰ The police showed little concern in being accountable to these demands. Nonetheless, women reformers

¹⁸ "Name, Age, and Nationality of the Police Force of Portland," "Police," *Council Documents*, 1874, 2001-09, Box 28 of 140, City of Portland Archives.

¹⁹ Petition to Mayor and Common Council, "Police", *Council Documents*, 1880, 2001-09, Box 33 of 140, City of Portland Archives.

²⁰ Robert Douglas Johnston, "Middle-class political ideology in a corporate society: the persistence of small-property radicalism in Portland, Oregon, 1883-1926," (Ph.D. diss., Rutgers University, 1993), 58.

continued to agitate against the liquor industry. For instance, the Portland chapter of the Woman's Christian Temperance League was founded in 1874, the same year that the national organization was created. Its members agitated against the liquor industry, staging protests and sit-ins. This movement soon became allied with the growing suffragist movement, which argued that enfranchised women, as the keepers of moral virtue, would use their political power to effect social reforms, such as the prohibition of alcohol.

Needless to say, the male elite of Portland, who profited from the liquor industry, took a very dim view of these activities.²¹ In March of 1874, the Portland chapter of the Women's Temperance Prayer League engaged in a series of protests against saloons. Fifteen were arrested for disorderly praying, although these charges were later dismissed. Encouraged, the women of the League renewed their efforts, only to have six of their number arrested by Chief Lappeus for disorderly conduct. Five of these six subsequently spent a day in the city jail, an intentionally humiliating punishment.²²

Scandal!

In 1878, a scandal erupted which changed the way in which policing was done in the city of Portland. On July 3, 1877 Lucerne Besser was appointed the Chief of Police, but by October 1878, he had been fired and was under criminal investigation. Besser made the mistake of being too obvious in the use of his position to misappropriate money. His misdeeds came to light, and a special committee was appointed to investigate. Some sixty pages of testimony was developed in the course of this investigation, where it was revealed that Besser had failed to pay \$1105.74 in court fees, delinquent taxes, and fines into the City Treasury as required, instead pocketing that

²¹ Gordon B. Dodds, *The American Northwest: A History of Oregon and Washington* (Arlington Heights, Illinois: The Forum Press, Inc., 1986), 167-168.

²² Tracy, *Police Function*, 252-253.

sum.²³ The report of the testimony went on to claim that on multiple occasions, Besser had shaken down merchants for money for licenses, which he then neglected to give over to the Treasury. The Chief of Police did not have the authority to issue licenses, that being the purview of another department, but he did so anyway. One vendor, a C. M. Rohr, testified, "I have a horse and wagon. In July 1878 Besser came and told me my license was out. I paid him \$6 dollars...he gave me no receipt. Said he would send it by a Policeman, but never did."²⁴ J. Henderson, a grocer, testified, "I have been a grocer for ten months; have a delivery wagon. I paid Besser \$2.00 for 1st quarter, \$3.00 for last quarter got no receipt for last payment."²⁵ Theo. Carlton testified, "am in Liquor business. My Barkeeper paid Besser on July 24 1878 \$55.00 for Liquor license and Billiard table for quarter ending Sept 30th 1878, took receipt but have not received license since (sic)."²⁶ This sort of thing would be serious enough, but it got worse. In a lengthy statement, H. L. Allen testified:

I am acquainted with the character of men that frequent the office of Chief of Police Besser, several of these have reputations of being gamblers, vagrants, and petty larceny thieves. Besser once loaned a pair of handcuffs out of the office and a Pistol belonging to Capt. Belcher to a vagrant...Besser released a number of Prisoners before their term was out...The Chief used to draw the city money paid in for fines and did not refund it as he should have done at the end of the month...The night Murphy shot Tilden, I was on duty in the office...The next day I heard Besser say that Jim Burnham and some of the Boys...that they did not want him to lay in Jail. My opinion is that if Besser had acted promptly Murphy might have been arrested...before he got across the river. [After

²³ "Testimony," "Police", *Council Documents*, 1878-1879, 2001-09, Box 31 of 140, City of Portland Archives, 4.

²⁴ "Testimony," "Police", *Council Documents*, 1878-1879, 2001-09, Box 31 of 140, City of Portland Archives, 10.

²⁵ "Testimony," "Police", *Council Documents*, 1878-1879, 2001-09, Box 31 of 140, City of Portland Archives, 10.

²⁶ "Testimony," "Police", *Council Documents*, 1878-1879, 2001-09, Box 31 of 140, City of Portland Archives, 11.

Besser brought Murphy back] the prisoner was allowed to go about the streets and was not put in jail before the preliminary investigation.²⁷

A shocked Common Council quickly removed Besser, and brought him before a grand jury for indictment. In addition to pursuing criminal sanctions against Besser, they were also very keen on recovering as much money from him as possible. It is of interest to note that to replace Besser, the Council appointed James Lappeus as Chief of Police, despite his own somewhat spotty history. While in the future the police would by no means be clean, they would have to be more discrete, as in the future revelations of misconduct would be dealt with harshly. Any discovered abuses of power would be punished, and as more and more corrupt individuals were made examples of, the police became less and less blatantly entrepreneurial nature. Nonetheless, police corruption and entrepreneurial police activities continued to occur, in spite of increased police discipline.

²⁷ "Testimony," "Police", Council Documents, 1878-1879, 2001-09, Box 31 of 140, City of Portland Archives, 12-13.

Chapter 3: Portland Police, 1880-1903: Slouching towards Professionalism

It would by no means be correct to claim that the Portland Police Department set itself on the straight and narrow path to reform and professionalization in the last 20 years of the 19th century. But it was during this time, nonetheless, that the Portland police began to look more like the professional police of the 20th century. There were three main reasons for this change. The first had to do with economic and fiscal constraints. The city of Portland could not afford to have police officers whose primary concern was lining their own pockets, often to the detriment of the city coffers. Connected with this was the fact that police corruption tarnished the image of the city, which served to discourage investment and business coming to the city. And finally, the Portland police were put on the path of professionalization as a result of conscious efforts at reform. During this time-period, many Americans, concerned with the corruption and inefficiency of their city governments, initiated campaigns to bring about change. Part of the reform effort in Portland was a reflection of this national trend. Portland did not exist in a vacuum, and its inhabitants were able to keep up with the news about the rest of the world, and were kept abreast of what ideas were in good currency.

By the late 19th century, reformers across the United States were calling for the reform of city government in all its aspects. Reformers decried the corruption, nepotism, inefficiency and squandering of public money, lack of responsiveness to citizen concerns unless individual citizens were connected or willing to bribe officials, abuses of official power, and general gross self-interest of those who held political power. The police became a favorite target of progressive reformers because these failings were also

prevalent among American police forces, which were also deeply involved in the political machines. As one early 20th century reformer wrote,

The condition of the American police is not perfectly satisfactory, because the control of the police force is subjected too much to the influence of the class to control whose action the police have been organized...The most common complaint against the city police in America is that either as a body or through its individual members it sells the right to break the law.¹

This corrupt, yet thoroughly entrepreneurial exchange, usually took part between the police and those involved in the vice or liquor industries. While other elements of city government exhibited the same sort of behavior, the corruption associated with the police was easier to see than that associated with city hall, as policemen generally conducted their business in full view of the public.²

At the same time, the professionalization of the Portland police was in some ways never achieved, and the abuses of position and power continued well into the present day, albeit better concealed from the public. Part of this had to do with intrinsic difficulties in regulating and even professionalizing the police at all. Still, this reform movement had many important effects, the most striking being that it drove police corruption and malfeasance underground. Prior forms of behavior were no longer publicly or officially condoned, and detection usually meant prosecution and punishment.

In Portland in particular, this should have meant an end to the entrepreneurial style of policing. The police were more organized, disciplined, and focused on their duties. At the same time, individual policemen were still able to line their pockets through bribes or kickbacks. Instead of creating an entirely new paradigm opposed to past methods of policing, it could be said that the two formed a synthesis of a kind. As a

¹ Leonhard Felix Fuld, *Police Administration: A Critical Study of Police Organizations in the United States and Abroad* (New York: The Knickerboxer Press, 1909), 370-371.

² Fuld, *Police Administration*, 371.

result of this pattern of development and reform, in 1903 the Portland Police were for the first time included in the civil service system; this both explicitly characterized the police as “professional” to the public, but also served to regulate (and in some cases protect) police officers.

The Portland Police, 1880-1903

Portland experienced a period of unprecedented growth from 1880 to 1903, and was the third fastest growing city in the United States from 1890 to 1910.³ This was to have a profound impact on the police, as the city government found that its resources were far outstripped by the population boom. This rapid growth brought with it all the problems associated with urbanization, but magnified as a result of its very rapidity. It took the city, and the police department, until the start of the 20th century to catch up and provide what was now a modern city with a modern system of government.

Table 2: Portland Population, 1880-1905

(Source: Johnston, “Middle-class political ideology,” 50.)

Year	Population
1880	17,577
1882	21,500
1885	31,990
1890	46,385
1891	50,560
1895	59,370
1898	81,637
1900	90,426
1905	149,200

The population boom can be traced to the opening of the Northern Pacific railroad line in 1883. This transcontinental railroad encouraged growth by making it easier for

³ Robert Douglas Johnston, “Middle-class political ideology in a corporate society: the persistence of small-property radicalism in Portland, Oregon, 1883-1926.” (Ph.D. diss., New Brunswick: Rutgers University, 1993), 47.

people to move to Portland, and encouraged commerce by providing the connections necessary to transport the raw materials harvested from the Willamette valley to far-off markets.⁴ The thriving economy and the growing population of the city served to reinforce each other, giving Portland an air of limitless growth. As can be seen from Table 2 above, Portland experienced massive growth during this time. A substantial proportion of this influx was foreign-born, making Portland one of the most heterogeneous cities of the Far West. The Chinese made up the largest colony of foreign-born residents, numbering 7, 841 in 1900; with the Japanese coming in second at just over 1,000 that same year. These newcomers, along with the “new emigrants” from south, eastern, and central Europe, tended to concentrate themselves alongside the Willamette River, in the south part of Portland, giving that area a distinctly different culture from other parts of town.⁵ Table 3 below shows the ethnic proportions of Portland from 1880-1900.

Table 3: Race and Ethnicity in Portland, 1880-1900.
(Source: Johnston, “Middle-class political ideology,” 57)

Ethnicity or Race	1880	1890	1900
<i>Native Born</i>	64%	61.4%	69.5%
<i>North European Ancestry</i>	N/A	25%	N/A
<i>South, Central, or Eastern European</i>	N/A	2.1%	N/A
<i>Chinese</i>	9%	10%	8.7%
<i>Japanese</i>	N/A	0.04%	1.3%
<i>Black</i>	1%	0.9%	0.9%
<i>“Other”</i>	N/A	0.4%	0.2%

⁴ Johnston, “Middle-class political ideology,” 51.

⁵ Johnston, “Middle-class political ideology,” 52-56.

The 1880s

Things began to change for the Portland police in the 1880s. As the city grew, entrepreneurial police practices became less and less acceptable and a serious effort was made to reform and modernize the police. Much of this reform arose out of the context of municipal modernization; simply put, a modern city government required a modern police force, one that eschewed what was becoming increasingly corrupt entrepreneurial strategies of enrichment. The Portland police force continued on the path of modernization which it had been started with the adaptation of the London model of policing, despite resistance to change on the part of police officers.

There were two general characteristics of police work in the early 1880s. First, most of the resources and activities of the police were focused on maintaining the public order. Second, with regard to certain situations, especially those having to do with prostitution, the police consistently under-enforced the law.⁶ These behaviors were both exhibited in the Board of Police Commissioner's report for 1879, filed in the city's collection of annual reports.

The emphasis on order-maintenance is demonstrated in the ratio of more serious crimes to less serious ones. In 1879, the police made a total of 1,549 arrests for violations of city laws and ordinances and 483 arrests for violations of State law. City offenses generally involved public-order offenses, such as drunkenness, disorderly conduct, and being disorderly by fighting; in contrast, offenses against State law usually some harm against individuals or property. Roughly speaking, for every arrest involving a state crime, three arrests were made for less serious city crimes.

⁶ "Police Commissioners Report," Annual Reports of the Officers of the City of Portland, Oregon, for the year 1879 (Portland: Niles & Beebe, 1880) in Mayor's Messages and Mayor's Annual Messages, 1879-1901, 0200-01, Box 4/16, 10-20.

In addition, there was an interesting relationship between special officers and regulars with regard to activity. As mentioned above, the “specials” had full police powers, but were paid by and served the interests of private individuals and businesses. The specials made 888 arrests for city crimes and only 70 arrests for state crimes. Almost 90% of their business involved regulating the public order, mainly in the interests of commerce. On the other hand, regular officers made 413 arrests for state crimes and 1,144 arrests for city offenses.⁷ Public order offenses made up more than two-thirds of their business. The most common offense was for being drunk and disorderly, which made up fifty percent (1,253) of arrests made in 1879. The next most frequent crimes were for being disorderly with 294 arrests, with additional 102 arrests made for being disorderly by fighting. More serious and violent crimes did occur, but they were few and far between. The largest number of arrests for this was for assault and battery, with 158 arrests being made that year. Only six arrests were made for murder. Given the frequency of public order arrests in comparison to arrests for serious crimes, it is readily apparent that public order offenses clearly were the bread and butter of the police.⁸ Of course, it must be admitted that public order offenses are probably also so frequently found because they were (and perhaps still are) the most commonly committed, and the easiest to detect. After all, by definition, they occur in public space, visible to all. Arrests for violating morality laws (i.e. prostitution, smoking opium) were not common at all by comparison.

Violations of morality laws were not enforced nearly as much as other forms of urban disorder, indicating that the police continued to exercise discretion based on their own pecuniary interests. For example, in 1879 64 arrests were made for visiting opium houses, 1 for keeping a gambling house, 30 for keeping bawdy houses, 27 for keeping

⁷ “Police Commissioners Report,” 1880, 10.

⁸ “Police Commissioners Report,” 1880, 11-12.

opium dens, and only 4 arrests were made for soliciting prostitution.⁹ This indicates a degree of under-enforcement on the part of the police, especially given Chief Lappeus's stated concern with the vice industry. Indeed, in following sections of the annual report, Lappeus railed against the vice industry in Portland. He wrote:

There are a number of saloons, where females are found, to entice persons to visit those places...I am fully convinced, if a more rigid policy was followed, that the number of places of the above character would be less...and although it might reduce the revenue to the city in a slight degree, it would prove less injurious to the public.¹⁰

Despite this, relatively few arrests were made in connection with owning bawdy houses and prostitution. Lappeus became much more vitriolic against opium and opium dens, claiming that this was a great threat, as "the habit of opium smoking, which is ruining the health and destroying the minds of many of our young men and girls [is] a habit once contacted that can very seldom or never be broken off."¹¹ Perhaps one reason why he considered opium dens such a social evil was because they were mostly kept by Chinese, yet were patronized by whites. This was distasteful to him since opium smokers, after smoking the drug, would stay in the opium dens in order to

sleep off the stupor; subject to the insults and indignities that may be committed upon them by those not under the influence, and by the Chinese themselves. Some of the females who frequent these places are...young girls of the most respectable class of society...No wonder so many of our young girls fall from virtue.¹²

Not only was it bad enough that opium dens existed, they were leading young respectable girls astray, perhaps eventually into prostitution. This was seen as a direct threat to the social order of Portland. Lappeus's dislike of opium dens was reflected in

⁹ "Police Commissioners Report," 1880, 11-12.

¹⁰ "Police Commissioners Report," 1880, 15.

¹¹ "Police Commissioners Report," 1880, 15.

¹² "Police Commissioners Report," 1880, 15.

the arrest statistics for 1879, as a total of 91 arrests were made for opium related offenses, while only four were made for soliciting prostitution. However, the prostitution industry was politically connected, and therefore free from excessive interference by the police.

Differences in political influence played a role in the way that the police enforced the law. One reformer charged that the city government actually encouraged houses of prostitution because they provided revenue both for the city through taxes, and for individual city officers through bribes and kickbacks. Furthermore, the extensive red light district, popularly named Whitechapel (after the notorious London slum, scene of the Jack-the-Ripper murders), controlled some 3,000 votes, or about one-fifth of all votes cast in the city. This meant that the politician who had the support of the prostitution industry had the support of the three thousand votes controlled by the district. One prostitute even claimed that a single brothel had contributed one hundred votes for a politician that promised them protection.¹³ Chinese controlled opium dens, on the other hand, had not been integrated into this system of political patronage and economic support, and so was not offered protection from the police.

The fact that in his report Lappeus identified threats to public order and morality is a measure of the change occurring in the police force. Instead of being a reactive force, concerned with generating public and private revenue, an attempt was being made to transform the police into an agency actively concerned with the prevention of crime. Prior to this, crime prevention was usually put in terms of hiring more police, instead of analytical attempts to analyze problems and suggest solutions. It was in such apparently minor shifts that the Portland police department was moving away from the traditional model of entrepreneurial policing.

¹³ Thomas N. Strong, "Municipal Condition of Portland," *Proceedings of the Second National Conference for Good City Government held at Minneapolis, December 8 and 10, 1894; and of the First Annual*

Another example of reform that would be championed by advocates of a professional police was discipline. Lappeus emphasized that the police under his command had exhibited good discipline, and that he “would make it my special duty to see that the rules and regulations of the department are strictly obeyed; and it is gratifying to know that there is a willingness on the part of the officers...to comply cheerfully.”¹⁴ It should be noted that this might present an example of the tendency of official reports to be overly optimistic or rosy, in order to avoid looking bad. After all, the case of Officer Gillies (who had been charged with being drunk on duty) reveals that at least some did not cheerfully comply with departmental regulations. Given the fact that Gillies received written support from some of his brother officers, it is apparent that patrol officers had a sense of solidarity in the face of managerial control and punishment. In short, police officers were able to find ways to subvert and undermine the discipline imposed upon them.

Another aspect of the move from traditional models of policing to modern, professional ones required that police officers be thought of as having special attributes that were required for the performance of their duties. By stressing the difficult nature of police work, Lappeus was attempting to persuade the public that they were not fit to judge the performance of the police, largely because they were ignorant of what was involved in police work. In what can only be described as an attempt to claim that police officers had a different status than citizens by the very virtue of their position, Lappeus went to great pains to defend his officers against complaints from citizens:

Complaints are...frequently made by citizens that policemen are not often seen on the street, or that disturbances occur, and no policeman present...Those citizens who are ever ready to make such complaints,

Meeting of the National Municipal League; and of the Third National Conference for Good City Government Held at Cleveland May 29, 30 and 31 1895 (Philadelphia: National Municipal League, 1895).

¹⁴ “Police Commissioners Report,” 1880, 16.

think least of what the duties of an officer are. As above stated, they have several miles of street to patrol, and it could not be expected that they can always be seen at any given point...the duties of a policeman are by no means easy—exposed as he is to all kinds of weather, day and night, having constantly to deal with the worst kind of weather [and] having constantly to deal with the worst class of criminals. I doubt whether any other body of men...have duties more difficult and unpleasant than a policeman.¹⁵

This would be a key component of the professionalization movement. Professionalism required that those seeking professional status could claim a special competency and monopoly in their field, which Lappeus is clearly trying to do here.

External forces also played a role in the development of the Portland police, as various innovations and practices from other cities were adopted. For instance, Lappeus recommended that the Portland police adopt an official uniform, since “In no other city in the United States, of our population, do policemen assume their duties without this distinguishing mark of their office and authority.”¹⁶ This self-conscious attempt to bring the Portland police into line with other cities indicates the degree to which external forces and national practices could affect police practices.

So already, at the start of the 1880s, much progress had been made towards transforming the Portland police into a modern, professional organization, at least in name and appearance. One benefit of this seems to have been an economy in operational costs. In 1883, Mayor J. A. Chapman could write, “The department under the supervision of the current chief, W. H. Watkinds, has...attained the gratifying result of

¹⁵ "Police Commissioners Report," 1880, 16.

¹⁶ "Police Commissioners Report," 1880, 17-18. This supports an argument made by Monkkonen that the spread of uniforms for police forces was the result of the growth of urban bureaucracies. “Once adopted by larger cities, the new model of policing spread from larger to smaller cities, spurred not by precipitating events any longer, but by the newly developing service orientations of city government.” Monkkonen, *Police in Urban America*, 55.

being nearly self-sustaining, that is, the receipts in cash have nearly paid all the running expenses of that department.”¹⁷

Despite these attempts to reform and discipline the police, police misbehavior continued. As a result of the Besser scandal, the City of Portland became much more sensitive to hints of impropriety in the police force. This can be seen in the case of Officer D. J. Gillies, who was formally brought up on charges in 1880. This was the first formal filing of charges for violating the Rules of the Police Department that are found in the archives. Gillies was charged with leaving his patrol beat while on duty. Not only did he leave his beat, he went instead to “houses of ill-fame and drinking saloons”, where he became “grossly intoxicated.” He was then arrested, and while being taken back to the police station, managed to lose his star. In exasperation, and “in consequence of his violent and disorderly conduct...he was placed in a dark cell” until he was fit to appear in public. Chief Lappeus, in concluding this brief, cited as reason for bringing these charges, that Gillies’s behavior was “subversive to good discipline, and tends to bring reproach upon, and lowers the Department in public estimation.”¹⁸ This was of course not the end of the affair, as Gillies and a small number of petitioners (most of them fellow night-watch officers) campaigned to have him reinstated, but by January of 1881, Gillies seems to have given up, and his name does not reappear in the records.

This case provides the clearest example of the police subculture in action. The officers felt close enough to each other that an attack on one officer was seen as an indirect attack on all officers. It was this tight knit police subculture which was to hold so tightly on to traditional modes of policing, as the officers are seen doing here by

¹⁷ “Mayor’s Message”, Annual Message of the Mayor of the City of Portland, Oregon, together with Municipal Reports, for the Fiscal Year Ending Dec. 31, 1883 (Portland: Swope & Taylor, 1883) in Mayor’s Messages and Mayor’s Annual Messages, 1879-1901, 0200-01, Box 4/16. Watkins was appointed Chief of Police following Chapman’s election, replacing Lappeus.

standing up for their brother officer despite the obvious fact that he was guilty of all the charges brought against him. In addition, the fact that police officers went so far as to formally protest this action indicates that the rank and file were not always in agreement with the city's attempts to clean up the image of the police department, and to enforce stricter discipline. Another example of this newfound sensitivity can be seen when, in 1881, a newspaper published an allegation of misbehavior, the Common Council and Police Commissioners were very quick to investigate, in order to preserve the image of the city and its police. Briefly stated, the case involved a couple of fugitives that escaped across the Columbia River to Vancouver, Washington. Portland Police officers were sent to recover them, but on the boat to Vancouver, a special police officer from Portland recognized them, and seems to have accidentally let slip that the officers were in town. On hearing this, the escapees escaped again. The special officer was accused of having purposefully tipped off the prisoners, and an inquiry was held to determine if this was the case. As it turns out, the special officer merely made an error in prudence, talking too loudly when he ought not to have. Even the escaped prisoners, who were recaptured and testified at the inquiry, denied that they were in collusion with the officer.¹⁹

Thus, by the 1880's, and in the interests of improving discipline, the police commissioners began to more thoroughly investigate complaints made against the police. For instance, in 1885, they conducted an inquiry into charges that had been brought up against Captain J. H. Hair. This case illustrates the care with which the commissioners investigated the highest profile complaints, and also the fact that they generally tended to be lenient on officers. If this case had occurred eighteen years later, Capt. Hair would have likely faced suspension, and possibly dismissal. In June of that year, a 70-year-old

¹⁸ Lappeus to Mayor and Common Council, "Police", Council Documents, 1880, 2001-09, Box 33 of 140, City of Portland Archives.

¹⁹ Testimony, "Police", Council Documents, 1881, 2001-09, Box 34 of 140, City of Portland Archives.

man named J. Fry complained that his 14-year-old daughter, Emma, had run away, and was staying in houses of ill fame. At his request, she was apprehended and taken to the police station. Once there, she claimed that she had run away from her father because he had abused her and she was scared of him. She refused to go back to him, at which point Captain Hair decided to take her home with him and keep her overnight, for her protection and in the hopes that this pause would deescalate the situation. Fry objected strenuously to this idea, but Capt. Hair nonetheless took custody of the girl and started to leave the station. At this point, Fry attempted to stop the captain, only to be taken hold of “with some violence”, pushed up against a wall, and threatened with arrest. Emma Hair spent that night with Capt. Fry’s family, and returned to the police station the next day. Her father did not, claiming that “he did not want anything more to do with the police.” Emma was released, and subsequently took up residence at a “house of bad repute.”²⁰

The Committee on Health and Police, which was appointed by the Common Council, found that Capt. Hair had absolutely no legal right to take Emma Fry. He furthermore had been unnecessarily harsh and violent with the elderly man; and had failed to show the proper respect and forbearance towards him. The Committee went even further in condemning his attitude, and presumably that of other officers, writing that:

It may be said for the benefit of policemen generally and of Capt. Hair in particular that the star and garb of a policeman are not to be treated as a shield, from the condemnation which justly falls upon those guilty of wanton cruelty or harshness towards human beings however depraved or helpless, but rather...policemen should always inspire, they should be firm and unflinching in their duties, yet always kind and courteous to those

²⁰ Report of Committee on Health and Police on matter of charges against Capt. J. H. Hair, “Police”, Council Documents, 1885, 2001-09, Box 39 of 140, City of Portland Archives, 1-3.

appealing to them for information or assistance and never unnecessarily harsh or cruel towards even criminals under arrest or in their custody.²¹

Nonetheless, the commissioners determined that further consideration of the charges against Capt. Hair should be indefinitely postponed. Since he seemed to have been acting out of outrage with regards to the allegations of Emma Fry that her father abused her, the Police Commission felt that a light reprimand and reminder of the proper ways to act was sufficient in this case.²² Also of interest was that the commissioners stated that police officers should be as polite, indicating a growing concern about public perceptions of the police. They encouraged reforms, yet provided no mechanism through which to enact and enforce them. Still, this rather weak call for reform would lay the foundations for later changes, by creating institutional precedents for proper police behavior, even if policemen ignored these precedents for many years.

Then, following a Democratic victory in 1885, the state legislature once again seized control of the Board of Police Commissioners. The reasons for this were similar to those of the 1870 takeover, as this was intended to increase Democratic Party influence in Portland.²³ Once again the city was saddled with paying for a police force it had minimal control over. In 1889, Mayor Van. B. DeLashmutt complained that:

According to the Amended Charter, the Mayor and Council have nothing to do with the management of the police department, but are required to pay the bills audited by the Police Commissioners...How is it possible for the Common Council to regulate the tax levy and keep it within the

²¹ Report of Committee on Health and Police on matter of charges against Capt. J. H. Hair "Police", Council Documents, 1885, 2001-09, Box 39 of 140, City of Portland Archives, 4.

²² Report of Committee on Health and Police on matter of charges against Capt. J. H. Hair, "Police", Council Documents, 1885, 2001-09, Box 39 of 140, City of Portland Archives, 5.

²³ "History of the Portland Police Bureau," *Portland's Finest: Past and Present*, (Paducah, OK: Turner Publishing Company, 2000), 20.

requirements of the law, if they cannot control the appropriations of the respective commissions?²⁴

The city government had not forgotten the trauma of the last state-appointed commission, and was more vocal about this issue than it had been in the past. The police commission would remain under state control until the adaptation of the civil service system in 1903, although the mayor would exercise more control over it than during the previous period of the state commission. This was mostly due to the fact that, at certain times, the same political party would control the state and the city government, which meant that the police commission served to reinforce the city's control rather than undermining it.²⁵

This sort of political infighting and maneuvering for power could only serve to limit the abilities of the Portland police to evolve. Instead of having to worry about serving a city and keeping its constituents happy, the police now had only to please the commissioners and the governor. Professionalization was impossible in a politicized environment; indeed, one of the major tenets of this movement would be to remove the police from political control.

The 1890s

The 1890s continued to be a period of rapid growth, despite the crippling effects of the 1893 Depression, which caused considerable economic distress. Portland's economy, based on trading, the transportation of raw goods, and financial institutions, was unstable and very vulnerable to economic cycles. Periods of depression inflicted more harms than elsewhere, just as periods of economic growth had similarly magnified

²⁴ "Mayor's Message", City of Portland, Oregon: Mayor's Message and Municipal Reports for the fiscal year ending December 31, 1888 (Portland: Schwab & Brothers, 1889) in Mayor's Messages and Mayor's Annual Messages, 1879-1901, 0200-01, Box 4/16.

²⁵ Ruby Fay Purdy, *The Rose City of the World: Portland, Oregon* (Portland: Binfords and Mort, 1947), 51.

effects. In any case, the economy soon recovered, and during the first three years of the 20th century, experienced a period of rapid growth.²⁶

Traditional methods of entrepreneurial policing continued into the 1890s. In 1891, W. S. Mason, who was elected mayor on a reform platform, addressed the city council:

We lack the powers to enforce the laws. We have no control over our own police force or our city. Police perambulate the city streets and they are blind to gambling and prostitution. The ordinances on gambling and prostitution are a dead letter on our statute books.

He also suggested that the police get rid of the special officers, “who get their pay from the owners of property they are supposed to guard...in many cases it is the violators of the law who fee these specials.”²⁷ He recommended that regular officers change their assigned beat every week, in order to avoid the same problems. It seems obvious that he believed that some police officers were still collecting fees for various services, an activity that was now strictly forbidden. Not only that, but also some police officers were in collusion with criminal elements as a result of their efforts to increase their income. This must have rankled reformers, seeming to be a return to the bad old days; a step backwards in the quality of policing.

Portland’s city government proved to be particularly well suited to the development of corrupt political practices. This was due to the cities weak governmental structure, in that the mayor had to share policy-making powers with appointed administrative bodies as the Board of Police Commissioners. In addition, politics was still the province of the elite, which created a culture of familiarity and cooperation. The

²⁶ Johnston, “Middle-class political ideology,” 49, 53.

²⁷ “Mayor’s Message”, City of Portland, Oregon: Mayor’s Message and Municipal Reports for the fiscal year ending December 31, 1888 (Portland: Schwab & Brothers, 1889) in Mayor’s Messages and Mayor’s Annual Messages, 1879-1901, 0200-01, Box 4/16.

police commission, for instance, rather than fight with the city government and the political machine behind, the police commission formed a mutually beneficial corrupt relationship with them.²⁸

At the same time, however, reformers would frequently expose and criticize this corruption. For example, in 1895, Thomas Strong spoke before the National Municipal League, a national reform group. Speaking as the Chairperson of the Taxpayers Committee of One Hundred, Strong gave an account of the local reform movement's frustration with the Portland government and police force.²⁹ Strong described how, "Early in the autumn of 1893 the full awakening came...several banks failed and city and county funds, to the extent of over \$300,000, were tied up in the suspended banks."³⁰ In this case, economic and financial problems provided the spark necessary to get the reform movement going, as taxpayers were angry at seeing their tax monies being mismanaged and lost. This outrage found expression in criticism of the political forces in control of city. In addition, by 1894, the city found itself owing some \$675,000 in bonds, with an annual interest of \$64,140, and an income of just slightly over \$67,000 a year.³¹ It was financial and economic problems such as these that gave force to demands for reform.

Since political machines had control of the city, they were able to gather tribute from saloons, gambling dens, and houses of prostitution, in return for "full leave to

²⁸ Johnston, "Middle-class political ideology," 157-158.

²⁹ This organization was probably named and organized after a non-partisan reform group from Cincinnati called the Committee of One Hundred. The Cincinnati Committee of One Hundred was formed in 1885, following a scandal involving electoral fraud, and would eventually be instrumental in encouraging the Cincinnati Police Commissioners promote police reform in the spring of 1886. Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington: D. C. Heath and Company, 1977), 41.

³⁰ Strong, "Municipal Condition of Portland", 433.

³¹ "Mayor's Message," *Mayor's Message and Municipal Reports, 1894*, 0200-01, City of Portland Archives.

violate the laws and debauch the community.³² Strong singled out the police force for special blame, writing that:

Instead of being an enemy to the evil tendencies that worked to the undoing of the city, it seemed far more friendly to some of them than it did to the interests of the municipality, and the harmony that apparently existed and still exists between many officials and certain classes of crime is one of the evil signs of the time.³³

These “great evil tendencies” included the greed of city officials and those doing business with the city, the demands of those in the liquor and saloon business, those that profited from gambling houses, and also from those who profited from the various houses of prostitution.³⁴ As mentioned earlier, Strong maintained that the extensive red-light district maintained a large amount of political power in the city. The police were therefore more interested in protecting the vice industries than in enforcing the law.

Reformers saw the political machines as being the cause of police (indeed, of all) corruption and mismanagement. The obvious solution was to remove the police from political control. This was one of the major ideas behind the professionalization movement, that a professional police force would be a depoliticized one, and therefore would be both efficient and honest. The problem with this equation was that corruption in the Portland police was not just about political control and patronage, it was also about personal enrichment on the part of individual police officers. In other words, even a depoliticized police force could be an entrepreneurial one, using their power and authority to extract revenue through bribes and kickbacks. But at least the entrepreneurial corruption would exist on the individual level, and would no longer be institutionalized.

³² Strong, “Municipal Condition of Portland”, 436.

³³ Strong, “Municipal Condition of Portland”, 437.

³⁴ Strong, “Municipal Condition of Portland”, 435.

Strong claims to have seen some measure of success in the reform efforts of the Committee of One Hundred. Economic difficulties had reduced the influence of the gambling, liquor, and prostitution interests, and “The exposures made by the Committee of One Hundred have resulted in many reforms, and the whole field is strewn with the fragments of broken rings and ruined bosses.”³⁵ Ironically, a later Ministerial Association study claimed that more than half of the members actually owned property in Whitechapel, and that their true agenda was to regain lost business by cleaning up Portland’s image in the outside world without making real changes in ongoing illegal businesses. This image had become so bad that by 1893, merchant vessels were refusing to dock at the city’s port.³⁶ With the populace angry and paying attention to their affairs, city officials were beginning to be held accountable, and those who were corrupt or lax found themselves more or less having to behave. “Even timid and tentative efforts to reform,” Strong claims, “can be noticed in the police department itself.”³⁷ Police reform still had a long way to go in Portland, as future events would show.

In the same year that Strong made his address concerning corruption in Portland and describing the efforts of the Committee of One Hundred, Chief J. W. Minto issued the annual report of the Chief of Police for 1894.³⁸ The job of the police had remained very similar despite the various changes described above. Their main job involved keeping order and peace in the city. As far as police activity was concerned, 1894 saw nearly one-third more arrests than 1879, at 3,845, reflecting both the increasing size of Portland and of its police force. Public order offenses were once again made up the majority of police arrests. By far the most arrests (853) were for being drunk, while

³⁵ Strong, “Municipal Condition of Portland”, 438.

³⁶ “History of the Portland Police”, 22.

³⁷ Strong, “Municipal Condition of Portland”, 435.

drunk and disorderly and disorderly conduct charges made up a further 235 and 281 arrests respectively. Some 322 arrests were made for people roaming the streets at night, while 122 people charged with vagrancy. Still, violent crimes were down, with only three murders and 137 instances of assault and battery.

Police regulation of the vice industry increased from 1879 levels, at least with regard to some types of offenses. The increasing number of prostitution arrests indicates that the police were no longer using brothels as a handy source for kickbacks, or at least were doing so less often. For instance, there were a total of 69 arrests for prostitution, while there were only 11 arrests made connected with opium dens.³⁹ Which leads one to think that the police were starting to de-emphasize the entrepreneurial side of policing, and emphasize the law-enforcement side. In this sense, the police force of 1894 was beginning to show the effects of the reform movement.

Professionalism and the Civil Service System

Professionalism requires individuals to have developed an expertise in a special and complex body of knowledge; and who, because of the complexity of their knowledge, acquired through extensive training, were given a monopoly on the legitimate use of this knowledge and associated powers and privileges. With this monopoly the police were given a degree of autonomy, and the right to administer individuals and practices within its field. And finally, professionals were supposed to be motivated by a service ideal, and would objectively see to the interests of the public and their clients, without any thought of gain to themselves.⁴⁰ While American police agencies adopted the

³⁸ "Annual Report of the Chief of Police of the City of Portland," Annual Municipal Reports of the City of Portland, Oregon, 1894 in Mayor's Messages and Mayor's Annual Messages, 1879-1901, 0200-01, box 4/16. 237-243.

³⁹ "Annual Report of the Chief of Police of the City of Portland," 237-243.

⁴⁰ Walker, *Critical History of Police Reform*, ix-x.

rhetoric of professionalism, they actually developed more along bureaucratic lines.⁴¹ Instead of creating empowered professional police officers with extensive, specialized skills, the police instead became an organization characterized by stricter regulation and control of the individual officer. This strictly hierarchical system was called professional, but the professionalization referred only to the organization as a whole. Individual officers remained on a less than professional standing. As a result, police culture continued to be affected by the traditional style of policing, if for no other reason that a viable professional model was not truly available to them. Nonetheless, reformers saw professionalization as the way to free the police from political influence, and it was assumed that officers would naturally become as honest, efficient, and dedicated as other professionals.

By the late 19th century, reformers calling for the professionalization of the police force had come to see the civil service system as the optimal way to achieve their goals. In 1909 Leonhard F. Fuld, a specialist in administrative law and an examiner for the New York City civil service commission, claimed that the purpose of civil service reform was to ameliorate the evils caused by political machines appointing officers for partisan reasons.⁴² Furthermore, he wrote that:

It [the competitive civil service examination] assumes that, since the public service does the work of the people, it is to exist exclusively for the benefit of the people, who are entitled to demand of their servants the best talent and the highest character which they can procure.⁴³

By replacing the “spoils system”, in which jobs were handed out as a reward for political loyalty and office holders were more concerned with keeping their job than in doing it well, it was hoped that police corruption would end. Under a merit system, the only way

⁴¹ Walker, *Critical History of Police Reform*, x.

⁴² Fuld, *Police Administration*, 78.

⁴³ Fuld, *Police Administration*, 78.

to get ahead was to be deserving of it, and it was assumed that the sort of person who would do well out of this system would be pure of heart, dedicated to his job, and nonpartisan in outlook.

In 1903, the push to reform and professionalize the police at least nominally gained its objective when the city charter was amended to include the police under the civil service system. The years leading up to this were turbulent, marked by scandal, budgetary problems, and attempts to turn Portland into a model city. Naturally, model cities require model police forces.

The Portland police faced serious financial problems, which exacerbated the need for reform. These problems stemmed from Portland's annexation of East Portland in 1891. The Portland police were obliged to extend police coverage across the river with money that had been appropriated before the annexation. Though the Common Council promised that they would cover these expenses by making transfers to the Police Fund from the General Fund, they failed to carry through with their pledge. As a result, the police were obliged to pay for the extension of policing to the East Side with money originally intended for repairing the city jail. Even with these funds, there was a deficit in the Police Fund of about \$2000. The Police Commissioners prophesied that this deficit, unless compensated for, would eventually result in the police department no longer being able to pay their men's salaries.⁴⁴ Time would prove them right.

The deficit in the Police Fund grew (which was legally separate from the city's General Fund) until it became so large that in 1899 the city found itself unable to pay its police in a timely manner. Only in May of that year that the city had enough money to

⁴⁴ Annual Report of the Board of Police Commissioners, Jan. 4 1892, "Police", Council Documents, 1892, 2001-09, Box 54 of 140, City of Portland Archives.

pay the police their salaries and cover their operating expenses for the month of January.⁴⁵ Of course, failure to pay the police could only increase their dependence on graft and corruption. The following year, the Board of Police Commissioners made three different calls for the city to pay the police as soon as soon as it had sufficient funds.⁴⁶ And in January 2, 1901, the city Committee on Health and Police took the extraordinary step of recommending that the police's claims for payroll and other expenses be disallowed.⁴⁷

Not only was the city having trouble paying the police force, but they were also having trouble paying a police force that had been much reduced in size. Portland had 73 patrolmen in its police force in 1892, a number that was reduced to 40 over the space of eight years. To match the police/civilian ratios of other cities, Portland would have needed at minimum 100 patrolmen.⁴⁸ And, as if that wasn't enough, the city jail was in a condition so poor that it was characterized as "a standing violation of the nuisance and health ordinances."⁴⁹

The situation came to a head when the Police Commissioners sent an ultimatum to the Mayor and Common Council in October of 1900. They were so cash-strapped that they were reduced to using stationery that was still dated for the 19th century, so that the correct year had to be written in by hand. "The funds of the department are exhausted," they wrote, and they saw no hope of getting money appropriated under the present system

⁴⁵ Committee on Ways and Means to Mayor and Common Council, May 16 1899, "Police", Council Documents, 1899, 2001-09, Box 70 of 140, City of Portland Archives.

⁴⁶ Police Commission to Mayor and Common Council, July 16, April 4, and June 20, 1900, "Police", Council Documents, 1900, 2001-09, Box 72 of 140, City of Portland Archives.

⁴⁷ Health and Police to Mayor and Common Council, January 2 1901, "Police", Council Documents, 1901, 2001-09, Box 75 of 140, City of Portland Archives.

⁴⁸ Police Commission to Mayor and City Council, July 17 1900, "Police", Council Documents, 1900, 2001-09, Box 72 of 140, City of Portland Archives.

⁴⁹ Napoleon Davis (President of Board of Police Commissioners) to Mayor and Common Council, July 31 1900. "Police", Council Documents, 1900, 2001-09, Box 72 of 140, City of Portland Archives.

of funding until March of 1901. While they understood that the auditor could not give them money that did not yet exist, they maintained that:

we cannot keep in employment a body of men with no certainty as to where there remuneration is to come from...unless your honorable body can devise means for paying the force, we do not see clearly how we can continue its services to the city...the city's legal advisor has already expressed his opinion favoring your right to take care of the department from the general fund, or to divert for its maintenance from the funds collected through the police court, which are ample for this purpose...We deem it proper, however, to thus notify you that we cannot be the medium of supplying you to the city a service for which it does not provide means.⁵⁰

Within a year, the city relented, and passed an ordinance which transferred money from the city's General Fund to the Police Fund, thereby effectively ending the police department's money woes. With this problem fixed, attention was shifted back to the issue of police reform. Civil service status was seen as the solution to the police problem, so in 1903 the police department was included in the city's new civil service system.

As a result of the police's integration with the civil service system and adoption of the civil service exam system, the police department suddenly found that it had to completely restaff the police force. However, the department initially found that they had more positions than eligible candidates. On May 1, the police asked the Civil Service Commission to supply the names of eligible candidates to fill sixty positions. The civil service list at that time contained only fifty-five names. It wasn't until seven days later that the Civil Service Commission had certified enough eligible candidates to meet the demand from the police department.⁵¹ Two months later, the police requested a list of those who had passed the captain's exam, in order to fill three positions. Interestingly

⁵⁰ Police Commission to Mayor and City Council, October 2 1900, "Police", Council Documents, 1900, 2001-09, Box 72 of 140, City of Portland Archives.

enough, out of the eight who passed, the top three candidates were already police captains.⁵²

In addition to gaining civil service status, in 1903 the Portland police were placed under the leadership of a reform oriented police chief. Charles H. Hunt, the new police chief, immediately set about making changes and seeing to the discipline of his force. For instance, he gave orders that police officers should not go into saloons. It was his custom to travel around the city to see what his officers were up to. "In the north end of the city, " he later testified, "I found Officers Gibson and Bailey were in the habit of going from one saloon to another continually. They would go from one saloon and stay five minutes perhaps, then to another, and into the gambling houses."⁵³ He then issued orders that officers not go into saloons unless sent or summoned there, and then for them to stay only as long as it took for them to conduct their business. He subsequently saw the officers mentioned above stay in a saloon with rooms for prostitutes in the back, commonly called a combination house, for a full seven minutes. He subsequently decreed that Gibson and Bailey were to never again set foot in a saloon while on duty. This order was in effect for two weeks, until Captain Moore pointed out that the officers couldn't do their duty unless they could go into saloons and check to see that no trouble was brewing. Chief Hunt relented, and the two officers, apparently convinced in the seriousness of the Chief, lingered in saloons no more.⁵⁴

⁵¹ Civil Service Commission to Mayor and Executive Board, May 1 and May 8 1903, "Police", Council Documents, 1903, 2001-09, Box 80 of 140, City of Portland Archives.

⁵² Civil Service Commission to Mayor and Executive Board, July 3 1903, "Police", Council Documents, 1903, 2001-09, Box 80 of 140, City of Portland Archives.

⁵³ In the Matter of Charges filed against Officer Jack Roberts, September 15 1903, "Police", Council Documents, 1903, 2001-09, Box 80 of 140, City of Portland Archives, 63.

⁵⁴ In the Matter of Charges filed against Officer Jack Roberts, September 15 1903, "Police", Council Documents, 1903, 2001-09, Box 80 of 140, City of Portland Archives, 63-64. This case involved accusations being brought against Officer Roberts claiming that he was in the habit of collecting protection money from Chinese and Japanese prostitutes. The two officers mentioned above were interviewed in connection to the claim that Hunt had ordered his men not to enter taverns and combination houses, in

Discipline became stricter across the board once the department adopted the civil service system. For instance, in 1903, two officers were temporarily suspended, one for spending too much time in restaurants, and the other for not wearing a regulation winter cloak.⁵⁵ Previously, such violations of departmental policy would not have been dealt with so harshly, if at all. The following year saw even more formal charges brought against officers, for such misdeeds as being absent from duty, conduct unbecoming an officer, and spending too much time in saloons, with two officers being fired.⁵⁶

The Failure of the Civil Service System in Portland

Towards the end of 1904, Chief Hunt was asked to describe the effect that the civil service system had had on his department, and if it had resulted in the improvement of public service in his department. His response must have come as quite a rude shock to those reformers who supposed that the civil service system would result in professionalization, and that professionalization would result in the reform of police habits and practices. Hunt replied that:

The effect of the Civil Service rules upon the Police Department...are detrimental to police service and discipline. The fact that an officer must commit some crime, overt act, or gross neglect of duty of an aggravated character to call for his discharge...from which the officer can make an appeal to the Civil Service Board to set aside the verdict...has the effect to make officers not inclined to be honest, in the discharge of their duty, indolent, insolent and negligent.⁵⁷

Since it was very difficult to fire civil servants, Hunt recommended that the Civil Service Exams also look at the character and moral fiber of those testing to be police, as

order to protect these houses. This proved not to be the case; while Roberts was certainly collecting graft money, this corruption did not extend to the highest levels of the department.

⁵⁵ Police Committee to Executive Board, December 4 1903, "Police", Council Documents, 1903, 2001-09, Box 80 of 140, City of Portland Archives.

⁵⁶ "Police", Council Documents, 1904, 2001-09, Box 82 of 140.

well as to their mental and physical qualifications. As the system currently stood, men had been appointed police officers “that were so addicted to the use of spirituous liquors to such an extent as to make them unsuitable persons to perform the duties of a police officer.”⁵⁷ The civil service system had succeeded in removing officers from political influence so well as to shield them from disciplinary actions, and failed miserably in bringing about other reforms.

In short, the reform movement to create a modernized, professional police movement through the use of a civil service system failed. It failed because it misinterpreted the source of police corruption. This corruption was assumed to stem from the influence that partisan political machines had in the running of the police department, when in fact it was the subculture within the police department that held on so assiduously to what had been traditional modes of doing business. These traditional modes, inappropriate in a modern, urban police force, were responsible for the charges of police corruption. The lack of attention to this issue was ultimately responsible for the failure of the professionalization of the police.

⁵⁷ Chief of Police Hunt to Mayor, November 13 1904, “Police”, *Council Documents*, 1904, 2001-09, Box 82 of 140, 1.

⁵⁸ Chief of Police Hunt to Mayor, November 13 1904, “Police”, *Council Documents*, 1904, 2001-09, Box 82 of 140, 2.

Conclusion

The development of the police in 19th century Portland was in many ways comparable to police development in other American cities. The growth of cities complicated the business of government, necessitating its modernization and rationalization, usually under the rubric of professionalization. The police were not spared in this process, and they developed into a professional entity hand in hand with the city as a whole. And, as Monkkonen pointed out, innovations in policing spread from city to city, as successful new practices became almost industry standards, and served to diffuse the call for professional police forces across the nation. However, this reform movement was often frustrated by a stubbornly corrupt police force. Reformers decried this corruption, and linked it to the corruption of the political machine at large. They misdiagnosed the problem, however; while police corruption was linked and abetted by political corruption, it was symptomatic of a much deeper problem. This problem was one that involved continued existence of traditional, entrepreneurial police practices in a social/political context that deemed them morally wrong and corrupt. In other words, the police organization and subculture was one that resisted change, and found ways to resist it. Professionalization would not act as an apiary valve through which reform could enter into the police culture. The new, modern police simply did not mark the end of old ways of doing business, as both reformers and modern historians have surmised.

This resulted in efforts, made by both city governors and private citizens, to reform the police. Early reform efforts centered on increasing the discipline of the police and the police department, while later reform efforts focused on freeing the police from the influence of politicians. Individual police officers, sometimes including high-ranking officers (such as Lappeus), were entrenched in the old style of policing, which in turn had

been and continued to be a part of political machine politics. As a result, it was very difficult for any reforms to take effect on any deep level. But, since reforms had been made, and attitudes towards public policing had changed as far as expectations of service, traditional policing started to be thought of as corrupt.

This newly discovered and, in a sense, recently defined corruption was linked with the influence of political machines. Professionalization thus became the rallying call for police reformers, who saw this as both depoliticizing the police and changing the police culture from oriented to personal gain to public service. The idea was that if the appointment, promotion, and disciplining one of officers were to be removed from the control of political machines, officers would no longer be beholden to politicians, and would instead become dedicated public servants.

This may have sounded good, but it overlooked the fact that police corruption had its roots in the bygone days when police were expected to and could legitimately enrich themselves by holding public office. While public and official attitudes about this changed in the later part of the 19th century, police practices remained the same in some regards. The only change, for the most part, was that fewer officers engaged in what was now corrupt activity and those who did found themselves forced to be more discreet. In addition, the pressures of acting illegally in one fashion often bound the officers to act illegally in others; they soon found that corruption could be a treacherous, slippery slope.

The effects of civil service reform in Portland in 1903 did not change any of this; its only accomplishment was to further entrench the police inside their own bureaucracy and to neutralize the efforts of public administrators to get rid of proven corrupt or inefficient officers. As Chief Hunt pointed out, even in those instances when an officer was reinstated or fired, the officer would challenge this before the Civil Service Commission, often winning reinstatement.

It has been suggested that the story of the development of the police was bound up with the story of the development of the urban city. It has also been argued that this story is mainly one dealing with the transformation of police agencies into autonomous, bureaucratic, and hierarchically organized professional organizations, that modern policing evolved out of a rationalization of police functions. These arguments are both correct, but they fail to take into account the strains created by this transformation, especially with regard to the resilience of entrepreneurial policing. The story of the development of policing in Portland, and quite likely of other cities, was also the story of the residual effects of traditional forms of policing, their resilience, the efforts made by reformers to eliminate them, and the resistance by individual police officers to these efforts. When analyzed in this light, the transformation of legitimate fee collection to illegal corruption becomes a matter of definition. In the end, police corruption was a label applied to traditional behaviors that had persisted through time, and that urban reformers had successfully criminalized.

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