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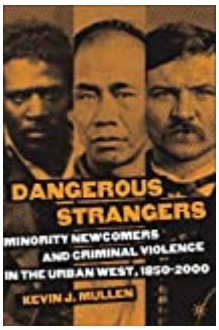

Kevin J. Mullen. *Dangerous Strangers: Minority Newcomers and Criminal Violence in the Urban West, 1850-2000.* New York: Palgrave Macmillan, 2005. xii + 203 pp. $69.95 (cloth), ISBN 978-1-4039-6978-1.

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Dangerous Profiles

When Raymond Kelly became head of the U.S. Customs Service in 1998 he ordered a halt to ethnic profiling and replaced their list of forty-three traits to watch for with a simplified list of six general categories. Searches by the Customs Service dropped 75 percent while successful seizures increased 25 percent. Kelly instituted the same reform when he became Commissioner of New York City Police in 2002.[1]

Ethnic profiling was the norm in the nineteenth century. It was widely accepted that crime concentrated among certain cultural groups. Law enforcement generally backed up these suppositions with arrests. Of greatest importance, experts agreed that some peoples, such as Hispanics and the Irish, were prone to violence. It was inherent to their culture and thus to their character.

Kevin J. Mullen explores this stereotyping, matching it against prosecution statistics, and finds it reflective of reality. Along the way he addresses the historical debates over the level of western violence and the effectiveness of law enforcement, crafting a thoughtful and provocative study of homicide in the city of San Francisco over 150 years. Though he employs a passive voice which only suggests rather than states his judgments, Mullen's thesis is clearly formulated: "The study demonstrates that high rates of criminal violence can be attributed more to the group's culture than generally believed. It also concludes that what the police do–or do not do–affects the level of violence in a community" (p. 2).

Mullen perceives himself in a debate with those who argue that "the host society" of the United States is to blame for the violence of immigrants and African Americans. He rejects that view as rubbish, insisting that it is the culture of the "minority newcomers" that is responsible for the violence committed by members of these groups. Mullen insists that the United States is an open and welcoming society, and its courts dedicated to justice. *Dangerous Strangers* demonstrates this challenging thesis by focusing on six cultural groups in a rough chronological development from 1850 to 2000: Australians, Latinos, Irish, Chinese, Italians, and African Americans. There is also a final chapter on San Francisco's recent experience of homicide titled "Violent Rainbow."

California was a relatively peaceful place when con-

quered by the United States in 1846-1847. Even the Gold Rush introduced little violence to the new territory, at first. But the three years 1849-1851 saw forty-one homicides in San Francisco, its highest rate in the nineteenth century. As Robert Dykstra argued back in 1968, and as most scholars have since found, violence peaked in western communities at the beginning of settlement, quickly declining after the establishment of legal structures.[2]

San Francisco was a boomtown in these years, its population growth far outstripping the ability of law enforcement to handle the social dislocation. Mullen offers a good analogy with fire prevention. As buildings went up all over the expanding city without any oversight and with no comparable expansion of fire-fighting services, fires became a much greater problem for the city than crime, especially as crime was minimal. The first police department was both small and corrupt, more often aiding rather than hindering criminals, as the robbery rate jumped from 3 in the year before June 1850 to twenty-six in the following year. But after the extreme actions of the Committee of Vigilance, the city established a larger and more professional police department that helped bring crime under control, especially after the ruthless Martin Burke became Chief of Police in 1858.

Violence tends to cluster in periods of dramatic change and social dislocation. After the initial violence of 1849-1851, the next peak came in the 1870s, when the population of the city tripled. Most homicides during these years, as later, were the result of "trivial disputes," often associated with alcohol consumption. However sharp spikes in the homicide rate occurred as a result of violence by immigrant groups.

Mullen acknowledges that most studies of criminality from the Wickersham Commission of 1931 on have firmly demonstrated "that immigrant newcomers are not disproportionately criminal" (p. 5).[3] What violence can be found on the part of immigrants may fairly be attributed to the way in which they were treated by the broader society, as has been the African-American experience. But Mullen prefers to follow the example of Eric Monkkonen, who argued that most violence in nineteenth-century New York had ethnic roots.[4] Mullen finds "the principal reason for minority newcomer criminal violence â¦ residing in the immigrant newcomer culture itself" (p. 12).

The Australians, 13 percent of whom had criminal records prior to immigration, were the first target of native-born animosity. Three of the four men hanged by the Committee of Vigilance were Australians. It is important to note though, that the Committee of Vigilance was responsible for more illegal violence than were the Australians, as only one homicide may have been committed by an Australian prior to these illegal executions. The Australians were known and hated not for violence, but for robbery, and the Committee of Vigilance aimed to put an end to crimes against property, not against people.

This society accepted a certain degree of violence, especially when it stayed within the bounds of specific social groups. The white majority, Mullen argues, did not have a problem with Chinese killing Chinese; they only became exercised when whites were killed. As long as violence stayed within the group, "public officials and the general public" accepted "interpersonal violence â¦ [as] to a large extent a private matter" (p. 25).

The Committee of Vigilance effectively reduced crime in San Francisco, though Hispanics continued to commit a number of violent acts. Mullen argues that Latinos were overrepresented in criminal prosecutions because they committed more crimes. Following on the research of John Boesenecker [5], Mullen finds that Mexican robber bands accounted for most of the rural homicide in California in the mid-nineteenth century, and that violence emerged from their culture.

However, Latino violence declined before the influx of Irish and Chinese immigrants. Mullen recycles the Celtic myth, that the Irish are a violent people, quoting Posionius from the first century. Irish combativeness is thus deeply rooted, and sprang upon the unsuspecting Pacific shores of California in the mid-nineteenth century. Mullen finds the Irish reputation for violence "well deserved," as "I estimate that Irish-surnamed people were the victims in 30 percent to 48 percent of the criminal homicide" in San Francisco between 1860 and 1900, at a time when they constituted about 30 percent of the population (p. 46). Of course, these are victims rather than murderers, and, as Mullen correctly observes, it is very difficult to agree on what constitutes an Irish name–only 53 percent of those we know to be Irish had distinctively Irish surnames. Many of those identified as Irish could have been Scots or Scots-Irish, but then they "had a well-deserved reputation for violence" as well (p. 48).

It is not always clear what aspects of a particular culture drive violence, other than the fact that a high percentage of immigrants are men. Mullen makes a strong case for the cultural distinctiveness of the Chinese, with their divergent attitudes toward women, hierarchy, and the law. While the Chinese proclivity toward feuds accounted for many acts of violence, it is not as unusual

as Mullen suggests, being a well-known aspect of Southern and Texan culture. Chinese convicted of murder suffered more at the hands of the law, with 64 percent given life sentences or hanged compared to 34.8 percent for all non-Chinese. Mullen observes the inequality in sentencing, but insists that it reflects more on the nature of the Chinese than of the legal system.

Bizarrely, Mullen refuses to acknowledge ethnic bigotry, writing that in the western United States "where there was no tradition of ethnic exclusion and all arrived about the same time, it was to each according to his ability" (p. 49). It is difficult to know what to make of such a statement. First off, the Indians were there first, and they suffered a rather notable degree of exclusion. A great many Mexicans also preceded the general white migration of the 1850s and to insist that they experienced no exclusion is at least disingenuous if not a grotesque misrepresentation of history. Also, while some African Americans did find opportunity in the west, segregation was a very real part of western life. Then there was the less than equitable treatment of the Chinese and Japanese. But even among the Europeans there was one group that did not enjoy quite the same degree of welcome at first: the Irish.

But Mullen insists that the Irish were not the victims of bigotry. To establish that Irish culture is steeped in violence, Mullen compares Irish immigrants to the law-abiding, non-violent Germans. "Does anyone argue that they [the Germans] were necessarily better received than the Irish immigrants?" (p. 56). Well, yes, actually; almost everyone who has ever written on the subject of immigration in the nineteenth century.[6] Has anyone ever heard of signs reading, "No Germans need apply"?

Such a cavalier approach to the history of American bigotry leads me to three problems I find with Mullen's argument, starting with this notion that law enforcement in the United States has not been racist. It borders on the ridiculous to make such a case for the South at any time prior to 1965 at least. But it is also difficult to support this contention even in famously liberal California. In his outstanding study of nineteenth-century homicide in California, Clare McKanna found a justice system "distorted by racial prejudice."[7] McKanna does find some sincere jurists who acted according to the highest legal standards, overriding racism to free the innocent; but they were the exception.

When we find a disproportionate number of an ethnic group being convicted, do we conclude that more of them are being caught and prosecuted, or that more of them are criminals? Is it just coincidence when that group is the victim of campaigns of bigotry? Could the way they have been treated by the larger society have some bearing on their experiences with the law? This issue is still significant, as 12 percent of African-American men aged 20 to 34 are in prison, compared with 1.6 percent of white men of that age group; while blacks account for 55 percent of those convicted on drug charges and 74 percent of those sent to prison for these offenses.[8] Mullen holds that those convicted of a crime are guilty, and their guilt evidences the greater criminality of the group to which they belonged.

Mullen presents evidence that contradicts his thesis, which is one of the strengths of this book. For instance, a great deal of violence was directed at the Chinese, which might account for some of their violent conduct in return. Following Robert Heizer and Alan Almquist [9], Mullen understands that Latinos may have responded to injustice with a violence born of resentment over their status as a conquered people. But on the whole, Mullen rejects such logic. He is clearly put off by the tendency to excuse the conduct of criminals. "Yet when 'people of color' are involved, we immediately start looking for some oppressive condition imposed on them by the majority to explain their criminal behavior" (p. 30). Mullen agrees with William Wilbanks that American criminal justice is not and has not been racist [10]; a position at odds, at the very least, with the fact that California's first Constitution did not allow blacks to testify against whites. Mullen notes that Monkkonen found that blacks in nineteenth-century New York City were six times more likely than whites to be hanged for homicide, but insists that such treatment by the law "has more to do with the nature of the case than the race of the perpetrator" (p. 109). Mullen puts his faith in the legal system, insisting that those convicted were correctly charged, prosecuted, and sentenced, though he does quote Pat Brown's observation that "There is no organized crime in San Francisco. The crime is all organized by the Police Department" (p. 101).

Second, Mullen venerates the rate per 100,000 statistical model. In fact he criticizes McKanna for giving his statistics numerically rather than in rates per 100,000. Robert Dykstra has pointed out the danger of an excess reliance on this ratio when dealing with small populations, reporting that 1880 Dodge City had a formidable ratio of 78.4 based on a single murder.[11] Mullen acknowledges this problem in several places, as when he writes that a few murders by Italians in 1863 created an annual rate of 300 per 100,000 (p. 84), while the African-

American homicide rate of 25 per 100,000 for the years 1880 through 1884 is based on two murders, with that rate declining to zero in the years 1890-1894 (p. 105). Nonetheless, his tables are based on this rate without listing the actual numbers, though some statistics are scattered through the text. It is important to have the numbers as conclusions are reached on their basis. For instance it is not until page 72 that we learn that a total of 564 people were convicted of murderer from 1870 through 1930, or just over nine per year. It would be worthwhile to also know how many homicides remained unresolved and how many people accused of murder were found innocent.

Similarly, Mullen writes that the Irish accounted for "60 per cent of those hanged by legal authority in San Francisco in the 1850s" (p. 45). That sounds like a very large number until the reader learns in passing on page 52 that this 60 percent equals three men. Interestingly, Mullen mentions this statistic in order to avoid any generalizations that the justice system may have been biased against the Irish: "the number is really too small–three of five cases–to make any statistical projections" (p. 52).

To his credit, Mullen cites several problems with the statistics. For example, evidence of high levels of Latino criminality for the Gold Rush period is based on newspaper accounts from 1854, which is hardly a solid statistical base. As Mullen writes, "any statistics about Gold Rush-era Latino criminality are of questionable exactitude" (p. 35). Nonetheless, by stringing together anecdotes and statistics Mullen is persuaded that Latinos committed a disproportionate number of crimes in the 1850s. Based on questionable sources, Mullen reaches precise conclusions. He identifies 20 homicides committed by Latinos in San Francisco from 1849 through 1859, or 15.6 percent of the total, at a time when they constituted an estimated 10 percent of the population. Does that number indicate that more Latinos were prosecuted or that there were more Latino murderers? Mullen holds with the latter.

And third, Mullen, it seems to me, fails to support his contention that the cultural heritage of immigrants accounts for a great deal of American violence. I admit that I rebel against such unsupported sweeping generalizations as that the Irish were a violent people. Mullen is content with such assertions: "references to Irish combativeness Ã¢â¬Â¦ are too widespread to be explained in terms of simple prejudice" (p. 46). But why? Just because some contemporaries said that the Irish are a violent people does not make it so. How many countries did the Catholic Irish invade in the nineteenth century? How many insurrections did they put down? How many groups of cowering unarmed civilians did they slaughter? Why did this supposedly violent people not rise up in violent rebellion against their conquerors, even under the incentive of the famine of the late 1840s? Perhaps it is wrong to consider such measurements of national violence; maybe levels of interpersonal violence give a more accurate portrait of a people's character. But who had the higher rate of violence, the Irish, the English, or white native-born Americans? Oddly, the Irish seem to finish third, as Carolyn Conley found the homicide rate in late-nineteenth-century Ireland one-third less than that of England and Wales.[12] So Mullen retreats to evidence indicating that the Irish preferred fistfights. By this point many readers, while respecting Mullen's care and honesty in presenting contrary evidence, may grow impatient and demand that Mullen stick to the type of solid evidence he uses elsewhere in the book. This reader, at least, remains baffled why it is so important to Mullen to demonstrate that the Irish are a violent people.

There are many other possible explanations for the high homicide rate in the first years that San Francisco was under U.S. rule other than the presence of immigrant groups.[13] Most murders are committed by young men, and San Francisco in this brief period was overwhelmingly male. The influx of women, children, and more mature men after about 1854 brought thousands of people who committed very little violence, diluting the homicidal base. Another reason for the higher rate in the 1850s may have been the paucity of medical care. People died of wounds to a much higher degree then than even later in the century. Knife wounds, which killed so many people in the 1850s, were less lethal by 1900 thanks to improvements in medicine.

And what of the influence of the host culture? After all, Americans tend to solve their problems violently. Immigrants to San Francisco in the years 1851 to 1880 had all the evidence they needed in the Committee of Vigilance, the Civil War, and white opposition to Reconstruction. On the other hand, one of the most interesting aspects of this study is the relatively stable low rate of white homicide from 1860 through 1929. Another book could be written about the tendency of white San Franciscans to not resort to homicidal violence.

Roger Lane has intelligently split the difference in his study of homicide in Philadelphia, emphasizing that violent behavior by immigrants depends on a receptivity born of their background mixed with the culture and expectations of the place where they settled.[14] Thus it

is worth noting that Irish immigrants to Canada did not stand out for their greater levels of violence; in fact Canadian popular perceptions in the nineteenth and early twentieth centuries attributed such anti-social conduct to those of French extraction. Similarly, while I am persuaded by Clare McKanna's exacting study that prejudice played a major role in law enforcement in the west, the two positions are not exclusive. It is possible for Latinos to have been both more criminal and the victims of racism.

These criticisms are not intended to question the great value of this work, but rather to register the room for disagreement in interpreting the data. Mullen is a careful, precise, and honest scholar who provides the reader with sufficient material for a counter-argument, which is truly admirable. Nor can this review do justice to some of the nuances of his analysis, most particularly in the chapters on the Chinese and Italians. Further, I am in complete agreement with the second part of Mullen's thesis, for which there is ample evidence. Crime rates went down "when the police were assertive," and increased "when the officers laid back" (p. 12). Mullen quotes Los Angeles chief of police William Bratton that "the penicillin for dealing with crime is cops" (p. 11). The experience of San Francisco certainly supports that assertion. One reason the homicide rate in San Francisco was so much lower than in other contemporary American cities in the late nineteenth and early twentieth centuries, he argues, is because "justice was swift and certain" (p. 91), though often without regard for constitutional protections.

But I would contend that the two parts of Mullen's thesis may operate against one another, that an end to ethnic profiling is in fact more effective law enforcement. New York City's recent experiences validate this perspective. After Raymond Kelly eliminated ethnic profiling and insisted that the police divert their resources to modern techniques of responding with greater force in "impact zones," the crime rate, both violent and against property, declined dramatically. New York City now rates 222 in crime out of the 240 American cities with more than 100,000 inhabitants.[15] Certainly getting rid of ethnic profiling is only one contributing factor in this change, but a very positive one; and one, I would contend, that helps to prevent egregious miscarriages of justice.

Despite any disagreements expressed here, Mullin's book is a valuable addition to the scholarship of a fascinating and important subject. Those interested in the development of criminal law in the west would do well to read this book.

Notes

[1]. Malcolm Gladwell, "Troublemakers: What Pit Bulls Can Teach Us About Profiling," *New Yorker* (February 6, 2006).

[2]. Robert R. Dykstra, *The Cattle Towns* (Lincoln: University of Nebraska Press, 1968).

[3]. George Wickersham, *Commission Report No. 10: Crime and The Foreign Born* (reprint; Patterson Smith, 1968).

[4]. Eric Monkkonen, *Murder in New York City* (Berkeley: University of California Press, 2000). However, see also Eric Monkkonen, "Diverging Homicide Rates: England and the United States, 1850-1875," in *Violence in America*, ed. Ted R. Gurr (Newbury Park, CA: Sage Publications, 1989).

[5]. John Boesenecker, *Gold Dust and Gunsmoke: Tales of Gold Rush Outlaws, Lawmen, and Vigilantes* (New York: John Wiley and Sons, 1999).

[6]. Start with Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations that Made the American People* (Boston: Little, Brown, 1951); and Ray Allen Billington, *The Protestant Crusade, 1800-1860: A Study of the Origins of American Nativism* (New York: Rinehart, 1952); and read through Otis L. Graham, *Unguarded Gates: A History of America's Immigration Crisis* (Lanham, MD: Rowman & Littlefield, 2004); with a stop over to look at Dale T. Knobel, *Paddy and the Republic: Ethnicity and Nationality in Antebellum America* (Middletown, CT: Wesleyan University Press, 1986);and Noel Ignatiev, *How The Irish Became White* (New York: Routledge, 1995).

[7]. Clare McKanna, *Race and Homicide in Nineteenth-Century California* (Reno: University of Nevada Press, 2002), p. 108.

[8]. Paige M Harrison and Allen J. Beck, *Bureau of Justice Statistics, Prison and Jail Inmates at Midyear 2004* (Washington, D.C.: U.S. Dept. of Justice, April 2005).

[9]. Robert Heizer and Alan F. Almquist, *The Other Californians: Prejudice and Discrimination Under Spain Mexico, and the United States to 1920* (Berkeley: University of California Press, 1971).

[10]. William Wilbanks, *The Myth of a Racist Criminal Justice System* (Monterey, Ca.: Brooks, Cole, 1987).

[11]. Robert R. Dykstra, "To Live and Die in Dodge

City," in *Lethal Imagination: Violence and Brutality in American History*, ed. Michael Bellesiles (New York: New York University Press, 1999).

[12]. Carolyn Conley, *Melancholy Accidents* (Lanham: Lexington Books, 1999).

[13]. For general studies of homicide see Roger Lane, *Murder in America, A History* (Columbus: Ohio State University Press, 1997); M. Dwayne Smith and Margaret A. Zahn, eds., *Homicide: A Sourcebook of Social Research* (Thousand Oaks, Ca.: Sage, 1999).

[14]. Roger Lane, *Violent Death in the City: Suicide, Accident, and Murder in Nineteenth-Century Philadelphia* (Cambridge, Ma.: Harvard University Press, 1979); *Roots of Violence in Black Philadelphia, 1860-1900* (Cambridge, Mass.: Harvard University Press, 1986).

[15]. Gladwell, "Troublemakers."

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