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# San Francisco, 1906: The Law and Citizenship in Disaster

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## “San Francisco is Blotted Out”

On Wednesday morning at a quarter past five came the earthquake. A minute later the flames were leaping upward in a dozen different quarters south of Market Street, in the working-class ghetto, and in the factories, fires started. There was no opposing the flames. There was no organization, no communication. All the cunning adjustments of a twentieth century city had been smashed by the earthquake. The streets were humped into ridges and depressions, and piled with the debris of fallen walls. The steel rails were twisted into perpendicular and horizontal angles. The telephone and telegraph systems were disrupted. And the great water-mains had burst. All the shrewd contrivances and safeguards of man had been thrown out of gear by thirty seconds' twitching of the earth-crust.<sup>1</sup>

San Francisco author Jack London witnessed the astonishing destruction of the 7.9 magnitude earthquake that shook the city of San Francisco awake before dawn on April 18, 1906. The trembling destroyed buildings and city streets, but more disastrous than the crumbling buildings, the earthquake started a fire. The city water mains broke, leaving fire fighters without sufficient water to suppress the ensuing inferno. The city plunged into chaos as survivors left their homes, taking only what they could carry or drag toward safety. The police department, ill-prepared to meet the demands of a disaster of this scale, busied

themselves with aiding those most affected.<sup>2</sup> Less than two hours after the quake, without orders, Brigadier General Frederick Funston, stationed at the nearby Presidio Army base, mustered his troops and marched them into the city as San Franciscans cheered.<sup>3</sup>

The proximity of the military base allowed soldiers to act as first responders, which the city mayor readily embraced. The destruction brought about by the earthquake and ensuing fire is undeniable, but that is not the focus of this article. Rather, this article highlights the negative impact of the human element during a natural disaster, arguing that during the crisis, the mayor and the military leaders stepped outside the bounds of the law, deteriorating the situation and increasing the number of victims. What follows is an examination of eyewitness and newspaper sources as well as official military documents. Scholarship on this event that focuses on the military acting as law enforcement is relatively limited. Therefore, this article relies on the voices of San Franciscans themselves. The first section will discuss the steps taken by the mayor and the military leadership and demonstrate that their desire to prevent illegal activity led to the deaths of an untold number of citizens through illegal—or at best, extra-legal—actions. The second section will offer a sampling of the first-person accounts by citizens and will describe their indifferent response to the violence perpetrated by the military during the disaster. The final section will explain why the actions of the mayor and the military are not often part of the greater narrative of the San Francisco earthquake as it outlines the desire of the leadership to move past the tragedy and rise from the ashes.

## Drastic Measures

*“The Federal Troops, the members of the Regular Police Force, and all Special Police Officers have been authorized by me to KILL any and all persons found engaged in Looting or in the Commission of Any Other Crime.”*<sup>4</sup>

—Eugene Schmitz, Mayor of San Francisco

Within hours of the earthquake, city mayor Eugene Schmitz issued a proclamation, ordering that any of the various law enforcement groups patrolling the city could shoot looters on sight. The proclamation helped spread a mistaken belief and convinced citizens that martial law—the effective suspension of law—was in place. The governor, who actually possesses the power to declare martial law, never did, nor did President Roosevelt; yet, the morning after the quake the *San Francisco Call* reported, “After a conference between Schmitz and Chief of Police Dinan, San Francisco was placed under martial law at 9 o’clock yesterday morning.”<sup>5</sup> For several days (and in some cases years), citizens believed the city to be under martial law. Historian Philip Fradkin noted that the confusion over the law led to a “murky legal situation . . . if there was martial law, then

that meant that there was no civil law; if there was civil law, then there was no martial law.”<sup>6</sup> The absence of a clear form of law led to a paradigm in which both martial and civil law were enforced, but by forces that did not have the authority to do so. The crucial element of maintaining control of the city was the image of control. Amid the chaos that filled the streets of San Francisco, amid the smoke and falling buildings, thousands of soldiers marched with bayonets affixed, guns at the ready.

Funston’s actions were the inception of widespread confusion as to who was in control of the city and what form of law citizens were expected to follow. Funston later wrote, “Without warrant of law and without being requested to do so, I marched the troops into the city, merely to aid the municipal authorities and not to supersede them.”<sup>7</sup> The military presence seemed to signify that martial law was in effect. Whether or not the citizens realized it, the mayor’s proclamation suspended constitutional law in the name of disaster relief and installed the military with only “the law of the moment” to govern their actions.<sup>8</sup> The mayor’s assumption of power over the military led to the deaths of citizens who were punished for crimes without due process of law, without a jury of their peers, and without a judge to determine their guilt or innocence.

Early in the crisis, city law enforcement identified looting as the issue of utmost concern and reported this to the mayor. Unofficial reports of looting quickly made their way through the evacuees. Because of the wide range of classes and the many ethnicities in the city, many feared social mayhem. Fradkin notes, “The ultimate sanction was placed on the relatively harmless crime of looting.”<sup>9</sup> This sanction kindled more confusion than order. Homeowners, removing belongings from their own homes were mistaken for looters, as were those who sought food and shelter. One man told of a request for an ambulance to a tent hospital set up in a park. “The Red Cross attendants on answering the summons found a young man wounded, shot in the dusk of evening while walking out of his own back door. The soldier had mistaken him for a looter.”<sup>10</sup> In the chaos and confusion, it was impossible to correctly identify crime, and without the protection of law and the constitutional guarantee of protection under the law, the military threatened the very citizens they were meant to protect.

The foremost complication the city faced was not looting, fire, nor the ruined buildings. While those were pressing issues, the main concern that the city faced was the utter chaos that filled San Francisco as a result of the natural disaster. The natural disaster caused a flood of people in the streets as buildings were destroyed or deemed uninhabitable by soldiers who drove residents out of their homes in an attempt to protect them. It mattered little that these citizens were protecting their homes and private property. The soldiers enforced an unclear, unprecedented law that stated that they were the final authority in the moment. Police and fire crews were battling blazes; military crews were patrolling streets and dynamiting buildings hoping to stop the inferno. It became clear early in the course of events that the soldiers, armed with rifles and bayonets, would prove

to be swift and ruthless executors of General Funston's orders. Things turned deadly even before Mayor Schmitz issued his warning.

Newspaper headlines relayed the dramatic news from across town, confirming rumors and individual reports. "People Shot Down By Soldiers in Streets of San Francisco,"<sup>11</sup> "Fourteen Men Killed,"<sup>12</sup> "Men Shoot Fiends Who Try to Rob,"<sup>13</sup> and "Federal Troops and Militia Guard the City, With Orders to Shoot Down Thieves."<sup>14</sup> One story, published in *The San Francisco Call*, recounted events when suspected looters broke into a downtown grocery store after food and liquor. A detail of about ten soldiers passed by and the commanding officer ordered his men to clear out the looters. "J. B. Riordan, son of the real estate agent, who lives in the neighborhood, grabbed the gun of one of the guardsmen and called him a 'tin, soldier.' Riordan was shot at once. He died in a carriage containing Father Yorke and a party, into which he was lifted."<sup>15</sup> Another local, James Russel Wilson, wrote

The military was unusually strict in observing the enforcement of the order to shoot all looters. One man on Market Street, who was digging in the ruins of a jewelry shop, was discovered by a naval reserve man and fired upon three times. He sought safety in flight, but the reserve man brought him down, running a bayonet through him. The bodies of three thieves were found lying in the streets on the south side. Many reports of previous looters being killed by the troops were current. Concerted action of any kind, in fact, was out of the question, and almost every official was acting on his own responsibility, it being a physical impossibility to communicate with superior authorities.<sup>16</sup>

The mayor, city leaders and General Funston meant for the proclamation and the war against looting to protect property and ensure the safety of citizens. However, those whom the military and police identified as looters became victims of violence. In the disordered city streets, the laws and the rights of citizenship disappeared.

Looting was the only offense the mayor pinpointed in his proclamation, largely due to the widespread rumors of rampant looting. The mayor's response was extreme and unfounded. Most looting was benign. Looters—including soldiers—took shoes, food, and medical supplies and were driven largely by necessity. Photographs show that widespread looting occurred in Chinatown, where citizens searched the rubble for valuable antiques and gold, shoulder-to-shoulder with soldiers. Yet Mayor Schmitz sent the military out among the citizens, with the order that should soldiers find looters, they were to shoot-to-kill. The citizens of San Francisco saw the soldiers that patrolled the city as law enforcement and, because many people considered the city to be under martial law, the shootings went largely unchallenged.

The mayor did not have the authority to order the execution of citizens. He did not have the legal power to declare martial law, nor to call the military out to enforce the law. He did, however, have a responsibility to maintain order and protect the citizens of the city. A disaster or extreme emergency does not change the law. The City Charter of San Francisco of 1900 states that the mayor is responsible for maintaining public order and may order the police force to take action in situations where order is disrupted. But one notable line in the Charter is this: "If such police force is insufficient, he shall call upon the governor for military aid in the manner provided by law, so that such riots or tumults may be promptly and effectually suppressed."<sup>17</sup> The mayor of San Francisco is responsible for providing protection and stability in a disaster; yet, because of his abuse of the laws that help define that order, he instead extended the scope of the disaster in San Francisco, adding violence and disorder to the natural disaster that had shaken the city to her core. Author and law expert Henry Winthrop Ballantine argued in 1912 that the military occupation of San Francisco far exceeded the mayor's legal rights and that his use of the military and his proclamation were, in fact, an "assumption of power of life and death over the citizen."<sup>18</sup> He notes that Mayor Schmitz took advantage of the chaos and confusion to act as if martial law were in effect, though it never was, and to control the city, unchallenged, with a military force he had no constitutional grounds to command.

The mayor's declaration and the military presence added confusion to an already chaotic situation. In permitting the military to enforce the laws of the city, the mayor altered the limits of power held by his office and by the military. The actions of the soldiers crossed the line between aiding citizens and maintaining order and shooting suspected looters on sight. If citizen reports are to be believed, and this paper argues that they are, then the military followed the mayor's order to shoot and kill in several instances. Regardless of what military reports stated later, the military obeyed the mayor's order, in doing so stepped outside of the law in an attempt to maintain it, and then denied that they did so.

In his report to the Secretary of War, General Greely clearly articulated that the troops were under strict orders to follow the law in their attempts to aid the citizens of San Francisco. Greely wrote, "It was clearly set forth that the army was in San Francisco for the purpose of assisting the municipal authorities to maintain order, protect property, and especially to extend relief to the destitute and homeless."<sup>19</sup> As many as 4,000 soldiers occupied the city from April to July 1906. They acted as firefighters, as patrol officers, and distributed aid in the refugee camps.<sup>20</sup> The soldiers' very presence reinforced the belief of many citizens that San Francisco was under martial law. This mistaken belief led to misunderstandings and confusion that engendered the deaths of citizens at the hands of the military.

Greely's statement that the military was only in the city to aid civil authorities appears multiple times throughout his report. Greely continued, "It was impressed upon officers and men that the force was in the nature of *posse comitatus* for

the maintenance of public order, and that consequently the proclamations and municipal orders of the Mayor should be strictly observed.”<sup>21</sup> Greely’s use of the phrase *posse comitatus* is noteworthy. The phrase, literally translated “power of the county,” carries two connotations. The first refers to the use of untrained citizens in feudal England, in which men were gathered and deputized, creating a “posse” to aid the local sheriff in areas that lacked a law enforcement force. In this sense, the army was to be serving in San Francisco as an extension of civil law enforcement—not as armed military, but as civilians. The phrase also refers to the Posse Comitatus Act, passed during Reconstruction in 1878, which greatly limits the use of federal troops to enforce civil law.<sup>22</sup> According to the Posse Comitatus Act, only Congress can authorize the use of the military for law enforcement purposes. Therefore, Greely was already operating outside the boundaries of the law.

The Citizens’ Committee, working under Mayor Schmitz but without any real legal authority, temporarily deputized more than one thousand men, gave them badges and sent them out into the city. These vigilantes would have been a familiar part of the culture of the city of San Francisco. The lawlessness and chaos during the disaster were reminiscent of the wild days of San Francisco’s not too distant past. Philip Fradkin states, “This was a [throwback] to the days of gold rush vigilantes.”<sup>23</sup> Rather than relying on the authorities to maintain public order, ordinary, untrained citizens became part of the law enforcement force, only adding to the confusion already troubling the city, creating more disorder than order. Throughout the crisis, these citizen police patrolled the streets, armed and dangerously confusing for civilians. In the midst of the disaster, San Franciscans were not able to differentiate between military, the city police, and the citizen forces. More notably, it was difficult to maintain control over this citizen force, much less account for their activities. In the days that followed the upheaval, law enforcement blamed vigilantes for the deaths that had occurred during the initial days of the crisis. Fradkin notes, “To civilians it was difficult to tell one uniform from another, but those in uniform knew the difference. The regular army tended to blame the militia in those cases that received public attention.”<sup>24</sup> Which is exactly what Generals Funston and Greely did in their official reports.

After the crisis was over, General Funston and General Greely denied reports of soldiers’ involvement in any shootings. Greely recounted in his official report that the military was in the city only to aid police, to keep order and to help distribute aid. He added, “Wherever the police were not in sufficient force to make arrests, or to maintain public order, the army was to assist them. In short, the military force was to be strictly subordinate to the civil authorities.”<sup>25</sup> This statement directly contradicts what the mayor himself declared in his proclamation; he authorized the military to shoot and kill those found breaking the law. There was no system in place where the military would defer to local law enforcement. Continuing to add confusion to the situation, Greely then claims that nine suspected criminals were killed, none of them by the army.

Of these 9 victims, 2 were killed by members of the National Guard of California, 1 was shot by members of a so-called citizens' vigilance committee, 1 by a police officer for looting, and 1 through the combined action of a special police officer and a marine. The remaining 4 deaths of unknown parties occurred at places not occupied by the Regular Army.<sup>26</sup>

Greely and Funston defended the army against every report. According to historians Gordon Thomas and Max Witts, this was the beginning of "a systematic attempt to minimize these executions . . . [some], conceding that what was done was illegal, have tried to rationalized the killings as no more than what might be expected of hard-pressed soldiers doing a thankless job."<sup>27</sup> Somewhere between the dramatic headlines and the absolute denial lies the fact that the state of emergency in San Francisco created a situation that allowed civil authorities to command federal troops in an unconstitutional manner; a situation that San Francisco's citizens and American history have overlooked, refuted, and eventually largely forgotten.

Reports vary widely as to just how many citizens were executed by soldiers and members of the hastily formed militia. Most historians disagree with General Funston's denial that citizens were killed by the army and his claim that the National Guard or the militia were responsible for the two deaths that he did acknowledge. The more accurate estimate is closer to fifty citizens having been shot because of the mayor's proclamation, but there is no way to know the true number.<sup>28</sup>

But, just how did the situation in San Francisco arise? There were several contributing factors. A major element was the need to act quickly. Philip Fradkin states, "Speed and decisiveness were certainly necessities, and legal ambiguity fit the needs of the moment."<sup>29</sup> The exigency of the disaster allowed city and military authorities to act outside of the law without raising doubts. Even the soldiers on the streets, with a looter in their sights, acted in the moment. As the mayor's proclamation stated, soldiers were authorized to shoot looters on sight.

One argument that could explain the events in San Francisco is that the response to the traumatic events of the earthquake, and the fire that followed, prompted an instinctual reaction of sorts from the leadership in San Francisco. As buildings fell and entire neighborhoods burned, the mayor, the governor, and the military leaders worked as quickly as they could to save their city. Psychologist Beverley Raphael argues that a lack of correct and coordinated response in the face of a disaster is as if the city itself were in shock, leading to delayed or erroneous reactions.<sup>30</sup> Perhaps Schmitz and Funston reacted in this manner, rather than deliberately. Funston, the de facto leader, recorded his frantic actions before dawn in his report to General Greely. Brigadier General Funston, filling in for General Greely who was out of town at the time of the earthquake, had no true power, yet became a major part of the response to the disaster. Awakened by the quake, Funston ran on foot into the city. He recognized that fire fighters were



already struggling with the lack of water as the city began to burn. According to his report,

[The lack of water], in connection with the number of fires I had seen from the higher part of California street, convinced me that a most serious conflagration was at hand, and that, owing to the great extent of the area in which fires had already appeared, the police force of the city would be totally inadequate to maintain order and prevent looting and establish and hold the proper fire lines in order that the fire department might not be hampered in its work. By this time the streets were full of people, somewhat alarmed but by no means panic stricken. Encountering a patrolman . . . I requested this man to hasten to the Hall of Justice and leave word for the Chief of Police that I would at once order out all available troops and place them at his disposal.<sup>31</sup>

Though writing with the benefit of hindsight, Funston illustrates that he made his initial decisions quickly and as a reaction to the scenes unfolding him. Whatever the reasoning behind the actions of the mayor and General Funston, their actions were inarguably illegal, and with no power in place to check them and the city in ruins, they were unimpeded in their movements.

Mayor Schmitz effectively controlled San Francisco independent of all federal involvement. Rutherford Platt, author of *Disaster and Democracy*, notes that because there was no established federal disaster response, there was no “significant assistance from the national government” in the aftermath of a great disaster—including federal law enforcement or regulation of the civil authority.<sup>32</sup> President Roosevelt wired California Governor Pardee, “Hear rumors of great disaster through an earthquake in San Francisco but know nothing of the real facts. Call upon me for any assistance I can render.”<sup>33</sup> Beyond the offer to send aid, there was no disaster relief infrastructure in place. The lack of federal support essentially left the response up to local, civil authorities, and the tool in Mayor Schmitz’s possession was a powerful, armed force that would execute his orders virtually unquestioningly.

### **Eyewitness Reports**

Citizens reacted, as a whole, with apathy toward the military occupation and the deaths of their neighbors. When they related their tales, the tone seems to express a sense that this violence was simply part of the drama unfolding around them. One survivor, Emma Burke, wrote, “The bugle-calls in the morning, the pacing sentries and galloping officers, told of our military occupation. Two shots which I heard ended human lives. Both were cases of looting. Men who met that fate were frequently left to lie where they fell, and a sign of “Looter” put over them.”<sup>34</sup> James Wilson reported several eyewitnesses’ stories in his memoir of the event.

Said Mr. Fast . . . “At Jefferson Square I saw a fatal clash between the military and the police. A policeman ordered a soldier to take up a dead body to put it in the wagon and the soldier ordered the policeman to do it. Words followed, and the soldier shot the policeman dead.” John Cashnear, an old soldier from Spear Fish, S. D., saw the military shoot a negro near the City Hall. The negro had been robbing the corpse of a woman, and to get a ring from her swollen finger cut the finger off. “The sentry on duty near Van Ness Avenue,” added Mr. Cashnear, “ordered a friend of mine who was entering his home to come out of there, as it was about to be dynamited. My friend waved his hand back toward the soldier, saying, ‘This is my house and I have a right to go in.’ The soldier instantly killed him.”<sup>35</sup>

There are many stories like these found in memoirs from those who experienced the soldiers’ violent disregard for human life and the rights associated with private property. Yet, these reports are missing an element of shock or concern. Very few citizens offered any kind of editorializing about the violence they witnessed. Fradkin summed up the situation poetically, “The forces of nature shaped the subsequent culture and its history. Violence in the landscape begat violence in the human history that followed.”<sup>36</sup> To these citizens, living in a world filled with death and chaos, the soldiers were simply performing their duty and maintaining the public order; their actions were just another side effect of the great upheaval that the city was experiencing.

There are, however, exceptions to the lack of reactions from the citizens of San Francisco. Katherine Hooker noted the paradox of law versus law enforcement in her memoir. In this clear criticism of the events of 1906, she is unusual. She wrote,

The division of authority between army and municipality brought some terrible results; and some of the helpful light of publicity ought to be thrown upon much license that went uncorrected during the Great Three Days. Where rests the responsibility? San Francisco was never under martial law. No human being in it, of the army or militia, had the right to force obedience from any citizen. Our Mayor was neither wise enough to recognize the imperative need at such a crisis of an unlimited and thoroughly understood authority, such as the imposition of martial law might have provided, nor strong enough to exercise such authority himself. The military was called in to take partial command: the citizens did not know whom they were to obey, and certainly the military subordinates and guards were not made to understand the limits of their authority. The consequences were tragic.<sup>37</sup>

In most memoirs, it seems that many citizens saw the soldiers as protectors of the city and its population. In the handful of memoirs discussing the military presence, the soldiers are little more than a note or a part of the narrative. These

individuals make very little of the shootings or of looters, rather observers are quite factual in their descriptions of the violence they witnessed. The chaos and confusion were unavoidable, the bloodshed a tragic side effect. The violence at the hands of the military was hardly worse than the violence at the hand of nature itself.

### **The Post-Disaster Narrative**

Memoirs and official reports of the San Francisco disaster show that citizens of the city pushed to memorialize the earthquake and fire as a way to bring about great progress in the development and growth of San Francisco. The concept of rebirth would allow history to remember the earthquake not as a dark and violent moment in the city, but a time from which San Franciscans arose stronger and more united. Many authors spoke of the spirit of San Franciscans that persevered throughout a great tragedy. One wrote, "San Francisco will be a better built, more prosperous, more beautiful city than it was...This undaunted spirit of recovery manifested itself in thousands of ways directly after the disaster, and continues to manifest itself with increasing momentum."<sup>38</sup> Another said, "Never before has the myth of the Phoenix had such impressive realization."<sup>39</sup> The ugly details of the disaster were part of what many San Franciscans left behind in the ashes.

The mentality that San Francisco must rise above the disaster undoubtedly contributed to the abjuration of anything disagreeable that had occurred during the initial days of the crisis. Author Austin Sarat calls this post-disaster outlook a "utopian trope . . . an opportunity to realize in their resurgence the ideal of a more perfect community."<sup>40</sup> Many authors who examined and wrote about the military's service in San Francisco adopted the idea that the soldiers had become the saviors of the city. He reported that the chant "'Thank God for the Boys in Blue!'" was a common expression among survivors. "And as their courage and devotion to save and protect, and their tenderness towards the dying and the dead became known the entire country re-echoed the tribute. For it was the soldiers of Uncle Sam . . . that stood between half-crazed refugees from the quake and the fire and downright starvation and anarchy."<sup>41</sup> In a sense, the story that the soldiers saved the city was true; the army did provide considerable relief to the city. In the eyes of many, the good outweighed the bad and over time, the heroic descriptions of the military became the stronger, more enduring narrative.

The pressure of controlling a city during a disaster led to the mayor's abuse of his power, which led to the misuse of the military, which brought about the illegal murder of citizens, and directly contributed to the scale of the disaster in San Francisco. As Henry Ballantine so succinctly argued in his essay, published nearly a decade after the earthquake,

When the militia of the state are called out, or when federal troops are putting down riots and mob violence, they exercise no war power, but only the public right of self defense, using military force so far as may be reasonably

necessary to subdue open violence and protect life and property. The military authorities may indeed be authorized to make preventive arrests and detain rioters temporarily, instead of handing them over to the civil authorities at once, if this seems to be a proper means of restoring peace and order against those who would aid and abet a continuance of the disturbance if at liberty. This is not a suspension of the writ of habeas corpus, but is a possible ground for a court to deny release under habeas corpus or damages for false imprisonment. But the finding of guilt and the fixing of the punishment of rioters and criminals is not the function of the soldiery.<sup>42</sup>

In the case of San Francisco, Generals Funston and Greely and Mayor Schmitz, seemingly assumed that the suspension of law guaranteed the protection of citizens, of public and private property, and stabilized and preserved the city—a city that theoretically belongs to the very citizens whose rights have been compromised. Nevertheless, there were no legal grounds for the law to be suspended. The military had no lawful rights and no martial law to justify their actions. Therefore, their actions directly affected the rights guaranteed to citizens of the city of San Francisco and changed the outcome of the disaster.

As calm began to return to San Francisco, the mayor and a collection of citizens petitioned Governor George Pardee—heretofore relatively removed from the day-to-day operations in San Francisco—to remove the National Guard troops. In stating his position against the National Guard, Mayor Schmitz wrote a statement that undermines the very military authority he had sanctioned. “There is no martial law and never has been since the earthquake.”<sup>43</sup> Many years after the disaster, one of the mayor’s advisors who had been present at the creation of his infamous proclamation admitted that the mayor had acted far outside of the law and that the decree was “dictatorial and unconstitutional.”<sup>44</sup> Yet, observers saw his actions as necessary, because of the emergency that the city faced. An article published by *Sunset Magazine* praised the mayor and General Funston as the “men of the hour . . .” especially Mayor Schmitz for “his famous proclamation . . . backed up as it was by the prompt appearance of the soldiers with their rifles and cartridge belts . . . Too much praise cannot be given to Mayor Schmitz for his virile handling of the situation from the outset.”<sup>45</sup> This type of praise for the mayor and for General Funston was common in the weeks and months after the disaster.

Perhaps some of the accolades were well deserved. Yet, Mayor Schmitz and General Funston ignored the laws of the United States that prevent the military from acting as a civil authority because of the state of emergency in San Francisco, and in doing so they created a world in which citizens were both a group to be defended and one to guard against. In the midst of the greatest natural disaster San Francisco had ever faced, the city leadership took the stance that the public must be regarded as a threat to the city and to themselves. Looting was seen as inevitable, and somehow, as the worst offense that might be committed. The mayor’s crimes against his citizens were far more egregious.

## NOTES

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- <sup>2</sup> Philip Fradkin, *The Great Earthquake and Firestorms of 1906: How San Francisco Nearly Destroyed Itself* (Berkeley: University of California Press, 2005), 63.
- <sup>3</sup> Frederick Funston in Adolphus Greely, *Earthquake in California: Special Report of Major General Adolphus Greely, U.S.A. Commanding the Pacific Division on the Relief Operations Conducted by the Military Authorities of the United States at San Francisco and Other Points, with Accompanying Documents*, (Washington D.C.: Government Printing Office, 1906), 6.
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- <sup>6</sup> Fradkin, *The Great Earthquake and Firestorms of 1906*, 65.
- <sup>7</sup> Frederick Funston, "A Letter from General Funston," *Argonaut*, July 7, 1906, <https://archive.org/details/argonaut58591906sanf>.
- <sup>8</sup> Fradkin, *The Great Earthquake and Firestorms of 1906*, 65.
- <sup>9</sup> Fradkin, *The Great Earthquake and Firestorms of 1906*, 15.
- <sup>10</sup> Charles Keeler, *San Francisco Through Earthquake and Fire*, San Francisco Earthquake and Fire Digital Collection (Bancroft Library, 1906), 23.
- <sup>11</sup> *Oakland Tribune*, April 19, 1906.
- <sup>12</sup> *Las Angeles Herald*, April 21, 1906.
- <sup>13</sup> *San Francisco Call*, April 22, 1906.
- <sup>14</sup> *New York Times*, April 19, 1906.
- <sup>15</sup> "Men Shoot Fiends Who Try to Rob," *San Francisco Call*, April 22, 1906.
- <sup>16</sup> James Wilson Russel, *San Francisco's horror of earthquake and fire: terrible devastation and heart-rending scenes*, San Francisco Earthquake and Fire Digital Collection (Bancroft Library, 1906), 84.
- <sup>17</sup> *Charter of the City of San Francisco 1900* (San Francisco, 1900), 85.
- <sup>18</sup> Henry Winthrop Ballantine, "Unconstitutional Claims of Military Authority," *Journal of Criminal Law and Criminology* 5.5 (1915), 718.
- <sup>19</sup> Greely, *Earthquake in California*, 97.
- <sup>20</sup> William Strobridge, "Soldiers in the Streets," *The Pacific Historian* 22.1 (Spring 1978): 4.
- <sup>21</sup> Greely, *Earthquake in California*, Appendix A.
- <sup>22</sup> "The Use of Federal Troops for Disaster Assistance: Legal issues," *Congressional Research Service Report for Congress* (November 28, 2008), 1, <https://www.fas.org/sgp/crs/natsec/RS22266.pdf>.
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- <sup>24</sup> *Ibid.*, 140.
- <sup>25</sup> Greely, *Earthquake in California*, 98.
- <sup>26</sup> *Idem.*
- <sup>27</sup> Gordon Thomas and Max Witts, *The San Francisco Earthquake* (Norwalk: The Easton Press, 1971), 131.
- <sup>28</sup> Louise Chipley Slavicek, *The San Francisco Earthquake and Fire of 1906* (New York: Chelsea House, 2008), 89.
- <sup>29</sup> Fradkin, *The Great Earthquake and Firestorms of 1906*, 247.
- <sup>30</sup> Beverley Raphael, *When Disaster Strikes: How Individuals and Communities Cope with Catastrophe* (New York: Basic Books, Inc., 1986), 296.
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- <sup>32</sup> Rutherford H. Platt, *Disaster and Democracy: The Politics of Extreme Natural Events* (Washington D.C.: Island Press, 1999), 247.

<sup>33</sup> Theodore Roosevelt to George Pardee, April 18, 1906. In Bancroft Library George Cooper Pardee Papers: Aid for San Francisco: transcriptions of correspondence, San Francisco Earthquake and Fire Digital Collection.

<sup>34</sup> Emma Burke, "Eyewitness Account," *Overlook Magazine*, June 2, 1906, <http://www.sfmuseum.net/1906/ew13.html>.

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<sup>37</sup> Katherine Hooker, *Hooker Family Papers: Lessons from the Great Fire*, San Francisco Earthquake and Fire Digital Collection (Bancroft Library, 1906), 2-3.

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<sup>40</sup> Austin Sarat and Javier Lezaun, *Catastrophe: Law Politics and the Humanitarian Impulse* (Amherst: University of Massachusetts Press, 2009), 4.

<sup>41</sup> Hubert D. Russel, *Complete Story of the San Francisco Horror*, 172, <http://www.gutenberg.org/files/26380/26380-h/26380-h.htm>.

<sup>42</sup> Henry Ballantine, "Military Dictatorship in California and West Virginia," *California Law Review* 1.5 (July 1913), 425.

<sup>43</sup> "Friction between Militia and Mayor," *San Francisco Chronicle*, April 24, 1906.

<sup>44</sup> John Riordan, "Garett McEnerney and the Irish Pursuit of Success," in Fradkin, 67.

<sup>45</sup> Edwin Emmerson, "Handling a Crisis," *Sunset Magazine*, June-July 1906, 28-31.

