

Law Enforcement in the Old West

Unlike Hollywood's frequent portrayal of Old Western townsfolk as cowards, these hardy individuals took care of themselves and did not rely solely on government for protection.

by Roger D. McGrath

To this day *High Noon* remains one of the greatest Westerns ever made. Gary Cooper, the lone town marshal, stands his ground against the return of the Miller gang. The stunningly beautiful Grace Kelly wrestles with her pacifistic conscience but then stands by her man. Katy Jurado explains to Lloyd Bridges what it means to be a man. The Miller boys are lean, mean, and brave. The Coop is leaner, vulnerable, and courageous. The clock is always ticking as the movie unfolds in real time. Tex Ritter sings *High Noon*. It doesn't get any better.

However, there is a major flaw in the movie — but it's not, as many have asserted, that the movie has leftist elements. Since Carl Foreman, the writer of the screenplay, was a leftist and went into exile in London during the McCarthy era, there are those who have described the movie as a metaphor for Hollywood blacklisting. Although Foreman certainly gets in his digs — early on the local judge takes down the scales of justice and the American flag and flees town — the movie was not inspired by a leftist agenda but by John W. Cunningham's Western tale, "The Tin Star," which appeared in *Collier's* magazine in 1947. If anything *High Noon* is an ode to rugged individualism. As Marshal Will Kane, Gary Cooper is the ultimate rugged individualist, relying upon his own resources, grit, and determination — and his own six-shooter. The townsfolk are sheep-like and craven, and willing to throw Kane to the wolves to save themselves.

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Posing for the camera are seven members of the posse of Northfield citizens who tracked the Youngers and Charley Pitts for two weeks before engaging them in a gun battle and capturing the outlaws in a marsh near Madelia, Minnesota.

For years John Wayne has been quoted as saying that the movie was "un-American." Many on both the political left and right have attributed Wayne's remarks to the movie's putatively leftist metaphors. Wayne, however, was troubled primarily by the portrayal of the townsfolk as feckless cowards, immobilized by fear. This is the movie's major flaw. America's frontier population was disproportionately strong, courageous, adventurous, and enterprising. Those without such characteristics generally did not migrate to the frontier.

This is a problem with other Westerns as well. Farmers and shopkeepers are often portrayed as quaking in their boots in the face of wild cowboys or brawlers or outlaws. Think of *Shane*. In reality most farmers on the frontier were tough as nails and so too were many shopkeepers. Moreover, most of them were well armed and had grown up using firearms to put food on the table, to keep Indians at bay, and to "drive the nail" or "snuff the candle" at

shooting matches. Additionally, in the 1860s, '70s, and '80s, the era most often depicted on the silver screen, many of those in the West were veterans of the Mexican or Civil Wars, and some had fought in both. If ever there were a people not to fool with, even if they lived in a town, it was those who inhabited the Old West. The James and Dalton gangs learned this — the hard way.

Townsfolk Rout the Northfield Raiders

In September 1876 the James gang — eight strong — rode into Northfield, Minnesota, intending to rob the First National Bank. This was the idea of gang member William Stiles, alias Chadwell, a tall, lanky native of Minnesota. He thought the banks in Minnesota would be easy pickings, and he knew the country well. Northfield was actually a second choice after the gang shied away from their first target, Mankato, where the locals' suspicions were evidently aroused.

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At Northfield, Jesse left his brother, Frank, along with Jim Younger and Bill Stiles, at an intersection a block from the bank. Jesse, Cole and Bob Younger, Charley Pitts, and Clell Miller, confidence running high, rode up to the First National and tethered their horses. While Cole Younger and Miller stood guard outside, Jesse and the others strode into the bank. They first encountered problems when Joseph Lee Heywood, a bank cashier and Civil War veteran, refused to open the vault. Jesse James lost his temper and shot Heywood in the head.

The townsfolk, some already having taken notice of the large group of strangers, heard the report of Jesse's revolver. So too did Frank James, Bill Stiles, and Jim Younger, who came racing to the bank from the end of the street. By now ordinary citizens — butchers, bakers, barbers, hardware merchants, and nary a lawman among them — were grabbing guns and giving the outlaws grief.

Wielding a rifle from the second floor of the Dampier hotel, college student and future physician Henry Wheeler fatally shot gang member Clell Miller. Hardware merchant Anselm Manning blasted Bill Stiles into eternity and then shot Bob Younger's horse out from under him. Younger

rolled free of his wounded mount and took cover behind a staircase. The outlaws returned fire but bullets were coming at them from several directions. Some unarmed citizens threw rocks.

Charley Pitts, shot in the ankle and shoulder, somehow managed to pull himself into the saddle. Frank James, still atop his horse, took a round in the leg. A bullet struck

Jim Younger in the jaw and another dug into Cole's shoulder. Although partially protected by the staircase, Bob Younger was hit in the thigh and wrist. A bullet had shredded some of Jesse's clothing, but he was otherwise untouched. Deciding that a

galloping exit was the best choice for the gang, Jesse ordered a retreat.

Through a hail of gunfire they rode, Cole Younger performing a circus act to sweep his brother Bob into the saddle behind him. Left in their wake in the street lay the bodies of Stiles and Miller, and the body of Nicolas Gustafson, a Swedish immigrant who had been caught in the crossfire. Inside the bank was the body of Joseph Lee Heywood.

Several miles outside town, the James boys and the Younger brothers, with a badly wounded Charley Pitts in tow, split up in an effort to fool the townsfolk, who, they reckoned, would soon be in hot pursuit. Jesse and Frank miraculously escaped, but within two weeks, the Younger brothers and Charley Pitts were tracked to a marsh near Medalia, Minnesota.

Thinking that surrender would mean lynching on the spot, the outlaws expended the last of their ammunition. The posse of Northfield citizens, led by Civil War veteran William Murphy, was only too willing to respond in kind. Charley Pitts died on the spot. All three Youngers were shot, adding new wounds to the ones they had sustained in Northfield. With ammunition and strength exhausted, they were taken into custody. They later pleaded guilty to various crimes, allowing them to cheat the gallows, and were sentenced to life in prison.

“Death Alley” for the Daltons

The Daltons had always admired the James boys and the Youngers, who were their cousins. One of their older brothers, Francis or Frank, was a U.S. Marshal killed in the line of duty. Bob, Grat, and Emmett had served as deputies. Other brothers lived quietly as farmers and ranchers. For a number of reasons, Bob, Grat, and



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By the time Jesse James was 17, he was riding with Bloody Bill Anderson's band of Confederate guerrillas. Said Anderson of the young James boy, "Not to have any beard, he is the keenest and cleanest fighter in the command."

Emmett (and later Bill) took to the outlaw trail in 1890. They learned that they had as much, if not more, to fear from ordinary citizens than from lawmen. Like the James-Younger bunch, the Daltons seemed to have had their way with lawmen. They met their demise at the hands of the townsfolk of Coffeyville, Kansas.

Lying in the southeastern corner of the state, Coffeyville was not unlike Northfield and was even home to a First National Bank. Directly across the street from First National was a second bank, C.M.

Condon. The Daltons, veteran train robbers, thought that they would hold up both of Coffeyville's banks simultaneously.

On a Wednesday morning in October 1892, Bob, Grat, and Emmett Dalton, and fellow gang members Dick Broadwell, Bill Power (often mistakenly spelled Powers), and Bill Doolin rode for Coffeyville. There would be three men for each bank but some miles outside town Doolin's horse pulled up lame. Proceeding without Doolin, the others arrived in Coffeyville about 9:30 and tied their horses in an alley, which intersected the street with the targeted banks. Grat Dalton, Dick Broadwell, and Bill Power strode into Condon's and Bob and Emmett Dalton the First National.

Aleck McKenna, the proprietor of a nearby livery stable, recognized the Daltons and raised the alarm, "The bank's being robbed." Although Grat heard the shouting, he calmly took a sack with \$4,000 in silver from one safe and, when informed that another safe was time locked and couldn't be opened for several minutes, coolly told the bank employees that he could wait.

Across the street in the First National, Bob and Emmett Dalton stuffed \$21,000 in a sack and headed for the front door. When they pulled the door open, though, they were greeted with a hail of bullets from Coffeyville citizens. Retreating rapidly, they fled through the bank and out its rear entrance. Standing there was revolver-

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Forty years after the James-Younger gang attempted to rob the First National Bank in Northfield, Minnesota, the town had not changed greatly, although automobiles had replaced horses. The bank was located on the right-hand side of the street next-door to the corner building with its distinctive arches.

armed Lucius Baldwin, a dry goods clerk. He was killed on the spot by Bob Dalton, an expert marksman with a Winchester rifle. But other citizens began firing at Bob and Emmett as the outlaws raced for their horses in the alley.

At the same time, Grat Dalton, Dick Broadwell, and Bill Power were shooting their way out of Condon's bank and down the street to the alley, which has been known ever since as "Death Alley." For a brief moment, Grat faced town marshal and Civil War veteran Charles T. Connelly, the only lawman involved in the action. Grat fired quickly and Connelly dropped to the ground dead. Almost at the same time, though, a bullet fired by Coffeyville liveryman John Kloehr tore through Grat's throat and the eldest of the three Daltons collapsed in the dirt dead, a few feet from Marshal Connelly.

Meanwhile, a half dozen or more citizens were shooting at the other outlaws. The air was simply full of lead. Power was hit. Then Broadwell. Then Bob and Emmett Dalton. Power, though wounded, mounted his horse only to be blown out of the saddle. He hit the ground dead. Broadwell, though badly wounded, not only managed to pull himself into the saddle but also to gallop out of town. Emmett got into the saddle also but then, instead of racing the back way out of the alley, turned his horse about and galloped through flying lead to Bob's side. Lying on the ground with his

own blood turning the dirt red, Bob said, "Don't mind me, boy. I'm done for. Don't surrender! Die game!"

Despite Bob's words, Emmett reached down to pull his brother into the saddle. Just then two townsfolk blasted Emmett with shotguns. He pitched off the horse and collapsed in the dirt beside his brother. Someone yelled, "They're all down," and the firing ceased.

Grat and Bob Dalton, Bill Power, and Dick Broadwell, who died of his wounds after reaching Coffeyville's outskirts, were dead. Emmett Dalton was badly wounded. Marshal Connelly and three brave townsfolk — Lucius Baldwin, shoemaker George Cubine, and Civil War veteran Charles Brown — were dead. Three more were badly wounded. Emmett Dalton was later sentenced to life imprisonment but was pardoned after 15 years. He married his girlfriend, moved to Hollywood, and became a screenwriter. He would live until 1937.

Vigilance vs. Vigilantism

Far from the fearful citizens of Hadleyville in *High Noon*, the townsfolk of Northfield and Coffeyville reacted like most pioneers in the Old West. They did not retreat behind the bold figure of a lawman but took the initiative themselves. They did so individually and collectively. When they banded together, it took the form of vigilance committees.

There were hundreds of vigilance com-

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mittees from the colonial frontier in the mountains of North Carolina to the gold camps of California to the range lands of the High Plains. Citizens reckoned that no form of government had a monopoly of force. They were citizens of a free republic and as such they had not only a right but a duty to defend themselves and preserve their way of life. Whether the threat be outlaws or Indians, they were armed and ready to fight.

No body of citizens has been more maligned than the vigilance committee, commonly confused with the lynch mob. The two were very distinct and separate entities, and the lynch mob was actually rare in the Old West. Lynch mobs represented wild outbursts of passion — emotion trumping reason — that were expended in a matter of hours. Lynch mobs were un-

ruly and unorganized.

Vigilance committees were quite the opposite. They displayed military-style organization, including a chain of command, and proceeded in a quiet, orderly, and deliberate fashion. Most committees were supported by a majority of the residents of the local community, including the leading citizens. They were well regulated; they dealt quickly and effectively with criminal problems; and they left the towns in more

stable and orderly condition.

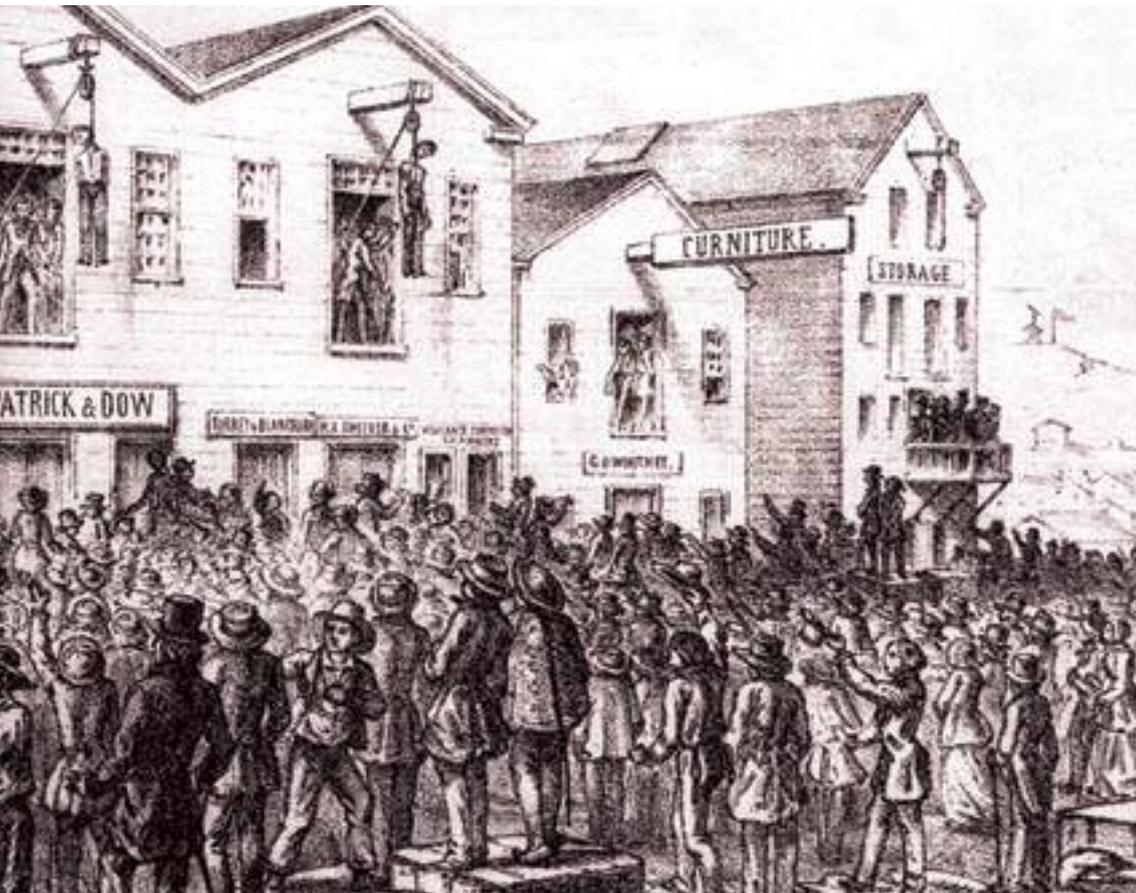
Moreover, vigilance committees were organized not because there were no established institutions of law enforcement and justice, but because those institutions could not always be relied upon to pursue, apprehend, and punish the guilty: long-range pursuits were time consuming, expensive, and often in vain; and trials often resulted in hung juries or acquittals because evidence had been mishandled or disappeared, witnesses had been intimidated or left for parts unknown, and defense attorneys outshone prosecutors. This was not greatly troubling to the citizenry when, for example, a homicide victim was a rough or an outlaw or someone who had been involved in something approximating a fair fight, but was unacceptable when the victim was an innocent party. The vigilantes believed they were simply dispensing an extralegal form of frontier justice.

Whatever else may be said, vigilance committees provided towns with a relatively just method of dealing with criminals in a time and place where little other organized justice existed.

Vigilance in Action

A case in point was the hanging of four members of the Daly gang in Aurora, Nevada, in 1864. John Daly and his boys had been brought into Aurora to act as enforcers for a mining company that was waging a court battle over conflicting claims. A rival mining company had its enforcers also.

One of the most deadly shootists of the mining frontier, Daly was well paid for his work, principally intimidation. During this time he was involved in two gunfights, and killed both of his opponents, but the victims were other badmen and the killings failed to arouse the citizenry. However, when the court case was settled and Daly's services were no longer needed, he made the mistake of settling an old score before leaving town.



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The San Francisco vigilance committee of 1851 was formed following several beatings and robberies of merchants. The committee made 90 arrests, hanging four of those taken into custody and sentencing 28 others to deportation.

The old score involved William Johnson, who operated a way station on the road from Aurora to Carson City. One of his employees had shot to death a horse thief who was a friend of Daly. Daly was determined that both Johnson and his employee would die.

In February 1864, Johnson arrived in Aurora to sell a load of potatoes he had grown at his way station. He made the mistake of staying in town into the night and drinking at one of Aurora's many saloons. Two of Daly's boys, James Masterson and Jack McDowell, discovered Johnson at the bar and coaxed him into the street under the guise of treating him to drinks at another saloon. Outside, Daly and gang member William Buckley were lying in wait. Buckley felled Johnson with a blow from a pistol and Daly then shot him through the head. To make certain Johnson

was dead Buckley drew a bowie knife across his throat.

The next morning Johnson's body was discovered and Aurorans were outraged. Gunmen killing gunmen was one thing — and that was not uncommon in Aurora — but this time an innocent man had been murdered. By that afternoon, a vigilance committee had been formed. Elected "First Officer" of the vigilantes was John A. Palmer, who had served as city marshal of Aurora during 1863, and was the commander of the Hooker Light Infantry, one of Aurora's two Civil War militia companies. Organized into four companies, each with its own officer and NCOs, the vigilance committee was more than 400 strong. All vigilantes were armed with a revolver or a rifle, many with both.

At first the committee simply aided the work of the town's coroner and his inquest. Protected by the vigilantes, witnesses were willing to come forward and testify. A few had to be intercepted miles from town on stagecoaches bound for California. After



In 1889 Henrietta Younger posed with her brothers (from left) Bob, Jim, and Cole while they were serving life sentences in the Minnesota state penitentiary at Stillwater. Bob Younger, who would die of tuberculosis only months after the photo was taken, said to a St. Paul newspaper reporter, "We are rough men and used to rough ways."

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Hickok, Bat Masterson, and Tom Smith; Texas had them by the dozen beginning, perhaps, with the state's early Rangers such as Jack Hays, Sam Walker, Ben McCulloch, and Lee McNelly, and later ones such as Frank Hamer. Pacifying mining camps in Colorado was Martin Duggan and in Denver it was Dave Cook; Arizona had Wyatt Earp, Commodore Perry Owens, and Bucky O'Neill; Montana and Wyoming were home to John "Liver-Eating" Johnson, South Dakota to Seth Bullock, and New Mexico to Pat Garrett. Throughout the Old West such figures could be found everywhere.

This is to say, however, that the common citizen, whether acting independently or collectively, did not differ greatly from these famous lawmen and certainly was no one to trifle with. These famous lawmen came from the common citizenry

and were directly elected by those citizens or appointed by elected councils or officials. They came from and represented the communities they served. They were figuratively, and occasionally literally, members of an extended family.

Communities were recreated quickly and relatively easily again and again across thousands of miles of frontier. Part of the explanation lies in the natural affinity the people had for one another: with only a sprinkling of diversity, they were united not only by religion, language, traditions, and history, but by character. The weak and feckless, the slothful and dull witted, the timid and unadventurous, did not often put themselves on the frontier. The frontier and its conquest was left to the most ambitious, intelligent, hard-working, enterprising, and courageous — and those characteristics coupled with the natural bonds of blood and culture are what made America's westward march across the continent not only irrepressible but also our Homeric era. ■

several days of testimony, the coroner's jury rendered its verdict: John Daly, William Buckley, James Masterson, and Jack McDowell were responsible for Johnson's murder. The vigilantes immediately went to work. Within a couple of days, all the culprits but Buckley were lodged in the town jail. A few more days and Buckley too was behind bars. A little more than a week after Johnson's murder, the vigilantes marched the four men to a specially constructed gallows and, with a crowd of 5,000 watching, hanged Daly and his confederates.

Cut From the Same Cloth

All this is not to say that the Old West did not have brave, honest, dependable, and, when needed, deadly lawmen. Many examples come to mind. In California, there were Harry Love, Tom Cunningham, Doc Stanley, Ben Thorn, Harry Morse, and Jim Hume; Oklahoma had "The Three Guardsmen," Chris Madsen, Heck Thomas, and Bill Tilghman; Kansas featured Wild Bill