murderous outlaws become popular heros and some lawful communities become synonymous with crime and killing?

The Cattle Towns Adjust to Violence (with a Postscript)

ROBERT R. DYKSTRA

As legend and literature have made all the world aware, the cattle town people confronted a peculiar social problem: personal violence. The traditional concept of the cattle trading center as an arena for almost unlimited homicide is not a twentieth-century product. Notoriety was a contemporary thing, born of the same vigorous sensationalism that underlies the present-day image. Three of the five major cattle towns, in fact, suffered from violent reputations even before their careers as cattle trading centers.

Ellsworth, which did not receive large numbers of longhorns until 1871, earned an unenviable community image immediately after its founding in 1867. Filled with a heterogeneous collection of teamsters, railroad workers, army scouts, soldiers, and the usual disreputable hangers-on—itinerant liquor dealers, gamblers, prostitutes—it was the scene of at least eight homicides during its first year of existence, all delightedly recorded by newspaper editors in better regulated towns up the line.

Dodge City experienced a similar early notoriety that it never outlived. Established four years before becoming an important reception point for Texas cattle, it entertained the same type of transients as had Ellsworth, plus a lethal increment of buffalo hunters. During its first year, 1872–73, news correspondents reported the violent deaths there of nine men, with another three as possibles. A quarter of a century later George M. Hoover, whose memory remained accurate about other matters, reported the true figure to have been fifteen. A year after its first settlement the commandant at nearby Fort Dodge finally had to intervene and rescue the town from a band of pseudo-vigilante terrorists.

Caldwell suffered much the same public relations fate. In the nine years between its founding in 1871 and its emergence as a cattle center in 1880, an assortment of vagrant whisky peddlers, livestock rustlers, and other frontier riffraff infested the tiny border community and its environs. Several murders and lynchings made its name a synonym for violence that, as in the cases of Ellsworth and Dodge, the passage of time never erased.

Primary responsibility for these initial homicides must be laid to the lack of any systematic efforts to suppress violence in these as yet municipally unorganized communities. Although the subsequent arrival of the Texas cattle trade hardly promised an end to the kind of transients who caused trouble, a new factor altered the situation considerably. The community economic base increasingly featured a variety of more or less orthodox businessmen interested in maximizing profits in a rational manner. By

Robert Dykstra, *The Cattle Towns* (New York: Alfred A. Knopf, 1968), pp. 112–148. Copyright © 1968 by Robert R. Dykstra. Reprinted by permission of Alfred A. Knopf, Inc. Available in paperback by the University of Nebraska Press.

and large the cattle town business firm represented a substantial investment over earlier enterprises both in stock and plant outlay, even the characteristic tent or shack saloon of earlier years giving way to a measure of bibulous elegance most attractive to drovers, buyers, and cowhands. Homicide, it seemed obvious enough, could easily lead to riot, and riot to property destruction—arson being particularly feared in those pre-brick days of almost prohibitive fire insurance rates.

In addition, as their profits mounted cattle town business and professional men increasingly invested surplus earnings in local opportunities, and such commitments caused an entrepreneur to identify the community's well-being with his own. Although the desire to suppress disorder could be, and was, rationalized in terms of making the town a good place to raise a family, townsfolk also feared that publicity about local violence inhibited the immigration of solid citizens, hard money, and permanent industry. "During the coming season," wrote a Wichita editor,

> Wichita desires law and order, with their consequent peace and security, and not bloodshed and a name that will cause a thrill of horror whenever mentioned and which will effectually deter the most desirable class of people from coming among us. Right speedily will the latter follow if the former are not maintained.

On the eve of his town's first cattle shipping season a Caldwell editor warned fellow citizens of the same danger. "We know," he reflected,

> that persons will frequent the city, at times, who, reckless in regard to law and order, having no interest in the good name and welfare of the place, acknowledge only their own inclinations and whims as their sole rule and guide for their conduct. Should this element . . . get the upper hand . . . then we may be certain that business men, men with capital and men having families, whom they love and respect, will steer clear of this place, and go to other localities, where law and order is the watchword of the day. Nothing would more surely kill the rapid growth, the substantial growth of our city.

Essentially entrepreneurial motives, in short, provided a powerful impetus for the systematic suppression of violence.

Legend implies that the cattle town people found themselves almost at the mercy of armed visitors, but such was not really the case. Responsible vigilante action always remained a decisive deterrent to any attempted terrorism by transients. The Kansas code empowered mayors to call upon all male inhabitants between the ages of eighteen and fifty to aid in enforcing the law. Yet local authorities held this alternative in reserve as an extraordinary measure to be used only when regular law enforcement had broken down—as at Ellsworth in 1873, at Wichita the following year, and at Dodge City and Caldwell in 1881. Whether justified by circumstances or not, collective citizen action invariably created ill feeling among the transients, most of whom, cowboys and drovers alike, were clannish Texans easily roused to a kind of ethnocentric defensiveness. The withdrawal of herds—

and consumers—from an "unfriendly" shipping center always remained a possibility. The problem for the cattle town people was not to rid themselves of visitors prone to violence, but to suppress the violence while retaining the visitors.

The community problem was unique in this respect, but the initial steps toward order were strictly conventional. Although many routine advantages accrued to communities that incorporated themselves as municipalities under Kansas law, at the cattle towns the immediate impetus to legal organization was fear of transient violence. Except in the case of Abilene, actual or anticipated acquisition of the cattle trade coincided roughly with municipal incorporation. The earliest city council proceedings at each town dealt with statutory limitations on disorder and violence, and the hiring of police officers was always among the first municipal business transacted.

The Abilene business community suffered through its first full cattle shipping season, 1868, without an attempt at control. In the summer of 1869 it became apparent that neither county nor township law enforcement officials felt responsible for coping with the special problems of the settlement. "While we were in Abilene," recorded one cowboy visitor of that summer, "we found the town was full of all sorts of desperate characters, and I remember one day one of these bad men rode his horse into a saloon, pulled his gun on the bartenders, and all quit business. When he came out several others began to shoot up the town." It was probably after such an incident as this that forty-four business and professional men petitioned their probate judge to grant the town corporate status. The judge favored the request in early September. But, recalled Theodore C. Henry, the land agent chosen as provisional mayor, "the [cattle shipping] season was so nearly closed by that time that active government was not attemp[t]ed." On May 2, 1870, a few weeks before the arrival of the new season's first herds, the governing council reconvened, drafting ordinances treating misdemeanors associated with transient disorder and creating a police force to enforce them. . . .

Statutes designed for the regulation of disorder in each of the Kansas cattle towns differed only in minor details from place to place and did not, of course, vary greatly from those of municipalities everywhere. State law already set penalties for many offenses, and municipal statutes routinely forbade vagrancy, disorderly conduct, intoxication, fighting, disturbing the peace, and resisting arrest. Discharging firearms within city limits was invariably proscribed, as was the carrying of dangerous weapons of any type, concealed or otherwise, by persons other than law enforcement officers. Local lawmakers also banned gambling, prostitution, and the frequenting of prostitutes. So much for statutory limits on disorder. Supplementary nuances, however, were sometimes unique, reflecting the heightened pertinence of these routine legal measures for the cattle town people.

The carrying of six-shooters by cattle trade transients proved of major concern. A long-standing state law prohibited any vagrant, intoxicated person, or former Confederate soldier from carrying "a pistol, bowie-knife, dirk or other deadly weapon" on pain of up to $100 fine and three months in jail. Cattle town authorities tended to ignore this severe injunction, preferring blanket ordinances against the carrying of arms by anyone and establishing a system for easy compliance. Wichita's evolving approach to the firearms problem provides an example. In 1871 the city marshal erected two signs warning against the carrying of firearms. In 1872 the toll-keepers at the privately operated Chisholm Trail bridge were sworn in as unpaid special policemen charged with exchanging metal tokens for weapons as riders entered town. This measure evidently proved unsuccessful, since in 1873 signboards ordered visitors to "LEAVE YOUR REVOLVERS AT POLICE HEADQUARTERS, AND GET A CHECK."

State law already forbade both prostitution and gambling if the latter involved special tables and devices—two kinds of professional amusement that, however socially obnoxious, cattle town businessmen considered absolutely indispensable to their hold on the Texas cattle trade. City fathers pragmatically softened the harsh punishments specified for those who would follow these illegal callings, their aim being local regulation rather than prohibition.

Of course these municipal statutes also ensured that all monetary penalties extracted from minor transgressors would accrue to the city's treasury rather than to that of the state. As misdemeanors, most routine misbehavior was handled in cattle town police courts. At Wichita in the twelve months following March 1, 1874, for instance, magistrates handed down a total of 439 convictions, all but 8 of them for misdemeanors. Only 12 of these cases were heard in district court, 53 by justices of the peace, and 374—or 85 per cent—in the Wichita police court. Police court fines thus constituted no small portion of the cattle town municipal income.

Of most importance was the establishment of the actual police machinery. Tradition relegates cattle town law enforcement to fast-drawing city marshals, each of whom operated virtually single-handedly in a sort of free-agent status, mainly motivated and guided by a personal commitment against lawlessness, divorced from prosaic police duties and the discipline or direction of a municipal employer. The image violates reality. In no case did any cattle town depend upon a lone marshal for its law enforcement. Police bodies of up to five men—carefully ranked as marshal, assistant marshal, and policemen—customarily supervised cattle trading seasons. Mayors appointed candidates to police posts at least annually, the chosen officers then being subjected to the often rigorous supervision of city councilmen who ratified appointments, determined pay and allowances, and removed officers at their discretion.

Local ordinances laid out the specific duties of the city marshal and his staff. The code drafted at Abilene in 1870 for the first cattle town police force remained fairly typical. The marshal, as "captain of police," was to supervise the city jail, maintain a "police record" of all persons arrested and confined, together with their offenses and ultimate dispositions, and "have charge of and control the entire police force of the town." The "several

members of the town police" were to keep the peace, being specifically authorized to "enter any saloon, billiard hall or other place of public resort or amusement, and to arrest and confine in the jail of the town any person guilty of disorderly conduct or drunken[n]ess, who may refuse to be restored to order and quiet." An arresting officer was to report his action to some magistrate having jurisdiction within twenty-four hours of any arrest.

A few months after passage of this measure Abilene councilmen also invested their city marshal, Thomas J. Smith, with the duties of street commissioner at no increase in pay, a post bestowed on Marshal James B. ("Wild Bill") Hickok the following season. This less than glamorous office became a customary additional responsibility for cattle town lawmen. The job entailed investigating complaints about street obstructions, defects, and nuisances, both animate and inanimate, and seeing to their removal. Sometimes the police themselves hired others to perform this part of their task, such as the young Negro deputy employed by the Ellsworth force in 1873 "to arrest swine found at large," in the words of a waggish newspaperman. During winter months—periods of little law enforcement business—policemen might be made to earn their wages by direct attention to the streets. Thus at Wichita in early 1875 councilmen abolished the formal position of street commissioner and set the town's lawmen, including one Wyatt Earp, to repairing thoroughfares and sidewalks pending the advent of a new cattle season. Cattle town officers also acted as municipal sanitary inspectors each spring, and often made winter surveys of chimneys and flues. A man was sometimes added to the force specifically as a night watchman with the primary duty of keeping an eye out for fires. City fathers also occasionally employed "special" policemen to supervise particular trouble spots such as a theater or dance house, or allowed owners to do so.

Municipal contributions to support police officers constituted by far the largest cattle town expenditure for salaries. In the last three quarters of 1871, for example, the salaries of Abilene's police force amounted to 48 per cent of the town's total expenditure. For the same period at Caldwell in 1880 the proportion was 33 per cent. At Dodge City for the twelve months after April 9, 1884, police remuneration totaled 42 per cent of all expenditure.

In terms of specific salaries, Ellsworth's experience was probably typical. Through her first two years as a cattle center the scheduled allowances for her mayor, councilmen, treasurer, clerk, and city attorney, not counting special fees, totaled $1,410. During the same period police salaries were paid on a monthly basis, continually being adjusted to accord with the amount of police business. Except for one lapse from the pattern, the city marshal earned $150 per month during the cattle trading season (roughly June to November), and half that sum during the winter and spring—theoretically, therefore, $1,275 per year. In mid-1874, when other municipal salaries were drastically cut back to $725, the marshal's summer pay dropped to $100 per month. The salaries of his staff during the cattle trading years came to be fixed at $75 each per month. The city fathers manipulated this expense by simply adding policemen in the summer and

removing them each autumn. Every member of the force in addition to his salary was normally allowed $2.50 for each arrest he made, a fee paid by the convicted lawbreaker as a part of court costs.

Experience soon indicated that whoring, gambling, and overindulgence in liquor were the three main causes of cattle town violence, and it seemed only fair that those enterprises that most stimulated this lethal circumstance should heavily subsidize its suppression. Saloon keepers already paid relatively high annual license fees into municipal coffers in accordance with state law. But prostitution and professional gambling, legally nonexistent, contributed nothing at all. It was soon decided that they too should join in supporting local police machinery, and consequently a system for covert regular assessment was devised.

The taxation of such underworld businesses clearly bears the stamp of the large urban center, from which it probably migrated to the western frontier. A New Englander who later sat on the United States Supreme Court, for example, introduced such taxation into a California mining camp in 1850. Although not publicized, the system was not unknown to Kansas. The law of 1871 establishing provisions for third-class cities, under which all the cattle towns functioned for periods, expressly forbade the practice.

Joseph G. McCoy, innovative father of the cattle trade at Abilene, deserves credit for instituting the system there after his election as mayor in 1871. Apparently acting on behalf of the saloon owners among his supporters, he forestalled an attempt to increase the liquor license fee and instead persuaded his councilmen to make up the difference by a covert assessment of gamblers and prostitutes. These fines remained in force throughout Abilene's last summer as a major cattle town. Always forward-looking, Wichita's authorities evidently introduced the system there in August of the town's first shipping season, 1872. The taxing of prostitutes commenced at Ellsworth in the autumn of the same year, the community's first important cattle season, with gamblers' fines added to regular civic revenues in the spring of 1873. Despite ample precedent from the older cattle centers, Dodge City—with its mayor probably on better personal terms than elsewhere with the disreputable elements—imposed illegal assessments only in 1878, when, in the midst of a desultory third cattle season and with the city deeply in debt, angry taxpayers convened and insisted on it. Caldwell's administrators, who invariably took their cue from Wichita, responded rapidly to precedent. In early 1880, six months after formally organizing itself and before the start of its first shipping season, the municipality began taxing gamblers regularly and in April extended the system to prostitutes.

The technical machinery involved did not vary substantially from place to place. If those on the books did not already provide them, new city ordinances introduced low minimum fines for prostitution and gambling convictions. These minimums then served as fees to be collected monthly. They usually amounted to from $5 to $10 for whores, the same for professional gamblers, and double these amounts or sometimes even higher for owners of brothels or places where professional gaming was sponsored.

The proceeds of these fines, together with tavern license fees and the income from routine misdemeanor convictions, evidently more than carried the weight of multiple peace officers. Wichita, in fact, by setting its illegal assessments rather higher than the norm and also altering its saloon license fees to monthly payments for easier collection, made the most of the system. Its spokesman boasted openly that the city thereby required no general business taxes such as were common elsewhere, a fact thought highly encouraging to prospective immigrants.

As elsewhere on the nineteenth-century frontier, the cattle town people, when it came to the matter of actual court action, tended to be lenient toward perpetrators of violence. This made penalties essentially discretionary and heightened the importance of selecting good law officers. Police judges customarily prosecuted participants in nonfatal encounters only for carrying weapons, being drunk and disorderly, or some other such light misdemeanor, although sending these cases to district court for comparatively severe assault and battery convictions always remained an alternative.

Generally speaking, the same leniency was granted to homicides. Only three persons ever earned the death sentence for cattle town killings, and none of these was ultimately executed by the state. Besides these three convictions, certain citizens of Abilene lynched one person as a penalty for murder. None of the three crimes for which these four men were punished was a gunfight or even a shooting homicide. In such cases townsfolk invariably were inclined to be forgiving, especially if the perpetrator could cite youth, intoxication, or some other extenuating circumstance. Of particular appeal was word that a youthful killer came from a good family, so that, with typical Victorian sentimentalism, it could be said of him that he fell temporarily upon evil ways. "We have no personal ill-will against the accused," mused Abilene's editor of a young Texan just acquitted of murder. "If he now reforms his life it will give us pleasure to note the fact, as it will certainly rejoice the hearts of his father and good mother, who are said to be highly respectable people." Another cowboy, a Georgian named Bob Shaw, wounded while trying to kill Dodge City's marshal, was exonerated by citizens as well as the authorities. "Shaw is not a desperado as would seem from this case," the local editor hastened to make clear. "Parties who have known him say he never was known to make a six-shooter play before this. . . . Shaw's family are highly respectable people, and he has concluded to quit the far west and go back to live under the parental roof."

A need to retain the good will—and the trade—of cattle town transients provided a more important motive for leniency. None of the four killers severely dealt with by cattle town justice was a cattleman or cowboy, and several specific incidents highlighted the fact that in the minds of a vocal citizen minority, at least, the law ought to rest lightly on Texans. At Wichita in 1874, for example, a group of cowboys calculatingly murdered a Negro laborer. When neither city nor county authorities moved to apprehend the killers, a local editor fumed. "If the law and its officers are powerless," he warned, "the sooner we know it the better. . . . A thousand men can be raised in Wichita and in this county, in three hours' notice, who will stand by their vindications." This stricture immediately provoked the wrath of many businessmen, who pounced on the surprised journalist for irresponsibly inflaming the public mind against those from whom they feared a retaliatory boycott.

Again, at Caldwell in 1882 two taut young fugitives from Texas justice who had come up the trail as cowboys gunned down the city marshal and fled into Indian Territory. The mayor hastily formed an impromptu posse, urging his volunteers to secure such horses as they needed from those hitched along the sidewalk. The Texans to whom the mounts belonged, however, refused to let them be requisitioned—and were supported by several businessmen. Nor could the intended pursuers learn the two killers' names or to which cattle outfit they belonged although, as an angry editor reported, "one or more persons knew all about them, but refused to give any information, fearing, perhaps, they might lose six bits of trade if they 'gave away' a cowboy, no matter what crime he might commit." During the following year at Dodge City, to cite a third instance, only the outspoken intervention of the influential Robert M. Wright kept boycott-obsessed businessmen from having the city marshal indicted for killing a cowboy who had been firing his pistol promiscuously.

The extent to which the choice of law enforcement personnel proved crucial in the cattle town adjustment to violence is evident in several unfortunate cases. Many different types of men served as cattle town law officers, from respected local citizens to virtually unknown transients. It is not true that lawmen all displayed a marked proficiency in that brand of personal combat known as gunfighting, but a military background or some other demonstration of familiarity with firearms, plus "nerve" and "pluck," were obvious requisites. Sometimes the desire for competency caused city fathers to hire men from those same disreputable elements they were supposed to govern. Lapsing into drunk and disorderly conduct became a routine occupational hazard with many such lawmen. Local authorities also risked the chance that such an individual would prove overly prone to the employment of violence as a deterrent, or that for the sort of discretionary firmness called for he might substitute mere bullying. This kind of "zealousness" often precipitated, rather than dispelled, trouble. At his worst, such an officer might display actual criminal propensities.

Caldwell's experience with city marshals proved especially distressing. By 1882 community opinion had split over whether a demonstrated gunfighter or a good local citizen would make the better law officer for the town. After various unsatisfactory experiments with both types, the advocates of the former triumphed. The city administration hired three polished gunfighters just up from Texas to administer justice. One of these, unknown to the community, was a graduate of the notorious Billy the Kid gang in New Mexico. Soon winning promotion to marshal, this young man, Henry N. Brown, though considered a bit quick on the trigger, gave Caldwell

nearly two years of satisfactory service—until he was captured with his assistant marshal and two other comrades after trying to rob the bank at nearby Medicine Lodge and killing its president and cashier. All were killed in turn by angry citizens of that place. The damning notoriety brought upon Caldwell by the gunmen in whom it had placed its trust more than offset any previous benefits from Marshal Brown's efforts to contain violence.

Avoiding untrustworthy candidates was only one problem in officer procurement. Since the rationale behind cattle town law enforcement was the prevention of acts of violence rather than repression of those who were potential transgressors, both intelligence and a proper temperament were required. Treading the narrow margin between prevention and suppression, the ideal lawman promised no leniency for major infractions but at the same time avoided a hostile attitude that might simply provoke antagonism among these governed and serve as a standing challenge to physical encounter. Few officers existed with the natural qualifications of Abilene's popular Tom Smith, who kept his pistol concealed and often triumphed over violators of the peace merely with his fists. . . .

On the whole, law enforcement efforts proved generally effective, judging from the incidence of homicide. Many legendary desperadoes and gunfighters sojourned in the cattle towns at one time or another, but few participated in slayings. Among those with clean records were such famed killers as Clay Allison, Doc Holliday, and Ben Thompson. The teen-aged gunman John Wesley Hardin was responsible for only one verifiable cattle town homicide, apparently having fired through the wall of his hotel room one drunken night to silence a man snoring too loudly in the adjoining cubicle. Nor did famous gunfighters serving as officers add much to the fatality statistics. As city marshal of Abilene in 1871, his only term as a cattle town lawman, the formidable Wild Bill Hickok killed just two men—one, a "special" policeman, by mistake. Wyatt Earp, who served as an officer (but never actually as marshal) at both Wichita and Dodge City, may have mortally wounded one law violator, though he shared credit with another policeman for this single cattle town homicide. The now equally renowned lawman William B. ("Bat") Masterson, at least according to contemporary sources, killed no one in or around Dodge, where he lived for several years.

With these celebrated personalities contributing far less than their supposed share, it is hardly surprising that the over-all homicide statistics are not particularly high. The table that follows is a compilation of all homicides—whether by police, resident citizens, or transients—for the periods in which each of the towns entertained the cattle trade. Only those killings that occurred in town have been counted, although fatalities in Abilene's and Ellsworth's suburban brothel districts are included because the communities attempted municipal control over these areas. On the other hand, homicides in West Wichita were excluded from Wichita's figures since city authorities took not the slightest responsibility for enforcement in that independent trans-river community. The statistics commence with the first

Cattle Town Homicides

Towns	Years																Total
	1870	1871	1872	1873	1874	1875	1876	1877	1878	1879	1880	1881	1882	1883	1884	1885	
Abiline	2	3	2														7
Ellsworth			1	5	0	0											6
Wichita		1	1	1	1	0	0										4
Dodge City							0?	0	5	2	1	1	0	3	2	1	15
Caldwell										2	2	3	1	2	2	1	13
Total																	45

full shipping season in which each town existed as a municipality, except in the case of Caldwell, which gained organized status only in mid-1879 but attempted some law enforcement pending approval of an incorporation petition.

The sources for the statistics are the cattle town newspapers, of which continuous runs survive for all pertinent years but one. For public relations purposes local editors sometimes chose to be circumspect about nonfatal affairs, making an adequate analysis of all lethal encounters impossible. But they inevitably succumbed to the newsworthiness of actual homicide, at which time public relations often went begging in the wake of hasty "extras" and reprinted regular editions, multiple copies of which citizens commonly bought to send to friends back East. Only when particularly useful or necessary have newspaper accounts been supplemented by other sources, secondary writings being in various degrees particularly unreliable.

As is evident, the number of homicides never topped five in any one cattle season year, and reached this figure only at Ellsworth in 1873 and at Dodge City five years later. In both instances, homicides may be said to have manifested "wave" dimensions, and were in fact thus considered by local residents. In at least six years no fatalities occurred at all. While not so significant in seasons of cattle trade decline as at Ellsworth in 1875 or at Wichita in 1875 and 1876, the zeroes recorded for two busy years at Dodge City seem particularly meaningful. The average number of homicides per cattle town trading season amounted to only 1.5 per year.

In the case of at least six of these killings—or well over 10 per cent—it is hard to identify any connection whatever with the existence of the cattle trade. Besides a Wichita insurance murder, and the murder of an Abilene tailor and the lynching of *his* murderer, . . . these included the shootings of a Wichita hotel keeper resisting arrest on a federal warrant, that of one Wichita Negro by another, and that of a Caldwell housewife by her drunken husband.

The majority of those involved in homicides, however, were indeed law officers, cowboys and drovers, or gamblers—the last a somewhat elastic category to accommodate four ex-lawmen without obvious means of support. Of homicide victims, nine were cowboys or drovers and nine were gamblers. Six were officers of the law. Aside from the non-cattle-trade killings mentioned above, victims included five townsmen with conventional occupations, three local rural settlers, two dance house proprietors, two miscellaneous visitors (one lawyer and a Pawnee Indian), and one female theatrical entertainer. The status of the remaining two victims is obscure. Analyzed in terms of perpetrators, sixteen cattle town homicides can be attributed to law officers, or citizens legitimately acting as such, twelve to cowboys or drovers, and eight to gamblers. The other nine homicides are distributed evenly among some of the categories already mentioned. These included two lynchings evidently carried out by cattle town residents rather than transients. Besides the episode at Abilene, a Caldwell gambler and bootlegger was hanged in somewhat mysterious circumstances. . . .

With the exception of killings by law officers and lynchings, the homicidal situations varied considerably. Seventeen apparently resulted from private quarrels, four were accidental or without discernible motive, two were committed by resisters of arrest, two avenged prior homicides, and two consisted of murders for profit. Homicidal disputes involving women, incidentally, exceeded by eight to one those mainly resulting from gambling disagreements. Of the six lawmen killed, interestingly enough, half met death in circumstances that must be termed accidental, although two of them—Ellsworth's Sheriff Whitney and the Abilene policeman killed by Marshal Hickok—were attempting to help quell trouble when shot. Only two officers died attempting to make arrests; the other fell in a private quarrel.

Lest tradition be completely overthrown, let it be noted that gunshots were far and away the principal medium of death. But tradition also would have it that the cattle town homicide typically involved an exchange of shots—the so-called gunfight. Actually, though thirty-nine of the forty-five victims suffered fatal bullet or buckshot wounds, less than a third of them returned the fire. A good share of them were apparently not even armed.

Despite all the shooting it seems fair to conclude that the cattle town people largely succeeded in containing the lethal tendencies of their situation, despite the odds involved in suppressing violence while remaining hospitable to the Texas cattle trade. The collective adjustment demanded wisdom and finesse at all administrative levels, and wisdom and finesse were often at hand. Legend does the cattle town people a double injustice—falsely magnifying the periodic failures of their effort while altogether refusing to take account of its internal complexities.

Postscript: Overdosing on Dodge City

ROBERT R. DYKSTRA

> Louis stood in the path. . . . He pumped the stubby shotgun to put one in the chamber [and] held the sawed-off pointed down and against his leg. He said, "Man, . . . we like in the movies, huh? The two hombres facing each other out in the street."
>
> "That's the only place it ever happened," Raylan said. "In the movies."
>
> —Elmore Leonard, *Riding the Rap*

This passage from the latest offering by one of America's most respected crime novelists suggests that something I set out to do nearly thirty years ago may have had some good effect. *The Cattle Towns* was, and is, no polemic. But it did address two influential misconceptions about the Old West.

Copyright © by Western History Association. Reprinted by permission. The article first appeared as "Field Notes: Overdosing on Dodge City," by Robert R. Dykstra, *Western Historical Quarterly*, 27 (Winter 1996), 505–514.

The first is that the typical frontier community was sociologically cohesive—a kind of persistent Lockean husking-bee and barn-raising. The second misconception is that these particular frontier communities (forget Locke, think Hobbes) were relentlessly homicidal. The latter cliché—nurtured since the 1920s by "adult Westerns," in print and on screen, as well as by serious cultural historians—held that frontier communities such as cattle towns and mining camps routinely experienced virtually continuous handgun violence. . . .

As Elmore Leonard somehow discovered, nobody died in a Hollywood-style street duel; life may have imitated art *somewhere* on the frontier but not at the Kansas cattle towns. Within six years—the speed of light in scholarly circles—my demythologizing had taken hold among interested historians, as reflected in Eugene Hollon's survey of frontier violence, the fourth edition of Ray Billington's popular textbook, and Richard Bartlett's social history of the frontier, all published in 1974. Bartlett summarized everything especially well, I thought. "Such sobering analyses of these town," said he, "still do not make of them sleepy little religious communities. When the herds arrived, there was plenty of noise, fights, gambling, whoring, and general carousing—but it was under control."

Two years later I amiably offered my revelations at a glitzy big-budget Western film festival in Sun Valley, Idaho. My remarks for the most part prompted blank disbelief, although Henry King, prestigious director of the classic movie *The Gunfighter* (1950), rebutted me quite angrily. And a prominent folklorist who took a leading role in the conference dismissed me as a person who simply didn't like Westerns. The celebrity scholar of the moment was the author [Richard Slotkin] of *Regeneration through Violence* [1973], whose keynote speech offered us a foretaste of *The Fatal Environment* [1985] and who would ultimately—indeed, inevitably—give us *Gunfighter Nation* [1992]. I came away from Sun Valley with a renewed appreciation of America's weighty cultural investment in the received image.

Some years later, as if in response to this experience, Gary Wills employed my homicide data in his biography of ex-actor Ronald Reagan, thereby suggesting the foolishness of the movie industry's consumption of its own clichés. But my only other direct encounter with Hollywood came a few years ago when I was videotaped for an episode of a cable TV series, *The Real West*. The program was to be about the cattle towns, and during the lengthy taping I more than once reiterated the low body counts and the reasons for their being low. Two months later, however, as I glimpsed the very opening of the program, I knew that my best lines had ended up on the cutting-room floor. The name of the episode? "Bloody Dodge City."

Still, in the interim between major confrontations, my data continued to attract occasional lay interest. Most startling was my discovery of them summarized between the glossy covers of an upscale coffee-table magazine published in Paris. "De 1870 à 1885," read this abstract, ". . . dans les villes 'chaudes' d'Abilene, Dodge City, Ellsworth, Wichita et Caldwell, on n'enregistre que 55 morts par arme à feu."

Hmm, close but *pas de cigare*. Cattle town homicides totaled 45 not 55, and only 39 of the victims died from gunshot wounds. When in error, writers tend to err on the high side?

Certainly the most ambitious attempt to move the dialogue beyond the cattle towns has been Roger McGrath's study of two nineteenth-century California mining camps, Bodie and Aurora [published in 1984]. Strangely enough, however, McGrath's message cut both ways. The virtual absence of conventional crime in his towns led an important review of the book to appear under the headline "Not-So-Wild Frontier." Yet, McGrath had also found the local *homicide rate* so huge as to dwarf that of modern urban America. He managed this by devising rates according to the methodology of the FBI's Uniform Crime Reporting Program, which calculates a ratio for murders per every 100,000 of population.

McGrath was not the first historian to employ the FBI index. That honor accrues to two medievalists. James Given calculated a murder ratio for London in 1276 that almost matched the yearly average for Miami in the years 1948–1952. Barbara Hanawalt soon followed with a book arguing—even more elaborately—that medieval London's homicide ratio rose well *above* modern Miami's. But Hanawalt, an otherwise sophisticated historian, should have realized that it was the smallness of London's fourteenth-century population (35,000 to 50,000) rather than the average annual number of murders (18) that made its rate soar higher than that of the present era's most violent U.S. city.

Even more spectacularly does this fallacy of small numbers plague McGrath's mining camps, never larger than 5,000 souls each. For the more violent of his towns, McGrath calculated an enormous average annual homicide ratio of 116.0—as against Miami's 1980 ratio of only 32.7. The normally astute Richard White seemed quite impressed by this contrast [in his 1991 new history of the West]. But the fact is that while Bodie's body count was a mere 29 over several years, Miami's 1980 murders totaled 515. Which ought to remind one that there are lies, damned lies, and statistics.

Let Dodge City's example prove the point. Dodge was indeed the most violent of the cattle towns in terms of its total body count (N = 15), but its average was that of the five towns as a whole, 1.5 per cattle-trading year. It was thus no more homicidal than Abilene, Ellsworth, Wichita, or Caldwell; it simply had been a cattle town longer than any of the others.

And consider this. On 17 November 1880 a local layabout named John ("Concho") Gill shot and killed rancher Henry Heck in a quarrel over a woman. Bad business indeed—no man is an island and all that. Heck's demise, however, was Dodge City's *only* 1880 homicide. Since the village contained a resident population of merely 1,275 that year, this single killing yields a statistically huge homicide ratio of 78.4. Had Gill's bullet missed Heck, the town's 1880 ratio would have been zero. But because Gill's aim was true, Dodge City earned a rate twice that of violence-ridden Miami a century later.

Of course, there is nothing wrong with the FBI index. What's wrong is that comparing frontier Dodge City to modern Miami is comparing apples

and oranges—or, more appropriately, an early pea and a prize-winning watermelon. The naiveté of such a venture, its frank display of statistical illiteracy, is inexcusable in this methodologically-advanced day and age, no? (Okay, make that *should be* inexcusable.)

Still, a simple comparison of the cattle towns' yearly average—1.5 victims—with that of McGrath's mining camps—4.75 victims, or four times higher—is not only plausible but surprisingly instructive. Even without doing the arithmetic, Richard White drew an especially intelligent conclusion from this difference. "Those towns such as the cattle towns that disarmed young men lowered the rates of personal violence considerably," he wrote. "Those towns such as Bodie and Aurora that did not disarm men tended to bury significantly more of them. Society as a whole was able to control personal violence when the community desired to do so."

The escalating 1990s debate over gun control has prompted some repetition of White's point. Thus *Newsweek* columnist Jonathan Alter asserted that "back in the 1870s, Wyatt Earp was called into Wichita because that rowdy cattle town was experiencing about one homicide a year, which the residents considered intolerable. Earp made sure that guns were checked at toll stations on the outskirts of town or confiscated." Gary Wills elaborated further in his syndicated column. The cattle town experience, he said, "showed that gun control, at many levels, was a fact of Western life. . . . We are often told that gun control laws will not work. But they seemed to have worked in the West. The cattle-drive towns had an average of 1½ murders per year, and those usually had nothing [to do] with cowboys or 'shootouts.' They were the ordinary domestic stabbings and such."

Alter, of course, greatly exaggerated the leadership of Officer Earp in Wichita law enforcement. And Wills too sharply reduced both the proportion of cattle trade-related homicides and the incidence of fatal gunshot wounds. Yet the larger point seems well taken. . . .

When one looks closely at the Western experience beyond the cattle towns it *is* odd that actual body counts all over the place are not especially high. What, one might ask, is meant by "not high"? Certainly not as high as the body counts in metropolitan America today. But more pertinently, counts not as high as many historians have reported. For instance, the widely respected Daniel Boorstin described New Mexico's famous Lincoln County War, which featured Billy the Kid, as having claimed the lives of "more than sixty men." Yet the true total was a mere third of that—20 or 21 (depending on whether one Joe Bowers was or was not killed in the Five-Day Battle). Or body counts not as high as Hollywood mythologizing. For example, in Wyoming's famous but short-lived Johnson County War, on which the violent movie *Heaven's Gate* (1980) was based, actual homicides totaled two.

Other frontier body counts follow suit. During Deadwood's famous first year as a (literally) lawless mining camp homicides numbered four. And many legendary Western law officers and outlaws actually killed few men. Take the formidable Wild Bill Hickok. Over his lifetime, excluding his military service, Hickok accounted for either seven or eight kills (depending on whether he or Mrs. Horace Wellman should be credited with James Woods's demise at the Rock Creek fight). Call it seven plus an assist. Or consider another example: victims of the Jesse James gang during its lengthy career numbered 16—about one per year.

The local violence for which postbellum Texas is notorious offers other examples. The four *most* lethal of these outbreaks were the Sutton-Taylor feud, the Lee-Peacock feud, the McDade vigilante episode, and the San Saba County War. But the respective fatalities totaled 24, 20, 23, and 19. Judging from these cases and the similar total from nearby Lincoln County, about 20 to 25 victims was all a Western community would ultimately tolerate.

The Indian wars of the late nineteenth century are a special case. What gave them their unforgivably murderous quality were the massacre of noncombatants—women, children, the elderly—by testosterone-laden young males from both sides. In contrast, the number of *combat* deaths among soldiers and warriors was not particularly large. Between 1865 and 1898, regular troops killed while encountering Indians totaled 919. But well over a third of these—37 percent—died in two very exceptional engagements. One was the Fetterman ambush in 1866, which cost the lives of 79 officers and men. The other was the Little Bighorn Battle ten years later, in which 258 soldiers died. Absent those two bloodlettings, combat deaths averaged about 17 per year. As for Indian fatalities, they were probably even fewer over the long run. No more than 32 warriors, for instance, are known to have died at Little Bighorn.

The late nineteenth-century scholar looking for true mayhem and big body counts should forget Little Bighorn, forget Wild Bill and Wyatt Earp, forget Dodge City. Instead, consider the lethal character of simply working on the railroad. In the single year 1893 no fewer than 433 men died violently while attempting to couple railway cars. Now *that* would have made a blood-spattered epic worthy of Sam Peckinpah.

It seems to me that the cattle town experience points toward a remarkable truth: despite all the mythologizing, violent fatalities in the Old West tended to be rare rather than common. Does that mean it was a wholesome, tranquil place? Probably not. But it was clearly a safer—and one heck of a lot *saner*—West than ever dreamt of in our national imagination.

Regeneration through violence? The fatal environment? Gunfighter nation? Oh, please. Let's get a grip on ourselves.

Clyde A. Milner II, Anne M. Butler, and David Rich Lewis, eds., *Major Problems in the History of the American West*, 2nd edition (Boston: Houghton Mifflin, 1997).