

# Law and Order in the American West Course - Homework

**Unit 1 1835 – 1862:** Main Focus – the Problems with Law and Order in the new settlements in the West especially after the discovery of gold in 1848 and the Gold Rush

**Review**

**Unit 2 – 1862 – 1876:** Main Focus - the Continuing Problems of Law and Order, and the new problems of Cowboys and Cow towns like Abilene

**NEW Information**

**Unit 3 – 1876- 1895:** How did the problems of Law and Order continue, the case studies of Billy the Kid, Wyatt Earp and the OK Corral, and the Johnson County War and the Cattle Barons

**NEW Information**



We will not be covering this in class. You must complete this at home. You don't have to do it all at once though. There are tasks throughout the pack. Any problems – ask your teacher!

## **Unit 1 1835 – 1862 – Why was the American West often described as Lawless? REVIEW**

One big trigger was the rush to settle in the West caused by the Gold Rush. Before gold was discovered in 1848 there were about 8,000 non-American Indians living in California. By 1855 there were over 300,000. This caused a lot of problems including:

- Claim Jumping – one man stealing another man’s patch of land if it looked like gold might be present.
- Con –men – for example sprinkling a few flakes of gold around a plot to trick inexperienced miners into buying it.
- Robbers attracted to areas to rob successful gold prospectors.
- Predominantly young men who went to seek their fortunes meant alcohol, prostitutes, gambling and fighting all common due to disappointment and loneliness. No communities – few wives, children, older citizens etc.
- Most gold prospectors carried guns so fights could quickly get serious.
- Ethnic tensions – gold prospectors came from all over the world, religious differences and racism triggered violence. A famine in China meant there were 20,000 Chinese migrants in California by 1852. Particular hostility was shown to them.
- Disappointed and penniless miners often turned to crime and joined gangs especially in San Francisco. Lawlessness could reach a point where gang members would stroll into a saloon, kill people, take their money and leave.



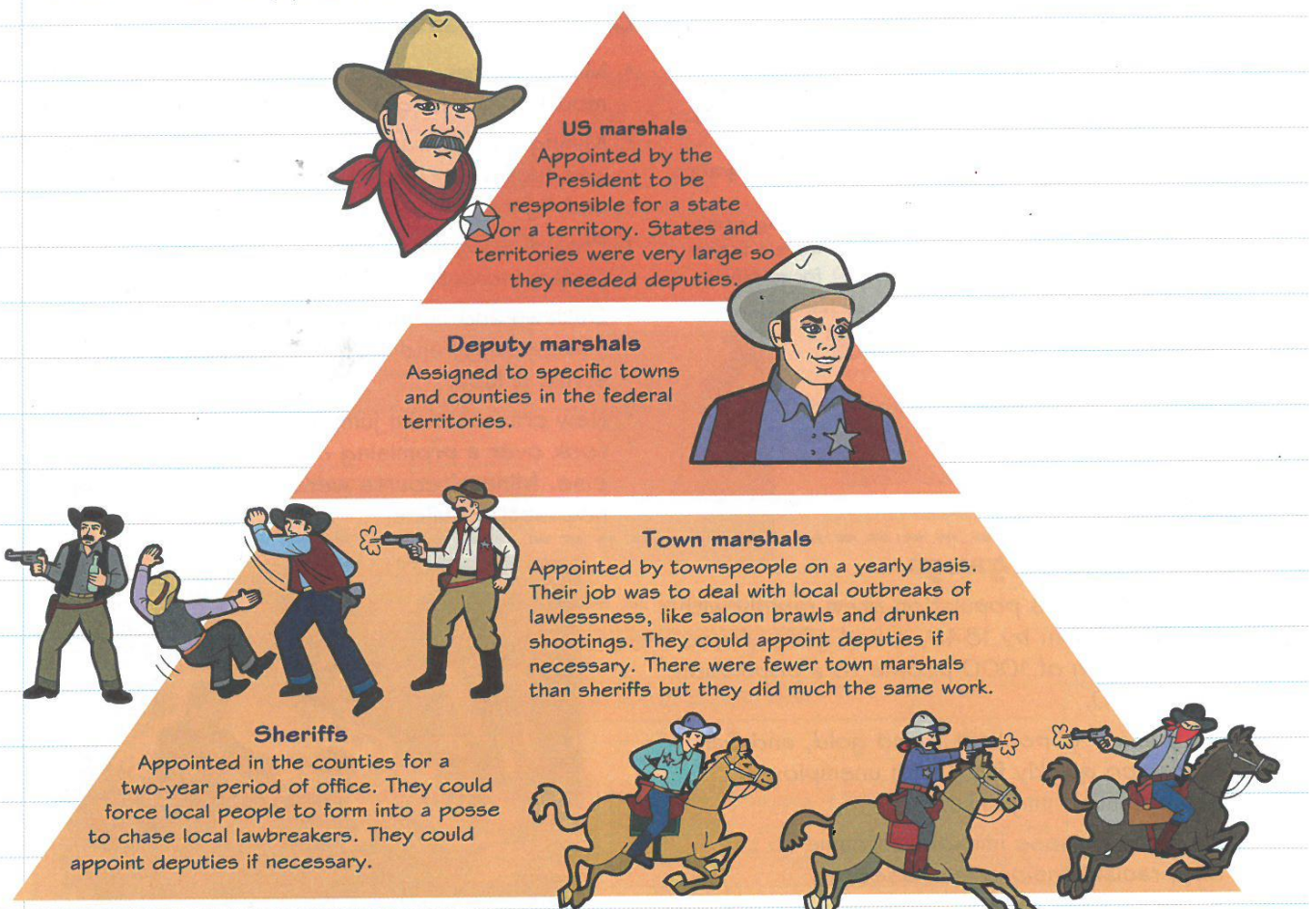
### **What were the systems of Law and Order and why were they ineffective? NEW INFO**

If a territory was not yet a state (like Oregon and California initially) then it was under the control of the Federal (main) government back in the East. Once the population reached 60,000 it could apply to be a state and have its own government, laws and legal system. This is why states in the USA today have different laws regarding death penalty, gun ownership, etc etc – they have the freedom to make their own laws to a large extent.

Until a territory became a state the federal government decided on the laws and appointed a governor and 3 judges and a US Marshal (a police officer) responsible for law and order. He could appoint deputies and also order men to join a posse to hunt down lawbreakers. In country areas there would be a Sheriff (similar to a Marshal).

# Sheriffs and marshals

The federal government (government of the whole USA) tried to tackle lawlessness in the West, but there were many problems to overcome.



## Problems of enforcing Law and Order:

- Geography – territories were huge areas with scattered settlements. Before the 1860s (when railways arrived) the fastest way to travel was on horseback. News of trouble could take a long time to arrive.
- Federal government did not spend much on law and order out west. The jobs of Marshals etc were badly paid so did not attract the best people for the job. Many were corrupt and would take bribes to turn a blind eye etc.
- Sheriffs had no legal training and could and did show favouritism to their friends.
- Vigilantes formed (groups of ordinary people who took matters of law and order into their own hands and punished lawbreakers themselves). They began in San Francisco first in response to the gangs there and then spread rapidly to other mining communities. Often suspects were identified, tried and hanged very quickly. Often there was not a fair trial and could be used as a way to settle scores rather than because of a genuine concern for justice.

- Even the authorities had racist attitudes to other ethnic groups, especially to the Chinese migrants and the Californian Indians. For example, Chinese miners were taxed more than other miners and neither Chinese people nor American Indians could be witnesses in a court room. Ordinary people had little fear of carrying out racist crimes which led to the near total destruction of the Californian Indians through deliberate murder with no consequences.

**Tasks:**

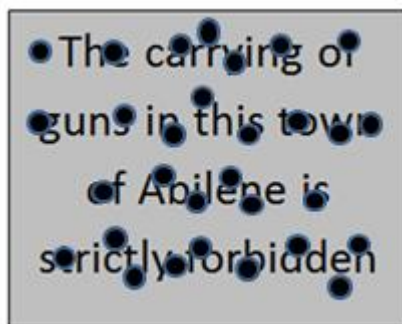
1. Explain the importance of the discovery of gold in California in 1848 in creating problems for law and order in the West. (8 marks)
2. Give definitions to the following words:
  - Claim jumping
  - Prospector
  - Marshal
  - Sheriff
  - Posse
  - Vigilante

## Problems of Law and Order in Unit 2 1862 – 1876

This unit looks at the problems created by the civil war and the railways in terms of law and order in the West.

### The railroads – ‘Hell on Wheels’

The new towns created by the railroads were often lawless places. This was especially true of the cow towns like **Abilene**. After long weeks or months herding the cattle to town by trail, cowboys would arrive in these towns, get paid and celebrate hard. This often led to trouble! By 1870 the residents of Abilene were desperate for a number of reasons. Their winter population was about 500, once the cowboys arrived by June it jumped to 7,000. The cowboys were regularly having gunfights, there were murders and the town had filled up with brothels and saloons along with prostitutes, gamblers, swindlers and outlaws. When the town built a jail in 1870, the cowboys tore it down! A sign banning the carrying of guns in the town was shot so full of holes the words could no longer be made out!



The tension in the town was made worse by the ill feeling that remained at the end of the Civil War. Most cowboys were southerners and supported the Confederate side in the war whereas Abilene has supported the Union side (the North).

In 1870, Abilene took action. The saloons were licensed with set closing hours and brothels were banned. To enforce this Abilene hired a marshal named **Wild Bill Hickok**. He had a colourful past and had killed several people previously. The cowboys respected him and he did keep them under control but he drank, lived with a succession of prostitutes and gambled hard. In a gun fight he accidentally killed his own deputy. Abilene sacked him after a year.

### The Civil War – How did that have consequences for Law and Order?

It contributed significantly to the potential for trouble because:

- Young men from the defeated southern states often resented the victorious US government and its laws.

- Many men had been traumatised by the war and found it hard to fit back in to regular society and some became drifters and criminals.
- The war devastated the South's economy causing high unemployment.
- Some former soldiers formed criminal gangs.

### **Case study: The Reno Gang**

The Reno Gang were a group of civil war deserters, con men and thieves who terrorised communities in the West and bribed local law officers to avoid arrest. In the 1860s they robbed a train and broke open a safe to get away with \$16,000. The owners of the safe hired private detectives called the **Pinkerton Detective Agency** to track them down. They caught one member of the gang but the others continued to rob trains and were successful in another three robberies. They gained \$96,000 from the fourth robbery.

On the fifth robbery, one member was captured and he named the other members of the gang. When the Pinkertons went to arrest them an angry mob arrived, took the men and lynched them (hanged them without a trial). This shows how law and order did not always operate effectively and people took matters into their own hands.

### **Case Study: The James – Younger Gang**

The James Younger Gang was another gang made up of ex Confederate soldiers who turned to crime and robbed a series of banks and stage coaches. In one town, Northfield in Minnesota, the townspeople fought back. Two members of the gang were killed and two were wounded. This example again shows how people took matters in their own hands if they felt law and order was ineffective.

### **Tasks:**

- 1) Explain how the growth in the cattle industry and cow towns had consequences for law and order in the West.
- 2) Why do you think some rich people, rail companies and others used private detectives such as the Pinkertons rather than the official methods to solve crime and track down criminals?
- 3) Give two examples of how the Civil War created additional problems for law and order.
- 4) Give definitions for these terms:
  - Confederate soldiers
  - Saloon
  - Brothel
  - Deserters
  - Pinkerton Detective Agency
  - Lynching

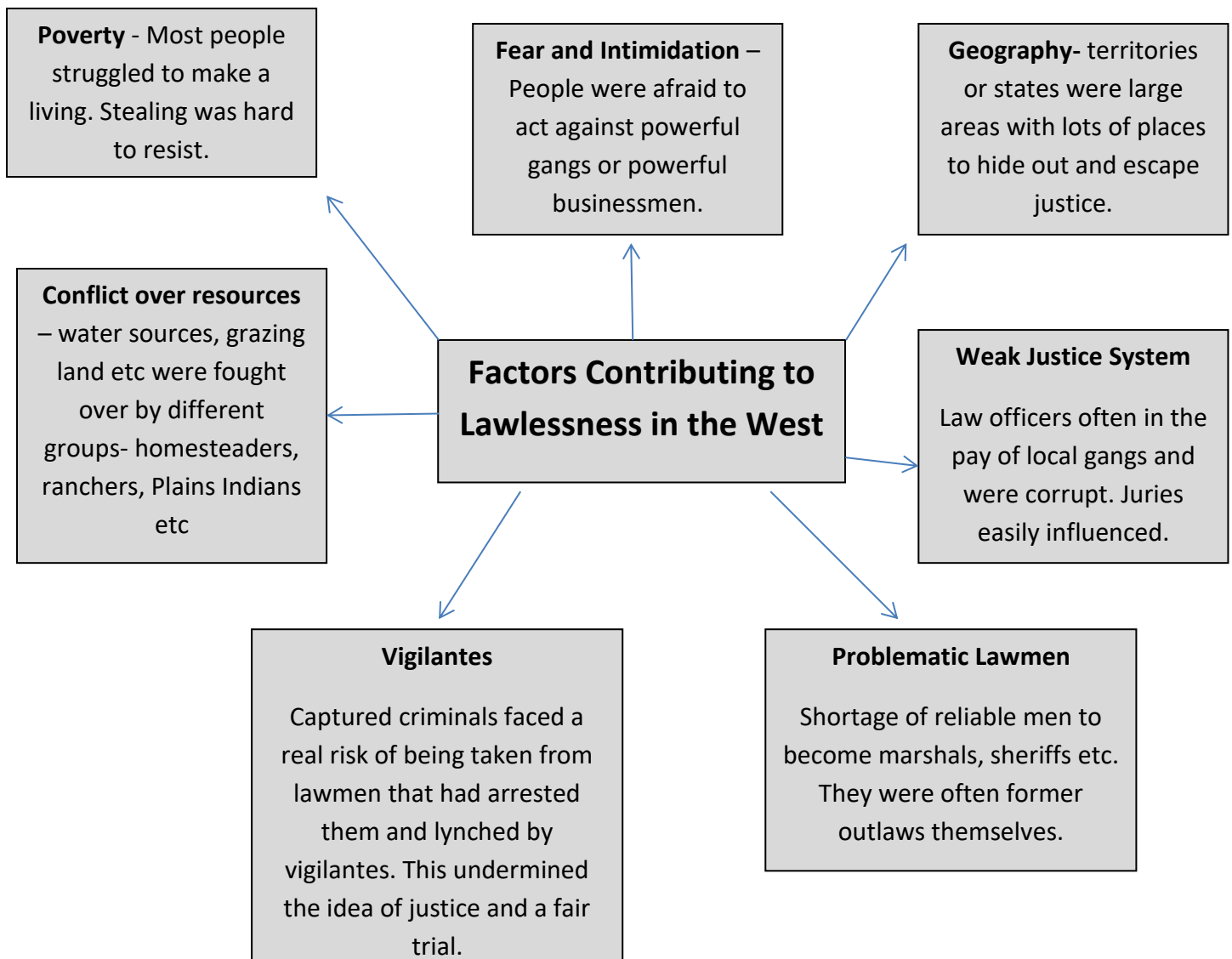
## Problems of Law and Order in Unit 3 1876 – 1895

This unit looks at the law and order problems created by the development of the West as people struggled to make a living, particularly on the Plains.

There were conflicts over the use of resources, especially between homesteaders and big ranchers (cattle barons.)

There were also conflicts between people of different races who were now living alongside each other – America Indians, Mexicans, Chinese, black and white Americans.

Violence and Lawlessness threatened people's livelihoods but the justice system was not always strong enough to bring people to justice.



## Case Study: Billy the Kid

# Billy the Kid and Wyatt Earp

The development of the West produced conflicts and tensions between people as they struggled to make a living. Billy the Kid and Wyatt Earp are both good examples of how these tensions affected lawlessness and attempts to enforce law and order.

### Billy the Kid: a very brief history

- Billy grew up in poverty and was soon in trouble for stealing.
- In 1878, he became involved in a **range war** (Lincoln County War) between cattle baron John Chisum and smaller ranchers. Billy swore revenge when friends were killed.
- Billy's gang caused chaos across New Mexico – local law officers were also caught up in the range war.
- Only when a new governor appointed a new sheriff, Pat Garrett, could the law be enforced.
- After escaping jail, Billy was tracked down and shot dead by Garrett in 1881.

**Conflict over resources:** Billy involved in a war between ranchers.

**Intimidation and corruption:** local law enforcement was weak and caught up in the range war, too.

**Geography:** Billy's gang could easily escape the law and hide in remote areas.

**Poverty:** life for most people was hard. Being an outlaw was glamorous and exciting.



Billy the Kid

While Billy the Kid and Wyatt Earp are examples of increased lawlessness at this time, it is important to remember that the general trend in the West was that law and order was getting more under control.

A range war was a fight between the great cattle barons who owned huge ranches and other settlers desperate for land and resources.

Although Billy the Kid was a notorious thief and a murderer to some he was seen as an exciting, reckless and romantic figure. He was significant for three main reasons:

- Powerless people (the poor, ethnic minorities, small homesteaders and ranchers) liked the way he took on big businessmen who were taking huge areas of land for themselves.
- Most of his violence was as a hired gun in a war between the cattle barons and those who dared to challenge them, showing how powerful these people were and how they tried to control law, order and justice themselves.
- He shows how weak the justice system was as he kept escaping and eventually was shot dead by a Sheriff rather than being arrested, trialed and jailed effectively.



## Wyatt Earp and the OK Corral

In the cow towns, as we have seen, there was a lot of drinking, prostitution, violence and gambling. This was not appreciated by the northern businessmen who came to the cow towns to make money. It was these men who wanted sheriffs and marshals to keep order and they often selected men with tough reputations (and often criminal pasts) to do the job.

### Wyatt Earp: a very brief history

- Earp first got into law enforcement after he was arrested for fighting in Wichita and then helped the deputy marshal deal with a rowdy bunch of cowboys.
- By 1879, he had moved to the mining town of Tombstone. Rich businessmen were fighting for control of the area with ranchers and cowboys led by the Clantons and McLaurys.
- In 1880, the businessmen hired Earp as deputy sheriff to end the fight in their favour.
- After months of clashes with the Clantons and McLaurys, Earp and his brothers killed two McLaurys and one Clanton at the OK Corral, on 26 October 1886. Cowboys then killed Morgan Earp. Wyatt Earp immediately killed two men who he said were responsible.
- Public opinion in the town turned against the Earps, who were considered murderers with no respect for the law. They left Tombstone in 1882.

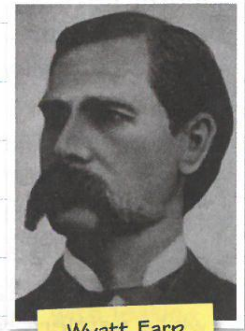
### Wyatt Earp and the OK Corral

**Conflict over resources:** Wyatt Earp and his brothers were involved in a war between businessmen and ranchers.

**Intimidation and corruption:** Earp and his brothers were accused of criminal acts (involvement in stagecoach robberies) and of murder – instead of reducing lawlessness in Tombstone, they increased it.

**Law and order:** The gunfight at the OK Corral was criticised as lawlessness. Tombstone residents thought Wyatt should have arrested the suspects.

**Unreliable lawmen:** Earp was arrested nine times. Law officers often had criminal pasts.



Wyatt Earp

A Corral was a pen for horses or cattle on a farm or a ranch.

Task:

- 1) Write a paragraph outlining the main problems with law and order in the American West even by the 1880s. Use either Billy the Kid or Wyatt Earp as an example to help make some of your points about some of the issues.

## **The Johnson County 'War' 1892**

The Johnson County War in Wyoming was fought between **cattle barons** on one side, and **homesteaders and small ranchers** on the other. It demonstrates the continuation of rivalry between cattle barons and homesteaders and shows that, even in the 1890s, people were still taking the law into their own hands.

In Wyoming, cattle barons held key positions in government and therefore had a lot of power and influence. They also set up their own association, the Wyoming Stock Growers Association (WGSA), to protect their interests. Many of the cattle barons suffered great losses in Great Die up of 1886-7 due to the terrible winter. In contrast, the small ranchers survived the winter with fewer losses, partly because they had less cattle and less land so could go and look for them and dig them out of the snow. This was resented by the big barons.

There was also ongoing tension between the big cattle barons who grazed cattle on huge areas of the Plains and the homesteaders as the homesteaders were settling on (and putting barbed wire around) land that that previously been public land the cattle barons used. Also the cattle barons suspected the smaller farms and ranches were stealing their cattle (cattle rustling). Due to the fact the local populations disliked the power of the cattle barons, local juries almost never found small farmers guilty of theft.

### **The Trigger for Violence:**

Ella Watson and Jim Averill farmed a homestead of 670 acres in the middle of an open range pasture used by a cattle baron, Albert Bothwell. Although they had a legal claim to the land, Bothwell wanted them gone. Jim Averill wrote a letter to a local paper accusing the cattle barons (like Bothwell) of being nothing more than rich land grabbers. Next, Ella obtained a small herd of cows. Bothwell and his men accused her of stealing the cattle, seized both Jim and Ella and hanged them. Other killings followed, leaving three other small ranch owners dead. The WGSA then decided to deal with the cattle rustling with further attacks that show how powerful they felt they were.

### **The 'invasion'**

The WGSA hired 22 gunmen to invade Johnson County and kill 70 people they suspected of cattle rustling. They paid the gunmen \$5 a day plus expenses and a bonus of \$50 for every rustler they killed. This was vigilante justice as they saw it, as a way to deal with cattle rustlers. The gunmen failed, despite these generous incentives as outraged citizens fought them off and raised the alarm.

Small rancher Nate Champion heroically held the gunmen up all day. By the time he had finally been killed, the alarm had been raised in a nearby town and the local people were ready to fight. The US Calvary (army) arrived and ended the conflict. The 'war' had ended.

The cattle barons raised \$100,000 dollars to pay for the legal costs to ensure they were not charged and jailed. They hired the best lawyers and got the court case moved to the big city Cheyenne where juries would be more favourable to them.

Their lawyers slow-timed the court case as they knew Johnson County was short of money. In the end the prosecutors ran out of money and the case collapsed. However, the cattle barons were widely condemned and they lost some of their political power. This is the significance of the Johnson County War – many people thought their actions were wrong and condemned them.

**Tasks:**

- 1) Give two reasons for tension between the large cattle barons and the smaller farmers and homesteaders.
- 2) What problems with justice and law and order does the Johnson County War illustrate?

You will need to use this information for your A3 revision mind maps that you will do for Units 2 and 3 on the American West. They will be coming your way soon!