

1860.³⁰ Maximilian's legend therefore provides important supporting evidence for this archaeological inference.

Because of Clark's generosity to Maximilian and the prince's curiosity about the American West, we have reasonably accurate copies of some of Clark's original maps, many of which are now lost. Together, they provide rich new information on many aspects of the Lewis and Clark expedition. We now have copies of Clark's route maps for nearly 900 additional miles of the expedition's trek in five states. Moreover, Set I reveals Clark's skills as a cartographer even more clearly than the published maps, for the copies are to a much larger scale. These maps, important as they are for the study of the Lewis and Clark expedition, also are important for the light they shed on the voyage up the Missouri River in 1833 and 1834 by Maximilian and Bodmer. In time, the full range of Maximilian's collection may receive the attention it so richly deserves. Until then, we are able to report that InterNorth (previously Northern Natural Gas Company) and the Joslyn Art Museum are generously allowing all of Maximilian's copies of Clark's maps to appear in the atlas of the new edition of the journals of the Lewis and Clark expedition, now in preparation by the Center for Great Plains Studies at the University of Nebraska, Lincoln. Someday, perhaps the originals for Set I of the atlas will be found. With the renewed interest being aroused in the Lewis and Clark expedition because of the new edition of their journals, we can even hope that the maps we believe Clark made between Camp Dubois and Camp White Catfish may eventually reappear.

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Outlaw Gangs of the Middle Border: American Social Bandits

RICHARD WHITE

Americans have often regarded western outlaws as heroes. In popular culture—legend, folksongs, and movies—the American West might as well be Sherwood Forest; its plains and prairies teem with what E. J. Hobsbawm has called social bandits. Driven outside the law because of some act sanctioned by local conventions but regarded as criminal by the state or local authorities, the social bandit has been forced to become an outlaw. Members of his community, however, still consider him an honorable and admirable man. They protect him and are ready to reassimilate him if persecution by the state should stop. The social bandit is a man who violates the law but who still serves a higher justice. He robs from the rich and gives to the poor and only kills in self-defense or just revenge. As long as he observes this code, he is, in myth and legend, invulnerable to his enemies; he can die or be captured only when betrayed by friends.¹

In the American West, stories of this kind have gathered around many historical outlaws: Jesse James, Billy the Kid, Cole Younger, Sam Bass, John Wesley Hardin, Bob Dalton, Bill Dalton, Bill Doolin, and more. These men exert a surprising fascination on a nation that takes some pride in due process and the rule of law and where the standard version of western settlement is the subordination of "savagery" to law and civilization. These bandits, however, exist in more than legend; as actual outlaws many enjoyed substantial amounts of local support. Such outlaws must be taken seriously as social bandits. Their appeal, while complex, is not mysterious, and it provides insights not only into certain kinds of western settlement and social conditions but also into basic paradoxes of American culture itself.²

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¹ E. J. Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (New York, 1965), 13–29.

² There is much popular literature on these bandits, but scholars have usually ignored them. Two important exceptions are: William A. Settle, Jr., *Jesse James Was His Name or, Fact and Fiction Concerning the Careers of the Notorious James Brothers*

³⁰ This village (the Ice Glider Site) is reported in detail in Wood, ed., "Papers in Northern Plains Prehistory and Ethnohistory."

The tendency to justify certain outlaws as decent, honorable men despite their violation of the law is, in a sense, unique only because these men openly were bandits. In other ways social bandits fit into a continuum of extralegal organizations, such as claims clubs, vigilantes, and whitecaps—prevalent throughout the United States but most common in the West.³ In certain situations the differences between social bandits (criminals) and vigilantes (law enforcers) were not great, and although this may offend certain modern law and order sensibilities, it is a mistake to impose such contemporary distinctions on nineteenth-century conditions.

In the American West during this period, concepts of legality, extralegality, and illegality became quite confusing. Well into the late nineteenth century public law enforcement remained weak, particularly in rural areas where a variety of extralegal organizations supplemented or replaced the constituted authorities. Members of claims clubs, vigilantes, and whitecaps, of course, proclaimed their allegiance to community norms and saw themselves as establishing order, not contributing to disorder. On many occasions they were probably correct. Often, however, the line between extralegal organizations who claimed to preserve order and extralegal gangs accused of creating disorder was a fine one indeed. Claims clubs using threats of violence or actual violence to gain additional public land for their members, even when this involved driving off legitimate claimants, vigilante committees whose targets might only be economic or political rivals, or whitecaps who chose to upgrade the moral tone of the community through beatings and whippings may not be outlaws, but distinguishing them from criminals on moral or legal grounds is not very compelling.⁴ In the West, *criminal* could be an ambiguous term, and vigilantes often became the armed force of one racial, class, or cultural group moving against other groups with opposing interests. In such cases vigilantes often provoked retaliation, and local civil war resulted. American history is full of such encounters, ranging from the Regulator/Moderator conflicts of the colonial Carolina backcountry, through the anti-Mormon movements of the American frontier, to the Johnson County War of 1892.

of Missouri (Columbia, Missouri, 1966); and Kent Ladd Steckmesser, *The Western Hero in History and Legend* (Norman, 1965), 57–102.

³ Richard Maxwell Brown, *Strain of Violence: Historical Studies of American Violence and Vigilantism* (New York, 1975), 91–179. See also William F. Holmes, "Moonshining and Collective Violence: Georgia, 1889–1895," *Journal of American History*, 67 (December 1980), 589–611.

⁴ Allan G. Bogue, "The Iowa Claim Clubs: Symbol and Substance," *Mississippi Valley Historical Review*, XLV (September 1958), 231–53; Brown, *Strain of Violence*, 24–25, 128, 150–51.

Social bandits, however, did not represent this kind of organized opposition to vigilantes. They, too, arose where law enforcement was distrusted, where criminal was an ambiguous category, and where the legitimacy of vigilantism was questioned. Where social banditry occurred, however, the vigilantes and their opponents did not form two coherent groups, but instead consisted of numerous, mutually hostile factions. Regulator/Moderator struggles represented broad social divisions; social bandits thrived amidst personal feuds and vendettas.

Three gangs that seem most clearly part of a western social bandit tradition are the James-Younger gang of western Missouri and its lineal successors led by Jesse James (1866[?]-1882), the Dalton gang of Oklahoma Territory (1890–1892), and the Doolin-Dalton gang of Oklahoma Territory (1892–1896).⁵ Such a list is purposefully narrow and is not meant to be exclusive. These are only the most famous gangs, but an examination of them can establish both the reality of social banditry and the nature of its appeal.⁶

Social bandits are almost by definition creations of their supporters, but this support must be carefully defined. Virtually all criminals have some people who aid them, since there will always be those who find profit and advantage in doing so. Social bandits, too, may have supporters who are essentially confederates. What separates social bandits from ordinary criminals, however, is the existence of large numbers of other people who aid them but who are only technically implicated in their crimes. Such people are not themselves criminals and are willing to justify their own actions in supporting outlaws on grounds other than fear, profit, or expediency. When such people exist in large enough numbers to make an area a haven for a particular group of outlaws, then social banditry exists. For the James-Younger, Dalton, and Doolin-Dalton gangs, this support had three major components: the kinship networks so important to western settlement in general, active supporters, and those people who can be termed passive sympathizers.

That two of these three gangs organized themselves around sets of brothers—the James brothers, the Younger brothers, and the Dalton brothers—is perhaps the most striking illustration of the importance of kinship in social banditry. Centered on blood relations, the James-Younger

⁵ The initial robberies of the James-Younger gang are hard to verify; Settle, *Jesse James Was His Name*, 34–38. The Doolin-Dalton gang fragmented before 1896, but the killing of Bill Doolin seems the best date for its demise.

⁶ Others who might qualify as legitimate social bandits are Billy the Kid, John Wesley Hardin, Sam Bass, and the various Mexican-American outlaws whose real activities served as the basis for the Joaquin Murietta stories. Such additions would extend the realm of social banditry to central Texas and the Mexican-American communities of the Southwest.

gang and, to a much lesser extent, the Dalton gang depended on relatives to hide them, feed them, warn them of danger, and provide them with alabais. The James brothers recruited two of their cousins—Wood and Clarence Hite—into the gang, and even the Ford brothers, who eventually murdered Jesse, were recruited because they were related by marriage to Jim Cummins, another gang member.⁷ Only the Doolin-Dalton gang lacked widespread kin connections, and this forced them to rely more heavily on other forms of support, which were, however, common to all the gangs.

Besides kinspeople, the gangs drew on a larger group of active supporters who knew the outlaws personally and who duplicated many of the services provided by relatives of the bandits. The James-Younger gang recruited such supporters largely from among neighbors and the ex-Confederate guerrillas who had ridden with them in the Civil War. Such "friends of the outlaws" were, according to the man who broke the gang—William Wallace—"thick in the country portions of Jackson County," and many people in the region believed that no local jury would ever convict members of the James gang.⁸

Similar support existed in Oklahoma. The Daltons—Bob, Emmett and Grat—had possessed "many friends in the territory" and had found aid not only among farmers but also on the ranches along the Cimarron River, in the Creek Nation, and in the Cheyenne-Arapaho country.⁹ The Doolin-Dalton gang apparently built on this earlier network of support. Frank Canton, who as undersheriff of Pawnee County pursued the Doolin-Dalton gang, distinguished their active sympathizers from the twenty-five to thirty confederates who fenced stolen goods for the outlaws.

⁷ For the family connections of the Jesse-Younger gang see Settle, *Jesse James Was His Name*, 6-9, 23; Robertus Love, *The Rise and Fall of Jesse James* (New York, 1926), 53. Jesse James, Jr., *Jesse James Was My Father* (Independence, Missouri, 1899), 76-77. Jim Cummins, *Jim Cummins' Book* (Denver, 1903), 107-8. For the Daltons see Glenn Shirley, *West of Hell's Fringe: Crime, Criminals, and the Federal Peace Officer in Oklahoma Territory, 1889-1907* (Norman, 1978), 43-44, 47, 60; *The Dalton Brothers and Their Astounding Career of Crime by an Eye Witness* (Chicago, 1892), 86-87; Evan Barnard, *A Rider of the Cherokee Strip* (New York, 1936), 198.

⁸ William H. Wallace, *Speeches and Writings of William H. Wallace with Autobiography* (Kansas City, 1914), 264, 273, 278; Settle, *Jesse James Was His Name*, 42, 59, 94, 114. Cummins, *Jim Cummins' Book*, 33, 37-38, 49, 106, 113-15, 142; and George Miller, Jr., ed., *The Trial of Frank James for Murder with Confessions of Dick Liddil and Clarence Hite* (New York, 1977), 312-13, 319.

⁹ W. F. Jones, *The Experiences of Deputy U.S. Marshal of the Indian Territory* (Tulsa, 1937), 25; Zoe Tilghman, *Outlaw Days: A True History of Early-Day Oklahoma Characters* (Oklahoma City, 1936), 33, 39, 58; Emmett Dalton, "Beyond the Law: First True Account of the Exploits of the World's Most Noted Outlaws," *Wide World Magazine*, 41 (May, June, July, August 1918), 92, 194; Harriet P. Gilstrap, "Memoir of a Pioneer Teacher," *Chronicles of Oklahoma*, 39 (Spring 1960), 21; Lon Stansbery, *The Passing of the 3-D Ranch* (Tulsa, n.d.), 18.

The Dalton gang and especially Bill Doolin had many friends among the settlers south of Pawnee along the Cimarron River, and along the line of Pawnee County. There is no doubt that Doolin furnished many of them money to buy groceries to live upon when they first settled in that country and had a hard struggle for existence. They appreciated his kindness even though he was an outlaw with a price upon his head, and there were plenty of people who would get up at the hour of midnight if necessary to ride to Bill Doolin to warn him of the approach of officers when they were seen in that vicinity.¹⁰

U.S. Marshal Evett Nix, too, complained that "protectors and friends" of the Doolin-Dalton gang "were numerous."¹¹ The small town of Ingalls in Payne County became a particularly notorious center of sympathy for the gang. Three deputy marshals died in the disastrous raid officers made on the town in 1893, and when a posse pursued the bandits into the surrounding countryside, local farmers misdirected the deputies. The frustrated officers retaliated by arresting a number of local citizens for aiding the outlaws.¹² Probandit sentiment persisted in the region into 1894 when a local newspaper reported that Bill Doolin was openly "circulating among his many friends in the Sooner Valley" and pointedly remarked that deputy marshals had been absent from the area as usual.¹³ Years later, when the state erected a monument to the deputies who fell at Ingalls, at least one old local resident complained that it had been erected to the "wrong bunch."¹⁴ In the case of all three gangs, the network of primary supporters remained localized. The James-Younger gang in its prime drew largely on Clay, Jackson, and Ray counties in Missouri, while the Daltons and the Doolin-Dalton gang relied heavily on people in Payne, Kingfisher, and Pawnee counties, as well as ranchers in the neighboring sections of the Indian nations and the Cherokee strip.

The final category of popular sympathy for outlaws was probably at once the largest, the least important in terms of the bandits' day-to-day activities, and yet the most critical in the transformation of the outlaws into local heroes. This third group consisted of passive sympathizers

¹⁰ Edward Everett Dale, ed., *Frontier Trails: The Autobiography of Frank M. Canton* (Norman, 1966), 113.

¹¹ Shirley, *West of Hell's Fringe*, 185.

¹² For an account of the gunfight see Shirley, *West of Hell's Fringe*, 151-66. For sympathy and misdirection see *Payne County Populist* [Stillwater, Oklahoma], September 7, 1893; *Oklahoma State Capital* [Guthrie, Oklahoma], July 15, 1893. For the arrests see *Oklahoma State Capital*, September 7, 1893.

¹³ *Payne County Populist*, November 23, 1894.

¹⁴ Leslie McRill, "Old Ingalls: The Story of a Town that Will Not Die," *Chronicles of Oklahoma*, 36 (Winter 1958-1959), 445.

—people who probably had never seen an actual outlaw, let alone ever aided one. Their sympathy, however, was quite real, and given a chance they publicly demonstrated it. They mourned Jesse James, “lionized” Bill Doolin after his capture, flocked to see Frank James after his surrender, packed his trial, and applauded his acquittal. Such sympathizers appeared even in Coffeerville, Kansas, where the Dalton gang tried to outdo the James-Younger gang by robbing two banks at once. The result was a bloody debacle—the death of most of the gang and the killing of numerous citizens. Yet within days of the fight, some people openly sympathized with the outlaws on the streets of Coffeerville.¹⁵

The mere existence of support, however, does not explain the reasons for it. The simplest explanation, and one advanced by many anti-outlaw writers, was that the bandits’ supporters acted from fear. This is not very persuasive. While arguing that fear brought support, many popular writers have often simultaneously incorporated major elements of the bandits’ legends into their own writings. They paradoxically argue against a sympathy that they themselves reflect.¹⁶ Such sympathy seems an unlikely product of fear, and there is little evidence for the reign of terror by these gangs reported by outside newspapers for Missouri in the 1870s and Oklahoma in the 1890s.¹⁷ Both Dalton and Doolin-Dalton gang members were welcomed to the country dances and other community affairs in Oklahoma that they attended.¹⁸ Certainly they had become locally notorious, but fear was not the dominant note in their notoriety. In Payne County, for example, a Stillwater grocer fortuitously named Bill Dalton capitalized on outlaw Bill Dalton’s fame in an advertisement with banner headlines proclaiming that:

Bill Dalton’s Gang Are (sic) After You And If You Can Give Them A Trial You Will Be Convinced That They Keep The Freshest & Best Goods In The City At The Lowest Prices.¹⁹

Feared killers are not usually relied on to promote the sale of groceries. Finally, if fear was the only cause of the bandits’ support, it is hard to

¹⁵ Tilghman, *Outlaw Days*, 99; *The Dalton Brothers*, 194, 198, 211, 221; *St. Joseph Gazette*, September 7, 1883; August 23, 1883; Henry Huston Crittenden, *The Crittenden Memoirs* (New York, 1936), 262, 270–71, 317.

¹⁶ Tilghman, *Outlaw Days*, 58–59, 84–85, 86; J. A. Newson, *The Life and Practice of the Wild and Modern Indian* (Oklahoma City, 1923), 186–88.

¹⁷ See, for example, letter in *Payne County Populist*, November 23, 1894; also see Settle, *Jesse James Was His Name*, 66–67, 109–10.

¹⁸ Barnard, *Rider of the Cherokee Strip*, 198; McRill, “Old Ingalls,” 430, 437; Shirley, *West of Hell’s Fringe*, 305–6.

¹⁹ *Payne County Populist*, January 5, 1894.

explain the continued expression of public sympathy after the outlaws were dead or imprisoned and no one had much to fear from them anymore.

A social bandit cannot survive through terror alone, and these bandits did not. They had ties to the local community predating their life of crime, and during their criminal careers social bandits reinforced those local ties. Gangs that did not have such connections or did not maintain them remained parasites whose lack of shelter and aid condemned them to destruction. The social bandits needed popular support; they could not undercut it by indiscriminately robbing the inhabitants of the regions in which they lived and operated. Those outlaws who simply preyed on local communities were hunted down like the stock thieves of Indian Territory. No one romanticized, and rarely even remembered, Dock Bishop and Frank Latham, or the more notorious Zip Wyatt-Ike Black gang, for example. The social bandits avoided such a fate by concentrating their robberies on railroads and banks. Thus, they not only avoided directly harming local people, but they also preyed upon institutions that many farmers believed were preying on them.

Beyond this, social bandits often did assist their supporters in at least small ways. There is no need to accept the numerous romantic stories of gallant outlaws paying the mortgages on the farms of poor widows to grant them an economic role in their local communities. Bill Doolin may very well have helped poor settlers through some hard times with groceries and small gifts; the Dalton and Doolin-Dalton gangs certainly did provide oysters and refreshments for local dances, and such small kindnesses were also probably practiced by the James-Younger gang. What was probably more significant to their supporters in chronically cash-short economies, however, was that all these gangs paid very well for the horses, feed, and supplies they needed. Their largess won them friends.²⁰

If fear fails as an explanation for what appears to be legitimate social banditry, then the next logical recourse is to the interpretation E. J. Hobsbawm offered to explain European bandits. According to Hobsbawm, social banditry is a premodern social revolt—a protest against either excessive exploitation from above or against the overturn of traditional norms by modernizing elements in a society. It is quintessentially a peasant protest. Hobsbawm mentioned Jesse James himself as following in this European tradition. The shortcomings of a literal reading of

²⁰ Canton, *Frontier Trails*, 113. Jones, *Experiences of Deputy U.S. Marshal*, 28; Robert McReynolds, *Thirty Years on the Frontier* (Colorado Springs, Colorado, 1906), 121; McRill, “Old Ingalls,” 430, 437; Dalton, “Beyond the Law,” 194, 379.

Hobsbawm are obvious. Jesse James could not be a peasant champion because there were no American peasants to champion.²¹ Yet Hobsbawm's analysis might be retrieved by reinterpreting the western outlaws more generally as champions of a "traditional" society against a "modern" society.

Such evidence as can be recovered, however, indicates that this interpretation, too, is badly flawed. Both the outlaws and their supporters came from modern, market-oriented groups and not from poor, traditional groups. The James-Younger gang had its origins in the Confederate guerrillas of the Civil War who were recruited from the economic and social elite of Jackson and neighboring counties. Usually guerrillas were the "elder offspring of well-to-do, slave holding farmers."²² The chief members of the James-Younger gang were ex-guerrillas with similar origins. Colonel Henry Younger, the father of the Younger brothers, owned 3,500 acres of land in Jackson and Cass counties before the Civil War. His wife was a daughter of a member of the Missouri legislature. The father of Jesse and Frank James was a Baptist minister who in 1850 owned a 275-acre farm. Their stepfather was a physician who resided with their mother on a Missouri farm worth \$10,000 in 1870, and their uncle, George Hite, Sr., was said, probably with some exaggeration, to have been worth \$100,000 before losing heavily in the tobacco speculation that forced him into bankruptcy in 1877.²³

Many of the gang's other supporters enjoyed similar social standing. Joseph Shelby, the Confederate cavalry leader, and members of the large Hudspeth family all aided the James-Younger gang, and all were prosperous farmers with sizable landholdings.²⁴ The jury that acquitted Frank James of murder was composed of twelve "well-to-do thrifty farmers," and Clay County, in the heart of the bandit country, was "one of the richest counties in the state," inhabited by a people who were "well-dressed, well-to-do, and hospitable."²⁵ These substantial farmers and

²¹ Hobsbawm, *Primitive Rebels*, 25.

²² Don R. Bowen, "Guerilla War in Western Missouri, 1862-65: Historical Extensions of the Relative Deprivation Hypothesis," *Comparative Studies in History and Society*, 19 (January 1977), 49.

²³ Love, *Jesse James*, 53; Settle, *Jesse James Was His Name*, 7-9, 23. Crittenden, *Crittenden Memoirs*, 152.

²⁴ Manuscript Census of Population, Jackson County, Missouri, Ninth Census, 1870. [W. Hickman], *The History of Jackson County, Missouri* (Topeka, Kansas, 1920), 554-55, 725-26, 624-28; Crittenden, *Crittenden Memoirs*, 238-39, 271; Manuscript Census of Population, Clay County, Missouri, Ninth Census, 1870; Manuscript Census, Jackson County, Missouri, Tenth Census, 1880.

²⁵ Crittenden, *Crittenden Memoirs*, 210-11; *St. Joseph Gazette*, August 23, 1883.

speculators seem an unlikely source for premodern rebels or as leaders of a revolt of the rural poor.

Members and supporters of the Dalton and Doolin-Dalton gangs were not so prosperous, but then these gangs did not have such a firmly established rural region to draw upon. The Daltons were, by most accounts, an ordinary midwestern farm family. Three Dalton brothers became farmers; one was a deputy marshal killed in the line of duty; the other four eventually became outlaws.²⁶ Bill Doolin was a ranch foreman and, according to local residents, a "respected citizen" before becoming a bandit.²⁷ Bitter Creek Newcomb, Little Bill Raidler, and Dick Broadwell all had middle-class origins in families of merchants and farmers, and Raidler had supposedly attended college. The remainder of these two gangs included equal numbers of previously honest cowboys and small-time thugs and drifters without close family connections.²⁸ Supporters of the Oklahoma gangs also apparently spanned class lines, ranging from small-scale farmers to large-scale ranchers like Jim Riley, who was locally considered well-to-do.²⁹

Neither class nor traditional values seem to be significant factors in the support of bandits, but the tendency of supporters to live in rural rather than urban regions suggest a third possible explanation of social banditry as an exotic appendage of the agrarian revolt of post-Civil War America.³⁰ Some evidence, taken in isolation, seems to support such a

²⁶ For the background of the Daltons see *The Dalton Brothers*, 20-26; Richard Graves, *Oklahoma Outlaws: A Graphic History of the Early Days in Oklahoma* (Oklahoma City, 1915), 34-36; and Shirley, *West of Hell's Fringe*, 38-39.

²⁷ Graves, *Oklahoma Outlaws*, 56; Shirley, *West of Hell's Fringe*, 115-16; E. Bee Guthrie, "Early Days in Payne County," *Chronicles of Oklahoma*, 3 (April 1925), 77.

²⁸ For Bitter Creek Newcomb see Shirley, *West of Hell's Fringe*, 42; for Dick Broadwell see Shirley, *West of Hell's Fringe*, 41. For Little Bill Raidler see Shirley, *West of Hell's Fringe*, 186. For Tulsa Jack Blake see Shirley, *West of Hell's Fringe*, 116, 276; for Roy Daugherty see Shirley, *West of Hell's Fringe*, 142-43, and McRill, "Old Ingalls," 436-37; for Black-faced Charley Bryant see Barnard, *Rider of the Cherokee Strip*, 193; for Bill Powers see Stansbery, *3-D Ranch*, 50; for Ol Yantis see *Oklahoma State Capital*, November 19, 1892. These were the "honest" outlaws. Red Buck Waightman, a villain in many Dalton-Doolin gang stories, was a hired killer, "one of the most dangerous men ever in Oklahoma" according to Barnard, *Rider of the Cherokee Strip*, 197. Charley Pierce and Dynamite Dick Clifton also seem to have had criminal records before joining the gang. See Shirley, *West of Hell's Fringe*, 40, 42, 139.

²⁹ Shirley, *West of Hell's Fringe*, 54.

³⁰ Wallace, *Speeches and Writings*, 275; *St. Joseph Daily Gazette*, June 17, 1883. Village and urban businessmen were the most prominent opponents of the James gang. See *St. Joseph Gazette*, June 17, 1883. This same tendency seems to have operated in Oklahoma, where supporters were usually specified as rural people. Canton, *Frontier Trails*, 113; *Payne County Populist*, November 23, 1894, Dalton, "Beyond the Law," 194.

connection with rural radicalism. Both local boosters and government officials interested in attracting capital attacked the gangs. They blamed them for discouraging investment and immigration. Governor Crittenden and Senator Carl Schurz of Missouri, for example, defended the assassination of Jesse James in ridding the state of "a great hindrance to its prosperity and as likely to give an important stimulus to real estate speculation, railroad enterprise, and foreign immigration."³¹

On the other side, positions taken by some of the bandits after their careers were over make them appear to be radicals. Frank James credited his robberies with maintaining local prosperity because they had frightened eastern capital out of Jackson County and thus kept it free of mortgages.³² And in 1897 he declared: "If there is ever another war in this country, which may happen, it will be between capital and labor, I mean between greed and manhood, and I'm as ready to march now in defense of American manhood as I was when a boy in the defense of the South. Unless we can stop this government by injunction that's what we are coming to."³³ Frank James was not alone in his swing to the left. James Younger became a socialist while in prison.³⁴

Put in context, however, all of this is considerably less compelling. While active criminals, none of the bandits took radical political positions. Nor did agrarian groups show much sympathy for the bandits. Contemporary writers pointed out that politicians and capitalists stole far more than bandits, and individual farmers aided the gangs, but organized agrarians did not confuse banditry with political action. The leading agrarian party in Missouri in the 1870s—the People's party—although it attacked banks and monopolies, also denounced lawlessness, particularly that of the James-Younger gang.³⁵ It is also instructive to remember that the Farmers Alliance, which eventually spawned the Populist party, started out as a group to combat horse theft.³⁶ The Populists themselves showed no more interest in banditry as a variant of political action than

³¹ The Carl Schurz quote is in Frank Triplett, *The Life, Times and Treacherous Death of Jesse James* (St. Louis, 1882), 335. Schurz himself had previously expressed similar sentiments. See Settle, *Jesse James Was His Name*, 66–67, and William Wallace, *Speeches and Writings*, 265. The railroads, needless to say, were quite active in breaking up the gang. *St. Joseph Gazette*, June 17, 1883; September 7, 1883; September 2, 1883; September 5, 1883; and Crittenden, *Crittenden Memoirs*, 188.

³² Crittenden, *Crittenden Memoirs*, 270–71.

³³ *Ibid.*

³⁴ Cole Younger, *The Story of Cole Younger by Himself* (Houston, 1955), 101–3.

³⁵ Nick Adzick, "Agrarian Discontent in Missouri, 1865–1880: The Political and Economic Manifestations of Agrarian Unrest" (doctoral dissertations, St. Louis University, 1977), 132–35, 140; Settle, *Jesse James Was His Name*, 64–66.

³⁶ Brown, *Strain of Violence*, 278–79.

had the People's party of Missouri. In any case, if banditry were political in nature and inspired by agrarian resentment against banks and railroads, it is hard to explain why support for bandits was largely confined to Oklahoma in the 1890s while Populism spread all over the South and West.³⁷

A better explanation of social banditry is possible. It begins with the peculiar social conditions of western Missouri in the 1860s and 1870s and Oklahoma in the 1890s that allowed social bandits to emerge as variants of the widespread extralegal organizations already common in the West. The exceptional situations prevailing in both Missouri and Oklahoma encouraged popular identification with the outlaws whom local people supported not because of their crimes but rather because of certain culturally defined masculine virtues the outlaws embodied. In each locale there were good reasons to value such virtues. This emphasis on the bandits as symbols of masculinity, in turn, made them accessible to the larger culture at a time when masculinity itself was being widely worried over and glorified. The bandit's virtues made him a cultural hero and embarked him on a posthumous career (of a very conservative sort) which is far from over yet. All of this requires considerable explanation.

Public support of bandits can obviously exist only in areas where belief in the honesty and competency of public law enforcement has been seriously eroded. This was the case in both postwar Missouri and Oklahoma in the 1890s. In the Missouri countryside, ex-Confederates hated and feared Union sheriffs, who they believed used their offices to settle old scores from the war, and they regarded the state militia, called up to maintain order, as plunderers and freebooters. Wartime antagonisms and turmoil faded in time, but when the Pinkertons attacked the home of Zerelda Samuel, mother of the James boys, blowing off her arm and killing her young son—the half-brother of Jesse and Frank—they rekindled hatred of the authorities. Governor Crittenden's subsequent solicitation of assassins to kill Jesse only deepened the prevailing distrust of the equity and honesty of law enforcement.³⁸

In Oklahoma settlers similarly distrusted U.S. deputy marshals, whom they often regarded as little better than criminals themselves. During the land rush, deputies used their office unfairly to secure the best lands and later spent much of their time arresting farmers who cut timber on the public domain or on Indian lands and prosecuting settlers who happened to be found with small amounts of whiskey in the Indian

³⁷ A reading of the extant numbers of the *Payne County Populist* of 1893–1895 shows constant attacks on railroads, banks, federal monetary policies, and deputy marshals, but at no time does the paper identify itself with the outlaws or praise their robberies.

³⁸ Settle, *Jesse James Was His Name*, 32, 76–80.

nations.³⁹ Farmers believed that deputies sought only the fees they collected by persecuting "poor defenseless claim holders."⁴⁰ On at least two occasions in the late winter and spring of 1893, resentment ran high enough for armed groups to attempt to attack deputy marshals and free their prisoners.⁴¹

Although newspapers praised their bravery when they died in the line of duty, living marshals merited much less sympathy.⁴² Local newspapers rarely praised crimes social bandits committed, but they commonly ridiculed and denounced the lawmen who pursued them.⁴³ In April of 1894, for example, the *Pond Creek Voice* reported that deputy marshals riding past the garden of an old woman who lived near the Cimarron River had mistaken her scarecrow for an outlaw and had riddled it with bullets before riding off in panic to report their ambush by the Doolin-Dalton gang.⁴⁴ When Bill Dalton was actually killed, the *Stillwater Gazette* reported that it would come as a great relief to the deputy marshals "who have made it a practice to ride in the opposite direction from where he was every time they got him located."⁴⁵ In the eyes of many people, the deputy marshals were simply another group of armed men, distinguished mainly by their cowardice, who rode around the territory posing a threat to life and property. The transition of the Dalton brothers from deputy marshals and possemen to open criminals was no fall from grace. Indeed, it may have gained the brothers support in some areas.⁴⁶

This distrust of law enforcement is particularly significant in the light of the widespread disorder existing in both areas. Following the Civil War, robbery and murder continued to occur in northwestern

³⁹ Solon J. Buck, "The Settlement of Oklahoma," *Transactions of the Wisconsin Academy of Sciences, Arts and Letters*, XV (September 1907), 352.

⁴⁰ *Stillwater Gazette*, February 28, 1895 (quote). Also see *ibid.*, March 2, 1894; May 17, 1894; *Payne County Populist*, August 10, 1894; *Oklahoma State Capital*, February 18, 1893; April 1, 1893; Shirley, *West of Hell's Fringe*, 253-58.

⁴¹ *Oklahoma State Capital*, February 18, 1893; April 1, 1893.

⁴² *Oklahoma State Capital*, August 29, 1891; *Payne County Populist*, September 7, 1893.

⁴³ *Payne County Populist*, January 4, 25, 1895; March 3, 1894; May 11, 1894; April 27, 1894.

⁴⁴ Article from *Pond Creek Voice*, reprinted in *Payne County Populist*, April 27, 1894.

⁴⁵ *Stillwater Gazette*, June 14, 1894.

⁴⁶ *Stillwater Eagle-Gazette*, February 28, 1895; January 30, 1896. Even when Doolin was captured, some newspapers asserted he had merely agreed to surrender in exchange for part of the reward. His subsequent escape probably did little to dampen such stories. *Stillwater Eagle-Gazette*, January 23, 1896. For the early career of the Daltons see Shirley, *West of Hell's Fringe*, 39-46.

Missouri with appalling frequency. Gangs of ex-guerrillas from both sides pillaged and sought revenge for wartime acts; committees of public safety organized, and vigilantes remained active until the mid-1870s.⁴⁷ Numerous armed bands, each protecting its own interests, clashed in the countryside. Legal protection was often unavailable. All this was not merely the last gasp of the Lost Cause; it was not a simple reflection of Union/Confederate divisions. Many local ex-Confederates, for example, opposed the James-Younger gang.⁴⁸ The Confederate background of the outlaws certainly won them some sympathy, but only within the local context of chaotic, factional disorder.

The situation in Oklahoma in the 1890s was a remarkably similar mixture of predation, personal vengeance, and vigilantism. With the demand for Oklahoma land exceeding its availability, the government resorted to one of the most astonishing systems of distributing resources ever attempted by a modern state. Settlers in Oklahoma raced for their land. The races were spectacular, colorful, and virtually impossible to police. Numerous people—the "sooners"—stole over the line ahead of the starting time to stake claims. Sooners only increased the inevitable conflicts among people who claimed to have arrived first at a desirable plot of land. In the end the land rushes sowed a crop of litigation and violence. Even if nothing else divided a community, bitter factional struggles for land were sure to persist for years. In Payne County, the center of support for the Doolin-Dalton gang, the county attorney claimed, perhaps with some exaggeration, that there were fifty murders as the direct result of land claim cases in the early years. Such murders involved the leading citizens of Payne County. The first representative of Payne County to the Oklahoma legislature and speaker of the assembly, I. N. Terrill, terminated his political career in 1891 by murdering a man in a land dispute.⁴⁹

Given the distrust of local law enforcement, protection in such disputes often demanded organization and violence. In 1893, for example, the *Oklahoma State Capital* reported the presumed lynching of three sooners by a local vigilante committee. Apparently both sides—the alleged

⁴⁷ Settle, *Jesse James Was His Name*, 32, 34-35; Cummins, *Jim Cummins' Book*, 115-17.

⁴⁸ Settle, *Jesse James Was His Name*, 53-56, 31-32; Wallace, *Speeches and Writings*, 264.

⁴⁹ For accounts of the Oklahoma land rush see Shirley, *West of Hell's Fringe*, 3-10, 171-78; and Buck, "The Settlement of Oklahoma," 343-60. For murders see Berlin Chapman, *Founding of Stillwater: A Case Study in Oklahoma History* (Oklahoma City, 1948), 182. For the Terrill case see *Oklahoma State Capital*, January 10, 1891; October 29, 1892; February 11, 1893. *Payne County Populist*, January 4, 1895.

sooners and the vigilante committee—were armed and resorting to violence. Such actions, the reporter contended, were common: "Reports are coming in every day of white cap whippings and terrorizing and it is nothing to see the sooner pulling out every day, claiming that they have been threatened with hanging by vigilant committees if they did not go."⁵⁰ The large numbers of horses and cattle thieves who had long existed in a sort of parasitic relationship with the large cattle operations and who now turned to stealing from settlers only increased the level of private violence.⁵¹

The situation in Oklahoma was, however, more complicated than extralegal groups enforcing the laws against thieves and sooners. There was some ambiguity about what constituted theft. For example, Evan Barnard, an ex-cowboy and settler in Oklahoma who wrote one of the best of western memoirs, defended stock theft by his friend, Ranicky Bill: "He was generous and big-hearted . . . if he knew any settler who was hungry, he did not hesitate to rustle beef, and give it to the starving people. In the early days of Oklahoma, a man who did that was not such a bad person after all."⁵² According to Barnard, such attitudes were shared by many settlers. When it became clear that the large ranchers would lose their leases on Indian lands, the homesteaders moved in to steal wood, fencing, and stock. All the old-time cattlemen, Barnard contended, would admit that the "settlers were good rustlers."⁵³ In practice *sooner*, *rustler*, *vigilante*, and *outlaw* were ambiguous terms; very often they were only pejorative names for those whose interests were not the same as other citizens.

In both Missouri and Oklahoma, pervasive lawlessness and widespread distrust of public law enforcement divided the countryside not into two clearly opposing groups, but rather into innumerable local factions. Conditions were ripe for factional violence and social banditry. A rather detailed example from Oklahoma is perhaps the best way to illustrate how tangled the relationship of gangs, vigilantes, and other armed groups could become; how supposed, and even demonstrated, criminal behavior might not cost people public sympathy; how private violence could be deemed not only necessary but admirable; and how social bandits garnered support in such situations.

⁵⁰ *Oklahoma State Capital*, December 2, 1893.

⁵¹ Tilghman, *Outlaw Days*, 22; Barnard, *Rider of the Cherokee Strip*, 78; Jones, *Experiences of Deputy U.S. Marshal*, 16. *Oklahoma State Capital*, November 18, 25, 1893; January 2, 1891; *Stillwater Eagle-Gazette*, November 29, 1894.

⁵² Barnard, *Rider of the Cherokee Strip*, 191.

⁵³ *Ibid.*, 213.

In 1889, Evan Barnard, his friend Ranicky Bill, and other ex-cowboys banded together before the run for Oklahoma Territory to secure and protect land claims. It was a necessary precaution because "just staking a claim did not hold it."⁵⁴ Barnard drove one man from his claim by flourishing a winchester and a six-shooter and telling him it was "a hundred and sixty acres or six feet, and I did not give a damn which it was."⁵⁵ Bravado was not sufficient to drive off two other challengers, however; for them, Barnard had to demonstrate "the backing I had among the cowboys."⁵⁶ This backing was available regardless of the merits of any specific case. One of Barnard's friends failed to secure a claim, but visits from Barnard's associates persuaded the legitimate claimant to sell out to him for \$75. The claimant left but declared: "If I had half the backing that you have, I would stay with you until hell froze over' . . . He left the claim and Ranicky Bill remarked, 'hits sure hell to get things regulated in a new country.'⁵⁷ Ranicky Bill himself had to stop a contest on his claim by shooting up his opponent's camp.⁵⁸ Private force clearly was both a necessary supplement to, and a substitute for, legal right.

Such bullying understandably stirred up resentment against Barnard and his friends, and some regarded them as sooners, which they were not. When these accusations were compounded by charges that Ranicky Bill was a horse thief, the vigilantes struck. They attacked Ranicky Bill's cabin, and although he escaped, the vigilantes threatened to hang Barnard and another neighbor. Ranicky Bill surrendered to authorities to clear himself, but his real protection came from thirty cowboys who gathered a day after the incident and offered to help him. Later, vigilantes seized another neighbor and twice hoisted him off the ground with a rope that cut into his neck. He refused to confess and was released, but now the entire neighborhood armed against the vigilantes, who ceased their operations.⁵⁹

According to Barnard, none of those accused by the vigilantes were thieves, but other incidents narrated in his book indicate how thoroughly such accusations were tied up in land disputes and factional quarrels. Friends and neighbors of Barnard apparently did steal a team of horses and other property from a claim jumper named Sniderwine during a

⁵⁴ *Ibid.*, 141.

⁵⁵ *Ibid.*, 192.

⁵⁶ *Ibid.*, 142-43, 153.

⁵⁷ *Ibid.*, 146.

⁵⁸ *Ibid.*, 149.

⁵⁹ *Ibid.*, 173-79.

land dispute. They considered this a legitimate means of driving him from his claim and probably perjured themselves to protect each other.⁶⁰

In such an atmosphere, the organization of settlers into armed groups or gangs for protection seems to have been common. The argument made by an actual stock thief to a new settler that in Oklahoma a man's legal rights and property were worthless without friends sometimes led to the corollary that if you were going to be denounced and attacked for supposed crimes, then you might as well have the "game as the name."⁶¹ And in practice, personal quarrels with each side denouncing the other as sooners and thieves sometimes left local newspapers totally unable to sort out the merits of the case.⁶² Personal loyalties and personal qualities in these situations took on larger than normal significance. Law, theft, and even murder became ambiguous categories; strong men who protected themselves and aided their friends could gain local respect transcending their separate criminal activities.

This respect for strong men who could protect and revenge themselves is the real heart of the social bandits' appeal. It is precisely this personal element that gang members and their supporters chose to emphasize. What distinguished social bandits and their supporters (as it distinguished peasant social bandits and theirs) from radicals and revolutionaries was their stubborn refusal to envision the social problems enmeshing them in anything but personal terms. The James and Younger brothers claimed they were hounded into banditry by vindictive Union men who would not leave them alone after the war.⁶³ They fought only for self-preservation and revenge, not for a social cause. Supporters of Jesse James justified each of his murders as an act of vengeance against men who had attacked his comrades or family.⁶⁴ Indeed, the chief propagandist for the James brothers, Missouri newspaper editor John Edwards,

⁶⁰ Ibid., 161-65.

⁶¹ Ibid., 200-204.

⁶² For an example of such a feud in which the Doolin-Dalton gang was supposedly involved see *Stillwater Eagle-Gazette*, April 13, 20, 27, 1894; May 2, 1895; June 6, 13, 1895. George McElroy, one of the leaders of this feud, may have been connected with the murders of Pierce and Newcomb by the Dunn brothers. Dale, ed., *Frontier Trails*, 114-15.

⁶³ Younger, *Story of Cole Younger*, 53-55; Settle, *Jesse James Was His Name*, 53-56; John N. Edwards, *Noted Guerillas, or the Warfare of the Border* (St. Louis, 1877), 448-51.

⁶⁴ For instance, the murder of Captain John W. Sheets, cashier and principal owner of the Daviess County Savings Bank in Gallatin, Missouri, in a robbery sometimes attributed to the James brothers is explained as a revenge killing for his complicity in the killing of the Confederate guerrilla leader, Bloody Bill Anderson, during the war. Likewise, the James brothers supposedly either murdered or arranged the murder of Daniel Askew for his complicity in the Pinkerton attack, which cost their mother her arm and killed their half-brother. Finally, the murder of the conductor, William West-

made personal vengeance the underlying theme of all their actions from the Civil War onward. Edwards distinguished the guerrillas from regular soldiers by saying these men fought not for a cause but to avenge assaults against themselves and their families. Personal defense and revenge, he claimed, dominated the entire career of the James and Younger brothers.⁶⁵ Whether such a claim is accurate or not matters less than that it was credible. When John Edwards claimed these brothers were merely strong men seeking to defend their rights, the appeal could be felt deeply by those who knew that neither they nor the authorities could protect their own rights and property.

The Daltons' grievances, like those of the James and Younger brothers, were personal. They said they became outlaws because the federal government would not pay them for their services as deputy marshals and the express companies had falsely accused them of robbery.⁶⁶ They were not radicals who fought against the system itself; they fought against what they regarded as its corruption by their enemies. Emmett Dalton declared that "our fights were not so much against the law, but rather against the law as it was then enforced." At least two members of the Dalton gang asserted that their criminal careers began with land problems, and Bill Doolin, like Cole Younger before him, claimed it was only the personal vindictiveness of his enemies and the corruption of the authorities that stopped him from surrendering. Many of the supporters of the outlaws agreed with these assertions of persecution, and movements for full or partial amnesty for the gangs were common.⁶⁷

Given social conditions in Oklahoma and Missouri, there was a decisive allure in strong men who defended themselves, righted their own wrongs, and took vengeance on their enemies despite the corruption of the existing order. Such virtues were of more than nostalgic interest. In praising bandits, supporters admired them more for their attributes than their acts. Bandits were brave, daring, free, shrewd, and tough, yet also loyal, gentle, generous, and polite. They were not common criminals.

fall, in the Winston train robbery was supposedly a revenge slaying for Westfall's role in aiding the Pinkertons. In this last case, however, Clarence Hite testified that Jesse only learned of Westfall's identity after the killing when he read it in a newspaper. He then expressed satisfaction at having killed him. See Settle, *Jesse James Was His Name*, 39-40, 85, 108; Miller, *Trial of Frank James*, 311-13.

⁶⁵ Edwards, *Noted Guerillas*, 21-22, 199, 448-51.

⁶⁶ Dalton, "Beyond the Law," 3-4, 95, 315.

⁶⁷ Dalton, "Beyond the Law," 3; Younger, *Story of Cole Younger*, 53-55; *Payne County Populist*, January 25, 1895; Shirley, *West of Hell's Fringe*, 40-41, 87, 321-22; Stansbery, *3-D Ranch*, 50. For the amnesty controversy over the James-Younger gang see Settle, *Jesse James Was His Name*, 74, 80-84.

Lon Stansbery, who knew Bill Doolin from the 3-D ranch, was, for instance, forthright about the bandits' heroic stature and masculine virtue:

The outlaws of that day were not hijackers or petty thieves, and some of them had hearts, even though they were outlaws. They always treated women with respect and no rancher was ever afraid to leave his family on the ranch on account of outlaws. While they would stand up and shoot it out with men, when women were around, they were the first to take off their Stetsons and act like real men.⁶⁸

And Red Orrington, a deputy marshal, called the Daltons "four of as fine fellows as I ever knew," brave men who went on the scout (the local term for banditry) for "love of adventure."⁶⁹

From the initial exploits of the James-Younger gang until the death of Bill Doolin, appraisals of the outlaws' character by their supporters, while sometimes allowing for an understandable laxity in regard to the sixth and eighth commandments, remained strong and consistent in their praise. The James and Younger brothers were "brilliant, bold, indefatigable roughriders," and in the words of an amnesty resolution introduced in the Missouri legislature, "brave . . . generous . . . gallant . . . honorable" men.⁷⁰ The Daltons were "big hearted and generous" in every way, "like the average western man," while Bill Doolin was a "naturally . . . kind-hearted, sympathetic man."⁷¹ A contemporary diary from Ingalls comments that the Doolin-Dalton gang was "as a rule quite (*sic*) and peaceable," even though they moved about heavily armed, and residents later remembered them as "well behaved . . . quiet and friendly," a description close to an Oklahoma schoolteacher's memory of the Daltons as "nice and polite."⁷² Some supporters proclaimed them innocent of their crimes, others merely excused them, but all demanded sympathy not so much for the crime as for the criminal. Again it must be emphasized that what is being praised here is not lawlessness *per se*. Outlaw stories go out of their way to detach the social bandit from the ordinary criminal. Thus, in one story Bill Doolin turns a common thief who tried to join

⁶⁸ Stansbery, *3-D Ranch*, 22.

⁶⁹ Jones, *Experiences of Deputy U.S. Marshal*, 26.

⁷⁰ Settle, *Jesse James Was His Name*, 71, 81. Settle's book contains numerous similar descriptions.

⁷¹ For quote on Daltons see Barnard, *Rider of the Cherokee Strip*, 198. For Doolin see *Payne County Populist*, January 25, 1895.

⁷² Shirley quotes the same diary, that of Dr. Pickering, to show the outlaws were feared, but omits Pickering's assertion in a paragraph he otherwise quotes completely that "as a rule they were quite (*sic*) & peaceable." McRill, "Old Ingalls," 433, 430, 437; Shirley, *West of Hell's Fringe*, 153; Gilstrap, "Memoir of a Pioneer Teacher," 21.

his gang over to a deputy marshal, since "they would have no men in their outfit who would rob a poor man or any individual."⁷³ John Edwards also took pains to distinguish the James-Younger gang from common criminals.

There are men in Jackson, Cass, and Clay—a few there are left—who learned to dare when there was no such word as quarter in the dictionary of the Border. Men who have carried their lives in their hands so long that they do not know how to commit them over into the keeping of the laws and regulations that exist now, and those men sometimes rob. But it is always in the glare of day and in the teeth of multitude. With them booty is but the second thought; the wild drama of the adventure first. These men never go upon the highway in lonesome places to plunder the pilgrim. That they leave to the ignobler pack of jackals. But they ride at midday into the county seat, while court is sitting, take the cash out of the vault and put the cashier in and ride out of town to the music of cracking pistols.⁷⁴

And the *Ardmore [Oklahoma] State Herald* made the connections between the Doolin-Dalton gang and Robin Hood explicit:

Their life is made up of daring. Their courage is always with them and their rifles as well. They are kind to the benighted traveler, and it is not a fiction that when robbing a train they refuse to take from a woman.

It is said that Bill Doolin, at present the reigning highwayman, is friendly to the people in one neighborhood, bestowing all sorts of presents upon the children. It is his boast that he never killed a man.

This is as fully a romantic figure as Robin Hood ever cut.⁷⁵

Such Robin Hood descriptions only echoed those of the James-Younger gang twenty years before.⁷⁶

By the 1890s, in Oklahoma at least, the standards of how proper social bandits should behave seemed clear enough for the *Oklahoma State Capital*, a paper with little sympathy for outlaws, to lecture Bill Dalton on his duties as the heir of a great tradition. Bill Dalton, in an interview with a local reporter only the week before, had claimed he was consid-

⁷³ Stansbery, *3-D Ranch*, 22.

⁷⁴ *Kansas City Times*, September 29, 1872, quoted in Settle, *Jesse James Was His Name*, 45.

⁷⁵ *Ardmore State Herald*, March 14, 1895, quoted in Shirley, *West of Hell's Fringe*, 265.

⁷⁶ Settle, *Jesse James Was His Name*, 45-46, 72.

ering teaming up with Frank James to open a saloon in Chicago to take advantage of their fame and the World's Fair. The saloon never materialized, and Bill Dalton had left Guthrie without paying his board bill. The *State Capital* had complained:

There is supposed to be honor among thieves. Men who presume to be great in any calling avoid the common faults of men. There is a heroism even in desperadoes, and the people admire an ideal type of that class. The James and Younger brothers are remembered as never having robbed a poor family or assaulted an unarmed man. Even the "Dalton boys"—they who really stood up to their "knitten" and looked down the muzzles of Winchesters—did brave and not ignoble deeds. But Bill Dalton—"Board Bill" Dalton—has besmirched the family escutcheon. The brothers, dead, when they hear what he has done, will turn over in their graves and groan—"Oh, Bill."⁷⁷

Bill Dalton's future specialization in bank and train robbery and his violent death presumably redeemed the family honor.

Social bandits thus did exist in a meaningful sense in the American West, yet their actual social impact, confined as it was to small areas with extreme conditions, was minor. They never sought social change, and the actual social evolution of Missouri and Oklahoma owes little to them. Nevertheless, their impact on American culture has been immense. The social bandits who metaphorically rode out of Missouri and Oklahoma into America at large quickly transcended the specific economic and political conditions of the areas that produced them and became national cultural symbols. The outlaws were ready-made cultural heroes—their local supporters had already presented them in terms accessible to the nation as a whole. The portrait of the outlaw as a strong man righting his own wrongs and taking his own revenge had a deep appeal to a society concerned with the place of masculinity and masculine virtues in a newly industrialized and seemingly effete order.⁷⁸

Practically, of course, the outlaw as a model of male conduct was hopeless, and early popularizers of the outlaws stressed that although their virtues and qualities were admirable, their actions were inappropriate. Edwards portrayed the James and Younger brothers as men born out of their time, and Zoe Tilghman (whose book ostensibly denied the

⁷⁷ *Oklahoma State Capital*, April 29, June 10, 1893.

⁷⁸ For popular concern with masculine virtue at the turn of the century see Gerald F. Roberts, "The Strenuous Life: The Cult of Manliness in the Era of Theodore Roosevelt" (doctoral dissertation, Michigan State University, 1970), 134–62.

outlaws were heroic) claimed the Oklahoma bandits were cowboys "who could not bring their natures to the subjection of such a change from the wild free life to that kind that came to surround them. They were the venturesome spirits of the old Southwest and could not be tamed."⁷⁹

Those who seriously worried about masculine virtue in the late nineteenth and early twentieth centuries romanticized toughness, loyalty, bravery, generosity, honor, and daring, but sought to channel it into muscular Christianity or college football, not into robbing banks and trains. The outlaws' virtues were cherished, but their actions were archaic and antisocial. In this paradox of accepted virtue without an appropriate arena in which to exist lay the real power of the outlaws' appeal. The outlaw legend, rather than the childish solutions of reformers who sought to provide for the development of "masculine" virtues through organized sports or the dangerous solutions of chauvinists who praised war, retained the complexity, ambivalence, and paradoxes of a personal experience in which accepted male virtue had little relevance to an industrialized, bureaucratized world.

Ambivalence saved Jesse James and the mythical western hero that sprang from his legends from becoming Frank Merriwell on a horse. The position of the western hero reflects the paradoxical position most Americans occupy in an industrialized capitalist society. The traits and acts of the outlaw become symbols of the larger, structural oppositions—oppositions of law and justice, individualism and community, nature and civilization—never adequately reconciled in American life. Assimilated into the classic western, the social bandit becomes the western hero—a figure of great appeal. The western is not the simple-minded celebration of the triumph of American virtue over evil that it is so often ignorantly and unjustly presumed to be; instead it is the opposite. It plays on the unresolved contradictions and oppositions of America itself.

The entire structure of the classic western film poses the hero between contrasting values both of which are very attractive: private justice and the order provided by law, individualism and community, nature and civilization. The hero, posed between the oppositions, remains ambivalent. Like the actual social bandit, the western hero never attempts to change the structure itself, but rather tries to achieve a reconciliation through his own courage and virtue. Western heroes personify culturally defined masculine virtues of strength, self-reliance, and honor in a world where they have ceased to be effective. More often than not the hero fails or only partially succeeds in his task and like the epitome of the classic western hero, Shane, is left wounded and out of place in a world he has

⁷⁹ Tilghman, *Outlaw Days*, 22–23; Settle, *Jesse James Was His Name*, 45.

himself helped to create. In the hero's dilemma, viewers recognize their own struggle to reconcile the cultural irreconcilables that society demands of them—individualism and community responsibility, personal dominance and cooperation, maximum productivity and respect for nature.⁸⁰ The bandit and the western hero are social failures, and this paradoxically guarantees them their cultural success. It is as a cultural symbol that Jesse James would survive and thrive even though "that dirty little coward, that shot Mr. Howard [had] laid poor Jesse in his grave."⁸¹

⁸⁰ This general view of the western at once owes much to, and differs substantially from, the best scholarly study of westerns; Will Wright, *Six Guns and Society: A Structural Study of the Western* (Berkeley, California, 1975). The legends emphasize male roles because the active world was assumed to be inherently masculine. That there is nothing inherently masculine about honor, self-reliance, or bravery is obvious. It is a sign of the conservatism of the legends that thus far the increasing emergence of women into the previously culturally defined "masculine" world has received little reflection in the western with the exception of the 1954 film *Johnny Guitar*, starring Joan Crawford.

⁸¹ This version of the most famous James ballad is taken from Settle, *Jesse James Was His Name*, 115; other versions are available in E. C. Perrow, "Songs and Rhymes from the South," *Journal of American Folk-lore*, XXV (April-June 1912), 145-50; John A. Lomax, "Some Types of American Folk-Song," *Journal of American Folk-lore*, XXVIII (January-March 1915), 15.

Westward Expansion and the End of American Exceptionalism: Sumner, Turner, and Webb

DONALD K. PICKENS

Recently J. H. Hexter observed that historians are usually lumpers or splitters: lumpers are those scholars who lump data together, finding continuity and consensus in the whirl of the past, moving into the present; splitters, on the other hand, seeing diversity, draw distinctions and disunities in seeking some lawful uniformity in the multitude of past events.¹ This essay is an exercise in lumping. William Graham Sumner (1840-1910), Frederick Jackson Turner (1863-1932), and Walter Prescott Webb (1888-1963) shared in the common intellectual tradition of tracing the origin of America's uniqueness to westward expansion. Turner and Webb, of course, were well-known and respected historians. Sumner was also a historian, teaching courses in United States history at Yale in addition to being a pioneer sociologist. His history books include biographical studies of Alexander Hamilton, Robert Morris, and Andrew Jackson.²

While sharing in the general tradition of American exceptionalism, Sumner, Turner, and Webb did not directly influence each other; rather, they came to similar conclusions by accepting the implications of the westward expansion concept. Turner is not mentioned in the Sumner papers, and the only mention Turner gives Sumner is to cite his biography of Alexander Hamilton one time. As for Webb's relationship to the two earlier scholars, Sumner's concept of land hunger influenced Webb's formulation of the great frontier model, but Turner's connection with Webb was indirect and came via the thought of Achille Loria (1857-1943), whose ideas Webb discovered in Lindley Miller Keasbey's courses on institutional history at the University of Texas at Austin. It is signif-

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¹ J. H. Hexter, *On Historians* (Cambridge, Massachusetts, 1979), 1-10.

² The Sterling Library of Yale University has student notes from William Graham Sumner's U.S. history courses: G. C. Schevak (1896-1897), L. M. Reynolds (1880), and L. M. Daggett (undated). They are located in the W. G. Sumner Papers at Yale.