The Rise of Centralized Policing Along the Southwest Border:

A Social Response to Disorder, Crime, and Violence, 1835-1935

by

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ABSTRACT

Following the tragic events of 9-11, top Federal policy makers moved to establish the Department of Homeland Security (DHS). This massive realignment of federal public safety agencies also loosely centralized all U.S. civilian security organizations under a single umbrella. Designed to respond rapidly to critical security threats, the DHS was vested with superseding authority and broad powers of enforcement. Serving as a cabinet member, the new agency was administered by a secretary who answered directly to the President of the United States or the national chief executive. At its creation, many touted this agency as a new security structure.

This thesis argues that the formation of DHS was not innovative in nature. Rather, its formation was simply the next logical step in the tiered development of an increasingly centralized approach to policing in the United States. This development took place during the early settlement period of Texas and began with the formation of the Texas Rangers. As the nation's first border patrol, this organization greatly influenced the development of centralized policing and law enforcement culture in the United States. As such, subsequent agencies following this model frequently shared a startling number of parallel developments and experienced many of the same successes and failures.

The history of this development is a contested narrative, one that connects directly to a number of current, critical social issues regarding race

and police accountability. This thesis raises questions regarding the American homeland. Whose homeland was truly being protected? It also traces the origins of the power to justify the use of gratuitous violence and the casting of particular members of society as the symbolic enemy or outsiders. Lastly, this exploration hopes to bring about a better understanding of the traditional directionality of the use of coercive force towards particular members of society, while at the same time, justifying this use for the protection of the rights and safety of others.

It is hoped that the culmination of this work will assist American society in learning to address the task of redressing past wrongs while building more effective and democratic public security structures. This is of the utmost importance as the United States continues to weigh the benefits of centralized security mechanisms and expanding police authority against the erosion of the tradition of states' rights and the personal civil liberties of its citizens. Because police power must continually be monitored and held in check, concerns regarding the increasing militarization of civilian policing may benefit from an objective evaluation of the rise of centralized policing as experienced through the development of the Texas Rangers and rural range policing.

This work is dedicated to my family in recognition of their unfailing love and support throughout this ordeal.

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TABLE OF CONTENTS

Chapter 1

INTRODUCTION

> **"**Terrorists today can strike at any place, at any time and with virtually any weapon. This is a permanent condition and these new threats require our country to design a new homeland security structure."
>
> George W. Bush, 2002

Following militant Islamic attacks perpetrated against the United States on September 11, 2001, President George W. Bush successfully promoted the formation of a mammoth-sized, cabinet-level department he described as a new "homeland security structure." The subsequent formation of the Department of Homeland Security (DHS) took place as part of a massive realignment of government, one that combined dozens of federal public safety agencies and thousands of civilian non-federal law enforcement agencies into a single loosely organized federal entity with superseding police power and authority. Foremost among the aims of this new invention were the mandates to "prevent terrorist attacks within the United States," and to "reduce the vulnerability of the United States to terrorism."[1] As part of his justification for the establishment of DHS, Bush wrote in 2002, "History teaches us that critical security challenges require clear lines of responsibility and the unified effort of the U.S. government. History also teaches us that new challenges require new organizational structures."[2]

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[1] George W. Bush, "Proposal to Create the Department of Homeland Security," (June 2002) 1; See also, Homeland Security Act, 2002 or Public Law 107-296—NOV. 25, 2002, Title 1, 6 USC 111 and Department of Homeland Security, Quadrennial Homeland Security Review (QHSR).

[2] George W. Bush, "The Department of Homeland Security," (June 2002), 6.

Riding an unprecedented wave of post 9-11 sympathies, legislation for the establishment of the DHS passed the Senate on November 25, 2002 by a 90 to 9 vote.[3]

Designed as an agile, highly specialized security structure with direct lines of authority leading to the nation's chief executive, organizers hoped that DHS would be capable of responding rapidly to threats of danger and acts of violence. As an important component of this development, federal leadership paid particular attention to the acquisition of high tech weaponry and specialized training for its law enforcement agencies.

Despite these events, DHS has failed to win universal approval as an effective public security agency.[4] Among other things, the department's exponential growth has raised concern as its Total Budget Authority roughly doubled within its first five years of operation. DHS has also already encountered accusations of political favoritism, abuse of power, and racial profiling—allegations that are socially and politically divisive. This is particularly true regarding those fields that relate to law enforcement or that affect the daily business, political and social operations of populations located along the U.S./Mexico border.

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[3] Department of Homeland Security, "A Brief Documentary History of the Department of Homeland Security: 2001-2008," 7.

[4] Aspen Institute Homeland Security Program, "DHS Anniversary with Secretaries Napolitano, Chertoff and Ridge," Edmund A. Walsh School of Foreign Service at Georgetown University, accessed March 1, 2011, http://www.aspeninstitute.org/video/dhs-anniversary-secs-napolitano-chertoff-ridge.

Historian Samuel Walker wrote in 1976 that a review of literature on urban police history indicates "a theme of continuity amidst change." This sentiment is equally true regarding rural state policing.[5] This is because within the multicultural region of the Southwest, the development of DHS appears to be just that—part of a continuing cycle of the invention and reinvention of civilian police presence—one that has traditionally been lionized by some factions of society while vilified by others. Here DHS bears a striking resemblance to nineteenth and early twentieth century security organizations in a number of ways, ones that can trace their roots back to the formation of the Texas Rangers. Like the DHS, the establishment of the historic Texas Ranger organization represented the formation of a new homeland security structure—one designed to address "terrorist attacks" or threats of violence as well as to "reduce the vulnerability" of their dominant Anglo American society to danger as posed by threats from sub dominant minority societies in the region. In order to accomplish this goal, the Texas Rangers developed as a quasi-military structure complete with mounted enlistees who possessed the ability to respond rapidly to critical security challenges, relied heavily on specialized weaponry and training as a means of employing coercive force, and who enjoyed broad powers of superseding jurisdictional authority that led directly to the region's chief executive. Within this framework, the Texas Rangers as a new organizational structure eventually influenced the manner in which law enforcement was conducted along the international border and within

[5] Samuel Walker, "The Urban Police in American History: A Review of the Literature," *Journal of Police Science and Administration*, v. 4, n. 3 (September 1976), 252.

the nation. In the process, they also won for themselves global recognition and influenced subsequent generations of law enforcement agencies and policing culture.

The history of this development is a contested narrative, one that connects directly to a number of current, critical social issues regarding race and police accountability. As part of the examination of this human endeavor, this thesis raises questions regarding American homeland, or more precisely, whose homeland was truly being protected? It traces the origins and development of the power to justify the use of gratuitous violence against particular members of society who have consistently been cast as the symbolic enemy or outsiders. Lastly, this exploration hopes to bring a better understanding of the traditional directionality of the use of coercive force towards particular members of society, while at the same time, justifying this use for the protection of the rights and safety of others. It is hoped that the culmination of this work will assist American society in learning how best to address the task of redressing past wrongs while building more effective and democratic public security structures.

Today, one of the most important and continuing challenges to be addressed by top public security policy makers is the implementation of measures that are vigilant, effective in approach, and which ensure the preservation of civil rights. Because national leadership currently looks to the past in order to inform

the future, an examination of the development of centralized police power and the use of coercive force along the Southwest border may prove useful.[6]

To date, scant attention has been paid to rural policing within the development of American law enforcement.[7] Yet, in the geographically remote regions of the Southwest, this unique form of policing developed and has endured for nearly two centuries. In the process, it has also profoundly influenced regional culture, tradition, and law enforcement methods on a global scale. As part of the ongoing national security discussion, this study argues that the establishment of DHS is simply the next logical step in the progression of the tiered development of centralized policing for civilian public security purposes—one whose organizational structure and militarized approach shares deep roots with other rural, state U.S. law enforcement agencies, beginning with the Texas Rangers.

It is also the contention of this study that a centralized policing approach to homeland security began during the early decades of the nineteenth century as influenced by earlier Spanish, Native American, and English traditions. This approach initially proved to be a highly effective tool in the control or suppression of terrorism or acts of violence—so much so that subsequent regional authorities appropriated much of the Rangers' managerial style and methods for their own use. Later agencies organized around this structure also shared a surprising

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[6] Bush, *The Department of Homeland Security*, 6 also Department of Homeland Security, "One Team, One Mission, Securing Our Homeland: U.S. Department of Homeland Security Strategic Plan Fiscal Years 2008-2013," (March 20, 2008), 1.

[7] Scott Decker, "The Rural County Sheriff: An Issue In Social Control," *Criminal Justice Review*, v. 4, n. 97 (1979), 97.

number of parallel developments. These include an initial spurt of success in the attainment of goals leading to overall public approval, followed by an expansion of power. Over time, duties frequently increased, leading to shifts in objectives and allegiance. Eventually charged with abuse and corruption, many of these organizations ultimately ended in either complete collapse or drastic reformation.

METHODOLOGY

This thesis traces the influence of the Texas Rangers and their approach to rural policing over a broad inter-jurisdictional region on the field of public security. After outlining the influences that played an important role in the establishment of the Rangers, it explores the appearance of individual centralized rural range or state police units and provides a brief summary of the manner in which these groups emerged and then reformed themselves or suffered disbandment. This inquiry will also examine the long-term effects of these methods in terms of benefits and/or detriments to American society and the field of law enforcement. The thesis is based upon evidence gathered from a variety of primary and secondary sources including memoirs, letters, newspapers, and government documents.

Subsequent chapters will trace the development of centralized policing chronologically in order to examine its growth and the spread of its influence. Chapter Two, *Collision of Cultures*, for instance, illustrates the fact that, as a state-sanctioned homeland security structure, the Texas Rangers' unique methods sprang from a combination of English, Spanish, and Native American military and criminal justice traditions. Cultural and criminal justice practices introduced

by Spanish conquistadors into the New World demanded obeisance to a central authority or chief executive: thus, a centralized approach to law enforcement and public security developed that has persisted as a means of social control into present day practices. Due to the region's propensity for frequent episodes of violence resulting from vigorous Native American resistance to encroachment, this approach became further entrenched due to its ability to achieve fast results in the suppression of social unrest. Because settlements remained isolated and social conditions unsettled in the region, traditional forms of government either failed to form or were inaccessible to the general population. In order to address these inadequacies, civilian public safety or police officials were often granted broad jurisdictional authority that allowed them to pursue criminals over great distances and into remote regions of the territory. It also permitted law enforcement officials, at times, to make an arrest and then serve as judge, jury, and executioner in the carriage of justice.

Though this approach allowed for the rapid execution of law in remote areas, it also frequently demanded that extreme measures be employed in the process of serving justice. As a result, those vested with this authority found its power to be easily exploited for personal gain and privilege. This, in turn, set precedence for future police behaviors that consistently fell beyond the scope of law and legitimacy, but within the realm of what had become culturally accepted practice.

This chapter also looks into the linkages between Anglo American police and public security practices as they followed divergent paths of development

according to the first settlers' original place of birth. Here, former British American colonies as states came to rely on a system that required the participation of local citizens for its success, bypassing the practice of centralized civilian police organization as a construction of the state. While, theoretically, it may be argued that all police organizations are centralized under a chief executive at some point, police power and influence at the state or federal level was purposely left weak at the formation of the United States. This is because early leaders feared excessive executive or centralized power. Retaining little police authority for itself, the federal government relegated the majority of law enforcement responsibilities to the individual states and territories. These entities, in turn, elected to pass civilian police duties on to lower, local county and municipal governments. Only during episodes of large-scale social unrest, violence, and natural disasters were state and/or federal authorities called upon for assistance.

Within the two-pronged federal and local civilian criminal justice system, the government encouraged adult males to volunteer in local militias or to serve as municipal guardians and night watchmen. The powers of citizens' arrest and posse commitatus further encouraged Americans to assume partial responsibility for their own security. This tradition of self-help became more pronounced within far-flung, frontier regions such as those found within the Southwest. Here, due to the chronic unavailability or inadequacy of local government, justice frequently found remedy in the form of extralegal activities that included the organization of

collective citizen safety committees and vigilantism, a juxtaposition that was key to the intervention of law and justice in daily life along the border.

Following the separation of Texas from Mexico, the traditions and cultural practices of these two law enforcement systems melded to form a combined arrangement of local or county sheriffs, constables, coroners, and municipal police agencies, together with a "state" or national civilian police force apart from the nation's traditional military entities. Once admitted to the Union as its own state, Texas continued to utilize the Texas Rangers to protect the Anglo public from danger and crime despite the fact that the federal government now assumed much of these responsibilities, particularly with regards to the border and Native Americans. Still a regional security agency, though now a state rather than a national force, the Rangers introduced the tradition of centralized policing as a higher tier of civilian, law enforcement authority into U.S. public security practice.

As an American institution, the Texas Rangers may be considered a radical development. Free from the traditional constraints of power at the local level and unencumbered by any additional pubic service duties traditionally performed by their local counterparts, the Rangers responded exclusively to calls of a criminal nature in the rural regions of their jurisdictions. Occasionally providing assistance to local authorities when the need arose, the Rangers also attended to the desires of their regional or state chief executive in addition to the needs of powerful local economic interests who held the promise of remunerative reward. Due to the largely rural and agricultural geography of Texas at that time,

these interests initially were related to the livestock industry. Within this era, the Texas Rangers evolved from a citizen-soldier, volunteer militia into a rural civilian police force whose distinctive operational features and procedures became hallmarks in regional policing.

Chapter Three, *The Rise of The Texas Rangers and Regional Police Power, 1835-1850*, argues that the formation of the Texas Rangers in 1835 as an official state organ marks the beginning of the use of centralized civilian policing on a national level. As an authorized national domestic security weapon, this organization trained in a style designed specifically to respond to episodes of violence and threats of social disorder. In order to ensure success, a number of unconventional approaches were utilized—ones that helped to develop a sense of bravado and masculine pride connected to the successful utilization of coercive force. Without traditional uniforms, but still considered a modern police agency in the sense that the organization held vested authority and served on a paid, full-time basis, the Rangers adopted many tactics commonly employed by Native Americans. Matching blood for blood, the Rangers garnered an organizational persona as that of heroic icons within Anglo American culture. Bearing the brunt of oppressive tactics practiced by some Rangers, the experiences of Mexicans, Native Americans, and the lower classes gave meaning to their experiences from a perspective that challenged the agency's heroic persona. This was due predominantly to the Rangers' brutal approaches to social control. As a result, Hispanic populations came to refer to Rangers with derogatory expressions. The word "rinche," for instance, initially came into use as a disparaging term in

reference to Texas Rangers. Over time, however, folk use of the word came to indicate any officer of the law and was later even applied to soldiers under General John J. Pershing during the Mexican Revolution, or in essence, any white man with a gun.[8]

Capitalizing on technological advances in weaponry and instituting several procedural advances invented as a result of rural policing needs, Ranger goals eventually shifted from the control of crime to the suppression of social unrest including race and labor related violence. As a public security structure whose initial aim was to protect the dominant society from outside threats of violence or persons on the fringes of society deemed to be dangerous, this shift now took aim at those members of society involved in social protest or who resisted the wishes of powerful economic interests and white supremacy.

Though embroiled in political conflict, racial oppression, and industrial strife, the Texas Rangers survived a massive reorganization and successfully fought off repeated legislative attempts to disband them. Eventually, pressures within the state merged with the demands of a nationwide movement for modernization within the field of policing to force permanent change. Together, these forces succeeded in reducing the Texas Rangers from an individual law enforcement entity into a weaker component of an even larger homeland security structure in the form of the umbrella organization known as the Texas Department of Public Safety (TDPS). Subsumed beneath an ever-increasing trend towards the

[8] "Borders and Identity," Smithsonian Education, accessed 3-11-2012, http://smithsonianeducation.org/migrations/bord/cultid2.html.

establishment of similar public safety organizations, in 1935 the Rangers became the investigative branch of the new public safety invention.

Chapter Four, *The Texas Ranger Effect, 1850-1899,* focuses on the last half of the nineteenth century. This section will demonstrate that by 1850, the fame and reputation of the Texas Rangers as citizen-soldiers gave them the ability to wield influence or sway policing developments outside of their immediate jurisdictions as the sway of the rural, mounted ranging tradition in Texas spread beyond its immediate boundaries. It will also illustrate the fact that, following separation from Mexico and subsequent independence, a heroic persona emerged related to those who served in the mounted ranger groups of Texas. Part of this relates to a number of psychological benefits derived by individuals who claimed to have served in this capacity. Among these was an elevated personal regard or the admiration of other segments of Anglo society. Former Rangers also frequently played leading roles in law enforcement developments outside of Texas or capitalized on their quasi-celebrity status to catapult themselves into higher social positions than what may have been achieved otherwise. Examples of this ability may be seen in former Ranger Harry Love, leader of the short-lived California Rangers and noted Texas Ranger Captain Jack Coffee Hays, one of the founders of Oakland, California.

Chapter three also outlines the spread of the influence and interrelationships between centralized policing practices in Texas and agencies at other levels of national government including the Mexican Rurales or *Gendarmerie Fiscal* (1857-1916) and the U.S. Border Patrol, or mounted

watchmen of the U.S. Immigration Service. The analysis in this section will reflect on the common themes, events, and patterns shared by these entities as they relate to the concept of centralized policing and public security on a regional/national scale. It also highlights common traditions shared with the Texas Rangers as a rural, regional policing style that connect to larger issues of race, class, civil rights, and national security.

Finally, this section covers the development of related Ranger organizations and particular personalities, as they became cultural icons within the shared memory and mythology of the nation at that time. As prime subjects for best selling books, magazine articles, Western movies, and television programs, and as athletic mascots, the Texas Rangers became lionized in American popular culture as the perpetual hero facing insurmountable odds. At the same time, in an odd juxtaposition of intents and objectives, they also contributed to the evolution and glorification of social banditry and to the proliferation of its practitioners. Developed as a form of protest and cultural resistance by minorities to an authority they viewed as unjust, Ranger measures instituted as a means of social control ultimately succeeded in expanding those elements they wished to suppress. By perpetuating irritating elements that promoted an increase of dissatisfaction among minorities, the Texas Rangers also succeeded in directing a good deal of scholarly and popular media attention towards the negative aspects of their behavior.

Chapter Five, *A New Thing Under the Sun, 1900-1935*, covers developments that occurred during the first decades of the twentieth century and

the peak of the state police movement. While Arizona, Connecticut, Pennsylvania, New Mexico, and Nevada all authorized state/territorial police forces prior to 1910, by World War I others fell in line by forming state police as wartime, homeland security measures once their state National Guards mobilized for overseas duty. These included the states of Colorado, Georgia, Main, Michigan, and New York.[9]

Chapter four also examines these events as they relate to the Texas Rangers and centralized policing. In the process, it also inspects the effects of widespread industrialization and urbanization within the United States on the development of rural range policing during this period. No longer considered a rural, developing nation, but an emerging world power, modernizing influences created a push-pull relationship between those states and territories who wished to emulate the Texas Rangers' success and the adoption of modernizing reforms and practices. As the influence and ideals of centralized policing spread across the nation, these influences were also transported to other regions on a global scale.

Parallel developments that led to the formation of both the Arizona Rangers and the New Mexico Mounted Police are covered in Chapter Six: *The Rural Mounted Police of Arizona and New Mexico.* Because local police agencies in these "twin" territories found themselves unable and ill equipped to address cross-jurisdictional crime or to eradicate livestock theft. As a result, powerful agricultural interests employed ranging-style police organizations during the first

[9] Harold Kenneth Bechtel, "Policing the Commonwealth: State Police Development in the United States with Case studies of Illinois and Colorado," (PhD diss., Southern Illinois University at Carbondale, 1983), 63-66.

decade of the new century. In this manner, tacit approval from local governments allowed state legislators to appropriate a portion of home control with the justification that this loss was a fair exchange for the attainment of specified criminal justice aims and the appeasement of powerful special interests.

As servants of the chief executive and local financial interests who, at times, provided lucrative financial rewards for services rendered, these smaller organizations fell into the same historic patterns and pitfalls experienced by their predecessors. As mounted, rural, territorial police forces, these spin-off organizations lasted for only short periods before agriculture and its related interests fell from political power, and state politicians who did not benefit directly from their services legislated them out of existence. Designed exclusively for criminal justice purposes, like the Texas Rangers, these organizations capitalized on a militarized approach, expanded jurisdictional police power, and highly specialized training. Eventually, they both also faced accusations of abuse, corruption, and political favoritism before their demise.

By the dawn of the twenty-first century, early-centralized public security agencies had already left an indelible footprint on the field of policing and American culture. As the gap between federal and non-federal criminal justice systems increasingly diminished by the end of the twentieth century, the formation of DHS at the beginning of the twenty-first century does not simply mark a continuing closure between these systems—it also signals a renewal of centralized civilian police methods on an unimaginable scale. Morphed and modified by the demands of a technologically dependent nation, the basic patterns

and parallels of this approach as an effective means of crime and social control may still clearly be seen today.

Conclusions drawn by this study highlight the sentiment expressed by President George W. Bush in that if history truly does teach us that "critical security challenges require clear lines of responsibility and the unified effort of the U.S. government" in the form of "new organizational structures," then there is much to be learned from law enforcement as it relates to centralized police power, the use of coercive force, and social response to crime and disorder in the Southwest. This is particularly true given the fact that because activity surrounding the U.S./Mexico border continues to generate anxiety as a potential security risk, this region currently bears the brunt of those DHS security measures that prove most socially disruptive.

TERMINOLOGY

The terms *law enforcement* and *police* will refer to U. S. criminal justice systems that are established and hired at taxpayers' expense and that are sworn to enforce the laws and regulations of a particular regional society. A part of this obligation is also the duty to protect civilians from threats or acts of criminal of violence utilizing physical force when deemed necessary.

Acts of terrorism, acts of violence or *criminal acts*, and *social unrest* (as acts of resisting government) are defined as actions intended to intimidate, coerce, inflict injury, harm, or to damage persons or property and may be considered as violations of the law of the dominant society to be addressed as the concern of civilian security agencies.

Chapter 2

COLLISION OF CULTURES

Rural range-style policing approaches and public security traditions that eventually led to the development of the Texas Rangers coalesced in a piecemeal fashion within the Southwest from early Native American, Spanish, and English martial and criminal justice traditions that emerged from this isolated, frontier region. Reliant on the ability to respond rapidly over great distances to outside threats of violence, this form of social control relied heavily on specialized weaponry and tactical skills. Highly adaptable to given circumstances, it also featured a centralized approach to organization under a chief executive. Other earmarks included an exclusive focus on threats of violence and crime. They also precluded any traditional extraneous police service to local courts or the public. Additionally, broad jurisdictional authority required agents, at times, to combine enforcement, judicial, and punitive responsibilities during the execution of justice. Free from traditional means of local control, agents consistently fell beyond the scope of law and legitimacy. Consequently, this course of events eventually created social norms and culturally accepted practices that held grave consequences for society, privileging some segments over others. These practices also raised questions as to the limitation of power between the state and its citizens, a circumstance that still holds relevance within the twenty-first century.

The beginnings of these cultural developments may be traced to the introduction of Spanish Conquistadors into Texas. In November of 1528, Álvar Núñez Cabeza de Vaca became one of the first Spanish adventurers to set foot on

the Gulf of Mexico. As one of four survivors of the Pánfilo de Narváez expedition, the ill-fated explorer spent the next nine years traversing across the American Southwest and Mexico before his eventual rescue. As second in command and High Sheriff of the entourage, the explorer's entrance into the New World marks the introduction of what would become modern law enforcement.[10]

Intent on subjugation, subsequent Conquistadores introduced new institutions of social control and organization that varied drastically from those already found in the New World. As permanent settlement began, Spanish officials inaugurated a system of missions, presidios, and ranches as the region's primary means of defense as well as for economic and social prosperity. In contrast, Native Americans in the region primarily practiced subsistence farming or existed as hunter-gatherer and foot nomad societies. Despite the disparities between their cultures, Native American and Spanish social institutions shared many striking commonalities in organization and practice—elements that played an important role in the development of the punitive functions of policing along the future U.S.-Mexico border.

At the most basic level of social organization both Spanish and Native American cultures rested upon twin structures of state and church. Though theoretically separate entities, each frequently overlapped in both jurisdiction and responsibility with state leadership evangelizing for the church and religious leaders periodically directing matters of state. While many Native American

[10] For a full account of this event see, Álvar Núñez Cabeza de Vaca, *The Narrative of Cabeza de Vaca*, Rolena Adorno and Patrick Charles Pautz eds., trans. (Lincoln: University of Nebraska Press, 1999).

groups operated under various levels of civil chiefs with tribal medicine men as spiritual advisors, Spanish settlers likewise deferred to centralized leadership in matters of church and state via a Pope and sovereign, also entities with overlapping authority.[11]

Geography and isolation are additional foundational characteristics connected to the development of unique public safety and range-style policing practices in the Southwest. Because the Texas frontier featured expansive grasslands and thickly wooded hillsides, sparse settlement patterns contributed greatly to the region's development—or lack thereof. In this environment, Native American tribes relied predominantly on large game and, later, European settlement livestock, for subsistence. Predominantly agriculturalists in nature, European settlers capitalized on the rural geography of Texas to make ranching the largest single industry in Spanish Texas by the end of the eighteenth century.[12]

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[11] Alfredo Jiménez, "Who Controls the King? Choice, Persuasion, and Coercion: Social Control on Spain's North American Frontiers," Jesús F. de la Teja and Ross Frank, eds. (Albuquerque: University of New Mexico Press, 2005), 5; C. H. Haring, "The Genesis of Royal Government in the Spanish Indies," *The Hispanic American Historical Review*, v. 7, n. 2 (May 1927), 174; See Donald D. Brand, "Contemporaries of Coronado and His Entrada," *New Mexico Anthologist*, v. 3, n. 5 (Sep.-Dec. 1939), 77-78; Thomas C. Barnes, Thomas H. Naylor, and Charles W. Polzer, *Northern New Spain: A Research Guide* (Tucson: The University of Arizona Press, 1981), 55.

[12] José Cortés, Lt., *Views From the Apache Frontier. Report on the Northern Provinces of New Spain, 1799*, Elizabeth A. H. John, ed., John Wheat, trans. (Norman: University of Oklahoma Press, 1989), 21; Odie B. Faulk, "Ranching in Spanish Texas," *The Hispanic American Historical Review*, v. 45, n. 2 (May 1965), 262, see also James E. Ivey, "The Presidio of San Antonio de

Native American and European influences mixed slowly over the course of the next three centuries due to extended periods of aggression and warfare. Periodically Spanish settlers attempted to accomplish Indian pacification through peaceful means. The provisioning of staples and the formation of peace treaties proved short lived in most cases, however. Forged in violence and divided by race, New World conditions set each party on center stage as equal partners in the development of rural ranging policing systems as they balanced on the successful utilization of coercive force.

As first arrivals to Texas, Native Americans initially enjoyed some tactical and numerical advantages over the European interlopers. Resourceful and highly adaptive, many of the more aggressive tribes living in Texas had already developed effective, specialized warfare techniques. Well suited to the time and place, Native martial customs and practices presented Spain with some of her most perplexing and seemingly insurmountable colonizing difficulties. Though these peoples traveled on foot and wielded primitive weapons, Cabeza de Vaca acknowledged their physical prowess stating: "They are so skilled in running that without resting or tiring they run from morning until night following a deer. And in this way they kill many of them, because they follow them until they tire them, and sometimes they take them alive."[13]

Upon his return to Spain, Cabeza de Vaca also recorded this sentiment regarding the inhabitants of the New World in his memoirs:

Béxar: Historical and Archaeological Research," *Historical Archaeology*, v. 38, n. 3, Presidios of the North American Spanish Borderlands (2004).

[13] Cabeza de Vaca, *The Account, 107.*

> "These are the people most fit for war of all I have seen in the world, because if they are afraid of their enemies, all night they keep vigil with their bows at their sides and a dozen arrows, and the one who is sleeping checks his bow and if he finds it unstrung, he gives it the turns that are needed. Many times they go out of their houses crouched low to the ground so that they cannot be seen, and they watch and keep vigil all around to discover what is there. And if they sense something in a moment they are all on the field with their bows and arrows, and thus they are until daybreak, running from one place to another, wherever they see it is necessary or they think their enemies might be. When day comes, they again unstring their bows until they go out to hunt. The bowstrings are made from the nerves of deer. The manner in which they fight is low to the ground. And while they are shooting their arrows, they go talking and leaping about from place to place, avoiding the arrows of their enemies, so much so that in such places they manage to suffer very little harm. The Indians are more likely to make fun of crossbows and harquebuses because these weapons are ineffective against them in the flat, open areas where they roam free. They are good for enclosed areas and wetlands; but in all other areas, horses are what must be used to defeat them, and are what the Indians universally fear..."[14]

Both physically and psychologically, the Conquistadors' most effective weapon against Native Americans was the horse. Initially, the Spanish attempted to prevent natives from acquiring this animal, to no avail. Eventually it became the primary means of achieving both rapid transportation and communication on the plains. For Native Americans, the horse stood as an invaluable source of wealth, personal prestige, and as a ready food supply. Eventually, the horse transformed life on the plains, with many tribes evolving into equestrian cultures by 1750.[15]

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[14] Ibid., 128-129.

[15] Pekka Hämäläien, "The Rise and Fall of Plains Indian Horse Cultures," *The Journal of American History*, v. 90, n. 3 (Dec. 2003), 833; also Robert M. Denhardt, "The Horse in New Spain and the Borderlands," *Agricultural History*, v. 25, n. 4 (Oct. 1951), 148.

As expert riders and horsemen, some tribes in the Southwest and Texas, most notably the Comanche and Apache, found that the skilled use of a horse provided them with multiple advantages, particularly in regards to raiding.[16] Descendants of animals brought over by the conquistadors from Spain, horses in the New World had become sure-footed and wiry. Now desert-bred to exist on grass, the superior stamina of these animals allowed riders to cover great distances more rapidly.[17]

As a direct consequence of the introduction of the horse, raiding became an important means of resource extraction for many tribes of Native Americans and as a result, became firmly engrained as an important part of warrior culture. Interestingly, as a consequence of the rise of raiding as a means of economic support, Native Americans came to prefer the capture of domestic animals over wild *musteños* because settlement horses had already been broken and were more easily gathered. Aside from the accumulation of livestock, raiding also allowed Native Americans to achieve greater levels of success in the accumulation of slaves.

By the nineteenth century, slavery and livestock trading became prominent industries within the frontier region. One observer of the era recorded, "Scarcely has a hacienda or rancho on the frontier has been unvisited, and every where the

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[16] D. W. Meinig, *Southwest: Three Peoples in Geographical Change 1600-1970* (New York: Oxford University Press, 1976), 14.

[17] Randolph B. Campbell, *Gone To Texas: A History of the Lone Star State* (Oxford University Press, 2003), 40; John Francis Bannon, *The Spanish Borderlands Frontier 1513-1821* (Albuquerque: University of New Mexico Press, 1974), 126; T. R. Fehrenbach, *Comanches, The Destruction of a People*, NY: Alfred A Knopf, 1974), 82-83.

people have been killed or captured. The roads are impassable, all traffick is stopped, the ranchos barricaded, and the inhabitants afraid to venture out of their doors."[18]

Of the Native American tribes whose lives were changed by the introduction of the horse, the Comanche in particular became the most noted for their riding ability and unique mounted warfare tactics. Copying many Spanish riding habits, they also adopted the practices of mounting from the right side of the animal, the use of crude bison hide bits, bridles, saddles, and the use of the Plains lance. They also developed their own battlefield techniques and specialized equipment.[19] An example of this was the use of a riding thong. This advent allowed warriors to slip to one side of their horse and shoot from beneath the belly of the beast while galloping at full speed. In this manner, a warrior utilized his animal as a shield from enemy fire.[20]

The riding skills of some tribes, including the Comanche, eventually became legendary. Due to their ferocity in battle, in later years, to be called a "Comanche" was intended as a derogatory comment on one's personal character. At the same time, in the world of horsemanship, this remark came to mean something else. Phrased in this manner, the ability to "ride like a Comanche," was

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[18] Hämäläien, "The Rise and Fall of Plains Indian Horse Cultures," 843.

[19] T. R. Fehrenbach, *Lone Star: A History of Texas and the Texans,* (NY: Collier Books, 1968), 31; Fehrenbach, *Comanches,* 106.

[20] Ibid., 30.

considered high praise.[21] Eventually the use of the horse, as a means of rapid transportation and communication, became a corner stone in the culture and practice of rural range policing. So much so, that in some situations, its use has persisted into present day, despite the advent of industrialization. This is due to the continued advantages and versatility it provides in remote geographical regions or other specialized circumstances.[22]

Like the horse, the introduction of European firearms was also a double-edged sword utilized by the Spanish in the subjugation of Native Americans as they eventually adapted to this weapon admirably. Initially, however, guns provided a minimally decisive edge for the Europeans during warfare. This is because certain scenarios still allowed Native Americans to enjoy some advantages over their Anglo foe through the utilization of native weaponry; consequently, Indians never completely replaced their own armaments.[23] War shields formed from bison hide, for instance, could turn a musket ball, while arrows, shot effectively, easily pierced leather body armor.[24] Native Americans could also produce and repair bows and arrows easily, unlike firearms.

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[21] David B. Edward, *The History of Texas; or The Emigrant's, Farmer's, and Politician's Guide to the Character, Climate, Soil, and Productions of the Country: Geographically Arranged from Personal Observation and Experience*, Brasada Reprint Series (Austin: The Pemberton Press [1835] 1967), 108-9.

[22] Reuters, "U. S. Turns to Horses to Secure Border," accessed, August 3, 2011, http://www.reuters.com/article/2008/01/24/us-usa-immigration-horses-idUSN2323280820080124

[23] Thomas Frank Schilz and Donald E. Worcester, "The Spread of Firearms Among the Indian Tribes on the Northern Frontier of New Spain," *American Indian Quarterly*, v. 11, n. 1 (Winter 1987), 1.

[24] Fehrenbach, *Lone Star,* 32.

Additionally, these arms were less awkward to carry and could easily be shot with deadly accuracy at close range or from a moving horse. And, while bullets from a musket traveled faster and farther, several arrow shots could be sent from a bow in the same amount of time it took to fire a single musket ball and reload.

This last feature proved to be a circumstance that Native Americans quickly learned to capitalize on. By circling safely just out of musket range, Indians intentionally drew fire. Once the enemy's arms had been discharged, riders then had enough time to charge while the enemy reloaded.[25]

Though Spanish trading policy initially prohibited the sale of firearms to Indians, this strategy shifted over the course of time and eventually became a policy for pacification or social domination. This turn about came in the hopes that a heavy reliance on the Spanish for supplies of weapons, gun repairs, and replacement parts, might garner amenable relations. Spanish officials also theorized that more time spent on gun practice meant equal time lost on archery drill.[26] The Colonizers also hoped that the efficiency of Native American warfare could further be decreased through the provision of, "…long, clumsy, weakened

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[25] Fehrenbach, *Comanches,* 127-128 also A. Ray Stephens and William M. Holmes, *Historical Atlas of Texas* (Norman: University of Oklahoma Press, 1989), 15.

[26] Bernardo de Gálvez, *Instructions for Governing the Interior Provinces of New Spain, 1786*, Donald E. Worcester, ed., trans. (Berkley: The Quivira Society, 1967), 47-50.

but gaudily decorated inferior guns, thereby decreasing their effectiveness in war and increasing their dependence on Spaniards for powder, lead, and repair."[27]

Native Americans eventually turned this approach to their advantage by playing the Spanish against their French foe and receiving equipment from merchants of both nationalities. Though never in great enough numbers to effectively threaten Anglo settlement, Native Americans gained enough advantage in battle to become a scourge to those attempting to settle remote and vulnerable areas.[28] Armed, skilled in specialized warfare techniques, and embittered by harsh Spanish punitive crusades over the years, Native Americans adapted admirably to battlefield conditions in Texas—so much so that they eventually possessed enough advantages to dictate warfare terms in battle. Able to endure severe hardship without food, water, or rest for extended periods, when victorious, they spared no quarter and expected none. According to some reports, captured warriors endured torture without groveling.[29]

One European chronicler penned this observation regarding Apaches as military opponents:

> **"**They are not ignorant of the use and power of our arms; they manage their own with dexterity; and they are as good or better horsemen than the Spaniards. And having no towns, castles, or temples to defend.

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[27] John L. Kessell, *Spain in the Southwest: A Narrative History of Colonial New Mexico, Arizona, Texas, and California*, (Norman: University of Oklahoma Press, 2002), 272.

[28] Stanley Noyes, *Los Comanches, The Horse People, 1751-1845* (Albuquerque: University of New Mexico Press, 1993), 134; Marc Simmons ed., *Border Comanches: Seven Spanish Colonial Documents, 1785-1819* (Stagecoach Press, 1967), 12, 15-16.

[29] Noyes, *Los Comanches,* 36.

> They may be attacked only in their dispersed and movable Rancherias. In this region, the methods of the conquerors of Mexico are not applicable, excepting that of granting peace to the Indians and using them in their mutual destruction. They lack horses and mules and the Apaches suffer the greatest risks in their efforts to acquire these animals to eat, because they are their favorite food and all of the Indians desire them for hunting and for campaigns against us and against each other. They desire most anxiously to provide themselves with guns, powder, and ammunitions..."[30]

Recognized as a conglomeration of independent sub groups, some tribes of Apaches first appeared in the Panhandle-Plains region of Texas around 1650. Speaking Athapaskan, a language most associated with tribes in Alaska and Canada, they were mounted and skilled in warfare. As they moved into the frontier region, the Apache wreaked havoc on Texas settlements by destroying property, killing settlers, and driving off livestock, a practice that immobilized presidio soldiers.[31]

Aside from a punitive approach to conquest via continued warfare, the Spaniards also attempted to experiment with preventative measures or means outside of coercion. One attempt included the *apaches de paz* program. Based on a similar successful operation in North Africa known as *Moros de paz*, this approach to pacification provided supplies as appeasement. In exchange, the Apache agreed to cease hostilities. This approach did not enjoy widespread

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[30] Gálvez, *Provinces of New Spain,* 40.

[31] Campbell, *Gone to Texas,* 21; Fehrenbach, *Lone Star*, 15; Kinnaird, *The Frontiers of New Spain*, 1; Cortés, *Views From the Apache Frontier*, 49.

success, as raiding and warfare continued on a wide-scale.[32] Other attempts led Spanish officials to relocate Apache prisoners from Texas to Mexico City where they were imprisoned in the *Casa de la Acordada*.[33] Aside from these failed attempts, the Spanish also forged peace treaties with Native Americans. Large numbers of independent tribes living in the northern regions made this approach impossible, however. By the end of the eighteenth century, Apache and Comanche raiding intensified, placing increasingly greater demands on New Spain's inadequate presidio system.[34]

At the center of conflict in Texas, living in a remote and dangerous region, New Spain's Euro population centered around three primary points during its colonial period: San Antonio de Béxar (c. 1692), La Bahía or Goliad (c. 1722), and Nacogdoches (c. 1685).[35] Though these towns represented primary population centers, they remained primitive in nature and isolated from each other. Most likely typical of all three settlements, an early description of San Antonio painted this settlement as a wretched conglomeration of stone, adobe,

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[32] Ibid., 7, see also Ana María Alonso, *Thread of Blood: Colonialism, Revolution, and Gender on Mexico's Northern Frontier*, (Tucson: The University of Arizona Press, 1995), 25.

[33] Max Moorhead "Spanish Deportation of Hostile Apaches," *Arizona and the West*, v. 17, n. 3 (Autumn 1975), 211.

[34] Alfred Barnaby Thomas, trans., *Teodoro de Croix and the Northern Frontier of New Spain, 1776-1783*, From the Original Document in the Archives of the Indies, Seville, (Norman: University of Oklahoma Press, [1941] 1968), 7.

[35] William T. Chambers, "San Antonio, Texas," *Economic Geography*, v. 16, n. 3 (July 1940), 291.

and wood buildings. Suffering from threats of Indian incursions, crime, foreign encroachment, disease, and primitive living conditions, Spanish authorities attempted to address this backwardness and strengthen its influence in 1722 with the expedition of the Marqués de San Miguel de Aguayo. Under his supervision, ten missions and four presidios were established and fortified with two hundred and sixty-eight soldiers.[36]

Despite these periodic attempts to shore up its northern borders against foreign and Native American invasions, public security provided by the Spanish Crown was never enough to meet the demands of frontier defense.[37] For the most part, leadership in Mexico City seemed unconcerned with the safety or development of Texas. Therefore, its settlement progressed at a painfully slow pace. This circumstance left citizens to rely alternately on regular soldiers, colonial militias, and the occasional civilian volunteer for protection. Aside from Aguayo's efforts, Spanish border security during this era was comprised of a thin line of presidios that extended across the vulnerable northern territories. Located in strategic positions designed to protect remote borders, transportation routes, settlements, and missions, most presidios existed as simple garrisoned forts. As such, these frontier institutions doubled as agencies for Indian reservations, meeting places for peace talks, and as ready markets for foodstuffs and manufactures produced on surrounding ranches and farms. As the nucleus for

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[36] Oakana Jones, Jr., *Los Paisanos: Spanish Settlers on the Northern Frontier of New Spain* (Norman: University of Oklahoma Press, 1996), 42, 46.

[37] Alonso, *Thread of Blood*, 32.

civilian towns, at times, they also often usurped the prerogatives of elected town councils.[38]

Operating under a distinct disadvantage from their southern counterparts, presidios in the north were largely ineffective and suffered from the central government's lack of interest in frontier affairs, chronic mismanagement, corruption, and shortages of vital supplies. Troops also suffered due to lack of discipline, ignorance of military strategy, irregular pay, and substandard equipment. Surrounded by hostile and rugged terrains, presidial soldiers could only defend themselves and the settlements in their immediate vicinity. This was often due to lack of reliable transportation because of scarcity of fodder and periodic loss of horses due to habitual Indian raids.[39] Reduced to transportation on foot during these episodes, new supplies of animals could take months to arrive. Conversely, mobile Native Americans captured mounts as needed, moved homes from danger on a moment's notice, and observed enemy actions from the safety of mountain observation points. From this vantage point, Native Americans could observe the actions of troops below and then effectively attack undefended settlements and supply trains at the most opportune moments.[40]

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[38] See Max L. Moorhead, *The Presidio: Bastion of the Spanish Borderlands* (Norman: University of Oklahoma Press, 1975).

[39] Thomas, *Teodoro de Croix*, 11.

[40] Ibid., 13; Ivey, *The Presidio of San Antonio de Béxar*, 106; David B. Adams, "At the Lion's Mouth: San Miguel de Aguayo in the Defense of Nuevo Leon, 1686-1841," *Colonial Latin American Historical Review* (Summer 2000), 341.

Because the region was neglected by the central government in Mexico City, the area suffered from a lack of personnel. José Cortés, a lieutenant in the Royal Corps of Engineers observed in 1799 that the northern presidios remained weakly manned: "The military force of such an extended territory consists of twenty presidial companies, five flying companies, two companies of Opata Indians, and one of Pima Indians, whose total strength amounts to 3,099."[41]

Of these existing organizations, the flying companies represented a relatively new invention and an important beginning of rural-range style policing. Born of necessity, life within the borderlands demanded a new security structure—one capable of rapid response to critical security threats and able to travel beyond the prescribed jurisdictional boundaries of the presidio. Originating in 1713 and designed to resist Indian attack, these mounted and highly mobile units also conducted punitive actions, rescued prisoners, escorted travelers or merchandise, and recaptured livestock.[42]

As offensive patrols or *cortadas* as opposed to defensive military operation, flying columns became popular among the settlers due to their reliability and effectiveness in battle.[43] Capable of rapid response over great distances, men for this unique mobile troubleshooting force enlisted for long-terms and were selected from among the local population for their knowledge of

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[41] Ivey, *The Presidio of San Antonio de Béxar*, 106.

[42] Tijerina, Andrés, *Tejanos & Texas Under the Mexican Flag, 1821-1836* (College Station: Texas A & M University Press, 1994).

[43] Ibid., 81.

the region, riding ability, fortitude, and capability to withstand hardship on the trail. As a fighting force, they are also credited with the concept of the *caballada.* An essential component of a successful long distance pursuit, caballadas provided a string of almost a dozen spare horses per man to be used as remounts during extended campaigns.[44]

As mounted soldiers, flying companies moved continually among the settlements.[45] Unlike their traditional presidio counterparts, these men usually headquartered in posts, towns, and villages behind the presidial line and not within the forts themselves. Assigned reconnaissance, in addition to their traditional duties, soldiers patrolled roads, confronted hostiles, and served in conjunction with conventional units during times of aggression.[46] Cortés described them as such:

> "The king's troops defending this territory deserve much praise. They are faithful, long-suffering, and of such humble character that the most reverent obedience comes to them by nature. Exposure to the elements for fifty days or more does not bother them. They live on horseback day and night and travel with such determination that it is amazing to see the territory they can traverse in a very short time. They enter combat with courage and tenacity, and this circumstance varies only when their officers and corporals fail to set them an example. The most amazing thing is the frugality with which they sustain themselves: a bit of toasted corn flour dissolved in water is their main nourishment, and on rare

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[44] Ibid., 80; Gálvez, *The Interior Provinces*, 53; Moorhead, *The Presidio*, 22-23, 179.

[45] Cecilia Sheridan, "Social Control and Native Territoriality in Northeastern New Spain," Ned F. Brierly, trans., *Choice, Persuasion, and Coercion: Social Control on Spain's North American Frontiers*, Jesús F. de la Teja and Ross Frank, eds. (Albuquerque: University of New Mexico Press, 2005), 121.

[46] Moorhead. *The Presidio,* 85, 181.

> occasions, some biscuit or cracker and a very small portion of the supplies of sugar loaves that they call sweets. Supplied with these provisions, they can undertake any mission, even thought it may be over a great distance and time, as long as they are confident that once the expedition is concluded they will be returning to their homes. As regards what should be their most effective training, I will venture to say that it is inconsistent. Given exercises that are never of any use to them, they recognize this and look upon the exercises with some disdain. The soldier of the Interior Provinces must be a capable marksman and perfect with the musket on foot or on horseback. This is the expertise they most need, yet it is not the one given the most attention. With the assurance that their shots would hit their mark at a medium distance and at a quick aim, they would be formidable and defy the arrows and the Indians, even in situations where they were in great numbers, would be the victims of their resistance. This argument is based on an infallible principle: the arrow is so swift and penetrating that nothing can stop it when it is fired at close range. But past that range its aim begins to falter, and if it then hits a target it either inflicts a slight wound or falls away because its flight is spent. Thus, if the soldier is a good marksman, he can make a sure kill of his adversary when it is possible. He will look with disdains on the Indians' capacity to loose many arrows before he can load and shoot his musket. Thus would we avoid the heavy spilling of blood that ordinarily occurs in most attacks. It so happens that even when they are very close to one another, our soldiers do not manage enough offense in relation to the number of shots they fire."[47]

It is also of interest to note that while presidios were designed to protect settlers from outside threats of danger presented by hostile Native Americans, that those guarding the forts sometimes also included certain groups of Native Americans. Within these organizations, one notes many of the desirable characteristics needed to be effective as a public security organization on the raw frontier. Of the two Opata companies, Cortés wrote that though they made strange soldiers, they were worthy of the government's esteem due to their exemplary loyalties to subaltern Spanish officers and intense desire or eagerness to serve.

[47] Cortés, *Views From The Apache Frontier,* 25-26.

These troops also elected their own officers who served at the same pay rate as that of privates. Cortés also noted their extraordinary physical prowess, recording:

> "They can travel twenty to thirty leagues on foot in a day, at the same pace at which each of the other troops would have worn out two or three mounts. Quick and agile in battle, the Apache acknowledge the superiority of the Opatas' extreme agility. Capable of attacking with either a sling or bow, though not violent by nature, their aim is to win or die. They harbor implacable hatred for the enemy so that they cannot be entrusted with prisoners, who fall victim to their hatred. They excuse such horrendous conduct with the unverifiable pretext that the prisoners were conspiring to escape… When their ammunition has run out, or no arrows remain in their quivers, then their lances and personal aggressiveness determine their fate. It is no exaggeration to say that the other troops would have had few victorious encounters without their help.
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> "They deserve greater esteem, and their pay should be equal to that of soldiers in a presidial or flying company. They are quite valuable to the royal service, yet in recent years they have been removed from the posts where they have their companies and families and taken to fight in the provinces of Vizcaya and Coahuila without returning to their homes in one or even two years."[48]

Of the Akimel O'odha, or Pimas as the Spaniards refereed to them, Cortés wrote: "The company of Pima Indians, located at San Rafael de Buenavista, has soldiers of a different complexion. They set out in search of the enemy and attack him with all the fire and fury of good warriors. But if resistance is strong, and if they see that any of their own are killed or injured, they lose heart, disperse and retreat in total disorder."[49]

Because Spain often insisted that settlers provide their own security, civilian government continually struggled with how best to address public safety

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[48] Cortés, *Views From The Apache Frontier,* 26-27.

[49] Ibid., 27.

issues. Spanish civil law automatically applied to the New World colonies, unless otherwise specified. Despite this, law in theory and law in practice varied drastically and held little relevance for public safety in the northern regions. Lacking ingrained social norms or other moderating influences such as peer pressure or strong religious influence, Spanish settlers often behaved in a barbaric and brutal fashion.[50] Searching for effective solutions that had enjoyed success in the past, some Old World, traditions to transfer into the New World included criminal justice structures known respectively as the *Santa Hermandad*, *La Hermandad* or the Brotherhood (c. 1631) and the *Tribunal de la Acordada* (c. 1722).[51]

Dating to 1110 AD, *hermandades* or local brotherhoods began as local municipal, militia-style volunteer groups. Spanish municipalities in outlying regions of the kingdom during this period formed these associations in order to police surrounding roads and countryside in order to guard against Moorish attacks. Criminal activity was also carried on with such vigor that many municipalities were stifled in their ability to conduct business or to communicate beyond their jurisdictional limits.[52] These groups proved so successful that they

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[50] Colin M. MacLachlan, *Criminal Justice in Eighteenth Century Mexico, A Study of the Tribunal of the Acordada* (University of California Press, 1974), 2-3.

[51] M. C. Mirow, *Latin American Law: A History of Private Law and Institutions in Spanish America* (Austin: University of Texas Press, 2004), 30.

[52] Alicia Bazan Alarcon, "El Real Tribunal de la Acordada y la delincuencia en la Nueva España," *Historia Mexicana*, v. 13, n. 3 (Enero-Marzo 1964), 320.

drew the attention of the chief executive of Spain. As a ready resource of police power, around 1476, Queen Isabella transformed these scattered regional brotherhoods into a single united instrument of coercive royal power in order to expand the prestige of the crown.[53]

Unified in this manner *La Hermandad* was comprised of two thousand horse and foot soldiers and vested with judicial as well as police authority. Unfettered by the demands or objections of local authority or feudal lords, this group wielded complete jurisdiction over certain crimes. Holding full authority to apprehend and punish offenders, they entered private property at will in the course of duty.[54] Disbanded in 1498 due to outside pressure, the Brotherhood continued to exist but as rural police organizations on local levels.[55] Though the crown attempted to reestablish *La Hermandad* as a national force in New Spain, both in 1553 and then again, in 1631, it failed to survive as an authorized national law enforcement entity.[56] In Texas, the traditions of the hermandades survived for a time in a rural police office known as the *juez de campo* or rural judge. As a Tejano tradition, this office comprised a unique constabulary in rural or remote ranching areas. Significant during the early nineteenth century due to its broad

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[53] Tijerina, *Tejanos & Texas,* 74.

[54] MacLachlan, *Criminal Justice in Eighteenth Century Mexico,* 10-11; Frank W. Blackmar, *Spanish Institutions of the Southwest* (Glorieta Pass: The Rio Grande Press, Inc., 1976), 37

[55] Ibid., 11.

[56] Charles R. Cutter, *The Legal Culture of Northern New Spain, 1700-1810* (Albuquerque: University of New Mexico Press, 1995), 98-99.

authority, the juez de campo in Texas served, among other things, as a rural policeman, a brand inspector, and as both a civil and criminal judge.[57]

An additional organization to help establish southwestern police culture was known as the Acordada. This entity also borrowed heavily from Old World approaches to criminal justice and policing. As one of two separate criminal justice systems in the viceroyalty of Mexico, the Acordada differed from its traditional and older counterpart or *Sala del Crimen* in that the Acordada's legal authority extended beyond that of its counterpart. As the younger of the two judicial authorities, the tribunal was removed from the control of local judicial authorities and formulated specifically to meet the peculiar needs of the government and judiciary of New Spain. Because no real distinction was drawn between judicial and political objectives during this period, the judiciary also engaged in law enforcement practices such as patrolling the streets and apprehending lawbreakers.[58]

According to historian Colin MacLachlan, the Acordada represented a major innovation in both colonial bureaucracy, as well as philosophy. By concentrating on law enforcement only, the maverick tribunal broke with established tradition by receiving specialized power or authority that granted it unlimited territorial jurisdiction. By holding it accountable only to the viceroyalty, the Acordada escaped the dictates of the law by magistrates in the New World and therefore, any attempt to restrict the excise of its authority and/or limits to its

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[57] Tijerina, *Tejanos & Texas,* 74, 77.

[58] MacLachlan, *Criminal Justice in Eighteenth Century Mexico,* 21, 92.

jurisdiction on local and regional levels. This arrangement placed centralized police authority in the hands of the viceroy or direct representatives of the throne. He alone exercised direct control over the organization's judge and its agents as they actively sought out lawbreakers and summarily executed justice.[59]

An individual example of this organization in the New World, and its ability to break traditional systems of limited jurisdiction within the field of law enforcement was early Acordada appointee, the Marqués de Valero. In 1710, Valero requested the ability to execute sentences in addition to carrying out orders. By virtue of his standing in the Tribunal, the Marqués also successfully exempted himself from reporting his activities to his counterparts in the *Sala del Crimin*. Relying on unpaid volunteers who had a vested interest in enforcing the law in their own districts to serve as support or back up, it is alleged that many criminals met their ends soon after their arrest by a one-man judge, jury, and executioner. Though questionable at times, his actions were considered legal acts and not those of vigilantes.[60] Despite its extralegal underpinnings, McLachlan concludes that the methods employed by the Acordada proved highly effective in the curtailment of lawlessness.[61] By the end of its existence the Acordada had addressed approximately 62,9000 criminal court cases. Of these, 888 received a

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[59] Ibid., 109.

[60] Ibid., 108.

[61] Ibid., 33.

death sentence while 19,410 were remanded to service in the military at various presidios along the frontier.[62]

Frequently left to their own resources due to neglect or lack of resources, the role of civilians in providing for their own public security as voluntary militias is an important aspect of the development of public security in the New World. The exact origins of the Spanish civic militia are murky. It is also believed that no civic militia existed in Mexico prior to 1820. Around this time a decree from Spain established guidelines for overseas settlements and the Mexican Empire. These edicts allowed each state to create its own militia ordinances. While only men of property were entitled to serve as officers, clergymen and public servants were exempt from service altogether. These state organizations were placed directly under the supervision of the governor and served as a tool of coercive force at the disposal of their regional executive.[63]

On a more local level, under Spanish rule, a governor in Texas or his subordinate oversaw all governmental affairs. Serving as an official who both investigated and heard cases, the governor and lower officials such as municipal *alcaldes*, like the militia, relied on volunteers in order to accomplish many public safety related tasks. Some municipalities mounted their own objectives or supplemented the military by providing presidios with civilian patrols, lookouts,

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[62] Ibid., 22, 34-35; see also Colin MacLachlan, "Acordada," *Los tribunals de la Nueva España*, (universidad nacional autónoma de méxico, 1980).

[63] Pedro Santoni, "A Fear of the People: The Civic Militia of Mexico in 1845," *The Hispanic American Historical Review*, v. 68, n. 2 (May, 1988), 271-272.

and livestock. In return for their assistance, volunteers frequently enjoyed special privileges and tax exemptions. Though many provisioned their own muskets, those lacking private firearms, also received necessary arms from the government.[64]

Self-protection was made difficult, at times due to governmental regulations restricting civilian colonial efforts to defend themselves or from obtaining proper arms in the fear that the frontier population might become too independent and uncontrollable as had that found in the Atlantic British Colonies. Spanish officials frowned upon the bearing of arms by settlers and sought ways in which to cultivated submissive subjects who were docile and reliant on the King or his representatives for protection.

Land laws and other civil legislation also worked to hinder a region's ability to protect itself. One example of this was the *encomienda.* Under this system of land grants, soldiers who participated in the conquest were awarded large tracts of land. As such, each parcel also carried with it the right of *repartimiento*, the right to utilize Indians living on the grants as laborers.[65] Due to policies such as these, only a handful of feudal-like elite or aristocratic semi-feudal, hacienda owners enjoyed a degree of prosperity. This left the majority of the population existing under tenuous circumstances, usually lacking adequate firearms or supplies of ammunition in case of need. Because the government did

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[64] Adams, "At the Lion's Mouth," 337; Moorhead, *The Presidio*, 234.

[65] Edward H. Spicer, *Cycles of Conquest: the Impact of Spain, Mexico, and the United States on the Indians of the Southwest, 1533-1960* (Tucson: The University of Arizona Press, [1962] 2006), 159.

not feel the need to provision most men on the frontier, these individuals usually had access only to outdated equipment such as escopets or flintlock rifles. Expected to be ready to serve as a volunteer soldier at a moment's notice, many civilians hated militia service and sold their arms and/or mounts in order to escape duty.[66]

During the decades just preceding American settlement, Bourbon officials grappled with issues related to frontier protection. Many argued that settlements should provide for their own defense utilizing volunteer militias. Others insisted on the merits of a combination of part-time soldiers and fulltime professional units. The results were a mixed grouping of tactics including that of Defensive Colonization.[67] Proven effective for the Spanish colonizers, Defensive Colonization theoretically moved populations into troubled regions in order to form secure borders. Settlements then provided for their own defense and theoretically, in the process—though sorely lacking in substantive mechanisms of protection—transformed the region into a defensive buffer for the protection of the valuable silver provinces in northern Mexico.[68]

Texas remained largely without government or laws during its colonial era.[69] Failure to guard the frontier adequately continued as a long running

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[66] George E. Hyde, *Rangers and Regulars* (Columbus: Long's College Book Co, 1952), 15-6.

[67] Adams, "At the Lion's Mouth," 326-327.

[68] Bannon, *The Spanish Borderlands,* 169.

[69] Sean Kelley, "Mexico in His Head": Slavery and the Texas-Mexico Border, 1810-1860," *Journal of Social History*, v. 37, n. 3 (Spring 2004), 711.

complaint against authorities in Mexico City throughout Spanish and the Mexican occupation as many Tejanos or residents of Texas felt that administrators in central Mexico cared more for the financial interests of the King than for the well being of the settlers and Christian Indians living along the northern frontier. Consequently, agricultural entrepreneurs and large livestock operators often came to rely solely upon themselves for protection and looked upon their estates as their own isolated realms.[70]

At times associated with the neighboring state of Coahuila, what little direction Texas did receive in the way of administrative instruction often came through governors or vice governors who received their appointments under the direction of the King's Viceroy in Mexico, but who resided in areas that had higher court systems such as Saltillo or Monclova. This circumstance made the central government largely inaccessible to local frontier populations, which by 1750 hovered around fifteen hundred in Texas. It would not be until 1783, that Lieutenant Governor Antonio Gil Ybarbo of Nacogdoches drafted a comprehensive criminal code for the region outlining major offenses and punishments for each.[71]

Outside of Spanish legislation, rural policing culture in the borderlands was molded by local elements connecting as much to race, social norms, and

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[70] Ralph A. Weisheit, L. Edward Wells, and David N. Falcone, *Crime and Policing in Rural and Small-Town America: An Overview of the Issues,* A Final Summary Report Presented to the National Institute of Justice (Sept. 1995), 29.

[71] Jones, *Los Paisanos,* 58-59.

cycles of violence as to geography and legal codes. Just as it was in Spain, local or municipal law in New Spain was based on Roman law and the Justinian code. Relying heavily on statues to meet legal needs, this varied from English common law traditions that required judicial interpretation of the law. Under the Spanish system, elected town *cabildos* (councils) carried out the executive and judicial functions of municipalities, a practice that was based on medieval tradition and sovereignty.[72] The alcalde or mayor also arbitrated disputes and functioned as a judicial and administrative official, effectively combining the office of policeman, constable, and judge.[73]

As both adjudicator and law enforcement official, police judges were selected for one-year terms from among the community's most respected citizens. Many accepted the position as a symbol of status, rather than from any law enforcement concern or due to professional training. As a result, courts overseeing criminal cases frequently bordered on the limits of legality and left much to be desired regarding municipal government and public security.[74] Municipal magistrates also proved to be ineffective in the pursuit of lawbreakers, as criminals frequently crossed jurisdictional borders in order to elude capture. Rural community leaders responsible for outlying districts also overlooked exact

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[72] MacLachlan, *Criminal Justice in Eighteenth Century Mexico,* 2, 21; Moorhead, *The Presidio*, 325.

[73] Blackmar, *Institutions of the Southwest*, 191.

[74] David J. Weber, *The Spanish Frontier in North America* (Yale University Press 1992), 37-38.

observance of the law.[75] By 1820, the two major municipalities or ayuntamientos in Texas were those of Bexar and La Bahía or Goliad.[76] Outside of these population centers, battles with some Native American tribes continued, but gained little attention from government officials in Mexico City. As a result, Comanche warriors slew thousands of Mexican citizens and soldiers.[77]

Into this environment was born the Austin Colony. In 1821, at the time Mexico was separating from Spain, Moses Austin received authorization to select a region to colonize. When Austin suddenly died, his son, Stephen F., assumed the responsibility of this endeavor. Granted full authority to administer all civil, judicial, and military affairs until government functions could be officially organized or formed, Austin succeeded in introducing three hundred families, mostly from the South, into Texas. Though he lacked copies of Spanish laws or access to trained legal professionals, settlers were organized into regional sections that eventually included the Colorado, Brazos, and San Felipe districts. Law mandated the American colony to maintain a Mexican municipal structure. This included the establishment of the office of alcalde, a man who served as a combination of mayor and judge. Other offices included two to four *regidores* or city council members. With each district subdivided into precincts, these units were presided over by a *subalcalde* or *comisario*, a district attorney or *sindico*

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[75] MacLachlan, *Criminal Justice in Eighteenth Century Mexico,* 24.

[76] Eugene C. Barker, "The Government of Austin's Colony, 1821-1831," *The Southwestern Historical Quarterly*, v. 21, n. 3 (January 1918), 224.

[77] Fehrenbach, *Comanches,* 237.

procurador and an *alguacil*, now an office easily recognizable as the American equivalent of a county sheriff.[78]

Municipal duties within the colonies at this time encompassed greater areas of responsibilities than what are generally associated with city fathers today. This approach made the alcalde or mayor directly responsible to the governor and required him to also serve as the local judge or *juez.* This practice paralleled English/American customs found in municipalities such as Richmond, Virginia. Here, the hustings court, a local judicial system, allowed the mayor to serve as a judge and to pronounce sentences in addition to his standing as the municipal chief executive.[79]

As leader, or empresario of the company, Austin received instructions to provide for the colony's own protection by forming his settlers into militia companies that included all males between the ages of eighteen and fifty. Receiving the rank of lieutenant colonel, Austin held full power to wage "war on the Indians."[80] This practice was also not foreign to the settlers of Austin's colony. In the United States, the custom of utilizing armed volunteer citizen soldiers or local militia enjoyed a long tradition. Summoned in times of need by

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[78] Edward, *The History of Texas*, 161.

[79] Tijerina, *Tejanos & Texas,* 39; R. T. Barton, ed., *Virginia Colonial Decisions: The Reports by Sir John Randolph and by Edward Barradall of Decisions of The General Court of Virginia, 1728-1741* (Boston: The Boston Book Company, 1909), 219; For an example of Mayor's Courts in the United States see James M. Campbell, *Slavery on Trial: Race, Class, and Criminal Justice in Antebellum Richmond, VA* (University Press of Florida, 2007).

[80] Ibid., 226.

local law enforcement officers or the federal government, militia organizations were frequently formed to meet threats of critical violence, to pursue criminals, or to defend people and property. Also lending to this traditions, as southerners, Austin's colony also most likely had experience with both legal and extralegal policing organizations. A specific example of this may be seen in the formation of southern slave patrols. These consisted of organized groups of men who patrolled large districts on horseback in search of slaves who were runaways or off their plantations without proper authorization. Despite this, the militia in Austin's colony came to resemble a posse more than any organized militia.[81]

Now under Mexican as opposed to Spanish rule, conditions changed little for those living in the northern frontier provinces. Acknowledging migration to be a mitigating circumstance in the provision of public security, Mexican authorities passed the national colonization law in 1823. Despite offering liberal inducements to provincial colonists, few Mexicans entered Texas while Americans emigrated by the droves.[82] Adapting to gaps left between the legalities of Mexican institutions and immediate need, disorganization and turmoil caused Austin to assume extraordinary power, though over time, security matters fell more heavily on the settlers themselves.[83]

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[81] Allen G. Hatley, *The Indian Wars in Stephen F. Austin's Texas Colony 1822-1835* (Austin: Eakin Press, 2001), xii.

[82] Blackmar, *Institutions of the Southwest*, 233.

[83] Weber, *The Spanish Frontier in North America*, 97; Barker, *Mexico and Texas*, 23.

As the number of settlers from the United States into Texas continued to increase, American influences quickly melded with Mexican tradition with the introduction of English common law practices—traditions that required a judge to pronounce the law as opposed to finding the appropriate statute as required by Spanish law.[84]

Austin's colonies became the most successful of all such settlements in Mexico, and he, the most notable land empresario—so much so that by 1835, the number of newcomers quickly rose to surpass those of the native Spanish/Mexicans by about twenty to one. This large influx of Anglo Americans also displaced many tribes who distrusted whites and who waged extended warfare against all intruders.[85] Under these conditions, the militia system eventually proved ineffective and settlers in Austin's colonies realized the need for a new security structure for protection. Austin hired ten experienced frontiersmen to act as rangers in 1823 to ride on a punitive expedition against a band of Indians.[86]

Though eventually settlers in Texas became well suited to frontier wilderness conditions, initially the newcomers entered the region as farmers, not skilled frontiersmen, trained in guerilla warfare. Austin's settlers were ill

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[84] Marvin E. Schultz, "For the better administration of justice: the legal culture of Texas, 1820-1836," (PhD, diss., Texas Christian University, 1994), 1.

[85] Thomas F. Schilz, *Lipan Apaches in Texas*, *Southwestern Studies*, n. 83 (The University of Texas at El Paso, 1987), 41.

[86] Robert F. Pace and Donald S. Frazier, *Frontier Texas History of a Borderland to 1880* (State House Press, 2004), 40.

equipped to wage retaliatory war on Native Americans. They were accustomed to working on foot, lacked military organization, reliable arms, and mounts bred for speed or distance. Additionally, many settlers were unwilling to leave their homes for extended periods in order to pursue hostiles onto the plains.[87] Due to the demands of great distances and an isolated lifestyle centered on livestock and agriculture, Americans soon developed skills as horsemen and bred horses better suited to the environment. They also learned to mimic Native Americans during battle.[88]

Known alternately as mounted gunmen or mounted rangers, the men who participated in this early U.S. public security organization were selected for their ability to meet critical security challenges due to their skills as horsemen and as excellent shots. Like their early Spanish predecessors, men who volunteered in this endeavor were initially paid in land and expected to be able to respond to a crisis at a moment's notice. Though temporary at first, this organization proved so successful that their numbers increased along with their prestige and authority, and eventually became an internationally recognized frontier entity within a few decades.

While some observers might assert that police organizations conform to a particular model, the Texas Rangers stand apart from these early civilian public security structures. A study of the Rangers and their subsequent influence on national policing will help to reveal norms of American society and its attempt to

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[87] Fehrenbach, *Comanches,* 298.

[88] Ibid., 299.

control what was perceived as socially deviant behavior during the organization's tenure. It may also reveal the manner in which notions of race and class developed within this region, many of which persist and influence circumstances in the region today.

As an American institution, the Texas Rangers may be considered a radical development in law enforcement within the United States. Introducing the concept of an additional or higher tier of civilian police authority than those most commonly found on a local level in the United States, the Texas organization found itself to be free from the traditional constraints of power or control at the local municipal or county level. Unencumbered by additional pubic service duties traditionally performed by their local counterparts, this organization grew rapidly in power and scope.

As a U.S. public security institution, the Texas Rangers responded primarily to calls of a criminal nature or to threats of violence. They also paid particular attention to the needs and desires of their regional or state chief executive and to powerful local economic interests who promised remunerative rewards for faithful service. Due to the largely rural and agricultural geography of Texas and Mexico at that time, these interests related to the cattle industry at first, though later to those of other economic enterprises, as the state became increasingly industrialized. Within this realm, the Texas Rangers coalesced from a number of loosely associated organizations of volunteer citizen-soldiers, into a singular rural civilian police force—one whose distinctive operational features and procedures became hallmarks in regional policing within the nation.

Chapter 3

THE RISE OF THE TEXAS RANGERS AND REGIONAL POLICE POWER 1835-1850

"Come all you Texas Rangers,
Where ever you may be,
And I will tell you of some troubles
That happened unto me.

"My name is nothing extra,
So that I will not tell;
But here's to all the Rangers,
I am sure I wish them well.

"At the age of sixteen
I joined that jolly band,
And marched from San Antonio
Out to the Rio Grande.

"Our captain, he informed us,
Perhaps he thought it right,
Before you reach the station,
Said he, you will have to fight.

"I saw the smoke ascending,
It seemed to reach the sky,
And the first thought that struck me,
Is this my time to die?

"I thought of my mother,
Who, in tears, to me did say,
To you they are all strangers,
With me you had better stay.

"I told her she was childish;
The best she did not know;
My mind was bent on roving,
And I was bound to go.

"I saw the Indians coming,
I heard them give the yell;
My feelings at that moment,
No tongue can ever tell.

"Oh! Then the bugle sounded,
Our captain gave command;
'To arms! To arms!' he shouted,
And by your horses stand.

"I saw the Indians coming,
Their arrows round me hailed,
And for a moment, boys,
My courage almost failed.

"I saw the glittering lances
The painted warriors bore;
And we fought them full two hours
Before the strife was o'er.

"Five of the noblest Rangers
That ever saw the West,
Were buried by their comrades;
I hope they are at rest."[89]

Texas Folksong c. 1850

The exploits and activities of the Texas Rangers have been immortalized in song, print, and the popular media from almost their inception. Due to this, today, they are among some of the most easily recognizable figures in Old West and law enforcement history. This circumstance may be attributed to both their success in addressing social disorder and to their early entrenchment in the shared cultural identity of Texas and the nation. Recognition came at a price, however. While white society in Texas predominantly admired the Rangers, minorities developed a resentment of them due to heavy-handed treatment. This circumstance left the organization's heritage both contradictive and controversial.

The development of the Texas Rangers' bifurcated reputation may be attributed to the weaknesses of their early, martial-like approach to rural range

[89] A. J. Sowell, *Rangers and Pioneers of Texas* (Austin: State House Press [1888], 1991), 231-232.

civilian security. Established as small, loosely connected groups of volunteers and local militia, early Rangers responded initially to hostile Native Americans. Centrally organized under a local chief executive, these groups relied exclusively on the successful use of coercive force and punitive action. Highly adaptable, the Rangers learned to respond rapidly to critical security threats, even over great distances. Additionally, they developed specialized skills designed for plains and borderland guerilla warfare, and capitalized on unique or technologically advanced weaponry.

Other factors associated with their success and longevity relate to the general utility of the Rangers as a public security mechanism as well. As a highbred security structure, the Rangers served at various times in both a military and civilian police capacity. Organizing and disbanding over short periods of time and according to need—usually for just three months at a time—they served without uniforms or other forms of martial regalia. Rangers also provided their own mounts, firearms, and camp equipage. In this manner, early Rangers proved both an economical and efficient alternative to a standing army and a ready source of coercive power for political and economic elites.

Though this approach proved highly effective in the attainment of stated short-term goals, it also fell prey to a number of pitfalls and shortcomings. Due to their early structure as a volunteer militia, the Texas Rangers developed without a lateral system of checks and balances on police power traditionally found at the local level. Their narrow coercive duties also placed them perpetually in an adversarial position and precluded them from performing service duties typically

viewed as benevolent in nature. Lastly, power organized in this fashion was easily corrupted and left subdominant sectors of society vulnerable to abuse. Due to this, the Rangers suffered charges of racism, abuse of power, and political favoritism.

The evolution of the Texas Rangers as a civilian security structure developed in tiers and paralleled that of Texas itself. In doing so, it also established a pattern of law enforcement practices that subsequent rural security agencies emulated to various degrees—experiencing many of the same successes and foibles as their predecessor. Among these was commonly found, an initial period of success in the attainment of stated goals and objectives. This success then frequently led to an increase in size and an expansion of authority, jurisdiction, and/or responsibilities. Once initial aims had been accomplished, however, these groups eventually reinvented themselves by shifting or expanding focus or definition of critical security threat or disbanded according to the desires of individual legislatures.

Though overlapping in duties already performed by Federal and local authorities, the Rangers in Texas successfully navigated attempts at complete disbandment by their legislature for a century. They persisted as an independent entity for this length of time due to their convenience as an executive tool of coercive force and their ability to win public support via media endorsement. At the time of their absorption into the Texas Department of Public Safety in 1935, the Texas Rangers had successfully been embedded as an important element of both national mythology and Texas culture.

Leading experts trace the beginning of the Texas Rangers to the introduction of 300 Anglo-American families into Texas in 1821.[90] Led by Stephen F. Austin, the arrival of these immigrants signaled the beginning of radical change in the manner in which future governments addressed Anglo public security in the region. As former citizens of the United States, Austin's group brought with them a number of notions related to militia organization from home. Earlier, groups such as Robert's Rangers gained widespread recognition during the Revolutionary War. The frontier states had likewise already encountered various irregular troops of Indian fighters dubbed "rangers." Together, American settlers also shared a familiarity with the Militia Act of 1792[91]

Aside from local, ranging militia groups, the new arrivals shared previous experiences with mounted slave patrols in the South. The majority of Austin's settlers were Southern slave owners themselves. At the time, states like Virginia and South Carolina commonly formed bands of organized local slave patrols in order to control the movement and behavior of blacks. These mounted patrols largely supervised rural districts. Despite this background, the new arrivals proved woefully inadequate in providing for their own protection. Shortly after the colonists' entrance, Mexico won its independence from Spain. Now under a new

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[90] Texas Department of Public Safety, "Historical Development," accessed, October 4, 2011, http://www.txdps.state.tx.us/TexasRangers/HistoricalDevelopment.htm

[91] Thomas T. Smith, *The Old Army in Texas: A Research Guide to the U.S. Army in Nineteenth-Century Texas* (Austin: Texas State Historical Association, 2000), 27.

and still developing government, Austin's colony was vulnerable to Native American incursions due to lack of an army presence in the area. In response to public security needs, Governor José Félix Tespalacios ordered the immigrants to establish a local militia.[92] At the same time, Austin was granted broad powers of military and civilian authority by the national government. Receiving the rank of Lieutenant Colonel of the militia, his powers included the ability to: 1. Organize a body of national militia, 2. Wage war on the Indians, and 3. Serve as the civilian administrator of justice within his colony. Theoretically, as an isolated frontier island of population, this circumstance placed Austin in the position of chief executive.[93]

Acknowledging the inadequacy of the militia, Austin hoped to organize a successful response to critical security threats posed by local populations of Native Americans. At that time, Indians held a distinct military advantage over the Anglo newcomers. This was because they were now mounted on American mustangs, animals well adapted over the years to life on the open range and now highly mobile. Able to strike rapidly, mounted raiding parties easily escaped over vast distances in a relatively short amount of time. Settlers, on the other hand, were comprised predominantly of immigrants who were farmers, not frontiersmen. They lacked the skills and personal resources necessary to spend days at a time in the saddle away from family and farm. Facing tribes well versed

[92] Henry W. Barton, "The Anglo-American Colonists Under Mexican Militia Laws," *The Southwestern Historical Quarterly*, v. 65 (July 1961-April 1962), 67.

[93] Barker, "The Government of Austin's Colony," 226.

in guerilla warfare, these settlers also lacked efficient organization, appropriate arms, and battlefield training suitable to the time and place.

Additional early stumbling blocks included an inability to respond rapidly to critical security threats. Many colonists owned only draft plugs—animals bred for fieldwork. Poor road systems also prevented rapid mobility and effective communications in times of disaster.[94] In order to address this, Austin envisioned the formation of a small, fulltime, mounted force designed to range the frontier on permanent duty. He wrote the term "rangers" for the first time in 1823, charging the group with the "common defense" of the settlement.[95]

Many of the American traditions of rural public security transplanted into Texas by the settlers blended easily with those already established by Native Americans and the Spanish government. In most cases, frontier rural ranging groups elected their own officers, provided their own gear, and served without uniform. Interestingly, American police in urban areas also served without uniform. This is because uniforms were considered un-American due to the appearance they gave as that of a standing army.[96] Aside from this, however, in a rural setting and for guerilla warfare purposes, uniforms were also highly

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[94] Robert M. Utley, *Lone Star Justice: the First Century of the Texas Rangers,* (NY: Oxford University Press 2002),17.

[95] Texas Department of Public Safety, "Historical Development," accessed, October 3, 2011, http://www.txdps.state.tx.us/TexasRangers/HistoricalDevelopment.htm

[96] David R. Johnson, *American Law Enforcement: A History* (The Forum Press, Inc., 1981), 28.

impractical on the frontier. Therefore, each ranger was permitted to select whatever he wished to wear.

Despite these rocky beginnings, ranging groups established rural security traditions that were aggressive, proactive, highly mobile, well armed, and capable of rapid response.[97] As individual local groups, Ranger units resembled each other in military organization and discipline, though they operated independently of each other.[98] Learning to emulate the warfare tactics of their Native American foes and to breed more appropriate varieties of horseflesh, members of these early groups served only short, three-month terms of service.[99]

Designating themselves variously as mounted volunteers, mounted gunmen, and spies, early ranging groups formed and disbanded for short terms of enlistment according to need, and with centralized authority remaining in the hands of local executives.[100] Highly adaptable, within decades the members of

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[97] Santoni, *A Fear of the People*, 270; Charles M. Robinson III, *The Men Who Wear The Star: The Story of the Texas Rangers* (NY: Random House, 2000), 14; "Texas Rangers," *The Handbook of Texas Online*, accessed, September 20, 2011, http://www.tshaonline.org/handbook/online/articles/met04

[98] Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Harvard University Press, 2001), 8.

[99] Texas Ranger Museum, "Ranger History in Brief, pt. 1," accessed, September 15, 2011, http://www.texasranger.org/history/BriefHistory1.htm

[100] Robinson, *The Men Who Wear The Star*, 14; Stanley C. Green, *The Mexican Republic: The First Decade 1823-1832* (University of Pittsburgh Press, 1987), 3.

these organizations were described by many as men who could "ride like a Mexican, trail like an Indian, shoot like a Tennessean, and fight like the devil."[101]

TEXAS INDEPENDENCE

Following Texas independence from Mexico in 1835, rural range public security practices continued to prove useful to social elites as a ready public security solution for the new, cash-strapped, Republic. President Sam Houston felt little need for a large standing army during times of peace. Rather, he promoted the use of Rangers to protect the Texas frontier. [102] Acknowledged as both an effective and economical alternative to a full time army, the initial authorization of 25 men quickly increased to a battalion of three companies of 56 volunteers each. This public security structure reached a national level with article 9 of the Organic Law on November 13, 1835.[103] Not yet referred to officially as "Texas Rangers," as a security structure, Rangers enjoyed broader power and authority than they had under Mexican rule. Despite this, much still remained the same as men were still mustered in for short enlistment periods and continued to provide their own horses and gear.[104]

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[101] Texas Ranger Hall of Fame, "Ranger History in Brief-Part 1," accessed, September 16, 2011, http://www.texasranger.org/history/BriefHistory1.htm

[102] Llerena Friend, *Sam Houston The Great Designer* (University of Texas Press, 1954), 257.

[103] Texas Ranger Hall of Fame, "Laws Founding and Organizing the Texas Rangers," accessed, September 16, 2011, http://www.texasranger.org/ReCenterorg1835.htm

[104] Allan Robert Purcell, *The History of the Texas Militia, 1835-1903* (The University of Texas, Austin, 1981), 78.

DEFINING FACTORS IN THE DEVELOPMENT OF RURAL RANGE POLICING

Several critical elements shaped the Texas Rangers as a rural range public security agency over the course of their career as an independent organization. These included race, the use of specialized weapons, frontier survival skills, and celebrity status within American culture.

RACE

It is not surprising that the Texas Rangers faced repeated accusations of racism given their development within a multicultural region and law enforcement structure. As a result, much time and discussion have been devoted to the Rangers' foundational roles as Indian fighters and border patrolmen along the U.S.-Mexico line. Their exclusive use of coercive or brute force guaranteed them an eventual and a well-deserved reputation for brutality among these populations.[105] What has been given minimal attention or analysis, however, is the notion that early settlers and Rangers themselves transferred racism into the area. Considered a "subcultural continuum" due to the fact that most were Southerners, racial attitudes, according to this argument, connect Texans' racial attitudes towards Native Americans and Mexicans to their former status of Southern slaveholders.[106] Author Edward L. Ayers substantiates this sentiment

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[105] Kelly Lytle Hernández, *Migra! A History of the U.S. Border Patrol*, (University of California Press, 2012), 20.

[106] "Texans Are Different," *The Science News-Letter*, v. 69, n. 3 (January 21, 1956), 38.

when he argues that Southerners bequeathed their penchant for violence to others as slave owners.[107]

Of central importance is recognition of the fact that most early immigrants to Texas arrived with chattel property from the South—predominantly from states such as Louisiana, Arkansas, Mississippi, and Missouri. Here, virulent racial attitudes and an attraction to all things martial fermented for centuries due to sustained threats of black uprisings and insurrection. Texas immigrants—cotton farmers depended upon slavery to ensure the success of their endeavors—thereby transplanted southern attitudes into Texas with the introduction of black slavery.[108]

Enlarging on this argument are some experts who promote the notion that origins of local populations contribute greatly to the character of a given region. If this is true, then one may easily see an argument for this thesis in the development of the history of Texas.[109] Here, one in five settlers was a slave.[110] Also, the desire for the establishment of black chattel slavery is reflected in the colony's founding legislation. Austin felt slavery to be a necessary evil. He therefore

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[107] Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th Century American South* (Oxford University Press, 1984), 11.

[108] Utley, *Lone Star Justice*, 14; Campbell, *Gone To Texas,* 101; R. Don Higginbotham, "The Martial Spirit in the Antebellum South: Some Further Speculations in a National Context," *The Journal of Southern History*, v. 58, n. 1 (Feb. 1992), 3.

[109] Terry G. Jordan, "Population Origins In Texas, 1850," *Geographical Review,* v. 59, n. 1 (Jan. 1969), 83.

[110] Leon C. Metz, *Border: The U.S.-Mexico Line* (Fort Worth: TCU Press, 1989), 126.

partitioned land according to family size and slave ownership. Criminal law also reflected overt racial attitudes as legislation regulating slavery in Texas mirrored southern slave codes.[111] Tensions related to slavery in Texas also increased with the passage of the Colonization Act of 1827—legislation that prohibited slavery in Mexico. Texas, however, received exemption from abolition and slave owners continued to expand its use.[112]

Following independence from Mexico, numbers of slaves attempting to escape across the border increased. As a result, one ranger captain proposed stationing more rangers along the border as a means of circumventing a mass exodus of blacks from Texas into Mexico.[113] Offering rewards and advertising in local newspapers for the return of their property, slave owners, at times, hired agents or Rangers to travel to Mexico to collect their escapees. Often these incidents could backfire. When Robert Lott of Goliad County and some ranging companies attempted to recapture two escapees, strong resistance resulted in the deaths of the slaves and their Mexican companions.[114] Among the more infamous of such incidents was that related to Ranger Captain James H. Callahan. In

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[111] Mark A. Burkholder and Lyman L. Johnson, *Colonial Latin America*, 7th ed., (NY: Oxford University Press, 2010), 145; Campbell, *Gone To Texas*, 102-103.

[112] Ibid., 107; Ethan A. Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement* (The Pennsylvania State University Press, [1993] 1997), 42.

[113] "Outrages in Texas," *New York Daily Times*, January 18, 1855, 4; Ethan A Nadelmann, *Cops Across Borders: The Internationalization of U.S. Criminal Law Enforcement* (Penn State Press), 43.

[114] "Later From Texas," *The New York Times*, April 15, 1853, 2.

October 1855, he led 115 men into *Piedras Negras*, Mexico, allegedly in pursuit of a group of Lipan Apaches. After capturing several escaped slaves, flooding unexpectedly prevented their successful getaway. The Mexican army eventually expelled the invaders, but not before the group burned the town. The incident cost the United States $50,000 dollars in damages.[115]

Ranger leadership, as slave owners themselves, could also sometimes be described as "specialists in violence." Deeply embedded racial attitudes may clearly be seen among several of the most prominent Ranger leaders during the formative years of public safety in Texas. Officers such as Captain G. W. Arrington had served as a former Confederate army officer, had lynched a black man, and led the local Ku Klux Klan in Alabama before immigrating to Texas.[116] The personal testimony of Texas Ranger James Buckner Barry, who was a slave owner himself, substantiated a deep-seated hatred towards blacks in Central Texas.[117] Likewise, noted Ranger Captain John S. "RIP" Ford justified his racism by claiming that slavery was "an institution founded by God." Along this line, he reasoned that if slavery was wrong, then so was the Bible.[118]

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[115] Kelley, "'Mexico in His Head," 718; Metz, *Border*, 127.

[116] Andrew R. Graybill, *Policing the Great Plains. Rangers, Mounties, and the North American Frontier* (University of Nebraska, 2007), 36. James Buckner Barry, *Buck Barry, Texas Ranger and Frontiersman* (University of Nebraska Press, 1978), xi.

[117] Ibid.

[118] Richard B. McCaslin, *Fighting Stock John S. "Rip" Ford of Texas* (The Texas Biography Series, n. 3, 2011), 51-52.

With such indelible racism emblazoned on the psyche of Rangers, its is little surprise that over the course of the next century, race continued to play a central role in determining the behavior and actions of Texas Rangers towards minorities including Native Americans, peoples of Mexican descent, and others. Notoriously racist in daily practice, some believed it was no crime in massacring Native Americans or in killing Mexicans.[119] Racism became so blatant towards those of Mexican descent, in fact, that one Ranger stationed near the boarder boasted of terrorizing Mexicans at every turn, letting no opportunity go.[120] Because of this approach to policing and public security, minority segments of the population came to resent the Rangers. By the 1890s, Spanish speakers coined disparaging songs and phrases such as: "*Rinche, rinche, cara de pinche*," meaning, "Ranger, ranger, face of a bug." One unfortunate after-effect of this reverse discrimination against Texas Rangers came to be that the insult, "*rinche*," eventually transferred from the Rangers to any white law enforcement official, and then to any Anglo with a gun. This circumstance is not surprising given the fact that large numbers of former Rangers frequently joined other law enforcement agencies following the termination of enlistment periods. Men such as William Old, for example, a one-time Texas Ranger, went on to also serve with

[119] Ibid., 164.

[120] Benjamin Heber Johnson, *Revolution in Texas: How a Forgotten Rebellion and Its Bloody Suppression Turned Mexicans into Americans* (Yale University Press, 2003), 12.

the Arizona Rangers and then the New Mexico Mounted Police.[121] The ill effects of Ranger misbehavior or racism on the job also resulted in negative effects manifesting themselves within some segments of the Anglo community. Though many Texas Rangers were well educated, cultured, and sincere in their intent to serve justice, claims that the group was drawn from the dregs of society and operated without impunity circulated freely.[122]

SPECIALIZED WEAPONS AND SKILLS

Notable earmarks of the ranging tradition include the use of specialized weaponry and warfare skills. Initially, aggressive Indian tribes including the Kiowa, Comanche, and some Apache, enjoyed a number of advantages over Anglo settlers. As horsemen and archers, these groups were unexcelled while Rangers suffered due to inferior firearms. Armed with unwieldy muzzle loading rifles, they found it necessary to dismount in order to fire accurately. Native Americans, however, enjoyed the ability to fire several arrows with deadly accuracy in the same time that it took a Ranger to reload after one shot. This circumstance changed when Ranger Captain, Jack Coffee Hays discovered Samuel Colt's revolving pistol.[123]

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[121] Ibid., 70; Chuck Hornung, *New Mexico's Rangers: The Mounted Police*, (Images of America, Arcadia Publishing, 2010), 67.

[122] Frederick Wilkins, *Defending the Borders: the Texas Rangers, 1848-1861* (Austin: Sate House Press, 2001), 39.

[123] Fehrenbach, *Comanches,* 303.

Immediately recognizing the value of the firearm, Hays procured a number of these weapons for his men.[124] Easily fired from horseback with one hand, the pistol provided one man with the firepower of six. Beginning in 1844, the weapon began to prove its usefulness in battle, eventually assuming a large role as part of Ranger mythology. In this manner, the Rangers also inadvertently ensured the sidearm's later place as standard equipment in the U.S. Cavalry, within other law enforcement organizations, and in Western history.[125]

Captain Hays also worked to improve the warfare skills of his men on the battlefield. Borrowing heavily from the riding techniques and equipment of Mexicans and Native American horsemen, he and subsequent Ranger leaders, drilled their men daily in both marksmanship and riding.[126] One recruit, Jim Nichols, recalled that after three to four months the men could run their horses at full speed and still "pick up a hat, a coat, a blanket or rope or even a silver dollar [from the ground]." Also, that Rangers could stand in the saddle or throw themselves to the side of their horse and fire accurately from beneath its neck.[127]

RANGER LEADERSHIP

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[124] Robinson, *The Men Who Wear the Star*, 70.

[125] Eric Mottram, "'The Persuasive Lips': Men and Guns in America, the West," *Journal of American Studies*, v. 10, n. 1 (April 1976), 63; see also Robert M. Utley, "The Texas Ranger Tradition Established: Jack Hays and Walker Creek," *Montana: The Magazine of Western History*, v. 52, n. 1 (Spring 2002); "The Colt Revolver," *The Atlanta Constitution*, September 4, 1938.

[126] McCaslin, *Fighting Stock,* 67.

[127] Utley, *Lone Star Justice,* 8.

Leadership contributed a great deal towards the success and building of the mythology of the Texas Rangers both within ranger ranks and in the general pubic perception. Unlike other means of law enforcement employment, a wide variety of youthful personalities seeking adventure were drawn to the organization. As such among the ranks of the Ranger could be found many future prominent businessmen, authors, doctors, lawyers, and politicians, men who possessed substantial leadership capabilities.[128] This was to play and large role in the formation of Ranger legend. Much of the mythology surrounding Rangers centered on their Captains and the notion that—as a group of hardy individualists—Texas Rangers could not be commanded, only led. Ranger Captains were therefore described as brave, independent, hardy, ever ready for a fight, and able to command respect. Without doubt, many failed to live up to such hype, however, as some displayed blatant disregard for life or authority, feeling that they were an entity unto themselves.

One instance of this may be found in Captain Leander H. McNelly, an ex-student of theology, entered Mexico illegally in pursuit of stolen cattle. After mistakenly entering the wrong ranch and murdering a dozen Mexicans, Federal authorities demanded that he return immediately to the United States. Determined not to cross the border without the stolen property, the captain responded, "Give

[128] "The Texas Rangers!!" *New York Daily Tribune*, November 17, 1847; "Capt. Walker of the Texas Rangers," *New York Daily Tribune*, February 19, 1851, 1.

my compliments to the secretary of war and tell him and the United States soldiers to go to hell."[129]

MASONRY

One unifying element among the Rangers and other prominent members of the Southwest was the fraternity of Freemasons. As an influential association, many prominent early Americans had been attracted to this organization. Leadership on both sides of the Texas border appears to have been fascinated by Masonry membership. Both Santa Anna and Austin joined lodges, as did a number of officers at the Alamo. Over the course of the nineteenth century, Masonry continued to attract a large number of prominent men who either served as Rangers, or who supported the Texas Rangers as a public security organization.[130] Part of this may be attributed to the fact that membership provided connections to higher social circles and brought with it a number of social benefits as it undoubtedly opened doors to better opportunities and provided the means for establishing important social networks.[131]

MEDIA IMAGES OF RANGERS

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[129] Metz, *Border*, 153.

[130] Pete Normand, *The Texas Masons. The Fraternity of Ancient Free and Accepted Masons in the History of Texas* (Brazos Valley, TX: Masonic Library and Museum Assn, 1986) also Joseph E. Bennett, *Sixguns and Masons. Profiles of Selected Texas Rangers and Prominent Westerners* (Highland Springs, VA: Anchor Communications, 1991) and *Masons Along the Rio Bravo* (Waco: Masonic Grand Lodge Library and Museum of Texas, 1996).

[131] Barry, *Buck Barry,* 69.

Because the Texas Rangers made good press, the organization was successful, over all, in capturing media attention and thereby immortalizing themselves in the public imagination and shared national mythology. As part of this, two competing images of the Texas Rangers evolved. The most predominant of these portrayals was that of the Rangers as shining heroes or faithful servants of law and order.[132] In this light, borderland youths often aspired to join the gallant band.[133] Leading families encouraged Rangers to court their daughters.[134] Overtime, even Ranger horses gained a degree of fame…at least one of these for an alleged ability to track criminals through smell.[135]

Though it was sometimes stated that a Ranger never shot unless it was to kill when facing criminals, rogue Rangers helped to develop a darker image of the organization once the criminal was captured.[136] Dating back to early Spanish traditions that allowed criminal justice officials to act as police, judge, jury, and executioner, this perception may be attributed in part to the cultural tradition of handling matters themselves. Rather than to risk the chance that a suspect might

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[132] Ibid., 22.

[133] James B. Gillette, *Six Years With the Texas Rangers, 1875 to 1881* (Chicago: The Lakeside Press, 1943), 41; "The Late Col. Ochiltree," *Alexandria Gazette*, November 27, 1902, 1.

[134] Ira Aten, *Six and one-half Years in the Ranger Service: The Memoirs of Ira Aten* (Bandera, TX: Frontier Times, 1945). 67.

[135] "Horses Trained to Trail Criminals," *The Salt Lake Tribune*, November 14, 1909, 38.

[136] Manuel Callahan, *Mexican Border Troubles: Social War, Settler Colonialism and the Production of Frontier Discourses, 1848-1880*, (PhD diss., The University of Texas at Austin, 2003), 64.

bribe their way to freedom or escape justice on a technicality, some Rangers were noted for a reliance on what was known as "*ley de fuga*" or "*ley fuga.*" This Mexican rule of flight justified the shooting prisoners in the process of escape. While some questioned the high number of deaths attributed to this practice, those implementing the action argued that it was convenient, practical, and saved a great deal of taxpayer expense in the transportation and housing of prisoners, and in court costs. Other behaviors contributing to negative perceptions included frequent illegal invasions into Mexico when incidents of transnational crime were involved.[137] This policy continued well into the twentieth century.[138]

While Hispanic images of the Rangers were traditionally documented in folk songs known as *corridos* and oral traditions, some negative Anglo perceptions were preserved in print. Described as reckless, wild-eyed, and swaggering by some observers, one author during the 1850s advised as to the true character of Rangers: "Do not picture the Ranger as you read of him in the newspapers, as brave and reckless but with a redeeming trait of chivalry…The Rangers are rowdies; rowdies in dress, manner and feeling."[139]

PSYCHOLOGICAL BENEFITS OF RANGER STATUS

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[137] Some examples of this include: "Texas Rangers, Waiting to Jump Across Rio Grande, Never Wound—Always Kill," *The Day Book*, March 17 1914, 10; "Two Texas Rangers Defy 300 Mexican Rebels, *The Day Book*, May 30, 1912, 13.

[138] Nadelmann, *Cops Across the Border*, 66.

[139] Arnoldo De Leon, *They Called Them Greasers: Anglo Attitudes Toward Mexicans in Texas, 1821-1900* (Austin: University of Texas Press, 1982), 76.

The mythology of the Texas Rangers could not have come about without the early and continued support and/or endorsement of the nineteenth century American Anglo media. As their own best boosters, many positive portrayals of the Rangers came from within their own ranks. Well-educated Rangers such as John Ford, Napoleon Jennings, Ira Aten, and James Gillette published personal accounts and memoirs that extolled the virtues of life as a Ranger. As celebrities, service in the Rangers often translated into a number of social and psychological benefits. Such regard was held for service, for example, that membership was frequently mentioned in obituaries—even if the deceased were merely the relative of a ranger.[140] During one bizarre court case, the defendant capitalized on Ranger prestige in the hope of escaping a lengthy prison term. Accused of attempting to elope with an underage girl of fourteen, J. W. Hatfield, a survivor of Kentucky's infamous Hatfield-McCoy Feud pleaded for leniency by claiming, "I served in the Spanish war at San Juan hill. I have been a ranger in Texas and Arizona and have been a deputy sheriff in California." Hatfield received the minimum sentence—five years in the San Quentin penitentiary.[141]

Ranger service also frequently translated into fame, honor, and respect in social settings.[142] These psychological benefits provided an edge in business and

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[140] "W. K. Hanson Dies; Former Atlantan," *The Atlanta Constitution*, September 27, 1938, 7.

[141] "Plea That Moves Court to Mercy," *The Salt Lake Tribune*, November 5, 1909, 2.

[142] For examples of this see, "Heard and Seen in Public Places," *The Times Dispatch*, August 18, 1908, 4; "Death Summons Tom Ochiltree," *The San Francisco Call*, November 26, 1902, 4.

politics. For example, gubernatorial aspirant Elisha M. Pease, recognized the perils of unseating an incumbent who had been a "Ranger, Indian fighter, Buffalo hunter, etcetera, all of which ostensible occupations raise a bright and attractive plume in the cap of a candidate."[143]

Leading capitalists, industrialists, and politicians who benefited the most from the use of Rangers as a source of power and patronage, helped to promulgate positive images of the Rangers as well. Eventually, even the "Ranger" name itself became beneficial as an advertising or promotional tool. During the twentieth century, enterprising businessmen began attaching the Texas Ranger name to investments and ventures such as oil wells, cars, and sports teams, while political pundits named counties and towns after particularly prominent Rangers. Even Tom Mix, a well noted movie star and Freemason, attempted to boost his Western movie star image by claiming that he had once served as a Texas Ranger.[144]

As American demands for sensational entertainment increased, the popular media continued to further ensconce the cultural image of the Texas Rangers as valiant heroes of the plains, regardless of realities. This development may be easily traced through the appearance of increasing numbers of dime store novels, news and magazine articles, and stage productions such as "A Texas Ranger." Billed as a story with "very little fictitious embellishment to the already

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[143] Mark E. Nackman, "The Making of the Texan Citizen Soldier, 1835-1860," *Southwestern Historical Quarterly,* v. 78, no. 3 (Jan 1975), 235-6.

[144] See *El Paso Herald*, December 13, 1919, 25; "White Slave," *El Paso Herald*, August 16, 1913, 7A; William R. Denslow, *10,000 Famous Freemasons from K to Z*, v. 3 (Whitefish, Mont: Kessinger [1959] 2004), 212.

interesting facts," this particular production promised a melodrama that "burns powder…abounding in heart interest and thrilling climaxes."[145] By the end of the twentieth century, the list similar popular culture productions included an extensive number of radio, television, and cinema productions.

Thus entrenched in shared cultural mythology and public imagination, the Rangers came to enjoy a great degree of celebrity status among some of the nation's most powerful policy makers including several presidents, most notably, Theodore Roosevelt. As a former Rough Rider, Roosevelt served with a number of Texas Rangers during the Spanish-American War. As president, Roosevelt continued to maintain these friendships, even inviting Captain Bill MacDonald to accompany him on hunting trips in Texas and Africa.[146]

ANNEXATION

Following Texas independence from Mexico and annexation by the United States as the nation's 28th state in 1845, rural range policing once again underwent great change. Though their numbers fluctuated over time during the years between Texas independence and annexation by the United States, the authorized numbers of Rangers grew exponentially. Legislation in 1835 provided for one hundred and fifty men. By1844, the Republic of Texas had authorized a battalion. Ranger duties also expanded. Though the Federal Government now assumed responsibility for the control of Native Americans in Texas and the

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[145] "'A Texas Ranger' Coming" *The Bemidji Daily Pioneer*, October 21, 1909, 4.

[146] "Captain Bill To Go With The President," *Bisbee Daily Review*, August 30, 1908, 1.

protection of the border, its military presence in the Southwest was weak and unable to address many critical security threats. As a ready backup to the Army, the Rangers continued to address threats posed by Native Americans to the north and Mexicans bandits and white outlaws along the southern border. Because these were predominantly Federal responsibilities, Texas hoped that Washington would assume the expense of Ranger upkeep during periods of activation. Federal leadership hesitated, however, in the fear, in part, that to do so implied that the Army had failed to fulfill its military obligation.[147]

THE MEXICAN AMERICAN WAR

In addition to already existing prejudices, during the Texas war for independence, Texans developed a strong hatred for Mexicans. This was in response to wrongs the Americans felt had been heaped upon them by Mexican soldiers. Anxious for a chance at revenge, following the outbreak of war with Mexico, large numbers of "Texians," as they commonly referred to themselves, enlisted. Among them were such Texas Ranger notables as Samuel Walker, Ben McCulloch, and John "Jack" Coffee Hays. Serving with the U.S. Army regulars, the Texas volunteers referred to themselves as Texas Rangers. Still more of a public safety practice at this time, men continued to volunteer to serve for short three to six months terms as mounted groups of citizen-soldiers. First mandated to patrol the frontier in order to guard against Native American incursions, Ranger

[147] Texas Ranger Hall of Fame and Museum, "Organization of Jack Hays's Company of Rangers," accessed, September 29, 2011, http://www.texasranger.org/ReCenter/org1844.htm

duties expanded following independence from Mexico to include patrolling the southern border.[148]

Up to this point, the Rangers had gained little attention outside of Texas. The Mexican American War brought them fame on a national level, however. Serving under Brigadier General Zachary Taylor, they developed a reputation as effective mounted troops. As such, they helped to guard supply lines, served as spies or scouts, and excelled in combat. Wearing what they pleased and mounted on Texas horses, the volunteers usually appeared heavily armed with a knife, a rifle, a brace of pistols, and one or two repeating Colt five-shooters. Due to their unique fighting style, warfare antics, and attired in such a fashion, the Texas volunteers created a media sensation.[149] While some described the young Texans as vigorous, kind, generous, and brave, others accused them of being lawless and vindictive in spirit. Wild and unruly off the field, the Texas volunteers proved a constant source of irritation to leadership.[150] Determined to satiate their desire for revenge, they justly earned the nickname, *Los Diablos Tejanos* (the Devil Texans) from the Mexicans by the end of the conflict.[151] Following the war, it was

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[148] Robert Utley, "Los Diablos Tejanos," *The Quarterly Journal of Military History*, v. 14, n. 3 (Oct, 1970), 86.

[149] Ronnie Tyler, "The Rangers at Zacualtipan," *Texana*, (v. 4, n 4, 1966), 341.

[150] Friend, *Sam Houston*, 176.

[151] Utley, *Lone Star Lawmen*, 3; Tyler, "The Rangers at Zacualtipan, 341;"Hard Road to Texas: Texas Annexation 1836-1846," Texas State Library and Archives Commission, accessed, September 27, 2011, https://www.tsl.state.tx.us/exhibits/annexation/index.html

recorded that the Texans complained on the way home that now they had "no further opportunities to engage in their favorite pastime of killing 'greasers.'"[152]

Despite their bloodthirsty actions during the Mexican American War, the Texas Rangers remained heroic media sensations in America. This is not surprising given the fact that a developing consumer base in the United States was becoming increasingly attracted to sensational themes related to violence and crime. Additionally, Americans had developed a strong admiration for self-reliance and individualism as desirable elements of ideal manhood.[153] Following the war and throughout the remainder of their existence as an independent public security agency, the Rangers' image remained heroic in the eyes of the majority of Anglos and execrable in those of Hispanics.[154]

RANCHING AND RURAL RANGE POLICING

Following independence from Mexico, Anglo capitalists successfully consolidated and monopolized large parcels of the choicest properties across the Southwest, despite guarantees set in place by the Treaty of^^ Guadalupe Hidalgo.[155] West Texas cattle baron, Richard King is frequently cited as an

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[152] Tyler, "The Rangers at Zacualtipan," 350.

[153] See Kristofer Allerfeldt, *Crime and the Rise of Modern America: A History from 1865-1941* (Routledge, 2011).

[154] For examples of this, refer to events and people as found in F. Arturo Rosales, *Chicano! The History of the Mexican American Civil Rights Movement* (Arte Publico Press, 1997), 10-11.

[155] Graybill, *Policing the Plains*, 69; Arnoldo De León and Kenneth L. Stewart, "Lost Dreams and Found Fortunes: Mexican and Anglo Immigrants in South Texas, 1850-1900," *The Western Historical Quarterly*, v. 14, n. 3. (July 1983), 296.

example of this circumstance. During the second half of the nineteenth century, the King Ranch eventually reached more than 825,000 acres as non-Anglo land ownership slipped to less than 50%.[156] This percentage dwindled to 29% by 1900. By this time, many non-Anglos who had been stripped of their former homes and ranches felt that they had effectively become "strangers in their own land."[157] No venture played a larger role in this development than that of ranching.

Following the Civil War, the livestock industry reached its pinnacle of economic influence and political power in Texas. This was particularly true along the lower Rio Grande.[158] Due to ready amounts of cash and livestock, the region attracted large numbers of criminals. As a result, a virtual reign of terror in outlawry and brigandage occurred from 1871 to 1875, though cattle rustling and smuggling continued to present major law enforcement concerns until the 1880s.[159]

Unlike most law enforcement agencies of the time who operated on a system of fees and rewards for financial compensation, the Rangers were paid a monthly salary by the State in addition to the ability to collect rewards—a

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[156] Graybill, *Policing the Plains*, 108.

[157] Richard Henry Ribb, *Jose Tomas Canales and the Texas Rangers: Myth, Identity, and Power in South Texas, 1900-1920* (PhD diss., University of Texas at Austin), 23.

[158] McCaslin, *Fighting Stock,* 44.

[159] Graybill, *Policing the Plains*, 259; Robinson, *The Men Who Wear the Star*, 178-179; Nadelmann, *Cops Across the Border*, 64; Alonso, *Thread of Blood*, 164.

practice that often caused friction between local law enforcement and the Rangers. Well-noted as a generous benefactor of the Texas Rangers, cattle baron Richard King frequently awarded generous gratuities for services rendered and hosted the Rangers at his ranch during scouting expeditions.[160] In one instance, King rewarded the Rangers with $1,500, a sum that was split between the men.[161] Other benefactors and prominent citizens rewarded faithful service with employment. Former Rangers such as Ira Aten and John Armstrong were hired following their terms of enlistment to direct operations for such expansive outfits as the Matador or the XIT.[162]

The U.S. Army also relied on the Texas Rangers for assistance during times of need. Lacking sufficient numbers of cavalry troops, the Army found itself unable to successfully address critical security threats posed by Mexican bandits and hostile Native Americans during periods of unrest. For this reason the Federal government turned to the Rangers.[163] Though accusations of torture and lynching continued, their success in the containment of criminal behavior is undeniable in terms of the recovery of stolen livestock and the capture of infamous criminals.[164]

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[160] Utley, *Lone Star Justice*, 140.

[161] Graybill, *Policing the Plains*, 94.

[162] Frank Richard Prassell, *The Western Peace Officer, A Legacy of Law and Order* (Norman: University of Oklahoma Press, [1972] 1981), 142.

[163] William M. Hager, "The Nuecestown Raid of 1875: A Border incident," *Arizona and the West*, v. 1, n. 3 (Autumn 1959), 259.

[164] Gillett, *Six Years With The Texas Rangers,* 19.

Regardless of this record of service, over the final decades of the nineteenth century, and the early years of the twentieth, the Rangers did not enjoy the solid financial support of their legislature or citizenry. Many felt the Rangers to be an unnecessary taxpayer expense, as their duties overlapped considerably with both local law enforcement and the Army. Withstanding periodic attempts at disbandment, the organization fluctuated in size and numbers according to legislative appropriations. They also did not always function at full strength.[165] Despite these drawbacks, Rangers continued to prove their effectiveness by driving many criminals west towards the new and unsettled frontiers of Arizona, New Mexico, and south into northern Mexico.[166]

RANGERS AS OLD TIME LAWMEN, 1874

The outbreak of the Civil War effectively ended Ranger operations until Reconstruction. At that time, a Republican state legislature also instituted an ineffectual and hated state police force, in part because it included black officers among its ranks. Following the return of the Democratic Party to power in 1873, this early state police was disbanded. Though the need for a temporary militia or minuteman style of law enforcement organizations was diminishing, Texas still needed effective rural range police services.[167]

Responding to new critical security threats, the Texas state legislature transitioned the Texas Rangers from a volunteer force into a full-fledged law

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[165] Ibid., 19.

[166] Ibid., 51.

[167] Callahan, *Mexican Border,* 64.

enforcement institution in 1874. At that time, the Texas legislature reinvented its approach to rural range public security in two ways. Still reliant on skillful, mounted men, and the exclusive use of coercive force, lawmakers established a permanent, professional organization based on two branches, one designed to address Native American security threats, with the second designated to attend to the waves of lawlessness now connected to the U.S.-Mexico border. Titled respectively, the Frontier Battalion and the Special Forces, the Texas Rangers shed their volunteer citizen-soldier approach to public security to become duly commissioned officers of the law.[168]

The reorganization of the Texas Rangers as a hybrid, military-law enforcement entity, marked yet another transition in the development of public safety structures along the border. Formed originally to address critical security threats from outside sources, they were now also charged with threats posed from within their sponsoring society. In addition to attacks from Native Americans and banditry, Rangers also addressed any number of social disruptions lumped together under the title of "trouble." In this vein, the Rangers rendered professional law enforcement services such as the performance of detective work, addressing feuds and labor strikes, and guard duty for a variety of entities including the state during elections, heavy industrial ventures, and for political pundits who desired protective services.[169]

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[168] Utley, *Lone Star Justice,* 145.

[169] Texas Department of Public Safety, "Historical Development," accessed, September 16, 2011,

INDUSTRIALIZATION AND A NEW CENTURY, 1901

The Rangers realigned once again in 1901 due to a confused interpretation of wording found in the 1874 legislation. Section 28 of that act authorized only officers to make arrests. A new interpretation of this phrase reflected the general feeling that viewed Rangers by military rank as opposed to general servants of the law. This left the majority of men, as "privates" rather than "officers," without the proper authority to make arrests. Following this, lawmakers ultimately abolished the Frontier Battalion, reorganizing it as the Ranger Force. Still without uniforms, Rangers continued to provide their own arms and mounts and relied on frontier skills. As a hybrid, martial-law enforcement structure, traditional military drills, and training for Texas Rangers proved impractical. Not yet viewed as a profession but as a form of labor, few police agencies required much in the way of personnel qualifications or provided formal training to their recruits. The fact that Rangers were selected for their frontier skills and worked to improve them, made this organization unique.[170]

The mission of the Rangers continued to evolve with that of the state as it bridged the new century.[171] As industrialization came to rely increasingly on greater numbers of laborers, employees frequently found themselves in conflict

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http://www.txdps.state.tx.us/TexasRangers/HistoricalDevelopment.htm

Mabel A. Elliot, "Crime and the Frontier Mores," *American Sociological Review*, v. 9, n. 2 (April 1944), 189.

[170] Prassel, *The Western Peace Officer,* 70.

[171] Gillette, *Six Years*, 20.

with management. During these episodes, capitalists utilized the Rangers as private police forces to suppress or break labor protests. Other duties were more traditional and included assisting local officers in times of need, providing medical assistance during epidemics, enforcing gambling and liquor laws, and, in at least one instance, the prevention of a prizefight.[172]

REVOLUTION AND WORLD WAR I

The years 1910 to 1920 presented law enforcement with a number of dilemmas connected to the Mexican Revolution. As Texas shed its rough and ready image, the field of policing in the United States was beginning to realize the value of police forces that were free of local political control. Vested with the powers beyond those held by local peace officers, the Rangers were still viewed largely as a military arm of government acting directly under the authority of the state. This may be attributed, in part, to the fact that the State Adjutant General supervised both the Texas Rangers and the Texas National Guard.[173] By the turn of the century, some felt that the Rangers had finally outlived their usefulness as a frontier public security force. No longer threatened by hostile Native Americans or large bands of organized outlaws, state law makers reduced the number of

[172] Prassel, *The Western Peace Officer*, 155.

[173] "Shall the Texas Rangers Be Abolished?" *Bisbee Daily Review*, November 26, 1910, 2; "Passing of the Last Chief," *Virginia Citizen*, January 14, 1910, 2; "The Texas Rangers" *The Brownsville Daily Herald*, February 13, 1902, 1.

Texas Rangers to a mere handful of men. In November of 1910, the Texas legislature again attempted to abolish the organization altogether.[174]

Now entrenched in the public imagination as heroic frontiersmen, various papers across the nation rallied to the Rangers' defense, publishing stories that proclaimed them as "The Most Feared Body of Fighters Civilization Has Ever Known."[175] A November 6, 1910 edition of *The San Francisco Call*, painted this portrait:

> "…a little band of 28 men…who throw down the gauntlet to all the world, past and present, in the matter of pulling off stunts that are gloriously venturesome, that dally with death, that scorn odds that are a hundred to one, that know no force that is sufficient to turn them aside from a thing that they have set out to accomplish. These men make up the rank and file of Texas Rangers, a force that is more feared by miscreants than any other body of men that civilization has ever organized.
>
> "They carry law and order to the remote regions along the Rio Grande, where outlaws of the two nations take refuge. They carry it into the backwoods where feuds rage constantly, beside which those of Kentucky's mountains sink into insignificance. They carry it into such populous cities as San Antonio, where local political influence prevents local enforcement of the liquor laws, They carry it into every nook and corner of that great state of Texas, the extent of which is such that there are problems to face such as other states dream not of."[176]

While a national publicity campaign may have assisted in their preservation, it was the Mexican Revolution and the fear of violence spilling over

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[174] "May Abolish Texas Rangers," *The Washington Herald*, March 6, 1910, 21.

[175] William A. DuPuy, "Texas Rangers—Men Who Fear Not," *The San Francisco Call*, November 6, 1910, 13.

[176] Ibid.

into the United States that redeemed the Rangers.[177] Their numbers increased as they helped to patrol the border, enforce neutrality laws, serve as security for visiting dignitaries, and were utilized for espionage purposes.[178]

Now thoroughly politicized, applications for Ranger commissions flooded the desk of the governor. The Rangers went from a low of 13 prior to the Mexican Revolution to a high of 1000, including Special Ranger commissions. By the end of the revolution, those governors who had earlier encouraged the dismissal of the Rangers now strongly commended their work.[179]

Though the Rangers emerged intact from the Mexican Revolution and WWI (1910-1920), their oppression of Mexican-Americans in South Texas gained widespread attention during this era. As part of some of the most dramatic decades in the history of the Southwest, the Rio Grande became a virtual warzone. Gov. O.B. Colquitt, granting wide powers of authority, authorized mass

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[177] Charles H. Harris and Louis R. Sadler, *The Texas Rangers and The Mexican Revolution: The Bloodiest Decades, 1910-1920* (Albuquerque, NM: University of New Mexico Press, 2004), 54.

[178] "Revolutionary Uprisings in Persia and Mexico Threaten Civil Rebellion," *New-York Tribune*, July 5, 1908, 13; "Governor Campbell Orders Entire Ranger Force To Rio Grande Border, To Protect people and Property," *Palestine Daily Herald*, November 19, 1910, 1; Glenn Justice, *Revolution on the Rio Grande* (El Paso, TX: Texas Western Press, 1992), 9; "Revolutionary Uprisings in Persia and Mexico Threaten Civil Rebellion," *New-York Tribune*, July 5, 1908, 13; "Governor Campbell Orders Entire Ranger Force To Rio Grande Border, To Protect people and Property," *Palestine Daily Herald*, November 19, 1910, 1.

[179] John A. Fairlie, "Recent Extensions of Municipal Functions in the United States, Annals of the American Academy of Political and Social Science," *City Life and Progress*, v. 25 (March 1905), 98-99.

inductions. New Ranger companies sprang into action overnight with instructions to: "… keep them (Mexican soldiers/raiders) off of Texas territory if possible, and if they invade the State let them understand they do so at the risk of their lives."[180]

As Mexican soldiers attempted to escape capture across the border or to raid American ranches for supplies, many Anglos felt that they were in a struggle for their own survival. In reaction, Rangers and some Anglo citizens utilized ruthless tactics to combat Hispanic insurrection and Mexican invasion. In October 1915, General Funston of the Army commented on, among other questionable tactics, the number of arrestees shot while "attempting to escape."[181] Halting the economic development of the area, thousands were displaced and millions of dollars worth of property destroyed at this time. Tragically, by the end of the ordeal, Rangers, local lawmen, and vigilante groups had terminated the lives of an estimated 300 individuals without the benefit of trial.[182]

In January 1919, Representative José T. Canales of Brownsville demanded a legislative investigation into the conduct of the Rangers during the period 1915-1917. The results of this produced nineteen charges against the Texas Rangers, including accusations of murder, torture, and the assault of prisoners.[183] The

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[180] "Gov. Colquitt, In Fiery Statement, Affirms Right To Protect Texans and to Shoot Back Over Border," *The Washington Post*, February 28, 1914, 1.

[181] James Randolph Ward, *The Texas Rangers, 1919-1935: A Study in Law Enforcement* (PhD diss., Texas Christian University, 1972), 9.

[182] Harris, *The Bloodiest Decade*, 128.

[183] See Texas Legislature, Senate and House, Committee to Investigate the Charges Against the State Ranger Force (30 January 1919).

investigation also found the Ranger force to be inept, and demanded a reduction in size and better regulation. The results of this investigation led to yet another reorganization of the Rangers. It also ultimately empowered the Hispanic population in Texas enough to begin the formation of civic organizations that pushed for social and economic reforms.[184]

THE FINAL YEARS

During their final years as an independent public security agency the Rangers faced a number of seemingly insurmountable problems. Some objected to the organization's ability to exert centralized, superseding authority over that of county and municipal powers. The central organization of the Rangers allowed them to be completely controlled by inept and corrupt governors who discharged or hired members at will—regardless of qualification.[185] Governor Miriam A. "Ma" Ferguson, for example, dismissed almost the entire force following her election as punishment for Ranger support of her opponent during the election campaign. Bemoaning this state of affairs, the 43rd Texas legislature recorded this while devising its new public safety laws:

> "The Texas Rangers are famed in song and story of the Southwest. History and legend have given them a place unsurpassed by any modern peace officer in any state or nation, rivaled only by the Royal Northwest mounted Police.
>
> Yet today, the name "Texas Ranger" is losing its once fine reputation due not to any fault of legitimate peace officers, but to

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[184] Tina N. Cannon, "Bordering on Trouble: Conflict between Tejanos and Anglos in South Texas, 1880-1920," (MA Thesis, Baylor University, 2001), 83.

[185] See Ward, *The Texas Rangers.*

> the fact that the identity of the true Ranger is being swamped by a horde of "special" Rangers.
>
> The number of real Rangers is small. Traditionally, one ranger is enough to quell a riot. The regular ranger rolls contain only 36 names. Yet on the roll of "special" rangers are the names of 1620 persons, most of whom must fall into the category of official gun-toters."[186]

During the course of her term, Miriam Ferguson ultimately issued 2,344 "special" Ranger commissions to citizen volunteers including an ex-convict, housewife, bellboy, undertaker, and recording artist Kate Smith.[187]

Over time, Governor Ferguson replaced qualified officers with men of questionable character. At times, these individual Rangers faced charges of illegal activities including running gambling houses and saloons, murder, theft, and embezzlement. Unfortunately, along with this decline in Ranger reliability, Texas experienced a spectacular rise in illegal activity as part of a national trend toward the organization of crime syndicates. As part of this, national prohibition became effective on Jan 16, 1920. Along the border, well-ordered bands, or *tequileros*, smuggled contraband liquor into the United States in increasing amounts. The suppression of liquor became one of the Rangers' highest priorities.[188] Few were immune to the lure of easy money to be made during prohibition, including some Rangers themselves. One senate witness testified during an investigation on crime

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[186] Report and Recommendations of the Senate Committee Investigating Crime. 43rd Texas Legislature, 1933-1934, 58.

[187] Prassel, *The Western Peace Officer*, 158; Report and Recommendations of the Senate Committee Investigating Crime, 43rd Texas Legislature, 1933-1934, 57-58.

[188] Harris, *The Bloodiest Decade*, 499.

that the Rangers sold liquor personally and openly, and that crime flourished because criminals escaped punishment.[189] He added that, "Human life in Texas is cheap. Men are slain in this alleged Christian land for less silver than led Judas to betray his Christ."[190]

Conversely, Rangers honestly attempting to fulfill their duties were greatly hampered by drastic cuts in budgets. Undermanned and under paid, the rangers were no longer able to respond rapidly while highly mobile criminals driving high powered motor vehicles, easily disappeared into urban areas or neighboring jurisdictions. Criminals now also possessed superior weapons purchased with ill-gotten gains while the Rangers continued to utilize reliable but old school single action Colts.[191]

Because Texas state government was plagued by charges of corruption, patronage, and political turmoil, new criminal justice legislation was drafted in January 1935. On August 10, 1935, the Ranger Force was from extinction due to its transfer to the Texas Department of Public Safety. There it was placed under the supervision of a three-man commission as an investigative division of the TDPS.[192] Despite this move, the Texas Rangers continued to gain negative

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[189] Ibid., 52.

[190] Ibid., 23.

[191] See Stephen W. Schuster, "The Modernization of the Texas Rangers: 1933-1936," *West Texas Historical Association Year Book*, v. 43 (October, 1967) 68.

[192] Texas Archival Resources Online, Texas Adjutant General's Department, "An Introduction to Military Rolls at the Texas State Archives, accessed, September 16, 2011,

attention periodically well into the twentieth century for participation in affairs such as the suppression of a race war in 1951 and farm labor strikes in the Lower Rio Grande Valley during the late 1960s. Today, the Texas Rangers continue in the capacity of a fully professionalized police entity. Additionally, during times of distress, the governor may still assume command.[193]

CONCLUSION

The longevity and notoriety of the Texas Rangers as a successful "Homeland" security structure may be attributed to several key elements. Organized centrally under a regional chief executive, the Ranger organization in Texas evolved beyond the reach of traditional means of control administered on municipal and local levels. Other characteristics included broad jurisdictional authority over local law enforcement counterparts, widespread media support, the ability to respond rapidly to critical security threats, and a heavy reliance on the effective use of coercive force. As an independent law enforcement entity, the Texas Rangers effectively suppressed disorder but also developed a bifurcated persona that, over time, merged with state and national identity. As heroic images, the Rangers captured national imagination through hagiographic portrayals in the media and the provision of invaluable assistance to social elites.

A darker view of this organization developed on a parallel course among minorities and lower social classes. As vulnerable portions of the borderland's

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http://www.lib.utexas.edu/taro/tslac/30006/tsl-30006.html

[193] Eugene W. Jones, eds., et al, *Practicing Texas Politics*, 2nd ed., (Houghton Mifflin Co., 1971), 115, 204; Texas Department of Public Safety, "Texas Rangers," accessed, September 15, 2011, http://www.txdps.state.tx.us/texasrangers/

population, they proved unable, at times, to demand accountability for the misdeeds of errant Texas Rangers directed towards them. Not until the Rangers passed beyond the limits of social acceptability did government intervene to demand reform, long after the psychological damage had been done. The effects of this approach have had dire consequences in terms of the acceptance of police authority, credibility, and trust among some segments of the population—most particularly those who have been historically victimized by the criminal justice system.[194]

A TEXAS RANGER PRAYER
"Oh God, whose end is justice,
Whose strength is all our stay,
Be near and bless my mission,
As I go forth today.
Let wisdom guide my actions,
Let courage fill my heart.
And help me, Lord, in every hour,
To do a Ranger's part.
Protect when danger threatens,
Sustain when trials are rough.

"Help me to keep my standard high
And smile at each rebuff.
When night comes down upon me,
I pray Thee, Lord, be nigh,
Whether on lonely scout, or camped
Under the Texas sky.
Keep me, O God, in life,
And when my days shall end,
Forgive my sins and take me in,
For Jesus' sake. Amen."
Rev. Pierre Bernard Hill, Former Ranger Chaplain, San Antonio, Texas

[194] See, David L. Carter, *Hispanic Attitudes Toward Crime and Justice in Texas: a study of perceptions and experiences* (PhD diss., Sam Houston State University, 1980).

Chapter 4

THE TEXAS RANGER EFFECT, 1850-1899

By 1850, the fame and reputation of the Texas Rangers as citizen-soldiers or defenders of the commonwealth gave them the ability to wield influence and sway developments within particular social spheres. A brief overview is given here of the radial migration of Texas Ranger policing culture following the Mexican American War to 1900. It will illustrate how the notion of centralized policing spread beyond Texas to other regions of the United States as an effective executive tool for social order. It will also discuss how claims to have served as a Texas Ranger frequently resulted in psychological benefits including an elevated personal regard and respect from society. This is because former Rangers frequently played leading roles in law enforcement developments outside of Texas or capitalized on their quasi-celebrity status to catapult themselves into higher social positions. Examples of this may be seen in former Ranger Harry Love, leader of the short-lived California Rangers and noted Texas Ranger Captain Jack Coffee Hays, one of the founding fathers of Oakland, California.

Outlines and descriptions of related forces in operation along the border including the Mexican Rurales or Gendarmerie Fiscal (1857-1916) and the U.S. Border Patrol, or mounted watchmen of the U.S. Immigration Service (established around 1904) will also be discussed. As part of this analysis, some time will be spent in reflection on the common themes, events, and patterns shared by these entities as they relate to the concept of centralized policing and public security on a regional/national scale. It will also highlight common traditions shared with the

Texas Rangers as a rural, regional policing style that connect to larger issues of race, class, civil rights, and public security.

Lastly, this chapter will trace the development of related Ranger organizations and particular personalities as they developed into cultural icons within shared national memory and mythology. As prime subjects of best selling books, magazine articles, Western movies and television programs, and as athletic mascots, the Texas Rangers were lionized in the popular culture of the dominant, Anglo-centric society. At the same time, in an odd juxtaposition of intents and objectives, they also contributed greatly to the evolution and glorification of social banditry and the proliferation of its practitioners. Developed as a form of protest and cultural resistance by minorities to an authority they viewed as unjust, Ranger measures instituted as a means of social control ultimately succeeded in expanding those elements they wished to suppress. By perpetuating irritating elements that promoted this increase of dissatisfaction, Rangers also succeeded in directing a good deal of scholarly and popular media attention towards the negative aspects of their behavior. Oddly, an additional negative consequence of Ranger oppression that is worthy of note is the fact that the intense distrust and aversion that developed within some minority populations towards the Texas Rangers that eventually came to be projected onto all law enforcement officials.

CHANGE AND DEVELOPMENT IN RURAL PUBLIC SECURITY

The nation's state police force emerged and took root in a place and time in which the towns and cities of the United States existed primarily as isolated communities surrounded by large rural regions of empty or sparsely inhabited

space. Bearing the largest burden of this responsibility, local government struggled to provide adequate administrative institutions to their populations. This circumstance led Nathan Roscoe Pound, one of the nation's most cited legal scholars, to write that in order to comprehend the administration of American justice systems, one must first look to developments that occurred in the nation's rural communities during the first half of the nineteenth century. At times noted as a land with "more laws and less law" than other countries, Pound's remarks are particularly true when attempting to appreciate the character of American criminal justice and its historic correlation to the development of centralized policing and the emergence of state constabularies.[195] In this regard, one must begin in Texas with its approach to rural range policing.[196]

As the first such state organization in the nation, the Texas Rangers emerged from one of the most racially and ethnically diverse geographical areas in the United States. Here, Spanish-Mexican, Native American, and English-American influences merged to form the basis of a unique approach to public security that eventually impacted policing on a global scale in culture, practice, and peacekeeping theory.[197] Initially developing outside of the boundaries of the United States, Texas-style rural range policing as seen in its Rangers, began as a

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[195] Fred R. Shapiro, "The Most-Cited Legal Scholars," *The Journal of Legal Studies*, v. 29, n. S1 (January 2000), 424; Roscoe Pound, *The Spirit of The Common Law* (Boston: Marshall Jones Company, 1921), 114.

[196] John Mabry Matthews, *Principles of American State Administration*, (NY: D. Appleton and Company, 1917), 408.

[197] Mitchel Roth, *Crime and Punishment, a History of the Criminal Justice System*, (Cengage Learning, 2010), 51.

volunteer militia effort along its frontiers—one that relied heavily on the ability to respond rapidly to critical security threats over great distances and in remote regions. It also relied heavily on the use of coercive force, and required men who possessed frontier survival skills and who were excellent marksmen and horsemen.[198] Referred to at various times, among other things, as mounted gunmen or mounted rangers, these volunteer militia groups formed and disbanded according to need and served for various lengths of enlistment.

During their formative years under the Spanish and Mexican flags, these groups addressed critical security threats posed from outside sources or "others," in the form of hostile Native Americans. Following separation from Mexico, these duties expanded to include menaces posed by the border including smuggling and livestock theft. As a state police force, the Texas Rangers next turned their attention toward social disturbances or critical security threats emanating from within.

Today an investigative arm of the Texas Department of Public Safety, the Texas Rangers endured as an independent public security agency for well over a century. This longevity may be attributed, in part, to their early establishment as a heroic, state institution. Coalescing into a single, identifiable public security entity after 1835, the Texas Rangers as an executive enforcement tool, developed a popular culture image that so convoluted details surrounding historic details that today it is often difficult to extrapolate fact from fiction. Despite this, later agencies attempted to emulate the approach of the Texas Rangers due to its

[198] Congressional Record: Proceedings and Debates, United States Congress, v. 54, pt. 5 (1917), 4933.

perceived effectiveness. In so doing, they also fell prey to many of the same foilables as their predecessor. Often viewed as oppressive towards minorities and the lower classes, easily corrupted, and a burden to taxpayers, some entities disappeared altogether while others underwent drastic reformations.

EARLY FEDERAL AUTHORITY

Though they had little influence on the development of rural or state policing, some mention must be made of those U.S. agencies that interacted the most with the Texas Rangers. These include the U.S. Army, the U.S. Marshals Service, and the U. S. Customs Service.

THE UNITED STATES ARMY, 1775

During the nation's formative years, local volunteer militias, and the Army often served concomitantly as frontier constabularies and frequently took operational cues from each other. As such, this federal force provides the earliest example of the exchange of influences between rural range security practices in Texas and the Federal government. The use of mounted troops by the Spanish in the New World has already been discussed in a previous chapter. It must also be acknowledged that British and German colonists also utilized rangers-style approaches to public security prior to the Revolutionary War—traditions that easily transferred themselves to Texas with the introduction of immigrants from the United States. It would be war with Mexico, however, that allowed the blended rural ranging culture of Texas to expand.[199]

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[199] Henry W. Barton, "The United States Cavalry and the Texas Rangers," *The Southwestern Historical Quarterly*, v. 43, n. 4 (April 1960), 495.

Following the outbreak of hostilities between Mexico in 1846, former Texas Rangers joined the U.S. Army in significant numbers. Here they typically served as scouts, spies, and escorts under General Zachary Taylor.[200] Eager to avenge wrongs they felt had been heaped upon them by Mexico prior to independence; the Texas Rangers gained a reputation for brutality among peoples of Mexican descent. Seeking bloody retribution from both Mexican citizen and soldier alike, volunteers from Texas committed atrocious depredations that exceeded those of other units. These vengeful acts proved a stumbling block to international relations between the Army and Mexico, and were a shameful embarrassment to the nation. Their behavior at this time also created a deep-seated hatred by Mexicans towards the Rangers, resulting in the nickname, "*Los Diablos Tejanos*," or the Devil Texans.[201] Eventually the strain and tensions created by their actions caused General Zachary Taylor to request that no more troops be sent from Texas.

The war with Mexico also created unfortunate circumstances that provided the Texas Rangers with the opportunity to influence the development of the U.S. Army's cavalry armaments for plains warfare. During the Texas War for Independence, Colt side arms became immensely popular in Texas. Growing rapidly into the largest market for the company, Colt's Paterson revolver earned

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[200] Ibid., 499.

[201] See Ramon Eduardo Ruiz, *The Mexican War: Was it Manifest Destiny?* (New York: Holt, Rinehart and Winston, 1963), 2.

the nickname of "The Texas Arm."[202] Later, the first side arm designed strictly for the military sprang directly from suggestions made by Ranger Captain Samuel Walker to Samuel Colt. Named the "Walker," in honor of the Ranger, this new, heavier, pistol served as a highly effective weapon for cavalry use.[203] Proving the gun's worth in battle during the Mexican-American War, by 1846, the U.S. Army had placed an order for 1,000 Colt pistols.[204] The popularity of Colt's revolving pistols continued throughout the Civil War and was utilized by both the Federal and Confederate armies. As a side note, one later news account appearing in the *Washington Post* also credited the Texas Rangers with the sidearm's adoption by Russia during the Crimean War.[205]

Following the annexation of Texas by the United States, the Army assumed responsibility for guarding the Mexican border as well as for the control of Native Americans in the state. This circumstance presented the Army with several peacekeeping dilemmas. In Texas, border protection was vital to national

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[202] Charles T. Haven, Frank A. Belden, *A History of The Colt Revolver and the Other Arms Made by Colt's Patent Fire Arms Manufacturing Company from 1836-1940*, (NY: William Morrow & Company, 1940), 24.

[203] Ibid.

[204] Tyler, "The Rangers at Zacualtipan," 349; Haven, *A History of The Colt Revolver,* 47.

[205] "Origins of Revolver," *The Washington Post*, February 1, 1903, E30.

security. Unable to provide adequate border protection, companies of volunteer rangers frequently augmented undermanned federal troops.[206]

Interaction between the Rangers and the Army at this time resulted in operational change in the manner in which the military approached open range warfare tactics in that state. Texans developed early on specific ideas as to how to address threats posed by Native Americans as they carried out a conflict that lasted some forty years.[207] Their experience helped navigate the Army away from its linear approach to warfare according to some sources.[208]

In a constant state of warfare with mounted Native Americans and highly mobile bandits, Texans also learned over the course of time to effectively breed superior horses well suited to life on the plains and rural policing. Appreciating the value of a horse that was capable of outdistancing that of the enemy, a Ranger's horse was of the utmost importance. Required to travel great distances in short lengths of time, it was said, that a horse was also considered when hiring a man. Due to these circumstances, the expression emerged that "a Ranger was no better than his horse."[209]

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[206] Thomas T. Smith, *The Old Army in Texas: A Research Guide to the U.S. Army in Nineteenth-Century Texas* (Austin: Texas State Historical Association, 2000), 16.

[207] Walter Prescott Webb, *The Texas Rangers: A Century of Frontier Defense* (Austin: University of Texas Press, 1991), 127; Wilkins, *The Legend Begins*, 18.

[208] William J. Bopp and Donald O. Schultz, *A Short History of American Law Enforcement* (Springfield, IL: Charles C. Thomas, 1972), 49.

[209] Webb, *The Texas Rangers*, 80; Wilkins, *The Law Comes to Texas*, 292.

This attribute made these animals highly desirable for use by mounted military forces. These organizations relied on horses to have the stamina and ability to cover large distances rapidly. It was also imperative that mounts remain calm during episodes of gunfire. Learning to breed superior horseflesh over the course of a century, the military eventually consulted former Ranger George F. Dickinson on ways to improve horse breeds during WWI. Later, the Michigan State Police force also looked to Texas for supplies of appropriate animals.[210]

Lastly, an additional branch of the armed services to be influenced culturally by the Texas Rangers was the U. S. Marines (1775). Attempting to capitalize on the prestige of the Texas Rangers during WWI, Marine recruiters incorporated Ranger mystic into publicity rhetoric.[211] In describing the Corps, one ad proclaimed:

> "The Marine Corps is a body of men, carefully trained to use both hands, both feet and their heads. They are the sorts of men who can take Vera Cruz or form a guard of honor for the Prince of Wales, and do both jobs shipshape. They are blood brothers to the French Foreign Legion, the Pennsylvania State Constabulary, the Canadian Mounted Police, and the Texas Rangers. They are princes of good fellows and they are wild cats when riled."[212]

THE UNITED STATES MARSHALS SERVICE, 1789

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[210] "War Will Improve American Horse," *The Washington Post*, January 30, 1915, 12; *A History of the Michigan State Constabulary* (Michigan State Constabulary Association: Detroit, 1919), 83.

[211] Caroline Dawes Appleton, "With the Help of God And A Few Marines," *New York Tribune*, June 16, 1918, 8.

[212] "Uncle Sam Makes Real Men and 'Good Fellows': The U.S. Marine Corps Turns Out," *The Arizona Republican*, March 5, 1920, A3.

The U. S. Marshals Service shared a symbiotic relationship with Ranger organizations in the southwest. Descending from the Admiralty Courts of England in 1697, Marshals in the United States served both the federal court system and the nation's Chief Executive as an enforcement arm.[213] Formed as an official United States office in 1789 the office of U.S. Marshal also served as a source of patronage during the office's formative years. Paid on a fee system, marshals appointed their own subordinates, served on a part-time basis according to need, and did not wear uniforms. They were also not considered professional lawmen during this period due to the fact that they predominantly served the processes of the courts and did not apprehend criminals as a full time occupation.[214]

Following the admission of Texas to the United States, the Rangers relied on marshals as an additional source of manpower during related operations and capitalized on the ability to become dually commissioned as U.S. Marshal deputies for the convenience of expanding their cross jurisdictional authority on a federal level—a power that allowed them to pursue suspects across international boundary lines. Later, during the early decades of the twentieth century, the presence of Mexican revolutionaries increased the demand for inter-jurisdictional cooperation between the marshals and other regional police organizations. In southern Arizona, this need prompted marshals to cooperate with Sonoran officials. One example of this may be found in the Mexican Rurales under

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[213] See, Frederick S. Calhoun, *The Lawmen: United States Marshals and Their Deputies, 1789-1989* (Smithsonian Institution Press, 1989); U.S. Marshals Service, accessed November 28, 2011, http://www.usmarshals.gov/history/timeline.html.

[214] Calhoun, *The Lawmen,* 7, 15.

Lieutenant Colonel Emilio Kosterlitzky. It is reported that Kosterlitzky and U.S. Marshal Ben Daniels of Arizona were close friends.[215]

THE U.S. CUSTOMS SERVICE, 1789

Like the United States Army and the Marshals Service, the U.S. Customs Service and the Texas Rangers also experienced a great deal of interaction. Congress established the customs service in 1789 as a means to increase the financial resources of the nation. Aside from the authority to collect duties and revenues on imported products, agents also conducted searches and seizures.[216] Focusing early efforts along important waterways, the value of a land patrol was first discovered in 1853 in Texas. At that time, the use of mounted inspectors was first introduced into the Service within the Brazos District. At that time, the customs collector at Point Isabel, requested mounted inspectors along the Rio Grande in order to help curtail the smuggling of livestock across the border. By September of that year, a deputy collector and thirteen inspectors had been appointed.[217]

Serving as the foundation for this organization and thus setting a precedence for future cultural custom and behavior, appointees were drawn from

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[215] Larry D. Ball, *The United States Marshals of New Mexico and Arizona Territories, 1846-1912* (Albuquerque: University of New Mexico Press, 1978), 229.

[216] U. S. Customs Service, accessed, November 7, 2011, http://www.cbp.gov/xp/cgov/about/history/legacy/history2.xml

[217] Prassel, *The Western Peace Officer*, 237.

Texas.[218] Inspired by Texas ranging forces, each customs inspector furnished his own horse, wore no uniform, and quickly gained a reputation as fearless frontiersmen. Also, like the Rangers, they were considered crack shots.[219] The use of mounted inspectors proved so successful in mode of operation that their use was soon considered "absolutely essential to the protection of that frontier."[220] The unit was expanded to include the entire land border between the United States and Canada the following year.[221]

Over time, Customs expanded in scope and numbers. Responsibilities related to immigration, for example, led to the mandate to enforce the infamous Chinese Exclusion Act of 1882. Along the border, as a de facto immigration structure, customs agents continued an important interaction with the Texas Rangers. Lacking sufficient numbers as individual agencies to check rampant smuggling and livestock theft on their own, Rangers, Customs Inspectors, and the U.S. Army frequently worked in tandem in order to suppress crime and social

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[218] Department of the Treasury, *A History of Enforcement in the United States Customs Service*, 30, 9, 51; U. S. Customs TODAY, accessed November 7, 2011, http://www.cbp.gov/xp/CustomsToday/2003/February/reform.xml

[219] "Terror of the Smugglers is Promoted For His Bravery," *The Atlanta Constitution*, October 25, 1903, D3.

[220] Department of the Treasury, *A History of Enforcement in the United States Customs Service,* 31.

[221] Ibid., 32-33.

unrest along the border. This patchwork or overlay of authority of immigration control persists into the present day.[222]

During the twentieth century, the customs service underwent drastic revisions. From this original organization, a small band was formed in 1904 that was referred to as mounted inspectors or watchmen. Assigned to guard the U.S.-Mexican border region against the illegal entry of Chinese, the first inspector hired was Texas Ranger Jeff Milton. Following this, the Border Patrol continued to recruit heavily from the Texas Rangers.[223] Though the Border Patrol was designed to enforce federal immigration laws, during its early years it was difficult to control patrolmen who emulated the tactics of the Texas Rangers in dealing with the public. According to Supervisor Clifford Perkins, former Texas Rangers who had joined the patrol dealt with Mexicans with undue harshness, a fashion to which they had become accustomed. Perkins recalled: "It took considerable indoctrinating to convince some of the inspectors they were not chasing outlaws, and we never did get it out of the heads of all of them, for we had to discharge several for being too rough."[224]

By March 1915, Congress expanded the duties of this organization. Despite an increase in the use of motorized vehicles nationwide, most line riders

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[222] For an example of this see Monica W. Varsanyi *et. al,* "A Multilayered Jurisdictional Patchwork: Immigration Federalism in the United States," *Law and Policy*, vol. 34, no. 2 (April 2012), 138.

[223] Webb, *The Texas Rangers*, 110-111.

[224] F. Arturo Rosales. *Pobre Raza: Violence, Justice, and mobilization among Mexico Lindo Immigrants, 1900-1936* (Austin: University of Texas Press, 1999), 86; Webb, *The Texas Rangers*, 111.

continued to patrol on horseback, while a few operated cars and boats. Although these inspectors had broad arrest authority, they still largely pursued Chinese immigrants who were attempting to avoid Chinese exclusion laws. Working in conjunction, at times, with the Texas Rangers and the military, the efforts of these combined entities were noted as singularly effective.

Within the tiered development of public security on a federal level, the United States Border Patrol (USBP) proved to be one splinter group to be formed at that time that would have dire consequences for those left to live in the border region. In 2003 the U.S. Immigration and Customs Enforcement (ICE) was formed.[225] As the second largest federal investigative division in the Federal government, ICE continues to serve as the U.S. Department of Homeland Security's (DHS) principal investigative division.[226]

REGIONAL INFLUENCES

Colonial South Carolina experimented with early policing mechanisms at least as early as 1734 in the form of provincial slave patrols, volunteer militias designated to both suppress any black insurrections and to protection against Spanish invasion. At that time groups of men and boys were required to patrol fifteen mile beats in search of blacks who were runaway slaves or in violation of

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[225] "Border Alive with Crime," *Los Angeles Times*, September 6, 1902, 5; U.S. Customs TODAY, accessed, November 15, 2011, http://www.cbp.gov/xp/CustomsToday/2003/February/turmoil.xml

[226] U.S. Immigration and Customs Enforcement, "ICE Overview," accessed December 8, 2011, http://www.ice.gov/about/overview/

the areas' slave codes.[227] Interestingly, one St. Landry's ordinance called for the organization of free blacks between the ages of 18-45 into patrols for the policing of slaves in 1862 as well as whites.[228]

South Carolina also intermittently experimented with various rural mechanisms of social control around 1767 and the Regulators movement. This form of informal policing structure rose in reaction to the inability of law enforcement or criminal justice agencies to perform their duty.[229] Regarded largely as vigilante in nature, the development arose in response a perceived lack of social control and organization in outlaying areas where lawbreakers operated without impunity.[230] South Carolina eventually authorized a state constabulary to regulate its liquor industry beginning in 1893.[231]

ANTEBELLUM RURAL RANGE POLICING AND STATE-TERRITORIAL GOVERNANCE

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[227] Laws in South Carolina also established a militia-like system that required every white man between the age of 16 to 60 to serve. Plantation slave patrols often consisted of three armed men on horseback covering a beat of 15 square miles and charged with maintaining discipline.

[228] An Ordinance To organize and Establish Patrols for the Police of Slaves in the Parish of St. Landry, Article 3:7 (October 29, 1862), 4.

[229] Hereward Senior, "Constabulary: The Rise of Police Institutions in Britain, the Commonwealth and the United States (Dundurn Press, 1997), 139.

[230] Ibid., 205.

[231] Weldon Cooper, "The State Police Movement in the South," *The Journal of Politics*, v. 1, n. 4 (Nov., 1939), 425.

In their infancy stage, state police agencies first appeared as quasi-military militias. These sporadic attempts relied exclusively on the use of coercive force, an approach that proved highly effective in the short run. Directing their efforts predominantly towards Native Americans and those who threatened the economic interests of social elites, rural ranging police organizations were authorized by, and served at the will of their legislatures and regional chief executive, a circumstance that freed them from the constraints of running for re-election in order to keep their positions or the parlay of favors to local party bosses. It also ensured their loyalty to those in authority at the highest level of their jurisdictions. Traditionally drawn from the lower classes, policing was not considered an occupation *per se* at this point, but rather, as a form of labor or employment. Operating on a fee scale, officers also frequently served on a part-time basis and only when a need arose, and kept the position as a secondary occupation. Most times the only qualifications to acquire the job were either the right political connections, or uncommon courage or brute strength.

Conversely, rural mounted state policing demanded applicants who possessed particular abilities, including frontier survival skills, excellent marksmanship, and advanced equestrian skills. They also served full-time for various lengths of enlistment, served without uniforms, and provided their own mounts and camp equipage.

One noteworthy distinction between local and rural range policing systems during this era included the fact that municipal and local police received payment on a fee basis. Many felt that this method, in and of itself, led the way to

inefficient law enforcement practices and widespread corruption as criminal justice systems scrambled to create business.[232] Rangers, however, drew a state salary, but could still supplement low pay through the collection of rewards, gratuities, and by extralegal means such as the unreported collection of confiscated items.

Several personal characteristics made Texas Rangers distinct from local and municipal counterparts. While municipal, county or district officers were usually uneducated men drawn from the lower classes, Rangers needed to be persons of at least some means due to the necessity of providing their own mounts, weapons, and scouting accouterments. Additionally, short enlistment terms on a wild frontier usually attracted young, single men seeking adventure, many of whom were also college educated or from prominent families. While some remained in law enforcement as a profession, many went on to become prominent community members, businessmen, and politicians.[233]

CALIFORNIA, 1853

The settlement experience of California mirrored that of Texas in a number of ways aside from its first brief experiment with a state police force. Like Texas, California began as an isolated and sparsely populated Spanish

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[232] Walter F. Dodd, *State Government*, 2nd ed. (NY: The Century Co. 1928), 325.

[233] "From Revenue Collector to Stevedore," The Sunday Call, *The San Francisco Call*, May 20, 1900, 1; "The Rangers of Texas," *The Sun*, August 20, 1899, 8; "Brave Texas Rangers," *The Atlanta Constitution*, May 29, 1887, 3; "Texas Rangers Ordinary Men in Private Life," *Hartford Courant*, August 16, 1927, 19.

colony. It also experienced a monumental influx of newcomers within a short period—this time due to the discovery of gold as opposed to the availability of land. Among these newcomers came a number of former Rangers from Texas. Perhaps the most notable among these new arrivals was former Texas Ranger Captain Jack Coffee Hays. During the Mexican-American War, Hays had helped the Texas Rangers win widespread recognition for their actions in battle.[234]

Once in California, Hays capitalized on his notoriety as a former Ranger Captain to win a race for sheriff in San Francisco. He also utilized his leadership talents to help establish a local fire company, a volunteer night patrol, and a local mounted militia unit similar in purpose and style to that of the Rangers. Later, Hays went on to help found the city of Oakland where he continued to remain civically engaged until shortly before his death in 1883.[235]

Together with former rangers themselves, the notion of a rural, state-sanctions regional police force migrated from Texas to California. As the first progeny to appear within the genealogy of the Texas Rangers, the California Rangers' existence proved extremely brief—just one, three month enlistment period. Considered a flash in the pan by some and a vigilante action by others, this group is rarely given attention or credence as a credible enforcement organization. Nevertheless, though they wielded no real or lasting influence on the field of policing, the organization is indicative of the early outgrowth of policing influences emerging from Texas.

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[234] Barry, *Buck Barry,* 41.

[235] Prassell, *The Western Peace Officer,* 102-103.

Unsettled conditions during the 1850s lent to a proliferation of mounted gangs in the California gold fields, at least five of whom were led by men named Joaquin. This circumstance led to much confusion in the identification of criminals and crimes. The most infamous among the Joaquins was Joaquin Murrieta (aka Murieta). Eventually Murrieta's notoriety became so legendary that nearly every depredation in the region was attributed to him.[236] Large rewards and incentives spurred intense interest by many in the capture of this bandit, including Captain Harry Love.[237] According to family sources, Love, a veteran of the Mexican American War, also served as a Texas Ranger under Hays.[238]

As a seasoned veteran, Love was noted for his admiration of the Colt's Dragoon pistol, and for his reputation as a fearless leader. These attributes led the California State Legislature to commission him captain of the California Rangers in May of 1853. Following the pattern first established by the Texas Rangers, this volunteer force was created by the California state legislature and vested with statewide authority for an enlistment period of three months.[239] Comprised of some twenty volunteers, the mandate of this organization was to hunt down

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[236] Roger D. McGrath, "A Violent Birth: Disorder, Crime, and Law Enforcement, 1849-1890," *California History*, v. 81, n. 3-4 (Taming the Elephant: Politics, Government, and Law in Pioneer California, 2003), 27.

[237] "Exploration of the Rio Grande," *New-York Daily Tribune*, October 22, 1850, 2.

[238] *San Francisco Chronicle*, April 21, 1907, 7.

[239] "California State Rangers," The California State Military Museum, accessed, October 23, 2011, http://www.militarymuseum.org/CaliforniaStateRangers.html

Murrieta, including any other Joaquins they might chance upon. Though the exact actions of the California Rangers are clouded, one former Ranger recalled that the group had orders to ransack every nook of the region, from Marysville to Los Angeles, in order to ferret out Murrieta."[240]

As compensation, the California Rangers drew a $150 monthly paycheck from the state, a princely sum in excess of $50 compared to their Texas counterparts. Not surprisingly, the California Rangers were unable to capture the elusive bandit until close to the end of their three-month enlistment period. At that time, Love, and his posse managed to surprise a group of Mexicans whom they claimed to be Murrieta and his gang. Beheading their suspect as proof of his capture, the Rangers placed the suspect's head in alcohol for preservation. In addition to collecting their state salaries, the California Rangers also split a substantial reward before disbanding.[241] Meanwhile, Murrieta and his severed head quickly became a California folk legend when newspaper editor John Rollin Ridge published, the *Life and Adventures of Joaquin Murieta, the Celebrated California Bandit*, in 1854.[242] Murrietta's severed head was eventually taken on

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[240] "Sole surviving Member of the California Rangers, Arrives," *The San Francisco Call*, December 18, 1906, 4.

[241] "Last of the California Rangers Tells Story of Stirring Times," *The Washington Post*, April 28, 1907, E10.

[242] Kent L. Steckmesser, "Joaquin Murrieta and Billy the Kid," *Western Folklore*, v. 21, n. 2 (April 1962), 77; Murrieta was also lionized in a poem by noted Chilean poet, Pablo Neruda. See "Famous 'Bandits' or Freedom Fighters," *The Border*, Public Broadcasting System, accessed October 23, 2011, http://www.pbs.org/kpbs/theborder/history/timeline/9.html

tour and displayed in both New York and San Francisco before eventually disappearing in a fire some fifty years later.[243] The account of Joaquin Murrietta, together with episodes that occurred in Texas, enjoyed a rebirth during the next century as part of a social movement focused on the oppression of minorities by white racist law enforcement officials.[244]

The Golden State once again experimented with a state force in 1887 with the establishment of its little known California State Police (CSP). Though not a rural range mounted force at that time, CSP was responsible for providing protective services to state authorities, among other things. Known as the Governor's Police, this miniscule agency was later consolidated with the mammoth California Highway Patrol (1929) in July 1995. Under this umbrella, the CSP was assigned a mounted patrol for the first time.[245] Today California's state agency has become one of the largest in the nation, employing more than 6,000 sworn officers.[246]

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[243] W. Eugene Hollon, *Frontier Violence, Another Look* (Oxford University Press, 1974), 68-69.

[244] "Horse Riders honor a Half-mythical California Robin Hood," *Desert News*, August 6, 2006; "Fresno County Crimes," *Fresno Bee*, September 26, 2006.

[245] Kent Milton, "The Merger: California Highway Patrol and California State Police Join Forces," *The California Highway Patrolman*, v. 59, n. 11 (Nov. 1995), 24, 26.

[246] Laura J. Moriarty, *Criminal Justice Technology in the 21st Century*, (Charles C. Thomas, 2005), 132; The California Highway Patrol, accessed, November 15, 2011.
http://www.chp.ca.gov/html/history.html

COLORADO, 1860

The development of state policing in Colorado parallels early activities of Texas and California in many respects concerning the formation of centralized public security organizations structured directly beneath the governor. The earliest of these experiments appeared as part of the government structure of Jefferson Territory with the organization of early local militia such as the Jefferson Rangers.[247] The Jefferson Rangers were activated on January 30, 1860 in order to pursue an organized band of criminals known as the "Bummers." Following the theft of a wagon of turkeys, this gang of heavily armed men terrorized citizens on town streets before being disbursed by the Rangers.[248] Aside from this, the organization also provided protection to Anglo settlers from Native Americans, served as prisoner escorts to executions, and guarded gold shipments.[249] Described as men who were hard living, hard drinking, and who could fight effectively from horseback with repeating revolvers, the Jefferson Rangers were

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[247] *An Act To Authorize the Formation of military Companies, Provisional Laws and Joint Resolutions Passed at the First and Called Sessions of the General Assembly of Jefferson Territory* (Omaha: Robertson & Clark, Printers, 1860), 253; William Clarke Whitford, *Colorado Volunteers in the Civil War: the New Mexico Campaign in 1862* (Denver: State Historical and Natural History Society, 1906), 38.

[248] Thomas D. Isern, "The Controversial Career of Edward W. Wynkoop," *The Colorado Magazine*, v. 56, n. 1 & 2, 1979, 4.

[249] R. Michael Wilson, *Legal Executions in the Western Territories, 1847-1911* (Jefferson, North Carolina: McFarland & Company, Inc., 2010), 58; J. E. Wharton, *History of the City of Denver From Its Earliest Settlement to the Present Time,* (Denver: Byers & Dailey, 1866), 48-49, also Irving Stone, *Men to Match My Mountains, The Opening of the Far West, 1840-1900*, (Garden City, NY: Doubleday & Company, Inc., 1956), 197.

disbanded with the formation of Colorado as a territory in 1861 and the outbreak of Civil War.[250]

Colorado's next state police authority was not created until 1917 as a wartime emergency measure. Following the declaration of war, a citizen council debated how best to protect the state's tunnels, bridges, and water supply as well as to suppress any labor disturbances that might arise. Now an important industrial state, Colorado had already experienced a great deal of labor turmoil that many described simply as open warfare. This included violent and bloody outbreaks such as that experienced in 1914 at Ludlow. In 1915, Governor Elias Ammons, wrote that, "In the interest of economy and effectiveness in controlling industrial disturbances there should be provided a trained state police force to assist the local authorities when they are unable to control any situation…"[251]

Authorities in Colorado promoted two proposals for public security structures during this time. While one faction promoted the idea of the formation of a "home guard," pattered after the National Guard, others pushed for the organization of a Texas Ranger style constabulary.[252] Intended to last only as long

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[250] *History of Colorado*, v. 1 Wilbur Fiske Stone ed. (Chicago: S. J. Clarke, 1918-1919), 701; Van Harl and Robert DeVega, "Colorado Mounted Rangers," *The Colorado Law Enforcement Officer*, Colorado Law Enforcement Officers' Association (Fall, 2010), 9.

[251] Elias M. Ammons, *Biennial Message,* Twentieth General Assembly, 1-8-1915, p. 11; Laws Passes at the Twenty-third Session of the General Assembly of the State of Colorado, Chapter 98 (The American Ptg. and Pub. Co., Denver, 1921), 252.

[252] Bechtel, *Policing the Commonwealth,* 205; "Governor Plans Home Guards To Replace Militia," *The Denver Post*, 6-12-1917, p. 1.

as the war, a mounted, state police force entitled the "Department of Safety," was created on August 7, 1917. Vested with supers ceding police powers, it served as a replacement for the National Guard during the war and served at the pleasure of the governor.[253]

Almost immediately, the bill faced opposition from some county sheriffs who resented the loss of local prestige and local labor leaders who feared the new force to be little more than an executive tool of oppression and additional burden to taxpayers. In 1921, the Twenty-third session of the General Assembly of the State of Colorado reformed the Department of Public Safety and renamed it the Colorado Rangers.[254] Simplistic in structure and organized along the order of Texas, lines of authority led to the Adjutant General, also the commander of the state militia, and then to the governor.[255] Like Texas, the Colorado Rangers of this era also quickly became controversial for involvement in the suppression of labor.[256] Outside of this, the behavior of officers while on duty must have raised additional concerns regarding their duties as a highway patrol. This is because

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[253] Bechtel, *Policing the Commonwealth*, 208.

[254] "War Legislature Ends," *Akron Weekly Pioneer Press*, August 10, 1917, 8; Colorado State Patrol, *History and Organization, Education and Safety Division Colorado State Patrol* (Denver: The Smith-Books Press, 1972), 2.

[255] Morton Keller, *Regulating A New Society: Public Policy and Social Change in America, 1900-1933* (Cambridge: Harvard University Press, 1994), 166 also see footnote 58; "Colorado Rangers Act," *The Morning Tulsa Daily World*, June 30, 1922, 5.

[256] *Akron Weekly Pioneer Press*, February 14, 1919, 5.

members of the force eventually had to be instructed not to shoot at autos unless fired upon first.[257]

As a law enforcement entity, the Rangers in Colorado performed a number of duties. They assisted local law enforcement in times of need, responded to natural disasters, and helped to enforce prohibition laws.[258] Despite these additional duties, this organization became widely viewed as hostile to labor by 1921. They also received lasting notoriety for the controversial kidnapping of labor leader William Z. Foster during a railroad uprising in 1922.[259] Considered, perhaps unjustly so, to be overly sympathetic to big business, Governor William E. Sweet attempted to end the Rangers in 1923, branding them "tools of the corporate interests."[260] Despite the fact that eight members of the force resigned and found employment elsewhere, the agency clung to life until 1927, at least on

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[257] "Colorado News Notes," *Akron Weekly Pioneer Press*, March 22, 1918, 1.

[258] Frank Hall, *History of the State of Colorado* (Rocky Mountain Historical Company, 1895), 222; "The Pueblo Flood Relief Expedition," *Aerial Age Weekly*, August 1, 1921, 489; "Yeggs Blow Up Bank," *The Ogden Standard-Examiner*, May 3, 1922, 1; "Railroads Hard Hit By Flood," *The Breckenridge News*, June 15, 1921, 6; "Colorado State News," *Akron Weekly Pioneer Press,* October 4, 1918, 1. *Colorado Rangers/Colorado Mounted Rangers, a*ccessed, October 23, 2011, http://coloradorangers.org/

[259] William Z. Foster, "The Colorado Rangers," *Pages from a Worker's Life* (New York: International Publishers, 1939), 224.

[260] Hillard D. Garrison, "A Progressive Governor for Colorado," *The Nation*, v. 115, n. 2994, 544.

paper. At that time, the organization was officially disbanded by a universal vote in the Senate.[261]

Eight years later Colorado reestablished a new state police agency known as the Colorado State "Courtesy" or Highway Patrol in 1935. This agency focused on the enforcement of traffic laws and featured a lateral top layer of leadership comprised of the governor, a patrol board, a chief, and a civil service commission. The new Highway Patrol emphasized professional behavior towards the public and adopted the motto, "Be Courteous, But Firm."[262]

INTERNATIONAL IMPLICATIONS AND MEXICO, 1861

The successful suppression of transnational crime along the U.S.-Mexico border has, and continues today, to demand the cooperation of agencies along both sides of the border. As demonstrated in preceding chapters, the Texas tradition of mounted police and civilian public security practices drew heavily from its multicultural roots, particularly those leading back to Spain and Mexico. As such, the *Rurales* are an interesting element in the law enforcement landscape of the Southwest. Here they formed an irregular arm of the federal militia under the colorful leadership of Colonel Emilio Kosterlitzky.

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[261] "Colorado News Notes," *Akron Weekly Pioneer Press*, November 24, 1922, 4; "Colorado," *Coal Age* v. 22, (Aug. 24, 1922), 309; "Disbands Colorado State Rangers," *New York Times*, January 30, 1923, 8; Henry C. Pepper, *County Government in Colorado* (Fort Collins: Colorado Agricultural College, August 1934 Bulletin, 413), 121.

[262] *Colorado State Patrol 1935-1995, Sixtieth Anniversary, Colorado State Patrol* [n.d.], 34 also *Colorado State Patrol*, 2, accessed, November 15, 2011, http://www.colorado.gov/cs/Satellite/StatePatrol-Main/CBON/1251593180213

As a national police agency, the Rurales were centralized under Mexican President Benito Juarez, after he formed the organization in 1861. This mounted force quickly gained a widespread reputation in the press as heroic, sharp shooting, and hard fighting, despite the fact that most of its members were purportedly recruited from prison. Aside from the suppression of crime and the capture of transborder criminals in the rural sections of Mexico and along the border, Rurales also battled hostile Native Americans or *indios barbaros* in Mexico, and helped to quell labor uprisings at American owned mining interests in Cananea, Sonora. It was rumored that members showed little mercy for criminal suspects and that court dockets were rarely over taxed due to a liberal application of *Ley Fuga* (law of flight), a practice that justified the shooting of prisoners while in the act of attempting to escape. Like the Texas Rangers, the Rurales also enjoyed a great deal of media hype as some of the most skilled equestrians in the world. Toasted by U.S. Cavalry Commander Philip Sheridan as one of the best-mounted forces in the world, Rurales recruits were purportedly physically larger than the average Mexican and tougher than the Texas Rangers.[263] Under President Porfirio Díaz, rurale numbers expanded greatly. By 1880, enlistment had increased by 90 percent according to some sources.[264]

One Rurale, commander of particular note was Lieutenant Colonel Emilio Kosterlitzky. Purported to have deserted the Russian navy as a youth, Kosterlitzky eventually joined the Mexican military and worked his way up through the ranks

[263] Ibid., 67, 131-132.

[264] Alonzo, *Thread of Blood,* 131.

until his eventual promotion to lieutenant colonel in 1890.[265] Known alternately as the "Mad Russian," by admirers or the "Butcher," by detractors, in this position, the colonel enhanced the agency's fame by developing amicable working relationships with prominent American businessmen and law enforcement counterparts along the border.[266] It is reported that Kosterlitzky routinely flushed fugitives wanted in Arizona back into that territory.[267]

The close working relationships developed between Kosterlitzky and other American law enforcement officials eventually created loyalty issues during the Mexican Revolution for the Rurales. In March of 1913, Kosterlitzky crossed the international border with his troops and surrendered to the U.S. Cavalry in Nogales. Reliant on the good graces of his American friends for support, Kosterlitzky sought asylum in the United States and was eventually appointed to the U.S. Department of Justice as a special agent. Retiring to Los Angeles, the Colonel maintained his American friendships well into his later years.[268] Venustiano Carranza disbanded the Rurales in 1914 where upon regional militias

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[265] Samuel Truett, *Fugitive Landscapes. The Forgotten History of the U.S.-Mexico Borderlands* (Yale University Press, 2006), 139.

[266] Paul J. Vanderwood, *Disorder and Progress,* (Wilmington: SR Books, 1992), 96, 133; Horace J. Stevens, "Col. Kosterlitzky and His Police troopers," *Los Angeles Times*, October 11, 1903, E11.

[267] Larry D. Ball, *Desert Lawmen, The High Sheriffs of New Mexico and Arizona 1846-1912 (University of New Mexico Press*, 1992), 221.

[268] Cornelius C. Smith, Jr., *Emilio Kosterlitzky, Eagle of Sonora and the Southwest Border* (Glendale, CA: The Arthur H. Clark Company, 1970), 303.

assumed the peacekeeping duties of this organization following their disbandment.[269]

INDUSTRIALIZATION AND WAR

Prior to the Civil War, the reputation of antebellum police forces overall had been largely stained by allegations of corruption, political patronage, and weak leadership. Civilian law enforcement remained highly politicized during this era. Operating under the spoils system, blackmail and bribery were common practices.[270] The Civil War marked a turning point in the move towards modernization for policing. Not every state police force formed in the United States fit into the rural range framework of policing or was influenced in some way by the Texas Rangers however. It should be noted that Massachusetts began experimenting with state police power in response to commercialized vice in rural areas. Massachusetts organized a state force that was comprised of a handful of state constables in 1865 in order to combat this crime.[271]

Outside of Massachusetts, war and increasing industrialization proved to be two major factors in the thrust towards the state or regional police movement.

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[269] Samuel Truett, "Transnational Warrior: Emilio Kosterlitzky and the Transformation of the U.S.-Mexico Borderlands, 1873-1928," *Continental Crossroads: Remapping U.S.-Mexico Borderlands History* (Duke University Press, 2004), 242.

[270] Leonhard Felix Fuld, *Police Administration: A Critical Study of Police Organizations in the United States and Abroad* (G. P. Putnam's Sons, 1909), 102; Johnson, *American Law Enforcement A History*, 57.

[271] Samuel Walker, *A Critical History of Police Reform, The Emergence of Professionalism* (Lexington Books, 1977), 75; Bruce Smith, *Rural Crime Control* (Institute of Public Administration, 1933), 128.

On a federal level, beginning with the Civil War, the need to protect newly issued paper currency prompted the formation of the Secret Service in 1861. This event marked a turning point in the expansion of federal influence on civilian regional rural policing as administered from the top down.[272] The creation of this agency resulted in the development of a new layer of federal law enforcement that quickly evolved into a general policing tool for a variety of upper-level agencies.[273]

THE TEXAS STATE POLICE, 1870

Other changes in policing following the end of hostilities between the North and South included an increased recognition of the value of inter-jurisdictional cooperation and statewide or regional police authority.[274] Policing reform efforts along these lines experienced varied degrees of success as political and economic forces attempted to cling to local political prerogative. Examples of some of these attempts include the formation of a state police in Texas in 1870. With the outbreak of Civil War, the Texas Rangers had been disbanded as men left to enlist in the Confederate army. Following the end of hostilities, crime levels increased in Texas prompting governor Davis to create both a strong militia for extreme emergencies, and a state police force to deal with ordinary lawlessness in inaccessible rural regions. Many objected to this approach to policing as unconstitutional. Despite this, the Police Act was passed in July of

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[272] Allerfeldt, *Crime and the Rise of Modern America,* 2.

[273] Johnson, *American Law Enforcement,* 81.

[274] Ibid., 85.

1870, and authorities established a new public security entity. During the course of its brief existence, this organization was largely viewed as a Republican tool of oppression, one that was particularly objectionable because it employed black men as officers. Though this effort ended in failure, an act establishing a Frontier Force of Rangers met with success with a permanent state force being established in 1872.[275]

A NEW CENTURY

The development of centralized State police in America began during the early nineteenth within Spanish-Mexican Texas. By the end of the nineteenth century, policing in the United States began to take on a drastic, new complexion. Reformers increasingly came to regard law enforcement as a profession and sought ways in which to free policing from the political control of local party bosses.

One important advent to take place prior to the twentieth century was the beginning of the gathering of criminal statistics within the 1880 census. The collection of this type of data laid important groundwork for the tabulation of statistics of crime. Though this had technically begun in 1850, numbers collected at that time were not considered reliable.[276] The study of crime also became a scientific discipline termed "criminology," in 1885.[277] Following this, the next

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[275] Bruce Smith, *The State Police: Organization and Administration* (NY: The Macmillan Company, 1925), 37.

[276] Louis Newton Robinson, *History and Organization of Criminal Statistics in the United States* (Houghton Mifflin Company, 1911), 12.

event to have a profound effect on the development of the state police movement was the Spanish-American War.

While the nineteenth century had seen the most rudimentary early experiments with the use of state police power, the twentieth century would turn the tide of development in an entirely new direction. During the early decades of this era, state police forces increasingly came to be viewed as instruments of oppression by labor.

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[277] Thorsten Sellin, "Criminology," *Criminal Behavior: and Social Systems: Contributions of American Sociology*, Anthony L. Guenther, ed. (Rand McNally and Company, 1970), 9.

Chapter 5

SOMETHING NEW UNDER THE SUN, 1900-1935

Little by little, the United States released its ironfisted grip on the ideology of republicanism and its aversion to the centralization of authority. As part of this, police power would increasingly be removed from local control and placed in the hands of regional executives.[278] A commentary appearing in the June 1899 issue of *Municipal Affairs* discussed this shift in ideology by explaining the fact that police power rightfully belonged to the state. Cities, as state creations drew their power from state laws in trust from the legislature: therefore, the state had the right to modify municipal power:

> "As business becomes more extensive and means of travel increase, and the people prosecute business and pleasure away from their homes and in all parts of the commonwealth, it is more and more important to the individuals and to the state as a whole that the enactments for the protection of life and limb, peace and property, heath and comfort be uniformly and effectively enforced everywhere, and it becomes more and more the duty of the state to see to it that its laws are enforced in every locality and by every delegated official, whether chosen locally or appointed directly."[279]

Following the turn of the century, much of the machine building of state police structures occurred in response to the increased use of automobiles and a need to enforce traffic laws, some rural state organizations were established in response to organized crime, labor unrest, or due to World War I and a fear of foreign invasion. Organizations established as a result of these later circumstances

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[278] Bechtel, *Policing the Commonwealth,* 47.

[279] Frank Moss, "State Oversight of Police," *Municipal Affairs* (June 1899), 265.

often found themselves to be reformed later as more benevolent or benign highway patrols--structures that emphasized courtesy and service in addition to the suppression of crime or social unrest.[280]

Because the Arizona Rangers (1901) and the New Mexico Mounted Police (1905) are considered twin or sister organizations most commonly associated with the Texas Rangers, they will be treated separately in the following chapter. This section, however, will focus on the influence of the Texas Rangers' centralized, quasi-military methods as they relate to the development of rural policing on a national and global level.[281]

PENNSYLVANIA'S COAL AND IRON POLICE, 1866 AND THE PENNSYVANIA STATE POLICE, 1905

Though Connecticut experimented with its own state police force early on during the twentieth century (1903), the appearance of the Pennsylvania State Police in 1905 is considered by many to be the earliest and most important of the modern state police forces to be established in the United States. Despite attempts to portray the Pennsylvania force as a new security invention, its roots indirectly lead to the southwest and Texas in a number of unexpected ways.

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[280] For a complete timeline of events related to the Texas Rangers and their changing duties, see "Texas Ranger Timeline," *Texas Ranger Hall of Fame and Museum*. http://www.texasranger.org/history/Timeline.htm.

[281] Pound, *The Spirit of The Common Law*, 115.

The creation of the Pennsylvania State Police was a reaction to labor strife and abuses perpetrated by their predecessor, the Coal and Iron Police (1866).[282] As a police entity, the Coal and Iron Police elicited unprecedented opposition from the public during its existence.[283] Largely viewed by labor as a private police force established for the express purpose of protecting the interests of mining corporations, this police agency indeed did fail to provide police service equally to all. Prior to the formation of the Coal and Iron police, labor management was forced to rely on the state's inexperienced local militia or National Guard, deputy sheriffs and private detective agencies such as the Pinkertons. State government and large scale mining interests joined forces to form the Coal and Iron Police in 1866.[284] Authorized by the Pennsylvania legislature, but functioning without its interference, for one dollar, mining interests could purchase a police commission that had no expiration date. Men who received an appointment then held state authority equivalent to that held by commonwealth constables or the Philadelphia city police.

Privately paid and controlled by mining interests, yet authorized by the state, the Coal and Iron Police represent a unique example of one state's experimentation with its police power and the use of legitimate force in both a rural and urban prior to the twentieth century. As a private, standing army for

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[282] J. P. Shalloo, *Private Police, With Special Reference to Pennsylvania*, (Philadelphia, PA: The American Academy of Political and Social Science, 1933), 59.

[283] Shalloo, *Private Police*, 58.

[284] Keller, *Regulating a New Society*, 164

mine owners, the Coal and Iron Police increased in numbers on a scale commensurate with escalations in labor unrest. Highly controversial in both organization and practice, miners claimed that officers were criminals drawn from urban populations. Conversely, mine owners extolled the virtues of these same men as "solid local citizens," thereby justifying their continued use and increase in numbers.

By the time of the Anthracite Mine strike of 1902, the ranks of the Coal and Iron Police in the anthracite region reached an estimated 5,000 as the protest stretched into six months. While soldiers had been ordered into the strike region to maintain order, the recruits developed sympathies for the workers and could frequently be seen playing cards or baseball with the strikers. It was also reported that tons of food was smuggled from camps in order to feed the miners.[285] The continuation of violence between striking miners and private police during this episode prompted President Theodore Roosevelt to threaten Pennsylvania with the possibility of military intervention in order to restore peace and production.

Roosevelt provided a critical link in the development of centralized state policing on a national level at this time. Having served for two years at the height of the Progressive Reform movement as the President of the Police Commission of New York (1895-1897), Roosevelt took a keen interest in the reformation of American policing structures.[286] As a member of the police commission, he had

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[285] Pennsylvania State Federation of Labor, *The American Cossack*, 1916, 6.

[286] Theodore Roosevelt, *Theodore Roosevelt, An Autobiography* (New York: Charles Scribner's Sons, 1925), 168; Jay Stuart Berman, *Police*

endorsed the organizational structure of a department run by a single executive or police commissioner—one that was accountable only to the mayor, as opposed to New York's bi-partisan Board of Police Commissioners.[287]

In addition to his service on New York's police commission, Roosevelt also had military experience as a one-time captain in the New York National Guard.[288] The president had also served in Cuba with the Rough Riders, a troop comprised largely of recruits from the rural portions of Texas and the southwest. In this position, Roosevelt developed an ardent admiration for the Texas Rangers.[289] With this understanding of Roosevelt's background, it is not surprising then, that he encouraged Pennsylvania to create a state police force in order to restore peace and production in its mining districts. Describing the construction of a police system with an elaborate set of checks and balances as "old school," and promoting the notion of centralized policing as the most effective manner in which to attain effective service he wrote:

> "In most positions the 'division of powers' theory works unmitigated mischief. The only way to get good services is to give somebody power to render it, facing the fact that power which will enable a man to do a job will also necessarily enable him to do it ill if he is the wrong kind of man. What is normally needed is the concentration in the hands of one man, or f a very small body of men, of ample power to enable him or them to do the work that is necessary; and then the devising of means to hide these men fully responsible for the exercise of that power by the people… I do not

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Administration and Progressive Reform: Theodore Roosevelt as Police commissioner of New York (Greenwood Press, 1987), xiii, 14, 46.

[287] "Talk of a Greater City," *New York Times*, December 10, 1896, 8.

[288] Roosevelt, *Theodore Roosevelt*, 229.

[289] Ibid., 219.

> contend that my theory will automatically bring good government. I do contend that it will enable us to get as good government as we deserve, and that the other way will not."[290]

In response, the Pennsylvania legislature created its first state police force in 1905.[291] Militaristic in structure and uniformed and provisioned by the state, Pennsylvania's new organization embodied the values of police reformers with regards to progressive notions of efficiency.[292] Despite these attempts at reform, however, labor viewed this force as a variation of the Coal and Iron Police—in essence, a standing army for "coal barons and czars." Indeed, many recruits were former soldiers who had been hired due to their military training and discipline. Further contributing to this perception, Governor Samuel Pennypacker appointed Major John C. Groome to head the force. Groome had served with distinction during the Spanish-American War and was a 23-year commander of the famous First Troop, Philadelphia City Cavalry.[293] Though billed as a constabulary that would strive to protect civil rights and display courtesy to all citizens, letters poured in to the office of Representative James Maurer, complaining of abuse, cruelty, and murder, while at the same time, demanding the disbandment of the

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[290] Roosevelt, *Theodore Roosevelt*, 170-171.

[291] See Stephen R. Couch, "Selling and Reclaiming State Sovereignty: The Case of Coal and Iron Police," *Insurgent Sociologist* (Summer/Fall, 1981).

[292] Walker, *A Critical History of Police Reform*, 75.

[293] "Pennsylvania's Famous State Police Called Upon to Put Down Rioting," *The Atlanta Constitution*, February 27, 1910, B1; Philip M. Conti, *The Pennsylvania State Police: A History of the Service to the Commonwealth, 1905 to the Present* (Stackpole Books, 1977), 48; Charles A. Maurer and James Hudson Maurer, *The Constabulary of Pennsylvania* (C. A. Maurer, 1911), 4.

force, branding its members as "Cossacks." The Socialist party had elected Maurer to the legislature in 1910.

Over time the image of the state police failed to improve among the working classes in Pennsylvania. In 1915, the Pennsylvania State Federation of Labor published "The American Cossack." Portraying the force as oppressive and emboldened by the advantages of being mounted, and encouraging opposition by labor to the state police movement, the pamphlet predicted:

> "The American capitalists are deciding now that the insolent, malignant mounted trooper is a necessity in the class-war for profits, against the class-war for wages.
>
> "Within ten years a dozen States will have strong Cossack companies and regiments—like Pennsylvania at present—ready to rush swiftly to any part of the State to trample down, shoot, and sabre men on strike for more bread; yes, within much less than ten years, *unless the working class of this country rouse and rise at once in a vigorous, concerted opposition to the militia-cavalry movement.*"

At the time of their establishment, organizers had hoped that the Pennsylvania State Police would achieve fame similar to that enjoyed by the Texas Rangers in effectiveness. In organizing the force, Groome looked to various agencies in Europe as well as to the Texas Rangers in search of organizational ideas.[294] As Adjutant General of the Pennsylvania National Guard, Groome had visited earlier on the subject with the Adjutant General of Texas, General John A. Hulen. At the time, Hulen was serving as commander of both the

[294] *A History of the Michigan State Constabulary* (Detroit: Michigan State Constabulary Association, 1919), 32-33.

Texas National Guard and the Texas Rangers.[295] In the end, Groome's organization reflected that of Texas in many regards. Highly centralized in leadership structure, Pennsylvania's recruits were considered rugged individualists who excelled as marksmen and in riding. The organization's operational structure also featured the establishment of an administrative base with selected substations organized in outlying towns and villages.[296]

Pennsylvania's agency was eventually ranked with the Texas Rangers, the Canadian Northwest Mounted Police, and the Mexican *Rurales*, as one of the most famous bodies of mounted men in the world.[297] Ten years later, Theodore Roosevelt wrote as part of his introduction to Katherine Mayo's promotional history of the Pennsylvania Police, *Justice to All: The Story of the Pennsylvania State Police*, "The sooner all our other States adopt similar systems, the better it will be for the cause of law and order, and for the upright administration of the laws in the interest of justice through the Union."[298] Roosevelt then sent copies of Mayo's work to members of the New York State legislature encouraging them to

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[295] Tom R. Hickman, "Texas Rangers Used as Model by Penn Force," *The Dallas Morning News*, I-4; Dave Williams, "State Police and the Irish Black and Tans," *Machinists' Monthly Journal*, v. 21 (1921), 51.

[296] Smith, *Rural Crime Control*, 158.

[297] "New York Studies Model State Constabulary," *New York Times*, January 21,1917), SM4.

[298] Katherine Mayo, Justice to All The Story of The Pennsylvania State Police, (G.P. Putnam's Sons, 1917), xi.

adopt such a system "without delay."[299] Efforts in New York proved successful in 1917. Organized under the governor, Major George F. Chandler was appointed to head that force. Chandler had also been a member of the New York National Guard and had gained experience in service along the Mexican border.[300] Like their Pennsylvania counterpart, promotional literature portrayed members of this group as superhuman heroes of justice and defenders of isolated rural regions of their states.[301]

Following New York, additional states to follow Pennsylvania's lead in the establishment of state forces were Michigan (1917), West Virginia (1919), New Jersey (1921), and Oregon (1921).[302] Though Connecticut had already been experimenting with a state police force prior to Pennsylvania, it had been on a much smaller scale. Its operations had also not fallen under the command of the governor, but a board of state police commissioners.[303] Connecticut reorganized in 1919, however, as "a miniature of the larger organizations of Pennsylvania and

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[299] Gerda W. Ray, "Cossack to Trooper: Manliness, Police Reform, and the State," *Journal of Social History*, v. 28, n. 3 (Spring 1995), 569.

[300] Edgar Dawson, "New York State Police," *The American Political Science Review*, v. 11, n. 3 (Aug. 1917), 540-541.

[301] Bechtel, *Policing the Commonwealth,* 12.

[302] Lois Lundell Higgins and Edward A. Fitzpatrick, *Criminology and Crime Prevention* (Milwaukee: The Bruce Publishing Company, 1958), 225; "New York Studies Model State Constabulary," *New York Times*, January 21, 1917, SM4.

[303] Dempsy, *Policing*, 11; "State Police Applicants," *The Hartford Courant*, July 8, 1903, 9.

Texas."[304] At the time of Connecticut's reformation, Illinois was also attempting to invent "a new thing under the sun," in the way of a state police force. Though the constables of the state were still subject to popular election, they organized themselves into a loose association. This inventive approach still allowed authorities to have power over the selection and retention of constables at the local level. Interestingly, during Senate discussions of a state military police bill in 1923 for Illinois, a man claiming to be a member of the Colorado Rangers testified on behalf of the bill, despite the fact that the organization was viewed by many as all but disbanded at that time.[305]

From 1890 through 1920, the nation witnessed a dramatic burst of institution building during the Progressive movement that directly fed the growing movement for state policing. Viewing law enforcement as an institution in need of modification, by 1920, every state had implemented a probation, parole, and juvenile court in response to what government viewed as a rising tide of crime.[306] While politicians reformulated their approach to government, the centralization of police power continued to be viewed as a threat to civil liberties by many.[307] Illegal immigration had been defined as a crime in 1882 and the smuggling of

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[304] Milton Conover, "Legislative Notes and Reviews: State Police," *The American Political Science Review*, v. 15, n. 1 (Feb., 1921), 85.

[305] Illinois State Federation of Labor, *Proceedings of the Forty-first Annual Convention* (September 10-15, 1923), 197.

[306] Bechtel, *State Police in the United States,* 51, 53; Samuel Walker, *Popular Justice, A History of American Criminal Justice* (Oxford University Press, 1998), 131.

[307] Johnson, *American Law Enforcement,* 156.

livestock remained a constant source of concern along the U.S.-Mexico border. As a result, an agreement between Mexico and the United States permitted troops to cross the border when in "hot pursuit."[308]

Aside from these regional developments, war once again played a central role in shaping approaches to police work in America. With the outbreak of war with Spain, former Texas Rangers distinguished themselves in Cuba as Rough Riders under Theodore Roosevelt, and later in the Philippines.[309] Noted police reformer August Vollmer, as a recruit in the Philippines, was exposed to the benefits of military discipline as they related to policing as a cross discipline.[310]

THE PHILIPPINE CONSTABULARY, 1901

By the turn of the twentieth century, the heroic image of the Texas Rangers had reached a global scale together with other centralized rural constabularies including the Northwest Mounted Police, later to become known as the Royal Canadian Mounted Police. On this stage, the Texas Rangers appeared increasingly in a comparative role as an instrument of measure regarding efficiency. This phenomenon may be seen in the establishment of the Philippine Constabulary. Assuming responsibility for policing the islands from the U.S.

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[308] Nadelmann, *Cops Across the Border*, 66; Erika Lee, "Enforcing the Borders: Chinese Exclusion along the U.S. Borders with Canada and Mexico, 1882-1924," *The Journal of American History* (June 2002), 55.

[309] For examples of this see, *Daily Public Ledger*, January 12, 1897, 4; "Cavalry Fighting in the Philippines," *Los Angles Times*, February 27, 1900, 13; "Philippine Cavalry The Passing of a volunteer Army," *New York Times*, July 7, 1901, SM7.

[310] Gene E. Carte and Elaine H. Carte, *Police Reform in the United States: The Era of August Vollmer, 1905-1932* (Los Angeles: University of California Press, 1975), 20.

Army in 1901, this multicultural agency paralleled the Texas Ranger stereotype as the perpetual underdog facing seeming insurmountable odds.[311] Proclaimed in headlines as "More Like the Texas Rangers Than Anything We Have Ever Had In the United States," the Constabulary even adopted a Ranger-esque motto, "To be outnumbered, always; to be outfought, never." This image of the indomitable underdog may be compared to the Texas Rangers' motto, "One riot, one ranger."[312]

INFLUENCE ON THE FEDERAL LEVEL

By 1920, more Americans lived in cities than in the nation's rural regions for the first time in history. As frontiers-like conditions melted in the face of increasing urbanization and industrialization, centralized rural policing on a state level began to fall from favor by the 1930s, despite a continued admiration of the more romantic characteristics of Ranger organizations.[313] Conversely, on a federal level, this approach had slowly begun to gain favor with federal

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311 Vic Hurley, *Jungle Patrol: The Story of the Philippine Constabulary* (NY: E. P. Dutton and Company, Inc, 1938), 44-46, 112; Margarita R. Cojuangco, *et al*, *Konstable: The Story of the Philippine Constabulary, 1901-1991* (ABoCan, Philippines, 1991), 3.

312 Ibid., 19; "The Filipino As A Soldier," *The San Francisco Call*, September 10,1905, 50.

313 "Texas Ranger Passing Away," *Baltimore American*, February 19, 1899, 13; "Crack Cavalry Police of the Southwestern Border," *The Washington Post*, February 12, 1899, 10.

authorities as manifest by a growing number of new public security agencies.[314] Among these agencies, several were influenced by Ranger culture and form. Of these, the National Park and Forest Services shared a number of similar missions and common elements with the Texas Rangers including the title of "ranger" as a description of officers.

Some authorities trace the English term "ranger" to the early 1400s. During this period, the title signified an official office of the state or national government mandated to protect Royal forests. Others claim the term denotes a man who belonged to a roving militia-style association whose beginnings descended from the seventeenth century Scottish highlands.[315] In the United States, federal forest and national park Rangers shared the common term together with a broad, rural jurisdictional authority.[316] Following the Forest Reserve Act of 1891, selected western lands protected by the federal government were assigned rangers to oversee selected lands such as the newly formed National Parks: Yellowstone (1872), Yosemite (1890), Sequoia (1890), and General Grant National Parks (1890).[317] Though the U.S. Army initially protected early National

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[314] Lynn G. Adams, "The State Police," *Annals of the American Academy of Political and Social Science*, v. 146, The Police and the Crime Problem (Nov., 1929), 35.

[315] Charles R. Farabee Jr., *National Park Ranger An American Icon*, (Roberts Rinehart Publishers, 2003), 1; Senior, *Constabulary*, 142.

[316] Ethel and James Dorrance, "The Spread-Eagle Rangers," *Munsey's Magazine*, v. 69 (February to May, 1920), 453.

[317] *Rules and Regulations Sequoia and General Grant National Parks, 1920* (Washington: Government Printing Office, 1920), 7.

Parks, not until President Theodore Roosevelt authorized the design of a civilian law enforcement service did a truly civilian "ranger force" come into existence.[318] The term park ranger in the United States first appeared in 1901 with it becoming an official designation for the first time 1905 in the Sequoia National Park.[319]

U.S. BORDER PATROL, 1904

The Federal government continued to expand its border security with the passage of the Chinese Exclusion Acts. As part of this, Mounted Guards for the U.S. Customs Service operating out of El Paso assumed new duties including an increasing responsibility for the prevention of illegal entry into the United States by Chinese.[320] Customs hired Jefferson "Jeff" Davis Milton in 1887. Milton, an ex-Texas Ranger, was charged with the responsibility of patrolling an extensive an isolated region alone and eventually became known as the "one man Border Patrolman." Milton, who had also served as chief of police at El Paso and a U.S. Marshal, became a part of the Immigration and Naturalization Service, where he served until his retirement in 1932.[321]

The United States authorized a separate Border Patrol to enforce immigration laws in 1915, but a growing sense of urgency related to crime and

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[318] Farabee, *National Park*, 11.

[319] Ibid., 2, 167.

[320] Clifford Alan Perkins, *Border Patrol: with the U.S. Immigration Service On the Mexican Boundary 1910-1954* (Texas Western Press, 1978), 9.

[321] Ibid., 1; "First Border Patrolman, Jeff Milton, Dies," *Monthly Review*, Immigration and Naturalization Service, Department of Justice (May, 1947), 150.

smuggling led Congress to investigate new ways to secure the border during the early 1920s. The U.S.-Mexico border during this era was described as a warzone due to continued illegal activity, though crime remained localized and relatively unsophisticated.[322] Texas livestock grower and Congressman Claude Hudspeth of Del Rio spearheaded a move to supplement Immigration patrols and as a result, the USBP was reformed on May 28, 1924 as part of the Johnson-Reed or Immigration Act. At that time, Immigration Service officers were absorbed into the agency and renamed Patrol Inspectors.

Among the recruits for this organization were number ex-Rangers with former Ranger Miles Scanner assuming the office of assistant chief.[323] Due to large numbers of reports regarding misbehavior, this new group of patrolmen quickly earned a reputation for heavy-handedness.[324] An investigation conducted by the House Immigration Committee revealed in 1930 that some agents, many of who had served previously as Texas Rangers, behaved much like Old West gunmen, or participated in illegal activity.[325] This was because law enforcement habits did not always change with badges and new organizational duties. Some

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[322] Carl E. Prince, Mollie Keller, *The U.S. Customs Service: A Bicentennial History* (Washington, D.C.: Department of the Treasury U.S. Customs Service, 1989), 213-214.

[323] Perkins, *Border Patrol,* 97.

[324] CPB.gov, accessed, 11-21-2011, http://www.cbp.gov/xp/cgov/border_security/border_patrol/border_patrol_ohs/history.xml.

[325] Dick Halliday, "Guardians of Our Last Frontier," *The Washington Post*, December 6, 1931, MF4.

patrolmen also suffered from such shortcomings as being too quick on the draw, handling suspects roughly, or by consuming too much alcohol.[326]

The existence of a number of Texas Rangers among the ranks of the USBP did not always prove to be a bane to federal law enforcement, however. When operations called for particular talents, leadership did not hesitate to call on the former Rangers among their ranks in order to accomplish an unusual task requiring particular skills or daring. Modernization further came in 1933 when President Franklin D. Roosevelt joined the Bureau of Immigration with the Bureau of Naturalization to form the Immigration and Naturalization Service. By December 1934, the first Border Patrol Academy opened as a training school in El Paso.

NEVADA STATE POLICE, 1907

Strongly associated with the National Guard and the military in the public perception, the Texas Rangers remained attractive as a model for states experiencing lawlessness or labor unrest during the earliest decades of the twentieth century. Discussions regarding this topic took place in Kentucky in 1907, but produced no results.[327] In Oklahoma, leadership also came close to passing a ranger-style act in 1915, but still without success—despite an endorsement from the Oklahoma Sheriffs Association and noted deputy United

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[326] Perkins, *Border Patrol,* 89-90.

[327] "Good Work in Kentucky," *The Minneapolis Journal*, May 27, 1903, 4.

States Marshal and former senator William M. "Bill" Tighlman.[328] Interestingly, public security officials in China also toyed with the notion of implementing an organization styled after the Texas Rangers along its Mongolian border during this period. Inquiring as to the availability of any instructional reports and books regarding the Texas Rangers as an organization, leaders there also inquired as to the availability of former Rangers to serve in leadership and training positions. Though the Mongolian Rangers failed to materialize, these discussions stand as evidence of the fame and reputation of Texas Rangers as an organization and to the success of their policing approach in the public perception.[329]

Other efforts nearer to Texas proved more successful. Following an incident of labor strife in 1907 in Nevada's mining district, the governor suggested the formation of a constabulary pattered after the Texas Rangers. Though the Silver State's legislature initially rejected this idea, continued violent crime and labor unrest in the Goldfield mining district caused them to rethink this decision. Part of this decision was made due to the fact that the disturbance had attracted the attention of Theodore Roosevelt. As president of the United States, he viewed the unrest as "downright anarchy," and eventually ordered regular troops into the state to temporary handle the situation. The president also applied pressure on the legislature to call an extra session in order to address the

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[328] "Mounted Policemen for Oklahoma," *Durant Weekly News*, January 8, 1915, 3; Joseph Bradfield Thoburn, *A Standard History of Oklahoma*, (The American Historical Society, 1916, v. 3), 963.

[329] Harris, *Bloodiest Decade*, 120-121.

situation.[330] Laws were ultimately adopted that established a state police force structured along the lines of Texas.[331]

Governor Pat McCarran and his followers considered this an ideal course of action for a number of reasons. A traditional reliance on state militias or National Guards held several drawbacks. As volunteers, delays frequently created problems during critical events, as guardsmen needed time to be called and assembled. Volunteer groups were often viewed as ineffectual due to the lack of adequate drills and aptitude. They also lacked training in detective work. Lastly, members of state militias and National Guards often counted union men and labor sympathizers among their ranks. This situation had created problems earlier in Pennsylvania. It was argued by promoters that a Ranger force would be comprised of, in theory at least, well-disciplined, professional police officers who would be ready to serve at all times.[332]

Not surprisingly, this measure was bitterly contested by labor, which favored a reserve force that could be summoned by the sheriff or the county commissioners. Despite these protests, the Nevada State police became a reality in 1908. As darlings of the press, the group was described as "something like the Texas rangers. They aren't police and they aren't militia. They are simply a small

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[330] Roosevelt, *Theodore Roosevelt,* 376-377.

[331] "Injunction Would Be Joke They Declare," *Bisbee Daily Review*, December 27, 1907, 1; "Legislature of Nevada in Session," *Los Angeles Herald*, January 15, 1908, 3.

[332] "Nevada Legislature to Discuss Mining Situation," *Los Angeles Herald*, January 13, 1908, 10.

body of fearless, clear headed men who go wherever they are needed and when they arrive all signs of trouble disappear."[333] Early duties assigned to this group included 4th of July holiday patrol, the maintenance of order during prizefights, and assisting local law enforcement in the suppression of crime as the need arose.[334] Ironically, like their Old West predecessors, the Nevada State police engaged in one battle with Native Americans at High Rock Canyon in 1911. This occurred when eighteen Shoshone braves from the Duck Valley Reservation near Reno sought revenge for the deaths of fellow Native Americans at the hands Washoe county stockmen earlier that year.[335] Nevada later established a highway department in 1923. The State Police supervised this agency until the two entities merged in 1949 as the Nevada Highway Patrol.[336]

INTRIGUE AND WAR

Though Nevadans cheered the formation its new force, the usefulness of the rural range approach to policing was increasingly considered passé as the century progressed. One newspaper commented:

> "In the days when western Texas was the El Dorado of gun fighters, cattle thieves and malefactors of stolen wealth in general, the Texas ranger reached the zenith of his usefulness. His mission

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[333] "Nevada Police A Picturesque Clan," *The San Francisco Call*, June 28, 1910, 12.

[334] "Yea, Bo-You'll Have To Be Good While In Reno," *Medford Mail Tribune*, June 27, 1910, 5.

[335] See *The McCook Tribune*, June 8, 1911 p. 2, also "Real Indians on the Warpath," *Los Angeles Daily Times*, May 26, 1911.

[336] Michael Newton, *The Encyclopedia of American Law Enforcement* (Infobase Publishing, 2007), 240-241.

> was the preservation of at least a semblance of law and order at any cost. At all times a mounted policeman with a state commission, subject to orders from Austin, the glamour of the name Texas ranger attached to him a wider field of action than he filled. But what duty called him to do sufficed to satisfy the long for adventure in most men who were attracted to the command by Roosevelt's regiment of Rough Riders, as is well know, was largely recruited from the rangers or men who had belonged to that body. Their exploits in Cuba are a matter of history and anecdote. The each county has local constabulary and home rule spirit, rangers field of activity narrowed down and become a problem where to find quarters fro them. Their presence is resented everywhere and in one town the citizens went so far as to inquire into the moral character of the men. The state press is a unit for disbandment and the Legislature, it is confidently expected, this winter will sound the knell of the Texas Ranger."[337]

Despite this critique, the Texas Rangers did continue to attract admirers within its home state. Following the confiscation of several thousand bottles of liquor in North Texas this commentary appeared:

> "The majority of Texans are bound to see the value of a constabulary like the rangers who have so much better detective talent apparently than the local police. The Galveston officers could not possibly have located those law breaking saloons and gambling dens, it appears but the rangers did so with no difficulty."[338]

Others promoted the continued use of the Texas Rangers due to the benefit of their use on a larger scale. As a proactive force, systematic patrols helped to curtail illegal activity along the border while cooperation with federal and

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[337] "The Texas Rangers's Finish," *The Hartford Courant*, December 8, 1909, 18.

[338] The *Brownsville Daily Herald*, August 14, 1909, 2.

international authorities such as the United States Customs Service and the Mexican *Rurales,* benefited national and international interests.[339]

Despite their supporters, the Texas Rangers may well have passed from existence had it not been for unrest along the border created by the Mexican Revolution and WWI. With an increased need for security and surveillance here, the Rangers became increasingly federalized as President William H. Taft in 1911 utilized national influence to increase Ranger numbers along the shared border with Mexico. As state and federal responsibility lines blurred, President Taft and Governor Colquitt agreed to expand the Ranger force in 1911.[340]

Rangers proved extremely useful on a national level during the Mexican Revolution due to their peculiar talents. While many spoke Spanish, all were familiar with the nether most regions of the state. As a result, Texas Rangers, the Secret Service, the Bureau of Immigration and Naturalization, Customs, private detectives, and consuls cooperated in order to coordinate wartime intelligence.[341] Some noted examples of this were Ranger Gus T. Jones and Ranger Captain William M. Hanson. While Jones directed intelligence reports directly to U. S. Senate members regarding Mexican affairs, Hanson benefited directly in a number of ways for his participation in covert operations. Resigning as a Ranger,

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339 "The Famous Texas Rangers: Organization That For Bravery and Efficiency is Unsurpassed," *The Washington Post*, April 25, 1909, M2.

340 Linda B. Hall and Don M. Coerver, *Revolution on the Border: The United States and Mexico, 1910-1912* (Albuquerque: University of New Mexico Press, 1988), 21.

341 W. Dirk Raat, *Revoltosos: Mexico's Rebels in the United States, 1903-1923* (College Station: Texas A&M University Press, 1981), 619.

Hanson accepted a position as a special agent for Senator Albert Fall and the Mexican Affairs committee. As a reward, he received a patronage appointment as the District Director of the Immigration Service in 1923. This position later became the Supervisor of the Border Patrol in San Antonio USBP in 1924 where he hired only former Rangers as patrolmen.[342] Hanson was later forced to resign due to accusations of misconduct related to smuggling and the deportation of Mexican exiles back Mexico.

Wartime hysteria resulted in a number of unfortunate incidents involving the Texas Rangers as a border force authorized by the state. In 1911, a raid that violated U.S. neutrality laws lead to Governor Oscar B. Colquitt ordering the Texas Rangers to arrest Revolutionary Francisco Madero.[343] Later, the discovery of what became known as the Plan de San Diego in 1915 created anxiety and fear that resulted in a number of raids and executions carried out by various groups ranging from the Texas Rangers to vigilante groups organized by hysterical citizens.[344]

CHANGE AND REFORM, 1930s

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[342] Harris, *The Bloodiest Decade*, 493; *Investigation of Mexican Affairs: hearing before a subcommittee*, United States. Congress. Senate. Committee on Foreign Relations, Albert Bacon Fall, p. 3223 also Albert B. Fall Papers, University of New Mexico Center for Southwest Research, MSS 131BC, 6:3.

[343] Hall, *Revolution on the Border*, 145.

[344] Ibid., 24.

During the decade of the 1930s, policing in the United States underwent an astounding transformation.[345] Congress enacted a series of crime-fighting proposals that dramatically expanded federal criminal jurisdiction, thus superseding, to a great extent, the power, and authority of state police powers.[346] New public security concerns to affect rural agencies centered on depression-related crimes including the enforcement of prohibition laws and an influx of highly mobile criminals from urban areas.[347]

As part of a national trend, the state police movement peaked during this decade.[348] Emphasizing the enforcement of traffic regulations and the winning of public acceptance, over the suppression of labor unrest, nearly every state boasted a state or highway patrol by 1940.[349] With the exception of extremely isolated regions, the use of the horse was abandoned by rural agencies in favor of mechanized vehicles. They also responded to an increasingly wide variety of public threats many of which were now associated with urbanization.[350] Despite

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345 Eric H. Monkkonen, *Crime, Justice, History* (The Ohio State University Press, 2002), 22-3.

346 G. Jack Benge, Jr. *Partners in Crime: Federal Crime Control Policy and the States, 1894-1938* (PhD diss., College of Bowling Green State University, 2006), 1.

347 Allerfeldt, *Crime and the Rise of Modern America,* 22.

348 Benge, *Partners in Crime,* 1.

349 Bopp, *A Short History of American Law Enforcement*, 108-109.

350 "Colorful Texas Rangers Now Battle Criminals With Modern Weapons," *The Washington Post*, October 3, 1936, X7.

advances in mechanization, the need to respond swiftly remained vital and questions of militarism and infringement on personal liberty persisted.[351]

It was also during this decade that the historic career of the Texas Rangers as an independent state police force ended in 1935. Reaching unprecedented celebrity status during this time in popular culture, among their admirers were counted the immensely popular American humorist, Will Rogers, Western movie sensation Tom Mix, and Presidents Theodore Roosevelt and Woodrow Wilson. At the same time, the Texas Rangers had also become highly politicized and estranged from particular segments of the population due to incidents that had targeted them as minorities.[352] Influenced by factors related to immigration, urbanization, and industrialization, rural range policing proved easily adaptable and effective in the short term in attaining the aims and interests of political and social elites, but proved to have long-range costs in terms of police credibility and the protection of civil rights among minorities.[353]

Today, dramatic expansion in centralized police power continues on a federal level, raising questions regarding division of responsibility between federal and local entities and to the evolving nature of this authority. In a historical context, an explanation as to how and why U.S. policing became centralized helps to understand the efficacy of this approach to public safety and

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[351] Conover, *State Police Developments*, 774.

[352] "Complains of Texas Rangers," *New York Times*, September 7, 1915, 4.

[353] H. Kenneth Bechtel, *State Police in the United States: A Socio-Historical Analysis* (Greenwood Press, 1995), 4.

threats of critical security. As an integral part of this development, the early influence of the Texas Rangers may still be seen in modern forces today—most particularly in those found along the border, some of who retain semblances of their early frontier character.[354]

[354] Smith, *Rural Crime Control*, 128.

Chapter 6

THE RANGERS OF ARIZONA AND NEW MEXICO

The Arizona Rangers (1901-1909) and New Mexico Mounted Police (1905-1912) are compared more than any other law enforcement agency to the Texas Rangers. As such, they represent the peculiar blend of Old West and Progressive public security notions typically found within the rural range, state police agencies of their era. The development and demise of these twin organizations provide a unique insight into the examination of the developmental patterns of centralized policing within the United States. This chapter will emphasize the common themes found within the emergence of centralized, state rural range public security agencies in the Southwest.

Closely related in history and culture, both territories share many of the same political and cultural roots. As former possessions of Spain and later, Mexico, following American occupation, Arizona and New Mexico were lumped together as a single territory in 1850. They remained conjoined until their political division in 1863. Following separation, as territories the two continued to share many elements in common regarding their linear development, much of which also mirrored that of Texas. Largely agricultural in nature and supporting large Spanish speaking populations, each territory experimented with volunteer, ranger–style militias as public security mechanisms for settlers against hostile Native Americans during their early settlement periods. Prior to the Civil War a company of Arizona Rangers was authorized to respond to critical security threats posed by hostile Native Americans in 1860. This group was organized under the

auspices of the territorial governor and was purportedly made up primarily of Texans "looking for a good fight with the [Apache] Indians."[355]

In New Mexico, a direct line of influence leading to the range-style policing traditions of Texas may be found in the person of Albert J. Fountain, a lawyer and former Texas state legislator. As a Radical Republican and future Senate president, Fountain worked towards the reactivation of the Texas Rangers following the Civil War with the passage of the "Frontier Protection Bill."[356] Fountain later moved his family to Mesilla, New Mexico where he became one of the territory's most powerful attorneys. Fountain also published the local *Independent* newspaper and served as captain of the Mesilla Scouts, a militia unit organized to defend the town from Native American incursion and to address cattle rustling.[357] During the course of his career, Fountain collected a number of influential enemies. On February 1, 1896, he and his young son unexpectedly disappeared somewhere along the road leading from Tularosa to Las Cruces. It is believed that they fell victim to foul play, as their bodies were never located.

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[355] Larry L. McFall, *Why? Arizona Rangers* (Tombstone: Riodosa 40, 1996), 7, 10.

[356] *Handbook of Texas Online*. Texas State Historical Association, accessed, December 21, 2011, http://www.tshaonline.org/handbook/online/articles/ffo22

[357] Larry D. Ball, "Militia Posses: The Territorial Militia in Civil Law Enforcement in New Mexico Territory, 1877-1883," *New Mexico Historical Review* 55:1, 1990), 55.

^^^Today the two remain among New Mexico's most mysterious, unsolved murders.[358]

At the turn of the twentieth century, the perpetual nuisance of threats posed by Native Americans diminished with their pacification, while concerns connected to banditry along the Mexican border increased. At the same time, the economic and political clout of the livestock industry increased during the last decades of the 1800s and the early twentieth century.[359] By 1900, Arizona had become a border sanctuary for criminals and Mexican dissidents. Some felt that this state of social disorder both stifled economic development and impeded progress towards statehood.[360] Frequently operating in the open and with impunity, criminal activity inhibited the peace and prosperity of the region's burgeoning industrial class and stymied territorial progress towards statehood. Though twentieth century parallel developments in the field of law enforcement encouraged many reformers to look towards Europe and the modernized national forces developing there, the Southwest's territories looked predominantly to Texas where the Texas Rangers enjoyed a long established reputation as an agency whose men were skilled in frontier peacekeeping.

ARIZONA RANGERS, 1901

Any study of the Arizona Rangers and the New Mexico Mounted Police as twentieth century inventions must begin by focusing on the livestock industries of

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[358] Chuck Hornung, *Fullerton's Rangers: A History of the New Mexico Territorial Mounted Police* (McFarland & Company, Inc., 2005), 102.

[359] Ball, *Desert Lawmen,* 62.

[360] Ball, *The United States Marshals*, 208-209.

both territories and on Burton Charles "Cap" Mossman as a key player in these developments. Mossman, the first captain of the Arizona Rangers, arrived in Arizona from New Mexico in 1898. As an employee of the mammoth Aztec Land and Cattle Company or "Hashknife" outfit in northern Arizona, his arrival coincided with a time when the company suffered tremendous financial losses due to rustling and employee theft.[361] Mossman immediately set about to curtail these activities as manager, and in the process built a reputation for himself as being tough on cattle thieves.[362]

Mossman's success in the arrest of rustlers quickly drew the attention of a number of influential livestock investors within Western circles.[363] The young cattleman's personality also lent itself well to Western political networking during this era. Noted for his taste in fine liquor and cigars, Mossman dressed so immaculately that he struck many as more of a country club gentleman than as a

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[361] Burton Mossman interview with Lou Blachly, 29 June 1953, Pioneers Foundation (New Mexico) Oral History Collection, Center for Southwest Research, University Libraries, University of New Mexico; Ross L. Muir and Carl J. White*, Over The Long Term…The Story of J. & W. Seligman & Co.* (NY: J. & W. Seligman & Co., 1964), 107-108.

[362] "Winslow: Five Cattle-killing Mexican Caught" *Los Angeles Times*, April 3, 1899, 3.

[363] Kenneth Freeman Mosman, *John Mossman, A 1789 Scotch-Irish Immigrant to the Delaware River Valley and His Descendants* (Baltimore: Gateway Press, Inc., 1992), 197; Frazier Hunt, *Cap Mossman, Last of the Great Cowmen* (NY: Hastings House, 1951), 6-7, 33; See also C. L. Sonnichsen, *Tularosa: Last of the Frontier West* (Albuquerque: University of New Mexico, 1980); Paul E. Patterson and Joy Poole, *Great Plains Cattle Empire: Thatcher Brothers and Associates, 1875-1945* (Texas Tech University Press, 2000), 143; Mossman interview with Lou Blachly, 30 June 1953; Patterson, *Great Plains*, 143.

colorful frontier personality.[364] Mossman was a Mason, gambler, and gregarious storyteller. As such, he easily formed lasting friendships among many of the major political power players in the Southwest. Among these he eventually counted such notables as one time Secretary of the Interior, Albert Bacon Fall, Arizona Governor N. O. Murphy, railroad superintendent Colonel Epes Randolph, California cattle baron and president of the American National Live Stock Association H. A. Jastro, copper and cattle baron Colonel William C. Greene, and Phoenix mayor and hotelier J. C. Adams, to name just a few.[365]

Perhaps encouraged by some of his newly acquired political associates, Mossman ran unsuccessfully for the Arizona territorial legislature in 1900. Despite his loss, the young man's connections allowed him to advance socially among elites within the cattle industry.[366] Mossman joined the National Stock Growers Association in 1901 (later to become the American National Live Stock Association) where he also served, at times, as an executive member of their board. Among the goals of this organization was the establishment of state and local organizations whose first objective would be to push for the protection of the livestock industry from theft and for the "arrest and punishment of thieves."[367]

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[364] Charles A. Burmeister, "Six Decades of Rugged Individualism: The American National Cattlemen's Association, 1898-1955," *Agricultural History,* v. 30, n. 4 (Oct. 1956), 145.

[365] Mossman interview with Blachly, 30 June 1953.

[366] "Mossman, First Captain of Arizona Rangers, in Town," *The Bisbee Daily Review*, December 16, 1908, 5.

[367] Mossman would also serve as an appointee of J. A. Jastro from Kansas City, Missouri. See "Stock Raisers Pick Committee," *Los Angeles*

The suggestion that a group similar to the Texas Rangers or the Mexican *Rurales* be formed on a territorial level had been broached previously during sessions of the Arizona and New Mexico Legislatures.[368] Some measures had even been achieved but had failed to materialize due to budget constraints. Consequently, the cattle industry was forced to pay for their own protection.[369]

In Arizona, Mossman claims that he concocted the idea for an organization of "state" Rangers following a livestock convention and at the encouragement of Governor N. O. Murphy. Spiriting himself away in a room at the Adams Hotel in Phoenix, Mossman recalled that he and Frank Cox, a poker playing buddy, fellow Mason, and railroad attorney, allegedly hammered out the details of an organization that called for a professional team of paid lawmen who were vested with powers of arrest throughout the entire territory. The act moved

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Herald, January 30, 1909; J. R. Van Boskirk, "The Benefits to be Derived from State and County Organization," *Proceedings of The National Stock Growers' National Cattlemen's Beef Association of the United States*. Denver: Denver Chamber of Commerce and Board of Trade, 1898, 39 also *Proceedings of the National Live Stock Convention*, National Livestock Association (Denver: The Association) 1899, 1900, 1901.

[368] Lester N. Inskeep, "Capt. Mossman, First Ranger Chief, Relates Heroic Sagas," *The Arizona Daily Star*, January 9, 1947, 16; Ronald W. Snow, "The Beef Cattle Industry of Arizona: A Geographical Analysis" (MA thesis, Arizona State University, 1969); Proceedings of the Convention of the National Live Stock Association, Fort Worth, Texas, January 18, 1899 (Denver, CO: The Association), 47; Proceedings of the National Stock Growers' Convention and organization of the National Live Stock Association of the United States (Denver, CO: Denver Chamber of Commerce and Board of Trade, 1898), 39.

[369] See Session Laws of the Sixteenth Legislative Assembly of the Territory of Arizona, *An Act To Provide Protection of the Frontier*, n. 81, March 19, 1891, 103.

through the legislature with such astounding speed that little time was left to organize resistance, had there been any. The measure won by unanimous approval and became law on March 21, 1901.[370]

The measure authorized the organization of a company of Rangers that consisted of "…a captain, a sergeant, and 12 privates, for the pursuit and arrest of criminals in the mountain fastnesses and frontier regions of the Territory."[371] The measure also required that each man "furnish himself with a suitable horse, a six shooting pistol (army size), and all necessary accoutrements and camp equipage, the same to be passed upon and approved by the enrolling officer before enlisted…"[372] Governed by the same rules and regulations as the Army, recruits were comprised mostly of cowboys who were hired according to their ability to rope, ride, and trail. Men also enrolled for twelve-month terms and served at the will of the governor.[373]

The timing of such a powerful agency came at a most opportune time for the livestock industry. Arizona cattlemen had experienced unprecedented prosperity during the last decades of the nineteenth century, but organized rings of cattle rustlers continued to plague the industry along Arizona's rugged northern

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[370] Report of the Governor of Arizona to the Secretary of the Interior, 1902 (Washington Printing Office, 1902), 286.

[371] Report of the Governor of Arizona to the Secretary of the Interior, 1901 (Washington Printing Office, 1901), p. 138.

[372] The Revised Statues of Arizona Territory (Columbia, MI: Press of E. W. Stephens, 1901), 834.

[373] Ibid., 836.

and southern borders.[374] James Wilson, in his dissertation, *Cattle and Politics in Arizona, 1886-1941*, writes that the creation of this mounted force "spelled the difference between success and failure" for all but the largest cattlemen in Arizona.[375]

According to Mossman, following the bill's approval, local leaders, including Senate President E. S. Ives, J. C. Adams, Charles Shannon, and Colonel Epes Randolph, approached Mossman with the suggestion that he accept a commission as captain of the Rangers—a position Mossman states he never sought.[376] Other sources claim that fellow Mason and New Mexican, Albert B. Fall, recommended him for the job.[377] An additional element that may have influenced Mossman's decision to accept the position was the distinct possibility of lucrative financial gain in the form of gratuities. This would include rewards for a job well done from livestock interests such as Colonel William C. Greene, a personality well noted locally for such practices.[378]

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[374] National Cattlemen's Beef Association, accessed January 7, 2010, http://www.beefusa.org/theitimeline.aspx; Proceedings of the Fourth Annual Convention of the National Live Stock Association; Salt Lake City, Utah. January 15, 16, 17, and 18, 1901: *Salt Lake Herald*, January 19, 1901.

[375] James Arthur Wilson, Cattle and Politics in Arizona, 1886-1941, (PhD diss., University of Arizona, 1967), 138.

[376] Mossman interview Blachly, 29 June 1953; Wilson, "*Cattle and Politics in Arizona,*" 106 also *Arizona Daily Star*, August 5, 1923; "Tovrea and Mossman, the Leading Butchers," *Bisbee Daily Review*, February 27, 1902, 1.

[377] Hornung, *Fullerton's Rangers*, 25.

[378] Joseph Miller, *The Arizona Rangers* (NY: Hastings House, 1972), 25; Harry Heffner, *Reminiscences about Empire Ranch, Experiences as Manager of*

The appointment of Mossman must have raised brows among some borderland residents. Although the young man had experienced success as a special deputy sheriff in northern Arizona in the arrest and conviction of cattle rustlers, other more highly qualified candidates were available including border patrolman and former Texas Ranger, Jeff Milton. Nevertheless, Mossman assumed command as captain and received his law enforcement commission on August 20, 1901.[379]

Wielding enormous power, the new leader commanded enough personal authority to demand a hands-off policy for the governor, an edict that enabled Mossman to direct daily operations without interference from outside influences. Mossman also selected his own men and the location of Ranger headquarters and outpost camps. Since he lived in Bisbee at the time, where he had been engaged in the meat packing business, it is not surprising that Mossman selected that town as the site of the first Ranger headquarters. Tucson may have been a more suitable location due to the increased availability of transportation and the organization's need to respond quickly to calls in various parts of the territory. Despite this fact, the following year headquarters, under the subsequent captain, were moved to the raucous mining town of Douglas.

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the Empire Ranch, as told to Charles U. Pickrell, Tucson, Ariz., June 4, 1960, *Ghost Ranch Lodge*, Special Collections, University of Arizona; Robert K. DeArment, *Deadly Dozen: Twelve Forgotten Gunfighters of the Old West* (University of Oklahoma Press, Norman, 2003), 194.

[379] Michael Newton, *The Encyclopedia of American Law Enforcement*, (New York: Facts on File, 2007), 14.

In addition to state authority, the Arizona Rangers also received expanded police powers from the federal government when U.S. Marshal Myron McCord authorized the deputization of Captain Mossman and two subordinate Rangers as U.S. Deputy Marshals. These deputyships allowed Arizona Rangers to also make arrests for the federal government and to move across state/territorial lines. Later, U.S. Marshal Creighton M. Foraker of New Mexico also granted cross deputization on occasion.[380]

THE ARIZONA RANGERS UNDER MOSSMAN

Following the establishment of Ranger headquarters in the border-mining town of Bisbee, Mossman interspersed Rangers at various troubled spots around the territory. While they did address all crime in general, their principal task centered on the protection of livestock interests.[381] Operating in secret, Arizona Rangers often rode in pairs and posed as wandering cowboys in order to accomplish their arrests. Providing their own horses, weapons, and camping equipment—like their Texas counterparts—Rangers in Arizona also lacked uniforms, insignia, and other formal markings of a peacekeeping force. Ranger arrests for that year resulted in an impressive 125 convictions.[382]

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[380] Ball, *U.S. Marshals,* 227.

[381] *Ibid*. 1903; Jay J. Wagoner, *Arizona Territory 1863-1912, a Political History* (Tucson: The University of Arizona Press, 1980), 374-375; As a side note, "Colonel" is a title Greene gave himself in the interests of self-promotion.

[382] For more information on this see Frederick Jackson Turner's *Frontier Thesis*; O'Neal, *The Arizona Rangers*, Appendix B, 185; Hornung. *Fullerton's Rangers,* 26; Wagoner, *Arizona Territory,* 374-385; Charles

Helping to establish a rural state police force pattern during this era, Arizona's first territorial police also quickly developed a split personality. The Rangers won widespread acclaim during their first year for the effective apprehension of cattle rustlers, prompting the Arizona territorial legislature to double the size of the force the following year. In his report to the Secretary of the Interior for the year ending in June 1902, Governor Murphy wrote the following:

> "The operations of the Arizona Rangers have been most successful, and have materially aided in bringing about a lawful condition in portions of Arizona where, but a few years ago, outlaws carried on extensive operations in cattle stealing."[383]

Under Mossman, the Arizona Rangers suffered their first, and technically only, on-duty death early on, during the second month of their existence.[384] They also quickly developed a darker, more controversial reputation in opposition to their growing heroic persona. While some discontent stemmed from interdepartmental jealousies on local levels, the hiring of former criminals and inappropriate behavior on the job also created concerns. At one point within their first year of operation an estimated 200 citizens in Bisbee signed a petition complaining that the Rangers were overbearing with their fellow peace officers, brutal in their arrests, and that they conducted themselves in a manner

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Douglas Hill, *The Arizona Rangers: Frontier Law and Order in the 20th Century* (MA thesis, Arizona State University, 1977) 21.

[383] Report of the Governor of Arizona to the Secretary of the Interior for the Year Ended June 30, 1902, "Arizona Rangers," (Washington, D.C.: Government Printing Office, 1903), 88.

[384] Bill O'Neal, *Captain Harry Wheeler: Arizona Lawman* (Austin: Eakin Press, 2003), 67.

unbecoming an officer. The petition also demanded the resignation of Mossman.[385]

Another unattractive aspect of the Arizona Rangers was the perception that they frequently shot first and asked questions later when apprehending suspects.[386] Area rancher and first secretary of the Arizona Cattle Growers Association, Harry Heffner, recalled:

> "We thought they [Arizona Rangers] were wonderful because, after all, these local sheriffs around here were subject to political control. The Rangers weren't. They had the right of entry anywhere throughout the territory…I think they were invaluable but they were not popular. You can imagine. They jailed too many fellows and did away with too many. Sent them on their way to Yuma…I don't know what happened to them. They said they ran away. What do you call it? What do the Mexicans call it? It means you're escaping. Let's see. The Law of Flight [*ley fuga*]. But all these fellows, queer to say, were shot in the back."[387]

One notable aspect of the Arizona Rangers during their existence as a law enforcement entity was the warm working relationship with both the New Mexico Mounted Police (NMMP) and the Mexican *Rurales* under Lieutenant Colonel Emilio Kosterlitzky. Due to this, Rangers could enter New Mexico and Mexico in

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[385] Mulford Winsor, "The Arizona Rangers," *Our Sheriff and Police Journal* (1936), 52; *Tucson Citizen*, August 19 and 21, 1902; Hunt, *Cap Mossman*, 206; O'Neal, *The Arizona Rangers*, 83, 87.

[386] Hornung, *Fullerton's Rangers*, 25.

[387] Smith, *Emilio Kosterlitzky*, 101; "Cap Mossman Famed Western Lawman, Dies" *Los Angeles Times,* September 7, 1956; Heffner, *Reminiscences.*

the course of performance of duty, without raising the ire of their peer organizations.[388]

Following the assassination of President William McKinley, Theodore Roosevelt ascended to the presidency of the United States. As a former colonel of the First United States Volunteer Cavalry during the Spanish-American War and an ardent supporter of centralized policing, Roosevelt promoted the use of his former comrades in arms to several positions that wielded broad police power. As a result, former Rough Riders George Curry of New Mexico and Alexander O. Brodie of Arizona were selected to serve as governors of their respective territories.[389] In turn, Brodie selected Rough Rider Thomas H. Rynning to serve as the new Captain of the Arizona Rangers, replacing Burton Mossman.[390] Under Rynning, the authorized number of Rangers more than doubled from twelve to twenty-six. Among the new hires were enlisted nine additional Rough Riders. Other law enforcement changes in Arizona to occur at this time included the appointment of former Rough Rider Ben Daniels, as Arizona's U.S. Marshal.[391] This last appointment stirred controversy after it was discovered that Daniels had earlier been convicted of stealing livestock in Wyoming. One explanation for his

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[388] Ball, *U.S. Marshals*, 208, 222.

[389] Cyril D. Robinson, "The Deradicalization of the Policeman: A Historical Analysis," *Crime and Delinquency*, v. 24, n. 2 (National Council on Crime and Delinquency), 135; Carte, *Police Reform,* 23-24.

[390] O'Neal, *Captain Harry Wheeler*, 27.

[391] Charles Herner, *The Arizona Rough Riders* (Prescott, AZ: Sharlot Hall Museum Press, 1998), 221; Edwin B. Ferguson, "A 'Bad Man' Who Made Good," *American Illustrated*, v. 62 (May 1906-October 1906), 478.

hiring, however, may be attributed to the rumor that Daniels had saved Roosevelt's life during a gun battle at San Juan.[392]

Mossman had not enlisted in the war with Spain and held some resentment towards the preferential treatment of Rough Riders. With Roosevelt as president, he realized that his days as Captain of the Arizona Rangers were numbered and arranged to attend to a final item of unfinished business—the capture of Arizona's number one criminal, Augustine Chacon. Now stationed in Mexico, Chacon conducted frequent livestock raids to various ranches situated on both sides of the border. Because his Ranger commission was about to expire, Mossman sought a dual commission as a U.S. Deputy Marshal and then commissioned two former peace officers-turned-outlaws and acquaintances of Chacon to assist him in the arrest.[393] Crossing the border, Mossman illegally kidnapped Chacon and led him back across the border by a rope around his neck.[394] Mulford Winsor, Arizona State Librarian, later wrote of the capture:

> "To say that Chacon's capture created a sensation is to put it much too mildly. In all the annals of Arizona's criminal history there had been no feat performed by any peace officer to compare with it. But it was realized by the lawyer friends of the ex-ranger captain—his commission expired four days before he took Chacon—that the arrest of a citizen of Mexico on Mexican soil,

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[392] Ferguson, "A 'Bad Man' Who Made Good," 480.

[393] Ball, *U.S. Marshals*, 208; Hunt, *Cap Mossman,* 196-197; Thomas H. Rynning, *Gun Notches: A Saga of Frontier Lawman Captain Thomas H. Rynning*, as told to Al Cohn and Joe Chisholm (San Diego: Frontier Heritage Press, 1971), 203, 284; Joseph Harrison Pearce, *Line Rider*, Pearce Reminiscences, 1903-1957*,* 106.

[394] Pearce, *Line Rider,* 111; Colin Rickards, "The Hairy One," *The West* (December 1970), 61, also Hunt, *Cap Mossman*, 204.

without process of Mexican law, was a diplomatic offense that no court on this side of the line could ignore."[395]

Mossman took a permanent leave of absence prior to the hanging in order to avoid any legal repercussions related to the extralegal capture. Traveling to Manhattan for a vacation, he visited his friend Colonel Greene in his New York office. There, the two made plans to enter into a lucrative cattle venture together.[396]

Though Mossman served as Captain of the Arizona Rangers for only a single year, he was referred to as "Cap" in deference to this position the remainder of his life. Mossman's name also continued to surface on occasion in connection with possible law enforcement offices including some related to the captaincy of the New Mexico Mounted Police and the position of Chief with the Kansas City Police Department. Whether these offers were ever seriously extended or if Mossman even considered them is unknown. However, numerous articles, books, television, and radio programs chronicling Mossman's tenure as an Arizona Ranger further cemented his persona in the public imagination as a heroic defender of justice.

Following his retirement from the Arizona Rangers, and with the help of Colonel Greene and other influential associates, Mossman eventually rose to become one of the nation's largest cattle ranchers, controlling numerous

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[395] See Winsor, *The Arizona Rangers*, 52.

[396] Jennie Parks Ringgold, *Frontier Days in the Southwest* (San Antonio: the Naylor Company, 1952), 138-143; *The Arizona Republican*, November 21 and 22, 1902; Winsor, *The Arizona Rangers*, 54; Hunt, *Cap Mossman*, 220.

operations that extended from northern Mexico to Canada. With some of his largest holdings located in South Dakota, Mossman still faced cattle theft both from employees and neighbors there. Though the former Ranger Captain could no longer deal with cattle rustling in the same manner as he had in Arizona, he was noted for managing his men much as he had his Ranger privates and for helping to establish a cattlemen's organization that helped to push for legislation that benefited this industry.[397]

Thomas H. Rynnning was next advanced to the position of Arizona Ranger captain and instituted a number of changes. The former Rough Rider ordered badges and began a program of training and drills for his men that mirrored his experience in the military. Operational focus also began to shift from interests centered on the livestock industry towards those related to mining.[398] A copper strike was one of the first major events to affect the Rangers following Rynning's appointment. Taking place on June 1, 1903, in Morenci, Rangers assisted the local sheriff and the Arizona National Guard in the suppression of widespread rioting.[399] Rynning and the Rangers also assisted in the suppression of labor strikes at mines in Globe (1902), and Cananea, Sonora, Mexico (1906).

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[397] Clarence Mortenson, interview with author, 2 January 2008.

[398] O'Neal, *The Arizona Rangers*, 44; Winsor, *The Arizona Rangers*, 55; Wagoner, *Arizona Territory*, 381; Report of the Governor of the Territory of Arizona, year ending, June, 1903 (Washington D. C.: Government Printing Office, 1903 and 1905).

[399] Report of the Governor of Arizona, 1903, Report of the Governor of the Territory of Arizona, year Ending, June, 1903 (Washington, D.C.: Government Printing Office, 1903), 172.

American Copper Tycoon, Colonel William C. Greene at the time, had owned the mines in Mexico.[400] During that episode, Rynning and several Rangers organized 200-300 angry Bisbee citizens and led them, against Governor Joseph H. Kibbey's orders, into Mexico to assist Greene in curtailing that labor uprising there.[401] Arriving by special train in Cananea, the presence of armed Americans created an international incident. Once the *Rurales* arrived on the scene later that day, the Mexican force ended the violence and Kosterlitzky ordered the American invaders out of town in a most ungracious manner.[402]

As the Rangers boarded the train to depart Cananea, purportedly Greene came to see the Americans off. Having seemingly rewarded Mossman for the capture of Chacon earlier, Rynning may have hoped for similar remuneration. While Greene expressed his gratitude for the efforts of the Arizona Rangers and Bisbee volunteers, Rynning claims that the copper magnate promised him,

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[400] For a full account of the riot, see Wagoner, *Arizona Territory*, 384-390.

[401] For copies of some of the telegrams sent by Galbraith see *Los Angeles Times*, June 4, 1906, *Saint Louis Post-Dispatch*, June 2, 1906, and US Consul Reports, *Records of the Department of State, Relating to Internal Affairs of Mexico, 1910-1929*; A collection of telegrams sent among various government and business officials may be found in Gonzalez Ramires, *La huelga de Cananea*; Brickwood to Secretary of State, US Consul Reports, Records of the Department of State Relating to Internal Affairs of Mexico, 1910-1929; *The Bisbee Daily Review*, June 2, 1906.; *Los Angeles Times*, June 2, 1906, *The Chicago Daily Tribune*, June 2, 1906, *The Bisbee Daily Review*, June 2, 1906, and *The Tucson Citizen*, June 2, 1906.

[402] Raat, *Revoltoso,* 83; *Eugenia Meyer, La Lucha obrera en Cananea, 1906* (Secretaria del trabajo y Prevision Social, Goieerno del Estado de Sonora, Institutio Nacional de Antropoliogia e Historia/SEP, [1980]), 29; Smith, *Kosterlitzky*, 144.

"You'll never have to work another day in your life." The Ranger lamented, however, "Greene never made good on his word."[403]

At home in the United States, the Rangers were hailed as heroes by Bisbee residents and local officials, including the American Vice Consul, who wrote, "There is reason to believe that their [Rangers] entrance and their presence pending the arrival of Mexican troops, averted grave trouble during the day and prevented the loss of many lives including possibly those of Governor Izábal and Mr. Greene. They conducted themselves in a manly, restrained manner, and fortunately did not resort at any time to the use of force." Apparently the admiration was mutual, as a few days later, two Rangers who had participated in the Cananea debacle signed an affidavit addressed to Secretary of State Elihu Root in support of the Vice Consul's nomination and advancement to the position of American Consul at Nogales, Sonora, Mexico.[404]

American voices expressing disapproval for the actions of the Rangers were few. Rynning received a summons to Phoenix from Governor Kibbey in order to explain his abandonment of post following his return to Bisbee. What official conclusion, if any, was reached between the two remained unknown to the public. Rynning's autobiography, G*un Notches,* published in 1931, states that when a furious Kibbey threatened to fire him, he responded, "You'd better give

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[403] *The Bisbee Daily Review*, June 8 & 10, 1906; Rynning, *Gun Notches*, 310.

[404] *New York Times*, June 3, 1906; *The Bisbee Daily Review*, June 7, 1906; *Report on the Recent Disaffection among Mexican laborers at Cananea, Sonora, Mexico to the Assistant Secretary of State, June 23, 1906,* Records of the Department of State Relating to Internal Affairs of Mexico, 1910-1929.

that another thought, Governor. Right this minute I'm sort of a hero in Arizona. If you tied a can on me now, you'd be liable to get mobbed. So you better postpone the canning for a few days, till they forget all about me."[405] Though Governor Kibbey remained tight-lipped about the affair publicly, the *Republican* newspaper later reported that when President Roosevelt learned of the incident involving his fellow Rough Rider, he responded with a chuckle and the comment: "Tom's all right, isn't he?" The following year, Rynning was promoted to the position of Warden at the Territorial prison. At the end of his term as Ranger Captain, Rynning's last report to the governor omitted any reference to events that had occurred in Cananea.[406]

Harry Wheeler, the only Ranger to have begun as a private and work his way up to Captain, was promoted in 1907 as the third and final Arizona Ranger Captain. Though he had also served in the military, Rynning's practice of enlisting former Rough Riders ceased under the new command. Pandering to the livestock interests of the state, Rangers frequently also served as cattle inspectors. Due to this, Wheeler found Rough Riders to be men ill-suited to the demands of the job as few could rope or read a brand.[407]

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[405] *The Bisbee Daily Review*, June 7, 1906, 1; Rynning, *Gun Notches*, 312.

[406] Miller, *The Arizona Rangers*, 126; *The Bisbee Daily Review*, June 7, 1906; Rynning, *Gun Notches*, 320-324; *Governors Report*, 1906, "Arizona Rangers."

[407] O'Neal, *Captain Harry Wheeler*, 52.

Like Mossman and Rynning, Wheeler's career with the Rangers was pockmarked with controversy. Lack of punitive measures taken against the Rangers by the American government for their participation in events in Cananea created ill will between many Mexicans and those of Mexican descent on both sides of the border. Retribution would be forth coming during Wheeler's administration. As the new commander of the Rangers, Wheeler prohibited members of the organization from entering Mexico due to persistent ill feelings related to the strike.

Despite these precautions, as rugged individualists, Rangers did not always comply with orders. In April of 1908, Jeff Kidder, a Ranger whose commission had recently expired, returned to the border town of Naco in order to reenlist. Finding Captain Wheeler temporarily unavailable, Kidder occupied his time by making an unauthorized foray into a saloon on the Mexican side of town.[408] There, an encounter with a prostitute led to a shootout between Mexican police officers and Kidder. Kidder was mortally wounded during the engagement.[409] Though not an official Ranger at the time of death, the incident promulgated further animosity between Arizona and Mexican law enforcement officials.[410]

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[408] Ibid., 64.

[409] Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton University Press, 2011), 116.

[410] Ibid.

Following the successful suppression of widespread cattle theft, additional duties for the Rangers included assignments to border patrol in order to assist federal authorities in the arrest of illegal Chinese aliens and opium smugglers. Along this line of service, the Arizona Rangers also received accolades for their efficiency as a secret service.[411] This is because, as a point of continuing controversy, Rangers were periodically utilized to covertly infiltrate Mexican insurrectionist organizations and to track down Mexican Revolutionary leaders.[412] At one point, Ranger Sergeant Arthur A. Hopkins arrested ten members of the Liberty Club while holding warrants for an additional thirty-five.[413] Perhaps the most notable incident of this nature occurred on June 30, 1907. At that time, Arizona Ranger, Samuel Hayhurst, together with other Arizona law enforcement officials, arrested Mexican Revolutionary Manuel Sarabia in Douglas and assisted in his illegal transportation across the border. The unhappy captive was then placed in the care of Colonel Emilio Kosterlitzky and the Rurales. This incident raised the ire of labor activist Mary "Mother" Jones and other sympathetic locals. Denouncing the act, she and other sympathizers were successful in securing

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411 "Some Arizona History," *the Arizona Republican*, November 6, 1911, 5.

412 Hornung, *Fullerton's Rangers*, 91; Raat, *Revoltosos*, 94, 136, 112-113.

413 Ball, *U.S. Marshals*, 228.

Sarabia's release, whereupon Captain Wheeler was dispatched to Hermosillo, Sonora in order to retrieve the revolutionary.[414]

Swamped in controversy by 1909, the Rangers' ship was sinking fast as they faced continued attempts by their legislature to abolish them. While some politicians did not want to appropriate funding for the organization, others viewed them as an executive tool for Arizona's Republican governor. The Democratic Caucus in Maricopa County ultimately successfully promoted the disbandment of the Arizona Rangers in 1909, and on February 15, they ceased to exist.[415]

During labor strife occurring within Arizona's mining districts in 1917, a bill to reestablish a state or ranger police force was introduced into the state legislature. In response, Jerome's Miners' Union No. 79 adopted a resolution to be read before the legislature stating:

> Whereas, the use of the state militia in the past in breaking strikes, shooting and burning men, women, and children arresting and convicting innocent men under the cloak of martial law, the raping of women, and other crimes too numerous to mention, has been responsible for the present state of inefficiency in the national guard of the nation, as was exemplified by the recent events on the Mexican border and
>
> Whereas, as the nation must have soldiers to fill the army, and the conclusion having been reached to exempt the state militia wherever possible from unpopular strike duty: some substitute must be found to provide the corporations with hired killers to cow, and intimidate the workers in case they have the temerity to

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[414] Ricardo Flores Magón, et al, *Dreams of Freedom: A Ricardo Flores Magón Reader* (Oakland: AK Press, 2005), 57-58; Ball, *U.S. Marshals*, 230.

[415] Wagoner, *Arizona Territory*, 394; O'Neal, *The Arizona Rangers*, 185; While there have been a great number of stories and books printed about the Rangers, other popular media productions include the Western B movies *Riders of the Range, Riders of the Desert, The Arizona Ranger*, the television series *26 Men*, and a hit single entitled *Big Iron*, by pop singer Marty Robbins.

ask for a little greater share of what they are producing, and whereas, this force is being created in various states under the title of state police, rangers or some other euphonic name, therefore,

Be it resolved, that Jerome Miners' Union protest against the establishment of any such force in Arizona, even under the guise of enforcing the prohibition law, and denounce the attempt as a plot to deliver the workers hog tied to the corporations of the states.

(Signed) C. H. Sullivan, Sec. [416]

The miners of Jerome must have been successful in their legislative protest, as Arizona would not experiment again with a state force until it established a Highway Patrol in 1931. Though this new state organization centered on laws regulating highways and motorized vehicles, it continued to remain small in numbers, consisting of a superintendent, 14 patrolmen, and a desk sergeant. Like Texas, this patrol was also eventually incorporated into a larger Department of Public Safety. Absorbed in 1969, the Arizona Department of Public Safety remains a comprehensive law enforcement agency today.[417]

NEW MEXICO MOUNTED POLICE (NMMP), 1905

Just as events had developed in Arizona, the notion of a territorial police organization had been promoted by the livestock industry within the New Mexico legislature prior to its first force in 1905. A bill attempting to create just such an agency in 1899 failed, leaving the territory's to rely on a group of hired man

[416] "Jerome Miners Don't Want State police," *Tombstone Weekly Epitaph*, February 25, 1917, 5.

[417] Arizona Department of Public Safety, accessed, December 22, 2011, http://www.azdps.gov/about/history/

hunters known as Scarborough's Rangers.[418] This circumstance would change within a few years with the success of surrounding state forces. With the establishment of the Arizona Rangers, criminals in the Southwest were now caught in a law enforcement vise between the Texas Rangers, the Arizona Rangers, and the Mexican Rurales. Left with only New Mexico as a safe haven, cattle thieves migrated there in increasing numbers. This circumstance helped to prod the New Mexico legislature into finally passing a replica law that established a peacekeeping entity modeled after Mossman's Arizona Rangers.

Ample opportunity existed during this period for shared work toward a common goal between the territories to occur. Behind the scenes, the cattlemen's network of influence must have been hard at work. Senator W. H. Greer, a wealthy attorney and manager of his father-in-law's extensive Victoria Land and Cattle Company, introduced legislation in 1905. The proposal strongly resembled, with few variations, that concocted by Mossman and railroad attorney Frank Cox.[419] Other connections to Arizona's scheme involved the fact that Greer was the son-in-law of influential California cattleman H. A. Jastro.[420] In turn, Jastro was a friend and associate of Mossman. The two had even served together as members of the 1900 Executive Committee for the third annual convention of the National Live Stock Association. New Mexico Sanitary Board Secretary and former Mossman booster from Arizona, Will C. Barnes, and Governor Miguel A.

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[418] Hornung, *Fullerton's Rangers,* 19.

[419] Ibid., 15.

[420] Ibid., 58.

Otero Jr., a close friend of Arizona's territorial governor N. O. Murphy, also supported the act.[421]

The bill creating the NMMP became law on February 15, 1905. At the time of its passage, this legislation enabled the formation of the organization and authorized the Governor to "raise for the protection of the frontier, for the preservation of peace, and the capture of persons charged with crime, one company of New Mexico mounted police," with the Governor acting as Commander in Chief. It also provided for more money and positions than originally asked for. In the end, the organization consisted of one captain, one lieutenant, one sergeant, and not more than eight privates. Each man also furnished his own horse, pistol, and camp equipage.[422]

As with other law enforcement agencies, recruits frequently circulated between public security organizations over the course of their careers. Page Otero, brother of Governor Miguel Otero, served previously as New Mexico's first game warden before becoming a Special Mountie.[423] Many family members also shared the same occupation. Lieutenant Cipriano Baca, a former sheriff and deputy U.S. Marshal, was related to noted New Mexican lawman, Elfego Baca.[424]

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[421] Mossman interview with Lou Blachly, 29 June 1953; Hornung, *Fullerton's Rangers,* 34.

[422] Ibid.

[423] Ibid., 14.

[424] Ibid., 20.

Though they utilized mechanized vehicles on occasion, both agencies relied heavily on superior mounts and excellent riding skills in order to conduct operations in the rural regions of their territories. Unique equine talents were of the utmost importance. The NMMP, for example, were noted for training their mounts to stand without being staked or hobbled while officers utilized them as breastworks, shooting from both over or under their animals. Arizona Rangers, however, dismounted in a distinctive fashion during battle when the use of a rifle became necessary. Arizona Ranger Joe Pearce explained the procedure, "[w]e were taught dismounting not to use the stirrups, but to slide down backward over the rump of our horses, leaning down and withdrawing our Winchesters from saddle holsters while we were sliding. That way we could get off much quicker and had the immediate protection of the horse between us and what we were shooting at."[425]

As with other Ranger organizations, enrolment periods in New Mexico extended for one year with troops being governed by the same rules and regulations as those found in the Army.[426] The organization was not only charged with the responsibility of capturing outlaws, but also marauding Indians. Officers could also be dually deputized as a Territorial Game and Fish Wardens or Forest

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[425] Webb, *The Texas Rangers,* 80; Wilkins, *The Law Comes To Texas,* 292; Wilkins, *The Legend Begins*, 167; Hornung, *Thin Grey Line*, 62; Pearce, *Line Rider*, 107.

[426] *Acts of the Legislative Assembly of the Territory of New Mexico*, Thirty-sixth session (Santa Fe: The New Mexican Printing Company, 1905), 31-33.

Rangers.[427] While the charge to apprehend marauding Indians may have initially appeared outdated to some in 1905, recruits did experience encounters with Native Americans at times. Private Myers remarked of finding some tribal members hunting off reservation, outside of hunting season: "These redskins have absolutely no regard for the game laws. They seem to think that as long as there are deer to shoot they have the privilege of killing them, no matter whether it is in season or not."[428]

The new NMMP force was organized just as their predecessors had been—simply and centralized under the governor, with John J. Fullerton appointed as its first captain. Though the agency had attempted to align itself more with the Royal Canadian Mounted Police than the Texas Rangers by adopting the title "Mounted Police," the public persisted in referring to the organization as "rangers." Fullerton also sought assistance with clerical matters from both the Arizona and Texas Rangers and pledged full cooperation and mutual aid to both organizations. The New Mexican agency also made several moves to distance itself from an earlier private enterprise known as the New Mexico Rangers. They accomplished this by adopting a uniform, which was rarely donned except during parades. Designed to simulate ones worn by the New Mexico Rough Riders, the agency also adopted a unique design for its badge, as

[427] Hornung, *Fullerton's Rangers*, 198.

[428] "The Game Laws," *Recreation*, v. 24 (January 1906), 185.

opposed to the traditional star.[429] Despite their hype, however, this organization reported little action during the first three months of operation due to their lack of transportation and a certain amount of confusion. Reports indicated that this could be attributed to the fact that the men were not "thoroughly cognizant of the duties required of them."[430]

Also focusing largely on the livestock industry, the NMMP responded to outbreaks of fence cutting, returning escaped convicts to the prison, and the investigation of murder, among other things.[431] True to their character and nature, the NMMP experienced several cases of conflict with county peace officers.[432] In one instance, a dispute resulted following the revelation that arrestees of the Mounted Police had been released from custody by the sheriff following a $20 payoff by the suspects to the county official. During another incident, complaints filed by the citizens of Mogollon charged that the Mounted police had killed deputy sheriff Charles Clark in 1910 during a shoot out with Mountie John

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[429] O'Neal, *Arizona Rangers*, 12, Harold J. Weiss Jr., "Organized Constabularies: The Texas Rangers and the Early State Police Movement in the American Southwest," *Journal of the West* (Jan. 1995), 32; Hornung, *Fullerton's Rangers,* 17, 79.

[430] Report of the Captain of the New Mexico Mounted Police, John F. Fullerton, Report of the Governor of New Mexico to the Secretary of the Interior (Washington, D. C.: Government Printing Office, 1905), 179.

[431] "Mounted Police," Report of the Governor of New Mexico To the Secretary of the Interior for the Fiscal Year Ended June 30, 1907, (Washington, D. C.: Government Printing Office, 1907), 28.

[432] "Mounted Men Terrorize New Mexico," *Bisbee Daily Review*, November 2, 1905, 1.

Beal.[433] Regardless of these inter-jurisdictional squabbles, Fullerton wrote that these men were to be respected as: "The duties of a mounted police are hard, and only men of styling qualities can withstand the hardships imposed on them, as they are required at times to ride practically all night, sleep in the open whenever necessary, and always to keep their life in their hands."[434]

Former Rough Rider and U.S. Marshal, Frederick Fornoff, replaced Fullerton as captain of the NMMP in 1906. Close friend, former Rough Rider captain, and Territorial Governor, George Curry selected Fornoff.[435] Under Fornoff, the Fountain investigation received renewed attention but no success. Fornoff also investigated the murder of noted lawman Pat Garrett in 1908, the results of which indicated a connection to the organized smuggling of Chinese. This endeavor did not meet with success either, however.[436] Conversely, by April 1, the organization could boast of 192 arrests.[437] This number increased to 298 in 1909 with the recovery of 1,795 head of livestock. Additionally, the NMMP

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[433] See Inventory of Governor William J. Mills Papers 1910-1912, "Complaints by Citizens of Mogollon against members of Mounted police for Killing of Deputy Sheriff Charles Clark, 1910," New Mexico State Records Center and Archives, Santa Fe, New Mexico.

[434] "Report of the Captain of the New Mexico Mounted Police," *Report of the Governor of New Mexico to the Secretary of the Interior, 1905* (Washington, D. C.: Government Printing Office, 1905), 180.

[435] Hornung, *New Mexico's Rangers*, 37.

[436] Ibid,102-48.

[437] George B. Anderson, *History of New Mexico: Its Resources and People*, v. 1 (Pacific States Publishing Co. 1907), 296.

helped to settle disputes between cattlemen and incoming settlers, made arrests for assault, car theft, and numerous additional crimes.[438] These successes did not ensure the security of the NMMP's existence in the legislature any more than the Arizona Rangers' success had. Facing a seeming uphill battle for existence, members of the legislature continued to bicker over reasons to retain or disband the mounted police. Supporters called the NMMP "one of the best investments in the state," claiming that the force was non political and did not supplant local officials.[439] Bean counters concerned with budgetary issues felt that county sheriffs could adequately address rural policing needs. One editorial expressed the following sentiment in favor of retaining the force, however:

> "As the situation is at present some of our sheriffs have to wait months and often it runs into years to get even with their counties for the services they are now doing with the mounted police to help them. No state in the union has better service in this line than Texas and it has been proven one of [the] most potent factors in enforcement law and order in that commonwealth, so why will it not be so in New Mexico? Better keep the mounted police and pay them more money for what they have to do and a little legislation to enable our sheriffs to get their money as they earn it will help out too."[440]

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[438] *Proceedings of the House of Representatives of the Territory of New Mexico*, Thirty-eighth Session, January 18, 1909 (Santa Fe: The New Mexican Printing Company, 1909), 35.

[439] *Albuquerque Morning Journal*, March 11, 1913, 2; *Santa Fe New Mexican*, March 11, 1913, 2.

[440] *The Tucumcari News*, January 26, 1907, 6

Understandably, the organization experienced many of the same controversies and setbacks faced by most police organizations. Fornoff addressed this circumstance by stating:

> "By a study of the history of the Texas Rangers and the Arizona Rangers it will [be] seen that the New Mexico Mounted Police have met with the same difficulties for the first two years of its existence that the older organizations have met with. In my judgment, there should be no members of the Mounted police stationed at county seats as the work and duty of enforcing the law is properly that of the sheriffs at such points….The Territory of New Mexico is bounded on the west by Arizona, long a heaven for bad men, on the east and south by Texas and the Republic of Mexico, sections of the United States sparsely settled whose people can in the nature of things receive little protection from the local officers, and to this is attributed, to the fact that we receive so many fugitives from justice from those sections.[441]

Despite their proven success in the capture of criminals, the Mounted Police of New Mexico could not escape their share of political controversy. One damaging account included the participation of Apolonio Sena of the Mounted Police in a scheme to induce four Hispanic legislators to sell their votes during the spring 1912 Senate election. With the assistance of lawman, Elfego Baca, the quartet was lured to a staged meeting at Santa Fe's Palace Hotel. Once they entered the room, the legislators were framed and then induced to resign their positions prior to arrest. As supporters of his opponent, the removal of these four men from office ensured a victory for Albert B. Fall as one of the first new U.S. Senators from New Mexico.[442]

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[441] Fred Fornoff, *Report,* Territory of New Mexico, New Mexico Mounted Police (Santa Fe, January 2, 1907), 180.

[442] Robert W. Larson, *New Mexico's Quest for Statehood 1846-1912* (The University of New Mexico Press, 1968), 300.

It is unknown what effects the participation of Mountie Sena in entrapment of the four legislators had on territorial lawmakers. Shortly after this escapade, however, the new state legislature refused to continue funding for the NMMP. Despite their success as a criminal justice agency, the perception that they largely benefited the livestock industry at taxpayer expense, and spent much of their time with "their mounts in front of saloon doors," persisted.[443] Though the NMMP escaped a great deal of controversy in comparison to organizations in Texas and Arizona, the Mounted Police of New Mexico also failed to capture the attention and imagination of either their territory/state or the nation. By December 1, 1912, the NMMP ceased to exist in its original form. Supporters of the organization, however, found limited funding that allowed a greatly reduced force to serve in a limited capacity.[444] The NMMP was reactivated as a war measure in 1917, but was ultimately abolished in 1921, leaving the National Guard to assume many of its duties.[445] A motor patrol was organized in 1933 to address issues related to traffic. Later, a state force was created in 1935.[446]

SUMMARY

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[443] Richard D. Myers, "The New Mexico Territorial Mounted Police," *The Cochise Quarterly*, v. 1, n. 4 (December 1971), 5; Hornung, *Fullerton's Rangers,* 50.

[444] "A Brief History of the NMSP," New Mexico State Police, accessed January 12, 2012, http://www.nmsp.dps.state.nm.us/index.php/history/

[445] Hornung, *Fullerton's Rangers,* 193, 197; New Mexico Highway Patrol, accessed, January 12, 2012, http://www.nmsp.com/history.htm

[446] Ibid., also Hornung, *The Thin Gray Line*, 70.

Almost identical in all but name, the Arizona Rangers and the New Mexico Mounted Police each only lasted for brief periods of time before political powers and the demand for more economical approaches to modern policing needs superseded their utility. Despite this, the two organizations filled a unique and specific need during their period of service.[447] As both organizations sprang from a common root, each fell into similar developmental patterns. Following the policing model first established by Texas, both agencies promoted an image of being composed of men who possessed physical strength, endurance, and daring—recruits who were noted for excellent horsemanship and as deadly marksmen.

Legislated into existence as an enforcement tool of the chief executive, both agencies were centralized in organization, vested with broad police powers, and designed to respond rapidly to critical security threats within their jurisdictions. Over the course of their existence, each agency also violated the laws they were sworn to enforce in order to accomplish their own purposes rather than those of society. They were also viewed by many as an unnecessary strain on taxpayers' backs, as well as being a tool of oppression in the hands of political and economic elites.

Caught in a small window of changing time between a rapidly industrializing world and a rural, frontier environment, an examination of these agencies provides an important opportunity to study the use of police powers in a

[447] See *Report of the Governor of Arizona, 1902;* Carte, *Police Reform*, 12, 25-26; For some instances of these see early issues see the *Journal of Criminal Law and Criminology* published by Northwestern University.

particular time and geographical setting. It also raises questions as to centralized police authority and the exact obligations and duties of the agencies vested with this power. Following patterns already established by Texas, the rural mounted police forces of the southwest left an indelible mark on policing and in the suppression of organized crime and labor uprising along the border. Bridging the span of nineteenth century Old West traditions of law enforcement and those of the developing twentieth century, the Arizona Rangers and New Mexico Mounted Police helped to usher in a new era with regards to centralized state police power and the invention of new mechanisms of public security.

Chapter 7

CONCLUSIONS

> "It is because of America's strong tradition of local autonomy that the federal government has not become extensively involved in local law enforcement."
>
> *The President's Commission on Law Enforcement and Administration of Justice, 1967.*

Though professor of Criminal Justice and police historian Samuel Walker writes that developments in police history indicated a continuing pattern of continuity amidst change, he also cautioned that police structures were not "unchanging."[448] This thesis has effectively demonstrated the truth of Walker's sentiment, despite statements made in 1967 by the President's Commission on Law Enforcement and Administration of Justice. Though Walker was writing in regards to urban policing, the same notion rings true for rural, state policing on both the regional and national level, as the perpetual reinvention and reformation of law enforcement structures in the United States has resulted in increases in the centralization of civilian public security agencies at all levels of government. This development is a cause for great concern, particularly since the advent of the War on Terrorism.[449] As a result of this national policy, academics argue that the lines of authority between civilian law enforcement and federal national security are

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[448] Walker, "The Urban Police in American History," 252.

[449] Richard L. Block, "Fear of Crime and Fear of the Police," *Social Problems*, v. 19, n. 1 (Summer 1971), 91.

increasingly blurred while critical security threats are viewed with greater frequency in terms of terrorism as opposed to crime.[450]

Historically viewed as a threat to civil liberties in the United States, civilian law enforcement organization on a large, centralized scale, was avoided during the nation's early years due to its resemblance to a standing army. Relying heavily on theories of republicanism, framers of the Constitution left most criminal matters primarily to the states. State and territorial legislatures, in turn, traditionally passed this responsibility on to local and county governments. Consequently, the nation's public security system emerged over time in a fragmented and patchwork fashion. Highly influenced by the customs and practices of each region's original settlers, these early organizations were also primarily viewed as weak and ineffectual.[451]

At the federal level, Founding Fathers deliberately divided national police powers to keep them weak between three uncoordinated departments. Over time, the United States overcame its shyness of centralization or concentrated police power.[452] As the nation became increasingly urbanized and industrialized, chief

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[450] For examples of this see Peter Andreas and Richard Price, "From Fighting to Crime Fighting: Transforming the American National Security State," *International Studies Review*, v. 3., n., 3 (Autumn, 2001), also Timothy J. Dunn, *The Militarization of the U.S.-Mexico border, 1978-1992: low-intensity conflict doctrine comes home* (Austin: CMAS Books, University of Texas at Austin, 1996).

[451] Pound, *The Spirit of The Common Law,* 136.

[452] Johnson, *American Law Enforcement*, 8-10.

executives found the allure of centralized police power too great a temptation to resist in the need to address issues related to social unrest.[453]

As part of this development currently taking place within the United States, it is the contention of this study that the use of centralized civilian policing had already become a well-established police practice by the mid nineteenth century. Also, that the traditions and early culture of this style of policing in America traces its origins to Spanish dominated Texas where the centralization and militarization of public security agencies took place early on with the formation of the Hermandades and military flying columns. As a product of this heritage, the Texas Rangers both as a traditional approach to public security, and as an organization, represent a developmental innovation in American policing in regards to the centralization of administrative public security authority. Therefore, the creation of the Texas Rangers as an independent peace keeping agency signaled the beginning of the move to centralize police power on a larger regional scale.

Lionized by some factions of society and vilified by others, volumes have been written about the Texas Rangers. Designed as a homeland security structure to protect settlers from critical security threats posed by hostile Native Americans, the Texas Rangers began as a loose collection of local, volunteer militias called into service during times of need. As this approach to pubic safety coalesced into an identifiable, permanent entity, the Texas Rangers came to serve first, as a national police force as part of the Republic of Texas (1835), and later, as the first

[453] Ibid., 86.

"state" peace keeping organization in America. As such, this organization developed a unique approach to policing that has left an indelible impression on the field of public security and civilian policing today.[454]

Noted for its heavy reliance on the use of coercive force, the Texas Rangers initially gained widespread acclaim for their effective use of specialized weaponry, their ability to respond rapidly over great distances to critical security threats, and for the skilled deployment of manpower over the rugged and remote frontier regions of their territory.[455] Organized simply, with direct lines of authority leading to the regional chief executive, government leaders in Texas granted the agency broad powers of superseding jurisdictional authority in order to carry out their aims through the region.

Within this framework, the Texas Rangers greatly influenced the manner in which law enforcement was conducted along the international border, as their approach to social control was rapid, cost effective, and convenient. This approach was also successful in cementing a positive image of the Texas Rangers within the general public imagination. Eventually, the apparent success of this approach became so appealing that subsequent regional authorities experiencing similar conditions attempted to emulate the managerial style and culture of the Rangers in Texas. This practice, couched in heroic popular culture imagery, introduced the concept of regional or state/national police to the American

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[454] "Narrative History of Texas Annexation," *Texas State Library and Archives Commission*, accessed, January 3, 2012, https://www.tsl.state.tx.us/ref/abouttx/annexation/index.html

[455] Robinson, *The Men Who Wear The Star,* 7.

population on an increasing scale as an acceptable means of suppressing social unrest and threats of violence or crime.

Agencies who followed the policing model established by the Texas Rangers, including the Department of Homeland Security, frequently shared a startling number of common elements or parallel developments. Experiencing initial success in the achievement of social order, widespread political support from their endorsers subsequently allowed these organizations to expand their power and/or duties rapidly. They also experienced sharp criticism ranging from corruption and heavy-handedness to the abuse of citizens, and racism.[456]

Despite this, success attained in this manner was paid for dearly in terms of loss of public confidence in police credibility among some segments of the population. With the successful suppression of the initial critical security threats associated with the formation of individual organizations, objectives frequently shifted to include fears related to social unrest and political opposition. These organizations then typically focused on target populations comprised almost completely of minorities and the lower classes. Because these agencies lacked the public service components their local counterparts employed, centralized police agencies came to be viewed largely as instruments of oppression that benefited only the upper elite as opposed to that of public servants charged with the responsibility of safeguarding society as a whole. Ill feelings created in this manner not only proved persistent, but contagious, as they spread from the Texas

[456] Example of this may be found in report concerning abuse within the Border Patrol along the Southwest border, "Abuse Along the Border," KPHO channel 5, airdate, January 19, 2012.

Rangers to other agencies. The ill effects of this circumstance may still be seen today along the Southwest border.

Lastly, organized without traditional mechanism of behavioral control traditionally found laterally at local levels such as popular elections or city councils, the regional powers of authority of these agencies were easily corrupted. Allegiance between political power players and state agencies shifted as the needs of the individual agency, major political party powers, and regional financial elites all fought for supremacy. Expansive police authority also jeopardized local prerogatives and control while creating jurisdictional jealousy. Lacking systems of checks and balances, these agencies typically suffered charges of abuse and corruption. With little else to control them outside of executive mandates, state and territorial legislatures were eventually left only with the option to disband their organizations or to drastically reform them.

Considered a radical invention in law enforcement at the time, the evolution of the Texas Rangers has left an indelible mark on the face of modern policing. As history teaches us that critical security challenges require clear lines of responsibility and the unified effort of the U.S. government, we must learn how to best address the task of building the most effective organizational structures possible.[457] As part of this, the influence of the Texas Rangers as a public security organization and its cultural traditions, for better or worse—ones that first developed during the early decades of the nineteenth century—have largely been ignored. Today, the nearly 2,000-mile long international border between the

[457] Bush, "The Department of Homeland Security," 6.

United States and Mexico as a social and political entity appears to be trapped in a perpetual struggle for equilibrium. The United States must continue to weigh the benefits of centralized security mechanisms and greater police power, against the loss of its traditions of state and civil rights and the personal liberties of its population.

The complexity of these issues demand additional studies, ones that may provide important insight into the formulation of successful public security strategies in the future.[458] Police power must be held in check. Concerns regarding the propensity of centralized civilian police organizations to target specific populations as the symbolic enemy must continually be monitored. Due to this, an objective evaluation of the rise of centralized policing as experienced through the development of the Texas Rangers may prove of some benefit. As part of this ongoing discussion, it is hoped that this look into the rural ranging traditions that emerged within the Southwest will prove of value.

[458] Walker, *A Critical History of Police Reform*, xv; David E. Lorey, *The U.S.-Mexican Border in the Twentieth Century: A History of Economic and Social Transformation* (Wilmington: A Scholarly Resources Inc. 1999), 1.

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