

Frontiers

The Two Types of Frontiers

Type I

farming, farm building
families, usually nuclear
balanced gender distribution
a few over forty-five years old
many children
high birthrate
women less highly valued
relatively permanent
limited vice
peaceful
colonizing

Type II

mining, ranching, other extraction
individuals
80 to 90 percent (or more) male
almost none over forty-five years old
few children
low birthrate
women more highly valued
transient
widespread commercialized vice
violent
imperialist, exploitative

Source: An elaboration of Walter Nugent, "Frontiers and Empires in the Late Nineteenth Century." *Western Historical Quarterly* 20 (1989): 401.

A Stabbing in Idaho

Don Maguire was a Rocky Mountain trader who made his money selling guns, knives, dice, cards, and various other items at a 1,000 percent profit. He kept a journal, which has been edited by the historian Gary Topping. This entry, composed in a hurried, stream-of-consciousness style, was written in the course of an 1877 trip to the mining town of Atlanta, Idaho:

The two noted characters of the town Coyote Smith and Poker Smith. My attention was first drawn to Coyote Smith. While he was engaged in a quarrel with two carpenters who were working lumber in front of a saloon, he being drunk made much disturbance and at the same time vowing to whip the two carpenters whereupon one of them gave him a kick in the hip. This set him wild. He snarled for a revolver swearing to kill the two. A revolver he could not procure. Midway up the street entered into a second altercation with Poker Smith and seizing a carving knife from the counter of a restaurant he made a stroke [passage obliterated] to sever the jugular vein for Poker Smith but missing

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his aim the knife struck the collar bone broke and his hand running down the blade he received a horrible wound cutting his hand from the hollow between the thumb and forefinger nearly to the wrist blood flowed freely from both parties but neither was fatally injured. There were no arrests made.

"No arrests made" was the outcome of many a similar confrontation. This sort of affray kept the local surgeon busy, not necessarily the sheriff or vigilance committee. One of the busiest surgeons was George Kenny of Salmon City, Idaho. Before he was through, he managed to fill half a coffee mug with bullets dug from miners.

Source: "A Trader in the Rocky Mountains: Don Maguire's 1877 Diary." Idaho Yesterdays 27 (summer 1983): 2-4, 7 (quotation). Where indicated by Maguire's capitalization, periods have been inserted; the spelling of one word, "seizing" for "siezing," has been corrected.

In the last decades of the twentieth century the concept of the frontier had become for many U.S. historians the equivalent of an insult in a crowded saloon: an invitation to fight. Many a blow had been leveled at Frederick Jackson Turner's famous account of European-descended whites "advancing" into "free lands" along an "empty" frontier, a notion of national progress that was condemned as oblivious to the existence of the native peoples. Some indignant historians refrained from using the word *frontier* altogether, an extreme reaction that jettisoned a useful analytical concept. Properly understood in a neutral, ecological sense as a shifting, generally westward-moving zone of interaction between indigenous and nonindigenous populations, the idea of the frontier is useful in making sense of the historical pattern of violence in the United States. In fact, it is indispensable.

Peaceful and Not-So-Peaceful Frontiers

The frontier violence of fact and legend was mostly a product of developing regions with an excess of young single males. The historian Walter Nugent calls these type II frontiers and contrasts them with type I farming frontiers, which were generally peaceful, not to say dull. The people of the farming frontiers were the "colorless many, . . . too busy trying to raise families and eke out a living to become legendary." The denizens of the cattle towns and mining camps were the "colorful few," whose lives were more often cut short by accidents, drunken violence, or hygienic neglect.

Type II frontiers were most common in ranching country and in the mining and lumbering regions of the cordillera, the vast elevated region from the eastern Rocky Mountains to the western foothills of the Sierra Nevada and Cascade ranges. With the exception of Mormon-settled Utah, type I frontiers were found in rainier areas with good soil and readier access to the East. In their very earliest stages, they were pioneered by men who came ahead of their families to scout the land, build primitive shelters, and pave the way for agriculture. As soon as they judged conditions to be satisfactory, these men

brought their fiancées or wives and children to join them. Though raids by Native Americans or outlaws might bring moments of terror (and retreat to safer lands), populations consisting mostly of young farming families enjoyed relatively stable social lives.

Type II frontiers were far more volatile. In any society young men in their late teens and twenties are responsible for a disproportionate amount of violence and disorder. Statistically, populations that consist mostly of young men have shown a tendency toward violent crime. This is not only because the young men are so numerous or brimful of testosterone, but also because so many of them are unattached. In type II frontiers there simply were not enough eligible women.

In normal circumstances, marriage acts as a brake on rambunctious male behavior: the boys get hitched and settle down. The cliché is grounded in both sociology and evolutionary psychology. When men acquire wives and families, they have more to lose and so behave more cautiously. Other things being equal, a married frontiersman thought twice before wading into the thick of a barroom fray. A married frontiersman was less likely to be in a barroom in the first place.

Vice, another prominent characteristic of type II frontier towns, was linked to violence in several ways. Unattached laborers—cowboys, miners, lumberjacks, fur trappers, navvies, teamsters—were the natural prey of gamblers, pimps, prostitutes, and whiskey peddlers, all of whom followed the frontier. Many vice figures were armed and hardened criminals who used violence or its threat to settle disputes over poker stakes and dance-hall girls. Vice institutions were flash points for trouble.

Nowhere was this clearer than in the Chinatowns of western cities and towns. Chinatowns were, among other things, recreational vice districts for the overwhelmingly male Cantonese laborers who poured into California and other western states and territories after the discovery of gold. They featured gambling parlors, brothels, and opium dens that were controlled by organized gangs called tongs. Tong enforcers (called highbinders or hatchet men) used muscle to collect gambling debts and prevent indentured prostitutes ("slave girls") from running away with customers. They waged pitched battles with other tongs to maintain control of the vice operations, much as rival gangs of bootleggers would later do during Prohibition. The homicide arrest rate for the Chinese in Portland, Oregon, in the 1870s was roughly four times that of the general population, a reflection of the abnormally high ratio of Chinese men to women and the consequent flourishing of vice and organized crime. The Chinese were also preyed upon by white robbers, extortionists, and bullies who found them easy and politically popular targets. The *English-Chinese Phrase Book* (1875, revised 1877) distributed by Wells, Fargo and Company included grimly useful sentences such as "He came to his death by homicide," "He was choked to death with a lasso, by a robber," "He was killed by an assassin," and "He was smothered in his room."

Outside Chinatown the saloon was the central establishment of vice. Spree drinking was common, particularly among workers who had just been paid. When they drank too much, they became careless and clumsy, likelier to give

or take offense in dangerous circumstances. Clare McKanna, who studied nearly one thousand homicide cases in three western counties from 1880 to 1920, found that seven in ten of the perpetrators had been drinking, as had about six in ten of the victims. More than one-third of the male victims died in saloons or in the streets in front of them. Thirty-two of them had been shot by bartenders (mostly with pistols, not, according to legend, with a shotgun from behind the counter), while sixteen of the dead were themselves bartenders. Most of the killings took place in the evening or on the weekend, that is, the times when tipsy men were apt to be congregating in saloons and other places of bibulous recreation.

Drunken brawls were not necessarily homicidal. What made them so lethal was the frontier habit of carrying knives or especially guns. Handguns were responsible for 63 percent of the homicides in McKanna's sample; handguns, rifles, and shotguns were responsible for 75 percent. Ready access to deadly (and often concealed) weapons greatly increased the odds that a simple assault would escalate to homicide. Most frontier killings and maimings were sordid, unpremeditated affairs that arose from jostling or insults among touchy men who had had too much to drink.

Gun toting also carried the risk of accidental death. The *Caldwell Post*, a cattle-town newspaper, estimated that five cowboys were killed by accidental gun discharges for every one who was shot intentionally. An unjacketed .44- or .45-caliber bullet did tremendous damage. Many of those who survived gun mishaps had to live with terrible injuries: blasted groins, shot-away knees, missing faces, and the like.

Measuring the Violence

The most frequently studied measure of frontier violence is the homicide rate. Killings usually made it into newspapers and official documents and thus into the historical record, while lesser crimes such as assaults were often unremarked or unprosecuted. As Robert Dykstra has argued, even in legendary places like Dodge City the number of murders was actually small, owing to the smallness of their populations. Men did not duel in the streets every noon, nor was killing, criminal or otherwise, a common event.

In proportional terms, however, frontier killings were much more frequent than in the East. When homicide is expressed as a ratio (conventionally the number of cases per 100,000 people per year), type II frontier communities had rates that were at least an order of magnitude greater than those prevailing in eastern cities or midwestern agricultural regions. The homicide rate of Fort Griffin, a central Texas frontier town frequented by cowboys, buffalo hunters, and soldiers, was 229 per 100,000 in the 1870s. That of Boston, a long-settled eastern city whose population included proportionately more women, children, and old people, was only about 6.

Some of the most clear-cut evidence comes from California. Roger McGrath has calculated that the homicide rate for the mining town of Bodie (90 percent male) was 116 per 100,000 from 1878 to 1882, years when eastern homicide rates rarely exceeded single digits. (By contrast, the robbery rates in Bodie and nearby Aurora, Nevada, were comparable to, and burglary rates

lower than, those of eastern cities—a reflection, perhaps, of the fear of armed retaliation by potential victims.) Kevin Mullen has estimated that the San Francisco homicide rate ranged from 28 to 80 per 100,000, with an average of about 49, during the city's tumultuous early years (1849–1856). The rate thereafter subsided to a range of 4 to 13 per 100,000 during the 1860s. The main reason for the shift was that the disproportionately youthful and male population characteristic of the early gold rush gradually gave way to a more balanced population that included more women, children, and old people.

This was in fact a universal pattern. Type II settlements did not retain their unbalanced populations forever. Within a decade or two the surplus men moved on to new frontiers, died prematurely, or married and settled down. Women, who were initially scarce, married and began bearing children at an early age, often in their teens. These children were roughly divided between boys and girls. Eventually the children married and further normalized the population. With the increasing numbers of women and children came institutions—schools, churches, and the Woman's Christian Temperance Union—that militated against vice and violence and improved the moral climate of the once-raucous frontier towns.

Frontier violence is thus best understood as a passing migratory anomaly. The nature of the labor demand drew youthful male workers to ranching, mining, and other type II frontier regions. These young men found themselves thrown together in competitive masculine company, isolated from familial influences, tempted by predaceous vice and payday sprees, and at least temporarily unable to find women to marry. When these circumstances changed—when the type II frontiers came to resemble more nearly the type I frontiers—the propensity toward public violence abated or at least stabilized at a lower level.

Cultural Influences

There is more to the story of frontier violence than population structure. Cultural factors also help to explain why men were so quick to fight other men and why there was so much conflict with Native Americans.

Men who come from cultures that stress personal honor are more likely to become involved in fights than those who do not. Such cultures emphasize the importance of responding to any perceived insult or slight, however trivial, lest a man lose face in the eyes of others who determine his social worth. The approved response is to display physical courage, to fight the offender, or, in certain upper-class contexts, to challenge him to a duel. The addition of deadly weapons to the honor imperative, epitomized by a Colorado grave marker, "He called Bill Smith a liar," explains why hotheaded killings were common on the frontier.

Those portions of the frontier settled or traversed by southerners were especially prone to hotheaded killings. The religiously motivated European immigrants who first journeyed to New England and the littoral regions of the middle colonies—Puritans, Quakers, German Pietists, and the like—were not particularly concerned about honor. However, the Cavaliers who settled in the

Chesapeake colonies were. (Maryland's homicide rate from 1657 to 1680 was more than twice that of Massachusetts, though this probably reflects excess males as well as cultural differences.) The Scots, Scots-Irish, border English, and Finns who settled along the backwoods frontier were also highly honor-conscious. They were accustomed to weapons and warfare, because they or their ancestors had come from remote and often violent rural areas on the hardscrabble periphery of northern and western Europe.

As the frontier moved westward, most new settlers situated themselves in places climatically similar to those whence they came. New Englanders moved to Ohio, southerners to the Gulf Plain, and so on. Until the twentieth century, migration tended to follow lines of latitude, as did cultural attitudes toward honor. Frontier regions settled by northerners were less violent than those settled by migrants from the South or Midlands. "All old-timers who know the West will tell you that they did not have so many killings and shooting scrapes after they got up North as they did in Texas," recalled E. C. "Teddy Blue" Abbott in his cowboy memoir, *We Pointed Them North: Recollections of a Cowpuncher* (1939; p. 231). The figures back him up. The statewide homicide rate in Texas was 32 per 100,000 in 1878, far higher than in northern climes.

Conflict with Native Americans

Many frontiersmen, northern as well as southern, had definite ideas about Anglo-Saxon racial superiority and the self-evident correctness of manifest destiny. At best, Native Americans were objects of suspicion; at worst, they were savages, disgusting, incorrigible, and even diabolical obstacles to the advance of civilization. Such extreme ethnocentrism naturally made it easier to justify killing them and appropriating their lands. The classic case was California, where miners enslaved, raped, or simply shot down Native Americans for no better reason, wrote one French missionary, than "to try their pistols." Miners, ranchers, and militiamen—the latter much more lethal to Native Americans than the better-disciplined regular soldiers—together accounted for more than forty-five hundred killings of Native Americans in California between 1848 and 1880.

Of course, the Native Americans in California and elsewhere fought back, often matching and surpassing whites in the ferocity of their attacks. Apaches were known to kindle slow fires under the heads of suspended captives. Tales of such atrocities confirmed the whites' conviction that the elimination of hostile Native Americans was in principle no different from hunting predatory animals. Even when Native Americans were accorded the formalities of a trial, bias against them practically guaranteed convictions. For example, every Apache accused of killing a white in Gila County, Arizona, in the late 1880s was convicted. The only Apaches who were acquitted or had their cases dismissed were those accused of killing other Apaches. For those found guilty, a long sentence was often tantamount to the death penalty. Well over one-third of all Native Americans sent off to prison in Arizona and California were dead within five years.

Native Americans were at a marked demographic disadvantage in their conflict with whites. Their numbers progressively dwindled because of their

vulnerability to imported Old World diseases such as smallpox. Too many women and dependents were another military handicap. Braves were in short supply, a legacy of intertribal warfare and, more speculatively, of the greater susceptibility of males to infectious disease. Native American women and dependents were less mobile than the braves and therefore easier to attack. The tactic of destroying villages rather than going after elusive bands of warriors, which emerged in Massachusetts and Virginia as early as the 1620s and 1630s, was used repeatedly in the eighteenth and nineteenth centuries and led to such notorious and lopsided Native American defeats as Sand Creek (1864), Washita (1868), and Wounded Knee (1890).

Ecological violence by Europeans brought further hardship to Native Americans. Hunting was a popular pastime among frontiersmen, particularly during the nineteenth century. Competitive in masculine company and keen on proving their prowess, Europeans often killed more than was necessary to feed their families or sell to others. The rotting carcasses of thousands of Plains buffalo were a stark reminder of the excess slaughter and a signal source of Native American distress. Give the hunters bronze medals with a dead buffalo on one side and a discouraged Native American on the other, General Philip Sheridan admonished the Texas legislature. "Let them kill, skin, and sell until the buffalo are exterminated," he declared. "Then your prairies can be covered with speckled cattle, and the festive cowboy, who follows the hunter as a second forerunner of an advanced civilization."

Native Americans themselves were drawn into overhunting so they could barter meat and skins for European trade goods, thus heightening conflict with other tribes. One of those trade goods, alcohol, had horrific consequences. European memoirs are full of accounts of drunken Native Americans selling their squaws into prostitution, going on wild binges, stumbling into fires, cutting one another to pieces. One theory to account for this extreme behavior is that Native Americans had no knowledge of distilled alcohol before contact with Europeans and thus no store of social knowledge about drinking. Native Americans learned to drink hard liquor from the worst possible tutors: fur trappers, traders, mule skinnners, and other denizens of the type II frontier. When they saw white men swill whiskey and become dangerously, obstreperously drunk, they did likewise and suffered the same consequences.

Government's Failure to Control Frontier Violence

Selling liquor to Native Americans was illegal in most places from colonial times on. Neither the British nor the American government was able to suppress the trade, however. The U.S. government, nominally responsible for policing the western territories, was seldom able adequately to enforce any policy to protect Native Americans. The frontier was vast, the settlers numerous and greedy, and the resources of the federal government limited. The army was spread too thin to control the movements of frontiersmen or to prevent them from trespassing on treaty lands. Local courts and juries were invariably sympathetic toward white defendants and hostile toward Native Americans.

In the early stages of frontier expansion, legal institutions were either lacking or inadequate. One response to this situation, patterned after the Regulator movement in South Carolina in 1767–1769 (in which backcountry settlers organized to restore law and order and establish institutions of local government), was vigilantism, or organized extralegal movements against robbers, rustlers, counterfeiters, and other outlaws. The historian Richard Maxwell Brown counted 326 such movements in the country between 1767 and 1904, the majority of which were in southern and southwestern territories and states, the single most important of which was Texas.

When vigilante actions were limited in scope and controlled by local elites, they often served socially constructive purposes. Selected malefactors were whipped, branded, banished, or sometimes hanged in public dramas that affirmed the values of property and order. But vigilantism could also miscarry. In California, racial minorities, particularly Hispanics, made up a disproportionate percentage of those subjected to lynch courts, which were especially swift and merciless if the victims were white. Vigilantism also ran the risk of triggering private warfare, when friends and relatives of the lynch victims sought revenge against the vigilante faction, or of miscarriages of justice, when personal enemies were killed under the guise of the popular will. Vigilantism, in short, was a poor substitute for professional police and regular courts and had been widely superseded by the close of the nineteenth century.

Frontier Violence After 1900

Frontier violence is not entirely a thing of the past. The night, for example, is a present-day frontier where colonization has been made possible by cars and electric lights. Charles Lindbergh wrote in his autobiography that the most spectacular change he had seen in the earth's surface in all his decades of flying was the sprinkling of myriad lights across the United States on a clear night. These lights were signs of "conquest," of human movement into the frontier of darkness. But that movement is highly selective. Midnight finds mostly young men on the streets—and higher rates of drunkenness, accidents, assault, rape, and murder than in the daylight hours. Nighttime, in brief, resembles a type II frontier.

In some respects, inner cities also resemble a type II frontier. Urban women are hardly outnumbered by men, as they were on the nineteenth-century frontier. Nevertheless, many young innercity males, for economic, subcultural, and demographic reasons, delay marriage or avoid the institution altogether. An increasing number of them have grown up in single-parent households and so have experienced little parental guidance and supervision. Those who have joined gangs, acquired weapons, and become involved with drug traffic and other forms of organized vice are statistically among the most violence-prone members of society, just like their type II frontier counterparts. Indeed, urban ghettos can be thought of as artificial and unusually violent frontier societies: vice-ridden combat zones in which groups of armed, unsupervised touchy bachelors, high on alcohol and other drugs, menace one another and the local citizenry.

Some historians have also seen analogies between twentieth-century U.S. involvement in Pacific wars—particularly against Filipino rebels, Japanese soldiers, and Vietnamese communists—and the earlier frontier campaigns against Native Americans. In all these cases, young American men, remote from what they called civilization, were pitted against enemies they deemed treacherous and racially inferior. The conflicts quickly assumed a ferocious quality reminiscent of the worst episodes of the wars against Native Americans. Indeed, the parallel was made explicit in the language of the Vietnam War, when young GIs spoke of forays into “Indian country” and code-named their operations Texas Star and Cochise Green (a reference to the chief of the Chiricahua Apache who waged relentless war against the U.S. Army).

These GIs have grown up in the golden age of the Western, a hugely successful genre in the publishing, film, radio, and television industries (also advertising: a square-jawed cowboy beat out a crusty taxi driver as the emblem of Philip Morris’s legendary Marlboro cigarette campaign). That whole generation had been saturated with images of stylized violence and morally simplistic frontier stories of cowboys, Indians, desperadoes, and six-shooters. Did the public’s fascination with these stories of frontier violence contribute to the high rates of violence in the United States relative to other industrial democracies? Did it matter that America’s mythic hero was a man with a gun, an attitude, and a Stetson hat?

The answer is a qualified yes. We become who we are by emulating other figures in our environment, including the electronic environment with its celebrities and “action figures.” Communications researchers have discovered that, for many people, these figures become role models: people act like them, dress like them, talk like them, even talk *to* them. Insofar as larger-than-life frontier figures, played by the likes of John Wayne and James Arness, entered and shaped mass consciousness, they reinforced the belief that gun violence was an appropriate means for resolving conflicts. It is doubtful, however, that their influence was greater than more fundamental social and economic factors—racism, ghetto isolation, subcultures of poverty, deindustrialization, secularization, family decline, homicidal sensitivity about honor, lax gun control laws, drug abuse, and drug trafficking—that have contributed to the ongoing reputation of the United States as a violent land.

Colonel House Nearly Gets Himself Killed

Edward Mandell House (1858–1938) is best known as Woodrow Wilson’s adviser and confidant, a man so close to the president that Wilson once called him “my second personality . . . my independent self.” But House, who came of age in Texas’s most violent era and who counted it nothing to carry a gun, almost did not make it to Washington. In 1879 he was visiting a mining camp near Como, Colorado:

It was like all other camps of that sort—rough men and rougher women, gambling, drinking, and killing. I was in a saloon, talking to a man whom I had known in Texas, when . . . a big, brawny individual

came into the room and began to abuse me in violent terms. I had never seen the man before and could not imagine why he was doing this. I retreated, and he followed. I had my overcoat on at the time and had my hand on my six-shooter in my pocket and cocked it. The owner of the saloon jumped over the bar between us. In five seconds more, I would have killed him. An explanation followed which cleared up the mystery. He had taken me for some one else against whom he had a grudge, and whom he had seen but once. I learned later that he was a popular ex-sheriff of Summit county and that if I had killed him I should have been lynched within the hour.

It always amuses me when I see the bad men in plays depicted as big, rough fellows with their trousers in their boots and six-shooters buckled around their waists. As a matter of fact, the bad men I have been used to in southern Texas were as unlike this as daylight from dark. They were usually gentle, mild-mannered, mild-spoken, and often delicate-looking men. They were invariably polite, and one not knowing the species would be apt to misjudge them to such an extent that a rough word or an insult would sometimes be offered. This mistake of judgment was one that could never be remedied, for a second opportunity was never given.

Source: Charles Seymour, ed., *The Intimate Papers of Colonel House*.
New York: Houghton Mifflin, 1926, pp. 24–25.



To Live and Die in Dodge City: Body Counts, Law and Order, and the Case of *Kansas v. Gill*

Never mind that during its celebrated decade as a tough cattle town only fifteen persons died violently in Dodge City, 1876–1885, for an average of just 1.5 killings per cowboy season. Today, three decades after the first release of the homicide data, frontier Dodge City remains a universal metaphor for slaughter and civic anarchy.

Professional historians of the American West are, of course, presumed to know better. And yet there have been recent hints of scholarly skepticism about Dodge City's modest body count. In 1994, for instance, a very prominent essay on frontier violence discussed Dodge and the other Kansas cattle towns without so much as noting in passing their low absolute numbers of killings.

This odd disregard is puzzling. One explanation might be that the homicide data are deemed irrelevant to the question of frontier violence. This is simply hard to credit. A second might be that the data do not conform to the New Western History paradigm, which tends to insist that things were always worse than we thought. That notion can be argued either way. A third possibility is that the data are somehow suspect, and thus better left unmentioned until the question can somehow be settled once and for all. This last possibility, more than the persistence of the Dodge City metaphor among those who learned their Western history in darkened theaters, suggests the value of a revisit to the real, if legendary, town in question.

All the Homicide News Fit to Print

Dodge City was indeed a legend in its own time. It was where livestock herded up from Texas to the railroad tracks in Kansas would be sold, shipped east to market, or walked onward to the ranges of the northern Great Plains. The summertime influx of transients—well-heeled drovers and cattle brokers, festive cowboys, predatory gamblers, and sporting women—more than equaled the

town's resident population. But a police force of multiple officers, their salaries totaling nearly half of Dodge City's entire municipal budget, closely supervised the behavior of these itinerants by enforcing strict gun-control laws.

The richest man in town, merchant Robert M. Wright, had been present in the bad old days when, in its unorganized first year of existence, Dodge had been the scene of several violent deaths. Wright and his entrepreneurial colleagues had not feared for their lives; they feared for their pocketbooks—that is, their local property values—as the newspapers of eastern Kansas delighted in such energetic headlines as “HOMICIDE AT DODGE CITY. A Notorious Desperado Killed” or “SHOT DEAD. Another Tragedy at Dodge City,” or in such sly one-liners as “Only two men killed at Dodge City last week.”

But with an expectation of the Texas cattle trade's coming to Dodge, local businessmen foresaw that the influx of new transients would only magnify all problems related to law and order. They therefore established a municipal government late in 1875, levied taxes to pay for it, and criminalized gun toting by private citizens. A photograph taken a few years later shows the town's busiest corner, downtown Front Street at its intersection with Bridge Street, the main thoroughfare in and out of Dodge. In the left background stand R. M. Wright's brick store and the facade of the celebrated Long Branch Saloon. In the middle foreground the superstructure of a town well displays a prominent sign: “The Carrying of Fire Arms Strictly PROHIBITED.” As this proximity suggests handgun violence was considered bad for business, an emphatic collective belief of Dodge City's business and professional elite that ultimately explains the low body count.

Scholars' attempts to dilute the significance of such body counts first appeared in the 1980s. “These statistics seem to indicate that the cattle towns were not particularly violent,” wrote Roger McGrath. “However, a note of caution is appropriate. Dykstra compiled his statistics exclusively from the local newspapers.” The subtext here: How can we be sure that more murders and justifiable homicides than reported did not occur?

There is no known official list of violent deaths at Dodge. Pending discovery of any such compendium, we must depend on a few reasonable assumptions about those reported by the press. The first is the absolute and primal newsworthiness of violent death. However enthusiastically they might conspire in cover-ups and damage control regarding local social conflict, Dodge City's journalists seemed no more able to resist a good homicide story than any circulation-chasing New York or Chicago city editor.

A second assumption involves the substantial array of local weekly newspapers that offer a fairly intimate summary of life in Dodge during the trail-driving era. The *Dodge City Times* began publishing in May 1876, just in time for the town's first cattle-trading season. The *Ford County Globe* joined it in January 1878. The *Dodge City Democrat* appeared in December 1883. And the *Kansas Cowboy* moved to Dodge from Ness County in June 1884. True enough, the first ten months of the *Times*, save for a single issue, are not extant. For 1876, one must extrapolate from the absence of murderous dispatches about Dodge in the press of eastern Kansas; so far, none has been discovered. But certainly from March 1877 to the close of the Texas cattle trade at Dodge City late

in 1885, all newspaper runs are virtually complete. Every nineteenth-century village should be so well documented.

A third guiding assumption seems equally reasonable. Cattle-town homicides, when they occasionally occur, are almost always reported in some detail, as the story of Henry Heck's demise will show. This attention lends weight to the notion that news concerning violent death tended to be revealed rather than suppressed.

Deadly Competition: Miami (1980) versus Dodge (1880)

A rather more comprehensive criticism of the cattle-town death statistics also appeared in the 1980s. This critique questioned the significance of the absolute numbers themselves, and argued for replacing them with homicide rates of the type annually devised by the FBI to measure urban violence. For today's metropolitan areas, each case of "murder and non-negligent manslaughter" (excluding justifiable homicides by the police) is calculated as a proportion of every 100,000 of population. The simple formula is

$$hr = (100,000/N_p)N_h,$$

where hr equals homicide rate, N_p equals population, and N_h equals number of homicides. Since the 1940s the FBI has used this formula in running a kind of annual negative sweepstakes in which the losing city becomes America's most violent community, the murder capital of the world. In 1980, for example, greater Miami's homicide rate soared to 32.7—the nation's highest that year.

But, as a few scholars began to note, a murder rate of 32.7 is not very high when contrasted with similarly calculated homicide rates back in time. That for late-thirteenth-century London, noted James Given, was about the same as the yearly average for Miami, 1948–1952. Barbara Hanawalt similarly discovered that the rate for London in the early fourteenth century soared even higher, to something between 36.0 and 51.3. Then, uncritically borrowing the two medievalists' methodology, Roger McGrath discovered that the average annual homicide rate at nineteenth-century Bodie, California, a mining camp, was a stratospheric 116.0.

These historians have been compromised by the statistical fallacy of small numbers. In 1980, Miami's absolute number of homicides exceeded 500, while Hanawalt's yearly average for London was only 18 and McGrath's body count for Bodie over several years was a measly 29. It was London's modest population (an estimated 35,000 to 50,000) and Bodie's small population (no more than 5,000 in any year) that caused their homicide rates to surpass modern Miami's.

As to tiny Dodge City—population 1,275 in 1880—its FBI homicide rate calculates out at an enormous 78.4 for that year, compared with Miami's 32.7 exactly a century later. Yet, the absolute numbers of murders on which these ratios are based are these: Dodge, 1; Miami, 515. In other words, if a bullet fired by John ("Concho") Gill had missed Henry C. Heck instead of striking him in

the chest, Dodge City's 1880 murder rate would have been zero instead of soaring to more than twice that of the 1980 murder capital of the world.

But one may argue that a single killing in a village like frontier Dodge may have had more traumatic psychological impact on its residents than Miami's 515 homicides must have had on its citizens in 1980. This proposition is supported by such personal testaments as Elizabeth Salamon's account of a double murder in her quiet New Jersey town in 1997 ("a killing has occurred in our midst and we will never be the same"), the emotional agony in awaiting identification of the shooter ("at night, my husband and I try to sleep, but sleep does not come easily"), and her guilty elation when she learns that the killer himself has died violently ("when murder hits this close to home, a dark heart is a regrettable residual"). And the general idea accords with what scholars have occasionally noted about the sociological equivalence of small and large places concerning such things as population fertility and rural-urban value conflicts.

But how does the argument fare in any specific contrast between 1980s Miami and 1880s Dodge? The *Miami Herald* for late December of 1980 is studied with allusions to the "record 555 homicides in Dade County this year," as reported by the local medical examiner's office—a figure that evidently includes 40 justifiable homicides by the police that would not be included in the FBI calculation. The newspaper reported that things are much worse in California, where Los Angeles County's homicides had reached a record 2,130 for the year. (Unfortunately for the *Herald*, however, greater Miami's smaller population imposed a 32.7 murder rate as against only 23.3 for Los Angeles.)

In any event, such defensive finger-pointing did not help much. The mood of urgency within Miami's political and economic leadership was palpable. Announcing itself "very concerned about the high incidence of homicides and other acts of violence occurring in certain liquor establishments," Miami's city council urged that they be put out of business, and a special police task force convened to identify these evil influences. "It will help when we get sufficient manpower aboard," complained the chief of Miami's patrol division. As if in anticipation, a federation of local homeowner associations formed a blue-ribbon Citizens Action Council "to pressure state and local legislators to bolster programs to counter Dade's rising crime rate." At the behest of the Citizens Crime Commission of Greater Miami, the Dade County Metro Council endorsed the new group, which planned to meet with judges, state legislators, and Governor Bob Graham. One of the commissioners set the agenda by demanding that Graham convene a special legislative session to appropriate a hundred million dollars for Dade's "war on crime." "For too long," he conceded, "the word 'war' has been overworked. . . . Nevertheless, our city can quite accurately be described at this moment as a battleground of war." Such was the local response to Miami's 32.7 murder rate for 1980.

In contrast, the public mood of Dodge City in late 1880 in the wake of its 78.4 homicide rate is much less alarmist. True enough, Concho Gill's killing of Henry Heck of November 17 caused a sensation, especially in view of the fact that nobody had died violently at Dodge in more than a year. Both

weekly newspapers expressed considerable indignation. N. B. Klaine, the dour and moralistic editor of the *Times* who moonlighted as Ford County's probate judge, broke the story on Saturday, November 20, complete with sinister overtones:

MURDER IN DODGE CITY.

On Tuesday night a murder was committed in this city, in that part of town south of the railroad track. . . . It has been some time since a murder has been committed in Dodge City, but the shooting Tuesday night offers no parallel to any of the crimes committed here. There was no provocation, and it is hinted that the unfortunate Heck was the victim of a conspiracy, the facts of which may be developed upon the trial of the murderer.

On November 23, in its turn, the *Globe* ran a much more forthcoming account that contained most of what we know of the killing's background. The paper was managed by D.M. Frost, a practicing attorney, and his journalistic associate Lloyd Shinn, who doubled as Dodge Township justice of the peace. From the breezy vernacular tone of the article, we may be almost certain that its author was Shinn rather than the more earnest Frost. The piece opens as follows:

HENRY C. HECK KILLED.

John Gill, Alias Concho, Establishes
Himself as a Killer

On last Wednesday morning the report that a killing had taken place in the city the night previous, was rife on the streets at an early hour. The report was soon confirmed and everybod[y] felt that Dodge had still some of the bloody instinct for which she was so famous in the lawless days of her infancy, when money was as dross and whisky four bits a drink.

But to the locals, as to any reasonably sensitive historian, the death of Henry Heck was much more than just a blemish on Dodge City's 1880 crime-control statistics. A human life had been taken, an industrious citizen was gone, the community diminished.

The Unredeemed Lover

Where does the story begin?

In southwestern Kansas. In the year 1876 or 1877.

Henry C. Heck arrived in Dodge. We know that he was single, the Ohio-born son of German immigrants, twenty-four or twenty-five years old. In fairly short order he became the trusted employee of H. B. ("Ham") Bell, the owner of a popular livery stable, a man not much older than himself. The two evidently became close friends. Heck, according to Lloyd Shinn's account, was often "left in charge of the extensive livery and other business, whenever Mr. Bell was absent from the city." Bell's "other business" increased

considerably in June 1878, when he had a local contractor build him a dance hall, the Varieties Theatre, on Locust Street in the "notorious" south side of town. The establishment was a success from the start, and a month after its opening the *Globe* reported that "the Texas boys and visitors generally still continue to throng the Varieties nightly."

Ham Bell placed Heck in charge of this enterprise. In a legal deposition of early 1879, in which he adroitly distanced himself from entrepreneurial proximity, Bell described the place as "kept by Henry Heck." It is, he wrote, "a long frame building with a hall and bar in front and sleeping rooms in the rear." A contemporary photograph shows a low room with dark, wood-paneled ceiling and large side windows. In the foreground a bar extends along the right wall, three gaming tables stand beyond the bar, and a dance floor lies beyond the tables. Presumably the bedrooms are behind the wall in the back.

Management of the Varieties naturally brought Henry into close—not to say intimate—association with several young women (one as young as fourteen) identified by Ham Bell as "prostitutes, who belonged to the house and for the benefit of it solicited the male visitors to dance." And, Bell added, "The rooms in the rear [are] occupied, both during the dancing hours and after, both day and night[,] by the women for the purpose of prostitution."

In short, Heck's was not a particularly savory occupation, although it entailed much responsibility. Overseeing the bar and kitchen; tallying receipts; dispensing payments to liquor and grocery wholesalers, to the cook and bartenders and musicians, and (of course) to the young women. And keeping order, a task that brought him several close acquaintanceships among the police—successive marshals Ed Masterson and Charlie Bassett, the various assistant marshals (Wyatt Earp, for one), and the rank-and-file officers—who kept a watchful eye on the Varieties and its two competitors, the Lady Gay and the Comique, especially during the wee hours when spirits were high and inhibitions low.

There soon arose a complication. One of the young women, a violet-eyed blonde named Caroline ("Callie") Moore, had captured Henry's affections. "Nearly ever since Mr. Heck has resided in this county," wrote Shinn, ". . . this woman has been his faithful companion, according to the approved method of this class of Dodge City lotus eaters." Read: Henry and Callie lived together. And in time they planned a joint future beyond the confines of Dodge south of the tracks. Ham Bell had acquired a ranch twelve miles below town where the Camp Supply trail toward Texas intersected Mulberry Creek. Later, when trying to sell it, Bell laconically described Mulberry Ranch as "good range, good water running by the place, a well of good water at the door, good corral 100 feet square, good house 22 × 35." But better still was its situation: "a No. 1 location for keeping passersby, and cattle or sheep." Heck agreed to lease Mulberry Ranch. In the latter part of 1879 Heck and Callie Moore quit Ham Bell's employ and settled at the ranch. Here, as Lloyd Shinn puts it in words that suggest strong community approval, Heck "was raising a little stock which was being steadily accumulated by his industry and prudence." And "for nearly a year," wrote Shinn, Moore "performed the duties which usually fall to the lot of a rural housewife." Her life seemed a model of common-law domesticity.

But, we may guess, bright prairie flowers and frisky colts and wonderful sunsets and a convivial parade of teamsters stopping for dinner cannot forever compensate for the relative isolation of agricultural pioneering, which had defeated many a woman of stronger psychological construction than Callie Moore. Ranch life may have begun to pall. In any event, in September 1880, while on a shopping trip to town that no doubt included a visit to old friends and old haunts, she met Concho Gill, an unemployed cowboy whom the newspapers refer to as a gambler—a common cattle-town usage for any man who frequents saloons to play cards for money.

Gill, aged twenty-three, was the Texas-born son of an Irish immigrant father and a mother from Mississippi. The father must have died, for the mother was married to James D. Young, a Mississippi-born preacher. Gill's nickname probably referred to an adolescence in frontier Concho County of west-central Texas. Gill stood a half inch short of six feet, had a fair complexion, hazel eyes, and black hair. He could read and write, and "was a quiet man," said Shinn, "and not considered quarrelsome or dangerous." When visited in June 1880 by the Dodge City census taker, Gill was sharing a Front Street building with four other unattached males, each in his own apartment: two sheep raisers, another unemployed cowboy, and the manager of the local stockyard.

On that same day Gill also said he was sick, suffering from scurvy. This is not as unlikely an illness for a cowboy as it might seem today, when the disease is occasionally encountered among infants and the very elderly. But scurvy had been diagnosed as recently as the 1850s among frontier settlers lacking sustained access to foods rich in vitamin C—citrus fruits, tomatoes, vegetables. Adult symptoms include swollen, bleeding gums and loose teeth, bleeding under the skin and into the joints, mental depression, fatigue, and increased susceptibility to infection. Unless treated, the disease is fatal. Yet, as physicians of the time well knew, scurvy is easily cured; since the early sixteenth century lime juice was the infallible remedy, and fresh vegetables—especially potatoes and wild salad greens—were by the 1860s prescribed as effective preventives.

So why was Concho Gill sick in June and again in November? In a community blessed with doctors and druggists and grocery stores? Perhaps he suffered from some more serious malady than just a vitamin C deficiency. It is possible that he had a misdiagnosed case of gonorrhea or secondary-stage syphilis (not uncommon among cowboys), some of whose symptoms—joint pain, skin blotches, depression, lassitude—resemble those of scurvy.

Concho's illness, whatever it was, did not diminish his attractiveness to Callie Moore; in fact, a touch of chronic illness possibly added a certain Byronic allure, prompting some maternal impulse, perhaps. In any event, according to Shinn, Moore was immediately smitten. "His dark brown eyes, classic features, and complexion bronzed by a southern sun, together with [a prospect of] the indolent life of a gambler's paramour, were too dazzling to be resisted, when compared with kitchen drudgery, and the society of her more homely lover." Soon the young woman bid a permanent farewell to Mulberry Ranch, moving back to Dodge and in with Gill.

Moore's betrayal devastated Heck. He turned to drink, but it did no good. He at last resorted to an ultimatum. On Saturday, November 13, Heck told

Moore that she had three days to return to him or leave Dodge City forever. Or else.

Late in the evening of November 16 Henry Heck came to Dodge City to separate Callie Moore from Concho Gill. But some things, as John Demos reminds us, we have to imagine. We know nothing of how Heck managed his wait. But wait he did, as an unseasonably early winter gripped the village. Perhaps he had proposed their old workplace, the Varieties Theatre, as a rendezvous, where he now lingered, occasionally greeting friends, but moody, on edge, drinking too much. At last she arrived, accompanied by a companion, Sallie Frazier, a middle-aged woman of color who, we can imagine, hovered protectively as a tearful Moore faced her former lover. The young woman reaffirmed that she would neither get out of Dodge nor leave Gill. She and Frazier turned to go. Heck says that if she does not return to him by midnight he will, as both women later remember his words, kill Concho Gill "before morning."

At midnight, Heck gathered himself into his coat and stepped out into the night, somewhat unsteadily perhaps, his mood as bitter as the weather. He trudged through fallen snow, crossing the railroad track toward Front Street and the intermittent glow of its all-night saloons. He made his way to Gill's apartment and, without announcing himself, began kicking in the front door.

Inside, Gill had been sick for the past ten days. Moore was building a fire in the stove. A friend, one Charlie Milde, was also present in the room. Aroused from bed, Gill grabbed a pistol and went to the door. It flew open and he fired twice.

One bullet struck Henry Heck in the right breast just below the nipple, perforating the lung.

Heck retreated back into the darkness. We do not know how he spent the next half hour—perhaps dazed, bewildered by shock. Probably there was no pain: his neural synapses have shut down. Perhaps he rested, leaning upright in an alleyway, out of the wind, uncontrollably trembling. Perhaps he collapsed unconscious until the snow against his cheek finally brought him around. He roused himself and stumbled toward a lamp-lit saloon. He entered, and after calling for a drink told the night bartender that Gill had shot him. He left the saloon for a moment, returned, dropped to the floor, and expired "without a groan." It had taken him forty-five minutes to die.

This love story from early Dodge City is over. But the consequences were not, and they provide us with an important cultural reading of frontier justice in Dodge City.

The Judgment of Concho Gill

As the dying Henry Heck silently stumbled along Front Street, Assistant Marshal Neil Brown, alerted by the gunshots, arrived at Gill's apartment. He confiscated the fatal pistol, ordered Gill to dress, and escorted him to jail.

Later that morning of November 17, a coroner's inquest convened, as required for any death happening by violence or under suspicious circumstances. The coroner's jury was heavy with law-enforcement types characteristically impatient with troublemakers. The county coroner himself, Col.

John W. Straughn, doubled as a deputy sheriff. The six jurors included Ham Bell, now the deputy U.S. marshal in Dodge; blacksmith Pat Sugh-rue, a former Dodge Township constable and future Ford County sheriff; and merchant A. B. Webster, soon to run for mayor on a law-and-order platform. W. J. Miller, a local cattle raiser; James Mufty, an unemployed carpenter; and Fred Berg, a baker, rounded out the jury. They presumably viewed the body and then took testimony from bartender A. J. Tuttle, Officer Brown, Charlie Milde, and Callie Moore.

Although the victim literally broke into Gill's domicile, he may not have been armed. Tuttle testified that Heck was not carrying a weapon when he took his last drink. The jurors returned a verdict of felonious homicide, thereby asserting that the killing had been done without justification or excuse and signaling that Gill was in very serious trouble indeed. The following day editor N. B. Klaine, in his role as probate judge, appointed Under-Sheriff Fred Singer as administrator of the deceased's estate. As for Callie Moore, she "is still true to her imprisoned lover," noted Lloyd Shinn, "and supplies him daily with tempting viands."

The excitement subsided, life resumed its normal rhythms. Cattle continued loading down at the freight yard, and wagons bearing livestock feed, hay, and millet, arrived daily from outlying farms. U.S. Senator P. B. Plumb was in town several hours on his way home from Colorado. Saloon-owner Chaulk Beeson's sojourning parents departed for Iowa "well pleased with their visit." The respectable "dancing people" of the town announced plans to organize a social club. "Professor" W. H. LyBrand, hotel proprietor and former bandmaster, was recruiting an orchestra "to supply music for the holidays." On Thanksgiving Day churchgoers held interdenominational services and the Methodists hosted an oyster supper. The following afternoon children presented "literary exercises" at the grammar school. A baby was born to businessman A. J. Anthony and his wife. "Mother and son are doing well," it was reported. All of which suggests that frontier Dodge had more in common with fictional Grover's Corners, New Hampshire ("nice town, y'know what I mean?"), than with modern Miami.

And in contrast to Miami's plea for more cash for cops late in 1980, Dodge City's municipal council late in 1880 continued pressing the mayor to cut police expenditures. The reason was liquor prohibition, adopted as a constitutional amendment in November's general election, ending the legal sale of intoxicants in Kansas. With saloon license fees far and away the most important source of municipal income, citizens did not view the loss of revenue with equanimity. By mid-December 1880 the village found itself more than \$2,200 in debt, with unpaid bills shortly hiking the total to \$3,239. More than a hundred taxpayers panicked, petitioning the council for a referendum on dissolving the municipal corporation entirely. The council scheduled a vote for New Year's Eve. The *Ford County Globe* approved this drastic proposition, warning that saloon closings would leave Dodge City "without resources except such as might be derived from direct taxation. . . . This would swell the total tax upon the property owners of the city to about eight cents on the dollar." But cooler heads prevailed, and on December 31 a low voter turnout doomed this solution to the crisis.

Meanwhile, Concho Gill's fate was being decided. On December 1, Gill appeared at a preliminary examination before Lloyd Shinn, in his role as justice of the peace, to determine if sufficient evidence existed to warrant his trial by a higher court. Col. Thomas S. Jones appeared for the accused, County Attorney Mike Sutton, Dodge City's most prominent attorney, for the people. Owing to the absence of one witness, the defense requested a continuance, which Shinn granted. The hearing resumed on the fourth. We lack details; both newspapers evidently considered the testimony old news. On December 7, Shinn ruled that the evidence merited binding Gill over for trial at the January 1881 term of district court. Shinn set bail at \$3,000. The charge was first-degree manslaughter, meaning that Gill allegedly killed Heck, in the words of the law, "without a design to effect death," at a moment when Heck was "engaged in the perpetration or [the] attempt to perpetrate [a] crime or misdemeanor, not amounting to a felony."

Justice Shinn's reasoning is discernible. Heck's death clearly had not been murder: provoking circumstances closely preceding the shooting—the unlawful attack by Heck on the defendant's door—had caused Gill to react on impulse, in the heat of the moment. Yet it also seemed to Shinn not to be a case of justifiable homicide, although Kansas law gave as one definition a killing "committed by any person . . . in resisting any attempt to murder such person, or to commit any felony upon him or her, or in any dwelling house in which such person shall be."

Gill probably assumed that Heck had a gun. But—and this was a major qualifier—whether Heck was or was not armed, Gill had had an obligation to "retreat to the wall," to avail himself of any reasonable avenue of escape, even if that was only a few feet of floor space, before employing deadly force. That Concho may have failed to understand this virtually universal responsibility was simply his bad luck. As it happened, Texas was unlike most other states. Where Gill came from, the law said a man did not have to retreat from an attacker any farther than "the air at his back." Unfortunately for Gill, Kansas was not Texas.

State of Kansas v. John Gill alias Concho opened at the courthouse in Dodge on January 17, 1881—two months to the day after the shooting. Again we lack details, although Judge Samuel R. Peters's summary for the record preserves the essential procedural facts. Again Mike Sutton prosecuted, Colonel Jones defended. As late as December 21 the charge was still first-degree manslaughter, punishable by "confinement and hard labor for a term not less than five years nor more than twenty-one years." But since then Mike Sutton, for some reason, had upped the charge to first-degree murder, punishable by death. The accusation Sutton filed with the court asserted that Gill "feloniously, willfully and of his deliberate and premeditated malice did kill and murder one Henry Heck contrary to law." Gill pleaded not guilty, he and Jones still probably confident that his act could be seen as self-defense.

A jury was empaneled, consisting of twelve men from outside the corporate boundaries of Dodge, the most prominent of them being the prosperous sheep rancher R. W. Tarbox. After hearing the evidence and arguments of counsel and being instructed in writing by the court, the jury retired to deliberate.

The next day it rendered its verdict: Gill was guilty not of first-degree murder but of murder in the second degree—a killing “committed purposely and maliciously, but without deliberation and premeditation,” and punishable by “confinement and hard labor for not less than ten years.”

The jurors evidently concluded that Gill had killed Heck with no set design to take life but that, nevertheless, there was a purpose to kill (or at least a purpose to inflict injury without caring whether it caused death or not) formed instantaneously in Gill’s mind. And they must have been unimpressed by testimony suggesting that Gill had been so provoked by Heck’s behavior as to reduce the crime to manslaughter.

Colonel Jones immediately moved for a new trial on the ground that the verdict was “contrary to evidence”—that is, the jurors had mistakenly interpreted the weight of the testimony in the case. Judge Peters pondered that for three days, then brought attorneys and defendant together again on January 21. He denied the motion to retry, and sentenced Gill to fifteen years’ hard labor in the Kansas State Penitentiary. Concho was taken into custody, and the next day Sheriff George Hinkle and Under-Sheriff Singer took him off to Lansing.

The Rest of the Story

In March 1884, somebody—presumably Mike Sutton, the man who had successfully prosecuted Concho Gill three years earlier—addressed a petition to Governor George W. Glick. “We the undersigned Citizens of Ford County Kansas respectfully ask your excellency to commute the sentence of John Gill now confined in the penitentiary of the State of Kansas, under a sentence for fifteen years,” Sutton wrote. “Since his incarceration his health has failed, and there is strong probability that . . . he will not live until the expiration of his term.” But, the petition added, “The crime for which said John Gill was convicted was committed by him under a misapprehension . . . that the man he killed was hunting him [in order] to kill him.”

This document resulted from a visit to Dodge City by Gill’s stepfather, the Reverend Young. Probably after conferring with Callie Moore (now Mrs. C. F. Lane) and Sallie Frazier, he brought them to Sutton. The former county attorney took depositions from the two women, and then had these sworn to before E. D. Swan, a notary public. Incredibly enough, it seems, the knowledge that Heck had specifically threatened Gill’s life, and that Gill knew it, had not been presented at the trial; apparently this was the first Sutton learned of it. Thus he drafted the petition, which the Rev. Mr. Young then circulated.

Soon thirty-six names graced the document. The signatories included Dodge City’s mayor and its city clerk; *Times* editor and now postmaster N. B. Klaine; W. F. Petillon, Ford County’s registrar of deeds; Sheriff Pat Sughrue, who had been a member of the coroner’s jury that had initiated the case against Gill; Assistant City Marshal David (“Mysterious Dave”) Mather; merchants R. M. Wright, H. M. Beverley, and a scattering of other commercial men; lawyers Sutton, Swan, and T. S. Jones, who had defended Gill; baker Fred Berg, who also had sat on the coroner’s jury; plus a butcher, a druggist, two

hoteliers, a bookkeeper, and two of the town's more respectable saloon owners. Although admitting that "I was not here at the time," Police Judge R. E. Burns added a note that "from Statements of Responsible citizens I believe this petition should be granted." In addition, Jones and Petillon each wrote supporting letters to Governor Glick.

"Everyone here seems to sympathize with him," said Petillon of the Reverend Young, and journalist Klaine agreed. "Time seems to efface unpleasant memories," he philosophized, "as well as to soften prejudices and produce sympathy." The tendency of cattle-town people to find excuses for leniency in cases of shooting homicides was belatedly asserting itself.

In his letter, Colonel Jones added an interesting interpretation of the trial. Gill "would have been promptly acquitted," he told the governor, "had a it not been for the evidence of a personal enemy." The identity of this enemy is unknown. One may guess that it was Heck's friend Ham Bell, who may have been responsible for the severe stance taken by the coroner's jury, who then had less influence over the more lenient Shinn decision but who later yet may have convinced Mike Sutton to escalate the charge against Gill to first-degree murder. What testimony Bell may have offered is also unknown; perhaps it maintained that Heck's killing was the result of a conspiracy, as suggested in the first news report of the death. In any event, Mike Sutton's implicit repudiation of his role in Gill's conviction included the suggestion that he, as county attorney, had been duped by somebody into wholly discounting Gill's claim of self-defense. For him, the two women's affidavits now proved definitive.

Gill's stepfather evidently hand carried the petition, the two affidavits, and the two supporting letters to Topeka, delivering them to Governor Glick. The governor said that prior to any formal application to commute, Young must give public notice in plenty of time for those with objections to make them known. On April 3 and 10, therefore, the *Dodge City Times* printed the required notice, editor Klaine certified its publication, and lawyer Swan sent copies of both to the governor. Formal application to commute his stepson's sentence would be made by Young on April 16, 1884.

But in the end the governor refused the request for unknown reasons. Concho did not die in prison, but he did stay for another seven years. On August 19, 1891, his sentence at last commuted, he emerged from the Kansas penitentiary after having served ten and one-half years for the murder of Henry Heck.

Body Counts or Murder Rates?

The point of the story of *Kansas v. Gill* is that the people of Dodge City took Heck's death seriously, and instituted deliberate legal action against his slayer according to conventions nurtured through a thousand years of Anglo-American judicial tradition. The judgment of Concho Gill was, as it was meant to be, a series of civic rituals assuring villagers that although situated on the geographic extremity of civilization, theirs was a fully domesticated society, culturally located well within the larger American community.

As for public fear, neither in Miami in December 1980 nor in Dodge in December 1880 did any important number of citizens cower behind locked doors. But Miami's business community clearly had been terrified by how its spiraling homicides would affect property values and tourism; Dodge City's businessmen, although attuned to the need to attract new residents and capital investment, were not. The important cause of these different responses was hardly the contrast between homicide rates of 32.7 and 78.4 but between body counts of 515 (or 555) and 1.

Let anthropologist Lawrence Keeley have the penultimate word on murder rates versus body counts. Keeley's recent book criticizing the "peaceful-savage" myth displays a wealth of evidence on the lethal nature of tribal life. Its relevance to the present discussion is that its author employs death rates somewhat similar to those calculated for the FBI crime reports, leading him to relish a number of absurd comparisons. For example, he judges a chance Black-foot massacre of a 52-man Assiniboiné raiding party more lethal (100.0 percent killed) than the loss of 21,392 British soldiers on the horrifying first day of the Battle of the Somme (only 13.5 percent killed). Obviously, the statistical fallacy of small numbers is in full flower here.

But Keeley has a ready reply. The unsophisticated, he says, are always "more impressed by absolute numbers than ratios." And he asks if, consistent with such views, any reader would rather undergo a critical medical operation at a "small, rural, Third-World clinic"—where the number of inadvertent deaths from surgery is numerically small but the death rate high—than at a large American "university or urban hospital" where such deaths are more frequent but the rate low. According to the same reasoning, would anyone prefer to fly regularly on small planes rather than airliners? And would one prefer to live on an Indian reservation than in a large city, "since the annual absolute number of deaths from homicide, drug abuse, alcoholism, cancer, heart disease, and automobile accidents will always be far fewer on the reservations than in major cities and their suburbs"?

There are, for the sake of argument, answers. Most health insurance would not pay for elective surgery in a jungle hospital, so that point is moot. But yes, those wealthy enough to own airplanes regularly and routinely defy the odds. And yes again, many persons would rather live in Navaho country than in parts of Manhattan.

But more to the point of this essay, a great majority of fully informed time-travelers surely would feel safer cruising the all-night saloons of Dodge City in 1880 than barhopping in Little Havana, Coconut Grove, or downtown Miami a hundred years later. And that is a ratio beyond dispute.