

*The Myth of the Wild West*

The American West has undergone periods of storytelling, fabrication, and splendiferousness that has turned events into legendary occurrences of violence, vengeance, and vigilantism. There is a juxtaposition of what we think the west was and what was occurring. For most people, the “wild west” was larger than life and a perfect fit the silver screen.<sup>1</sup> The heroes wore white hats, lone stars, and stood up against the villainous black hats who were, lawbreakers, cattle thieves, and horse rustlers.

Prior to the golden age of Hollywood, the west was sensationalized by dime novels and salacious news articles highlighting the gunslingers, bad behavior, and failures of justice. In contrast to the idealized west, we see in Hollywood features and television shows, the “wild west” fairly tame with incidents of violence not uncommon in contemporary urban settles or even in today’s world. Historians are working to correct these myths and place many legendary events in context of time and place.

The historiography falls into two camps, the violence was high for the time and place and the “wild west” was no more violent than in any other place and time. There is an interesting deviation that Nobles mentions, no one mentions or seems to care for historians’ opinions on “eastern shootings.”<sup>2</sup> The significance of the American Revolution and Civil War had wide raging impacts on the ideas of race, nationalism, and self-reliance.

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<sup>1</sup> Udall, Stewart L., Robert R. Dykstra, Michael A. Bellesiles, Paula Mitchell Marks, and Gregory H. Nobles. "How the West Got Wild: American Media and Frontier Violence A Roundtable." *The Western Historical Quarterly* 31, no. 3 (Autumn 2000): pg. 269. doi:10.2307/969961.

<sup>2</sup> Nobles, pg. 293

The idea of the frontier has shifted considerably since the founding of the United States but shootings, violent events, and the suppression of various rebellions with vigilante like violence in urban areas of the east are left out of the narrative. Furthermore, it's interesting how other periods of frontier mentality didn't stick, like Appalachian Frontier violence and clan fights like the Hatfield's and the McCoy's not being more of an ideal but hazarding a guess that has to do with the time lag and romanization of the west. However, as the scholarship has expanded around minority violence on the frontier there are comparisons to southern lynching. David A. Johnson contends that lynch parties were akin to antebellum riots, and both were "isolated instances of lawlessness and disorder."<sup>3</sup>

Nevertheless, Roger McGrath provides an excellent assessment of the two camps in the appendix of his book *Gunfighters, Highwaymen, and Vigilantes*. Throughout the historiography another camp seemed to emerge, the violence was isolated and needs to be put into context of frontier life, which could be a sub-camp of the latter view. A few things remain apparent throughout both camps though, violence was predicated on drunken antics and social unrest from shifting economic concerns and diverging cultures.

Another important aspect to retain, most of the idealized violence were isolated incidents or events that were popularized and sensationalized by the media and contemporary writers of the time. Overtime they turned to printing the legend as fact because it brought higher sales numbers.<sup>4</sup> Modern day interpretations base the violence of these lowly populated areas off a ratio of 100,000 persons. Robert Dykstra and Robert Utley both preface the conditions and context of events with Dykstra going further to address the "fallacy of small numbers" that is used

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<sup>3</sup> Johnson, David A "Vigilance and the Law: The Moral Authority of Popular Justice in the Far West." *American Quarterly*, Vol. 33, No. 5, Special Issue: American Culture and the American Frontier (Winter, 1981), pg. 559.

<sup>4</sup> Bellesiles, 290.

considerably when dealing with frontier violence.<sup>5</sup> Violence occurred at no greater rate in the west than it did in other places in the United States and its Territories.

However, the idea of the frontier put forth by writers and historians like Turner had a mythologizing impact on the “old west.” Bellesiles does an excellent job of laying out how the west was not more prone to violence than any other regional area in the United States. Utilizing the works of Baird, Bellesiles mentions that the west was “informal” and more “heterogenous” than other areas.<sup>6</sup> Marks and Dykstra, explain that while violent acts occurred, they were met with legal ramifications. Dykstra using Dodge City as a case study, citing the eighteen deaths that occurred early in the settlement and the resulting push to protect “pocketbooks” led to the policing of the town and gun violence.<sup>7</sup>

In contrast, Eric Melvin Reed mentions in his methodology at how he arrived at his numbers while he mentions using viable records such as newspaper articles, personal accounts, area historians and other sources.<sup>8</sup> He does accurately state that the numbers he arrives at are probably underreported in his footnotes.<sup>9</sup> However, he posits that violence in the Nebraska Panhandle were higher than average at the time of the frontier closing.<sup>10</sup> While Reed does acknowledge Dykstra’s metrics and places the numbers into that context in his work, the numbers are still high. One further point in Reed’s breakdown of frontier violence was his

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<sup>5</sup> Dykstra, Robert R. “Quantifying the Wild West: The Problematic Statistics of Frontier Violence.” *Western Historical Quarterly* 40, no. 3 (2009): 332. doi:10.1093/whq/40.3.321.

<sup>6</sup> Bellesiles, 286.

<sup>7</sup> Dykstra, Robert R., and Jo Ann Manfra. *Dodge City and the Birth of the Wild West*. Lawrence, KS: University Press of Kansas, 2017.pg. 24.

<sup>8</sup> Reed, Eric Melvin “Homicide on the Nebraska Panhandle Frontier, 1867-1901.” *Western Historical Quarterly* 50. No 2 (2019): 143. Doi 10.1093/whq/whz026

<sup>9</sup> Reed, 145.

<sup>10</sup> Reed, 143.

excellent use of graphs and the diligence to look at violence in relation to women, minorities, age, and conviction rate.<sup>11</sup>

An important area of study to have risen out of the scholarship of the American West has been the emphasis on vigilante committees and the impacts on minority groups. It is important to look at both sides of vigilantism, on the positive side in cases where there was no law enforcement, and the territorial seat was far away it had a benefit. However, in the long-term view it would spawn problems of cattlemen's regulators that acted little better than private armies, undermine law enforcement, and create an idea of "popular sovereignty" that is still a hindrance to law enforcement today.<sup>12</sup> Utley brings an important element to this discussion in regard to the comingling of law enforcement and vigilantism in *High Noon in Lincoln: Violence on the Western Frontier*, the system "had not broken down...it had been captured by the other side."<sup>13</sup>

Vigilante committees often proceeded violently without need of "real" proof or facts and usually went after the perceived offender even though more often than not it wasn't the actual guilty party. In many places, especially the regions with high Hispanic, African American, or Native American populations vigilantism was used; although, even traditional law enforcement had a heavy hand with minorities.<sup>14</sup> Another aspect was the reason people turned to vigilante committees; law enforcement was deemed or perceived as ineffective. However, there are numerous events of the law arresting, jailing, and preparing for court when a vigilante mob

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<sup>11</sup> Reed, 155.

<sup>12</sup> Hewitt, James W., "The Fatal Fall of Barrett Scott: Vigilantes on the Niobrara" (1992). *Great Plains Quarterly*. Paper 659. [http://digitalcommons.unl.edu/greatplains\\_quarterly/659](http://digitalcommons.unl.edu/greatplains_quarterly/659). Pg. 108.

<sup>13</sup> Robert M. Utley, *High Noon in Lincoln: Violence on the Western Frontier*, University of New Mexico Press, 1987., pg. 57

<sup>14</sup> Jordan, Philip D., "The town Marshal local Arm of the Law." *Arizona and the West*, Vol. 16, No. 4 (Winter, 1974)., pg. 333.

would intervene. The vigilantes often interceded and disarmed law enforcement for various things.<sup>15</sup>

Usually, these vigilante committees formed in communities on the cusp of becoming a settled area. Railroad towns, mining communities, and cattle towns welcomed their own forms of violence. Like a great Hollywood film, the events leading up to the gunfight, which if they happened wasn't all that epic nor was it on the main street was due to licentious behavior. Gambling, alcohol, and guns turned roughhousing scuffles into cases of self-defense.<sup>16</sup> Sometimes, if the shooting was "deemed" fair the event ended, and the drinking continued. However, if some element didn't align a posse could arise. In addition, vigilante committees were often forgiven for their exploits, especially when lynching's occurred. In some cases, they were even on record defending them "well- to-do ranchers, respectable men with families...They are not bloodthirsty."<sup>17</sup> Yet in the case of Preston Porter, Jr. that was an overstatement.

As gentrification occurred especially in railway towns companies would develop their own force for policing, such as in North Platte's case with the Union Pacific Railroad. The Pinkertons developed in the east but moved west with the railroads as well. However, as this occurred the rise of the court system, lawyers, and the repercussions of justice were swift on their heels. Arizona, Nebraska, California, and other states had territorial courts and then official courts.<sup>18</sup> Further denouncing the idea of a "wild, lawless, west."

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<sup>15</sup> Hewitt, 109

<sup>16</sup> McKanna, Jr. pg. 471

<sup>17</sup> Labode, Modupe., "The "stern, fearless settlers of the West": Lynching, Region, and Capital Punishment in Early Twentieth-Century Colorado." *Western Historical Quarterly*, Vol. 45, No. 4 (Winter 2014). Pg. 399-404.

<sup>18</sup> Ball, Larry D., "The Frontier Sheriff's Role in Law and Order." *Western Legal History*, Vol. 4, No. 1. (Winter/Spring 1991)., pg. 14—Ball expands on the territorial system of New Mexico and Arizona.

As the frontier closed, the idea of private policing turned to range detectives and Regulators. This change also led to one of the biggest legal cases that would further diminish the idea of the lawless west. In Wyoming, Tom Horn, an interesting if rough individual, who was working for cattle barons to police homesteaders, sheepherders, and others and protect the cattlemen's livelihood, would possibly commit a crime, and go to trial for murder in the first degree. Like Wyatt Earp, the trial was well publicized and sensationalized for the entire nation. John Davis, *The Trial of Tom Horn*, delves into the legal ramifications of the case and shows that, contrary to popular belief, an orderly courtroom, with expert witnesses, and well-maintained records was the norm. . Notably, the shift from eyewitness testimony to expert witnesses and the preliminary science of the day. If anyone in the old west would have had a foundation on bullet holes, sound carrying, and clothing impacts, it would have been the gunsmith.<sup>19</sup> Davis's research into the court documents, coroners' notes, and the newspapers alludes to his own familiarity with the law and thoroughly showcases that there was in fact law and order during a turbulent time.

Richard Maxwell Brown brings an important commentary to the field in regard to vigilantism and really the idea of violence in the wild west, how the common doctrine of self-defense changed from being unable to flee to a "true man" wouldn't flee per two state supreme court rulings.<sup>20</sup> Oddly, enough an ideal that had been around since the Middle Ages was thoroughly disowned by a heavily English centered country. This is something that McGrath echoes in *Treat Them to a Good Dose of Lead*, is this idea that carrying a gun made the west safer and should be considered in today's landscape of violence. Yet, an important factor that becomes apparent once returning to the sources, most frontier towns enacted gun ordinances or

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<sup>19</sup> Davis, John W. *The Trial of Tom Horn*. Norman, OK: University of Oklahoma Press, 2020.

<sup>20</sup> Brown, Richard Maxwell, "Meet Anyone Face to Face" and Keep the Bullet in Front." *Montana: The Magazine of Western History*. Vol. 37, No. 3 (Summer, 1987). pg. 74.

gun control measures to combat horrible behavior. For example, in Arizona, there were laws prohibiting carrying concealed weapons and the territory also had a bill passed that prohibited the carrying of pistols or any weapon.<sup>21</sup> Dodge City, Los Angeles, and other cities had similar ordinances in place including the infamous Tombstone—which, the flaunting of guns ignited the gunfight at the O.K. Corral.

Even on Native American Reservations policing was possible; in fact, the Lakota had a form of traditional law enforcement called *akicitas*. These men, once confined to reservations, would assist the Indian Agent in policing their own, even before they were formally instated.<sup>22</sup> Although, in the case of the Pawnee, the policing was on the hands of blackmail, threats, and circumstantial evidence—plus, the defense attorney did not do them any favors.<sup>23</sup>

Finally, in direct opposition of the vigilante committees, the U.S. Military. While there are elements that are left out of violence, Native Americans, and the Plains Indian War, only factor in slightly in the Plains states and in the case of violence surround the settlement of the southwest territories could be debated in terms of wars, many historians strike those experiences from the equation which seems to further the idea of underreporting in criminology. However, there are historians that have researched the crimes surrounding military posts or groups with military leanings like Utley's take on the Texas Rangers. This leads to an interesting fact, in regard African Americans in the military they were often seen as the victim in violent

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<sup>21</sup> McKanna, Jr., Clare V., "Alcohol, Handguns, and Homicide in the American West: A Tale of Three Counties, 1880-1920. *The Western Historical Quarterly*, Vol. 26, No. 4 (Winter, 1995), 466.

<sup>22</sup> Ellis, Mark R., "Reservation *Akicitas*: The Pine Ridge Indian Police, 1879-1885." *South Dakota State Historical Society*, fall 1999. Pg.189.

<sup>23</sup> Wishart, David., "The Death of Edward McMurty", *Great Plains Quarterly*. (Winter 1999), pg. 11-15.

occurrences.<sup>24</sup> Again, one of the biggest causes of crime on and off base was drunkenness, which affected all the troops.<sup>25</sup>

Hollywood's imagery played on the idea of nostalgia and many of the films took on aspects of current culture, the various wars, and the counterculture movement, and overplayed the various villains onto Native Americans, Mexicans, and outlaws. These illusions and the approach to history inspired many historians, like McGrath and Brown, on why the American West was a unique time where men were men and took care of their problems in a similar vein as fictional character J.B. Brooks. Brooks in the *Shootist* is an aging gunfighter that states, "*I won't be wronged, I won't be insulted, and I won't be laid a hand on. I don't do these things to other people, and I require the same from them.*"<sup>26</sup> These words echo the idea of "popular sovereignty" that lead to many people taking the law into their own hands. Hollywood created an image of the gunfighter and now historians are battling a ghostly image of John Wayne.

However, Udall's excellent use of Bert Fireman's quote, "The West was not won by guns. It was won by shovels and sweat," returns the focus to the actual history, the boring elements like courtrooms, lawyers, irrigation, government intercedence, and urbanization. While the events of the wild west seem to be larger than life often, they were far more normal occurrences of growing pains facing communities on the cusp of civilization. However, even that is a bit grandiose. These were communities low in population, large on area, and far from traditional policed cities. They had brief moments of violence before law and order firmly established itself. The people stepped up and policed themselves at times, but they usually instituted a legal system

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<sup>24</sup> Leiker, James N., "Black Soldiers At Fort Hays, Kansas, 1867-1869 A Study in Civilian and Military Violence" (1997). *Great Plains Quarterly*. Paper 1973. Pg. 6

<sup>25</sup> Leiker, pg. 7

<sup>26</sup> *The Shootist*. Directed by Don Siegel. Performed by John Wayne. United States: Paramount Pictures, 1976. DVD.



with a sheriff, judge, and jury to determine the guilty. Overall, as Dykstra and others stated, it was no more violent than any other place and time.

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