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From Guns to Gavels: How Justice Grew Up in the Outlaw West
(review)

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The narrative succeeds in showing that, while more than a few of the white officers involved in the Flipper case and trial were clearly racists, racism itself played little if any role in either the issuance of the charges against the young black officer or the decisions arrived at by the court-martial. In short, Robinson contends that while racism was rife in the late nineteenth-century U.S. Army, the Flipper case is not a good example of that phenomenon and, if anything, the attention it has attracted over the years has only "served to obscure" the "genuine cases of racism in the army of the period" (xvi). The author supports this assertion by frequently comparing the Flipper affair with some of those "very real cases of racism" (11), most notably that of the West Point cadet Johnson Whittaker.

Extracts from the trial transcripts, which run to over 600 pages, take center stage in Robinson's account, but these are supported by ample references to alternative sources, such as memoirs, letters, and assorted official documents. This pithy volume may not be the last word on the Flipper controversy, but it has certainly thrown down the gauntlet to the aggrieved black officer's many defenders and clearly identifies the points they must challenge in order to prove the case for racial discrimination playing a determining role in the trial's outcome.

Truman State University

JASON J. McDONALD

From Guns to Gavels: How Justice Grew Up in the Outlaw West. By Bill Neal. (Lubbock: Texas Tech University Press, 2008. Pp. 384. Preface, acknowledgments, photos, maps, chronology, chapter notes, bibliography, index. ISBN 9780896726376, \$29.95 cloth.)

Lawyer Bill Neal's second book, *From Guns to Gavels: How Justice Grew Up in the Outlaw West*, is an effort to identify the historical timeframe when frontier justice, as practiced in the wild and woolly West, transitioned to a legalistic ritual based on constitutions, statutes, precedents, and the assortment of other modern-day regulations that pass for orderly courtroom procedure. As an experienced trial lawyer, Neal makes a convincing case as to when and why this occurred, but he did not persuade this juror with his evidence as much as he did with his argument.

Frontier justice developed in the post-Civil War era when southerners, stripped of wealth, land, respect, and civility, went west and imposed a code of honor that redressed wrongs, real or perceived, through self-defense killings and public lynching. Politicians who held legislative and judicial posts, as well as citizens who served on grand and petit juries usually administered justice irrespective of the courts. It was not until the spectacular advancement in transportation and communication technologies after World War I that a sea change occurred in the public's outlook towards the administration of justice. These changes, coupled with a change in the manner newspapers covered vigilante justice, imbued a change in the way the public viewed violence and judicial integrity.

Neal relies on "anecdotal [lessons] . . . about the origin, development, and the maturation of our criminal justice system" to make his case (77). He employs two criminal trials with strikingly similar fact situations to advance his polemic, but these cases also had conspicuously different circumstances that negate his argu-

ment. In both cases the defendants killed their victims in front of witnesses and then claimed self-defense. In neither case was the modern notion of self-defense—being in imminent danger of being killed—present, but the killers relied on the Old West code of defending their honor and protecting themselves against men who had publicly threatened their lives.

In the first case, which occurred in 1913, a prominent landowner and rancher gunned down a well-known bad guy who was awaiting trial for killing his brother in cold blood. The killing occurred in a public washroom where the witnesses were preoccupied with other matters. The jury acquitted the popular cattleman. The second case, which went to trial in 1923, involved two suspected cattle rustlers who shot two lawmen in a hotel parlor in front of prominent individuals in the community, including a judge, a sheriff, and the several attorneys. Juries convicted both men, despite their claim of self-defense. The basic facts were the same, but the situations were quite different. No one can say for sure, but if the second case had been tried in 1913 and the first case in 1923, the same verdicts may have been returned.

From Guns to Gavels is not a scholarly legal or historical treatise, but it does colloquially relate an interesting period in Texas history that readers of the Old West genre will find fulfilling.

Pflugerville

ALFREDO E. CARDENAS

The Line from Here to There: A Storyteller's Scottish West Texas. By Rossana Taylor Herndon. (Lubbock: Texas Tech University Press, 2008. Pp. 148. ISBN 9780896726307, \$24.95 cloth.)

Rosanna Taylor Herndon, professor *emerita* of oral communication at Hardin Simmons University, expanded her academic field into the perhaps less well-defined, though still entirely valid, communicative art of storytelling. About the same time, she inquired into Scottish history, particularly as it relates to her family's presence in West Texas, fanning out from Fort Worth toward the High Plains. Accordingly, she introduces her book with a well-taken historical summary to set the stage for her stories, which give expression to Scottish culture, values, and historical experiences.

She takes pride in her Scottish ancestry and the Scots' lifestyle and values—hardworking, resourceful, independent, thrifty, and hospitable. She claims no Scottish monopoly upon these essential traits (whether brought in as cultural luggage or learned on the scene) for coping with the harsh environment of West Texas. Scottish personal characteristics and experiences are implicit in the author's characters, who are funny, tragic, stern, courageous, lighthearted, and all interesting. Most are the author's family members, both immediate and extended, and persons from the surrounding communities. A few examples:

George Kempton Ashburn struck out from Fort Worth in the late 1870s to survey West Texas for a homestead. He found his place with school and church reasonably nearby (at his wife's insistence), and proceeded to build his home.