

THE COMMON TOUCH: WHY BUTCH CASSIDY WAS SUCCESSFUL THEN AND REMEMBERED NOW

by John D. Barton

Outlaw Myths have persisted throughout much of recorded history. Robin Hoods of all generations, those who defied corrupt government and oppression, have always captured the imagination of the less bold and daring and in so doing have gained fame. Usually the fame of such folk-heroes increases with the passing of time. Their acts grow ever more daring with each re-telling of their story; likewise their ever-augmented generosity and goodness endear them to subsequent generations. In Western History there are folk-hero tales of incredible persistence. Outlaws such as Jesse James and Billy the Kid are still, more than a century since their deaths, commonly portrayed as misunderstood or slightly gone astray heroes in motion pictures and novels. Even though historians have established that both were probably back-shooting killers, they had a sizeable following then and remain folk-heroes today.¹

¹There is an appeal about outlaws that is evident from all generations. During the Great Depression, when times were hard, the popularity of John Dillinger, Bonnie and Clyde, and others is still the stuff of movies and stories. Mafia outlaws were immortalized with The Godfather and other similar books and movies. Most law-abiding citizens, especially when they believe that the government and other institutions are working against them and their general welfare, admire those bold enough to take matters into their own hands while condemning the actions the outlaws take.

There are, however, outlaw folk-heroes of epic proportion who were worthy of the name and fame they still command. Butch Cassidy, or, as he was christened, Robert LeRoy Parker, is one such.² Cassidy, his best friend, Elzy Lay, and others of the Wild Bunch were outlaws and therefore should not be idolized nor used as patterns for lifestyle.³ Many thousand hard working, honest Westerners with perhaps less fame or glamour are much more deserving of that honor. But there are valid historical causes that led the likes of Butch, Elzy, and the Wild Bunch to turn to outlawry, retain the sympathy and support of their honest contemporaries, and still command attention and respect from the passing generations.

As the Western Frontier pushed further and further from organized, established law, the West became a place of self-law and/or lawlessness. Each person had to decide for themselves what rules they would abide by and let their conscience guide. The West was too large, space too vast, towns and military forts too far apart, and communication too slow for law enforcement to be effective on the scale that it is today. The result was that citizens often took the law into their own hands, and in extreme conditions, they practiced vigilantism.

²Much of the information in this article was originally written by the author in an article entitled "Outlaws, Lawmen, Law-Abiding Citizens, and Mormons" Published in the Outlaw Trail Journal, 1 (Summer 1991), 15 - 22. Additional research and stories germane to the San Juan region was added for publication in Blue Mountain Shadows.

³Since the movie Butch Cassidy and the Sundance Kid, (20th Century Fox, 1969) most people assume that Butch and Sundance were best friends, but when asked who his best friend was, Butch replied "There were a lot of good friends, but Elzy Lay was the best, always dependable and level-headed. Sundance and I got along fine, but he liked his liquor too much and was too quick on the trigger." See Lula Parker Betenson, Butch Cassidy, My Brother, (Provo, Ut.: Brigham Young University Press, 1975), 187.

As the West "grew up," it was developed by ranchers, miners, timber men, the army, and; perhaps most numerous and least remembered, small farmers and homesteaders. The disparity of wealth between the homesteader and larger interests was great. Those who lived "hand to mouth," uncertain of their next meal, often helped themselves to a small portion of the profits of the more fortunate. Others, though honest themselves, turned a blind eye to those who evened things up a little. Many, if not most, big ranches got their start by branding mavericks, and then, once large and prosperous, they condemned small-time operators who did likewise. This, when coupled with the attempt to keep all new-comers from using rangeland that was public owned, led to range wars, murders and hostility. The large ranchers sanctioned the murders of small-time operators in the attempt to maintain control.⁴

⁴Two examples of many which could be used are the Johnson County War and to a lesser extent the sharp contest for range in the San Juan/Blue Mountain Country. In Wyoming the famous Johnson County War started when large ranchers formed the Wyoming Stock Growers Association. This association directed, by law, the roundup and tally of the range. To stop small ranchers from "mavericking" they used their power to get legislation passed to brand all mavericks with the Stock Growers Association brand. To enforce the action, they blacklisted any cowboys who continued to brand mavericks which action resulted in more and more open stealing of stock. In frustration the large ranchers took the law into their own hands and hung, shot, and ran out of the county small ranchers who were thought to be rustlers. They started with "Cattle Kate" Watson who traded sexual favors for calves usually stolen by cowboys en route to Kate's, and Jim Averill who ran a store that was considered a rustlers hangout. July 1889, ten cattlemen rode in and lynched both Kate and Averill. The small ranchers elected as sheriff Red Angus, a man known to be friendly with suspected rustlers and over the next several years the battle raged throughout the county. And the Hole-in-the-Wall hideout for outlaws came into popularity as a result of this "War."

In the Blue Mountain Country the contest for range led to hard feelings and some killings. The Carlisle Cattle Company, Indian Creek Cattle Company, and the L. C. Cattle Company were the largest in the region, though they were not all contemporary with one another. All experienced encroachment on what they considered their range. Starting in the mid-1880's thousands of cattle were brought into the Four-Corners region and within a few years, the cattle were so scattered in the rough canyon country that many missed round-up leaving hundreds of mavericks. Soon smaller cattle ranches were started and built up their herds with maverick cattle. The contest for range was

always a concern. Sheepmen also tried their luck at staking a claim for grazing in the region which led to the killing of Felix Jesui by Charlie Glass as late as 1921.

In the 1870-1900 era big business dominated both the economic and political scene of the nation under the spoils system of the Radical Republicans' rule. The railroad enriched a select few and through unfair shipping rates assisted the development of timber and mining, cattle and large scale farming, while hurting small ranchers and farmers. Bankers were also unfair in lending practices and varied rates to favor large businesses with easy credit loans for development while small businessmen, ranchers, miners, and farmers could not get credit; or if they were able to obtain credit, doing so often resulted in the eventual loss of their property through foreclosure. Political graft and corruption rocked the politics of the era while the national economy struggled through two depressions, one in the 1870's and another in the 1890's. Eastern capitalists maintained a near 0% inflation rate throughout these years with gold coinage money policies. When these practices were coupled with the debt-peonage systems that had become entrenched, the result was the rise of the Populist movements that found their champion in William Jennings Bryan who ran against McKinley for the Presidency in 1896.⁵

The combination of corrupt politics, unfair banking and lending policies, Laissez-faire economics, and plying the wealth of established businesses against the small time operators, in most arenas of business including cattle, all served to sharpen the distinction between the rich and those less fortunate. Social Darwinism, or survival of the fittest in the jungle of life, justified the wealthy, in their own minds, and condemned the poor. As social classes based upon wealth were established, small farmers and ranchers learned to distrust and often resent big business and politicians. Many

⁵Ray Allen Billington and Martin Ridge, "The Agrarian Revolt," Westward Expansion, (New York: Macmillan Publishing Company, Inc., 1982), 662-698.

students of Western History question how and why outlaws were allowed to operate within an area where a great majority of the local citizens were law-abiding in nature and often poor themselves; yet rarely did rewards for the capture of these bandit heroes entice locals to turn in the miscreants. Many law-abiding citizens felt that the outlaws were bloodying the nose of the rich who were keeping progress and development in the hands of only a select few. The robbery of a train payroll, bank, or even a large mine had little, if any, effect on the small farmer and rancher. In fact the small farmer probably felt some measure of satisfaction in the woes of big businessmen at the hands of outlaws.

Most Western outlaws came from common backgrounds that identified with the common people.⁶ The outlaws were usually careful who they stole from, and sometimes they shared with those in severe need with whom they came in contact. One particular story as told by Butch to his family is worthy of retelling in his own words.

One day I went into a store where I often picked up supplies. It was run by a little widow lady. That day she looked real glum, and I asked her what was the

⁶Backgrounds of some of the Wild Bunch: Butch Cassidy who was raised on a small ranch in southern Utah by Mormon parents. Elzy Lay, originally from Ohio, had migrated west to Colorado with his family. There, after a failed romance, he drifted into outlawry and infamy with the Wild Bunch. Lay was a tall, slender, handsome man known for reading and being a top bronc rider and ranch hand, having a way with women and horses. Harry Longabaugh, "The Sundance Kid," was thought to be from Pennsylvania where he claimed to be from a "good family." A lesser-known member of the gang was Henry Wilbur Meeks, another Mormon drop-out. Meeks was from Wallsburg, Utah where his father was a freighter. Harvey Logan, or "Kid Curry," had come from a small ranching family in Montana. There were other members throughout the years that rode with the Wild Bunch, but there is nothing extraordinary in the backgrounds of any of the members. They were all from common backgrounds and became outlaws largely due to the conditions of the times.

matter. She replied, "The man who holds the mortgage on this store is coming to collect, and I haven't got the money. He'll take my store.

"How much do you owe?' I asked her.

"A thousand dollars.' And the tears came to her eyes.

'I just can't make ends meet with my husband dead and gone.'

"Now you quit your worrying. Just give me a little time and maybe I can help.' I told her.

"But a thousand dollars. That's a fortune.'

I left the store. When I came back later I gave her ten one hundred dollars bills. Her eyes bugged out. I guess she'd never seen that much before all at once. I warned her. 'Now don't you tell that old skinflint where you got your money. But you make sure you have a signed receipt for it and it's marked paid in full.' Of course, the old lady was really in tears now, but for a different reason. "Come on now,' I said 'dry you eyes so that old coot won't suspect anything when he comes.'

Then I went a little way out of town where I knew he'd be coming along, and I hid in the bushes by the road. He had the snappiest horses with all the trappings, and he was slicked up fit to kill -- black suit and white starched shirt all right. I could tell he didn't need that ole lady's store any more than I did. And it made my blood boil to think how he was just waiting to turn her out. He had a self-satisfied smirk on his face. That's what always makes me so damned mad. The rich are too rich and the poor are too poor.

Well, it wasn't too long before I heard that buggy rattling back down the road. I peeked through the bushes from my hiding place. I wanted to wipe that greedy

look off his face the worst way. His buggy showed down as it got near to my ambush. Now that was mighty convenient. I was surprised when I heard him say `Whoa!' to his team, and they stopped almost in front of my hiding place. There wasn't another soul in anywhere in sight. He peered around suspiciously, and then he pulled out his billfold and counted to make sure it was all there: `Nine hundred -- one thousand,' he counted out loud.

I took my cue and stepped out of the bushes, gun in hand. `I'll take those,' I said. He was so surprised he handed `em over without an argument, and I slipped out of sight. This was so successful that I paid off more than one mortgage in the same way. In fact, I wasn't the only outlaw who salved his conscience in that way.(sic)⁷

⁷Betenson, Butch Cassidy, My Brother, 189-190. In traveling the state in the past few years to lecture on the topic of Outlaws, telling this story has resulted in interesting responses by the listeners. When I was in Vernal, Richfield, Price, and Panguitch, after the lecture, someone would come up to me and say something on the order of, "Mr. Barton, you know that story you told about Butch and the old widow lady? well, that happened right here in this town!" Another version of the story is also told of Butch saving a widow's ranch not a store. But this too emphasizes the point that it was Butch's ability to relate with common people then that makes him popular even now.

Who, upon hearing this story, cannot identify with and silently cheer Butch? But note that one of his motivations was that the "rich were too rich and the poor were too poor." The class struggle of the era was obvious to those who were participants. Butch, not unlike many other "Robin Hood" type outlaws, helped several struggling individuals. One time he played Santa Claus to a large family with many small children who did not have money enough to provide gifts for the holiday.⁸ During the escape on horseback after robbing the Winnemucca Bank, Cassidy and the Wild Bunch changed horses some miles out of town. With the posse close behind, Butch left specific instructions that the horse he had ridden was to be given to Vic Button, a youngster who had admired the animal a few days earlier. Butch had promised that the boy would have it someday.⁹ An outlaw, or any man for that matter, who remembers a promise made in passing to a boy, when it was much more wise to hurry on and get out of the country before the posse came, is a man with great character that many of his law-abiding contemporaries admired.

⁸Ibid, 191.

⁹Ibid, 143.

A large measure of the success of the Wild Bunch was founded on the support of local people. This common bond with poor, honest, hard-working citizens was essential to elude capture by the law. Exchanging fresh horses for trail weary ones, misleading lawmen with carefully constructed stories, and cooking meals with no questions asked were commonplace services performed for the outlaws. In the Outlaw Trail country, from Canada to Mexico with major hide-outs at Hole-In-The-Wall, Wyoming; Browns Hole where Utah, Colorado and Wyoming join; and Robbers' Roost in south-central Utah; the division between small rancher and outlaw was very thin. Each befriended, protected, and assisted the other. The Wild Bunch sometimes worked as cowboys on ranches or guarded herds of cattle belonging to local ranchers from rustlers, and the ranchers provided timely warnings about lawmen in the region. In Brown's Park, where similar activity between outlaws and small ranchers was common, the outlaws decided to repay their neighbors for their kindness and live-and-let-live attitude by sending out engraved invitations for Thanksgiving Dinner. The Wild Bunch, represented by Butch Cassidy, Elzy Lay, Isom Dart, and the Sundance Kid, along with Billie Bender and Les Megs of the Bender gang, cooked a special feast. They served a several course meal that was attended by nearly all the settlers in the region, dressed in their most formal attire. This was afterwards known as the "Outlaws' Thanksgiving Dinner."¹⁰

¹⁰Ann Bassett Willis to Esther Campbell, 23 April 1950, copy held at Regional Room Uintah County Library, Vernal Utah. Ann was a teenager at the time of the Outlaws' Thanksgiving and attended the event with her family.

Another time Elzy Lay heard from Matt Warner that a Jewish merchant who had gone broke in Rock Springs was trying to flee the region before the sheriff could confiscate his merchandise for debts owed. Elzy held him up and took all his goods which consisted mostly of clothes. He then took the clothes that were useless to him to John Jarvie's store and told Jarvie to distribute the clothing to anyone who came in and invite all to a masquerade dance. Soon everyone heard of the plan and came to the dance dressed in outlandish styles of mixed and unmatched clothing that amused and entertained all.¹¹

¹¹Matt Warner, The Last of the Bandit Riders, (Caldwell, Idaho: Caxton Printers, 1940), 58,59.

Such antics endeared the outlaws to most who heard the stories. Even law officers often respected the Wild Bunch and if they had not disturbed their town or jurisdiction usually left them alone in a live-and-let-live attitude.¹² There was a lawman, Sheriff Farr (also spelled Fare) from Hanksville that had little use for Butch and Matt Warner. On one occasion Farr was leading a posse after the outlaws. Butch and Matt, knowing the San Raphael Swell region as well as, or perhaps better than anyone else, led the posse deeper and deeper into the desert. One by one posse members found excuses to quit and go home until just Farr and two deputies were left. Many miles from commonly known water holes, Butch knew of a small spring up a canyon where he and Matt could water their horses and fill their canteens. Hurrying out of the canyon, they watched their back trail to see if Farr knew of the water-hole. He did not. Knowing that the posse would likely die before they could get back, Butch and Matt snuck back down the trail, pulled their guns on the sheriff and deputies, and told them they had missed the water up the small canyon they passed. Knowing they had likely saved the life of their pursuers, Butch asked if now the sheriff would quit the chase. Upon being told no, Butch and Matt got angry and took Farr's guns, saddle, and britches -- leaving the angry sheriff a forty-mile ride, bareback in his long-red underwear, into Hanksville. The

¹²In Vernal the tough, quick-shooting Sheriff, John T. Pope knew Butch and several of the Wild Bunch quite well. He made no attempt to arrest them until ordered by the Governor to do so several years after seeing them regularly in the region. When Matt Warner shot and killed two Vernal citizens in an altercation over a mine claim in Dry Fork Canyon, Pope arrested him and warned Cassidy to not try and break Warner out of jail. See Doris K. Burton, "Sheriff John Theodore Pope," The Outlaw Trail Journal, 1, (Summer 1991), 6 - 9.

citizens of that community laughed for years over this incident which did little to endear Butch to Farr, but the common people appreciated this rough frontier humor.¹³

In the San Juan country, like much of the region bordering the Outlaw Trail, the majority of the population contemporary with the Outlaws were Mormons. Here the success of the Wild Bunch is especially curious. Mormons, for the most part, tried to avoid violence and abhorred crime; yet the Wild Bunch, especially Cassidy and Lay, were on friendly terms with many local citizens and were respected by most of the communities. Cassidy had been raised a Mormon, and though he did not live most of the tenants of his religion, he did keep a code of his own. His father once asked him, "LeRoy, did you ever kill anyone?"

"No, thank God. But some of my boys had itchy trigger fingers. I tried to control em'. I feel real bad about some posse men who got shot."¹⁴

¹³Charles Kelly, The Outlaw Trail, (New York: Bonanza Books, 1959), 37 - 45.

¹⁴Betenson, 187.

But even the Mormons were often frustrated and angry over the economics of the West -- so much so that they had tried to create their own economy independent of the nation's economy.¹⁵ The banks and businesses that were part of the Mormon economy were rarely, if ever, targeted by the Wild Bunch.¹⁶ Therefore the Mormons had little to fear from the outlaws. Also the Mormons were outcasts themselves, who in their short history had been denied their Constitutional Rights of Freedom of Religion by local and state officials from Illinois, Missouri, Ohio, and New York. They had even been denied help from the President of the United States.¹⁷ And, at the time of the Wild Bunch, the Church was just emerging from severe persecutions at the hand of the government over polygamy. Little wonder that the Mormons felt smoldering resentment and distrust towards government and big business and would rarely mind the presence of Cassidy and those of his followers who acted with courtesy and manners while in town. And

¹⁵Leonard J. Arrington, Great Basin Kingdom, (Cambridge Mass,: Harvard University Press, 1958), 265. When the railroad came to the State in 1869, The Church of Jesus Christ of Latter-Day Saints under Brigham Young's leadership organized several different types of cooperatives to consolidate Mormon interests. ZCMI (Zion's Cooperative Mercantilistic Incorporation), Utah Manufacturing Company, Provo Woolen Mills, etc., were all started at this time and Mormons were strongly encouraged to keep their business with Church-owned enterprises.

¹⁶The known robberies committed by the Wild Bunch include the 1889 Telluride Mine hold up; 1896 Montpelier, Idaho Bank; 1897 Castle Gate Mine payroll, 1897 Belle Fourche Bank, 1899 Wilcox Train Robbery, 1899 Colorado Southern Train, 1900 Tipton, Wyoming Train Robbery, 1900 Winnemucca Bank Robbery, and the 1901 Wagner, Montana Train Robbery. After this time Butch and Sundance went to South America and Elzy was in prison. Note that none of these targets were Mormon interests. For more information on these robberies see Pearl Baker, The Wild Bunch at Robbery Roost, (New York: Abelard-Schuman, LTD.).

¹⁷In 1840, Joseph Smith traveled to Washington D.C. and had an audience with Martin Van Buren over the loss of life and property of Saints in Missouri when Governor Lilburn Boggs had issued the infamous "Extermination Order" that called for the expulsion of all Mormons from the state on threat of extermination. See Joseph Smith Jr., History of the Church of Jesus Christ of Latter-Day Saints, edited by E. Keith Howick, (Salt Lake City, Utah: Deseret Book Company, 1970 reprint), IV: 40-80.

those of the Wild Bunch and other outlaw bands that inhabited the fringes of Mormon colonization who acted rough were not welcome to the same degree.

Careful examination of the lives of most Western Outlaws reveal a life style of night riding, missed meals, hot pursuits, poorly-tended wounds, broken friendships, and economic deprivation. They were usually broke or unable to spend stolen money while hiding out. Little glamour existed in the real lives of outlaws. They experienced impossible family relations, long trails, and fear of treachery with the ever-present knowledge that, regardless of the cause, they were outlaws and anyone could turn them in for the reward money. But Butch Cassidy and other outlaws of the Wild Bunch were often gentlemen in their mannerisms. Usually outgoing and friendly they posed little threat to the average citizen. And in their selection of targets for robbery they maintained identity with the common people while becoming hated enemies of big business. The Wild Bunch were products of the times and gained if not the respect, at least the tolerance and sometimes friendship of their peers.