

RECKONING IN THE REDLANDS: THE TEXAS RANGERS' CLEAN-UP OF SAN AUGUSTINE IN 1935

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The subject of this manuscript is the Texas Rangers “clean-up” of San Augustine, which was undertaken between late January 1935 until approximately July 1936 at the direction of then newly-elected Governor James V. Allred, in response to the local “troubles” that arose from an near decade long “crime wave.” Allred had been elected on a platform advocating dramatic reform of state law enforcement, and the success of the “clean-up” was heralded as validation of those reforms, which included the creation of – and the Rangers’ integration into – the Texas Department of Public Safety that same year. Despite such historic significance for the community of San Augustine, the state, and the Texas Rangers, no detailed account has ever been published. The few existing published accounts are terse, vague, and inadequate to address the relevant issues. They are often also overly reliant on limited oral accounts and substantially factually flawed, thereby rendering their interpretive analysis moot in regard to certain issues.

Additionally, it is a period of San Augustine’s history that haunts that community to this day, particularly as a result of the wide-ranging myths that have taken hold in the absence of a thoroughly researched and documented published account. Concerns over offending the descendants of the key antagonists, many of whom still live in the area, has long made local historians wary of taking on the topic. Nevertheless, many of them have privately expressed the need for just such a treatment, as they have crossed paths with enough evidence in pursuit of other topics that they recognize and appreciate the historical significance, and lack of an

accurate modern understanding, of those events. Furthermore, descendants of some of the victims have expressed frustration over the lack of such an account, because it makes them feel victimized once more to see the mistreatment and suffering of their relatives, which shaped many lives within their families for generations, continue to be ignored in the local historical record. Those events did not occur in a vacuum, and their effects linger still.

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PROLOGUE

THE TEXAS RANGERS IN MYTH, MEMORY, AND HISTORIOGRAPHY

The Texas Rangers have long been recognized and feared around the world as a fierce and effective crime-fighting organization. As Charles H. Harris and Louis R. Sadler point out in their study, *The Texas Rangers and the Mexican Revolution*, “[They] are arguably the most celebrated lawmen in the world, their fame ranking with that of the Federal Bureau of Investigation, Scotland Yard, and the Royal Canadian Mounted Police.” The comparison is all the more remarkable given that the others are national organizations with hundreds or even thousands of employees, and the Texas Rangers are a state-level entity with only a fraction of the personnel employed by the other organizations.¹

The fame of the Texas Rangers has been perpetuated by a vast array of media, including countless books and articles ostensibly founded on historical events and persons, as well as an equally voluminous collection of fictionalized novels, radio, and television programs and major motion pictures. Even the historical treatments, however, have more often than not been lacking in depth, nuance, and even basic factual accuracy. Even as a wider variety of perspectives emerged in the middle of the twentieth century, many new interpretations were as shallow, constricted, and biased as those they sought to replace. The first and second generations of Texas Rangers historiography, in particular, consisted of romanticized and

¹ Charles H. Harris III and Louis R. Sadler, *Texas Rangers and the Mexican Revolution: The Bloodiest Decade, 1910 – 1920* (Albuquerque: University of New Mexico Press, 2004), 1. Portions of this prologue were extracted, revised, and edited from a conference paper entitled “Texas Rangers in Myth & Memory” (presented at the 2010 Texas State Historical Association Conference in El Paso and the 2011 Windy City Graduate Student History Conference at the University of Illinois-Chicago), and from a graduate research paper completed in furtherance of the requirements towards my doctoral degree in American History at the University of North Texas, entitled “Historiography of the Origins and Early Practices of the Texas Rangers” (completed in Fall 2009).

racially biased interpretations created to advocate for the superiority of the ethno-cultural tradition from which each arose. Furthermore, despite the fact that the Texas Rangers organization has continued to exist and evolve for nearly two hundred years, most analyses of them still mostly emphasize only the first half of that time period. Such a narrow perspective has resulted in a flawed impression of their overall history because it overlooks key events in their evolution that are necessary to understanding what came before them and what has transpired since. Building on a foundation established by the “Dean of Western History,” Robert M. Utley, this study seeks to push the historiography of the Texas Rangers into a new era and, at the same time, provide a more inclusive image of a simultaneously idolized and vilified organization.

The organization known as the Texas Rangers was officially founded in 1835 as a paramilitary mounted frontier force, tasked primarily with defending settlements in the fledgling Republic of Texas, against Indian raids and attacks. In the late nineteenth century, the frontier came to a close and warfare with Indian tribes ceased as the United States Army finally succeeded in forcibly relocating the tribes to “Indian Territory” north of the Red River. As a result, the Texas Rangers began receiving assignments that led them to evolve into a law enforcement body. However, it was a slow and sometimes halting process that was influenced and impeded by certain events and assignments whose goals were more suited to a military

rather than a law enforcement solution. Such complications were, and arguably still are, most apparent in the region of the Texas-Mexico international border.²

The nomenclature “Texas Rangers” was an informal designation during the first one hundred years of their history. Until the creation of the “Texas Rangers Division” of the Texas Department of Public Safety in 1935, the various units historically recognized as having rendered “ranging service” up until that time served under a wide variety of designations. In 1835, the Texas Consultation created the “Corps of Rangers,” and the units of “citizen soldiers” who served under that and subsequent Republic and early statehood-era legislation were known as “mounted rifles,” “mounted spies,” mounted volunteers,” “minutemen,” and even “partisans.” However, many of those who served in such units commonly referred to themselves informally as “Texas Rangers,” as did many members of the general population, even at that time. In 1874, they gained permanent institutionalization as the administratively designated “Frontier Battalion,” and “Frontier Force”—still a military unit intended to perform an identical role to their predecessors, only with hopes for more efficiency and effectiveness as a full-time, permanent, mounted frontier fighting force.³

Shortly after the creation of the Frontier Battalion, the United States Army succeeded in relocating and subjugating even the most recalcitrant Comanches and other Plains Indians north of the Red River, leaving the Texas Rangers with little to occupy their time patrolling the frontier. As a result, the Rangers of that time slowly took up certain peace-keeping/law

² Robert M. Utley, *Lone Star Justice: The First Century of the Texas Rangers* (New York: Oxford University Press, 2002), 15-16, 19, 145, 152, 287-294; Robert M. Utley, *Lone Star Lawmen: The Second Century of the Texas Rangers* (New York: Oxford University Press, 2007), 2-7.

³ Utley, *Lone Star Justice*, x-xi.

enforcement duties, beginning with tracking and arresting fugitives from justice on behalf of county and city officials who did not have the manpower or range of jurisdiction to pursue outlaws who sought refuge from justice on the frontier. The Frontier Battalion Rangers received neither law enforcement training nor official authority in the beginning, but they were nevertheless expected to adapt and serve as needed on the “violent, crime-ridden” frontier.⁴

Their role as law men was so nebulous at the time that legal issues finally arose over these duties, leading to lawsuits and eventually legislative action, which took them an additional step forward in their evolution from paramilitary units to law enforcers. In 1901, they were reorganized as the “Ranger Force,” though they were still a part of the Adjutant General’s Department and expected to continue to patrol and protect the border region and other sparsely settled areas. A mere three companies, often consisting of less than twenty men altogether, were tasked with patrolling the entire state and maintaining order for millions of Texans. It was an impossible task, and the men assigned ranged from highly capable to wholly unsuited, depending on both the available leadership and the political environment at any given time. The relative thinness of their ranks during this period also casts doubt on some of the claims of widespread misdeeds during this period, particularly since it has since been shown that numerous incidents originally attributed to the Rangers were in fact unconnected to the Rangers; many actually involved local and even federal lawmen in the region, if not others wholly unconnected to law enforcement, such as private security agents. Such facts have

⁴ Ibid., 271-73, 298-302.

unfortunately not prevented some modern scholars from accepting assertions to the contrary and leveling sweeping indictments against all Texas Rangers across time and place.⁵

A second key factor essential to a thorough and balanced analysis of Texas Rangers actions over time is recognition of the fact that until 1935—the same year as the events covered in this study—the Texas Rangers were directly appointed and controlled by the governor. In the early twentieth century, and after their legislative deputization as peace officers with the establishment of the “Ranger Force” in 1901, many who sat in the governor’s chair chose to politicize such appointments, a practice that coincided with many of the most criticized actions in the history of the Texas Rangers. During that period, the reputation of the Texas Rangers suffered greatly, even among their most ardent supporters. Their fall from grace was so acute that a Great Depression-era Texas journalist once quipped that, “A Ranger commission and a nickel will get . . . a cup of coffee anywhere in Texas.” (Of course, a cup of coffee only cost a nickel at that time.) But few scholars or other Texas Ranger historians have studied that period thoroughly enough to realize the effect of politics on the Rangers. That oversight has often led critics of the Texas Rangers to apply unrealistic expectations to Rangers of this and even earlier periods, particularly when assessing their actions in accordance with standards of modern law enforcement officers. It is obviously unreasonable to analyze the actions of nineteenth-century citizen-soldiers or early twentieth-century political appointees

⁵ Ibid.; Uteley, *Lone Star Lawmen*, 4-5.

based on professional law enforcement standards that first began to evolve in 1935, during the period of this study.⁶

The events known as the Texas Rangers' "clean-up" of San Augustine in 1935 occurred contemporaneously with the creation of the Texas Department of Public Safety, in which the Texas Rangers—who, up until that time, had been a part of the Texas Adjutant General's Department, the state military arm—were combined with the state highway patrol to create a new state law enforcement agency. This massive overhaul of state law enforcement was specifically undertaken as a result of the increasing politicization of the Texas Rangers during the previous three decades. The events in San Augustine were presented as evidence of the need for such reforms, particularly because many of the leading culprits carried Special Ranger Commissions from Gov. Miriam A. "Ma" Ferguson, and the success the Texas Rangers achieved there was touted as proof that those reforms were successful.

This study examines the events of this pivotal period in Texas Rangers' twentieth-century history in heretofore un-attempted detail, while moving beyond the romanticized and racially divisive rhetoric that plagues much of Texas Rangers historiography. Finally, this study seeks a more nuanced understanding of the actions of the Texas Rangers involved in these particular events and of how those around them perceived those actions. The focus here is not on the perspective of modern historians and audiences but rather the citizens of San Augustine, black and white, and their perceptions of the Rangers dispatched by Gov. James V. Allred. Uteley was the first to assert that each Ranger should be assessed according to their own merits (or

⁶ Ben H. Procter, "Great Depression," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/npg01>), accessed March 31, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

lack thereof), and this study takes that approach while examining events that took place during the most crucial moment in the history of the modern Texas Rangers organization. As the Allred Rangers took to “cleaning-up” San Augustine, they were simultaneously being incorporated as the lead investigative arm of a brand new state law enforcement agency, leaving behind the Adjutant General’s Office and their paramilitary origins.

In an effort to provide some scholarly context for this discussion of the Texas Rangers in San Augustine in 1935, and thus illustrate the importance of those events in reforming the academic and popular image of the Rangers, this prologue categorizes and examines each phase and category of the historiography of the Texas Rangers. Additionally, an overview of the effect of other mass media, on the state, national, and even worldwide collective memory of this institution among both the general population and historical scholars is included. In the process, some suggestions are offered towards the objective of a more balanced approach to writing about the Rangers, rather than ignoring or typecasting this immensely popular literary genre and remarkably significant law enforcement institution in the history of Texas and the Southwestern Borderlands of the United States.

The historiography of the Texas Rangers can be divided into four historiographical phases, or categories: Traditionalism, Early Revisionism, Neo-traditionalism, and Modern Revisionism. Each interpretive form roughly corresponds to a chronological period, though not exclusively. Each category is founded in a set of specific traits ascribed to their respective categories, but such traits are also often individually evident in works that do not otherwise fall into that particular category. This exercise is designed to provide a framework for analysis and discussion, while acknowledging the diversity and complexities of the overall historiography.

The traits that are used to assess and categorize the following publications are generally unambiguous and are ubiquitous within each particular category. However, it is important to note that these categories should not be viewed as mutually exclusive, nor do they represent the sole means of assessing this subject. On the contrary, one will find that many works dealing with the history of the Texas Rangers will appear at times to fall into a combination of more than one of these categories, and many could also be categorized in ways not outlined herein. Certain widely circulated historical publications have been selected to exemplify each category, so that the distinctive characteristics of that category are manifest. Overall, a few core factors have influenced much of the existing historiography. The earliest and most dominant factor was the practice of romanticizing the Texas Rangers as emblematic of an Anglo ethno-cultural archetype that shaped western civilization in the American West on behalf of “truth and justice for all.” The second factor was the influence of racial biases and an interpretative approach that was focused on ethno-cultural conflict as the primary driver, which leads to sweeping conclusions and a lack of nuance. The third factor is the overemphasis on the nineteenth century and corresponding lack of examination of key aspects of the twentieth century, including the evolution of the function of the Rangers and the role of political influence.

Two of the earliest chronicles of Texas history that influenced future works through romanticized accounts of Ranger exploits were *Indian Wars and Pioneers of Texas*, and *The History of Texas from 1685 to 1892*, both by John Henry Brown. Brown was a journalist and soldier who served in numerous ranging companies during the Republic and early statehood period, and he was intimately involved in the process of removing Indians to reservations during his career. Brown’s *Indian Wars and Pioneers of Texas*, published in 1880, is an

ethnocentric compilation of brief biographies of people he considered to be notable Texans of the nineteenth century, while *The History of Texas from 1685 to 1892* is a general history of Texas, as implied by the title.⁷ Brown's work is plagued by a lack of substance, an absence of documentation or source material, and a partisan perspective, which leads him to denigrate Indians as "savages," assume all Mexicans to be acting in "bad faith," and romanticize all Anglos as universally honorable. Another example of the traditionalist narrative is James Thomas Deshields, whose writing career spanned from the 1880s until the 1940s, and who similarly eulogized Anglo historical actors as heroes while he simultaneously treated Indians and Tejanos as insignificant and inferior. Furthermore, while Deshields eventually ventured into twentieth century political history, his accounts of Texas Ranger exploits remained focused on the nineteenth century.⁸

There were many biographies and memoirs of or by individual Rangers, as well as general accounts documenting various actions involving early Texas Rangers, published at about the same time as Brown's and Deshields' works, beginning in the late nineteenth century. Today such works would be categorized more as memoirs or journalism, rather than as professional historical studies. For many events, however, they offer the only written accounts known to exist, and they were the principal source of historical information on Texas for several

⁷ Erma Baker, "Brown, John Henry," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fbr94>), accessed April 02, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association; John Henry Brown, *Indian Wars and Pioneers of Texas* (Austin: L.E. Daniel, 1880); Brown, *The History of Texas from 1685 to 1892* (St. Louis: L.E. Daniel, 1892).

⁸ Brown, *Indian Wars*, 5-8, 11. Wayne Gard, "DeShields, James Thomas," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fde45>), accessed April 03, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association; James Thomas Deshields, *Border Wars of Texas* (Tioga: Herald Company, 1912).

generations. The influence of these nineteenth century publications, including their romanticized, ethnocentric perspectives, would reverberate through the field of Ranger history, affecting even professionally-trained historians working half a century later.⁹

A new benchmark for the traditionalist Anglophone narrative of the Texas Rangers was established by the venerable Walter Prescott Webb, whose 1935 study, *The Texas Rangers: A Century of Frontier Defense*, has dominated the historiography for subsequent generations. This comprehensive history was the first scholarly publication, researched and written by a professional historian, on the history of the Rangers, and the power of its influence on Texas Ranger legacy and historiography cannot be overstated. Webb's study was institutional in scope, and it was deliberately published during the 100th anniversary year of the creation of the "Corps of Rangers" by the provisional government of Texas. It remains in publication still, now by the University of Texas Press, which purchased the reprint rights following Webb's death and re-released it in 1964.¹⁰

Webb acknowledged the institution's connections to earlier frontier defense units that had been in operation during the Mexican colonial period, but he considered the official beginning of the Rangers to have been in 1835. From there, he traced Ranger history through the Republic era, early statehood, the Civil War and Reconstruction, the late nineteenth century Frontier Battalion and Special Force, the turn-of-the-century transition to state peace officers, and up to their merger with the Texas Department of Public Safety in the year of publication—a

⁹ Ibid.

¹⁰ At the time of his death, in a car accident, Webb was actually working on a revised version of the book but it was not completed.

development that Webb incorrectly predicted would end in their demise—which coincides precisely with the events in San Augustine that are the focus of this study.¹¹

While Webb’s book was deeply researched and respectably comprehensive, its perspective was a product of the times in which it was written. The interpretation was simplistic, ethnocentric, and adherent to the Turnerian doctrine of Western expansion, which expounds notions of the superiority of Anglo-European peoples and their culture and offers justification for their domination of the continent. Despite his professional credentials and his application of certain techniques and contemporary standards of scholarship, Webb’s narrative mirrored that of his lay predecessors. Notions of the “Manifest Destiny” of Anglo-American westward expansion and their cultures inherent superiority colored his perspective just as it had that of Brown, Deshields, and their contemporaries.

Webb’s approach treats Texas history as essentially a conflict between three ethnic groups: Anglo, Mexican, and Native American. This paradigm not only reveals the bias in his approach (he explicitly regards the Anglos as culturally, morally, and intellectually superior), but also affects the validity of his interpretation. The approach resulted in an insistence upon emphasizing the differences and divisions between the three: for example, he insists that the differences between Anglos and Mexicans in regard to “race, language, religion and in governmental ideals” were so severe that the only reason the Anglos did not revolt earlier was “owing more to the remoteness of Texans from Mexico and to the tact and skill of Stephen F. Austin than to the compatibility of the two races.” Furthermore, this paradigm results in nearly

¹¹ Walter Prescott Webb, *The Texas Rangers* (New York: Houghton Mifflin, 1935), 21, 567.

all interaction between the groups being cast by Webb as conflict-based, despite contrary evidence.

While Webb acknowledges that the early traditions and practices of the Texas Rangers received Mexican and Native American influence, he qualifies the significance, stating, “in spite of the fact that each of these fighters influenced the others, each remained the true representative of the customs and ideals of his respective race, a symbol of the fighting genius of his group.” This interpretation disregards Tejano agency in the development of modern Texas (and it engendered long-standing ill feelings among Texans of Mexican descent). Webb further vitiates any connection between Mexican, Native American, and Texas Ranger traditions and practices by describing all Mexicans as being “volatile” and “mercurial,” and stating that, “without disparagement it may be said that there is a cruel streak in the Mexican nature,” and that Mexican fighting men were, “inferior to the Comanche and wholly unequal to the Texan”; that all Native Americans possessed a “primitive nature; that “war was the end and aim of the Indian’s life”; and that the Anglo-Texans were “intelligent, cool, calculating, and capable of sustained endurance and suffering.”¹²

Webb concludes his analysis with a quote from an “observer,” who allegedly described the early Rangers as being able to “ride like a Mexican, trail like an Indian, and fight like the devil” (an oft-repeated phrase of future Ranger historians). But he claims that the Rangers obtained these skills from “their enemies,” implying that they gleaned them through

¹² Ibid., 11-15, 21-22. Webb did not address black Texans, as they never served as Texas Rangers during the period he studied, and no one to date has directly studied the relationship between the two. Allegations exist that during the antebellum years, some Rangers acted as fugitive slave trackers, but the existence or extent of such practices has also not been studied to date.

observation during conflict, rather than having learned them through cooperative efforts, thought such assertions are historically unsubstantiated. Though he makes passing references to a few Tejano Ranger captains throughout the book, the brevity of these mentions in comparison to the protracted attention given their Anglo counterparts, combined with his overall presentation of all events as simply the result of ethnic conflict, only serves to reinforce Webb's racially biased and simplistic interpretation. Webb does not address the many American Indian Rangers who served the Republic, such as Chief Flacco of the Apaches, Chief Placido of the Tonkawas, and the many braves under their respective commands. Webb paints a picture of the Texas Rangers as being the brainchild and exclusive legacy of Anglo-European Texans, at times in vividly racist rhetoric that is reminiscent of his predecessors, such as Brown and Deshields. His ethnocentric approach set the stage for the first generation of revisionists that followed, and it, along with his focus on nineteenth-century events, is still evident in some modern scholarship.¹³

The particular impact of Webb's book on the historiography might have been different had he been able to complete his revised version, which was prevented by his untimely death. In the absence of Webb's planned revisions, the original has been reproduced without critical examination, and entire generations of scholars and authors have accepted its stated facts, conclusions, and interpretations (including the errors and biases). This interpretative approach cemented the perception of Texas Rangers historiography, from the perspective of most

¹³ *Ibid.*, 15, 44-45, 70, 359, 396. Though Webb failed to identify the source of this quote, it originated with John Salmon "Rip" Ford.

scholars and non-Anglo readers, as the exclusive province of ethno-centric Anglo triumphalism—a perception that has lingered even to present day.

Thus began decades of a self-fulfilling prophecy regarding Texas Ranger scholarship. The impression within the academy was that any publication on the topic was unlikely to produce a balanced, scholarly analysis or an objective portrayal. Historical scholars, by and large, came to accept the notion that the Texas Rangers themselves were instilled with, and motivated by, ethnic bias from their very beginnings. The few academics that dealt with the subject beginning in the later twentieth century typically did so only in the context of larger or specific events in which the Texas Rangers were involved, and they were almost uniformly critical of the Rangers. The apparent scholarly consensus implicating institutionalized ethnic bias among the Texas Rangers also shaped historian Robert M. Utley's perception as he commenced his massive modern study in the early 1990s. This dynamic continues to inhibit progress in the efforts of modern scholars to communicate a more nuanced and balanced view of that history to the general public.¹⁴

Webb's dominance in this area continued for decades, even though he did not delve significantly into the modern era. Even those that began to break away interpretively (such as Dan Kilgore's *A Ranger Legacy: 150 Years of Service in Texas*, Frederick Wilkins' four-volume series covering the years 1823 to 1901, Stephen Moore's four-volume series, *Savage Frontier*, Michael Collins' *Texas Devils: Rangers & Regulars on the Lower Rio Grande, 1846-1861*, and the vast majority of Mike Cox's two derivative volumes of various Texas Rangers exploits) remain

¹⁴ Utley, *Lone Star Lawmen*, xii.

rooted in the nineteenth century. Even the works of those with contemporary political agendas set on abolishing the Texas Rangers and who seek to critique their actions as lawmen are largely founded upon nineteenth century events to make their case, despite the fundamental changes brought about by the reforms initiated in 1935.¹⁵

Texas Ranger historiography began a new chapter in the wake of the Civil Rights Era. It should come as no surprise that, since the traditional narrative centered on praise for the Texas Rangers, the first generation of revisionism would be focused on criticizing them. While Webb's claims and interpretations were subject to valid critiques, many of the early critics of Webb and the Rangers failed to conduct sufficient research in support of their new paradigm, which resulted in simply more simplistic, biased, and unsubstantiated scholarship. These counterpoints to Webb and the traditionalist narrative have also mostly failed to correct the historical record by disregarding Tejano agency in connection with the development of modern Texas. Most importantly, they have ignored the seminal events of 1935 in reforming the Rangers, as well as events since that time.

Most early revisionist works that took Webb's interpretations to task were not directed studies of Texas Rangers history. While some were general histories of Texas that occasionally referenced the Rangers, many were focused surveys of events involving specific episodes in

¹⁵ Utley, *Lone Star Justice*, 294; Michael L. Collins, *Texas Devils: Rangers and Regulars on the Lower Rio Grande, 1846-1861* (Norman: University of Oklahoma Press, 2008); Mike Cox, *The Texas Rangers: Wearing the Cinco Peso, 1821-1900* (New York: Forge Books, 2009); Cox, *Time of the Rangers: Texas Rangers from 1900 to the Present* (New York: Forge Books, 2010); Stephen L. Moore, *Savage Frontier: Rangers, Riflemen, and Indian Wars in Texas*, 4 vols. (Denton: University of North Texas Press, 2006-2010); Frederick Wilkins, *The Legend Begins: The Texas Rangers, 1823-1845* (Abilene, TX: State House Press, 1996); Wilkins, *The Highly Irregular Regulars: Texas Rangers in the Mexican War* (Austin: Eakin Press, 1990); Wilkins, *Defending the Borders: The Texas Rangers, 1848-1861* (Abilene, TX: State House Press, 2001); Wilkins, *The Law Comes to Texas: The Texas Rangers, 1870-1901* (Abilene, TX: State House Press, 1999).

Texas history and specific Tejanos. However, in 1979, a book titled *Gunpowder Justice: A Reassessment of the Texas Rangers* took a revisionist look at the history of the Rangers. The authors were Julian Samora (a sociology professor), Joe Bernal (a political activist and former state senator), and Albert Peña (a political activist and municipal judge). Their stated objective was the abolition of the Texas Rangers as an institution of state law enforcement in their own time, and the tenor of this book reflects its ties to the Chicano political movement.¹⁶

The interpretative approach of *Gunpowder Justice* was not dissimilar to that of Webb: key historical events and related topics were still presented as the result of ethnic conflict; albeit with the Tejanos in the leading role this time. This book also suffers from its reliance on a range of unsubstantiated and misleading factual assertions as well as numerous anachronisms with respect to events that occurred within the authors' own time. Also similar to Webb, sweeping and inflammatory conclusions are offered without support, for example the "quote" of an unnamed source or speaker that "to a Ranger, 'the only good Indian was a dead one.'" The book discusses some events that are past the period examined in this study, countless others are left out, including the affair in San Augustine. While they correctly lament the idolization of the Rangers in Anglo culture in both popular media and academic publications, their corrective approach is often devoid of nuance or accuracy.^{17 18}

¹⁶ Julian Samora, Joe Bernal, and Albert Peña, *Gunpowder Justice: A Reassessment of the Texas Rangers* (Notre Dame: University of Notre Dame Press, 1979). 1-14, 157-173.

¹⁷ *Ibid.*, 2, 14; Webb, *Texas Rangers*, 11-15.

¹⁸ *Ibid.*, Samora, Bernal, and Peña, *Gunpowder Justice*, 1-3.

While Chicano historians were the first to reverse the moral roles of the ethno-centric paradigm of culture conflict between the Texas Rangers and Tejanos, some more recent works continue to rely on the essential elements of that approach. Benjamin H. Johnson's *Revolution in Texas: How A Forgotten Rebellion and Its Bloody Suppression Turned Mexicans Into Americans*, does a fine job of digging into certain Texas Ranger myths and claims, but it fails to cast the same critical eye upon myths and allegations arising from the "Texas-Mexican" community of the Rio Grande Valley in its effort to cast the Texas Rangers as ethnocentric oppressors of a minority community. In *Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875*, Gary Clayton Anderson caricatures Anglos and Rangers in a fashion reminiscent of the distorted depictions of Indians and Tejanos promulgated by the Anglo traditionalist historians. And, in *Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910*, Andrew R. Graybill condemns the Texas Rangers for enforcing the rule of law on behalf of the Anglo-dominated establishment on the southern end of the Great Plains for more than five decades, while simultaneously excusing the Mounties for what he otherwise acknowledges were identical practices on the Northern periphery. Virtually all of these revisionists ignore the ethnic diversity of the Rangers during their first century, apply modern law enforcement standards to the Rangers in their paramilitary nineteenth century role, and ignore numerous accounts of when the Rangers protected minority criminal defendants—black and Latino Texans—against lynch mobs, guarding not only their lives but their rights to due process under the law. Most important, by continuing to focus on the first

century of the Rangers, they perpetuate an outdated image that disregards the reforms originating in 1935.¹⁹

Many modern historians have, for some time now, discounted the simplistic “Anglo versus Hispanic” paradigm in regard to Texas history generally. Therefore, it logically follows that this interpretation should also be rejected specifically where the Texas Rangers are concerned. But yet another literary paradigm has developed in the succeeding decades, which has contributed to the continuation of certain aspects of early revisionism, namely the many modern authors who continue to ignore the Latino perspective and to propagate the myth of the universal infallibility and invincibility of the Rangers. Their publications are perennially popular with a sizeable audience of Texas Ranger history aficionados. But these works are grounded in the mythical portrayals to such a degree that many scholars regard them as unsalvageable as far as introducing a more nuanced and balanced understanding of the topic is concerned. The term “neo-traditionalism” is used to encompass relatively modern works that tend to lack objectivity (in favor of the Texas Rangers), though generally eschewing the more overt ethnocentrism promulgated by Webb and his original traditionalist following.

Neo-traditionalists tend to view the Rangers as always being on the side of right or justice, and as a result, they frequently equivocate on, excuse, or ignore any actions that might

¹⁹ Benjamin Heber Johnson, *Revolution in Texas: How a Forgotten Rebellion and Its Bloody Suppression Turned Mexicans into Americans* (New Haven: Yale University Press, 2003); Andrew R. Graybill, *Policing The Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910* (Lincoln: University of Nebraska Press, 2007); Gary Clayton Anderson, *Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005); *Ibid.*, 1-4, 97-99, 107-109; Uteley, *Lone Star Justice*, 139-140, 190-213, 274-75; Stephen L. Moore’s four-volume set is replete with examples of Tejanos who served as Texas Rangers, including the man who first commanded and trained the legendary John Coffee “Jack” Hays, Texas Ranger Captain José María Gonzales (circa 1839).

appear to challenge that position. While Tejanos and other minorities are not expressly cast as villains, nor is their race or culture portrayed as being inherently inferior in the neo-traditionalist paradigm, the Texas Rangers are still presented as heroes, without concessions of prejudice or fault. The biographies of Ira Aten, by retired attorney Bob Alexander, and of Capt. John R. Hughes, by popular Western history author Chuck Parsons, are some recent examples of this paradigm. Alexander's commitment to the premise that Aten (and by extension, all of his contemporaries) was a man "Of . . . unfailing character, morals . . ." whose "moral compass" was "straight and true" leads him to argue against Aten's own admissions and moral struggles regarding general heavy-handedness and an unjustified shooting, and to downplay anticipated criticisms as "persnickety academic questions." Parsons' traditional narrative chronicle of the life and career of Hughes, who was a Ranger for twenty-eight years and a captain for twenty-one of those, fails to address issues of race and the Rangers during his lengthy career. Most significantly, both books also remain focused on the nineteenth century, even though Hughes's career actually spanned well into the early twentieth century. Regarded by many as one of the "Four Great Captains," among his significant accomplishments is his role in guiding the Rangers through the early stages of their evolution from frontier lawmen into modern criminal investigators, however, Parsons omits almost entirely the final years of his career during that transitional period of the early twentieth century. As the most egregious examples of alleged Texas Ranger bias and malfeasance occurred immediately in the wake of Hughes's unceremonious dismissal by Texas Gov. James E. "Pa" Ferguson in 1915, Hughes would have

been a particularly suitable subject for advancing the narrative toward the eventual reforms made in 1935.²⁰

The good news is that the twenty-first century has seen an increase in the publication of more deeply researched, nuanced, and balanced interpretations of various individuals and events in Texas Rangers history. This latest approach to interpreting the history of the Texas Rangers can be called “Modern Revisionism.” While there has been an increase in attention to Texas Rangers history by some academic historians, “modern revisionism” should not be regarded as the exclusive province of the historical academy. Studies by “lay” historians, as well as many by professional scholars, have shed new light on various episodes in Texas Rangers history, often debunking myths—both traditionalist and early revisionist—in the process. Historian Robert M. Utley’s two-volume synthesis of two centuries of Texas Rangers history, *Lone Star Justice* and *Lone Star Lawmen*, is at the vanguard of this emerging paradigm shift. In addition to the fresh scholarship Utley’s work offers, one of its most significant traits is its more balanced approach to the time periods, wherein the longstanding emphasis on the nineteenth century is no longer to the exclusion of in-depth examination of Ranger history in the twentieth century.

Utley concluded that the key to achieving interpretive balance in assessing the history of the Texas Rangers is that one must examine each Ranger, each captain, and even, especially during the era from the 1910s through the early 1930s, each gubernatorial administration when attempting to assess their deeds and purported accomplishments or failings. During the early

²⁰ Bob Alexander, *Rawhide Ranger, Ira Aten: Enforcing Law on the Texas Frontier* (Denton: University of North Texas Press, 2011), vi-xv, 71-89; Chuck Parsons, *Captain John R. Hughes: Lone Star Ranger* (Denton: University of North Texas Press, 2011). 47.

twentieth century, the type of governor determined the type of captains appointed, and the type of captain determined the type of Rangers. Therefore, historical judgments of those Rangers are only valid when assessing them one Ranger at a time. Neither broad adulation nor indictments hold up to historical scrutiny, especially across time and space, and even from administration to administration.²¹

In addition to his more nuanced and objective approach to interpreting the history of the Texas Rangers, Utley was also the first to examine the history of the Texas Rangers from 1935 onward, particularly from an institutional perspective and based upon thorough research in a broad and balanced array of sources. Utley examined and evaluated both pro and anti-Rangers myths from that era, without regard to partisan agendas, and found that sweeping generalizations that portrayed the Texas Rangers in a negative light were no more valid than those that sought to venerate them as a whole.

While Utley certainly led the way on this new approach as a broad institutional study, many others have taken a microscope to the subject with more narrowly focused studies. It is against this backdrop that numerous modern historians—both professionals and laymen—have begun to produce thoroughly researched and deftly interpreted studies, which often offer more evenhanded, intellectually honest portrayals of the history surrounding the organization. Their motivation, by and large, appears to be to simply uncover, analyze, and disseminate what the primary source materials have to reveal about the events and persons studied, rather than to

²¹ Utley, *Lone Star Lawmen*, 1-7.

“prove up” any particular perspective. To put it in Old West gambling parlance, they “let the chips fall where they may.”

Two examples of modern revisionism in the historiography of the Texas Rangers are Harold J. Weiss Jr., *Yours to Command: The Life and Legend of Texas Ranger Captain Bill McDonald*, and Richard B. McCaslin, *Fighting Stock: John S. "Rip" Ford of Texas*. Scholars like Weiss and McCaslin have raised the bar where historical biography of Texas Rangers is concerned, in that they employ a more diverse research methodology and a more nuanced interpretive approach. Additionally, they take a wider look at the subject's life as a whole, as opposed to the previous practice of focusing only on the subject's ranging career. They also analyze the subject's actions in the context of larger events in regional, statewide, national, and, at times, even world history, which encompasses diverse perspectives on a range of issues and provides readers with a broader understanding of the subject's place in history overall. Most importantly, they offer a nuanced examination of relevant events and issues, free from the rigid traditional insistence on hero/villain characterizations. Even still, they remain focused on the nineteenth century paramilitary phase of Ranger history, to the exclusion of the events in the twentieth century that cemented the Rangers' evolution into a modern law enforcement body, and the necessary reforms that accompanied that transition.²²

In addition to biographies of notable Rangers, some modern revisionist scholars have focused on particular events or time periods in Ranger history. Works such as Paul Cool's *Salt Warriors: Insurgency on the Rio Grande*, and Michael Collins' *Texas Devils: Rangers & Regulars*

²² Harold J. Weiss Jr., *Yours to Command: The Life and Legend of Texas Ranger Captain Bill McDonald* (Denton: University of North Texas Press, 2009); Richard B. McCaslin, *Fighting Stock: John S. "Rip" Ford of Texas* (Fort Worth: Texas Christian University Press, 2011).

on the Lower Rio Grande, 1846-1861, are two such modern studies of long-mythologized events and periods. Cool and Collins each demonstrate the complexities and competing perspectives of the events and groups involved in their respective works, demystifying those events and offering a more balanced interpretation of their historical significance and the actions of all those involved, including the Texas Rangers. Though valuable to the historiography, these works also linger in the nineteenth century, despite the array of later historical events that remain unstudied.²³

A leading example of the tenaciousness of modern scholars in regard to such mythologized events in Texas Rangers history is *Myth, Memory, and Massacre: The Pease River Capture of Cynthia Ann Parker*, by Paul H. Carlson and Judge Tom Crum. The “Battle of Pease River” helped launch the political career of one of the leading participants, Lawrence Sullivan “Sul” Ross, who capped his career with two terms as governor of Texas from 1887 to 1891. Ross’s fraudulent account of what occurred that day was a key factor in the building of his political brand, and it misinformed both the collective memory concerning Texas Rangers and their historiography for more than a century. What has long captivated the public about what would otherwise have been considered a minor footnote in Ranger history is the connection to the saga of Cynthia Ann Parker and her son, Quanah—one of the last Comanche chiefs to resist the authority and western expansion of the United States. The combined involvement of the Parkers and Sul Ross “inspired an elaborate fabrication of [those] events,” and turned what was an “indiscriminate slaughter” into a “decisive battle” that was proclaimed as having “shattered

²³ Paul Cool, *Salt Warriors: Insurgency on the Rio Grande* (College Station: Texas A&M University Press, 2008). Collins' work has been referenced previously in this chapter.

Comanche military power.” Carlson and Crum strike headfirst at the falsified account of that event, which asserted that the so-called battle “altered the balance of power in Anglo-Indian warfare across the southern Great Plains [and] . . . resides near the center of Texas mythology.” In the process, the authors also challenge many of the contemporary notions of Anglo racial superiority and reveal how such notions were propped up by highlighting Indian “atrocities” at every opportunity while simultaneously ignoring or even covering up similar acts of “brutality and barbarism” by Anglo Texans, including the massacre of mostly women and children at the “battle” of Pease River. As Carlson and Crum point out, there are many “sacred” mythical accounts and interpretations of events in Texas history that have shaped the modern Texas identity, but many originated from very problematic racial interpretations, unbeknownst to the members of the general public that cling to them. Like the other works discussed above, these remain entrenched in the nineteenth century of Ranger history.²⁴

Modern revisionists are attempting to build a new historiography that is “usable by a more inclusive society.” The emphasis on group perspective that shaped traditionalists and early revisionist historical literature in Texas is being cast aside in favor of more nuanced, balanced, and evidentiary-based interpretations. However, even these modern revisionists have remained focused on the nineteenth century, thereby limiting their ability to gain a more complete understanding of the history of the Texas Rangers, overall. To do so, an examination of events throughout the twentieth century is essential, and the first crucial changes occur in 1935. This study of the Texas Rangers’ clean-up of San Augustine that same year is yet another

²⁴ Paul H. Carlson and Tom Crum, *Myth, Memory, and Massacre: The Pease River Capture of Cynthia Ann Parker* (Lubbock: Texas Tech Press, 2012), xiii-xix.

effort to move beyond romanticized notions and sweeping stereotypes. It digs deeper than ever before to reveal as much primary source evidence as is available, before analyzing and assessing the actions of the Texas Rangers during some pivotal events, all so that a much more comprehensive assessment of the Rangers' contribution to the development of modern Texas can be achieved.

The history of the Texas Rangers has been shrouded in myth and legend in the collective consciousness almost since their origins in the Mexican colonial era. Public perception was shaped for the most part by deliberately manipulated interpretations orchestrated by partisan historians and popular media. In both cases, historical fact was sacrificed in favor of varying degrees of fiction that served a variety of purposes, whether political agendas or the desire for one-dimensional entertainment through a range of popular media. Long fascinated with the history of the Texas Rangers, popular media's effect on the collective memory of the populace has been exponentially more influential than that of all Texas Ranger historians combined. Since they came to international notice during the United States–Mexican War, every form of popular media has used a variety of sources to promulgate and propagate a hybrid pioneer-patriot archetype of the quintessential Texas Ranger. As evidenced by the proliferation of novels, newspaper and magazine articles, radio serials, silent films, television series, and modern feature films, Ranger lore has consistently found a solid following.

Historian Bill O'Neal's 2008 publication, *Reel Rangers*, documents the vastness of the genre in television, radio, and film:

For nearly a century the world's most famous law enforcement body has inspired novelists, actors and filmmakers. . . From *The Lone Ranger* to *Walker, Texas Ranger*, from Zane Grey's *The Lone Star Ranger* to Larry McMurtry's *Lonesome Dove*, Texas Rangers have been portrayed on the silver screen, network radio and television. John

Wayne, Gary Cooper, Tom Mix, Clint Eastwood, Gene Autry, Roy Rogers, and a host of lesser Western stars each took his turn at depicting Texas Rangers

O’Neal also demonstrates how deeply the popular media image of the Texas Ranger is ingrained in the American psyche by explaining that virtually every day at the Ranger Museum in Waco, they have to tell patrons that Walker, Texas Ranger (Chuck Norris), Gus McCrae (Robert Duval), and Woodrow F. Call (Tommy Lee Jones) were fictional characters and not historic Rangers.²⁵ In addition to this anecdotal evidence, a 2009 scientific study at Duke University found that people tend to subconsciously internalize information gleaned from television and movies far more quickly and intensely than from reading, making it difficult for them to separate fact from fiction—regardless of their exposure to more reliable written sources. This only supports the argument that feature films and television programs have been the main drivers in establishing and shaping the public’s decidedly inaccurate perception of the Rangers.²⁶

The proliferation of the Texas Ranger legend is not limited to entertainment media. Their legacy is invoked in the naming of professional sports teams (the professional baseball team, 2011 World Series contenders, the former pro polo team that swept every major title in England in 1939) and a litany of commercial products and businesses (Ford Ranger trucks, Ranger Boats, and the Texas Ranger Motel in Santa Anna, Texas, to name a few). There is even a town in East Texas is named for them. Additionally, statues of Texas Rangers adorn sites

²⁵ Bill O’Neal, *Reel Rangers: Texas Rangers in Movies, TV, Radio, and Other Forms of Popular Culture* (Austin: Eakin Press, 2008), 1, 161.

²⁶ Jeremy Hsu, “Students Recall More Hollywood Than History,” *LiveScience*, August 12, 2009, <http://www.livescience.com/culture/090812-movie-memory.html> (accessed August 18, 2009).

throughout the state, from the “One Riot/One Ranger” inscribed bronze statue at Dallas’s Love Field to the life-sized bronze statue of Capt. John C. Hays mounted on his horse on the courthouse square in his namesake county south of Austin. Deserved or not, the Texas Rangers’ influence on popular culture is substantial, and that culture has heavily influenced the collective memory of the Lone Star State and those interested in its history.

While there has always been a significant devotion of academic resources to the events of the nineteenth century, a thorough examination of the next century is absolutely necessary to any institutional analysis, and it is long overdue. This study is specifically intended to address the dearth of scholarship focused on significant events in Texas Ranger history in the twentieth century. The following account of the events referred to as the Texas Rangers’ “clean-up” of San Augustine in 1935 is a case study that proves Utley’s thesis that an accurate evaluation of Ranger history requires a nuanced consideration of different times, places, administrations, commanders, and other factors. In San Augustine, highly experienced and capable Texas Rangers sent by Gov. James V. Allred cleaned out unqualified and corrupt politically-appointed Rangers dispatched by Gov. Miriam W. “Ma” Ferguson and her local Special Rangers, who had been operating a criminal conspiracy in San Augustine for nearly a decade. Thus, the change in gubernatorial administrations brought about a radical change in the quality of Texas Ranger appointees, which led to a drastic improvement in their quality of work, productivity, and overall reputation. Furthermore, legislative reforms championed by Governor Allred led to the permanent bureaucratization and professionalization of the force, which further removed them from the politicization of the past three decades.

Of particular note, in the wake of the “clean-up” in San Augustine, the Allred Rangers were, and are, considered the “heroes” and “champions” of the area's African-American citizens, who bore the brunt of the criminal activity during the “troubles” with no one in power to turn to in the midst of the Jim Crow era in East Texas. After their arrival, the Allred Rangers took it upon themselves to seek out black victims who had long lacked any source of law enforcement protection or recourse from victimization at the hands of white criminals. In the end, the Allred Rangers even succeeded in getting all-white juries “behind the pine curtain” to convict white men based, in many cases, solely on the testimony of black victims and witnesses, all the more notable during a time when African-American Texans possessed few rights within the white-dominated establishment. In this instance, the Allred Rangers were the champions of the disenfranchised and oppressed, and the nearly sole source of law, order, and justice.²⁷

Utley recognized the significance of the creation of the Texas Department of Public Safety in 1935 as a pivotal moment in their evolution from frontier fighters into modern lawmen, and also that the events in San Augustine were a seminal event in that process. However, an in-depth study of those events was not available to him at that time, nor was one within the scope of his broader institutional assessment. This study seeks to fill that void. The events surrounding the Texas Rangers’ 1935 “clean-up” in San Augustine exemplify the need for a more balanced and objective modern revisionist approach to evaluating the Rangers and their historical significance overall. This survey follows in Utley’s footsteps in putting aside both the romanticism and racial stereotypes that have clouded so many previous studies. At the same

²⁷ Oral history interviews by this author with a cross-section of the community, including numerous individuals who were alive and old enough to recall various events involved.

time, it digs deeper into the significance of this pivotal year in the Texas Rangers' history, thereby revealing the importance of those events that Utley documented more succinctly. This modern revisionist approach will hopefully continue to gain prominence, which will benefit the academy as well as the Texas Rangers and all those with whom they have come into conflict, by increasing the accuracy of both the collective memory and recorded history of Texas.

CHAPTER 1

INTRODUCTION

On January 17, 1935, four newly minted Texas Rangers drove into the East Texas town of San Augustine. Those Rangers, led by Capt. James Walter McCormick, were under orders from recently-elected Gov. James V. Allred to “clean up” that community. Allred had been informed by his personal secretary, Edward Aubrey Clark of San Augustine, that conditions in Clark’s hometown had deteriorated to such an extent over the past four years that the local criminal justice system had ceased to function. Numerous deadly shoot-outs had occurred in town in broad daylight, in full view of the public. Even the leading citizens of the community had become too frightened to hold those responsible accountable under the law, because the few who had dared to stand up had been murdered with impunity. In short, the Allred Rangers’ “clean-up” of San Augustine became a massive, more than year-long investigation into an informal organized crime operation that had increasingly taken control of the community.

San Augustine was a rural farming community like many others of that time, filled with a majority of law-abiding citizens. However, by the late 1920s, a small group of local criminals, led by certain members of two area families, the McClanahans and the Burlesons, began to take advantage of the most vulnerable members of the community. While various acts of violence among white San Augustinians garnered the most press attention at the time and the most historical attention from later generations, the gang’s core illicit activities primarily involved robbing, stealing from, and extorting the local black sharecroppers, who had few, if any, rights or protections against white offenders under Jim Crow era laws. The gang also engaged in counterfeiting, hijacking, and racketeering, by way of controlling the local bootlegging industry.

African-American San Augustinians lived in perpetual fear during the period of “the troubles,” and the only ones they could turn to—until the arrival of the Allred Rangers—were their white landlords, who were typically just as afraid of the McClanahan-Burleson gang. As is often the case throughout the history of the United States, it took the deaths of whites to bring attention to the plight of black citizens.¹

Over nearly a decade, the McClanahan-Burleson gang had evolved into an informal and unsophisticated, but gratuitously violent, East Texas brand of gangster activity that reached its apex in the early 1930s. Their activities gained the cover of government authority upon the issuance of Special Ranger commissions to some of the gang’s leading members by Gov. Miriam W. “Ma” Ferguson, wife and stand-in for impeached former Gov. James E. “Pa” Ferguson. The Fergusons were notorious for their use and abuse of “Regular Ranger” and “Special Ranger” commissions for political purposes. “Special Ranger” commissions, like those for “Regular Rangers” of the time, came with law enforcement authority, including the right to carry a gun and make arrests. However, Ferguson’s “Special Rangers” lacked effective oversight, as such state commissions had originally been intended exclusively for persons with law enforcement experience who were engaged in related employment, such as cattle association, railroad, and oil company investigators. The Fergusons, however, granted Special Ranger commissions to bankers, barbers, accountants, and even convicted criminals. Long-time Ranger Capt. Manuel T. “Lone Wolf” Gonzallus once quipped that the Fergusons “had to pardon their Rangers before

¹ “Etex Free-for-All Street Gun Battle Claims 3 Victims,” *Dallas Morning News*, December 24, 1934; Alwyn Barr, *Black Texans: A History of African Americans in Texas, 1528-1995* (Norman: University of Oklahoma Press, 1973); Merline Pitre, *In Struggle Against Jim Crow: Lulu B. White and the NAACP, 1900–1957* (College Station: Texas A&M University Press, 2010).

they appointed them.” The Fergusons were equally notorious for selling pardons to criminals who supported their campaigns.²

Perhaps the most striking example of the McClanahan-Burleson gang’s violence and hubris is the story of a United States Secret Service Operative who came to town to investigate the gang’s alleged counterfeiting activities and was beaten and run out of town by them, an attack that took place in plain view of hundreds of local citizens on the local fairgrounds. Sent by the regional Secret Service supervisor, based on an informant’s tip channeled through other law enforcement agencies, an operative ventured into San Augustine in October of 1934, when the McClanahan-Burleson gang was at the pinnacle of its power. That incident has long been among the most mysterious of the oral traditions surrounding the “troubles” in San Augustine because many of the facts, unfortunately, have become muddled and lost over time. Most accounts do not offer significantly more detail than the aforementioned synopsis, leaving the particulars up to the imagination of the listener. Drawing on never-before-published official government records and reports, this study includes a detailed account of both the assault and the subsequent federal investigation—aided substantially by the Allred Rangers—and the process and outcome of the prosecution of those who were involved. The long-since declassified daily reports of the period for the San Antonio office of the United States Secret Service, now maintained at the

² Ralph W. Steen, "Ferguson, James Edward," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/ffe05>), accessed March 01, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association; John D. Huddleston, "Ferguson, Miriam Amanda Wallace [MA]," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/ffe06>), accessed March 01, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association; Utley, *Lone Star Lawmen*, 110; Robert W. Stephens, *Lone Wolf: The Story of Texas Ranger Captain M.T. Gonzallus* (Dallas: Taylor Publishing Company, 1979), 59-60. A new joint biography on the Fergusons has been published: Carol O’Keefe Wilson, *In the Governor’s Shadow: The True Story of Ma and Pa Ferguson* (Denton: University of North Texas Press, 2014). It indicates that the depth of the Fergusons’ corruption is even greater than previously believed.

College Park, Maryland headquarters of the National Archives and Records Administration, provide a detailed chronicle of these events and much more. Unfortunately, the many supplemental reports by field officers and other records have not been retained, but the daily reports provide long-forgotten details as to exactly when and why the Secret Service went into San Augustine in the first place, who they encountered, what (specifically, in many cases, especially the alleged assault) transpired, and how the Secret Service agents and other federal officials responded.

In such a volatile and violent environment, the local citizenry was too afraid to serve as grand jurors, jurors, or deputies, much less testify as witnesses against the McClanahan-Burleson gang, which flouted the law and exercised violence with impunity against anyone who challenged them. Tensions had become so thick and violence so pervasive during that era of San Augustine's history that one person who grew up in that period, looking back, commented, "I was 18 years old before I realized that Ford motorcars did *not* come standard with a Colt .45 in the glove box!" The escalating violence that had terrorized the community for several years culminated in a December 1934 shoot-out at the local hardware store, reminiscent of the wild and dangerous times of the "Old West." When the bullets stopped flying and the dust settled, three men lay dead and a fourth, the alleged instigator, would die from blood poisoning within a few weeks. A bystander was also wounded, though not fatally. It was (at least) the third public murder in as many years, a bloody indication of how brazen the local criminal element had become.³

³ Interview of E. Boone Brackett III by Author, October 11, 2011; "Etex Free-for-All Street Gun Battle Claims 3 Victims," *Dallas Morning News*, December 24, 1934.

Following this event, the leading citizens of San Augustine had finally had enough, and reached out to then-Governor “Ma” Ferguson, who was by that time in the last few weeks of her final term of office, for assistance. Unfortunately, since “Ma” had packed the Texas Rangers with political cronies instead of experienced lawmen, her appointees only made things worse. Several of the culprits in the San Augustine “troubles” carried Ferguson “Special Ranger” commissions, which they used to establish a thin veil of legitimacy over their criminal operations. So instead of protecting the community from the criminals who had run roughshod over it for most of the past decade, Ferguson’s Rangers only put on a show of enforcing the law. In fact, it appears that they betrayed the confidences of those who complained to the Governor, causing those individuals to be subject to retaliatory harassment and threats.⁴

“Ma” Ferguson’s term ended shortly thereafter, however, and James V. Allred replaced her as governor. Allred was a former district attorney and the Attorney General of Texas. He ran for governor in 1934 as an anti-Ferguson, pro-law enforcement candidate, and he advocated a massive overhaul of state law enforcement, specifically to end abuses of commissions and professionalize the Texas Rangers. At the core of Allred’s law enforcement reform platform was a plan to upgrade the Texas Rangers by combining them with the state highway patrol, under a new state agency that would become known as the Department of Public Safety. The San Augustine “crime wave” and “troubles” (and the Allred Rangers’ success in cleaning it up) would later be pointed to as proof of the need for, and success of, those reforms.

⁴ Robert M. Utley, *Lone Star Lawmen: The Second Century of the Texas Rangers* (New York: Oxford University Press, 2007), 152-3, 168-9; Oral history interviews by this author with a cross-section of the community, including numerous individuals who were alive and old enough to recall various events involved.

Fortunately for San Augustine, one of their local sons was elevated into a position of prominence within the new gubernatorial administration. San Augustinian Edward A. Clark, Governor Allred's personal secretary and later his Secretary of State, wasted no time in taking advantage of his access to the new chief executive of Texas and promptly arranged for four Rangers to travel to San Augustine just days after Allred's inauguration. The Allred Rangers immediately made their presence known in town by decommissioning and disarming Ferguson's Special Rangers and confronting the alleged instigators in a show of force meant to encourage all those associated with "the troubles" of the past few years to get out of town, as well as to reassure victims and witnesses that it was now safe to come forward. Once the oppressive element was under control, citizens came out in droves to file charges and serve as witnesses to crimes that they had previously been too afraid to report. The Allred Rangers also sought out those too afraid to come forward without more direct assurances of their safety, particularly black sharecroppers. By the end of March 1935, numerous indictments had been issued, and several cold case murder trials had been held.⁵

The citizenry was so relieved and appreciative of the Allred Rangers' efforts that they held what would be the first of several community gatherings and celebrations in their honor on March 22, 1935. By that point, the Rangers considered the situation to be sufficiently under control that only one remained assigned to the area full-time. As the year drew to a close, local

⁵ "Etex Free-for-All Street Gun Battle Claims 3 Victims," *Dallas Morning News*, December 24, 1934; "San Augustine's Honor Visitors, Texas Rangers To Be Feted With Dance," *Dallas Morning News*, March 22, 1935; "San Augustine Rodeo To Celebrate Town's Return to Law, Order," *Dallas Morning News*, August 10, 1935; "Member Governor's Official Family to Crown Queen," *San Augustine Tribune* (undated news clipping in possession of the author); "Allred to Name Edward Clark as State Secretary," *Dallas Morning News*, November 6, 1935; "Rangers Win Praise of San Augustine in Clean-up that is High Spot in History of State Police Force," *Beaumont Journal*, May 9, 1936; J. L. Mathews to Author (attaching an unpublished eyewitness account), May 21, 2001.

citizens expressed their gratitude to two Allred Rangers, Daniel Jesse Hines and Capt. James Walter McCormick, by giving them each a brace of custom pistols engraved with expressions of appreciation. The Allred Rangers' success in San Augustine was specifically heralded as a "High Spot" in Texas Ranger history and trumpeted as evidence of the triumph of Governor Allred's renovation of state law enforcement policies and practices.⁶

The San Augustine "crime wave" and "clean-up" was over, but it would be eighty years before the story would be thoroughly researched and chronicled for publication. The lack of a well-documented and thorough account has allowed for the proliferation and propagation of myths and led to the obscuring of facts through the years, thereby rendering the modern collective memory of those events unreliable as a whole. The few published historical accounts that do exist are primarily based on limited oral testimony or are too brief to provide the detail necessary to debunk longstanding myths and provide a clear understanding of what occurred and how it all affected, and was perceived by, the populace. Some locals who are confident about their understanding of the events will likely be overwhelmed by just how far off-base the collective memory of some of those events has become, while others may be equally taken aback by just how accurate some of the prevailing perceptions have often been found to be.

Questions about what exactly was at the core of the "troubles" that brought the Allred Rangers to San Augustine in the first place linger in the local and regional collective memory, and some details and causes of those events have been all but lost to history, especially outside of deep East Texas. Was the shoot-out on the town square simply a local dispute turned deadly,

⁶ "Governor Allred Predicts Better Enforcing of State's Laws," *San Augustine Tribune*, July 27, 1935; "Allred Uses Plane, Auto and Horse in Trip to Etex Rodeo," *Dallas Morning News*, August 11, 1935; "Rangers Win Praise of San Augustine in Clean-up that is High Spot in History of State Police Force," *Beaumont Journal*, May 9, 1936.

reflecting how the community was equally divided in its sympathies? Or was that event actually the culmination of years of increasingly out-of-control criminal activities that the overwhelming majority of local citizens opposed, a “crime wave” of monumental proportions? In seeking answers to these questions, a thoroughly researched account of the events in the early to mid-1930s in San Augustine Texas, commonly referred to at the time as “the troubles” or “crime wave,” and the subsequent “clean-up” undertaken in 1935-1936 by Texas Rangers appointed by newly-elected Governor Allred, is long overdue. Those events scarred the community and region to such an extent that they remain a significant part of the local public consciousness to this day.

This manuscript is the result of a decade and a half of research into a diverse array of historical primary documentation that was created contemporaneously to the events as they occurred. That research has netted over 2,500 pages of primary documents, to date, from a broad range of sources, including: complete criminal trial transcripts and associated court documents; local, regional, and statewide newspaper accounts; and personal accounts via oral interviews and written statements. The answers to the aforementioned questions regarding the offenses committed, and the overall attitudes of the local citizenry towards the accused and the Allred Rangers, are that the San Augustine “troubles” were the product of an ongoing criminal conspiracy to which most of the local citizens were opposed—not a common historical feud that “evenly divided” the community. Specifically, the actions and efforts of the Allred Rangers (as opposed to their predecessors from the last Ferguson administration) were requested, endorsed, and immensely appreciated by the vast majority of San Augustinians, including those in the African-American community. Additionally, those events were part of a watershed period in the Texas Rangers’ history, in which they completed their transition from a frontier defense force

into modern law enforcement investigators. This process resulted in the creation of, and the Rangers' integration into, the Texas Department of Public Safety (DPS).

The conflicting objectives and methods of those generally disparate roles often led to problems for the Texas Rangers of that era, particularly where interaction with minorities was concerned. In the case of the San Augustine "clean-up," the Allred Rangers proved to be the champions of the oppressed black community, at least in regard to the abuses they had suffered at the hands of a local criminal organization, the Burleson-McClanahan gang, which was supported by the local Ferguson Special Rangers and their compatriots. In fact, the role of defenders of minority rights was not as uncommon for Rangers of the period as some modern Ranger critics contend, though such activities varied greatly depending on who held the governor's office and the caliber and perspective of those whom they appointed as Texas Rangers.

All of this made the transition exceptionally long and often painful, particularly in the three decades preceding the San Augustine clean-up. During that time, politicization by various governors, like the Fergusons, created and exacerbated issues that provided critics of the Rangers with substantial political ammunition and almost led to the institution's demise on at least two occasions. However, it was precisely that chain of events that led to the Rangers' removal from the Adjutant General's Department (the state's military arm) and merger with the highway patrol as the new Department of Public Safety. That transition not only reinforced the Texas Rangers' metamorphosis from a paramilitary force and into a law enforcement body, it also removed the Rangers from the direct political interference that had sullied their reputation. Rangers would no longer be subject to appointment by elected officials, thereby

removing the perpetual threat of expulsion every two years in the event that they did not have sufficient political connections with the winning gubernatorial candidate. This allowed for the professionalization and bureaucratization of the Rangers, and the success of the Allred Rangers (who were among the first DPS Texas Rangers in history) in San Augustine was hailed as proof of the superiority of such modernization.⁷

For the most part, San Augustine history, like that of most rural communities, has largely been written by local historians whose personal connections to the community, knowledge of local sources, and individual interests make them ideal candidates for such a task. However, this closeness to the community often impairs their ability to fully explore and report on controversial affairs and offer objective and uninhibited interpretations of events. This has been the case with the San Augustine crime wave and subsequent “clean-up” by the Texas Rangers.

Well-respected regional historians such as George L. Crockett and Joe F. Combs focused their attentions on nineteenth-century events in books on San Augustine published almost thirty years apart, as did both Margaret Henson and Deolece Parmelee, another thirty years after that. Combs apparently did research and possibly even wrote a report on some of the events that led to the intervention by the Allred Rangers, but it was not published. Virgie Worsham, estranged daughter of a former sheriff driven from office as a result of the clean-up, published a pictorial history of San Augustine up through the 1960s, but made no mention of “the troubles” or the

⁷ Utley, *Lone Star Lawmen*, 166-178; “Radio Speech of Governor James V. Allred Regarding His Law Enforcement Program, March 22, 1935,” James V. Allred Papers, Special Collections, University of Houston Libraries (hereafter referred to as “Allred’s Radio Address”).

subsequent Ranger investigations, despite being an actual eye-witness to key events.⁸ More recent local historians, such as John and Betty Oglesbee, have published broad-based works that came so close as to discuss Leo Bishop's post-clean-up assignment to San Augustine but still make no reference to the clean-up itself or the events that led to the Allred Rangers being stationed there. Regional author and publisher Bob Bowman, who wrote a number of books covering various events during the same period, including at least one case that involved Allred Ranger Daniel J. Hines, also has not published anything on the San Augustine clean-up. Numerous local history publications, including pictorial histories, have been published in subsequent decades, yet none of them, including the most recent, which came out in the fall of 2010, have taken on the topic in any sort of direct or detailed fashion.⁹

Most local historians simply ignore or avoid “the troubles” of the 1930s altogether. Even the *Handbook of Texas* article on San Augustine makes no mention of these traumatic and widely publicized events. Therefore, it comes as no surprise that the first historian to publish an account of those events was an outsider, rather than a local author. In 1992, nearly sixty years after the events in question, Ben H. Procter, professor of history at Texas Christian University, published an eight and a half page account within a biographical sketch on one of the participating Rangers, in a book titled *Just One Riot: Episodes of the Texas Rangers in the Twentieth Century*. Procter’s account is based primarily on oral interviews with several participants, including former Texas Ranger Leo Bishop, former Lt. Gov. Ben Ramsey (who defended at least one of the accused

⁸ Interview of Curtis Haley by Author, August 21, 2010.

⁹ John and Betty Oglesbee, *Images of America: San Augustine County* (Chicago: Arcadia Publishing, 2010), 46; Bob and Doris Bowman, *Historic Murders of East Texas* (Lufkin: Best of East Texas Publishers, 2003), 186-97.

parties and was aligned politically against one of the main prosecutors in a subsequent election), former District Attorney (and later federal judge) Wardlow Lane, several unnamed “prominent citizens” of San Augustine, and a few newspaper articles and secondary sources.¹⁰

Procter provides three paragraphs of background on San Augustine and its “troubles,” and offers almost no examination of precipitating events—save for a brief summary of the December 1934 shoot-out—and only seven pages on the Allred Rangers’ activities there in 1935. Throughout Procter’s perfunctory account, he presents Bishop as having been the primary actor in the events that unfolded. This is inaccurate not only because at least four Rangers are documented to have been involved during the initial foray (and possibly more), but also because Leo was a subordinate who was assigned there for a much shorter period than both his commanding officer, Captain McCormick, and his primary counterpart, Ranger Hines. In fact, the majority of the investigations and major trials occurred well after Bishop had left. Procter relied almost exclusively on Bishop’s statements, though he sometimes made errors that did not originate with Bishop. Overall, Procter’s account lacks an adequate level of research into primary source documents.¹¹

¹⁰ “George Crockett Famed East Texas Historian Is Dead,” *San Augustine Tribune*, January 9, 1936; Ben H. Procter, *Just One Riot* (Austin: Eakin Press, 2000), 64-73, 152-153. It is of note that this writer is related to Allred Ranger Dan J. Hines. Hines’ older sister was my great-grandmother, and though I never met Hines, this relationship is how I came to know of him and his career as a Texas Ranger, and therefore how I first became aware of the events discussed herein. Judgment must be reserved in regard to Crockett, who died early in the year immediately following the events in question. Whether or not he would have reported on those events is impossible to ascertain.

¹¹ *Ibid.*; File #18202, *State of Texas v. Eron Harris, 1935: Statement of Facts* (Texas Circuit Court of Criminal Appeals Records, Texas State Library and Archives, Austin [hereafter cited as TSLA]), 3; “Citizens of San Augustine Honor Beloved Rangers,” *San Augustine Tribune*, December 27, 1935.

Procter's account is singular in focus and lacks the grounding context of the underlying events and other contemporaneous issues. It presents the clean-up as having been instigated almost exclusively as a result of the December 1934 shoot-out and undertaken, in keeping with his title/thesis, *Just One Riot*, mostly by a single Ranger (Bishop), and he makes little if any reference to the long-standing underlying crimes, especially those against the African-American population.¹²

The next published account of the San Augustine clean-up was by renowned scholar Robert M. Utley. At only two pages, Utley's account was far more condensed than Procter's (and admittedly relied on it in part). However, Utley did include some of the more recent research undertaken by another historian, thereby correcting and clarifying several issues, though still not delving deeply enough to provide a thorough and fully nuanced understanding of those events. He does, however, more accurately depict the overall events that brought the Allred Rangers to town, the number involved in the clean-up and their respective roles, and numerous peripheral (though not inconsequential) facts and circumstances.¹³

Despite Utley's attempt to correct and add certain details to the historical record of these events, the limitations of his research on this particular topic also became evident during the current effort. Notwithstanding Utley's unavoidable lack of detail due to his account being a very small part of a much broader study, there are two errors of fact in his account. The first is that he

¹² Procter, *One Riot*, 64-73, 71, 68, 73, 66; Phone Interview of Harry Noble by Author, July 1, 2010. Concerning Procter's focus on Leo Bishop, see the photographs in the appendix to this study. The man in the photo on page 245 (who, according to Dan J. Hines's daughter, obviously is not Hines) may have been Texas Ranger Sid Kelso, who was known to have gone to San Augustine when the Rangers first arrived in mid-January, and at least one time subsequent to that.

¹³ Utley, *Lone Star Lawmen*, 168-70.

asserts that McCormick was first appointed a Ranger private by Governor Allred, then later elevated to the rank of captain. However, according to a *Dallas Morning News* article dated January 19, 1935, McCormick was appointed a captain from the start. The error is in the context of a discussion of whether Allred was making political appointments like his predecessors, a practice he publicly condemned. The second error was based on information provided to him by this author. Utley notes that the recently appointed private secretary to Governor Allred, Edward Clark, prompted the new governor to send the Rangers to San Augustine, in part due to Clark having “suffered an assault and robbery in his hometown.” However, additional research has revealed that the Edward Clark allegedly victimized by Charles Lycurgus "Curg" Burleson in 1934 was not Governor Allred’s private secretary, but rather an African-American tenant farmer of the same name. It is unknown whether there is any connection between these two men other than their shared name and place of birth.¹⁴

Texas Heritage Magazine, a publication by the Texas Historical Foundation, published a 600-word article titled “Justice Comes to the Redlands” by this author. The account, though based on the most up to date and thorough research on the topic up to that time, suffered from the same shortcomings as had the previous accounts: its brevity limited its scope and there was insufficient opportunity for a thorough examination of the complex facts and causes involved. Additionally, at the time of publication, only some of the hundreds of pages of available official documents (such as trial and appellate court records) had been unearthed. This account offered

¹⁴ “Eight New Rangers Are Appointed By Adjutant General,” *Dallas Morning News*, January 19, 1935; Utley, *Lone Star Lawmen*, 168-170; File #9689, *State of Texas v. Curg Burleson et al.*, March 2, 1935.

a few more details than Utley's work but was based on (and limited by) the same research available at that time and therefore included some of the same errors.¹⁵

The most recent published account of the San Augustine clean-up was by former journalist, and former Texas Department of Public Safety spokesman, Mike Cox. Cox has published numerous accessible and largely derivative works on Texas Rangers history, as well as some other topics. His second book in a two-volume series, covering the history of the Texas Rangers from 1900 to 2008, is similar in methodology, and his two-paragraph account of the San Augustine clean-up is based on two newspaper articles and Utley's account. It offers no new insights, interpretation, or factual corrections to the historical record on the matter.¹⁶

The extensive research undertaken for this study has unearthed substantial detail regarding several of the key events, including the December 1934 shootout and the earlier murders of Edward Boone Brackett Sr. and John Gann, two trials involving the victimization of local black citizens, the public beating of a federal Secret Service Agent, the murders of the three Thomas men by Tom Burluson on the courthouse square in December 1934—a seminal event in the collective memory—and the nature of local criminal activity in general. These events have long been shrouded in mystery and rumor, leaving modern generations with a somewhat distorted understanding (though surprisingly accurate macro view) of specific aspects of the

¹⁵ Jody Edward Ginn, "Justice Comes to the Redlands," *Texas Heritage* 3 (Fall 2007), 16-17.

¹⁶ Mike Cox, a career journalist and former public information officer for the Texas Department of Public Safety, published an almost exclusively derivative two-volume narrative series: *The Texas Rangers: Wearing the Cinco Peso, 1821-1900* (New York: Forge Books, 2009), and *Time of the Rangers: Texas Rangers from 1900 to the Present* (New York: Forge Books, 2010). The second volume covered the twentieth century but, like the first, it was based almost entirely on secondary sources—primarily the book by Robert M. Utley—and it offered little if any new information and no new interpretive perspectives. His half-page account of the events in San Augustine relied almost exclusively on Utley.

events, including the causes, circumstances, and certain details. Such misconceptions have long been used to argue partisan perspectives or otherwise mythologize the events in question, as well as to simply misconstrue or misunderstand those events. These corrections of the historical record allow for a clearer understanding of why and how the clean-up came to occur, put to rest most local myths surrounding that era, and otherwise provide the most accurate and detailed accounting of those events ever published.

The examination of these events has been affected by their complexity and diversity and by certain chronological considerations, particularly since the resulting cases, which numbered in the hundreds, often related to matters that occurred several years prior. Furthermore, the sequence and circumstances of adjudication were not necessarily sequential, and only certain records for certain cases have survived.

Chapter 2, "San Augustine 'Behind the Pine Curtain,'" offers a synopsis of the community's and surrounding region's history. It covers pre-Columbian times through the first European arrivals and addresses the founding of the town of San Augustine in 1834 up through the early 1920s. For most of that period, except for a brief period of prosperity in the decades just prior to the Civil War, the region was isolated and economically stagnant, and thus prone to conflict and criminal activity. Furthermore, from the Mexican colonial period through the Jim Crow era of the twentieth century, African-American San Augustinians were a marginalized people who could be easily victimized by any white person who was so inclined. It was that dynamic that, combined with a failure to fully shrug off informal systems of individual justice, produced the environment in which the McClanahan-Burleson gang was able to rise to power.

Chapter 3, "The Troubles," provides an overview of the conditions in the community leading up to the December 1934 shoot-out on the town square, as well as a detailed account of that event and other factors that led Governor Allred to send his Texas Rangers into San Augustine literally the day after he was inaugurated. In chronological fashion, this chapter explores the vast array of crimes perpetrated by the McClanahan-Burleson gang, including cases of theft, intimidation, and extortion of African-American San Augustinians, along with robbery, counterfeiting, racketeering, aggravated assaults, and numerous murders.

Also included in Chapter Three is an in-depth account of the notorious murder of Edward Boone Brackett Sr. by San Augustine crime leader Charles Curtis "Charlie" McClanahan. Details surrounding the investigation, arrest, incarceration, and trial are included, as well as an account of the aftermath for Brackett's family. Additionally, a detailed account of the murder of local schoolteacher John Gann by Thomas R. "Tom" Burleson—which occurred on the town square in broad daylight, prior to the better-known hardware store shootout—is provided. This crime is infamous in local history but many of the details are lacking in present memory. A detailed account of that murder has been extracted from the trial testimony for and against Burleson's accomplice and in-law Eron Harris, plus certain excerpts from the subsequent trial of accomplice Noah Thacker.

Chapter 3 also provides a detailed account of the armed robbery of an out-of-town, young, small-time criminal who tried to buy counterfeit bills from the McClanahan-Burleson gang and describes in detail how leading members of the McClanahan-Burleson gang accosted, threatened, and assaulted a federal Secret Service operative in plain view of the general public, as maintained by the oral tradition. From there, the chapter will provide an account of the

response to this defiance of federal authority, including the federal investigation and adjudication that followed the assault, which employed a then-new federal statute making it a federal crime to assault a federal officer in the course of their duties. This chapter is a case study in the conspiratorial and criminal nature of the McClanahan-Burleson gang, and it provides details related to other crimes committed by various members and associates of the gang during that period.

Chapter 4, “Bringing Order To Chaos: The Allred Rangers Arrive” is an overview of the initial law enforcement actions undertaken by the Allred Rangers in the course of restoring law and order in San Augustine, including a broad-based perspective on the types of issues they faced upon their arrival. Included is a detailed examination of how they took control and the community’s reaction to their presence and methods. A combination of various types of public and private statements, correspondence, and news reports from across the state demonstrate the overwhelming support of the vast majority of San Augustinians for the efforts and actions of the Allred Rangers, from the outset of the clean-up.

Chapter 4 thus provides an overview of the complex initiation of law enforcement actions undertaken by the Allred Rangers in San Augustine in the course of restoring law and order. The continuing investigation into the beating of the Secret Service operative, and the Allred Rangers’ involvement in that case, which was far more involved than the oral tradition holds, is followed closely here. In fact, it will be demonstrated that, were it not for the Allred Rangers, few if any of the witnesses in the federal case might have ever been found, much less convinced to testify, against the McClanahan-Burleson gang in the matter. It also includes a detailed description of what would be the first of several public events organized by the community to honor the Allred

Rangers in late March 1935, attended by thousands of local citizens just two months after their arrival.

In sum, Chapter 4 is a synopsis of the first cases to be presented to the reinvigorated San Augustine County criminal courts. The details therein reinforce the common criminal nature of the McClanahan-Burleson gang's activities, the depth of the corruption within the local government system prior to the clean-up, and the hard work of the Allred Rangers in starting the long process of addressing both of these issues. It provides evidence of the community's overwhelming endorsement of the actions of the Allred Rangers.

Chapter 5, "The Wheels Of Justice Begin To Turn," follows the Allred Rangers as they shift from a focus on establishing order to investigating countless criminal cases—many dating back to the earliest years of the troubles—against the McClanahan-Burleson gang and their associates, which involved working with prosecutors to prepare those cases for trial. It continues coverage of the federal investigation and prosecution for the beating of the Secret Service operative; provides a close look at the trials related to the murders of John Gann and Dudley Clay; follows the investigation of the murder of Edward Boone Brackett, Sr.; chronicles the events surrounding the ouster of the recently elected local sheriff, Virgil Worsham; and documents additional events held by the community and other expressions of gratitude meant to honor the Allred Rangers for their work in San Augustine.

Chapter 6, "The Harder They Fall," provides a focused examination of the experiences of African-American San Augustinians at the hands of the McClanahan-Burleson gang. Detailed accounts extracted directly from trial transcripts of those cases show that the victims, who were black and had never reported the crimes, were sought out by the Allred Rangers in the

course of their investigations and convinced to testify. Those cases resulted in many successful convictions by all-white juries, an unprecedented turn of events during the height of the Jim Crow era in East Texas. It continues to follow the ongoing investigation into the beating of the Secret Service operative and the corresponding state case in regard to the beating of a federal informant at the same time, the latter of which was investigated by the Allred Rangers. In particular, it reveals how the influx of more serious state cases (including homicides) filed by the Allred Rangers against the defendants affected the handling of the federal cases.

Also covered in Chapter 6 are the trials involving the robbery of the young man who sought to purchase counterfeit currency from the McClanahan-Burleson gang and the trial of Charles McClanahan for the murder of Brackett. The McClanahan trial was arguably the pinnacle of the clean-up, as it involved the conviction of the de facto leader of the McClanahan-Burleson gang. It details evidence of the extent of the involvement by the Allred Rangers in that case, including correspondence between the prosecutors and Governor Allred. Several additional cases against key figures are also highlighted.

Finally in Chapter 6, additional displays of public esteem for the Allred Rangers are discussed, including the gifts of engraved pistols to McCormick and Hines. Such widespread outpourings of support and gratitude on behalf of the people of San Augustine demonstrate that, notwithstanding perhaps a few McClanahan and Burleson family members and close associates, the citizens of that beleaguered community largely approved of and appreciated the presence and actions of the Allred Rangers, while simultaneously condemning the oppressive reign of the McClanahan-Burleson gang.

Chapter 7, “Completing The Clean-Up,” covers some of the last cases related to the troubles to be tried in the courts and recounts the continuing community reaction to the presence and actions of the Allred Rangers. The trial of Jim Burleson for his role in the robbery of the young man seeking to buy counterfeit notes from the gang is of particular note, because the conspiratorial nature of the crime was revealed in detail through witness testimony, and because it reinforces the fact that the gang was engaged in acts of common criminality. It also demonstrates the lengths to which the Allred Rangers went in their investigations to seek out victims in cold cases who had long since given up any hope of securing justices for those crimes. The chapter closes with a summary of the outcome of the clean-up, along with documentation of additional expressions of appreciation for the Allred Rangers.

Chapter 8, “The San Augustine ‘Troubles’ & ‘Clean-Up’ In Myth & Memory,” is a discussion of the issues surrounding modern collective memory of these events and, to a lesser degree, errors in some of the few perfunctory accounts previously published on these events. First is an examination of the amazingly detailed remembrances of certain events that have been corroborated to an unexpected degree by contemporary court records and newspaper publications. Second, numerous local myths in regard to a variety of details are debunked, and their origins (or at least theories in regard to such origins) are also discussed.

Chapter 9, “Conclusion And Notes on Sources,” offers some concluding remarks and a discussion of the value and limitations of the surviving available sources. Of particular note is an overview of how the criminal justice system adjudicates criminal cases and how that affects and informs historical inquiry, analysis, and interpretation of a series of events of this nature. A

synopsis of the trajectory of several of the key actors in the wake of the clean-up is also presented.

In total, this study provides an in-depth look at the events leading up to and during the San Augustine clean-up, including an overview of the community's history preceding those events. San Augustine is a community name that may not be well-known today, aside from with those people who may be from, or otherwise connected to, deep East Texas. However, the area boasts a fascinating past, including its most popular claim to fame as "one of Texas' oldest cities." The primary goal of this study is to debunk the following myths: first, the assertion that "the troubles" were simply the result of fall-out of generations-old feuding; and second, that the community was divided "50/50" in their sympathies towards the parties involved in those violent events. This study also resolves the confusion caused by the conflation of two separate murders (Edward Boone Brackett Sr. and John Gann) in the local collective memory.

Finally, this study demonstrates that the Allred Rangers were the primary catalyst for change in San Augustine at that time, thereby standing in stark contrast to the Ferguson Rangers, who were actually a significant part of the problem. In the process, the roles of specific Rangers are clarified, which should help correct the erroneous information proliferating throughout other accounts. It will also show how the vast majority of local citizens and the statewide news media lauded the Allred Rangers' efforts, which were also promoted by the Allred administration as validation of the Governor's state law enforcement reorganization policies, which faced plenty of opposition at the time.

Many local sheriffs at the time feared the creation of the Texas Department of Public Safety, which was a merger between the Texas Rangers, who were previously a part of the Adjutant General's Office, and the Highway Patrol, which was originally a division of the Highway Department. The sheriffs resented what they saw as an infringement on their authority, while some Ranger advocates (including historian Walter P. Webb) considered the changes to be a virtual emasculation of the men they venerated and predicted it would lead to the abolition of the force. However, both groups of detractors would eventually be proven wrong.

CHAPTER 2

SAN AUGUSTINE, TEXAS: "BEHIND THE PINE CURTAIN"

Located in deep East Texas, San Augustine County is just twenty miles from the Louisiana state border. The city of San Augustine, the largest town and county seat, is situated just north of the county center, at the intersection of U.S. Highway 96 and State Highways 21 (The Old El Camino Real), and 147. The area is covered by a dense pine forest growing in a red clay soil, and it is surrounded by waterways, including the Sabine River on the east, the Attoyac River to the West, and the Sam Rayburn Reservoir to the south. The climate is warm and moist, and close to a third of the soil is considered prime farmland, which benefits from an average 238-day growing season. Logging and agriculture have long been the area's primary economic resources, though ranching and natural gas production developed there in the late twentieth century. All in all, it is a region that has attracted settlers for several centuries, but unfortunately it has never really prospered and it has remained somewhat isolated, which has generated conflict, a sense of legal independence, and even criminal activity.¹

This region boasts a fascinating and often controversial past, which was often marred by conflict. Though little is known of the relations between the various Indian tribes that occupied the region prior to European arrival in the Americas, the earliest known people to inhabit the immediate area of what would become the city of San Augustine were apparently not well-liked by their Caddoan neighbors. The area's reputation among outsiders did not improve with the

¹ Vista K. McCroskey, "SAN AUGUSTINE COUNTY," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/hcs02>), accessed September 28, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association; Vista K. McCroskey, "SAN AUGUSTINE, TX (SAN AUGUSTINE COUNTY)," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/hgs01>), accessed September 28, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

arrival of Europeans. Its position on the periphery of the Northern Frontier of New Spain, Mexico and the western frontier of the United States, far from the centers of power in early Texas, left its inhabitants isolated from the mainstream cultures and civilizations from which they derived. Such isolation resulted in a population with an independent streak and relative disdain for government intrusion from afar. Left to their own devices for decades at a time, residents of the region developed a culture of self-reliance and individual justice that they were loath to cast off even once more formal institutions were established in the area.²

The area encompassing the city and county of San Augustine is one of the longest continuously-settled regions of Texas. Located in the Sabine River valley of East Texas, thirty-two miles east of Nacogdoches and approximately twenty miles west of the Louisiana border, the region is known as the “Redlands,” a name derived from the color of its topsoil. That geological distinction has been so intertwined with the region’s identity that during the 1830s, the local newspaper was named *The Redlander*. For several generations, San Augustinians have asserted that their community is “one of Texas’ oldest cities.” This claim stretches back to pre-Anglo and even pre-historic times, despite the fact that the town of San Augustine was founded by Anglo-American settlers during the Mexican colonial era on lands that were, officially, unoccupied. Though there existed no institutional, cultural, or even architectural connections between the founders of San Augustine and previous peoples that had occupied the area, locals emphasize the previous existence of pre-European settlements and even short-lived Spanish missions in the

² Margery H. Krieger, "AIS INDIANS," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/bma15>), accessed September 28, 2014. Uploaded on June 9, 2010. Published by the Texas State Historical Association. George L. Crockett, *Two Centuries in East Texas*, Dallas: The Southwest Press, 1932. v-vi, 1, 350-353; Joe F. Combs, *Gunsmoke in the Redlands* (San Antonio: The Naylor Company, 1968), vii-viii, 1-13, 118-121.

area in order to promote the community as “one of Texas’ oldest” towns. Some assert that it is the oldest *Anglo* community in the Lone Star State, but such claims again rely on informal and unauthorized occupation of the general area by Anglos, before the officially-sanctioned Anglo communities were founded during the early Mexican colonial period.³

Modern scientists and anthropologists continue to debate how this region—and North America as a whole—was first populated, arguing about whether the original settlers descended exclusively from Asians who crossed the Bering land bridge into Alaska during the Ice Age, or, alternatively, from a more eclectic mix of Asians, Europeans, and Africans whose arrival dates back as far as 40,000 years. The oral traditions of tribes native to the region encompassing San Augustine assert that they emerged from underground near present-day Cross Lake (near Shreveport, Louisiana) and moved west into the Angelina and Trinity River Valleys of eastern Texas. Regardless of exactly how and when they got there, ancestors of Caddoan-speaking Indians occupied the region north of the Rio Grande and between the Sabine on the east and the Neches on the west for 3,500 years prior to the arrival of Europeans. Originally hunter-gatherers, the pre-Caddoan Texas Indians were introduced to agricultural practices from Mesoamerica. As a result, over time a fairly complex, sedentary culture developed, and they began to gather, “in fixed, permanent villages located along the fertile river valleys of the area.” Consequently, they developed hierarchal political and social structures, as well as an extensive trade network.

³ “The Oldest Town in Texas?” by Bob Bowman, (<http://www.texasescapes.com/AllThingsHistorical/Oldest-town-in-Texas-BB109.htm>), accessed September 28, 2014; David G. McComb, "Urbanization," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/hyunw>), accessed September 28, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

Compared to their more warlike and nomadic Plains Indian neighbors, they evolved into a relatively peaceful and culturally advanced society.⁴

The original settlers were displaced by East Texas Caddoan-speaking tribes long before the Europeans arrived. These represented the westernmost constituency of the Mississippian mound building culture, which dominated the eastern half of North America from approximately 500 B.C.E. Thanks to their relative prosperity, an elite class supervised the construction of large expansive ceremonial centers made up of groupings of temple mounds. Some of those mounds can still be seen today, in state parks managed by the Texas Historical Commission. The Caddoan tribes also excelled at pottery making, basket weaving, bow construction, and the production of other commodities. The Caddoan population of the Trans-Mississippi region peaked at 250,000 around 1500 C.E. However, a combination of extreme drought and European diseases reduced their numbers by as much as 95% by the end of the 1700s, in effect “opening the door for invasion and displacement by the Europeans.” The Caddo were forced to abandon their mound-building traditions and many of their villages, at which point they moved south and later reconfigured themselves into three loose confederacies. Like their predecessors, they became victims of the conflict that the area, with its desirable resources and relative isolation, seemed to generate.⁵

⁴David La Vere, *The Texas Indians* (College Station: Texas A&M University Press, 2004), 3-5; F. Todd Smith, *The Caddo Indians* (College Station: Texas A&M University Press, 1995), 5, 7-9; Smith, *Dominance to Disappearance*, (Lincoln: University of Nebraska Press, 2005). 5; "Caddo Mounds State Historic Site," <http://www.visitcaddomounds.com/index.aspx?page=2> (accessed October 12, 2011).

⁵ Smith, *Caddo Indians*, 7-9; Smith, *Dominance to Disappearance*, 5. "Caddo Mounds State Historic Site," <http://www.visitcaddomounds.com/index.aspx?page=2> (accessed October 12, 2011); Margery H. Krieger, "AIS INDIANS," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/bma15>), accessed September 28, 2014. Uploaded on June 9, 2010. Published by the Texas State Historical Association.

The first Europeans believed to have visited the area were members of the Moscoso expedition, who arrived sometime in the early 1540s. Approximately 150 years later, the French set up a trading community at nearby Natchitoches and discovered that there were three Ayish, or Ais, villages in the area, with the principal community located near the present site of the city of San Augustine. By 1713, the French had established the first settlement in close proximity to the site of modern San Augustine, at Natchitoches in Louisiana. In response, the Spanish built several missions and forts to bolster and defend their claim to the region, including a mission near a tribal village of the Ais—an offshoot of the Hasinai branch of the Caddos—approximately where San Augustine was eventually founded. Although the Spanish soon developed a negative opinion of the Ais, they nevertheless founded the Mission Nuestra Senora de los Dolores near the Ais village in 1717. The location of Mission Dolores (eventually the site of San Augustine), near several gushing natural springs and Ayish Bayou with running water all year, was chosen not just for its ready supply of water, but also for the Spanish need for regional security against the French challenge. After temporarily abandoning Dolores and the other area missions in 1719 in the wake of French military incursions spurred by political conflicts in Europe, the Spanish returned to reestablish and reinforce them all in 1721. Despite the corruption, mismanagement, and lack of financial support from Spanish authorities that often plagued those settlements, the settlements persisted for the remainder of Spanish dominion over Texas.⁶

⁶ Vista K. McCroskey, "San Augustine County," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/hcs02>), accessed September 28, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association; Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State*, (New York: Oxford University Press, 2003). 41-61.

The earliest Spanish settlers, who were mainly priests and soldiers trying to convert and acculturate the Indians into Spanish subjects, met with varying levels of resistance, which later led them to abandon the area. The departure of the French in the late eighteenth century was followed by the arrival of new settlers who often stayed without filing for official titles, creating a tense environment for Indians and settlers alike. The establishment in 1806 of a neutral zone between the United States and New Spain in an effort to mediate an ongoing border dispute involving the Louisiana Territory and Texas created a vacuum of official power and consequently a safe haven for more of those who wished to avoid government oversight and interference. The boundaries of Spanish Texas remained somewhat nebulous after the United States purchased Louisiana in 1803, after which President Thomas Jefferson asserted that the latter extended all the way to the Rio Grande. Spain, of course, disagreed and sent representatives to investigate their historic claims to the region and also sent troops east of the Sabine River to reinforce those claims and prevent an American force organized by Aaron Burr from invading their territory. To avert open military conflict, the commanders of the United States and Spanish forces in the area agreed to establish what would come to be called the Neutral Ground, an area from the Arroyo Hondo in the east to the Sabine on the west, to serve as a buffer between the two North American powers.⁷

Officially, neither private citizens nor armies were allowed to settle inside the Neutral Ground, though more settlers from New Spain and the United States began to move in almost

⁷Combs, *Guns, Smoke, 2*; "Boundaries," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mgb02>), accessed September 28, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association; John V. Haggard, "Neutral Ground," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/nbn02>), accessed September 28, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

immediately. As there was no government presence there, it became a destination for those who were seeking refuge from law enforcement and a haven for criminals looking to prey on travelers and traders. The situation escalated to the point in both 1810 and 1812 that the two governments sent joint military expeditions in to drive out the criminal element. The boundary issue was not settled until 1821, when Spain finally ratified the Adams-Onís Treaty. However, they lost control of their empire in Northern New Spain once and for all that same year, and the fledgling government of newly independent Mexico refused to recognize the treaty boundary. During the last years of the Spanish period, many Anglo settlers had moved into the region, both legally and illegally, and eventually chose to join with certain Spanish citizens to resist Spanish authority by force. Increasing Anglo immigration during the Mexican colonial period intensified feelings of mistrust toward centralized authority as local inhabitants collaborated in various efforts to resist national hegemony over the region. As soon as Anglos began immigrating to the Ayish Bayou region, they engaged in a variety of filibustering campaigns and all manner of illicit trade and informal rites of retribution. A culture of disdain for official institutions and government controls was in its infancy but quickly maturing.⁸

Mexico won its independence from Spain after more than a decade of conflict. Anglos and Tejanos (Texans of Spanish or mixed Spanish-Indian ancestry), including some from the San Augustine area, played a significant role in that conflict. The process was not linear or the result of one continuing revolt; independence instead resulted from a series of often unconnected, yet

⁸ "Boundaries," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mgb02>), accessed September 28, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association; John V. Haggard, "Neutral Ground," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/nbn02>), accessed September 28, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association; Combs, *Gunsmoke*, 1-2.

sometimes complementary, events. The most notable was the Gutierrez-Magee Expedition. In 1812, many Neutral Ground residents joined the effort to eliminate Spanish authority in Texas, but despite some early victories, the ill-fated expedition was crushed at the Battle of Medina in 1813. Unfortunately, the net result of these various intrigues and uprisings was an approximately twenty-five percent reduction in the population of Texas overall from 1810 to 1821. The region surrounding Ayish Bayou was largely depopulated of Hispanic and Indian inhabitants, leaving it wide open for settlement by newcomers. It was precisely during this timeframe, beginning about 1815, that the first immigrants from the United States began to move into the area around what would eventually become the city and county of San Augustine. These mostly illegal immigrants were primarily Anglo settlers from the southern United States. Otherwise beleaguered Spanish officials generally ignored their presence, as long as they kept out of politics (which they did, at least for a while). Settlers were left to their own devices to resolve disputes, whether of a civil or criminal nature, and once they got used to that system, they were not inclined to relinquish that power to government institutions.⁹

The dynamic between the Mexican government and the settlers of the Ayish Bayou region was essentially one of willful neglect, with each keeping to themselves. Thus began a local tradition of avoiding and eschewing governmental intrusion among residents of this remote and generally isolated region. Those first Anglo-American squatters were a harbinger of things to come, namely the continuing and growing influx of individualistic-minded settlers who had little tolerance for micro-management by outsiders. Soon, settlers in the area found themselves

⁹ Campbell, *Gone to Texas*, 41-61, 91-93.

embroiled in the “Fredonian Rebellion” led by failed *empresario* Haden Edwards. Edwards led a band of recent Anglo-American émigré’s (mostly without land holdings) and some Cherokee bands disillusioned with the Mexican government. He ambitiously claimed the region from the Sabine to the Rio Grande as the “Republic of Fredonia.” A group of thirty-six Ayish Bayou-area residents led by Martin Parmer joined forces with Edwards in his attempt to claim control of the region. However, few established settlers, Anglo and Tejano alike, supported Edwards, and this would-be junta was short-lived. Many local residents resented Edward’s heavy-handed political tactics even before his attempted coup, and therefore they had no interest in propping up his attempt to create an independent puppet regime in Texas.¹⁰

After the area officially became the Ayish Bayou district of the Mexican municipality of Nacogdoches, civil and military authorities from there rarely, if ever, became involved in district matters other than land title issues, thereby reinforcing the local culture of relative regulatory autonomy. Such neglect merely reinforced local attitudes of disdain for government oversight and authority. However, the district population quickly expanded to the point that in 1832, the Mexican government began taking a more active regulatory role. Ayish Bayou residents then participated in another uprising, this time in response to an attempt by the Mexican commander of the Nacogdoches garrison to disarm civilians in the wake of the Anahuac troubles in 1832. Though the issues surrounding the revolt were inherently local, participants were fortunate that it coincided with an ongoing national struggle between federalists led by Antonio Lopez de Santa

¹⁰ Campbell, *Gone To Texas*, 109-110. Crockett, *East Texas*, 154-60; Archie P. McDonald, "Fredonian Rebellion," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/jcf01>), accessed September 30, 2014. Uploaded on June 12, 2010. Modified on September 23, 2013. Published by the Texas State Historical Association.

Anna and Anastasio Bustamante’s centralist regime. Luckily for the instigators, the federalists won, making it beneficial and relatively easy to depict their insurrection as an anti-centralist revolt in support of Santa Anna’s overthrow of Bustamante. It was after the 1832 “disturbances” that the growing population in the Ayish Bayou district decided to create a town as a center for public administration and commerce, so, allegedly at the suggestion of “a Mexican officer,” the residents of the district held a meeting to discuss how and where. They appointed fifteen men—many of whom had been leaders in the “Battle of Nacogdoches” that same year—to a committee to select the location of the proposed town. The site they selected was on the east side of Ayish Bayou, between there and Carrizo Creek, near the locations of both the original Ais village and the Mission Dolores, and along the Spanish El Camino Real (King’s Highway).¹¹

The town and surrounding community was located within twenty leagues of the Sabine River, an area officially off-limits to Anglo settlement under the Mexican colonization law of 1824. In 1834, Mexican authorities finally conferred the status of *ayuntamiento* on the town, thereby giving it separate municipal authority from Nacogdoches for the administration of laws, the local militia, and dissemination of land titles, among other duties. The population of San Augustine at its founding was primarily Anglo immigrants from the southern United States, and it may have been the first town in Texas not laid out according to Spanish traditions. Many of them were slaveholders, making blacks the second most populous ethnic group in the area. Over the next several years, San Augustine served as a main entry point into Texas and attracted many notable residents who would play vital roles in the coming revolt against Mexico. It also provided

¹¹ Crockett, *East Texas*, 90, 101-04; Gregg Cantrell, *Stephen F. Austin: Empresario of Texas*, (New Haven: Yale University Press, 1999). 179-88, 291.

substantial political, military, and financial support to the looming revolt that would eventually lead to Texas's independence, thereby reinforcing the local culture of anti-government sentiment and the willingness to rebel against institutionalized authority.¹²

After its founding, San Augustine was briefly home to some of the prominent leaders of the Texas revolt. Most significantly, Sam Houston opened a law office there in 1835 and used it as a staging ground for pursuing his agenda in Texas. When staying in town, he resided with Col. Philip A. Sublett, the son-in-law of town founder Elisha Roberts, with whom Houston had served in the Tennessee militia. Houston even spent time after the war ended, recuperating at Sublett's home from the wounds he suffered in the Battle of San Jacinto in April 1836. On August 15, 1836, Colonel Sublett nominated Houston for the presidency of the new republic at the Mansion House Hotel in San Augustine. Houston received 322 out of the 327 votes cast in San Augustine during that election. Throughout his time in Texas, Houston continued to rely on the town as a base of political support and location for meeting and strategizing with his supporters, and even for personal respite. He also built a home there, though he never took up residence on that property. The fact that numerous fellow former Tennesseans had settled in San Augustine no doubt influenced Houston's decision to become involved in the community. Houston was, from his very arrival, viewed by the locals as one who would lead them in resisting what they viewed as the increasing tyranny and oppression of the Mexican government, thus bolstering the culture of anti-government sentiment.¹³

¹² Ibid., 91, 104-05; Harry P. Noble Jr., *Texas Trailblazers: San Augustine Pioneers* (Lufkin: Best of East Texas Publishers, 1999), 82. Crockett, *East Texas*, 166-182; Cantrell, *Austin*, 300-338.

Ayish Bayou residents had long disdained what they considered to be oppressive Mexican rule, and the ascendancy of General Antonio Lopez de Santa Anna exacerbated that sentiment. Though Santa Anna had risen to the presidency of Mexico on the back of the federalist movement, he soon decided to rule the country he had conquered more directly and without the interference of constitutional or statutory limitations. The first and most blatant move he made towards autocracy was to abolish the Constitution of 1824, which he had originally championed. Anglo Texans and Tejanos had both embraced that set of laws and the system of government it guaranteed, which the Anglos from the United States in particular could easily identify with. San Augustinians were active in the revolt against Santa Anna that erupted in 1835, as community members supplied political, financial, and military capital towards the war effort. Citizens of San Augustine participated in the Consultation and Permanent Council in 1835, as well as the Convention of 1836 and the provisional government, signed the Declaration of Independence, and served in the legislative, judicial, and executive branches of the Republic.¹⁴

Numerous San Augustine residents, including Houston, J. Pinckney Henderson, and John Salmon “Rip” Ford, eventually rose to the highest levels of government service for the Republic of Texas. But before that happened, the revolt against Santa Anna’s autocratic regime turned into a war for independence, and San Augustine suffered mightily under the weight of those events. The local economy stagnated as husbands, sons, and fathers joined both local militia

¹³ James L. Haley, *Sam Houston*, (Norman: University of Oklahoma Press, 2002). 99, 103, 109, 162, 220, 222, 283, 364, 385; Stanley Siegel, *A Political History of the Republic of Texas, 1836-1845*, (Austin: University of Texas Press, 1956). 51; Noble, *Pioneers*, 19, 58, 71, 83, 85, 95, 97, 114, 256, 265.

¹⁴ Campbell, *Gone To Texas*, 204-227; Cantrell, *Austin*, 300-338; Noble, *Pioneers*, 83-85; Crockett, *East Texas*, 166-182.

units and the Texas forces commanded by Houston. Those left behind and unprotected soon joined the mass exodus into Louisiana known as the Runaway Scrape. It was not until well after news of the Texans' victory over Santa Anna's forces at the San Jacinto that life returned to relatively normal in the Redlands. Of course, normality in this area included opposition to perceived government oppression and interference and occasional violent clashes.¹⁵

With a favored local son at the helm of the new Republic of Texas, many Ayish Bayous area residents were content to support the fledgling national government, even when its policies seemed otherwise at odds with local events and attitudes. As a result, while San Augustine became the arena of numerous intrigues and conflicts, it also enjoyed a period as a bustling commercial and political center. Trials stemming from the Cordova Rebellion in 1838 were held in San Augustine, and many of its male residents participated in the military suppression of that uprising led by the former *alcalde* of Nacogdoches. Vicente Córdova conspired with other local Tejanos whose sympathies remained with Mexico and with some Cherokee Indians in the region who were disillusioned over their inability to get clear title to their lands as they had been promised, to aid the motherland in regaining control over Texas. Though they had assembled a force of approximately 400 men at arms, the Córdova rebellion was overtaken near Seguin and routed. Though the leaders, including Córdova, escaped, thirty-three alleged members were arrested and indicted for treason. Only one was convicted and sentenced to hang, but he was pardoned, just days before his scheduled execution. Since Cordova was seeking to reestablish

¹⁵ Campbell, *Gone To Texas*, 204-227; Noble, *Pioneers*, 83-85; Crockett, *East Texas*, 161-188; Richard B. McCaslin, *Fighting Stock: John S. "Rip" Ford of Texas* (Fort Worth: TCU Press, 2011), 4; Claude Elliott, "Henderson, James Pinckney," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fhe14>), accessed October 01, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

Mexican national authority over the region, the very government whose yoke they had recently helped to throw off, it is not difficult to see why otherwise recalcitrant Anglo Redlanders would assist in stifling that particular rebellion.¹⁶

Even in the wake of the failure of the Córdoba Rebellion, Mexican officials did not give up on their efforts to instigate an uprising among the Indians in Texas in hopes of destabilizing the fragile republic. The Constitution of the Republic of Texas prohibited any candidate from serving consecutive terms as president, so without Houston to oppose him again, Mirabeau B. Lamar, a hero of the Battle of San Jacinto, easily won the office in 1838. Lamar's and Houston's views on Indian relations were diametrically opposed, as Lamar sought to have them expelled from Texas altogether. The discovery of a letter in the hands of a Mexican agent gave Lamar the pretext he needed to pursue that policy in practice. The letter outlined a plan to enlist the aid of the Indians against the Republic, and Lamar immediately mobilized a force with orders to remove the Cherokee Nation from Texas in its entirety. When the Cherokee refused to leave under armed escort, the Texan forces attacked and pursued the Indians under a scorched earth policy, destroying homes, fields, crops, and entire villages along the way. Many residents of the Ayish Bayou district and San Augustine proper participated in the Cherokee War of 1839, which led to the expulsion of all Indian tribes from Texas during Lamar's tenure as president. As with the Córdoba Rebellion, Lamar's insistence that the action was necessary to protect against the

¹⁶ Rebecca J. Herring, "Cordova Rebellion," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/jcc03>), accessed October 01, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

possibility of Mexico retaking Texas played well to the anti-government sentiments of the Anglo population of the Redlands.¹⁷

Despite their support of anti-Mexico efforts on the behalf of the Republic of Texas, Redlanders did not easily forsake their longstanding attitudes and practices regarding the exercise of individual justice and retribution. The most famous Republic-era clash that involved San Augustine was what became known as the “Regulator-Moderator War.” It was a blood feud that stretched more than five years and resulted in countless deaths in neighboring Shelby and Harrison counties. In August 1844, President Sam Houston called out the militia from San Augustine and three other counties, placed them under the command of Gen. Travis G. Brooks, and ordered them to arrest the leaders of each side and bring them before him. The combatants were brought for safekeeping to San Augustine, and a company of the San Augustine militia remained in Shelbyville for a time to keep order. General Brooks and his fellow San Augustinians were instrumental in the peaceful resolution of this deadly affair. But despite General Brooks’ role as a force for law and order in the region, some of his descendants would not follow the same path. Having been thoroughly inculcated into the culture of individual over institutional justice, they would take matters into their own hands when they perceived having been wronged, even if they had committed acts in violation of the law from which such conflicts first arose.¹⁸

¹⁷ Crockett, *East Texas*, 189-193; "Cherokee War," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/qdc01>), accessed October 01, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association; Herbert Gambrell, "Lamar, Mirabeau Buonaparte," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fla15>), accessed October 01, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

In the period between the creation of the Republic of Texas and the outbreak of the Civil War, many Redlanders enjoyed terrific commercial success. San Augustine flourished as a center for trade goods coming from the United States and the local production of cotton. The town grew as land was bought and sold, stores selling all types of wares and all variety of businesses were erected and opened, and some of the earliest secondary and post-secondary educational institutions in Texas were founded. The community also faced some hardships, particularly in trying to get its substantial cotton crops to market in New Orleans. The road system was so poor and the terrain so rugged, especially due to the frequent heavy rains, that half of the local mule population was literally worked to death in that effort in 1838. San Augustine became one of the busiest towns in the Texas Republic—commercially, politically, and judicially. The last of the three is of particular note, as the town was such an active and significant center of legal activity “that nowhere . . . could a young man find better . . . acquaintance with the elite of the legal profession” in Texas. Furthermore, San Augustine became the “cradle” of organized religion in Texas, as the earliest congregations were founded in the immediate vicinity. San Augustine was also home to one of the earliest permanent Masonic Lodges in Texas, which was one of three lodges that founded the Grand Lodge of Texas in 1837. However, the dark underbelly of slavery that accompanied such success in the antebellum era also shaped San Augustine society in a way that would generate conflict and produce a subset population that was uniquely vulnerable to

¹⁸ Crockett, *East Texas*, 193-203.

victimization in a region where the local institutions of justice lacked the requisite public support to maintain order.¹⁹

In many respects, San Augustine continued to grow right along with Texas as a whole during the antebellum era, and leading the way in many respects. As a whole, San Augustinians were productive and active citizens, contributing significantly to the growth and development of their newly independent national community, in addition to local advancements, from the Republic era and into the first decades of statehood. Such positive aspects of San Augustinian society notwithstanding, the community did have one significant societal flaw that it retained well into the twentieth century. There remained two classes of citizens—a society bifurcated along racial lines. Black San Augustinians were slaves and therefore remained vulnerable to the whims and abuses of whites, particularly those who were already disposed to taking advantage of anyone weaker. Furthermore, the effects of the “Lost Cause” mentality amid the changing economic and social structures during Reconstruction widened the gap between the races in the Redlands. During that era, San Augustine declined into a sleepy farming community with a shifting economy that provided little opportunity for new wealth. In that environment, the lives of good people were often interrupted by violence, as feuds erupted and some less scrupulous neighbors engaged in criminal activities.²⁰

¹⁹ Campbell, *Gone To Texas*, 85-89; Crockett, *East Texas*, 254, 268-70, 299-301; James D. Carter *Masonry in Texas: Background, History, and Influence to 1846* (Waco: Committee on Masonic Education and Service for the Grand Lodge of Texas, 1958); William Preston Vaughn, "FREEMASONRY," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/vnf01>), accessed March 01, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

²⁰ Campbell, *Gone To Texas*, 270-81; Bruce A. Glasrud & Archie P. McDonald, eds. *Blacks in East Texas History*. (College Station: Texas A&M University Press, 2008). Carl H. Moneyhon, "RECONSTRUCTION," *Handbook of*

Because San Augustine prior to the Civil War was populated primarily by whites from the southern United States, who brought their slaves and the accompanying racial culture with them, racial tension remained a source of local discord, particularly after postwar emancipation. In the wake of the Civil War, local whites had laws enacted to restrict black participation in public life and openly carried out acts of violence intended to convince blacks not to exercise their newly-acquired “rights.” The Radical Republican Union government’s attempts to intervene on behalf of the former slaves were met with death threats. The relationship between blacks and whites in San Augustine was not markedly different from the racial dynamics elsewhere in the Old South. Once blacks were no longer chattel property of the whites, they became an oppressed minority who relied on the goodwill and protection of certain white families to protect them from the persecution of others. If their white patrons were unable or unwilling to defend them against external exploitation, the disenfranchised and subjugated residents typically had no form of recourse through white-controlled institutions. Reconstruction in Texas interrupted the economic growth of the Redlands and, as happened across the South, poor whites in San Augustine frequently chose to vent their frustrations at that predicament by lashing out at local black citizens, especially those perceived to have been achieving some measure of economic success after being freed. And if they were victimized, African-American San Augustinians, who

were still very much relegated to second-class status before and during the Jim Crow era in East Texas, had little recourse through local authorities.²¹

In addition to slavery and racial inequity, lethal feuding among whites across the Redlands was also apparently enhanced by the arrival of newcomers from the “Old South.” Whenever legitimate law enforcers attempted to restore order and exact institutional justice, Redlanders used the dense pine forests and their skills as expert woodsmen and hunters to evade and resist such authority, often to deadly effect. Beginning in the 1890s and spilling over into the first few years of the new century, San Augustine was plagued by a blood feud between two factions, Brooks-Border and Wall. The origins of the feud are disputed. Some say it originated in unresolved childhood disputes and was later fed by contemporary political antagonisms: the Brooks-Border clan was made up of staunch, old-time Democrats, and the Walls were involved in the growing Populist movement. Others insist that Curg Border, the key figure from the Brooks-Border faction, robbed and extorted black sharecroppers in a manner reminiscent of his descendants’ actions decades later. In any event, even those sympathetic to Border acknowledge that he was “overbearing when dealing with Negroes....when he was a collector for the John Lynch Mercantile establishment.”²²

Whatever the origins, many members of both factions died violent deaths, leading to longstanding and even multi-generational grudges within the community. In an example of how

²¹ Margaret Swett Henson and Deolece Parmelee, *The Cartwrights of San Augustine: Three Generations of Agrarian Entrepreneurs in East Texas* (Austin: Texas State Historical Association, 1993), 249-262; Ben H. Procter, *Just One Riot* (Austin: Eakin Press, 2000), 64-65.

²² Combs, *Gunsmoke*, 1-13, 14-, 22; C.F. Eckhardt, *Tales of Badmen, Bad Women, and Bad Places: Four Centuries of Texas Outlawry* (Lubbock: Texas Tech University Press, 1999), 168-72.

impotent the law-abiding citizens in San Augustine became, Curg Border was elected sheriff after having been acquitted in the killing of the previous sheriff and leader of the opposing faction, W.A. “Buck” Wall. Allegedly, Border won through intimidation, low voter turnout, and the help of blacks who estimated that whites would not tolerate him long in that post and eventually rise up against him. In fact, many whites did organize against him after the shock of his electoral victory, and he was removed from office a little over a year after taking office, for neglect of duty and alleged mismanagement of county funds. W.S. “Sneed” Noble, who was from a family that had not taken part in the Brooks-Border-Wall feud, was appointed to replace Border. Noble’s neutrality notwithstanding, Border instantly began threatening Noble’s life. Noble took the threats seriously and turned the tables on Border when the latter attempted to carry out his threat. On the morning of May 7, 1904, Curg, his sister Cora, and fellow gunslinger Arch Price—all “armed with six-shooters and Winchesters”—forced a confrontation with Noble and his men in front of the sheriff’s office. Approaching Noble—who was walking down the street with his back to them—on horseback, the three thought they had the drop on him. However, Noble turned, ordered them to surrender, then beat Border to the draw. In response, Cora and Arch quickly retreated. Noble apparently proved to be an effective peace officer during his tenure, but it would not take long after he was gone for descendants of Brooks-Border clan and their associates to once again defy local law and order by wreaking havoc on the black citizens of San Augustine and terrorizing the whites who dared challenge them.²³

²³ Combs, *Gunsmoke*, 1-13, 14-88; C.F. Eckhardt, *Tales*, 168-72; Arch Price was an African-American associate of Border’s who apparently operated as the Border faction’s enforcer within the black community of San Augustine County. As a result, most African American’s in the area held him in contempt, and even white families avoided association with him. Combs, *Gunsmoke*, 89.

As the twentieth century advanced, San Augustine County fell further into its traditional patterns of disregard for institutional justice in favor of individual measures, marked by an ineffectual local justice system paralyzed by fear and corruption. Perhaps the most stark example of how far some local citizens were willing to go to protect against government intrusion into their lives was in July 1918, when Texas Rangers were allegedly ambushed and one killed when they were sent into the area after a fugitive. The exact circumstances of why the Rangers were there, where and when the confrontation occurred, and what actually occurred, as well as the disposition of the defendants' court cases, is hotly debated, and little formal research has been conducted on the matter to date. Most of the available information appears to derive from the shooters' descendants and extended family, and little of that matches up between them.

What is commonly accepted is that at least two Texas Rangers, including one named John Dudley White and another named Walter Rowe, were sent into San Augustine County to arrest locals Sam Williams and Daniel Evans—for either draft dodging or deserting during World War I, or hog theft—who had secreted themselves deep in the pine forests on family land, with relatives aiding them while in hiding. The Rangers eventually came into direct contact with them and a shoot-out took place, during which one Ranger was wounded and White was killed. Some accounts say both Williams and Evans were prosecuted and sentenced to death, while others claim that Williams was also either killed during that shootout or in another one a short time later. Most accounts mention that their sentences were later commuted and many even claim that they were pardoned, an assertion which leads some descendants to speculate that there were credibility issues with the Texas Rangers' accounts of the event. All accounts are vague, at best, on a great many matters of fact, and none reference any primary documentation to support

their respective claims. Regardless of the disparities and ambiguities, there appears to be little debate that a confrontation between Texas Rangers and two local men occurred at that approximate date and time in San Augustine County, the men resisted arrest through the use of firearms, and a Ranger, White, was killed in the process. All of this reinforces the fact that as the second century of Anglo settlement began, many San Augustinians still had the attitude that government interference in their personal affairs was an affront that they would counter with deadly force. In fact, deadly force was the only law to which some Redlanders would ever yield.²⁴

By the early 1930s, as the Great Depression brought yet another low point in the area's history, as well as that of the state of Texas, the diminishing fortunes of white residents further strained relations with local black citizens. African-American San Augustinians often became defenseless victims for unscrupulous whites. Many of the latter had gained positions of power through political patronage and corruption, and they were willing to enrich themselves by illegally taking the products of black labor, by force when necessary. Local criminals bolstered their dominance with displays of violence and cruelty. They victimized black inhabitants almost indiscriminately, which eventually led to confrontations with the few whites willing to engage them. Those bloody altercations ended in the deaths of several respected local citizens and at least one accused oppressor. As is often the case throughout the history of the United States, it

²⁴ John D. Carrell, "Shooting of Rangers in San Augustine County," TexasEscapes.com, (http://www.texasescapes.com/TOWNS/San_Augustine/San-Augustine-County-Courthouse-Texas.htm). accessed September 30, 2014. Published by Blueprints for Travel, LLC; "Limited.... Here's your Ranger Shootin'," BaylorFans.com, (<http://www.baylorfans.com/forums/showthread.php?t=119169&s=e4a51143349f485ccb3bd3819f4583af>). Accessed September 30, 2014; "Descendants of Samuel M. Williams, Sr." FamilyTreemaker.com, 9 <http://familytreemaker.genealogy.com/users/w/a/l/Karen-Susan-Wall/GENE1-0002.html>) accessed September 30, 2014; "John Dudley White, Sr." ODMF.org, (<http://www.odmf.org/officer/14060-private-john-dudley-white-sr>) accessed September 30, 2014, Published by The Officer Down Memorial page, Inc.

took the deaths of whites to bring attention to the plight of black citizens. The town that simmered behind the "pine tree curtain" once again attracted outside attention as the source of potential trouble, and thereby attracted the attention of state law enforcement, including a newly-elected governor who had a close political associate that hailed from San Augustine. For generations, the resistance to institutionalized justice relied on sheer will: the Redlanders had it, and outside authorities did not. That is to say, until January 1935 when, to paraphrase legendary Texas Ranger Capt. William J. McDonald, a "[few Rangers] that's in the right [came to town, and] ke[pt] on a-comin'".²⁵

²⁵ Harold J. Weiss, Jr., and Rie Jarratt, "McDonald, William Jesse," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fmc43>), accessed October 01, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

CHAPTER 3

“THE TROUBLES”

Local tradition, buoyed by recorded statements from historical participants and other documents from the period, holds that the targeted victimization of black San Augustinians and other marginalized members of the community began at least by the late 1920s. By the 1930s, certain members of the Burleson and McClanahan families, referred to here as the McClanahan-Burleson gang, were wreaking havoc throughout San Augustine County. The McClanahan-Burleson crew (the surnames of some of the most prominent members of the gang) had established their own East Texas version of “La Cosa Nostra,” or as it is more popularly referred to, the “mob.” They were not as formal, sophisticated, or well-organized as their East Coast counterparts of Italian heritage, but they could be just as greedy and brutal. They robbed mailmen of payrolls, stole livestock and farm equipment, and extorted, defrauded, and robbed black tenant farmers. They also controlled local bootlegging, illicit gambling, and allegedly engaged in counterfeiting.

Black sharecroppers were particularly victimized by the McClanahan-Burleson gang. Gang members would either rob the individual on their way home from selling their crops—when the sharecroppers had significant cash in their possession—or arrive at a black sharecropper’s home and either extort payments for some pretended debt, or simply point to what they wanted, and say “thanks for taking care of *my* [emphasis added] hog for me.” Then they would take the animal or other personal property with them, or even go so far as to demand that the victim deliver the stolen property to their house. Most victims quietly acquiesced to their tactics, knowing that the inevitable result of resistance would be injury or

death. Since Jim Crow-era customs did not provide any guarantees for blacks to testify, much less complain, against a white suspect, there was no one for black San Augustinians to report those crimes to, nor was there the expectation that meaningful action would follow such a report if made.¹

Whenever local white citizens protested any of the gang's activities, their objections were met with threats, swiftly followed by physical violence if the complainant persisted. Several such detractors met untimely deaths between 1930 and 1934, and it was this bloodshed that drew first the attention of local leaders, and eventually that of Governor Allred and his Texas Rangers. However, this violence was not random; rather, it was almost entirely for the tactical purpose of protecting the gang's criminal enterprise by eliminating challengers and solidifying their control over this region. This reign of terror was not countered by law enforcement, which had been infiltrated by members and associates of the gang. Moreover, their leaders had managed to gain a veil of authority through the acquisition of public offices and, in particular, commissions from Gov. Miriam W. "Ma" Ferguson as Special Rangers. As the local newspaper later characterized the situation, "Officials had completely 'layed-down' on the job and misdirected authority had prevailed until conditions had grown well nigh intolerable."²

¹ For a more detailed discussion of Jim-Crow laws and practices in the post-Civil War South, including Texas, see Alwyn Barr, *Black Texans: A History of African Americans in Texas, 1528-1995* (Norman: University of Oklahoma Press, 1973), and Douglas A. Blackmon, *Slavery By Another Name: the Re-Enslavement of Black Americans From The Civil War to World War II* (New York: Anchor Books, 2008); "San Augustine Grand Jury to Probe Crime Wave Under Protection of State Rangers," *Beaumont Enterprise*, January 7, 1935.

² Howard Abadinsky, *Organized Crime*, 10th ed. (Belmont: Wadsworth-Cengage Learning, 2013), 2; "Approve Rule of Rangers," *San Augustine Tribune*, March 28, 1935.

While the details of only a few cases after the arrival of the Allred Rangers have been preserved within the court system, those cases are emblematic of the long-standing and wide-scale operations of the crime ring. Both then and now, San Augustinians refer to these collective events and the time period over which they occurred as “the troubles.” The earliest officially documented case associated with the troubles was the murder of the fifty-three year old former manager of the San Augustine Chamber of Commerce and former federal farm agent for Angelina County, Edward Boone Brackett Sr., by Charles Curtis “Charlie” McClanahan. Brackett was a popular local leader of the farming community who had moved into San Augustine County relatively recently, having come from Angelina County, where he had served as the federal agricultural agent. On Tuesday, October 14, 1930, he was driving into town in the vicinity of the Ayish Bayou Bridge when he was shot twice with buckshot by forty-year-old Charlie McClanahan.³

McClanahan’s motives for killing Brackett are not altogether clear. It appears that tensions between Brackett and McClanahan had been building for at least two years as a result of several conflicts between them. The first may have arisen as the result of a report in 1928 by Brackett to the United States Postmaster General that McClanahan, a postman at the time, was mishandling the delivery of mail from his assigned route. Such an allegation would appear to corroborate longstanding local lore that the McClanahans were involved in mail fraud and theft of payrolls sent by mail. One additional factor that may have contributed to the rancor was

³ “San Augustine Farmer Slain,” *Dallas Morning News*, October 15, 1930; Interview of Arlen Hayes by Author, May 17, 2001.

Brackett's role in leading a group opposing McClanahan during the 1930 election for sheriff of San Augustine County.⁴

An unrelated confrontation between Brackett and McClanahan was more personal and potentially violent in nature. When the Great Depression hit East Texas, the Brackett family was no more immune than any other, and at one point, Brackett paid one of his sharecroppers, a black man whose name is no longer known, with a set of mules trained for plowing. The arrangement involved an allowance for Brackett's continued access to the mules when needed. When Brackett sought access to the mules, per the agreement, the sharecropper was at first evasive when explaining that he no longer had the mules. Eventually, he informed Brackett that McClanahan had shown up one day and taken the mules, without his consent or compensation of any sort. This scenario is virtually identical to events described by many locals and directly testified to by other black sharecroppers in cases arising out of the Allred Rangers' "clean-up" of San Augustine.⁵

Brackett was understandably infuriated by McClanahan's theft of the mules and went and took them back, allegedly at gunpoint, but it would prove to be a short-lived victory. It was apparently then that McClanahan and his cohorts threatened Brackett's life, warning him never to show his face in town again. Brackett himself was apparently unfazed by McClanahan's threats and continued about his business in the community. But from that day forward, his wife insisted that either she or his daughter accompany him when going to town, based on the

⁴ Ibid.; Edward Boone Brackett III, Family Papers (In Possession of Edward Boone Brackett III, Oak Park, IL). This is a collection of period news articles, government documents, court records, an unpublished manuscript memoir, and a private investigator/researcher's reports and notes.

⁵ Unpublished manuscript memoir, Brackett family papers.

assumption that they would not risk a confrontation in which a woman might be harmed. Time passed and the system of always having one of the women accompany Brackett to town appeared to be working, as no confrontations occurred.⁶

On Tuesday, October 14, 1930, Mrs. Brackett was canning vegetables and ran out of a staple ingredient, so she requested that Brackett go to town to pick up some of what she needed to complete the process. Since the confrontation and threats over the mules, Mrs. Brackett had typically insisted on accompanying Brackett whenever he went to town, but in this particular instance she could not leave, with the canning process already well underway, so she instructed Brackett to take their daughter, Vivian, instead. Associated Press reports of the shooting, reprinted in numerous newspapers across the state, erroneously claimed that Brackett “had been to the country and was returning to town,” but, in fact, he lived outside of town on his farm and was heading into town at the time of the shooting.⁷

Vivian did initially go with her father, but then asked him to let her out just before town so she could meet up with some friends, which he did. About a quarter of a mile west of town, as he passed the Fussell Cotton Gin near the bridge crossing the Ayish Bayou, a shotgun blast pumped nine slugs of buckshot into his body, killing him almost instantly. Brackett’s lifeless body slumped over in his automobile, which continued along the road for a short distance before swerving into a ditch and coming to a halt.⁸

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

Numerous workers at the Fussell Cotton Gin witnessed the ambush, and the authorities promptly arrived on the scene. The vehicle was towed to Clark & Downs Mortuary with Brackett's body still inside. Once there, Justice of the Peace J.W. Haygood ordered an inquest, which was conducted by Sheriff H.J. "Judge" Wilkinson, a descendent of a well-known, longstanding San Augustine family. During the examination of Brackett's body, they discovered not only the shotgun wounds, but also a .45 automatic pistol, which he carried inside his pants belt under his coveralls. The pistol had a loaded magazine, but no round chambered, which was a clear indication that Brackett did not consider danger to be imminent nor was he otherwise planning to use the weapon at short notice. Details regarding the gun found on Brackett's body were omitted from the inquest report but were reported in the *San Augustine Tribune*. The state of the gun would prove to be an important piece of evidence in the prosecution used to refute one of several dubious defense claims, namely that the shooting had been carried out in "self-defense."⁹

Charlie McClanahan was the only suspect from the start, not only due to the fact that there were numerous eyewitnesses—virtually all of the employees of the Fussell Cotton Gin next to where the shooting occurred witnessed the assassination—but also because their history of conflict was common knowledge. Local citizens John D. Clark (brother of Edward A. Clark, the private secretary to Gov. James V. Allred) and Frank Blount both eventually testified to having

⁹ Ibid.

witnessed McClanahan assault Brackett in the days or weeks just prior to the shooting and that the attack was directly related to their 1930 political dispute.¹⁰

McClanahan was arrested the same day as the shooting and was quickly indicted, and the case was set for trial. As soon as the trial commenced, it became evident to then-District Attorney Roy Blake that some of his key witnesses were not going to show and a jury was unlikely to convict McClanahan for fear of retaliation. This prompted him to move for a mistrial rather than proceed, thus avoiding a not-guilty verdict and the risk of double jeopardy. This wise tactic preserved the case for future prosecution. That chance would eventually come, but it would take five years and the support and protection of the Allred Rangers to create an environment where locals finally felt safe enough to take on McClanahan and his cohorts directly.¹¹

Less than two years before murdering Brackett, McClanahan had been acquitted for the murder of a black man named Jack Garrett, whom McClanahan had shot to death inside the Clark-Downs store on November 10, 1928, allegedly because Garrett had insulted McClanahan's wife. Due to the nature of jury proceedings, the reasoning behind the jury's verdict is unknown. However, the jury in that trial—led by foreman H. C. Downs—included local citizen Sidney Lister Sr., whose son, Sidney Lister Jr., would be an eyewitness to another deadly McClanahan-Burleson gang showdown on the courthouse square, in December 1934. When Lister Jr. told his father what he had seen, Lister Sr. related his experiences on the Garrett murder jury and advised his

¹⁰ "San Augustine Farmer Slain," *Dallas Morning News*, October 15, 1930; "San Augustine killing," *Nacogdoches Sentinel*, October 17, 1930; "Well-Known San Augustine Citizen Shot From Ambush," *Redland Herald*, October 16, 1930; Interview with Arlen Hayes, May 17, 2001.

¹¹ *Ibid.*; "San Augustine Slaying Trial At Carthage opens," *San Augustine Tribune*, September 26, 1935.

son not to speak of what he had witnessed to anyone else, out of fear for his safety. By then it was no secret in San Augustine that McClanahan and his associates were operating beyond the law and were to be feared. The ongoing situation caused the Lister family to adjust their lives around it in smaller ways also. For example, Lister Sr. refused to go to town on weekends and holidays when crowds were largest and the likelihood of confrontations and violence were at their height, preferring to make the trip on Wednesdays when it was typically the least populated and, therefore, quietest, and even then he would not linger. There were several witnesses in the Garrett case whose original testimony led to the indictment of McClanahan for that murder, including Bill Mitchell, John Davis, Gladys Womack, and Mrs. A. Jones, though no record of their testimony has survived. But it comes as no surprise that local citizens were hesitant to participate in the prosecution of a man who appeared both immune to prosecution and violently vindictive towards anyone who dared to challenge that immunity.¹²

In addition to the trauma of Brackett's actual murder, the delay in institutional justice would have a lasting effect on his family, most particularly Edward Boone Brackett Jr., his son. Caught in a time and place of transition from culturally accepted individual justice to that of allowing "the system" to determine guilt and assess punishments, Brackett Jr. felt that his deeply ingrained sense of honor was at odds with his rational acceptance of law and order. At one point, his frustrations with the impotent local system of justice drove him to consider revenge. Sometime shortly after his father's murder, he sought out the one other man in San Augustine

¹² File #4635, *State of Texas v. Charles McClanahan, 1931*: Jury Charge & Verdict Form; (Digitized County and District Court Records, San Augustine County Historical Society, San Augustine, TX); Interview of Lister by Author, September 2, 2010; The jury for the Garrett case included E. Watson, Dick Price, J. R. Sharpston, Pete Clegg, R. M. Orton, G. C. Mitchell, Joe Miller, John McKinley, Sidney Lister Sr., H. H. Bate (exact spelling unknown), and Ida Wilkinson.

who was well-known for not being afraid of the McClanahan-Burleson cabal, J. Elbert Thomas, who apparently agreed to assist Brackett Jr. in a plan to settle the score with Charlie McClanahan in the vein of “an eye for an eye.”¹³

Brackett Jr. and Thomas tracked McClanahan, learning his daily routines and routes. They choose a location along one of those routes, where Thomas could serve as the lookout and surreptitiously alert Brackett Jr. when McClanahan was in sight. The plan was for Thomas to wait at a particular location and once McClanahan approached, play a particular song to let Brackett Jr. know he was near. At that point, Brackett, Jr. would ambush the unsuspecting McClanahan as he came around the corner. But when the time came to execute the plan and avenge his father’s murder, Brackett Jr. simply could not do it: thoughts of his wife and children combined with his religious beliefs stopped him from becoming like the man whose life he had intended to take. Many locals shared Brackett Jr.’s disdain for the McClanahan-Burleson criminal gang and frustration with the impotence of the local criminal justice system, though most were too afraid to do anything about it. However, there were at least a few local young men who apparently had both the inclination and the courage to speak and even act out against the gang. Unfortunately, they did so to their own peril, and their fates further entrenched both local fear and the McClanahan-Burleson gang’s growing power.¹⁴

Charlie McClanahan was not the only bloodthirsty member of the gang. In fact, their most prolific killer turned out to be Thomas “Little Tom” Burleson. Described, even by his own close friends and relatives who professed strong affinity for him, as a violent, unstable sociopath,

¹³ Unpublished manuscript memoir, Brackett family papers.

¹⁴ Ibid.

Tom was locally infamous for both his insecurity and violent temper, and for the fact that he always carried a pistol in the waistband of his pants—despite the fact that he had no legal authority to do so. It was an indisputably volatile combination. Tom was arguably the most unstable and feared element of the troubles, as his predilection towards violence kept black and white San Augustinians alike on edge throughout that dark period. His murder of John Gann cemented his reputation among San Augustinians as a cold-blooded killer and helped to tighten the grip of the McClanahan-Burleson gang.

John Gann was a twenty-three year old white male with black hair, a respected local teacher who was originally from the neighboring town of Nacogdoches, the largest city in that part of East Texas at the time. Gann was married and a new father who was, by all accounts, an up-and-coming young member of the community, with his whole life before him. However, sometime before noon on Saturday, August 5, 1933, that all came to an inexplicably violent end. Gann was standing on the sidewalk near the west entrance of the Clark-Downs department store, apparently doing some shopping while his wife remained at home caring for their infant daughter. Clark-Downs was located in a building facing south on the north side of the courthouse square. It was a single structure partitioned into a dry goods department (“ladies and gents ready to wear”) that comprised the eastern half of the building, with its own doorway, and a hardware department on the western side, also with its own entry. Each door was in-set with glass showcase windows protruding out onto either side along the sidewalk.¹⁵

¹⁵ File #18202, *State of Texas v. Eron Harris, 1935*: Statement of Facts (Texas Circuit Court of Criminal Appeals Records, TSLA), 5, 11, 15, 17-18, 22, 37, 47, 49-51.

Clark-Downs was adjacent to (and east of) Mathews and Company Grocery, with a concrete walkway in front connecting the buildings, though the walkway in front of Mathews and Company was two to three feet lower than the portion in front of Clark-Downs. West of the grocery was a café, then a saddle shop, and then another café (Green's). The distance between the grocery entryway and the Clark-Downs' hardware entry was approximately twenty-five feet, with steps connecting the vertically offset concrete walkway about halfway in between. The Commercial Bank was down at the eastern corner of the block and adjacent to Clark-Downs, with its entrance also opening southward toward the courthouse.

Gann had gone to Clark-Downs to make a purchase and was standing in front of the store after finishing his shopping. He was facing south toward the courthouse and had his arms crossed, with his heel propped up behind him "on the round" and his back to the showcase window, at the eastern corner next to the in-set doorway for the hardware department. Suddenly, from across the street, four men approached him, after parking on the street near the courthouse directly across from Gann's location. The four men were Tom Burleson, Eron Harris, Sandy Thacker, and his cousin Noah Thacker.¹⁶

The four men had been riding around town in Tom's Model "A" Ford roadster, the type with a "rumble seat" in the back, drinking liquor and horsing around with each other. Tom, Sandy, and Eron picked up Noah at Tom Smith's store, which was about three to four blocks west of Clark-Downs, on the same side of the same street (the north side), about 11:30 a.m., in broad daylight. They first drove west, away from town, but by noon they were headed back east

¹⁶ Ibid.

straight into town. On the way, they stopped off at J. W. Stewart's grocery store, which was near the railroad tracks and about two blocks from Clark-Downs. They went inside the store to buy a pack of cigarettes, and there they were overheard daring an unknown member of the group, "I bet you a dollar you will," and "I bet you a dollar you won't." Shortly afterward they returned to the car and drove away toward town. Minutes later, Gann was dead.¹⁷

Burleson, Harris, and the Thackers were traveling eastbound in Tom's Ford when they stopped and parked across from Clark-Downs. It was Tom's car and he was the driver, though there is some discrepancy as to who sat in the front passenger seat and who was in the rumble seat, Harris or Sandy Thacker. There was a parking area adjacent to the courthouse where they stopped, but they left the vehicle parked on the street rather than pulling into the lot. When they exited the vehicle, they paused a moment to talk to each other and for Tom to adjust something in his waistband, then hurried north across the street, walking basically abreast of one another and directly up to Gann. They went straight toward him as a group, even jumping up nearly three feet onto the sidewalk together right in front of him, instead of diverting a short distance to take the stairs up to the sidewalk, which were available in either direction.¹⁸

Gann, unaware of his fate, appeared to be smiling as they approached and began talking to him. Burleson, Harris, and the Thackers took up positions effectively surrounding Gann, who shook each of the four men's hands in turn, Harris last. Noah Thacker said, "Yes, look him in the eye and tell him and shake his hand," and then Harris said, "You Goddamned son of a bitch, I said shake hands with him, and look him in the eye," just before Harris "shoved Gann or hit him." As

¹⁷ File #18449, *State of Texas v. Noah Thacker, 1936*: Statement of Facts, 12-14, 27-28.

¹⁸ Interview of Haley by Author, August 21, 2010; File #18202, *State of Texas v. Eron Harris, 1935*, 37.

soon as Harris released his grip on Gann's hand, he suddenly and without warning struck Gann on the left side of the head with his right fist, knocking Gann back three to four feet, past the showcase window and into the in-set doorway. Harris stepped back away from Gann after striking him and (according to Aubrey Mathews' testimony) said, "Shoot him, Tom," at which point Burleson pulled a pistol "from his bosom" and "quickly" began firing at Gann, who turned and fled into the store as fast as he could in an attempt to escape the sudden assault. Expressing no surprise at this turn of events, the Thackers simply "backed up" and moved out of Burleson's way.¹⁹

Burleson followed the fleeing Gann into the store, continuing to fire at his victim's side and back. One of the shots either missed or passed through Gann and grazed the right arm of sixty-year-old farmer Reece Matthews, a bystander apparently shopping in the hardware store. Gann took ten to fifteen steps inside the store, then collapsed onto the floor in a corner and bled to death. After the shooting, Burleson began cursing at Gann and threatening to kill him, which was a seemingly irrational course of action at that point, given that he already shot Gann at least four times and Gann had actually expired. He hollered, "Any God Dam son-of-a-bitch that jumps on any of my brothers or my brother-in-law [presumably a reference to Harris], I will kill him." Burleson also repeatedly called for the already-deceased Gann to "come on out [of the store] and shoot it out" with him. Noah Thacker walked around the store looking over the counters in an apparent attempt to locate Gann, then left the scene quickly with Sandy, Harris, and Burleson in tow. Immediately after the shooting, Burleson's oldest brother, Joe Burleson—who had been

¹⁹ Ibid., 37-39, 47; File #18449, *State of Texas v. Noah Thacker, 1936*: Statement of Facts, 3, 12.

waiting down at the corner near the bank—ran up quickly and “[took] hold of Tom” and removed him across the street and then from the scene to an unknown location.²⁰

Gann took his last breaths in the arms of E. L. “Buddy” Mitchell, who had witnessed the shooting first-hand and followed Gann into the store in a futile attempt to render aid. Mitchell later provided a description of those efforts:

I went on into the store where Gann was. I went up to Gann...reached down and raised Gann up and pulled him out from under the counter he fell under and raised him up. Gann breathed I reckon maybe two or three times after I raised him up . . . seemed like blood gushed out . . . just above his hip . . . blood was coming out his mouth and nose. John Gann died; he quit breathing and I laid him down.²¹

After the scene cleared, Gann’s body was eventually taken to the home of Collis Sowell, which was about fifteen miles south of town. There, Dr. C.H. Ruff examined the body and determined the cause of death. Ruff had been practicing medicine in San Augustine for about twenty-three years at that point in time, having moved there in 1912. Ruff found multiple bullet wounds in Gann’s torso, “midway between the right shoulder and right breast,” including one exit wound and another where the bullet had already been removed with a knife. He located another bullet wound “just about the right hip bone in the back” that had “[come] out just under the belt at his watch pocket.” Huff found that Gann had a watch in that pocket at the time of his death, and that, “the bullet was embedded in the watch; this bullet evidently hit the hip bone and glanced out.” Huff also noted contusions on Gann’s face, which was consistent with the testimony of numerous witnesses who saw Harris punch Gann in the face right before Tom shot

²⁰ Ibid., 3-4, 9-10, 14, 18, 30. 44-52; File #18449, *State of Texas v. Noah Thacker, 1936*: Statement of Facts, 33-34.

²¹ Ibid., 44-52; File #18449, *State of Texas v. Noah Thacker, 1936*: Statement of Facts. 4, 33-34.

him. It was Huff's opinion that the bullet that caused Gann's death was the one "that entered the right breast and came out the lower part of the left shoulder." He concluded by noting that with such a wound, death could have occurred anywhere from "instantaneous[ly]," up to thirty to forty minutes later.²²

Like Brackett's, Gann's murder was senseless, cruel, and demonstrative of the exceptional degree to which the McClanahan-Burleson gang was willing to go to enforce their illegitimate reign in support of their criminal activities. Those activities ran the gamut of typical early twentieth century organized crime dealings, including gambling, robbery, extortion, theft, and even counterfeiting. They were also involved in small-scale racketeering, exemplified by their attempts to control local bootleggers. While none of the McClanahans or Burlesons were specifically shown to have been manufacturing bootleg liquor during this time, many of their associates did so, and they attempted to control others who wished to remain independent. However, they did not suffer resistance gladly, instead responding with the same brutality that they had visited upon Brackett and Gann.

Henry "Dudley" Clay was an African-American citizen of San Augustine County who operated a still at his home in the woods far outside and to the east of town, where he produced bootleg whiskey. In 1933, the Twenty-first Amendment to the United States Constitution repealed National Prohibition laws, but the state prohibition amendment—which had been passed in 1919—remained in effect until 1935. However, by the mid 1920s, state politics on the matter had shifted so there was little political will for enforcement on the state level, leaving

²² Ibid., 31-33.

such matters primarily to local authorities. As that power had been effectively usurped by the McClanahan-Burleson gang by the early 1930s—at the latest—that put all local producers of liquor in an even more precarious position. The gang could exploit them with impunity, thereby controlling all local trade in the officially prohibited but widely in-demand product.²³

Dudley Clay, however, did not submit to this exploitation. Sometime in late January or very early February of 1934, leaders of the McClanahan-Burleson gang sent an associate named Tommy Davis to Clay's house, ostensibly to try and make him sell his whiskey directly to them and apparently at a price that they had determined without Clay's approval. Clay declined the "offer" and when Davis persisted, Clay allegedly chased Davis off his property at the point of a gun.²⁴

Shortly thereafter, on February 3, 1934, Joe Burleson, Vandy Steptoe, and a black man named Joe Duffield approached the back of Clay's home at about 4:00 in the morning. Clay was in bed at the time, but his wife Ida, their nephew Young Ruth, and Frank Hart were awake and in the kitchen. The three McClanahan-Burleson assailants stormed into the house out of the dark, after which Clay's wife ran to the bedroom to wake her husband. When Clay groggily emerged from his room unarmed and into the kitchen of his own home, Burleson, Steptoe, and Duffield gunned him down. Burleson and his accomplices in the murder simply left the scene afterward. No officers were called out to investigate, nor was the local Justice of the Peace brought in to

²³ File # 9685, *State of Texas v. Jeff Duffield, Joe Burleson, and Vandy Steptoe* (San Augustine County District Clerk Records, San Augustine Courthouse, San Augustine, TX); Interview of Arlene Thomas by Author, September 27, 2012.; K. Austin Kerr, "Prohibition," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/vap01>), accessed September 13, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

²⁴ Ibid.

perform an inquest, as was customary, and no other local officials took any additional steps in the matter. Clay was simply buried by family members in the local family cemetery, several miles west of San Augustine.²⁵

Yet again, like Brackett's and Gann's, Clay's murder was characteristic of how brazen the McClanahan-Burleson gang had become in the pursuit of their illegal enterprises and enforcement of their illegitimate local regime. It also illustrates how they had moved from facing the inconvenience of an indictment, to be followed by a failed trial when no witnesses testified, to the apparent knowledge that local law enforcement officials would not even be bothered with the formality of an arrest. This may have been particularly true when the victim was black, but whites were obviously targets of the McClanahan-Burleson gang as well.

Not all of the whites that fell victim to the McClanahan-Burleson gang resisted or otherwise interfered with the gang's operations; some were attempting to mutually benefit from their various services. However, just as their black victims were seen as easy prey based on their marginalized status, the Burleson-McClanahan gang recognized the vulnerability of poor whites whose activities as petty criminals compromised their integrity and effectively excommunicated them from mainstream society (and the protections otherwise available to whites of the era). When small-time, out-of-town crooks showed up hoping to do illicit business with the gang, they sometimes found themselves victimized instead.

A nineteen-year-old Nacogdoches-area man named Curtis Butler had learned of the McClanahan-Burleson counterfeiting operations and attempted to purchase some counterfeit

²⁵ Ibid.

bills from Jim Burleson, only to find himself a victim of an armed robbery at the hands of Jim and his associate and brother-in-law, Red Jordan. An associate who knew Jim Burleson had informed Butler that there was counterfeit money to be had in San Augustine. On July 2, 1934, Butler and three accomplices (Frank Wells, I. J. Stone, and John Minifield) drove into San Augustine together expecting to purchase some of the fraudulent currency.²⁶

Wells introduced Butler to Jim downtown, near the courthouse, and then Butler met Jim again later and on his own at a nearby café. Jim told Butler that he would not be able to deliver any counterfeit bills to him until late in the evening, after an accomplice “came in off the farm.” Jim told Butler that he would not “deal with [Butler] in the daytime,” and that Butler would have to stay in San Augustine overnight and wait for Jim’s associate to contact him if he wanted to buy any counterfeit bills from them. Butler then rented a room at a local boarding house at approximately 6:00 p.m. that evening, went to a “picture show,” and then returned to his room about 9:30 p.m. to wait, as he had been instructed to do by Jim.²⁷

Approximately thirty minutes later, Jim appeared at the door of Butler’s rented room, though Butler had never informed Jim as to where he would be staying. Jim told Butler “that [a] fellow called ‘Red’” would come to see him and ‘settle off’ the transaction for the counterfeit bills. Jim then exited the room, and about a minute later, Lee “Red” Jordan entered the room and pointed a large pistol (of unknown caliber) at Butler and demanded his money. Fearing for his life, Butler turned over \$65.00 from his billfold, though he managed to retain approximately

²⁶ File #18207: *State of Texas v. Lee Jordan, 1935*: Statement of Facts (Texas Court of Criminal Appeals Records, TSLA), 2-11, 29.

²⁷ *Ibid.*

\$5.00 in change that was concealed in his watch pocket. Jim was standing just outside the door watching the robbery as it occurred. Jordan then exited the room, left the boarding house, and got into a car with Jim, who drove away to the west.²⁸

Immediately after Jordan and Jim left, Butler went to the local fire station to find out how to contact local law enforcement so that he could report the robbery. He was given the name of an “Officer McClanahan” and a phone number, but McClanahan did not respond or come down to take a report that evening. Butler went to Wade McClanahan Sr.’s office “early next morning,” at which time he reported the offense to McClanahan and an unidentified officer. McClanahan and his colleague’s response to Butler’s statement that he was robbed at gunpoint and could identify the parties involved was to advise Butler to “get out of town before [he] got killed.” The San Augustine officers refused to record or otherwise investigate Butler’s complaint.²⁹

Butler took McClanahan and the other officer’s unorthodox advice seriously and caught a bus back to his home community of Douglas as quickly as possible, but he did not simply let the matter drop. After returning to Nacogdoches County, Butler made a report of the robbery to the local sheriff, who advised that he lacked the authority to take any action regarding criminal matters that occurred outside of his own jurisdiction. Butler then told his father and a few friends what had happened, including Frank Wells and I. J. Stone (who originally accompanied him into San Augustine and made the introduction to Jim). Having exhausted all known avenues for reporting the crime and fearing that any continued efforts to get the matter resolved in San

²⁸ Ibid., 2-11.

²⁹ Ibid., 3,7; The other officer was most likely Wade McClanahan Jr. who, like his father, held a Ferguson-issued Special Ranger commission, and also served as deputy city marshal.

Augustine would simply result in his own demise, Butler finally dropped the matter, having learned the hard way that justice was not to be found as long as the McClanahan-Burleson regime, whose members were strategically placed in positions of ostensibly legitimate authority throughout the community, remained in power.³⁰

While murder became the particular crime through which the McClanahan-Burleson gang enforced its illegitimate regime and gained notoriety both locally and beyond, it was not representative of their daily criminal activities or how they obtained and maintained local control. Key members were commonly engaged in various schemes that they believed would provide them an air of legitimacy. While many of the McClanahan-Burleson gang members and associates had managed to obtain Special Ranger commissions from Governor “Ma” Ferguson in recompense for their political loyalty, such commissions did not come with salaries and were less effective for their illicit purposes than locally elected or appointed law enforcement offices. The usurpation of local public offices, particularly key law enforcement positions such as county sheriff and constable, and city marshal, was a crucial component of the McClanahan-Burleson gang’s rise to, and preservation of, their control over the community. They sought out county offices over municipal ones because that gave them wider geographical control, and likely also because such offices also came with taxpayer-funded salaries. There are also indications that the gang’s Special Ranger commission holders or the local sheriff, Warren C. Gary, deputized some of the Burlesons during the last few years of their reign.

³⁰ Ibid., 7.

Toward such ends, Wade McClanahan Sr.—the elder sibling of Charles—ran for constable in the election held in July 1934. However, Wade Sr. chose not to leave the outcome to chance. He and his son, Wade Jr., stole a ballot box from the district clerk’s office in an apparent attempt to influence the outcome of the race. Despite such efforts, Sublett Sharp defeated Wade Sr., who was livid over that defeat and made his wrath known by shooting out the windows of several stores when he found out that the respective owners had not voted for him. Despite such obviously illegal deeds, no law enforcement action was taken against Wade Sr. or his son at that time.³¹

As discussed above, one of the gang’s most common schemes was to seize the property of black tenant farmers. The gang knew these victims would find no friends in authority, particularly in light of the McClanahans’ control over local law enforcement through their Ferguson Special Ranger Commissions, such as that held by Joe Burleson, and family connections to the City Marshal. Two of the most prolific oppressors of the local black community were local brothers Thomas R. "Little Tom" Burleson and his brother, Charles Lycurgus "Curg" Burleson.³² In addition to outright theft, Tom and some members of the McClanahan family also ran another frequent scam on unsuspecting black sharecroppers. After convincing those living on outer-lying farms that they needed protection, Tom would give or sell them a pistol. A short time later, one

³¹ "Former Special Ranger And Son Arrested," *Dallas Morning News*, July 28, 1935; "Father, Son Sentenced for Ballot Box Theft," *Dallas Morning News*, September 2, 1935; "Smothers Slander Sheet With Facts And Slings No Mud Back At Opponent," *San Augustine Tribune*, August 13, 1936; Ranger-Endorsed Deputy Is Named Marshal In Etex," *San Augustine Tribune*, August 29, 1935; "San Augustine Asks For McCormick," *Wichita Falls Post*, September 23, 1936.

³² Interview of Sidney Lister Jr. by Author, September 2, 2010; File #18208, *State of Texas v. Curg Burleson, 1935* (Texas Circuit Court of Criminal Appeals Records, TSLA), 6, 8-10, 23.

of the McClanahans or Joe Burleson, who held Ferguson Special Ranger commissions or appointments as City Marshals) would show up and arrest the black victims, who would then have to pay a fine to get out of jail. The pistol they had bought from Tom was “confiscated” and returned to him so that he could repeat the process on the next unsuspecting victim.³³

The McClanahan-Burleson gang and their associates typically carried out their extortion and robbery schemes during the post-harvest season, a time when they knew the sharecroppers would temporarily possess large amounts of cash. As that money would typically have to last the farmers until the next harvest season, they were effectively bankrupting these families. If they failed to catch the black farmers on the road, sometimes they would just go directly to their homes and extort the money from them, on the victim’s own front porch. If their victims did not have ready cash, then the McClanahan-Burleson crews would simply load up the victim’s livestock, tools, or whatever they saw of value at that particular moment.³⁴

Such scenarios are among those most commonly remembered in the local oral tradition, and that collective memory is corroborated in great detail by the two trials of Curg Burleson in 1935. Curg was convicted of having robbed a young African-American sharecropper named Edward Clark and for stealing hogs from an African-American woman named Ella F. Curl, the wife of Lamar Curl. Curl’s experience at the hands of Curg Burleson was identical to that of E.B. Brackett’s black sharecropper tenant whose mule was allegedly stolen by Charles McClanahan

³³ J. L. Mathews to Author (email of unpublished eyewitness account), May 21, 2001; File #18202: *State of Texas v. Eron Harris, 1935*: Statement of Facts (Texas Court of Criminal Appeals Records, TSLA), 107, 109-110.

³⁴ Contemporary news reports in *San Augustine Tribune*; San Augustine County Clerk Criminal Court Records (San Augustine Courthouse, San Augustine, TX); San Augustine County District Clerk Criminal Court Records (San Augustine Courthouse); oral history interviews by this author with a cross-section of the community, including many individuals who were old enough to recall various events involved.

almost five years earlier. Complete trial transcripts, including all witness testimony, direct and cross-examinations, and the appellate records on file in the Court of Criminal Appeals records at the Texas State Library and Archives in Austin, are practically a verbatim confirmation of San Augustine’s collective memory of this type of crime during the era of the troubles.

These events took place during the apex of the Jim Crow Era in East Texas, in which blacks found themselves on the lowest rung of a racial caste system. Lynchings and all manner of violent intimidation of blacks who did not “keep . . . in their places,” were commonplace. In fact, the last lynching in Texas occurred in the same year as the San Augustine “clean-up.” Blacks were typically stereotyped as being ignorant, child-like, and prone to drunkenness and violence—the last being particularly ironic, considering the leading methods of racial social control. Under the law, they were treated as undeserving of basic human rights, much less due process or other civil rights enjoyed by most members of white society. Besides being forced to use different facilities from whites, such as bathrooms, water fountains, waiting rooms, and seating areas on public transportation, etc., blacks were also denied the same rights as whites within the criminal justice system. Alleged black offenses against whites typically resulted in harsher penalties that did those of whites against blacks. Black victims of white crime therefore usually had no recourse within the established criminal justice system of that era.³⁵

The victim in the first case against Curg was Edward Clark of San Augustine. Unlike his locally born and raised Anglo namesake (Edward A. Clark, Governor Allred’s personal secretary and future Texas Secretary of State, who would go on to become the United States Ambassador

³⁵ Barr, *Black Texans*, 112-172.

to Australia and a central figure in Lyndon Baines Johnson's rise to the presidency), Clark was a twenty-six-year-old black tenant farmer who rented his field and home from Frank Blount. Clark accused Curg Burleson of extorting money from him by threat in early October of 1934.³⁶

Clark made his living growing cotton about a mile down the road from where Curg lived at his in-laws' home. Clark apparently had met with some success up to that point, as he owned "plow tools, a few hogs, four mules, and one horse." It may have been his relative success that brought him to the attention of the local criminal element. At the time of the crime, Clark had gathered seven bales and sold them at market, which he used in part to pay off a loan to "the Government" that he had taken with a lien against his crop. Clark also paid off his store account with those proceeds, after which he had fifty-four dollars left to last him until his next crop came in, many months later.³⁷

After clearing those accounts, Clark returned home. Within a few days, Curg arrived on Clark's doorstep unannounced one evening around 5:00 p.m., accusing him of having stolen money and demanding repayment. Clark and Burleson had never spoken nor met each other, yet Curg (who obviously did not even know Clark by sight, as he had to inquire as to whether he was at the correct house) initially claimed that Clark had allegedly stolen \$30.25 from Curg at a "colored frolic" west of Cherino in Nacogdoches County. What made the claim even more improbable was that it was well-known that the only white person present at that gathering had been a local law enforcement officer. During the ensuing trial, the theft claim defense was soon

³⁶ File #18219, *State of Texas v. Curg Burleson, 1935*: Statement of Facts (Texas Circuit Court of Criminal Appeals Records, TSLA), 2.

³⁷ *Ibid.*, 4-5.

abandoned in favor of a story contending that Curg had “loaned” the money to Clark, arguably an even more improbable scenario for that time.³⁸

When Clark protested and mentioned speaking to his landlord, John F. "Frank" Blount, about the matter, Curg said that he “didn’t want anyone to know about it,” and told Clark not to tell Blount because Curg “didn’t want to have to whip . . . [or] kill [Frank Blount].” Curg then told Clark that he would kill Clark if Clark did not give him the money. Out of fear for his life (and that of his landlord), Clark paid Curg a total of sixty dollars over the next several weeks. Clark, as ordered, delivered the first installment of \$15.00 to Curg in the front yard of the home of J. Henry and Sarah G. Steptoe (Curg’s in-laws, with whom he lived with at the time) and was refused a receipt from Curg when he requested it. He paid the remaining three installments at the same location over the next few weeks and then kept quiet about the matter (other than telling his own brother, whom he told not to tell anyone else). Once he had paid Curg, he had no problems or interaction with him until December, when Curg and Tom Burleson came to Clark’s home. The pair of brothers accused Clark of stealing a pistol and they “pulled [Clark] out into the yard.” Once again, Curg extorted payments from Clark, who again acquiesced to Curg’s threats, since there was no one he could turn to for protection at that time. Knowing full well the extent of the McClanahan-Burlesons’ local power and consequent futility, Clark made no attempt to report those crimes after they occurred. Clark was not the first to have experienced the avariciousness of the McClanahan-Burleson gang, and he would not be the last.³⁹

³⁸ Ibid.

³⁹ Ibid., 3-6.

On September 1, 1934, Ella F. Curl also fell victim to Curg Burleson who, along with Vandy and Calvin Steptoe, carried out their scheme of simply showing up at the victim's home and taking various items of personal property without consent. In this case, it was her sow (a female hog). Ella Curl was a middle-aged African-American woman living with her husband, Lamar, and her youngest son, Raymond Washington, on a rented farm belonging to Lee Matthews at the time. The Matthews farm was located several miles outside of the town of San Augustine, near the end of a road called Blount Lane.⁴⁰

To reach Blount Lane, one would travel out of town along the highway until they reached the cotton gin, just below Ben Allen's farm. Ella's home was located about a mile off of the highway and there were three houses between the highway and her home, which belonged to Tom Davis, Tony Matthews, and Felix Clifton, respectively. At approximately 1:00 p.m. on September 1, 1934, Curg Burleson, along with Vandy V. and Calvin Steptoe (presumably his brothers-in-law), drove a team of two mules pulling a wagon to the last house on Blount Lane and inquired, "Is that Ella's house?" Ella replied, "Yes." And with no further discussion, the three white men backed their wagon up to Ella's hog pen, loaded two barrows and one sow that were in the pen into their wagon, and drove away. Only Ella and her youngest son, Raymond, were at the house that day and time. Both were sitting on the porch, having just finished their lunch and preparing to return to the fields. Neither of them moved or said anything to the three white men

⁴⁰ File #18208, *State of Texas v. Curg Burleson, 1935*: Statement of Facts (Texas Circuit Court of Criminal Appeals Records, TSLA), 1-6.

as they stole the black family's hogs, because, as Raymond explained during cross-examination, they "were afraid." And they had good reason to be afraid.⁴¹

Just like Edward Clark, the Curls never reported the robbery to law enforcement. They were well aware that the McClanahan-Burleson gang controlled those offices, making their associates immune to legal sanctions and endangering the safety of those who sought recourse against them. Clark, Curl, and the many other black victims of the McClanahan-Burleson gang's perceptions of the gang's ruthlessness and willingness to visit deadly violence upon anyone who challenged them, even in the slightest, proved to be exceptionally well-founded. Just a month after Tom, Curg, and their associates extorted and robbed Clark and Curl, they joined the leaders of the gang in what was arguably their most brazen act in defiance of the rule of law: an attack on a federal officer who had come to town to investigate one of their many alleged illicit activities, in broad daylight and before hundreds of people.⁴²

On October 6, 1934, Secret Service operative E.C. Cleveland, who was in Beaumont to investigate counterfeit notes and forged checks that had been recently been passed in that town, received a telegram from his superior at the regional headquarters in San Antonio with information regarding a potential counterfeiting ring operating out of San Augustine. In addition to providing certain details, the telegram instructed Cleveland to meet with Chief of Police Lucien B. Maddox of Beaumont, who would provide additional information on the case. This instruction to Cleveland demonstrates the federal government's ignorance of the extent of the corruption in San Augustine, and as a result, Cleveland was operating under the mistaken belief that local

⁴¹ Ibid., 1-12, 23.

⁴² Ibid.

officials would be willing to assist him in his investigative efforts. Chief Maddox advised Cleveland that a man named W. S. Smith had direct knowledge of the San Augustine counterfeiting ring but was currently in his hometown of Vidor. Cleveland went to Vidor in an attempt to speak with Smith directly, only to learn that he had departed for Galveston and had left no forwarding address. Cleveland then returned to Beaumont, where Chief Maddox assured him that he would be able to “obtain authentic information” in regards to counterfeiting in San Augustine, including the exact location where the notes were being made.⁴³

On October 9, 1934, Cleveland telegraphed back to his boss, informing him that he was going to San Augustine “unless otherwise directed,” to proceed with further investigation of the matter. Cleveland had waited more than two hours the day before for the informant provided by Chief Maddox, W. S. Smith, who had failed to show up for a scheduled meeting with him at the Beaumont Police Station. Since Tyrrell had provided him with the name of an additional potential informant who was supposed to be located in San Augustine, Cleveland decided to proceed directly there to investigate the matter further.⁴⁴

Little did Cleveland know that the counterfeiters he was seeking in San Augustine were actually corrupt local officials who controlled the entire town through intimidation and fear, enabled in part by Ferguson Special Ranger commissions. Upon his arrival in San Augustine on the morning of October 11, 1934, Cleveland telegraphed Tyrrell to advise him that there was not a hotel in town and therefore Tyrrell would have to contact Cleveland via the local United States Post office. This circumstance was less than ideal for an out-of-town federal agent seeking

⁴³ Secret Service Reports, 44-45.

⁴⁴ Ibid., 52, 57, 70-72, 78-79.

information on alleged counterfeiting in a town where the local authorities were, at the very least, accomplices in those crimes, if not, in fact, the primary conspirators.⁴⁵

After sending the telegram to Tyrrell, Cleveland drove to the farm of the informant that Tyrrell had notified him about previously. That informant was a local man named Robert L. Ellis, who was sharecropping a farm belonging to the Burlesons. Cleveland noted that Ellis was not there when he first arrived, and that “a negro” informed him that the San Augustine County Fair was going on and Ellis would be returning home from there at about 1:00 that afternoon. Cleveland returned to the room he had rented in town and waited until 1:00 p.m., then returned to Ellis’s farm. Even though Cleveland did not immediately identify himself as an officer, Ellis explained that his landlords, who he believed had been manufacturing counterfeit notes in cooperation with the McClanahans, had cheated him out of several hundred pounds of cotton. This likely explains his willingness to cooperate in breaking up the counterfeiting operation despite the risk to his own safety from doing so.⁴⁶

Ellis described the McClanahans and Burlesons as “great crooks and bad men,” who he said had all “killed one or two men each.” Despite his negative opinion of the gang, Ellis insisted that they trusted him enough that he would be able to obtain more extensive details on their counterfeiting operation. When Cleveland finally told Ellis that he was a Secret Service Agent, Ellis indicated unequivocally that he was willing to assist Cleveland but expressed concern over

⁴⁵ Ibid., 60.

⁴⁶ Ibid., 79-80; None of the extant records identify Robert L. Ellis by race, though the Secret Service Reports often refer to him as “Mr. Ellis,” a formality that, at the time, was not typically extended to blacks. Combined with the fact that blacks were typically identified as such in most public records (such as the law enforcement reports and grand jury minutes), and whites were typically not, it is presumed by this author that Ellis was white.

being found out for fear of being killed by the McClanahans and Burlesons. Ellis suggested that they remain at his farm until dark and then head to the fairgrounds, by which time all of the suspects would be there as well. Cleveland agreed and they left together for the fairgrounds at approximately 7:30 p.m., at which point they split up after agreeing on a time to meet back at Cleveland's car later in the evening.⁴⁷

Unbeknownst to Cleveland, members of the McClanahan-Burleson gang had become aware of his presence upon his arrival at the fairgrounds. Deputy Sheriff Sheffield, Joe Burleson, and Hillis Smith then went into town to find Charlie and Wade McClanahan Sr., who returned to the fairgrounds with them in search of Cleveland once more. There they met Sheriff Gary, Jim and Tom Burleson, and several other McClanahan-Burleson associates. At approximately 8:30 p.m., a total of eleven men approached Cleveland, "all wearing belts and pistols," and introduced themselves as McClanahans and Burlesons. Though several were never identified, the core group consisted of: local sheriff Warren C. Gary; town marshal Wade McClanahan Sr. and his brother Charlie McClanahan (both Special Rangers); Joe Burleson (also a Special Ranger), James M. "Jim" Burleson, Tom Burleson, and Ed Burleson; Walter Sheffield; Hillis Smith; and two younger men who were apparently never positively identified, one of whom was probably Wade McClanahan Jr., and the other most likely would have been Curg Burleson.⁴⁸

⁴⁷ Ibid.

⁴⁸ Ibid., 80-81; "Sheriff Charged With Attacking U.S. Operative," *Dallas Morning News*, October 20, 1934; File #3747, *United States v. W. C. Gary et al.*: Grand Jury Report and Indictment (United States District Court, Records of the Eastern District of Texas, Beaumont Division, National Archives and Records Administration, Fort Worth [hereafter cited as NARA, Fort Worth]).

Even though Cleveland was in plain street clothes and unarmed, the gang told him that as “State Rangers” and the local sheriff, “they had heard I was a Federal,” and “that they did not allow federal men” in San Augustine. They went on to threaten, “that they thought it would be a good idea to kill [him].” Cleveland showed them his Secret Service credentials, but they suggested he had merely “found” them and again threatened to kill him. Suddenly, one of them struck him in the head from behind and then the others joined in beating, kicking, and pistol-whipping him. “Several men flashed guns on [Operative Cleveland] and someone hit [him] from behind. [He] was knocked down and manhandled.” Tom struck Cleveland with brass knuckles, which Tom “always carried on the side.” Tom attempted to shoot Cleveland but Deputy Sheffield “grabbed [Tom’s] gun and did not allow him to do so.” Charlie and Wade McClanahan Sr. and Deputy Sheffield then took Cleveland outside of the fairgrounds, where they examined his federal officer credentials under a flashlight and threatened to kill Cleveland.⁴⁹

After the assault on Cleveland, which resulted in two head lacerations and a black eye, he managed to reach his car about 9:30 p.m., only to discover that his two front tires had been slashed. He changed the tires and then tried to find a local garage to store his car overnight, to prevent any further vandalism, but no one would allow him to park his vehicle in their facilities out of fear of reprisals from the McClanahans and Burlesons for aiding Cleveland. So the battered Cleveland was forced to drive to Nacogdoches that night, where he arrived around midnight and sent a telegram to Tyrrell. The next morning he drove to Beaumont, although his car broke down en route, at which point Cleveland learned that someone had put sand in his

⁴⁹ File #3747, *United States v. W. C. Gary et al.*; Secret Service Reports, 78-81, 92.

engine. Shortly after his arrival in Beaumont, Cleveland stopped by the police station, where Chief Maddox gave him a letter from W. S. Smith, the informant from Vidor who was supposed to have information regarding the McClanahan and Burleson counterfeiting operation. Smith advised in the letter that he was, at that time, working on a road gang six miles south of Nacogdoches. It would appear that neither Cleveland nor any of his fellow operatives made any further effort to contact Smith. Their attention appears to have become directed solely on the assault allegations from that point forward, therefore there is no specific record in regard to the details of the McClanahan-Burleson gang's alleged counterfeiting activities.⁵⁰

The "operative-in-charge" of the office of the United States Secret Service San Antonio field office that exercised federal jurisdiction over San Augustine during the mid-1930s, and out of which Operative Cleveland was assigned, was named Edward Tyrrell. Tyrrell had achieved some national acclaim and accompanying stature within the agency as one of the first two agents assigned to protect the President of the United States (following the assassination of William McKinley in 1901). Tyrrell was also notable for having infiltrated the first Italian organized crime family in New York, commonly known as "The Black Hand." Tyrrell went undercover and "join[ed]" the gang, and his investigation led to the conviction of the founding patriarchs for counterfeiting. He accomplished all of this at a time when the Department of Justice unit that would eventually become known as the Federal Bureau of Investigation (FBI) was in its infancy, and the enigmatic J. Edgar Hoover was still in grade school.⁵¹

⁵⁰ Ibid., 81-82, 92.

⁵¹ "Black Hand Nemesis, Edward Tyrrell, Dies," *The Milwaukee Journal*, April 4, 1947; "A Brief History of the FBI," <http://www.fbi.gov/about-us/history/brief-history> (accessed April 7, 2014).

As an “operative-in-charge” of a regional office, Tyrrell reported directly to William H. Moran, Chief of the United States Secret Service. Moran guided the nation’s second oldest federal law enforcement agency from 1918 until 1937, a period in which the agency expanded its counter-espionage and intelligence duties during World War I, investigated government corruption during what came to be called the “Teapot Dome Scandal,” and expanded its presidential protection duties and operations. Moran simultaneously fought off relentless machinations to usurp Secret Service duties and authority by the ambitious and politically ruthless Hoover and his ever-expanding FBI.

The district under Tyrrell’s command was massive, extending from El Paso to Orange and from Brownsville to Austin, one of only forty-four districts into which the entire nation was divided. To serve that immense region, he had, on average, about a half dozen agents under his charge. Tyrrell had not received any additional communications from Cleveland until a telegram sent from the Redland Hotel in Nacogdoches late on October 11, 1935, arrived on the morning of the following day with the terse update, “FINISHED VICINITY SAN AUGUSTINE PLEASE WIRE INSTRUCTIONS CARE REDLAND HOTEL HERE.” The next two telegrams received from Cleveland were hardly more revealing than the first, stating only, “IN BEAUMONT EDSON HOTEL STOP REPORTS SUBMITTED TO DATE,” and “NOTHING HERE NEEDING ATTENTION PLEASE WIRE INSTRUCTIONS.” Tyrrell had no reason to suspect that anything was out of the ordinary, though he did express concern that Cleveland’s daily reports had not yet arrived.⁵²

⁵² Ibid.; Philip H. Melanson, *The Secret Service: The Hidden History of an Enigmatic Agency* (New York: Carroll & Graf, 2002), 37-45, 70,78; United States Secret Service, Daily Reports From San Antonio, Volume 40: October 1, 1934 thru February 28, 1935 (United States Secret Service Records, National Archives and Records Administration, College Park, MD [henceforth cited as NARA]).

Those reports would not arrive until the evening of October 12th, after Tyrrell was already home. Upon learning that Cleveland had been “ganged” and “badly beaten” by eleven men in San Augustine, “including the Sheriff,” Tyrrell advised Cleveland to immediately notify the United States Attorney for the Eastern District of Texas in Beaumont, S. D. Bennett, and report back to Tyrrell in regard to Bennett’s response. Tyrrell also reminded Cleveland to refer Bennett to the “new act against the assault of federal officers in the discharge of their duties,” an apparent reference to a statute included in the Crime Control Acts of 1934. In addition to his instructions regarding Bennett, Tyrrell ordered Cleveland to send him a comprehensive written report of the entire affair. Chief Moran concurred, and advised Tyrrell to “adopt every possible measure . . . to prosecute persons responsible for the attack on Operative Cleveland.” Tyrrell also ordered his other operatives back to their headquarters in San Antonio at the same time as Cleveland, presumably to advise of the assault and engage them in the investigation.⁵³

Cleveland met with Bennett on Saturday, October 13, 1934. Bennett directed Cleveland to file a complaint against all of the men that he could identify, and to try and obtain some witnesses to the assault. Cleveland called Tyrrell to relay those instructions, who then instructed Cleveland to go back to Bennett and advise him that Tyrrell was under subpoena in both Houston and San Antonio on Monday, therefore he would be unable begin that process until the later part of the following week. Tyrrell also asked Bennett to use his own judgment as to whether or not to have the United States Marshal for his district serve the warrant on his own, or wait until Tyrrell and some of his men would be available to assist with the warrant and begin the

⁵³ Ibid., 78-79, 84, 96; "Crime Control Acts—Further Reading," <http://law.jrank.org/pages/5853/Crime-Control-Acts.html> (accessed February 17, 2014).

investigation, noting that it would behoove them to conduct those witness interviews while the accused assailants were out of town being arraigned.⁵⁴

After meeting with Bennett and submitting a complete report as instructed, Cleveland returned to San Antonio and reported to Tyrrell in person on Sunday morning, October 14, 1934. After interviewing Cleveland about the incident and observing his injuries, he sent the wounded agent home to rest and recuperate. Tyrrell then assigned Operative Luis M. Benavides—believed to have been the first Latino Secret Service agent—to assist him in personally investigating the assault on Cleveland. The two of them moved quickly to locate and interview witnesses to the assault on Cleveland. In the process, they learned that not only did plenty of people see what happened first-hand, but that there was widespread fear of testifying against the McClanahan-Burleson gang.⁵⁵

At Chief Moran's suggestion, Tyrrell called Bennett directly to discuss the "the Burleson-McClanahan gang in San Augustine." Bennett told him that "he believed that a case could be made against all parties involved in violation of 454-B, Title 18, U.S.C.A.," and that he was open to suggestions from the Secret Service command as to the handling of the case. Charges were filed that same day against the seven assailants that could be positively identified by Operative Cleveland at that time. At that point, charges were also filed against the informant Robert Ellis, as Cleveland believed that he must have set him up for the assault. On Monday, October 15, 1934, Tyrrell received a collect call from a "Mr. York," manager of the Burns Detective Agency in

⁵⁴ Ibid., 85.

⁵⁵ Secret Service Reports, 92-96; "Luis M. Benavides," <http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=40191676> (accessed Friday, April 4, 2014 at 2:35pm). The claim of him having been the first Hispanic United States Secret Service agent is based on a 1999 obituary in the San Antonio *Express News*.

Houston, informing Tyrrell that Ellis was with him and had not only witnessed the beating of Cleveland in San Augustine but was himself beaten up by the same men shortly thereafter. Tyrrell arranged for York and Ellis to contact Benavides, who was already in Houston under subpoena to testify in a federal court hearing. Tyrrell then contacted Benavides, who arranged to meet with York and Ellis that evening.⁵⁶

Tyrrell left for Houston early the next morning, and arrived at the Milby Hotel on Tuesday, October 16th. He met with Benavides before Cleveland arrived about noon, a day earlier than originally expected. They met with York that afternoon and arranged a follow-up meeting with Ellis that same day. Tyrrell met York at the appointed time, and they went to see Ellis at the home of a relative “on the outskirts of Houston.” Tyrrell noted that he observed extensive injuries to Ellis, including extensive bruising on his face indicating that he had in fact been “badly beaten up.”⁵⁷

Ellis related the events that followed after he and Cleveland split up at the San Augustine Fairgrounds on the evening of October 11th. He stated that not only did he witness the beating of Cleveland and named each of the attackers, but he also related the details of how he too was attacked. He claimed that the following evening, they confronted him about Cleveland, at which point he admitted to them that Cleveland was a “Government Agent” and that Cleveland had questioned Ellis about them. Ellis said that Wade McClanahan Sr. “met him on the road” and struck him several times about the head and face with a “six-shooter” pistol. Ellis further related that McClanahan informed him that they knew Cleveland was a federal agent and that he had

⁵⁶ Ibid., 87, 95-97.

⁵⁷ Ibid., 99-103.

questioned Ellis about them. McClanahan then ended the conversation by ordering Ellis “to leave that section of the country,” an order with which Ellis promptly complied. He went to his relatives in Houston, where York had brought Tyrrell for the interview.⁵⁸

Immediately following the incident, Cleveland had (logically) assumed that it was Ellis who had informed the McClanahans and Burlesons as to his identity and purpose. However, his injuries and eagerness to cooperate with the Secret Service by identifying and testifying against the McClanahans and Burlesons demonstrated to Tyrrell that Ellis had not betrayed Cleveland and would, in fact, be a “handy” informant and witness in the case. The charges against Ellis were dropped, and Tyrrell then assigned Cleveland to work some cases in the Rio Grande Valley, as he and Benavides continued to investigate the San Augustine matter.⁵⁹

Tyrrell and Benavides headed to Beaumont on Wednesday, October 17th, after calling ahead to Bennett to request a joint meeting with him and the United States Marshal to discuss the San Augustine case. After Tyrrell and Benavides arrived in Beaumont, Bennett picked them up at their hotel and drove them to the home of Deputy Marshal Abernathy. Tyrrell offered that he and Benavides could accompany Abernathy into San Augustine to serve the warrants, but Abernathy declined their assistance and insisted that he would go alone. Abernathy apparently cut the meeting that evening short, indicating that he had just arrived back in town and had not yet received the warrants or any other information on the case, requesting instead for Tyrrell and Bennett to see him at his office the next morning. Tyrrell stopped by the Marshal’s office the following morning, at which point Abernathy told Tyrrell to call United States Marshal John B.

⁵⁸ Ibid., 102-103.

⁵⁹ Ibid., 103-105.

Ponder (Abernathy's boss) in Tyler, to discuss the San Augustine case with Ponder directly.

When Tyrrell offered again to accompany Abernathy into San Augustine to serve the warrants, Abernathy claimed that he "was under a doctor's care," and would not be able to make the trip.⁶⁰

Tyrrell was skeptical of Abernathy's claim, reporting that he believed that Abernathy had simply become frightened once he learned of the extent of the McClanahan-Burleson gang's violent tendencies. Tyrrell wrote, "[Abernathy] evidently was scared hearing the reports of the out-lawed bunch in that county." During the subsequent phone call to Marshal Ponder, Tyrrell apparently related his concerns regarding Abernathy's unwillingness to act on the warrants to Ponder's chief deputy, who requested that Tyrrell discuss the matter with Bennett and have him phone the Marshal. Bennett suggested that Tyrrell call United States District Judge Randolph Bryant in San Augustine and have him arrange for all of the accused to turn themselves in, thereby avoiding either embarrassing the deputy marshal or a potential show-down with such a large group of armed and allegedly violent suspects. When Bennett finally reached Marshal Ponder in Tyler, District Judge Bryant got on the phone and also counseled them to proceed with caution. Tyrrell acquiesced and Bennett called the San Augustine County Attorney, C. Smith Ramsey, who advised that he would call back that afternoon with an answer as to whether the

⁶⁰ Ibid., 108,112. There are no extant records found that provide the first name of Deputy United States Marshal Abernathy. He was only identified by his last name in the Secret Service reports, which also reflected a general disregard for Abernathy and his perceived lack of courage.

McClanahans, Burlesons, and others accused in the assault on Operative Cleveland would voluntarily turn themselves in to federal authorities in Beaumont.⁶¹

Ramsey called back later that day to convey that “the sheriff would produce all the men named in the warrant.” They would appear the next day at the federal courthouse in Beaumont. This commitment was not particularly reassuring for Tyrrell, as the sheriff, Warren C. Gary, was one of those involved in the assault. Upon receiving this news, Bennett requested that Tyrrell remain in town to see whether or not the men would actually appear and, if they did, what their initial response to the charges would be. Despite his many other obligations across the state, Tyrrell made arrangements to stay in Beaumont, along with Cleveland and Benavides, as requested by Bennett. He also had subpoenas issued for Robert Ellis and his wife in case their testimony was needed to substantiate the government’s charges against the McClanahans and Burlesons.⁶²

The next morning, Friday, October 19, 1934, Tyrrell, Benavides, and Cleveland met at length with Bennett at his office to prepare for the hearing that would be held later that morning. Bennett had received word sometime prior to 8:30 a.m. that the suspects were in town and would be appearing as promised. The hearing, presided over by United States Commissioner Morris (a federal magistrate judge), got underway at 11:00 a.m. that same day. Upon hearing presentation of the government’s evidence as well as the defendants’ claims and denials, Commissioner Morris ruled that there was sufficient evidence to hold the suspects under bond in anticipation of federal grand jury proceedings that would take place the following Monday. After

⁶¹ Ibid., 113.

⁶² Ibid., 113-114.

some negotiations between Bennett and defense counsel Sidney King, Commissioner Morris approved bonds in the amount of \$1,000.00 dollars for each defendant. The defendants were then allowed to return to San Augustine to prepare their bonds and instructed to return to Beaumont on the following Monday with the required documents. That afternoon, Tyrrell and Benavides departed for Houston, leaving Cleveland in Beaumont to prepare additional reports and otherwise assist Bennett as needed in preparation for presenting the case to the federal grand jury.⁶³

By the time Tyrrell arrived in Houston, Cleveland had already sent him a telegram advising that Bennett would not be presenting the case to the federal grand jury on the following Monday, insisting instead that Tyrrell conduct a more thorough investigation of the matter. Bennett specifically requested that Tyrrell go into San Augustine and seek out more eyewitnesses to the assault. Tyrrell was frustrated by the delay, and his dissatisfaction with this delay was compounded by the fact that the assailants' only defense, as articulated by defense counsel King at the preliminary hearing, consisted of a simple denial and the claim that Cleveland had been intoxicated, an assertion he considered to be "ridiculous."⁶⁴

It is also of note that while the defendants claimed that Cleveland (and later Ellis) was drunk (and therefore had been the cause of their own injuries), they offered no explanation as to why neither Sheriff Gary, nor any of the other commissioned law enforcement officers present and charged in the case (to wit, both McClanahans and Walter Sheffield) arrested Cleveland or

⁶³ Ibid., 119. There were no extant records found that recorded the first name of United States Commissioner Morris. He was only identified by his last name in the Secret Service reports.

⁶⁴ Ibid., 118-119.

Ellis for public intoxication. It is a suspicious omission under the circumstances that adds credibility to Tyrrell's assessment of their claims. Bennett may have been being exceptionally cautious because the statute under which he planned to have the defendants indicted was new and untested. Perhaps he was reticent to level such a charge against defendants who carried state law enforcement credentials. However, Tyrrell believed that such a delay would merely serve the defendants' interests and allow them cover their tracks in the matter, and that the combination of Cleveland's and the Ellis's testimony was more than sufficient for the indictment process. But since Bennett was the federal prosecutor with authority and discretion over which cases to present and when, his request for supplemental investigation had to be fulfilled.⁶⁵

Pursuant to Bennett's instructions, Tyrrell and Benavides spent the next several months going to San Augustine and seeking out eyewitnesses to the assault on Cleveland. While they found many who corroborated Cleveland's claims and debunked any notion of his having been intoxicated, few were willing to risk testifying in open court for fear of reprisal by the McClanahans and Burlesons. Tyrrell began by interviewing the city manager, G. C. Mitchell, who explained at length that the McClanahans and Burlesons were both corrupt and deadly and that everyone in town knew it, and no locals were likely to testify out of fear of being murdered. He added that they were so fearful that locals would "not even serve as jurors against them," and stated that, "the Sheriff and the rest of the bunch would frame Cleveland if they could." It was becoming clear to the Secret Service that it would be extremely difficult to obtain willing witnesses in this case. Two exceptions were "Mrs. Athenian Wade, postmistress," and her

⁶⁵ Ibid., 119.

husband, William M. Wade, proprietor of the City Café, who both stated that Cleveland was sober. William Wade added that any suggestion otherwise was “a pure frame up” on the part of the defendants, just as Mitchell had said. Mrs. U. D. Lynch, who ran the boarding house where Cleveland first tried to get a room, volunteered to testify on his behalf. Mrs. Fred Rike, proprietor of the Uptown Inn where Cleveland did board, also agreed to testify to his sobriety and professional demeanor.⁶⁶

However, certain other locals who were identified as eyewitnesses, including “garage man” P. B. Bickley, either denied seeing anything to Tyrrell and his men or refused to speak to them at all, out of fear of retaliation. Bickley referred Tyrrell’s agents to a “Mr. Stewart,” the Brookshire’s grocery store butcher, but he made it clear to them that he would back up the McClanahans’ story. A former local law enforcement officer named “Mr. Watkins” and another man who refused to provide his name both stated that they had seen the entire event and that Cleveland “did nothing in any way to justify the attack.” Watkins was apparently willing to testify, but the second, anonymous man would not. The unknown man did state that a former sheriff, Henry J. Wilkinson, had also witnessed the attack and was willing to testify, though he was out of town at that time and Tyrrell would not get the opportunity to meet with him until some months later. A “Mr. Roberts” at Commercial State Bank referred Tyrrell to Lula Graham, who acknowledged that she was an eyewitness who saw “the Burlesons jump on [Agent Cleveland] without cause,” and she also noted that Cleveland was “sober and in his right mind.” However,

⁶⁶ Ibid., 141-275.

Graham also expressed a reluctance to testify because she “lives alone and they would not hesitate to kill her.”⁶⁷

Once they had exhausted their leads in and around San Augustine, Tyrrell and his men began to look further afield. Mitchell, the city manager, had suggested talking to the fair operators, Mr. and Mrs. Roy Gray, owners of “Big State Shows,” because he knew them to have been eyewitnesses, along with some of their crew, and he theorized that since they did not live in the community, they might be less reticent about testifying. The Grays did acknowledge having witnessed the assault on Cleveland, stating that they saw a group of men surrounding Cleveland with their guns pointed at him and that he did not appear to be intoxicated or otherwise impaired. Unfortunately, the Grays were equally aware of the McClanahans’ and Burlesons’ reputations for violence, and therefore they were just as fearful of testifying. The Grays referred Tyrrell to a couple of their crewmen, Lee Vernon and his son, Mearle. Lee told them that he arrived at the scene of the attack at the very end, and saw “a young man about 5’8”, weight about 155 lbs. blonde hair and no hat, attempt to pull a gun from inside his shirt to shoot at Cleveland,” but then “some woman took this man on with her.” Tyrrell noted that the description fit “the youngest McClanahan,” presumably Wade McClanahan Jr. Vernon told Tyrrell that he and his son could both “swear that Cleveland was perfectly sober and in his right mind at all times during the affair,” and that they were “glad to make sworn affidavits to these

⁶⁷ Ibid., 256-258.

statements,” but that they preferred “not to appear in court personally” because they planned to work in San Augustine again the following year.⁶⁸

Cleveland, Tyrrell, and their fellow operatives in the United States Secret Service were the first government authorities from outside of San Augustine County to come face to face with the violence of the McClanahan-Burleson gang. Even their colleagues in the United States Marshal’s Service and Department of Justice prosecutors appeared timid in the face of it. It is no wonder that the gang was emboldened after that encounter, as it appeared that not even the might of the federal government could inhibit their absolute power within their Redlands territory. Continuing to oppress their subjects, securely locked away behind the "Pine Curtain," the McClanahan-Burleson gang members became increasingly brutal in their exploitation of the local populace as the year wound to a close. However, for many local citizens, their fear was beginning to transform into desperation and resentment of the oppression and violence, to the point where it seemed that all they needed was one final catalyst to help them overcome their fear just enough to reach out for the help that would be required to put an end to their years-long subjugation. On December 22, 1934, they would finally get that definitive push, and events were set in motion that would shift the community’s course away from its longstanding culture of unregulated individual justice and into the hands of legitimate institutional justice.

Despite the fact Tom Burleson was well-known as a violent and vindictive enforcer for the McClanahan-Burleson gang, not everyone in San Augustine feared to confront him. One local man named J. Elbert Thomas directly challenged Tom regarding his mistreatment of the Thomas

⁶⁸ Ibid., 242, 274-275.

family's black tenant farmers, and apparently on more than one occasion. Elbert was the son of prominent local farmer and businessman Murray B. Thomas and the nephew of local hardware store proprietor William R. "Dick" Thomas. On more than one occasion, Tom had allegedly extorted the Thomas's black sharecroppers and robbed them of goods and property. And since the only "law" in town at that point was Charlie McClanahan and Wade McClanahan Sr., the corrupt and equally violent associates of the Burlesons who held commissions as Special Rangers from Governor Ferguson, Elbert unfortunately chose to take matters into his own hands.⁶⁹

On December 22, 1934, Elbert was working in his uncle's hardware store on the town square, just across the street from the county courthouse, along with other members of his family due to the Christmas holiday rush. Apparently Elbert noticed Tom coming up the sidewalk and decided to reinforce a previous "conversation" they had in regards to Tom's alleged crimes against some of the Thomas family's sharecroppers. As soon as Tom walked past the store, Elbert evidently took him by surprise and assaulted him. Elbert immediately had the upper hand in the fight and began whipping Tom soundly. In the process, Elbert took Tom's pistol away from him and placed it on a nearby red child's wagon that was for sale in front of the store. The fistfight culminated with Elbert on top of Tom—who was lying prone on his back—with Elbert holding Tom's head by his ears and smashing it into the pavement repeatedly. Elbert's father Murray and his uncle Dick Thomas quickly realized that Elbert was out of control, and that Tom might not

⁶⁹ Ibid; Interview of Lister by Author, September 2, 2010; Interview of Harry Noble by Author, May 16, 2001; Interview of Arlen Hayes by Author, May 17, 2001; Interview of Eyewitness #3 by Author, May 17, 2001; Mathews to Author, May 21, 2001; "Etex Free-for-All Street Gun Battle Claims 3 Victims," *Dallas Morning News*, December 24, 1934; "Rangers Sent To San Augustine," *Beaumont Enterprise*, January 5, 1935.

survive if they did not act, so they pulled Elbert off of Tom in order to stop the fight and save Tom's life. Unfortunately for the elder Thomases, this good deed would not go unpunished.⁷⁰

In retaliation for the beating that Elbert had just given him and from which Murray and Dick had just saved him, Tom retrieved his pistol from the toy wagon, approached the Thomas's store, and opened fire on both his assailant and his rescuers. His first victim was the unarmed Murray Thomas, who begged the man whose life he had just saved to spare his own, to no avail. Next, Tom shot a fleeing Elbert in the back, and then turned to engage Elbert's cousin, Maurice A. "Flick" Thomas, in a firefight. Maurice, son of Dick Thomas, had located a .25 caliber pistol in the hardware store showcase and was attempting to load it as Tom continuing firing. Around the same time, several onlookers (who had just seen Tom shoot Murray) opened fire on Tom.⁷¹

The crossfire struck innocent bystanders, and the crowds of men, women, teenagers, and young children who were in town socializing and doing their Christmas shopping fled in terror. When the dust settled, Elbert lay dying, his father Murray and his cousin Maurice lay dead, and a bystander named Plato Elliott was wounded in the face. Tom was also shot, but it was unclear whether the bullets that struck him came from Maurice, the onlookers, or a combination thereof. One thing is certain: none of the other Thomases had a gun. Tom fled to Louisiana, where he succumbed to blood poisoning in early January 1935. There were no winners in that battle.⁷²

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² "Etex Free-for-All Street Gun Battle Claims 3 Victims," *Dallas Morning News*, December 24, 1934; Interview of Eyewitness #3 by Author, May 17, 2001; Interview of Jamie Burleson Dougherty by Author, May 17, 2001. Of note, the stone grave marker for J. Elbert Thomas indicates that he died on December 23, 1934, the day after he was shot. Elbert, Murray, and Maurice are all buried in the San Augustine City Cemetery. See "Find-A-

Some weeks after the shoot-out, young Wade McClanahan III brought some pistol slugs to school to show his friends and claimed that they were the ones that had killed Little Tom, though no one other than family members ever saw him or his remains after the evening of the shootout. That was because his body was secretly transported back to San Augustine and buried in an unmarked grave in a private family cemetery, out of fear that his grave might be vandalized in retaliation for the deaths of the Thomases. This secrecy led some Thomas descendants to theorize that Tom had, in fact, survived, and that the funeral was simply a ruse to protect him from arrest and prosecution.⁷³

The uncontrolled violence that had been gripping San Augustine over the past several years had deeply affected the townspeople, and the December 1934 shoot-out on the town square proved to be the proverbial straw that broke the camel's back. Many people began to travel miles out of their way to trade in other communities to avoid the increasingly volatile environment, which quickly took a severe toll on local business owners. One San Augustinian—a young child at the time—recalled that her parents and other adults were fearful enough to whisper in their own homes when discussing the “troubles,” even when they lived well outside of town. Another woman who was already a young married adult at the time recalled how those in town “pulled the shades and never let them up at night, it was so scary.”⁷⁴

Grave," <http://www.findagrave.com/cgi-bin/fg.cgi?page=gsr&GSfn=&GSmn=&GSln=Thomas&GSbyrel=all&GSby=&GSdyrel=in&GSdy=1934&GScntry=4&GSst=46&GScty=2722&GSgrid=&df=all&GSob=n> (accessed April 7, 2014).

⁷³ Ibid.

⁷⁴ Interview of Eyewitness #1 by Author, May 15, 2001; Interview of Eyewitness #2 by Author, May 15, 2001; Interview of Lister by Author, September 2, 2010.

After the tragedy of the December 1934 hardware store shoot-out, exasperated law-abiding citizens finally decided to seek outside help. Shortly afterward, a group of them met in Jasper (they were still too afraid to hold such a gathering in San Augustine) with the district judge. The district judge sent word requesting assistance to the governor, specifically that Texas Rangers be stationed in San Augustine. Unfortunately, Governor Ferguson was at least indirectly responsible for the circumstances in San Augustine, as the McClanahans and some of their other associates had Special Ranger commissions from her. This exemplified the typical lack of discretion practiced by the Fergusons when doling out such credentials as payback for political support.⁷⁵

Newly-elected Sheriff Virgil B. Worsham—who had, in fact, just defeated the former sheriff and McClanahan-Burleson associate W.C. Gary—also claimed that he sent a similar request shortly after being sworn in on January 1, 1935. He apparently advised the governor that the situation was so desperate that he could not find any men willing to work for him as deputies. In response to these pleas, Governor Ferguson sent Capt. George Johnson and two other Texas Rangers, Sharp Young and Joe Branom, who arrived in San Augustine on January 5, 1935. Upon their arrival, and with their support, Worsham allegedly revoked the Special Ranger commissions of several unnamed locals.⁷⁶

⁷⁵ “Rangers Sent to San Augustine,” *Beaumont Enterprise*, January 5, 1935. “Rangers Disarm Several Persons In San Augustine,” *Dallas Morning News*, January 6, 1935.

⁷⁶ *Ibid.*; “Radio Speech of Governor James V. Allred Regarding His Law Enforcement Program, March 22, 1935,” James V. Allred Papers, Special Collections, University of Houston Libraries (hereafter referred to as “Allred’s Radio Address”).

Special Ranger commissions were a form of political patronage under the Fergusons, and they did not necessarily result in the commissioning of particularly qualified candidates. More important, they were not mere honorary entitlements, as the bearers had statewide law enforcement authority, including the right to carry a handgun and to make arrests. The practice had originated to aid and supplement poorly-staffed and underfunded state and local law enforcement officers by empowering privately-funded agents with organizations such as cattle associations, railroads, and oil companies, who tended to limit their activities to their specific arenas and were answerable to a corporate chain-of-command. But the system was increasingly abused in the decades preceding the events in San Augustine, as the Fergusons and other Texas governors during that era appointed wholly unqualified and often corrupt individuals in exchange for their political support.⁷⁷

Sheriff Worsham told newspaper reporters that he and the regular Texas Rangers sent by Governor Ferguson did decommission some of the local Special Rangers thought to be at the root of the troubles, though he did not provide any names, making verification of his claim impossible. Regardless, the three McClanahans (as well as many others) retained their commissions until after the Allred Rangers arrived a few weeks later. Far from bringing order to a town that had reached out for their aid in desperation, the arrival of the Ferguson Rangers only emboldened the McClanahan-Burleson crew. The Ferguson Rangers treated some local Special Rangers (the McClanahans) as colleagues rather than suspects, thereby reaffirming their ability to intimidate

⁷⁷ Robert M. Utley, *Lone Star Justice: The First Century of the Texas Rangers* (New York: Oxford University Press, 2002), 228-29; "Allred's Radio Address;" James Randolph Ward, "The Texas Rangers, 1919-1935: A Study in Law Enforcement" (Ph.D. Thesis, Texas Christian University, 1972); Robert W. Stephens, *Lone Wolf: The Story of Texas Ranger Captain M.T. Gonzallus* (Dallas: Taylor Publishing Company, 1979), 59-60.

the local population. Furthermore, the Ferguson Rangers provided the names of those who had requested help from the State to the McClanahans, who immediately retaliated against the petitioners with threats and harassment; they even threw bricks through the windows of some of the victims' homes.⁷⁸

The presence of the Ferguson Rangers also did nothing to deter the ongoing victimization of black San Augustinians. While the Ferguson Rangers were putting on a show of kicking in a door to arrest three out-of-towners alleged to be involved in selling counterfeit bills), two gunmen robbed six black men on the road just outside of town. Adding insult to injury, the robbers took not only the victims' money, but all of their clothes as well, forcing them to run back into town in the nude. Though things continued to look bleak for San Augustinians after the arrival of the Ferguson Rangers, they would soon get the help they needed.⁷⁹

The Thomas hardware store shoot-out—as well as the other murders—was the last straw for the overwhelmingly law-abiding community. While the crime of murder gained outside attention and led to the stationing of the Allred Rangers in San Augustine, it was not reflective of the day-to-day criminal activities of the McClanahan-Burleson gang. The gang's core activities focused upon preying on San Augustine's most vulnerable citizens, primarily the black residents who had no voice or recourse in the established criminal justice system even when it was

⁷⁸ "A New Ranger Force in Texas," *San Augustine Tribune*, January 24, 1935; Ben H. Procter, *Just One Riot* (Austin: Eakin Press, 2000), 66-68; Interview of Hayes by Author, May 17, 2001; Interview of Noble by Author, May 16, 2001; Interview of Eyewitness #3 by Author, May 17, 2001; Mathews to Author, May 21, 2001; Virgil B. Worsham, *A "Common Man's" Life Story: Including His Official Work and Accomplishments While Sheriff of San Augustine County* (San Augustine: V.B. Worsham, 1952), 77-79. Worsham's only source for validation of his actions at the time is a *Houston Post* article for which he was the only source. Furthermore, his claim is factually refuted in other records that clearly document that all of the McClanahans – the main instigators – still held their commissions when the Allred Rangers arrived later that month.

⁷⁹ "3 Arrested In San Augustine," *Beaumont Enterprise*, January 9, 1935.

functioning properly. When Tom Burleson stepped over the line and murdered white businessmen in cold blood in the heart of the town, persistent concerns about his family and their allies transformed into decisive action to eliminate them from the community and restore lawful order. It would take a new Governor with a fresh perspective and approach to law enforcement, and officers cut from similar cloth, to accomplish that task.

CHAPTER 4

BRINGING ORDER TO CHAOS: THE ALLRED RANGERS ARRIVE

The local citizens who had risked their lives to reach out to Gov. Miriam A. Ferguson for deliverance from the clutches of the McClanahan-Burleson gang soon realized that she and her Rangers were less committed to bringing the outlaws to justice than they had hoped. The fact that several of the gang leaders in San Augustine possessed Special Ranger commissions issued by Ferguson herself obviously played no small part in her administration's handling of those matters. Nevertheless, they realized that her term was at an end and that they only needed to hold out until late January. Furthermore, they knew that they possessed a proverbial ace-in-the-hole within the incoming administration, through the ascension of a local son into the administration of newly-elected Gov. James V. Allred. San Augustine native and former County Attorney Edward Aubrey Clark had served as a special prosecutor in the East Texas oilfields under then-Attorney General Allred, who appointed Clark first to the position of Personal Secretary to the Governor and shortly thereafter as Secretary of State. Clark had apparently briefed Allred on the dire circumstances in his hometown since the November 1934 election. This resulted in the immediate dispatch of freshly commissioned Allred Rangers, including Capt. James W. McCormick, Dan J. Hines, Leo Bishop, Sid Kelso, and possibly others in the days after Allred's inauguration in late January 1935.¹

De-politicization, modernization, and professionalization of state law enforcement were key components of Allred's gubernatorial campaign, and once in office, he immediately began

¹ "Eight New Rangers Are Appointed By Adjutant General," *Dallas Morning News*, January 19, 1935; "Allred Uses Plane, Auto and Horse in Trip to Etex Rodeo," *Dallas Morning News*, August 11, 1935; "Allred to Name Edward Clark as State Secretary," *Dallas Morning News*, November 6, 1935.

overhauling the Texas Rangers. He began by expelling all but three of the Ferguson Rangers and revoking the commissions of every single Special Ranger in the state, the total number of which is unconfirmed but is estimated to have reached as high as 5,000 during “Ma’s” final term. Allred then appointed only experienced and trusted lawmen to fill the Ranger ranks. McCormick, Hines, and Bishop all had prior service that connected them to Allred, so it is unlikely that their appointments as part of the first eight Allred Rangers, or their assignment to deal with the troubles in San Augustine, were coincidental. McCormick was a Ranger and sheriff in Wichita County (where Allred had previously served as district attorney). Hines had served on a “special detail” as an undercover officer in the East Texas oilfields from 1931 to 1933 under the direction of the legendary Capt. Frank Hamer, when Allred was Attorney General and Clark was his special prosecutor there. Bishop had served previously as a Ranger, also working the oilfields during that same time, along with famed Ranger Manuel “Lone Wolf” Gonzallus. These were experienced and hardened lawmen who were accustomed to violent crises and high-pressure situations.²

The Allred Rangers promptly took control of the situation after arriving in San Augustine on January 18, 1935. Putting on an unabashed show of force, they sported dual pistols displayed openly on their belts, and .30-.30 rifles on their arms at all times. They quickly confronted all of the Ferguson Rangers, whether Regular or Special, and demanded that they surrender their commissions, which had already been revoked by the new governor. Using profanity and bravado as weapons, they publicly berated members of the Burlison-McClanahan crew in a

² James Randolph Ward, “The Texas Rangers, 1919-1935: A Study in Law Enforcement” (Ph.D. Diss., Texas Christian University, 1972), 191-94; “Eight New Rangers Are Appointed By Adjutant General,” *Dallas Morning News*, January 19, 1935; “Enlistment, Oath of Service, and Description Ranger Force,” January 18, 1935, Adjutant Generals Records, Texas State Library and Archives Commission; Interview of Eyewitness #5 by Author, January 11, 2003; Ben H. Procter, *Just One Riot* (Austin: Eakin Press, 2000), 63-64.

deliberate effort to run the perceived instigators out of town. This show of force was also intended to demonstrate to those who had been living in fear that they could now come forward and file their complaints with confidence that they would be protected and their grievances would finally be addressed.³

One of the most commonly-repeated and relatively consistent stories recalling the Allred Rangers' arrival in San Augustine is an anecdote about Hines verbally excoriating Wade McClanahan Jr. after he approached Hines on the courthouse square wearing a pistol and carrying his Special Ranger commission from Ferguson. Hines confiscated the commission and warned Wade Jr. to leave his pistol at home, and he possibly intimated that McClanahan and his associates should just get out of town completely. To punctuate their show of force, the Allred Rangers frequently practiced their marksmanship in public, shooting bottle caps thrown into the air or mounted on tree trunks and empty cans on the side of the road from moving cars.⁴

Another anecdote related to how the Allred Rangers attempted to intimidate members of the Burleson-McClanahan gang occurred in William M. Wade's City Café. Wade had been one of the people who met in Jasper and requested state assistance from Governor Ferguson after the December 1934 shoot-out on the square. As the story goes, McCormick, Hines, and Bishop were sitting and visiting with William Wade. Wade McClanahan Sr. walked through the door and the

³ Interview of Eyewitness #1 by Author, May 15, 2001; Interview of Eyewitness #2 by Author, May 15, 2001; Interview of Eyewitness #3 by Author, May 17, 2001; Interview of Eyewitness #4 by Author, May 17, 2001; Interview of Dougherty by Author, May 17, 2001; Mathews to Author, May 21, 2001; "Rangers Win Praise of San Augustine in Clean-up that is High Spot in History of State Police Force," *Beaumont Journal*, May 9, 1936.

⁴ Interview of Hayes by Author, May 17, 2001; Procter, *One Riot*, 66; Interview of Eyewitness #1 by Author, May 15, 2001; Interview of Eyewitness #2 by Author, May 15, 2001; Interview of Eyewitness #3 by Author, May 17, 2001; Interview of Eyewitness #4 by Author, May 17, 2001; Interview of Dougherty by Author, May 17, 2001; Mathews to Author, May 21, 2001.

proprietor alerted the three Rangers. McClanahan approached them and stated that he had come to “give [him]self up.” McCormick replied, “Well, it’s about time, seeing as how you’ve been mistreating these people for so long,” making no effort to conceal his contempt for the McClanahans. McCormick then instructed Hines or Bishop to take McClanahan to the jail, in response to which the two Rangers began arguing playfully between themselves. Each admonished the other, “You better take him, ‘cause I’ll probably just shoot him on the way.” While the account may or may not be apocryphal, it certainly reflects the Allred Rangers’ use of intimidation through overt threats of deadly force to convince both the local criminals and law-abiding citizens that they would not be deterred in their mission to bring order to San Augustine.⁵

While the details of such anecdotes vary depending on the source, there is no debate that the Allred Rangers intended to take control of the town by brute force if necessary. McCormick bragged to the press about how he preferred to carry a single action pistol so that he could use it as a club, by “slap[ping a man] below [his cheekbone]” because, “that’ll smash his cheekbone, but it won’t kill him.” In a time many decades before pepper spray or Tasers, such a tactic was advocated as a nonlethal means of taking violent men like the McClanahans and Burlasons into custody. In regard to his methods in initiating the San Augustine clean-up, McCormick stated, “The first thing we did . . . was to get a line on one of the killers [and] . . . we kicked him across the street to the jail.” He went on to boast, “then we went roughshod after the rest of them.” While the story is far less substantiated, Bishop is rumored to have gained some information and

⁵ Interview of Nelsyn Wade by Author, October 11, 2011.

confessions by the use of a bullwhip, with the “interviewee” or suspect typically tied to a tree or the side of a building in an alley. It is also rumored that he once beat a black suspect that way and left him to die, during his term there alone a few years after the 1935 cleanup.⁶

The Allred Rangers’ intimidation tactics quickly achieved the desired effect, and the Burlesons, McClanahans, and many of their associates left town. Shortly afterward, victims and witnesses began cooperating and coming forward in droves to file complaints for virtually every sort of crime, including simple thefts and assaults, “moonshining,” “highway robbery,” “white slavery,” counterfeiting, election fraud, and murder. The Rangers also actively pursued victims whose names they learned of from witnesses and informants, particularly African-American tenant farmers who were uniquely vulnerable to the depredations of the McClanahans and Burlesons during the Jim Crow Era. Several eventually testified that their day in court had been made possible through the Allred Rangers’ efforts. The Rangers’ investigations that year involved a multitude of crimes and more than fifty suspects and defendants, but it was several previously unprosecuted murder cases that formed the core of the Rangers’ inquiries. Within a few months of the Allred Rangers’ arrival, San Augustine’s “reign of terror” was over, and the effort to “clean up” the town was well under way.⁷

One by one, Allred Rangers investigated each lead and sought out victims and witnesses to learn as much as they could about what had transpired in the years preceding their arrival.

⁶ “Ranger Captain Who Cleaned Up San Augustine Said To Be Most Like Storybook Member of Force,” *Beaumont Enterprise*, January 26, 1936; “Silver Guns Reward Ranger for ‘Cleaning Up’ of San Augustine,” *San Augustine Tribune*, August 27, 1936; Interview of Dougherty by Author, May 17, 2001; Interview of Noble by Author, May 17, 2001.

⁷ “Smothers Slander Sheet With Facts And Slings No Mud Back At Opponent,” *San Augustine Tribune*, August 13, 1936.

They paid no heed to the victims' race or social status when determining which crimes to investigate, as they sought justice on behalf of blacks, poor whites, and even those with those with checkered pasts. They also removed several public officials who, though they appeared to be cooperative at the beginning, proved to be corrupt and associated with some of the illegal activities involved in the crime wave. And no one was happier about that than the throngs of San Augustinians who came out to several events that year specifically staged in appreciation of Governor Allred and his Rangers. The tide had turned in San Augustine, and the McClanahan-Burleson gang that once oppressed its citizens with impunity was now facing the reckoning of the community, thanks to the efforts of the Allred Rangers. Leading members of the community—and the population at large—did not wait long to demonstrate their gratitude, and they did so in unequivocal terms.⁸

The citizens of San Augustine had suffered under the criminal oppression of the McClanahan-Burleson gang as it increased both its dominance and its brutality over the course of nearly a decade. However, once that cycle of subjugation through intimidation was broken by the arrival of the Allred Rangers, the residents of this historic community wasted no time seizing and securing the peace through law and order that had been denied them for so long. One by one, they stepped forward to once again serve on juries and testify against the men who had intimidated them for so long. Local business owners and community leaders immediately recognized that the continued presence of the Allred Rangers in their community was the key to shoring up public confidence, which, in turn, was essential to the revitalization of the local

⁸ "Sheriff Resigns," *Dallas Morning News*, August 23, 1935; "Sheriff Is Named At San Augustine," *Dallas Morning News*, August 23, 1935; "Ranger-Endorsed Deputy Is Named Marshal In Etex," *San Augustine Tribune*, August 29, 1935.

criminal justice system. Therefore, as soon as they recognized the first fruits of the effects of the Allred Rangers' presence on both the law-abiding and the law-breakers, they expressed their gratitude for that presence and their desire to see it continued. Hundreds of San Augustinians wrote expressions of appreciation and support for the presence and actions of the Allred Rangers to Governor Allred. A consistent theme among those letters, as well as many local and regional newspaper articles and commercial advertisements, was that the overwhelming majority of local citizens, typically quantified as "90-95%," were appreciative of the actions taken to restore law and order, and they welcomed the stationing of the Allred Rangers in their community.⁹

The effect of the new Texas Rangers' presence was seemingly instantaneous, for on January 18, 1935, the day after they arrived in San Augustine, local merchant John Burrows, president of the San Augustine Grocery Company, wrote to Governor Allred "to express our appreciation of your sending Rangers to our assistance to subdue lawlessness in our town." Burrows commended the Governor's choice of men sent to do the job, including the leadership of Captain McCormick. Burrows made particular reference to the positive effect that the Allred Rangers presence was already having on the local economy, pointing out that "it is quite noticeable the number of people on our streets . . . back to trade, who have not been here for months." He also noted that the Allred Rangers were "courteous in every way and yet efficient,"

⁹ "Statement of Governor James V. Allred to the Legislative Committee Investigation of the Department of Public Safety, San Antonio, December 13, 1935" (James V. Allred Papers, Special Collections, University of Houston Libraries).

and he assured the Governor that the local citizens would “give them our very best cooperation.” Burrows was one of the first to express such sentiments, but he was far from the last.¹⁰

On February 12, 1935, less than one month after the Allred Rangers arrived in San Augustine, several local officials and businessmen wrote to the Governor to communicate their gratitude and approval of the Allred Rangers' actions since their arrival, and thanking the Governor for having sent them in the first place. Another such letter written came from San Augustine County Clerk Fred T. Fisher, who wrote to Governor Allred to express his “appreciation for what you have done for this town and County by sending Rangers here to enforce the law as it should be.” Fisher continued with an assessment that, “95% of the citizens of this County greatly appreciate you sending them here and hope that they continue to stay as long as they are needed, as everything is beginning to get back to normal again.” He explained that though there had “been several individuals who have been running things in an out-law manner, . . . everything is looking quite a bit different now, due to the presence of the Rangers.” On the same day local “Jeweler-Optometrist” G. Z. Moore also wrote to the Governor to express his gratitude for the presence of the Allred Rangers, noting that “a large majority of the citizenship of the county” were equally appreciative. Moore also made mention of the “high class, fearless type of men sent” by the Governor, and that he “hoped that the Administration shall see fit to leave them here until they have completed the clean-up campaign that they have well under way.”¹¹

¹⁰ John Burrows to Governor, January 18, 1935 (Allred Papers).

¹¹ Fred T. Fisher to Governor, February 12, 1935, G. Z. Moore to Governor, February 12, 1935 (Allred Papers).

Yet another letter posted that same day was from William M. Wade, owner of the local movie theater and the City Café—where the Allred Rangers first made their unofficial headquarters—and a member of the committee that originally sought state assistance after the December 1934 shoot-out at the Thomas hardware store. Wade expressed his “sincere thanks and appreciation” to the Governor for having assigned the Allred Rangers to San Augustine indefinitely. Like Burrows, Wade noted that “the streets are full of people now who have smiles on their faces because they know they are protected,” and he further commented that “Before the [Allred] Rangers came the streets were practically clear of people.” Wade “assure[d]” the Governor that his Rangers were “doing a good work” and that he hoped that the Governor would “continue leaving them” there. Wade and his contemporaries made it absolutely clear that they greatly appreciated the Allred Rangers’ presence, approved of their actions, and wished for them to remain in the community as long as it took to permanently restore law and order.¹²

Less than a week after Burrows, Moore, and Wade posted their letters, Matt Johnson, owner of M. A. Johnson Groceries, also wrote to the Governor. Johnson provided an even more detailed assessment of the effect that the Allred Rangers were having on the local community. In addition to communicating his own personal approval and appreciation for their presence and actions since their arrival, Johnson also insisted that, “We do not hear any expressions other than commendation of the action of yourself and your Rangers that are now here. The people of both country and town appreciate the protection they now have. All opinions I have heard expressed

¹² William W. Wade to Governor, February 12, 1935 (Allred Papers).

are favorable toward having the Rangers here as long as there is any need, whatever, in bringing the lawless element to justice and completely under control.”¹³

Johnson claimed that even those locals who had not originally voted for Allred had changed their minds as a result of his having sent in his Texas Rangers and the success they had so quickly achieved in bringing law and order back to their community. Johnson insisted that those citizens were “now ‘for Jimmie Allred forever,’” and were by then expressing support for the Governor’s overall platform, in addition to his plans for state law enforcement reform. Johnson expressed pride in having supported Allred for governor in 1934 and declared that many of his “next door business neighbors with whom [he] had many arguments during the last campaign tell [him] that [he] was right and that they are glad that [his] man [Allred] won.” The political advantage that Allred derived in San Augustine from the clean-up would presumably benefit him statewide, as well, in his later campaigns for other elected offices.¹⁴

Within three months of their arrival, the Allred Rangers had so effectively and efficiently reversed the criminal tide in San Augustine that locals held the first of what would be several public events to honor and express appreciation for the Rangers’ accomplishments. At a time when many local communities expressed reticence or outright opposition to the presence of Texas Rangers in their midst, San Augustine embraced the Allred Rangers. The March 22, 1935, issue of the *Dallas Morning News* reported:

In striking contrast to other cities whose peace officers have resented the intrusion of Texas Rangers on their illicit home-town industries, San Augustine will show the State

¹³ M. A. Johnson to Governor, February 18, 1935 (Allred Papers).

¹⁴ Ibid.

officers true East Texas hospitality Friday night. A street dance will be given in honor of the rangers, who have been stationed here since January . . .

The March 22, 1935, issue of the Beaumont *Enterprise* included an article on the same event that started with the headline, "Street Dance Tonight Will Be Given in Honor of Texas Rangers," and noted that the streets were roped off for the anticipated large crowd, with music provided by the Stephen F. Austin Orchestra of Nacogdoches. Considering that just two months earlier most area residents were avoiding the town center altogether, widespread participation in such an event demonstrates the community's dramatic change in circumstances and the virtually unanimous support for that improvement.¹⁵

While the fact that out-of-town newspapers took such an interest in what would typically have been regarded as a strictly local affair helps demonstrate the event's significance at large, it was the March 28, 1935 issue of the *San Augustine Tribune*, which appeared less than a week after the celebration, that best reveals the extent of both the changes accomplished by the Allred Rangers and the level of community support in favor of those advances. The title banner on the front page was blocked on both ends by boxed-in declarations stating "NEW ERA," and a headline that spanned the entire width of the sheet, declared, "APPROVE RULE OF RANGERS," with a subheading that said, "4,000 People Gather for Big Street Dance Celebrating General Clean-Up." Even the commercial advertisements referenced the improvement with declarations such as "We Have CONFIDENCE In San Augustine," by Rushing's Drug Store, "WE HAVE GREAT CONFIDENCE IN THE FUTURE OF SAN AUGUSTINE," by the local Chevrolet dealer, and "With New

¹⁵ "San Augustine's Honor Visitors, Texas Rangers To Be Feted With Dance," *Dallas Morning News*, March 22, 1935; "Road Meet Held in San Augustine; Street Dance Tonight Will Be Given in Honor of Texas Rangers," *Beaumont Enterprise*, March 22, 1935.

Confidence Restored in San Augustine, Many thanks to Captain McCormick, Leo Bishop, Dan Hines, and all law enforcement officers,” from the local Ford automobile dealer. Clearly these business owners’ declarations of support for the actions of the Allred Rangers were calculated to benefit them economically, meaning that they must have had confidence that the vast majority of their customers shared those sentiments.¹⁶

Included on the top of the front page of that issue of the *San Augustine Tribune* was a telegram from Governor Allred to the Editor-in-Chief. It is unclear as to whether Webster F. Hays had solicited the message, but its prominent publication, combined with the headline and the tenor of the various articles regarding the “clean-up,” demonstrates of his position on what was undeniably the most important issue of the day in his community. Hays published Allred’s message verbatim from the Western Union Telegram, omitting only the “stop” between sentences to allow for clarity on the readers’ behalf:

¹⁶ “Approve Rule of Rangers,” *San Augustine Tribune*, March 28, 1935.

Telegram From Governor Allred

Austin, Texas, March 25.

W. F. Hays,
San Augustine Tribune,
San Augustine, Texas.

The fine spirit of good citizenship which the people of San Augustine County have shown in approving the action of the Texas Rangers is gratifying, indeed, to the Governor of your State. Your street dance celebration honoring the Rangers is indicative of a healthy public sentiment which will not tolerate vicious, violent lawlessness. With the powerful force of public approval behind them local officers throughout the State cannot fail in their efforts to enforce the laws. As Governor of Texas I heartily commend your action and promise you my continued efforts to rid the State of lawlessness.



JAMES V. ALLRED,
Governor of Texas.

Figure 1. Telegram from Gov. James Allred to W. F. Hays, March 25, 1935.

Captain McCormick penned a response regarding the reception from the general public, expressing appreciation for the community having honored him and his men in such a fashion and for their cooperation and support of his team's efforts in their community. Hays published this on his front page on the same day that he printed the telegram from Allred:

To the Citizenship of San Augustine County:

With a feeling of pride in your approval we greet you. The expression of confidence accorded us last Friday evening warms our heart with gratitude and we are glad, indeed, to be here to serve a people who respond so readily to leadership.

In this connection we desire to say that when our final report has been made to the Governor on conditions in San Augustine County we unhesitatingly assure you that it will be complete in every detail and that law and order will prevail here as it should. We will be pleased to have the co-operation of the general public and again thank you for the splendid demonstration and honor in our behalf upon this occasion.

Respectfully,

CAPT. J. W. McCORMICH.

Figure 2. Letter from Captain McCormick to the citizens of San Augustine, March 28, 1935

Reinvigorating the local criminal justice system was a key goal of the Allred Rangers' presence in San Augustine, and one of their early actions was to provide supplemental investigation and courtroom security for a trial for the double murder of two young hunters near the community of Sardis by a paranoid moonshiner bent on maintaining the secrecy of his operation and avoiding the prying eyes of lawmen. Though the 18th Amendment to the United States Constitution was repealed in 1933, thereby marking the end of Prohibition on the federal level, prohibition laws still existed in Texas until August 1935, and it remained illegal to distill unlicensed whiskey. Prohibitionists and religious groups that viewed alcohol, gambling, and other "vice" activities as detrimental to Texas society at large undergirded Governor Allred's political base, and he had campaigned in 1934 on a platform of strong law enforcement.¹⁷

¹⁷ "Radio Speech of Governor James V. Allred Regarding His Law Enforcement Program, March 22, 1935," James V. Allred Papers, Special Collections, University of Houston Libraries (hereafter referred to as "Allred's Radio Address"); K. Austin Kerr, "PROHIBITION," *Handbook of Texas Online*

The defendant in the double murder trial, thirty-year-old Lee Parrish, was a typical East Texas “mountaineer,” born into a reclusive backwoods subculture that avoided outside influence or interference. As an example of that community’s resistance to the authority of mainstream governmental institutions, Parrish’s compatriots in northwest San Augustine County burned two schoolhouses and a church in 1933 “as a protest against . . . civilized intrusions upon their hillbilly privacy.” These outcasts were prolific bootleggers and skilled marksmen, and the combination of these two circumstances had resulted in the murders of Lonnie Hooper, “a barefoot boy of sixteen,” and his twenty-year-old cousin Ewell Hooper, on October 11, 1934. The victims had accidentally ventured too close to the source of the bootleggers’ livelihood.¹⁸

Despite the initial arrest of several of his relatives (who presumably had been present at the time of the shooting), Parrish was the only person charged with the murders of Lonnie and Ewell. San Augustine County Attorney C. Smith Ramsey brought the initial charges against Parrish just a few days after the boys were killed. Parrish was first brought to trial on Monday, January 28, 1935 in San Augustine, with the Allred Rangers stationed strategically and conspicuously around the courthouse to prevent interference or disruption. Judge F. Pat Adams of the seat of neighboring Jasper County presided over the proceedings, with District Attorney Hollis M. Kinard of Orange representing the State and attorneys Joseph R. Bogard of San Augustine and J. R. Anderson of Center serving as counsel for the defense. That trial ended in a mistrial, though not over any question of Parrish’s guilt. The difference in opinion between the jurors was the length of his sentence, with some favoring not more than twenty-five years, while others insisted on

(<http://www.tshaonline.org/handbook/online/articles/vap01>), accessed March 02, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

¹⁸ “Moonshiners Slay Boys To Make Sure They Don’t Tattle,” *Dallas Morning News*, October 13, 1934.

thirty years to life. In this circumstance, Texas law required that a mistrial be declared and a new trial eventually convened.¹⁹

The murder of the Hooper boys did not appear to have any direct connection to the McClanahan-Burleson gang's crime wave. However, it is plausible to suggest that the man who shot the Hoopers was emboldened by an aware of the impotence of the local criminal justice system due to the gang's activities. Nevertheless, it was the first felony case to go to trial in San Augustine in several years and after the arrival of the Allred Rangers. As such, it kicked off the reinvigorated local court system, leading to the investigation, indictment, and trials of the various principals and associates of the McClanahan-Burleson gang.²⁰

The same week that the Parrish trial was held in San Augustine, the first case to be originally investigated and filed by the Allred Rangers was called. This case was against Ocie Carroll, who was found guilty on three counts of forgery and sentenced to two years in state prison. Willis Murphy was apparently also brought to trial that week, for a deadly assault on V.W. Barge that had allegedly occurred in 1932, but the disposition of that case is unknown. The Allred Rangers were just beginning what would be more than a yearlong effort to restore peace to the community and exact justice for past crimes, at least from the perspective of most law-abiding San Augustinians. The Allred Rangers and local prosecutors had their sights firmly set on

¹⁹ "Texas Rangers Stand Guard As Trial for Murder of Two Boys Opens in San Augustine," *Beaumont Enterprise*, January 29, 1935; "Testimony Completed In Etex Murder Trial," *Dallas Morning News*, January 31, 1935; Harry P. Noble, "Murder In Sardis," *San Augustine Tribune* (undated manuscript in author's possession); "Jury Fails to Agree in Lee Parrish Case," *Dallas Morning News*, February 3, 1935.

²⁰ "Nine Jurors Selected In Lee Parrish Trial," *Dallas Morning News*, March 19, 1935; "10-Year Term Is Given E. Harris," *Beaumont Enterprise*, August 27, 1935; "Ten-Year Term Given In East Texas Killing," *Dallas Morning News*, August 27, 1935.

members and close associates of the McClanahan-Burleson gang, as well as anyone who took advantage of the lawless atmosphere they promoted to participate in illegal activities, and one by one they began taking them down. The Allred Rangers not only aided in the reinvigoration of the local criminal justice system, but they also assisted in the federal investigation into the beating of Secret Service Operative E.C. Cleveland. Pursuant to United States Attorney S. D. Bennett's instructions, Edward Tyrrell and Luis Benavides had spent several months traveling to San Augustine and seeking out eyewitnesses to the assault on Cleveland. While they found many who corroborated Cleveland's claims and debunked any notion of his having been intoxicated, prior to the arrival of the Allred Rangers, few had been willing to risk testifying in open court for fear of reprisal by the McClanahans and Burlesons.²¹

Once Allred Rangers having restored peace and a sense of security among the local citizens, Tyrrell and his men were eventually able to secure a sufficient number of witnesses to satisfy Bennett, who finally took the case to the federal grand jury in March 1935, almost five months after the attack occurred and more than a month after the Allred Rangers wrested control of the town from the McClanahan-Burleson gang. On March 4, 1935, twenty federal grand jurors, led by foreman W. Wahrmund, indicted all seven defendants on three counts, alleging that all of them had "unlawfully, knowingly, willfully, feloniously, and forcibly" (1) "assault[ed]," (2) "use[d] certain dangerous and deadly weapons, to wit: pistols, knives, and revolvers," and that they (3) "resist[ed], oppose[d], impede[d], intimidate[d], and interfere[d]..."

²¹ "Texas Rangers Stand Guard As Trial for Murder of Two Boys Opens in San Augustine," *Beaumont Enterprise*, January 29, 1935; United States Secret Service, Daily Reports From San Antonio, Volume 40: October 1, 1934 Thru February 28, 1935, 141-275, 242, 256-258, 274-275. (United States Secret Service Records, National Archives and Records Administration, College Park, MD [henceforth cited as NARA]).

with Cleveland while he was “engaged in the performance of his official duties.” Those findings may have constituted the first indictment in the nation for a violation of the provision against assaulting a federal officer, which had been passed less than a year before as part of the Crime Control Act of 1934.²²

Tyrrell further noted that United States District Judge Randolph Bryant, who was assigned as the presiding magistrate for the case, gave indications during the court proceeding that day that revealed that he was “very interested in the prosecution of these officers for their attack on Operative Cleveland,” and that they would likely be “forced to trial immediately.” Tyrrell and Cleveland then attended a post-grand jury conference with Bennett to prepare the case for that possibility. Judge Bryant did, in fact, call for hearing on the case the very next day, though the case was discontinued until 9:30 a.m. the following day, March 6, 1935. In the meantime, Tyrrell made arrangements to round up the witnesses in the case for that hearing. Upon receiving a telegram identifying W. T. Parmer as a witness in the case from the new sheriff of San Augustine, Virgil B. Worsham, Tyrrell called Capt. McCormick to ensure the witness’s presence in federal court.²³

Tyrrell noted in his report that the “State Rangers are now in San Augustine and have run all of the defendants out of the county,” and that there was a state warrant for murder out for Charles Curtis “Charlie” McClanahan. It appeared that Tyrrell had established a strong rapport with the Allred Rangers after they arrived in San Augustine, and his reading of the situation was

²² File #3747, *United States v. W. C. Gary et al.*; Daily Reports From San Antonio, Volume 41: March 1, 1935 Thru November 30, 1935 (United States Secret Service Records, NARA [microfilm]), 17-18, 35.

²³ *Ibid.*, 18.

that the Allred Rangers' displacement of the McClanahan-Burleson gang as the base of power in that community was likely the catalyst that led Bennett to finally take the case to a federal grand jury. Unfortunately, Worsham's witness, "Parmer," turned out to be a "plant" meant to aid the defendants. He claimed that Sheriff Gary and Hillis Smith had not even been present for the attack on Cleveland, and he blamed the entire incident on Tom Burleson, who had since died of blood poisoning from the wounds he received during the December 1934 hardware store shoot-out. This would not be the last time that members of the McClanahan-Burleson gang would try to blame the late Tom Burleson for their illegal acts in the hopes of avoiding criminal convictions. After Tyrrell released Parmer from his subpoena and told him he could return home, he was seen associating with the defendants around the courthouse, thereby confirming Tyrrell's suspicions that the witness was aligned with the defendants.²⁴

All of the defendants, except for Charlie McClanahan, appeared in court as required. His bond was forfeited, a warrant was issued for his arrest, and he was declared a federal fugitive from justice. As a result of Charlie's absence, his defense attorney Sidney King of Beaumont requested a continuance until the next term of court, which would be some months later. Judge Bryant refused, and King responded by requesting that the case be transferred to another court, which Bryant also refused. Instead, he reset the case for the following Monday morning. Judge Bryant instructed the counsels, both Bennett and King, not to tell their witnesses about the agreed-upon delay, but to keep them in town and ready to appear at a moment's notice. It was apparent to Tyrrell that Judge Bryant was troubled by the facts of the case, that is, by the idea

²⁴ Ibid., 22, 26.

that state and local law enforcement officers had attacked a federal officer, and that as a result, Bryant was insistent on having the case adjudicated as expeditiously as possible.²⁵

Tyrrell decided, in part on Judge Bryant's recommendation, to use the delay to go to San Augustine in search of more witnesses to buttress the government's case. Tyrrell and Cleveland met with the Allred Rangers McCormick and Hines on Thursday, March 7, 1935, and were immediately encouraged by the good news Hines had for them. He had convinced Walter Sheffield, one of the defendants in the case, to confess his and the others' roles in the assault and to testify on behalf of the government. Sheffield was a 25-year-old distant relative of the McClanahans, who had been employed that night as a "Special Deputy" at the fair grounds on the night of the assault on Operative Cleveland. Sheffield provided both verbal and written statements to Hines, in which he explained that Joe Burleson and Hillis Smith had come and gotten him and informed him of Cleveland's presence in town. The three of them then located and stopped Cleveland on the fairgrounds to question him. They wanted to know whether he was a "Government Officer" and if he was looking for Joe's brother Tom. Sheffield said that Cleveland acknowledged that he was a federal operative, but that he "could not make known the nature of his business."²⁶

The Allred Rangers promised Tyrrell that they would locate yet another witness and produce him in court in Beaumont the following Monday, if indeed he could testify as had been claimed. Tyrrell and Cleveland then left San Augustine, taking Sheffield with them to meet with Bennett in Beaumont. It was in that meeting that Tyrrell began to doubt Bennett's commitment

²⁵ Ibid., 33-34.

²⁶ Ibid.

to prosecuting the case. Tyrrell reported that Bennett tried repeatedly to get Sheffield to change his statement in regard to several key points, most notably that he (Bennett) kept insisting that Cleveland had not identified himself as a “Government Officer,” even as Sheffield stood firm in stating that Cleveland did indeed identify himself as such, repeatedly, both before and after the attack. Tyrrell interpreted this interaction as an effort by Bennett to eliminate a key element of the cause of action (that the defendants knew Cleveland was a federal officer), thereby allowing him to dismiss the case. Tyrrell further noted that Bennett had been pushing him to agree to dismiss the case for many months, even while it was obvious (to Tyrrell, at least) that Judge Bryant and “others” were very interested in seeing the McClanahan-Burleson gang prosecuted in federal court. Tyrrell expressed substantial frustration with Bennett in regard to this matter and suggested Bennett’s motivations were politically influenced.²⁷

Tyrrell was unable to locate the United States Marshal in Beaumont after his meeting with Bennett, so he personally remanded Sheffield to the custody of the Jefferson County sheriff and then drove to Houston in search of Charlie McClanahan, since he had learned that McClanahan had relatives there. Tyrrell noted that McClanahan had “sent word to all the officers” that he “[did] not intend to be taken alive,” and that he was “going to shoot it out on sight with any officer attempting to arrest him.” Tyrrell further reported that McClanahan had been spotted the day before on the Beaumont Highway, “heavily armed.” Tyrrell and his men had no luck with locating the federal fugitive Charlie McClanahan over the weekend. Cleveland spent Saturday seeking out potential counterfeit notes at local banks, print shops, and photo supply houses in

²⁷ Ibid., 34-35, 63.

Houston, and then all day Sunday staking out the house of a McClanahan relative at 2322 Everitt Street in the same city. However, he did not witness anything that indicated McClanahan was hiding there. He also was unable to find Robert Ellis, who had accompanied Cleveland to the San Augustine fairgrounds and had himself been beaten, to ensure that he would be appearing in court the next day.²⁸

Tyrrell returned to Beaumont for court on Monday, as previously ordered by Judge Bryant. Cleveland also returned as ordered, having located Ellis early that morning. When Tyrrell met with Bennett in his office, Bennett advised him that Judge Bryant had called from Sherman, Texas, to inform them that he would not be able to hold court that day but would reconvene the case on Tuesday. Bennett then insisted to Tyrrell that “the best thing to do” would be to continue the case until the next term of court some months away, arguing that Charlie McClanahan’s absence would hurt the government’s case. Tyrrell disagreed with that assessment and opposed any continuance.²⁹

After a meeting with the defense attorney, Sidney King, Bennett returned with a defense petition that requested that the federal government pay the expenses to bring in eight or ten witnesses on the defendants’ behalf, claiming that the defense had “no means” to bring in the witnesses themselves. The petition also alleged that those witnesses would testify that both Cleveland and Ellis had been drinking alcohol throughout the day, and had even offered the gang liquor, claims that Tyrrell clearly considered to be preposterous and therefore unworthy of Bennett’s concern. Tyrrell ordered Cleveland to return to San Augustine with the Allred Rangers,

²⁸ Ibid., 37-38, 89.

²⁹ Ibid., 62, 89.

who had come to Beaumont for the hearing, and further investigate the list of witnesses so that they could be located and interviewed by the three law enforcement officers to determine if they, in fact, were willing to offer such testimony under oath, and whether they had been threatened to do so.³⁰

Tyrrell continued to refuse to agree to Bennett's incessant pressure to continue the case; instead, he proceeded with supplemental investigative activities, including a trip to the city jail in Beaumont to obtain additional information. At about noon, Bennett called and said that King was now claiming that Gary, the former sheriff, was ill, thereby necessitating a continuance. Tyrrell considered that claim to be dubious, and he called Captain McCormick in San Augustine and requested that he contact the local doctor to verify Gary's condition.³¹

At approximately 6:40 p.m., Cleveland called from San Augustine to report that he and Captain McCormick had located three of the witnesses on the defense list: Elbert Taylor, Vandy V. Steptoe (known McClanahan-Burleson associate and brother-in-law to the Burleson brothers, who was later convicted in state court crimes committed in concert with the gang), and Rupert Edwards. Each of them stated that they were forced to sign false affidavits claiming Cleveland and Ellis had been intoxicated. They all completely disavowed the claims asserted in those affidavits. Additionally, the local doctor reported that Gary was not ill and that there was no reason that he should not go to trial that day. Cleveland and Captain McCormick also located several more eyewitnesses to the attack on Cleveland: Sam Ware, Sidney Bodine (a Ferguson Special Ranger whose commission was signed by Sheriff Gary), and A. P. McCrasky. All three

³⁰ Ibid., 62.

³¹ Ibid.

testified that they saw Joe and Jim Burlison, Charlie and Wade McClanahan Sr., and Hillis Smith with their pistols drawn on Cleveland, and that Sheriff Gary was also present during the attack.³²

Cleveland also reported that King had called San Augustine and claimed that Bennett had agreed to postpone the case, but that Tyrrell was interfering with that agreement. Tyrrell angrily remarked that Bennett was a “holdover” from the previous presidential administration that would soon be leaving his post and was therefore doing “everything to upset our case.” Tyrrell also reported that he believed that since Judge Bryant was sympathetic to the case, Bennett had “not dared to defy me so far.” Tyrrell complained that Bennett’s actions were unnecessarily complicating matters and that his (Tyrrell’s) continued presence at court in Beaumont was essential to preventing Bennett from derailing the case altogether. Tuesday, March 12, 1935, did not bring much of a change in conditions for Tyrrell and the federal assault case. At their pre-hearing meeting, Bennett continued to press Tyrrell to agree to a continuance. Tyrrell stood firm in his defiance of Bennett’s aims, informing him that not only had the witnesses listed in the defense petition admitted that the supporting affidavits were coerced and completely false, but that several had prepared new affidavits affirming that the ones the defense presented had been literally obtained at the point of a gun, under threat of death if they did not agree to testify that Cleveland had been drinking prior to the assault. Tyrrell also informed Bennett that King’s claims that Gary was ill were false, and that he (Tyrrell) wished to be allowed to make a statement to the judge before any decision regarding a potential continuance was made. Bennett agreed to do so. However, the judge “rushed” into the courtroom when the hearing began and, without giving

³² Ibid., 62, 89-90.

Tyrrell a chance to speak and without any comment or objection from Bennett, reported that he was resetting the case to the October 1935 term. Tyrrell was livid.³³

Tyrrell, his men, and the Allred Rangers had all gone to great lengths to ensure that a large number of good witnesses were present so that the federal government's case would be proven "conclusively" that day. Tyrrell lamented that the continuance led all of those witnesses to fear that "they would meet with violence or their homes burned down by this [the McClanahan-Burleson] gang." He was convinced that this turn of events was a result of collusion between Bennett and King, the defense attorney. Despite his open and direct criticism of both the United States Attorney and the defense counsel, Tyrrell gave no indication as to his thoughts on Judge Bryant's role in resetting the case, or the manner in which he had done so.³⁴

Tyrrell did not end his criticism of King with the issue of the continuance. He opined that King should have himself been jailed, for allegedly filing fraudulent affidavits and petitions. He referenced not only the coerced witness statements, but also King's claims regarding his clients' financial status. Tyrrell noted that King had reported to the court that his clients had all been unable to pay him, but Tyrrell found records proving that they gave him a \$2,500.00 retainer, certainly a substantial sum in the midst of the Great Depression. Furthermore, their claims of indigence asserted when requesting that the court cover the costs of bringing in the defense witnesses were fabrications, as Tyrrell learned that "every one of them owns a new car and property in San Augustine." Cleveland had learned from Ben T. Wilson, manager of the Chevrolet Motor Sales Company in Nacogdoches, that both Charlie and Wade McClanahan Sr. had

³³ Ibid., 63, 67-68.

³⁴ Ibid.

purchased brand new 1935 Chevrolet sedans that spring. They had paid for the vehicles in full, with cash. Cleveland also obtained certified copies of the property tax records for Sheriff Gary, the Burlesons, and the McClanahans from the San Augustine Tax Collector, Paul Whitton. The defendants were far from destitute, contrary to the contentions they had included in their petition. Unfortunately, there is no indication that any of this evidence was ever presented to a federal judge or jury.³⁵

On March 16, 1935, just four days after the federal assault case was continued over into the fall term of court, Charlie McClanahan surrendered to Jefferson County Sheriff W. W. "Bill" Richardson and was placed back into federal custody in Beaumont. McClanahan had officially been a federal fugitive for two weeks prior to his surrender, having forfeited his bond by failing to appear in court as ordered after the indictment in the federal assault case, and therefore he was kept in custody pending trial, which was set for October. However, he was released to Ranger Hines on March 19th, to be tried in state district court for the murder of Edward Boone Brackett Sr.³⁶

The death of the senior Brackett had continued to haunt his family long after they buried him. Brackett Jr. and his wife had moved forward with raising their family, but the death of his father and his inability to exact vengeance plagued him for the rest of his life. He became a man for whom all aspects of life were black or white, as well as a strict taskmaster to both his children and himself. Brackett Jr. found it difficult to forgive himself or others for slight infractions or perceived moral weaknesses, and this narrow and inflexible outlook on life strained his personal

³⁵ Ibid., 68, 90.

³⁶ Ibid.

and familial relationships. He packed up his family and moved to Abilene, and thus moved them away from San Augustine forever, though he did not leave the burden of his father's death behind. Brackett Sr. had leveraged the family farm in cotton futures in 1929, the value of which collapsed along with the entire stock market and national economy in October 1929. Brackett Jr. "did not believe in bankruptcy" or any other means of "shirking" one's financial obligations, which he regarded as a "post hoc lie." So despite the fact that those debts were not his and that the person, his father, who had incurred them, had been murdered, he spent twenty years paying off his father's debts at great personal sacrifice. He, his wife, and their children spent most of their lives living near or below the poverty line, despite fairly regular and often substantial income. To this day, the family still holds the title to the land that Brackett Sr. originally purchased and then mortgaged nearly eighty-five years ago, though they have no intention of ever returning to live in the community.³⁷

Leaving San Augustine was arguably the best thing Brackett Jr. could have done, for himself, his family, and the community. He was apparently subject to death threats from the McClanahan-Burleson crew, and the tensions between his family and the associates of his father's killer must have been intolerable. Unfortunately, he was not the only child of Brackett Sr. to be haunted for life by feelings of guilt arising out of their father's death. Vivian Brackett, the teenaged daughter of Brackett Sr. who rode to town with her father and left his company just

³⁷ Ibid.

before the shooting to meet her friends, harbored guilt for decades over the timing of the shooting.³⁸

As soon as the Allred Rangers learned about the murder of Brackett Sr., they recognized its prosecutorial potential and notified Governor Allred. Himself a former elected prosecutor, Allred also immediately recognized the case's significance and potential, both legally and symbolically, for the community. He demonstrated his own resolve in the matter by seeking out and funding special counsel to aid the already over-burdened local prosecutors in investigating and adjudicating the Brackett murder case. He engaged the services of former Shelby County District Judge S. H. "Spot" Sanders, who was, at that time, in private practice in the town of Center (the seat of Shelby County, north of San Augustine). The Rangers had not been in San Augustine much more than a month, and possibly less, when Allred sent Sanders to work directly with McCormick and Hines on the Brackett murder case.³⁹

This case thus became one of the matters that were granted priority status by the Governor, sometimes to the exclusion of other criminal matters in the same region. When Sanders mentioned that the Rangers had asked him about "assisting them in ferreting out the officers who were taking 'rake-offs' [payoffs] from the operators of [illegal] slot machines and receiving fines and costs without the cases going through the proper channels of the courts," he further noted that he had advised the Rangers that they would have to handle such cases on their own, because he "did not feel that [the governor] wanted [him] to be employed in this

³⁸ Ibid.

³⁹ S. H. Sanders to James V. Allred, February 22, 1935, Allred Papers.

particular [matter] but only in the killings that have occurred in San Augustine which the rangers are now investigating.”⁴⁰

Sanders commented on the professionalism and courtesy of the Allred Rangers, and the fact that “the good citizenship of San Augustine are deeply grateful that they can now go about the streets freely and know they will not be molested.” He also noted, however, that one family had already left the area out of fear, perhaps referring to the Bracketts, and added that another was preparing to go. While Sanders went wherever he deemed necessary to interview witnesses and collect evidence, the Rangers confined their investigative activities to San Augustine County, in order to maintain a constant presence that would reassure the locals that they would continue to be safe from potential retaliatory violence at the hands of the McClanahan-Burleson gang.⁴¹

Sanders wrote to Governor Allred on February 22, 1935, to report on his progress. He indicated that he had been working on the case for some time prior to that date, likely a week or more. He advised the Governor that, based on the witness affidavits he and the Allred Rangers had recently obtained, it was apparent that McClanahan was indeed the prime (and only) suspect in the murder of Brackett Sr., Sanders further advised that the witnesses at that stage were still understandably reticent to “emphatically” testify that McClanahan had fired the shots, though they acknowledged without equivocation that he was the only person there and was holding the murder weapon immediately after the shots were fired. Nevertheless, he assured Allred that he already felt confident not only in regards to the potential for securing an indictment, but in a

⁴⁰ Ibid.

⁴¹ Ibid.

successful conviction in the case as well. Sanders closed that he would send a report detailing the evidence in the near future.⁴²

Less than a week later, on March 1, 1935, Sanders wrote to Governor Allred once again, reporting that since his last letter their (his and the Allred Rangers') investigative efforts in the Brackett murder case had produced substantial additional amounts of evidence that he believed were cumulatively so compelling that "any grand jury will indict and a jury will convict, we believe, that person." Sanders noted that they had obtained affidavits from witnesses in Jasper County and Harris County, with the aid of additional investigators in those areas. Sanders insisted that the evidence they had collected clearly demonstrated that they had "a case of cold-blooded assassination," and that the witnesses were, by then, "talking very freely since they know they have ample protection" by the Allred Rangers. Sanders again commented on the Allred Rangers' efficiency and professionalism, and he asked that they continue in their activities in San Augustine County.⁴³

Sanders then discussed the arrangements for his appointment to actually prosecute the Brackett case, which at that point had not yet been confirmed. He outlined proposed terms and compensation for his employment. He agreed to accept a flat fee of \$1,000.00, plus payment of "actual expenses," in exchange for "prosecut[ing] the case to its final termination." Sanders also noted that he was open to suggestions from the governor in regard to such details, but that in any event, it was necessary to take immediate action in the case, in order to ensure a successful

⁴² Ibid.

⁴³ Sanders to Allred, March 1, 1935, Allred Papers.

prosecution. Sanders was concerned that any unnecessary delay could undermine public confidence, particularly that of the witnesses, and play into the hands of the defendant.⁴⁴

Allred agreed to the amount proposed by Sanders, but he preferred to pay it on a monthly basis. He did note, however, that Sanders would be obligated to see the case to its conclusion, no matter how much longer than the three months (the period over which the fee would be paid) that process took in the end. Allred also advised that he expected Sanders to be active on the prosecution immediately, including making preparations for submitting the case to the grand jury. Sanders replied that those terms were completely acceptable, as he “appreciate[d] the confidence...placed in [him] by reason of such employment... in reality more than [he did] the fee.”⁴⁵

Allred, as a former elected district attorney and former Attorney General of Texas, also offered strategic legal advice for prosecuting the case. He did not think that it was in the State’s best interest to hold a pre-indictment examining trial, because that would make the defense aware of at least some of their witnesses. Under the circumstances, this might have put their witnesses at risk, or at least have prevented them from testifying out of fear that the defendants would retaliate if they were able to get out on bail pending the trial. He also reminded Sanders that although he was duly empowered to lead the prosecution of the Brackett murder case and could present evidence directly to the grand jury, he was not legally authorized to remain in the grand jury room during deliberations. Only the actual county or district attorney could be present in the room during that process. Other than those two points, Allred told Sanders that

⁴⁴ Ibid.

⁴⁵ Allred to Sanders, March 3, 1935, Sanders to Allred, March 26, 1935, Allred Papers.

he could “proceed in such a manner as [he] deem[ed],” thereby indicating a notable level of confidence in Sanders’ legal knowledge, abilities, and judgment, along with a clear concern that all legal matters be conducted properly and in a manner that would preclude a successful appeal.⁴⁶

Sanders then put forth his own ideas as to prosecution strategy. Of particular note was Sander’s insistence that there needed to be a change of venue in the case. That meant that the case would be tried in a county other than San Augustine. Sanders was obviously concerned that, once again, local citizens might still be too fearful to serve on a jury and return a guilty verdict. He also mentioned that he anticipated a vigorous defense and that it would likely require “considerable expense and time” to prosecute the case.⁴⁷

Sanders also mentioned having been “interviewed” by the defense counsel, who claimed that when former District Attorney Roy Blake dismissed the original murder case back in 1930, he had made an agreement, “that no other indictment would be returned.” Sanders disputed the existence of any legal basis for such an agreement, but wanted Governor Allred to be aware that defense planned to make that argument in court, “should an indictment be returned.” The fact that the issue was neither addressed during the trial nor raised on appeal also casts doubts on the claims of McClanahan’s attorney in the matter.⁴⁸

Sanders wrote Governor Allred once again on March 19, 1935, to report that while they were making good progress overall with the investigation, they had hit a procedural snag. As he

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Sanders to Allred, March 1, 1935 (Allred Papers).

had previously noted, Sanders did not want a murder complaint filed in a justice of the peace court against McClanahan in the Brackett case, because that would possibly require them to hold an examining trial, which neither Sanders nor Allred believed was necessary or advantageous to the prosecution. However, it turned out that Captain McCormick had already filed such an instrument in a justice court, prior to Sanders' official involvement in the case. Sanders then suggested that they could still avoid an examining trial if they could convince the state district judge, F. Pat Adams, to call a special term of the district court to hear the matter, and noted that he had already written to the judge with that request.⁴⁹

Sanders also mentioned that he had not yet been able to make contact with the district attorney who held prosecutorial jurisdiction in the county, Hollis Kinard. He wanted to inform Kinard that the governor had retained him (Sanders) to assist in prosecuting the Brackett murder case. This concerned Sanders as to his legal legitimacy, though he expressed the resolve to carry on as long as it was the Governor's desire that he do so.⁵⁰

Allred appreciated Sanders' concern regarding confirming his role in the case with the district attorney, and promptly wrote to Kinard to let him know that Sanders' involvement was at his (the Governor's) request. Kinard, as it happened, had not been ignoring Sanders, but was in Nacogdoches actively engaged in the prosecution of the first murder case to be tried following

⁴⁹ Sanders to Allred, March 19, 1935 (Allred Papers).

⁵⁰ Ibid.

the arrival of the Allred Rangers, that of Lee Parrish for the killing of Ewell Hooper in Sardis in October 1934.⁵¹

Kinard apparently called Sanders the day he received the letter from Allred and requested that they meet in Nacogdoches to discuss the case and Sanders' role in the prosecution. Kinard not only welcomed Sanders' assistance, he asked him to "take charge" of the case. This positive turn of events alleviated Sanders' concerns and reinforced his resolve to see the case through. Sanders' news that day was, unfortunately, not all good. He had met with the defense counsel, Steve M. King of Nacogdoches and W. T. Davis, who were requesting an examining trial, just as Sanders had feared. Sanders advised King and Davis that some of his witnesses were not available due to illness and convinced them that an examining trial would not be of particular benefit to either party at that point.⁵²

The defense counsel agreed, because by that time McClanahan was already in custody under federal charges for his participation in the beating of Secret Service Operative Cleveland, including a failure-to-appear warrant for which he allegedly could not afford to post the new bond. Federal District Judge Bryant in Beaumont signed an order releasing McClanahan to Allred Ranger Hines, who brought McClanahan before Judge Adams in San Augustine for arraignment. Sanders was relieved that the defense agreed to forgo an examining trial because he had not wanted to "expose [the prosecutors'] hand," which they would have been forced to do by introducing witness testimony in order to have the defendant bound over for trial while awaiting

⁵¹ Allred to Sanders, March 23, 1935, Allred to Kinard, March 23, 1935, Sanders to Allred, March 26, 1935 (Allred Papers).

⁵² Sanders to Allred, March 26, 1935 (Allred Papers).

a grand jury indictment. Since Judge Bryant of the federal District Court in Beaumont had made it clear that he would allow the Allred Rangers to transfer McClanahan back to San Augustine whenever necessary to face the state charges, as long as he was in federal custody, both sides were free to take the time necessary to prepare their respective cases.⁵³

The Allred Rangers had wasted no time wresting control of San Augustine from the McClanahan-Burleson gang and every move they made in those first days and weeks had a dual purpose: to effectively frighten the gang members so that they left the area and could no longer intimidate and control the local citizenry, and to instill in the law-abiding citizens of the community a sense of security so that they would finally be able to come forward and report on the crimes committed by the McClanahan-Burleson gang and their associates over most of the past decade. San Augustinians had been so thoroughly browbeaten by the gang over time that a substantial show of force was crucial to restoring their faith in the local criminal justice system, which had all but collapsed. Fortunately, the Allred Rangers' strategy worked as planned, and citizens soon came forward to report all manner of crimes perpetrated by the gang, including theft, robbery, extortion, counterfeiting, assault, racketeering, murder, and more. Now that the community was solidly under their control and the grip of the McClanahan-Burleson gang had been broken, the Allred Rangers could get down to the business of fully investigating those crimes and working with prosecutors to prepare them for trial. A reckoning had finally come to the Redlands.

⁵³ Sanders to Allred, March 26, 1935 (Allred Papers).

CHAPTER 5

THE WHEELS OF JUSTICE BEGIN TO TURN

With the San Augustinians' fears of the McClanahan-Burleson gang significantly lessened and their faith in the local criminal justice system restored, the Allred Rangers got to work investigating a litany of criminal complaints, many dating back nearly a decade. They worked in cooperation with new local law enforcement officials, judges, prosecutors, and federal agents to secure massive amounts of evidence against the leaders and associates of the McClanahan-Burleson gang. They documented and investigated complaints reported to them by victims and witnesses who eagerly came forward to provide accounts of crimes suffered at the hands of the gang members, and they also actively sought out those who remained reticent to do so. Through various contacts, informants, and intermediaries, the Allred Rangers were able to find out about and reach out to those who had long given up hope—if they had ever had any in the first place—that justice would be served. Rangers James W. McCormick and Dan J. Hines assured those individuals that they would protect them from retribution or retaliation, see the cases through the entire process of adjudication, and seek the greatest penalties for those who were convicted.

African-American victims and witnesses presented a unique challenge in that process. Their initial suspicions of any Anglo officers were to be expected, not only because so many of their oppressors had carried law enforcement credentials, but also due to the racial dynamics of the time. Those who lived through or are otherwise familiar with the troubles and the clean-up therefore insist that the Allred Rangers must have had a member of the local black community with whom they first established a strong rapport and earned their trust to act as

an intermediary before they could have ever located—much less been able to interview—any of the many black witnesses and victims. While a specific person has yet to be identified as having played that role, there is some contemporary evidence that the Allred Rangers indeed worked closely with such a person.¹

Even as the Allred Rangers went about the business of investigating and preparing cases for trial, San Augustinians also continued to extend expressions of their gratitude beyond just the street dance celebrations. In addition to all the letters and newspaper articles, in April 1935, San Augustine City Manager G. C. Mitchell presented Captain McCormick with a Colt pistol “in appreciation of the splendid work being done [there] by Captain McCormick and his Rangers.” The community made a concerted effort to ensure that the Allred Rangers felt welcome and would remain indefinitely. Leo Bishop returned to his regular duty station and hometown of Del Rio in late March 1935, after two months spent helping his colleagues restore order in San Augustine. McCormick and Hines remained fixtures in the community as they pursued their objectives: to maintain the hard-won and still-fragile stability and to secure prison sentences for the criminals who had oppressed the community. Hines lived in town full-time for a year and a half, while McCormick came through regularly in the course of his duties as captain over an expansive region in East Texas, supervising the San Augustine operations and regularly

¹ Oral history interviews by this author with several members of the African-American community in San Augustine, including numerous individuals who were alive and old enough to recall various events involved, some of whom wished to remain anonymous, September 26-27, 2012; Interview of Arlene Thomas by Author, September 27, 2012.

participating in key actions in furtherance of those investigations. Other Rangers also apparently assisted in discrete tasks and operations at times.²

Due to the stability and sense of security established by the Allred Rangers, Secret Service Operative-in-Charge Edward Tyrrell and his men were finally able to obtain more effective public assistance for their investigations. They continued to develop their case regarding the assault on Operative E. C. Cleveland while waiting for the next federal court hearing. They also sought out evidence of counterfeiting by the McClanahan-Burleson gang in San Augustine by maintaining contact with local banks and businesses, who kept a lookout for counterfeit currency that might be passed to them during their regular course of business. They did not have long to wait for some bogus bills to surface. In early April 1935, J. B. Bell of the First National Bank sent them a counterfeit 50-cent coin. On April 8th, Operative Cleveland returned to San Augustine to follow up on the coin and learned that Justice of the Peace Lannie Smith had first received it from a candy salesman named W. W. Galloway. Smith had given it to Bell to verify as counterfeit, and Galloway insisted he could not recall who had passed it to him.³

Bell also reported that William M. and Athenian Wade had received several counterfeit coins recently, so Cleveland interviewed both of them. Mrs. Wade, the postmaster for San Augustine, advised that she had received a counterfeit 25-cent coin passed by a unidentified customer at the post office, and that her husband, who owned the City Café and the local movie theater, had received both a 25-cent and 50-cent piece from a unknown patron at the movie

² "Captain McCormick Presented with Fine Pistol," *San Augustine Tribune*, April 4, 1935.

³ United States Secret Service, Daily Reports From San Antonio, Vol. 41: March 1, 1935 Thru November 30, 1935, p. 309. (United States Secret Service Records, National Archives and Records Administration, College Park, MD [henceforth cited as NARA]).

theater ticket office. Cleveland took all three coins into evidence and headed out of town to pursue other cases to which he was assigned. Despite such efforts and the obvious presence of counterfeit coins and bills being passed in and around the area, Tyrrell's men apparently never attempted to charge a case against anyone in San Augustine for counterfeiting. This might have been due to a lack of evidence as to the source of the phony money, or it may have been a practical decision because their primary suspects were facing far more serious state charges. As a direct result of the Allred Rangers' investigations, the San Augustine grand jury handed down five indictments for murder in early July, as well as many more for a variety of state felonies against numerous key members and associates of the McClanahan-Burleson gang.⁴

On July 11, 1935, Joe Burleson became the first member of the McClanahan-Burleson gang to be indicted and tried for murder as a result of the Allred Rangers' investigations and clean-up in San Augustine. He would also become the only member of the gang to be charged with murder but then acquitted. In his trial for the murder of Henry Clay, Burleson claimed to have been acting as an officer of the law at the time of the killing because he had a Special Ranger commission issued by Gov. Miriam W. "Ma" Ferguson. Burleson claimed self-defense, alleging he went to Clay's house on official business as a law enforcement officer, Clay came out brandishing a rifle, and he had fired at Clay in self-defense. This defense was advanced by the supporting testimony of the local sheriff, Warren C. Gary and Lannie Smith, a local justice of the peace who testified to having provided Burleson with a warrant to enter Clay's home. However, Ida Clay and Young Ruth both testified that Dudley was unarmed when Joe Burleson and his two

⁴ Ibid.

accomplices shot him in his kitchen in the middle of the night. It also appears that Burleson offered no explanation as to why he would serve a lawful warrant in the middle of the night without other law enforcement officers to assist him but instead in the company of two men who had no law enforcement credentials or affiliation. Unlike the Ella F. Curl and Edward Clark cases, it appears that the all-white jury hearing Burleson's trial believed him over the black witnesses for the state, and he was acquitted at trial, to the chagrin of the prosecutors and the Allred Rangers.⁵

Despite the verdict of acquittal, the Allred Rangers and the San Augustine criminal justice system had already bucked the Jim Crow laws and customs of the time by investigating and indicting two white men (and one black man) for a crime against a black man, for which there were only black witnesses able to testify. However, the jury in that particular case chose to disregard that testimony in favor of that presented by the defense, which consisted of the defendant and other disgraced (or soon to be) public officials. As it happened, the corruption allegations against Lannie Smith, whose testimony was essential to Burleson's claim of having entered the home in the course of an allegedly lawful investigation, had not yet surfaced at the time of the trial. Also of note is that Burleson's other key witness, Warren C. Gary, was the disgraced former sheriff who was Burleson's co-defendant in the federal case for beating a Secret Service agent. This raises the question as to whether the jury might have returned a different verdict if they had been aware of the witness's credibility issues before they rendered their verdict. Being the very first jury to hear a case against such a prominent member of the

⁵ "Former Texas Ranger Freed," *Lubbock Morning Avalanche*, July 27, 1935.

McClanahan-Burleson gang might have also had a chilling effect on their willingness to convict him.⁶

Of the surviving records in regard to the final disposition of all three cases, the files for Vandy V. Steptoe and Joe Duffield, Joe Burleson's two accomplices in the murder of Clay, are incomplete and therefore somewhat unclear. Duffield escaped from the San Augustine jail on June 3, 1935, along with several other detainees that were being held under indictment. One of these detainees was the son of newly-elected Sheriff Virgil B. Worsham, who had been arrested by the Allred Rangers and Constable Sublett Sharp for bootlegging just days before. Worsham attempted to deflect suspicion when discussing the jailbreak that had occurred under his watch, first by failing to mention his son's name among the escapees and then by insisting that they must have been "given help from the outside." But his description of the method of the escape would indicate that whoever aided them would have had to have access to the interior of the facility. These facts and the suspicious circumstances did not escape the notice of the Allred Rangers, who had been losing confidence in Sheriff Worsham almost from the beginning. For the moment, however, they focused their attention on bringing the leader of the McClanahan-Burleson gang to justice for a years-old murder case, which had been a key event in the reinforcement of the gang's power.⁷

Special prosecutor S. H. Sanders completed the presentation of the case built by the Allred Rangers against Charles Curtis "Charlie" McClanahan for the murder of Edward B. Brackett

⁶ "Former Texas Ranger Freed," *Lubbock Morning Avalanche*, July 27, 1935; "Sheriff Is Named at San Augustine," *Dallas Morning News*, August 22, 1935.

⁷ "District Court Opened Monday," *San Augustine Tribune*, January 9, 1935.

Sr. to the San Augustine County Grand Jury on July 5, 1935, for which he used twenty-two witnesses. Sanders expressed great appreciation for the professionalism of the court, the district attorney, the county attorney, and the grand jurors during that process. He noted that he was allowed to present his case inside the grand jury room, but then left immediately upon his conclusion, so that he would not jeopardize the legality of the indictment. Sanders described portions of his presentation to the Governor, including how the Allred Rangers had assisted him in addressing issues relating to what they had learned during the course of their lengthy investigations about McClanahan's anticipated defense, namely the claim of self-defense that was based on alleged threats made by Brackett Sr. against McClanahan prior to the shooting.⁸

While McClanahan's defense apparently was planning to present several witnesses who would supposedly testify that they had heard such threats from Brackett Sr., several witnesses that the defense thought would do so had already admitted to the Allred Rangers that no such threats had ever been made, at least not in their presence. Plenty more witnesses had already come forth to testify that not only had Brackett Sr. never made any threats against McClanahan, but he had instead made numerous overtures to bury the hatchet, and on at least two occasions even agreed to meet with McClanahan to clear the air. In fact, it was eventually shown that it had been McClanahan who had refused to let the matter go. Sanders concluded his report by revealing that the evidence they had uncovered indicated that McClanahan's killing of Brackett Sr. was a "case of cold-blooded assassination." He praised Governor Allred "in connection with the good citizenship of San Augustine," for sending the Allred Rangers there, and he expressed

⁸ Sanders to Allred, July 5, 1935, James V. Allred Papers, Special Collections, University of Houston Libraries.

his confidence that the case would receive a change of venue for the trial. Governor Allred thanked Sanders for his report and “fine services” in the Brackett case, and he confirmed that he had written to both the district judge and the district attorney in support of a change of venue for the trial.⁹

The grand jury returned a “true bill” of indictment against McClanahan for the murder of Brackett Sr. in the first week of July 1935. Sanders was assured by the “proper officials” that the venue in the case would be changed at a hearing that had been scheduled for July 15th. He was told that it was possible that the case would be sent to his home county of Shelby, immediately north of San Augustine, as it would be “convenient and accessible for the witnesses,” but he noted that there was no guarantee of that and wherever it was sent would have to be with the agreement of the prosecution. At that hearing, Judge F. Pat Adams transferred the case to Panola County, instead of Shelby County, in response to concerns raised by defense counsel Sidney King. King argued that “it would be most unfair” to transfer the case to the lead prosecutor’s home county, though he also agreed that it would be equally unfair to transfer it to Nacogdoches, just west of San Augustine, as that was King’s former hometown. Sanders was satisfied that they could form a fair and impartial jury from the citizens of Panola County, where Carthage was the county seat of government.¹⁰

Governor Allred commended Sanders for his diligence and sound judgment in prosecuting the case up to that point, as well as Judge Adams, for his swift decision on the motion for change of venue. Allred commented that district judges would often “wait for the thing to be thrashed

⁹ Ibid.; Allred to Sanders, July 9, 1935 (Allred Papers).

¹⁰ Sanders to Allred, July 8 and 16, 1935 (Allred Papers).

around on both sides” before reaching such a decision on venue. McClanahan was initially ordered back into federal custody at the end of the hearing, but it appears that he remained in the San Augustine County jail until he was transferred to the Shelby County Jail in Center sometime in August, where he remained until he was moved to Carthage for the trial.¹¹

Even before his trial, it became more and more apparent—even to McClanahan himself—that he was losing his grip on the citizens of San Augustine. By late August 1935, it was widely rumored that the defense was shifting from a claim of self-defense (which depended on the testimony of others about “threats” made by Brackett Sr.) to a claim of insanity. This shift may have been prompted by the reversal of those self-defense witnesses, some of whom had already recanted to the Allred Rangers. McClanahan went so far as to feign a “nervous-breakdown” in order to get transferred out of the Beaumont City Jail and into a mental health facility called “Hotel Dieu.” In response to that news, Sanders requested the Governor’s prompt assistance in quickly arranging for either Dr. William Thomas of Rusk State Hospital—a mental health facility—or some other “reputable” mental health physician to conduct an examination of McClanahan at the jail in Center. Sanders was concerned that they would not have sufficient time otherwise to prepare and respond to such a plea. Allred promptly contacted Chairman Claude Teer of the State Board of Control, the agency that oversaw the state mental hospitals at the time, who advised that either Thomas or one of the other qualified physicians at Rusk would go to Center to conduct the requested examination. Allred further suggested to Sanders that Rangers

¹¹ Allred to Sanders, July 17, 1935, Allred to F. Pat Adams, July 17, 1935 (Allred Papers); “Chas. McClanahan Moved to Center Jail,” *San Augustine Tribune*, August 8, 1935.

McCormick and Hines, as well as other law enforcement officers, might be effective witnesses for refuting McClanahan's claim of insanity. In the end, defense counsel attempted no such plea.¹²

Sanders and the Allred Rangers spent most of their time in the weeks before the trial on supplemental investigative efforts, securing witness statements and other evidence to prepare for whatever direction the defense might have tried to take the case. In addition to Sanders, Kinard (the district attorney for San Augustine), and Wardlow W. Lane (district attorney for Shelby and Panola Counties) were also assisting with the preparations for the case, and they all believed that it was "in most excellent condition for trial." However, McClanahan also had multiple attorneys working on his defense, and the prosecutors took nothing for granted. While making final preparations for the Brackett murder case to go to trial, the Allred Rangers were also preparing to present another years-old murder case to a San Augustine jury.¹³

Eron Harris, the first defendant in the murder of respected local teacher John Gann, was finally brought to trial in August 1935 as a direct result of the Allred Rangers' efforts in San Augustine. Like the three Thomas family members after him, the twenty-three-year old, unarmed Gann had been shot to death by Thomas R. "Tom" Burleson on the courthouse square before a number of witnesses, leaving behind a wife and small child. Gann's murder was one of the seminal events that paralyzed the local criminal justice system and terrified the community. The McClanahan-Burleson gang held most of the local law enforcement positions, so who would protect witnesses and victims should they try and speak out about what had occurred? And since

¹² Sanders to Allred, August 24, 1935, Allred to Sanders, August 29, 1935 (Allred Papers); "San Augustine Man Held In Murder Has Nervous Breakdown," *Nacogdoches Sentinel*, June 28, 1935.

¹³ Sanders to Allred, September 19, 1935 (Allred Papers).

juries had already refused to serve in cases involving McClanahan-Burleson gang members, for fear of retaliation, what would have been the point of testifying in any event? However, once the Allred Rangers took control, the citizens began opening up to the Allred Rangers about countless crimes, including the murder of Gann, and this provided prosecutors with the eyewitnesses they needed to put together their case.¹⁴

There were four men directly associated with Gann's death: Tom Burleson, Sandy Thacker, Eron Harris, and Noah Thacker. Burleson and Sandy Thacker both died before they could be brought to trial, Burleson from lead poisoning after the December 1934 shoot-out. Eron Harris and Noah Thacker were convicted as accomplices, although the latter's conviction was later reversed on appeal, based on a lack of evidence that he took any direct action to assist or demonstrated any previous knowledge of the plan to shoot Gann.

Harris, who had enabled Burleson to shoot Gann without any risk of retaliation by striking the victim in the head, was the first to be tried as an accomplice to Gann's murder. With the Allred Rangers once again in attendance, the trial began on August 22, 1935, in the District Court of Judge T. O. Davis in Center, Shelby County, Texas. The attorneys for the State were Wardlow Lane and Hollis M. Kinard, of Center and Orange, respectively. The law firm of Adams & McAlister of Nacogdoches served as counsel for the defense. Lane and Kinard presented five witnesses during direct testimony for the Harris trial: E. L. "Buddy" Mitchell, Elbert Nichols, Luther Stotts, Virgie Scurlock, and Aubrey Matthews. Mitchell, Nichols, and Stotts were also the lead witnesses in the case against Noah Thacker, which began on January 30, 1936. These three were standing

¹⁴ Ibid.

on the sidewalk about twenty-five to thirty feet west of where the attack on Gann occurred and were all eyewitnesses to the event. Of the five witnesses, only Nichols actually knew who Gann was before the day he was murdered, and he only knew Gann by sight and was otherwise unacquainted with him.¹⁵

Scurlock had observed the attack on Gann from a much closer vantage point than the first three witnesses, as she “walked right up behind Tom Burleson” from east of Clark-Downs just after exiting the Commercial Bank. Scurlock testified that she heard the men cussing and walked over to see what was going on. She provided specific testimony regarding what each man said and noted that neither Burleson nor Gann were the ones talking or cussing. Scurlock stated that Noah Thacker said, “Yes, look him in the eye and tell him and shake his hand,” and then Harris said, “You Goddamned son of a bitch, I said shake hands with him, and look him in the eye,” just before Harris “shoved Gann or hit him.” She further testified that Gann turned to leave and she did the same, at which point she heard five or six shots fired. Scurlock also corroborated Mitchell’s account that after the shooting, Burleson began cursing at Gann and threatening to kill him, even though he already shot Gann at least four times and Gann had died. Scurlock also noted that, after the shooting, Noah Thacker walked around the store looking over the counters in an apparent attempt to locate Gann. She said Burleson also stepped into the store briefly after the shooting, but left quickly as Noah Thacker scanned the premises more thoroughly before they all left the scene.¹⁶

¹⁵ Ibid., 1-3.

¹⁶ Ibid., 44-52; File #18449, *State of Texas v. Noah Thacker, 1936*: Statement of Facts, 33-34.

Witness Scurlock was the daughter of Virgil Worsham, who had resigned as sheriff in the wake of a sex scandal the day before her testimony. Because he had participated in some of the investigations and arrests of Burleson family members and their associates, he was regarded as an anti-Burleson-McClanahan partisan among those families. But there was no testimony or evidence presented suggesting that his daughter was biased or dishonest. Furthermore, she had been estranged from her father since early childhood. The separation was so pronounced that it was revealed under cross-examination that her father, the sheriff, had to track her down at church on a Sunday in order to serve her the subpoena compelling her presence and testimony at trial.¹⁷

The final witness, Mathews, was an employee in the Clark-Downs store. His testimony as to the persons involved, including their locations and actions during the event, corroborated that of the other witnesses. Mathews witnessed both the preliminary events (including when Harris punched Gann) and the shooting, and he saw Gann expire as he lay on the floor some six to eight feet inside the store, up against the wall. He also testified that there was not a case of guns anywhere near where Gann ran in to the store at the time of the murder and that there was no gun found anywhere near Gann's body.¹⁸

The prosecution's five witnesses, as a whole, offered detailed, compelling, and consistent testimony, even under cross-examination by the defense counsel. All were eyewitnesses to the murder of Gann, and the prosecution restricted its presentation strictly to the facts surrounding the events in question. Furthermore, no evidence was presented during any portion of the trial,

¹⁷ Ibid., 1-2, 44-52; Phone Interview of Jamie Burleson Dougherty by Author, June 2010.

¹⁸ File #18202, *State of Texas v. Eron Harris, 1935*: Statement of Facts, 53-57.

nor was it implied, that any of the State's witnesses were biased or in any way tied to any sort of factionalism in opposition to the defendant, the other suspects in the case, or their families. Once the prosecution rested its case against Harris, the defense introduced the testimony of thirty witnesses, including the defendant and another participant in the attack, Noah Thacker. Nine of the thirty claimed to be eyewitnesses to the Gann shooting. This number included the defendant, Harris, his co-defendant Noah Thacker, and Lee "Red" Jordan, who was subsequently convicted of armed robberies committed in collusion with Jim Burleson.¹⁹

The defense's case got off to an inauspicious start. Defense witness H. B. Sparks, who had been specifically engaged for the purpose, sought to testify about the diagram of the store that he had created from measurements taken only a few weeks before the trial. But the State objected to this testimony on the grounds that evidence as to the *current* state of the store was irrelevant, as it would not relate to the state of the store when the shooting took place two years prior. The Court sustained the State's objection, ruling that Sparks would only be permitted to testify about facts relating to the time of the shooting. Sparks, however, did not have sufficient knowledge to testify about the state of the store in August 1933. His testimony therefore failed to advance the self-defense theory that relied on the existence of a case of guns near the door, because the gun case that was near the door at the time that Sparks made his diagram had not

¹⁹ File #18202: *State of Texas v. Eron Harris, 1935*: Statement of Facts, 57-184. The thirty defense witnesses were H. B. Sparks, Almeta Steptoe, Herman Clark, Mrs. Eron Harris, Ada Burleson (wife of Joe Burleson), Doris Burleson (widow of Tom Burleson), J. M. Harris, Lee "Red" Jordan, Henry Peters, Rueben Peters, Opal Wells, Jimmie Hooper, Cleveland Wadsworth, Philip Rogers, Richard Hodges, Henry Hendricks, Fred Bradbury, Vance Davis, Maxie Moore, P. L. Sanders, Monroe Burkett, Dick Whitson, Clint Sheppard, Grady Beasley, John T. Leslie, Mark Sheppard, J. H. "Henry" Johnson, and Eddie Goodwin. The nine eyewitnesses were Henry and Rueben Peters, Wadsworth, Rogers, Hodges, Hendrick, Davis, Moore, and Goodwin.

been there at the time of the murder. The layout of the store had changed substantially between the time of the murder and the time of the trial.²⁰

Another defense witness, J. H. "Henry" Johnson, was supposed to testify about a completely separate incident (the December 1934 shoot-out at the hardware store), which had resulted in the death of the primary co-defendant in the Harris case. That testimony was never heard, as the judge sustained the State's objection based on lack of relevance. It was the correct legal decision, but it is unfortunate from an historical perspective.

Several defense witnesses contradicted each other (and often their own testimony) during cross-examination. This confusion, which likely did the most damage to the defense's case, may have stemmed from their simultaneous advancement of two completely separate defense theories: (1) that Gann's killing was self-defense, rather than murder (with testimony and questioning seemingly focused on exonerating the deceased shooter, Burleson, rather than the defendant on trial); and (2) that the defendant was a Good Samaritan who tried unsuccessfully to stop a deadly brawl, rather than an accomplice to murder.²¹

In addition to the internal inconsistencies, some of the defense testimony was simply inaccurate. One such contention was that there was a case of guns and ammunition kept just inside the hardware door that Gann entered in his attempt to flee the attack, forming the basis of a theory that Burleson shot Gann in self-defense because he reasonably believed that Gann

²⁰ Ibid.

²¹ Ibid., 57-66, 155. The Court's decision to uphold the State's objection to Johnson's eyewitness testimony regarding Burleson's shooting of the Thomases on a separate occasion was understandable from a purely legal perspective. However, from the perspective of the historical researcher, it was quite disappointing that the opportunity to read another detailed first-hand account of those events in such close proximity to the event itself was lost.

was attempting to reach a gun from this case. The problem with this theory was that while such a case *was* present at that location by the time of the trial in 1935, it was *not* there at the time of the shooting in 1933. In 1933, it was located in the far back corner of the store. The validity of this imminent “threat” was also undermined by the practical reality that it would have taken a long time for Gann to retrieve and load a pistol from the case even if it had been accessible. These facts did not support the defense contention that the killing was justified as a case of self-defense.²²

The second contention alleged in support of the theory of self-defense was that Gann had possessed and displayed a knife in a threatening manner during the conflict. This theory was evidently introduced during the questioning of the State’s witnesses, though only one defense witness testified to having seen Gann with a knife. That witness was Lee Jordan, who was later convicted of robbery along with Tom Burleson’s older brother Jim. However, all of the prosecution’s witnesses, and even all of the defense eyewitnesses, contradicted Jordan’s assertions on this matter; even those who knew Jordan testified to not even having seen him at the scene, at all. Jordan claimed not only to have seen Gann produce and wield a knife, he further claimed to have picked up the knife after Gann allegedly dropped it upon being shot—according, once again, only to Jordan. He also claimed to have turned it over to (by the time of the trial, former) Special Ranger Charles Curtis “Charlie” McClanahan. But McClanahan (who was also soon to be tried for murder) never produced nor testified about a knife, not at Tom’s trial in early 1934, nor at Harris’s trial. This is particularly odd under the circumstances because, as a

²² Ibid., 56, 59, 71-74.

commissioned law enforcement officer, he would have been expected to preserve and produce such evidence. And in this particular case, as a well-known close associate of the Burleson family, and of Tom in particular, he would have had a vested interest in providing Tom and Harris with exculpatory evidence. In any event, neither Jordan nor any other defense witness was unable to provide any sort of corroborating evidence for such claims, a failure that further undermined the defense strategy.²³

Incidentally, Jordan was subsequently proven to have attempted to “fix” a witness during his own trial by instructing them to provide false alibi testimony on his behalf, an act that he admitted to during his own trial for armed robberies committed in collusion with Jim Burleson (offenses for which he was convicted). In light of all the facts, it appears that Jordan’s testimony in the Gann murder case was manufactured in an attempt to aid a fellow Burleson associate, as well as to vindicate Tom Burleson in the matter. However, the testimony of the other defense witnesses, which indicated that Tom was a violent sociopath who threatened or killed anyone who crossed him, significantly outweighed Jordan’s testimony.²⁴

After the self-defense theory floundered, the defense counsel abandoned that approach in favor of asserting the Good Samaritan story. This transparent change of direction was most clearly undermined by the testimony of the defendant himself, who (according to the testimony of all the eyewitnesses) had been closer to the shooter and victim than anyone else. Harris made no mention of a knife during his direct testimony and specifically denied that Gann possessed or displayed a knife upon cross-examination by the State. The defense offered very little to explain

²³ Ibid., 15, 57, 90-101, 101-105, 111-130, 135-145, 156-158.

²⁴ Ibid., 107, 109-110.

the root of the apparent conflict between Gann and Burleson, save for a vague, brief story by Almeta Steptoe claiming that Gann had advised her against dating Tom Burleson because “he wasn’t fit for a decent girl to go with,” and that she subsequently relayed that conversation to Tom, who became angry and fought Gann a few days later. She failed to mention two additional facts: Tom apparently lost that fight and vowed to “get” Gann afterward. Further complicating matters was a contention raised by the prosecution in the trial of Noah Thacker, based on testimony by both Virgie Scurlock and E. L. “Buddy” Mitchell, that the originating conflict might have been instead between Gann and Harris, Burleson’s brother-in-law, rather than between Gann and Tom. Essentially, most of the defense testimony raised more questions than it answered, leaving the impression that the witnesses were (for the most part) biased, confused, and, for some, outright dishonest.²⁵

Other than the nine eyewitnesses, the remainder of the defense witnesses can mostly be divided into two groups. The first is that of family members offering testimony regarding events either before or after the shooting, the purpose of which remains unclear because much of the testimony consisted of claims about what the either the victim, shooter, or defendant said before or after the shooting (much of which was hearsay) or simply about peripheral matters that shed no factual light on the event itself, such as the defendant’s employment over the last few years or activities immediately surrounding or altogether unrelated to the murder. Most perplexing is that the majority of these witnesses, mostly relatives of Tom Burleson, seemed

²⁵ *Ibid.*, 69, 171-193; Interview of Haley by Author, August 21, 2010; File #18449, *State of Texas v. Noah Thacker*, 1936.

more intent on providing excuses for the deceased (and undisputed) shooter than defending the living participant who was on trial.

The second group consisted of character witnesses for the defendant, who all admitted under cross-examination that they had not known or had contact with the defendant for the past several years (in some cases, decades). On rebuttal, the prosecutor produced several witnesses who testified to more recent and local knowledge of the defendant's poor reputation for "truth and veracity." All in all, the testimony of the defense witnesses, including the defendant, was not compelling or credible. The testimony from the State's witnesses, which had all been secured through the investigative efforts of the Allred Rangers, convinced the jury that the State's case was an accurate description of how Gann had died and of who was responsible.²⁶

Collectively, the testimony presented by the State's witnesses was clear and concise, sufficiently detailed, specific, to the point, and most of all, consistent. They did not recant any facts or become confused under cross-examination; they were just as clear and detailed in their responses as they had been under direct examination. There were no substantive contradictions of fact among them. The defense witnesses, on the other hand, offered no consensus of facts or clarity of argument but came across instead as a loose collection of unrelated, contradictory, and often irrelevant testimony. Defense counsel appeared to be trying every trick in an attempt to raise any potential doubt in the minds of the jurors but had no clear plan guiding their efforts. The jury rejected all the defense theories and convicted Eron Harris of murder and imposed a sentence of ten years. The Court of Criminal Appeals later affirmed Harris's conviction and

²⁶ File #18202, *State of Texas v. Eron Harris, 1935*: Statement of Facts, 147-154.

sentence. Furthermore, as a direct result of evidence offered during the Harris trial, Noah Thacker was also indicted, arrested, tried, and convicted by a separate jury of having aided in Gann's murder, though this conviction was later reversed by the Court of Criminal Appeals for lack of evidence that Thacker specifically knew that Burleson had planned to kill Gann, combined with the fact that he, unlike Harris, did not physically aid in the attack.²⁷

While preparations were made for the various trials that were beginning to take place ever more frequently, now that the local criminal justice system had been reinvigorated thanks to the stability and security provided to the community by the Allred Rangers, other matters also demanded McCormick and Hines' attention. While the known McClanahan-Burleson leaders and associates were, for the most part, either out of the area or behind bars, there were still corrupt members of the local community who held positions of power and needed to be removed. One in particular had caught their attention from the outset, though they took the time to confirm their suspicions with hard evidence before moving against him.

Sheriff Worsham had won the election in November 1934 to replace Gary, who had been indicted in federal court in October for participating in the beating of Cleveland, the Secret Service agent, along with other members of the Burleson-McClanahan gang. From the outset,

²⁷ File #18202, *State of Texas v. Eron Harris, 1935*: Brief for Appellant & Appellant's Motion for Rehearing; "Ten-Year Term Given In East Texas Killing," *Dallas Morning News*, August 27, 1935; "Third Arrest Is Made In Old Etex Slaying," *Dallas Morning News*, August 31, 1935; "Eron Harris Given 10 Years By Shelby Jury," *San Augustine Tribune* September, 1935; "Eron Harris Gets 10 Years At Center," *San Augustine Tribune* August 29, 1935; "Forced Confession Saves Man Thrice Sentenced to Die," *Dallas Morning News*, June 18, 1936.

the Burleson and McClanahan families regarded Worsham as an antagonist and were frustrated by his involvement in the arrests of their family members and associates.²⁸

The Allred Rangers arrested Worsham's adult sons, Wayman and Tandy, for running a bootlegging operation just a few blocks from the San Augustine Town Square. The Rangers' suspicion of corruption on the part of Worsham was heightened after his sons and several other suspects escaped from the jail on the evening of Sunday, June 2, 1935. Worsham failed to mention his sons' role when speaking to the press about the jailbreak, simply asserting that they had "outside help." But, obviously, the Allred Rangers knew this important detail, and suspected that the aid they received was from inside, rather than "outside." In light of this knowledge and his interference with their efforts to enforce the law against his own associates, they devised a plan to get Worsham removed from office.²⁹

Hines and McCormick arranged for an attractive blonde woman from Beaumont to serve as the "bait" and surprised Worsham in a hotel room in Center with her. In his memoir published nearly twenty years later, Worsham claimed to have known all along that it was a "set-up" and that nothing happened between them, though he offers no explanation as to why he went to the hotel with her when he "knew" he was being set-up. He claims that he never went, instead sending an unnamed friend to survey the scene for him. His strange account of the incident actually raises far more questions than it answers. Interestingly, while Worsham never names the

²⁸ Ben H. Procter, *Just One Riot* (Austin: Eakin Press, 2000), 71; Interview of Eyewitness #6 by Author, May 15, 2001; Phone interview of Harry Noble by Author, June 17, 2010; Interview of Dougherty by Author, May 16, 2001.

²⁹ Ibid.; "Officers Confiscate Liquor in Raids last Saturday," *San Augustine Tribune*, February 21, 1935; J. L. Mathews to Author, May 21, 2001 (e-mail of unpublished eyewitness account); "Five Men Break Out Of San Augustine Jail," *Dallas Morning News*, June 4, 1935; Procter, 71.

individual “Allred Rangers” whom he aggressively disparages in his memoir, he does carve out an exception by name to his many criticisms and complaints about the Rangers, namely Leo Bishop, who had already left San Augustine. Worsham writes that, “Leo Bishop would help and advise me, and would not have been a party to such dirty deeds,” a direct reference to the set-up that ensnared him in Center.³⁰

Regardless of Worsham’s belated effort to argue the contrary, the Allred Ranger’s sting operation prompted him to resign his office on August 21, 1935, a move for which he offered no official reason at the time, though he did write an open letter “To the Citizenship of San Augustine,” stating that “I have done no wrong, and have no apologies to offer” (despite the fact he was resigning under threat of being removed). He concluded the letter by saying, “I am tendering my resignation with a clear conscience.” In his book published more than two decades later, Worsham again offered no plausible explanation for his resignation. Worsham contended that he was not receiving adequate financial support from the Commissioner’s Court, but he waited nearly twenty years to express this allegation in his memoir. This claim is unexplained, undocumented, and otherwise unsubstantiated. If county officials removed his funding as an inducement for him to resign, that fact would actually support the idea that he was forced out of office. He offers no reason or evidence, other than vague allusions to professional jealousy or corruption, to explain the Commissioners’ and Rangers’ antagonism for him. No other San

³⁰ Virgil B. Worsham, *A “Common Man’s” Life Story: Including His Official Work and Accomplishments While Sheriff of San Augustine County* (San Augustine: V. B. Worsham, 1952), 79-83; Procter, *One Riot*, 71; “Silver Guns Reward For ‘Cleaning Up’ of San Augustine,” *San Augustine Tribune*, August 27, 1936.

Augustinian is known to have ever offered any words of support—much less corroborating evidence—in defense of Worsham in these matters.³¹

From a thorough review of all available information, the reverse appears to be the more likely scenario. Worsham repeatedly attempted to take sole credit for the clean-up, both to news journalists at the time and later in his memoir. His claim to have had everything under control before the Allred Rangers arrived was an assessment not shared by anyone else in town at the time. A deluge of contemporary news articles and the consensus among the recollections of those old enough to remember those events decisively demonstrate that it was the efforts of the Allred Rangers that brought the town under control and restored law and order.³²

Worsham was not the only local official to resign his office in the wake of the Allred Rangers' clean-up of that community. Justice of the Peace Lannie Smith, who testified that he had issued a search warrant to Burleson for the Clay residence that night, was also forced to resign from office at the same time because of allegations of corruption stemming from the Allred Rangers' investigations. (That fact raises the question as to whether the jury that heard the case of the murder of Dudley Clay might have returned a different verdict if they had been aware of the witness's credibility issues before they rendered their verdict.) No documentation in regard to the specific circumstances of their resignations has been discovered, other than that

³¹ Worsham, *Life Story*, 60, 66-79, 82-83, 89, 95-97; "Sheriff Resigns," *Dallas Morning News*, August 23, 1935; "To The Citizenship of San Augustine County," *San Augustine Tribune*, September 1935.

³² Ibid; "Citizens of San Augustine Honor Beloved Rangers" *San Augustine Tribune*, January 2, 1935; "Road Meet Held in San Augustine; Street Dance Tonight Will Be Given in Honor of Texas Rangers," *Beaumont Enterprise*, March 22, 1935; "San Augustine Now an Ideal County in Which to Reside," *San Augustine Tribune*, December 5, 1935; "Rangers Win Praise of San Augustine in Clean-up that is High Spot in History of State Police Force," *Beaumont Journal*, May 9, 1936.

they were a result of investigations undertaken by the Allred Rangers. Constable Sublett Sharp, who had aggressively assisted the Allred Rangers, was endorsed by them and immediately appointed to replace Worsham as sheriff. The San Augustine County Commissioner's Court also appointed "[Allred] Ranger Endorsed" Deputy Sheriff Erwin Wade to the post of City Marshal. With these changes in place, the Allred Rangers aggressively continued their investigations focused on cleaning up San Augustine, together with strong local law enforcement backing.³³

The majority of San Augustine citizens endorsed the changes in local leadership, as evidenced by their continuing expressions of gratitude for the Allred Rangers in response to those changes. They selected only men sanctioned by McCormick and Hines, wrote letters and newspaper articles affirming their approval, and held additional widely attended public events at which they again broadcast their esteem for McCormick and Hines. In April, San Augustine held its first-ever "Trades Day," which included a variety of entertainment, such as a daredevil performer from Dallas. R. T. Smith drove (with Sheriff Worsham and Wesley Chumley in the car) blindfolded through heavy traffic "from the Ford place and traversed the main street to the corner of the First National Bank, where it turned into the street leading to the city hall . . . to the next street crossing, turned and came back to the main street and on to the Partin Grocery store, where Daredevil Smith then climbed a ladder to the top of the building and walked the ledge of same to the applause of the large crowd." A contest was held for which Ranger Hines was one of the judges (along with Constable Sharp and Webster F. Hays, editor of the *Tribune*)

³³ "Sheriff Resigns," *Dallas Morning News*, August 23, 1935; "Sheriff Is Named At San Augustine," *Dallas Morning News*, August 23, 1935; "Ranger-Endorsed Deputy Is Named Marshal In Etex," *San Augustine Tribune*, August 29, 1935.

and in which Mrs. Jesse Mathews, Homer Whitworth, Mrs. Lister Smith, and W. H. Fussell were awarded first through fourth place, respectively.³⁴

The *San Augustine Tribune* reported that thousands of people “from practically all over the trade territory” were in attendance. The *Tribune* also noted that McCormick, Hines, and their wives led the opening dance and that the dance commenced with an announcement by local attorney Joseph R. Bogard that it was a “continued celebration of the wonderful change in conditions in San Augustine; the stamping out of lawlessness by the [Allred] Rangers, assisted by local officers” and that “everyone present [was] shaking hands and commenting favorably upon the new era for San Augustine, that of law enforcement, and all were loud in their praise of Captain McCormick and his assistants, Rangers Dan Hines and Leo Bishop.” The event was such a success that the townspeople were already scheduling their second “Trades Day” for May 25th, just a month later. For San Augustinians in mid-1935, gone were the days of avoiding the town center and cowering in their homes. Instead, they were openly reveling in the freedom and peace they had regained, and they credited the Allred Rangers for instigating that change.³⁵

These events were indicative of the strong public support for the Texas Rangers’ accomplishments in San Augustine, and local leaders continued to express their gratitude to Governor Allred and his Rangers. They invited the Governor himself and his Rangers to the local fairgrounds in August (the site where less than a year before, the Burlesons and McClanahans had beaten and intimidated a federal officer) to be their special guests for “the big East Texas Rodeo.” The event was billed as a celebration of the “town’s return to law, order.” The *San*

³⁴ Ibid; “Street Dance Makes Big Hit: Thousands of People Attend,” *San Augustine Tribune*, May 2, 1935.

³⁵ Ibid.

Augustine Tribune's August 8, 1935 front page was virtually covered by articles and ads dedicated to the event, including a huge picture of Governor Allred. The event was a two-day affair and included a parade, a dance, and a variety of rodeo events including wild horse racing, break-away and tie-down calf roping, bronco riding, bull-dogging, wild mare milking, wild-horse saddling, Brahma bull riding, a cowboy boot race, and a bullfighting clown. Since Hines was an experienced rodeo competitor and organizer, he was asked to direct the rodeo competition, and his own local popularity was specifically mentioned in news reports. The Governor also took to a horse during the event, on which he led the parade. Just before the parade, five-year-old Jacquelin Cartwright presented a bouquet of flowers to the Governor, on behalf of the San Augustine History Study Club.³⁶

The East Texas Rodeo was a huge success, and Hines was given much credit for that achievement in the local press. Captain McCormick presented the awards to the winners, and Hines himself won the breakaway calf roping, an event for which he already held a world record. The *San Augustine Tribune* also reported that Governor Allred received “continued and universal applause” when, during his speech, he stated that, “San Augustine County citizens need suffer no uneasiness whatsoever about crime conditions here and that ample protection to all good citizens would be extended San Augustine County through the State Ranger force.” Allred was responding to numerous inquiries on the matter, from local citizens and leaders needing some reassurance that the Allred Rangers would not leave and create a law enforcement vacuum in

³⁶ “Allred to Open Rodeo August, 10,” *San Augustine Tribune*, August 8, 1935; “East Texas Championship Rodeo To Open Here Saturday,” *San Augustine Tribune*, August 8, 1935; “San Augustine Rodeo To Celebrate Town’s Return to Law, Order,” *Dallas Morning News*, August 11, 1935; “Allred Uses Plane, Auto and Horse in Trip to Etex Rodeo,” *Dallas Morning News*, August 11, 1935; “Governor Opens Rodeo Program: Allred Acclaimed By Town Where He Sent Rangers Some Months Ago,” *Beaumont Enterprise*, August 11, 1935.

which the McClanahan-Burleson gang might assert themselves once more. Scarred from years of oppression, the community needed reassurance that the Rangers would remain indefinitely to ensure closure to that dark period in their history. Allred and his Rangers repeatedly provided that assurance, without hesitation or equivocation, and Rangers were stationed in San Augustine as long as Allred held office as governor.³⁷

³⁷ "Governor Opens Rodeo Program: Allred Acclaimed By Town Where He Sent Rangers Some Months Ago," *Beaumont Enterprise*, August 11, 1935; "Two Day Rodeo," *San Augustine Tribune*, August 11, 1935.

CHAPTER 6

THE HARDER THEY FALL

Arguably the most significant trials to occur as a result of the Allred Rangers' clean up of San Augustine were not the murder cases for white-on-white violence, but those of white men for the victimization of blacks. During the Jim Crow era, neither Texas nor federal law provided for the rights of blacks to have effective redress against whites in the court system, and social custom prohibited blacks from even testifying against whites. The earliest major trials that resulted from the Texas Rangers' efforts in San Augustine during 1935 dealt with murders that stemmed from the unsuccessful attempts of local white residents to contest the power of the McClanahan-Burleson regime. But the gang's core activities were common theft, robbery, and extortion. And their most frequent victims were the African-American residents of San Augustine County, most of whom were sharecroppers and tenant farmers who survived on the proceeds of their crops, which came in at regular intervals through the year.

Complete trial transcripts, including all witness testimony, direct and cross-examinations, and the appellate records on file in the Court of Criminal Appeals records at the Texas State Library and Archives in Austin, are practically a verbatim confirmation of San Augustine's collective memory of this type of crime during the era of the troubles. Those records are also a testament to the fact that the Texas Rangers sent by Governor Allred and the white citizens of San Augustine countermanded the social norms and strictures of the Jim Crow era in search of justice. During that time, blacks were segregated from whites in most public venues, including the criminal justice system. Nevertheless, in the two trials of Charles Lycurgus "Curg" Burleson, all-white juries convicted a white man solely on the testimony of black victims and witnesses,

based on investigations launched and charges filed by the Allred Rangers, which could be fairly termed an unusual event for that time.¹

The black victims and witnesses from these trials testified that they had not reported or otherwise sought official intervention prior to the arrival of the Allred Rangers, and that Rangers Dan J. Hines and James W. McCormick had been the ones who sought them out, recorded their statements as to what crimes had occurred, and arranged for them to attend trial and testify.

The first was the extortion case against Curg Burlison involving a local black sharecropper named Edward Clark. The victim, Clark, testified that he did not report any of his troubles with Burlison and his associates to the authorities out of fear for his life until after the Allred Rangers came to town. He finally told the Allred Rangers about those troubles at the local tailor shop in early March 1935, after Constable Sublett Sharp brought Clark to them in connection with ongoing investigations of cold cases and other yet-to-be prosecuted crimes. Clark had not reported the crimes previously because Curg's relatives and friends held most of the local law enforcement positions at the time those crimes had occurred.²

In addition to their involvement in the various trials and investigations of crimes involving white victims, the Allred Rangers spent much of the summer of 1935 investigating cases involving the many years that the McClanahan-Burlison gang had regularly victimized black citizens in San Augustine. By the time that fall approached that year, the fruits of those labors began to pay off,

¹ For a more detailed discussion of Jim-Crow laws and practices in the post-Civil War South, including Texas, see Alwyn Barr, *Black Texans: A History of African Americans in Texas, 1528-1995* (Norman: University of Oklahoma Press, 1973), and Douglas A. Blackmon, *Slavery By Another Name: the Re-Enslavement of Black Americans From The Civil War to World War II* (New York: Anchor Books, 2008).

² *Ibid.*, 6-9; File #9689, *State of Texas v. Curg Burlison, March 2, 1935*: Docket Sheet (San Augustine District Court Records, San Augustine).

and Curg Burleson was indicted and tried for the felony charge of “Threats to Extort Money” in the District Court of San Augustine County on September 12, 1935. With the State represented by District Attorney Hollis M. Kinard of Orange, Texas, and Adams & MacAlister of Nacogdoches representing the defense, Curg testified that he had loaned ten dollars to Clark just shy of a week before Clark came to his house to “pay [Curg] back.” Curg insisted that Clark only paid him the one time and that the amount was only ten dollars. He also insisted that he never threatened Clark in any way, claiming instead that he had always been “very kindly and very friendly” when asking Clark “for my money.” The witnesses in the case were Clark and his friend Leroy Garner (a State’s rebuttal witness who had accompanied Clark on more than one occasion to deliver money to Curg at the home of his in-laws, J. Henry and Sarah G. Steptoe), then Curg and his mother-in-law for the defense.³

The case against Curg for “Threats to Extort Money” from Clark came down to a matter of conflicting witness testimony. The State alleged that Curg demanded thirty dollars from Clark under threats of violence, while the defense claimed the transaction was the repayment of a loan and was only for ten dollars in total. An all-white jury accepted the testimony of two black witnesses over that of two whites—a fact of no small significance in 1935 East Texas. The Court of Criminal Appeals affirmed Curg’s conviction and sentence of six years in the state penitentiary. The appellate court noted that both Curg’s defense and appellant argument amounted to no more than a simple denial of the State’s case, which the jury had determined to be the truest account of the relevant events. Among other contentions, the defense had argued (incorrectly)

³ File #18219: *State of Texas v. Curg Burleson, 1935*: Statement of Facts, 10-20.

that the case “involves only the testimony of one negro against one white man.” Kinard, the prosecutor, countered “Naturally, the appellant complains because the jury accepted the testimony of the witnesses for the State, who were Negroes, as against those for the appellant, who were white people. It was within the province of the jury to pass upon the credibility of the witnesses.” The court did not address this particular contention but included in its original opinion, which affirmed the trial court judgment that “all other matters complained of seem to be without merit and are overruled,” and it denied Curg’s motion for a rehearing. It is interesting to note that the appellant court’s ruling was not entirely without its own racial overtones. The court of appeals opinion noted that the defendant’s own testimony claiming that he—a white man in East Texas in 1934—gave a “negro” (whom by his own statement he barely knew and had no knowledge of Clark’s ability to repay) a loan of ten dollars (a substantial sum at the time) “to go to supper,” was “a bit incredible.” The nature of this commentary by the reviewing justices casts serious doubt on the veracity of Curg’s defense.⁴

As victim Edward Clark testified, Allred Rangers Hines and McCormick had sought him out, and the case made it to trial as a direct result of their initiative and tenacity in investigating cold case crimes that had gone un-adjudicated in the past few years. The Allred Rangers’ efforts were now resulting in convictions against members of the McClanahan-Burleson inner circle.⁵

⁴ File #18219, *State of Texas v. Curg Burleson, 1935*: Appellant’s Motion for Rehearing (p. 14), Brief for the State (p. 2), Opinion (p. 3), Opinion on Motion for Rehearing (p. 4).

⁵ “Father, Son Sentenced for Ballot Box Theft,” *Dallas Morning News*, September 2, 1935; Interview of Jamie Burleson Dougherty by Author, May 17, 2001; Lonny Taylor to Author, March 9, 2005; File #18219, *State of Texas v. Curg Burleson, 1935*: Statement of Facts,3-6.

Edward Clark was not the only African-American victim of the McClanahan-Burleson gang who the Allred Rangers were able to bring into a courtroom in search of justice against their white offenders. Curg was tried and convicted by a jury for a second offense as well, this time against San Augustine county resident Ella F. Curl.

During Curg's trial in that case, the defense's strategy was immediately apparent during cross-examination and was laid out explicitly during the defendant's testimony. Curg claimed that Tom Burleson (who was by then deceased) had sold him three hogs and told him that those hogs were located at Curl's house and Curg could pick them up there the next day. Curg further testified that he had a lengthy conversation with Curl on the day that he took the hogs, during which he attempted to negotiate the trade of one of the barrows he was taking for her big sow. Her response to that claim was, "If Mr. Burleson wanted to trade me a barrow for an old sow, it must have been in his mind." She adamantly denied that any such conversation ever took place, even after repeated efforts under cross-examination by defense counsel to get her to change her story. Curl and her son also vehemently and repeatedly denied the defendant's claims that there were other "Negro boys" present at her home when the defendant took her hogs, and she testified that no one there assisted the thieves or "got some slop . . . [and] loaded [the hogs] in the wagon," while Burleson and his companions remained seated, then drove away. Once again, an all-white 1935 East Texas jury accepted the testimony of two African-Americans over that of three whites, and convicted Curg, sentencing him to two more years in the state penitentiary.⁶

⁶ Ibid.

The Texas Court of Criminal Appeals sustained Curg's argument that the trial court erred in not allowing the testimony of his mother-in-law, Sarah G. Steptoe. According to the defense counsel, she would have testified that she overheard the transaction between Tom and Curg in which Curg claimed Tom sold him the hogs. The justices concluded that her testimony *might* have provided the jury with reasonable doubt that Curg, along with Vandy V. and Calvin Steptoe, had intended to steal the hogs, though they also noted that the jury verdict might also have remained the same, depending on whether Sarah Steptoe actually testified to such facts and whether or not the jury found such additional testimony to be more credible than Curl's. The court reversed the trial court judgment and remanded the case back to the trial court on this basis and did not rule on any of the other points of error, such as those relating to the sufficiency of the evidence. Such a scenario would have conveniently placed the responsibility for the victimization of Curl onto the deceased Tom Burleson, who obviously could not be called to rebut such a claim or be held accountable for the theft. Regardless of whether or not Tom actually told Curg any such thing, Curl testified unequivocally that she had made no such arrangements with Tom and that was the victim of a theft. Furthermore, Curg, by his own admission, had made no effort to ask Curl about whether she had sold the hog to Tom before loading it up and taking it away without her consent.⁷

It should be noted that the record is inconclusive as to whether or not Sarah Steptoe would have actually testified that she overheard the conversation in question; her husband Henry Steptoe denied any knowledge of it during his own testimony, despite apparent defense

⁷ File #18208, *State of Texas v. Curg Burleson, 1935*: Brief For Appellant & Opinion.

counsel efforts to elicit such a statement from him. Furthermore, while it is at best speculative as to whether she would have been willing to perjure herself to protect her son-in-law, though the fact that her own son, Vandy, was also charged in the matter heightens the possibility that she might have done so on his behalf. Curg might have been a fortunate third-party beneficiary of such a scenario (if the jury believed her). In any event, the jury clearly felt compelled to accept Curl's testimony over that of Curg, and convicted him in an unprecedented fashion, a fact that defies common historiographical notions of East Texas white culture in that place and time.⁸

Like many of the San Augustine cases from this time, the final disposition in Curg Burleson's hog theft case is unknown. As the sentence in the hog theft case was two years, and such sentences typically run concurrently (that is, simultaneously rather than sequentially), Curg might have been retried, have lost, and not attempted to appeal the second conviction, or he might have entered into a plea arrangement with the State. It is also possible that the State chose not to re-file or retry this particular case because shortly after it was reversed and remanded, Burleson's conviction and six-year sentence in the extortion case was upheld. This outcome remains a mystery, as no record of the post-remand adjudication has been located. Vandy Steptoe was eventually convicted in that same case, and he was sentenced to two years in state prison for that offense. Therefore it would appear unlikely that the prosecution would not have been willing to re-try Burleson, who likely pled out in the end for a concurrent sentence with that of his other conviction.⁹

⁸ Ibid.

⁹ "District Court Opened Monday," *San Augustine Tribune*, January 9, 1935.

Perhaps the most striking aspect of the cases involving Curg Burleson's victimization of Edward Clark and Ella Curl is how closely they mirror the modern collective memory of such events. The oral traditions of the local black community in particular are replete with similar tales, and there are even a few people still living today who can recount having experienced such offenses at the hands of the McClanahan-Burleson gang. To this day, many African-American San Augustinians who lived through that period continue to perceive the Allred Rangers as having delivered them, their families, and their friends from the oppression of the McClanahan-Burleson gang. They are also keenly aware of the distinction between the Ferguson Rangers and the Allred Rangers, holding the former in contempt and the latter in high esteem.¹⁰

It was not only citizens of San Augustine who took note of, and benefited from, the dramatic change that took place after the Allred Rangers arrived. The United States Secret Service, whose investigations into the beating of Operative Cleveland had produced little evidence and even fewer witnesses willing to testify against the McClanahan-Burleson gang until that transition had taken place. But by the time that the fall term of the federal district court began in October 1935, that had all changed. By the time Operative-in-Charge Edward Tyrrell met with United States Attorney S. D. Bennett on October 2, 1935, to discuss how to proceed, the status of the defendants was very different than it had been during the previous term.¹¹

¹⁰ Oral history interviews by this author in September 2012 with many members of the African-American community in San Augustine County, including numerous individuals who were alive and old enough to recall various events involved, many of who wish to remain anonymous. Interview of Arlene Thomas by Author, September 27, 2012.

¹¹ *United States v. W. C. Gary et al.*: Grand Jury Report and Indictment (United States District Court, Records of the Eastern District of Texas, Beaumont Division, National Archives and Records Administration, Fort

Tom Burleson had died from blood poisoning resulting from the bullet wounds he sustained during his murder of Elbert, Murray, and Maurice Thomas in December of 1934. Charlie McClanahan had been convicted of murdering Edward Boone Brackett Sr. and sentenced to ninety-nine years in state prison. Joe Burleson was serving state prison sentences for multiple convictions, and several other members of the gang had cases pending that were likely to net them each multi-year prison terms. All of these developments were attributable to the efforts of the Allred Rangers, who had brought order to the community and initiated proceedings against members of all levels of the McClanahan-Burleson gang.¹²

Additionally, during this time period, the Allred Rangers had investigated the assault on Robert Ellis and filed charges that resulted in the indictment of Charlie and Wade McClanahan Sr. under state law. The witnesses in that case were: Ellis, Charlie Welch, Monroe L. Burkett, Dr. J. H. Ellington, Herman Williams, a young black boy by the last name of Price (first name unknown), and Elzie Edwards, a black woman. The inclusion of the last two witnesses—whose race was noted on the grand jury minutes form—was yet another instance where the Allred Rangers and the citizens of San Augustine defied the standard discriminatory practices of the Jim Crow era in pursuit of justice.¹³

As a result, Bennett once again asked Tyrrell to agree to a continuance into yet another term of court. This time, his rationale was that they should wait to see how the remainder of the state cases turned out. While Tyrrell was not particularly pleased with the idea of delaying the

Worth [hereafter cited as NARA, Fort Worth]); Daily Reports From San Antonio, Volume 42: December 1, 1935 Thru March 30, 1936 (United States Secret Service Records, NARA [microfilm]).

¹² Ibid., 634.

¹³ Minutes of the Grand Jury, July Term 1935 (San Augustine District Court Records, San Augustine).

case yet again, the circumstances involving the state cases led him to take a more pragmatic approach to his response. Tyrrell informed Bennett that he would defer to him in the matter, but he also suggested a potential strategy for eventually securing plea agreements from the defendants. He theorized that if all of the defendants in the federal assault cases were convicted on state charges, they might be willing to plead guilty on the federal charges in exchange for concurrent sentencing (wherein any sentence on the federal charges would be served at the same time as the sentence in the state charges), thereby avoiding the trouble and expense of a trial, which would be good for the federal government as well. Bennett advised Tyrrell that the Fall 1935 term of court was delayed until November 4th, in Beaumont, and that he would take the matter under consideration until then. On October 18th, Bennett contacted Tyrrell to advise him that the case had indeed been continued until the spring 1936 term of court, and therefore the witnesses should be advised that they would not need to appear at least until then. Tyrrell was becoming increasingly frustrated by the approach to this case being taken by Bennett, but he resolved to hold firm and hang in until the next term to see justice served in the case.¹⁴

While the federal case was stalled, the state case involving a connection to alleged counterfeiting by the McClanahan-Burleson gang was moving forward quickly in the courts. Lee “Red” Jordan was the first defendant brought to trial for the armed robbery of Curtis Butler. The trial commenced on September 9, 1935 in the District Court of San Augustine County, under Cause Number 4879, with Allred Ranger Dan J. Hines in attendance. Hollis M. Kinard, the District Attorney of Orange, was the counsel for the state, and A. L. Lowery of Nacogdoches was the

¹⁴ Ibid., 634-35; File #3747, *United States v. W.C. Gary et al.*; Daily Reports From San Antonio, Volume 40: November 31, 1934 Thru February 28, 1935. P. 119. (United States Secret Service Records, NARA [microfilm]); “Fugitive is Returned to San Augustine,” *Nacogdoches Daily Sentinel*, March 19, 1935.

counsel for the defendant. Kinard presented just two witnesses, Butler and Stone, for his primary evidence and a third, Mrs. Fred Rike, as a rebuttal witness. Lowery presented seven witnesses, including the defendant. The other six were Cynthia Martin, Charlie Lynch, Walter J. Lakey, Ellie McDaniels, Mrs. Lee Jordan, and Johnnie Stinson.¹⁵

Both Butler and Stone were of questionable character, though Stone was the only one with an actual criminal record: he was a convicted felon who had served a short sentence in a state penitentiary. The two men openly admitted that they had gone to San Augustine for an unlawful purpose, to acquire some counterfeit money. It was further established that neither man needed nor was offered any sort of immunity for their testimony in the case. Both men testified in substantial detail regarding their own personal knowledge of the events of July 2, 1934, and under cross-examination they not only proved consistent, but provided additional testimony supporting the case. In particular, Stone testified that the defendant had approached him outside the courthouse the week before the trial and offered him money if he and Curtis would testify that they could not identify Jordan. Stone also testified that Jordan told him he had already approached Curtis's father with a similar offer in an attempt to "get this thing squashed" and that "if they did not identify him he would get the money" to pay them off.¹⁶

After failing to get the victim to admit that he might have consensually turned over his money to Jordan or Burleson, defense strategy focused on convincing the jury that the robber must have been a different redheaded associate of Jim Burleson (who also went by the nickname "Red"), even though Butler had already identified Jordan by sight in the courtroom. Lowery's first

¹⁵ Ibid., Index.

¹⁶ Ibid., 2-15.

witness, Cynthia Martin, ran a rooming house “right on the corner.” She testified that Burleson once had a room there and had come to see an unidentified man who also had a room there. She testified that “a redheaded fellow” who was not Lee Jordan had accompanied Burleson on that occasion. Martin could not verify the date in question, nor did she know the redheaded man’s name until Lowery interjected “Red Daniels” into a question. Prosecutor Kinard’s objection to that “leading and suggestive” question was sustained, though the witness thereafter continued to repeat the name in her testimony, along with that of a “Red Chapman.” She asserted that she recalled knowing “Red Daniels” from the time that officers were searching for Clyde Barrow and his gang (Bonnie Parker had relatives around San Augustine). Martin also testified that the victim never reported the alleged crime to her, though she acknowledged that she could not specifically recall the victim ever having boarded with her, either. Though her testimony was vague and she appeared unsure upon cross-examination, it is clear that the defense intended for the jury to assume that Martin was the proprietor of the boarding house where the alleged robbery occurred.¹⁷

The State’s single rebuttal witness, Mrs. Fred Rike, was also a local boarding room proprietor. Rike specifically testified that the victim, whom she identified by sight and name, had boarded at her establishment on the date in question and that he had also reported the robbery to her before he left the next morning, corroborating the core of his testimony. Two more defense witnesses, Charlie Lynch and Walter J. Lakey (later convicted of moonshining and other offenses) also testified that Jim Burleson had another redheaded associate other than Lee Jordan

¹⁷ Ibid., 15.

who went by the nickname “Red,” though they had no direct knowledge of the events alleged by the victim. Upon cross-examination, they could not deny Jordan’s association with Jim and admitted that the two were often seen together when Jordan operated a café in town. When Jordan himself later admitted under cross-examination that he had purchased that café with a \$20.00 loan from Jim, the defense strategy of trying to convince the jury that some other redhead must have been to blame for the robbery seemed to collapse.¹⁸

After the failed attempt to convince the jury that some other redheaded man was the culprit, Lowery as defense counsel made an inexplicable move. He put the defendant’s wife, Mrs. Lee Jordan, on the stand. The problem with this was that the extent of her testimony during direct examination was she had only been home “from three o’clock that afternoon until about six o’clock on Monday” and was therefore unable to provide the defendant with an alibi as to his whereabouts at the time of the alleged robbery. In an additional blow to the defense, on cross-examination she was forced to admit that she had written a letter on behalf of and at the direction of the defendant in an attempt to influence the testimony of a potential witness. This testimony was very damaging to the defendant’s credibility. Jordan’s wife (and later Jordan himself) acknowledged during cross-examination that the letter was specifically intended to instruct the witness on how to testify in regard to certain matters of fact and offered him financial compensation for doing so. Also, Kinard as prosecutor was then able to have the letter

¹⁸ Ibid., 15-19, 28-30.

entered into evidence, using Jordan's wife's testimony as the legal predicate instead of having to put the recipient of the letter (the source of the evidence) on the stand.¹⁹

If the defense counsel had not placed Jordan's wife or the defendant on the stand, it is likely that the prosecutor would have been unable to introduce that letter since he had already rested his case. However, it is equally likely that he chose not to put the letter's recipient on the stand because he knew that Jordan's wife had written it on behalf of the defendant and that she was on the defense witness list. Either way, the contents of the letter likely influenced the jury's verdict more than any other single piece of evidence or testimony in the case.²⁰

With the defendant's credibility had been undeniably harmed, the defense counsel, Lowery, turned to attacking the character of the victim. Both Johnnie Stinson and Ellie McDaniels provided vague testimony claiming that the victim's "reputation for truth and veracity" was "bad." On cross-examination, Stinson was forced to acknowledge that he had some sort of conflict with Butler in the past, though he insisted that it did not influence his decision to testify. Lowery failed to deliver any specific allegations or solid facts to explain the contention that the victim was simply making the whole thing up. Considering that Mrs. Rike's rebuttal testimony directly corroborated several of Butler's specific claims, in addition to refuting and undermining the testimony of more than one defense witness, any damage to the victim's character by the defense witnesses was probably minimal. The defense counsel then ended his

¹⁹ Ibid., 20-22, 27-28.

²⁰ Ibid.

presentation of evidence in the case with what was probably another tactical mistake: he put the defendant on the stand.²¹

During the direct examination by Lowery, his own counsel, Jordan merely provided an account of his employment history around the time of the alleged robbery and then claimed that he had simply stayed home (by himself, with no corroborating witnesses) sleeping on the night in question. Upon cross-examination, Jordan was shown to have misrepresented certain facts, and he was forced to admit that he had attempted to “fix” a witness in the case, though he continued to deny robbing Butler and attempted to diminish the significance of his relationship with Jim Burleson. These assertions of innocence before the jury fell on deaf ears: he was convicted of felony robbery and sentenced to twenty years in the state penitentiary. The testimony in the trial of Lee “Red” Jordan reveals not only the proof of his guilt in that particular case but also supports long-held perceptions regarding the existence of ongoing cooperative criminal activities that were guided and protected by way of an alliance between the Burlesons and McClanahans.²²

While Jordan’s conviction was certainly a feather in the Allred Rangers’ cap, the pinnacle of their investigative efforts was, undoubtedly, the conviction of Charles Curtis “Charlie” McClanahan for the murder of Edward Boone Brackett, Sr. That trial was one of the most well-known San Augustine murder cases to finally see the inside of a courtroom, thanks to Allred Rangers McCormick and Hines. While the murder of the fifty-three year old former manager of the San Augustine Chamber of Commerce and former federal farm agent for Angelina County by McClanahan was not the last case to be tried in connection to the Rangers’ clean-up of San

²¹ Ibid., 24-26.

²² Ibid.

Augustine, the successful prosecution of McClanahan was a valuable symbolic and practical victory against the gang. It demonstrated that even their top leaders were no longer immune to the law, and it reinforced public confidence in the efforts of the Allred Rangers. *The State of Texas v. Charles C. McClanahan* was the case that finally brought down the leader of the McClanahan-Burleson gang in San Augustine.

There was nothing particularly complicated about the crime itself. Under normal circumstances, such a case would have been adjudicated swiftly and the community might have been spared five additional years of oppression. However, by the time McClanahan murdered Brackett, he had apparently already evaded justice in a case where he had murdered another man in full view of the public. According to one of the jurors, the jury had been too intimidated to convict McClanahan, which created the impression within the San Augustine community that he was untouchable.²³

While there appears to have been no reasonable doubt of either McClanahan's guilt or lack of justification for the killing, his ties to corrupt local law enforcement and willingness to intimidate witnesses had long shielded him from successful prosecution. Less than two years earlier, McClanahan had been acquitted for the murder of a black man named Jack Garrett, whom McClanahan had shot to death inside the Clark-Downs store on November 10, 1928, allegedly because Garrett had insulted McClanahan's wife. Due to the nature of jury proceedings, the reasoning behind the jury's verdict is unknown. There were several witnesses in the Garrett case whose original testimony led to the indictment of McClanahan, including Bill

²³ Interview of Sidney Lister Jr. by Author, September 2, 2010.

Mitchell, John Davis, Gladys Womack, and Mrs. A. Jones, though no record of their testimony has survived. However, it comes as no surprise that local citizens were hesitant to participate in the prosecution of a man who appeared both immune to prosecution and violently vindictive towards anyone who dared to challenge that immunity. Against this backdrop, five years later, key witnesses refused to testify and citizens were reticent to serve on a jury against McClanahan in the Brackett case, which was dismissed without prejudice within months of the murder. Fortunately for the citizens of San Augustine and for Brackett's family, justice delayed would not, in the end, be justice denied.²⁴

The diligence of the prosecutors and the Allred Rangers finally paid off on September 27, 1935, when a Panola County jury sentenced Charlie McClanahan to ninety-nine years in prison after just two hours of deliberation. Captain McCormick rushed to the Western Union office immediately following the announcement of the verdict and sent the governor a telegram informing him of that successful conviction of the most prominent member of the McClanahan-Burleson gang. Governor Allred expressed his appreciation and congratulations to the Rangers and the prosecutors for their "splendid work" in bringing McClanahan to justice.²⁵

The efforts of the Allred Rangers were central to that success, and the prosecutors who tried the case before the jury emphatically expressed recognition of, and appreciation for, that fact. In his closing report on the case to the governor, Judge Sanders offered high praise of the

²⁴ File #4635: *State of Texas v. Charles McClanahan, 1931*: Jury Charge & Verdict Form.

²⁵ McCormick to Allred via Western Union, September 27, 1935, Allred to McCormick, October 1, 1935, Sanders to Allred, September 30, 1935 (James V. Allred Papers, Special Collections, University of Houston Libraries); "McClanahan Gets 99 Years in Murder Trial," *Panola Watchman*, October 3, 1935.

Allred Rangers. Sanders provided the governor an overview of the proceedings, followed by his own expressions of admiration for Captain McCormick and Dan Hines:

[E]specially was the state indebted to the rangers, for from the time I was engaged in the case until the verdict was announced the rangers were right with us, doing all within their power to get the true facts in the case, and much credit is due Captain McCormick and Dan Hines for their splendid work in this case.²⁶

On October 1, 1935, three days after the trial ended, District Attorney Kinard sent the following commendation of Rangers McCormick and Hines:

Honorable James V. Allred
Governor of Texas,
Austin, Texas.

Dear Governor:

I wish to take this opportunity to say to you that I unhesitatingly give the credit to Captain J. W. McCormick and Ranger Dan Hines for the splendid victory in the McClanahan case in Panola County last week.

The intelligent, fearless services of these fine officers have worked a condition in San Augustine County, which a year ago I thought impossible. They have unearthed many cases since they have been stationed in San Augustine, many of which involving corruption, viciousness and violence. We have tried many of these cases, and only one has been lost. I dare say that there are no two other officers in Texas or elsewhere who could have gone there and have so effectively obtained these remarkable results.

The people of San Augustine County appreciate the high type of public service which Captain McCormick and Ranger Hines have rendered, and are grateful to you for sending them there.

With every good wish, I beg to remain

Yours sincerely,

²⁶ Sanders to Allred, September 30, 1935 (Allred Papers).

Hollis Kinard,
District Attorney
First Judicial District of Texas. ²⁷

The prosecutors were not the only people involved that were praising the Allred Rangers for their work on the McClanahan case. Edward B. Brackett Jr., the son of the victim, wrote to Governor Allred from his family's new home in Abilene to express his appreciation and commend the Allred Rangers for their hard work on the McClanahan case. After personally responding, Allred forwarded the letter to the director of the newly-created Department of Public Safety, under whose auspices and authority McCormick and Hines now worked. McClanahan did not appeal his conviction, possibly as a part of a plea arrangement in order to dispose of the many other felony charges still pending against him at that time. He served several years in prison before being released due to severe illness and died shortly thereafter in Lufkin, Angelina County, Texas, at fifty-one years of age, and was buried there in Glendale Cemetery. ²⁸

It took five years and the intervention of Allred Rangers McCormick and Hines but, in the end, Charlie McClanahan did not escape justice for the murder of Edward Boone Brackett Sr. McClanahan's incarceration also signaled the end of the oppression of San Augustinians by the McClanahan-Burleson gang. Thanks to the Allred Rangers and the newfound fortitude that their presence brought forth from within the vast majority of San Augustine's citizens, the "crime wave" was over and its chief architect was behind bars. The gratitude of Brackett's family

²⁷ Kinard to Allred, October 1, 1935 (Allred Papers).

²⁸ Allred to Edward Boone Brackett Jr., October 4, 1935, and Sanders to Allred, September 30, 1935 (Allred Papers); "McClanahan Gets 99 Years in Murder Trial," *Panola Watchman*, October 3, 1935.

towards the Allred Rangers for making that justice possible and seeing it through to the end has not waned, even as they have pursued their lives and livelihoods in distant regions of the United States.²⁹

Though Captain McCormick and Ranger Hines spent a tremendous amount of their time leading up to the McClanahan trial investigating that case, they still had to work on many other cases at the same time. During and after the trial, the Allred Rangers continued to file charges against dozens of McClanahan-Burleson associates and accomplices, and even some new public officials who apparently had not gotten the message that the old times were really over, this time for good.

The trials of Charlie McClanahan (for the murder of Edward Boone Brackett Sr.) and of Eron Harris and Noah Thacker (for their involvement in the murder of John Gann) were some of the highest profile cases that the Texas Rangers sent by Gov. James V. Allred handled during their clean-up of San Augustine in 1935. However, those cases actually represented a small fraction of the many charges filed and defendants indicted based on their efforts. Allred's Texas Rangers also investigated several other murders and a great number of lesser felonies and misdemeanor cases during their sweeping investigative efforts in San Augustine during 1935 and into 1936. In less than a year, more than forty defendants were indicted for more than one hundred different criminal offenses, including bootlegging, theft, extortion, assault with the intent to murder, and many more. This represented a sea change for the San Augustine criminal justice system, which had been virtually dormant for many years. While not every crime that had occurred during the

²⁹ Ibid.

troubles would be adjudicated, the crime wave propagated by the McClanahan-Burleson gang had finally been suppressed.³⁰

Charlie was not the only McClanahan to be convicted of a felony: his brother Wade Sr. also served time in the Texas state penitentiary, and his nephew Wade Jr. received a suspended sentence (probation) for election law violations. Wade Sr. had run for constable in the July 1934 election, during which time he and his son stole a ballot box from the district clerk's office in an apparent attempt to influence the outcome of the race. McClanahan was nevertheless defeated in that election by Sublett Sharp, who went on to work closely with the Allred Rangers after their arrival, while McClanahan shot out the windows of several stores when he found out that the owners had not voted for him. The Allred Rangers investigated the case, and the two men were arrested in Leesville, Louisiana, in July 1935. Both Wade Sr. and Jr. pled guilty on September 2, 1935, a move that resolved three felony indictments for Wade Sr., including two for extortion. As more of the leading members of the McClanahan-Burleson gang were brought to justice, more local citizens reaffirmed their approval of, and admiration for, the Allred Rangers.³¹

In addition to the numerous fairs, rodeos, and parades, in December 1935, McCormick and Hines both received tangible and enduring demonstrations of public admiration from San Augustine: a set of custom engraved pistols for each, with their choice of caliber and model. McCormick chose customized pearl-handled .45 Colt revolvers, long a popular model among law

³⁰ "Smothers Slander Sheet With Facts And Slings No Mud Back At Opponent," *San Augustine Tribune*, August 13, 1936; Ranger-Endorsed Deputy Is Named Marshal In Etex," *San Augustine Tribune*, August 29, 1935.

³¹ "Former Special Ranger And Son Arrested," *Dallas Morning News*, July 28, 1935; "Father, Son Sentenced for Ballot Box Theft," *Dallas Morning News*, September 2, 1935; "San Augustine Asks For McCormick," *Wichita Falls Post*, September 23, 1936.

enforcement officers, while Hines chose Smith & Wesson Model 27 .357 Magnum revolvers, a state-of-the art weapon that had just recently been invented and would become a staple for lawmen and gun enthusiasts alike for generations. The inscription on Hines' pistols read "From the Grateful Citizens of San Augustine, To Dan Hines, Ranger." According to the *San Augustine Tribune* article in December 1935 announcing the gifts, Leo Bishop (who, the article notes, was there for a much shorter period than McCormick and Hines) was sent "a sizeable gift of cash" instead of being presented with weapons.³²

The December 5, 1935 *San Augustine Tribune* heralded the accomplishments of the Rangers with the unambiguous headline, "San Augustine Now an Ideal County in Which to Reside." A huge, center-page article presumably written by then-owner/editor Webster F. Hays (or perhaps his then-teenaged son, Arlen) and complete with a picture of a young McCormick, waxed poetic about the community's past, its social advancement, and the Texas Rangers who gave it back its tranquility, prosperity, and sense of pride. The article unequivocally credits McCormick, Hines, and Bishop for bringing "peace and security to a community that had known much violence and constant jeopardy . . . in a few weeks." The time prior to the arrival of the Allred Rangers was described as "the blackest page in San Augustine" when "a tiny handful of

³² "Captain McCormick Presented with Fine Pistol," *San Augustine Tribune*, April 4, 1935; "Citizens of San Augustine Honor Beloved Rangers," *San Augustine Tribune*, December 28, 1935; Jody Edward Ginn, "Justice Comes to the Redlands," *Texas Heritage* 3 (Fall 2007), 17; Procter, *One Riot*, 73; "Citizens Honor District Court Officials With Venison Banquet," *San Augustine Tribune*, January 28, 1937. There has been much misinformation printed in both newspaper articles and historical publications regarding the pistols given to the Texas Rangers by San Augustinians, particularly in regard to the caliber/model of each and the wording of the inscriptions. Dan J. Hines' pistols belong to his youngest daughter, and they have been exhibited in several public venues since 2001, the latest being the Buckhorn Museum in San Antonio as part of their new Texas Rangers Hall. There is a pair of pistols at the Texas Ranger Museum in Waco that are McCormick's, according to his grandson, but as of 2011, the inscriptions were not visible and no information linking them to the San Augustine clean-up was provided in the accompanying interpretive panels. See Chapter 8, "The Troubles and Clean-up in Myth & Memory," for more discussion on this topic.

despoilers . . . took advantage of a God-fearing and God-loving people and wrought havoc” and during whose “brief sojourn in power the building of a generation was undone and justice prostrated before the altar of greed and political degeneration.” The bold tone of this article demonstrates Hays’ apparent lack of concern about offending a certain percentage of locals.³³

The *Tribune* article lamented that the “reign of violence by pseudo bad men . . . had awed the populace by their unscrupulous acts of violence” and sadly “took the lives of some of [San Augustine’s] best citizens.” But thanks to the “fearless and fair” Allred Rangers, San Augustine was transformed into “one of the cleanest and best governed communities in the state.” There was no mention of feuds or the possibility that the town was deeply or sharply divided in its opinion of recent events. As to the proportion of popular local support, a subsequent article asserted that “the better element of the entire citizenship of the county [was] one hundred percent with [McCormick].” Hays had a reputation for treading lightly where local controversies were concerned, and as a businessman he would have been sensitive to any risk of offending a substantial portion of his customer base, so his willingness to make such strong statements in interpreting recent events underscores the fact that while certainly the McClanahan-Burleson clans had their sympathizers, they did not represent a sizable portion of the populace.³⁴

In response to such outpourings of gratitude, the Allred Rangers were equally magnanimous. They responded, “We want to extend our sincere thanks. It makes our hearts glad to serve people of your type . . . your little city will always be a bright spot in our life.” The

³³ “San Augustine Now an Ideal County in Which to Reside,” *San Augustine Tribune*, December 5, 1935.

³⁴ *Ibid.*; “Captain McCormick Here,” *San Augustine Tribune*, January 9, 1936; Interview of Noble by Author, May 16, 2001.

Allred Rangers recognized that their success had relied directly on the support and cooperation of San Augustine's citizenry, who had merely needed their faith in the local criminal justice system restored, at which point they "[stood] to be counted" in the fight to restore law and order to their community. They also recognized that their continued support was essential to maintaining, over the long term, the order that had been established. McCormick and Hines also knew that there was more work yet to be done.³⁵

³⁵ "Citizens Honor District Court Officials with Venison Banquet," *San Augustine Tribune*, January 28, 1937.

CHAPTER 7

COMPLETING THE CLEAN-UP

By the beginning of 1936, San Augustine was at peace, and its courts (as well as courts from the surrounding jurisdictions) were producing convictions of dozens of McClanahan-Burleson gang associates. Capt. James W. McCormick was made the acting chief of the Texas Rangers and re-assigned to Austin, and Ranger Dan J. Hines was elevated to acting Captain of Company C, which was then headquartered in San Augustine. Hines unequivocally stated that the Rangers would indefinitely continue to provide any and all assistance that local authorities required, including recently-appointed Sheriff Sublett Sharp.

Many of the defendants indicted in 1935 came to trial in 1936. Among those, Jim Burleson was finally convicted in January 1936 for his role in the robbery of Curtis Butler, in connection with an attempt to obtain counterfeit money, and sentenced to five years in the Texas state penitentiary. His case was reversed and remanded upon appeal to the Court of Criminal Appeals in Austin. The basis for the appellate ruling was the court's determination that the trial court judge should have instructed the jury on the law of circumstantial evidence, as it applied to the evidence of the appellant's role in the alleged crime. No record survives as to whether Burleson went to trial again in the case, pled out, or if the prosecution finally dismissed the charges.¹

Both at trial and in their appellate brief, the Burleson defense's arguments and theories were multitudinous and at times clearly conflicting. The array of arguments (presented

¹ Ibid., 26-29; "Sheriff Reports Capture of Stills," *San Augustine Tribune*, January 2, 1936; "Two Stills Taken In San Augustine: Dan Hines Made Head of Ranger Force Located in East Texas," *Beaumont Enterprise*, January 6, 1936; File #18451, *State of Texas v. Jim Burleson, 1935*: Opinion (Texas Court of Criminal Appeals Records, TSLA).

simultaneously) included: (1) that Burleson was not present when the alleged crime occurred; (2) that no crime actually occurred at all; (3) that the victim was actually an “accomplice witness;” and (4) that the victim “got exactly what he went for—nothing.” This last one was because, they argued, if Butler was robbed or swindled while attempting to buy counterfeit money, then he was simply a party to an act of “his own premeditated design” that “kicked back on him,” and by implication deserved what happened to him. But in making such arguments, the defense counsel acknowledged Burleson’s involvement in criminal activities, though they asserted that he was not guilty of the particular crime for which he was convicted.²

While the defense argued that the victim’s testimony was “preposterous . . . flimsy and . . . ridiculous,” they made no specific assertions about why he would invent the story, save that he was making up the part about being robbed at gunpoint because he had been victimized by trickery instead and was simply embarrassed. Jim Burleson’s defense presented witness testimony in an attempt to support that contention, claiming that Butler showed Mrs. Rike an envelope filled with blank paper. The defense relied on this allegation to advance the theory of Butler having been “swindled” rather than robbed. It should be noted that the person who stood to have benefited most from such a theory—Lee “Red” Jordan—was not brought in to testify in the matter, and he made no such claim during his trial or subsequent appeals. Furthermore, Mrs. Rike herself had made no mention of any such thing when she testified at Jordan’s trial. It is not unreasonable to think that Burleson sympathizers had convinced her to add that part in at Jim’s trial, though such a scenario is unproven. She certainly had a connection to the local criminal

² File #18451: *State of Texas v. Jim Burleson, 1935*: Brief for Appellant.

activities and a related motive to retaliate against authorities, since the Allred Rangers and local officers had arrested her husband and son for bootlegging just a few months earlier. While the final disposition of this case is unknown, Jim Burleson had also been convicted and sentenced to three years in another case that was either not appealed or not successfully appealed, meaning that his conviction in that case stood. He was transferred to the state prison in Hemphill in late 1935 or early 1936.³

In addition to the implied complicity between Jordan and Jim Burleson in the robbery of Butler, the McClanahans' protection of such criminal activities was also revealed. Whether it was Charles Curtis "Charlie" McClanahan, Wade McClanahan Sr., or Wade McClanahan Jr. (all three were Ferguson-commissioned Special Rangers), their alleged threats and refusal to take Butler's report along with the obvious fact that they never filed any charges against Jordan and Burleson (who were not indicted until nearly a year later and only as a result of the Allred Rangers' investigations) is compelling evidence of criminal collusion between the Burlesons and McClanahans. Furthermore, the willingness of the McClanahan-Burleson gang to set its sights on previously-unknown targets from out of town further disproves any argument that the violence during this time period was attributable to factional feuding.

As with Edward Clark, Butler testified that Hines and McCormick sought him out. Official records and news reports also verify that successful prosecution of the case was a direct result of their investigative efforts. While their success with convicting a growing number of the

³ Ibid.; File #18451, *State of Texas v. Jim Burleson, 1935*: Statement of Facts, 13-15; File #18207, *State of Texas v. Lee Jordan, 1935*: Brief For Appellant & Appellant's Motion for Rehearing, Statement of Facts, 30; "Officers Confiscate Liquor in Raids Last Saturday," *San Augustine Tribune*, February 21, 1935; "Burleson and Thacker to Hemphill Jail," *San Augustine Tribune* (undated news clipping in possession of the author).

McClanahan-Burleson gang was a significant step in the process of restoring order, they would have to take down the gang's most violent members in order to establish a lasting peace and sense of security in the community.⁴

Several cases against Joe Burleson were still pending as of January 9, 1936. For unknown reasons, his name was still listed alongside Joe Duffield's in the local newspaper's District Court postings at that time, some six months after Burleson's acquittal for the murder of Dudley Clay. It is plausible, though unknown, that the State found some grounds on which to retry him in the matter. Though at least initially acquitted for the murder of Clay, Burleson was later convicted on multiple counts of extortion, charges to which he pled guilty. He was indicted altogether on nine state charges and one federal offense (for his participation in the attack on E. C. Cleveland, the Secret Service agent, in October 1934). In each case, the prosecutions of those offenses were the direct result of the Allred Rangers' efforts to reestablish law and order and examine cold cases that local officials had been unable to, and in some cases unwilling, to investigate or adjudicate. Joe Burleson died while serving out his term in prison, evidently the victim of a stabbing by a fellow inmate. A female relative (an aunt, it would appear) claimed to know who committed the deed and swore vengeance, though it was apparently never carried out. Burleson's role in the San Augustine crime wave ended the day the Allred Rangers arrested him, which was his last day of freedom. Burleson was also charged with rape during this time, but

⁴ File #18207, *State of Texas v. Lee Jordan, 1935*: Brief For Appellant & Appellant's Motion for Rehearing; File #18451: *State of Texas v. Jim Burleson, 1935*: Statement of Facts, 13-15.

the disposition is unclear. It likely was disposed of in a plea arrangement with any sentence to run concurrent to the rest.⁵

None of the McClanahan-Burleson gang members who were indicted in the beating of Secret Service Operative Cleveland were convicted in that case. It was eventually dismissed in late July 1936, after the participants all had been convicted of more serious offenses in state court. Operative-in-charge Edward Tyrrell's reaction was one of resignation and ambivalence. He was frustrated that one of his operatives could be so brazenly beaten, especially by men possessing law enforcement credentials, without being held accountable. At the same time, he was tired of fighting against federal judicial officers who were supposed to be his allies, and he took solace in the fact that those involved were serving prison sentences, albeit for other state level offenses.⁶

Tyrrell concluded his final report on the case by asserting, "The action which was taken by this service at St. Augustine against these men was responsible for clearing up the conditions in that county." The breadth of this claim was likely not intended to minimize the efforts of the Allred Rangers, but rather as a means of reassuring his boss that his and his men's efforts had not been in vain, despite the fact that the federal assault case ended up being dismissed in the end. And it is a valid argument that the pressure brought to bear upon the McClanahan-Burleson gang

⁵ "District Court Opened Monday," *San Augustine Tribune*, January 9, 1935; File #3747, *United States v. W. C. Gary et al*: Grand Jury Report and Indictment (United States District Court, Eastern District of Texas, Beaumont Division, NARA, Fort Worth); "Son, Father Sentenced for Ballot Box Theft," *Dallas Morning News*, September 2, 1935; Interview of Jamie Burleson Dougherty by Author, May 17, 2001; Lonn Taylor to Author, March 9, 2005 (e-mail); File #18219, *State of Texas v. Curg Burleson*, 1935: Statement of Facts (Texas Court of Criminal Appeals Records, TSLA), 3-6.

⁶ File #3747, *United States v. W.C. Gary et al.*; Secret Service Reports, Vol. 40 , p. 119; "Fugitive is Returned to San Augustine," *Nacogdoches Daily Sentinel*, March 19, 1935.

by the existence of those charges, and the accompanying investigative process, played a positive, productive role in subduing the group's operations in San Augustine.⁷

Regardless of Tyrell's assertions to his boss, the citizens of San Augustine knew exactly who deserved the credit for the improved conditions, and they continued to express their esteem and support for the Allred Rangers well into 1936. It was the year of Texas's Centennial, and those celebrations were simultaneously used to honor the Allred Rangers. Judge F. Pat Adams published a letter of commendation specifically for Dan Hines, in which he gave Hines well-deserved credit for his key role in the clean-up, and called him "a man of good moral character . . . sober, clean thinking, fearless, and, evidenced by his actions, he has a desire to serve his fellow citizens in the suppression of law violations." That letter appeared in the *San Augustine Tribune*, in addition to many additional articles that year detailing Hines' specific duties and actions throughout the clean-up and even just making general note of his presence in town during which he was often "busy shaking hands with his many friends." Hines' local popularity was certainly good evidence of public sentiment towards the Allred Rangers' actions there over the past year and more.⁸

In May, approximately six thousand people attended a three-day pageant, during which Hines and San Augustinian Otha Cobb Stark (both dressed in buckskins) led a colorful parade, followed by people dressed as "Indians on ponies, Spaniards, priests, Frenchmen, and soldiers,"

⁷ United States Secret Service, Daily Reports From San Antonio, Vol. 41, March 1, 1935 thru November 30, 1935 p. 635. (United States Secret Service Records, National Archives and Records Administration, College Park, MD [henceforth cited as NARA]).

⁸ "District Judge Commends Hines for Good Work," *San Augustine Tribune*, February, 1936; "Dan Hines here," *San Augustine Tribune*, February, 1936.

along with covered wagons, stagecoaches, buggies, and a ninety-one-year-old Confederate veteran (in uniform) named John C. Mathes. In June, yet another banquet was held to honor McCormick and Hines, where venison procured by the editor of the *Tribune* in a South Texas hunt at the then-famous Ingenhuett Ranch was served as a special treat.⁹

The Allred Rangers' experience, professionalism, tenacity, and successes stood in stark contrast to the incompetence and corruption of the Ferguson-era Rangers. The Ferguson Rangers had assumed their posts through the "indifferent and ill-advised [process of] political patronage," leading many Texans to feel "resentment and embarrassment," while the Allred Rangers reflected the "colorful traditions and high ideals" that most Texans associated with the Rangers and were greeted accordingly with "enthusiasm [and] pride." The Allred Rangers moved swiftly across the state to "serve as shock troops in curbing widespread lawlessness," a practice that was met mostly with public support. Their efforts in San Augustine alone resulted in forty felons being convicted and sentenced to a combined 285 years in prison.¹⁰

While the various eyewitnesses have sometimes confused certain details between some of the events in question when interviewed decades later, most of their interpretations have been affirmed by voluminous official records and hundreds of contemporary news reports from across the state. The final assessment is this: prior to the arrival of McCormick, Hines, Leo Bishop, and other Allred Rangers, San Augustinians were under the control of a small group of

⁹ "Festivities Open In San Augustine: 6000 Turn Out for Parade and First Performance of Pageant," *Beaumont Enterprise*, May 30, 1936; "Full Mount Deer On Display in S.A. Tribune Office," *San Augustine Tribune*, June 11, 1936.

¹⁰ "Silver Guns Reward for 'Cleaning up' of San Augustine," *San Augustine Tribune*, August 27, 1936; "A New Ranger Force in Texas," *San Augustine Tribune*, January 24, 1935; Robert M. Utley, *Lone Star Lawmen: The Second Century of the Texas Rangers* (New York: Oxford University Press, 2007), 170-72.

corrupt and violent members of the Burleson and McClanahan families, who operated (albeit informally) in concert to control and commit local vice and crime, including theft, counterfeiting, bootlegging, highway robbery, extortion, murder, and numerous other offenses.

Out of the hundreds of indictments and convictions in San Augustine County during 1935, the court of last resort in Texas, the Court of Criminal Appeals, heard less than a dozen of those cases. The cases they did consider form the foundation of this study, providing never-before-examined insight into the events of the period. The cases involved the various key players from the events in question in a variety of roles and shed light on the overall circumstances unfolding at the time. Combined with the eyewitness accounts and contemporary news article, a well-rounded and thorough examination of those events became possible. The Allred Rangers' success in San Augustine throughout 1935 and 1936 marked a turning point for an organization that had come under increasing criticism over the preceding three decades, and these events played into the Rangers' absorption into the newly-created Department of Public Safety, which was the final step in their evolution from a paramilitary frontier defense force into modern criminal law enforcement investigators.

CHAPTER 9

THE SAN AUGUSTINE “TROUBLES” & “CLEAN-UP” IN MYTH & MEMORY

The events concerning the McClanahan-Burleson gang have long been, and continue to be, widely discussed both in San Augustine and by many descendants who may have moved elsewhere but still retain a personal connection to their ancestral home. But many modern San Augustinians lack a full understanding of the events that occurred and of how members of the community—both black and white—perceived them at the time. This is a direct result of relying on oral history passed down through limited and sometimes biased channels through the generations, instead of reading the primary records associated with those events. Furthermore, few who actually experienced those events remain alive today, and many of those who do are reluctant to discuss the topic, particularly in light of the many McClanahan-Burleson descendants with whom their lives are entwined in the community. This dynamic—combined with the passage of time and the lack of a thoroughly-researched and documented account for them to base their beliefs on—has allowed some misperceptions about basic facts and the events overall to develop in the collective memory of San Augustine.

There are two diametrically opposed interpretations of those events that exist within the collective memory of the community at-large. The first, and by far the most prominent, is that the community experienced a period of increasing criminal activity—a crime wave that spiraled into violent encounters as certain citizens began resisting the McClanahan-Burleson gang’s illicit activities and intimidation tactics. This interpretation also holds that the overwhelming majority of the community was opposed to the activities of the McClanahan-Burleson gang and was solidly in support of the efforts of the Texas Rangers sent by Gov. James V. Allred to suppress the

gang and restore law and order. The research underlying this study confirms, resoundingly, that this first interpretation is correct.¹

The second interpretation, which is held almost exclusively by those descended directly from members of the McClanahan-Burleson gang (and not even by all of them) is that the troubles were part of a historic feud dating back to the Reconstruction era. They insist that their ancestors were simply responding and retaliating in kind over related disputes and not otherwise engaged in any sort of common criminal activities. They also insist that the community at large was “split 50-50” in its sentiment toward each of the alleged “factions” involved, which implies that the McClanahan-Burleson gang had an equivalent number of supporters as did their detractors, and that most local sources would be biased and therefore untrustworthy when leveling accusations against members of the competing faction. Again, most of the support for this second interpretation comes from relatives (and later descendants) whose fathers, sons, brothers, and in-laws were prosecuted, jailed, and sent to prison for lengthy terms. A few of these men died in prison, and some relatives felt that they were treated unfairly.²

Despite the understandable protestations of certain Burleson family descendants, the historical record, which reveals the crimes that were actually investigated and prosecuted, cannot be explained away so easily. First, at least two or more generations had passed without

¹ Interview of Eyewitness #1 by Author, May 15, 2001; Interview of Eyewitness #2 by Author, May 15, 2001; Interview of Eyewitness #3 by Author, May 17, 2001; Interview of Harry Noble by Author, May 16, 2001; Interview of Arlen Hayes by Author, May 17, 2001; J. L. Mathews to Author May 21, 2001 (e-mail of unpublished eyewitness account); Interview of Sidney Lister Jr. by Author, September 2, 2010; Telephone interview of Leslie Lemons Garby Lacrouts by Author, September 15, 2011. Lacrouts is a member of the Thomas family.

² Interview of Jamie Burleson Dougherty by Author, May 17, 2001; Interview of Harry Noble by Author, May 16, 2001.

any documented conflict between the descendants of the original feudists, and there were marital connections between the two families since then as well. Second, the available primary source documents related to those events overwhelmingly indicate that the events surrounding the troubles and the clean-up were exclusively tied to an ongoing criminal conspiracy orchestrated by the McClanahan-Burleson gang leaders. There exists no indication in the period documents to suggest that the troubles had any connection to longstanding feuds, other than the fact that the Burlesons happened to be descended from some individuals involved in the Reconstruction-era feuds.³

The events that prompted the 1935 Texas Rangers' clean-up of San Augustine were never linked to factional feuding or retaliation—not even during key trials—and were instead the product of common criminal enterprise and sometimes conspiracy, for the purpose of profiting by the taking of others' property against their will, combined with threats and use of violence against those who protested or resisted. The first aspect of the historical record that disproves this theory of factional feuding is the identity of the Burleson-McClanahan gang's victims. If the troubles were attributable to this feuding, it stands to reason that the parties with whom the Burleson-McClanahans found themselves in conflict with would be members of another local family or faction engaged in similar criminal activity. But it is abundantly clear that was not the case.

³ "10-Year Term Is Given E. Harris," *Beaumont Enterprise*, August 27, 1935; "Eron Harris Gets 10 Years At Center," *San Augustine Tribune*, August 29, 1935; "Eron Harris Given 10 Years By Shelby Jury," *San Augustine Tribune*, September 11, 1935; "Forced Confession Saves Man Thrice Sentenced to Die," *Dallas Morning News*, June 18, 1936.

In fact, a substantial percentage of their victims were African-American tenant farmers and sharecroppers—a group that would have had no stake in the feuds of white families and who typically had no recourse against whites that victimized them in the segregated Jim Crow era of 1930s Texas. While this demonstrates the Burleson-McClanahan gang’s predilection for preying on the defenseless, it also actually undercuts any alleged connection to white feuding or factionalism. Actually, it was only when white landlords learned of such events and attempted to recover stolen property or otherwise intervene on behalf of their black tenants and neighbors against the abuses of the McClanahan-Burleson gang that the white-on-white violence began to occur (which was what then received most of the press attention). The primary example of this dynamic is the December 1934 shoot-out on the town square, where the underlying conflict was ignited by the McClanahan-Burleson gang’s alleged abuses of black tenant farmers.⁴

The background of the victims in the two high-profile murders for which members of the gang were prosecuted also disproves this assertion. Both John Gann and Edward Boone Brackett Sr. were relative newcomers to the community and had no familial connections to either of the historical feuding families. Two lesser-known murders (at least among the white population), those of African Americans Jack Garrett and Henry “Dudley” Clay Jr., again did not have any connection to historic white feuds. The same was true of most, if not all, of the other victims in the various cases prosecuted in the course of the clean-up.⁵

⁴ William Seale to Author (e-mail via Al Lowman), March 21, 2002.

⁵ “10-Year Term Is Given E. Harris,” *Beaumont Enterprise*, August 27, 1935; “Eron Harris Gets 10 Years At Center,” *San Augustine Tribune*, August 29, 1935; “Eron Harris Given 10 Years By Shelby Jury,” *San Augustine Tribune*, September 11, 1935; “Forced Confession Saves Man Thrice Sentenced to Die,” *Dallas Morning News*, June 18, 1936.

The murders of Brackett and Gann loom large in the collective memory of San Augustine, even today. Examination of these two particular events illuminates a few key aspects of “the troubles.” First, they demonstrate that the criminal activity taking place at the time stemmed from an ongoing regime controlled by the McClanahan-Burleson gang, not historical factional feuding. Both Brackett and Gann were new to the community, with no familial or any other ties to any historical local factions. Second, they demonstrate the immediate effect of a change in the Texas governor’s office, as the McClanahan-Burleson crime syndicate was empowered by the appointment of some of its members as special Ferguson Rangers. And as with so many others, both cases went unsolved and unprosecuted for years, until Allred Rangers Hines and McCormick reopened, investigated, and saw them through to successful conclusions, which provided a measure of justice to both victims’ widows, children, and other loved ones.

The alleged motives, including those proffered by Tom Burleson’s contemporary family members, for Gann’s murder also fail to support the theory of factional feuding. Subsequent trials gave rise to two different theories regarding Burleson’s potential motives. The first was that he was angry because Gann had tried to warn Burleson’s girlfriend away from him. Tom therefore confronted Gann at the local high school where he worked, which resulted in a fistfight with Gann the victor and a threat by Burleson that he would “get him.” The second theory was that Gann clashed with Eron Harris, who was Tom’s brother-in-law and convicted accomplice in the murder. Neither of these potential motives had any connection to historical feuding, nor were any other theories raised in the subsequent proceedings (including by the defense) that would support the feuding theory that became part of the local folklore concerning the incident. While the details of the disputes between Brackett and McClanahan remain equally elusive, the

fact that they were the result of general criminal actions and unrelated to any historic factional feuding is now clear. Brackett had only recently moved to San Augustine and had no stake in such ancient conflicts. His issues with McClanahan were founded in criminal acts that he either witnessed or believed McClanahan had committed in the immediate past, acts which themselves had no connection to any previous historical quarrels.⁶

Perhaps most strikingly in contrast to the historic feuding theory is the fact that the McClanahan-Burleson gang once targeted a Secret Service agent from out of town, who was investigating possible counterfeiting. They pistol-whipped him in full view of hundreds of locals the same evening that he had arrived in town. The nature of this offense and the identity of the victim are wholly inconsistent with the theory of feuding. The story of a Secret Service Agent who came to town to investigate the McClanahan-Burleson gang and was beaten and run out of town by them has long been among the most mysterious of the oral traditions surrounding the troubles in San Augustine. That account does not offer significantly more detail than the aforementioned synopsis, leaving the details up to the imagination of the listener.⁷

The account documented herein of the assault on Operative E.C. Cleveland of the United States Secret Service, which occurred on October 11, 1934, finally provides long-lost details to an event that has persisted in the oral tradition of San Augustinians as an ambiguous but intriguing folk tale. Furthermore, this event, no matter how blurred it became in the collective memory of

⁶ Ibid; Interview of Curtis Haley by Author, August 21, 2010; "Teacher Is Shot In Street Affray at San Augustine," *Dallas Morning News* August 6, 1933.

⁷ File #3747, *United States v. W. C. Gary et al.*; Daily Reports From San Antonio, Volume 40: October 1, 1934 Thru February 28, 1935, Volume 41: March 1, 1935 Thru November 30, 1935 (United States Secret Service Records, NARA [microfilm]). See Chapter Four of this manuscript for details.

the descendants of those who witnessed it, demonstrates the extent to which the McClanahan-Burleson crew was willing to carry out their violence to retain their criminal hegemony over the community, even against officers of the United States government.

Thanks to the detailed recordkeeping of Operative-in-Charge Edward Tyrrell, as well as the surviving federal court records for the Eastern District of Texas and a few related news articles, there is now a far more in-depth understanding of how and why Operative Cleveland came to San Augustine in the first place, what exactly transpired during his encounter with the McClanahan-Burleson gang, and how he, his superiors, and the federal judicial system responded to that event. This account is also significant in that it was an early attempt to prosecute under a new federal statute, which made it a federal crime for the first time in the nation's history, and it chronicles the cooperative working relationship between the federal authorities and the Allred Rangers. As a result of his experiences, Tyrrell came away with a great deal of admiration and professional respect for the Allred Rangers, who played key roles in the resolution of the case.

Additionally, revelations as to how the brutal regional reputation of the McClanahan-Burleson crew appears to have influenced the actions of the United States Marshal's and Attorney's offices of the Eastern District of Texas demonstrate the gravity of the situation in San Augustine by the time the Allred Rangers were dispatched. Furthermore, it also demonstrates the extent of the challenges faced by the Allred Rangers in terms of making local citizens feel safe enough to participate in the local criminal justice adjudication process as witnesses and jurors. And overall, it is yet another example of the range of criminal activity during this time period, which further disproves the notion that the violence was the result of historical feuding

attributable to factionalism. Finally, it was further proof of the importance of the reforms initiated by Gov. James V. Allred.

The second aspect of the historical record that cuts against this “feuding” interpretation is the nature of the crimes committed, indicted, and prosecuted during this time. The criminal activity of the late 1920s through early 1935 was unrelated to such conflicts and instead was the product of a loosely organized and informal criminal operation, led and protected by corrupt local law enforcement officials. The Burlesons (specifically brothers Tom, Jim, Joe, and Curg) and McClanahans (Charlie, Wade Sr., and Wade Jr.), along with their various in-laws and other associates, formed the nucleus of that operation. While the Burlesons and McClanahans were nowhere near as formal, complicated, or sophisticated as the Italian “La Cosa Nostra” of the time, it is evident that they operated in concert with each other to varying degrees and with the (at least implied) consent and protection of unethical local law officers—most of whom were the gang's principal leaders. Those men used their official credentials to justify carrying guns and to intimidate potential complainants and dissuade them from pursuing legal recourse when victimized.⁸

Allred Ranger Capt. James W. McCormick, a veteran peace officer with decades of experience in some of the most violent boomtowns of early twentieth-century Texas, described the state of affairs in San Augustine as “the worst situation . . . that I have ever been in,” adding that “a gang of criminals, backed by officers and others . . . were in complete control.” He further noted that at first the Rangers “were unable to get witnesses to inform against members

⁸ Howard Abadinsky, *Organized Crime*, 10th ed. (Belmont: Wadsworth-Cengage Learning, 2013), 2-4.

of the gang . . . as the good people were afraid.” Allred Ranger Dan J. Hines, who had also served in oil boomtowns, reported that the information locals provided about the “depredations of the gang that has operated here for the past several years” was “almost unbelievable.”⁹

While several murders and public shoot-outs (which often took place on the courthouse square) were the catalysts prompting local citizens to seek assistance from state officers, the day-to-day criminal activities revolved around robbery, theft, hijacking, counterfeiting, bootlegging, election fraud, extortion, intimidation and coercion, and other “garden variety” criminal activities. Such activities cannot be dismissed as merely being part and parcel of multi-generational feuding. On the contrary, it appears that common criminals were simply using the decades-old conflicts as cover and even justification for acts of greed and violence. Though the defense attorneys in some cases implied through their questioning (and more often in their appellate arguments) that some of the crimes were rooted in local disputes, no defendant or witness ever offered testimony or presented any evidence to corroborate those inferences. The prosecutions that were undertaken during this time also undercut the theory of factions and feuds. As discussed above, the key perpetrators of the violence were prosecuted for a wide range of crimes against a wide range of victims. Those cases resulted almost exclusively in convictions (by both trial and plea agreements), and most of those convictions were upheld on appeal. The defendants had the benefit of counsel and full opportunity to present evidence to support claims of historical feuding and bias, but none exists within the available trial transcripts.

⁹ “Smothers Slander Sheet With Facts And Slings No Mud Back At Opponent,” *San Augustine Tribune*, August 13, 1936; “Bad Negroes Who Broke Jail Captured,” *San Augustine Tribune*, January 9, 1936.

If such a defense was ever mounted in the cases for which a transcript has not survived, the record of convictions suggests that the various juries did not believe those arguments. Those few cases that were reversed ended up so as the result of technical, rather than evidentiary issues, and were therefore also remanded and retried, or finally adjudicated by way of a plea bargain. There has been found no record of a case involving the McClanahan-Burleson gang or affiliated persons having been dismissed for lack of evidence. Also, many of the San Augustine cases, particularly the murder cases, were tried in surrounding jurisdictions so that it would be easier to secure unbiased jurors and ensure the defendant a fair trial, further weakening the notion that partisan bias drove the conviction rate. Grand juries made up of different citizens at different times issued hundreds of indictments against the McClanahan-Burleson gang and their associates; witnesses from a cross-section of society testified against them; and many different juries (again different people at different times, some even in different counties) convicted and sentenced them to prison.

With respect to the Allred Rangers' role in this, the logical extension of the "feuding" interpretation is that the Allred Rangers came in and took the side of one faction over the other, though there is no explanation or evidence offered to justify or explain how such a relationship might have developed. This argument is further undermined by the fact that the Allred Rangers and the alleged principal criminal families both distrusted Sheriff Virgil B. Worsham, who served from January to August of 1935 and was forced to resign from office after being caught with a woman (not his wife) in a hotel in Center, the next town just to the north of San Augustine and the seat of Shelby County (a turn of events facilitated by the Allred Rangers). It seems unlikely that the Allred Rangers would have taken such an action against a sheriff who was actively going

after the McClanahan-Burleson gang members, a fact that is also undisputed by Burleson descendants, if the Allred Rangers were simply aligning with a competing faction. These points are, of course, in addition to the overwhelming public support for the Rangers' presence and actions, which also contradicts this theory.¹⁰

One particular event merits specific discussion with respect to its effect on the dueling interpretations, as it is the singular event most tied to the troubles and the clean-up in the collective memory of San Augustine: the December 22, 1934, shoot-out in front of the Thomas hardware store. While it was certainly precipitous of the Allred Rangers' arrival, it was merely the straw that broke the camel's back in regard to the years of troubles and the crime wave that had preceded it. Nevertheless, it is the event that locals are both the most aware of, yet the most confused about overall. A Burleson myth passed down in relation to this event was that Elbert, Murray, and Maurice Thomas lured Tom Burleson into the store and then began firing at him. But eyewitness and other contemporaneous accounts confirm that the three Thomases ended up dead on the scene, while Tom walked away with wounds that only turned deadly a few weeks later, as a result of delayed treatment and blood toxicity. These final facts are undisputed, even by Burleson descendants. Eyewitnesses and other contemporary accounts confirm that all of the Thomases were unarmed when the shooting started, and Maurice was seen getting a gun out of the showcase only after Murray had been shot. Elbert was running to the back of the store

¹⁰ Interview of Dougherty by Author, May 16, 2001.

when he was shot in the back, and no gun was found anywhere near his body. All of this evidence makes the Burleson family ambush scenario highly implausible, at best.¹¹

The Thomas family also passed on some of their own myths about that incident. The secrecy surrounding Tom Burleson's burial apparently led Thomas family members to speculate that he had survived, and that the funeral was nothing more than a ruse to conceal that fact in order to protect him from prosecution or retaliation. It appears that even the Allred Rangers and the district attorney considered it a possibility at the time, since they filed a charge for those murders against Tom during the spring grand jury session, though perhaps simply from an abundance of caution. It was simply not the case, but generations of Thomases were brought up believing it to be true. It is important to note that, despite certain theories to the contrary, there is no evidence that the December 1934 shoot-out or the preceding altercation was the result of planning by either side. Rather, it is best understood as the inevitable culmination of frustrations over the corruption, brutality, and other offenses (a situation exacerbated during the final gubernatorial term of "Ma" Ferguson, not coincidentally) that the citizens of San Augustine were subject to during this time. In response to these frustrations, and in the absence of effective law enforcement, some chose to take the law into their own hands. Unfortunately, the outcome was more violence and bloodshed. What San Augustine needed was outside help that was capable of

¹¹ Interview of Dougherty by Author, May 16, 2001; J. L. Mathews to Author (e-mail of unpublished eyewitness account), May 21, 2001; "Etex Free-for-All Street Gun Battle Claims 3 Victims," *Dallas Morning News*, December 24, 1934; "Rangers Sent to San Augustine," *Beaumont Enterprise*, January 5, 1935; Interview of Sidney Lister Jr. by Author, September 2, 2010.

challenging the McClanahan-Burleson gang, with the official authority of the State to support them in their efforts to enforce the law.¹²

While certain specific myths certainly do exist and as a result have distorted San Augustinians' collective memory of that turbulent period, the most problematic ones are those that are broader and more generalized in nature. The concept that the troubles were simply the result of contemporary conflicts tied to historic feuds is not widely held, but it is strongly advocated by the few who espouse it. The closest mention of anything resembling a possible reference to that theory at the time of those events was a defense counsel comment in one of Jim Burleson's appellate briefs: "This is simply another Burleson case from San Augustine County where the jury convicted the appellant because his name was Burleson." However, the assertion merely assumes an unexplained yet alleged bias against the Burlesons, and furthermore they provided no other argument or facts to support even that contention. That comment was more than likely a reference to the fact that since some Burlesons had already been convicted of various crimes, Joe's attorney was advancing the notion that the public was becoming jaded in regards to any of them that were subsequently accused of wrongdoing, without fully considering the available evidence. Again, it was merely a defense counsel's offhand comment designed to influence the appellate court to rule in favor of his client, so any attempt to read anything anymore significant into it is speculative, at best. Jim Burleson's other convictions were all upheld on appeal.¹³

¹² Telephone interview of Leslie Lemons Garby Lacrouts by Author, September 15, 2011. Lacrouts is a member of the Thomas family.

¹³ Ibid.

This indictment and conviction also supports the contention that the community overwhelmingly supported the clean-up, as it should have been difficult to find sympathetic jurors if the citizenry had indeed been “split 50-50” in regard to the events and parties involved. There exists no record of any hung juries during the trials that resulted from the clean-up, much less a 50-50 split that would be expected if the entire community was split down the middle in their sympathies as alleged. Furthermore, defense counsel never alleged nor provided any evidence of a connection between the victim and local anti-Burleson factions, nor made any other references that could, even remotely, be construed as arguing such a claim. Such an omission is arguably the single most damaging evidence that the theory was concocted in the years following the clean-up as a way for family members to save face in the community where they still lived, worked, and grew up, and with their children who, understandably, wanted to believe the best about their parents and other relatives.

Unfortunately for those who seek to defend those who had terrorized so many people in San Augustine, the evidence presented in the cases involving Jim Burleson and Lee “Red” Jordan, for example, supports the contention that the events leading up to the 1935 clean-up of San Augustine by the Allred Rangers were the product of ongoing criminal activities and even conspiracies and not merely byproducts of longstanding feuds. In addition to the implied complicity between Jordan and Burleson in the robbery of Curtis Butler, the McClanahans’ protection of such criminal activities is also revealed. Whether it was Charlie, Wade Sr., or Wade Jr. (all three were Ferguson-commissioned law enforcement officers), their alleged threat and refusal to take Butler’s report along with the obvious fact that they never filed any charges against Burleson and Jordan, who were not indicted until nearly a year later, well after the Allred

Rangers arrived, is additional compelling evidence of criminal collusion between the Burlasons and McClanahans.¹⁴

As far as the accompanying assertion that the town was “split 50-50” in its sympathies and opinions where the events of the period were concerned, it is also discredited by the voluminous historical record. First, there is evidence of overwhelming contemporaneous support for the actions of the Allred Rangers. Widespread public participation in various local events explicitly billed as opportunities to honor and thank the Allred Rangers undermine the notion that there was any statistically significant division of public opinion in the matter, much less a “50-50” split within a “deeply divided” community. Literally thousands of people attended these celebrations each time they were held. Conversely, no evidence or indication of anything even approaching a “50-50” split in the community ever surfaced during nearly a decade and a half of research into a diverse variety of contemporary primary records. Such records include court trial transcripts, newspaper accounts, personal correspondence, gubernatorial papers, memoirs, and oral history interviews.

In addition to the documentation from this time period, the weight of public memory is heavily against the theory of factional feuding and a 50-50 split as advanced by certain Burlason descendants. Notably, the clear consensus among those old enough to remember these events is that the majority of the community deplored the corruption and violence that had plagued their community in the years preceding the Allred Rangers’ clean-up, and they were very happy to be delivered from it. Notwithstanding certain errors of specific facts and lack of knowledge of the

¹⁴ File #18207, *State of Texas v. Lee Jordan, 1935*: Brief For Appellant & Appellant’s Motion for Rehearing (Texas Court of Criminal Appeals Records, TSLA); File #18451, *State of Texas v. Jim Burlason, 1935*: Statement of Facts (Texas Court of Criminal Appeals Records, TSLA), 13-15.

nature of certain events or how they all connect to one another, it is notable that the overall perception of the nature and character of those events, and particularly the distinctive nature of many of the crimes most commonly committed during the crime wave, have remained intact in the memory of most San Augustinians.

Of particular note are two common “scams” that the McClanahan-Burleson gang committed, primarily against African-American victims. The first was that they would simply drive to people’s farms and take their livestock, or anything else they wanted, and say something like, “thanks for keeping my [property] for me” in a menacing fashion, then drive off with the stolen property. The second was that they would use their Special Ranger commissions from Gov. Miriam W. “Ma” Ferguson to intimidate—again, mostly black—local citizens into paying “fines,” which they simply pocketed. Both scenarios were documented in various parts of the historical record to have occurred on a repeated basis. A significant cross-section of San Augustinians, some of who actually remember those events and including some African-Americans, were interviewed over the course of nearly fifteen years as a part of the research for this study. Their descriptions of these two types of crimes were not only strikingly similar, but they are solidly corroborated by the contemporary court records that were created in the process of the Allred Rangers’ clean-up of the community. This was an unexpected and astounding revelation as to how accurate the overall perceptions of those events, even so many generations later, remain in the local collective memory.¹⁵

¹⁵ Interview of Eyewitness #1 by Author, May 15, 2001; Interview of Eyewitness #2 by Author, May 15, 2001; Interview of Eyewitness #3 by Author, May 17, 2001; Interview of Dougherty by Author, May 17, 2001; Mathews to Author, May 21, 2001; Interview of Harry Noble by Author, May 16, 2001; Interview of Arlen Hayes by Author, May 17, 2001. While the overall perceptions held by most of the San Augustinians were fairly consistent

Interviewees have expressed recollections of the grave fear experienced during the reign of the McClanahan-Burleson criminal gang, combined with a sense of relief and gratitude after the arrival of the Allred Rangers. They are also equally emphatic in their praise for Gov. James V. Allred, as well as for Capt. James W. McCormick and Dan J. Hines, and for Leo Bishop and the other Allred Rangers who intermittently served in their community throughout 1935. In fact, while much of Texas Ranger history involves controversy over their mission, manner, make-up, and methods, their work in the San Augustine clean-up is one example of when their efforts and actions earned the overwhelming approval and acclaim of the citizens that they were working among, which is one of the reasons the Rangers' cleanup of San Augustine was trumpeted in the press—and by Governor Allred himself—as a “High Spot” in the organization’s history.¹⁶

The task of investigating and addressing the shortcomings in the existing historical record regarding these events, which necessarily involves an examination of the dichotomy of views among the descendants, has been influenced by a number of complicating factors. One is that San Augustine was and still is a small, rural community, where most everyone is related by blood or marriage (within their own racial groups) to much of the rest of the community. Many San Augustinians are unwilling to discuss the matter, particularly with outsiders, and even those that will do so often refuse to be quoted out of fear of offending friends or relatives who may hold a

and relatively accurate from an interpretive standpoint, some of the factual details have been muddled and misunderstood, often by intermingling different events. For example, the details of the John Gann murder are sometimes confused with the murder of Edward Boone Brackett Sr. Another is that the Brackett story is sometimes misinformed by the notion that he was riding a horse across the bridge when he was shot, while in actuality he was driving a car.

¹⁶ “Rangers Win Praise of San Augustine in Clean-up that is High Spot in History of State Police Force,” *Beaumont Journal*, May 9, 1936; “Approve Rule of Rangers,” *San Augustine Tribune*, March 28, 1935; “Radio Speech of Governor James V. Allred Regarding His Law Enforcement Program, March 22, 1935,” and “Allred’s Statement to Legislative Committee, December 13, 1935” (James V. Allred Papers, Special Collections, University of Houston Libraries).

different view on the matter. Also, many of the residents who experienced or were affected by the events simply wished to put the matter behind them (which in turn has contributed to the lacking historical record). This has created a sensitive situation for researchers seeking to explore this topic.

Even noted historian Dr. Ben H. Procter was unable to break through that wall with many of the locals when he conducted research there between 1968 and 1975. He was told that everyone knew who he was and why he was there within a few hours of his arrival, and that most San Augustinians were still unwilling to talk about it because “some of the same families [were] still [there],” and that made it “too touchy” of a subject, even after forty years. This researcher experienced a little more cooperation when researching there from 2001 through 2013, though some of the few people willing to talk about the clean-up mostly still refused to be identified in any publication, and the awareness of the author's presence and purpose seemed to have spread as quickly as Procter's some twenty-five or more years earlier.¹⁷

Local historians have not addressed the topic in their works, but most acknowledge the significance of those events to the town and state's history. Some of them are even eager to see those events documented and published, filling what they consider to be an unfortunate gap in the local historiography. As the years have passed without the benefit of a documented study of the period, the collective memories of those events have become vague and somewhat

¹⁷ Interview of Ben H. Procter by Author, March 8, 2002.

muddled, further contributing to the community's inability to reconcile the facts of their shared past.¹⁸

Another factor contributing to the misinformation in the collective memory of those events was the brief account of those events published by Procter in his 1992 book, *Just One Riot*, which was heavily dependent on the self-reported role of Leo Bishop.¹⁹

A thorough review of Allred's papers, local and appellate court records, and contemporary news reports reveals that the investigation of the San Augustine troubles was a team effort directly led by McCormick, with Hines as the primary Allred Ranger stationed full-time in San Augustine. Hines was stationed there for over a year and McCormick directly supervised all Ranger activities during the first two-thirds of the operation, including spending many months on the ground in the community. He interviewed many witnesses and victims, tracked down fugitive and interrogated defendants, filed charges, attended court hearings, and engaged with the local population, right alongside his subordinates. And he did all of that while also being responsible for supervising other Allred Rangers across the entire region of East Texas.

This is in direct contrast to Bishop's own later assertions in his interview with Procter, in which he portrayed himself as having handled the task largely on his own—much like the prototypical but mythological Lone Ranger archetype. Numerous records, including court filings, transcripts, governor's correspondence, letters, and other records produced by Bishop himself,

¹⁸ Interview of Noble by Author, May 16, 2001; Interview of local historian #1 by Author, June 23, 2010; Interview of local historian #2 by Author, June 23, 2010. As mentioned in the narrative, many interviewees requested anonymity as a condition of their participation, therefore each anonymous source has been labeled according to their relation to the topic and numbered sequentially as needed where there is more than one of the same type, so as to indicate that there were multiple interviewees of that type.

¹⁹ Ben H. Procter, *Just One Riot* (Austin: Eakin Press, 2000), 64-73, 152-153.

prove that Bishop was only stationed in San Augustine for the first few months of the clean-up, after which he re-located back to his traditional duty station and home community of Del Rio. Bishop took credit for being involved in (and even spearheading) events that occurred *after* he had been reassigned to his home territory of South Texas around the end of March 1935. However, the primary documentation demonstrates that he was only there in the early stages and primarily to assist in the initial restoration of order in the community. Bishop, even by his own statements, had returned to Del Rio sometime between the end of March and the middle of April 1935. He simply was not involved in any of the major investigations and trials that followed, which took place primarily in the summer and fall of 1935.²⁰

Furthermore, the public and private adulation for McCormick and Hines, including the engraved pistols they received as gifts of gratitude in December of 1935 (of which Bishop was not a recipient), demonstrates contemporary perceptions of each Ranger's level of participation and responsibility for the clean-up. Bishop's participation was both significant and appreciated, but compared to that of McCormick and Hines, Bishop's role was subordinate, both in the perspective of San Augustinians at the time and historically. The issue of the engraved pistols is at the core of local misperceptions of Bishop's place in the overall events. It is commonly believed there that he also received a pair of engraved pistols at the same time as McCormick and Hines. However, this is simply not the case. Contemporary news articles in the *San Augustine*

²⁰ Earle Thomas to James V. Allred, November 19, 1935 (Leo Bishop Family Papers, private collection of John and Betty Oglesbee, San Augustine, TX); C. B. Freeman to Allred, June 17, 1935, Allred to Freeman, June 28, 1935 (Allred Papers); Bishop to Allred, September 26, 1935 (Allred Papers); "Citizens of San Augustine Honor Beloved Rangers: Redland Folks Show Hearty Appreciation With Six-Shooters For Christmas," *San Augustine Tribune*, December 27, 1935. Freeman and Allred were corresponding in regards to assigning Bishop to lead an investigation in the area, indicating that he had already been back there for some time and noting that he had "a great amount of experience in this particular section."

Tribune, including one recently unearthed in the Bishop family's own papers, have put that matter to rest.²¹

Much of the misperception about Bishop's role in the clean-up may have been due to the fact that he was eventually reassigned to San Augustine, from December of 1936 until sometime early in 1940. At that time, townspeople did shower Bishop and his family with gifts, including a set of ivory grips for his duty pistols, plus clothes and foodstuffs in abundance. However, no record that Leo was ever gifted a set of engraved pistols like those given to McCormick and Hines has ever surfaced, and Bishop himself is not known to have ever uttered any such claim. In fact, it was specifically noted at the time that McCormick and Hines received their pistols, "a sizeable gift of cash was forwarded to Bishop, whose service to the Redland city was not as long of duration as [McCormick and Hines], but was appreciated, nevertheless." Copies of those same articles were discovered in Bishop's family papers after they were procured by a San Augustine based-historian from his daughter's estate in 2013. Bishop was certainly integral to the Allred Rangers' efforts to regain control of the town and restore confidence in the public that their safety would be assured, but he was not involved in the subsequent phases of investigation and prosecution of the key offenders.²²

²¹ Bishop was given a smaller "gift of cash," because he had not been stationed there nearly as long as the other two; "Ranger Company C Stationed in San Augustine," *San Augustine Tribune*, May 16, 1935; "Personnel of Ranger Force When Transferred to the Department of Public Safety, August 10, 1935," *Report to the Adjutant General of the State of Texas*, From January 15, 1935 to December 31, 1935. (Texas Adjutant Generals Records, TSLA).

²² "Citizens Showing Their Appreciation of Bishop," *San Augustine Tribune*, October 28, 1936; "Citizens of San Augustine Honor Beloved Rangers: Redland Folks Show Hearty Appreciation With Six-Shooters For Christmas," *San Augustine Tribune*, December 27 1935.

Bishop's eventual reassignment to San Augustine in December of 1936 was due to the fact that Hines, who had been the only Ranger stationed there full-time since January 1935, resigned at the end of June 1936 to accept a position as manager of the 39,000 acre Stark Ranch near Orange, Texas. That position was undoubtedly far more lucrative—not to mention less dangerous—than working as a Texas Ranger. Furthermore, Hines had spent the majority of his life in the ranching business and appears only to have entered into law enforcement after such employment became scarce in the early years of the Great Depression. He had even purchased an 800-acre ranch in Newton County while still working as a Ranger.²³

After Hines's resignation, and contrary to claims later made by Bishop, local leaders and citizens of San Augustine requested that Captain McCormick be re-assigned back to their community in order to ensure that "the troubles" did not reemerge in their absence. The locals were particularly concerned that some of those convicted in the clean-up but whose prison or jail terms would be expiring in the coming months and years would once again attempt to take control of the town and retaliate against those who had supported the Allred Rangers. Some of those individuals—Wade McClanahan Sr., in particular—were alleged to have threatened to do just that once they were free. McCormick, however, was not interested in moving back to San Augustine. He was originally from Wichita Falls, where he had previously served as sheriff and where he had most frequently been stationed during his past terms as a Texas Ranger, and that

²³ Dan J. Hines to Allred, June 30, 1936 (Allred Papers); "A Welcome Visitor," *San Augustine Tribune*, June 25, 1936.

is where his family was living and had always remained. Only after McCormick declined the assignment did the San Augustinians then ask for Bishop to return.²⁴

Bishop, for his part, had been looking to get away from his home community and long-term duty station of Del Rio for some time because he had fallen on hard financial times, even losing the family ranch, as had many during the Great Depression. Therefore, he jumped at the chance to return to San Augustine, but this was a decision that he seemed to regret only a month later when he wrote to Governor Allred asking for assistance, expressing fear for not only his own life but those of his wife and children.²⁵

Of note in regard to Bishop's re-assignment to San Augustine is a conflict between what he told Procter about his handling of that assignment and the letter he wrote to Allred shortly after he had returned. Bishop told Procter that his "three-year hitch" was "largely uneventful." However, in January 1937, he described to Governor Allred at length his concerns for his and his family's safety there. Bishop claimed that certain associates of the McClanahan-Burleson gang were still at large and threatening to retaliate for the prosecutions of their friends and family members. He reiterated his fears over these matters in great detail throughout the lengthy letter, and asked for back-up to be sent so that he would not be forced to "kill some of the outlaw element." Such an event never transpired, but Bishop's concern at the time belies the bravado he professed several decades later.²⁶

²⁴ "San Augustine Asks For McCormick," *Wichita Falls Post*, September 23, 1936; Bishop to Allred, January 27, 1937 (Allred Papers).

²⁵ Bishop to Allred, September 26, 1935, January 29, 1937 (Allred Papers).

²⁶ Procter, *One Riot*, 73; Bishop to Allred, January 29, 1937 (Allred Papers).

Bishop appears to have misrepresented his role in at least one specific event, the ousting of Sheriff Virgil Worsham. Bishop claimed in his interviews with Dr. Procter that he actually led the effort to oust Worsham. Bishop erroneously recalled about Worsham, “that no good s.o.b. [was] bootlegging” and that he had devised the plan to catch Worsham. It had been Worsham’s sons, not the sheriff, who were caught bootlegging, though the Allred Rangers appear to have believed that Worsham was aware at least of it, and that he allowed them to escape from the jail after their arrest. Bishop went on to state that Worsham, “fell – hook, line, and sinker,” and that it was he who caught Worsham in the hotel room with the woman. The conflicts between their respective accounts are more damaging to Bishop’s credibility than to Worsham’s. Contemporary documents, including letters signed by Bishop himself, demonstrate that Bishop had been sent back to his regular duty station in his home community of Del Rio months before Worsham’s son’s were arrested, and long before the sting operation and Worsham’s resulting forced resignation. Bishop simply could not have been involved in the sting and ouster of Worsham, meaning he took credit for work performed by Hines and McCormick in which he had no involvement whatsoever. And, the Worsham affair was not the only case that Bishop claimed credit for at the expense of McCormick, and even Hines. Exactly why he did so is a matter of speculation, at best. The validity of the San Augustine account by Procter is plagued with errors that stem from its reliance on information obtained from Bishop.²⁷

²⁷ Procter, *One Riot*, 71; Interview of Leo Bishop by Ben H. Procter, 1968, Leo Bishop Family Papers (In Possession of John and Betty Oglesbee, San Augustine); Bishop’s later erroneous allegation that Worsham himself was bootlegging reveals his lack of intimate knowledge with those particular events, not least of which because if Worsham had been bootlegging himself, he could have simply been charged with that offense and the elaborate ruse with the woman from Beaumont would have been unnecessary. While Worsham’s and Bishop’s account differ as to whose idea the sting was, they both state that the woman came from Beaumont, with Bishop further

Just as Procter's account overemphasized Bishop's role compared to the other Allred Rangers, it also portrayed Wardlow Lane, the district attorney from Shelby County, as having been the central prosecutor, an error again arising from an overreliance on oral history interviews with one relatively minor participant. Court records reveal that, instead, such a designation properly belongs to Hollis M. Kinard, the district attorney for the First Judicial District of Texas. Kinard was assigned to Orange County, but his district included San Augustine. Court records reveal that Kinard tried the bulk of the cases during that period, and numerous news accounts reinforce that fact, including multiple statements by McCormick, Hines, and several prominent local citizens detailing and praising Kinard's work. Like Bishop, Lane did play an important role, having assisted in the prosecution of several key defendants, but Procter's account overstated Lane's overall significance. Procter never made the transcripts to those interviews available to any other researchers, therefore it remains unknown if Lane took credit at the expense of others in the same way that Bishop had done in his interviews.²⁸

commenting that her assistance was procured through the help of a Beaumont area law enforcement colleague. As Hines was from Beaumont and well-known to be good friends with Sheriff W. W. Richardson of Jefferson County, and Bishop was from South Texas, in addition to the facts that Bishop was no longer stationed in San Augustine and Worsham insisted that Bishop was not involved, it is logical to theorize that the connection to the woman was Hines', not Bishop's, as he had claimed in his interview with Ben Procter. Regardless of such details, extant records, including many produced by Bishop himself, prove that he was no longer stationed in San Augustine when Worsham's sons escaped the jail and when the subsequent sting was carried out and led to Worsham's resignation.

²⁸ Procter, *One Riot*, 64-73, 71, 68, 73, 66; Phone Interview of Harry Noble by Author, July 1, 2010; "Rangers Win Praise of San Augustine in Clean-up That is High Spot in History of State Police Force," *Beaumont Journal*, May 9, 1936; "Eron Harris Gets 10 Years at Center," *San Augustine Tribune*, August 29, 1935; "Sanders Will Assist in Prosecution of McClanahan Case," *San Augustine Tribune*, July 18, 1935; "Smothers Slander Sheet With Facts And Slings No Mud Back At Opponent," *San Augustine Tribune*, August 13, 1936; S. H. Sanders to Allred September 30, 1935, Allred to Sanders, August 29, 1935 (Allred Papers). There are substantial amounts of communications regarding this case, and who was involved, between Judge S.H. Sanders and Allred from March 1935 to September 1935, in the Allred Papers at the University of Houston; Interview of Procter by Author, March 8, 2002 and March 6, 2005. This researcher was unable to gain access to any of Procter's related papers, particularly those cited as "closed MSS" in his book.

Additionally, Procter omitted the key role played by former judge S. H. "Spot" Sanders of Center. Sanders was recruited by Governor Allred to serve as the lead counsel in the murder trial of Charles C. McClanahan, which was held in Panola County in October 1935. McClanahan was the de facto leader of the McClanahan-Burleson gang, and his trial was regarded as the apex of the Allred Rangers' efforts in San Augustine. Sanders got involved early in the investigative phase of that case and took it to the grand jury and all through the pre-trial process, in addition to serving as the lead prosecutor during the trial. Procter vaguely referenced that trial, but never mentioned Sanders. Most notably, Procter's account makes it appear as if it was all said and done by the end of March 1935 (which is, as it happens, about the time that Bishop left) even though the many trials and other events he discusses did not take place until much later that year, or even until early 1936.²⁹

This exhaustive study puts to rest various myths, corroborates many long-standing assessments of both discrete events and the causes of the troubles overall, and provides detailed accounts and explanations of both well-known and more obscure events from that period. In doing so, it offers not only a corrective to a troubling part of the collective memory of San Augustine, but also an important perspective on the crucial reforms of the Texas Rangers that began in 1935.³⁰

²⁹ Procter, *One Riot*, 67-73; Sanders to Allred and Allred to Sanders et al. (Allred Papers).

³⁰ Procter, *One Riot*, 69-73; "Citizens of San Augustine Honor Beloved Rangers: Redland Folks Show Hearty Appreciation With Six-Shooters For Christmas," *San Augustine Tribune*, December 27, 1935; Transcripts from interview of Bishop by Procter, 1968 (Bishop Family Papers, private collection of John and Betty Oglesbee).

CHAPTER 9

CONCLUSION AND NOTES ON SOURCES

In the last week of January 1935, at least four newly minted Texas Rangers drove into the East Texas town of San Augustine, under orders from the recently elected Gov. James V. Allred. They had been commanded to bring order to a town that had been in the grip of an informal yet increasingly violent criminal organization for the past several years. San Augustine criminals had operated with increasing impunity, especially during the final years of the administration of Gov. Miriam W. "Ma" Ferguson, who had empowered them further with politically bestowed law enforcement credentials. The arrival of the Allred Rangers marked the end of the McClanahan-Burleson gang's crime wave and the restoration of law and order in the historic East Texas community.

The Texas Rangers' "clean-up" of San Augustine in 1935 was a period of significant historical complexity because it involved the investigation and adjudication of hundreds of criminal cases, many of which were several years old. Furthermore, this took place in an environment where most of the local citizens were initially unwilling to come forward and complain, much less testify in open court, because they feared retaliation by the openly violent McClanahan-Burleson gangsters. Nevertheless, in just under a year the Allred Rangers drove out the McClanahan-Burleson gang leaders, convinced the citizenry of their commitment to public safety, then successfully investigated and helped prosecute hundreds of cases, including simple assault, theft, bootlegging, armed robbery, extortion, and murder. ¹

¹ "Silver Guns Reward For 'Cleaning up' of San Augustine," *San Augustine Tribune*, August 27, 1936.

Officials in some localities where the Texas Rangers were sent to restore order during the same era protested, though often because they benefited either directly or indirectly from whatever vice the Rangers were impeding. Allred also succeeded in removing direct political influence over the Rangers by advocating for and signing into law the act creating the Public Safety Commission and Department of Public Safety. The new agency combined the Rangers with the Highway Patrol, removed gubernatorial authority for the hiring of all officers, and established set criteria for applicants. Politics was no longer the determinative factor in Ranger appointments, which led to increasing professionalization of the force and career opportunities for experienced officers, regardless of who occupied the Governor's mansion.²

There is little record available to document what happened to most of the members of the McClanahan-Burleson gang who were convicted of various crimes as a result of the Allred Rangers' clean up. Disgraced former sheriff W.C. Gary appears to have been the only one of the high level participants in the gang to return to San Augustine, where he served as the county surveyor and "commander of the home guard" there during World War Two. But many of the key actors in their arrest and prosecution achieved varying levels of success and even fame in the wake of the San Augustine clean up. James V. Allred won a second term as governor of Texas, and he campaigned on the success of the creation of the new Department of Public Safety, using the clean-up in San Augustine as a prime example. From there, he was appointed to the federal judiciary, ran unsuccessfully for the United States Senate, and returned to the federal bench for the remainder of his career. Native San Augustinian Edward A. Clark was appointed secretary of

² Ibid.

state for Texas by Allred, and then went on to found what would become one of the largest and oldest law firms in Texas. Clark was also a key figure in the political ascendancy of Lyndon Baines Johnson who, as president, appointed Clark to the prestigious post of ambassador to Australia.³

Several of the Texas Rangers sent by Allred to San Augustine also fared well. James Walter McCormick, who was a famed lawman even before the San Augustine affair, remained a captain under the new Department of Public Safety until 1939. He then returned to his hometown of Wichita Falls, where he served as a juvenile officer until his retirement in 1958.

Dan J. Hines retired from the Texas Rangers and left San Augustine in July 1936, to return to his ranching roots and accept a position as manager of the 39,000 acre Stark Ranch in Orange, Texas.

During World War Two, Hines volunteered as a home defense “guerilla” commander on the Texas Gulf Coast. In addition to managing such a vast enterprise, including what was then an “experimental” herd of Brahma cattle from India, Hines became heavily involved in the professional rodeo circuit. Working for the legendary silent film cowboy star Tom Mix and his son-in-law, Canadian cowboy legend Harry Knight, Hines served as the arena director for every major rodeo in North America, from the Houston Fat Stock Show & Rodeo to the Cheyenne Frontier Days Rodeo in Wyoming, the Calgary Stampede in Canada, and even the World

³ Photograph: San Augustine, Texas. W.C. Gary, county surveyor and commander of the local home guard, making a speech over the public address system in front of the courthouse. Farm Security Administration - Office of War Information Photograph Collection (Library of Congress) (<http://www.loc.gov/pictures/item/owi2001025964/PP/>) accessed September 30, 2014; Floyd F. Ewing, "Allred, James Burr V," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fal42>), accessed September 30, 2014. Uploaded on June 9, 2010. Published by the Texas State Historical Association; Jon P. Newton, "Clark, Edward Aubrey," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fcluv>), accessed September 30, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association; "Many Famous Characters Played Roles in City's Past," (<http://www.timesrecordnews.com/news/many-famous-characters-played-roles-in-citys>) accessed September 30, 2014. Published by the *Times Record News*.

Championship Rodeo at Madison Square Garden. It was there that Hines was “discovered” by legendary playwright and journalist Damon Runyon. Runyon briefly described Hines’ career, including the events in San Augustine, to his countless readers in one of his popular “personality profiles,” in which he referred to Hines as “a sort of cow-country Sherlock Holmes.” Hines retired from the rodeo circuit in the mid-late 1940s, and from the Stark Ranch sometime thereafter, after which he worked as an independent rice farmer until his retirement.⁴

This study is the culmination of nearly fifteen years of research into over three thousand pages of primary source documents, including local and appellate trial transcripts and other court records, hundreds of contemporary news reports from across the state, and numerous oral history interviews with eyewitnesses and other local sources. This in-depth research has enabled the author to gain considerable insight into the events and activities surrounding the Allred Rangers’ clean-up of San Augustine in 1935 and also the events of the preceding years. Those incidents directly contributed to the escalation of violence and crime that brought the Allred Rangers to town in the first place.

The evidence unearthed demonstrates that despite the (however limited) belief that those events were tied to factional conflicts and that the town was equally divided in its sympathies for the feuding parties, the crimes involved were actually the result of common criminal avarice facilitated by the ascension of certain corrupt local officials. The facts also put to rest any notion that the Allred Rangers were in any way involved in partisan disputes and affirm

⁴ “Hines Named as Manager of Stark Estate,” *Beaumont Enterprise*, July 1936; “Texas ‘Guerillas’ Ready for Defense,” *Hyde Park Herald*, February 1942; “Quick Shooting Texas ‘Guerillas’ are Defense Minded,” *Mt. Adams Sun*, February 6, 1942; “Dan Hines Rated as ‘Discovery’ at Great Madison Square Garden Rodeo in New York City,” *Beaumont Enterprise*, October 24, 1941; Interview with Cherry Hines Harrison (daughter of Dan Hines) July 1, 2000.

that the townspeople overwhelmingly supported the Allred Rangers' efforts to rid the town of the primary criminal instigators and their accomplices, most particularly certain members of the Burleson and McClanahan families.

Finally, those events serve as evidence of the stark distinction between Rangers of the Ferguson and Allred administrations. The Ferguson Rangers were not only ineffective in dealing with the problems in San Augustine, but they actually exacerbated the situation and created more victims, while the Allred Rangers took prompt, effective, and enduring action to end the violence and corruption and facilitate the process of bringing the offenders to justice and establishing law and order in a town that had been plagued so long by chaos.

For any modern historical study, it is incumbent upon the researcher to examine the available official records from the period. Those records offer far more detail and insight into the events studied than eyewitness accounts or news reports, both of which are limited and narrow in focus. However, official documents are imbued with their own particular limitations, therefore the researcher must take into consideration the source of such records and the possibility that those records may have at some point been altered, redacted, lost, or even deliberately eliminated. Furthermore, while most historically significant events tend to revolve around a single actor or criminal episode, thereby focusing research and interpretive efforts, the volume of cases filed against a litany of defendants during the course of the 1935 Texas Ranger clean-up of San Augustine required a much broader survey, leading to several research and interpretive dilemmas.

When trying to make sense of the available records for cases adjudicated during that period, an understanding of how the American criminal justice system operates is essential.

First, it should be noted that for purposes of fiscal practicality and caseload management within a criminal justice system that is perpetually underfunded and understaffed, it is simply a reality that not every single offense a person commits is charged or tried, even when substantial evidence exists to support such charges. Prosecutors have to determine which cases present the highest likelihood of conviction at trial and the highest potential sentencing range, as well as other intervening factors. Therefore, someone who has committed numerous crimes on both the misdemeanor and felony levels may only be charged with certain offenses (or even just one, especially in cases of murder) that offer the best chance of conviction and the longest potential prison term.

Secondly, the vast majority of charges filed are adjudicated (handled in the courts) by way of pleas and plea bargains. The prosecution typically offers a shorter sentence or probation, or even a reduced charge and dismissal of other charges, in exchange for the defendant's plea of guilty or no contest. So a person accused of several crimes may only be convicted of one, and a person accused of a felony may only receive a conviction for a misdemeanor (or a lesser felony). The greatest problem resulting from this process is that little or no record is kept of the proceedings, thereby limiting future historical review of the matter, particularly because such cases are typically no longer able to be appealed. The vast majority of cases arising out of the San Augustine clean-up were likely disposed of in this manner.

It must also be noted that just because a particular case is not brought to or proven at trial does not mean that the event did not occur. The United States has an adversarial judicial system, meaning that the burden of proof always rests upon the accuser, rather than the accused. Therefore, a conviction in an adversarial system requires that proof beyond a

reasonable doubt must be established, and failure to render such proof results in a “not guilty” verdict rather than “innocent.” Not guilty simply means that the charges were not proven in court according to established legal standards, though it does not necessarily mean that the accused is in fact innocent of the charges.

Finally, established legal procedures and rules of evidence can lead to the dismissal of cases or overturning of verdicts and sentences, due to an error by an investigator or prosecutor or for reasons that cannot necessarily be blamed on any individual involved. In these instances, our criminal justice system demands that potentially (even likely) guilty parties go free, as a means of protecting the integrity of the system and assuring that the innocent are not punished for crimes they did not commit. Therefore, just because a case was dismissed at the trial court level or reversed on appeal that does not necessarily mean that the person was innocent of the charges.

Even when a case goes to trial, the court transcript is only printed in the event of an appeal, and it is then forwarded to the appellate courts to use in their review. Local county and district clerk’s offices rarely retain detailed records such as trial transcripts. They are also notorious for losing or discarding much of what was originally retained, and many do not keep whatever they retain particularly well organized. This makes locating useful research material an uncertain venture, at best.⁵

⁵ "Report on the Preservation of Historical Texas State Court Records By: The Texas Court Records Preservation Task Force August 31, 2011," <https://www.supreme.courts.state.tx.us/crptf/docs/TaskForceReport.pdf> (accessed April 7, 2014); "Historical Texas Documents at Risk of Damage, Theft," <http://www.chron.com/news/houston-texas/article/Texas-historic-documents-at-risk-of-damage-theft-2150252.php> (accessed April 8, 2014).

Further complicating research of the cases stemming from the Texas Rangers clean-up of San Augustine in 1935 is the fact that many of the cases were granted a change of venue from San Augustine to Shelby County, Nacogdoches, and other surrounding judicial districts. Unfortunately, the majority of Shelby County's court records were lost in a fire, making it difficult to ascertain the final disposition of any of the cases that were adjudicated there and not appealed. All of the complete court transcripts referred to in this study were located in the Court of Criminal Appeals' records at the Texas State Library and Archives, except for a partial copy of one particular trial transcript that was located in a co-defendant's case file (attached to his request for change of venue), in the San Augustine District Court records.

In the case of San Augustine, the results were mixed. Like most small counties, their records were sparse and largely inaccessible. It is also possible that relevant records were destroyed over the years. However, thanks to the efforts of local historian Harry P. Noble Jr. and other citizens, a grant was procured to have both the local court and newspaper records digitized. While the initial foray into the paper records yielded very limited results, a subsequent examination of the digital database brought forth a considerably higher quantity of useful data. Even then, only one partial trial transcript was found. Most of the records were partial, incomplete, and offered no significant insight into the facts of the cases filed as a result of the 1935 clean-up. However, they did corroborate longstanding assumptions regarding the exceptionally high volume of cases that were adjudicated during that period, including cases against all of the most notorious figures.

The limited volume and type of records surviving in San Augustine is far from unique, as most localities lack the resources necessary for maintaining closed case files for decades on end.

Additionally, it is not common practice anywhere for local courts to produce or maintain complete trial records even in the short term, unless specifically requested (and financed) by a party to the case for continued litigation purposes. Therefore, the counties that served as new venues in the San Augustine cases had almost no related records remaining, at all.

The next step in the research process was to explore the appellate courts records. However, if an appeal is not filed or a hearing is not granted, then it is unlikely that the trial record will be preserved for future examination. And since trials are the exception, not the rule, and appeals are even more rare, that means there will be few opportunities to preserve detailed accounts and witness testimony for posterity. As would be expected, then, the Court of Criminal Appeals records at the Archives Division of the Texas State Library in Austin turned out to be the most productive source for detailed data on the trials coming out of the San Augustine clean-up.

The arguments asserted in this study are based on the array of primary source materials discussed above, including hundreds of news articles from outlets around the state, numerous oral history interviews with eyewitnesses from the period, over 1,500 pages of federal, state, and local government documents (including five complete trial transcripts), and a memoir by one key figure from the period. The few available secondary sources to address the topic provided an interpretive and factual launching point and imparted information on selected perspectives and details not available from any other source. No previous published account of these events has mined the historical record of this matter to this extent.

The backbone of the primary sources is five complete trial transcripts for the cases of three separate defendants from that place and time. Those transcripts document the witness testimony for both the prosecution and defense in each case, in addition to providing basic

information such as names, dates, cause numbers, and other objective data. Each of the cases involves people closely associated with the key figures who were alleged, both in the press and by contemporaries, to have been the primary instigators of local corruption and violence.

Dispassionate and chronologically removed evaluation of the testimony given helped to determine the potential veracity of each of the witnesses, further clarifying what events were historical and which ones were more likely manufactured for purposes of misdirection of the jurors. In addition to documenting the prosecutions of the individuals charged, each case also functions as a microcosm for the study of local events of the period, illuminating the historically significant aspects of contemporary events and attitudes.

While it would certainly have been beneficial to find even more trial documents with witness testimony subjected to cross examination surviving from that period, the information revealed by the five existing transcripts and augmented by other court documents and copious contemporary news reports expands historical understanding of these events well beyond that of the few preexisting brief accounts. With regard to local public memory of those events, this study will reaffirm the general perspective of many and challenge the point of view of others, but will exponentially expand the knowledge base of all. Whether or not they agree with the interpretation promulgated by this account, all readers will be exposed to historical detail that has long been buried in the past, never published or otherwise known to anyone beyond the actual historical participants, and collectively studied by virtually no one, before now.

APPENDIX
ADDITIONAL FIGURES

San Augustine Tribune.

OLDEST ANGLO-SAXON TOWN IN TEXAS

HISTORICAL EDITION

DOLORES MISSION ESTABLISHED IN 1717

VOL. XXVII.

SAN AUGUSTINE, TEXAS, THURSDAY, DECEMBER 5, 1935

NUMBER 37

San Augustine Now An Ideal County In Which To Reside



When you're looking for something different in the line of Christmas Gifts don't overlook the many possibilities offered at Rushing's Drug Store.

<ul style="list-style-type: none"> Radios Jewelry Leather Goods Silverware Sheaffer Ft. Pens Glassware Manicure Sets Toilet Sets Pangburn's Candy 	<ul style="list-style-type: none"> Chrominum Ware Clocks Perfume Perfume Sets Kodaks Novelties Pipes, Cigars Cigaretts
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Many other items, and at reasonable prices. Our display is now open, and you are cordially invited to visit us.

Rushing's Drug Store

FRIENDLY WELCOME AND TRUE HOSPITALITY AWAITS THE VISITOR WHO COMES TO THIS OLD COMMUNITY RICH IN TEXAS HISTORY

Well governed and peace loving community of God-fearing people in a setting of prosperity and progress is good description of San Augustine.

The sun shines on no finer people than those within the fair confines of San Augustine County. No more friendly and hospitable group exists upon the face of God's great green footstool than the rugged Anglo-Saxon sons of the Southwest who make up the citizenry of this sterling old community. The latch string dangles on the outside and the stranger is welcomed in the traditional style of the Old South.

The laws of God and man are respected and observed and peace and tranquility prevails throughout the length and breadth of the county. It has not always been thus. The great body of the people has upheld the rich old traditions but like the bad apple in the barrel there has been at times a tiny handful of despoilers who took advantage of the serenity of a God-fearing and God-loving people and wrought havoc. Of course grossly exaggerated reports of the misconduct and malconduct of some of those in authority in recent years has been spread throughout the state. Some of these reports have been founded upon fact, while others have



CAPT. J. W. McCORMICK


conviction of all connected with the reign of violence by pseudo bad men who had awed the populace by their unscrupulous acts of violence.

One San Augustine citizen who had occasion to observe Capt. McCormick closely from the day he arrived pays him the following tribute and this is concurred in by the Tribune and all who are interested in justice and law and order.

"My observations of the man who cleaned up the town of San Augustine The man who was sent to rescue a trembling, fearing people from the clutches of a hideous monster in the form of human demons. At first he seemed strange and aloof, this quiet refined and unassuming man of deeds and action. A man of but few words, with a master mind and an iron nerve.

HARD TO BELIEVE

IN OMAHA, NEBR.
A WIFE SUED FOR A DIVORCE BECAUSE HER HUSBAND HIT HER ON THE HEAD WITH A LIVE CHICKEN, KILLING THE CHICKEN, AND KNOCKING HER OUT-THEN ORDERED HER TO COOK THE CHICKEN."



No Profit In Service Charges

Service charge on checking accounts are barely sufficient to cover the cost of rendering the service involved.

This bank desires that each depositor should carry a large enough balance to eliminate the Service Charge.








Figure A.1. Front page of San Augustine Tribune, December 5, 1935.

APPROVE ROLE OF RANGERS

We Have

CONFIDENCE In San Augustine

And feel sure we're making no mistake in asking you to look over our Jewelry.




WRIST WATCHES \$3.95 to \$37.50
EAR CLIPS 98c to \$4.49
NOVELTY BRACELETS 75c to \$7.95
COSTUME SETS \$3 to \$5

—and many other Novelties
All Smart Patterns
you'll simply love to wear or give.

Rushing's Drug Store

4,000 People Gather for Big Street Dance Celebrating General Clean-Up

Telegram From Governor Allred
Austin, Texas, March 25.

W. F. Hays,
San Augustine Tribune,
San Augustine, Texas.

The fine spirit of good citizenship which the people of San Augustine County have shown in approving the action of the Texas Rangers is gratifying, indeed, to the Governor of your State. Your street dance celebration honoring the Rangers is indicative of a healthy public sentiment which will not tolerate vicious, violent lawlessness. With the powerful force of public approval behind them local officers throughout the State cannot fail in their efforts to enforce the laws. As Governor of Texas I heartily commend your action and promise you my continued efforts to rid the State of lawlessness.

JAMES V. ALLRED,
Governor of Texas.

Friday night was a gala occasion for San Augustine. As previously advertised thruout this entire section by circulars and in these columns a big street dance was held honoring the Rangers and in general celebration over the New Era, that of law enforcement, in San Augustine County.

A block on the main street was roped-off and with a dance orchestra from the Stephen F. Austin College, Nacogdoches, furnishing music the big free dance was on. Constable H. S. Sharp called the meeting to order and introduced Hon. J. E. Bogard, who introduced Ranger Captain J. W. McCormich and Ranger Leo Bishop, who gracefully acknowledged the introduction and prolonged handclapping of approval by the large crowd. Captain McCormich and Mrs. Herman D. Clark and Ranger Bishop and Mrs. J. H. Ellington led the first dance, which was quickly joined by hundreds of couples.

Attorney Bogard in his introduction of the Rangers stated that this occasion was arranged to honor the Rangers for their service to San Augustine County citizens in cleaning-up unlawful conditions, to cement a stronger friendship between the people of San Augustine and its trade territory and for a better feeling among us all. The large crowd was composed of citizens, both men and women, from practically every nook and corner of the county and other nearby sections, all rejoicing over improved conditions here.

Mr. Raymond Allred, brother of Governor James V. Allred, came from Wichita Falls to represent the governor upon this occasion. The protection afforded San Augustine County direct from the Governor is a part of the law enforcement program of the governor thruout the State. We quote from Friday daily papers:

Austin, March 22.—"Governor James V. Allred declared Friday that there 'will be no quarter' in the fight on open gambling and saloons in Texas.

"He reiterated that the present drive of the rangers is a war between open gambling houses and open saloons on the one side and law and order on the other."

Joints formerly dispensing liquor on the main street of San Augustine have long since ceased and raids by the

(Continued on page eight)

To the Citizenship of San Augustine County:

With a feeling of pride in your approval we greet you. The expression of confidence accorded us last Friday evening warms our heart with gratitude and we are glad, indeed, to be here to serve a people who respond so readily to leadership.

In this connection we desire to say that when our final report has been made to the Governor on conditions in San Augustine County we unhesitatingly assure you that it will be complete in every detail and that law and order will prevail here as it should. We will be pleased to have the co-operation of the general public and again thank you for the splendid demonstration and honor in our behalf upon this occasion.

Respectfully,
CAPT. J. W. McCORMICH.



THE GUIDING HAND Directs and Welcomes You Back To San Augustine

A straight furrow, that leads to the goal of success! Follow it with the aid of sound counsel such as this bank is qualified to give. Our comprehensive study of present day problems as they affect business enables us to give you the benefit of our research. Consult with us as to the conduct of your business affairs, we are delighted to serve.



Law Enforcement Goes Merrily On

Dick Reeves, who were indicted in the court here and also held for Federal officials. Mr. R. C. McCull, Internal Revenue investigator of Beaumont came to the city Monday in connection with the matter and stated that a Federal charge will be placed against them.

Constable H. S. Sharp, Deputy Sheriff Tom Beard of Braddies and H. B. Wilkison, a veteran officer, captured a 30-gallon still, 2 gallons of whiskey and destroyed 100 gallons of "hock" Sunday in the Southern part of the county and took into custody Taddy Washburn, Earl Measach and

Fires on farms last year caused a loss of more than \$100,000,000.

Law Enforcement Goes Merrily On

Constable Sharp, Ranger Bishop and Chief of Police Jones charged with selling intoxicating liquor.

Museum

The collectors of curios for the museum at the Masonic hall in San Augustine are requested not to send their collections Mar 1st as planned, until further notice. —Mrs. U. D. Lynch.

Isaac Roberts was taken into custody and placed in jail Friday by Con-

LADIES!

With New Confidence Restored In San Augustine

Many thanks to Captain McCormich, Leo Bishop, Dan Hines and all law enforcement officers.



for 1935

We want you to drive the New Ford with new confidence, and comfort never before in a Ford.

We will furnish you a Ford for your next Club meeting in your neighboring town or your next show party out of Town.

This is without obligation whatsoever on your part

Just Call Us—Take The New Ford
Drive it 100—200 miles wherever you want to go
We want you to drive and ride in this New Ford Car. Please Call Phone No. 8.

JIM NELSON
SALES SERVICE
USE ONLY GENUINE FORD PARTS

Have Confidence In the New 1935 Chevrolet

WE HAVE GREAT CONFIDENCE IN THE FUTURE OF San Augustine

And believe you will have Equally as much in the New 1935



STANDARD AND MASTER NOW ON DISPLAY

Butts-Hurst Chevrolet Co.

Figure A.2. Front page of San Augustine Tribune, March 28, 1935.

Rangers Win Praise Of San Augustine In Clean-Up That Is High Spot In History Of State Police Force



Above are shown two reasons why crime does not pay in Texas—in fact four, counting the two “assistants” in the center.

The men are state rangers who have been given the main credit for

driving out during the past two years the criminal element in San Augustine, which had plagued the county for generations.

At the left is Ranger Hines of Beaumont.

The middle photograph shows the brace of six-shooters of the latest pattern which were presented to Hines by the citizens of San Augustine last Christmas. On the guns are engraved messages of thanks.

Captain J. W. McCormick, now acting senior captain of rangers in Austin, is shown at the right. McCormick also received a brace of pistols from the citizens as a Christmas present.

By W. P. TURNER

How Ranger Dan Hines of Beaumont and the now acting chief of all the rangers in Texas, senior Captain J. W. McCormick, smashed the crime ring in San Augustine county in east Texas probably will go down in history as one of the outstanding accomplishments of the famous Texas state police.

When the white hats and the cowboy boots of the Texas ranger force went into San Augustine county two years ago with the determined purpose of cleaning up the place, the area was gripped in a virtual reign of terror.

Oldtimers have said that if a post were erected in the city of San Augustine for every man who has been killed there in the past 50 years, there would not be enough space left to ride a horse through.

DISRESPECT FOR LAW

While this may be an exaggeration, suffice it to say that in 1934, it had been many a day since law had enjoyed a proper respect.

Murder, extortion, feud killings, hijacking, moonshining and counterfeiting had been rampant.

Major officials of the county and district were powerless in their sympathy with upright citizens of the area who prayed for the dawn of a better day, when this earliest of Texas settlements, located in a rich redland belt of farm land, would enjoy the degree of peace and security of life and property enjoyed by other parts of Texas.

To begin with, Hines, whose headquarters are in Beaumont, pays tribute to the law enforcement officials who gave himself and McCormick the co-operation needed to root out the crime condition.

These officials include District Attorney Hollis Kinard of Orange, whom Hines regards as one of the greatest young prosecutors in the state; District Judge Pat Adams of Jasper, and Sheriff Sublett Sharp of San Augustine.

40 SENT TO PRISON

In two years Hines and McCormick made investigations and secured arrests which sent 40 men to the penitentiary.

A total of approximately 100 grand jury indictments were secured.

Little wonder that each of the two rangers was presented with a fine brace of pistols by the citizens of San Augustine last Christmas as a token of grateful appreciation.

The “two gun” rangers wear the weapons at all times. Hines’ guns are 357 mangan six-shooters. McCormick received two .45 caliber Colts. All the guns were engraved to denote the occasion of the restoration of respect for law in the county seat of 5000 population and its trade territory of San Augustine and Sabine counties.

A short time later McCormick was promoted to head the state ranger force by Governor Allred, who considered the conquest of the criminal element as one of the finest accomplishments in the colorful history of the ranger organization.

McCormick had a considerable reputation before he went to San Augustine. He was given credit as a ranger for cleaning up Borger and for driving out a crime ring in Wichita Falls.

And McCormick, it is remembered killed the notorious Oklahoma outlaw, Bud Bellew, in Wichita Falls by beating him to the draw.

After McCormick left San Augustine for his new duties in Austin, Hines presented main evidence that sent 14 more defendants to the state prison.

The rangers never railroaded a man. They told the prisoner they wanted his defense attorneys to put up a good fight.

And in making deals with prisoners through which in exchange for information on other suspects and other aid to the law they would receive leniency in their own cases the rangers lived up to their word religiously.

All tips were run down, no matter how unpromising, for often it is the seemingly unimportant details that lead to the unraveling of a mystery, Hines said.

Evidence was sorted by a process of elimination, leaving essential details to point to the truth.

Personally teetotalers, Hines and McCormick refuse to work with local officers who drink while on duty.

By careful foresight they avoided any actual gunplay in the San Augustine situation, but they frequently practiced shooting their pistols.

A six-shooter, Hines pointed out, is effective only in close quarters. Hines and McCormick carried a rifle and a shotgun in their cars for any long-range duty that might confront them.

Common sense, money to work with, “guts,” time and honesty are the chief requisites in cleaning up a bad crime condition, according to Hines, who has spent most of his young adult life in working with officers.

A cowman, Hines holds the world’s record for breakaway calf

roping established at a rodeo in Pannett. His time was two and four-fifths seconds.

JEFFERSON PRAISED

Jefferson county, in the opinion of Hines, is one of the cleanest and best policed counties in the state, with evidences that the sheriff and the chiefs of police in the cities of Port Arthur and Beaumont working together.

“If all the counties were like Jefferson, the rangers would have plenty of time to fish and hunt,” remarked Hines, who did mention, however, that the state officers had a part in maintaining peace during the local strike difficulties.

Hines declared that the rangers do not make a habit of raiding night clubs, for “many of the good people” are found there.

Besides the work in San Augustine county Hines and McCormick were successful in solving a number of murder mysteries.

The most publicized was that of the killing near Athens of a tenant farmer and his wife and two children by the landlord.

The iron-pipe bludgeoning had been a “perfect crime” up to five years after the fact when the rangers entered the scene. The suspect led Hines to the spot where the four bodies were buried on the farm. The trial is to be held in Athens in June.

The most recent feather in the cap of Hines is the securing of confessions of Mrs. Rheba Childs and Terrance Bramlett of Center in the slaying of her husband April 24. The young defendants are now being held for safekeeping in the Jefferson county jail. Their trial probably will be held in Center when court opens in July.

Figure A.3. Excerpt from front page of the Beaumont Journal, May 9, 1936.



Figure A.4. This photo of Leo Bishop and an unidentified young black man was taken in the vicinity of San Augustine at the same time as the picture on the following page of Dan J. Hines with the same young black man. Copies of both of these images were found separately in both the Hines and Bishop Family Papers. Photo (presumed) by Dan Hines, courtesy of Cherry Hale Hines Harrison.

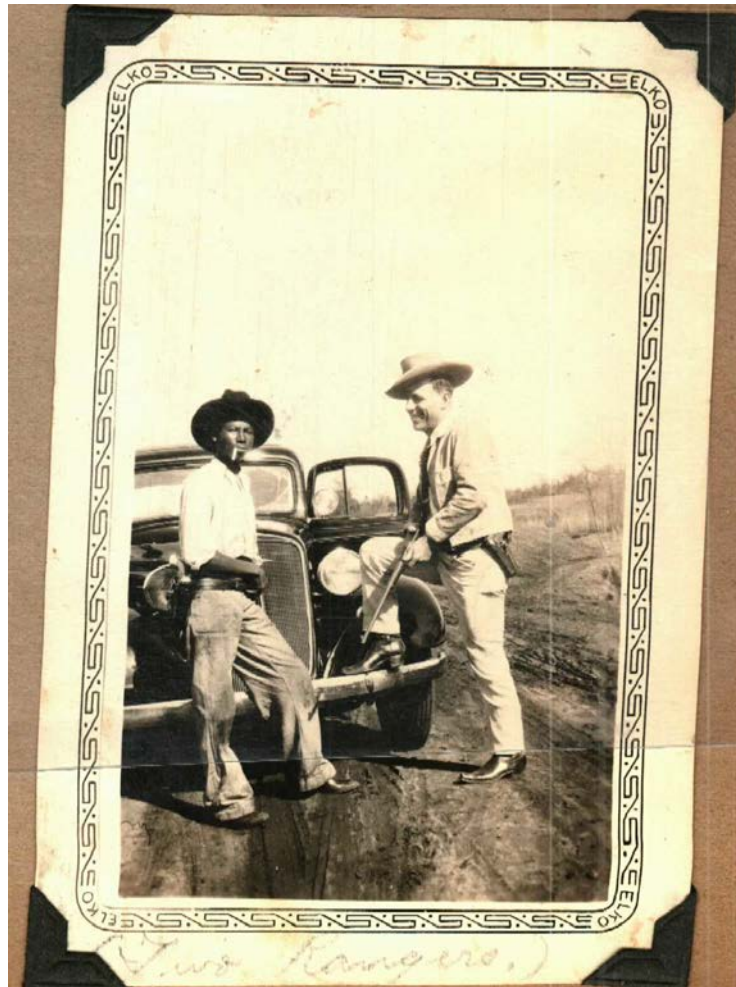


Figure A.5. Photograph of Dan Hines and an unidentified black man. Copies of this photograph, of Dan J. Hines and an unidentified young black man, were located in the family papers for both Hines and Leo Bishop. This copy comes from Bishop's papers. Note the inscription, "Two Rangers." Black trial witnesses testified at the time that they had never reported the various crimes committed against them by members of the McClanahan-Burleson gang, and that the Allred Rangers came looking for them to hear their accounts of those crimes. African-American eyewitnesses to some of those events who were interviewed on behalf of this study insist that, considering the circumstances of that time, their friends and relatives would not have been willing to discuss such matters with unknown white lawmen unless someone they knew and trusted acted as a mediator for the lawmen. Those interviewed unanimously suggested that the young black man in this picture was likely that intermediary. They also offered suggestions as to who it might have been, but none could be confirmed. It is unknown if the inscription was merely an honorific as far as the man in the picture was concerned but, if he was commissioned as a regular Texas Ranger or even as a Special Ranger, then he would have been the first African American Texas Ranger (pre-dating the man currently recognized as such by four decades).
Photo (presumed) by Leo Bishop, courtesy of John and Betty Oglesbee.



Figure A.6. Photograph of Leo Bishop and a misidentified Texas Ranger. This is the image that is found in Procter's book, *Just One Riot*, in which he misidentified the man on the viewer's left as Dan J. Hines. The man on the viewer's right is Leo Bishop, but Dan's daughter Cherry Harrison confirmed the author's assessment, based on multiple known pictures of Hines, that the man on the left is definitely not Hines. Based on other pictures, it may be Ranger Sergeant Sid Kelso, who is known to have been a part of the initial team sent to San Augustine on January 18, 1935, though it would appear that he did not stay more than a few days, at the most. Photo by unknown, courtesy of John and Betty Oglesbee.



Figure A.7. Photograph of Texas Rangers with Governor Allred. This photo, which has appeared in several publications, was taken in 1936 in the Governor's Office at the State Capitol in Austin. In it Capt. James W. McCormick is showing off the engraved pistols given to him by the citizens of San Augustine the previous December. McCormick is standing far left next to Governor Allred, seated. Dan Hines is standing far right looking toward the camera, with eight other Rangers along the back whose identities are as yet unconfirmed. Photo by unknown, courtesy of Cherry Hale Hines Harrison.



Figure A.8. Photograph of the first DPS Texas Rangers badge. This is the first badge worn by the Texas Rangers after the creation of the Department of Public Safety, approximately three decades before the now iconic “wagon wheel” style cinco peso design became the official badge. Photo courtesy of the Texas Ranger Hall of Fame & Museum in Waco.

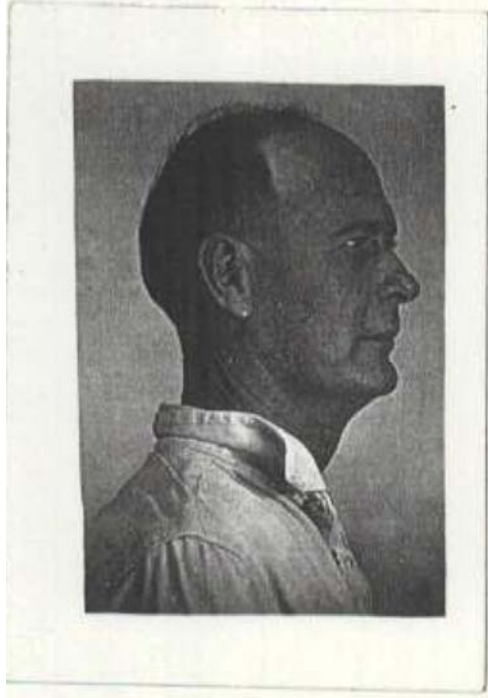


Figure A.9. Photograph of Charles McClanahan Mug Shot. This photo is purported to be Charles McClanahan's mug shot, ostensibly taken after his arrest in 1935. Photo by unknown, courtesy of the Edward Boone Brackett Family.

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