Keepers of the Peace: An Essay on the Kansas Law Enforcement Memorial

by Daniel D. Holt

And some there be, which have no memorial;
Who are perished, as though they have never been;
And become as though they had never been born.
But these were merciful men,
Whose righteousness hath not been forgotten.
With their seed shall continually remain a good inheritance,
And their glory shall not be blotted out.
Their bodies are buried in peace;
But their name liveth for ever more.

—Ecclesiasticus 44

Preface

Several law enforcement agencies, associations, and individuals had long considered the possibility of a law enforcement memorial to be dedicated to all Kansas law enforcement officers who had lost their lives in the line of duty. It was not until 1976, however, that any cooperative effort was formally discussed to obtain such a memorial.

Beginning in that year, discussions were held, but no organized effort was made until 1983 when a coordinated, concentrated approach by the Kansas Sheriffs Association and the Kansas Peace Officers' Association, the Kansas Fraternal Order of Police, the Kansas Association of Chiefs of Police, the Kansas State Troopers Association, and the state Attorney General began to lobby for a monument to be placed on the state capitol grounds. Through the effort of these groups and State Senator Ross Doyen, legislation was obtained in 1984 to allow the monument to be located there. The initiating statute provided that funds were to be raised from outside sources for the construction and maintenance of the monument, and charged the Kansas Bureau of Investigation with the duty to inform the Kansas State Historical Society yearly of the names of all officers slain in the previous year and for the Society to oversee the engraving.

In 1986 the legislature approved funding for the Kansas State Historical Society to research the names of all law enforcement officers who had been killed or died while performing in the line of duty from 1861 to the present. An attempt to locate names through a survey of local historical societies and law enforcement agencies had been conducted in 1985 by the office of the Attorney General. The returns were given to the Historical Society when research commenced in July 1986. The Historical Society also coordinated all operational functions of the Memorial Committee, provided an office and support services.

Legislative approval for the monument specifically stated that all construction funds were to be privately raised. A fund drive began in 1984 when the legislature approved the monument. The Law Enforcement Memorial Committee was organized the same year and consisted of the sponsoring organizations listed above and included the office of the Attorney General, the Kansas Bureau of Investigation, and the Kansas Highway Patrol as ex officio members. The State Architect's office oversaw the monument's design and construction.

Private funding came from about three hundred sources—including families of the officers, individuals, businesses, government officials, cities, and counties throughout the state—and still continues. A plaque listing the primary donors (over $1,000) is located in the first-floor rotunda of the capitol. The complete donor list is available at the Kansas State Historical Society. All of the law enforcement associations gave well over a

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1. The original architectural concept was that of Norman Wilson, former state Capitol Area Complex architect.
thousand dollars each, and their individual members also contributed.

The Law Enforcement Memorial Committee, which will continue permanently in an advisory capacity, developed the criteria to be used to determine eligibility for inclusion on the monument, made decisions on individual cases where extenuating circumstances had to be considered, and oversaw all publicity, dedications, and fund raising. To provide major assistance in completing the fund raising, the Kansas Peace Officers' Association agreed to underwrite the engraving of the names up to $15,000 if adequate funds could not be obtained prior to the dedication.

The criteria used to determine the names to be included on the monument were carefully worded to include all officers who had given their lives for the people of Kansas, whether or not they were Kansans or serving a Kansas law enforcement agency. This allowed for inclusion of federal agencies such as the Federal Bureau of Investigation and the United States Marshals Service. Any officer who was elected, appointed, deputized, a civil servant, temporary or permanent, who was killed or died from wounds or injuries suffered while taking part in an act to enforce the law, was eligible for the monument. In general, they were to also have statutory definition as a law enforcement officer, and their actions had to be verifiable.

The criteria were developed to allow for easy determination of "on duty, off duty" difficulties. As law enforcement officers are considered technically to be never "off duty," involvement in an act to enforce the law was the critical statement. If an officer, while not on the duty roster, responded to a crime while he was technically off duty, and was slain in the process, that officer was qualified to be included.

Basically, all officers who died while on regular duty roster hours while in fact participating in some response, investigation, or were on patrol when they suffered either a work-related illness or injuries that caused the officer's death, would also be included on the monument. All officers killed accidentally are included as well. Accidents are considered duty deaths by the Uniform Crime Reports issued by the U.S. Department of Justice, Federal Bureau of Investigation.

Within the last ten years Kansas has statutorily included in the legal definitions of law enforcement officers, all game wardens, corrections and parole officers, and railroad police. In two cases, officers in these categories whose deaths preceded the legal definition were included by the committee.

The initial survey conducted by the Attorney General's office brought some initial response, but no in-depth research had been conducted prior to 1986 when the legislative appropriation to the Kansas State Historical Society allowed a researcher to coordinate an overall effort. At that time, letters and reply forms were sent to all police and sheriff departments, all law enforcement agencies, all local historical societies, county clerks, and federal agencies asking for names they could locate. Press releases asked that anyone knowing of an officer killed in the line of duty to inform the Society.

All replies were checked for accuracy against available original sources. Often dates were incorrect, as were names and spellings. In many cases discrepancies exist for spelling of names, and the most commonly used was listed. Dates were usually verifiable, but in a very few cases only the year or month was known and further research has failed to locate additional information. In one case, a marshal's last name eluded researchers and when found, his first name became even more difficult to locate. Only through the effort of the Baxter Springs Historical Society was the name located. Similar assistance often came from local groups.

The primary sources for most of the information were newspapers. The extensive files of the Kansas State Historical Society and its subject clippings collections were of great importance in the research. One danger existed here, however, as often the information newspapers reported was not the same as departmental knowledge or files. Each department that had an officer killed was sent the final text and biographical information for verification.

On the monument each person is listed using the given and last names; no nicknames are used. If the officer was from a city police department, the city served is used to designate location. If the officer was a member of a sheriff's department, the county from which he was elected or served is listed. Officers representing federal agencies, the Kansas Highway Patrol, corrections officers, game wardens, and railroad police are listed by the city closest to the location where they were killed or died. Two sheriffs were killed in counties other than their own, but they are listed by their home county. If officers ventured from their jurisdictions to make arrests or serve warrants, they are listed by the city or county they served. Often, particularly in the nineteenth century, officers acted without regard to jurisdictional restrictions, feeling it their duty to act regardless of where a crime was committed or the fugitive had gone.

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2. All records of the Law Enforcement Memorial Committee, all research notes, data, and computer database materials are in the Archives Department, Kansas State Historical Society. The statute creating the monument is K.S.A. 75-2250.
The following accounts of the incidents surrounding each officer's death are based upon the best available or most used information. Often information relating to nineteenth-century cowtown incidents was distorted by the press or later fictionalized or embellished in accounts. The primary sources for this period are the original notes retained by the Kansas State Historical Society for the publications Why the West Was Wild and Great Gunfighters of the Kansas Cowtowns, 1867-1886, by Nyle H. Miller and Joseph W. Snell. Other sources which related to all eras, not just that of the cowtowns, included county and state census records, records of the state Attorney General, city and county commission records, records of individual law enforcement departments and agencies, and published accounts. In many cases very little is known about the incidents. Follow-up information concerning the outcome of an assailant's trial, the proceedings, and later stories are not included here, but many are available in the research notes on the project.

Terminology is based upon common usage of the law enforcement community. The "type of officer" is the actual title of the position to which a person was hired or appointed. It was a common practice well into the twentieth century to refer to most city officers as marshal and often as sheriff. As an example, Tom Smith of Abilene is often referred to as the city marshal. He was also a deputy U.S. marshal and an appointed deputy sheriff and undersheriff. At the time of his death, however, he was most likely acting as the chief of police of Abilene even though he may have held the other offices as well. Often this confusion leads to major discrepancies. Another example is Alexander Ramsey who had been a deputy U.S. marshal and may have been at the time he was killed. This, however, cannot be proven, but it is certain that he was a county sheriff at the time of his death. Therefore, he is listed by that designation.

It was not uncommon for many of the early law enforcement officers to hold deputy U.S. marshal's commissions in conjunction with their local capacities and also to hold county or city appointments at the same time. Only one case in Kansas so far has involved a deputy U.S. marshal, Harry McCarty, verified to be serving in that capacity when he was killed.

This usage points out difficulties in research. The U.S. Marshal's Honor Roll, for instance, includes three killed in the Kansas District. One of those, however, has been proven never to have been a deputy U.S. marshal; another cannot be located in Kansas; and Tom Smith, mentioned above, was a deputy but may not have been acting in that capacity when he was killed. McCarty, also mentioned above, was a deputy marshal according to newspaper accounts and the marshal's service, but his name is not on the Marshal's Honor Roll. According to the U.S. Marshal's Service, the names on that roll were probably submitted by districts years ago and were not verified.

The "type of crime" category indicates the crime the officers thought was being investigated when they became involved in the incident. For instance, one officer stopped a vehicle for a routine traffic check and was killed as he approached the automobile. The driver had murder warrants outstanding but this was unknown to the officer at the time; he was, therefore, in his mind, handling a routine traffic stop.

The other terms used in the text basically follow police and uniform crime reporting descriptions. The Uniform Crime Reports places many different types of disturbance situations under a general category, "Disturbance Calls." In this essay a differential is made only between "civil" disturbances, which are used here to designate those within private structures or areas (domestic disturbances), and "public" disturbances (public fighting, disturbing the peace). The category of death listed with "no crime" relates to all accidental deaths. The "type of death" category includes several heart attacks, a stroke, and other physical causes that were either a result of action or suffered while on duty.

All information concerning each officer and the incidents has been computerized for statistical purposes. This enables comparative analysis of variables such as dates of death to crime types or to type of officer. This information will be preserved by the Kansas State Historical Society as a research base for anyone working on histories of law enforcement, criminal justice, or the entire legal enforcement system.

In the Introduction that follows, general sources are included, but the overall primary source used as a basis for the Introduction is the textual information relating to
the death of each officer and the information compiled and assimilated during the research. The Introduction is presented as an essay to enable the formulation of assumptions and conclusions derived from the extensive research in the area of law enforcement in general. As the project was not designed to fully examine the entire realm of law enforcement, time did not allow for a comprehensive compilation, nor does space allow a total recounting here. But valuable information and concerns become readily apparent and cannot go by without receiving proper notice. It is hoped that the assessments made here will lead to additional research and study. The Introduction and the text are not presented as a definitive study either of law enforcement or the death of law enforcement officers.

Whether all officers have been located will never be known. In small towns and less populated areas it is probable that officers have lost their lives and not been reported officially or written about in the press. There is no way of knowing how many have met their deaths in the line of duty. There are at present at least ten additional known names or incidents that may involve the death of an officer, but information is so sparse that they do not warrant placement, as yet, on the monument.*

The Law Enforcement Memorial Committee operated on the premise that all may never be located, but hopes the memorial itself will be a catalyst for others to continue the search. As additional officers unfortunately meet their deaths serving the people of Kansas, or other names are located, their names will be added.

Plaudits must be given to many for the completion of the Kansas Law Enforcement Memorial: all members and ex officio members of the Law Enforcement Memorial Committee—their single-minded attitude in establishing criteria and overseeing the operation of the project is commendable; sponsoring organizations of the monument, including the law enforcement agencies and associations already mentioned; individual sheriff and police departments throughout the state; the many who contributed to the construction funds; and the many local historical societies, county clerks, and law enforcement agencies that responded to the initial survey and follow-up inquiries. The project could not have succeeded without their valuable assistance.

In addition, the office of the Attorney General provided important assistance in determining statutory credibility, and the offices of the Kansas Highway Patrol and the Kansas Bureau of Investigation contributed not only time but valuable support services. The Kansas Sheriffs Association particularly lent support by maintaining the project funds and allowing use of their offices.

The media of Kansas also must be thanked for its interest and concern that names be located. Often, press releases generated public replies concerning names that will be on the monument, as well as necessary funds for its construction.

The staff of the Kansas State Historical Society's Research Center were always aware of the project and kept a constant vigil for information concerning possible officers who should be on the monument, and were major contributors to the research. In particular, Joseph W. Snell, Robert W. Richmond, and Larry Jochim lent research assistance, time, and expertise to the overall coordination of the project. To Art Debaker also goes a special thanks for his computer expertise.

Finally, thanks are due to all the families and friends of the officers who will be listed on the monument. They not only donated monies to the construction, but lent support and encouragement throughout the project. To those whose names will now be permanently engraved to jog our memories and help us remember their sacrifices, a thank you is not enough.

**Introduction**

Their reason for being was to keep the peace. Today, they both keep the peace and enforce the law. The names of 163 of these peace-keeping law enforcement officers have been engraved on the Kansas Law Enforcement Memorial as the first group to be honored. To the early officers it often did not matter if a law or ordinance was known, was in effect, or in fact was being broken by the peace officers' enforcement—to keep the peace was the guideline. In the nineteenth and early twentieth century, the rationalization of both office and citizen, as yet unburdened by legal restrictions and civil rights issues, was to keep one safe, the streets quiet, society peaceful, and uphold justice in the least obtrusive manner.

Such attitudes are important in understanding the development and changes in general law enforcement. Most communities get exactly what they want in police protection based upon what they are willing to pay for and what fits the general acceptable restraints they will allow the keepers of the peace to enforce. Oliver Wendell Holmes, in *The Common Law* in 1881, understood this human trait when he stated, "The first requirement of a sound body of law is that it should

*Author's Note: Since this compilation was completed, ten officers, in addition to the ten mentioned above, have been located: one in Cherokee County (1897), one in Labette County (1929), one in the city of Lyons (1930); one in the city of El Dorado (1915); one in Enterprise (1962); and five in Wichita (1918-1930).*
correspond with the actual feelings and demands of the community, whether right or wrong.  

Nearly one hundred years later, Frank Richard Prassel in *The Western Peace Officer*, perhaps the most complete study yet of the development of law enforcement in the West, wrote that the body of laws and enforcement developed from this early period, and the statutes in effect "serve to illustrate the combination of popularity and fear with which the western peace officer continues to be regarded." Many of the laws meant to deal with the Old West and its philosophy are still on the books. An "odd equation of admiration and suspicion" toward the law enforcement officer. Prassel continued, "greatly influenced the development of law enforcement agencies on the closing American frontier. It continues to cloud important issues concerning the police of present times." The following instances certainly make understanding the transition from the unregulated frontier peace officer to the modern technologist even more transparent.  

Walter Prescott Webb in *The Great Plains* wrote, "The westerner responded to the demands of the moment, while the easterner abided by convention and neither completely understood the other," causing "a western code that allowed him to enforce the law the way he saw fit." The attitude to keep the peace did not just grow in the West. It developed with the arrival of settlers and conflict of cultures—cultures based on fear factors which developed on, and as a result of, settlement on the eastern frontier; these not only determined attitudes toward government and law enforcement but also the response to criminal activity and violence.  

Many Kansans in the nineteenth century adhered to the cultural baggage they brought with them from the East, particularly Illinois, Indiana, the Middle South, and the entire Mississippi Valley. These emigrants brought with them a background of frustration with a frontier environment that exemplified a psychological complexity of the frontier itself. Anxiety and fear were often real but were perpetuated by imagination and frustration. Often those tensions were not vented through any easy outlet and could become socially dangerous. This unsettled life experience, combined with the newfound "frontier" they had to settle as they previously had their eastern environments, added to a belief in self-protection and a lack of faith in government and legal resources. The West's vast geographical areas allowed such development within pockets of settlements not exposed to direct governmental influences, thus leading to the creation of a law enforcement entity to suit their needs. Many of the easterners who came west did so to avoid direct or overpowering governmental actions on their everyday lives.  

Frederick Jackson Turner, Ray Allan Billington, and even Sigmund Freud, in his *Civilization and Its Discontents*, have addressed these issues of violence and unsettled cultural outlooks on the frontiers. As the settlers brought different life-styles with them they also brought fears and apprehensions. These, combined with newfound discomforts, most certainly created a life-style that was shaped by fatalism and, according to Freud, created a difficulty for people who were "comfortable with things as they had been."  

Many factors, earlier faced on the eastern frontier and derived in the East but now apparent upon arrival in Kansas, disturbed the settler and were related to a general disregard for formal law and order. Settlers from the eastern frontier had come to Kansas from a weak judicial system where little had been done to punish even violent crime, resulting in an "utter intolerance of law and social restraints." Once those determining factors brought with the settler had lessened, and less adaptation occurred, the citizen may have been more willing to relinquish adverse reactions to specific law enforcement agencies and the laws that would keep the peace. Prassel has written that the "peace officer may be viewed as a concrete manifestation of collective conscience and a basic stabilizing element within the community. His western history and legend gives evidence to either supposition."  

The early officer was often no better than the community he served. Was he to be a protector of...

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fundamental rights or make certain "discontent and social unrest" were kept in check? The early officer did not bring peace to the West, as evidenced today by the general increase in violence and crime in the modern West. "The environment made him; circumstances guided him," as Joseph Rosa has so aptly written. "Real battles normally occurred" in many criminal activities and in normal arrests, "just as they do in every modern community with appalling regularity." That part of law enforcement has not changed.6

In the twentieth century, and specifically the last twenty years, it is obvious that violence for its own sake is increasing. Whether one could statistically prove that violence toward law enforcement officers began at the time these early attitudes became legend instead of fact is doubtful. But, by the apparent inferences in hundreds of accounts relating to law enforcement, the officers and victims, and in interviews with active officers, it is at the least a viable assumption that such may be the case.

Killing is never totally justified, but one can perhaps understand some reasons why an officer, in the nineteenth and early twentieth century, may have been killed. Often those officers were defending their own turf, as well as that of the public. Those defenders of law and order worked basically without restriction and frequently knew their assailants personally, often socially, at least in the context of their surroundings. They often knew criminal elements, and they were chosen for that reason. Prassel, for instance, labels Wyatt Earp and James Butler Hickok as "semi-pros" who, because they associated with such persons, first weighed the risk before they got into a fracas.11

That officer also reacted according to the times. The common practice of carrying weapons, the constant and natural use of guns for normal protection—almost as a household tool—and the availability of their presence made weapons all too handy in an argument or confrontation. The gun was usually there; the officer knew and feared it, and the reactions were natural on both sides, much as they would be to early man reaching for a stone or modern man using personal self-defense tactics. Were both the criminal and lawman more aware of this to the point of wishing to reduce risk because of the situation? Was it truly a cultural manifestation of the environment in which they lived?

These questions are difficult to answer. The risk is to give too much attention to the "gunman" and the Old West instead of the twentieth century and the present. But one cannot omit the background described above from the overall appraisal of law enforcement and those that are delegated to perform on its behalf.

With the factors present in the Old West, it is remarkable that more crime and violence did not exist. The crimes were primarily those of today but there were no sophisticated information services, identification procedures, and training programs for the law enforcement officer. The duties of the frontier officer cannot now easily be defined, and often were not at the time. With few rules and regulations they proceeded. The courts were not generally held in high regard by citizen or officer and an incredible "variety of peace officers attempted to control disorder with a lasting residue of outdated" statutes and rules that at times continue to make present law enforcement difficult. When frontier society appeared to violate formal law that did not truly reflect community customs and was in conflict with alien and different standards, society and the law "came into outright opposition." This still occurs.

The definitions of peace officer or law enforcement officer vary greatly from state to state and in different governmental entities. Some prescribe detailed definitions as to what comprises a law enforcement officer by title, position, or office, while some designate an officer merely by virtue of an office or public employment. Kansas, by statute, today includes all normally identified enforcement officers, as well as corrections officers, game wardens, and railroad police.12

Contributing to the confusion are the popular versions of the western officer, both past and present, through fanciful publications, motion pictures, and

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10. Prassel, Peace Officer, 248-56. Joseph G. Rosa, The Gunfighter, Man or Myth? (Norman: University of Oklahoma Press, 1960). 11. Rosa is also the author of They Called Him Wild Bill (Norman: University of Oklahoma Press, 1964). Both books have been studied and Rosa has been interviewed concerning some of the materials contained herein. He also examined the data gathered for the cowboy period. His assessment and expertise were greatly appreciated.

11. In the remaining portion of the Introduction, many references to the materials are located in the textual listings that follow. Direct references to those sources (mostly newspaper, official records, departmental files) are not included here. Many of the conclusions reached herein and the assumptions made are based on the totality of that research base. See also Prassel, Peace Officer, 49-51. The current population figures are from the July 1985 estimates compiled by the Kansas Secretary of State. The author wishes to thank the many law enforcement officers who were willing to be interviewed, and specifically the Kansas Highway Patrol, the Barton County Sheriff's office, the Topeka Police Department, the Kansas Bureau of Investigation, and the Kansas Attorney General's office for either allowing me to participate in active duty time, or who frankly answered questions concerning the departments' and officers' attitudes today.

In a special ceremony on October 14, 1986, state officials and members of the Kansas Law Enforcement Memorial committee unveiled the Kansas Law Enforcement Memorial.
electronic media. The classic westerns, beginning at least with the 1950s and early 1960s productions of such films as *High Noon*, the *Tin Star*, along with the early dime novels of Edward Z. C. (Ned Buntline) Judson, current writers like Louis L’Amour, and the pulp western magazines have presented glamorized accounts. Today’s popular television and movie versions of modern law enforcement are still perpetuating that “old” image, but in new clothes. As Prassel speculates, this may be the reason that western officers began to play the role people expected and in “many instances continue to do so.”

It is easy to see why no person has so evoked the interest of generations of Americans and writers. Today’s television version of the law enforcement officer is somewhat similar to the Hollywood version of the nineteenth-century officers, but with more explicit violence. Unfortunately, we still live with a Wyatt Earp-*High Noon* syndrome, created in large part by those movies, countless novels, and some historians. This has brought forth the vision of those early officers standing alone in the street, legs wide apart, the dust swirling at their feet, squinting through Clint Eastwood eyes from beneath wide brimmed hats, the ever present Colt at their sides, daring any man to confront them. Basically that situation did not exist although the man may have, and our concept of that person has changed little except for the surrounding scenery.

The above inferences are important to the incidents recorded here. The stories progress from Tom Smith being decapitated with an axe near Abilene to a sheriff being killed as a stand-in during an assassination plot, from nineteenth-century officers being killed while attempting to disarm persons in violation of city gun laws to a deputy sheriff having his car rammed by a drug influenced truck driver, from the advent of the automobile and the murder of a city police officer making a “routine” traffic stop to a woman officer being sniped while sitting alone in her car.

At the same time, remarkable consistencies exist, mainly in the areas of types of death and crimes. Space prohibits a detailed presentation of the incidents, thus eliminating the many words written about most of the officers, their families, the fate of an apprehended suspect, and suspects that have never been found. Editorial comments and statements of coroners’ juries, along with other writings, show a progression from acceptance to more diligence in law enforcement, and from nineteenth-century roughness and ferocity to twentieth-century sophistication and violence. Local lawmen face the same problems today as yesterday, and they are under similar pressures.

Some historians estimate that between 1870 and 1885 there were at least forty-five homicides in the towns of Caldwell, Abilene, Dodge City, Ellsworth, and Wichita. Other researchers believe that this is a very conservative estimate. Approximately sixteen of those killings were a result of law enforcement. Many of the more famous early marshals and officers never killed anyone in the performance of duty, but note is seldom taken of that fact. Many of those municipal officers in early Kansas were given total power within their jurisdictions, technically rivaling the power of county sheriffs.

What may be occurring today is a reversion to a vigilante attitude that was certainly present until at least the 1930s in Kansas, and to a lesser regard for the court system and adherence to formalized law. The “violence for its own sake” attitude and lack of respect seen generally toward officers may partly account for this return to an earlier cultural outlook. If the citizen today feels personally threatened and is looking at the period described above, then, too, it can be assumed, is the criminal element. For the law enforcement officer today, “the unpleasant side of society represents a significant part of reality as little known to the general public of today as that of yesterday.”

The early Kansas towns that passed gun ordinances were truly trying to keep the peace. The towns’ citizens knew that handguns could not be allowed freely and they sought to enforce such ordinances regardless of violations of constitutional or public issues. Whether laws existed or not, they wanted the streets quiet and their homes safe. They also knew that it took a person of considerable toughness and experience to keep that kind of peace.

As Joseph Rosa has written, “every gun man and lawman, were guided by instinct and experience” of self-preservation, not letting the criminal make the first move. If the nineteenth century in Kansas lent itself to the fictionalized good/badman and Rosa’s evaluation, this context can best be exemplified by the newspapers of Dodge City and Caldwell. In 1878 the Dodge City *Times* editor declared, “[this] delectable city of the plains is made glorious by the return of the cattle trade” when the “countless herds brought the hordes of bipeds.” The story continued, detailing the necessity of outfitting

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13. Ibid., 147, 249, 292.

stores with additional goods and liquor, and of the "Mary Magdalenes" who were to come, and of the general "great ado" in the wicked city. The city not only expected lively times, it promoted them. It was within this arena that the early Kansas law officer plied his trade—an officer who by demand and circumstance often had to be as tough, reckless, and as unimpressed with formal law as those he policed. It was a help if he was known to that element. There was often a fine line between the law officer and the other side. Some of those early marshals spent time in some city's jail prior to marshaling for another town, but Rosa points out that there was a definite line between the law officer and the "truly bad man."15

Newspapers did not discourage lawless behavior and often treated such in a light manner, publishing glamorized and popularized accounts. It is little wonder that many displayed a passive attitude. One newspaper spoke of a shooting that occurred in the upstairs of a bawdy house. The blood and gore, it reported, "dripped through to the rooms below." Another paper gleefully related the story of a vigilante group that poured so much lead into its victim that he "rattled when he fell."

But several towns did attempt to enforce the anti-gun laws, while most moved quickly to expedite court proceedings, held quick coroner's jury inquests, and were often most supportive of their law enforcement personnel. They would, however, readily and harshly punish officers found to be derelict in their duty.

There was general respect and support for the officers. In 1884, when a city marshal and his deputy shot and killed an unruly man who refused to surrender his weapons, and was apparently ready to use them, a coroner's jury returned a verdict of justifiable shooting and remarked:

The citizens of Caldwell deplore the killing of anyone but when it becomes a necessity for someone to be killed, or else we lose a good officer, they ... say, save the officers and let the other fellow take care of himself, obey the laws or take the consequences ... The officers had every reason to believe that their lives were in jeopardy. No officer is called upon to take the extreme chance of losing his life when in the discharge of his duty. He is not then acting for himself but for the country at large. If he takes desperate [sic] chances and is killed, he does not sustain the only loss that is had, but the community who placed him there is a loser by reason of its servant being removed and the laws broken.16

The normal public conception is that all officers were killed by the bandit, the murderer, or the desperado. Most people retain an image of the gunfighter/officer who shot first and asked questions later. Even today this is applicable. The research conducted here, however, and supported by the Uniform Crime Reports, indicates that the prevalent danger to law enforcement officers is not old Dodge City or the violent murderer, but is the common, sometimes ordinary, citizen who is often the most violent if aroused and more likely to assault. This is a person who for all practical purposes is unidentifiable as a criminal. Today this type is even more dangerous as the assailants often are not as recognizable as were some of the misbehaved of the 1880s.

Today's police officer has evolved from the sometimes rowdy, always tough, and nearly fearless, frontier officer who was untrained, undirected, and who lived with few rules, into a sophisticated specialist who is highly trained, with very strict rules and laws to govern his or her work. And it is this officer today, or at least since the beginning of the twentieth century, that is dying more often in the line of duty than did the more notorious predecessor. As it took a special breed then, it requires a special person today to constantly and unexpectedly go in harm's way.

It is obvious that the law enforcement officer today is involved in a war. A soldier may expect the gunshot, or violence, but the law enforcement officer lives in a twilight world of not knowing what to expect. Statistics, however, demonstrate that more than ever that expectation is critical. Those not involved in law enforcement know little of the quick change of pace faced by officers. Examining the operations of state troopers, a sheriff's department, or a police department quickly establishes the transitions demanded, from sheer boredom that can foster complacency, to startling violence and life threatening situations in split seconds. Not only must these officers be servants of the people, but they must be prepared to protect those people and themselves within strict rules and guidelines.

Law enforcement officers are not killed in proportion to the total population base. Often the killings are in areas controlled or influenced by social and environmental factors that contribute heavily to assaults. In

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16. *Caldwell Commercial*, June 29, 1892; *Caldwell Journal*, November 27, 1894; *Prassell, Peace Officer*, 48; *Wichita Eagle*, April 26, 1872.
districts where a predisposition to violence, crime, and social unrest is present, for whatever reason, the basic factoring of statistical information such as the Uniform Crime Reports and similar compilations present a misleading picture. Certainly larger population centers do tend to have more crime and violence, but larger cities and counties have more professionally trained and experienced police forces than do less populated regions, and inversely this should affect the crime rate. Often in less populous areas, sheriff departments supplement small or nonexistent city police forces. Fortunately, Kansas is one of the states that requires all law enforcement officers to attend the Law Enforcement Training Center, but even then the equipment, facilities, and exposure rate to actual criminal activity must affect performance, as does the amount of money governments are willing to allocate to law enforcement.

A difference may also exist here between the early frontier officers and those of the present. The early lawmen often avoided confrontation if an incident was affecting no one other than those involved. He just kept the peace and met society’s demands. Because of a lack of communications, extended travel time, and other circumstances, that officer may at times have entered a crime scene well after the occurrence. Today response is often so quick, and the propensity to investigate suspicious activity so prevalent, that the modern officer has a greater opportunity to be more exposed to often violent and dangerous situations.

These are important considerations in properly analyzing statistical data relating to officers dying in the line of duty, along with the discrepancies of population bases. The following examples, and there are more, point up the difficulty in dealing with figures alone.

Comparison of the three most populous counties, Sedgwick, Johnson, and Wyandotte, with current population figures of 381,000, 296,000, and 172,000, respectively, to some less populated areas such as Labette, Cherokee, and Cowley counties is interesting. Their current county populations of 25,700, 22,300, and 37,300 are on the average, about one-tenth the size of the former. However, considering the span of time and the ratio of officers from all departments killed in Sedgwick (seventeen), Johnson (four), and Wyandotte (twenty), as compared to Cowley (seven), Cherokee (four), and Labette (four), the three more populous counties should have had approximately, on the population average, about ten times more deaths. Conversely, based on percentages, the three less populous counties with one-tenth percent of the population base has had forty-five percent as many killed.

What population-related statistics cannot indicate are the environmental influences. The three less populated counties listed above were affected by a progression of economic and social standards. The cattle trade, railroads, the Oklahoma Territory, oil, and bootlegging all had an influence. Comparison can also be made between Johnson and Wyandotte counties. Johnson County experienced tremendous growth only after 1950, and all four of its officers were killed after 1952. Thus, population base can be a factor. Johnson County, however, lacks the lower income areas found in Wyandotte’s metropolitan area, and this may account in part for the latter’s higher number of officer deaths. Certainly, population base cannot be ignored, but, as these examples show, it is not always the determining factor.

All officers killed in Sedgwick County (all in the city of Wichita except one) met their deaths in the twentieth century, most in the 1920s, partly because of the population increase, but primarily because of the oil boom and a transient population. On the other hand, Baxter Springs (Cherokee County) has had three officers slain (including two successive marshals killed in 1870 and 1872), and Oswego, in Labette County, has had three officers slain. The influences of society are present and understood in most of these cases. Granted, in the 1870s the populations of the smaller counties cited here were more proportionate in size to Wyandotte and other counties—and the assaults continued throughout the twentieth century—but cumulative figures are those that are usually cited.

There are other examples, but these obviously point up the factoring difficulties. In smaller counties and in towns such as Burlington, Elk City, Fall River, Goessel, Hunnewell, Leoti, Moran, Rolla, and Valley Falls, even one officer killed would make the statistics more startling.

The well-known cowtowns of Kansas dim by comparison. Abilene has had four officers killed, two in the nineteenth century, and two brothers, a sheriff and undersheriff, killed in the same incident in 1949. Dodge City has had three slain, two in 1878 and one in 1884. The other towns are as follows: Ellsworth, a total of two (1869 and 1873); Caldwell, two in the city, one in the county (1880s); Hays, a total of three, two in the county (1870s) and a Kansas Highway Patrol trooper in 1944.

17. Again, all data materials and resources here are contained in the text that follows. All the database materials and compilations referred to here are contained in computer prinitouts and files at the Archives Department, Kansas State Historical Society.
and none during Wichita's cowtown period. On the other hand, the city of Ogden has had two killed, and Junction City has had three, making a close proximity total of five. In these two cities, the influence of Fort Riley figured in the earlier cases. Of those five, two were killed in the 1860s, two in 1901, and one in 1982.

The type of officer killed in the line of duty presents no real pattern except that over the past twenty years, with one exception, no chief of police and, in the last thirty-five years, no sheriff has died in the line of duty. This can be explained partly because those officers' roles have become increasingly directed toward management and administration rather than work in the field. The number of assaults against lower ranked officers have increased, however, for they have the more direct contact with hazardous situations.

There have been, to date, nine chiefs of police, four constables, five corrections and parole officers, one Federal Bureau of Investigation agent, two Fish and Game Enforcement officers, eight Kansas Highway Patrol troopers, seventeen city marshals, thirteen police department officers ranked sergeant and above, fifty-three patrol grade police officers, one railroad policeman, one police and one sheriff reserve officer, sixteen sheriffs, twenty-one deputy sheriffs, one special deputy, one special policeman, one deputy U.S. marshals, and eight undersheriffs killed, for a total of 163 officers. This includes all who have died from injuries received or been killed in the line of duty in Kansas from 1861 through May 1987.

According to the Uniform Crime Reports "Officers Killed and Assaulted," issued in 1985, over the last ten years accidental deaths to officers throughout the United States have been increasing slightly each year and are the second leading cause of death. This is also true of Kansas. The "type of crime" of the non-accidental killing of law officers that ranks the highest nationally in the Uniform Crime Reports is the "arrest situation." The Reports includes robberies, burglaries, serving warrants for arrest, and all other situations in which an arrest is involved. The next two leading crime-to-death incidents are the disturbance situation and the routine traffic stop. Kansas' statistics are not dissimilar to the national averages; however, in the number of officers killed, the national averages have decreased in the period from 1976 to 1986 while Kansas has increased in the same period by sixty percent over the ten prior years.

The leading "type of crime" involved in the death of a Kansas law enforcement officer since 1861 is the disturbance situation. These situations are divided into civil and public disturbances (see Preface). Separated in the Kansas listings are those for "disarming" in violation of anti-gun laws.

Since 1861, thirty-eight officers have met their deaths handling all types of disturbance cases to which could be added the five killed while attempting to disarm. This is the highest single type of crime-to-death instance in Kansas. The disarming situations occurred between 1871 and 1884. The routine investigation and/or routine traffic stop has accounted for a total of thirty-two officers, one-half of those traffic related, making it the second most dangerous situation. The availability and popularity of the automobile in American society the last fifty years has had a profound effect not only in enforcing those laws, but also as a potentially dangerous situation for officers.

The next leading situation is robbery investigation, with nineteen officers killed, and burglary with fifteen. If all were considered as "arrest situations," as the national reporting does, this would be the second leading overall cause with thirty-four. Of the robbery related deaths, only three occurred in the nineteenth century, and all the burglary related deaths occurred in the twentieth century with the most (six) in the 1920s.

There have been seven deaths in murder investigations or involvements, eight in prisoner escape attempts, six in bootlegging, and two involving horse stealing. The others are distributed in a variety of types of crime.

Thirty-six officers died in the line of duty in the nineteenth century with the remaining 127 in the twentieth. The 1870s had fifteen, the 1970s seventeen; the 1880s had eighteen, and the 1980s, eleven so far. Considering that the nineteenth century included here covered only about forty years and represents only about twenty percent of all those killed, the twentieth century with over twice the number of years (and thirteen years remaining) and over four times the percentage killed or died, demonstrates the increased mortal assaults to officers. Considering only the population base as a deciding factor, this would have increased at an even higher rate. If the number of officers killed in the 1980s does not increase, then Kansas may be following the national trend toward a decrease in assaults. Again, however, the statistics do not fully explain the increased nonsensical attitude found in many of the killings, nor the violence and disrespect that occurs in many of the felonious assaults today, as compared to one hundred or even fifty years ago.

The average of killings per decade in the twentieth century (sixteen) is higher than the nineteenth-century per decade average (twelve). Population base does make a decided difference in these averages, but as the
On May 8, 1987, a ceremony on the state capitol grounds dedicated the Kansas Law Enforcement Memorial. Principal speaker was former FBI director, Clarence Kelley, and dedicatory remarks were made by Gov. Mike Hayden, State Sen. Ross Dwyer, Atty. Gen. Robert Stephan, and Karl Hummel, father of slain Overland Park officer, Deanna Hummel Rose. In attendance were the members of the memorial committee, presidents of sponsoring associations, families of the memorialized officers, and color guards from several law enforcement agencies.

As the names of the memorialized officers were read, representatives from the departments that have lost officers stood in observance. Pictured is the Wichita Police Department representative, the department's chief of police.

Clarence Kelley, former FBI director.
population has increased, so have the number of law enforcement officers. Additionally, more sophisticated crime fighting techniques and outstanding training that, along with a supposedly better “society” that is less violent and removed from its frontier past, should account for a considerable decrease. Considering these factors, common sense dictates that killings and deaths are, therefore, at a higher proportionate rate than in the nineteenth century.

The highest decade for officers killed is the 1920s with twenty-nine killed; six of those were in 1922 making it the single highest year. Of those twenty-nine deaths, five were related to traffic stops that usually involved suspects being wanted for murder or robbery; four for robbery; four for disturbances; five for burglary; two for murder; and two for bootlegging. The others were for various reasons. Three of the four officers killed in 1921 in Wichita were shot by either Eddie Adams or members of his gang between November 15 and 23. The textual listing relates the story of those incidents.

The 1880s was the second highest decade with eighteen, and the 1970s was third highest (seventeen). The fourth highest decade was the 1930s (sixteen); the fifth highest the 1870s (fifteen). The lowest decade was the 1860s, in part because of the Civil War; an examination of the available sources indicate that civil crime may have been very low as well. The lack of local and state research records, however, makes it difficult to locate officers who may have been killed. The second lowest period was 1900 to 1910. The remainder of the decades number almost consistently either eleven or twelve.

The relationships of crimes involved to the above decades usually reflect the time periods and the social and general occurrence that influenced behavior. The Roaring Twenties, prohibition, and the immediate pre-depression and depression periods, certainly contributed to the increase of crime in the 1920s and 1930s. In the latter decade most of the crimes were robbery, burglary, or disturbances, with one officer killed in a bootlegging arrest. An examination of newspapers and other records indicate that often the bootlegger was over-looked if the “peace” was not disturbed. The 1970s, however, the third highest decade for officers killed, leaves some doubt as to what the major outside influences may have been except for more disregard of both law enforcement and discipline in general.

An increase in accidental deaths contributed to the 1970s totals, as did an increase of deaths in routine traffic stops. Disturbances and other types of crime were consistent. Only one death was related to burglary and one to robbery. The addition of corrections officers to the law enforcement community also added to these figures as three corrections officers were killed during the decade.

The most consistent statistic throughout the 125 years studied is the type of death. On a national basis today, ninety percent of all law enforcement officers are killed by gunshot. In Kansas the figure is about seventy-three percent. As with the national averages, accident is the second leading cause of death to Kansas officers, accounting for twenty-eight officers and including sixteen auto related, two electrocutions, and one at an accident. Two have died by accidental gunshot. The remainder resulted from a variety of accidents.

Other causes of death include beatings (six), and heart attacks and stabbings (five each), as the most next predominant. The majority of the heart attacks involved either pursuit on foot, involvement in fights, or tense situations. The daily stress placed on an officer is no doubt a contributing factor to this statistic.

Other statistical comparisons can be made from the available information. The relationship between type of crime and type of death, the comparison of geographical location to chronological period to type of crime, and practically any other type comparative can be studied for specific areas of concern. The study of the individual stories in relation to the statistical information is also important.

When considering the causes of death, other important factors must be recognized such as the underlying causes of each situation, the involvements, the effect of training or lack thereof, the law enforcement community in general, environment and attitudes, an officer’s working style, and the effect that changing attitudes had upon them. Of equal importance are the officers’ personal situations, how they dealt with the ever-present danger, and how the possibility of death affected their lives, alertness, and awareness. Outside factors, both political and social, also have an influence on an officer’s response in particular situations.

The overall cooperation of the legal system within any state has a direct bearing on the attitude of the officer. The political involvements demanded of sheriffs and other elected law enforcement officers must affect these officers’ operations. Although Kansas has made great strides in assisting sheriffs by doing away with the

18 “Officers Killed and Assaulted,” Uniform Crime Reports (Washington: Department of Justice, Federal Bureau of Investigation, 1985), 3-4; 38-39. Additional research for the fifty-year history of the Kansas Highway Patrol indicates that in general, prohibition in Kansas was enforced if it was obvious and flagrant. Many officers did not “search” out local bootlegging operations, but did enforce the law when necessary or when the operations created a major problem or disturbance.
two-term limit, it is obvious that politics is a primary influence in a state where sheriffs are elected in a partisan manner. It is also important to realize that in most counties, deputies now have some protection from direct political influence. The Kansas Highway Patrol, which initially hired one-half of the troopers to represent the two major political parties in ratio to the last election, has moved away from direct political considerations in the hiring and promotion of all their personnel except the Superintendent. Today most city police forces are protected by some type of civil service and/or bargaining group. An exception is the chief of police who (in most cases) serves at the pleasure of a mayor or city administrator.

The legal system itself—the courts, attitudes of prosecutors, statutes that enable successful prosecution and incarceration—is an all important supportive factor within the framework of any study of law enforcement officers. The rapidity with which suspects in the nineteenth century to about the 1950s were brought to trial, adjudicated, and sentenced is most noticeable, but the fact that these cases dealt primarily with law enforcement officers who were killed in the line of duty probably has a bearing. There is also the important cooperation necessary between law enforcement entities, such as sheriffs to local and city police forces, at both the state and local level to augment both enforcement and protection of officers.

Police work today is not very different from that of one hundred years ago. “Equipment changes but the ultimate problems endure...” The officer is more professional today, is much better trained, has modern technical and scientific equipment and communications and more professional administration, but faces even more risk each time he or she is on duty. The changes remaining to be made in legislation and administration across the country have not, as Prassel firmly states, encouraged many advances in allowing modern law enforcement to grow with the times and eliminate antiquated laws that perpetuate the problems of yesterday and, at the same time, protect citizens’ rights within the structure.

Organized society requires some form of law enforcement. Groups “delegate power to enforce institutionalized behaviour patterns, while sophisticated cultures naturally require specialized agencies with duties of police.” Even then the officer is still confronting other human beings in a variety of situations that cannot be proscribed or prevented.\textsuperscript{19}

Pondering the meaning of the Law Enforcement Memorial and the 163 names engraved thereon is difficult. One might conclude from the research that an officer can face volatile, life-threatening situations at any time: it makes no difference where an officer is; what type of investigation or response is involved; what type of weapon or type of crime, if any, is involved. Statistics can predict probable situations in which an officer may be assaulted or killed, but those projections cannot necessarily prevent the assault or killing from taking place.

To erect a monument to these individuals is not only long overdue, it is mandatory in order that these servants who risked their lives and well-being every day receive the same veneration as others who have given their lives for their city, county, state, and country, especially in a land where greeters of heroes has become a profession, and veneration a skill. Monuments serve a definite purpose. These subconscious keys jog our memories and force us to remember. Often persons learn all they know about a subject from the monuments they visit. In this case, the names have more impact and meaning than do numbers—there are people behind those figures.

“America responded to the conditions of frontier law enforcement by establishing a legend of lasting significance” that is “neither gone nor forgotten.” The law enforcement officer “has been transformed, while the fiction of yesterday displays a tendency to alter the fact of today.” It is probably unfair that Kansas has in her traditions the legends, and facts, of the cowtown era, no matter how interesting and exciting. Possibly all other western states face the same dilemma in dealing with their total history. This period distracts and often distorts, but is in itself real, and the creation of that legend says something of those that created it, and its acceptance. It is a vital part of the whole.\textsuperscript{20}

There is some of the Kansas character involved in all this. The do-what-is-necessary attitude of Kansans, their steadfastness in the face of adversity, along with an amount of rebellion to strictures and some radicalism, all have contributed to the attitudes and direction of law enforcement in the state, as well as to the general culture. One cannot, after all, be separate from the other. The protection of self, of property, and the best adaptive methods to be used to secure these are obvious. Kansas settlers, particularly the citizens of Kansas cowtowns, were willing to defend against any comers with laws, officers, and their iron wills to see the peace kept. They

\textsuperscript{19} Prassel, Peace Office, 42-43, 69, 93, 253, 255-56.

\textsuperscript{20} Ibid, 244.
cared little for ceremony or detailed laws but they cared greatly for living, peace, and a way of life that was a vision to be later realized.

In the twentieth century this culminated in an outlook, not just related to law enforcement, that allowed for as much progress in enforcement as is enjoyed in most states, without the loss of many of our common values. If history teaches us anything it is tolerance of people, ideas, beliefs, and methods, and the patience to understand the reasons for those that are different. History is not meant to necessarily judge the good or bad, but to strive to understand the successes and failures. We are not to just forget or forgive but also to understand. This attitude is tantamount to any study of law enforcement.

The law enforcement officer in Kansas has a rich heritage apart from fantasy, legend, and misgivings. The names of the men and women engraved on the Kansas Law Enforcement Memorial are the truthful part of what has become Kansas legend. It reminds us that today officers shall continue to enforce the law and be keepers of the peace.