

UCLA

Chicana/o Latina/o Law Review

Title

Gunpowder Justice: A Reassessment of the Texas Rangers, by Julian Samora, Joe Bernal & Albert Pefia, University of Notre Dame Press, Notre Dame, 1979, pp. 180

Permalink

<https://escholarship.org/uc/item/7b87305s>

Journal

Chicana/o Latina/o Law Review, 6(0)

ISSN

1061-8899

Author

Trujillo, Larry

Publication Date

1983

DOI

10.5070/C760020946

Copyright Information

Copyright 1983 by the author(s). All rights reserved unless otherwise indicated. Contact the author(s) for any necessary permissions. Learn more at <https://escholarship.org/terms>

Peer reviewed

Gunpowder Justice: A Reassessment of the Texas Rangers, by Julian Samora, Joe Bernal & Albert Peña, University of Notre Dame Press, Notre Dame, 1979, pp. 180.

Reviewed by Larry Trujillo*

Since Rudolfo Acuna's pioneering work, *Occupied America* (1972)¹, Chicano scholars have been increasingly engaged in reinterpreting Chicano history.² *Gunpowder Justice: A Reassessment of the Texas Rangers*, by Julian Samora, et al., is another recent

* Assistant Professor, University of California at Berkeley (Ethnic Studies Department). Professor Trujillo has been Coordinator of the Vacaville Prison Project for several years. He has published numerous articles about Chicanos, the law and criminal justice. He is currently writing *Race Class & Crime: The Chicano Experience*.

Reprinted by permission from CRIME AND SOCIAL JUSTICE 61 (Summer 1980).

1. R. ACUNA, *OCCUPIED AMERICA: THE CHICANO'S STRUGGLE TOWARD LIBERATION* (1972).

2. Examples of recent publications which have attempted such historical reinterpretation include: Mario Barrera's *RACE AND CLASS IN THE SOUTHWEST: A THEORY OF RACIAL INEQUALITY* (1979) (Based on the Chicano experience, which integrates history and theoretical social science in an interdisciplinary approach); Alberto Camarillo's *CHICANOS IN A CHANGING SOCIETY: FROM MEXICAN PUEBLOS TO AMERICAN BARRIOS IN SANTA BARBARA AND SOUTHERN CALIFORNIA 1848-1930* (1970) (a social history of the development of the Chicano barrios of Southern California); Alfredo Mirandé and Evangelina Enriquez's *LA CHICANA: THE MEXICAN AMERICAN WOMAN* (1979) (a socio-cultural historical analysis of Mexican and Chicano women); and the working paper series of the Chicano Political Economy Collective (CHIPEC) at the University of California at Berkeley (which explores the dynamics of race and class and the Chicano community in the development of the Southwest). These are recent contributions to Chicano revisionist history. Incidentally, the Chicano Political Economy Collective publishes working papers that deal with related issues in Chicano political economy. The following papers are currently available from CHIPEC: No. 101, Tomas Almaguer, "Interpreting Chicano History: The 'World-System' Approach to 19th Century California"; No. 102, David Montejano, "Race, Labor Repression, and Capitalist Agriculture: Notes from South Texas, 1920-1930"; No. 103, Andres Jimenez, "Political Domination, Labor Repression, and Racial Order in the United States: A Look at the Formation of a Racially Divided Labor Force in Arizona Copper Industry"; No. 104, Larry Trujillo, "Parlier The Hub of Raisin America: A Local History of Capitalist Development"; No. 105, Jorge Chapa, "The Political Economy of Labor Relations in the Silver Mines of Colonial Mexico." Orders for these papers may be made by writing to the Chicano Political Economy Collective, c/o Institute for the Study of Social Change, University of California, Berkeley, Ca. 94720.

contribution to the growing body of revisionist Chicano history. The authors state that the purposes of the book are:

to expose the popular image of the Texas Rangers to scholarly scrutiny and to analyze the reasons why the Texas Rangers have secured a tenaciously favorable reputation in the minds of the American public; to review Ranger history . . . to document the cases in which the Texas Rangers have abused power and violated civil liberties; and, . . . to draw conclusions from the evidence presented.³

Primarily descriptive, *Gunpowder Justice* provides enlightening information about a particular institution of the state repressive apparatus—the Texas Rangers—from a Chicano perspective. It is a history of racism, repression and resistance. Since the history of the criminal justice system in the southwest is a generally neglected area of study, the book should be of great interest to those wishing to fill this gap in their knowledge.

Gunpowder Justice probes the contradiction between the legend of the Texas Rangers as “American heroes” and their historical practice of racism and repression toward the Mexicans and Indians. The book details the history of the Texas Rangers as a particularly repressive force against the Indian and Mexican population of Texas and its later reputation as a statewide law enforcement agency known for its corruption and political patronage. *Gunpowder Justice* further chronicles how the Rangers continued throughout the 1960s and 1970s as a repressive force—policing migratory labor, striking unions, civil rights workers and Chicano community activists and organizations.

TEXAS RANGERS AS FOLKLORE

The most absorbing aspect of *Gunpowder Justice*, due no doubt to the contribution of the noted folklorist, Dr. Americo Paredes, is the manner in which the myths and legends of the Texas Rangers are surfaced and unmasked.⁴ The authors state:

The Texas Rangers and the legends handed down through the generations in extravagant terms are manifestations of that strain of Americanism which our country correctly identifies as racism. The Texas Ranger is the law-and-order, cactus-and-tumbleweed version of Horatio Alger—white, self-sufficient, the most rugged individuals, possessing in abundance, virtues that all men aspire to; in short, the most perfect entity to pre-

3. J. SAMORA, J. BERNAL & A. PEÑA, *GUNPOWDER JUSTICE: A REASSESSMENT OF THE TEXAS RANGERS* 3 (1979).

4. All of the material that addresses itself to the myths of the Rangers was researched by Dr. Americo Paredes of the University of Texas at Austin. For a fascinating folklorist interpretation of the early history of South Texas and the relationship between Anglo law enforcement and the Mexican community, see PAREDES, *WITH HIS PISTOL IN HIS HAND: A BORDER BALLAD AND ITS HERO* (1958).

serve and protect all that is good, decent, and honest against contamination by alien peoples or philosophies.⁵

These images were sensationalized and the Ranger legend celebrated in newspaper stories, dime novels, poems and folk songs and later motion pictures (in Hollywood movies the Rangers were always the "good guys" and won; the Mexicans and Indians were "evil" and always lost). While the Texas Rangers have become the symbol of "law and order", "rugged individualism" and all that is "good" in the American bourgeois ideology, *Gunpowder Justice* dispels these myths by demonstrating the blatantly racist historical practices of the Rangers. The Rangers, for example, were ruthless in their use of deadly force upon Mexicans and Indians. The slogan, "The only good Indian is a dead Indian," took on real meaning in the practices of the Rangers. The motion of the Texas Rangers as the "dauntless spirit" and "proud tradition" of America, however, has been well preserved not only through the autobiographies of the Texas Rangers themselves (which are numerous), but by America's most prestigious scholars and politicians. Walter Prescott Webb, Professor of History at the University of Texas and one-time President of the American Historical Society, for example, wrote the classic book, *The Texas Rangers* (1965), in which he painted the picture of the Rangers as fine, fearless champions of law and order. In recent times Richard Nixon, addressing the Sesquicentennial Anniversary for the Rangers Hall of Fame stated:

The Texas Rangers have vividly portrayed a dauntless spirit of the great American Southwest, and relentlessly served the best interest of both their state and nation Your sensitivity to the needs of the times and your ability to respond to the challenges remain as then, an inspiration for all⁶

With scholars like Webb and politicians like Nixon perpetuating the romantic myths, it is no wonder that the legend of the Rangers is so strongly implanted in the public mind.

LOS TEJANOS SANGRIENTOS (THE BLOODY TEXANS)

Gunpowder Justice informs us that from the earliest period, the Texas Rangers were identified with manifest destiny. The Texas Rangers began as "ranging companies" in 1823 to clear the way for white settlers' expansion. During the Texas revolt (1836) and the Mexican American War (1848) they served as a fighting army auxiliary to the regular army and state militia. These military encounters were used to justify a reign of terror upon the Mexican community. After the Mexican War, the Rangers were

5. J. SAMORA, *supra* note 3, at 157.

6. *Id.* at 5.

organized into "frontier battalions" and encouraged by land barons and the Cattlemen's Association to repress the Mexican and Indian population. The Rangers viewed the Indians and Mexicans as "treacherous" and "inferior" and considered them "hereditary enemies." This attitude was reflected at all levels of Anglo-Texan society. In fact, the only complaint from the Anglo population was "that the Rangers did not work fast enough . . . to kill or drive out every Indian and Mexican in the state."⁷

Whenever there is repression there is resistance. *Gunpowder Justice* recounts several resistance movements waged by the Mexican people. One such incident was the Cortina Wars, led by Juan Cortina, a Mexican aristocrat, who championed the people. The scene was the predominantly Mexican-populated but Anglo-controlled community of Brownsville. Demanding a stop to police brutality and use of deadly force against Mexicans, Cortina appealed to the people to fight their oppressor and organized an armed guerrilla unit to challenge Anglo hegemony. Although Cortina was eventually defeated, he became a folk hero, and resistance continued along the Mexican border.

By 1881, having eliminated the Indians and controlled the Mexicans, the Rangers became "a kind of state police" charged with "suppressing crime" and bringing law and order to the "lawless" counties. The *modus operandi* became "shoot first and ask questions later." Torture and lynchings were commonplace. Ranger records indicate a large number of men killed trying to escape or resist arrest.⁸

By the turn of the century, as noted in *Time* magazine's reassessment of the Texas Rangers, they were "notoriously corrupt, and during World War I the Rangers became little more than terrorists, a racist army supported by the state for the purpose of intimidating Mexicans on both sides of the border."⁹ In the years 1915-1920 it is estimated that between 500 and 5,000 Mexicans were killed along the border by the Rangers—people often "innocent of any crime but the one of being Mexican."¹⁰ So notorious was this brutal repression that even third and fourth-generation Texas Mexicans "reacted with an instinctive phobia" and hatred toward the name Texas Ranger.¹¹

Through the work of state Representative J.T. Canales, a 1919 Texas legislative committee documented charges of murder, intimidation of citizens, torture and brutality, flogging, pistol

7. *Id.* at 7.

8. *Id.* at 65.

9. *TIME*, Jan. 7, 1977, at 81 [sic].

10. J. SAMORA, *supra* note 3, at 65.

11. *Id.* at 66.

whippings, etc. These charges and others reappear and continue to be voiced into the 1980s.

During the 1920s and 1930s, the Rangers' duties shifted to guarding polls during elections. They were used by politicians to intimidate foes. A 1935 law created the Department of Public Safety, greatly reducing the numbers and powers of the Rangers. They assumed the same powers as the Highway Patrol but were called upon as special agents: to locate and evacuate Germans and Japanese during World War II; to infiltrate communist organizations; and to continue to infiltrate and disrupt Mexican community and work place organizing. This latter action is richly detailed in *Gunpowder Justice* in two concrete situations: the Rangers' attempt to subvert an election of Chicanos to the city council in Crystal City in 1963 and the attempt to break strikes of the Texas farmworkers (most of whom were Mexicans) in 1966 and 1967.

SQUASHING WORK PLACE AND COMMUNITY ORGANIZING

The contemporary use of the Texas Rangers as agents of repression in South Texas became evident in the Crystal City elections in 1963. Economically, Crystal City, the "Spinach Capital of the World," was dependant on agribusiness. Extreme poverty had been a persistent historical reality for the Mexicans. Moreover, the Anglo minority had totally controlled community politics and they "took it for granted that the Rangers were there to protect Anglo interests."¹²

In 1962 and 1963 Chicanos challenged Anglo political hegemony by running a slate of Chicano candidates—Los Cinco Candidatos.¹³ Seven months of intensive political struggle and community polarization took place, with Chicano political organizing countered by Anglo "intimidation, harassment, and the Texas Rangers."¹⁴ The Anglo opposition leadership used intimidation and threats of economic reprisal (in fact several Chicano candidates were fired from their jobs) to attempt to thwart the Chicano political revolt. The Texas Rangers, under the leadership of Captain Alfred Alee, were called in to aid the Anglo opposition. The Rangers used every conceivable legal technique (including security checks on Chicano candidates, injunctive orders to prevent an economic boycott and picketing of local Anglo businesses, and jailing Chicano leadership) and resorted to many "extra-legal" strategies (e.g., beating up campaign workers and candidates, damaging property, etc.). Despite the Rangers' bla-

12. *Id.* at 91.

13. See J.S. SCHOCKLEY, *CHICANO REVOLT IN A TEXAS TOWN* (1974).

14. J. SAMORA, *supra* note 3, at 95.

tantly partisan attempt to subvert the election, the Chicanos were victorious. Persistent pressure and intimidation from the Anglos and Texas Rangers resulted in Anglos taking control again in the 1965 election. By the 1968 election, however, through the general rise of the Chicano Movement and the organizational effort of the Raza Unida Party, Chicanos once again wrested political control of the city—control that continues today.

Another struggle between the Texas Rangers and Chicanos took place in Rio Grande City (near Crystal City) in South Texas. This time the struggle was a work place struggle between agribusiness employers and Mexican farmworkers. South Texas is one of the poorest areas in the United States. Farmworkers in this area in 1966 were working for as little as 25 cents an hour. It was in this setting that the Independent Workers Association (IWA) organized a strike against eight major growers. During the 13 months of the strike, with the full support of Governor John Connally, the Texas Rangers played a major role as a strike breaking force as well as enforcing Texas' strong anti-union laws. Acting as a clear partisan force on the side of management, the Rangers once again used legal and extra-legal tactics to quash the strike. A Congressional hearing, in fact, found that strikers were denied legal rights; union leaders and rank-and-file were denied bail and speedy trials; and Rangers encouraged and often escorted strike breakers across picket lines. The high number of arrests and heavy fines imposed on strikers sapped the limited union funds and helped end the strike.

SUMMARY AND DISCUSSION

Gunpowder Justice provides us with an important reassessment of the Texas Rangers. The book succeeds quite poignantly in addressing the folklore and abuses of power of the Texas Rangers. The fact that the Texas Rangers have been enshrined as heroes, while Mexican resistance has been portrayed as "bloodthirsty" and "criminal," speaks rather cogently to the racist dynamics of Anglo cultural hegemony.

The social history of the Texas Rangers outlined in *Gunpowder Justice* is somewhat fragmentary.¹⁵ Essentially missing in the

15. Our general knowledge of the Chicano community in the United States is fragmentary. Traditional social science and history show a general lack of understanding of and callousness towards the Mexican people in the United States. Often researchers impose their data on existing negative racial stereotypes. This has been particularly the case in criminology. See Trujillo. "La Evolución del 'Bandido' al 'Pachuco'": A Critical Examination and Evaluation of the Criminological Literature on *The Chicano*, 9 ISSUES IN CRIMINOLOGY 43 (Fall 1974). Sometimes this methodology is conscious and racist (in these cases it is certainly political and ideological), but more often it simply denotes either an insensitivity towards the research subject or a

book is an interweaving of the historical data into a clear and dynamic theoretical framework. *Gunpowder Justice*, drawing primarily from secondary source material, presents the history as a series of episodes. This chronology of detailed events of Texas Ranger atrocities towards the Mexican and Indian peoples leaves us with a profound sense of moral outrage, but as presented it provides no scientific analysis of social change.

Specifically, the social history presented in *Gunpowder Justice*, while providing many informative facts, views the Texas Rangers as an isolated institution. By isolating the Rangers from the larger processes of capitalist development and race and class divisions in nineteenth century Texas, it is difficult to get a clear grasp of their relationship to other sectors of the state apparatus and the ruling class. *Gunpowder Justice* is not without reference to the larger political economy, but the references are raised as generalizations and not fully examined. For example, we are told that "the Rangers were closely allied with the economic interest of the state"¹⁶ and that "the Rangers could be counted on to create a situation where the white man could become rich."¹⁷ These statements are made but not developed. We learn that, prompted by an expansionist policy of manifest destiny, the Texas Rangers were an instrumental force in the brutal removal and annihilation of the indigenous population. Further, we get some sense, although not totally clear, that the Rangers aided the Anglo land barons in their theft of the land from the Mexican landowners. What is missing, however, is an analysis pointing out that these acts were essential to the process of capitalist development and expansion in Texas.

To understand fundamentally and dynamically the history of the Texas Rangers, it is crucial to clearly recognize their class control function and to analyze them in relation to the larger political economy of Texas. Texas became part of the United States through conquest and annexation. The transformation to Anglo rule was accompanied by the rise and institutionalization of a state apparatus which maintained and legitimated Anglo ruling class hegemony. The Rangers, through force and intimidation (including lynchings and shootings of Mexicans), enforced this hegemony. *Gunpowder Justice* tells us that the Rangers served the interests of the Anglo land barons. But how exactly did this happen? The Texas economy, for example, changed from cattle raising to agricultural production. The development of irrigation

misinterpretation of language and culture. Paredes, *On Ethnographic Work Among Minority Groups: A Folklorist's Perspective*, 6 NEW SCHOLAR 1 (1977).

16. J. SAMORA, *supra* note 3, at 10.

17. *Id.* at 11.

projects in the Lower Rio Grande Valley added 200,000 acres of farm land between 1910 and 1920. Likewise, the building of the railroad expanded the market. Thus, agricultural land became a more valuable commodity. This South Texas area contained a large concentration of Mexican small farmers. How did the Texas Rangers intimidate and help force the Mexican small farmers to disposes their holdings to the large capitalist landholding interest? This is the kind of probe that might include: how specifically the state apparatus (including the Texas Rangers) developed within the context of capitalist development in nineteenth century Texas; and how the development of the Texas Rangers compares and contrasts with the development of other national police forces, e.g., the slave patrols in the South, the vigilante committees in California and the urban police force of the East. How specifically did the Rangers carry out their class control function, and how did it change in response to changes in the political economy? How have the Rangers been used to control and/or intimidate labor? What are the implications of these issues for the Chicano struggle for social justice? As we begin to explore these questions we will gain a deeper historical understanding of the role of the repressive state apparatus. This in turn will help in the development of current and future strategies of resistance.