

some of them were inconsistent and contradictory.”

The conclusions of neither author are satisfactory. Randall wrenches Franklin from his 18th-century context, while Wright seems contented with Van Doren’s conclusion that

Franklin was “a harmonious human multitude.” But what provided the harmony, the organizing principle, the larger character that unified the many small roles? I think it was this: Franklin set out at all times to play the part of the totally civilized and totally

rational man, at once engaged and detached. By definition, it was impossible to play such a part; but, conceivably with the exception of Voltaire, Franklin came closer to pulling it off than any other man of the age.

Security Safari by Odie B. Faulk

“Be sober, be vigilant; because your adversary, the Devil, as a roaring lion, walketh about, seeking whom he may devour.”

—1 Peter, V, 8

Vigilantes in Gold Rush San Francisco by Robert M. Senkewicz, S.J., Stanford, CA: Stanford University Press; \$24.95.

The scene is so identifiable that any American—in fact, almost anyone anywhere in the world—immediately recognizes it: a dun-baked, dusty street between rows of ramshackle, weather-beaten, false-fronted buildings. To the pounding beat of rising music, a noisy crowd suddenly pours out of a saloon and swarms

down the street, drunkenness much in evidence, as a bloodthirsty simpleton at their front menacingly displays a rope with a noose at its end. Coming to a halt in front of the jail, one of them shouts, “Bring him out, Sheriff. We’re going to see that justice is done. He won’t get away this time.”

The scene shifts inside the jail, where a helpless miscreant locked in his cell shouts to the sheriff and his deputy, who are cowering at the front windows, “You’ve got to protect me. Those people are crazy.”

In countless movies and teleplays, the accused somehow is saved by a Texas Ranger . . . or U.S. Marshal . . . or just a guitar-picking “hero-off-the-street.” Showing tremendous courage, he convinces the drunken crowd that real justice lies with the law. “No matter what he’s done or not done,” says our hero about the accused, “he deserves a fair trial. Let’s let the judge and jury decide his fate. Now go on home.” This note of sobriety usually makes the chastened mob aware that their actions have been worse than unconstitutional—they have been downright un-American.

Now that Westerns are no longer in vogue, the scenario has shifted to a New York subway in the 1980’s. Tired of the extortion and terrorism of neo-barbarians, a rider pulls out a pistol and shoots his tormentors—and a

long-suffering public applauds his actions loudly. Commentators in the print and broadcast media, with visions of themselves as sheriff, ranger, marshal, and/or hero-off-the-street, immediately come forth to berate the public, saying that the accused deserved a day in court where a judicial system would ensure a fair trial and correct punishment. “We can’t have vigilantes loose on our streets,” the media shouts. “No matter what the accused had done, they deserve a trial in a court of law.”

When this drama was played for real last year, the common thread among liberal commentators was that vigilantism was evil. It was not the criminals who had erred, but rather society in general and the vigilante in particular. This shooting, the media agreed, reflected a nation where “violence is as American as apple pie,” and the vigilante, they stated or implied heavily, had seen too many John Wayne movies.

The best-known example of vigilantism in the United States actually happened not in some remote area or in some small town. Nor was it done by someone emulating John Wayne. It happened on the streets and in the counting houses of San Francisco and was perpetrated by that city’s outstanding businessmen. In 1851 and again in 1856, vigilance committees were organized in the city by the bay, and each of these organizations dispatched malefactors to the next world by means of hemp justice.

As was the case in New York City, these actions were not taken because of an absence of law. In California, as in the rest of the American Southwest, there had never been a “lawless” period, thanks to a smooth transition from Indian to Spanish to Mexican to American law. There was no abrupt break as political control changed hands.

When the Argonauts arrived in Cal-



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ifornia, they found a fully developed legal structure in the European sense—a heritage of three centuries of Spanish exploration, settlement, and development. This legal system was based on Roman law, not the English common law, but it had been modified to fit the necessities of life in the New World, as, for example, in the matters of water, mineral, and agricultural law.

In 1778 Commandant-General Teodoro de Croix had issued a decree demanding that brands should be registered so that ranchers would know their property and be able to prove legal title to it. It was the Spaniards who introduced the concept of “prior appropriation” in water law, so different from the English concept of riparian right but which obtains today in most Western states. And it was Spanish law that dictated the rules for mining claims—their size and their registration.

In 1850, with the creation of the state of California, the first legislature (known as the “Legislature of a Thousand Drinks” because it adjourned so frequently for liquid refreshment) enacted a code of laws based on the better part of both Spanish and American legal heritages. There was no “lawless” period.

Those who came to California either to toil in the gold fields or to become merchants in San Francisco believed, as did most Americans of the 1850’s, that law and justice were synonymous. They thought that the purpose of law was to protect life and property. As these pioneers went about their self-appointed means of livelihood, their purpose was survival and acquisition. They thought the various representatives of the law—town police, county sheriff, municipal officials, and judges—existed to protect society from the criminal, that life and property should be safe.

The vigilance committee in San Francisco, that of 1851 and that of 1856, were the result of a system that had broken down. Law and justice were not synonymous when “justice” was openly for sale by corrupt officials and law enforcement agents. Criminals were parading openly about the city unapprehended, while those who were apprehended often went unindicted or unconvicted. And even

those who were convicted found ways to purchase a pardon or an escape.

The public, as usually is the case, was patient and long-suffering. By early 1851 criminals were operating almost unchecked. Bribery and corruption were the fashion among those supposed to be enforcing the laws. At last the merchants of the city, some 600 of them, banded together to form a vigilance committee. Their goal was to restore some balance between law and justice. Five years later the process had to be repeated when, owing to public apathy, the city had become an interlocking directorate of crime and political corruption. Vigilantes restored law and order.

Books and articles written about the vigilance committees of San Francisco, when arranged chronologically, reflect America’s changing attitudes toward its past. Those writers nearest in time—and thus most familiar with the events—praise the vigilantes for making person and property secure. In more recent times, however, sociologists and New Left historians have condemned vigilantes whose activities were caused by “spouses, spatial relationships, and spurious sensationalism.” Still other writers see the vigilantes as participants in a class struggle in which the merchants exerted their mastery over the lower classes.

In this work, a dissertation at Stanford, Senkewicz maintains that the vigilantes of 1851 were merchants who had gone west to get rich. Disappointed by hard economic times, they magnified the normal amount of crime into a crime wave and set out on a maddened search for a scapegoat. It was Australian immigrants who were elected to fill this role. “For no immediate reason,” writes Senkewicz, a vigilance committee was formed from among what a contemporary called “the most intelligent, best educated, and property owning classes of the city.” It called 91 miscreants before it, of whom 14 were deported from California, 14 more were strongly advised to leave, four were hanged, and one man was publicly flogged. Senkewicz concludes, “Probably there was some decrease in crime. . . .”

Of the vigilance committee of 1856, Senkewicz is far more critical. Its organization, he claims, was also caused by economic hard times. The mem-

bers of the committee this time, he argues, were bigoted, Know-Nothing Protestants whose scapegoats were Irish immigrants, hated because they were Catholic, increasing in number, and starting their own schools. The accomplishments of the committee of 1856 were similar to those of 1851: four criminals were hanged, others chose to leave town for reasons of health, and there was a decrease in crime.

There are numerous other examples of vigilantism in the American West: in Montana, Arizona, and elsewhere. All reflect a desire common among Americans for safety of life and property. Distrust of lawyers, the courts, and the technicalities of the law were common. The history of the American West shows that when the courts were rendered supine, when law-enforcement officials became helpless, corruption rampant and abuse of authority widespread, common citizens banded together to enforce an *ad hoc* justice that restored security of person and property. When the ordinary citizens of a community felt justice was not being served through normal channels, they were quick to rectify “mistakes.”

What is noteworthy about the vigilantes of San Francisco and elsewhere in the American West is not the number of men they hanged or ordered to leave town. What is significant is their restraint: When law and order were restored, when life and property became secure, the vigilantes disbanded, returning the responsibility for law enforcement to regularly constituted authorities. They were not power-mad politicians bent on ruling an area but common citizens who believed that “justice” and “law” should be synonymous.

Moreover, Americans throughout their history and in all sections of the country have shown a strong desire for security of person and property—as well as a distrust of the courts, of conniving lawyers, and of technicalities of the law. Ordinary citizens have been quick to turn against any movement that used random violence to attain its ends. For example, the efforts of labor to organize were severely damaged by the violence of Haymarket and Homestead in the 1880’s and 1890’s; the deaths caused in these two inci-

dents set the cause of labor back some 40 years. Similarly, the student rioters of the late 1960's and early 1970's saw the public turn against them when they began using bombs that brought random danger to life and property.

In short, violence has not been "as American as apple pie"—except

among historians and sociologists who bend the facts to suit their preconceived ideas. For anyone who has studied—and understood—American history, the wonder is not that San Franciscans twice rose up in public anger to restore security of life and property—or that in this age when the

courts have been rendered inefficient and our jails have become revolving doors for criminals, one man recently pulled out a pistol to shoot subway terrorists; rather, the wonder is that far more riders of the subway are not wearing a brace of Mr. Colt's pistols to enforce *ad hoc* justice.

Players of the Game *by Bryce J. Christensen*

"... to chase the rolling circle's speed
Or urge the flying ball . . ."

—Thomas Gray

Snake by Ken Stabler and Berry Stainback, New York: Doubleday; \$15.95.

The Mick by Mickey Mantle and Herb Gluck, New York: Doubleday; \$15.95.

The Puritans, who once condemned stool ball, quoits, and bowls, would stand in stern judgment of the millions of Americans who every Sunday choose a ball game over church attendance. Yet game-playing did *begin* in ritual and religion, and the Latin word for temple, *fanum*,

gave us the modern *fan*, applied to the sports enthusiast. In *Sports in the Western World* (1982), William J. Baker argues that "the actual beginnings of sport" may be found in "religious fear" and in "rituals designed to placate the unknown powers that people called gods."

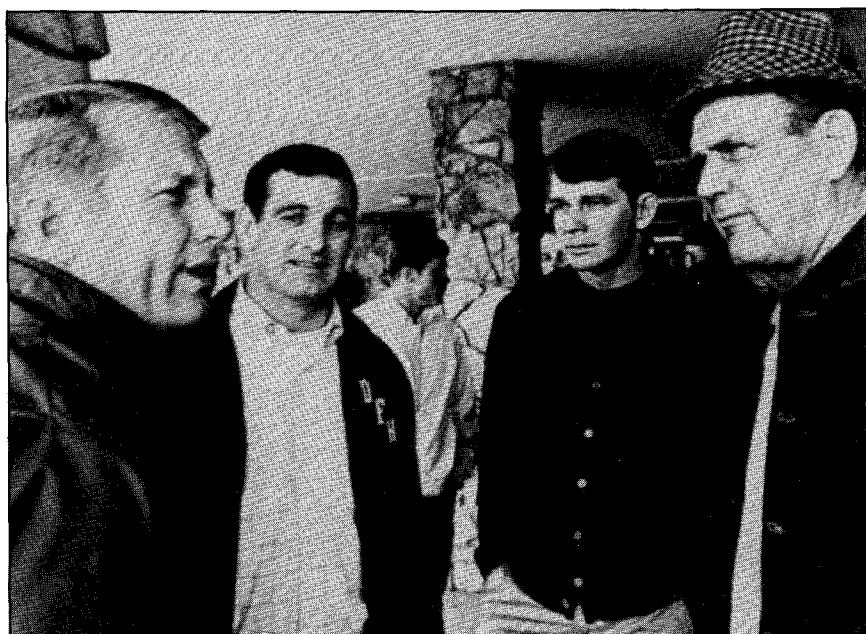
Placating the gods does not appear to be the aim of modern sports, but participants and viewers alike do demonstrate an almost religious passion for pattern, for rules, and for triumph. As the sportswriter Skip Hollandworth put it: "Sports have all the trappings of religion, the sacred Sunday ritual of squatting by the television and rooting

for the team of light over the team of darkness, the spectacle of uniforms and banners, the adoration of saint-like heroes, the desperate pleas for salvation and victory."

The apparently aimless flux of everyday life leaves a craving for order that must be satisfied—at the ball park, if not in the sanctuary, synagogue, or poetry seminar. And at a time when many of America's ecclesiastical leaders try to erase the distinctions separating men and women, sports at least still honors the God-given differences between the sexes. Because millions of American boys no longer participate in an annual harvest or hunt, all-male sports provide a much-needed alternative way to establish sex identity. Historically, as William Baker points out, the rise of the great modern team sports coincided with industrial urbanization and its attendant "exodus from the countryside into the cities." City folk craved some reminder of how men and boys once moved in rhythmical harmony across the fields.

Still, popular games provide a poor recreation of lost agrarian patterns and an even poorer replacement for religious ritual. The rules and the objectives of sports lie lightly on the surface of the natural world, penetrating no deeper than the chalk lines marked on grass fields. Even before the game begins, the teams and the permissible outcomes have all been predetermined, and the player who pauses to ponder on possible relationships with his fellow man will quickly be embarrassed by a ball that slips between his legs or a fullback who knocks him down.

But as the forces of modernity eat



Left to right: Mickey Mantle, Dennis Homan, Ken Stabler, Coach Bear Bryant before the 1968 Cotton Bowl Game. (Photo: University of Alabama)

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