

# “A Primitive Method of Enforcing the Law”

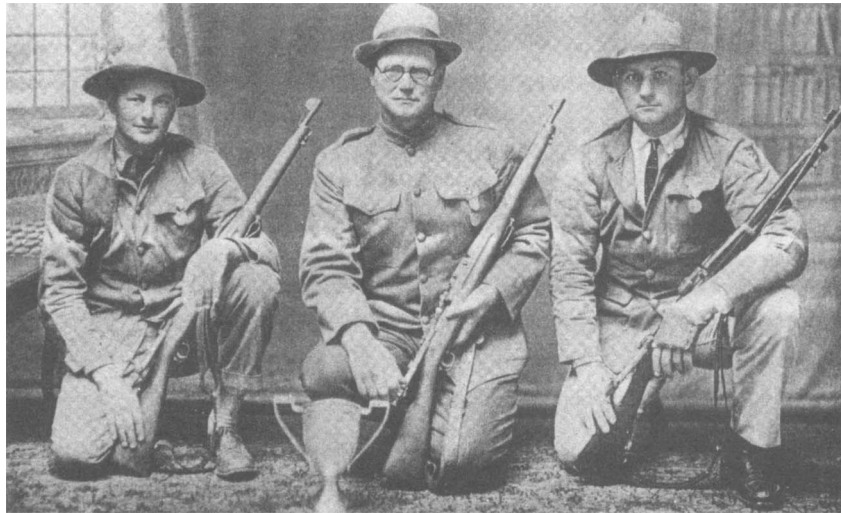
## Vigilantism as a Response to Bank Crimes in Indiana, 1925–1933

PAUL MUSGRAVE

On May 29, 1933, hundreds of vigilantes captured three men in the woods just outside Culver, Indiana. Their quarry was the last of a gang who had stolen more than \$12,000 from the State Exchange Bank in Culver that morning. Armed with shotguns, the robbers had entered the bank at 9:07; while some of them watched over the bank's customers and employees, their leader ordered the assistant cashier to open the vault, which the gang members then emptied. Alerted by a telephone call from a bank employee in an adjacent office, a group of local vigilantes (soon numbering five hundred, including ten officers from the Culver Military Academy) quickly mobilized and surrounded the bank. Using two captives as human shields, the bandits ran to their getaway car. As they sped away, the bank president's son, perched on a nearby building's roof, shot and killed the driver. The car overturned, but the surviving bandits stole another one, leaving their hostages in a ditch.

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Three Tipton County, Indiana, bank vigilantes

H. C. Watson, W. C. Hinkle, and D. E. Watson (l. to r.) are shown with their trophy from a state shooting competition. In the 1920s, these men, like hundreds of other Hoosiers, acted as civilian law enforcement in response to a growing number of state bank robberies.

*The Hoosier Banker*, July 1927

After crashing into a tree ten miles out of town, they fled on foot into the woods, where the vigilantes apprehended them piecemeal over the next few hours.<sup>1</sup>

Similar events took place in many communities in Indiana and the rest of the United States during the 1920s and early 1930s, at a time when many observers believed that crime had reached a new high. Banks were frequent targets of criminal activity; Indiana bankers lost about a million dollars (ten million in inflation-adjusted terms) to robbers during the 1920s.<sup>2</sup> Facing revenue losses and increased insurance costs, as well as threats to the safety of their employees and customers, Indiana's bankers responded by lobbying for greater government action

<sup>1</sup>"Culver Trains Guns on Bank Bandits; Gets 6," *Chicago Daily Tribune*, May 30, 1933, p. 3; "Capture Bank Bandits in 4 1/2 Hours," *Hoosier Banker*, 18 (June 1933), 10, 12. Note the slight discrepancies in the accounts; in general, I have favored the *Hoosier Banker's* later, and presumably more accurate, depiction of the events.

<sup>2</sup>Herman B Wells, IU Archives 75.19 F, "Notes for Speech for General Assembly of Bankers" (Indiana University Archives, Bloomington, Indiana).

against crime and by organizing vigilance committees to defend their property and their communities. The Indiana Bankers Association (IBA) was the driving force behind both the lobbying and the vigilance efforts.

Because of the pivotal role the bankers played in the vigilance committee movement, I will refer to its participants as “bank vigilantes.” Bankers, and the vigilantes they sponsored, were primarily concerned with order, not justice (except in the roughest sense). Examining their actions offers a window onto democratic norms in Indiana. A student of policing reforms in the United Kingdom writes, “decision-making power in policing . . . exemplifies the fundamental conception of democracy present in that political system”; similarly, an expert on the French police hypothesizes that “[t]he way in which the state ensures public order in its national territory expresses the degree of development of democracy in that state, as much as does its respect for public freedoms or the freedom of the press.”<sup>3</sup> The issue of how policing power is exercised is especially meaningful when the “police” under scrutiny are fundamentally private agents funded primarily by private groups with private aims.

Evidence from the IBA and its magazine, the *Hoosier Banker*, as well as selected archival documents from the association’s sometime field secretary and contemporaneous newspaper accounts of bank robberies, form the basis for this article. Although such sources present almost exclusively the official line of the bank vigilante leadership, there are few alternatives to relying on them. Other points of view are scarce: few writers defended the bank robbers, and the robbers themselves rarely essayed justifications for their actions. But a close reading of the available evidence reveals a fairly complete picture. Even among bankers, support for vigilantism was far from unanimous, whether because of principle or fear. Popular attitudes toward bank robbers were also complex: some criminals, such as John Dillinger, became celebrities. Viewed in context, the *Hoosier Banker*’s efforts at propagandizing for the vigilantes can be read not just as self-congratulatory missives but as attempts to sway the general public and the IBA’s own membership.

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<sup>3</sup>Anne Mandeville, “The maintenance of order in a changing state: The reform of policing in the United Kingdom,” *Europe’s old states in the new world order: The politics of transition in Britain, France, and Spain*, ed. Joseph Ruane, et al. (Dublin, Ireland, 2003), 193; Alain Picard, “The maintenance of public order in France: Inertia and transformation in the contemporary evolution of French state security,” *ibid.*, 207.

Scrutiny of official texts can therefore illuminate the range of attitudes in the general public, officialdom, and the banking community regarding vigilantism; in so doing it sheds light on the evolution of the relationship of the state to society and on beliefs about the legitimate use of force.

#### WHAT A VIGILANTE WAS (AND WASN'T)

Long associated with the American frontier, the term "vigilante" today suggests "a nondescript midnight rider, blatantly ignorant, conventional, racist, and indiscriminate in the use of violence against people and institutions."<sup>4</sup> In reality, however, vigilantism was not confined to the West, and those who took part were not exclusively, or even mainly, thugs. Between 1767 and 1910, Americans organized vigilante groups in almost every part of the country, except for a few of the more settled eastern states.<sup>5</sup> Their leaders were often members of the local elite, as were many of their followers and supporters. The latter group included two presidents (Andrew Jackson and Theodore Roosevelt), at least five U.S. senators, a congressman, eight governors, and scores of other officials, as well as business leaders, such as Leland Stanford. As one later commentator concluded, "[t]hese people were anything but members of a backward, hell-for-leather rabble."<sup>6</sup> Nevertheless, vigilantes (sometimes known as "regulators," because they attempted to "regulate" the public's morals) were often brutal. The early nineteenth-century English traveler William Faux, for example, recorded that after two men robbed and killed a traveler, regulators hanged one thief and flogged the other almost to death. Another group of regulators executed a murderer and left his head on a pole as a warning.<sup>7</sup>

Vigilante activity was recorded in Indiana at least as early as the 1820s.<sup>8</sup> Between the 1820s and the late 1850s, there were doubtless vigilante groups scattered throughout the state, although I have found

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<sup>4</sup>William C. Culberson, *Vigilantism: Political History of Private Power in America* (New York, 1990), 18.

<sup>5</sup>Richard Maxwell Brown, "The History of Vigilantism in America," *Vigilante Politics*, eds. H. Jon Rosenbaum and Peter C. Sederberg (Philadelphia, 1976), 79.

<sup>6</sup>Culberson, 18-19; William E. Burrows, *Vigilante!* (New York, 1976), 21.

<sup>7</sup>W. Faux, *Memorable Days in America* (London, 1823), 318.

<sup>8</sup>*Ibid.*, 304.

evidence of only one, the Marshall County Watchmen.<sup>9</sup> The state's best-known vigilante group, the Regulators of Northern Indiana, formed in 1858. (This was the second major attempt by residents to organize such a group. An effort in the 1840s had failed because of ineptitude: the criminals themselves had attended the committee's meetings.)<sup>10</sup> Chief among the Regulators' concerns was horse theft, a serious problem because horses were both a means of transportation and a major financial asset. Indeed, many antebellum vigilante associations around the country (including the Watchmen) focused on the issue.<sup>11</sup> But the Regulators also took it upon themselves to deal with robbery, burglary, arson, counterfeiting, and murder.<sup>12</sup> In addition, they alleged that criminals' hiding places contained "a number of lewd women," with "every allurements that men can use for the ruin of your sons, to drag them down into the pit of infamy and shame." The pivotal moment of a months-long campaign was the execution of a thief who had been convicted by a "jury" of hundreds—the crowd that had gathered for his "trial." The Regulators marched their prisoner toward the gallows behind a banner reading "No expense to the County." "[O]n this memorable day he was executed," the group's historian M. H. Mott later wrote, "not by a rabble, not by a noisy mob, not by young men in the heat of passion, but by men who for years have been residents of this and the adjoining counties." After the execution, confessions "became fashionable": "[Those questioned by the Regulators] would turn pale and tremble, so that it was with much difficulty that they could answer questions—so strong were their fears of being hung by the Regulators."<sup>13</sup>

<sup>9</sup>The group was formed in December 1853. Daniel McDonald, *A Twentieth Century History of Marshall County* (Chicago, 1908), online at <http://freepages.genealogy.rootsweb.com/~berta/mcbk1908/1-46.htm>.

<sup>10</sup>M. H. Mott, *History of the Regulators of Northern Indiana* (Indianapolis, 1859), 9-10.

<sup>11</sup>For other examples, see Anthony S. Nicolosi, "The Rise and Fall of the New Jersey Vigilant Societies," *New Jersey History*, 86 (Spring 1968), 29-45; "Hinkletown's [Iowa] Early Law Enforcement," <http://www.hinkletown.com/earlylaw.html>, last viewed February 8, 2006; and "Brush Valley Association for the Detection and Apprehension of Horse Thieves Constitution and Bylaws, 1853-1880," online archival collection, Pennsylvania State University Special Collections Department, <http://www.libraries.psu.edu/speccolls/FindingAids/brushvalley4.html>, last viewed February 8, 2006. The last is the most easily accessible example of a constitution and bylaws for a vigilance society; many (if not most) organizations appear to have had a set of governing rules, and this is a key difference between vigilantes and lynchers.

<sup>12</sup>Mott, *History of the Regulators of Northern Indiana*, 7.

<sup>13</sup>*Ibid.*, 8, 17, 23, 46.

Like many nineteenth-century vigilantes, the Regulators believed that the primary purpose of a criminal justice system was retribution (and thus the deterrence of other criminals), overriding procedural niceties such as appeals or evidentiary standards. Mott justified the Regulators' actions along such lines by invoking a sense of crisis: "the civil laws are totally inadequate to the protection of the property of our citizens against the depredations of the vampires, who curse the earth with their presences, living upon plunder taken from the honest, the industrious, and often the indigent portion of the community." The Regulators further defended their measures by arguing that

the people of this country are the real sovereigns, and that whenever the laws, made by those to whom they have delegated their authority, are found inadequate to their protection, it is the right of the people to take the protection of their property into their own hands, and deal with these villains according to their just deserts.<sup>14</sup>

"[T]he will of the mass is the law of the land" in a democratic society, Mott wrote, "whether it be [expressed] by legislative enactment, or by the spontaneous outburst of indignation against a combined force that are plotting the ruin of the country."<sup>15</sup> This right was enshrined in the Declaration of Independence, he contended, but it was "a right which [a citizen] holds also by the charter given him by the God of the universe."<sup>16</sup> Such ideas were common at the time. William Culberson, a modern historian of vigilantism, summarizes the view: "If people had the right to make their own laws and to elect their own officials, then in pioneer logic it followed that people had the right to change laws or overrule officials." Thus, because "the people" were "the ultimate and only legitimate basis for government," they "possess[ed] the right to reform, alter, or abolish their government at any time" (and also, in the views of many, by any means).<sup>17</sup> Since "there were certain functions

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<sup>14</sup>Ibid., 16.

<sup>15</sup>Ibid., 10.

<sup>16</sup>Ibid., 9.

<sup>17</sup>Culberson, *Vigilantism*, 5; Christian G. Fritz, "Popular Sovereignty, Vigilantism, and the Constitutional Right of Revolution," *Pacific Historical Review*, 63 (February 1994), 39.

[necessary to preserve] public order that the legal authorities would not, could not, or should not be expected to perform," some of the people themselves assumed these functions as vigilantes—and saw their activities "as an act of public spirit as important . . . as the election of upright officials."<sup>18</sup>

Not all private groups that employed violence were vigilance committees. Two relatively well-known groups in Indiana history prove the point. The "white caps" were first recorded in 1887 in Indiana and later spread across the nation. White caps whipped those they accused of being "wife beaters, drunkards, poor providers, immoral couples and individuals, lazy and shiftless men, and petty neighborhood thieves." There are solid grounds for not classing them as vigilantes. They operated wholly in secret, and their members usually wore masks or other disguises—a far cry from the public (if illegal) trial the Regulators had held and the documents, including constitutions, that mainstream vigilance committees made public.<sup>19</sup> Furthermore, government officials condemned the actions of the white caps. After white caps attacked two female students in Dunn Meadow in the heart of Indiana University's campus in April 1903, Governor Winfield Durbin informed the Monroe County sheriff that because there had been "no serious effort . . . to prevent [such lawlessness] or bring punishment to those who have thus inflicted disgrace upon Monroe County and the State of Indiana," he would recommend to the legislature that the university be moved to a safer community unless the situation improved.<sup>20</sup> No such opprobrium attached to the bank vigilantes twenty-five years later.

The Indiana Ku Klux Klan of the 1920s was also not a vigilante society. True, some Klansmen organized under the long-moribund state law that allowed citizens to form associations to catch horse thieves and other criminals (the statute that had sanctioned the Regulators), but their activities were mainly limited to helping the authorities prosecute those who violated Prohibition.<sup>21</sup> Despite the Klan's reputation, the group in the 1920s appears not to have routinely, or even frequently,

<sup>18</sup>Brown, "History of Vigilantism in America," 100.

<sup>19</sup>Ibid., 101, 104.

<sup>20</sup>Thomas D. Clark, *Indiana University: Midwestern Pioneer*, Vol. II: *In Mid-Passage* (Bloomington, Ind., 1973), 31-32.

<sup>21</sup>Leonard J. Moore, *Citizen Klansmen: The Ku Klux Klan in Indiana, 1921-1928* (Chapel Hill, N.C., 1991), 32, 123.

used force against blacks, Jews, Catholics, or others.<sup>22</sup> In his study of the Klan in Noblesville, Allen Safianow concludes that although the Klan's horse-thief detective association held frequent meetings and "targeted bootleggers, gambling establishments, and other moral transgressors," it rarely, if ever, used physical violence against minorities (although one group of "night riders" apparently coerced an Asian immigrant into leaving the area).<sup>23</sup> The Klan hardly needed to resort to such crude tactics. It exercised formidable power by other means: the group helped to elect the governor, a majority of both houses of the General Assembly, most of the state's congressmen, and a host of local officials. At its peak, the Klan's membership in Indiana included hundreds of thousands of men in the KKK proper and tens of thousands more in the Women of the Ku Klux Klan and the Junior Klan (a children's group)—more Hoosiers than belonged to the American Legion or the Methodist church.<sup>24</sup> Most of the Klan's members apparently thought the group was "little different from [the] Rotary or [the] Elks" (although, as Safianow notes of the county in his study, "the Invisible Empire could not have achieved such tremendous support . . . had there not been a strong base of bigotry to draw on").<sup>25</sup> Because the Klan refrained from organized violence and was not principally an anti-crime group, it was not a vigilante society—although it is statistically almost certain that the membership in the Klan and in the bank vigilantes' organizations overlapped to some degree.<sup>26</sup>

Nor is vigilantism synonymous with lynching. Lynch mobs normally lacked a discernible hierarchy, assembled quickly, and dispersed immediately after the lynching. Vigilance committees, on the other hand, were well-organized and lasted for weeks, months, or years. They held public meetings, adopted constitutions and bylaws, and elected officers. They were also less bloodthirsty than lynch mobs. Over the course of a century and a half, all vigilante groups combined probably killed fewer than a thousand people throughout the United States; during the same period,

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<sup>22</sup>James H. Madison, *A Lynching in the Heartland* (New York, 2001), 38.

<sup>23</sup>Allen Safianow, "'You Can't Burn History': Getting Right With the Klan in Noblesville, Indiana," *Indiana Magazine of History*, 100 (June 2004), 124.

<sup>24</sup>Moore, *Citizen Klansmen*, 7.

<sup>25</sup>Madison, *Lynching in the Heartland*, 41; Safianow, "'You Can't Burn History,'" 153.

<sup>26</sup>See especially Safianow's analysis of the class basis of the Klan's Noblesville membership, in particular pp. 137-39, for evidence to back up this intuition.



lynch mobs killed nearly five thousand.<sup>27</sup> In Indiana alone, forty-one whites and eleven African Americans were lynched between 1882 and 1903.<sup>28</sup> In an 1899 article in the *Yale Law Journal*, Theodore Roosevelt's future attorney general, Charles J. Bonaparte, despite deploring "the frequency and impunity of lynchings" as "serious and disquieting," concluded that lynchers intended "not to violate, but to vindicate, the law" and urged measures that would make the legal system more like lynch law.<sup>29</sup> By the 1920s, attitudes in most of the country had turned against lynching, but this disapproval did not stop the practice entirely, as the well-known events of August 1930 in Marion, Indiana, made brutally clear.<sup>30</sup> Nevertheless, in many states, officials who were suspected of cooperating with lynchers—or who were simply in office when a lynching occurred—could face stiff fines or lose their jobs. Vigilantes rarely faced such social or legal reprisals, and vigilantism enjoyed far greater public support and respectability than lynching.

#### CREATION, ORGANIZATION, AND ACTIONS OF THE BANK VIGILANTES

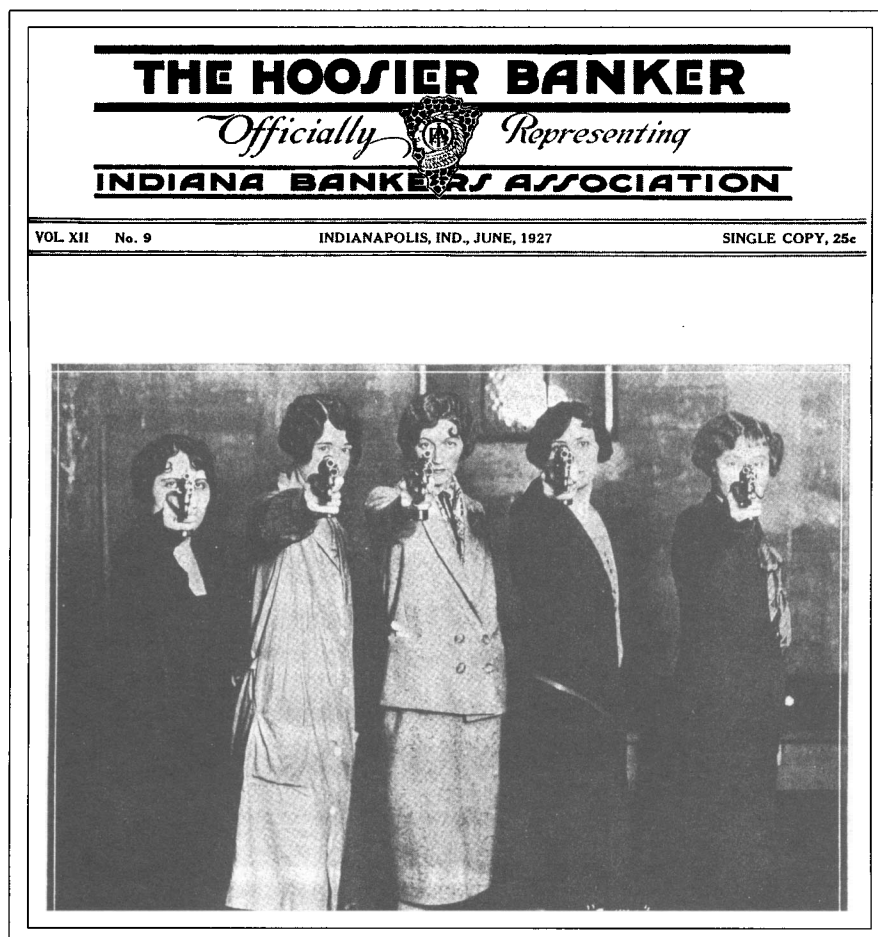
The bank vigilantes of the 1920s and 1930s were superficially similar in some respects to earlier groups such as the Regulators. After all, vigilantes in both centuries employed deadly force with, at most, only the thinnest of legal sanctions. The differences, however, were more significant than their similarities. On the frontier, vigilantes often operated in a legal vacuum and often justified, even celebrated, their deeds as an expression of pure democracy. But the leaders of the vigilante movement in the 1920s and 1930s saw their actions not only as the fulfillment of their civic duty but as a temporary expedient necessitated by the

<sup>27</sup>Brown, "History of Vigilantism in America," 80-81.

<sup>28</sup>James Elbert Cutler, *Lynch-Law: An Investigation into the History of Lynching in the United States* (1905; New York, 1969), 180.

<sup>29</sup>Charles J. Bonaparte, "Lynch Law and Its Remedy," *Yale Law Journal*, 8 (May 1899), 335-36. Compare with Mark Twain's scathing essay "The United States of Lyncherdom," which remained unpublished during his lifetime because of commercial concerns. Available online at "Mark Twain in His Times" website at <http://etext.lib.virginia.edu/railton/enam482e/lyncherdom.html>, last viewed February 8, 2006.

<sup>30</sup>Richard Maxwell Brown, "Legal and Behavioral Perspectives on American Vigilantism," *Perspectives in American History*, eds. Donald Fleming and Bernard Bailyn, vol. 5 (Cambridge, Mass., 1971) 120-21; Madison, *Lynching in the Heartland*.



Five Muncie bank tellers practice their pistol shooting, 1927  
Many Indiana banks armed their male and female employees. These women  
posed for the cover illustration of the state bankers' association journal.

*The Hoosier Banker*, June 1927

government's failure to provide order. And the bank vigilantes operated over far more territory, displayed far more complex activities and organization, and, most important, took up arms more grudgingly than had their predecessors. Indeed, the vigilantes' sponsors and organizers sought to shift the burden of providing public order to the state government, and the groups disbanded after the state set up a modern police force.

During the 1920s, the incidence of crimes that most concerned bankers, such as forgeries, burglaries, and holdups, more than doubled in Indiana.<sup>31</sup> This increase in bank crime paralleled a general increase in lawbreaking. By 1930, the average daily population of state penal and correctional institutions was 6,499, an increase from 4,823 in 1925 and 2,930 in 1920. Indiana sent about 8,600 men, women, and children to its jails and correctional institutions in 1930, compared with 2,153 in 1920.<sup>32</sup> The 121.8 percent increase in the average population of the state's jails and prisons and the 299.4 percent increase in the number of commitments between 1920 and 1930 far outpaced the 11.2 percent increase in Indiana's population over the same period. Banks were frequent targets of criminals, not least because there were large numbers of them, especially in outlying areas, before the onset of the Great Depression (and particularly before the Bank Holiday in 1933).

The number of state-chartered banks (shown as "state banks" in the table on the following page) rose from 1916 to 1924, a situation contemporaneous observers attributed to lax regulation and speculation.<sup>33</sup> These banks, often small and located in rural areas, were easy pickings for robbers and were guaranteed to have cash on hand.

Indiana's decrepit law enforcement agencies were unable to cope with the surge in crime. Law enforcement was then the responsibility of municipal police forces, county sheriffs, and township constables. One obstacle they all faced was the weak rural economy. Farm prices had

<sup>31</sup>Wells, "Notes for Speech for General Assembly of Bankers."

<sup>32</sup>*Report of Indiana Committee on Observance and Enforcement of Law, January 5, 1931* ([Indianapolis?], 1931), 14; henceforth *Report of ICOEL*.

<sup>33</sup>Study Commission for Indiana Financial Institutions, *Report of Study Commission for Indiana Financial Institutions* (Indianapolis, 1932), 87-89. For later, more sophisticated, and somewhat contrary views, see Elmus Wicker, *The Banking Panics of the Great Depression* (New York, 1996); Edward E. Edwards and Gerald C. Fischer, *Banking Structure in Indiana With Recommendations for Change* (Bloomington, Ind., 1968), 3.

**Number of Banks in Indiana, 1916-36<sup>34</sup>**  
As of June 30 for each year

	State Banks	National Banks	Total
1916	752	256	1008
1917	766	255	1021
1918	778	257	1035
1919	788	253	1041
1920	810	254	1064
1921	836	252	1088
1922	846	251	1097
1923	859	251	1110
1924	860	248	1108
1925	851	246	1097
1926	844	240	1084
1927	832	233	1065
1928	801	227	1028
1929	762	224	986
1930	705	210	915
1931	625	187	812
1932	534	161	695
1933	498	104	602
1934	400	120	520
1935	428	125	553
1936	417	125	542

plummeted by forty percent in 1920–1921, and they never returned to wartime levels.<sup>35</sup> Already saddled with debt, many farmers went bankrupt, causing local tax revenues to fall and hobbling local police agencies' ability to equip their officers adequately. As one official reported in 1929, "It is impossible to take an automobile that will run sixty miles an hour and expect to catch a crook in a car that runs seventy-five or eighty miles an hour. It is equally impossible for an officer to take a 38-caliber

<sup>34</sup>Figures from Indiana Bankers Association, *Report of the Research Committee*, 1937 ([Indianapolis], 1937), 31.

<sup>35</sup>Elmus Wicker, *The Banking Panics of the Great Depression* (New York, 1996), 3.

pistol and fight a gang of gunmen with a machine gun.”<sup>36</sup> But local law enforcement also failed because so many men were manifestly unsuited for their jobs. A study of Indiana law enforcement officials in 1934 found that only one-third had educations beyond the eighth grade and that only five percent had attended college.<sup>37</sup> Most policemen and sheriff’s deputies entered law enforcement between the ages of twenty-seven and forty, after working in industry.<sup>38</sup> Even beat officers were more experienced than sheriffs, not one of whom, according to a 1935 state report, had previous law enforcement experience, and all of whom had held their positions for an average of only three years.<sup>39</sup>

Law enforcement officials did not become more fit for their jobs the longer they stayed on the force. An investigation by a state committee found that city police agencies frequently hired officers not because of their ability or experience but rather because of their political connections. Such hiring practices bred insecurity among officers, sixty percent of whom believed they would lose their job if a different political party took office.<sup>40</sup> The committee also hinted at corruption in many municipal agencies: “[I]n many instances, [officers] are selected not to apprehend all criminals, but to prevent the apprehension of certain classes or groups.” Sheriffs and their deputies, the committee concluded, were hardly in better shape: “Few, if any, sheriffs have created a force out of their deputies that bear the slightest resemblance to a modern police force.”<sup>41</sup> Despite officers’ inexperience and lack of formal education, few agencies trained their officers after hiring them. As a state commission wrote in 1935, “It seems that, contrary to the practice with reference to other vocations and professions where a disciplinary training period is required, the police[’s] knowledge and ability are supposed, like Topsy, to ‘just grow.’”<sup>42</sup> In fact, a majority of all officers surveyed, from town

<sup>36</sup>*Indiana Yearbook 1928* (Indianapolis, 1929), 31.

<sup>37</sup>James H. Madison, *Indiana Through Tradition and Change* (Indianapolis, 1982), 329; “Report on Police Organization,” *Report of the Indiana State Committee on Governmental Economy* (Indianapolis, 1935), 416.

<sup>38</sup>*Report of the Indiana State Committee on Governmental Economy*, 416.

<sup>39</sup>*Ibid.*, 390.

<sup>40</sup>*Ibid.*, 387.

<sup>41</sup>Quoting a 1928 report of the Committee on Delinquency of the Indiana State Conference of Social Work, in *Report of ICOEL*, 17.

<sup>42</sup>*Report of the Indiana State Committee on Governmental Economy*, 416.

marshals to state policemen, opposed giving civil service protection to law enforcement officers.<sup>43</sup> Many officers likely feared that merit-based hiring would cost them their jobs.

Focusing on the shortcomings of local law enforcement, however, overlooks the state government's failure to adapt to the challenges posed by criminals' adoption of new technologies. The structure of law enforcement agencies had been designed when the horse was the fastest mode of transportation, but the automobile gave criminals the ability to commit a crime in Evansville in the morning and by nightfall be in South Bend—or Tennessee, Missouri, or Pennsylvania. The lack of an effective statewide law enforcement agency compounded the difficulties. Although the officers of the State Motor Vehicle Police (created by the General Assembly in 1921) patrolled the entire state, their authority was limited to apprehending automobile thieves. The legislature expanded the motor vehicle police's jurisdiction slightly in 1925, but officers still could not arrest a known criminal unless he violated traffic regulations.<sup>44</sup> The force's equipment and training were as minimal as its authority. An official history of the Indiana State Police records that “[w]orn out cars and dilapidated motorcycles were the only patrol vehicles.” Since there was no statewide police radio, officers had to telephone headquarters at thirty-minute intervals.<sup>45</sup> Most important, for most of the decade the force had only sixteen officers.<sup>46</sup>

Believing the government unable to protect them, many bankers decided to protect themselves. One contemporary observer of rural law enforcement wrote that

smaller banks [have assumed] the appearance of fortifications. To the traditional vaults, alarms, and time locks were added armor plate, bullet proof glass, rifles and shotguns. The tellers and officers of these banks have become accustomed to carrying revolvers and automatic pistols on their persons.<sup>47</sup>

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<sup>43</sup>Ibid., 389.

<sup>44</sup>*Indiana State Police Annual Report 1945*, 9.

<sup>45</sup>*Indiana State Police* (n.p., 1976), 6.

<sup>46</sup>*Indiana State Police Annual Report 1945*, 9.

<sup>47</sup>Bruce Smith, “Rural Police Protection,” *Illinois Crime Survey 1929* (Chicago, 1930), 342.

In a typical announcement, the *Hoosier Banker* reported that “[t]he Delaware County National Bank of Muncie has just completed the installation of a parapet or rampart on the mezzanine floor overlooking its lobby and dares a bank bandit to attempt a holdup.”<sup>48</sup> Five years earlier, the St. Joseph Valley Bank in Elkhart had installed a “bullet-proof boiler plate ‘pill-box’” with “thick steel plates three and a half feet high” overlooking its lobby, from which “a man could sit with safety and fire upon bandits.” The cashier explained that the bank’s three bookkeepers were “thoroughly schooled in rifles and revolver fire” and, in the event of a holdup, “would be able to take care of the situation.”<sup>49</sup>

Concerned by the inability of existing government institutions to fight crime, the IBA lobbied the General Assembly to fund an effective state police. In states with such forces, the *Hoosier Banker* argued, “bankers have learned that the semi-military highly trained state trooper ‘untouched by politics, owing allegiance only to the state, its laws and the people who stand behind these laws,’ is the most effective agency for order and law enforcement.”<sup>50</sup> In 1931, the Indiana Committee on Observance and Enforcement of Law (a group appointed by Governor Harry Leslie which included the IBA’s then-president) also urged the creation of a state police force.<sup>51</sup> Observers looked to agencies in states such as Pennsylvania, Michigan, and Massachusetts as models, and praised the emphasis these forces placed on professionalism. Recruits for Pennsylvania’s state police, for instance, had to be young and physically fit and undergo extensive training once hired. Their pay matched their qualifications: a sergeant in the Pennsylvania force earned as much as the average Indiana sheriff.<sup>52</sup>

The IBA’s lobbying for a state police force made little headway for years. The association was more successful in other efforts, such as persuading the legislature to create the Bureau of Criminal Identification and Investigation in 1927. The *Hoosier Banker* editorialized that the bureau’s establishment took Indiana “out of the class of states still using horse-and-buggy methods of catching motorized criminals.”<sup>53</sup> The new

<sup>48</sup>“Installs Protection,” *Hoosier Banker*, 17 (July 1932), 17.

<sup>49</sup>“Armored Pill Box Guards Bank From Bandits,” *Hoosier Banker*, 12 (March 1927), 16.

<sup>50</sup>James E. Baum, “Crimes Against Banks Mounting Rapidly,” *Hoosier Banker*, 16 (May 1931), 6.

<sup>51</sup>*Report of ICOEL*, 17, 37-41.

<sup>52</sup>*Report of the Indiana State Committee on Governmental Economy*, 404, 405, 390.

<sup>53</sup>“State Crime Bureau,” *Hoosier Banker*, 12 (April 1927), 14.

agency assisted in investigations in areas where local agencies lacked the resources to probe crimes independently, but its focus was on categorizing, filing, and distributing fingerprint records, thus giving a sheriff in Noble County, for instance, the ability to identify a criminal last seen in New Albany. Fingerprinting, which had only recently superseded the Bertillion system of identifying criminals by measurements of their body parts, also allowed the bureau to coordinate its work with the law enforcement agencies of other states and of the federal government.<sup>54</sup> In the same legislative session (the IBA's "most successful" ever, the *Hoosier Banker* wrote), the General Assembly made it a felony for a convicted felon to possess burglary tools with intent to commit a crime, and also declared burglary with explosives, electricity, or gas a felony crime. Perhaps most important, the IBA satisfied the "universal demand of bankers for drastic penalties for bank banditry" by securing the passage of a bill providing for a minimum term of ten years for bank robbery—and a maximum term of life.<sup>55</sup>

But the centerpiece of the IBA's anti-banditry efforts was its vigilante program. Indiana was not the only—or the first—state to boast a statewide organization. A scholar at Columbia University noted at the time that "the disturbing rise in attacks upon rural banks, a striking feature of our crime record during the last decade, has been attended by a revival of protective groups."<sup>56</sup> He attributed private citizens' efforts to "defend their lives and their property from attack" to the ineptitude of sheriffs and township constables, whom he called "ancient institutions tottering towards oblivion."<sup>57</sup> The earliest such organization emerged in Iowa, where the state bankers' association had organized 3,800 trained vigilantes in 1923. In the first half of that year, there were no bank robberies in Iowa—a record that attracted the attention of bankers nationwide.<sup>58</sup> The IBA's interest in the new method of organization was doubtless further piqued after 1924, when the latest statistics revealed that two-thirds of the nation's bank robberies were committed in only

<sup>54</sup>"Crime Bureau Makes Admirable Record for Year," *Hoosier Banker*, 15 (August 1930), 7.

<sup>55</sup>C. S. Buschmann, "Acts Passed by the 1927 Legislature," *Hoosier Banker*, 12 (March 1927), 6-7.

<sup>56</sup>Bruce Smith, *Rural Crime Control* (New York, 1933), 100.

<sup>57</sup>Bruce Smith, "Rural Police Protection," *The Illinois Crime Survey 1929*, eds. John Henry Wigmore and Arthur V. Lashly (Chicago, 1930), 342; Smith, *Rural Crime Control*, 51.

<sup>58</sup>"Vigilantes of Iowa Oust Bank Bandits," *The Washington Post*, August 17, 1923, p. 19.



eight states: California, Illinois, Indiana, Kansas, Michigan, Missouri, Oklahoma, and Texas. In 1924 alone, thirty-two Indiana banks were held up, suffering losses of nearly seventy thousand dollars.<sup>59</sup> In response, the IBA launched its own vigilante program in 1925, as did bankers in Illinois, Kansas, and Oklahoma.<sup>60</sup> At the IBA's summer convention in Indianapolis that year, the group's members pledged to organize vigilance committees in every county, with a goal of mustering 4,000 to 5,000 men statewide, and they immediately requested "twelve volunteers from every Indiana National Guard unit." The IBA's decision came on the same day as the robbery of Indianapolis's Sixteenth Street State Bank, the second daylight robbery in that city in a fortnight and the thirtieth bank robbery in the state within several weeks.<sup>61</sup> By May 1926, sixty-two Indiana counties had vigilance committees.<sup>62</sup>

The IBA recognized only those vigilance committees that had been set up by the county banking association and whose members had been deputized by the county sheriff.<sup>63</sup> The sheriff or another local law enforcement official frequently led the groups.<sup>64</sup> (In Dearborn, Switzerland, and Ohio counties, the State Motor Police helped organize committees.)<sup>65</sup> IBA member banks funded the organizations, and one source mentions that bankers' associations provided the sheriff with "a liability insurance policy to indemnify the sheriff against loss due to the acts of such deputy."<sup>66</sup> The groups were well armed. LaPorte County's vigilantes each received a .45 caliber revolver from their county's bankers' association to supplement the rifles and sawed-off shotguns that many of them already owned. The Parke County banks bought a

<sup>59</sup>"Bank Hold-Ups Cut Down," *New York Times*, May 26, 1926, p. 14.

<sup>60</sup>"Vigilante Methods Reduce Bank Crime," *New York Times*, May 5, 1926, p. 41.

<sup>61</sup>"Indiana to Arm Vigilantes and Use Militia In War on Bank Robbers and Desperadoes," *New York Times*, June 12, 1925, p. 1.

<sup>62</sup>*New York Times*, May 26, 1926, p. 14.

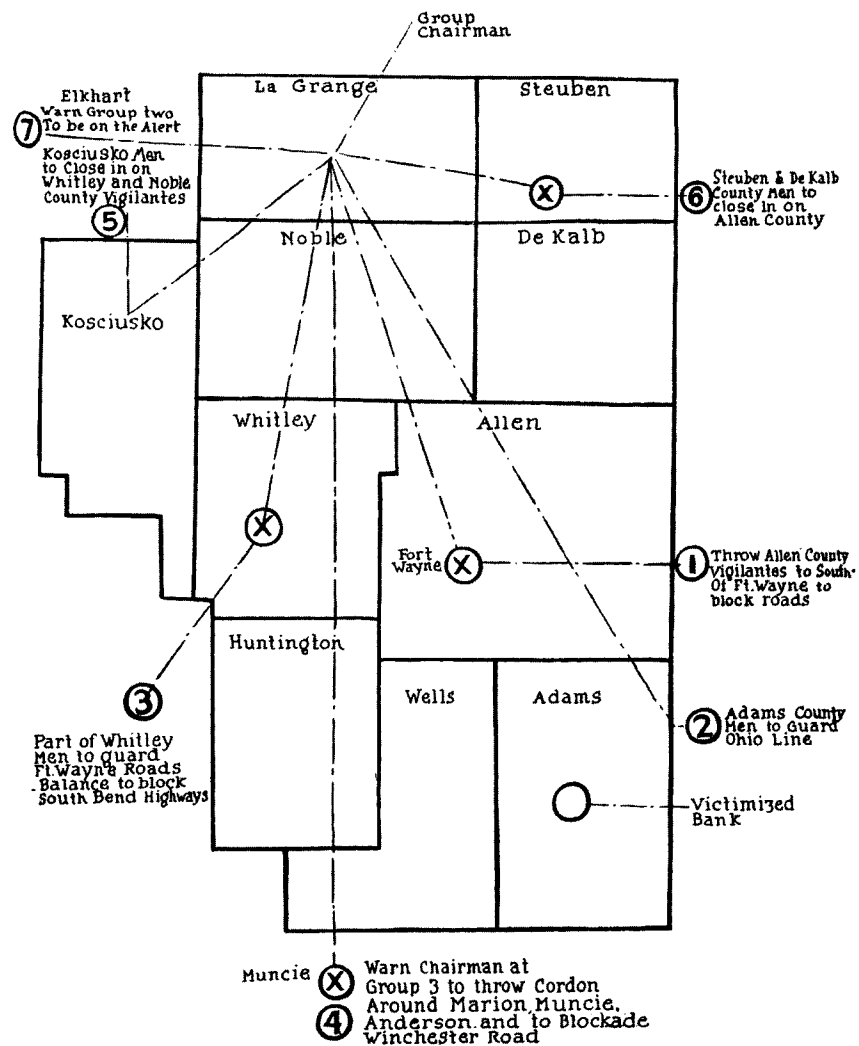
<sup>63</sup>"Vigilantes Sixth Annual State Shoot," *Hoosier Banker*, 16 (August 1931), 8; Smith, *Rural Crime Control*, 111.

<sup>64</sup>"Vigilantes in Jasper County Reorganized," *Hoosier Banker*, 17 (December 1931), 7. The article indicates that some vigilantes may have done more than pursue bank robbers, noting that the Jasper County group "will also keep an eye open for chicken thieves and other types of local law breakers."

<sup>65</sup>"Will Save Lives and Money in Southeastern Indiana," *Hoosier Banker*, 17 (January 1932), 13.

<sup>66</sup>Smith, *Rural Crime Control*, 111. Smith also notes that "The plan of organization [of the vigilantes] is everywhere the same."

# **TYPICAL GROUP SYSTEM OF SPREADING THE ALARM— USING GROUP ONE AS AN EXAMPLE**



A diagram of how one group of Indiana counties "spread the alarm"

Within moments of a bank robbery, bank employees could use the telephone to inform police, sheriffs, and vigilantes in a multi-county area.

*The Hoosier Banker, May 1927*

Thompson sub-machine gun for protective work and announced that the sheriff, his deputy, and “several members of the vigilance committee” would be taught how to use it.<sup>67</sup> The Clinton County association purchased an airplane with a machine gun, flares, and spotlights in order to chase robbers by day or night.<sup>68</sup> To improve vigilantes’ accuracy, the IBA sponsored a series of annual marksmanship competitions at Fort Benjamin Harrison beginning in June 1926.<sup>69</sup>

In theory, following the report of a bank robbery, vigilante units in several counties would set up roadblocks and pursue the bandits once sighted. Communications were crucial: although criminals might be able to outrace sheriffs’ deputies, they could not outrun the telephone. When the plan worked, it brought impressive results. After a robbery in the hamlet of Mount Summit, some vigilantes trailed the bandits while others telephoned neighboring cities with the news, alerting the sheriff in New Castle, the county seat, before the criminals had left town. Within hours of the robbery, the robbers had been captured, had confessed, and had been sentenced to twenty-five years in jail. (Ironically, the cashier of the Mount Summit State Bank was the chairman of the IBA’s statewide protective organization.)<sup>70</sup> In December 1930, Hazel Haase, the chief telephone operator in Clinton, in Vermillion County, coordinated vigilantes and police officers as they chased criminals who had robbed the Citizens’ Bank. During the pursuit, the robbers killed a deputy sheriff with machine-gun fire. After cornering the bandits in a farm in nearby Sidell, Illinois, the posse “began the final gun battle with the robbers,” killing three and recovering \$15,000. The three men’s bodies were “hauled from Sidell . . . to the county poor farm and placed in the paupers’ ditch,” the *Hoosier Banker* later reported.<sup>71</sup> The magazine credited the successful outcome to Haase’s “energetic, cool-headed use of the telephone.”<sup>72</sup>

<sup>67</sup>“LaPorte County Vigilantes to Meet More Frequently,” *Hoosier Banker*, 17 (December 1931), 15; “Parke County Banks Buy Sub-Machine Gun,” *Hoosier Banker*, 18 (December 1932), 15.

<sup>68</sup>*Hoosier Banker*, 12 (April 1927), 14.

<sup>69</sup>*New York Times*, May 26, 1926, p. 14.

<sup>70</sup>“Vigilante Protection Proves Its Effectiveness,” *Hoosier Banker*, 17 (January 1932), 4.

<sup>71</sup>“Clinton Bandits, Killed by Posse, Buried in the Pauper’s Ditch,” *Hoosier Banker*, 16 (1931), 10.

<sup>72</sup>“The Telephone Plays Important Role in Banditry Capture,” *Hoosier Banker*, 16 (January 1931), 12.

As such incidents demonstrate, bank robberies and vigilantes' raids were violent. After a robbery in Dunkirk, fifty miles south of Fort Wayne, a "counter-attack on bandits resulted in swift death for one of four robbers of the First State Bank . . . and immediate capture of the three others. Confessions and recovery of the entire loot were other quick developments of the Dunkirk raid."<sup>73</sup> During the November 1928 holdup of the Sulphur Springs State Bank in Henry County in central Indiana, robbers told the bank's cashier to stand up and put his hands in the air; when the cashier, who was crippled, reached for his crutches, the criminals panicked and shot him in the neck.<sup>74</sup> In the summer of 1929, bank vigilantes from Etna Green in Kosciusko County in northwest Indiana captured a group of criminals—after the robbers had shot Warsaw's chief of police.<sup>75</sup> Bank heists in December 1930 in Etna Green and Burket led to the brief kidnapping of a 79-year-old postman, the fatal wounding of a bandit, the shooting of a bank employee, and the eventual capture of all of the robbers.<sup>76</sup> And in October 1931, four unmasked men robbed the Citizens' State Bank in the town of Hartford City in northwest Indiana's Blackford County, taking \$8,000 and, for fifteen minutes, the town's mayor.<sup>77</sup>

The IBA believed that vigilantes produced results. In October 1926, IBA secretary Forba McDaniel reported that the number of bank holdups had fallen by 79 percent since 1925, a success she attributed to the organization's "statewide Protective Plan" (as the vigilante program was sometimes called).<sup>78</sup> By the end of the decade, most Indiana counties had organized vigilante groups, and the number of crimes against banks was falling. When Herman B Wells, later president of Indiana University but first a prominent figure in the state's banking industry, became the IBA's field secretary in 1928, his responsibilities included organizing vigilante groups. In an undated speech, probably delivered in the year the

<sup>73</sup>*Hoosier Banker*, 17 (January 1932), 3.

<sup>74</sup>"Crippled Bank Cashier Shot By Bandits," *Hoosier Banker*, 14 (December 1928), 12, reprinted from *Indianapolis Star*, November 18, 1928, p. 1.

<sup>75</sup>"Kosciusko County Vigilantes Aid in Capture of Bandits," *Hoosier Banker*, 14 (July 1929), 11.

<sup>76</sup>"Vigilante Trio Get Their Men," *Los Angeles Times*, December 21, 1930, p. 5.

<sup>77</sup>"Mayor Abducted By Bank Robbers At Indiana Town," *Chicago Daily Tribune*, October 3, 1931, p. 10.

<sup>78</sup>"Secretary's Report for the Year Shows Accomplishments of Association," *Hoosier Banker*, 12 (October 1926), 13.

association hired him, Wells described the vigilantes' success to the association, concluding that "banks unprotected by vigilantes are about twice as likely to be held up as are those that are so protected." He reported that 40 percent of the holdups in 1927 had taken place in the 25 percent of counties in Indiana that lacked a vigilance committee. Nevertheless, the IBA was dissatisfied:

All of this progress in combating crime has been made at the expense of the banks in the state. In other words, although the state government assures us complete protection and an orderly society in which to do business—citizens of the commonwealth, it has not heretofore delivered. We have footed the bill ourselves and that obviously is not right.<sup>79</sup>

The association's desire to trim its expenses fueled its lobbying for the creation of a state police force. So did the fact (which grew even more apparent as the years brought more bank heists) that vigilantes, expensive and far-reaching as their activities were, could not solve the crime problem by themselves.

Other states' experience with bank robbers and vigilantes mirrored Indiana's. Bankers in Minnesota, for instance,

looked with alarm on both the rising tide of daylight robberies and the rising cost of their insurance. In 1925 members of the Minnesota Bankers Association (MBA), convinced that governmental law-enforcement authorities could not help them, took matters into their own hands. The MBA proposed that its members form groups of "county rangers," who would be deputized by county sheriffs for the sole purpose of protecting banks. . . .<sup>80</sup>

In March 1925, the Illinois Bankers' Association began organizing its "town guards"; at the same time, the organization announced its plans to start a lobbying campaign to tighten the laws against bank robbery. Like

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<sup>79</sup>Wells, "Notes for Speech."

<sup>80</sup>Claudia J. Nicholson, "Bankers with Shotguns and Other Minnesota Banking Stories," *Minnesota History*, 57 (Winter 2000-2001), 194.

the IBA, the Illinois association cited the Iowa bank vigilantes as an inspiration.<sup>81</sup> By May, 100 of Illinois' 102 counties had organized town guards (the two laggards were to be organized within two weeks), and the state group had furnished vigilantes with guns, ammunition, holsters, and National Rifle Association memberships, at a cost of \$250,000.<sup>82</sup> By 1933, Illinois, Indiana, Iowa, and Kansas had organized vigilance committees in 50 to 90 percent of their counties.<sup>83</sup>

There were some attempts at cooperation among the various state-level associations. In October 1930, the bankers' associations of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North and South Dakota, and Wisconsin began to coordinate some activities through the Interstate Bank Insurance and Protective Committee. All of the states involved had vigilante organizations; all faced a severe crime problem; and all had seen steep increases in their insurance rates that year. Representatives of the different state organizations proposed harmonizing bank robbery laws, setting up rewards for convictions of criminals engaged in bank crimes, establishing statewide police radio broadcasts, improving federal, state, and local fingerprinting bureaus, beginning training programs for local law enforcement officials and vigilantes, and lobbying for higher salaries for police officers and sheriffs. Committee members also discussed whether to lobby for bills that would legalize killing criminals who were caught in the act of robbing banks.<sup>84</sup> Besides these loose bonds, and others such as the American Bank Association's protective department, however, anti-crime efforts were largely a state-level affair.

## VIGILANTISM AND ITS DISCONTENTS

Not all bankers participated in or supported vigilantism. An editorial in the September 1927 *Hoosier Banker* reproved Marion County for its lack of a vigilance committee, calling it the cause of two daylight robberies in the county one month earlier. "Repeatedly has the office of the

<sup>81</sup>"Start War to Finish Against Bank Robbers," *Chicago Daily Tribune*, March 16, 1925, p. 4.

<sup>82</sup>"Bankers Organize Town Guards," *Chicago Daily Tribune*, May 28, 1925, p. 8.

<sup>83</sup>Smith, *Rural Crime Control*, 111. Smith also notes that the ratio of organized to unorganized counties in Michigan and Wisconsin was "materially smaller."

<sup>84</sup>"The Work and Purposes of the 'Interstate Bank Insurance and Protective Committee,'" *Hoosier Banker*, 16 (March 1931), 8.

Indiana Bankers Association warned, urged, and entreated its member banks" to take steps to protect themselves, the magazine's editorial writer admonished. The county's unpreparedness was encouraging "other gangs who may decide to start out on a bank campaign." Many bankers failed to take even passive measures. In late 1931, the *Hoosier Banker* reprinted an article from the *Arkansas Banker* beseeching bankers to protect themselves:

Is it not the right time to ask bankers whether they cannot do something to protect themselves and their employees and communities against holdups, and the killing and maiming that follows the average attack? Bandits can bring guns and gas and they can surprise everyone in the bank, and therefore the usual practice now is to let them take what they want and collect the insurance.<sup>85</sup>

A year earlier, the superintendent of Indiana's Bureau of Criminal Identification and Investigation had related to the magazine that one victim of a bank robbery had told him, "I have been paid my insurance money and I am not out a cent, and I don't believe in sending this young man to the penitentiary for from ten years to life."<sup>86</sup> Two years later, an article hinted that many bankers' ideas had not changed: "'With insurance . . . protection seems more economical than modern mechanical equipment or strict adherence to preventive measures . . . the protective program in thousands of banks is limited to indemnity, rather than prevention of loss.'<sup>87</sup>

To counter such attitudes, bankers' magazines and the mainstream print media argued that vigilantism was necessary. The clear corollary was that those who refused to take part were leaving themselves and their fellow citizens in jeopardy. The *Hoosier Banker's* editorial writer (probably McDaniel) told readers that "WE MUST HAVE THE CO-OPERATION OF OUR BANKS" in "TAKING EVERY POSSIBLE PRECAUTION AGAINST THE SUCCESSFUL PERPETRATION OF ANOTHER HOLD-UP."<sup>88</sup> The *Washington Post* urged urban areas to

<sup>85</sup>"The Hold-Ups of Banks Increased 50% This Year," *Hoosier Banker*, 17 (December 1931), 19.

<sup>86</sup>"Crime Bureau Chief Advises Bankers," *Hoosier Banker*, 16 (October 1930), 20.

<sup>87</sup>"Mounting Cost of Bank Insurance," *Hoosier Banker*, 17 (June 1932), 48.

<sup>88</sup>"Indianapolis Bank Held Up," *Hoosier Banker*, 12 (September 1927), 18.



Scenes from the 1927 statewide vigilantes' shooting competition  
 The Indiana Bank Association sponsored yearly competitions  
 to improve vigilantes' shooting ability.

*The Hoosier Banker, July 1927*



adopt vigilante organizations, asserting that “vigilante associations have proved to be one of the most effective means ever devised with which to combat crime in sparsely settled regions. . . . It is a primitive method of enforcing the law, but conditions being what they are today, it is justified.”<sup>89</sup> All writers agreed that vigilantism was a necessity, not a choice, and that it would be better for the government to take over the role if possible. A passage from the *Indianapolis News* in 1927 was typical:

[Bankers] felt forced, as a matter of self-protection, to organize their employees as a private defense force, to give instruction in marksmanship and to organize for the pursuit, apprehension, and prosecution of bank bandits. It is noteworthy that nearly all the bank bandit gangs operating outside the larger cities in Indiana during the last ten years have been broken up by private organizations employed by the bankers. Public peace officers have failed to protect towns and smaller cities from the depredations of roving gangs.<sup>90</sup>

In 1925, an editorial in the *Chicago Daily Tribune* deplored the state of American society: “America once more is on the frontier. On the frontier there is no law. Instead . . . the law is a primitive thing left to vigilantes and six shooters. . . . The ordinary course of law enforcement has broken down.”<sup>91</sup> The next year, a *Tribune* editorial praised the organization of a vigilante group in Wisconsin but warned that such a group, although justified by circumstances, was nonetheless a disturbing sign: “It ought not to be necessary in a civilized community for any citizen or group of citizens to arm for the protection of life or property. That is the business, the very first business, of civil government.”<sup>92</sup> Indiana’s state crime bureau superintendent was more pragmatic when giving vigilante violence his official blessing in a *Hoosier Banker* interview:

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<sup>89</sup>“Vigilance Committees,” *The Washington Post*, November 4, 1927, 6.

<sup>90</sup>Undated and untitled article from *Indianapolis News* reprinted in *Hoosier Banker* as “State Crime Bureau,” 12 (April 1927), 14.

<sup>91</sup>“Dead or Alive, Preferably Dead,” *Chicago Daily Tribune*, November 27, 1925, p. 8.

<sup>92</sup>“Self-Defense and Politics in Wisconsin,” *Chicago Daily Tribune*, July 31, 1926, p. 4.

"About a month ago, there was a bank robbed in Indiana. The citizens got out in a posse and started after those bank robbers and chased them for quite a while. There was a man in that bunch . . . who was carrying a 30-30 rifle, and he said, 'Well, I have chased those fellows about as far as I am going to chase them.' This man was rather an elderly man, and he up with his rifle and with the first crack one of those bandits dropped, and his partner gave himself up. Now, that is the way things ought to be done."<sup>93</sup>

Complicating the debate was the fact that some criminals achieved not just notoriety but a measure of fame that one historian refers to as "Dillinger mania."<sup>94</sup> Fascination with criminals and criminality was hardly new; as Eric Hobsbawm writes, bandits have often been considered "fighters for justice, perhaps even leaders of liberation," and he notes that although modern criminals are rarely seen as admirable, bank robbers in the 1930s in the United States, such as Bonnie and Clyde, were "historical throwbacks."<sup>95</sup> Interestingly, Hobsbawm also observes that the "ideal situation for robbery is one in which the local authorities are local men . . . and where a few miles may put the robber beyond the reach or even the knowledge of one set of authorities and into the territory of another, which does not worry about what happens 'abroad'"—a perfect description of Indiana's parochial law enforcement structure in the 1920s and early 1930s.<sup>96</sup>

The fact that, for a time, bank robbers could become admirable figures also reveals something about public attitudes towards the bandits' targets. In a time of economic depression, such as the 1920s in the rural Midwest, bankers were hardly popular figures; not only did they inspire envy because of their association with money, but they were also the agents of the financial system responsible for such tasks as foreclosing on family farms. Bank robbers struck at an institution that drew mixed feelings, at best, from the general public. And if most of those who were

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<sup>93</sup>*Hoosier Banker*, 16 (October 1930), 21.

<sup>94</sup>Bryan Burrough describes the phenomenon well in his *Public Enemies: America's Greatest Crime Wave and the Birth of the FBI, 1933-34* (New York, 2004); Burrough, *Booknotes* (transcript), September 19, 2004, <http://booknotes.org/Transcript/?ProgramID=1798>.

<sup>95</sup>Eric Hobsbawm, *Bandits* (London, 1969), 13, 83.

<sup>96</sup>*Ibid.*, 17.

directly affected by bank robberies or other violent crimes detested the bandits, others could entertain a sort of admiration for them; as Hobsbawm writes, bandits “are heroes not in spite of the fear and horror their actions inspire, but in some ways because of them. They are not so much men who right wrongs, but avengers, and exerters of power; their appeal is not that of the agents of justice, but of men who prove that even the poor and weak can be terrible.”<sup>97</sup> The appeal of Dillinger and other 1930s bank criminals suggests the lingering power of the *idea* of banditry.

It is also interesting to speculate as to whether that myth of banditry allowed the vigilantes to see themselves as mythic figures. The public comments of the vigilantes and their supporters did not seem to reflect the idea that vigilantism was “an act of public spirit” that was performed selflessly. Yet vigilantes, bankers, and media supporters alike appeared to share the conceit that vigilantism was at once a burden and an opportunity to settle a serious problem in a relatively simple and direct way. Public opinion about the causes of the crime wave of the 1920s and 1930s appears to have been equally straightforward, allowing vigilantes to portray themselves as heroes confronting thugs and to condemn those who did not take up arms. As vigilantes, common men and women could also be “exerters of power”; even more appealingly, their exertions enjoyed the sanction of local law enforcement and the social elite.

Noticeably absent from the rhetoric of bankers, vigilantes, police, and sheriffs alike were considerations of rights and due process, which take center stage in criminal justice debates today. These issues were of minor, and in most cases no, importance, even to professional lawmen of the time. As one Buffalo police official told a reporter, “My oath of office requires me to protect this community. If I have to violate that oath of office or violate the Constitution, I’ll violate the Constitution.”<sup>98</sup> Both law enforcement officials and the general public subscribed to a paradigm which Herbert Packer termed the Crime Control Model, which held that the criminal justice system

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<sup>97</sup>Ibid., 50.

<sup>98</sup>Ernest Jerome Hopkins, *Our Lawless Police: A Study of the Unlawful Enforcement of the Law* (New York, 1931), 47.

must produce a high rate of apprehension and conviction and must do so in a context where the magnitudes being dealt with are very large, and the resources for dealing with them are very limited. There must then be a premium on speed and finality. Speed, in turn, depends on informality and on uniformity; finality depends on minimizing the occasions for challenge. The process must not be cluttered with ceremonious rituals that do not advance the progress of a case. Facts can be established more quickly through interrogation in a police station than through the formal process of examination and cross-examination in a court; it follows that extrajudicial processes should be preferred to judicial processes, informal to formal operations.<sup>99</sup>

Such a system presumes that a suspect, once apprehended, is guilty. The premises of this model mirror the Regulators' justifications of their actions and the media's praise of the bank vigilantes. Today, Packer argues, far more people subscribe to the Due Process Model, which postulates that the presumption of innocence is more than just a formality in the investigation and prosecution of suspected criminals. In other words, what would today seem to be the natural grounds for opposing vigilantism were not a major factor in the debate of the 1920s and 1930s; those who did not join a vigilante group out of principle were probably not acting out of concern about possible violations of criminals' rights.

If there was no broad public outpouring of support for the vigilantes (and the size of the committees' membership, although numbering in the thousands in each of several states, including Indiana, was not massive), there was also no broad public rejection of their goals or means, which suggests that the vast bulk of the public acquiesced in the vigilantes' activities. That is significant. Although willing to tolerate the exercise of extralegal violence when sanctioned by the state, Americans displayed a "sudden preoccupation with the distinction between legitimate and illegitimate political coercion" during and after World War I, laying the groundwork for what historian Christopher Capozzola terms "the legal and political dismantling of vigilantism in the twentieth century." Thus, "[g]overnment officials who denounced lawless

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<sup>99</sup>Herbert L. Packer, "Two Models of the Criminal Process," *University of Pennsylvania Law Review*, 113 (November 1964), 10.



"Safety First" in La Paz, Indiana, 1933

Banks instituted many safety measures including, in some towns, the low-tech option of locking the entrance.

*The Hoosier Banker*, September 1933

vigilantism"—the doings of "violent, spontaneous, and extralegal" groups—"also praised vigilance organizations' policing," insisting that "only uncontrolled physical violence was politically illegitimate." Capozzola argues that the official encouragement of vigilant societies during the war, when "ideas, behaviors, labor, and leisure had to be mobilized, regulated, and governed in order to defeat the enemy," transformed a hitherto wholly private tradition into a state project, tying "private coercions to state interests."<sup>100</sup> The hand-in-glove association

<sup>100</sup>Christopher Capozzola, "The Only Badge Needed is Your Patriotic Fervor: Vigilance, Coercion, and the Law in World War I America," *Journal of American History*, 88 (March 2002), 1355-56, 1361.

between the bank vigilantes and local officials was not only the result of the same community-based democratic sanctioning that the Regulators had relied upon (formalized through the blessing of the community's democratically elected local law-enforcement agents) and of the impulse toward the maintenance of order that had long characterized vigilance committees, but a method through which the administrative apparatus of the state could cooperate with a politically and economically powerful group (albeit one whose aims were less objectionable than those of, say, Pinkertons in the service of industrialists).

In 1933, newly inaugurated Governor Paul V. McNutt, with near-total control of the General Assembly, secured the creation of the Indiana State Police. As a result, by 1934 the bank vigilante movement was nearly at an end. The IBA turned its attention toward raising \$100,000 to support the construction of a state police radio network, which the association said would dramatically increase the force's ability to coordinate their efforts.<sup>101</sup> After the police radio's completion in the summer of 1936, the *Hoosier Banker* announced a twenty-percent decrease in bank insurance rates.<sup>102</sup> Demonstrating the rapidity and thoroughness of the bankers' relinquishment of force, the *Hoosier Banker* that year exhorted readers to fight bank crime by cooperating fully with the state police. The article assumed that the robber would be armed and the banker would not be, and explicitly warned readers that although "most banks have revolvers, alarms, tear gas and other subterfuges," it was "seldom advisable to try to use a weapon." Instead, bankers being robbed should "observe, observe, and OBSERVE" so that they could pass along details to the state police as soon as possible.<sup>103</sup>

Within a few years, Indiana's political culture shifted from sanctioning the private apprehension and even the informal execution of criminals (albeit under minimal government supervision) to using a public and bureaucratic approach to fight crime. The change reflected a broader evolution of popular political beliefs. The nineteenth-century idea of a privileged democratic and legal status for vigilantes, who often operated without the oversight of local or state government, had given

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<sup>101</sup>See, e.g., "Progress Reported on State Police Radio," *Hoosier Banker*, 18 (August 1933), 6.

<sup>102</sup>Cited in *Yearbook 1936*, 5-7.

<sup>103</sup>"When Bandits Attack Your Bank," *Hoosier Banker*, 22 (October 1936), 15.



# STOP THE HOLD-UP IN THE PLANNING STAGE

There is no danger of a raid on the bank that has Banktrol protection. For Banktrol day timelocking provides hold-up prevention by making the daytime funds and securities impossible to obtain.

When the bandits' advance scout sees the Banktrol warning sign he and his gang give that bank a wide berth. Never a loss or casualty where this modern system has been installed.

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Bank Protection Department

**STAMFORD, CONN., U. S. A.**

A 1933 advertisement in *The Hoosier Banker*

By the early 1930s, many companies were offering locking equipment and alarm systems that, in combination with an improved state police force, would replace the vigilante program.

*The Hoosier Banker*, July 1933

way to the assumption that vigilantes needed the approval of the local authorities. That idea was, in turn, replaced by a belief in the priority of the state government over local institutions. These changes suggest that Indiana's police reforms were not simply a technical reform of a police force that had become obsolete and was widely recognized as such. The creation of the State Police redressed some of Indiana law enforcement's structural deficiencies, but there were more factors at work. The new balance struck between local groups (both the targets of crime, and the politicians and others who had a vested interest in the old system) and the state should be viewed as the negotiation of a new social contract between citizens, communities, and the state government. That the new professional law-enforcement regime the State Police represented was only superimposed on the existing obsolete structure is a testament to the enduring power of parochial interests in Indiana's political system.

Technological and economic changes undoubtedly contributed to the new compact: it was far more difficult to train, equip, and coordinate thousands of vigilantes across an entire state than it had been for nineteenth-century citizens to organize against a handful of criminals. Combating modern criminal organizations required a professional force that could only be funded and managed by state government. And as the burden of ensuring order increased, so too did the incentives for individuals not to contribute to the provision of this public good; why, after all, should someone voluntarily pay for something that would otherwise have cost him nothing? (Such free-riding problems are major challenges for private law-enforcement mechanisms.)<sup>104</sup> For the purposes of this essay, however, the essential point is that these changes followed the creation of a new political reality in which, for practical purposes, the entire citizenry agreed that private agents' freedom to use violence for aims that they defined as public goods would henceforth be dramatically curtailed. In Weberian terms, a traditional justification for the legitimate use of force finally yielded to a wholly legal one, in which force was only "exercised by the modern 'servant of the state.'"<sup>105</sup> The vigilantes did not

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<sup>104</sup>Andrew P. Morriss, "Miners, Vigilantes & Cattlemen: Overcoming Free Rider Problems in the Private Provision of Law," *Land and Water Law Review*, 33 (1998), 581-696; Morriss, "Returning Justice to Its Private Roots," *The University of Chicago Law Review*, 68 (Spring 2001), 551-78.

<sup>105</sup>Max Weber, "Politics as a Vocation," 1918, online at Dead Sociologists' Index website, <http://www2.pfeiffer.edu/~1ridener/DSS/Weber/polvoc.html>, last viewed February 8, 2006.



lay down their arms because they had been discredited, but because both they and their sponsors believed that they had been superseded. The Crime Control model, under which both the vigilantes and the professional police operated, continued to dominate thinking about the criminal justice system for decades (and, some would argue, has dominated public discussions about the system down to the present day). The vigilantes may have suspended their operations, but the values they represented are probably still at large.

