



CALENDAR

ILHS Full Membership Meeting
September 17, 2014
 4:00 – 5:00 pm
 Holland & Hart
 800 West Main Street,
 17th Floor, Boise, Idaho

225th Anniversary: Federal Courts & U.S. Marshals Service
September 24, 2014, 3:00 pm
 Lincoln Legacy Room
 Idaho State Capitol
RSVP by September 12, 2014:
 (208)334-1299. Seating is Limited!

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MARSHAL PINKHAM MEETS COXEY'S ARMY

It fell on Idaho's U.S. Court to deal with the social effects of the 1893 economic depression, which resulted in a series of train hijackings across southern Idaho. That spring, hundreds of followers of economic reformer Jacob S. Coxeys (unemployed miners, lumberjacks and railroad workers, among others) crossed into Idaho by train.

The men of "Coxey's Army" had originated on the west coast in Portland and Seattle and commandeered trains heading for a demonstration by unemployed working men in Washington D.C. They stirred up crowds of supporters as they went, including some railroad workers and members of the law enforcement community.

Public support of the protesters was widespread in Idaho. Lawyer William E. Borah noted that instead of a "mob of hobos," he encountered a group of well-educated and

patriotic men in the Caldwell area where they had set up camp. Elsewhere in the state, locals donated food, supplies, and even money to the marchers.

Idaho's federal judge James H. Beatty regarded the renegade workers as "deluded" and sent the U.S. Marshals out to bring an end to the "wild crusade." He issued an order enjoining the Coxeys men from commandeering trains as they entered Idaho from Oregon. When the train of marchers entered western Idaho over the Snake River Bridge, U.S. Marshal Joseph Pinkham was there to read Judge Beatty's injunction to them.



"I waive no jurisdiction over them. The outrage against the law and the right of property was too vicious. I want them back."
U.S. Marshal Joseph Pinkham

The Union Pacific threw the marchers off the train as soon as they entered Idaho, stranding them for a couple of days in the Caldwell area. Eventually the railroad agreed to take them in smaller groups toward

Pocatello. The train passed through Pocatello and on to Montpelier where they expected to take a short break. However, the railroad again took a stand against Coxeys men at Montpelier, stranding several hundred men in the small town. Some 50 of those men commandeered another train and headed for Wyoming on May 13.

The remaining Coxeys men planned to follow on another train the next day. Without railroad permission, they boarded a mail train. However, railroad workers quickly uncoupled that train and left it sitting on the tracks.

Marshal Pinkham and 30 deputies arrived in Montpelier that same day following the demonstrators. Pinkham again read Beatty's restraining order to the Coxeys men. He warned them that anyone



"Coxey's Army" forming up in Seattle in the spring of 1894. (Seattle Public Library)

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This newsletter published quarterly by:

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550 West Fort Street
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225th Anniversary of Federal Courts & U.S. Marshals

Next month the Board of Judges of the U.S. Courts District of Idaho and the U.S. Marshals Service host a ceremony marking the 225th anniversary of the passage and signing of the Judiciary Act of 1789 establishing the Federal Courts and the office of the U.S. Marshals. In honor of the anniversary, this issue of the Idaho Legal History Society newsletter focuses on stories of U.S. Marshals in Idaho during territorial and early statehood years.

President Abraham Lincoln appointed Idaho's first U.S. Marshal in 1863 when Idaho Territory was established. Then, when Idaho became a state in 1890, Congress placed it in the well-established U.S.

Ninth Circuit Court. At the time, there were two federal courts.

The U.S. Circuit Court was the primary federal trial court with jurisdiction over appeals from U.S. District Court, civil suits of more than \$500, and civil and criminal cases involving federal statutes. U.S. District Court had jurisdiction over crimes with fines of \$100 or less and certain civil cases including land seizures. Both courts had jurisdiction over suits relating to U.S. treaties and those to which the U.S. was a party. The U.S. District Judge presided over both courts, but court records were kept separate. The 1891 establishment of the U.S. Circuit Court of Appeals removed appellate jurisdiction from the Circuit Court, and the court was abolished in 1912.

"In the ways of history, 225 years is not that much but it is for a republic such as ours to survive as well as it has. One principal reason is the existence of a strong, independent judiciary willing to stand firm in the fickle winds of public opinion."

Idaho Attorney P. Larry Westberg

"Coxey's Army" Moves Into Eastern Idaho

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stealing aboard a train would be shot.

Montpelier's mayor called a town meeting to demand that Pinkham allow the Coxey men to move on. Pinkham said his hands were tied in the matter and again read Beatty's restraining order. He also asked if the townspeople would assist him in rounding up Coxey's men for arrest and trial at Boise. The audience was angrily unresponsive, suggesting that the men were being arrested simply for being out of work and out of money.

Shortly thereafter at the urging of a local constable Dick Williams who was formerly a Pinkham deputy, the Coxey men climbed aboard another train, determined to proceed to Washington D.C. Williams was immediately arrested by the U.S. Marshals, shouting as he was led off to jail that he would return, "we'll take the train and if these sons of bitches follow us they will follow a trail of blood."

Williams also refused to produce the keys to the local jail, so the marshals contacted the nearby community of Paris in hopes of using the Bear Lake County jail. However, the sheriff there also refused to open his jail to the U.S. Marshals. That left Pinkham no choice but to take Williams back toward Pocatello by train. As the angry crowd tried to rush the train, deputy marshals raised their rifles and warned

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Pinkham Apprehends the Ringleaders

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that they would shoot whoever tried to board. Led by yet another local sheriff's deputy, the crowd again tried to board the train. This time, however, the train started off toward Pocatello before they could board.

Outside of town, the marshals stopped to plan their next move. Pinkham wanted to return to Montpelier and arrest the Coxeys' ringleaders, but the Union Pacific superintendent argued that such a confrontation could result in injury

or death. Instead, Pinkham wired for federal troops and took Williams to Pocatello. Several of Pinkham's deputies were so disturbed by the turn of events that they resigned from service in support of the protesters.

Meanwhile back in Montpelier, Coxeys' men ignored the warnings of the U.S. Marshal, commandeered a train engine with five boxcars, and headed for Wyoming to join their fellow marchers. Judge Beatty and Wyoming's federal judge John A. Riner also called Washington D.C. for federal troops to bring the matter under control.

The Coxeys' men were arrested in Wyoming by the federal marshals there. On May 16, Marshal Pinkham and his deputies headed for Green River, Wyoming, to extradite the men. Pinkham wired ahead, "I waive no jurisdiction over them. The outrage against the law and the right of property was too vicious. I want them back."

He returned to Boise with 158 prisoners to face charges in U.S. Court along with 58 others who were accused of stealing a train near Nampa, Idaho. Because there were too many prisoners for the local jail, they were held in the railroad's roundhouse and marched to the courthouse by soldiers for a trial beginning May 28.

U.S. District Attorney James H. Forney and Union Pacific Attorney Parley L. Williams prosecuted the case. James H. Hawley and O.E. Jackson defended Coxeys' men. Among other points, the defendants argued that they had taken the train with the tacit permission of the Union Pacific Railroad. However, Judge Beatty found most of the defendants guilty of contempt of court, calling the movement a conspiracy. He sentenced the leaders of the train theft to six months in jail and



"Coxey's Army" tent encampment on Idaho/Oregon border, 1894. Note train on bridge.

the other assorted participants to 60 days in a temporary holding prison built along the Snake River where the railroad crossed from Oregon into Idaho.

Some called the temporary prison "Camp Pinkham" because Marshal Pinkham had been assigned by Judge Beatty to have it built. More than 50 other men arrested in Nampa and Caldwell also received sentences of 30 days in jail, and the U.S. Army escorted ten boxcars of prisoners to the makeshift prison to serve out their time.

In the end, the northwestern contingent of Coxeys' army of the unemployed never did make it to the protest march in Washington D.C.

Sources: "Law and Disorder: the Suppression of Coxey's Army in Idaho," C.A. Schwantes, Idaho Yesterdays 25:2, 1981; Big Trouble, J.A. Lukas, 1997.



Reformer Jacob S. Coxeys

GO JOIN COXEY'S ARMY

This song, written in the 1890s in support of Coxeys' movement, was very long with many more verses than are printed here.

Wealthy populist Jacob S. Coxeys planned to give a speech at the Washington D.C. protest, but was arrested for walking on the grass. He finally delivered his speech 50 years later, in 1944, on the steps of Congress.

Go Join Coxeys' Army

by DuBois & Talbot

I suppose you've heard of Coxeys
And his army on the tramp;
'Tis composed of various elements,
From the worker to the scamp.
They are marching on to Washington Our Congressmen to see;
They propose to change existing laws To suit us all to a T.
Chorus
Then go join Coxeys' army, if you want to see the earth;
In a Pullman car you'll ride, with the doors hung on the side,
If you go join Coxeys' army.

Idaho's first U.S. Marshal, Dolphus Skinner Payne was born in New York the son of a laborer. By the age of 19, Payne was teaching school in New York where he served as principal of the Prospect Academy. He eventually became an attorney and was involved in local Republican politics in the 1850s. Payne was also active in the Masons in Frankfort, New York, where he was a member of Olive Branch Lodge in 1858 and 1859.

Around 1860 Payne left for Oregon. The next year he was working as a surveyor for the U.S. Department of the Interior. President Abraham Lincoln appointed Payne Idaho Territory's first U.S. Marshal in 1863. Governor William H. Wallace first assigned him to conduct a census of the new territory in order to organize the mining districts and hold elections.

Payne's job as marshal also included certifying the votes in Idaho's first election. During the course of this task, he became embroiled in a voter fraud controversy that would cost him his political career. Payne's census of Fort Laramie, then in Idaho Territory, showed 100 voters in a total population of 218 people. Nevertheless, 486 votes were cast in the election, helping to elect Wallace, the Union candidate, as the first territorial delegate to Congress. This discrepancy aroused the ire of local southern Democrats who decried it as fraud.

Rumor had it that Payne hoped to become governor of Idaho himself once Wallace went to Congress. Although

Wallace would have been elected without the Fort Laramie votes, the fraud was blamed on Payne, who left Idaho in December of 1863 never to be heard from again. The Idaho Territorial Convention expressed outrage at Payne in an 1864 resolution:

Resolved that we lament the corruption in office of D. S. Payne. . . and those concerned with him in his iniquitous schemes, and trust that we may not be again annoyed with a like infliction.

In Payne's absence, the governor appointed Frank Kenyon to take an 1864 reapportionment census. A second U.S. Marshal, James H. Alvord, was appointed in 1865 when Payne's appointment expired.

After Payne left Idaho in December of 1863, he married and settled in San Jose, California, where he put his skills to work as a lawyer for the balance of his career. He died in 1894, at the age of 63, onboard a ship bound for a vacation in Hawai'i.

With an arguably more illustrious career, Idaho's fourth U.S. Marshal, Joseph Pinkham, first served the Territory from 1870 to 1878 and later the new State of Idaho from 1891 to 1894. Pinkham, too, was a staunch Republican who was active in Idaho politics. He bought and sold mining claims on a large scale and was known for his expertise in assessing the value of ores.

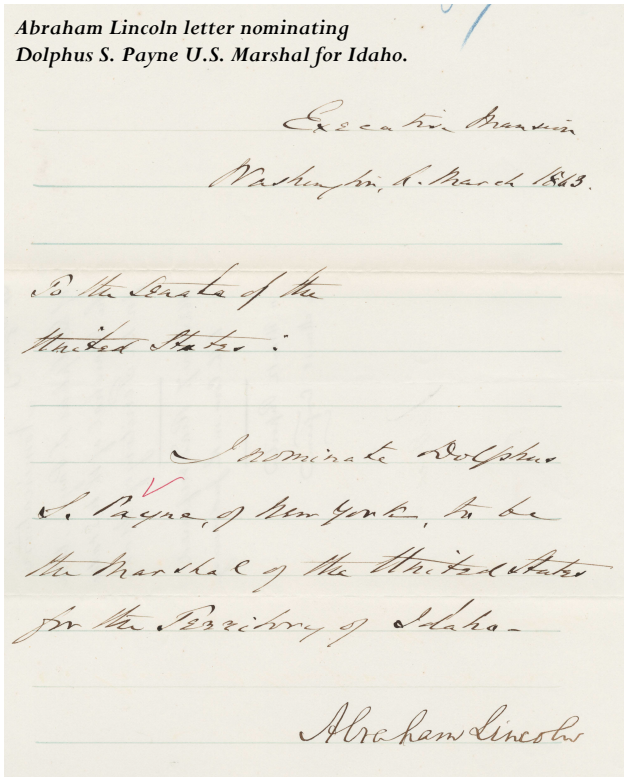
Canadian-born Pinkham's family originally settled in Maine. He followed the gold rush to California at the age of 17. There he learned placer mining among other occupations. Eventually Pinkham ended up mining in Oregon and clerking in a store in Umatilla where he began making connections that would change his life. From 1864 to 1868, he ran various freight trains from the Columbia River to Boise City, and later a stage route among the Boise Basin mining towns.

Pinkham was first appointed U.S. Marshal for Idaho by President Ulysses S. Grant in 1870. During his first two terms of duty, he developed a reputation for fearlessness and loyalty that would lead to a second appointment as marshal in the 1890s. In Pinkham's first term, Idaho was still in its law enforcement infancy. Pinkham had several brushes with death during the course of his work, including being ambushed by robbers while riding up front with the driver of a stagecoach in eastern Idaho. The driver was shot as he held tightly to the reins. Unable to get at the reins, Pinkham used a



U.S. Marshal Joseph Pinkham

A Study in Contrasts: Idaho's First & Fourth U.S. Marshals



Abraham Lincoln letter nominating Dolphus S. Payne U.S. Marshal for Idaho.

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JUSTICE. INTEGRITY. SERVICE.

Before 1941, U.S. Marshals had their own badges designed and manufactured locally. Each one varied in style and materials. They could be tin, brass, or even carved from old coins.

The first nationally-issued badge in 1941 was gold-colored with an eagle displayed at the top. A new silver-colored badge, issued in 1970, had a similar eagle-top style, but with the agency's new name "United States Marshals Service." The current badge was originally issued in 1980. It features a more traditional design with a star inside a circle (see photo on page 6).

Source: U.S. Marshals Service Badges, www.usmarshals.gov/history/badges



Marshal Pinkham Heads U.S. Assay Office

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whip to drive the stage safely to Pocatello. The driver eventually died of his wounds. But Pinkham, who had been on his way to arrest another man at the time of the ambush, continued on his way with a heavily armed Wells Fargo stagecoach.

Pinkham faced some of his greatest professional challenges during the 1892 miners' strikes and riots at Coeur d'Alene, Idaho. U.S. Judge James H. Beatty had issued an order restraining miner's union members from interfering with the operation of the Mine Owners' Association. He directed Pinkham to serve papers on about 500 men in Shoshone County. Pinkham and his deputies arrested 257 miners charged with violating the order. After a hearing, all but 30 of the men were released. Those 30 were considered the ringleaders of the insurrection and were sentenced by Judge Beatty to six months in jail.

In another incident, Pinkham was assigned to protect a group of non-union miners at Burke, near the town of Wallace. The men were threatened with death by union miners. Recognizing the delicacy of the situation, Pinkham decided to proceed unarmed into the mêlée. He managed to bring the non-union miners safely through a crowd of angry, armed union miners to a train that carried them away from danger.

Pinkham's work was again challenged by worker unrest a couple years later when industrial workers mobilized following the 1893 economic depression. Pinkham represented the U.S. in keeping order in the "Coxey's Army" incident of 1894. This worker uprising was heavily supported by the public and even by local law enforcement officials, making Pinkham's job difficult and eventually leading to the resignation of several of his deputies.

At the end of his years of service, the U.S. Attorney General noted that Pinkham had been more successful than any other U.S. Marshal had. He was appointed to head the U.S. Assay office at Boise in 1905 and served there until his retirement in 1915, when he moved to Coeur d'Alene to live with his nephew prominent attorney John P. Gray. Pinkham died in 1921 and was buried in Morris Hill Cemetery at Boise.

Sources: "Absence of Idaho Territorial Officials-1864," *Idaho State Historical Society Reference Series No. 376*, 1966;

"Laramie Fraud," *Idaho State Historical Society Reference Series No. 154*, Revised 1966;

A Decent, Orderly Lynching: The Montana Vigilantes, F. Allen, University of Oklahoma Press, 2013;

Annual Report of the Department of the Interior to the Thirty-Seventh Congress, Part II, 1862;

A History of Olive Branch Lodge: And a Biographical Sketch of Members, C.B. Cleland & F.L. Smith, 1901;

Illustrated History of Idaho, Lewis Publishing Co., 1899.

20TH CENTURY PROFILE...**REMEMBERING WILLIAM F. DEGAN**

by U.S. Marshals Service

This memorial first appeared on the U.S. Marshals Service website in 2002, twenty years after Degan died.

On August 21, 1992, Deputy U.S. Marshal William F. Degan was killed in a firefight in a remote area of northern Idaho known as "Ruby Ridge." Although the location is usually associated with a series of tragic events involving law enforcement operations, and the underlying sentiment towards them, there was a very real loss in our own agency that was often overshadowed in the headlines and hearings.

A former football star at the University of New Hampshire, Bill Degan started with the U.S. Marshals Service in 1978. He graduated first in his basic training class and became a valued member of the Special Operations Group (SOG). As energetic as he was successful, he was embroiled in some of our most difficult missions of the time. These included the aftermath of Hurricane Hugo, the arrest of a fugitive who killed two Boston police officers, and the capture of the founders of the "Church of Love" organization. As the SOG Commander during the operations following Hurricane Hugo in St. Croix, Virgin Islands, he calmly directed the entire response command. His leadership those crucial days earned him the Director's Special Achievement Award in 1989.

As part of the team that pursued a fugitive who failed to appear in court, Deputy U.S. Marshal Degan and his five fellow deputies were attempting to determine a program for capture on that remote mountain terrain. Although the teams positioned themselves carefully, they were discovered. In the course of trying to cover two fellow deputies and allow them to gain cover, Bill Degan was fatally wounded. During the confusion in the firefight that followed, the deputies attempted to recover him and get back to their encampment, but were pinned down until a deputy with a state police team reinforced them.

The years since Deputy U.S. Marshal Degan's funeral and burial in his native North Quincy, Massachusetts were ones that reflected on his memory. For a number of years afterward, a golf tournament and other events for the benefit of his family were proudly carried out. Both the Special Operations Tactical Facility at Camp Beauregard, Louisiana, and a dedicated new building in Boston, were named for Bill Degan. Perhaps the greatest honor was that his son William followed in his footsteps with the U.S. Marshals Service.

At the time [of the incident], U.S. Marshals Director Henry E. Hudson sent a nationwide message to district offices regarding Ruby Ridge. He stated, "Bill Degan died in the company of his friends, performing the duties he enjoyed most, in the job he loved. His bravery will set a standard by which every Deputy United States Marshal will be measured." Those who had the pleasure to know Bill Degan believed that was the truest statement that could be made.

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