

"Murderous, Unwarrantable, and Very Cold": Mapping the Rise of Extralegal Collective Killing in the United States, 1783-1865

Patrick Hoehne 

University of Nebraska - Lincoln

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In the winter of 1862, residents of Nebraska City, Nebraska Territory, killed two alleged horse thieves. The vigilantes executed one man with a shot to the back, and forced the other under the frozen waters of the Missouri river, holding him there until he drowned. The local paper turned the grim scene into a joke, and, in a winking condemnation of the victim being “chucked under the ice,” concluded that the killing was “murderous, unwarrantable, and

very cold.” The callous humor is not entirely surprising. Killing, once rare in American extralegal violence, had by the time of the Civil War increasingly emerged as both a powerful tool and a potent ritual in the tradition of “politics out of doors.” This article, “Murderous, Unwarrantable, and Very Cold’: Killing and Extralegal Collective Violence in the United States, 1783-1865” uses geospatial analysis to investigate and narrate the rise of the use of lethal

force within the tradition of extralegal violence in the United States. Rather than a mindless or undirected outburst, extralegal collective violence is a form of violent social communication in which bodies become both the instruments and the canvas through which a group expresses its aims. A mob's unsanctioned hanging of a gambler, for example, could not itself end the practice of gambling, but would successfully communicate the mob's position to authorities, bystanders, and targets. To interpret the communicative properties of lethal extralegal violence, the data behind this article must be queried not as a series of disconnected flashes, but as a relational phenomenon that draws its strength from a common intelligibility. An approach grounded in digital history offers the unique opportunity to query hundreds of instances of extralegal violence in order to better understand the role that killing played in the early history of American popular crowd action. Geospatial analysis will investigate change over both time and space, moving past the political container of state borders to interrogate local, regional, and national trends within

extralegal violence. The three-layered article structure proposed by the Journal of Digital History is ideal for this submission. Every data point is both a story unto itself, and, when viewed as a collection, a part of larger stories and narratives. This data represents the fundamental building blocks for the article's approach, and being able to share that data in a transparent way is immensely compelling. In the hermeneutics layer, the article will highlight the process behind identifying the patterns and trends in lethal extralegal action. A central theme of the article's argument concerns relationships between seemingly disparate or random violent actions. Spatial analysis, made possible by digital tools, is key to spying these relationships and the patterns they create. Data and hermeneutics drive the narration layer. There, the article will combine research-driven argumentation with dynamic storytelling powered by interactive maps and visualizations. This will enable readers to both focus on individual actions and step back to view the larger pointillist pictures brought into focus when viewing larger sets of the data.

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3

On the night of January 20, 1862, residents of Nebraska City forced a man named Lowrie towards the frozen waters of the Missouri river. Earlier that day, authorities in Fremont County, Nebraska Territory, had refused to take custody of Lowrie and another man by the name of Watson. Lowrie and Watson were being held by the residents of Johnson county on charges of robbery and attempted murder. The two men were alleged Jayhawkers and members of a band under the command of Marshall Cleveland, the feared “Phantom Horseman of the Prairie.” Ostensibly irregular fighters for the Union cause, some Jayhawkers like Cleveland and his men used the violent conflict over slavery as a cover for banditry. Frustrated by the formal legal system, a group of Nebraska City vigilantes decided to take “justice” into their own hands. Reaching the “Big Muddy,” the men plunged Lowrie under the ice and held him there until he drowned. The next night, the vigilantes released Watson, only to follow him and shoot him dead (*Nebraska City News 1862*).

4

The local paper, the *Nebraska City News*, denounced the killings, but admitted that they were not “such a stickler for statutory law, as to require that criminals should be put through a regular course of legal sprouts.” The problem with the executions, according to the *News*, was not the extralegal killing itself, but that the vigilantes had operated at night and without first being appointed by “the people.” Having finished lecturing future vigilantes to “shoot or hang” in daylight and only after a public meeting produced “direct proof” of guilt, the paper concluded by turning the grim scene into a joke. In a winking condemnation of the Lowrie being “chucked under the ice,” the article concluded with a statement that the killing was “murderous, unwarrantable, and very cold” (*Nebraska City News 1862*).

5

The killings of Lowrie and Watson may have been cold, but they were not isolated. In the three years following the Nebraska City incident, extralegal collective violence would extinguish at least an additional 277 lives within the United States. Between 1848 and the end of the Civil War, a minimum of 881 souls had expired in extralegal collective action. With fatalities occurring in 41 percent of all instances of extralegal violence during that combined eighteen-year period, the application of lethal force had clearly emerged as both a powerful tool and a potent ritual in the American tradition of “politics out of doors.” This had not always been the case. Killing had once been relatively uncommon in American extralegal collective violence. Between 1783 and 1848, some 239 deaths occurred in direct connection with extralegal action – 38 fatalities less than those accrued in the three-year span following the Nebraska City killings. The dramatic post-1848 rise of lethal force within popular extralegal violence accompanied a turbulent transformation of American society. Challenges to slavery, labor disputes, demographic shifts, Westward expansion, and changes to the formal legal system engendered a series of violent conflicts erupting along long-established fissures within the American social fabric. Dissatisfaction with the response of the state and formal legal system to the challenges produced by these transformations led to an intensification of already existing forms of extralegal collective violence, as crowds increasingly embraced the application of lethal force as a potent and efficient means of addressing perceived ills or asserting a desired social order.

6 Population

- 7 This surge in extralegal collective killings must be read alongside U.S. population growth, which also experienced a dramatic rise during the period surveyed in this article. In 1790, the Census recorded 3,929,214 persons residing in the United States. By 1830, this number had risen to 12,860,702 and by 1860 had exploded to 31,443,321 (*Forstall *, 3-4). As illustrated in Figure 4, this meant that between 1783 and 1850 the rate of extralegal collective killing largely held steady or even declined. Even with the massive population growth, however, the decade preceding 1860 still registered a significant surge in lethal violence. Between 1783 and 1850, the average rate of episodes of extralegal collective violence resulting in killing was 0.173 per 100,000 residents of the United States. Between 1851 and 1860, this rate jumped to 0.957 per 100,000 residents.
- 13 While it might seem logical to focus solely on the period in which the killing spiked, a narrow lens would serve to diminish the significance of the long tradition of lethal violence from which the post-1848 surge emerged. An analysis of the history of lethal violence within American extralegal action reveals that while killings connected to crowd action may have spiked at an unprecedented rate around midcentury, that violence did not signal a radical break from previously established forms of violent activity. Rather, that period saw the widespread modification of already-existing patterns of lethal collective violence in response to the conflicts and developments of the time. This article, therefore, is not an investigation into the myriad of social and political discords behind many acts of crowd action, but instead concerns the development of extralegal killing as a practice comprehensible within a long tradition of violence.
- 14 Scholars have long been interested in the question of American killing. Homicide occurs at a higher rate in the United States than it does in comparable wealthy democracies. In 2019, the World Health Organization estimated that the U.S. had a homicide rate of 5.77 per 100,000 persons. Canada, for comparison, had a rate of 1.62, France a rate of 0.83, and the United Kingdom a rate of 1.28 (*The World Health Organization *). This separation is not new, but began at roughly the same time as collective extralegal killing spiked in the United States. As historian Randolph Roth notes in his book *American Homicide*, murder rates in most Western nations began to fall around the mid-nineteenth century. "In the late 1840s and 1850s," Roth writes, "[homicide rates] exploded across the nation, not only in the plantation South and the Southwest, where higher rates already prevailed, but also in the mountain South and the North, which previously had extremely low rates." This divergence is more shocking given that, according to Roth, "homicide rates in the North and mountain South were probably the lowest in the world after the Revolution" (Roth 2009, 14, 299). Historian Roger Lane attributes this antebellum uptick in homicide partially to "Sheer newness, heavy immigration, and crowding." However, Lane argues that "an increasingly violent confrontation over the ancient curse of slavery" was the most important factor behind the rise in killing (Lane 1997, 92-93). Historian Eric Monkkonen speculates that Americans "tolerate" higher levels of homicide on account of society in the United States more pluralistic than those in Europe (Monkkonen 2006, 93). Pieter Spierenburg points toward "the precocious rise of democracy" in the United States and the subsequent weaker pressure for the state to monopolize access to force (Spierenburg 2006, 113). Roth himself maintains that homicide rates during this period rose "because Americans could not coalesce into a nation." For Roth, division over issues such as enslavement and immigration displaced a post-Revolutionary "patriotic faith in government" and left Americans feeling more detached from both the government and their fellow man (Roth 2009, 300). The sense of detachment made it easier to justify killing.

- 15 While these studies have offered invaluable insights into and raised important questions regarding the nature of American violence, an examination into the rise of homicide in the United States does not alone explain the simultaneous rise of extralegal collective killing. Collective killing is, while related, distinct from individual homicide and must be analyzed as such. Historian Roberta Senechal de la Roche characterizes collective violence as “an extreme form of self-help” and a means of “social control—a process by which people define or respond to deviant behavior.” (*Senechal de la Roche 1996*, 101, *Senechal de la Roche 2001*, 127). This violent attempt at control becomes collectivized, Senechal de la Roche argues, as a result of strong partisanship. “Strong partisanship,” she writes, “arises (1) when third parties support one side against the other and (2) when these partisans are solidary among themselves. Support occurs when third parties are intimate, homogeneous, and interdependent” (*Senechal de la Roche 2001*, 140). These factors distinguish killings resulting from extralegal collective action from those which proceed from individual acts of homicide. Senechal de la Roche describes four variants of unilateral collective violence: lynching, rioting, vigilantism, and terrorism (*Senechal de la Roche 1996*, 120).
- 16 While a great body of scholarship exists exploring these forms of collective violence in the United States, much of that work focuses on the years following the conclusion of the Civil War. As historian Michael Pfeifer writes in his 2011 *The Roots of Rough Justice: Origins of American Lynching*, “historians have told us rather little about lynching as a practice before the 1880s” (*Pfeifer 2011*, 2). That critique could be extended to the other three forms of collective violence enumerated by Senechal de la Roche. Most of the literature surrounding extralegal collective violence between Independence and the end of the Civil War is centered around specific episodes of violence, such as the Whiskey Rebellion or the New York City Draft Riots. While these works are important and insightful, they alone do not offer an understanding of the broader patterns within extralegal collective action. A small body of literature, however, has attempted to analyze and interpret the long history of American collective extralegal violence during the period explored by this article. Richard Maxwell Brown, in his 1975 *Strain of Violence: Historical Studies of American Violence and Vigilantism* argues that “repeated episodes of violence, going far back into our colonial past, have imprinted upon our citizenry a propensity to violence.” Brown argues that vigilantism was generally conservative in nature and “devoted to preserving the status quo” (*Brown 1975*, vii). Paul Gilje, in his 1996 *Rioting in America*, divides the history of American collective extralegal into four phases. Gilje argues that phase two, which began in the early eighteenth century, saw growing social stability and a decrease in violence. Phase three, which began according to Gilje around 1820, was the result of a post-Independence “aggressive cutthroat egalitarian atmosphere” and an increasing inability of Americans to identify with one another. This phase, Gilje argues, was defined by a marked increase in the violence and bloodiness of extralegal collective action (*Gilje 1996*, 9-10). David Grimsted, in his 1998 *American Mobbing 1828-1861: Toward Civil War*, centers on the role that slavery played in shaping extralegal collective violence in the United States and argues that the North and South developed distinct forms of riotous behavior. Grimsted maintains that Northern and Southern authorities differed in their responses to collective violence, which shaped the form and direction of collective violence in their respective regions and helped inflame the tensions that eventually led to the Civil War (*Grimsted 1998*, vii-xviii). Pfeifer in his 2011 *The Roots of Rough Justice* argues that the rise of lynching in the early to mid-nineteenth century arose “as a response to alterations in law and social values...that occurred throughout the Anglo-American world.” This shift, according to Pfeifer, was further shaped by a transition to a capitalist economy “not accompanied by the emergence of a strong, centralized national state that claimed and enforced an exclusive monopoly over violence and the administration of criminal justice to support the rule of law.” Pfeifer also notes the global dimensions of lynching, noting the manner in which a tradition of extralegal

collective violence developed in Ireland was “transposed” to the northern United States (Pfeifer 2011, 1-6). Ashraf H. A. Rushdy’s 2012 *American Lynching* argues that lynching is “distinctly American,” insofar, the author argues, that the traditions and myths used to justify and delineate American lynching emerged from early American institutions. Rushdy pushes back against claims that “lynching is a practice marked by discontinuity,” and holds that a longitudinal analysis of the violence is necessary for a fuller understanding (*Rushdy*, xi, 155).

17 Despite the sustained scholarly interest in both American homicide and American collective violence, there has been to date no study of killing across all forms of extralegal collective violence in the early United States. This article addresses this gap with a longitudinal analysis of the rise of lethal violence within incidents of extralegal collective action between Independence and the end of the Civil War. In order to assemble a document survey of extralegal collective killing from this period, this piece deploys a dataset compiled from the notecards of Paul Gilje, the indexes of Michael Pfeifer, William Carrigan, and Clive Webb, and through original archival research. An analysis of this dataset, which contains 432 acts of lethal extralegal violence, reveals that killing within episodes of extralegal collective action surged around the same time as the larger spike in American homicide well-documented in the existing literature. This article finds that the sharp rise in killing is most attributable to the conflict over the nature of law and justice outlined by Pfeifer in his *The Roots of Rough Justice*. This article builds on Pfeifer’s work, however, and expands the analysis to all forms of extralegal collective violence rather than just lynching. While tensions regarding the authority of the formal legal system had existed since the Revolution, the article argues that factors such as slavery, expansion, immigration, and economic concerns combined post-1848 to exacerbate matters and radically drive up the rate at which collective killing occurred.

18 **Longitudinal approach**

19 Why take a longitudinal approach to extralegal collective killing? After all, local context and conditions are important in analyzing the course of any given incident. Those details are clear and focused in an investigation centered around a single event, but fade in broader analyses. Interrogating the local context and particulars provides necessary and unique insight into the form and direction of an episode of violence but is not and should not be the only means of approaching the complicated history of extralegal collective activity. Larger-scale patterns offer valuable insights of their own and are not always visible from a granular analysis. Homicide, after all, presents a similar case. Any given murder cannot be understood separate from the surrounding context and conditions. That has not stopped scholars from studying homicide in the aggregate, and although they cannot hope to contextualize every killing in their datasets they have still succeeded in drawing compelling conclusions from their own longitudinal analyses. This article cannot contextualize all 432 episodes of extralegal collective killing explored within its dataset, but rather focuses on broader trends and patterns within that violence.

20 **Newspapers**

21 Much, but not all, of the original archival research in this article’s database comes from newspaper accounts. Newspapers offer valuable insight into episodes of extralegal collective violence, but also pose certain challenges. Michael Ayers Trotti, in his response to Pfeifer’s 2014 state of the field on lynching scholarship, notes that newspapers constitute “a key source for lynching study” but also cautions that the nature of the press itself changed

throughout the nineteenth century (Trotti 2014, 853). As Hazel Dicken-Garcia notes in *Journalistic Standard in Nineteenth-Century America*, the American press prior to 1830 was overwhelmingly partisan and marketed towards elites. It was only after 1830, Dicken-Garcia argues, that newspapers became “event oriented” and more likely to highlight events such as an episode of collective violence (Dicken-Garcia 1989, 42). This is not to say that newspapers did not chronicle episodes of such violence before 1830, and indeed some examples can be found within this article’s dataset. However, it is important to note that the shifting editorial focuses of newspapermen helped dictate what was and was not reported. It is also important to stress that newspapers were not objective observers dedicated to a balanced retelling of the facts alone. As David T. Z. Mindich writes, the press did try to cultivate an air of objectivity as they transitioned away from the hyper-partisan model after 1830. Mindich specifically highlights sensational episodes of collective violence and the manner in which the press began to report from a supposedly detached vantage in order to expand their readership beyond their ideological allies (Mindich 1998, 39). Of course, the biases, prejudices, interests, and networks of newspaper editors still shaped the manner in which events were reported, and if events were reported at all. Still, to neglect newspaper accounts because of these challenges would be to lose one of most significant and sometimes only glimpses into many incidents of extralegal collective activity. Like all historical sources, the content within newspaper accounts must be evaluated critically. For this reason, this dataset always notes that accused criminals highlighted in press accounts were just that – accused. The actual reality of their guilt, although often stressed in the papers, is beyond the scope of this article. The allegation, or the justification for the collective violence, is more significant.

22 Why a digital approach?

23 An approach grounded in digital history allows for an analysis of lethal violence that would be otherwise impossible. In a traditional approach, this interpretation would be constrained by the physical restrictions enforced by page limits and practical limitations. This article analyzes over four hundred incidents of lethal violence. Attempting to engage with each of those incidents without the use of digital tools would result in a tangled, unreadable mess, while engaging with only a small selection would see the majority of episodes dissolve into amorphous, aggregated data. While it is still necessary to narrate only the most significant or illustrative examples of lethal violence in the article proper, those examples can now be located and explored alongside the rest of the dataset using geographic information systems (GIS). The data is arranged in the form of graphs and charts, allowing audiences to explore each data point either spatially or temporally. Each of these data points can be selected to reveal more about surrounding events, allowing for audience interaction and exploration while challenging the traditional one-way nature of knowledge transmission typical in the journal article format. This facilitates a more heuristic relationship between audiences and data, and enables a fuller, more accurate illustration of the methodological approach to evidence. Analytically, digital methods allow for large datasets to be queried in new ways and provide the potential for isolating hitherto-unidentified patterns or trends within that data. The very curation of the dataset used throughout this article also speaks to the utility of an approach grounded in digital history. Assembling and deploying data sourced from notecards and indexes brings a new and perhaps unexpected life to previous scholarship. This article is only possible because generous historians had elected to make their notes and spreadsheets public and accessible. That data, however, was largely stored in traditional vessels such as books and not placed in conversation with other relevant datasets. Digital history allows for the creation of a unified dataset from those sources which can be queried and visualized to draw new conclusion and test older questions. Hopefully, approaches like

that adopted here will encourage more scholars to see the scholarly value in disseminating more broadly their own data. The dataset used in this article is available for download below.

24 **Data download**

25 [lethaldata.csv.zip](#)

26 **Terminology**

27 Before venturing any further, a delineation of terminology and methodology are necessary. Casually labeling collective violent action as “extralegal” without carefully demarcating what does and does not qualify as such can quickly result in a semantic quagmire. For an action to qualify as “extralegal,” it must meet requirements of both form and substance. In form, extralegal collective violence consists of three or more individuals employing force outside of the bounds established by the formal legal system in order to address a concern or meet an objective (*Gilje 1996, 4*). In substance, this action must not be fundamentally aimed at completely breaking with the established system, must not be pedestrian criminal behavior, and must not be performed in concert with the state. For this reason, slave rebellions such as Nat Turner’s uprising are not considered extralegal, nor are robberies committed by gangs of street toughs, nor are massacres of Native Americans conducted with the tacit support of the state. While imperfect, this definition will provide the guiding criteria for the violence included in this analysis. The 432 actions contained within the dataset certainly do not represent a complete account of extralegal killing throughout this period. The true number of killings is impossible to know, and the archives from which this dataset has been compiled are haunted by gaps, absences, and silences. However, by compiling and leveraging the research of such prominent historians of early American crowd violence, this dataset represents the most complete recreation of the landscape of extralegal killing ever assembled. The numbers and percentages cited throughout this analysis therefore do not represent a final or definitive account, but are understood as providing a documented survey from which solid conclusions might be drawn.

28 **Extralegal Killing in the Early Republic**

32 **Map Data**

33 The above map represents extralegal collective incidents involving the use of lethal force between 1783 and 1828. The data used to create this map originally emerged from the notecards of Paul Gilje. Gilje studied rioting in New York and the larger United States, and his research notes were made available online by Ohio State University's Criminal Justice Research Center. A spreadsheet of the notecards were then compiled by Peter Turchin. Many of the "descriptions" seen here are the original entries made by Gilje, although some language has been modified slightly. The citations stored within the spreadsheet are also left as originally entered by Gilje. To the original spreadsheet was added geospatial data, the names of those implicated in the violence, and several "tags" which allow the dataset to be queried. These tags correspond to the "type" of extralegal collective violence, the actions taken, and the identities of the rioters and targets.

34 Identity

- 35 Attempting to place incidents and actors within neat categories proved difficult, especially in regard to identity. Identity in this case refers to the real and perceived categories with which the actors examined here labeled themselves and others. Within episodes of extralegal collective violence, Americans deployed identity as a way of establishing outsiders and insiders, thereby encouraging strong partisanship among the source of violence and weak partisanship towards their intended target. The greater the perceived difference in identities, the more extreme the ensuing violence typically becomes (*Senechal de la Roche 1996*, 110). These identities could be malleable and shifting, so tags in the dataset generally correspond to the identifiers used in the primary or secondary material from which the event was sourced. For an example of how the dataset is structured, see above. If an incident was not part of Gilje's original dataset, it is marked with a "PTH" under the "Note" column. Gilje provided much of the data for the early decades of the dataset, while much of the latter portion emerged from a mix of archival research and other secondary sources. The shapefiles for the political boundaries themselves are from the Newberry Library's *Atlas of Historical County Boundaries* project. See John H. Long et al, *Atlas of Historical County Boundaries*, Newberry Library, 2010, <https://digital.newberry.org/ahcb/index.html>.
- 37 The basic foundations of colonial American extralegal collective violence can be traced back to England, where crowd action served as a traditional vehicle for popular political expression. While not oftentimes lethal, this violence sometimes simulated killings in the form of mock-murders or effigy burnings (*Gilje 1996*, 16). As a form of communal policing, this collective violence placed emphasis on spectacle and group participation, and the offending bodies, either real or symbolically represented, became the focal point of the action. This basic structure of crowd action resembled in many ways more official forms of punishment, which could see massive audiences gather to witness the display and punishment of the guilty body. This parallel between extralegal and legal violence might well have resulted from the pervasiveness of English public executions, the rates of which were among the highest in Europe (*Gilje 1996*, 8). By utilizing highly symbolic public force and justifying their actions in the name of community protection, these early English mobs established the early ideological and kinetic framework upon which later extralegal activity would be modeled.
- 38 As English settlers arrived in Britain's American colonies, they carried with them their traditions of collective violence. While the theme of community protection continued to be touted as justification for the action, many incidents began to revolve around issues of land disputes. In fact, one-third of all colonial American incidents of extralegal unrest concerned land. This violence over property occurred alongside the simultaneous attempts to violently dispossess Native American inhabitants of their land. While much of this violence between Anglo-American settlers and Natives falls outside of the scope of this article, it occupied a murky space, as characterized by legal scholar and historian Gregory Ablavsky, caught somewhere between mob and military action (*Ablavsky 2021*, 141). In addition to regulating issues regarding land claims, colonial mobs continued the English practice of using crowd action to police their communities, targeting wife beaters, prostitutes, and religious minorities (*Gilje 1996*, 27-30). Popular extralegal collective violence did not disappear after the American victory in the revolutionary contest. Reflecting the tradition from which it emerged, most instances of crowd violence during these first years of the United States did not embrace the use of lethal force. In the 868 instances of extralegal collective violence recorded between 1783 and the end of 1828, only 50 saw fatalities. Put another way, lethal force only occurred in five percent of all extralegal action during this 45-year period.

- 39 Occasionally, however, killings associated with extralegal collective activity did occur in the early republic. With the ability to claim legitimacy on the example of the American Revolution and drawing from a robust and popular tradition of “politics out of doors,” instances of turbulent agrarian unrest constituted a tremendous threat to the young republic. Between 1786 and 1787 in Massachusetts, farmers known as “Shaysites” expressed their economic and political grievances by taking up arms against the government. The Shaysites called themselves “Regulators” rather than rebels, referencing a long tradition in which the people reserved for themselves the right to “regulate” or reform corrupt authority through force if need be. As historian Leonard L. Richards has noted, the rhetoric and ideology of the Revolution had seemingly reinforced and legitimized this mode of behavior (*Richards 2002*, 67). The new republican authorities would disagree, and several more Americans would die in armed confrontations between the Shaysites and government forces before the unrest came to an end. In western Pennsylvania, opposition to taxation led to an armed insurrection by a group of farmers and distillers who came to be known as “Whiskey Boys.” In western Pennsylvania too, the promises of Independence had helped galvanize calls for greater autonomy, and in the words of historian Thomas P. Slaughter, the Whiskey Boys “lustily espoused” the principles of the Revolution (*Slaughter 1986*, 227). Again, government forces intervened and the so-called Whiskey Rebellion ended after producing a few fatalities. All the while, land disputes, which had animated a large percentage of pre-revolutionary extralegal activity, continued to provoke bloodshed and, at times, the use of lethal force. In the Wyoming Valley of northeastern Pennsylvania, an old land title conflict between rival groups of Pennsylvania “Pennamites” and Connecticut “Yankees” led to some loss of life in 1784. In October 1791, when a group of law officers and the county judge attempted to evict some squatters from Hillsdale, New York, a party appeared and shot Sheriff Cornelius Hogeboom dead (*National Gazette 1791*). In 1807 Beaver County Pennsylvania, assailants ambushed a party accompanying a deputy sheriff to serve writs for a land company, killing one of the men. When the colonel of the local militia attempted to gather men to hunt down the killers, only 15 volunteered, as the locals believed that the assailants were “forty or fifty strong, and that they were resolutely determined that they would not let themselves be taken” (*The National Intelligencer and Washington Advertiser 1807*).
- 40 Immortalized by Thomas Jefferson’s commentary regarding the “natural manure” supplied by the “blood of patriots & tyrants,” agrarian violence arguably provided the most famous scenes of popular unrest in the early republic (*Jefferson 1787*). However, lethal violence was far from relegated to the backcountry. Conflict in urban spaces also bore witness to extralegal action that sometimes turned deadly, revealing the early existence of fault lines along which more extreme manifestations of violence would soon erupt. In port cities, conflicts involving sailors erupted into numerous brawls and riots, some of which culminated in killing. The willingness of sailors to forcefully advocate for their collective interest even in the face of deadly violence was illustrated by one bloody incident from 1800 Baltimore. A group of sailors from the frigate *Insurgente*, angry that one of their own had been ejected from a music house for “behaving unruly,” made their way towards the offending structure. Before the sailors could reach the doors, a musket rang out from one of the building’s window and “15 buck shot entered the face and neck of a sailor, named John Johnson, of the *Insurgente*.” Attempts to rescue the dying man were met with additional gunfire, wounding Enoch Brown, a midshipman, and three other men. The show of deadly force, however, was insufficient to scatter the *Insurgente*’s crew, and the enraged sailors forced their way into the building and seized the men within (*Gazette of the United States, & Daily Advertiser 1800*).

- 41 Sailors, like the crew of the *Insurgente*, displayed in violent action an ability to galvanize over a shared crew identity and a willingness to advance collective interests through extralegal force. In the multinational waterfront environment of the port cities, this could lead to lethal violence along national or ethno-religious lines. In 1796 Wilmington, North Carolina, French sailors from the privateer *La Bellona* fought with Americans, resulting in the death of one American seaman (*Gazette of the United States, & Philadelphia Daily Advertiser 1797*). In 1811 Savannah, American and French sailors exchanged gunfire and fought with knives, leaving at least eight sailors dead. National allegiances trumped racial divisions in the Savannah riot, and when two of their countrymen came under assault, a multi-racial contingent of American sailors rushed to their aid. Unfortunately for the Americans, a volley of musket fire saw one of the White sailors receive “a musket ball in his face,” while a Black sailor fell with a mortal wound (*Portland Gazette and Maine Advertiser 1811*). Two years later, a brawl in Norfolk, Virginia between Spanish and American sailors saw six Americans stabbed, with one of the men dying immediately (*The Enquirer 1813*). In these lethal contests, national political rivalries and Catholic-Protestant religious bigotries inflated the importance of crew identity and raised the stakes of interpersonal conflict, especially in times of acute geopolitical tension (*Gilje 2007, 143*). Of course, sailors were hardly the only Americans willing to engage in ethno-religious violence. On St. Patrick’s Day in 1799 New York City, effigy “Paddies” intended to provoke Irish residents sparked a riot in which one person died (*Gilje 1987, 129*). In 1806, a mob of “Highbinders” attempted to disrupt a Catholic Mass on Christmas Day. Irish Catholics resisted the attack, and in the ensuing melee one Irish rioter stabbed a watchman, who “fell instantly and expired without a struggle” (*The National Intelligencer and Washington Advertiser 1807*).
- 42 Through extralegal collective violence, crowds in the early republic insisted on the right of Americans to assert their will outside of the confines of the law. Unsurprisingly, this sometimes brought mobs into conflict with representatives of the formal legal system. Shaysites shut down courts, rowdies rescued prisoners from jails, and law officers could find themselves forced to eat the writs they attempted to serve (*Szatmary 1980, 125*). Extralegal executions, however, represented perhaps the boldest challenge to the official system of law and justice. While many fatalities during the crowd action of the early republic simply emerged as a consequence of armed skirmishes or brawls, episodes of extrajudicial violence signaled an emergent trend in which vigilante mobs envisioned themselves as the final arbiters of justice. Extrajudicial punishment was not always lethal, and the word “lynching” itself originally simply meant a painful but ultimately non-lethal flogging (*Waldrep 2002, 29*). While there was originally no explicitly racial element to this early definition of lynching, extrajudicial executions would by the end of this period become increasingly associated with racial terror.
- 43 Reflecting older Anglo-American custom, vigilantes justified their violence by emphasizing a community’s right to self-protection. While this included physical protection against alleged criminals and other threats, it could also include perceived threats against a community’s moral or social system. This right could be invoked when members of the community felt the formal legal system failed to adequately dispense justice, as was the case in 1784 South Carolina. An ex-loyalist named Love returned to his community after fighting in the Revolution under the command of the notorious “Bloody Bill” Cunningham. Love had allegedly tortured and killed family members of local residents during the war, and was summarily arrested for murder upon returning to the area. Residents brought Love before Judge Aedanus Burke, who rendered an acquittal. Burke recounted that the crowd, while preserving “every appearance of respect towards the Judge,” seized Love, brought him to the woods, tied a rope around his neck, “and bid him prepare to die.” Ignoring the former loyalist’s pleas, the vigilantes hanged Love and quietly dispersed back to town (*Ward 1846,*

586). As Love's case demonstrates, extralegal collective violence, while often directed against outsiders to a given community, could take the form of what Senechal de la Roche terms "communal lynching," or lynching directed against insiders (*Senechal de la Roche 2001*, 133). Not only had Love served on the wrong side of the war, he had allegedly killed kin of his fellow community members in a cruel manner. These accusations meant that locals could not tolerate Love's re-entry, and the acquittal rendered by the formal legal system left extralegal collective killing as the community's final form of recourse.

44 While vigilante killing could ostensibly stem from communities seeking justice or self-protection, they were also a potent means of controlling outsiders or the less powerful. By at least the 1820s, vigilante executions of African Americans began to emerge as a potent form of racial terror. The extralegal killings of African Americans, distinguished by extreme and cruel ritual, provided a gruesome warning against disrupting White control or challenging the institution of slavery. Whether enslaved victims of vigilante killings were guilty of their alleged crimes is immaterial. The purpose was not justice, but a ritualized and bloody assertion of White authority. A mob in Charleston, South Carolina burned a young enslaved person alive in 1824 for supposedly committing murder (*Pfeifer 2011*, 96). Three years later, in Perry County, Alabama a crowd at least 70 persons burned another enslaved African American to death for allegedly stabbing a White man. The mob brought the man before a judge, who waived his formal legal authority and summarily "acted as president of the mob." According to the newspaper account, the horrifying scene was far from an isolated act of brutality, as the victim was the second African American "who has been thus put to death without Judge or Jury in that country" (*Louisiana Advertiser 1824*). That these mobs burned their enslaved victims to death was no accident, but reflected the older Anglo-American legal tradition of punishing, in Pfeifer's words, "petit treason, the reversal of the patriarchal order of the household through the revolt of wife against husband or slave against master" (*Pfeifer 2011*, 41). While not all instances of vigilante violence in the early republic were lethal or racially-motivated, the brutality and ritual of these Southern killings hinted at the terror which would become increasingly widespread in the years to come.

45 **Extralegal Killing Between 1829 and 1848**

48 **Borders**

49 Borders are shown as they would have appeared at the end of this date range. As the United States only acquired much of its Western territory in the last months of 1848, this explains why extralegal killing is contained to the eastern section of the republic.

50 **Dividing periods of violence**

51 It may seem arbitrary to divide two periods of violence at 1829. After all, mobs operating in 1829 were not necessarily radically different from the 1828 mobs of a few months prior. The decision to structure this analysis based on these ranges was instead grounded in historiographical concerns. Many historians emphasized the turbulence and exceptionalism of crowd behavior in the so-called "Jacksonian Era," and this article is in part a response to those interpretations.

53 Between 1829 and 1848, at least 133 more lives would be lost in American extralegal collective action, surpassing the number killed between 1783 and the end of 1828 in less

than half the time. In the historiography of American rioting, the crowd action of this period has largely been portrayed as representing a radical shift in extralegal violence. According to David Walker Howe, the 1830s saw a turn from “relatively restrained collective actions to impromptu violence, sometimes perpetrated as much for the sheer venting of emotion as for any planned objective, in which more people were likely to be injured or killed” (Howe 2007, 433) David Grimsted argued that “The United States had known only a few and scattered riots in the nineteenth-century prior to Andrew Jackson’s presidency,” while Carl Prince maintained that a hints of a new “violent epoch” could be seen “in the sporadic civil disorders of the years 1829-1833.” This disorder, according to Prince, culminated in 1834, which “marked the opening salvos, in this sense, of a new period of civil disorder in Jacksonian America” (Grimsted 1998, 3, Prince 1985, 1-19)

- 54 The years after 1829 certainly did witness some significant changes to both the frequency and direction of extralegal killings. Massive, deadly racial and ethnic riots erupted in urban centers, while workers along the nation’s vast new infrastructure projects demonstrated an increased willingness to employ lethal violence in labor disputes. Vigilante executions become more widespread throughout the South and Midwest, reflecting bitter contests regarding both slavery and the nature of the legal system. However, an analysis of lethal violence during this period also shows that many extralegal killings continued to follow the basic patterns established in the first few decades of the republic. Out of 581 recorded instances of extralegal action between 1829 and the end of 1848, only 62 – or roughly 11 percent – involved the use of lethal force. While representing a six-point increase from the earlier period, the continued overwhelming predominance of non-lethal violence indicates more commonality between this violence and the violence of the early republic than is typically acknowledged. It is therefore more accurate to conceptualize the lethal violence of this period not as a complete break from earlier, supposedly more tranquil forms of extralegal action, but rather as a time during which crowds attempted to address both old and new conflicts through innovative or intensified forms of collective violence within the framework of already existent and intelligible traditions.
- 55 Almost one-fifth of the 62 lethal incidents recorded between 1829 and 1848 stemmed from disputes involving non-enslaved laborers. Revolutions in communication and transportation prompted the construction of an ambitious network of turnpikes, railroads, and canals. In order to complete these projects, employers enlisted armies of workmen, including large numbers of recent European immigrants. Mirroring the behavior of sailors in the early republic, these working crews had a tendency towards collective action, often dividing along ethno-national lines and displaying a willingness to solve labor disputes through the use of lethal force. Lethal ethnic clashes between some combination of Irish, German, and American-born workers occurred in 1830, 1831, 1833, 1834, and 1839 (Way 1993, 193, *New-York Evening Post* 1831, *New York Evening Post* 1833, *The Evening Post* 1834). In the 1833 instance, a canal worker with an Irish surname was dismissed, prompting a group of nineteen fellow workers to riot. Likely angry over labor competition, the rioters located a German-born worker named Charles Hickenbottom, and “with a club struck him such a blow as caused his immediate death” (*New York Evening Post* 1833).
- 56 This violence could also be directed at employers, as was the case in 1834, when Irish workers killed some superintendents of the Baltimore and Ohio railroad. The workers dispatched John Watson, one of the superintendents, “in a most barbarous manner, the back of his head being cut open and his brains scattered about.” The workers then dragged outside one of Watson’s assistants, William Messer, and another superintendent named Callon and shot both men dead (*Indiana Palladium* 1834). This behavior was not unique to the Irish, as evidenced by German ropewalk workers beating a manager to death in 1841

Louisiana after the victim attempted to investigate claims that the men had abused a disabled worker (*Grimsted 1985*, 5-28). When no clear ethnic divisions were presents, workers could also sometimes organize around intra-national distinctions. Irish workers identifying as rival groups of “Corkonians” and “Fardowns” engaged in bloody melees at worksites across the United States. Although some historians have argued that these groups organized based on sectarian differences, both groups consisted of Irish Catholics and operated as secretive protective associations. A common religious and ethnic identity did not prevent these encounters from turning deadly. In one newspaper account of an 1834 faction fight, witnesses “who traversed the field after the battle was over, observed five men in the agonies of death, who had been shot through the head; several dead bodies were seen in the woods, and a number of wounded in every direction” (*National Intelligencer 1834*). This “faction fighting,” along with the intensity and brutality of Irish labor violence emerged from older Irish forms of extralegal collective resistance and agrarian secret societies (*Perry 2013*, 224-256). American workers, including sailors, had long used force to challenge rough working conditions and labor exploitation, and once distinctly Irish practices easily melded into the broader American extralegal tradition.

- 57 The surging Nativist movement ensured that lethal clashes animated by ethnic and religious animosities were not confined to worksites. In 1833 Charlestown, a party of Irish confronted American Benjamin Daniells for peering into a dancing house, and “beat him to death.” In the Five Points neighborhood of New York City an 1835 riot between Irish and Americans resulted in another fatality (*Litchfield Enquirer 1833*, *Richmond Enquirer 1835*). Large street battles famously rocked Philadelphia through the summer of 1844. Nativist mobs attempted to attack Catholic churches and neighborhoods throughout the city, and in July at least fourteen died in a riot that saw crowds clash with militia forces (*Gilje 1996*, 68, *The New York Herald 1844*). Reflecting the ethno-religious riots of the early republic, this violence often centered around the destruction of property, which sought to symbolically banish a group from the urban space through the erasure of physical representations of community. For this reason, lethal ethno-religious riots often centered around the attempted destruction of churches. What separated the ethno-religious violence of this period from that of the early republic was the scale of killing, which prefigured even worse urban unrest in the years to come.
- 58 Urban racial collective violence between 1829 and 1848 bore some resemblance to ethno-religious rioting, insofar that symbolic destruction of property and symbols of community success and prosperity constituted an important element of anti-Black violence throughout the period. Many working-class White Americans in this period worried that working and living alongside African Americans would damage both their social and economic status (*Rockman 2009*, 56). The ascendancy of the abolitionist movement compounded economic anxieties and racial animosities, and many urban spaces saw White mobs attempt to reinforce racial and labor hierarchies through force (*Gilje 1996*, 89). Like the Irish, African American residents mobilized to defend their neighborhoods from invading mobs, and showed a similar determination to use lethal force if necessary. In 1829 Cincinnati, a White mob attempted “to hasten the departure of the colored people from that city agreeably to the law, by storming their dwellings.” Local residents offered resistance, and one African American shot and killed a White rioter named Herricks (*New York Evening Post 1829*). In 1831 Providence, a Black man won a fight against five Whites, prompting a riot in which White sailors fought with Black residents. When the White mob returned to destroy houses, a Black resident opened fire and killed a member of the crowd. Resistance was often not enough to stop the largescale race riots of the period, like the one in 1834 Philadelphia that saw two churches and at least thirty homes damaged or destroyed. While the militia arrived to put down the rioting, at least one Black resident died after a vicious beating by the mob. Race

riots would produce additional fatalities in 1836 Cincinnati and 1838 Philadelphia (*Trotter 1998, 35, Morning Herald 1838*). While most race-related rioting resulted from anti-Black action, killing could also result from rioting sparked by direct opposition to slavery. In 1847 Carlisle Pennsylvania, a crowd of African Americans rioted to rescue two escaped enslaved people from slavecatchers. In the midst of the action, the rioters knocked down the slaveholder with stones, leaving him with injuries that would prove fatal (*Richmond Enquirer 1847, Edgefield Advertiser 1847*).

- 59 In the South, mobs continued to use vigilante executions to terrorize African Americans and any supposed enemies of slavery. In 1835 Mobile, a mob burned a Black man to death for allegedly murdering children (*Pfeifer 2011, 93*). One year later, in Hot Springs Arkansas, an enslaved man named William met a similar fate for supposedly murdering two Whites and five enslaved people. Additional lynchings occurred in 1836 Helena, Arkansas, 1841 Mississippi, 1842 Louisiana, 1843 Mississippi and 1847 Missouri (*Pfeifer 2011, 93-95*). It can never be known how many other instances of lethal racial terror have been erased from the historical record. While vigilantes mainly targeted African Americans, pro-slavery lynch mobs also signaled a willingness to kill Whites suspected of challenging slavery, as evidenced by the two White victims lynched in 1835 Livingston, Mississippi (*Morris 1988, 93*). While most extralegal racial executions are associated with the South during this period, notable examples also occurred in Northern states. A mob in Dubuque, Iowa, flogged a Black man named Nat to death in 1840 for alleged theft, and in 1848 Minnesota, in the St. Croix valley, vigilantes lynched a Native man named Paunais in retaliation for allegedly stabbing a White trader (*Pfeifer 2011, 99-103*). Similarly, the killing of White opponents of slavery was not relegated to the South, as indicated by the 1837 killing of White abolitionist Elijah Lovejoy in Alton, Illinois (*Vermont Phoenix 1837*).
- 60 Vigilante killings not directly related to slavery or racism, while still relatively rare, also became somewhat more frequent throughout this period. In 1835, in the same month as the residents of nearby Livingston lynched Black and White victims for supposedly organizing a slave insurrection, the residents of Vicksburg, Mississippi rioted in an attempt to drive gamblers from their town. In the violence, the gamblers opened fire and killed Dr. Hugh S. Bodley. Infuriated, the mob seized and hanged five gamblers. The capital punishment administered by the Vicksburg vigilantes captivated the national press and helped transform the word “lynching” itself from a definition for non-lethal crowd punishment into a synonym for extralegal execution. Tellingly, the racially motivated Livingston killings received far less national attention (*Waldrep 2002, 33*). Elsewhere, vigilantes invoked the “Spirit of the Revolution” and challenged the state’s monopoly on lethal justice. In 1841 Ogle County Illinois, vigilantes calling themselves Regulators – a term commonly used by vigilantes which harkened back to the Shaysites and pre-Revolutionary rebels – extracted William Driscoll and his two sons from jail. The Driscolls were alleged murderers and horse thieves, and, after an extrajudicial trial, the Regulators shot the three dead. Texan Regulators similarly tried and hanged two members of the McFadden family in 1841 Shelbyville for alleged murder. One Texas newspaper, condemning the vigilantism, wrote that “Although all of these men may have merited their punishment, still their guilt cannot exculpate those who thus executed them” (*Telegraph and Texas Register 1841*).
- 61 Even the threat of vigilante action could sometimes lead to killing. In 1840 Bandford, Virginia, John Slaughter received an anonymous letter from “A.B.C. and fifty others” warning Slaughter to flee town within twenty days, lest he be “taken out and well dressed.” Slaughter began sleeping in the upper rooms of his house, and prepared two small pistols, a large pistol, and a scythe with a straightened shank for his self-defense. The increasingly paranoid Slaughter came to believe that Joseph Pledge was the author of the threat, and when Pledge

tried to profess his innocence a fight broke out between the two men. Slaughter “drew a pistol from his pocket, cocked it, advanced to within about twelve paces of Pledge, took deliberate aim at him, and fired,” piercing Pledge’s femoral artery. Within half an hour, the supposed vigilante was dead (*Leigh 1842*, 682-686).

62 Vigilante-style killings also famously occurred in the course of Missouri’s 1838 so-called Mormon War, an agrarian conflict over land control and political power that was underlined by religious difference. While extralegal violence over land disputes and political controversies predated the republic, the 1838 Mormon War was distinguished by a scale and intensity that portended the rash of land-related killings that would later erupt in the aftermath of the Kansas-Nebraska Act. A series of raids and counterraids resulted in fatalities at Crooked River and Haun’s Mill. Governor Lilburn Boggs’s infamous Mormon Extermination Order may have contributed to the brutality of the killing at Haun’s Mill, which saw young boys liquidated alongside men (*Gilje 1996*, 79). The Mormons fled to Illinois in the aftermath of the conflict. There, in 1844, a vigilante mob would seize Mormon leader Joseph Smith Jr. from a Carthage jail and execute him alongside his brother, Hyrum (*Liberty Advocate 1844*). While vigilantism was hardly a new element in the American system of informal justice, and while most vigilante actions did remain non-lethal throughout this period, the increase in extralegal executions between 1829 and 1848 hinted at a growing shift in the relationship between courts and crowds.

63 The patterns of extralegal lethal force between 1829 and 1848 signaled a significant change to American crowd violence, but not in the way in which historians of the period have generally understood it. While the rate of extralegal killing did increase, the overwhelming majority of extralegal collective violence remained non-lethal. In this sense, much of the deadly violence in this period did not represent a radical break with the crowd activity of the early republic. The most significant development regarded the focus of that lethal violence, which still reflected the modification and intensification of older patterns of violence. Between 1829 and 1848, extralegal killing became increasingly common in violence motivated by racial, ethnic, and religious differences. Similarly, vigilante executions experienced an uptick, signaling a growing tension between formal and informal systems of justice, especially in the South and along the expanding Western borders. Finally, extralegal lethal force became more frequently implicated in political controversies concerning slavery and land control. While these developments did not immediately transform the landscape of American extralegal collective violence, they revealed the fissures along which an unprecedented surge of lethal violence would soon erupt.

64 **Extralegal Killing Between 1849 and 1865**

68 The years following 1848 were the deadliest in the history of American extralegal collective violence up to that point. Both the rate at which lethal violence occurred and the number killed sharply spiked between 1849 and the end of the Civil War. Over the course of this period, there were at least 320 instances of lethal extralegal violence in the United States. With just 62 of such instances having occurred between 1829 and 1848, this represented a dramatic five-fold increase in extralegal lethal violence over a shorter period of time. Just over 4 out of every 10 extralegal actions involved the application of lethal force after 1848, as opposed to just a little over 1 out of 10 during the period between 1829 and 1848. At least 878 persons died in this post-1848 lethal violence, and that is using one of the most conservative estimates of the number killed in the 1863 New York City Draft Riots (*Gilje 1996*, 93). While might be tempting to focus solely on the ways in which this lethal violence

diverged from earlier patterns, it was along familiar, long-established lines that many of the most radical changes roiled.

69 **Draft Riots fatalities**

70 Gilje maintains that the number killed in the 1863 Draft Riots was less than 120, while other accounts locate the number of dead at over 1,000. This analysis will use the more conservative estimation.

71 The relationship between Americans and the formal legal system had long been tenuous. From the earliest days of the republic, many Americans insisted on the primacy of the will of the people over the opinion of the courts. This had sometimes manifested in violent extralegal action directed against law officers and courthouses, but more generally provided the ideological justification for all Americans seeking to enforce their wills outside of the normal confines of the law. Around the midcentury, however, legal reform movements turned what had always been an uneasy relationship into a violent contest over the very meaning of justice. As Pfeifer writes, “The cultural conflict over the direction of criminal justice took on particular intensity at midcentury,” which Pfeifer attributes to “reformers’ success in modifying criminal law, increasing attention to and concerns about perceived threats to sectional identity, and the challenges posed by the rapid growth of a novel, multicultural social landscape” in the aftermath of the US-Mexican War (Pfeifer 2011, 54). Compounding this, the urban riots of the 1830s had compelled many cities to organize professional police forces, setting the stage for largescale lethal confrontations between crowds and law officers (Howe 2007, 432). With an emphasis on due process and the formal legal system’s claim to legitimacy in handling matters of law, these developments challenged traditional American understandings of justice and of popular access to force. The February 15, 1860 edition of the Rocky Mountain News provided perhaps the clearest illustration of the tensions between formal and informal system of justice in this period. A news item noting that a bill aiming to abolish the death penalty had been introduced to the New York State Legislature was printed directly next to a column written by Mountain City vigilantes, promising “ropes for murderers, and all those who commit crimes of a high nature, and whips for thieves and fighting men, which will be freely used when they are found guilty” (*The Rocky Mountain News* 1860).

72 The Mexican Cession, the Kansas-Nebraska Act, and the increasingly turbulent contest over slavery further amplified this conflict and elevated it to a position of national prominence. There had always been a natural tension between extralegal action and the formal legal system, but these combined developments helped contribute to a sharp increase in both summary vigilante executions and direct attacks on the formal legal system and its agents in the years following 1848. Within instances of extralegal lethal violence, this deepening conflict over justice did not result in a complete break with the form of past action, but rather manifested across familiar patterns. Ethno-religious and racial hatreds, land disputes, vigilantism, and slavery continued to provide the most common motivations for violence throughout this period. However, the ideological and material stakes behind that violence were higher than ever, and the application of lethal force soared as a result.

73 The 1848 end of the US-Mexican War saw United States acquire over 500,000 square miles of new territory and the discovery of gold in newly conquered California prompted an influx of Anglo migration that peaked in 1849. A wave of lethal extralegal action swept the region, with the majority of the violence directed against Mexicans and Mexican Americans. The potential for wealth promised by gold and land provided Anglos with an incentive to

eliminate Mexican competition by whatever means necessary, while supposed ethnic and racial differences combined with the Mexican practice of Roman Catholicism to inflame traditional bigotries and provide familiar justifications for dehumanization and violence (Carrigan, Webb 2013, 53). While gold-fueled greed ensured that the majority of lethal violence directed against Mexicans during the period would be in California, Mexicans and Anglos would, in the words of Carrigan and Webb, continue to clash “over the meaning of the US-Mexican War and the border it created” (Carrigan, Webb 2013, 22). Lethal violence against Mexicans and Mexican Americans was therefore not confined to California, and would also occur in what is now Texas, New Mexico, Arizona, Nevada, and Colorado. So widespread was this violence that Carrigan and Webb uncovered 103 instances of lethal extralegal violence against Mexicans between 1849 and the end of 1865 (Carrigan, Webb 2013, 177-240). As a point of comparison, some 113 total instances involving the use of extralegal lethal force had occurred across the entirety of the United States between 1783 and 1848.

- 74 While the terms of the Treaty of Guadalupe Hidalgo had guaranteed U.S. citizenship to the Mexican inhabitants of the annexed territory, the due process guaranteed to citizens provided little protection against the rash of vigilante killings perpetrated by Anglo mobs. Alleged outrages against Anglo bodies and property precipitated many vigilante killings, providing a pretense to threaten the larger Mexican population under the guise of justice. These lynchings could take place in front of massive crowds, emphasizing the traditional work of extralegal violence as a form of instructive spectacle. Between 800 and 1000 onlookers witnessed the 1852 vigilante execution of Carlos Esclava, while between 1000 and 3000 participants took part in the lynchings of Antonio Cruz and Patricio Janori in 1851. Lacking the protection of White womanhood, Mexican women could also be targeted by Anglo lynch mobs. Such was the case in Downieville, California, where a mob executed Josefa Segovia in 1851 (Carrigan, Webb 2013, 181).
- 75 Even the apprehension of alleged criminals by the formal legal system did little to stop vigilante killings. There were practical concerns about the courts and jails being overwhelmed following the gold rush, but vigilante action against the legal system also represented the growing ideological conflict regarding popular justice (Carrigan, Webb 2013, 25). Vigilantes did not simply view extrajudicial execution as their responsibility, they understood it as their right (Pfeifer 2011, 54). In 1852, vigilantes seized a man named Flores from law officers and lynched him for alleged murder. Later that same year, a band of vigilantes removed Capistrano Lopez and another unnamed Mexican from jail and lynched them for alleged horse theft (Carrigan, Webb 2013, 181-183). A rash of executions in California and the neighboring territories followed the same pattern, in which vigilantes seized alleged criminals from the formal legal system in order to liquidate them without the trouble of due process. This did not represent the “lawlessness” of Western myth, but rather the ascendancy of an informal justice system driven by organized vigilance committees. While Mexicans and Mexican Americans constituted the majority of those killed by such committees, vigilantes occasionally targeted other “outsider” groups, like the Irish and Australians killed in 1851 and 1856 by the San Francisco Committees of Vigilance (Gilje 1996, 83).
- 76 Outside of the California, racially motivated extralegal collective killings experienced a similar surge. In Wisconsin and Minnesota, lynchings of Native Americans displayed some parallels with the violence of California. In 1857 Gull Lake, Minnesota, a combined group of Natives and Whites apprehended Joe Shambeau, Jimmy, and Charles Gebabish for alleged murder. The New York Times in its account repeatedly characterized the three men as “two Indians and a Half-Breed.” A sheriff took charge of the three men and attempted to bring them to authorities in St. Paul. However, while en route, a group of White vigilantes seized

the prisoners from the sheriff and proceeded to hang them (*New-York Daily Times* 1857). Additional lynchings of Native men for alleged murder would occur in 1849 Chippewa Falls, Wisconsin, 1854 Puget Sound, Washington Territory and 1865 Mankato, Minnesota. Northern states also saw continued violence against African Americans prior to the outbreak of the Civil War, and in 1856 a lynch mob in Manchester, Ohio hanged a Black man named Bill for alleged rape (*Pfeifer* 2011, 93-108).

- 77 In the South, White mobs responded to anti-slavery resistance and growing calls for abolition by intensifying the violent terror directed against African Americans. By midcentury, the lynching of African Americans had become an increasingly widespread practice in the South. Far from a show of Southern White unity, many of these racially motivated executions highlighted, to quote from Pfeifer, "divisions among whites in a vigorous republican polity organized around slaveholding and white supremacy" (*Pfeifer* 2011, 45). The formal legal system in the South primarily served the benefits of the slaveholding elite, and those slaveholders generally had a vested financial interest in preventing mobs from killing the human beings which they viewed as investments. However, White mobs were able to overrule slaveholder interests by alleging that African Americans had committed the extreme crimes of murder and rape. Such accusations accompany most examples of Southern lynching during this period and were deployed to justify the elimination of due process and the application of the cruel ritual of death by burning (*Pfeifer* 2011, 43). That White Southerners made such arguments underlined the central reality that these lynchings were not about justice, but were inherently cruel, symbolic affirmations of White control. Enslaved men were not the only victims of vigilante executions, and White mobs, citing assault or murder of a female slaveholder, also lynched enslaved women during this period (*Pfeifer* 2011, 40).
- 78 The indifference displayed by Southern mobs to the actual presence of guilt was plainly illustrated by the 1850 lynching of an enslaved man named Grayson in Culpepper County, Virginia. Grayson had been arrested on charges of murder, but professed his innocence, even after his "hands were put into a vice and the force of the screw applied." Although the torture failed to secure a confession, a lower court sentenced Grayson to death. Grayson appealed the verdict, and the court which heard the appeal "was of the opinion, unanimously, that the evidence introduced in the first trial was plainly insufficient to connect the accused with the murder." The court stressed that they would have been unwilling to overturn the initial verdict had there existed "even a probable case of guilt." The judgment was reversed and a new trial awarded, but a note by the reporter at the bottom of the document revealed that "an armed mob in the day time, took him from the jail and hung him: And thus to punish a man whom they suspected of murder, they committed murder themselves" (*Grattan* 1852, , 613-619).
- 79 Following the 1854 passage of the Kansas-Nebraska Act, a new theater opened in the violent contest over slavery. Starting in 1855, violence broke out in Kansas Territory over the question of whether the territory would allow or prohibit slaveholding upon ascendance to statehood. The deadly confrontations between anti-slavery Jayhawkers and pro-slavery Border Ruffians captivated the nation as a bloody manifestation of the deepening partisan tensions over the nature and spread of slavery. In fighting roughly analogous to the 1838 Mormon War, dozens died in a series of raids and counterraides organized by militias and guerilla groups. While the question of slavery animated the worst of the lethal violence, the conflict in Kansas, like the Mormon War before it, was also fundamentally centered around the questions of land control and political power. While the violence between pro- and anti-slavery forces received the most national and later scholarly attention, deadly internecine conflicts over land and property could also erupt within factions. In 1858 Lawrence Kansas,

Gaius Jenkins and James Lane, both anti-slavery men, became embroiled in a conflict concerning a well located on a disputed land claim. Jenkins and four men, all armed, made their way to the well in order to destroy some impediments that Lane had constructed in order to prevent Jenkins from drawing water. In the ensuing confrontation, Lane shot Jenkins with his shotgun, “deposing some ninety-eight shot in the breast, abdomen, and legs of Mr. J., killing him almost instantly.” One of Jenkins’s men returned fire, striking Lane in the leg. The bloody affair excited the local community, and threats of lynching followed the action (*Nebraska News 1858*).

- 80 In neighboring Nebraska Territory, a series of extralegal killings related to land claims and property rights also occurred. Without a formal infrastructure having been established by the government to regulate claims within the territory, settler squatters banded together into organizations called claim clubs. Nebraska’s claim clubs ostensibly used the threat of extralegal collective violence to prevent “jumpers” from seizing honest land claims, but in actually sometimes used force to advance the financial interests of members and speculators (*Kammer 2011, 309-324*). The armed wing of the most notorious and powerful band, the Omaha Claim Club, went by the title of “regulators,” recalling the memory of earlier manifestations of vigilantism and, in a familiar rhetorical strategy, invoking Revolutionary symbolism as a means of justifying violence (*Morton, Watkins 1918, 189*). Vigilantes throughout the West, including in Nebraska, also attempted to legitimize lethal action through the organization of extrajudicial “trials,” in which the vigilante judges and lawyers would pantomime the formal legal system before committing acts of violence (*Supreme Court of the United States 1870, 32*).
- 81 In Nebraska’s river counties, club vigilantes often used the waters of the Missouri as their preferred instrument of violence. Vigilantes forced victims under the waters of the river until they “voluntarily” surrendered their claims, and used the Missouri as a geographic marker beyond which targets would often be banished following their punishment. While “being put over the river” constituted a common theme in accounts of club violence, one claim club member, A. L. Child, later noted that “in extreme cases, ‘over’ did not reach the other side” (*Child 1887, 2:234*). Such was the case, according to Child, when the local paper reported that four alleged claim jumpers “disappeared very mysteriously” from the vicinity of Plattsmouth in March 1857 (*The Nebraskian 1857*).
- 82 The application of lethal force was not solely reserved for land claim disputes, and as was the case in California and elsewhere, agrarian mobs demonstrated a willingness to kill over other forms of property violation. Horse theft proved an especially prominent catalyst for extralegal executions throughout much of the territory gained through the Louisiana Purchase and Mexican Cession. In Iowa, regulators lynched over two dozen people during this period, with alleged horse thieves constituting the majority of the victims. Like the neighboring Nebraskans, Iowans sometimes employed the river to dispatch their victims (*Eriksson 1925*). Throughout what is now Colorado and Montana vigilante executions claimed the lives of dozens more. When a Denver crowd discovered the suspended corpse of John Shear, they found a note attached to his body reading “This man was hung. It was proven that he is a horse thief.” The extralegal execution of an alleged horse thief reportedly troubled the crowd little, and the local paper reported that “The majority seemed to acquiesce in the act” (*Daily Evening News 1860*). Tellingly, the vigilance committees of the mountain regions counted among their leadership men who had first practiced extralegal collective violence in Kansas and Nebraska (*Leonard 2002, 23, Dillon 2013, 122*). It is telling that most of the killing in Kansas, Nebraska, Colorado, and Montana revolved around perceived threats to capital or property, be it represented by land, horses, gold, or even human beings. These vigilantes favored lethal violence over appeal to the formal justice

system, displaying a lack of trust in either the law's ability or motivation to provide protection. Increasingly acute political tensions only served to inflame those concerns.

83 **Interconnected episodes of violence**

- 84 William Larimer and William N. Byers had both belonged to claim clubs in Nebraska and would both serve on Denver's secretive vigilance committee. John A. Creighton had been a member of the Omaha Claim Club and later a member of the Montana vigilantes who performed numerous extralegal executions between late 1863 and 1864.
- 85 While the post-1848 surge in extralegal killing could in large part be ascribed to the rise in vigilante violence, patterns within extralegal urban violence hinted at a similar intensification. In 1849 New York City, class tensions and anti-British feeling sparked the bloody Astor Place riot. A furious mob clashed with police and militia forces, and by the end of the unrest at least 22 lay dead, with many more wounded (*Gilje 1996, 74-75*). New York City would see more major unrest in July 1857, when fighting between rival street gangs exploded into a largescale riot. The initial fighting was roughly along ethno-religious lines, with one of the gangs – the Dead Rabbits – being comprised by members of the local Irish Catholic population and the other – the Bowery Boys – being primarily drawn from the city's Nativist, Protestant residents. The street fighting was not limited to men, and several Bowery Boys opened fire at one defiant woman who carried bricks for the Dead Rabbits in her apron. Again, the government deployed police and militia forces, and the rioting only ceased after at least a dozen fatalities (*New-York Daily Tribune 1857*).
- 86 Across the country, urban crowds continued to fight and kill over questions of identity. A race riot in 1849 Philadelphia resulted in a large fire at the California House. Rioters attacked the firemen who attempted to respond to the blaze, and the violence eventually resulted in several fatalities (*Lewisburg Chronicle and the West Branch Farmer 1849*). In 1854 St. Louis, nativists attempted to attack an Irish neighborhood, and the ensuing combat left a minimum of eight dead (*The Spirit of Democracy 1854*). In 1855 Chicago, the Lager Beer Riot saw Germans clash with police forces after the Nativist mayor attempted to close taverns on Sunday and increase the cost of liquor licensing. In the ensuing riot, the Germans and police exchanged gunfire, leaving at least one dead and six injured (*Fremont Journal 1855*). In August of that year, a riot in Louisville, Kentucky saw at least 20 killed after a Nativist mob attacked an Irish neighborhood. The Know-Nothings committed numerous atrocities against the immigrant population, with one newspaper account reporting an incident in which an armed rioter caught a fleeing woman and her infant, "put the muzzle of the weapon to the child's head, fired and dashed its brains over its mothers arms" (*Eaton Democrat 1855*)! In 1856 Baltimore, ethnic tensions combined with political rivalries in a series of bloody riots between Nativist Know-Nothings and Irish-supported Democrats which left between 8 and 17 dead (*Gilje 1996, 67*). Deadly labor disputes also occurred, often – in a continuation of the violence of the 1830s and early 40s – organized around ethnic or racial divisions. In 1850 New York City, a clash between German tailors and police resulted in the deaths of two of the workers. In 1853 Lasalle, Illinois, Irish canal workers killed and "horribly mutilated" a contractor, Albert Story, in response to a wage cut. Authorities intervened, killing one of the workers (*Sunbury American 1853*).
- 87 Extralegal collective lethal violence also erupted in the North over the issue of slavery. In 1851 Christiana, Pennsylvania violence broke out when a slaveholder named Edward Gorsuch, a federal marshal, and members of a posse attempted to capture several enslaved escapees. Upon locating his target, Gorsuch announced that he had "come to take him or die

in the attempt.” A group of free African Americans and escaped slaves held the slaveholder to his word, and shot Gorsuch dead. Local residents met the killing of the slaver with apathy, and one newspaper account bitterly noted that “There is no great excitement in the vicinity of the scene of the murder. No one has taken any interest in the horrid occurrence” (*The Republic* 1851). Three years later in Boston, a mob attempted to force their way into a courthouse to free fugitive slave Anthony Burns. One of the courthouse’s guards died in the course of the assault, which ultimately failed to rescue Burns after the arrival of police reinforcements (*Alexandria Gazette* 1854).

- 88 The coming of the Civil War did not end the practice of extralegal killing. Sympathy for the rebellion burned in 1861 Baltimore, and that April an angry mob attacked Federal soldiers en route to the nation’s capital. Shots were exchanged, costing the lives of over a dozen soldiers and civilians. That June in Ogle County, Illinois, a lynch mob mixed pre-war vigilantism with the language of wartime politics when they hanged a man named Burke for the dual offenses of secessionist sympathies and suspected arson. Political allegiance to the Federal government did not necessarily mean respect towards the government’s legal system, and Burke had already been in the custody of law officers when “the excited crowd rushed upon him, and in spite of the officers of the law, he was...hung by the exasperated crowd, from a third story window, until he was dead” (*Wood County Reporter* 1861). The war, fundamentally centered around the issue of slavery, also intensified racial violence. In 1861 Milwaukee, a fight between two Irishmen and two African American men saw the Irishmen stabbed. The following day, police arrested the African Americans, named James Shelton and Marshall Clarke. One of the stabbed Irishmen died of his wounds, and a large crowd attacked the jail and seized Clarke from the law officers. In a gruesome scene that foreshadowed the extreme violence that would later wrack New York in 1863, the mob dragged Clarke through the streets and committed acts of torture and abuse before hanging him. One account noted that Clarke must have been near dead by the time he was hanged, writing that “several of his ribs were broken, one of his eyes gouged out, and his body otherwise injured” (*Chicago Tribune* 1861).
- 89 While a drunken confrontation over women ostensibly sparked the initial violence behind the Clarke lynching, the mostly Irish mob reportedly shouted out curses directed at abolitionists during the violence and referred to their victims as “contraband,” in reference to escaped enslaved people (*Pfeifer* 2011, 74-75). The urban collective violence directed against African Americans during the Civil War years reflected an amalgamation of both new and old tensions. In Northern cities, Irish immigrants had prior to the war competed with African American residents for domination over the low-paying unskilled labor market. The numerical superiority of the Irish allowed them to generally control the situation, but the coming of the war gave rise to fears that emancipation would enable a massive northward movement of African Americans. Such attitudes were not unique to the Milwaukee Irish, and in 1861 supporters of New York City Democrat Fernando Wood exploited a mix of racial and economic fears when they wrote that “our laboring classes, especially among the Irish and Germans, will show that they do not intend to be supplanted in their daily occupations by emancipated slaves, while they themselves are either driven into exile or the poorhouse” (*The New York Herald* 1861). Collective violence had erupted in response to these tensions before the Civil War, as was the case in 1854 when New York City waterfront employers slashed longshoremen pay from 1.75 down to 1.50. The mainly Irish longshoremen went on strike, and employers responded by bringing in African American laborers as substitutes. The situation quickly deteriorated into violence, with the Irish longshoremen attacking their replacements and attempting to drive them off (*Man Jr.* 1951, 394). The Civil War radically intensified this violence. The draft would only make the situation worse.

- 90 With no end to the hard war in sight, both the Confederate and Union governments looked to conscription to quickly refill depleted ranks. A series of violent crowd actions in opposition to the draft saw the application of lethal violence in both the South and North. In Madison County, North Carolina, a firefight between pro-Confederacy and anti-draft men left four dead (*Tatum 1934*, 115). In Rush County, Indiana, a dozen men ambushed and killed an enrollment officer in June 1863, and two months later in Danville, Illinois, at least five fatalities occurred after a mob of some 400 armed rioters attacked the office of the local provost marshal (*Coakley 1988*, 262-263). Many working-class White Americans resented being compelled to perform military service for what they saw as the interests of the wealthy, and seethed at the ability of wealthier men to buy their way out of conscription. In November of 1863, class tensions and racial hatreds were on full display in the Audenried, Pennsylvania, when Irish workers killed mine proprietor G. K. Smith. Smith had furnished an enrollment officer with a map of the residences of local draftees, drawing the ire of the “Buckshots,” a secret society comprised of Irish workers. The members of the organization reportedly opposed the draft, emancipation, and what they termed the “nigger war” (*The New York Times 1864*).
- 91 The most radical instance of anti-draft violence, however, would occur in New York City. In July 1863, racial hatreds, class tensions, opposition to conscription, and economic anxieties would combine to produce arguably the deadliest urban riot in the history of the United States. Mostly Irish rioters struggled with authorities for control of the city, fighting pitched battles in the streets, torching precinct buildings, and even targeting the city’s transportation and communication infrastructure (*Bernstein 1990*, 4). All the while, the rioters launched a brutal pogrom against the city’s African American population. The symbolic dehumanization of victims had long been a practice within the tradition of American extralegal killing and was on full display in Gotham as rioters lynched, mutilated, burned, and drowned African Americans (*Bernstein 1990*, 29). To a lesser extent, the mob also turned its rage against Republicans, Protestants, abolitionists, and uniformed government forces. In one particularly violent episode, the crowd hanged Colonel Henry O’Brien, and, finding him not dead, proceeded to torture him in the street. One newspaper reported that O’Brien’s body “was mutilated in such a manner that it was utterly impossible to recognize it. The head was nearly one mass of gore, while the clothes were also saturated with the crimson fluid of life” (*The New York Herald 1863*). The hellish spectacle continued for four days, and only the arrival of soldiers from Gettysburg would bring the carnage to an end.
- 92 Some contemporary New Yorkers, horrified by the scenes of terror and violence that gripped their city, speculated that the entirety of the unrest had been the result of a Confederate plot, even as no evidence surfaced in support of that theory (*Welles 1911* 1:369). However, while the Confederacy might not have been behind the Draft Riots, the South certainly was. So, for that matter, was the West, the Midwest, and the Northeast. The New York City Draft Riots represented the high-water mark of lethal extralegal violence in the United States. Far from an aberration, those four bloody days represented a culmination of a long and violent tradition of extralegal killing. Even if New York’s Irish rioters did not consciously mime White Southern mobs when they too ignited Black bodies, they tapped into a shared political language which asserted the legitimacy of the people’s access lethal force outside of the bounds of the law. While the brutality and scale of the Draft Riots reflected the larger post-1848 spike in extralegal killing, the roots of the violence stretched back past the founding of the United States. For decades, the justifications for extralegal killing had been honed and perfected, with a growing emphasis on race and identity as crowds increasingly dehumanized and dispatched victims in the name of supposed communal good. Extralegal killing represented a robust and flexible tradition, able to flourish even through the changes wrought by immigration and empire with Pfeifer noting that the racial lynchings of the 1860s

had the consequence of “effectively bridging Irish and American practices of collective violence” (Pfeifer 2011, 5). The racially motivated lynchings of the Draft Riots cannot therefore be untangled from those of the South or West, with, nor can they be separated from the long tradition of extralegal killing that had been cultivated in the republic from its inception.

- 93 Even as Americans recoiled at the scenes which emerged from Gotham that July, the widespread practice of extralegal killing would not cease following the New York City Draft Riots. Familiar patterns of vigilante executions and deadly riots would continue to produce fatalities through the end of the Civil War, even as the looming end to the conflict seemed to herald sweeping change. The Civil War and Reconstruction began a contested process of transformation that was not contained to the vanquished Confederacy, but reverberated throughout the entirety of the nation (Pfeifer 2011, 67). This would prove an uneven and unequal transformation, and extralegal killing would remain a prominent and effective means of popular political action as Americans both challenged and championed the promises of a republic reborn in blood. The collective violence that persisted past the Civil War was not an invention of Reconstruction, but the result of the continued modification and reapplication of older traditions to the conditions of the time.
- 94 This process of adaptation was nothing new. Extralegal killing has occurred in the United States from the republic's founding, and between the end of the Revolution and the end of the Civil War generations of Americans employed and amended collective forms of lethal violence in response to the changing questions of their day. For decades following Independence, the application of extralegal lethal force remained relatively uncommon within the broader landscape of American “politics out of doors,” but was never non-existent. Americans killed to contest the power of the state and formal legal system, to resolve labor or land disputes, and to enforce or resist White Protestant control. The most drastic change to this tradition of violence came not in the age of the so-called Jacksonian democracy, but in the years which followed 1848. American crowds had long challenged the monopoly that the state and formal legal system ostensibly held over the use of lethal force, but in the years following 1848 factors like slavery, westward expansion, and nativism caused long-existing societal fissures to burst.
- 95 The turbulent changes to American society in the years which followed 1848 destabilized the republic's status quo, prompting individuals and groups to challenge or reaffirm their position within society and their relationship vis-à-vis the formal legal system. This could be accomplished through participation in the tradition of extralegal collective killing, which transformed bodies into legible mediums through which objectives or desired transformations could be communicated. While extralegal killing surged at an unprecedented level over the years which followed, much of that violence continued to take familiar forms while borrowing older justifications and symbols. This could serve to help provide lethal violence with some veneer of legitimacy – as was the case when crowds deployed Revolutionary tropes – or could simply do the work of ensuring that the purpose of the killing remained intelligible to participants, onlookers, or victims. Extralegal collective killing was and is a form of communication, and it is through intelligibility rather than through force alone that most killings achieve their ends. The application of collective lethal force must therefore not be understood as disjointed or random, but rather as a practice developed by crowds conscious to some degree of both the conditions of their time and the violent tradition within which they operated.
- 96 On April 13, 2021, the city council of Placerville, California convened to vote on removing an image of a noose from the city's logo (Wingo 2021). During the California Gold Rush, the

promise of mineral wealth brought a flood of miners to the site of the future city, then known as Dry Diggings. However, a reputation for extralegal killing would soon give the location a new name: Hangtown. As one 1849 newspaper account reported of the place, “There are few disturbances of any kind, and owing to the strict administration of a kind of extempore justice crimes have become less frequent. The only punishment is hanging” (*Burlington Hawk-Eye *). Eventually, “Old Hangtown” became an attraction, evoking the memory of extralegal execution to draw tourists interested in the mythic past of a lost “Wild West.” Within the context of a much larger national discussion of race, violence, and memory in the United States as a whole, however, the city council and residents of Placerville were forced to grapple with the meaning of a noose and their own local history. Ultimately, the city council voted unanimously to remove the noose. But even as one symbol of extralegal execution slowly vanishes from around Placerville, the history of extralegal killing continues to loom over the United States. Throughout 2020 and 2021, prominent killings associated with rioting, lynching, and vigilantism captivated public attention, providing a stark reminder that the application of lethal extralegal force never disappeared from the tradition of American collective violence. A fuller understanding of the history of extralegal collective killing in the early United States of America is not some antiquarian pursuit, but a vital window into the deeper meaning and memory of violence. An analysis of the dramatic post-1848 spike in the use of lethal force within incidents of extralegal collective action contributes a critical piece to this understanding. Collective violence is best understood when it is treated not as a matter of spontaneous generation, but rather a matter of evolution which must be analyzed over the long term. Placerville’s fading noose is a reminder that the extralegal collective killing of today is not solely a condition of the present moment with all its unique challenges. It is also the consequence of a long, violent history.

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