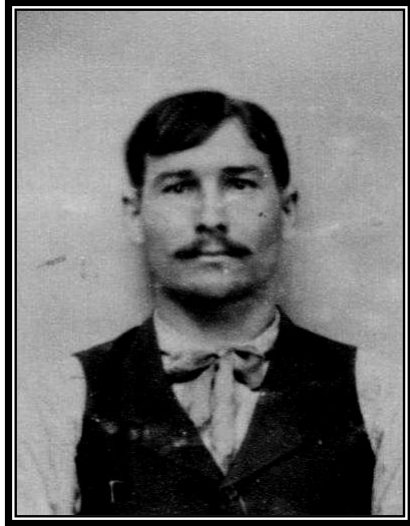


Been There, Done That



Robert Lafayette Gibson

A story of fall and redemption...twice.

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Glenn Snow

Cover photograph: Robert Lafayette “Lafe” Gibson upon entry to the Arizona Territorial Prison at Yuma, April 1901. Courtesy of the Pinal County Historical Museum, Florence, Arizona.

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Thanks to Chris Reid at the Pinal County Historical Society... for always finding me the prison records I need, whenever I call on her.

Thanks also to Martha Rivera in the Office of the Clerk of the Superior Court at the Cochise County Courthouse, Bisbee, Arizona...for her bright, efficient, pleasant, and competent assistance in tracking down court records.

Thanks to Stan Benjamin, historian and record collector extraordinaire of Cochise County, and about every other county in Arizona.

And thanks to the members of the Gibson and Scranton extended families, who ferret out and document their family histories and share them online at Ancestry.com.

The defendant was not present in the courtroom during trial. The prosecution presented three witnesses, all of whom were known lawbreakers. Attorneys for the defense neither presented their own witnesses, nor cross-examined (nor even questioned) the prosecution's witnesses. The trial lasted twenty minutes from the time court was called into session until the case was put in the hands of the jury. Jury members never left the jury box. After the evidence was presented, they stayed in the courtroom and took thirty seconds to select a foreman. They took an additional 11 seconds to return their verdict. Guilty.

It sounds like a kangaroo courtroom in some dictatorial country, a clear miscarriage of justice, and a farce of a trial. But it was none of these. The defendant was Lafe Gibson, former deputy sheriff of Cochise County and Constable/Jailor at Gleeson, Arizona. The charge, this time, was selling illegal "bootleg" liquor, during that time when Arizona was a "dry state." This is a story of fall and redemption...twice.

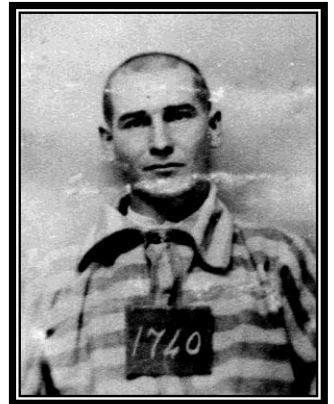
THE FIRST FALL

Robert Lafayette Gibson was born on January 21, 1879 in Moab, Utah. In 1897, at the tender age of 18, he married Ida Alice Sherman...but their marriage didn't "take." He was divorced within three years and single, choosing to live with his parents in the town of Eden, in Graham County, Arizona. On October 23, 1900, the 21 year old Lafe was playing baseball with some buddies in Eden, when a two-horse wagon approached on the adjacent road, driven by a Mexican man named Bacilio Martinez, who motioned the boys over to his wagon. Señor Martinez spoke very little English, when Lafe and his friends neared the wagon, Martinez held out a slip of paper with some indistinct writing on it. He handed it to Lafe who tried to read it, but being unable to do so, started to unfold the paper. Martinez yelled at him to stop, and demanded the paper back. Confused and a little annoyed, Gibson handed it back and an argument broke out, which Gibson ended by swatting one of the horses with a switch and sending the wagon on its way. Martinez stopped the wagon a few yards further along, jumped down from his seat, and went to pick up a rock, apparently with the intent of threatening the boys. Gibson grabbed the baseball bat and struck Martinez, driving him to his knees. At this point, Gibson then struck the Mexican man at least once, (maybe twice, the evidence is unclear) on the head with the baseball bat. Martinez struggled to his wagon and drove off, leaving Gibson and the boys behind. About two miles further down the road, Martinez fell from the wagon and died the next day. Since there was no doctor in the little town, there was no autopsy.

In his trial before Graham County judge Fletcher Doan, the defense maintained that it was possible that Martinez did not die from Gibson's blow, but from some other cause. During opening statements, the prosecutor stood before the jury, wheeled on the defendant, and said, "Just look at his face. You can see that he's a murderer!" Defense council objected, and the judge agreed, warning the prosecutor to stick to the facts of the case, and admonishing the jury to disregard the prosecutor's outburst. Lafe Gibson was convicted of manslaughter, and sentenced to 7 years at the Territorial Prison in Yuma. He appealed his case to the Arizona Supreme Court, citing the uncertain link between the beating and Martinez' death. The Supreme Court didn't buy that argument, nor the argument that the jury had been unreasonably swayed by the opening statement of the prosecutor. On April 21, 1902, Lafe Gibson entered the prison at Yuma.

REDEMPTION

Modern-day visitors to the Yuma prison might think of it as a horrible place, with medieval tortures baking in the hot sun. But in fact, the Yuma prison was one of the more agreeable prisons in the country, at the time. It was indeed hot, but the prison buildings were actually cooled, using electricity generated by one of the first large-scale electrical generators in the West. There were no punishments, aside from solitary confinement for those who had tried to escape, and many prisoners received their first schooling at the prison. There were very few who ever left the place without knowing how to read and write, and without training in some useful trade.



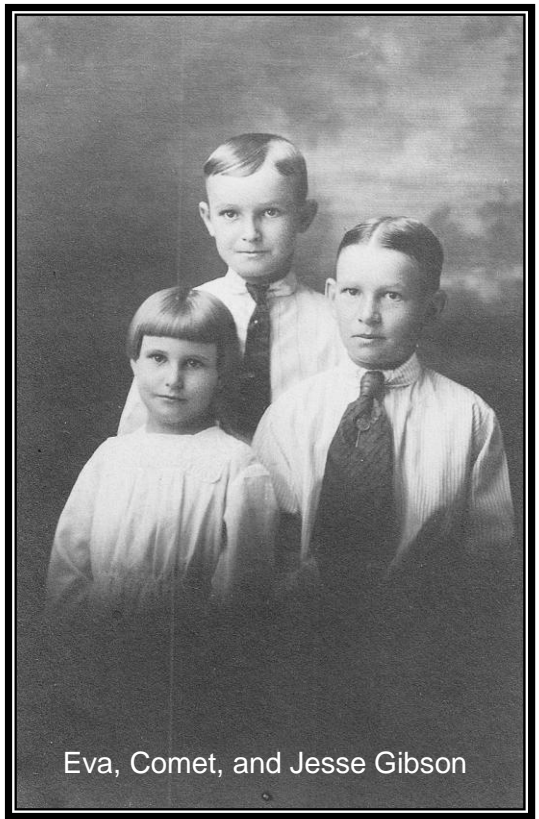
While he was there, Lafe Gibson learned to be a barber, attending to the tonsorial needs of his fellow inmates. With time off for good behavior, Lafe was released on parole on January 19, 1906, when he headed for Tombstone and took up the profession of barber. Lafe's years in Tombstone were among his happiest and most productive. He began work as a barber in Tombstone, working for J.B. Miano, whose shop had been a fixture there since 1884. Just six months after his arrival in Tombstone, Lafe had met, fallen in love with, and married Katie Scranton. It was a second marriage for both of them, and in spite of the difficulties to come, their marriage lasted 37 years (divorcing in 1943). They had a son, Jesse, in May of 1907, and Lafe had taken over the Miano barber shop on the

famous Allen Street the next year. A second son was born on May 18, 1910, the very day that the earth passed through the tail of Halley's Comet. Lafe and Katie's second son was named Comet in honor of that auspicious event. Lafe was both successful and well-liked, and had taken up residence in a homestead a few miles east of Tombstone.

In fact, he was so well accepted in the community that in 1913, Sheriff Harry Wheeler appointed Lafe as one of his deputy sheriffs, assigning him to take over the post of constable in Gleeson. A mining and ranching town about fourteen miles east of the county seat in Tombstone,

Gleeson had recently lost its deputy W.W. Cates, who moved to Casa Grande because of his wife's health. Lafe gave up his life as barber, and rather than heading into work by riding west into Tombstone from his homestead, he just turned his horse the other way and headed east into Gleeson instead. Their third child, Eva, was born in 1915, while Lafe was deputy sheriff and constable in Gleeson. But in most other ways, 1915 turned out to be the beginning of a bad spell for the Gibson family.

On January 1, 1915, Arizona became a "dry state." The previous November, Arizona voters had passed an amendment to the state constitution which outlawed the manufacture, sale, or introduction of intoxicating beverages anywhere in the state. From that date until the repeal of national prohibition in 1934, law enforcement officers throughout Arizona spent a good deal of their time chasing bootleggers around the open country. Since both New Mexico and the nation of Mexico allowed liquor, Cochise county was a conduit of illegal booze from both east and south. There was a great deal of money to be made in the bootlegging business, and often where there is illegal money, there is



Eva, Comet, and Jesse Gibson

also much danger. Unfortunately for those charged with upholding the law, there is also great temptation.

THE SECOND FALL

When bootleggers found they were discovered, they often abandoned both the booze and the vehicles, leaving both in the hands of law enforcement. Because of a loophole in the law which was not closed until 1918, they could even come back after a few weeks and re-claim their vehicles, without getting arrested. All they had to do was show proof of ownership of the vehicles. The booze, however, was confiscated. Because it was to be used at trial, it got locked up. However, if the bootleggers had gotten away, there was nobody to go to trial, so the illegal liquids were destroyed, most often by breaking bottles or kegs and pouring the liquor onto the ground.

In January of 1917, Deputy Lafe Gibson surprised a bootlegger who was carrying four barrels of whiskey into Arizona from New Mexico. The bootlegger abandoned his car and high-tailed it out into the desert. Deputy Gibson was left with a car full of 200 gallons of fine whiskey. He brought it back to town and locked it up in the freight lockup room at the Southern Pacific depot. During the night, some thirsty citizen tried to crawl under the depot and drill up into one of the barrels. The attempt failed, however, missing the barrel by half a foot. Upon discovery of this attempt at liquid hijacking, the four barrels were moved down into the Gleeson jail, where they were secured for the night. Knowing that there was nobody in custody and that the booze would be poured out the next day, Deputy Lafe Gibson found that the money to be made was just too great a temptation. During the night, he siphoned most of the liquor from those four barrels into containers of his own, and then re-filled the barrels with water, leaving just enough booze to maintain the smell of alcohol. The next morning, in sight of all the town, he and his assistants knocked the stoppers out of the barrels and allowed the watered-down whiskey to drain into the ground. In the meantime, he sold the undiluted stolen whiskey to Barney Bono and other merchants in Gleeson and nearby Courtland.

This was hardly the first time that Gibson sold confiscated liquor. In fact, court documents show that he had been selling it both wholesale and retail since early 1916. Wholesale transactions were made at night to merchants such as Bono, Jack Sherman of Whitewater, and other merchants in the area. Retail transactions were made in a partnership with Bob Stone, who acted as the middleman in selling whiskey to individuals by the half-pint, pint, and even by the case. Speaking to a reporter for the Tombstone Prospector, county attorney John Ross said that most of the

bootlegging activity in Gleeson and Courtland had dried up since Gibson's arrest one month earlier.

The sentence handed down by Judge Lockwood was "that the defendant be confined in the County Jail and at hard labor for a period of two years, commencing from June 8, 1918, and that he pay a fine of \$300.00." When the bailiff called for Gibson to appear and surrender himself, he was nowhere to be found. Gibson's \$300 fine was paid for by forfeiture of his bail money, paid a month earlier when the charges were first filed. As for time spent in the county jail, as the court ordered, there is no record of Gibson spending even a day in jail. In fact, Gibson's name is never mentioned again, either in the Courtland Arizonan or in the Tombstone Epitaph, both of which regularly covered Gleeson events.

In September, 1918, just 3 months after his conviction and supposed incarceration in Cochise County, Lafe Gibson filed his draft card in the little town of Higbee, tucked away in the southeast corner of Colorado. So it appears that Lafe and his family left Arizona and moved to Colorado, and that he never served any time in the county jail, nor did he perform "hard labor" on the Cochise County road crews, as his sentence dictated. The Gibson home near Gleeson was sold to a nearby rancher in mid-September as well. There is no record of Lafe setting foot in Arizona ever again.

Why is it that Lafe was never pursued and extradited from Colorado back to Arizona? Several possibilities suggest themselves. The most plausible is a combination of ignorance, convenience, and relative merit.

Ignorance: In 1918, communications were not what they later became, and it was relatively easy to pull up stakes and disappear. This was magnified in November with the return of the troops from Europe at the end of the war. Since neither Lafe nor his wife Katie had any relatives in Arizona, there was little to connect them to the state, and they could easily have disappeared north and east into Colorado.

Convenience: Extradition from another state is a complicated process which is initiated by the law officers (Sheriff and County Attorney) in the place of conviction. It would have involved tracking down the offender and then petitioning the Colorado Governor Julius Gunter for Lafe's arrest and transport back to Arizona. Both Sheriff Guy Welch and County Attorney John Ross had other things on their minds. Welch was campaigning to be County Treasurer, and John Ross was angling for election as judge of the Superior Court. Spending time and energy chasing

Lafe Gibson was probably not a priority, especially considering Gibson's local popularity.

Relative merit: The cost of finding Gibson, petitioning the Colorado Governor, then either paying for his transport all the way back to Tombstone or physically going there to get him, was prohibitively high. Gibson knew he could never set foot in Arizona again, and if they just left him there, he was Colorado's problem, not their own. Gibson was, after all, only one of hundreds of people convicted of bootlegging, and since he'd done it right under the nose of every law enforcement officer in the county, it was probably decided just to leave well enough alone.

REDEMPTION AGAIN

In Colorado, Lafe Gibson returned to an honest life, and made his living working cattle in Higbee, but by 1927 had moved to Eugene Oregon, where he worked as a barber and real estate agent. Their three children grew to be productive and upstanding citizens, as was Lafe after his brush with bootlegging. Lafe and Katie divorced in 1943 in Oregon, and he moved back to Colorado, where he continued his profession as barber. Lafe Gibson died in Denver Colorado on April 21, 1952, a proud father and grandfather. He never returned to Arizona.

The story of Lafe Gibson is a story which illustrates that the west was not as "black and white" as romantic fiction often suggested. He was a man who had a troubled youth, who paid his debt and became a productive citizen, only to be tempted by big and fast money. In the end, Lafe Gibson found his redemption in family and honest work. In that, the story of Lafe Gibson is very much the history of the west itself.

