

Law Enforcement History



Reflections from Dude Todd *by Kellie R. Shockley*

I originally started this story because through my father I was very close to some of the members in the sheriff's office. At the time he was a deputy serving under the late sheriff, Nick DeLuca. As I interviewed people I decided to dwell on the historical aspects of law enforcement. This is how I came about interviewing Mr. Dude Todd.

Ernest Todd has seen many changes in the field of law enforcement. Starting in 1942, he served as sheriff for three years. My interview with Ernest, known as "Dude," revealed a most interesting outlook on law enforcement. Not only did he serve as sheriff, but he was also a deputy for ten years and city manager in Oak Creek.

"I enjoyed working for the public, and I enjoyed the sheriff's office. We had long hours, and they were very trying, but there was always something coming up that would get us excited and moving. I was in law enforcement for

probably 12 years, and it was different in those days.

"The present day courthouse was built in 1923; I was there when they laid the cornerstone. There was only the sheriff and one deputy in the office at the time and we had to do it all. There was no night shift. We were called anytime, and our hours were very irregular. We didn't have modern equipment to contact other towns, we had to do it by telephone or by whatever means we could. We didn't have the opportunity to catch someone as we do today; we had to do it in the old fashion way.

"When I was a deputy, I served under Fred Foster for ten years. I lived in Oak Creek and was appointed a city manager; that was before I became sheriff. Back then the sheriff had his own car and charged mileage. I think we charged six cents a mile, but gasoline was around 18 cents a gallon then. We had to furnish

our gun, too. Of course, today they furnish all the equipment for their deputies. We tried to employ ablebodied men who could handle a gun and themselves, ones who had strength and non-drinkers, if possible. We tried to pick persons who were qualified to act. They had to!

"During my term we had several occasions of gun play. For example, one man in Phippsburg held four people all night. I went there and the man was standing in the front door with a 30-30. He was high on dope, we were fortunate we didn't get shot, or that he didn't shoot anyone. He said later, that he didn't know what he was doing.

"Another time in Hayden, there was a section foreman on the rampage. He was shooting out all the windows in the hotel. The marshal then was an elderly man, so I went to help. Everytime we touched the door, the man would start shooting. We just kept him shooting and shooting until finally he didn't answer, and we knew he had used all of his shells. I then asked for a pocket knife and sure enough the sheriff had one, so we took the knife and opened the door. That was that!"

Dude ran into some bizarre people in his profession. "I remember one time on Elk River a man was shooting up the neighborhood; his neighbors called me to try to settle him down. So I went to Elk River and started across the field to his place. I got within a quarter of a mile from his house, and he started shooting at me. But he wasn't hitting me. He kept that up as I was walking toward him. I got behind the little wood shed and waited. Eventually I asked him if he could show me the way to Steamboat Springs, and he said sure. I knew the man, so he went right along with me to town. Of course, he went to the pen, but I don't know how long he stayed there."

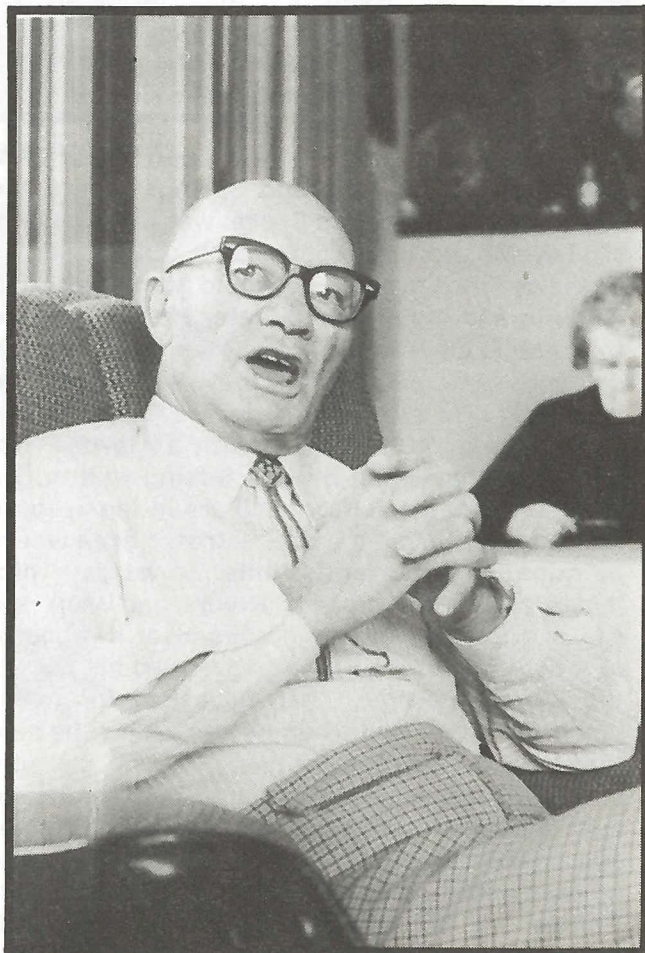
Dude also related that he had seen a man killed in Oak Creek before he became sheriff. "My friend and I were walking up the railroad track and met this fellow carrying a rifle. We recognized him as being the owner of the Oak Creek hotel. About the same time, two brothers were coming down the road. One of them had a rifle, and one of them had a shotgun. The owner of the hotel went into his hotel and proceeded to shoot at the two brothers. He killed one of the brothers, and he wounded the other who ran behind the watering trough. Then he came out and pointed his rifle toward the crippled one and for some reason decided not to kill him. He waited in the hotel until the deputy came, but the officer did not arrest him or take his gun away. The vehicle, an old Hupmobil with the top down, carried them back to Steamboat. The hotel owner kept his gun across the lap.

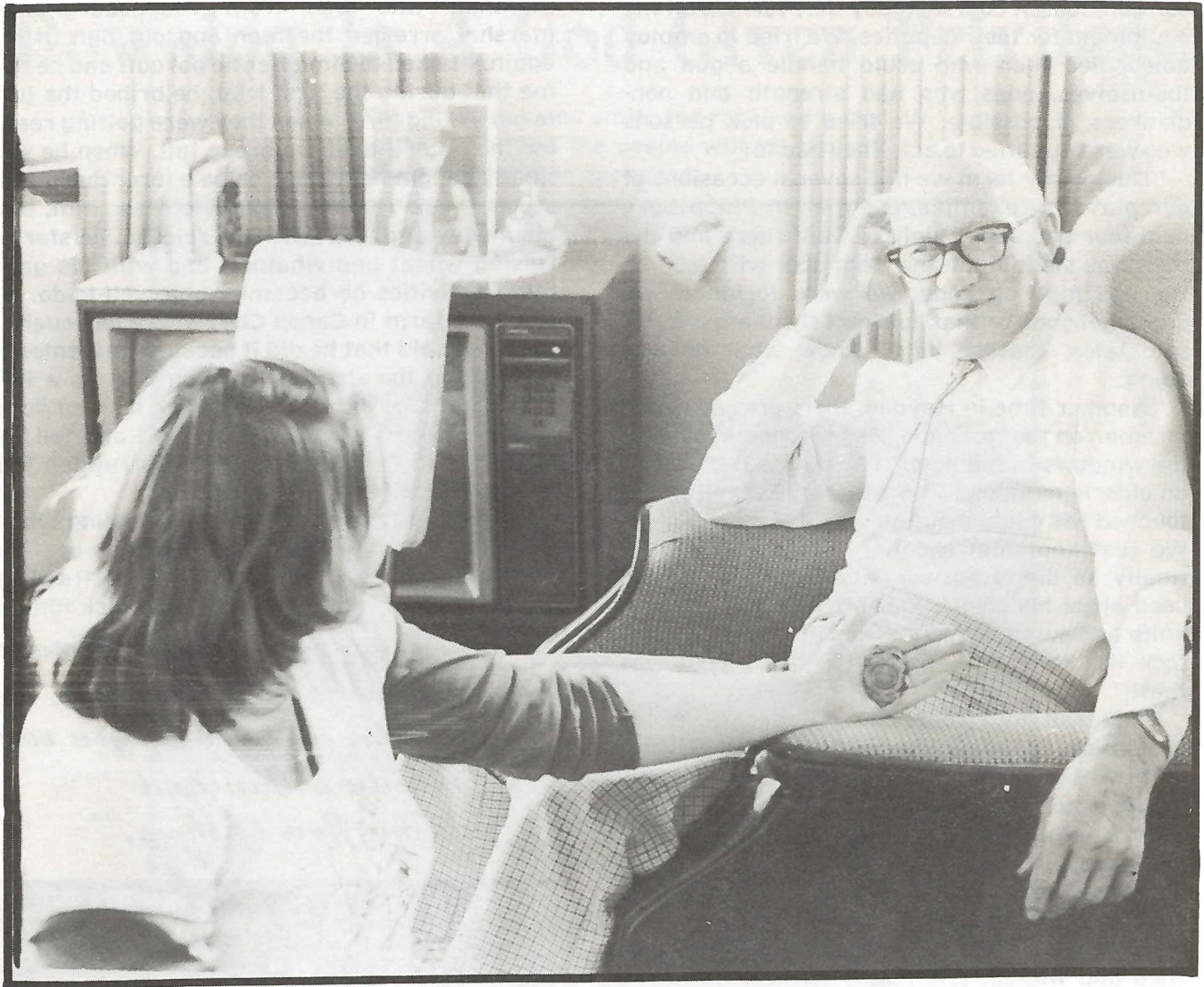
"Later that same hotel owner broke jail. He was in Kansas City when he ran into a deputy

marshall who was from Phippsburg. The marshal arrested the man and put him in jail again. I talked to him after he got out, and he told me that during the first trial, he bribed the jury to get a hung jury. When they were getting ready for the second trial, he broke jail. When he was finally caught he tried to bribe a juror during the second trial. The juror double-crossed him, took his money and left. After his release, he started raising wheat and whatnot, and with his gambling activities he became quite well-to-do. He started a farm in Canon City, where he bought a place. He said that he did it because he wanted to walk down the streets of Canon City as a free citizen, and he did it. I even think he died down there. He used to come up to visit and tell me about life in the pen and all the corruption that went on there."

Dude then told me another interesting story. "We had a man who choked his wife to death in Phippsburg. He was arrested in Rawlins, Wyoming, and when I went over to pick him up

"It doesn't make any difference if you have three dollar shoes and three dollar wages or if you earn thirty dollars and just one pair of shoes."





Reminiscing Old Times

and take him to Colorado Springs where the Chief of Police, Old Dad Bruce, was quite a noted officer for getting confessions. Old Dad interviewed him to see if he would admit to killing his wife and giving her a water burial. We had the first lie detector test, and man from Chicago came to Colorado Springs to give the test. We didn't tell him what the crime was, and he came out and said, 'I'm in there with a murder.' He found out that much by just talking to him. He wanted the names of some rivers in the area, to see if we can located a concentrated area where he might have buried his wife. So we gave him the Yampa and Colorado Rivers and Morrison Creek and some untrue names also. In about a half hour he said the man had buried his wife in the Colorado River. Then he asked for towns along the river, and when he came back he said that the man had put her near Fruita, Colorado, at the bridge. He said the man had her bound with a rock around her neck, and he threw her overboard into the river. He said that she came up only once and then sank. He hurried back to Phippsburg, because he wanted to be on his shift the next morning. He told us that after he had

choked her he got scared. So he wrapped her in a blanket cut the clothesline down and wrapped it around her. Everything the lie detector man told us turned out to be true. We check the clothesline and the blanket which was bought at the J.C. Penny's. Now this man never had seen the prisoner before he gave him that test, and he was able to find out that he killed his wife. The prisoner finally confessed. Later we found out there was a lady next door who saw the man cut the clothesline, drive away and return several hours later. She said that he looked like he was waiting for someone, because he kept looking around."

Next Dude talked about the duties of a sheriff in office. "The sheriff booked criminals if a deputy brought them in. We would interrogate them to find out if they were guilty or not. Accident reports were filled out by either the sheriff or the deputy. My wife helped fill out the testimony on some of the criminals. Then we would present the testimony to the district attorney for review. Ray Monson, our district attorney, often called Dorothy, my wife, because he felt she could take testimony well. We had to



Dorothy Todd

get the information right away because the criminal might change his mind."

"The sheriff's office consisted of the sheriff, undersheriff and a deputy in each town who patrolled continuously. There was also a posse and other people in the community that could be relied upon in case of an emergency."

Dude then talked about the laws of yesterday and today. "I think the laws were average, no better perhaps than they are now. I was a little disappointed then in some of the sentences the judges gave out, but I guess humans can't all agree on things. I think some officers are handicapped today because of the laws. I think that the law gives too much protection to the criminal. At times the problems of trying to make laws equal gives people a blind eye to corruption."

The hunting season is always a tedious time for law enforcement. Dude recalls, "We had some really long hard hours during hunting season because there were only two of use in the office. We were often called upon to find someone who was lost or shot. We were really glad when the season was over, since there were several people who were killed each year. People still get careless, excited and shoot themselves, their partners and/or other hunters."

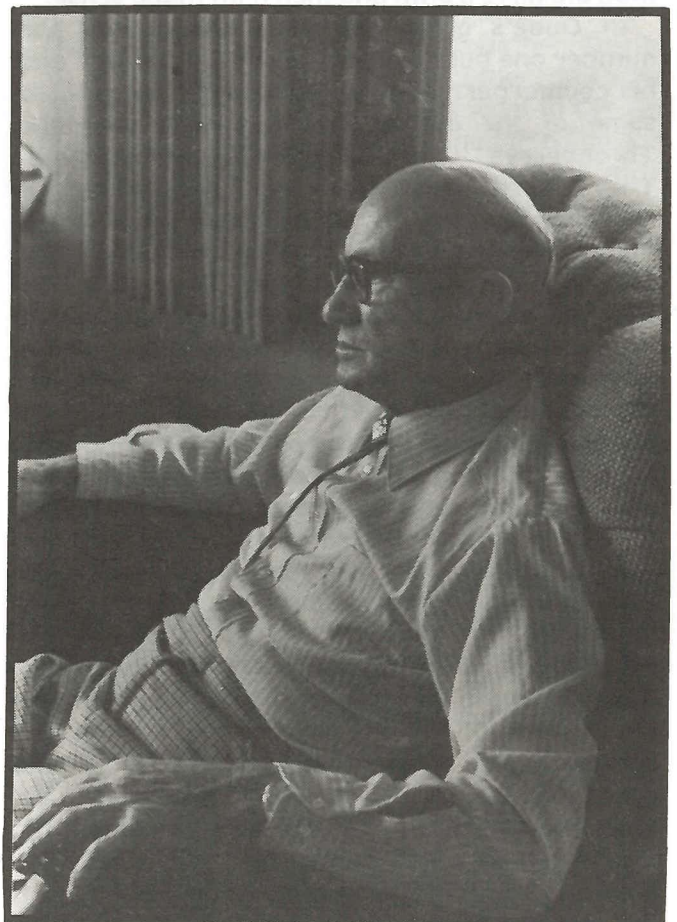
Before Dude's term, there was the illegal gambling, liquor and prostitution going on throughout the nation. Oak Creek was not excluded from this. Dude was a deputy then, he recalls how bad it was "back in the good ole' days."

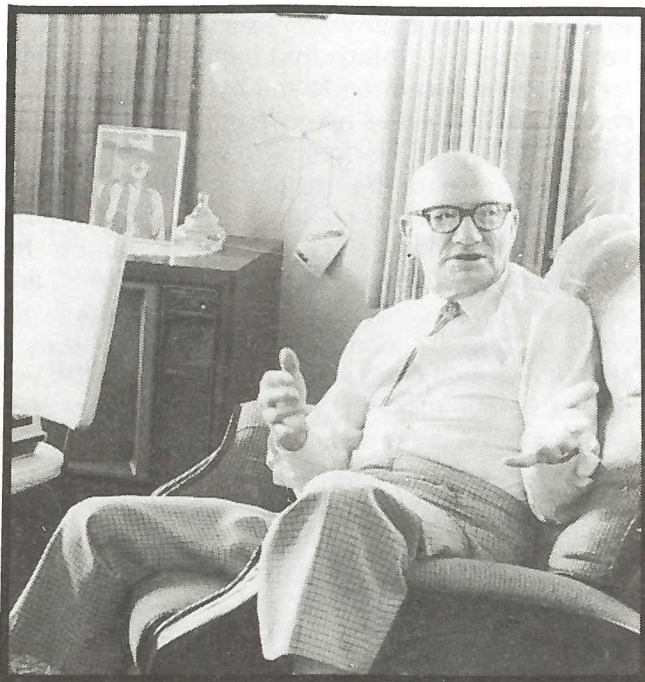
"We had some interesting days. It was rough in Oak Creek during those days with all the gambling, illegal liquor and prostitution.

Prohibition was over when I served as sheriff, so I only remember things that happened before my term that was related to me by other sheriffs. I remember there was a tax on liquor, I remember a man that I had worked with was a fire boss at the mine. He came in one day and started complaining that he couldn't have sugar for his coffee, but there was a ton of sugar for bootlegging. Another man came in later and visited with me, and he was a bootlegger. He tried to make a deal with me, since I was a sheriff. He said, "If I can't make a deal with you then, I'll have to go for the other side, 'cause they will deal with us." I said, "Well, then you're going to have to do that 'cause I don't deal that way." Naturally we tried to stop people making whiskey, but we had a hard time finding them. The customer certainly wouldn't turn in his supplier, so we didn't get much cooperation. A sheriff who worked for this county used to get out and raid stills and sell the liquor to the bootleggers at a cut rate.

"In those days, there was quite a few bootleggers; it was a thriving business. I don't think we could stop the sale of liquor again though. I think liquor and prostitution are hard to control; it's gonna thrive in some fashion because there is no way to stop it. If people didn't have legal liquor, they had illegal liquor. It was a bad time during the depression.

"I remember one time we were leaving Oak Creek and going to a dance over to Willow Creek.





Dude talking about the Thronberrys

I wasn't sure if we were on the right road or not, so I stopped and went up to this house, and I got about a 100 feet away when somebody hollered, 'That's far enough! What's your business?' I said I wanted to know if we were on the right road to Willow Creek? He said that we were, and for us to get back in our cars and drive on. Well, no doubt he had a still, because he sure didn't want us to come any closer. I found out later that this man did have a still, and then it all made sense."

In Dude's office term the jail housed the number one public enemy, O.B. Thronberry and his counterpart, Randal Thronberry. He related some of the events that happened with the Thronberrys. "The Thronberrys were brothers. They were criminals who had killed a shepherd and had done some other cruel things throughout the country. Anyway, they stopped in Craig overnight, went over to Rawlins, Wyoming, and then to Saratoga where they robbed a place. They were picked up in Rawlins. I went to Rawlins to pick up Brunner, the man who had killed his wife, to take him to Colorado Springs. I got there in the evening, and the next morning Glen Pedalin, the sheriff, and I had breakfast and went down to the sheriff's office. There sat two strange men, and a officer was with them. The two men were the Thronberrys. In order to recognize a visiting officer, Glen said, 'You take this one in that room, and I'll take the other in that room, and we'll see what we come up with. So I drew O.B. Thronberry, the public enemy number one. I asked Mr. Thronberry if he could tell me where he had spent the last five nights, and if it proved to be right then we would believe him on something else. Nothing much came from this first confrontation with O.B., but later he confessed all. I left to go to Colorado Springs to take Brunner.

We stopped in Longmont for the night, and when we were driving to Colorado Springs the next day we heard over the radio that a sheep herder had been killed in Hayden. I immediately thought about those two strange men that I had met. We didn't know about the shepherd then, but we knew that the Thronberrys had something to do with this killing. I left Brunner in Colorado Springs and headed home to see if I could figure out how the Thronberrys had killed the shepherd.

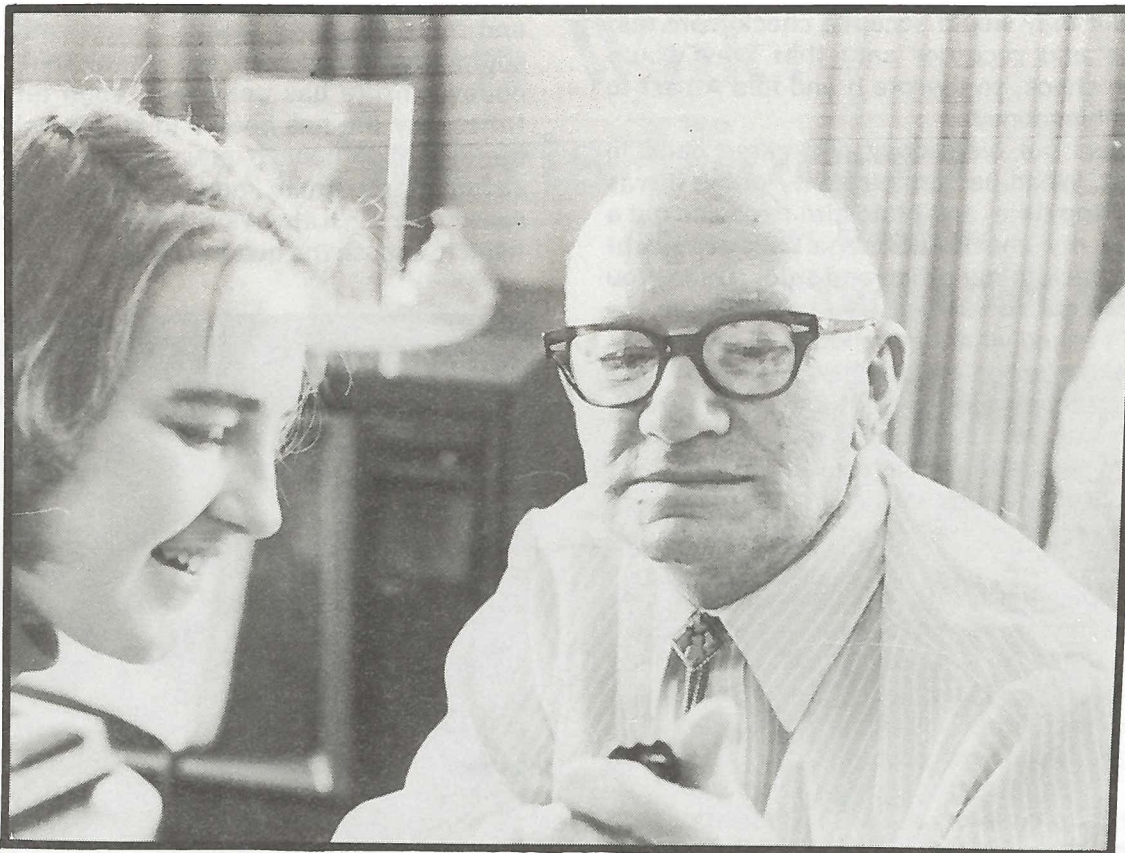
When I got back to Steamboat, I called the sheriff in Rawlins and asked if he still had the Thronberrys. He told me they were still there, and he had checked their jail records and found out that they were wanted in several states. He also told me there was a man coming after them, and whoever got there first could have them. I went to the district attorney, got a warrant, and went after them. I brought them back and separated them. O.B. had a wife who came a day or two later, they were allowed to see each other. Randal thought they were framing him, so he told us everything that happened. My wife took his statement, and we took the information over to the district attorney. We booked them and took their fingerprints and pictures.

"We kept them in what we called the bear cage, a cell made of steel with two individual cells inside. It came from the Hahn's Peak jail when the courthouse was under construction. The cell was moved in with a crane since it was so heavy. It still sits in the present day jail.

"The undersheriff helped them escape. Ray Monson and I were investigating the Brunner case in Fruita when the undersheriff called. I told him that we would be home the next day, since we had found where Brunner had put his wife. I went down to the sheriff's office the next morning and the Thronberry's had torn up the jail. They had taken a crowbar and pried out the bricks on the wall. But there were steel bars through the wall. The undersheriff had told the

Dude's Badge





Thronberrys that they could get out that way: he didn't know about the steel bars within the wall. He also left a gun for the Thronberrys outside the jail.

"O.B. had asked the undersheriff why he would help them escape, and he said that he wanted to be the sheriff. When hunting season came, another attempt was made to get out. The undersheriff had taken two days off, so that left me in the office alone. I went back to check on the Thronberrys and when I opened the door, O.B. was standing there with a six shooter in his hand. He told me to step aside and no harm would come to me. I told him that he couldn't get out because there were too many officers outside. He replied, 'You can't fool me, the undersheriff told me that you and that old judge are the only ones here.' We fought over the gun and then Randal hit me with a butter knife that had been sharpened against the wall. (I still have the scar.) That's how they escaped to Waco, Texas."

Dude left for Waco, Texas after the Thronberrys. When O.B. told Dude that the undersheriff had helped them escape, Dude could only fire the undersheriff. Because of the laws, O.B.'s words would have not been used as evidence against the undersheriff's wrong doings.

"A friend of mine who used to be the depot agent had retired and gone to Corpus Christi, Texas. He called to ask about O.B. Thronberry. He said that O.B. had shot his younger brother and we had never heard about the second brother who was in cahoots with O.B. They were characters for sure. O.B. used to dress up like an

old lady to go visit his parents. He always passed police officers, and they never knew. They also used to come into a town, look through the phone directory, pick out the prominent people. They would find their cars, steal the license plates and put them on their own car. Or they might even buy license plates and put different numbers on them. That way the cops wouldn't stop them. They would tell the police that they were, say, like the judge's brother, and they would get off. They often never got caught."

Not only were the criminals dishonest, but some law enforcement officials weren't all that honest either. Dude remembers some dishonesty in his time. "I ran into a lot of disappointments in law enforcement, because I found out that a lot of public officials were dishonest. I found out that our Justice of the Peace, our county judge and our district judge were all dishonest, and they are people that I had helped elect.

"I remember one incident that proved their dishonesty. Some officials in the county wanted me to be district county chairman. They held a meeting and presented my name, so I was elected. Not long after that a friend of mine, Albert, was gambling, and he thought one of the men was cheating. So Albert tried to kill him. We took him to Steamboat and booked him. When Albert came into court, I was there also. The judge found him guilty and set \$750.00 for court cost and such. The judge told him that he could pay the fine or spend a few nights in jail. Albert said that he had the money in his post office box in Oak Creek, and if he could go and get it, he could pay the fine. The judge wouldn't let him go,

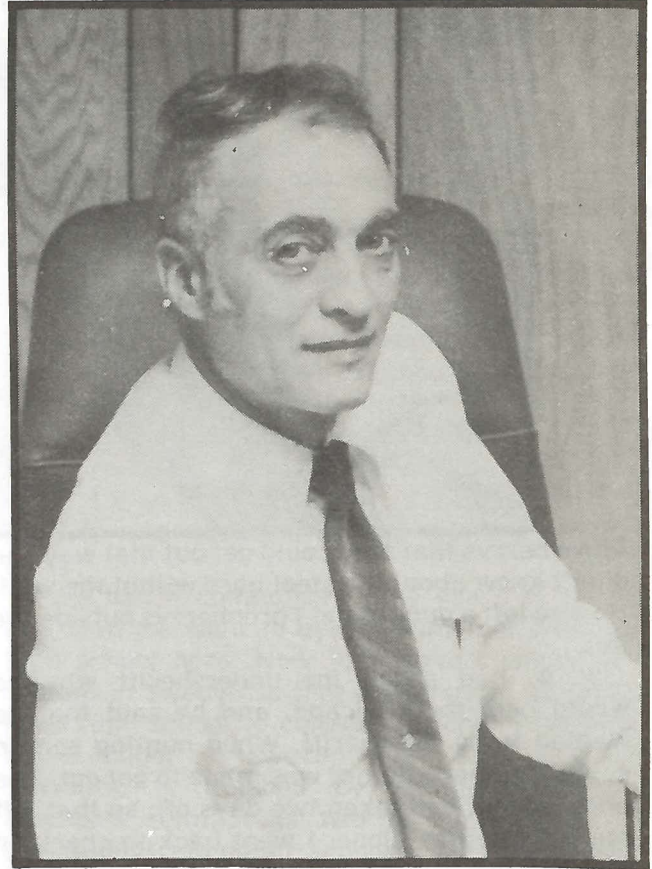
so I asked if they would accept a check from me. The judge and recorder said that they would accept the check, so I wrote it and told Albert to go and get his money.

"So Albert got his money and came back to Steamboat. When he came into my office it was about quitting time, and I told him to go and get a receipt for my check and come back. He went and came back to my office and said. 'Dude, you pretty near got me killed. I've got to leave the country.' I asked what happened, and he told me that he asked for my check. They gave him that, but when he asked for a receipt, the judge said he was doing Albert a favor, and that if he wasn't out of town before sundown, he would give him 15 years in the state penitentiary. The money was never turned into the county; someone had ripped it off.

In some counties, police brutality was the only means the law enforcement officials used to get their criminals to "talk." Dude remembers, "When I went to Texas after O.B. Thornberry and his brother, I had to be there a day or two to get the release papers. I went to see the sheriff, who was an acquaintance and while in his office we heard someone scream. The sheriff and I went to the interrogation room, and they had this big Black fellow hung up by his arms with his feet off the ground. The blood was running down his back, and they were whipping him with a horsewhip. The sheriff said, 'Moses, are you ready to tell me about what happened?' Moses said he didn't know anything, so the sheriff gave him more of this type of punishment. That was police brutality for sure. I thought that sheriff was a fine man until I saw that. I told him that I didn't think that one person should treat another like that.

"My most rewarding experiences have been helping people. One night I was heading home, and there was a well dressed man who was on the side of the road. He looked helpless, so I pulled over and asked if I could help. He couldn't seem to get his jack to work, so I was going to help him, he had a flat tire. We opened up his trunk and his spare was flat also. So I put him in the car and took his two tires and went to Oak Creek. We got the tires fixed, and I brought him back to his car. Then we put the tire on and put his other tire in the trunk. He wanted to pay me, and I said no. I said, Someday, somebody will help me and that's the way that I'll get paid. He said, 'Well, you know who I am?' I told him that I didn't, and he said that he was the head professor at Denver University. He told me something that I will always remember and abide by, 'If you continue throughout your life to do deed like this, whenever you need help it will always be just around the corner.' He also said that I would live to see everyone of my enemies buried, and I would live to a ripe old age. Well, I'm still here

and there has been several opportunities that I could have been killed, but I think that the way I believe in life has got me through all the hard times. My life has been and still is doing favors for others; I hope it always will be. I've been saved many times, and, I believe, this is the reason for it. I always did the honest thing and tried to choose the honorable way."



In Memory

"While this job has it's pitfalls, it's drawbacks, and it's disapointments, the rewards are many and great. I'm very pleased with this."

Nick DeLuca