

Ben Daniels: Felon, Rough Rider and Arizona Marshal

By Jay W. Eby

In 1900, the most important goal of Arizonans was that the territory would become a state as soon as possible. Conversely, the worst thing that could happen was any event that could conflict with that goal.

At the same time, there was extreme distrust of any intrusion of Federal law on a territory that had fewer rights than any of the states within the Union. States rights and local control were the goals, and Federal interference was anathema.

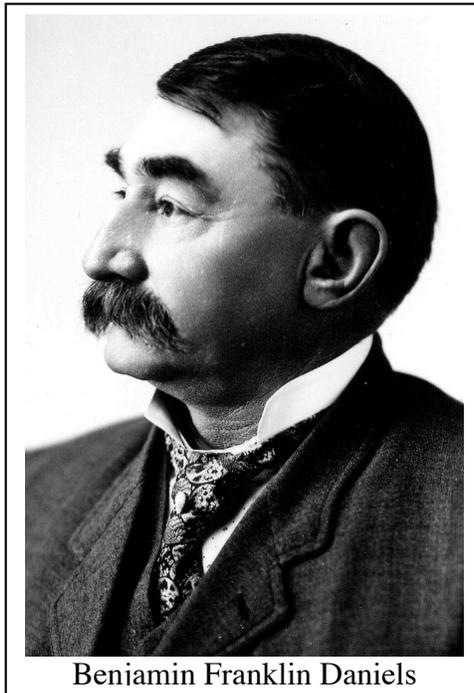
Thus when it was discovered that the newly appointed US Marshal for Arizona—one of the few but powerful federally appointed territorial officials—was a convicted (but undisclosed) felon the clamor for his removal was immediate and intense.

The men caught in the middle of this brouhaha were Ben Daniels a former trooper in the Spanish-American War's "Rough Riders" and President "Teddy" Roosevelt his former commander who had appointed him as U. S. Marshal over the objections of Arizona politicians who supported the popular incumbent, Myron McCord.

Benjamin Franklin Daniels had, at age 48, an almost unblemished record—except for a single misstep that had won him a three-year term in a federal penitentiary. Unfortunately, he failed to reveal that information to his patron 40 years later, and when that information

became public all hell broke loose.

President Roosevelt was disappointed to say the least and asked Daniels for his resignation, writing: "You did a grave wrong to me when you failed to be frank ... and tell me about this one blot on your record." Daniels dutifully resigned, but that wasn't to be the end of the story.



Benjamin Franklin Daniels

Ben's boyhood was not easy. Born in Illinois, November 4, 1852, to Aaron and Mariah Sanders Daniels, he lost his mother, two brothers and four sisters to cholera when he was very young. At age 11 he moved with his father and stepmother to Kansas. By 16 he was on his own, cowboying in Texas for two years before returning to Kansas as a buffalo hunter.¹

His next stop was in Montana where he made his only recorded misstep when he was convicted of stealing army mules and was sentenced to three years in the US penitentiary at Laramie City, Wyoming.

His record from then on was clean, and by the time he was in his mid-thirties he had married and had carved out a career in law enforcement. He had served as Deputy Marshal for

Marshal Bat Masterson of Dodge City, Kansas; as a deputy sheriff in Bent County, Colorado; as town marshal in Guthrie, Oklahoma; and as town marshal in Cripple Creek, Colorado.

In 1898, at age 46, Daniels got caught up in country's war fever after the sinking of the American battleship *Maine* in Havana harbor and decided to volunteer to serve in the war against Spain, a fading colonial power that was desperately holding on to its few remaining overseas holdings. Colonel Leonard Wood and his second in command, Lt. Col. "Teddy" Roosevelt were forming a Cavalry unit composed of "rough riding" westerners and were assembling the volunteers at San Antonio, Texas.

Daniels left his home at Colorado Springs and reported to San Antonio as a trooper and was assigned to the machine-gun crew in Troop K. Unlike most of his contemporaries Daniels was not superstitious as evidenced by a story told of him while a Rough Rider.

"While his Troop was in camp at San Antonio, numbers were given to each [member] of the company, but no one could be found who would accept No. 13. Mr. Daniels, however, took the number and out of the twenty men in his company was the only one not killed, crippled or injured in the battle, and returned home with an added disbelief in an old and time honored superstition."²

After San Juan, Ben came to Arizona, first at Yuma and then to Nogales and had mining interests in southern Arizona. He also was employed as a guard for Wells Fargo before his appointment as U.S. Marshal for Arizona. This political appointment created a storm among Arizona Republicans who resented this intrusion of the Federals in local politics because Roosevelt was replacing a popular ex-territorial governor, Myron McCord who

had been appointed Marshal in 1901 by the late President William McKinley.³

After Ben was reluctantly confirmed, the revelation of his past misstep was revealed and Roosevelt was forced to ask for and accept his resignation, but he did not abandon his wartime friend completely. In 1904 Roosevelt appointed a new Territorial Governor for Arizona, Alexander Brodie, another former Rough Rider. Brodie then appointed Daniels to superintend the Territorial Prison at Yuma.

Two years later Roosevelt again appointed Daniels as U.S. Marshal for Arizona Territory, again over ferocious local opposition. After a delay of five months Daniels finally won confirmation on April 25, 1906, with the help of Speaker of the House Joe Cannon and testimony by Bat Masterson as to Daniels' reputation.

Daniels' 40 months on the job involved him with several noteworthy events. Just to start things off for the new Marshal, a Prescott Federal Grand Jury indicted Bishop David K. Udall of Apache County and several others on charges of polygamy, a violation of the Edmunds Act. The warrant was handed to the new Marshal, which he dutifully served. Bishop Udall and the others came to Prescott, paid their fines of \$100 and went home.

Personal tragedy struck early in Daniels' term as U. S. Marshal when his wife died while visiting relatives in Kansas. He remarried two years later to a widow schoolteacher.

He was noted for one of his failures. Burt Alvord who had been a deputy sheriff for John Slaughter in Cochise County had been convicted of mail robbery and sentenced to the Territorial Prison while Daniels was the warden. Later when Ben was finally U.S. Marshal the Mexican officials asked that Alvord be extradited to face charges in Sonora and

Daniels had planned to serve the warrant on the prisoner's release. That didn't work since friends of Alvord in Douglas arranged for his early release and he quickly fled the jurisdiction. Although the event was embarrassing to two governments, this could well have been a good thing for Ben Daniels' reputation when a later extradition went sour.

Mexican revolutionaries were congregating along the Arizona border causing havoc on both sides, and by September of 1906 he was responsible for rounding up for trial a number of southern Arizona resident Mexican nationals who were accused of violating the neutrality of the United States. Those who were extradited to Mexico were "Dobie Walled" (summarily brought before a firing squad) by the Rurales. This incident caused a good deal of bad press but the primary fault was laid to Tom Rynning, captain of the Arizona Rangers. This caused Rynning to comment that Daniels was fortunate that Alvord had eluded Marshal Daniels.⁴

Another colorful event in his service as marshal came in 1906, shortly after the San Francisco earthquake. Daniels was escorting 21 Chinese deportees to a ship in San Francisco harbor when the train he was riding in struck a sinkhole and wrecked. He was lucky to be in the dining car finishing breakfast and was thrown about but not injured. The car in which his deputies and the deportees were riding overturned and they were all injured to some extent. None were killed, but injuries to four of the Chinese were serious enough that they had to be carried on board the ship on stretchers.

The coordination in law enforcement provided by the former Rough Riders in Arizona—US Marshal Daniels, US Attorney J. L. B. Alexander, Governor Alexander Brodie, and Captain Thomas Rynning—did indeed help in dispelling the image of lawlessness

that Arizona Territory had deservedly earned.

The U. S. Marshal job was a political plum, and, several months after the end of Roosevelt's term in the presidency, Daniels was summoned to Washington D. C. and "asked" to resign so that President Wilson could appoint one of his supporters. Ben was offered the position as Indian Agent for the Menominee tribe in Wisconsin but he chose to return to business interests in Tucson. James McClintock later wrote of Daniels: "He is today one of the most respected and esteemed men of Tucson."⁵

He remained involved in Arizona politics and in 1912 was, with John C. Greenway, a delegate to the fractious Republican Presidential Convention. They were both supporters of Roosevelt over Taft and were not seated at the convention. Later Lt. Greenway, Sgt. Daniels, Capt. J. L. B. Alexander, and Capt. George Wilcox would rally around their Col. Roosevelt, the "Bull Moose," to form the nucleus of Arizona's Progressive Party.⁶

Ben Daniels died in 1923 and is buried at Tucson's Evergreen Cemetery.



NOTES

¹ Wagoner, Jay J.; *Arizona Territory 1863-1912: A Political History*; Tucson: The University of Arizona Press, 1970.

² McClintock, James; *Arizona Vol. III*, The S.J. Clarke Publishing Co., 1916, pages 798-799.

³ Larry D. Ball; *The United States Marshals of New Mexico & Arizona Territories 1846-1912*, University of New Mexico Press, Albuquerque, 1978, p 217.

⁴ Rynning, Thomas H.; *Gun Notches: The Life Story of a Cowboy-Soldier as told to Al Cohn and Joe Chisolm*, New York, A. L. Burt Company Publisher, 1931.

⁵ McClintock

⁶ Feess, Marty F., *Theodore Roosevelt's Arizona Boys: Cowboys and Politice in the Old West*, Writers Club Press, 2001.