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ROUGH & MESSY JUSTICE

A TRAIN HEIST, MURDER & MISDEEDS

W. KEITH REGULAR PHD

FOREWORD BY HON. PETER W.L. MARTIN

BOOK 12 IN THE DURVILE TRUE CASES SERIES

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For
Gavin Marcel
&
Zachary Keith
&
Uncle Bill Noftall (1892–1970),
who kindled my passion for history.

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FOREWORD

Hon. Peter W. L. Martin

IT WAS ONLY A HUNDRED YEARS AGO, but Southern Alberta was still the Wild West. Bootlegging and prostitution thrived alongside legitimate ventures such as mining. As in other parts of Canada, immigrants came from around the world to make their fortune—and a few came to steal it.

In 1920, three men robbed a train in the Crowsnest Pass area. In the shootout that followed, two police officers and one of the robbers were killed. A third man, deputized to join the posse searching for the robbers, was shot and killed when he was mistaken for one of them.

In the end, only one of the three stood trial for the murder of a police officer. In this thoroughly researched and well-written book, Dr. Keith Regular chronicles that remarkable event. He places us on the train, where the robbery—reminiscent of a Butch Cassidy and the Sundance Kid escapade—occurred. Then, he takes us inside the café where the shootout began, onto the street where it ended, and finally into the courtroom to witness the trial.

Throughout, we are reminded of the pervasive ethnic and racial discrimination of the time, particularly against those who came from outside Western Europe. That discrimination became a factor at the trial of the accused, a Russian immigrant.

The author's focus, however, is on the trial itself and its many flaws, which he argues led to the conviction of an innocent man. We can debate whether the accused was in fact innocent, but we can all likely agree that the process that sent him to the gallows did not resemble a fair trial.

The most serious concern is that the accused's lawyer only took over the case on the first day of the two-day trial. It appears he was completely unprepared. Our system of justice, then and now, is adversarial, pitting one side against the other. It functions best when both sides are equally matched and fully prepared. It cannot function when, in a serious case like this, defence counsel is a total stranger to the evidence and the accused at the start of the trial. That critical flaw led, either directly or indirectly, to almost all of the others. Obvious and important shortcomings in the prosecution's case went unchallenged, and with no defence mounted, the outcome was virtually inevitable.

The author also raises concerns about the reliability of some of the incriminating evidence—particularly the eyewitness testimony that had the accused deliberately shooting both officers in the head at point-blank range as he made his escape. However, in fairness, the frailty of eyewitness testimony was not fully understood until decades later.

In a fascinating analysis, Dr. Regular describes the fluid press accounts of this sensational trial, which received international attention. Over time, the media narrative shifted—from a bungled

attempt to arrest suspected robbers (which appears to have been the case) to a heroic police encounter with members of a large, international gang of foreign thieves with Bolshevik tendencies.

The book is remarkably well documented. Dr. Regular, a historian, has gone to great length to find photographs of the people and places involved, newspaper clippings of the day and even the executioners statement of account to the government for services rendered.

Rough & Messy Justice is an engaging and intriguing read about a different time in Alberta's history—and a judicial system that bore little resemblance to today's system of criminal justice.

— Honourable Peter W. L. Martin,
Justice (Retired), Alberta Court of Appeal

PREFACE

Clumsy Application of the Law

Rough & Messy Justice takes us back to the summer of 1920, recounting in vivid detail the remarkable tale of a brazen train robbery, a deadly shootout, and the tragic wrongful conviction that left an indelible mark on Western Canadian history. On August 2, 1920, three Russian bandits—Thomas Bassoff, George Akroff, and Ausby (aka Alex) Auloff—boarded a train in Lethbridge, Alberta, bound for the Crowsnest Pass. Along the way, they brandished revolvers, robbing male passengers of money and jewellery while sparing women and children. When the train made an unscheduled stop at Sentinel, the thieves fled—one of them even stealing the conductor's pocket watch.

Days later, on August 7, Bassoff and Akroff resurfaced in the town of Bellevue, where they were spotted by local authorities. A confrontation at the Bellevue Café erupted into a deadly shootout, leaving two officers and bandit Akroff dead, while Bassoff escaped. In the ensuing manhunt, another officer was tragically killed by friendly fire.

Until now, these events have been presented in the media as a straightforward tale of crime and punishment. This book re-examines the case, uncovering a far more complex story—one rife with police incompetence, cover-ups, judicial bias, and legal negligence. A closer inspection reveals a flawed justice system: a careless and biased judge, a negligent Crown prosecution, an unprepared defence, a suspect jury, and a sloppy trial that ignored crucial evidence and science—ultimately justifying the hanging of an innocent man.

This case stands as a tragic miscarriage of justice in early Alberta. The brief yet violent encounter at the Bellevue Café challenges the widely accepted myth of a non-violent Canadian West. For ten days in August 1920, Alberta's Crowsnest Pass became Canada's own version of the 'Wild and Woolly West,' with the small mining town of Bellevue at its epicentre.

In response to this unprecedented violence, the press seized the opportunity to reinforce the enduring myth that the Mounties always get their man. The media further perpetuated the widespread belief that wherever the law prevails, justice naturally follows. More troubling, however, was how the press used the incident to fuel anti-immigrant sentiment, reinforcing the dangerous misconception that European 'foreigners' were habitually lawless, rejected Canadian and British values, and posed a threat to Anglo supremacy.

My interest in the Bellevue shooting saga was stimulated by teacher staffroom conversations with colleague Allan Phillips who shared a similar fascination with historical tales. I initially assumed that given the very public and dramatic violence involved, the details of the story should be readily accessible. With a rudimentary investigation I discovered, however, that the record available was sketchy and left me wondering: was the violence really that clear cut? Why did this police and citizen encounter end so violently and tragically?

This project began, therefore, with the modest goal of providing a corrective narrative for a tale beset with innuendo and error in both its historical and modern versions. Initially, I harboured no suspicion that this was anything more than a criminal—albeit tragic—case in which guilt was evident, and the perpetrators faced the legal consequences: one shot dead during a police operation, the other lawfully executed by the state. However, as my research progressed, it became clear that the social and legal context was far more complex than I had imagined. The unsettling possibility that the case culminated in a grave miscarriage of justice came as a profound surprise.

This case was not a proud moment for Canadian law enforcement and jurisprudence, revealing both professional neglect of the prisoner's legal wellbeing and a systemic bias in the treatment of a man charged with a serious crime, for which the death sentence consequence was yet another tragedy.

There is sometimes a temptation to engage in misguided efforts to enliven past events by attributing or inventing actions beyond what are reasonable or true. Attempting to rehabilitate historical actors is, therefore, best practiced with caution, especially in cases where the record has not been substantively explored, and where erroneous detail has been parlayed into fact as past versions of events are assumed reliable and accepted without question. As we shall see, however, eyewitness testimony is notoriously unreliable and often disputed, and the personal perspective of both participants and observers can be self-serving. Any attempt that apportions a specific cause or effect to actors and their actions is challenging at best. One consequence of the distortion of the historical record in this case is that Thomas Bassoff has been given greater notoriety than he deserves. Indeed, he was—by press, public, and police—crafted into a brutal killer.

Practically every long-term resident of the Pass area has heard the basic and accepted 'facts' of the story about the violent events of that August 7th summer day in 1920. Like dust settled into small crevices, however, much has escaped detection. My purpose is to reconstruct and interpret, as far as the historical evidence will allow, the sequence of events and the attendant fallout following from the train robbery on August 2nd, the shootout five days later, and the murder trial that resulted. In so doing, I hope to provide a more nuanced view of how social and legal institutions responded to a serious challenge to law and order, and how they ultimately and tragically failed to reveal, acknowledge, and record the truth.

This is a work of history. Consequently, there is no invented conversation based on the supposition of what might have been reasonable in the circumstances. Speech, quotes,

and facts are verified. In an attempt not to overburden the reader, however, I have refrained from using footnotes when the source of the information is apparent or identified in the text. In all other cases, footnotes on sources are provided. In chapters where the bulk of the material is taken from one or two main sources, I have stated in a footnote that such is the case, but for all other material, references are provided. There are a variety of spellings for the names of some individuals and for the sake of convenience, except when used in quotations, I have standardized them. I have left punctuation and spelling in quotes as in the original unless I found that to do so would impede meaning. Similarly, the name 'Crowsnest Pass', which enjoys common usage today, is the spelling of preference. The names of the three Russians have been subjected to various spellings, and these I have standardized.

Newspapers, alongside official government, judicial, and police documents, have been vital in understanding public sentiment, societal attitudes, and key details about individuals and events. However, the press of the time, less restrained in opinion and factual accuracy than today, proved both a blessing and a curse—offering valuable insights while also presenting inaccuracies and contradictions. Despite these challenges, newspapers provide grist for the historian's mill. I have aimed to critically and objectively assess their content. Ultimately, the press captured long-forgotten details and revealed the prevailing prejudices of the era, enriching our understanding of the past.

We are now more than a century removed from Thomas Bassoff's criminal act and the trial which judged him guilty. In the intervening century, much has changed regarding our understanding of criminality and victimology. Much has also changed in how we assess police behaviour, and in the application of law in our courts. These changes have been largely driven by the science of human nature, especially the study of human behaviour and response to episodes of extreme stress. One suspects that with the application of today's standards of jurisprudence, especially the application of scientific principles

to evidence along with the scrutiny of eyewitness accounts, Thomas Bassoff would not be found guilty. There is no certainty here, however, and courts and juries still get it wrong, as amply illustrated by the sad but necessary Innocence Project advocacy for the wrongfully accused in Canada, the United States, and the United Kingdom.

It is my argument that in this case the court, with its clumsy application of the law and less than fulsome consideration of the evidence, got it wrong. Those responsible for seeing that justice was served—police, witnesses, judge, and jury—defaulted to their natural prejudices and to a 'common sense' logic to determine Bassoff's guilt. However, by applying standards of evaluation determined by more recent research into the nature of violent crime and the human response to it, we are permitted perhaps, to come to a better understanding of why, one hundred years ago, an innocent man was hanged.

The Canada of 1920 was in many ways a transformed and disaffected nation. The celebratory mood that had accompanied the end of the four-year bloodbath that decimated a generation during World War I, 1914 to 1918, had dissipated with the temporary headiness giving way to new social, political, and economic realities. It was a transformation that had landed hard and occasioned considerable disillusionment for all economic and social classes. Canadians grappled with the emotionally crippled and physically maimed veterans seen daily on Canadian streets, and mourned the 'lost generation,' buried in Europe. Empowered by their contribution to creating a successful war economy, women resisted the continuation of a pre-war culture that had, as a matter of course, relegated them to home and kitchen. Indigenous armed forces personnel made sacrifices both on the battlefield and on the home front, and many questioned why benefits were so slow to reach them.

Encouraged by the belief that the working man had contributed far too much to the war effort and reaped far too little, the re-energizing of the war economy provoked considerable

discontent within the ranks of labour. The coal industry prospered immediately after the war but was not untroubled by labour's response to terrible working conditions and low wages. The birth of Western Canada's One Big Union in Calgary, Alberta, in March 1919 was followed by Manitoba's Winnipeg General Strike of May 1919. These developments reflected labour's restlessness and exacerbated the widespread political and public fear of Bolshevism and its perceived dangers. Bolshevism was believed to be especially embraced by organized labour and foreigners in general. This nativism was a continuation of the ill will and suspicion that had, in part, led to the enemy alien internment camps during the war.

Most Canadians at the time were unaware of the deep-seated systemic racism and ethnic prejudice entrenched in society and within Canada's national and provincial legal establishments. If aware, they largely regarded such feelings as 'common sense.' With a criminal code mandating a death sentence for the capital crime of murder, marginalized non-Anglo citizens and residents sometimes faced the tragic finality of state-sanctioned execution. Historian Constance Backhouse concluded that Canada's legal system was "colour-coded."[1] Her study of capital murder cases revealed a significant over-representation of individuals from south-central and eastern Europe who were convicted of murder. In line with her finding, it has been noted that racial/ethnic identification seemed to generally influence the likelihood of execution.

It was this abiding suspicion of foreignness that allowed the wrongful conviction and execution of a Russian immigrant to pass virtually unremarked and uncontested. Those responsible for this outcome—along with the vast majority of the public—were fully convinced that justice had been served. A

1 For a general discussion of racism in the legal establishment see: Constance Backhouse, *Colour-Coded: A Legal History of Racism In Canada,* 1900-1950, Toronto: The Osgood Society, 1999; James W. St. G. Walker, *'Race,' Rights and the Law in the Supreme Court of Canada: Historical Case Studies,* (Toronto: The Osgood Society, 1997)..

large part of this certainty stemmed from the deeply institutionalized faith in the righteousness and efficacy of Canadian standards of justice and law enforcement.

The Royal Canadian Mounted Police (RCMP), popularly known as The Mounties, are integral to Canadians' perceptions of what constitutes a positive national self-image. In some views the Mounties form "the centrepiece of a narrative of national peaceful foundation."[2] Despite the once widespread acceptance of this view, today the 'fact' of Canada's peaceful westward expansion is much questioned. The Mounties and their story, however, are firmly fixed in Anglo perceptions of Alberta's founding history. The historical perception is that the Mounties marched the law to the Western plains and once there, successfully tamed the hostile environment, especially the Indigenous population. This view was so strongly entrenched that it has taken persistent and critical scholarship to disentangle fact from fiction and reality from romanticism. Despite this effort and the current controversies which plague the RCMP as a modern police force, it still enjoys a somewhat positive image regionally, nationally, and internationally.

This positive popular image rested on the belief that Mounties responded to even the most dangerous of law-and-order challenges with a profound sense of duty and with heroism when necessary. Contemporary newspaper reports promoted the enduring fiction that the Mounties 'always get their man' because they were selfless in making the ultimate sacrifice when required. At the same time, the overwhelming impact of a tragedy in a small Alberta community, as discussed in this book, was accompanied by the sense of a chronic weakness in local and provincial law and order enforcement. The deaths of two young police officers, one a Mountie, generated a need for

2 Amanda Nettlebeck and Robert Foster, "On the Trail of the March West: The NWMP in Western Canadian Historical Memory," in *Place And Replace: Essays on Western Canada*, Adele Perry, Esyllt W. Jones, and Leah Morton, (eds.), (Winnipeg: University of Manitoba Press, 2013), p. 76-77..

heroes. A history of Mountie heroes facing dark adversaries was, in 1920, already well entrenched and provided an available model around which to craft public and private discourse.

Prompted by the demands of the wartime emergency, in 1917 the RCMP abandoned their provincial policing responsibilities. In Alberta the Alberta Provincial Police (APP) was formed to fill the law enforcement void. The APP was thus formally responsible for leading the investigation into the Sentinel train robbery and the Bellevue Café shootout. However, by 1920, the force continued to grapple with deficits in cohesion, experience, and materiel. Equally significant, it had yet to build a positive public reputation and, despite its efforts, would never attain the storied admiration that the Mounties' illustrious past had earned. Consequently, during the investigation into these crimes the APP was often mistakenly included under the umbrella of the nationally and internationally renowned RCMP by the American press. Thus, the latter force received credit that was sometimes not its due. Lacking a high public profile, the APP was at times denigrated to the relatively lowly position of city police.

American newspapers, publishing houses, and the general public held the Mounties in high regard. It was a fascination that began early in Mountie history and endured. Thus, the press attention given the Bellevue shootout, and specifically by the American press, was not surprising. For example, of thirty-one books featured by Al Lund to illustrate Mountie book cover art, twenty were published in the United States, only six in Canada, and five in England. Where the authors were identified by birthplace, eight were born in the US, six in England, two in Canada, two in Scotland, one in Gibraltar and one in Australia. Interestingly, one of the books was authored in 1938 by the American L. Ron Hubbard, the Church of Scientology founder. Most of the authors writing in the 1920s and decades later were, no doubt, subjected during their formative years to the Mountie myth of daring heroic bravery as the titles of works suggest. Consider Americans Walter Liggett's (1886-1935) *The*

Frozen Frontier (1927), and C.S. Strong's (1906-1962) *Prairie Peril* (1946). The obvious widespread international appeal of the Mounties prompted historian Michael Dawson to speculate that "the Mountie, of course, was never just ours. Since the inception of the North-West Mounted Police in 1873, the image of the force has been used by Canadians and non-Canadians alike." [3]

A fictionalized image of swashbuckling Mounties, and a tradition of unwavering dedication to service, had been embedded in Mountie lore. By 1920 this view was widely available through the pulp magazine industry, dime novels and in other forms of juvenile and adult literature. For example, the twice-monthly *Top-Notch Magazine*, which featured Mountie stories, ran from 1918 to 1930 for 602 total issues. *The Argosy Weekly*, which also featured Mountie stories, began publishing in 1932 and by the 1940s had a circulation of 500,000 per month, totalling 1,534 issues.[4] Mountie novels were especially popular between the 1880s and 1920s. This intense interest contributed significantly to the many distortions the train robbery and shootout events were fated to suffer.

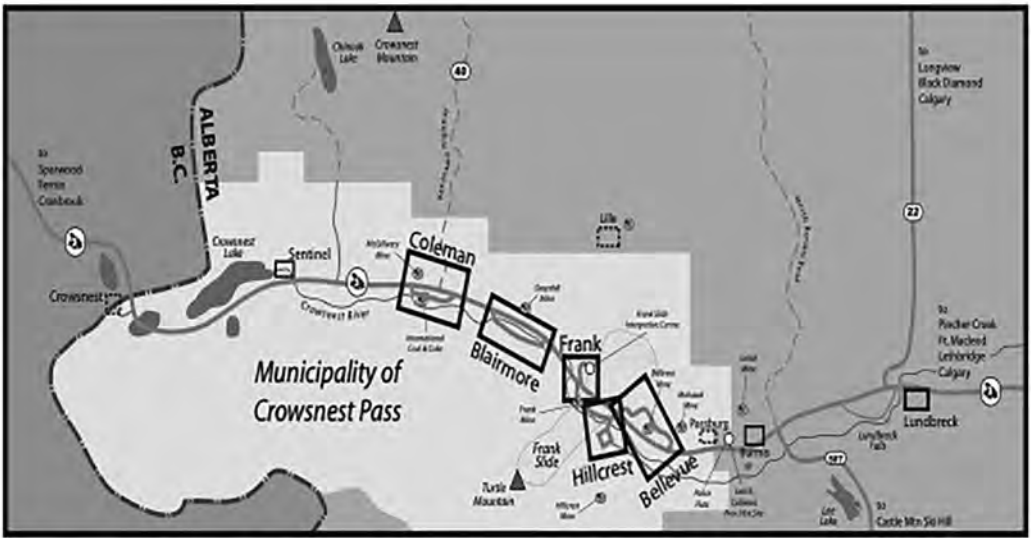
The story of the train robbery and shootout has been kept alive through the work of amateur artists and historians, published memoirs, and the preservation of local culture—much of it now easily accessible online. However, the details are clouded by confusion and contradiction, with the history often as much invention as fact. As with any historical event, the truth emerges from a patchwork of personal perspectives and evolving narratives. This book aims to provide a clearer account, grounding the event in its proper social and legal context.

3 Michael Dawson, *The Mountie: From Dime Novel to Disney,* (Toronto: Between the Lines, 1998), p. 3.

4 Al Lund, *Mounties On the Cover*, (Edmonton:University of Alberta Libraries, n.d.), pp. 82, 91.

PART ONE

THE TRAIN HEIST & THE MURDERS



Map depicting the Alberta portion of Crowsnest Pass.
Courtesy Heritage Crowsnest.

CHAPTER 1

Simmering Discrimination
The Pass, 1920

The Crowsnest Pass is a Rocky Mountain corridor that begins in southwestern Alberta at Lundbreck and extends for approximately 124 kilometres (80 miles) terminating at Elko in southeastern British Columbia. Loosely paralleling the Canada/United States border, the Pass winds its way across the Rocky Mountains following the Crowsnest River valley to Summit Lake which sits on the British Columbia and Alberta border. It is a scenic route, and the area containing the communities central to the events discussed here is dominated by Crowsnest Mountain, an eroding sedimentary mountain with striking beauty.

Ktunaxa First Nations (pronounced k-too-nah-ha, or Kootenai) claim their territory extends into pre-history, or ancient ancestral times when, according to Ktunaxa beliefs and traditions, the Earth was an animal world where animals held sway. Ktunaxa attachment to the area is sustained by their Creation Story. The science of archaeology supports the Ktunaxa claim of ancient occupation of a much-larger area containing the Crowsnest Pass.

Archaeological findings confirm that the Pass has been inhabited by Ktunaxa First Nations for about 2,000 years and was occupied by their predecessors for 9,000 years before that. The Pass area in the vicinity of Crowsnest Lake, and the area around Bellevue and to the east where the mountain pass meets the plains, was vital to inhabitants during this long period. The Pass served as a route from the interior to the plains,

encouraging cultural contact and exchange, commerce, and at times violence between Indigenous groups, just as it has done during the modern era and in the summer of 1920. Indeed, Ktunaxa tradition has it that their territory extended well out into the plains and encompassed the land on which the cities of Lethbridge and Calgary are built.

The branch of the Ktunaxa People located in southeastern British Columbia traversed the Pass to hunt buffalo on the western fringes of the plains, and in doing so pursued interaction with Blackfoot and Cree Peoples. Sometimes jealous defence of the resources, especially the North American plains bison and species of deer and elk in more forested areas, brought the groups into conflict.[1] The Blackfoot eventually forced the Ktunaxa to move westward into the Pass and beyond, but they refused to relinquish their use of the Crowsnest Lake area. Evidence suggests that much of Ktunaxa spiritual and cultural custom was attached to this inviting environment. Such was the ebb and flow of life as Indigenous people attempted to eke out sustenance in an occupied space that brought disparate groups into contact and conflict.[2]

The Elk River Valley, which dominates the British Columbia portion of the Pass, contains evidence of an ancient Indigenous presence in the form of pictographs, which can be found in several locations in the river valley. This area was used by the Ktunaxa to hunt and fish, and, at times, by Indigenous groups from Alberta—a testament to the significance of the Pass area in general.[3]

Though inhabited by Ktunaxa First Nations for centuries, the area's modern economic era began in 1898 with the completion of the Canadian Pacific Railway line, which was built

1 Hugh A. Dempsey, *Maskepetoon: Leader, Warrior, Peacemaker* (Calgary: Heritage, 2010), pp. 14-16.
2 Barbara Huck and Doug Whiteway, *In Search of Ancient Alberta* (Winnipeg: Heartland Publications, 1998), pp. 150-153.
3 Bruce Ramsey, *100 Years of Coal Mining: The Elk River Valley 1898-1998* (Ramsey Publications, 1997), pp. 8-10.

to exploit the rich coal deposits in both southwestern Alberta and southeastern British Columbia. The new rail line and the resulting commerce drew people from diverse cultural backgrounds and supported the growth of several small mining communities. The communities on the Alberta side are collectively known as 'The Pass'. Pass mining history is rife with both debilitating heartache and mind-numbing tragedy, including the worst mining disaster in Canadian history in the Pass community of Hillcrest. An explosion there in June 1914 claimed 189 workers' lives. A similar event in 1902 at Coal Creek mine near Fernie, BC claimed 128 lives.[4]

Even this recent history of coal mining commerce reflects Ktunaxa influence and illustrates the ongoing interaction between cultures in contact, as seen in the history of the city of Fernie. Like its neighbouring communities on the Alberta side of the Crowsnest Pass, Fernie owes its existence to the exploitation of coal deposits. However, its early development followed Western methods that showed little regard for Indigenous customs or the environment, leading to a troubling start.

Local lore has it that entrepreneur William Fernie, for whom Fernie is named, and his brother had taken First Nations wives when they worked in or explored the area. One of the brothers returned his wife to her people and this, according to local Indigenous custom, was considered an insult. Legend has it that the mother of the girl cursed the Fernie brothers and their work. Another version of the legend has a dishonourable and greed-driven William Fernie tricking the Ktunaxa into revealing the location of coal deposits. The deception caused justifiable anger which resulted in the curse. Fernie's subsequent early history seemingly offered convincing evidence of the truth of the curse and its power.

4 Karen Buckley, *Danger, Death and Disaster in the Crowsnest Pass Mines 1902-1928* (Calgary: University of Calgary Press, 2004), p. 147. For details on Hillcrest, see Steve Hanon, *The Devil's Breath: The Story of the Hillcrest Mine Disaster of 1914* (Edmonton: NeWest Press, 2013).

For example, the community of Fernie suffered the debilitating effects of a mine explosion in 1902 that claimed the lives of 128 miners and a fire in 1904 which wiped out Fernie's entire business section. A second mine disaster in 1908 killed another 23 miners. An even-more devastating fire occurred in August 1908, and this time destroyed practically the entire community. Such was the belief in the influence of the curse, that a curse-lifting ceremony between the Ktunaxa and the town of Fernie was held on August 15, 1954. The original ceremony was deemed significant enough that Fernie commemorated its fifty-year anniversary with a public ceremony in 2014. [5]

Completed in 1898, the CPR rail line encouraged the growth of several small mining towns to exploit easily accessible coal deposits in both BC and Alberta. In 1920, the towns of consequence in Alberta included Bellevue, Hillcrest, Blairmore, and Coleman; in British Columbia they were Michel, Natal, and Fernie. Located between Coleman and the tiny community of Crow's Nest, Sentinel was a CPR siding stop. Crow's Nest, to the west, sat astride the Alberta and BC border. Unlike the other communities in the Pass, Crow's Nest was not a mining town but was developed around the CPR's use of the place as a divisional point with a round house and establishments for firemen and engineers. Businesses such as a boarding house, laundry, hotel, and general store catered to the demands of railroad employees. The eventual building of a church and school offered the promise of permanence that did not endure.[6]

The towns, often referred to as "mining camps," had little reason to exist other than for coal mining and the production of coke, used as fuel in metal smelting, while also supporting

5 Frank W. Anderson, *A Frontier Guide to the Dynamic Crow's Nest Pass* (1969), pp. 18-20.

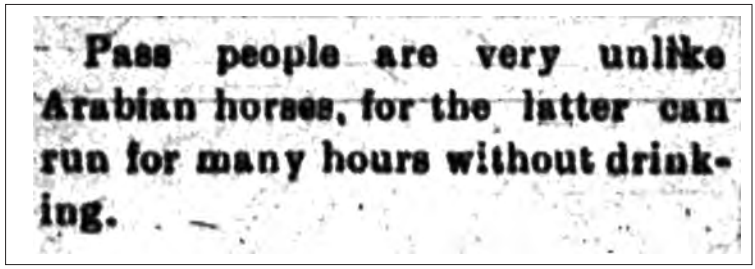
6 Crowsnest Pass Historical Society, *Crowsnest and Its People* (Coleman), pp. 115-116; Ian McKenzie, *Guide to the Heritage Cemeteries of Crowsnest Pass* (Coleman: Crowsnest Historical Society, 2018), p. 82.

the logging industry, which supplied lumber and shaft timbers to meet the insatiable demands of mining.[7] Labour-intensive, dirty, and dangerous processes attracted a wide variety of individuals seeking opportunity, including the ambitious and the down-and-out, economic and political refugees, labour union activist, and itinerants such as Thomas Bassoff, George Akroff and Ausby Auloff. As could be expected in an economic environment constantly lit with the promise of boom, a variety of hardened criminals and opportunistic con men looking for any suitable easy mark called the Pass home.

Dominating these ethnically diverse towns were the Anglo Canadians. Wielding political power in keeping with their social prominence and believing themselves to be culturally and morally superior, they presented much challenge to both long-standing citizens of foreign origin and recently arrived immigrants. The boundaries that determined who precisely was included in this group of ethnically diverse cultures were far from clear. Many non-Anglo residents found it difficult to navigate the uncertain circumstances of constant social and economic instability due to population migrations and changing demand for coal and coke that was typical of frontier mining environments. Determinedly clinging to their economic predominance, Anglos displayed antagonism towards those perceived as outsiders. This antagonistic approach to inter-ethnic relationships kept open social rifts between Anglos and other groups. In times of stress, as will become clear, anti-foreign feelings hardened and were often given blatantly obvious expression.

Until the train robbery and shootout commanded a brief though unavoidable distraction, the single major criminal preoccupation for both the Alberta Provincial Police (APP)

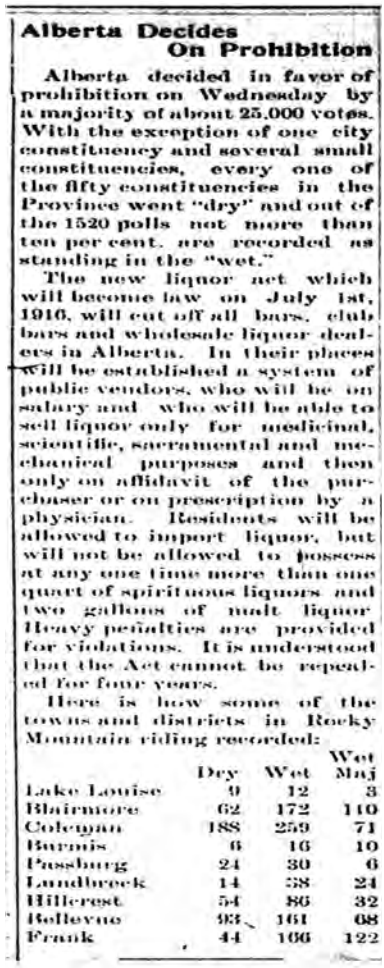
7 Donald Avery, *Dangerous Foreigners: European Immigrant Workers and Labour Radicalism in Canada, 1896-1932* (Toronto: McClelland and Stewart, 1979), p. 29.


Pass people are very unlike Arabian horses, for the latter can run for many hours without drinking.

Blairmore Enterprise, August 19, 1920. This lighthearted quip on Prohibition masked the social, political and legal fallout systemic to Pass life during Prohibition's failed tenure.

and civic police in the Crowsnest Pass was the enforcement of Alberta's Prohibition legislation. To the opposition and dismay of much of the public, this partial ban on the commerce in alcohol had been enforced since 1916. By reputation at least, the Crowsnest was the bootleg hub of the province, and the one bootlegger who received most law enforcement attention, and drove the police to frustrated distraction, was none other than Italian immigrant Emilio Picariello. Picariello was seemingly immune to all efforts to stifle his bootleg trade and to legally hold him to account. Prohibition, with the criminal element and the civil disobedience that it encouraged, was more than a little responsible for the lack of esteem in which the police in the Crowsnest were held. Those citizens opposed to the social policy resented attempts at its enforcement while those in favour were angered at the apparent police inability to make any headway in imposing their much-desired state of 'dry'.

Among the ranks of working men in the Crowsnest Pass were many ethnic cultural groups and many of these men resisted the crass prohibition attempt to morally Anglicize them. The members of the Passburg local of the United Mine Workers of America, for example, in a vote on Prohibition, revealed only one man in fifty was in favour. The 1915 vote on instituting Prohibition revealed that the communities of



Alberta Decides On Prohibition

Alberta decided in favor of prohibition on Wednesday by a majority of about 25,000 votes. With the exception of one city constituency and several small constituencies, every one of the fifty constituencies in the Province went "dry" and out of the 1520 polls not more than ten per cent. are recorded as standing in the "wet."

The new liquor act which will become law on July 1st, 1916, will cut off all bars, club bars and wholesale liquor dealers in Alberta. In their places will be established a system of public vendors, who will be on salary and who will be able to sell liquor only for medicinal, scientific, sacramental and mechanical purposes and then only on affidavit of the purchaser or on prescription by a physician. Residents will be allowed to import liquor, but will not be allowed to possess at any one time more than one quart of spirituous liquors and two gallons of malt liquor. Heavy penalties are provided for violations. It is understood that the Act cannot be repealed for four years.

Here is how some of the towns and districts in Rocky Mountain riding recorded:

	Dry	Wet	Wet Maj
Lake Louise	9	12	3
Blairmore	62	172	110
Coleman	188	259	71
Burmis	6	16	10
Passburg	24	30	6
Lundbreck	14	38	24
Hillcrest	54	86	32
Bellevue	93	161	68
Frank	44	166	122

The Bellevue Times, July 23, 1915. As indicated by the plebiscite returns Crowsnest Pass communities voted wet, and in some cases by substantial majorities.

Blairmore, Coleman, Burmis, Passburg, Lundbreck, Hillcrest, Bellevue, and Frank all voted to keep Alberta wet. This was not surprising considering that wine and light beer were considered by miners as "essential for the continuance of their work."[8] It likely was not lost on the APP, and prohibitionists in general, that among the ranks of miners were a substantial number of foreign immigrants. Such attitudes indicated that the official

8 *Fernie Free Press*, August 24, 1917; *Blairmore Enterprise*, September 7, 1917.

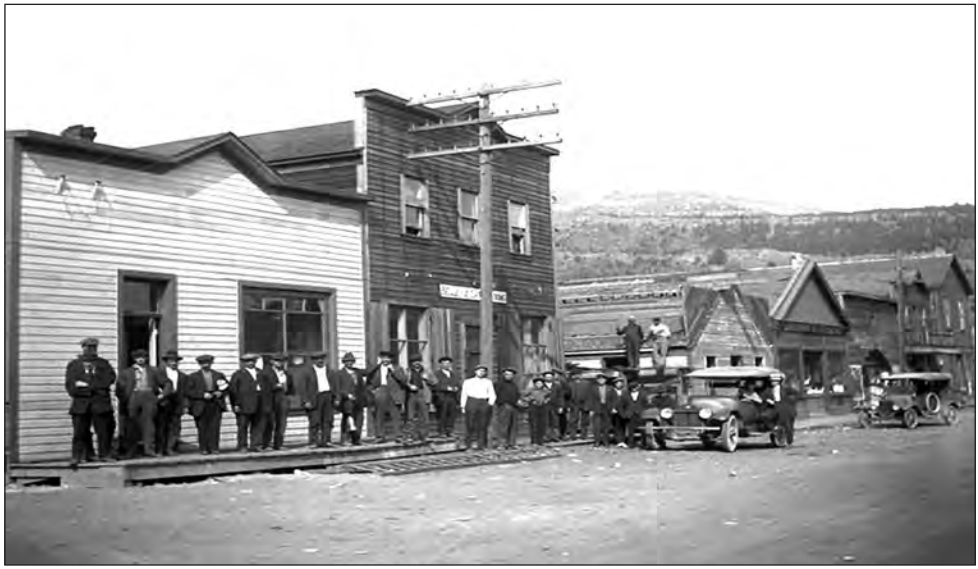
prohibition of alcohol was doomed to abject failure but not before occasioning substantial public angst, much chaos, and overwhelming policing challenges. The APP's was an uphill battle in a war they ultimately lost due, in part, to inefficiencies and a degree of corruption within the ranks.[9]

Systemically rooted antagonisms and prejudices against those of foreign origin encouraged social divisions that were magnified by ethnic enclaves. For example, Coleman's 'Slavtown', or Blairmore's Italian-dominated 'Cement-Town' and similarly in Fernie's "North Fernie."[10] Nationalities such as Italian, Russian, and Austro-Hungarian collected in their distinct cultural 'colonies', were mistrusted as an unknown quantity in times of uncertainty and upheaval, especially during World War I, or during prolonged labour strife.

With Britain and Canada at war with Austria-Hungary, the term 'Austro-Hungarians' was used to describe Austrians, Hungarians, Czechs, Slovaks, Poles, and Ukrainians — all of whom were regarded as enemy aliens and treated with suspicion in Canada. Italians were regarded with suspicion until Italy entered the war as an ally of Britain in 1915. In response to this uncertainty, ethnic minorities projected either compliance by embracing assimilation, or undertook a calculated resistance in their search for cohesion, safety and the rudiments of power. Italians Emilio Picariello and Michael Rosse, for example, became elected Blairmore town officials with Rosse serving as Blairmore's Police Commissioner while

9 Zhiqiu Lin, *Policing the Wild North-West: A Sociological Study of the Provincial Police in Alberta and Saskatchewan 1905-1932* (Calgary: University of Calgary Press, 2007), Chapters 4 & 5. See also the editorial, "Must Set Good Example to the Foreigners," *Lethbridge Daily Herald*, August 13, 1920.

10 Howard Palmer, *Patterns of Prejudice: A History of Nativism in Alberta* (Toronto: McClelland & Stewart, 1985), p. 76; Leslie A. Robertson, *Imagining Difference: Legend, Curse, and Spectacle in a Canadian Mining Town* (Vancouver: University of British Columbia Press, 20W05), pp. 104-105, 140.



Bellevue's Front Street showing the two-story Bellevue Café with wooden sidewalk on which Constable Frederick Bailey and Corporal Ernest Usher died. Photo Circa 1920. Courtesy of Heritage Crowsnest.

Picariello held several council positions. Both men, in defiance of the prohibition laws also became well-known bootleggers.

As a collective, the Pass communities of 1920 were considered, in hindsight at least, as "grubby little mining towns full of people who hadn't cared much for the law."[11] The town of Bellevue, the focal point of this story, was typical of the other towns in the Pass. By one estimation, Bellevue, was "peopled largely by foreigners, and reputed to be about as lawless a community as one could find in America,"[12] a damning indictment indeed.

Although this perspective contained some truth, this was surely an oversimplification of these complex and diverse

11 Robert Collins, "Canada's Last Great Train Robbery," *Macleans Magazine*, February 15, 1958, p. 45.
12 *Calgary Daily Herald*, August 16, 1920.

communal spaces. The Crowsnest Pass of 1920 was a site of ethnic cohesion as well as of cultures in collision.

The impetus for Bellevue's existence came from the opening of the Bellevue Mine by Western Canadian Collieries Company in 1903. Experiencing the ups and downs associated with a coal mining economy at the mercy of local, national, and international forces, Bellevue endured boom, depression, and local disaster. A mine explosion in 1910 claimed the lives of 31 miners. A fire in 1917 destroyed most of the town's business section. Despite such setbacks, people stayed, businesses were rebuilt, and the town persevered, a commendable testament to the residents' attachment to hearth and home.

Bellevue's main business street was Front Street (today 213th Street), and it was here that Chinese proprietor Mar Ling operated his Bellevue Café. Immediately east of the café was an empty block that had been previously occupied by the Lyric Theatre before it was destroyed in the 1917 fire. On the west, the café shared a dividing wall with the office of Joseph Robertson, Justice of the Peace. Large windows flanked a narrow doorway on the front of the café, and a wooden sidewalk ran along the front of both Robertson's office and the café.

The Bellevue Café was likely a popular eating and meeting place for locals and visitors. With Bellevue and area's ethnic mix, some customers may have felt more comfortable in an establishment not owned and run by an Anglo. It appears that members of the APP may have occasionally taken meals there. Population summaries for Pass communities provided by the *Macleod Times*, August 18, 1920, reveal that Bellevue's residents were predominately of foreign origin. Of an estimated 1,300 people, 300 were Anglo adults, while 230 were children, compared with 450 foreign adults and 325 children. The foreign portion of Bellevue's residents was made up of fourteen different nationalities, dominated by Italians and Austro-Hungarians. Bellevue's sister community of Hillcrest, located south, and just across the river valley, contained slightly over

1,100 people, of which 230 were Anglo adults and 150 were children. There were, on the other hand, 465 foreign adults and 300 children from 19 different nationalities, with a predominance of Austro-Hungarians and Italians. The town of Blairmore held an estimated 1,475 people, half of which were said to be foreigners. It is stated that 90 percent of the region's work force was made up of foreign immigrants, and included among this cohort was a large group, 34 percent, who were British. British immigrants, despite faring slightly better in the eyes of Anglo-Canadians, often faced prejudice too. Against this backdrop of cultural tensions and complex relationships between immigrant groups and authorities, we eventually arrive at a fateful series of events: a train heist, murder, and wrongful accusations that would unfold in the shadow of these communities.

Attitudes towards foreign residents had especially hardened during World War I and resulted in the internment of enemy aliens in camps, such as the one at Morrisey, just west of Fernie. At Bellevue's sister community of Hillcrest, animosities towards enemy alien miners resulted in the demand that some 140 of them be removed from the mine worksite. As well, tensions were exacerbated by returning veterans in search of employment and resentful of the jobs held by former enemies.[13]

At the end of the war, fear of enemy aliens continued and became associated with Bolshevism.[14] The seed of violent revolution was believed to lurk in every lowly hovel or shack occupied by anyone viewed as foreign, among unions in the mining towns and lumber camps, and in every tenement in

13 Inspector Christen Junget to Officer Commanding, Macleod, February 12, 1919; LAC, RG 18, Vol. 2168, CIB Reports 1919.

14 For general discussion, see Steve Hewitt, "Policing the Promised Land: The RCMP and Negative Nation Building in Alberta and Saskatchewan in the Interwar Period," in R. Douglas Francis and Chris Kitzan, *The Prairie West As Promised Land* (Calgary: University of Calgary Press, 2007), pp. 313-332.

larger urban areas. This dread was given expression among politicians and within the ranks of the police.[15]

With Western Canada considered the geographic centre of Bolshevik radicalism, there was ample opportunity with cause, real or imagined, for confrontation and conflict. "Bolsheviki secret agents" were believed to be everywhere and the mining towns of the Pass were no exception. Citizens were encouraged to "bestir themselves and vigorously oppose this enemy [Bolshevism] to all that is dearest and best in life." *The Blairmore Enterprise*, no friend of the Bolsheviki or of Bolshevism, also offered lighthearted though pointed criticism for readers' consideration. In a note to the editor, one reader likely expressed real fears when characterizing the Bolshevik as a "loafer or knave or both" and one who was willing to "fork out his quarter and pocket your dollar."[16] Underlying this apparent levity, however, was a firmly entrenched belief that the "menace of Bolshevism" posed a threat to Canada through an attack on its "institutions of government and society, of all religion, of all moral laws and all property rights." The press often expressed its abiding fear of Red Revolution through the process of "boring from within," and implored readers to remain vigilant.[17]

As well, the tendency of the Alberta Provincial Police (APP) and the Royal Canadian Mounted Police (RCMP) to mainly recruit individuals of Anglo, Francophone, or northern European backgrounds did little to inspire confidence in the force, especially from within communities of non-Anglo immigrants such as those in the Crowsnest Pass. Their negative

15 Steve Hewitt, *Riding to the Rescue: The Transformation of the RCMP in Alberta and Saskatchewan, 1914-1939* (Toronto: University of Toronto Press, 2006), pp. 76 & 90.

16 *Blairmore Enterprise*, August 4, 1921.

17 Sean I. Moir, "The Alberta Provincial Police, 1917-1932," Master's thesis, University of Alberta, 1992, pp. 75, 81, 89; Zhiqiu Lin, *Policing the Wild North-West: A Sociological Study of the Provincial Police in Alberta and Saskatchewan, 1905-32* (Calgary: University of Calgary Press, 2007), pp. 51-57.

attitude towards the police may well explain the suspicions aimed at Russian and other ethnic groups.

Albeit with an outsider's perspective, *The Calgary Herald* declared the Pass plainly and simply, "a bad locality" where criminals were bold, open bootlegging the norm, prostitution rampant, the police impotent, and where Alberta's liquor law was "held in general contempt." The impending train hold-up and shootout of August 1920 was, therefore, perceived as "merely an outburst of a spirit of lawlessness that is, apparently, common to the foreign element in the district." With great prescience *The Herald* predicted, "If something is not done, we shall, probably, be hearing of more 'affairs' in the Crow's Nest Pass."[18]

The Pass was far from an idyllic community where law and order would provide peace, security, and a sense of ease. The high number of single men in the towns had long fostered a lawless element, creating significant challenges for law enforcement. Crime—especially violent crime—was a constant concern and a regular part of daily life.

On January 11, 1918, for example, *The Bellevue Times* reported a "gruesome find" by several children near Coleman, "of the body of a man with his throat cut from ear to ear and other signs of violence." The man had left home weeks previously with an axe and razor and had not been seen since. Though a self-inflicted death was suspected, this was nonetheless an unsettling event. On July 22, 1920, *The Blairmore Enterprise* reported the discovery of a man's body "clad only in thin undergarb [sic] in a culvert" east of Burmis station at the eastern end of the Pass. The paper lamented that this was the "the most brutal murder in the history of this district." Attracted by the evident savagery of the crime, *The Enterprise* chose not to spare its readers the gory details. "His throat

18 Wm. James Cousins, *A History of the Crow's Nest Pass* (The Historic Trails Society of Alberta, 1981), p. 58.

was cut from ear to ear and his head and body battered and stabbed so that identity would be almost impossible," the paper lamented. "There was evidence that the individual had had his throat cut with the deliberate intention of being bled as one would in the slaughter of an animal."

The Lethbridge Daily Herald, July 27, 1920, attributed this gruesome murder to 'The Black Hand', an Italian secret society usually associated with crime and based in the United States. *The Herald* chose to describe the dead man as having been killed in an argument over money.[19] These newspaper reports revealed a violent underbelly to crime in the Pass, it being remarked by *The Enterprise* that the dead individual was thought to be "one of a band of tin-horn gamblers who have [been] frequenting the Crows' Nest Pass of late." As the APP investigated this most recent shocking crime, *The Blairmore Enterprise* trumpeted other outrages.

Also, on a Sunday in July 1920, burglars, in quick succession, broke into Blairmore's FM. Thompson Co. store, and into Emilio Picariello's bootlegging headquarters at the Alberta Hotel. In the latter case the break and enter was likely in quest of some of Emperor Pick's stash of cash or booze. The following Wednesday night, thieves entered a house occupied by two women, held them at gunpoint and stole a substantial amount of money. Surely, such reports created a general impression that, in the Pass and area, the law was as much honoured in the breach as in the observance.

19 *Fernie Free Press*, November 5, 1920.