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Katherine Unterman. "Boodle over the Border: Embezzlement and the Crisis of International Mobility, 1880–1890." *Journal of the Gilded Age and Progressive Era* 11.2 (April 2012): 151–189. DOI: 10.1017/S1537781412000011. <http://dx.doi.org/10.1017/S1537781412000011>

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Review by **Andrew Smith**, Coventry University

A proverb states that 'Good fences make good neighbours.' Katherine Unterman's article on the white-collar criminals who fled from the United States to Canada in the 1880s is a reminder of the importance of border-making in the history of international relations. Much has been published on the history of borders in the two decades since the appearance of Peter Sahlins's seminal book *Boundaries: The Making of France and Spain in the Pyrenees*.¹ Borders and borderlands are now a major theme in the historiography of the nineteenth-century United States.² Historians of race and ethnicity have focused on the creation of the Mexican-American border, a process that culminated in the establishment of the United States Border Patrol in 1924.³ The considerable volume of historical research on the Mexican-American border probably reflects present-day concerns over crime, the politics of immigration, and the rise of vigilante border patrols such as the Minutemen.⁴ Twenty-first century Americans spend much less time thinking about their relatively quiet northern border. Unterman's research indicates that for part of

¹ Peter Sahlins, *Boundaries: The Making of France and Spain in the Pyrenees* (Berkeley: University of California Press, 1991).

² Jeremy Adelman and Stephen Aron, "From Borderlands to Borders: Empires, Nation-States, and the Peoples in Between in North American History," *American Historical Review* 104, no. 3 (June 1999): 814–841.

³ Kelly Lytle Hernandez, *Migra!: A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010).

⁴ David Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995); Oscar J. Martínez, *Border People: Life and Society in the U.S.-Mexico Borderlands* (Tucson: University of Arizona Press, 1994); Miguel Antonio Levario, *Militarizing the Border: When Mexicans Became the Enemy* (College Station: Texas A&M University Press, 2012); José Angel Hernández, *Mexican American Colonization During the Nineteenth Century: A History of the U.S.-Mexico Borderlands* (Cambridge: Cambridge University Press, 2012).

the nineteenth century, Americans were much more concerned about law enforcement issues related to the Canadian-American border. They had good reasons to focus on the northern border. For one thing, the Canadian border was closer to what were the major population centres of the United States. Unlike pre-1890 Canada, Mexico under Porfirio Díaz extradited embezzlers back to the United States. In the American popular imagination, Canada rather than Mexico was the refuge of American criminals.

In the 1880s, about 2,000 Americans, mostly white-collar criminals or “boodlers,” fled to Canada. Few of the boodlers bothered to hide their identities, since the extradition section of the 1842 Webster-Ashburton Treaty did not require Canada to extradite mere embezzlers, only those accused of murder and a few other grave crimes. Unterman shows that this state of affairs was more than a minor inconvenience for American business. Indeed, a famous 1884 incident involving John Chester Eno, a bank president who fled to Canada with \$95,000, caused a run on other banks in New York and a plunge in the value of shares on Wall Street. In 1890, Britain and the United States signed and ratified an extradition treaty that required the Canadian authorities to extradite those accused of embezzlement to the U.S. Thereafter, few boodlers fled north.

Unterman’s thesis is that these fugitives from justice had a significant impact on the development of the border, both in the popular consciousness and in actual law enforcement techniques. She shows that the sharp rise in the number of boodlers in the early 1880s was due to a combination of factors. First, improved transportation made it easier for people absconding with funds to reach Canadian soil before the alarm was raised by their employers. A particular train that left New York for Montréal in the early evening was convenient for boodlers because it reached the border before the start of the next workday, which was when embezzlement was typically discovered. Improved cross-border train services effectively made New York and Chicago into ‘border towns,’ which forced local officials to confront the classic border-town problems that had previously faced police officers only in places like Buffalo and El Paso. Second, the growth in white-collar employment increased the number of Americans who were in a position to steal from their employers: “between 1870 and 1900, the number of clerical workers in the United States increased by roughly 300 percent” (157). Third, the return of the U.S. to the gold standard in 1879 made it easier to spend stolen greenbacks in Canada. Moreover, the rapid urbanization of the United States produced a society in which people were more anonymous and less subject to traditional community constraints.

Soon after the onset of the boodler crisis, United States officials grasped the importance of negotiating a new extradition treaty. The British diplomats who were responsible for Canada’s foreign relations were, in principle, willing to move on this issue. However, negotiating and ratifying such a treaty was complicated by Anglo-American disputes over fisheries and the right of Canadian sealers to operate in Alaskan waters. The 1886 Phelps-Roseberry Treaty, which was never ratified, would have made four new offences extraditable: manslaughter, burglary, embezzlement, and “malicious injuries to property whereby the life of any person shall be endangered” (177). This last phrase, which would have required the United States to extradite Irish nationalists suspected of dynamiting public buildings in Britain, generated a firestorm in the Irish-American community and led

to the treaty's rejection by the Senate in 1889. In the next year, a version of the treaty that required the extradition of embezzlers but not terrorists was negotiated and ratified with little fuss.

Unterman shows that Canadian responses to the influx of boodlers were mixed. While most Canadians believed that they should be sent back, a segment of Canadian society welcomed the stolen capital the boodlers brought with them. The aforementioned John Chester Eno actually served as the treasurer of a Quebec railway company between 1891 to 1895. Other boodlers invested their money in mining. In 1889, the Canadian parliament debated a law that would have required the extradition of boodlers. A group of politicians from the Province of Quebec, which had benefitted from the boodlers' money, successfully fought this proposed change to Canada's statute book. It took an Anglo-American treaty to end Canada's status as a safe haven for embezzlers.

Perhaps the most interesting part of Unterman's article is the section on the use of private law enforcement agencies in the boodler crisis. The American Bankers' Association had a contract with the Pinkerton detective agency to handle all cases involving its members. The measures used by private detective agencies to keep embezzlers from reaching Canadian soil, which included stationing detectives at key train stations and ferry terminals, were perfectly legal and regarded by the public as legitimate. There was, however, debate about some of the techniques private detectives used to lure boodlers back to U.S. territory. An attractive woman of seemingly easy virtue was used to entice some boodlers over the line. A few private detectives simply disregarded Canadian sovereignty and kidnapped boodlers so they could be brought across the border and arrested. Some Canadians were offended by this affront to their sovereignty, but in other cases Canadian police officers turned a blind eye. The American courts eventually ruled that both trickery and kidnapping were legitimate methods of returning a suspect to U.S. soil. However, Americans newspaper editors were divided as to whether kidnapping was acceptable.

Overall, this is a good article. As someone who defines himself as a historian of North America rather than of a particular nation-state, I welcome Unterman's transnational approach. However, I think that this piece could have been improved in a few areas. First, Unterman might have made more extensive use of French-language primary sources. It is, of course, unlikely that looking at these materials would have forced the author to revise the main thesis of her piece, which concerns the attitudes and behaviour of English-speakers in the United States. However, there might have been some value in seeing how the boodlers were depicted in French-language newspapers, especially since many of the politicians who defended the boodlers appear to have come from Quebec (188). It is also unfortunate that Unterman did not consult Brad Miller's recent article on the evolution of Canadian extradition policy between 1865 and 1883. Miller's piece explains why Britain had the final authority over Canada's extradition law.⁵

⁵ Brad Miller, "A Carnival of Crime on Our Border': International Law, Imperial Power, and Extradition in Canada, 1865-1883," *Canadian Historical Review* 90, no. 4 (2009): 639-669.

More importantly, this article might have included more information about the British response to the boodler crisis of the 1880s. The British ministers in Washington during this period (Lionel Sackville-West and Julian Pauncefote) are not discussed here. There are some very accessible British primary sources that could have allowed the author to provide a more complete view of the negotiations between the two governments. Unterman tells us that the 1886 Phelps-Roseberry agreement generated “lengthy debates in the British Parliament” (p.176) but says little about what was said. In 1886, a British politician declared that “the American Continent forms the principal refuge for fugitives from British justice.”⁶ This comment suggests that some British people were unsympathetic to American complaints about boodlers in Canada because the U.S. harboured so many British fugitives.

This article suggests several possible avenues for future research. Unterman is currently working on a book, *Nowhere to Hide: International Fugitives and American Power, 1880-1915*, that will look at how the evolving system for the rendition of fugitives to the United States reflected the country’s growing imperial clout in the western hemisphere.⁷ This book will likely include material from this article.

Unterman’s article also suggests two important lacunae in the existing historiography that ought to be filled. First, the history of cross-border policing in North America needs additional study. Today, federal, state, and local police forces in the three North American countries routinely cooperate on a host of measures. We do not really know how this system evolved. The existing works on nineteenth-century cross-border police cooperation are focused on the efforts of the three national governments to control migratory populations in the west.⁸ Unterman’s article suggests that there was similar cross-border cooperation by police forces in the cities of eastern North America. Clearly there is room for another scholar to make a useful contribution here.

The other avenue for research suggested by Unterman’s article is the role of ethnic and racial identities in decisions about cooperation with foreign police forces. As Edward Parliament Kohn has shown, the newly popular ideology of Anglo-Saxonism facilitated the post-1895 diplomatic rapprochement between the United States and the British Empire. The increasing importance that contemporaries attached to common Anglo-Saxon ancestry encouraged the leaders of the United Kingdom, the United States, and Canada to see each

⁶ Speech by Howard Vincent, MP for Sheffield, House of Commons, 28 May 1886 vol 306 c307, http://hansard.millbanksystems.com/commons/1886/may/28/dominion-of-canada-extradition-act-1877#S3V0306P0_18860528_HOC_11. Website viewed 23 July 2012.

⁷ Faculty profile of Katherine Unterman, Department of History, Texas A&M University, <http://history.tamu.edu/faculty/unterman.shtml>. Website viewed 23 July 2012.

⁸ Rachel St. John, *Line in the Sand: A History of the Western U.S.-Mexico Border* (Princeton: Princeton University Press, 2011), 90-118; Andrew R. Graybill, *Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910* (Lincoln: University of Nebraska Press, 2007).

other as “natural” allies rather than as potential enemies.⁹ It would be useful to know how this sense of transnational ethno-racial solidarity influenced the relations between police forces in these three countries. Historians could also investigate whether ideas of racial difference and inferiority prevented or discouraged cooperation between, say, the United States and Mexico.

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⁹ Edward Parliament Kohn, *This Kindred People: Canadian-American Relations and the Anglo-Saxon Idea, 1895 - 1903* (Montréal: McGill-Queen’s University Press, 2004).