



Official State Historical Center of the Texas
Rangers law enforcement agency.

**The Following Article was Originally Published in the
*Texas Ranger Dispatch Magazine***

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Robert Nieman 2000-2009; (b.1947-d.2009)

Byron A. Johnson 2009-2011

Publisher & Website Administrator

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Director, Texas Ranger Hall of Fame

Technical Editor, Layout, and Design

Pam S. Baird



Funded in part by grants from
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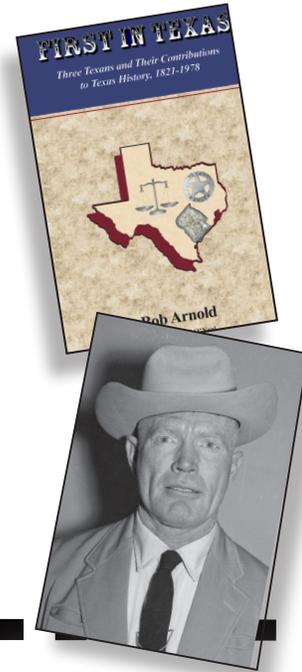
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from: *First in Texas: Three Texans and Their Contributions to Texas History, 1821-1978*. 1st ed.
Friendswood, Texas. Bob Arnold, 2011. ISBN: 9781450766098 Hardcover. \$25.00

ASSAULT on the HIGHWAY

by Bob Arnold



Chapter 22

The ring disturbed the silence of the night at just after four o'clock in the morning. A hand reached toward the sound, quickly picking up the phone's receiver before it could ring a second time. [Texas Ranger] Red Arnold put the receiver to his ear and said hello. The voice on the other end stated, "Red, this is Thomas Lilly at the Mount Pleasant Police Department. I just received a call from the Pittsburg PD that there is a disturbance on the highway south of town and they need some assistance." Red replied, "I'll be on the way in a few minutes," and hung up the phone. He quickly dressed and told his wife Aline that he did not know when he would be home. He got into his car, sped down the country road toward Mount Pleasant, and called the police department for additional details. When told that several Pittsburg policemen were being held captive by an unknown number of men, Red asked that a backup unit be dispatched to assist him. "I will meet them on the outskirts of Mount Pleasant, and they can follow me to Pittsburg."

Meanwhile, Harold Rester received a phone call from Conrad Mars, a sergeant with the Mount Pleasant Police Department. Rester was an inspector for the Texas Alcohol Beverage Commission and lived at the south end of town. Mars asked him if he would be willing to go with him to assist Red with some trouble near Pittsburg, and Rester said that he would. Mars picked him up in a police car, and they waited on Red to arrive on that side of town. After meeting up a few minutes later, the two cars sped south on Highway 271 to Pittsburg, about ten miles from Mount Pleasant.

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On the way, Red got a radio call from Larry Efurd, who operated a wrecker business in Pittsburg. He had heard all of the radio traffic between the two police departments and had gone to the area where the policemen were being held captive. Efurd told Red that two white men were holding Pittsburg Patrolman Loyd Peshorn, Camp County Sheriff J. L. Morgan, and Constable Dan Tubbs at gunpoint. He added that one of the men was whipping Peshorn with a gun and belt buckle and telling Peshorn that he was going to kill him.

The incident had begun about an hour earlier as Warren Foster was driving south on Highway 271 through Pittsburg to his home in Longview. About two miles south of Pittsburg, he had come upon a blue pickup truck that was stopped in the middle of the highway. To avoid hitting the vehicle, he had swerved his car to the right shoulder of the highway. He immediately glanced in his car's rearview mirror and saw two men in the pickup turn around in the highway, speed up to pass him, and attempt to force him off the road.

Foster turned his car around and headed back into Pittsburg, where he encountered a police car in town. He quickly reported the incident to Pittsburg patrolman Loyd Peshorn, who was making his nightly rounds through the town accompanied by Harold Attaway, the city night watchman. The two men followed Foster through town, where they saw a pickup parked on the west side shoulder of the highway approximately two miles south of the city limits.

Foster continued on his way south toward Longview while Peshorn and Attaway got out of the police car and approached the pickup. Two men were there at the scene: Charles West, age 37, and his brother Andy, age 29. Both had several misdemeanor infractions, and Charles had also been previously charged with vagrancy and aggressive assault with a motor vehicle. Andy was standing next to the pickup while his brother Charles remained inside. Peshorn identified himself and told Andy that he had received a report that he had tried to force a vehicle off the road. Andy told him that he had pulled off the road to fix a flat tire and had not tried to run anyone off the road. Peshorn asked Charles to get out of the vehicle and motioned both men to the front of his patrol car, telling them to empty their pockets and to place their hands on the hood. Both men appeared to be drunk. When he frisked Charles's pockets, Peshorn found a knife and some keys, which he removed and threw on top of the patrol car.

Peshorn instructed Attaway to hold the brothers at gunpoint while he got in his car to call the police department for assistance. As Peshorn was talking to the office, Charles West grabbed Attaway's gun and told him that he was going to kill him. He went over to the patrol car, pointed the gun at Peshorn's head, and told him to get out of the vehicle. Charles ordered Peshorn to give him the "damn keys" or he would kill him, too. Both Peshorn and Attaway were instructed to remove their clothes, and Attaway asked if he could take his off on the other side of the highway. Charles agreed to the request, but when Attaway got to the other side, he took off running toward the nearest house and called both the city police department and the sheriff's office for help.

A few minutes later, Sheriff Morgan arrived at the scene and immediately saw that Peshorn was lying naked in the bed of the pickup. As Andy West approached the sheriff's vehicle, he showed his gun and told Morgan to leave his weapon in the car and get out with his hands up or he and his brother would kill Peshorn. Morgan did as he was told. Andy told the sheriff not to run or he would shoot his leg off, and for added measure, he shot at the sheriff's feet several times. Andy then told his brother to get Peshorn out of the bed of the truck and ordered both law officers to the front of the police car. About that time, Constable Dan Tubbs drove up and noticed two men holding guns on Sheriff Morgan and Patrolman Peshorn. The West brothers immediately pointed their guns at Tubbs and instructed him to get out of his car. One of the brothers jerked the badge



from the sheriff's shirt and hurled it at Tubbs, saying that the sheriff would not need the badge anymore because they were going to kill him and Penshorn. Charles West then turned toward Penshorn and began hitting him with the buckle end of his cowboy belt, which caused lacerations and bruises on Penshorn's back and legs. When he was not satisfied that he was hurting Penshorn enough, Charles began hitting him with the butt of his rifle.

Red Arnold, Harold Rester, and Conrad Mars quietly arrived at the scene with their vehicle headlights off. However, from the headlights of the other cars shining onto the highway, they were able to see two men holding guns on three other men. Red grabbed his Remington rifle, the same .351 Remington carbine he had used as a Highway Patrolman in the 1940 South Texas shootout some thirty years before. As the officers met in the middle of the road, Rester asked Red what the plan was. Red replied, "Hell, there s no plan! Either they will drop their guns or we will have to shoot the bastards." Whether it was his Marine Corps training or his many years of experience as a police officer, Red's instincts were to meet a dangerous situation head on and then react as the circumstances unfolded. As he started walking down the middle of the highway toward the two gun-wielding men, Rester took the right side of the road and Mars the left. Nearing the brothers, Red crouched behind Constable Tubbs's car, rose up, and aimed his rifle at Charles West, who was the closest one. He shouted out to both men to drop their weapons.

Charles, who had been beating Patrolman Penshorn, jerked around at the sound of the Red's voice. He answered that he did not have a weapon, but the sheriff hollered back, "He's lying. He's got a gun!" As Charles raised his rifle to fire, Red again demanded that the two brothers drop their weapons, but they didn't. Red shot Charles once and then twice more. The wounded man started running toward the pickup, and Harold Rester shot him with his shotgun. Andy West then raised a pistol to fire at the officers, and Red shot him once in his right side, causing him to slump down next to his truck. The two brothers were quickly disarmed, an ambulance was called to take them to the hospital, and Sergeant Mars cleared the traffic that had stopped on the highway to make room for the ambulance. The brothers were taken to the hospital in Pittsburg, where Andy died from his wounds early that morning. Charles was transferred to the Tyler Medical Center in critical condition. After he recovered, he was charged with assault with intent to murder and convicted in the 76th District Court at Pittsburg, Texas. He was given a two-year sentence in the county jail and fined one thousand dollars.

The day following the incident, the Austin American-Statesman ran an article that read, in part:

Just when people are saying there is no such thing anymore as 'one mob, one ranger,' Ranger R. M. "Red" Arnold steps in near Pittsburg Tuesday after two young gunmen had corralled an assortment of peace officers on the highway. He told them to drop their guns, and then blazed away when they pointed their guns toward him...Had Ranger Arnold waited a split second to see if the gunmen intended to squeeze their trigger fingers, the newspaper account most likely would have been about another peace officer killed in the line of duty.

Later, Red was informed by Captain Bob Crowder that he had been nominated by Colonel Wilson Speir, director of the Department of Public Safety, for the Parade-International Association of Chiefs of Police Service Award. This annual honor is given to deserving law enforcement officers throughout the nation who show extraordinary valor in the performance of their duties. After being told of his nomination, Red replied in the true Ranger tradition, "Captain, I only did what any other officer would have done."