

OKLAHOMA LAW ENFORCEMENT

SINCE 1803

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## PREFACE

From the time that people recognized the inherent benefits of tribal association, there have been law-ways and customs for regulating and perpetuating social order. Without such law-ways orderly social interaction would have been impossible, thereby posing a threat to internal security. In most cases these customs have been accompanied by means of law enforcement, either by individuals or by the community as a whole. As man developed more complex social organization, law-ways and means of enforcement likewise advanced.

In Asia, Europe, and Africa, this evolution advanced slowly through the milleniums, from the prehistoric days of nomadic gatherers to the highly structured societies of the twentieth century. Oklahoma has experienced that same cultural transformation in less than 200 years. From the familial law-ways of the nomadic Comanches to the divisional organization of the Oklahoma City police department, law enforcement in Oklahoma has been a constantly changing institution responding to progress and threats to law and order. The purpose of this study is to analyze and narrate this interaction of environmental conditions and responding systems of law enforcement. Focusing on civil officers and local jurisdictions when possible, this will reveal societal



attempts at maintaining internal order when confronted by change.

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## CHAPTER I

### CHANGE, DISORDER, AND LAW ENFORCEMENT:

#### AN OVERVIEW

Approximately 30,000 years ago nomadic hunters migrated into what is now Oklahoma. Traveling in groups for security, these primitive men and women carried with them law-ways for social stability and internal means of law enforcement. Since that time succeeding generations have built on that foundation of primitive law enforcement. From the mound-builders and Comanches to the Cherokees and Anglo-Americans, lawmen have played an important role in the development of Oklahoma.

Law enforcement has taken many forms in Oklahoma, determined by various factors such as economic status, social organization, and political development. Among the Comanches, law enforcement was the duty of each individual tribal member, executed relative to the prowess and status of the litigants. In contrast, law enforcement among Oklahomans of the twentieth century has been a highly structured institution, executed by appointed or elected representatives of society. One was the reflection of a harsh, nomadic existence where physical strength was a person's only protection; the other was a manifestation of a stable, legalistic, and democratic

society. Although the two systems differed, they shared a basic characteristic: both maintained social stability and preserved internal peace during periods of progress and development.

To understand law enforcement as an evolutionary institution, two elements must be considered. One involves the environmental factors which created threats to peace and stability and thereby determined the nature of the law enforcement needed. The other involves the jurisdiction, organization, and authority of the various law enforcement entities. Only by integrating cause and effect can the vibrant and evolving institution of law enforcement in Oklahoma be visualized.

By December 20, 1803, when the United States gained title to the Louisiana Purchase, the impact of law enforcement on social development was well established in Oklahoma, for even the most primitive tribal nomads understood the benefits of orderly co-existence within a social group. Confronted by hostile neighbors, a harsh environment, and the daily threat of starvation, the Indian tribes of Oklahoma found security in numbers. This basic social organization forced individual Indians to abide by certain rules within the group; these rules were law-ways. The enforcement of these accepted norms of behavior, however, was an extremely personal prerogative, for among tribes such as the Comanches the small size of bands and the individualistic nature of hunting and warfare elevated the importance of the warrior above the

good of society. Law enforcement was present among the Comanches, but it was weak by modern standards.

For the simple existence of nomadic gatherers and hunters, rudimentary law enforcement was sufficient. Yet, as Indian civilization advanced people accumulated property and settled in larger numbers. For example, when the Cheyennes acquired horses in the eighteenth century they became more effective hunters and warriors. This allowed them to convene tribal gatherings more often as well as accumulate additional property. With new wealth in horses and robes and new tribal unity, the Cheyennes evolved means of protecting property and maintaining intra-tribal order. Again, environmental, economic, and social advancement created the demand for law enforcement and determined the type of lawmen needed by the tribe.

Advancement and the developing desires for order were even more rapid among the Five Civilized Tribes, who migrated to Oklahoma in the mid-nineteenth century. Influenced by early contact with Anglo-American culture in the Southeast, many Cherokees, Choctaws, Chickasaws, and Seminoles adopted concepts of property rights, written constitutions, and professional law enforcement. This development was not enjoyed without disorder, for all of these tribes experienced either internal strife, external pressure, or cultural disruption. The revolutionary change and disorder affecting these tribes was overcome partially by new forms of law enforcement. Lighthorsemen, tribal sheriffs, and Indian law

codes served as the means of reestablishing and maintaining order.

As the Indian tribes of Oklahoma struggled with their changing environment, a new force entered the region -- white migration. Attracted to the wealth and potential of the Indian reserve, many pioneers entered Oklahoma before the official land openings, which began in 1889. In the eastern half of Indian Territory, whites established coal mining towns such as Krebs and McAlester, railroad crossroads such as Vinita and Wagoner, and trading centers such as Muskogee and Tulsa. Together with the tens of thousands of farmers leasing fertile Indian lands, these white townsmen revolutionized life in the land of the Five Civilized Tribes. No longer were Indians isolated and left to handle their own affairs, no longer could tribal lawmen maintain order, and no longer could the small corps of United States deputy marshals operating out of Fort Smith, Arkansas, enforce the law among the whites of Indian Territory. The responses to these developments were agency police, federally incorporated white city governments, and reinforced federal law enforcement.

These efforts to cope with a changing environment were temporary, for the land run of April 22, 1889, changed the course of history in Oklahoma. Beginning with this land opening in central Oklahoma and concluding with the dissolution of the nations of the Five Civilized Tribes, the area changed from an Indian enclave to the last line of continental United States settlement. This transition created threats

to law and order never before experienced in America. Overnight settlement of millions of acres, towns born grown, and the absence of official city or county governments fomented a wild and turbulent age. As before, men reacted to the disorder with adaptive means of law enforcement. The immediate responses were vigilante justice and provisional lawmen; the long-lasting alternatives were territorial county sheriffs and town marshals.

Oklahoma statehood in 1907 brought with it a new sense of stability; well established county sheriffs and town policemen reflected this development. The twentieth century also posed new threats to law and order, dangers which created new duties for lawmen. One such responsibility was increased enforcement of morality laws, especially statutes prohibiting the sale or possession of intoxicating beverages. Encouraged by activists in the young state, lawmen diverted much of their attention to bootleggers. The moralistic attitude resulted in larger police forces and added importance for city lawmen.

Another new threat to law and order proved to be the series of oil booms in the state. Attracting roughnecks, saloon keepers, gamblers, and prostitutes, the sudden and fluid wealth of the oil booms confronted Oklahomans with overpopulation, unprepared governments, and inadequate law enforcement in boom areas. From the first oil strikes in the Glenn Pool to the opening of the Seminole and Oklahoma City oil fields, oil booms tested the resourcefulness and flexibility of law



enforcement agencies.

The twentieth century was marked by other advances posing even more threatening dangers to law and order in the state. One of the most serious developments was widespread use of automobiles. Offering new mobility to bandits, automobiles quickly replaced horses as the means of criminal escape. This mobility overwhelmed the capabilities of local lawmen, who were constricted by limited jurisdictions. Moreover, highway traffic deaths mounted on rural roads which were beyond the effective range of even county sheriffs' forces. One solution to these mounting problems was a state police force unhindered by local jurisdictions and trained in the most modern police skills. Again, a changing environment forced Oklahomans to look for new means of maintaining law and order.

Another development which increased demands on law enforcement was the new and expanded role lawmen were expected to fill after World War II. Rapid economic growth and the expansion of urban America accelerated many of the social changes which had been in progress for decades. Oklahomans, like most Americans, turned to policemen for stability. To many citizens, urban riots, non-conformist cultural movements, and anti-war protests seemed to threaten the existing social order. Policemen served as the obvious deterrent to these problems. The results were increased law enforcement services, larger and better trained police forces, and more technically sophisticated equipment.

Since 1803, Oklahoma has been the scene of rapid environmental, economic, and social change. The advance from nomadic hunting to the use of computers created myriad threats to order and stability. From maintaining tribal unity to preventing white-collar crime, lawmen have served an important role in stabilizing Oklahoma's society. Much of the cultural and material progress enjoyed today is due to the successes of law enforcement.

## CHAPTER II

### NATIVE LAW-WAYS AND WARRIOR SOCIETIES

In 1880 a United States Congressman expressed the common belief that Great Plains Indians "know nothing of the rights of persons or property; every man does what is right in his own eyes and acknowledges no restraint except such as suggested by his own wild and savage nature."<sup>1</sup> In the minds of many Americans the description was well suited to tribes such as the Comanches and Kiowas of Oklahoma, for they had no statutes defining right and wrong, no structured court systems to weigh justice, and no uniformed lawmen to protect the just and punish the guilty. These surface observations belied reality, however, for the same Indians who raided white settlements in Texas and Kansas also lived by tribal law with provisions for enforcement.

Wherever people have lived in social groups, whether in western Europe or eastern Asia, there have been institutions to regulate social order. The Indians of North America were no exception. Through centuries of economic and social development, the Great Plains tribes in Oklahoma evolved means for maintaining order. Among some tribes, such as the Comanches, law-ways were less developed with no provisions for enforcement other than individual retaliation. Among

other tribes, such as the Cheyennes, law-ways were well defined and rigidly enforced by soldier societies. The differences between the two systems were determined by various environmental factors, including economic subsistence, familial identification, religious beliefs, and tribal identity. Analysis of these factors among the Comanches reveals the characteristics of this tribe's extremely individualistic law enforcement.

The Comanches were nomadic hunters who followed migrating buffalo on the Southern Great Plains. Constant movement and the necessity of traveling in small bands for efficient hunting retarded tribal identification and fostered individualism. The basic social unit of the Comanches therefore was the band, but even this entity was not rigidly structured into clans or societies, for the harsh environment made the attrition rate inordinately high, which in turn forced bands to relax membership requirements to allow easy access for potential members. This flexible and unstructured social organization, in which the individual reigned supreme over the community, determined law-ways and law enforcement.<sup>2</sup>

Indicative of this decentralized social organization, violation of most Comanche laws did not invoke prescribed punishments; rather, application was relative to the litigants in any crime. The one exception to this flexible code of enforcement was for the most serious of all crimes, intraband murder. For this crime there was no compromise or compensation -- the criminal had to die at the hands of the victim's

relatives. Revenge might require years of patience, but the issue was not considered closed until the criminal was dead.

In one instance of murder, a Comanche woman whose son had ridden an old man's prized horse to death in battle went to the old man to apologize for the loss. The old man was stirred to violence, venting his anger by killing the woman. The old man knew the law and the prescribed punishment for his crime, so he moved his camp away from the band to await the woman's sons. The sons, also understanding the Comanche law of retaliation, proceeded to the old man's camp the following morning, where they quickly dispatched Comanche justice. The man had broken the law; the relatives of the victim enforced the punishment.<sup>3</sup>

Most crimes, such as adultery or killing another's horse, did not mandate this extreme retaliation. Moreover, most punishment was relative to the respective status of the men involved. For example, in cases of adultery, aggrieved husbands usually demanded punitive retribution instead of blood-letting. The retribution could be horses, blankets, or guns, the amount determined by status. A brave warrior with many scalps could demand several horses from a less heralded brave for such a crime; conversely, if the crime was against a young man, retribution was reduced to a token gesture. Either way, the stipulations of revenge were fulfilled.<sup>4</sup>

The same principle applied to the crime of killing a man's horse, although as with the punishment for murder,

revenge could be death for the criminal. In one famous case among the Comanches, a warrior of the Those Who Move Often band left a horse with a hunting party from the Antelope band. When the first warrior returned to claim his horse, he found that it had been killed and eaten. In retaliation he killed a horse and mule of the offender's herd. The warriors of the Antelope band considered this second killing unnecessary, whereupon they overtook the slayer and killed him. To men who survived in the hunt and in war by the prowess of their mounts, killing a warrior's horse oftentimes warranted the death penalty.<sup>5</sup>

Status was central to most aspects of Comanche law enforcement. Even in itself status reduction or humiliation was a form of punishment for criminal acts. A good example was a case involving punishment for rape, considered a minor offense by sexually relaxed Comanches. Blow It Away, a young warrior, was a chronic sexual offender among his band, habitually slipping into womens' tipis at night and raping them. One night he happened to chose the tipi of a large woman who was a physical match for him. Enforcing the law against rape, she overpowered him, grabbed him by the penis, and dragged him into the camp circle. The humiliation and loss of status in the presence of his fellow warriors was an effective punishment.<sup>6</sup>

A similar case of punishment by loss of status occurred among the allies of the Comanches, the Kiowas. When a young man became known for attacking young maidens away from camp,

the women of the band decided to punish him. Stationing a buxom beauty by the stream's edge, the women waited in the bushes for the rapist's approach. When he appeared, the women leapt from their concealments, overpowering the young man and pinning him on his back. In their roles of law enforcers, the women took turns raising their skirts and squatting on the lad's face. Again, humiliation and loss of status were effective means of law enforcement.<sup>7</sup>

Law enforcement by Indian women against men was uncommon, however, for the role of status in determining the extent of law enforcement was strong among Kiowas as well as Comanches, and women were above only slaves in status. Kiowa warriors attained status through several means, including age, personal qualities, kindred, religious role, wealth, inherited rank, and, most importantly, war record. If a Kiowa warrior achieved high status through his war exploits, he could intimidate fellow tribesmen and thus impose criminal penalties which he deemed necessary. Warriors such as Big Bow and White Bear, both of whom were leaders of the Kiowas in the latter part of the nineteenth century, attained such high status that their roles as law enforcers were seldom questioned, even when they intervened in affairs of other men.<sup>8</sup>

As with the principle of status and law enforcement, the Kiowas surpassed the Comanches in development of law-ways and formal mechanisms for enforcement. Kiowa law-ways, like those of the Comanches, were based on the concept of

individual law of revenge. They differed, however, for there were designated men among the Kiowas who had exceptional authority for enforcing the law. One such official was the Keeper of the Ten Medicine Bundle. This religious man's role in law enforcement was based on his possession of the peace pipe, which was the basic institution for settling arguments and crimes. Although the pipe involved no judgment of right or wrong, when offered to aggrieved parties and smoked, it signified an oath to end all action or further retaliation. The powers of this peace-keeping institution were religious in nature, for if a criminal or plaintiff refused the pipe four times, the gods invoked punishment and possible death. The effectiveness of the pipe in keeping the peace was proven by the fact that no Kiowa could recall a retaliatory killing within the tribe after it was smoked.<sup>9</sup>

Another formal mechanism for keeping the peace was the topadok'i. To the Kiowas, kinship was the basis of band organization, the unit being a group of brothers with their wives and children. The oldest brother usually was the topadok'i. One of his most important duties was maintaining law and order in his band. His authority over such matters was supreme, but he seldom chastized his followers severely for fear that they would leave the band; therefore, his most important function as law enforcer was that of persuasion. A wise and authoritative topadok'i who understood human nature used his powers as mediator to maintain peace within the band, the universal objective of all peace officers.<sup>10</sup>



The authority of the topadok'i was supreme when the band was separated from the rest of the tribe, but for four weeks during the summer when the tribe met for the annual sun dance, his authority was inferior to that of the Taime-keeper, or owner of the sundance doll. The Taime-keeper performed like a chief during tribal encampments, directing the affairs of every band, including law enforcement. His decisions, which often were mere reflections of decisions by band leaders, were executed by five military societies. At the direction of the Taime-keeper and headmen of the several bands, one designated military society served as police during the sun dance. Its specific duties were to direct the communal buffalo hunt, control the raiding actions of warriors, and maintain law and order in camp. The powers of punishment included the authority to remove law violators from the camp and even to execute criminals.<sup>11</sup>

An example of this power occurred at a sun dance in 1873, when Kiowa law-ways were still unaffected by reservation life. At the ceremony a troublesome warrior named Guidude insisted on killing another man for having an affair with his wife. One of the duties of the military society was to prevent such violence during the dance. To end the disturbance, Big Bow and White Bear, as leaders of the society in charge of policing duties, warned Guidude to make peace with his intended victim or run the risk of violating the law. Guidude refused, killing several of his antagonist's horses. The warrior society then proceeded once again to

tipi, threatening him with the harshest of all Kiowa penalties -- execution. Just as White Bear raised his spear to fulfill his duty, the leader of Guidude's band offered to punish the criminal himself by forcing him out of the camp. Thus, although the death penalty was not implemented, the threat had settled the crime.<sup>12</sup>

Other Great Plains tribes residing in or at least hunting in Oklahoma in 1803 had developed similar institutions of law enforcement. The Pawnees, who often entered Oklahoma while hunting buffalo, had enforcement officers called "braves," who selected three warriors in each village to maintain law and order. Under the braves' direction, these policemen regulated the hunt, maintained order in camp, and prevented criminal acts. The Pawnee police were unique, for they possessed badges of office, which at first were clubs, later replaced by swords. The Osages, who had migrated to Oklahoma in the late 1700s, also had policemen, one for each of the ten clans, appointed by the two civil head chiefs of the tribe. Their primary duty was restricted to policing the communal hunt.<sup>13</sup>

Law enforcement among the Osages, Pawnees, Kiowas, and Comanches shared a basic characteristic; all were based on the individual, or private, law of revenge. Comanche lawways were enforced exclusively by private individuals, while the Kiowas, Pawnees, and Osages developed institutions of semi-public law enforcement by agents representing the tribe as a whole. The development of public law enforcement on the

Great Plains, however, was most advanced among the Cheyennes. By 1803, Cheyenne society had sublimated the personal law of revenge, substituting in its place a form of public law enforced by warrior societies or agents recognized by the entire tribe.

The primary reason for the development of this enforcement was the Cheyenne concept of "tribe." Unlike the Comanches, Cheyennes spent five or six months of the year as a tribal community, breaking into bands only in winter when forage and game became scarce. Prospering as a tribe and proud of their communal strength, Cheyennes learned that tribal unity offered the richest and most secure life on the rugged plains. To maintain tribal unity and suppress internal disruptions, such as retaliatory murder, the tribe as a whole punished offenders of the law, forestalling the possibility of feuds on the individual level.<sup>14</sup>

When a Cheyenne committed murder, the most heinous of crimes, he inflicted the crime against the tribe, not just the kin of the victim; therefore, instead of individual retaliation, the tribe imposed punishment. Even tribal punishment was moderate among the Cheyenne, for judgment usually determined by the tribal council was ostracism, not death. Only in rare cases of murder was the death penalty enforced against criminals, because moderate punishment enhanced tribal unity. By removing individual retaliation and violence from law enforcement, and moderating the violence of punishment by the tribe, internal disruption was suppressed.<sup>15</sup>

Displacing individuals in the function of law enforcement were military societies, the most famous being the Cheyenne Dog Soldiers. As agents of public law enforcement, soldier societies had many duties, the most time-consuming being that of supervising the communal hunt. Because buffalo was the staple of Cheyenne life, guiding the warriors in a successful hunt was an important means of maintaining security of the tribe. The societies guarded the camps, designated hunting parties, assigned positions around the herd, and directed the assault. If every warrior obeyed the laws of the hunt, chances for a large kill improved; if a hunter did not obey the law of the hunt, he was punished by the societies. In one case a hunting party, policed by the Shield Soldier society, was organized and prepared to assault a buffalo herd. Before the order was given, however, two warriors dashed out to make early kills, frightening the herd. The Shield Soldiers pursued the criminals, killing their horses, slashing them with whips, and smashing their guns. When the recalcitrants acknowledged their crimes, they were reoutfitted by the society and allowed to rejoin the hunt.<sup>16</sup>

Another duty was enforcing mandatory attendance at religious ceremonies. Tribal unity again was the object, for religious participation imposed a sense of tribal membership and identity. When members of the tribe failed to appear at ceremonies such as the sun dance, soldier societies were ordered to deliver them. In the rare occasion when

resistance was encountered, the soldiers often resorted to destructive persuasion, whipping the criminal, destroying his tipi, or killing his horses. As late as 1884 soldier societies still enforced this law. In the words of Cheyenne Indian Agent D. B. Dyer, the Dog Soldiers "rule with an iron hand, and their will, right or wrong, is absolute law."<sup>17</sup>

The Dog Soldiers' authority survived until the 1880s, when agency life and forced acculturation to white ways destroyed native institutions. Likewise, the Comanches, Kiowas, Osages, and Arapahos retained their law-ways until forced to change. When that change came, it was not an internal transition of institutions, but rather an externally imposed change instigated by white Indian agents and troops. To understand fully the transition from native law-ways to Anglo-American institutions of law enforcement, a study must be made of the internal transitions of the Five Civilized Tribes.

Native law-ways of the Five Civilized Tribes were similar to those of Great Plains Indians in that the individual law of revenge was the principle means of enforcement. According to Robert Walsh, a visitor to the Cherokees, retaliation was their supreme criminal code. When a man was killed, his brothers were expected by law to punish the criminal. Unlike the Comanches, however, Cherokee law-ways provided for alternative compensation. If the kin of a murdered man was of lower rank and was a less heralded warrior, he could accept a horse, gun, or other valuables in place of the criminal's

life. Walsh witnessed one case when the family of a murdered man accepted a black slave in place of the murdered person, whereupon the aggrieved brothers of the victim buried their hatchets in the unfortunate slave's chest.<sup>18</sup>

Like the Cheyennes, Cherokees had developed exceptions to the individual law of revenge to promote internal peace. The best known were "Towns of Refuge," where murderers and criminals sought safety from avenging law enforcers. Tellico, Chota, and Gituwa were three such towns in eastern Tennessee. This institution served a purpose in Cherokee society, for after the establishment of towns, with their crowded living conditions, unabated retaliation more easily led to feuds and widespread internal disunion; and, to a warlike tribe with many enemies, such disunity meant tribal weakness. Towns of refuge served as a necessary limitation on the law of revenge.<sup>19</sup>

Like the Cherokees, the Chickasaws developed law-ways based on revenge and individual enforcement. Especially in cases of homicide, in which retaliatory killing was a religious duty, individuals enforced the law. In cases of adultery, for example, an aggrieved husband invoked as much physical punishment on the male adulterer as possible, then mutilated his own wife. Chickasaw law-ways also provided for an element of public law enforcement. Clan councils in each town had the power to judge the guilt of criminals, after which they supervised the punishment of the victim. For theft, the council extended this power by actually enforcing the law,

usually by whipping. This mixture of private and public law enforcement was a product of settlement in towns where large groups of people living together provided more opportunities for interaction, necessitating better developed law-ways and a more structured enforcement to prevent disorder.<sup>20</sup>

The Choctaws, who also had settled in towns, had no such institutions. Each town had a head chief, but the position held no more power of law enforcement than those of individual tribal members. Although the Choctaws were ruled by the law of individual revenge, they had a highly structured system of law enforcement without the attending relation to status. Instead of the trial-by-combat code of enforcement, Choctaws adhered to a rigid code of honor which committed criminals to face passively and bravely the consequences of crimes. According to travelers observing the Choctaws, this code of honor was rarely violated, making individual law enforcement a more highly developed institution.<sup>21</sup>

H. B. Cushman, a missionary born and raised among the Choctaws, cited many examples of Choctaw criminals honorably accepting the penalties of their actions. The code of honor was sufficiently strong to allow criminals time to attend to urgent affairs before their punishment. Cushman wrote that "during my personal acquaintance with that truly grand and noble people for seventy-five years, I have never known or heard of a full-blood Choctaw who violated his pledged word of honor by failing to appear at the time and place designated,

to suffer the penalties of the violated laws."<sup>22</sup> As late as 1830, most full-blood Choctaws retained this code of honor. One incident, related by Josiah Gregg, told of a Choctaw who had murdered a fellow tribesman and then promised to appear for punishment; he did not honor his pledge, however. To save the honor of the family, the brother of the criminal dutifully took his place and was executed. This same code of honor, which extended to all phases of Choctaw civilization, prevented many crimes.<sup>23</sup>

Native law-ways, whether of the Choctaws or Comanches, were products of environment and social organization. The Comanches, who lived in small, nomadic bands with weak kindred development, had flexible law-ways with only primitive means of enforcement, while the Cheyennes, who stressed tribal unity, had developed law-ways with provisions for enforcement which strengthened the tribe. The Cherokees, a warlike people who lived in towns, had law-ways and enforcement which best kept law and order in their environment.

The unifying characteristics between the various native law enforcement systems were individualism and revenge. To varying degrees, each tribe relied on the individual to enforce accepted laws; only the Cheyennes had advanced much beyond this stage by 1803. The motivation for this system of individual law enforcement in most cases was revenge. Only among a few tribes was individual law of revenge suppressed for the welfare of the tribe. Thus in 1803 law enforcement in what would be Oklahoma was in a primitive state, with only the beginnings of institutional development.



## FOOTNOTES

<sup>1</sup>United States House of Representatives, 46th Congress, 2nd Session, "Report from the Committee on Indian Affairs," House Document 430 (Washington: Government Printing Office, 1880), p. 2.

<sup>2</sup>Ernest Wallace and E. Adamson Hoebel, The Comanches: Lords of the Southern Plains (Norman: University of Oklahoma Press, 1952), pp. 22-25.

<sup>3</sup>E. Adamson Hoebel, The Political Organization and Lawways of the Comanche Indians (Menasha, Wisconsin: American Anthropological Association, 1940), pp. 69-70.

<sup>4</sup>Ibid., pp. 56-57.

<sup>5</sup>Ibid., pp. 68-69.

<sup>6</sup>Ibid., p. 111.

<sup>7</sup>Jane Richardson, Law and Status Among the Kiowa Indians (New York: Augustine Press, 1940), p. 35.

<sup>8</sup>Ibid., pp. 25-26.

<sup>9</sup>Ibid., p. 11.

<sup>10</sup>Ibid., p. 9.

<sup>11</sup>Ibid., pp. 9-10; Mildred Mayhall, The Kiowas (Norman: University of Oklahoma Press, 1962), pp. 120-121.

<sup>12</sup>Ibid., pp. 22-26.

<sup>13</sup>"History of the Pawnees," July 3, 1937, Grant Foreman, ed., Indian Pioneer Papers, 113 vols., Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma, Vol. XLVII, pp. 3-4.

<sup>14</sup>E. Adamson Hoebel, The Cheyennes: Indians of the Great Plains (New York: Holt, Rhinehart, and Winston, 1960), p. 49.

<sup>15</sup>Ibid., p. 51.

<sup>16</sup>K. N. Llewellyn and E. Adamson Hoebel, The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence (Norman: University of Oklahoma Press, 1941), pp. 112-113.

<sup>17</sup>G. B. Grinnell, The Cheyenne Indians: Their History and Way of Life (2 vols. New Haven: Yale University Press, 1923), Vol. I, p. 247; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1884 (Washington: Government Printing Office, 1884), p. 71.

<sup>18</sup>Robert Walsh, Reflections on the Institutions of the Cherokee Indians (n. p.: n. p., 1917), pp. 42-43.

<sup>19</sup>Grace S. Woodward, The Cherokees (Norman: University of Oklahoma Press, 1963), p. 46; Interview, J. C. Starr, March 23, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. XIX, p. 61.

<sup>20</sup>H. B. Cushman, History of the Choctaw, Chickasaw, and Natchez Indians (Greenville, Texas: Headlight Printing House, 1899), p. 495.

<sup>21</sup>Angie Debo, The Rise and Fall of the Choctaw Republic (Norman: University of Oklahoma Press, 1961), p. 21.

<sup>22</sup>Cushman, History of the Choctaw, Chickasaw and Natchez Indians, p. 163.

<sup>23</sup>Josiah Gregg, "Commerce of the Prairies, 1831-1839," in Reuben Gold Thwaites, ed., Early Western Travels, 1748-1848 (32 vols., Cleveland: Arthur Clark Company, 1904-1907), Vol. XX, pp. 311-312.

### CHAPTER III

#### EMERGING TRIBAL LAW ENFORCEMENT, 1803-1861

From 1803 to 1861 external pressures and internal changes forced the Five Civilized Tribes to replace their native law-ways with formal institutions of law enforcement. Encroaching white settlement, growing mixed-blood population, accumulation of property, and white missionaries affected the social, economic, and environmental world in which the Indians lived. When old law-ways failed to keep order in this new era, tribal leaders replaced them with institutions of law enforcement patterned after American society. By 1861 all of the Five Civilized Tribes, except the Seminoles, had law enforcement officers such as lighthorsemen, marshals, sheriffs, and constables.

Concepts of public law enforcement were introduced to the Indians by white traders. During colonial times the Indians welcomed whites who furnished desirable trade goods. By 1803 large numbers of these traders had settled among the tribes, establishing prosperous trading posts, rich plantations, and mixed-blood families. As early as 1796, a traveler among the Cherokees noted that he found mixed-bloods in every town, many of whom were the most prosperous and energetic community leaders. Several prominent families had settled

among the Cherokees, the most prolific being the Doughertys, Galpins, and Adairs from Ireland and the Rosses, Vanns, and McIntoshes from Scotland. Most of these energetic pioneers took Indian wives and accepted parts of the Indian culture, yet retained basic cultural ideas of their European heritage.<sup>1</sup>

It was the mixed-blood second generation of these families who began dominating Cherokee affairs at the end of the eighteenth century. Cherokee leaders, such as Stand Watie, Elias Boudinot, John Ridge, Sequoyah, and John Ross, were mixed-blood sons of white immigrants. These men, most of whom were educated in white schools, had wrested control of Cherokee affairs from the full-bloods by 1803. This influence was typified by the career of John Ross.

Born in 1790, Ross was the grandson of John McDonald, a Tory who settled among the Cherokees during the Revolutionary War. McDonald's quarter-blood daughter, Molly, married Daniel Ross, a native of Scotland. Daniel and Molly raised young John among his Cherokee kin, but at an early age he was sent to school in Kingsport, Tennessee, where he was exposed to Anglo-American institutions. As a young man steeped in Cherokee heritage and educated in the white man's world, John became an indispensable conduit between complacent full-bloods, who wanted to retain their homeland, and land hungry whites who demanded Indian removal or extinction. Serving as adjutant on many missions to Washington, D. C., Ross early learned political strategy. Later he served as president of the Cherokee National Council, as president of

the Cherokee Constitutional Convention in 1827, and, finally, as principal chief of the Cherokees from 1828 until his death in 1866.<sup>2</sup>

Mixed-blood leaders such as Ross transformed Cherokee institutions of government and law enforcement. Part of their reasoning was derived from exposure to American tradition, for many of the new leaders had seen white sheriffs and marshals and knew their effectiveness. Also, many mixed-blood leaders realized that the isolated world of the Cherokee people soon would end; if the tribe were to survive, they had to fit into American culture. The third, and perhaps the most important factor, was economic necessity. Some of the richest men in the Cherokee community were mixed-bloods. With their accumulations of property came the desire for protection of their property. For external threats, the army or militia were furnished by the United States, but for internal threats to their property, no effective institution existed which could serve them adequately. To rich mixed-blood Cherokees, written laws and hired law enforcement officers offered the only protection.

Thomas Nuttall, during his travels to the Cherokees in 1819, remarked that many Indians had acquired "habits of industry, ... superior intelligence, conveniences and luxuries of civilization," but "have also acquired that selfish attachment to property, that love of riches, which, though not really intrinsic, have still the power to purchase sinister interest, and separate the condition of men, and

hence arises that accumulation of laws and punishments."<sup>3</sup> Edwin James, traveling with Stephen A. Long, addressed the same subject, noting how maldistribution of wealth threatened the security of the rich. In his opinion new officers of law enforcement were for the sole purpose of protecting property. Men such as John Ross and Stand Watie accumulated riches in land and slaves, building attractive houses and maintaining fine herds of horses. These men, trained in institutions of the white world, adapted Anglo-American law enforcement to the frontier settlements of the Cherokee.<sup>4</sup>

Similar forces had affected the Choctaws by 1803. Three predominant families, the LeFlores, Pitchlynnns, and Folsoms had settled among the Choctaws, establishing large mixed-blood families. The best example of their influence was the Pitchlynn family. Isaac Pitchlynn, a British trader, established contact with the Choctaws in the 1750s and 1760s. His son, John, who had been raised among white men as a child, was adopted by the tribe. In his early twenties John married Sophia Folsom, one of the mixed-blood Folsom children. In this favored position between two cultures, John built a trading post, and gradually accumulated a fortune in cattle, land, and slaves, while siring a large family.

John Pitchlynn foresaw the growing might of the young American nation. He also realized that the Choctaws' best chance for survival was assimilation into the dominant society; therefore, he promoted white institutions among the Choctaws, including schools, churches, and law enforcement.

During this period of transition, his son Peter was born in 1806. One-quarter Choctaw, Peter identified with the Indians; however, like John Ross, he was sent to white schools where he studied American history, learned the English language, and accepted many Anglo-American institutions. After returning home, Pitchlynn worked for institutional changes among the Choctaw. In 1822, when the Choctaws established their first constitutional government, Pitchlynn became a leader in the law enforcement system and organizer of the first lighthorse brigade.<sup>5</sup>

The Chickasaw, too, were influenced by a powerful mixed-blood population within the tribe. The most significant of these mixed-bloods were the descendants of James Logan Colbert, a Scotsman who had settled among the Chickasaws in 1729. During forty years of residence Colbert had married three Indian wives, siring more than a dozen children and accumulating wealth in trade, land, and slaves. By 1800 his descendants controlled Chickasaw tribal affairs, led by capable mixed-bloods such as Levi Colbert. By 1830 the Colberts and their mixed-blood allies controlled the Chickasaw Nation as an economic fiefdom. In 1829 one report on the Chickasaws noted that Levi Colbert was the real power in the tribal government, while the full-blood chiefs were merely his puppets. While controlling the governmental apparatus, the mixed-bloods used their influence to create institutions of law enforcement.<sup>6</sup>

The effects of the mixed-bloods' influence only

gradually surfaced, increasing as slowly as economic development. A more abrupt influence on Indian law-ways was the effect of missionaries. As early as 1799, missionaries visited the Chickasaws and Choctaws, but not until the 1820s were permanent missions established with schools. The greater missionary influence was among the Cherokees, led by a young Presbyterian minister from Tennessee, Gideon Blackburn, who established a mission and school in the rugged Overhills district of the Cherokee lands in Georgia.

Invited by Cherokee chiefs and headmen who foresaw the importance of learning the ways of white people, Blackburn chose the tribe's children as his first objective. Within a year Blackburn taught twenty-one Cherokee youngsters to read, write, and count, an accomplishment which impressed their elders. Winning their confidence, Blackburn by 1805 became a trusted advisor to the tribal leaders, especially with respect to their governmental organization. Blackburn and perceptive Cherokee leaders realized that if the Indians were to repel American expansion, they had to have a strong government to negotiate and enforce agreements. Responding to his advice, the Cherokee tribal council in 1808 established a written constitution with legislative and judicial provisions and a code of written laws. In a published letter describing the new government, Blackburn boasted, "All criminal accusations must be established by testimony; and no more executions must be made by the avenger of blood; the infliction of punishment is made a governmental transaction."<sup>7</sup>



"Infliction of punishment" became the duty of a corps of officers, popularly called the lighthorse. Created by one of the first resolutions of the new constitution, lighthorsemen were to be distributed throughout the nation, one company of six men to each district. Each company had a captain, a lieutenant, and four privates. Serving one year appointments, the lighthorseman's stated duty was to "suppress horse stealing and robbery of other property within their respective bounds."<sup>8</sup> Moreover, the law specified a simple code of punishment. For horse theft, lighthorsemen were to administer "one-hundred stripes on the bare back," the number of lashes decreasing with the relative value of the goods stolen.

The lighthorse corps, under the leadership of mixed-blood leader George Lowery, served with extensive powers, fulfilling the combined roles of sheriff, judge, jury, and executioner. The number of laws they enforced increased yearly as mixed-blood leaders and missionary advisors moved the tribal government closer to Anglo-American institutions. Most of the laws dealt with protection of property, such as the one invoking a penalty of fifty lashes for cattle theft. Such laws also became more refined, the penalty for horse theft being amended to 100 lashes for the first offense, 200 for the second, and death for the third. Because there were no jails among the Indians, corporal punishment was invoked for all crimes, but with variations. For rape a first offender received fifty lashes on the back and had his left

ear chopped off close to the head. If the rapist committed a second crime, the lighthorsemen administered 100 lashes and cut off the other ear. For the third offense, death was the punishment.<sup>9</sup>

As indicated in their criminal code, lighthorsemen used violence as a essential tool of law enforcement. While Stephen H. Long was among the Cherokees, he witnessed a band of lighthorsemen overtake a suspected horse thief. When the suspect did not answer the captain's questions, a private gave the lad 100 lashes to loosen his tongue. The criminal then confessed to his crime. Another traveler cited the example of a lighthorseman who cut out the eyes of a relative who persisted in theft, declaring to his suffering kin that "as long as you can see you will steal, I will therefore prevent your thefts by the destruction of your sight."<sup>10</sup> Lighthorsemen also used violence when suspects attempted escape. In one instance a prisoner who reached for a captain's gun was shot four times and died. There was no investigation of the incident. Such violence apparently was foreseen and expected, for the law of 1808 creating the lighthouse corps exempted officers from retaliation when they were forced to kill suspected criminals.<sup>11</sup>

Every lighthorseman was expected to serve as executioner when needed. Condemned criminals had their choice of how they were to be killed, which oftentimes led to gruesome executions. One condemned man, who had killed a friend with a Bowie knife, wished to die by the same weapon; the lighthorsemen granted

his request by stabbing him to death. Most Cherokees, however, requested death by rifle. Hanging usually was shunned for fear that the rope would damage the spirit.<sup>12</sup>

For the violence involved and the tasks required, lighthorsemen had to be rugged individuals. John Payne, an Englishman visiting the Cherokees, described a company of lighthorsemen as a band of "armed and wild looking horsemen," with a leader who was a "tall and reckless looking man, with red leggings, and a shabby green blanket coat."<sup>13</sup> The formidable warriors on horseback had recently proven the truth of their impression, for they had just captured Archilla Smith, a noted murderer who had sworn never to be taken alive. Lighthorsemen had to be prepared for men such as Smith, a requirement which eliminated incapable and inexperienced men of the tribe.

Lighthorsemen served a multiple role in Cherokee society, functioning on every level of the judicial system. As the number of laws increased, however, and as citizens demanded more rigid law enforcement, lighthorsemen alone proved to be inadequate. From 1817 to 1825, the Cherokees experimented with several supplemental systems of law enforcement, searching for the most effective one. In 1817 the Cherokee National Council organized the nation into districts, each with a judge, sheriff, and constable. This judicial system was further refined in 1820, dividing the nation into eight districts, each with a judge and marshal. There were to be four district judges, moreover, each covering two districts. These officers

enforced national laws, with judges holding court and rendering decisions and marshals carrying out the decisions. Each district also retained a corps of lighthorsemen. Although marshals were court officials, the lighthorsemen retained most of the general law enforcement duties of arrest and execution.<sup>14</sup>

In 1824, again seeking a more effective system of law enforcement, the Cherokee National Council reduced the number of lighthorsemen in each company from six to four, while raising salaries to \$65 for captains, \$55 for lieutenants, and \$45 for privates. Despite this reduction in number, lighthorsemen still served a multitude of duties for the young and inexperienced Cherokee government, fulfilling the requisites of justice until more sophisticated provisions could be enacted. In 1825 this role came to an abrupt end when the Cherokee National Council established a hierarchy of law enforcement officials to attend a new judicial system. Replacing the lighthorsemen were marshals, sheriffs, and constables, who were better able to adapt to judicial needs at the various levels.<sup>15</sup>

The 1825 law provided for eight marshals, whose jurisdiction was national and who were appointed by the Cherokee National Council. Their primary duties were enforcing national laws, especially liquor prohibition and implementation of decisions reached by the national government. Below them in the enforcement hierarchy were sheriffs, elected by people of the respective districts to two year terms. With the

power to hire deputies, sheriffs were charged with general maintenance of law and order in their districts and execution of decisions by district judges. At the local level were two constables, also elected by people of the districts. They were assigned to less dangerous duties, such as debt collections, simple arrests, and holding prisoners for trial. Approximately thirty-two marshals, sheriffs, and constables enforced law in the Cherokee Nation from 1825 to the time of removal to Indian Territory. In that interval the thoughts and energies of tribal leaders were occupied with the removal controversy, a far more pressing issue to the Cherokees than new systems of law enforcement.<sup>16</sup>

Although the changes of 1825 disbanded the lighthorsemen, it affected only the Cherokees in the East, thus excluding the Western Cherokees. This branch of the tribe retained the position of lighthorsemen. The Western Cherokees had migrated to the Arkansas River Valley in several waves between 1794 and 1808. Due to their isolation from white settlements and the small number of mixed-bloods among them, the Western Cherokees did not accept Anglo-American civilization as early as their fellow tribesmen in Georgia and Tennessee. By 1819, however, travelers among the Arkansas Cherokees noted large plantations, fine houses, and numerous slaves, the trappings of Americanized mixed-bloods. The next year the Western Cherokees established a constitutional government, whose first enactment provided for a corps of lighthorsemen.<sup>17</sup>

Divided into three companies of well-armed and mounted

warriors, the lighthorsemen in Arkansas were general officers of the tribal government, suppressing violence, theft, and destruction of property, collecting debts owed the government, and executing decisions of the three district courts. Unlike the Eastern Cherokees, the Arkansas band retained their lighthorsemen until the 1830s, when they removed to present Oklahoma.<sup>18</sup>

Removal of the Eastern Cherokees to Indian Territory in the 1830s deeply influenced law enforcement in the tribe. Political upheaval, widespread bloodshed, and frontier hardships threatened institutions of enforcement which had developed during times of political and social stability. The first trouble surfaced when the Treaty Party of the Cherokee Nation, which had defied Principal Chief John Ross and removed to Indian Territory in 1839, refused to merge politically with the Eastern Cherokees, who later had been forced westward over the "Trail of Tears." Polarizing into two camps, each faction established governments with laws and officers for law enforcement. In July of 1839 at the Illinois Camp Ground, John Ross established his government, complete with judges, sheriffs, and eight auxiliary companies of lighthorsemen "to suppress disturbances, to remove public nuisances, and to preserve good order and tranquility."<sup>19</sup> In reality the lighthorsemen were to stabilize the authority of the Ross Government. Commanded by Jesse Bushyhead and Looney Price, two allies of Ross, the twenty-five positions in each company soon were filled by adventurous Ross-supporters.

Although the Ross government had not employed lighthorsemen for fourteen years, the prospective threat to law and order dictated their reinstatement.<sup>20</sup>

Anticipating similar problems, the Treaty Party strengthened its own lighthorsemen. Organized and commanded by Stand Watie, a political foe of Ross, Watie's lighthorsemen made their headquarters on Beattie's Prairie in the far northeastern corner of the Cherokee Nation. For the next seven years the lighthorsemen of the Treaty Party faction controlled this region. The forces of Stand Watie, reinforced by the quasi-legal depredations of Tom Starr and his brothers, waged a slow war against the Ross government, which they considered to be a political usurper.<sup>21</sup>

From 1839 to 1846 violence and bloodshed reigned in the new Cherokee homeland. During this period of crisis, lighthorsemen and sheriffs were called upon to fight the political battles of their leaders. These officers endured a dangerous life, for many anti-Ross sympathizers murdered lighthorsemen. In the winter of 1846, Jim and Tom Starr murdered two of Ross' lighthorsemen named Baldridge and Sikes. In revenge a company of lighthorsemen pursued the murderers, killing Billy Ryder, one of the Starrs' allies. Two months later, the captain of Ross' lighthorse corps was murdered. In less than one year the agent to the Cherokees reported thirty-three murders, all but a few political in nature.<sup>22</sup>

To combat such violence, Chief Ross and his fellow leaders activated the lighthorse as needed for the next few

years. In October of 1843, the Cherokee National Council enacted legislation creating eight companies of twenty-five men each. This force differed from the one started in 1839, for it was legally created by the federally recognized government of the Cherokees. Companies were organized in the field, their terms of appointment being twelve months and their pay one dollar a day. The companies were flexible; a captain could concentrate his men in one troublesome region or disburse them for general law enforcement. Once a month the captain reported on the conditions and locations of his men to the Cherokee National Council, providing a high degree of control by Chief Ross.<sup>23</sup>

Reinforcing the lighthorsemen were district sheriffs, who, in addition to regular duties, often aided national officers. During the summer of 1846, the sheriff of Delaware District raised a force of 100 men for the pursuit of Tom Starr, the most notorious enemy of the Cherokee National Council and Ross. This support among the district sheriffs was anticipated, for four-fifths of all Cherokees supported the government of Ross. Elected by these citizens, sheriffs therefore fulfilled the desires of their constituents. Directing the national lighthorse corps and having the support of most district sheriffs, Ross's government slowly established order by defeating the militant supporters of the Treaty Party faction. On August 14, 1846, Stand Watie and Ross signed a treaty ending all hostilities between the two factions. The peace treaty granted amnesty to all declared



outlaws, welcomed any Cherokees wishing to return to the nation, and abolished all armed police, military organizations, and lighthorse companies. Thereafter, with only rare exceptions, Cherokee law enforcement was the duty of district sheriffs and constables.<sup>24</sup>

From 1846 to 1861, law enforcement in the Cherokee Nation centered on non-political crimes. During that period one of the most time-consuming duties was suppressing and controlling the expanding slave population. In 1842 the most serious threat to slave owners' security occurred when a band of slaves in the Canadian District overpowered their masters and fled toward the border. The Cherokee National Council responded quickly, commissioning John Drew to organize a band of men to suppress the uprising and prevent escape. Drew and 100 officers of the law patrolled the countryside for more than two months, tracking and returning runaway slaves. Again, law officers were protecting property as well as maintaining law and order.<sup>25</sup>

Another duty for officers was the suppression of the illegal liquor trade. As early as 1841 the Cherokee National Council enacted rigid legislation prohibiting importation or possession of liquor. Although the liquor trade did not reach large proportions before the Civil War, sheriffs regularly discovered and confiscated shipments of liquor. Searching boats ascending the Arkansas River, the sheriff of the Illinois District in 1847 discovered twelve barrels of whiskey, which he dumped into the river. Two years later the sheriff of

the Canadian District received more attention when he confiscated and destroyed forty-eight barrels of whiskey from one shipment. Liquor, slaves, and contests over property consumed most of the Cherokee sheriffs' time before 1861.<sup>26</sup>

Although the development of Cherokee law enforcement was complicated by tribal and political divisions, Choctaw law enforcement evolved without complications. From 1803 to 1820, the Choctaw tribe changed under the influences of mixed-blood leaders and white missionaries. The mixed-bloods introduced principles of property ownership, which required means for protection of property, while missionaries taught the Indians the ways of the white man's world. In 1820 these influences resulted in the Treaty of Doak's Stand, which, among other provisions, established a corps of thirty lighthorsemen, paid for by a \$200 annuity from the federal government. By 1822 provisions for Anglo-American institutions of law enforcement had been initiated by Chief Aboha Kullo Humma, who boasted that his "company of faithful warriors take every man who steals and tie him to a tree and give him thirty-nine lashes."<sup>27</sup> He also mentioned a new criminal code with laws against the importation of liquor, theft, adultery, and murder.

The earliest organizers of the Choctaw lighthouse were prominent mixed-bloods. Greenwood LeFlore was captain in the Northwest District, while Peter Pitchlynn and David Folsum raised companies in their districts. All three men had been educated in white schools and were well aware of American law enforcement institutions; Pitchlynn returned from Nashville

University only months before he assumed duties with the lighthorsemen. Although mixed-bloods controlled the early organization, the lighthorsemen were not separated completely from traditional Choctaw institutions, for in 1826 the companies were placed under the command of district chiefs. Thus organized, their general duty was riding throughout the countryside, settling disputes among individuals, while arresting, judging, and executing punishment against violators of the law. The most common crime during these early years involved liquor violations. Prohibited by the Choctaw National Council in 1826, the importation of liquor was punished by 100 lashes on the back, administered by lighthorsemen. Their vigilant enforcement successfully limited the amount of liquor entering the Choctaw Nation by 1853, drawing a commendation from the Commissioner of Indian Affairs.<sup>28</sup>

From 1834 to 1861, lighthouse companies were the only law enforcement officials in the Choctaw Nation, with their longevity due to minor organizational alterations. The Choctaw Constitution of 1834, the first written in Oklahoma, reduced the number of lighthorsemen to eighteen, six for each of the three districts. The lawmen were elected by voters in each district. In 1838 the Choctaw National Council created a judicial system, relieving the lighthorsemen of their trial duty, thus leaving them more time to enforce the increasing number of criminal laws. Still, the officers served as juries until 1850 when the duties of the lighthorsemen were reduced to arrest and execution only. With more limited duties and

a sound judicial system, lighthorsemen proved capable as law enforcement officers in a changing society. Indeed, the lighthorsemen rigidly and consistently enforced the law, preserving peace and prosperity until the Civil War.<sup>29</sup>

The Chickasaws, tribal brothers of the Choctaws, encountered troubles with their institutions of law enforcement after a promising beginning. In 1829 mixed-bloods led by Levi Colbert enacted a written law code to preserve law and order and to protect property. To enforce the laws, the Chickasaw National Council organized a mounted lighthouse corps of 100 men, twenty-five from each of the four districts. Like the other tribes, the Chickasaws gave the officers broad powers of arrest, trial, and execution. An agent, reporting to Washington, D. C., in 1830, wrote, "Their laws are few, easily understood, and rigidly enforced, and are highly calculated to promote peace."<sup>30</sup> The lighthouse, however, had only six years to establish patterns of enforcement before the first crisis confronted the Chickasaw Nation.

In 1836 the Chickasaws were removed to Indian Territory, an event which adversely affected their attempts at law enforcement. The United States government further destroyed earlier gains by not assigning a separate reservation to the Chickasaws; instead, they were huddled onto the lands of the Choctaws. In this situation, the tribal council did not control law enforcement, for tribal affairs were absorbed by the Choctaw government. Many mixed-blood leaders, moreover, who originally instigated the new institutions of law enforcement, either

died or lost their property during removal. With the loss of mixed-blood leaders, as well as tribal sovereignty, the Chickasaws entered a period of decline, despondency, and dependence. In 1853 the Chickasaws began recovering, again building plantations, purchasing slaves, and accumulating property. Economic recovery, coupled with a new wave of nationalism and a new generation of mixed-bloods, prompted renewed attempts to organize a sovereign Chickasaw Nation with separate agents of law enforcement.<sup>31</sup>

In 1855 the Chickasaws organized their own government, and within a year they wrote a constitution providing for the offices of marshal, sheriff, and constable. The marshal's office was filled by executive appointment, while sheriffs and constables were elected by the voters in each district. The efficiency of these officials, as well as law enforcement in general, deeply concerned most Chickasaws. For example, the first official act of Governor Cyrus Harris was to commission Achutchintubby as marshal, while six of his first eight official acts dealt with either law enforcement commissions or special instructions for officers. In addition to his daily involvement with law enforcement, the governor possessed the authority to create special law enforcement officers. In October of 1856, Governor Harris commissioned Thomas Anderson and his family to serve as special policemen during a session of the legislature, with the express duty of destroying all liquor in Tishomingo, the Chickasaw national capital. With extraordinary lawmen, a structured judicial

system, and a corps of marshals, sheriffs, and constables, the Chickasaws enjoyed relative peace and order until the turmoil of the Civil War.<sup>32</sup>

The Creeks and Seminoles did not develop Anglo-American institutions as quickly as the Choctaws, Cherokees, or Chickasaws. The Creeks, who were far behind the Cherokees in political and social development, did not even organize a republican form of government until 1867. Neither did they have a judicial system. When the tribe arrived in Indian Territory, they still retained their primitive customs of individual law enforcement, with laws condemning such crimes as rape, murder, and adultery.

During the Creeks' forced removal to Indian Territory in the severe winter of 1836-1837, approximately forty percent of the population died, a setback from which the Indians were slow to recover. Once settled in their new home, however, they organized a general tribal council in 1840, which prepared a brief written legal code and established a company of lighthorse for its enforcement. The laws were few, but the lighthorsemen proved to be effective stabilizers of society in a period of distress and upheaval. By 1860 the Creek lighthorsemen were an indispensable governmental agency, fulfilling most of the duties of tribal government and protecting tribesmen from illegal liquor traffic.<sup>33</sup>

The Seminoles at the time of removal were even farther removed from a developed system of law enforcement. Prior to the 1830s the Seminoles had little contact with American

institutions, retarding the development of a tribal government which was needed to initiate written laws and forms of law enforcement. The removal of the Seminoles practically destroyed the tribe and its people. Ill-treatment by the United States government and the hardships of removal combined to dishearten the spirits of once-proud warriors. Deprived of their homelands and thrust into an alien climate, many Seminoles led shiftless lives until the Civil War, depending on the United States Army and neighboring Indian tribes for protection. Not until 1859 was a general council organized, and then it accomplished little.<sup>34</sup>

The Seminoles were the exception among the Five Civilized Tribes from 1803 to 1861. The other four tribes, especially the Cherokees and Choctaws, made dramatic strides in law enforcement. In 1803 the universal law enforcement code was the individual law of revenge; by 1861 those tribes had developed structured judicial systems, sheriffs and constables for local law enforcement, and marshals and lighthorsemen for general enforcement. Although law enforcement in each tribe differed in 1861, there were similarities in development and duties.

In the Five Civilized Tribes native law-ways had succumbed to the same forces: inter-marriage with whites, property ownership, missionaries, and education. The differences between the law enforcement systems of the respective tribes were caused by the dominance or the lack of those environmental factors. For instance, white immigration among the

Cherokees from the 1760s to the 1790s spawned a large population of mixed-bloods, who in the early decades of the nineteenth century wrenched control of the tribe from the full-bloods. Conversely, the Seminoles had relatively little intermarriage with white men. The other tribes, falling between these two extremes in the degree of white intermarriage, developed Anglo-American institutions of law enforcement relative to the influence of mixed-bloods in the tribe. Although important, the influence of mixed-bloods was not the only factor involved in prompting such developments, for missionaries, education, and promiximity to white settlements all played roles in the transition.

The institutions which emerged from these changes shared certain similarities in each tribe. Most officers usually enjoyed wide jurisdictions with broad duties, often including the powers of arrest, trial, judgment, and execution. Also, officers at first were appointed, not elected. However, as Indian society developed further and the tribes were influenced by whites and missionaries, law enforcement adapted. As more Indian citizens accumulated wealth, more laws protecting property were enacted, requiring more enforcement. As a result, officers became specialized, losing duties of trial and jury in order to spend more time enforcing the law.

As Indians learned democratic principles, they demanded control of their governmental officials, including law enforcement officers. Also, as judicial systems developed and became more sophisticated, lighthorsemen and other national officers



oftentimes did not possess necessary skills or time to execute orders of the court. Locally elected sheriffs and constables, assigned to small jurisdictions, better served the new hierarchy of courts. Thus by 1861 the tribes were developing systems of law enforcement which best suited the social and environmental conditions in Indian Territory and within each tribe. From 1865 to 1906, these institutions of law enforcement would be tested time and again, forcing additional changes in organization and duties.

## FOOTNOTES

- <sup>1</sup>Woodward, The Cherokees, p. 120.
- <sup>2</sup>Gary E. Moulton, John Ross, Cherokee Chief (Athens: University of Georgia Press, 1978), throughout.
- <sup>3</sup>Thomas Nuttall, "A Journal of Travels into the Arkansas Territory During the Year 1819," in Thwaites, ed., Early Western Travels, 1798-1846, Vol. XIII, p. 184.
- <sup>4</sup>Edwin James, "Account of an Expedition from Pittsburgh to the Rocky Mountains in the Years 1819, 1820," in Thwaites, ed., Early Western Travels, 1798-1846, Vol. XVII, pp. 22-23.
- <sup>5</sup>W. David Baird, Peter Pitchlynn: Chief of the Coctaws (Norman: University of Oklahoma Press, 1972), pp. 5-10.
- <sup>6</sup>Arrell M. Gibson, The Chickasaws (Norman: University of Oklahoma Press, 1971), pp. 66, 134, 137.
- <sup>7</sup>Woodward, The Cherokees, pp. 123-126.
- <sup>8</sup>Cherokee Nation, "Laws of the Cherokee Nation: Adopted by the Council at Various Periods," in The Constitutions and Laws of the American Indian Tribes (33 vols., Wilmington, Delaware: Scholarly Resources, Inc., 1973), Vol. V, pp. 3-4.
- <sup>9</sup>Carolyn Foreman, "The Lighthorse in the Indian Territory," The Chronicles of Oklahoma, Vol. XXXIV, No. 1 (Spring, 1956), p. 17; James, "Account of an Expedition from Pittsburgh to the Rocky Mountains in the Years 1819, 1820," in Thwaites, ed., Early Western Travels, 1798-1846, Vol. XVII, pp. 22-23; Nuttall, "A Journal of Travels into Arkansas Territory During the Year 1819," in Thwaites, ed., Early Western Travels, 1798-1846, Vol. XIII, p. 190; Cherokee Nation, "Laws of the Cherokee Nation," in The Constitution and Laws of the American Indian Tribes, Vol. V, pp. 53-54.
- <sup>10</sup>James, "Account of an Expedition from Pittsburgh to the Rocky Mountains in the Years 1819, 1820," in Thwaites, ed., Early Western Travels, 1798-1846, Vol. XVII, p. 23; Nuttall, "A Journal of Travels into Arkansas Territory During the Year 1819," in Thwaites, ed., Early Western Travels, 1798-1846, Vol. XIII, p. 191.

<sup>11</sup>Carolyn Foreman, "The Lighthouse in the Indian Territory," The Chronicles of Oklahoma, Vol. XXXIV, p. 23; Cherokee Nation, "Laws of the Cherokee Nation," in The Constitutions and Laws of the American Indian Tribes, Vol. V, p. 4.

<sup>12</sup>Carolyn Foreman, "The Lighthouse in the Indian Territory," The Chronicles of Oklahoma, Vol. XXIV, p. 18.

<sup>13</sup>John Payne to John Watterston, December 2, 1840, in Grant Foreman, Advancing the Frontier, 1830-1860 (Norman: University of Oklahoma Press, 1933), p. 326.

<sup>14</sup>Grant Foreman, The Five Civilized Tribes (Norman: University of Oklahoma Press, 1934), p. 355; Thomas Ballenger, "The Development of Law and Legal Institutions Among the Cherokee" (Unpublished Doctor of Philosophy Dissertation, University of Oklahoma, Norman, 1938), pp. 29-30.

<sup>15</sup>Cherokee Nation, "Laws of the Cherokee Nation," in The Constitutions and Laws of the American Indian Tribes, Vol. V, p. 40.

<sup>16</sup>Ibid., pp. 51-52.

<sup>17</sup>Morris L. Wardell, A Political History of the Cherokee Nation (Norman: University of Oklahoma Press, 1938), pp. 6-8.

<sup>18</sup>Cherokee Nation, "Laws of the Cherokee Nation," in The Constitutions and Laws of the American Indian Tribes, Vol. V, pp. 160, 178-179.

<sup>19</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1839 (Washington: Blair and Rives, 1839), pp. 391-392.

<sup>20</sup>Wardell, A Political History of the Cherokee Nation, p. 52.

<sup>21</sup>Ibid., pp. 53-54.

<sup>22</sup>Grant Foreman, The Five Civilized Tribes, pp. 346-347.

<sup>23</sup>Cherokee Nation, "Laws of the Cherokee Nation," in The Constitutions and Laws of the American Indian Tribes, Vol. V, pp. 78-79; Wardell, A Political History of the Cherokee Nation, p. 63.

<sup>24</sup>J. B. Lynch to Stand Watie, August 1, 1846, in E. E. Dale and Gaston Litton, comps. and eds., Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family (Norman: University of Oklahoma Press, 1939), p. 48; Wardell, A Political History of the Cherokee Nation, pp. 73-74.

<sup>25</sup> Alvin Rucker, "The Story of Slave Uprisings in Oklahoma," Daily Oklahoman (Oklahoma City, Oklahoma), October 30, 1932, pp. 2-5.

<sup>26</sup> Cherokee Nation, "The Laws of the Cherokee Nation," in The Constitutions and Laws of the American Indian Tribes, Vol. V, p. 63; Grant Foreman, The Five Civilized Tribes, pp. 379, 394, 404.

<sup>27</sup> Charles Kappler, ed. and comp., Indian Affairs, Laws, and Treaties (5 vols., Washington: Government Printing Office, 1904-1941), Vol. II, pp. 87-88; Cushman, History of the Choctaw, Chickasaw, and Natchez Indians, pp. 87-88.

<sup>28</sup> Gregg, "Commerce of the Prairies, 1831-1839," in Thwaites, ed., Early Western Travels, 1798-1846, Vol. XX, p. 313; Debo, The Rise and Fall of the Choctaw Republic, pp. 45, 48, 65; N. J. Shackelford, "The LeFlore Family and the Choctaws" (Unpublished Master of Arts Thesis, Oklahoma State University, Stillwater, 1967), p. 45.

<sup>29</sup> Cherokee Nation, "Laws of the Cherokee Nation," in The Constitutions and Laws of the American Indian Tribes, Vol. V, p. 165; Debo, The Rise and Fall of the Choctaw Republic, p. 76.

<sup>30</sup> Gibson, The Chickasaws, pp. 137-138.

<sup>31</sup> Ibid., pp. 184-193.

<sup>32</sup> Ibid., pp. 222-224; Chickasaw Nation, "Official Acts of the Governor of the Chickasaw Nation, 1856," Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

<sup>33</sup> Angie Debo, The Road to Disappearance (Norman: University of Oklahoma Press, 1941), pp. 127-128; United States Department of the Interior, Report of the Commissioner of Indian Affairs from 1860 (Washington: George W. Bowman, 1861), p. 348.

<sup>34</sup> Grant Foreman, Five Civilized Tribes, p. 227.

## CHAPTER IV

### LIGHTHORSEMEN AND INDIAN SHERIFFS,

1865-1906

During the Civil War from 1861 to 1865, civil government in Indian Territory ceased to function, as soldiers and disruption replaced lawmen and peace. With the turmoil of the Civil War behind, however, the Five Civilized Tribes resumed development of law enforcement institutions. The most important influences on law enforcement from 1865 to 1906 were economic progress in Indian Territory, increasing numbers of white intruders, new white settlements on the borders, and the breakdown of tribal sovereignty. As these environmental and cultural trends transformed life in Indian Territory, lighthorsemen and sheriffs were expected to maintain law and order. Their duties and organizations changed as new problems developed.

When the battle echo of the war faded, the Five Civilized Tribes were without legal governments. They had forfeited all rights and annuities from the federal government by aligning with the Confederate States; thus, they had to negotiate new treaties with the United States and organize new tribal governments. The new constitutions and laws of each tribe included provisions for law enforcement patterned

after Anglo-American precedents. The Cherokees, still cognizant of the bloody experience of their lighthorse companies, provided for only sheriffs and their deputies. Likewise, the Chickasaws entrusted the task of law enforcement to locally elected sheriffs. The Choctaws provided for a mixed system of seventeen locally elected sheriffs and both national and local lighthorse companies. The national lighthorsemen were under the direction of the principal chief, enforcing national laws with wide jurisdiction. The local lighthorsemen and sheriffs attended county courts and maintained law and order at the local level.<sup>1</sup>

The Creeks and Seminoles, who had lagged behind the other tribes in institutional development, provided only for lighthorsemen. In their constitution of 1865, the Creeks divided their nation into six districts, each with a company of five lighthorsemen. Elected to two-year terms by the voters in each district, they served all functions of law enforcement. The Seminoles likewise had no sheriffs but only a corps of lighthorsemen. One company of ten men had the overwhelming responsibility of maintaining law and order for almost 3,000 people. The lighthorsemen of the Seminoles, Creeks, and Choctaws, working with the sheriffs of the Choctaws, Chickasaws, and Cherokees, represented native law and order in Indian Territory by 1867.<sup>2</sup>

Their task became more difficult every year after 1865. One of the greatest threats confronting officers was active criminal outlawry, of which livestock theft, robbery, and

murder were the most widespread. Horse and cattle thieves had descended on Indian Territory during the war, taking approximately 300,000 head of livestock from the Cherokees alone. After the war, losses continued as profitable markets developed in Kansas and Texas. Taking advantage of Indian officers' limited jurisdictions, thieves stole horses in the Five Civilized Nations, then sold them in surrounding states for ten to twenty dollars a head. The business was so profitable that thieves established regular routes for their illegal trade. A map was found on one horse thief marking "hold outs" and concentrations of livestock in Indian Territory. The most lucrative region for outlaws was the Crosstimbers belt on the western borders of the Five Civilized Nations, where shelter was easily found and adjacent territories and reservations offered refuge from frustrated Indian lawmen.<sup>3</sup>

Although not as widespread as livestock thefts, highway robbery and murder also posed major threats to law and order in Indian Territory from 1865 to 1906. By 1888 postal officials had begun arming all employees because of numerous mail robberies. One express company even refused to transport valuables through Indian Territory. Broad expanses of sparsely populated countryside, nearby refuges from Indian officers, and the new age of materialism spawned a reign of theft and robbery. These same conditions, coupled with the violent heritage of the frontier, explain the disproportionate number of murders in Indian Territory. In 1890 the Muskogee

Phoenix noted the number of violent deaths in Indian Territory, pointing to 110 killings in a one-year period, a rate of one killing for every 3,000 population; this compared with the national rate of one for every 10,000 people. By 1895 some authorities estimated the number of annual killings at 257, a staggering figure which drew national attention. To combat this widespread outlawry, lighthorsemen and sheriffs resorted to extraordinary means of law enforcement, including appointment of special officers, greater cooperation with federal officials, and more diligent and violent attacks on outlaw gangs.<sup>4</sup>

The Cherokee Constitution of 1866 provided only for sheriffs and their deputies in each district. During the 1880s and 1890s this force proved to be inadequate when confronted with the intensified threats to law and order. With most of their time devoted to court orders and local peace-keeping, sheriffs often were forced to call on United States troops for large-scale action against outlaws. One such incident occurred in 1879 when a large band of horse thieves threatened the security of ranchers in the western part of the Cherokee Nation. A small contingent of sheriffs, with a force of eighty-five cavalrymen, rode sixty miles to attack an outlaw stronghold on the Cimarron River. The raid netted eight prisoners and ten stolen horses; but, more importantly, it destroyed the armed camp of the outlaws and removed a persistent threat. Indian sheriffs pursuing the outlaw leader, Jim Barker, later caught and killed him when he resisted arrest.<sup>5</sup>



Aid from federal troops usually was a last resort, however, for procedural delays and the distance of troops from Indian Territory usually made this action ineffective. A more common expediency among the Cherokees was the temporary reactivation of lighthorse companies. Although the treaty of 1866 forbade the use of lighthorsemen, Cherokee officials avoided the conflict simply by not referring to them as lighthorsemen. Organized only when serious threats to law and order developed, these companies by 1875 had cost the Cherokee National Council more than \$10,000.<sup>6</sup>

One such threat in the 1890s was the action of the Cook gang. Responding to the problem, the Cherokee National Council appropriated funds for a special force of lawmen to cope with the outlaws. Organized under the command of Captain John Brown, the lighthorsemen scouted the countryside, gathering information on the bandits and questioning citizens who were suspected of aiding the desperadoes. These special law officers often used extraordinary tactics in their wars against outlaws, bending the law when necessary. In one instance, Captain Brown's men captured three mixed-blood Indians suspected of harboring Cook. Instead of formally charging them with crimes or locking them in jail, the lighthorsemen kept the suspects under guard at the Ross Hotel in Fort Gibson while trying to gather incriminating evidence. When confronted with extraordinary threats, law officers had to reply with whatever means were possible.<sup>7</sup>

The action of lawbreakers prompted similar steps in

the Creek Nation. When threatened by outlaw gangs, the Creek National Council authorized additional assistant lighthorsemen. Such expediency was common among the Creeks, who had no provisions for sheriffs or constables at the local level. As early as 1871, Chief Samuel Checote was forced to appoint 900 assistant lighthorsemen to enforce laws against rampant horse stealing. In the 1890s, responding to increased crime, officers were commissioned more often. For example, in 1893 ten assistant lighthorsemen were appointed to enforce cattle laws, a duty which had become increasingly time-consuming for regular lighthorsemen. In 1894, the Creek National Council authorized all district judges to appoint assistant lighthorse companies for "exterminating outlaws." Lighthorsemen generally fulfilled that assigned duty with speed and severity. A white outlaw, who had stolen horses from both Creeks and Seminoles, stated in an interview that lighthorsemen were feared more than any other officers, for once on a trail they rarely gave up until they arrested or killed the outlaw.<sup>8</sup>

This same tenacity served political purposes occasionally, especially among the Creeks. In 1882 the Creek government of Chief Samuel Checote was threatened by what came to be known as the Green Peach Rebellion. The Creek National Council responded by authorizing judges to organize companies of assistant lighthorsemen in their respective districts. Although these companies were authorized to have fifty men, most consisted of from thirty to forty loyal Indians who supported the reigning party. Usually serving for only a

month or less, these officers were more akin to pre-Civil War lighthorsemen than the popularly elected officers of the 1880s.<sup>9</sup>

These law enforcement officers were necessary for abnormal threats to law and order such as political insurrection; supplemental lawmen also were needed at times when lighthorsemen and sheriffs were too busy with other, more common problems. One such duty was the suppression of the illegal liquor traffic, a persistent and troublesome crime. Officers knew the importance of enforcing the liquor laws, for a high percentage of violent crimes were related to the use of liquor. In the words of Indian agent Robert L. Owen, an intoxicated Indian "seems to be animated with a wild desire to cut anybody's throat who intimates he is of less consequence than Napoleon Bonaparte."<sup>10</sup> Although an oversimplification, the statement indicated the trouble generated by the whiskey trade.

The liquor trade had been a problem since colonial days. After the Civil War, with wet states on the borders of Indian Territory, many men found it profitable despite the legal hazards. Peddlars bought whiskey in adjoining states for approximately fifty cents a gallon, then sold it to Indians for upwards to two dollars a quart. With such profits the illegal trade flourished, much to the displeasure of tribal leaders and temperate citizens. Encouraged by the Cherokee Temperance Society, which had organized in 1878 to suppress the liquor trade, and supported by the Cherokee

Tribal Council, Cherokee sheriffs waged a prolonged battle against bootleggers. Papers in Indian Territory and Arkansas were filled with reports of liquor confiscations and arrests by diligent officers. In 1886, the Cherokee National Prison in Tahlequah contained twenty-five prisoners, twenty-four of whom had been arrested for importing liquor.<sup>11</sup>

Fighting outlaws and raiding whiskey peddlars were action-filled duties; however, the usefulness of law officers to their tribal governments often involved other, less exciting duties. One such important task was enforcing lease and permit laws. Especially after 1871, when railroads opened Indian Territory to economic production, white men rushed into the unsettled land of opportunities. Although these whites could not own land, they farmed, ranched, and operated businesses on Indian land by lease or permit. Permission fees, ranging from fifty cents for laborers to fifty dollars for businessmen, were collected by sheriffs and lighthorsemen.

In the early 1870s and 1880s most fee collections were from cattle ranchers. The first such taxpayers were Texan cowhands driving longhorns across Indian Territory to markets in Kansas; they had to pay permit fees to Indian Territory governments for the right of passage. The average herd was 1,500 cattle, but fees usually were minimal. On one herd passing through the Choctaw Nation in 1885, the deputy sheriff of Sugar Loaf County imposed and collected a tax of ten dollars, of which he kept one dollar as his fee. As the trail era gradually declined, ranchers turned to unoccupied

tribal lands for grazing. The Creek Tribal Council leased pasturage to cattlemen in the 1890s, charging two dollars a head as the fee. When the fees were unpaid, lighthorsemen were ordered to collect the amount or to confiscate the herd.<sup>12</sup>

In 1891 the Creek tribe took action against several cattlemen who had pastured cattle on Indian lands without paying taxes. Lighthorsemen collected \$400 from one cattleman who had introduced 200 head of cattle, while another rancher was assessed a \$30,000 fine for having introduced 3,000 cattle. In lieu of payment, lighthorsemen seized the large herd. Seminole officials in 1892, confronted with similar problems, commissioned twenty-seven assistant lighthorsemen to confiscate cattle on which fees had not been paid. The cattle problem worsened in the late 1890s as homesteaders fenced more pasturage on the Great Plains, forcing cattlemen onto Indian lands and inexpensive grass. Lighthorsemen and sheriffs were kept busy collecting cattle fees and enforcing range laws.<sup>13</sup>

By the 1890s other economic activities were booming in Indian Territory, attracting white men from all sections of the country. Railroad construction had surged ahead after 1886 and continued at an increased pace after the turn of the century. Farmers and ranchers in Indian Territory shared the good markets and weather, which made this period the "golden age" of American farming. Fertile land, left unused by most full-bloods, awaited energetic farmers. Following the railroad construction crews and farmers were

merchants, masons, carpenters, and blacksmiths. In 1885 there were only 25,000 whites in Indian Territory. Five years later there were 140,000 whites in a total population of 210,000. By 1895 the total population boomed to 350,000, of whom only 70,000 were Indians. Although outnumbered four to one, Indians demanded the white majority pay fees for their presence, a difficult task assigned to sheriffs and lighthorsemen.<sup>14</sup>

As the number of whites in Indian Territory increased, the duties related to leases and permits multiplied. The first duty of an officer when enforcing lease laws was checking the land enclosed by farmers, for tribal governments usually imposed restrictions on farm size. In the Creek Nation the limit was 360 acres. White farmers had to build fences around their sections, and if any fence stretched more than a mile, the captain of the lighthorse had his men cut it down. After checking fences, law officers then collected the necessary fees. In one three-month period in 1902, the deputy sheriff of Wade County in the Choctaw Nation collected fees from thirty-four white men, all but three of whom were farmers. The total amount collected was \$161.70, of which the deputy retained \$31.00 as his fee. Because this was the report of only one deputy in the county, this example represents only a partial count of the white men living in the area.<sup>15</sup>

Regulating the white population, serving processes from the courts, and arresting criminals were the three most

time-consuming duties of an Indian peace officer. For example, the reports of Choctaw Sheriff R. S. Frazier indicated the work distribution: twelve arrests, thirty-four executions of summonses, and \$365 in permit fees collected. The bulk of the reports accounted for monies collected and fees retained. Sheriffs occasionally had other duties which demanded attention, most stemming from particular economic or cultural developments posing new threats to social order.<sup>16</sup>

In the 1880s Creek lighthorsemen faced such a problem. Since the 1860s Texas cattlemen had driven longhorns through Creek territory, paying only a passage fee. By 1883, however, Creek ranchers had developed their own herds to such proportions that they demanded special protection for their property, especially from contagious diseases such as Texas (or splenic) fever, which was carried north by ticks on Texas longhorns in the summer months. Thus, Creek cattle owners and the Creek National Council enacted a quarantine law forbidding Texas cattle passage through the Creek Nation from the months of April to October. Whereas before 1880 there had been minimal duties for officers on cattle trails, economic development within the tribe created a time-consuming job of patrolling the border during critical months.<sup>17</sup>

Another duty which arose on special occasions was guarding money intended for annuity or headright payments. All of the tribes by the 1890s shared in annuity payments, some from land sales, some from lease payments. When individuals received their share, distribution was usually in

silver or gold coins, with each Indian personally taking his share at designated locations. During the process guards were needed, for metal coins tempted outlaws in the wild country. In the Seminole Nation the distribution of annuity monies was made every three months. Lighthorsemen had to transport the money by wagon to the distribution locations. Two men usually rode in the wagon, one officer went ahead on horseback, and two officers scouted on each side, while two men guarded the rear of the procession. Once at the agency or meeting place, the officers guarded the bank and maintained order among the crowd. Although the event occurred only occasionally, it became an important duty for law enforcement officers.<sup>18</sup>

Guard duty at times proved necessary for political purposes, as, for example, during an incident concerning Choctaw, Silas Lewis. He was the leader of a political faction in the Choctaw Nation who had lost an election by questionable means. Later accused of murder, he was arrested and placed under tight guard. After a trial, at which his captors condemned him to death by execution, his political allies vowed to free him. At the site of execution the Choctaw National Council assembled a lighthorse company of forty men, all well armed and prepared for a fight. Although the expected attack never materialized, this duty consumed time from the officers' work day. Again, extraordinary developments created new duties for lawmen.<sup>19</sup>

A minor duty which required little time, but which



occurred regularly, was the execution of punishment against prisoners. This role of the Indian officer was a legacy from early organizations of the lighthorse when officers fulfilled all facets of justice from arrest to execution. Officers had lost most of these broad duties, but had retained the power of execution. The most common means of punishment as late as the 1890s was whipping. The standard whip was a hickory stick about two feet long and about an inch thick at the base. The sticks often were drawn through fires to make them limber for the punishment. When judgment was announced at a whipping, officers tied the criminal's hands to a tree limb several feet above his head. Then a log was slipped between his legs above a rope which tied the legs together. Two officers then sat on the log, stretching the hanging man to a motionless target for the whip-wielding executioner. Stripping the criminal of his shirt, the chosen officer applied the lashes -- 50, 75, or 100, depending on the crime.<sup>20</sup>

Generally, such punishment immediately followed sentencing. In one case of speedy punishment, a Cherokee man was convicted of a crime and sentenced to receive thirty-nine lashes, to be administered by the sheriff. As the sheriff removed the guilty man from the court, defense lawyers moved for an appeal. After a few minutes of argument the judge ended the proceedings by pointing to the window. There on the courthouse lawn stood the sheriff whipping his prisoner. Speedy and certain punishment was expected of all Indian law enforcement officers.<sup>21</sup>

Judges in Indian Territory rendered many decisions specifying capital punishment. In the Cherokee Nation prison sentences were given to criminals who deserved less than ten years' punishment, but if a criminal deserved more severe treatment, most judges considered him worthy of the death penalty. When a man was condemned to death, it was the duty of sheriffs or lighthorsemen to execute him. Officers developed several techniques for execution because prisoners had their choice of the means to be used. although shooting was the most common. In one typical execution a condemned Creek Indian requested that the lighthorsemen use rifles instead of shotguns. With this decision made, the officers pinned a ribbon on his shirt over his heart, took aim, and fired, causing instant death.<sup>22</sup>

Among the Seminoles, executions were the duty of squads of five lighthorsemen armed with Winchester rifles. Of the five, however, only one officer had a live shell in his gun so no one knew which man fired the fatal shot. There seemed to be no established procedures for the punishment, for the men involved and the man to be executed determined all details. At the last execution among the Choctaws in 1892, deputy sheriffs placed the condemned man on a blanket, removed his shirt, and made a white chalk mark over his heart. With two deputies holding the criminal's arms, the sheriff stepped back and fired the fatal shot. Indian officers of every tribe fulfilled such duties until the 1890s, when tribal courts began losing jurisdiction to federal courts.<sup>23</sup>

Whipping, by far the most common punishment before the 1880s, lost favor among the Five Civilized Tribes by the 1880s and 1890s, especially among the Cherokees and Choctaws. In the Choctaw Nation in the 1870s, the traditional code of honor, which had served the tribe so effectively for hundreds of years, began eroding as native traditions retreated before the world of the white man. Replacing the code of honor were jails. The Choctaw National Council built facilities slowly, however, forcing sheriffs and lighthorsemen to find other quarters for prisoners. In 1888 Sheriff James Darneal of Scullyville County built a log jailhouse behind his own cabin, where at times he detained ten to twelve prisoners. Other sheriffs, too far from jails or reliable substitutes, often kept prisoners at their homes, either chained to trees or to the front porch, or left them at liberty in the house.<sup>24</sup>

The Cherokees likewise had no district jails, but in 1874 the National Council appropriated funds for the construction of a National Prison in Tahlequah. The structure was a three-story, sandstone building surrounded by a fence ten feet high. Supervising the prison was the Cherokee High Sheriff and Warden, who managed the prison with no more than ten guards while maintaining law and order in the immediate vicinity. The inmates were Indians convicted of crimes and sentenced to no more than ten years at hard labor. The jail served its purpose well, for in 1877 nineteen prisoners were incarcerated; by 1886 the number had risen to

forty-seven. With a jail for holding criminals, Cherokee sheriffs enjoyed more latitude in law enforcement, for punishment thereafter was not limited to corporal and punitive penalties.<sup>25</sup>

Administering punishments, apprehending criminals, collecting permit fees, seizing cattle, and protecting the general welfare were burdensome duties for men in frontier settlements. For their sacrifice and danger, law officers were paid reasonably well. In the first few years after the Civil War, most lighthorsemen received \$15 per month. Although this was not much by American standards, it was a significant wage for Indian families. Usually short of cash in a currency-deficient society, most Indian officers used their salaries as collateral at local trading establishments. For example, Chickasaw lighthorsemen purchased goods on credit from retailers such as the F. B. Severs General Merchandise Store in Muskogee, promising to settle the bill with their next pay. At the end of each month, the Cherokee National Treasurer paid one-eighth of the lighthorseman's check directly to the merchant. Sheriffs usually fared better financially, for they received salaries plus fees. Generally a sheriff received \$250 in salary annually, while fees were often twenty percent of all collected, a sum that amounted to hundreds of dollars yearly. The Choctaw sheriff of Cedar County, in a three-month period in 1903, retained \$11.25 of all collections as well as a percentage of all fines levied and fees for executing arrests and summonses. Combined with his annual salary, the sheriff could net \$350 or more a year.<sup>26</sup>

Such an income for Indian officers indicated the importance tribal officials placed on quality law enforcement. From 1865 to 1900, Indians of the Five Civilized Tribes developed a growing appreciation of the benefits offered by efficient police authorities. Their efforts to strengthen law enforcement made it the second most expensive function of the several tribal governments, trailing only education. Among the five tribes, the Choctaws placed the most emphasis on law enforcement, supporting regular lighthorsemen, special lighthorsemen, sheriffs, and deputy sheriffs. In 1895 the Choctaw National Council's budget of \$200,213 included \$18,350 for law officers' salaries. Considering that education's share of the budget was \$111,750, the percentage of remaining funds directed to officers was large.<sup>27</sup>

Rising expenses were not the only law enforcement problems faced by tribal governments. The first concern was employing competent and qualified personnel meeting physical, mental, and moral standards expected of law officers. Like American governmental leaders, Indian officials occasionally had personnel problems. Indian society was changing rapidly, creating new problems, alienating some individuals, and placing extraordinary demands on lawmen. Most officers serving after 1865 were only one generation removed from traditional law-ways and violent enforcement by individuals. Moreover, frontier conditions in a sparsely settled region imbued Indian officers with a spirit of action, individuality, and violence. Native legacies

tempered with frontier traits bred an active, energetic, and often trouble-some generation of lawmen.

Two of the most common problems were intoxication on duty and the use of excessive violence. Officers such as Captain Tiger Jack of the Creek lighthorse were rugged frontiersmen who enjoyed liquor and guns. Captain Jack, in the words of complaining citizens, was "in the habit of becoming intoxicated and disturbing the peace ... He has been drunk in the town of Okmulgee for the past two or three days and has drawn his pistol on Dave Bruner this day and threatened to shoot him."<sup>28</sup> Another officer of the same temperament, David Lee, a private, also enjoyed displaying his authority by using excessive violence and threatening the lives of several citizens.<sup>29</sup>

Another complaint from citizens was dereliction of duty. A trouble-some trait of Indians, even more than among whites, was the traditional bond of kinship; extended family relations had always been strong in Indian societies. When an Indian became an officer of the law, he found it difficult to sublimate this heritage. Many sheriffs and lighthorsemen lived among extended families, where cousins were accorded familial respect. To these officers, whipping or incarcerating even distant relatives was an onerous duty which violated their cultural beliefs. Captain Daniel Miller of the Creek lighthorsemen in 1882 was charged and removed from office for releasing relatives from jail before their trials. In another case Captain Lambert Scott of the Creek lighthorsemen was charged with warning citizens against whom charges were being

drawn. In both cases the unprofessional conduct may have been the result of their Indian heritage, not simply a refusal to uphold the law.<sup>30</sup>

In their search for qualified officers, Indian leaders occasionally allowed men from other races to serve. In 1883 Samuel Robert Wilson, a white man from Arkansas who married an Indian woman, became a lighthorseman in the Choctaw Nation under the command of Peter Conser. In later years he served in various counties as deputy sheriff. Black men more commonly became officers, for emancipation had freed thousands of slaves in Indian Territory, most of whom remained there as freed men. The Creeks organized an entire company of black lighthorsemen in the 1870s. A descriptive account of one black lighthorseman indicates why they often made excellent officers: "He was coal black and sat [on] his white horse like a Prussian grenadier. He wore a reefer jacket buttoned to the chin; the large pearl buttons on it glinted in the sun. His head was covered by a wide brimmed black hat, ... and his coat was bulged on the hips by the big cavalry revolvers strapped to his side."<sup>31</sup> Such men provided the manpower needed to fulfill the duties of law enforcement in Indian Territory.

Lighthorsemen and sheriffs represented the revolutionary changes that Indian culture experienced from 1803 to 1906. From native customs to Anglo-American institutions, Indian law enforcement was a result of changing economic, social, and cultural elements. Many Indian officers, however,

retained much of their cultural heritage, from warlike temperaments to belief in spirits. Seminole lighthorsemen serve as good examples of cultural mixing, for although they adopted a law enforcement organization and objectives from American society, they maintained roots to their past. Many Seminole lighthorsemen, before executing warrants for arrest, prepared themselves spiritually by visiting a snake doctor. This shaman promised the officers protection from bodily harm by performing his peculiar ceremony. The rite started with drinking an herbal tea, such as Devil Shoe String and Conquer John. Then, dancing around the fire, the lighthorsemen spat the tea into the fire until it was doused, while the snake doctor spat the tea into the faces of the men. Thus, while executing American laws with American institutional organizations, Indian officers fulfilled their duties the Indian way.<sup>32</sup>

Just as these officers were a cultural blending of Indian and American institutions, they also represented tribal sovereignty. As long as tribal governments retained an independent status, Indian institutions of law enforcement remained dominant in Indian Territory. However, from 1865 to 1906 tribal sovereignty declined, suffering the effects of economic development and white dominance. As tribal independence eroded, so did the authority of Indian law enforcement officers. By the 1890s conflicts of jurisdiction with United States deputy marshals reflected this development.



There were numerous occasions when the jurisdictions of Indian and federal officers conflicted. By the 1890s those conflicts limited the Indian officers' authority and gradually established federal officers' ascendancy over affairs in Indian Territory. In 1891, for example, three Chickasaw deputy sheriffs killed a mixed-blood Indian named Willis Colbert. Although the action was in the line of duty, Colbert had been a friend and informant to several federal deputy marshals. Disregarding the Indian deputies' authority as law enforcement officers, the federal judge at Paris, Texas, issued warrants for their arrest on charges of murder. By 1898 the erosion of Indian officers' authority had worsened to the degree that a Creek lighthorseman cutting fences illegally built by white intruders on Indian land was arrested by United States deputy marshals and charged with "malicious mischief." As Indian sovereignty declined, so did the jurisdictional authority of Indian officers.<sup>33</sup>

By 1906 tribal courts had been disbanded, and federal courts had established total jurisdiction in Indian Territory. In many counties white men dominated politics, ending Indian control of law enforcement. Even where Indians remained in office, they enforced a federal law code with few remnants of their Indian heritage. The destruction of the tribes ended Indian law enforcement. In 1907, when Oklahoma became a state, the era of Indian law enforcement totally ceased, and popularly elected officials from Oklahoma counties assumed authority.

From 1865 to 1906 Indian law enforcement officers fulfilled a necessary function in the history of the Five Civilized Tribes. Forced to abandon native law-ways and their cultural heritage, these tribesmen needed time to make necessary adjustments to the new order rapidly enveloping them. During the period of transition, Indian officers maintained social order and softened the effects of American institutions. Against mounting obstacles Indian officers helped bridge the cultural and economic gulf between two worlds.

## FOOTNOTES

<sup>1</sup>Cherokee Nation, Compiled Laws of the Cherokee Nation (Tahlequah, Cherokee Nation: National Advocate Print, 1881), pp. 54-59; Chickasaw Nation, "Constitutions, Treaties, and Laws of the Chickasaw Nation," in The Constitutions and Laws of the American Indian Tribes, Vol. III, p. 35; Joseph P. Folsom, comp., Constitution and Laws of the Choctaw Nation (New York: William P. Lyons and Sons, 1969), pp. 331-312, 296-299; Debo, The Rise and Fall of the Choctaw Republic, p. 178.

<sup>2</sup>A. A. McKellop, comp., Constitution and Laws of the Muskogee Nation (Muskogee, Creek Nation: F. C. Hubbard, 1893), pp. 50-51; Carolyn Foreman, "Organization of the Seminole Lighthouse," The Chronicles of Oklahoma, Vol. XXXIV, No. 3 (Autumn, 1956), pp. 340-344.

<sup>3</sup>Wardell, A Political History of the Cherokee Nation, p. 175; Leola Lehman, "A Deputy United States Marshal in the Indian Territories," The Chronicles of Oklahoma, Vol. XLIII, No. 3 (Autumn, 1965), p. 291-292.

<sup>4</sup>Purcell Register (Purcell, Oklahoma), February 11, 1888, p. 1; Grant Foreman, Muskogee: The Biography of an Oklahoma Town (Norman: University of Oklahoma Press, 1943), p. 107; New York Times (New York), November 16, 1895, p. 10.

<sup>5</sup>Captain Wirt Davis to General of the Army, October 10, 1879, "Letters Received by the Office of Indian Affairs, 1824-1881," United States National Archives, Washington, D. C.

<sup>6</sup>Muskogee Phoenix (Muskogee, Oklahoma), January 9, 1895, p. 1.

<sup>7</sup>Interview, Thomas Fox Young, January 23, 1938, Foreman, ed., Indian-Pioneer Papers, Vol. XCIV, p. 502.

<sup>8</sup>John Francis to the National Council of the Muskogee Nation, November 6, 1896, Document 32131, Creek Nation Files, Indian Archives Division, Oklahoma Historical Society; Carolyn Formen, "The Lighthouse in the Indian Territory," The Chronicles of Oklahoma, Vol. XXXIV, p. 34; J. M. Perryman to John Truman, June 22, 1887, Document 31998, Creek Nation

Files, Indian Archives Division, Oklahoma Historical Society; "Act of the National Council of the Muskogee Nation, November 5, 1894, Document 32092, ibid.; Interview, George Brown, April 12, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. VI, p. 136.

<sup>9</sup>"List of Assistant Lighthorsemen in Coweta District, Muskogee Nation, July 20, 1883," Document 31930, Creek Nation Files, Indian Archives Division, Oklahoma Historical Society; Robert Marshall to the Executive Department of the Muskogee Nation, October 15, 1883, Document 31966, ibid.

<sup>10</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1886 (Washington: Government Printing Office, 1886), p. 150.

<sup>11</sup>Ibid., pp. 151, 157; Gwen W. Zwick, "Prohibition in the Cherokee Nation, 1820-1903" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1940, p. 92.

<sup>12</sup>Handy LeFlore to Treasurer of the Choctaw Nation, May 13, 1885, Document 22597, Choctaw Nation Files, Indian Archives Division, Oklahoma Historical Society.

<sup>13</sup>Debo, The Road to Disappearance, p. 34.

<sup>14</sup>Roy Gittinger, Formation of the State of Oklahoma, 1803-1906 (Norman: University of Oklahoma Press, 1939), pp. 214-226.

<sup>15</sup>Interview, Levi Pickering, July 27, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. XL, p. 78; "Report of Permits Collected by Deputy Sheriff C. J. Anderson," September 30, 1902, Document 22983, Choctaw Nation Files, Indian Archives Division, Oklahoma Historical Society, Oklahoma City.

<sup>16</sup>"Report of R. S. Frazier, Sheriff of Cedar County, Choctaw Nation," April 6, 1903, Document 23016, ibid.; "Report of R. A. Frazier, Sheriff of Cedar County, Choctaw Nation," June 31, 1903, Document 23021, ibid.

<sup>17</sup>Debo, The Road to Disappearance, p. 261.

<sup>18</sup>Carolyn Foreman, "Seminole Lighthorse," The Chronicles of Oklahoma, Vol. XXXIV, p. 341.

<sup>19</sup>Interview, Frank A. Raymond, February 9, 1938, Foreman, ed., Indian-Pioneer Papers, Vol. XLI, p. 223.

<sup>20</sup>Debo, The Road to Disappearance, p. 228.

<sup>21</sup>Ballenger, "The Development of Laws and Legal Institutions Among the Cherokee," p. 156.

<sup>22</sup>Debo, The Road to Disappearance, p. 228.

<sup>23</sup>G. L. Douglass, "The Last of the Seminole Lighthouse," The Cattleman, Vol. XXXVIII, No. 7 (December, 1951), p. 62; Tulsa World (Tulsa, Oklahoma), July 17, 1950, p. 1.

<sup>24</sup>Interview, Mary Darneal, October 26, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. XXI, pp. 442-452; Interview, John N. Folsom, May 25, 1937, ibid., Vol. LI, p. 472.

<sup>25</sup>William T. Hagan, Indian Police and Judges: Experiments in Acculturation and Control (New Haven: Yale University Press, 1966), p. 21; Louise Welsh, "The Development of Law and Order in the Cherokee Nation, 1838-1907" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1932), pp. 94-96.

<sup>26</sup>Nacus Emarthla to National Council, December 4, 1883, Document 31946, Creek Nation Files, Indian Archives Division, Oklahoma Historical Society; Miscellaneous Vouchers in Lighthouse Files, Chickasaw Nation Files, Indian Archives Division, Oklahoma Historical Society; "Report of R. S. Frazier, Sheriff of Cedar County, Choctaw Nation," June 30, 1903, Document 23031, Choctaw Nation Files, Indian Archives Division, Oklahoma Historical Society.

<sup>27</sup>Debo, The Rise and Fall of the Choctaw Republic, pp. 140-141; "List of National Lighthorsemen, entitled to pay for attendance at General Council during regular term of October, 1902," Document 23006, Choctaw Nationa Files, Indian Archives Division, Oklahoma Historical Society.

<sup>28</sup>Citizens of Okmulgee to L. C. Perryman, November 20, 1891, Document 32053, Creek Nation Files, Indian Archives Division, Oklahoma Historical Society; Moses Jameson to Espahechar, December 17, 1883, Document 31955, ibid.

<sup>29</sup>Citizens of Coweta County to Samuel Checote, March 1, 1882, Document 31856, ibid.

<sup>30</sup>Citizens of Deep Fork District to Samuel Checote, May 31, 1882, Document 31849, ibid.; Citizens of Deep Fork District to Ward Coachman, June 23, 1877, Document 31393, ibid.

<sup>31</sup>Carolyn Foreman, "The Lighthouse of the Indian Territory," The Chronicles of Oklahoma, Vol. XXXIV, pp. 31, 37; "Report on the Five Civilized Tribes, 1897," The Chronicles of Oklahoma, Vol. XLVIII, No. 4 (Winter, 1970-1971), p. 429.

<sup>32</sup>Carolyn Foreman, "Seminole Lighthouse," The Chronicles of Oklahoma, Vol. XXXIV, p. 342.

33 "Act for the relief of Charlie Brown, Sheriff of Tishomingo County and his deputies," no date, Document 11923, Chickasaw Nation Files, Indian Srchives Division, Oklahoma Historical Society; Debo, The Road to Disappearance, p. 368.

## CHAPTER V

### AGENCY POLICE AND THE FIVE CIVILIZED TRIBES, 1878-1906

In the eastern half of Indian Territory after 1865, Indian sheriffs and lighthorsemen enforced tribal law. Their jurisdiction, however, did not extend to Anglo non-citizens. Immune to tribal law, whites in Indian Territory came under the criminal jurisdictions of only federal troops, deputy United States marshals, and Indian agents. As long as Indian reservations had been isolated in the far West, this system caused no undue problems; most cases of white intrusion or liquor importation were adequately handled by troops. After 1871 and the entrance of railroads to Indian Territory, this system collapsed under the onslaught of migrating whites. With this white influx came liquor, gambling, theft, and abuse of Indian civil rights. Confronted with this mounting threat to internal security in the Indian nations, Congress responded with a federal law enforcement corps -- Indian agency police.

During the early 1870s the United States Army unsuccessfully combatted the rising problems with white immigrants. Despite their limited numbers and isolation at Fort Gibson,

troops nevertheless offered the largest reservoir of manpower in Indian Territory for enforcement of federal laws. Throughout the 1870s Indian agents increasingly requested troops for law enforcement, even though they offered only limited help. White intruders and criminals, knowing that cavalymen would be in their vicinity only for limited times, merely stayed under cover until they departed. Even if intruders were expelled, they returned to Indian Territory when troops had gone. In the opinions of Indian agents and most military leaders, soldiers could not prevent intrusion onto Indian land.<sup>1</sup>

While the army lacked necessary flexibility for general law enforcement, deputy United States marshals operating out of the federal court at Fort Smith, Arkansas, had insufficient manpower. Although deputies earned commendable praise for their efficiency, fewer than 100 officers could not adequately patrol the great expanse of territory in their jurisdiction. Criminals would strike and then disappear before deputies arrived from Fort Smith. In an attempt to aid the striking ability of deputy marshals, Congress extended the jurisdictions of federal courts in Kansas and Texas to Indian Territory in the 1880s; the same reasoning was used in 1889, when Congress established a federal court at Muskogee. Before these adjustments the lone court at Fort Smith did not have the manpower needed to cope with the influx of white men into Indian Territory.



The remaining representatives of federal law enforcement in the Indian lands were United States agents to the tribes. By statute, Indian agents had the authority to enforce federal laws on reservations. In effect, that authority was meaningless, for enforcement was limited to execution by the agent's staff, which usually was too small even for ordinary agency duties. At times the agents hired special employees or appointed some of the regular staff to enforce laws in the vicinity of the agency. Agent S. W. Marston of the Union Agency in Muskogee reacted to a series of murders by appointing his clerk and a special interpreter to investigate. The crimes, committed by whites and therefore not under the jurisdiction of Indian lighthorsemen or sheriffs, were problems which had to be solved by federal officers. In this case the crimes went unsolved, due to limited resources of the agent.<sup>2</sup>

Agents' effectiveness in maintaining law and order suffered most during the 1870s, when confronted with the phenomenal growth of towns in Indian Territory. In 1870 there were few towns among the predominantly agricultural Indians, the only villages developing around governmental agencies such as at Fort Gibson and Tahlequah. In 1871, however, the distribution of population began to be reversed when the Missouri, Kansas, and Texas Railroad laid its track in Indian Territory. Suddenly the economic potential of the land could be converted into profits, for the railroad represented

efficient access to markets in Kansas City and Chicago. Where the trains stopped, villages emerged, ready to ship, receive, and sell. Within a year the towns of Vinita, Wagoner, Muskogee, Atoka, and Durant became bustling trade centers, attracting energetic and enterprising men.

By 1878 Muskogee had grown to more than 400 people, of whom only twenty or fewer were Indians. This concentration of whites attracted lawless characters, from gamblers and whiskey peddlers to thieves and killers, all following new money on an unstable frontier. Crime became so widespread in Muskogee that Chief Ward Coachman of the Creeks directed his lighthorsemen to restore order in the village. The lighthorse captain refused the mission, however, accurately responding that his jurisdiction extended only to Indians, few of whom resided in Muskogee. Moreover, the Creeks had no constitutional provisions for town incorporation, forestalling attempts by city residents to organize urban police departments. A bustling town, catering to tough construction workers, aggressive cattlemen, and restless farmers, and immune from existing tribal law enforcement, posed a major problem for the Indian agent at the Union Agency at Muskogee in the Creek Nation.<sup>3</sup>

Another problem involving whites was the surging number of intruders onto the domain of the Five Civilized Tribes. The number of intruders increased as white settlement increased on the borders of Indian Territory. From 1870 to 1890, the population of the entire United States exploded from 38,553,371

to 62,622,250, while the population in Kansas expanded from 356,399 to 1,428,000. In Texas the increase was from 818,579 to 2,235,527. The mounting numbers of whites along the borders of Indian Territory resulted in increased depredations. Contending with these threats in an area half the size of the state of New York and with only a small administrative staff, the agent at the Union Agency by 1878 was overwhelmed by the surge in lawlessness.<sup>4</sup>

As threats to law and order mounted in the 1870s, Indian agents on most reservations in the United States requested authority to enlist policemen. In his annual report for 1877, the Commissioner of Indian Affairs recognized and supported such a plan, requesting authority and funds to create an Indian police force under the direction of Indian agents. On May 27, 1878, Congress enacted legislation providing for such a system of police. Limiting the aggregate force to 50 officers and 430 privates, Congress provided \$30,000 for the initial organization. Within a year Indian police forces were functioning at approximately one-third of all agencies; by 1880, 162 officers and 653 privates were enforcing federal law on forty reservations in the United States.<sup>5</sup>

Agents on the smaller reservations readily established police forces. Induced into service by promises of rations, clothing, and a regular income, Indians willingly joined the new units. By 1879 Sac and Fox Agent John Short organized a company of one captain, one lieutenant, and twelve privates,

while the Quapaw police force consisted of fifteen men. With fewer Indians and a smaller jurisdiction, agents to the less populous tribes quickly achieved a degree of success.<sup>6</sup>

The development of a police force was slower at the Union Agency, the largest such Indian office. Established in 1874 as the consolidated agency for the Five Civilized Tribes, the Union Agency represented the United States government among approximately 52,000 full-blood and mixed-blood Indians in an area of more than 20,000,000 acres. To establish a police force for this expansive domain, Agent Sylvester W. Marston chose Samuel Sixkiller as his first captain.<sup>7</sup>

Sixkiller was a mixed-blood Cherokee born in the Going Snake district in 1842. Educated at a Baptist mission, Sixkiller was one of many young Cherokees making the transition to a new culture. At nineteen his education was interrupted by the Civil War, in which he served both the Confederate and Union armies. After the war he settled in Tahlequah, building a reputation as a capable community leader. This short, stocky Cherokee's abilities earned him an appointment as Cherokee High Sheriff in 1875, a job which entailed supervision of the one-year-old prison, as well as general law enforcement in Tahlequah. Although he served efficiently, Sixkiller resigned in 1878 after he killed a young rowdy in the streets of Tahlequah. He then moved to Muskogee in the Creek Nation where his experience and abilities brought him to the attention of Agent Marston, who was

at the time formulating plans for his recently authorized police force.<sup>8</sup>

Taking command of the new force, Captain Sixkiller organized a corps of seven men to keep peace for the agency. He distributed his men carefully in strategic towns for two reasons: Sixkiller wanted them near concentrations of white men, who most often settled near outlets on the rail lines, and he wanted them near telegraph stations, an important advantage for a small force with extensive territory to police. This early organization was maintained throughout the life of the Union Agency police force. Even in 1887, when the corps was at its top strength of forty-three men, the officers were stationed in towns from Atoka and Vinita to Purcell and Eufala.<sup>9</sup>

Captain Sixkiller and other organizers of Indian police forces encountered many problems. One of the most persistent points of contention was salary. The federal law creating the Indian police forces provided only \$5 monthly for privates and \$8 monthly for officers. When compared with the usual \$30 monthly wage paid Indian teamsters and \$15 monthly wage for performing other services around the agency, the policeman's salary seemed inadequate. Nevertheless, Indians joined the forces, but usually with side jobs for supplemental income. Quapaw Indian policemen had to spend most of their time farming, while several of the Union Agency policemen took other law enforcement jobs, such as railway or coal policemen. Although

these distractions hampered the performance of these officers, it was necessary.<sup>10</sup>

Another problem faced by Indian agents was the paucity of adequate weapons, for legislation creating the police forces did not provide for guns. Many agents obtained rifles by 1882, but Secretary of the Interior Henry M. Teller later that year ordered agents to substitute pistols for rifles in the hands of Indian policemen. The pistols furnished were discarded army issue, most of which were unusable. At the Union Agency policemen refused to carry the weapons provided, preferring their personally owned guns. Agent Leo E. Bennett warned, "It would be but suicide for the police force of this agency to seek their [Daltons] capture unless better armed than they are now."<sup>11</sup>

Indian policemen fared better with uniforms and supplies. The initial legislation provided \$15 for uniforms for each officer, but there was no standard style. By the 1880s police at the Union Agency had received two suits of uniforms each year, one for winter and one for summer. They were made of blue cloth, some with red stripes down the legs and around the coat sleeves. On all uniforms were brass buttons inscribed "U.S. Indian Police." A captain of the Union Agency force lauded the effects of uniforms on both officers and criminals, stating "I can do more with half a dozen uniformed men along those lines than I could with fifty in citizens clothes."<sup>12</sup>

Legislation authorizing Indian police also provided for supplies. The cost of supplies varied, but usually it was low, for most rations consisted of only flour, beans, coffee, beef, and lard. In 1880 supplies for fifteen Sac and Fox Indian policemen totaled approximately \$500 or slightly more than \$33 per man annually. On patrol duty, policemen usually required additional supplies. If necessary, they could purchase beef in the field paid for from agency funds. Rations were important to the various police forces, for food served as an inducement for enlistment to Indians deficient in currency.<sup>13</sup>

Outfitted with weapons, uniforms, and supplies, Indian policemen provided an effective means of law enforcement. Agents could not use them indiscriminately for all peace-keeping duties on reservations, however, for Indian policemen had limited jurisdictions in which they supposedly operated. Legally, Indian policemen possessed authority to enforce all federal laws pertaining to whites and their inter-relationships with Indians in Indian Territory, as well as the authority of Indian agents. Before 1885 these duties most often included removing intruders, arresting white criminals, and suppressing liquor traffic. At first, Indian policemen did not intercede in criminal matters involving only Indians; however, in 1885, Congress enacted legislation extending federal criminal jurisdiction to specific crimes committed by all men in Indian Territory, whether Indian or white. The most notable of these crimes were murder,

manslaughter, assault, rape, burglary, and larceny. This legislation increased the duties of Indian policemen, but it also removed limitation on their effectiveness in the multi-racial society.<sup>14</sup>

Legal jurisdiction did not always entail actual jurisdiction, for the authority of Indian policemen often was challenged by both federal and Indian governments. One jurisdictional controversy developed between Indian police from the Union Agency and the federal court at Paris, Texas, in 1891. In that instance, Captain Charles LeFlore of the Indian police force was instructed by Indian agent Robert L. Owen to raid several illegal gambling establishments in Ardmore. LeFlore efficiently executed his duties, burning tables, cards, and gaming devices while disarming the gamblers. One of the gamblers, a white man, proceeded to the federal court where he issued a complaint of larceny against the officer. A warrant was issued, and two United States deputy marshals arrested LeFlore. The charges were dropped later at the agent's urging, but this interference in the jurisdiction of the Indian police indicated the unique problems besetting Indian officers.<sup>15</sup>

Jurisdictional problems also surfaced between Indian policemen and native officers of the Indian nations. In 1886 Lieutenant Thomas R. Knight of the Union Agency police killed a known outlaw, Albert St. John, who happened to be from an influential Cherokee family. St. John's family used its political influence to have Knight prosecuted for murder in Cherokee courts. This incident was typical of Indian sentiment



towards Indian policemen, for many natives viewed the officers as agents of an occupying government. As early as 1882, Creek citizens petitioned the principal chief of the the tribe, requesting the removal of the Indian police, who, in their opinion, were "in this country for the private convenience of a few individuals -- whites and halfbreeds -- and we believe that location of such a police force in our country is strictly a transgression on the rights and liberties guaranteed us by our treaties with the United States."<sup>16</sup>

Quarrels worsened each year as Indian police forces expanded. For example, in 1886 a band of young Cherokees rode into Muskogee, drinking liquor and wantonly firing their guns. When Indian policemen appeared the young Indians fired their guns at the men, wounding the captain before they were captured. The boys were charged with firing at deputy United States marshals, a serious offense, for two of the Indian policemen also held commissions from the federal court at Fort Smith. Learning of their mistake, the boys lamented that "they thought they were just shooting at Indian police," a crime which they knew would not be prosecuted.<sup>17</sup> Assault on Indian policemen fell within the jurisdiction of tribal courts, and before Cherokee juries, the criminals knew their deed would not result in a harsh penalty. Their suppositions later proved accurate, for the murderers of Captain Samuel Sixkiller that same year were never convicted in Cherokee courts.

Despite such problems, the several Indian police forces

in Indian Territory filled a needed role, assuming duties such as expelling intruders and arresting criminals as well as guarding tribal funds and collecting taxes. One of the most time-consuming tasks was protecting Indian property from white intruders. A common complaint involved white renters who made improvement on Indian land under rental agreements, then refused to vacate the land after the terms of the lease expired. In such cases aggrieved Indians could not rely on tribal officers, for their jurisdictions did not extend to whites; therefore they had to contact the Indian agent at Muskogee. Once that agent determined that force was needed, the captain of the police telegraphed the closest officer, directing him to remove the intruder.<sup>18</sup>

More serious crimes by intruders were timber and coal theft. Immune from tribal officers, some whites cut valuable walnut and hickory timber, while others illegally mined surface coal deposits, plentiful in several districts of Indian Territory. Such depredations were so numerous that in one instance three special policemen were hired with funds donated by the Cherokee tribal council. One officer was assigned to the northern border of the Cherokee Nation to guard against timber thieves; the other two were stationed west of the Arkansas River where stone and coal deposits had been illegally mined. By 1890 Agent Leo Bennett estimated the number of intruders in the lands of the Five Civilized Tribes at 60,000, constituting a problem which would plague the Union Agency police as long as they existed.<sup>19</sup>

Another major duty was enforcing federal liquor laws prohibiting the importation or possession of liquor in Indian Territory. In the opinion of Agent Bennett, the liquor trade by 1889 had become "the most pernicious of all evils and the most difficult to regulate."<sup>20</sup> The overwhelming nature of the task, however, did not impede the tenacity of most Indian policemen; the police force confiscated 5,000 gallons of liquor in July of 1889 alone.

One tactic used by Union Agency policemen against the liquor traffic was searching freight and express sent to Indian Territory. When officers detected a wholesale shipping company regularly sending casks or crates to merchants in towns, the shipments thereafter were checked. One such check of a cask revealed an entire stock of saloon supplies. In other instances officers simply raided establishments believed to be selling liquor. In 1891 Agent Bennett ordered such an attack against twenty-eight beer saloons. The police successfully seized and destroyed all intoxicants and expelled the proprietors from Indian Territory. Another large-scale action against bootleggers was directed personally by Agent J. Blair Shoenfelt. Leading a company of twenty-five policemen, he descended on Tishomingo, apprehending several liquor dealers and intimidating even more.<sup>21</sup>

Such action often required physical coercion, but violence most often was encountered while enforcing laws against criminals after money. To prevent larceny and robbery, Indian policemen occasionally were assigned to

guard duty, especially when agency officials anticipated an outlaw attack. Annuity payments, shipped in safes loaded in wagons, were guarded day and night by policemen while in transit and after delivery. This duty put officers in a dangerous position between ruthless outlaws and their desired treasure. At a payment in 1895 outlaw Bill Cook, in an unsuccessful robbery attempt, killed an Indian policeman serving as a guard. Officers also were assigned to trains passing through the limits of the agency. Protecting United States mails, Indian policemen guarded against attacks by men such as Bill Doolin and the Dalton brothers.<sup>22</sup>

In 1892 a company of Indian policemen and railroad detectives were riding a north-bound passenger train as guards when the Dalton gang stopped the train, intending to rob the baggage car and passengers. Catching the bandits unaware, the policemen opened fire, driving the band away. In 1894 and 1895 such outlawry moved Agent Dew M. Wisdom to action. In a terse directive to his officers, the agent ordered them "to arrest all outlaws, thieves, and murderers in your section, and if they resist, you will shoot them on the spot ... Make yourselves a terror to evil doers. If you are afraid to carry out this order, send in your resignations and I will appoint better men in your places."<sup>23</sup> For a salary of \$10 per month, Indian policemen were expected to accept such risks.

The dangers of this duty were forcefully proven in a

few months in 1886 and 1887. In December of 1886, two Cherokee men, who had suffered at the hands of law officers earlier, shot and killed unarmed Captain Samuel Sixkiller while he was walking down a street in Muskogee. Three months later his replacement, William Fields, also was murdered, this time by a white outlaw resisting arrest. His replacement, Lieutenant James Knight, within a month killed a white outlaw resisting arrest. Confronting danger daily among resentful Indians and dangerous outlaws, Indian policemen at the Union Agency more than earned their meager salaries.<sup>24</sup>

During the 1890s the duties of Indian policemen began changing. The intensified war against marauding criminals in the early 1890s was only one aspect of this change. A new duty which took most of the policeman's work hours was collecting taxes for the tribal governments. By the 1890s the problem of intrusion had been solved, not by expulsion, but by Indian acceptance of whites in Indian Territory. The only stipulation to that privilege of presence was a tax, paid by white residents to tribal governments. To aid their Indian wards, agents at the Union Agency used the Indian police to enforce these tax laws.<sup>25</sup>

Leading the Union Agency police in their new duties were the "tall sycamores," Captains Jack Ellis and John West. Both mixed-blood Cherokees, Ellis and West stood 6'4" and 6'3" respectively. Under their bold leadership the police forced the white majority to pay tribal taxes with few exceptions. For example, in 1900 a force of policemen closed twelve stores in Ardmore and arrested the merchants

for failure to pay taxes. The next year Captain Ellis and his men confiscated 800 head of cattle worth \$200,000 from a white rancher near Chickasha for not paying the twenty-five-cent-a-head cattle tax. Even corporations felt the effects of the new policy. A telephone company which had built a line to Ardmore failed to pay taxes, so policemen cut down the telephone lines, inflicting thousands of dollars of punishment on the tardy leaseholder.<sup>26</sup>

In 1904 the agent at the Union Agency directed Captain Ellis to enforce tax laws even more strictly. Ellis thereupon organized a mobile unit of policemen, outfitted them with wagons, supplies, and horses, and began a broad sweep through Indian Territory. The unit's objective was to confiscate all cattle herds on which taxes had not been paid. Ten additional officers were hired, for large as well as small herds were to be seized and sold. Meanwhile Captain West and another band of officers enforced the non-citizen tax laws along the Kansas and Arkansas borders. Both leaders readily resorted to force to execute their orders. Captain West threatened personally to expel white men who had defied his authority; Captain Ellis threatened to dismantle a white man's flour mill with a sledge hammer if taxes on the structure were not paid. In both instances the taxes were paid.<sup>27</sup>

Occasionally, however, Indian policemen encountered resistance. After officers had cut and destroyed four miles of new barbed wire fence and cedar posts because of delinquent taxes, the aggrieved rancher claimed revenge by killing

twenty-four horses belonging to the policemen. More often, the opposition took legal form. In 1905 Indian policemen closed several stores in Muskogee for not paying tribal taxes. By this date, however, predominantly white Muskogee had a police force which defended its citizens by arresting the outnumbered agency policemen. Agent Wright, with specific instructions from the Secretary of the Interior, solved the problem by raising an even larger force of officers and enforcing tribal taxes. A more serious obstacle arose in 1902 when a federal injunction was imposed on cattle confiscations. The decision was only temporary, because Indian policemen soon resumed their rigid enforcement.<sup>28</sup>

Irate cattlemen, resentful whites, and hostile courts did not defeat the Indian police in Indian Territory as much as the destruction of tribal sovereignty and statehood. The decline began with the Curtis Act of 1898, which imposed allotment on the tribal lands. By 1900 the Union Agency police force had declined from forty-three to twenty-eight men. In 1901 further reductions cut the force to eleven men. In 1903 the force momentarily was restrengthened to twenty-six men, but the duties were temporary, such as placing Indians on allotments and collecting tribal taxes. In 1906 the role of the agency suffered even more severely, when President Theodore Roosevelt signed the Enabling Act, paving the way for statehood.<sup>29</sup>

Although statehood and tribal dissolution removed most

of the duties previously fulfilled by agency policemen, the corps survived the transition, but in different form. Losing most of their peace-keeping duties, Indian policemen after 1906 became handymen and messengers for the agencies. At the Pawnee Agency Indian policemen became messengers and janitors; at the Shawnee Agency officers were retained until 1914, but two of the men acted as horse grooms and maintenance men for new agency machinery. At the Union Agency the experienced law officers left the service. Frontier lawmen such as Jack Ellis had no place in the new police forces. Ellis entered business after leaving the Union Agency, later running for governor and living his final days in the hills around Muskogee where he once enforced the law. The destruction of tribal governments, United States citizenship for Indians, and the establishment of county law enforcement agencies ended the usefulness of agency police forces.<sup>30</sup>

Indian police forces in the eastern half of Indian Territory fulfilled an important role in law enforcement from 1878 to 1906. Sharing jurisdiction with deputy United States marshals and the United States Army, Indian police had the manpower and the flexibility needed to confront daily threats to social order in the Indian nations. Agency police also complemented tribal officers, for white men were beyond the pale of tribal laws, a problem which worsened as whites became the majority. By enforcing law and maintaining a degree of order among whites, agency police helped tribal



officers maintain order among the minority Indian population. The importance of agency police increased dramatically from 1878 to 1900 as whites inundated Indian Territory. After 1900 forces of social, economic, and political change just as rapidly destroyed conditions requiring these officers. In 1906 agency police gave way to officers needed in the new state, but they left behind a legacy of frontier law enforcement.

## FOOTNOTES

<sup>1</sup>S. W. Marston to Commissioner of Indian Affairs, February 25, 1878, and June 18, 1878, "Letter Received by the Office of Indian Affairs, 1824-1881," United States National Archives; Lieutenant Eugene Cushman to Assistant Adjutant General of the Department of the Missouri, ibid.; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1884, p. 99.

<sup>2</sup>S. W. Marston to Commissioner of Indian Affairs, May 10, 1878, "Letters Received by the Office of Indian Affairs, 1824-1881," United States National Archives.

<sup>3</sup>Grant Foreman, Muskogee: The Biography of an Oklahoma Town, pp. 46-48.

<sup>4</sup>United States Department of Commerce, Report on Population of the United States at the Eleventh Census: 1890 (2 Parts, Washington: Government Printing Office, 1895), Part 1, pp. xi, xv; Captain T. E. Towle to Assistant Adjutant General of the Department of the Missouri, November 21, 1879, "Letters Received by the Office of Indian Affairs, 1824-1881," United States National Archives; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1880 (Washington: Government Printing Office, 1880), p. 95.

<sup>5</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1877 (Washington: Government Printing Office, 1877), p. 1; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1878 (Washington: Government Printing Office, 1878), p. xlii; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1880, p. ix.

<sup>6</sup>Ibid., p. 93.

<sup>7</sup>M. Thomas Baily, Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism (Port Washington, New York: Kennikat Press, 1972), p. 4.

<sup>8</sup>Hagan, Indian Police and Judges: Experiments in Acculturation and Control, pp. 59-60.

<sup>9</sup>Muskogee Indian Journal (Muskogee, Oklahoma), February 12, 1880, pp. 4-5; Vinita Weekly Chieftain (Vinita, Oklahoma), August 11, 1887, p. 3.

<sup>10</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1882 (Washington: Government Printing Office, 1882), p. 85; Vinita Weekly Chieftain, April 24, 1884, p. 3.

<sup>11</sup>Hagan, Indian Police and Judges: Experiments in Acculturation and Control, p. 47; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1882, p. 258.

<sup>12</sup>Interview, Alfred F. Hicks, August 31, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. LX, p. 99; Interview, Lafayette Teal, September 15, 1937, ibid., Vol. XLVI, p. 248; J. W. Ellis to Blair Schoenfelt, July 27, 1893, Cherokee Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma.

<sup>13</sup>Interview, Alfred J. Hicks, August 31, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. LX, pp. 99-100; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1880, p. 93; Lexington Leader (Lexington, Oklahoma), July 22, 1904, p. 6; J. M. White to Captain J. Lee Hall, June 5, 1886, Cherokee Nation Files, Indian Archives Division, Oklahoma Historical Society.

<sup>14</sup>Association of American Indian Affairs, Federal Indian Law (New York: Association of American Indian Affairs, 1948), pp. 309-310, 324-325; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1882, p. 88.

<sup>15</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1891 (Washington: Government Printing Office, 1891), pp. 98-99.

<sup>16</sup>Petitioners to Honorable Samuel Checote, June 30, 1882, Creek Nation Files, Indian Archives Division, Oklahoma Historical Society.

<sup>17</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1886, p. 160; Welch, "Development of Law and Order in the Cherokee Nation, 1838-1907," p. 110.

<sup>18</sup>Interview, John C. Chamberlain, September 16, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. LXV, pp. 54-55.

<sup>19</sup> Cherokee Nation, "Act of the Cherokee National Council," no date, Cherokee Nation Files, Indian Archives Division, Oklahoma Historical Society; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1890 (Washington: Government Printing Office, 1890), p. 91..

<sup>20</sup> United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1889 (Washington: Government Printing Office, 1889), p. 210.

<sup>21</sup> Ibid; Zwick, "Prohibition in the Cherokee Nation, 1820-1903," p. 99; Vinita Daily Chieftain (Vinita, Oklahoma), August 30, 1902, p. 1.

<sup>22</sup> Interview, E. Lee Brown, May 5, 1937, Foreman, ed., Indian Pioneer Papers, Vol. LXVI, p. 409; Zwick, "Prohibition in the Cherokee Nation, 1820-1903," p. 106.

<sup>23</sup> Charles B. Rhodes, "Autobiography," Western History Collections, University of Oklahoma, Norman; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1894 (Washington: Government Printing Office, 1894), p. 15.

<sup>24</sup> United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1887 (Washington: Government Printing Office, 1887), p. 118; Vinita Daily Chieftain, February 17, 1887, p. 2.

<sup>25</sup> El Reno News (El Reno, Oklahoma), February 8, 1900, p. 6.

<sup>26</sup> Ibid., October 18, 1900, p. 6; Stillwater Advance (Stillwater, Oklahoma), November 14, 1901, p. 3; Eufala Indian Journal (Eufala, Oklahoma), November 15, 1901, p. 2; Interview, J. Hampton Willis, June 18, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. L, p. 108.

<sup>27</sup> Ibid., p. 108; Lexington Leader, July 22, 1904, p. 6; Vinita Weekly Chieftain, September 22, 1904, p. 3.

<sup>28</sup> Interview, A. E. Mundy, August 4, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. LXXI, p. 446; Cherokee Messenger (Tahlequah, Oklahoma), June 16, 1905, p. 2; Daily Oklahoman, November 29, 1902, p. 2.

<sup>29</sup> United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1900 (Washington: Government Printing Office, 1900), p. 228; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1901 (Washington: Government Printing

Office, 1901), p. 220; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1903 (Washington: Government Printing Office, 1903), p. 2; Still-water Advance, November 28, 1901, p. 2.

<sup>30</sup>Daily Oklahoman, December 26, 1906, p. 1.

## CHAPTER VI

### AGENCY POLICE AND THE GREAT PLAINS TRIBES, 1878-1906

During the 1860s and 1870s the Five Civilized Tribes developed law enforcement institutions with sheriffs, constables, and lighthorsemen; meanwhile, less than two-hundred miles to the west on the Great Plains, painted Indians on horseback were fighting their last desperate battles against soldiers who represented the westward onslaught of the American Nation. Removed from their natural homeland and confined to reservations, these former warriors suffered a cultural revolution after their military defeat. With their traditional clan leaders either in prison, killed, or removed from authority, the plains tribes by 1878 were without effective native law enforcement. Moreover, understaffed Indian agents offered little relief, relying primarily on distant troops for the preservation of order. The only effective alternative proved to be Indian policemen.

From 1867 to 1874, federal troops tried to establish order on the Great Plains. During these turbulent years Indian agents had little power over their wards outside of the authority imposed by troops. But, by 1875 troops no longer were needed in large numbers, because the Indians

had been defeated in battle, their food supply decimated, and their spirits broken. Confined to their reservations, Great Plains Indians thereafter only occasionally raided white settlements, a problem usually handled by small cavalry units. Moreover, by 1874 the federal attitude had changed to a "peace policy," replacing extermination and removal with education and acculturation; the presence of troops was detrimental to this policy, for agents from religious organizations lamented the effects white men had on Indians.

Indian agents still required a degree of force on the reservations, however, for the task of maintaining order and implementing the peace policy became increasingly difficult in the mid-1870s as Indians found reservation life intolerable. Adding to the tension and restlessness on reservations was inadequate and inferior rations. For example, in 1875 Indian Agent John Miles estimated that more than 5,000,000 pounds of beef would be necessary to feed the Cheyennes and Arapahoes; the Bureau of Indian Affairs, however, authorized the issuance of only 2,759,000 pounds. Short rations, bug-infested flour, and inefficient distribution made the task of maintaining order more difficult. To confront the repercussions from such treatment, Indian agents needed a means of maintaining order other than troops.<sup>1</sup>

Indian agents also needed limited force for implementation of the peace policy, which included teaching Indians to farm, indoctrinating them with concepts of individual property ownership, limiting their practice of native religions, and educating their children. In the 1870s agents confronted

opposition to these policies from many Indians, especially among the Cheyennes. Agents needed policemen to control this resistance and to protect individuals accepting the new traditions. If Indians were to be assimilated into American life, agents had to find means of quickly forcing changes on them. Enterprising agents determined that Indian police forces could offer means of enforcement.

Like the agents to the Five Civilized Tribes, agents to the Great Plains Tribes also were plagued by troublesome white men. The most serious problem was horse theft. White thieves preyed on Indian herds, for there were no lawmen on reservations to punish them, and the Indians were prevented from pursuing white thieves off their reservations. Even when horse thieves were arrested and tried, juries in Kansas or Texas usually did not consider theft from Indians to be criminal. From 1872 to 1874, forty-six horse thieves were arrested on the Cheyenne-Arapaho reservation, yet not one received punishment commensurate with the crime. This apparent immunity to punishment encouraged large-scale raids onto the reservations. In the winter of 1876, horse thefts were so numerous on the Cheyenne-Arapaho reserve that Agent Miles offered a \$500 reward for the arrest or capture of white thieves.<sup>2</sup>

Before 1878 the only official law enforcement agents with authority to protect Indian property from white thieves were army troops, deputy United States marshals, and Indian agents. After the last wars in 1875, troop strength was



rapidly minimized to small forces stationed at Forts Sill, Reno, and Supply. Occasionally a detail of troops camped near Indian villages to protect them from white thieves, but most often agents opposed stationing troops among the Indians because of their debauching effect on the Indians. This intended separation of troops from concentrations of Indians prevented troop effectiveness against white thieves who hit quickly and vanished into an adjacent territory or state. Deputy marshals also offered little relief, for officers working out of the federal court at Fort Smith seldom were seen west of the Missouri, Kansas, and Texas Railroad tracks in eastern Oklahoma. The one exception was deputy marshal Benjamin Williams, a Cheyenne-Arapaho agency employee who enforced laws against white thieves in the early 1870s. The task of law enforcement on the western reservations, nevertheless, was too extensive for one man.<sup>3</sup>

With limited aid from troops and deputy marshals, Indian agents took unofficial action when confronted with mounting threats to peace and security. Agents possessed the authority for any action they considered necessary to fulfill the stipulations of treaties with the tribes, including the organization of law enforcement units. As early as 1872, Agent Miles at the Upper Arkansas Agency had to deploy agency farm hands to arrest white criminals and transport them to federal court. He regretted the time lost to farming operations, but he "did not feel like being openly defied by outlaws without making a reasonable effort to arrest them."<sup>4</sup>

In 1873 the agent at the Wichita agency organized a temporary force of Delaware Indians to serve as agency policemen. He had no funds, however, for permanent employment of such officers. Agent J. M. Haworth of the Kiowa-Comanche reservation also created a special police force of Indians, using them to destroy liquor, retrieve stolen horses, and deliver prisoners to federal authorities. He, too, could not maintain the force for lack of funds.<sup>5</sup>

Agents Haworth and Miles knew that without official authorization and funding, police forces were only temporary; therefore, both men deluged Washington with requests for permission to organize police forces composed of Indians. Pleading the cause of Indian police, Agent Miles wrote, "The lack of power to administer the law -- to remove improper characters from this reservation, to break up the various bands of dissolute white men, horse, and cattle thieves known to be operating in our vicinity -- is the prime cause that may be assigned for the serious outbreak among the Cheyennes on this reservation."<sup>6</sup>

Predicting increased raiding by white men on Indian horse herds in the spring of 1878, Agent Haworth also pleaded convincingly for such a police force. He outlined for the Commissioner of Indian Affairs a proposed police force with thirty Indian officers divided into two squads, each patrolling sections of the reservation. Among their anticipated duties, he listed controlling white whiskey peddlers, arresting white

horse thieves, and replacing troops in regulating the actions of their fellow tribesmen. Such arguments from agents in all regions were convincing, for in May of 1878 Congress passed a bill authorizing Indian police forces for reservations.<sup>7</sup>

Agent John Miles at the Cheyenne-Arapaho agency immediately organized such a force under the command of white farmer J. A. Covington. Covington enlisted five Arapahoes and twelve Cheyennes who recently had returned from prison in Florida. In order to make the force representative of all bands, Miles and Covington incorporated into the force Northern Cheyennes, who were arriving at the agency in large numbers. By 1880 the support and encouragement of Miles had built the police force to forty Indians, composed of two lieutenants, eight sergeants, and thirty privates. Of those men, one captain, five sergeants, and nineteen privates were Cheyennes, while one lieutenant, three sergeants, and eleven privates were Arapahoes. Miles always was careful to have representatives of every band in the force, for from 1878 to 1881 the policemen camped with their bands, enabling each officer to maintain order in his social group. By distributing the men throughout the camps, officers also had better chances of discovering intruders or horse thieves.<sup>8</sup>

For the first five years the progress of the Cheyenne-Arapaho police force encouraged Agent Miles and the promoters of Indian police. During these early years the police were used mainly for law enforcement against external threats, while internal social control was deferred. In his first

annual report on agency police, Miles noted their "entire willingness to carry into effect all orders given to them," and he boasted that "this force has obviated the necessity of calling upon the military in many instances."<sup>9</sup> By 1880 these law enforcers had proven their worth to Miles by "the almost total suppression of horse stealing and kindred crimes, which before the organization of this force were of almost daily occurrence."<sup>10</sup> In his opinion, the Indian police were an "undisputed success."

Organization of a similar force at the Kiowa-Comanche reservation proceeded more slowly due to opposition from influential head men among the Comanches. The Kiowas did not exhibit such opposition. The first six policemen therefore were all Kiowas, commencing service in November of 1878. Commanding these men was the agency storekeeper, James Farmer. In Agent P. B. Hunt's words, Farmer's Kiowa policemen "have evinced a laudable desire to comprehend their duties and have shown great alacrity in obeying all orders."<sup>11</sup> In the first two months of service these native law enforcement officers were untested, however, as most of their duties consisted merely of reporting deaths and births and cleaning camps. Because the policemen had no weapons or accouterments for enforcement, Hunt may have discouraged their use for active law enforcement.<sup>12</sup>

Comanche leaders still refused to cooperate with the new police force as late as August, 1879. Hunt realized that without the support of the Comanches his police would be only

half effective in enforcing laws and directives on the reservation; therefore, he withheld rations from the rebellious Indians until they provided men for the force. Although the Indians submitted, Hunt had trouble building the police corps to the authorized size. Other than Comanche opposition, his two primary reasons for the delay were a shortage of weapons and the unavailability of white employees with enough time to devote to its organization. Nevertheless, the organization continued until September of 1880, when the Kiowa-Comanche police force attained a complement of twenty-eight men. Still without weapons, these officers expelled cattle that were grazing illegally on Indian land, served as messengers and agency drovers, recovered eleven of nineteen stolen horses, arrested four thieves, and guarded several freight trains.<sup>13</sup>

As among the Five Civilized Tribes, inadequate weapons plagued the Kiowa-Comanche police for years. In every annual report the agent requested arms. By 1880 the policemen had enough firepower to use 225 rounds of .45 caliber cartridges, but many of the guns undoubtedly were borrowed or privately owned. Impatient with the Department of the Interior for not furnishing needed weaponry, Agent J. Lee Hall borrowed weapons from the commanding officer at Fort Sill in 1885. Even as late as 1890 Agent Charles E. Adams requested permission to purchase eighteen pistols, eighteen rifles, and ammunition; the Commissioner of Indian Affairs still refused

to arm Great Plains warriors with rifles, approving only the purchase of pistols.<sup>14</sup>

Also hindering the police in the early years was rapid turnover in personnel. After initially overcoming opposition from many influential Comanches, agents at the Kiowa-Comanche agency lost men at an inordinate rate to resignations and terminations. A variety of reasons were used by officers to leave the force, most of them ordinary excuses such as dissatisfaction or being "too tired" to serve. Many former warriors devised ingenious excuses. Mo-to-doo-ah, a Kiowa private, resigned after he complained that he had been "vomiting blood since being on the force," a malady which he attributed to wearing the uniform.<sup>15</sup> Agents oftentimes were forced to terminate policemen, usually for insubordination, intoxication, or dereliction of duty. In 1881 alone, more than fifteen Indians either resigned or were discharged from the police force, a rate which can be attributed to pressures on Indian officers caught between two cultures, enforcing the laws of one yet living the traditions of the other.<sup>16</sup>

With personnel problems and an extended jurisdiction of sparsely settled land, policemen devised efficient systems of maintaining law and order. One of the most successful ploys was "observation patrolling." Usually commanded by a captain, small details of policemen traveled to all regions of the reservation, settling disputes, reporting thefts, and removing intruders. On one such patrol in May of 1888,

the white chief of police and fifteen privates scoured the reservation for ten days. In their prolonged patrol they discovered and removed 1,400 cattle, recovered more than twelve stolen horses, reported six white farmers, and observed the general conditions of the Indians. Such patrols kept order on the reservation and proved invaluable to agents who were charged with improving the lot of Indian wards.<sup>17</sup>

Another means of supplementing the Indian police force was issuing special commissions. It was customary for agents to issue special Indian police commissions to head men of the several bands, enabling them to preserve order in the name of the agent as well as in their own right as head men. In 1886 this practice was painfully proven to two white horse thieves who stole stock from Chief Big Bow. Upon discovering the theft of his herd, the old warrior and his companion followed the thieves, overtaking them at the bank of the Red River. Showing the white men his commission as a special agent for the Indian police, Big Bow retrieved his herd. When the thieves resisted, Big Bow shot and killed one man and drove the other away, a legal act of law enforcement on the reservation. Another means of extending the effectiveness of the agency police force during extraordinary threats to peace and security of the tribe was their authority to deputize a maximum of fifty for special service. This authority lent flexibility to an otherwise constricted police force.<sup>18</sup>

Some of the most serious threats requiring the use of

additional officers were acts of lawlessness, especially horse theft, gambling, and bootlegging. Horse theft continued as one of the most costly crimes committed against Indians, for horses represented wealth, prestige, and honor. From 1881 to 1886, white thieves stole an estimated 700 horses from the Kiowas and Comanches. The Indian police spent much of their time following thieves but rarely captured them, for the borders to Greer County and the Chickasaw Nation were less than a day's ride. Their diligent searches, however, retrieved approximately half of all horses stolen. In one case in 1886, Indian policemen arrested four white men who had stolen seventeen horses from a Comanche Indian. The officers transported the criminals to a court in Texas where they were tried for their crimes. Indian police successfully brought other criminals to justice as well, such as in 1883 when policemen arrested and delivered to court four whiskey peddlers and one outlaw wanted in New Mexico Territory.<sup>19</sup>

The most time-consuming duty was removing cattle from the reservation, for white ranchers in Greer County and northern Texas pastured cattle illegally on Indian lands. The size of these herds increased rapidly in the 1880s as smaller ranchers and farmers fenced the open pasture in West Texas and the Texas Panhandle. In 1880, before the agency police force had developed fully, Agent Hunt tried to remove the cattle but with little success. By 1885 the matured police force had changed the capabilities of the agent, for the first official act of Agent J. Lee Hall in 1885 was to write



a directive to his chief of police ordering the removal of all cattle illegally pastured on the reservation. Hall gave his police chief authority to use force if necessary. The officer and his men then executed the order, seizing and expelling more than 10,000 head within a year. Agents every year thereafter reported large numbers of cattle removed.<sup>20</sup>

More distant from Texas and Kansas cattlemen, the Cheyenne-Arapaho agency did not suffer from cattle depredations as severely as the Kiowa-Comanche reserve. Without that time-consuming task, Cheyenne-Arapaho policemen served more time enforcing criminal law. Their arrest records from 1886 to 1888 reveal fewer problems with intruders, but more criminal actions, all but a few involving white men. In 1886 white men stole 150 Indian ponies, killed Chief Little Robe's son, raped and murdered an Indian woman, introduced liquor, and stole thirteen head of agency beef. During the next two years matters worsened, as Indian policemen arrested six whites, two Mexicans, one black, and ten Indians for various crimes.<sup>21</sup>

This effectiveness extended only to white men, however, for from 1878 to 1886 traditional law-ways of the Cheyennes tenaciously survived, confounding Indian police and agents. Cheyennes had developed native law enforcement societies, the best known being the dog soldiers. As long as ancient economic, social, and environmental conditions remained, the authority of such warrior societies was undiminished. As late as 1884, the Cheyennes, more than any other Great Plains

tribe, retained their traditions while their environment changed. In the eyes of Agent D. B. Dyer, all but a few of the Cheyennes "wear blankets, live in teepees, and are uncivilized, have the manners, ways, customs, and superstitions ... which have been attached to their races for generations gone by."<sup>22</sup> Living as their ancestors had lived for centuries, traditional law-ways of the Indians remained strong.

In 1884 dog soldiers still represented the law to most Cheyennes; in the words of Agent Dyer, the "dog soldiers compel the attendance of all Indians on their medicine making, and on refusal of any one to attend his teepee is cut up, chickens, hogs, and cattle killed, growing crops destroyed; they rule with an iron hand, and their will, right or wrong, is absolute law."<sup>23</sup> These warrior societies posed major obstacles to the authority of Indian policemen over their own people. As early as 1880, Agent Miles had been confronted by dog soldiers who brazenly stole cattle from the agency lot. Miles ordered his policemen to arrest them but they refused, stating they would be killed if they interfered with tribal warriors. In 1884 agency police still were ineffective among their own people, relegating the lawmen to general duties such as cattle removals and control of white intruders.<sup>24</sup>

By 1885 the authority of the dog soldiers began declining, for the traditional life of the Cheyennes was eroding rapidly. It had been seven years since the proud warriors had roamed the Great Plains hunting buffalo. With this economic

breakdown, the welfare of the tribe shifted from warrior-hunters to agency staff who issued life-sustaining rations. As the agent became the source of survival for the Cheyennes, his authority became the rule of law among the Indians, replacing that of the warrior societies. In 1886 this transition became apparent when agency policemen arrested an influential dog soldier for insubordination to the agent. Two years earlier the soldiers' authority would have been supported by the majority of Cheyennes, making the arrest impossible. By 1886 that support had diminished. By 1889 the authority of the dog soldiers had irreversibly eroded, proven when Pawnee Man, a dog soldier, was arrested and forced to place his children in a white school. Thereafter the dog soldiers did not impede the authority of the agent or his Indian policemen among the tribesmen.<sup>25</sup>

The decline of the warrior societies altered the effectiveness of Indian policemen. Another, more influential alternation was allotment and the opening of the reservation to white settlement in 1892. Pressured by whites who wanted the land, and encouraged by friends of the Indians who believed land ownership would civilize their wards, President Benjamin Harrison signed an agreement with the Cheyennes and Arapahoes purchasing their surplus lands. On April 19, 1892, the federal government opened approximately 4,300,000 acres of this land to white settlers. In one day the isolation enjoyed by the Indians was destroyed. Thereafter the Indians were the minority class on their old reservation with white

neighbors on all sides, just twenty-five years after they had first been confined to this piece of land.

Allotment and the land opening affected Indian policemen several ways. Vice became more widespread as Indians found liquor and gambling easily accessible in white settlements. Also, theft increased as the government issued per capita payments from the purchase price of excess Indian lands. In 1893 federal officials distributed \$169,736 in silver dollars to 3,300 Cheyenne and Arapahoes. This money attracted outlaws from all sections of the frontier. These threats to law and order among the Indians forced Agent Charles Ashley to increase the size of the police force to three officers and forty-seven privates, the largest the force would ever be.<sup>26</sup>

Jurisdiction also changed, because territorial counties carved out of the reservation employed sheriffs and city marshals. After 1892, instead of possessing sole jurisdiction on the reservation, Indian policemen had to share authority with other officers of the law. The first trouble concerning a question of jurisdiction occurred soon after the land opening when an Indian swore out a complaint in county court against two Indian policemen who had arrested him on his allotment. Charged with assault and battery, the two policemen, American Horse and Big Knee, were arrested and tried. Simplifying such jurisdictional conflicts in 1893, Agent A. E. Woodson persuaded the Canadian County sheriff to commission Indian police captain Black Coyote as a deputy sheriff. With this commission the authority of Indian policemen to arrest both

whites and Indians was guaranteed by territorial law as well as by the rulings of the Office of Indian Affairs.<sup>27</sup>

The duties of Indian policemen changed after allotment. Probably the most widespread problem was forcing the Indians to live on their allotments, because many of the former warriors retained their traditional preference for communal life. In 1895 Agent Woodson decreed that no more than four families would be allowed to congregate on one allotment, while every male eighteen years or older had to settle on and farm his own allotment. Agent Woodson ordered his Indian policemen to enforce these rules strictly or be dismissed from the service. Indian policemen not only had to force Indians onto their lands, but they often had to clear the land of white men or their livestock, for white ranchers found unoccupied Indian lands inviting pasture for their stock. It was the duty of agency policemen to reestablish legal use of the land.<sup>28</sup>

Such duties were temporary because most Indians either settled on their lands or leased it to white men. By 1895 the importance of the police to the agent was waning. County sheriffs enforced criminal laws, United States deputy marshals enforced federal laws, and city police regulated life in the towns. Thereafter Indian police were seldom mentioned in the annual reports of the Cheyenne-Arapaho agents, indicating a change of status to a lesser role in reservation life. Fulfilling duties as janitors and messengers, the police force had been reduced to six men by 1904. In 1930 there were only

three Indian policemen for the Cheyenne-Arapaho tribes, one at the agency and two at the sub-agencies. From indispensable lawmen to handymen, the Cheyenne-Arapaho police had served an important role for the welfare of their people and for the success of the agents' objectives.<sup>29</sup>

While the Cheyenne and Arapaho police were adjusting to allotment and white neighbors, the Kiowa and Comanche police were helping their fellow tribesmen resist federal attempts to purchase surplus lands after allotment. The tribes retained their reservation until 1901, offering the Indian police more time to develop organization and operating procedures. For more efficient law enforcement with limited numbers of men, the reservation was divided into districts, each with a complement of officers. For example, two officers were stationed in the Rainy Mountain District where, living in huts built by agency staff, they patrolled their territory and maintained a closer vigilance over the people in their assigned region. Another area was known simply as District Two, with borders from Anadarko south to Fort Sill, west to Saddle Mountain, and back northeasterly to Anadarko, an area of approximately 200 square miles. This district was divided into two sections north and south, with one officer patrolling each. By the 1890s such organization had enabled the Indian agent to disperse his policemen throughout the reservation, making them more responsive to threats to law and order.<sup>30</sup>

Refined operations also improved the quality of agency

law enforcement. In 1899 the agent and his chief of police drafted written "Rules and Regulations Governing the Indian Police of the Kiowa Agency." Included were eleven codes of conduct, detailing procedures for submitting reports, keeping records, and making arrests. This also specified the duties and inter-relationships of officers, sergeants, and privates. These rules were only one result of advanced development of the agency police force. By 1900 every officer carried maps, kept journals on land conditions, and issued leases to white men for grazing rights. An example of this new sophistication involved Kiowa policeman Guy Queotone.<sup>31</sup>

Patrolling his section of District Two near the Wichita Mountains, Queotone discovered white men cutting hay on Indian land. The officer noted the location of the intruders on his map, then reported to the agent. At this time the federal government allowed the agency to lease land to white men for a set fee. Queotone was given a lease application and told to negotiate with the intruders. The three-year lease would allow the white men to cut hay or pasture cattle on 160 acres for 25¢. When Queotone reached the white intruders, he had to fill out the contract, sign the leasee's name, write his own name, and prepare a legal and descriptive statement about the land. In this instance the white men agreed to the lease.<sup>32</sup>

Like the Cheyenne-Arapaho police, Kiowa-Comanche officers confronted new duties in the 1890s. One of the most common

was assisting school superintendants. Herding cattle, issuing rations, and serving as ranch hands, policemen were important to the efficiency of the schools, for agency staff usually was inadequate for such strenuous tasks. Policemen also gathered children into school, for traditional parents and reluctant children opposed mandatory attendance. Another duty for officers at the agency was the administration of annuity and lease payments. Serving as guards and interpreters, policemen forced each Indian to sign the roll, making certain that no one received funds twice. Moreover, if Indians were unable to attend payments, officers often times personally delivered the money. A more temporary duty in the 1890s was removing gold prospectors from the Wichita Mountains. In 1899 a rumor spread that gold could easily be found on the Indian lands, attracting miners who established the town of Meers. A detachment of troops and a complement of Indian policemen raided the camp, burned the mining shacks, and removed the intruders. Until 1901 and the land opening, miners plagued the policemen.<sup>33</sup>

In 1901 the Kiowa-Comanche reservation was opened to white settlement, but the Indian police force was retained. Although most tribal lands had been purchased by the federal government, the tribe still owned school lands, agency lands, and farming lands. Indian policemen were needed to enforce the law on Indian plots because white lawmen had no jurisdiction over tribal property. Suppressing gambling, drinking, and



communal living for years, agency policemen served a vital function for twentieth-century agents. Moreover, the agency and sub-agencies required a staff for continued operations; Indian policemen, working for low wages, furnished inexpensive labor for maintenance and messenger service. These two roles, agency watchdog and handyman, served as the basis of twentieth century police organization.

To insure the authority of his officers, Agent James Randlett in 1903 petitioned the aid of United States Marshal W. D. Fossett, who appointed Randlett's chief of police a deputy marshal. The Indian worked closely with the United States deputy marshal in Anadarko and paid close attention to the illegal liquor traffic with Indians. In 1905 Fossett commissioned four other Indian policemen, solving jurisdictional conflicts between them and territorial lawmen. With authority to enforce criminal laws and still needed as handymen at the agencies and schools, the Indian police force was retained after statehood. As late as 1910, there were still thirteen policemen on duty, an indication of their importance to agents.<sup>34</sup>

From 1878 to 1906, agency police among the Great Plains tribes served an indispensable role in preserving order on the reservations. Without their assistance, agents' problems would have been compounded, especially those caused by the interaction between whites and Indians. Indian policemen preserved a few years of isolation for their fellow

tribesmen, preventing horse thefts, suppressing raids off the reservation, and limiting the liquor traffic. While protecting their fellow citizens from external threats and assisting the processes of acculturation, Indian policemen fulfilled a useful role in law enforcement in Oklahoma.

## FOOTNOTES

<sup>1</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1876 (Washington: Government Printing Office, 1876), p. 49.

<sup>2</sup>Donald J. Berthrong, The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875-1907 (Norman: University of Oklahoma Press, 1976), p. 20; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1874 (Washington: Government Printing Office, 1874), p. 236.

<sup>3</sup>Hubert E. Collins, "Ben Williams, Frontier Peace Officer," The Chronicles of Oklahoma, Vol. X. No. 4 (Winter, 1932-1933), pp. 520-539.

<sup>4</sup>Lieutenant S. L. Woodward to Major G. W. Schofield, June 3, 1872, Kiowa Files, Indian Archives Division, Oklahoma Historical Society; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1872 (Washington: Government Printing Office, 1872), pp. 251-253.

<sup>5</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1873 (Washington: Government Printing Office, 1873), p. 220; J. M. Haworth to Commissioner of Indian Affairs, January 26, 1878, "Letters Received by the Office of Indian Affairs, 1824-1881," United States National Archives.

<sup>6</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1874, p. 236.

<sup>7</sup>J. M. Haworth to the Commissioner of Indian Affairs, January 26, 1878, "Letters Received by the Office of Indian Affairs, 1824-1881," United States National Archives.

<sup>8</sup>United States Department of the Interior, Report of the Commissioner of Indian Arrairs for 1878, p. 55; Berthrong, The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1825-1907, p. 43; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1881 (Washington: Government Printing Office, 1881), pp. 76-77; United States Department of the

Interior, Report of the Commissioner of Indian Affairs for 1880, p. 69.

<sup>9</sup>Ibid.

<sup>10</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1878, p. 55.

<sup>11</sup>Commissioner of Indian Affairs to P. B. Hunt, May 6, 1878, and November 6, 1878, Kiowa Files, Indian Archives Division, Oklahoma Historical Society.

<sup>12</sup>James E. Farmer to P. B. Hunt, January 1, 1879, ibid.

<sup>13</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1879 (Washington: Government Printing Office, 1879), pp. 64, 68; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1880, p. 75; James E. Farmer to P. B. Hunt, November 22, 1879, Kiowa Files, Indian Archives Division, Oklahoma Historical Society.

<sup>14</sup>"Supply Voucher," September 30, 1880, ibid.; P. B. Hunt to Commanding Officer at Fort Sill, November 19, 1885, J. Lee Hall to Commissioner of Indian Affairs, November 13, 1886, Commissioner of Indian Affairs to Charles E. Adams, December 23, 1890, Western History Collections, University of Oklahoma, Norman.

<sup>15</sup>Descriptive Statement of Proposed Changes in the Indian Police Force at Kiowa-Comanche-and Wichita Agency," January 1, 1880, ibid.

<sup>16</sup>"Descriptive Statement of Proposed Changes in the Indian Police Force at Kiowa-Comanche-and Wichita Agency," March 31, 1880, June 30, 1880, July 29, 1880, and July 31, 1880, ibid.

<sup>17</sup>R. W. Johnson to Colonel E. E. White, June 2, 1888, ibid.

<sup>18</sup>Commissioner of Indian Affairs to C. E. Adams, December 5, 1890, "Letter from Hall to the Commissioner of Indian Affairs," June 19, 1886, ibid.

<sup>19</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1886, p. 313; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1883 (Washington: Government Printing Office, 1883), p. 73.

<sup>20</sup>P. B. Hunt to Commissioner of Indian Affairs, March 5, 1880, Kiowa Files, Indian Archives Division, Oklahoma Historical Society; Hall to Chief of Police, September 2, 1885, Western History Collections, University of Oklahoma; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1886, p. 131.

<sup>21</sup>Ibid., p. 123; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1887, p. 75; United States Department of the Interior, Report to the Commissioner of Indian Affairs for 1888 (Washington: Government Printing Office, 1888), p. 92.

<sup>22</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1884, p. 71.

<sup>23</sup>Ibid., pp. 71, 76.

<sup>24</sup>Berthrong, The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875-1907, p. 45.

<sup>25</sup>Ibid., pp. 145-146; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1886, p. 122.

<sup>26</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1892 (Washington: Government Printing Office, 1892), pp. 372-373.

<sup>27</sup>Ibid., pp. 373-374; United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1893 (Washington: Government Printing Office, 1893), p. 247.

<sup>28</sup>Berthrong, The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875-1907, pp. 192, 210.

<sup>29</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1896 (Washington: Government Printing Office, 1896), p. 248; L. S. Bonnin to Dr. E. E. Hart, August 16, 1932, Commissioner of Indian Affairs to Major G. W. H. Stouch, March 26, 1904, L. S. Bonnin to Commissioner of Indian Affairs, January 25, 1930, Cheyenne Files, Indian Archives Division, Oklahoma Historical Society, Oklahoma City.

<sup>30</sup>Interview, Myrtle Paudlety Ware, Doris Duke Oral Indian History Collection, Vol. XXXIV, T-76-10, Guy Queotone, Doris Duke Oral Indian History Collection, Vol. XXXVII, T-148-2, T-150-2, 3, Western History Collections, University of Oklahoma, Norman; U. S. Lamont to Major Frank Baldwin,

November 23, 1896, W. L. Williams to Frank Baldwin, December 20, 1897, Kiowa Files, Indian Archives Division, Oklahoma Historical Society, Oklahoma City.

<sup>31</sup>Interview, Guy Queotone, Doris Duke Oral Indian History Collection, Vol. XXXVII, T-148-3, 8, Western History Collections, University of Oklahoma; "Rules and Regulations Governing the Indian Police of the Kiowa Agency," Anadarko, Oklahoma Territory, March 1, 1899, Kiowa Files, Indian Archives Division, Oklahoma Historical Society.

<sup>32</sup>Ibid.

<sup>33</sup>E. F. Burton to Baldwin, September 25, 1895, ibid.; Interview, Guy Queotone, Doris Duke Oral Indian History Collections, Vol. XXXVII, T-148-8, Western History Collections, University of Oklahoma; El Reno News, September 27, 1900, p. 2.

<sup>34</sup>W. D. Fossett to James Randlett, May 12, 1903, and March 22, 1905, Kiowa Files, Indian Archives Division, Oklahoma Historical Society.

## CHAPTER VII

### DEPUTY UNITED STATES MARSHALS IN INDIAN TERRITORY, 1865-1906

After the Civil War, tribal sheriffs and lighthorsemen tried to reestablish and maintain law and order in Indian Territory. Indian officers proved inadequate, however, for their jurisdiction applied only to citizens of the tribes and not to the hordes of whites entering the territory. In the 1870s federal officials tried to counteract the lawless conditions created by white intruders by organizing agency police forces. They, too, were inadequate because their primary duties excluded violent crimes, concentrating instead on cattle removal, tax collections, and suppression of horse theft. As the number of whites in Indian Territory grew, the threat to social order posed by white felons intensified. The only law enforcement officers who could supplement native law enforcement were deputy United States marshals.

The office of deputy marshal predated the threats to law and order in Indian Territory. Established by Congress in 1789, the offices of marshal and deputy marshal represented the chief law enforcement officers in the federal hierarchy. These officers of the court were integral components of the

federal judicial system because marshals attended sessions of court, while deputy marshals served processes rendered by judges and arrested men and women suspected of crimes. To facilitate their responsibilities, Congress divided marshals' offices into three divisions. First was the marshal, who attended sessions of the court, handled all official paperwork, and was responsible for all actions of his deputies. Second were office deputies. They helped the marshal maintain records, tally fine collections, and pay expenses. Third were field deputies, who executed writs, summonses, and warrants issued by federal judges.<sup>1</sup>

In actual application marshals usually were appointed by the United States Attorney-General for political reasons or managerial skills, because marshal's duties were not so much actual law enforcement as personnel and records management. Office deputies also were not selected for their law enforcement skills. Their duties were confined by law to the office, where their clerical and accounting talents were needed. Both marshals and office deputies were necessary for a smoothly functioning federal court; federal law enforcement, however, was carried out by field deputies who actually served writs, summonses, and warrants. Field deputies usually were experienced lawmen tough enough physically to combat desperate criminals, yet intelligent enough to understand the technicalities of law and the limits of their authority. It was this officer, the deputy field marshal, who provided enforcement in Indian Territory from 1865 to 1906.



The law enforcement role of deputy field marshals in Indian Territory began in 1834 when Congress adopted the Intercourse Act. This federal law applied to all Indian lands, regulating the interactions of white men and Indians. Among the crimes included under the act were murder, assault, arson, horse theft, and sale of intoxicants. The Intercourse Act applied to those crimes in Indian lands only when white men were involved. Thus, when a white man in Indian Territory violated one of the Intercourse Act provisions, deputy marshals had the duty of bringing the criminal to justice. The Intercourse Act stipulated that the court in the Western District of Arkansas would have jurisdiction over such crimes; in Indian Territory, therefore, deputy marshals enforcing federal law there were commissioned by the judge and marshal presiding at this court, beginning the long association between Indian Territory and the Western District of Arkansas.<sup>2</sup>

The court at Van Buren, Arkansas, had been established only recently when the Civil War disrupted it, the state, and the nation. During the war the court functioned sporadically, as the state was lost to the Confederacy, then later recaptured. This confusion, combined with warfare both in Arkansas and Indian Territory, inhibited law enforcement by deputy marshals. After the war the Western District of Arkansas was reorganized, but deputy field marshals still fulfilled few duties in Indian Territory due to the continuing disruption of the reconstruction era. From 1865 to 1871,

court dockets were dominated by cases of treason and property confiscations, while criminal law enforcement received little attention. As late as 1870, deputy marshals arrested few criminals either in the western counties of Arkansas or in Indian Territory. That year the federal court at Van Buren, which still had jurisdiction in Indian Territory, prosecuted and convicted only fifty criminal cases, thirty-three fewer than the Eastern District Court of Arkansas and fewer than a majority of the courts in the United States.<sup>3</sup>

Threats to law and order in Indian Territory mounted rapidly as whites followed rail lines and economic opportunities. To deal more effectively with these threats, Congress on March 3, 1871, transferred the Western District court seat from Van Buren to Fort Smith, Arkansas, near Indian Territory. Not until 1875, however, did court officials establish efficient law enforcement in all sections of the court's extensive jurisdiction. A succession of three judges from 1871 to 1875 proved to be incompetent administrators, and the corps of deputy marshals reflected that failure. Although demands for law enforcement in Indian Territory were mounting, few deputy marshals penetrated the hills and prairies of the Five Civilized Tribes.<sup>4</sup>

There were exceptions to this generalization. One of the most effective deputy marshals before 1875 was Ben Williams, assigned to western Indian Territory at the Cheyenne-Arapaho agency. Born in 1835 to a Quaker family in Ohio,

Williams belied the peaceful traditions of his religion. In his teens his family moved to one of the fringe settlements on the western border of Iowa, where he acquired the traits and skills of a rugged outdoorsman, becoming proficient with all weapons. As a soldier in the United States Army during the Civil War, these skills gained him promotions until he was captured by the Confederates and held in Andersonville Prison. In 1865 he escaped; his health broken, he returned to Iowa and the family farm.<sup>5</sup>

In 1872 the agent of the Cheyenne and Arapaho Indians, Quaker John Miles, needed a man at the agency who could enforce the Intercourse Act of 1834 on the reservation. The agency blacksmith, John Williams, recommended his brother Ben as a rugged man who could meet the necessary qualifications. Miles approached Ben with the assignment, and his offer was accepted. To guarantee William's authority to punish white thieves and criminals on Indian lands, Agent Miles solicited a deputy marshal's commission from the marshal at Fort Smith. With a commission as deputy marshal, Williams assumed his law enforcement role in Indian Territory in 1873. Armed with a Colt .45 caliber revolver and a Henry rifle, Williams lived with the Indians he protected, learning their customs and keeping close vigilance for white thieves. Because most of his duties entailed arresting white outlaws, he transported prisoners to Fort Smith for trial. It was a long journey, requiring a stage ride from the Darlington Agency to

Wichita, Kansas, where he boarded a train for the trip to Fort Smith. Facing such dangers for \$100 a month plus fees, Deputy Marshal Williams extended the authority of federal law deep into Indian Territory.<sup>6</sup>

Williams and a few other deputies like him still did not have efficient administrative support or adequate manpower. This situation would not change until Isaac Parker assumed charge of the federal court at Fort Smith. Born in a log cabin in 1838, Parker educated himself by home study, tempering his secular training with his parents' Methodist teachings. Moving to Ohio, Parker was admitted to the bar in 1859. At twenty-one years of age, he was overwhelmed by an urge to move west. Settling in St. Joseph, Missouri, he quickly established his law practice, his reputation as an upright citizen, and after the Civil War began, his record as a faithful Republican. He served in several judicial positions before being elected twice to the United States Congress. In Congress he won a reputation as a friend of the Indians; in 1874, however, Missouri returned to the Democratic fold, leaving the Republican Parker in a hostile political arena.<sup>7</sup>

Republican President U. S. Grant dutifully provided for his fellow politician by appointing him federal judge of the Western District of Arkansas. When Judge Parker arrived in Fort Smith on May 10, 1875, he found eighteen cases of murder pending on the court's docket. When he finished the cases in the following weeks, fifteen were convicted, eight

of whom he sentenced to the gallows. Their deaths earned Parker the designation of the "Hanging Judge," but, more importantly, it indicated a renewal of law enforcement in Indian Territory. To execute his ideas for quick and certain justice, Parker authorized the appointment of 200 deputy marshals. At last the deputy marshals' force had a leader offering firm guidance and support.<sup>8</sup>

Judge Parker's ideas for strict law enforcement extended even to the selection of deputy marshals. Each applicant submitted recommendations and a list of his qualifications to the marshal at Fort Smith. The marshal and judge then scrutinized the applications before calling potential deputies for interviews. With his personal supervision, Judge Parker assembled a small army of good officers, capable of arresting criminals and honorable enough to demand respect from good citizens. When men received the approval of the judge and the marshal, they were commissioned into the nation's most extensive federal jurisdiction with only a booklet of rules and regulations and a promise for advice and guidance.<sup>9</sup>

Unlike tribal officers and Indian policemen, deputy marshals operated under explicit stipulations. Statutes defined their duties, established responsibilities, and detailed fee collection procedures. A typical example of the regulations under which deputies worked was a letter published by Marshal John Carrol in 1886. Among the ten regulations and rules he mentioned were limits on jurisdictions, instructions to procure warrants before arrests were made, guidance on

how to determine probable cause for arrest without a warrant, limits on the uses of posses, and detailed orders for the collection of fees. Of all law enforcement officers in Indian Territory, deputy marshals operated with the least latitude.<sup>10</sup>

Such predetermined specifications did not extend to wages, for deputy marshals received no set salary; they could elect to earn fees and mileage expenses or opt for actual expenses accrued from their assignments. When deputies chose the fee system, they received from fifty cents to two dollars for serving warrants, summonses, or writs, in addition to actual mileage expenses not exceeding two dollars per day. If they wanted actual expenses, deputies kept records for lodging, food, and transportation, for which they were reimbursed. Either way, deputies could not legally earn in excess of \$1,500 a year. Rarely did deputies earn near that amount, for much of their time was spent traveling to and from Indian Territory instead of serving processes of the court. Moreover, sections of the fee system were contingent on successful execution of orders, for if witnesses were not found deputies received no fees. For criminal pursuit, deputies received expenses even if no arrest was made, but they had to keep detailed accounts of efforts to arrest and be ready to defend and prove the accuracy of their claims.<sup>11</sup>

Other financial incentives strengthened the determination of deputies. Although deputies could not collect federal rewards for capture of criminals, they could accept rewards offered by corporations or businesses. A good example of a

lawman prospering by a combination of federal law and free enterprise was William "Bill" Tilghman. In one case the famous deputy marshal was notified that the Wells-Fargo Express Company offered a \$1,500 reward for the capture and conviction of five outlaws who had robbed money shipments. Eager for the reward money, Tilghman contracted with James DeFord to gather incriminating evidence against the outlaws, thus assuring conviction. Tilghman then used his authority as deputy marshal to pursue and arrest the five bandits. When the job was completed, DeFord received \$400 and Tilghman retained \$1,100.<sup>12</sup>

When deputy marshals entered Indian Territory to earn their pay, numerous obstacles awaited them. One of the most serious was the general antagonism of residents of the Indian nations and their support for outlaws. Especially among the Indian population, deputies were unpopular, for they represented the authority of the United States government. Also, many Indians considered deputy marshals usurpers who enforced laws which should have been reserved to tribal officers. To compound the antagonism, deputies were forced to remove suspects and witnesses from their homes, taking them to Fort Smith to be tried or interrogated by white men.

This opposition impeded the effectiveness of deputy marshals, for many Indians aided outlaws, or at least refused to aid pursuing deputies. A unique example of this aid to outlaws was a warning system devised by allies of men wanted

by the federal court. When deputies left Fort Smith to serve warrants in Indian Territory, friends of the outlaws at the border fired warning shots into the air. The signal was repeated until another cohort farther to the west heard the shots and relayed the firing. In this fashion outlaws knew when deputies were on the way to Tahlequah, Muskogee, or any other settlements where local badmen lived unmolested.<sup>13</sup>

Even white settlers in Indian Territory oftentimes hesitated to aid deputies, for permanent residents had to choose between giving information to lawmen or losing their stock to revengeful outlaws. If a settler sided with the law, the protection promised by the deputy was only momentary while he was in the vicinity; conversely, if settlers evaded deputies' questions, their livestock and property, and even their lives, were left unmolested. Thus the safety and security of white settlers in Indian Territory depended not on supporting officers of the law, but on opposing them. This opposition was merely one more obstacle deputy marshals had to overcome.

Another, more threatening problem was the overwhelming ratio of outlaws to deputies in Indian Territory. Outnumbered in most instances, deputy marshals pursued dangerous felons who had nothing to lose by resisting officers. Also, outlaws had the advantage of being on the defensive, fleeing to friendly regions, determining the speed of escape, and choosing sites for ambush. When deputies could congregate



a sizable force, outlaws had the advantage of being among friends and allies. A good example of this problem occurred in 1885 when outlaw William "Bill" Pigeon announced he was riding into Tahlequah to vote in tribal elections. Thirteen deputy marshals gathered in the community in order to capture the wanted man. When Pigeon entered town he was surrounded by seventy-five well armed Indian allies. The discretion of the deputy marshals was keen that day, for they allowed Pigeon to vote unhindered. More often, however, deputy marshals fulfilled their duties in the face of superior force, attested to by the high death rate among them. From 1875 to 1896, sixty-five deputies were killed in the line of duty. In two years alone, from 1885 to 1887, fifteen peace officers lost their lives in Indian Territory. The high rate of mortality was a threat deputies had to accept every time they entered the Indian nations.<sup>14</sup>

Threats of gunfights and ambushes plagued deputies during their prolonged trips into Indian Territory. Such journeys began when Judge Parker issued warrants or summonses which the marshal assigned to individual deputies. With several warrants in hand -- for such long trips were not justified by one warrant unless of an extraordinary nature -- deputy marshals prepared for journeys of anywhere from ten days to two months, the length determined by the time necessary to execute their orders. Before railroads extended into Indian Territory from Fort Smith, most deputies hired wagons and teams for their trips, for wagons were more

practical than saddle horses. Deputies usually spent several nights on the trail, so they wanted wagons to transport enough camping supplies for moderate comfort. Also, wagons were needed to transport prisoners who were shackled to the wheels at night. With their wagons loaded, deputy marshals were ferried across the Arkansas River at Fort Smith and began serving their orders.<sup>15</sup>

An indispensable aid for most deputies was a posse. Deputy marshals were authorized to employ posses when they were needed, which was most of the time. The duty of the posse according to a marshal, was "to assist the deputy in the performance of duties where the nature of the service makes it unsafe for the deputy to act alone."<sup>16</sup> For their services, each posse member in the 1880s was paid three dollars per day. These assistants usually were tough individuals needed to arrest violent criminals, but some were teamsters or guards hired to drive wagons and guard prisoners. These men were not just concerned citizens who hastily joined a posse to chase outlaws; they were professionals paid regular wages to share the duties and dangers of deputy marshals.<sup>17</sup>

The posse which made the final attack on Ned Christie's stronghold in the Cherokee Nation serves as a good example of this professionalism. Christie was a Cherokee outlaw who for years had frustrated deputy marshals' attempts to capture him. Part of his success against lawmen was attributed to a massive log fort he built on top of a hill. From this vantage point the former gunsmith warded off lawmen with his

deadly gunfire. Several posses led by such capable men as Henry Andrew "Heck" Thomas, had failed to bring him to justice.

In 1892 deputy Marshal Padden Tolbert organized a large posse of seventeen men to make one last assault on Christie's stronghold. Among his possemen were half a dozen or more deputy marshals, able men such as Frank Polk, a black veteran of trips into Indian Territory for outlaws; Frank Sarber, the eighteen-year-old son of former marshal John Sarber; and John Powers, a lawman from Arkansas. Also joining the band were Sam Maples, the son of a merchant killed by Christie; Enos Mills, a blacksmith and former deputy marshal; Jim Birkitt, a six-foot three-inch former sheriff; and Ben Knight, a Cherokee sheriff who was a noted tracker and lawman. Every one of these men was either a professional lawman or someone with a grudge to satisfy. Such a force was necessary for the attack on Christie's fort.

With his seventeen possemen, Tolbert booked passage by train from Fort Smith to West Fork, where he hired wagons for the final trek to Christie's house in the Going Snake District of the Cherokee Nation. With them the small army carried a cannon, forty projectiles, thirty pounds of powder, and six sticks of dynamite. After a night march and a careful approach to the fort's perimeter, the posse attacked. After a blazing gun battle and ineffective use of the cannon, the lawmen placed the dynamite against the wall of the log fort. Blowing a hole in the wall and setting the fort afire, the

possemen killed Christie as he tried to escape. Missions of death against desperate criminals such as Christie never could have succeeded without professional possemen.<sup>18</sup>

Such violent tasks were exceptions to the ordinary duties of deputy marshals. A more typical trip into Indian Territory was one undertaken by Deputy Marshal S. P. McLoughlin in the winter of 1887. Armed with warrants and subpoenas, McLoughlin's first destination was Tahlequah where he delivered several subpoenas to witnesses needed for the trial of Elias C. Boudinot. From the Cherokee capital, he rode through the Creek and Chickasaw nations to the Canadian River where he met his two possemen, Ed Stoker and Bill Moody. Together, they pursued outlaws on whom warrants had been issued, killing horse thief Charlie Barnhill and capturing seven others. With his prisoners in tow, McLoughlin returned to Fort Smith. He had been on the trail twenty-one days, arrested seven men, killed another, and delivered several subpoenas -- for which he collected his fees of \$30.<sup>19</sup>

Deputy marshals commissioned by the court at Fort Smith made more trips into Indian Territory every year after Isaac Parker's appearance on the bench. By 1875 the Western District of Arkansas was becoming one of the more active courts in the nation, an indication of persistent deputy marshals. In 1870 the Eastern District Court of Arkansas had prosecuted 83 criminal cases to only 50 for the Western District, among the lowest of all courts in the nation. By 1875 the Western District handled 119 cases to only 24 for

the Eastern District, and the marshal's office at Fort Smith was the forth most expensive force in the country, attributable to the high number of deputy marshals needed in Indian Territory. By 1880 the number of cases prosecuted at Fort Smith had risen to 235, second in the nation to the District of Columbia, where federal law had sole jurisdiction. By 1885 the number of cases prosecuted had mounted to 552 and the expenses of the marshal's office were \$69,000, while the next highest in the nation was only \$24,000. From 1870 to 1885, deputy marshals of the Western District Court of Arkansas arrested more men, expended more funds, and executed more writs than any other marshal's corps in the United States with the exception of the District of Columbia.<sup>20</sup>

To relieve the court and marshal's office at Fort Smith, Congress gradually divided jurisdiction in Indian Territory between several courts. In 1883 Congress segmented the jurisdiction between federal courts at Fort Smith, Paris, Texas, and Wichita, Kansas. Although each court maintained a corps of deputies, the force at Fort Smith still served the most important role in Indian Territory, for the Western District retained jurisdiction over the Five Civilized Tribes except for the land of the Chickasaws. In 1889 Congress stripped even more of the jurisdiction of the marshal's office at Fort Smith when it created a federal court at Muskogee in the Indian nations. Having original jurisdiction of all offenses against federal law not punishable by death or imprisonment at hard labor, deputy marshals at Muskogee assumed

much of the law enforcement burden in Indian Territory. In 1895 the transition was completed when Congress divided Indian Territory into three judicial districts, Northern, Central, and Southern, each with original jurisdiction over all offenses against federal law. The court at Fort Smith thus was relieved of its law enforcement duties in Indian Territory.<sup>21</sup>

The reason for the transition was the increasing number of whites in Indian Territory who came within the jurisdiction of federal courts. Moreover, in 1885 Congress extended this jurisdiction to certain crimes, such as murder and assault, when committed by Indians against Indians. More duties and denser settlement necessitated a redistribution of deputy marshals and authority. After 1895 the organization of three districts instead of one responded better to local needs, for court seats thereafter were located in the districts they served, conducting trials with local citizens. In the Northern District, which included all of the Cherokee, Creek, and Seminole lands, Marshal Samuel Rutherford commissioned twenty-four deputy marshals, stationing them in towns from Wagoner and Vinita in the North to Eufala and Muskogee in the South. In the Central District, which included all Choctaw territory, nine deputy marshals maintained law and order through the enforcement of federal law. The Southern District, which included the Chickasaw Nation, was served by eleven deputies. All the deputy marshals were assigned to towns and distributed evenly throughout Indian Territory.<sup>22</sup>

The new courts and deputy marshals assumed the responsibilities once assigned to Parker's men; they fulfilled their duties just as well as had deputy marshals riding out of Fort Smith. From 1897 to 1907, deputy marshals of the Northern District arrested and incarcerated 10,455 suspects, of whom 3,420 were charged with larceny, 2,338 with introduction of liquor, 724 with assault to kill, and 621 with murder.<sup>23</sup> All of these arrests were not made through the court house at Muskogee, however. In 1898 Marshal Leo E. Bennett organized a traveling court. This mobile court room, complete with four deputy marshals, moved from site to site within the jurisdiction of the Northern District when the distance from court impeded effective justice. The deputies raided construction camps on the rail line, served warrants on elusive criminals, and destroyed outlaw gangs in the brush. This "brush court" was a further indication of diffused federal law enforcement in Indian Territory.<sup>24</sup>

Such enforcement of the law served its purpose between 1865 and 1906, but with Oklahoma statehood in 1907 came county law enforcement and state criminal law. After 1907 the marshal's office in Oklahoma became only a shell of what it had been during territorial days. Where once deputies had struggled against hundreds of desperate outlaws and had ridden thousands of miles each year enforcing the law, deputies after 1907 were reduced almost exclusively to civil processes and enforcement of federal criminal laws remaining in effect.

One exception was prohibition, a task which rekindled memories of past duties. But deputies never returned to the active days when 200 tough men represented federal authority against some of the deadliest criminals in the world. Deputy United States marshals ably served the cause of law and order in Indian Territory from 1865 to 1906.



## FOOTNOTES

<sup>1</sup>United States, Revised Statutes of the United States, 1873-1874 (Washington: Government Printing Office, 1875), pp. 145, 147; United States Senate, 59th Congress, 2nd Session, "Instructions to United States Marshals, Attorneys, Clerks, and Commissioners," Senate Document 395 (Washington: Government Printing Office, 1907), pp. 116, 120, 122.

<sup>2</sup>United States, United States Statutes At Large, 1789-1845 (32 vols., Boston: Charles C. Littler and James Brown, 1856), Vol. IV, pp. 729-735.

<sup>3</sup>Glenn Shirley, Law West of Fort Smith: A History of Frontier Justice in the Indian Territory, 1834-1896 (Lincoln: University of Nebraska Press, 1968), p. 15; United States House of Representatives, 41st Congress, 3rd Session, "Annual Report of the Attorney General for 1871," Executive Document 90 (Washington: Government Printing Office, 1871), p. 16.

<sup>4</sup>Shirley, Law West of Fort Smith: A History of Frontier Justice in the Indian Territory, 1834-1896, pp. 16-17; C. H. McKennon, Iron Men: A Saga of the Deputy United States Marshals Who Rode the Indian Territory (Garden City, New York: Doubleday and Company, 1967), pp. 55-56.

<sup>5</sup>Collins, "Ben Williams, Frontier Peace Officer," The Chronicles of Oklahoma, Vol. X, pp. 519-521.

<sup>6</sup>Ibid., pp. 522-531.

<sup>7</sup>Shirley, Law West of Fort Smith: A History of Frontier Justice in the Indian Territory, 1834-1896, pp. 25-29.

<sup>8</sup>Ibid., p. 35.

<sup>9</sup>McKennon, Iron Men: A Saga of the Deputy United States Marshals Who Rode the Indian Territory, pp. 116-118.

<sup>10</sup>Vinita Daily Chieftain, December 30, 1896, p. 3.

<sup>11</sup>United States Senate, 59th Congress, 2nd Session, "Instructions to United States Marshals, Attorneys, Clerks, and Commissioners," Senate Document 395, pp. 125, 163.

<sup>12</sup>"Agreement between William Tilghman and James DeFord," no date, William Tilghman Collection, Western History Collections, University of Oklahoma, Norman.

<sup>13</sup>Interview, Alex R. Matheson, February 23, 1937, Foreman, ed., Indian-Pioneer Papers, Vol. VI, p. 433.

<sup>14</sup>Ibid., p. 431; Purcell Register, December 10, 1887, p. 10.

<sup>15</sup>Homer Croy, Trigger Marshal: The Story of Chris Madsen (New York: Duell, Sloan, Pearce, 1958), pp. 105-106; McKennon, Iron Men: A Saga of the Deputy United States Marshals Who Rode the Indian Territory, p. 67.

<sup>16</sup>Vinita Chieftain, December 30, 1886, p. 3.

<sup>17</sup>Ibid.

<sup>18</sup>McKennon, Iron Men: A Saga of the Deputy United States Marshals Who Rode the Indian Territory, pp. 128-145.

<sup>19</sup>Charles B. Rhodes, "Autobiography," pp. 55-56.

<sup>20</sup>United States House of Representatives, 41st Congress, 3rd Session, "Annual Report of the Attorney General for 1871," Executive Document 90, p. 16; United States House of Representatives, 44th Congress, 1st Session, "Annual Report of the Attorney General for 1875," Executive Document 14 (Washington: Government Printing Office, 1875), pp. 22, 30.

<sup>21</sup>United States House of Representatives, 46th Congress, 3rd Session, "Annual Report of the Attorney General for 1880," Executive Document 9 (Washington: Government Printing Office, 1881), pp. 28-29; United States House of Representatives, 49th Congress, 1st Session, "Annual Report of the Attorney General for 1885," Executive Document 7 (Washington: Government Printing Office, 1885), pp. 52-53, 76-77.

<sup>22</sup>United States, Supplement to the Revised Statutes of the United States, 1874-1891 (41 vols., Washington: Government Printing Office, 1891), Vol. I, pp. 674, 732; Grant Foreman, "Oklahoma's First Court, 1889," The Chronicles of Oklahoma, Vol. XIII, No. 4 (December, 1935), pp. 457-458; United States, United States Statutes at Large, 1895-1897 (8 vols., Washington: Government Printing Office, 1897), Vol. XXIX, p. 392.

<sup>23</sup>Ibid., pp. 392-393; United States Department of Justice, Register of the Department of Justice for 1897 (Washington: Government Printing Office, 1897), pp. 38-40.

<sup>24</sup>Grant Foreman, Muskogee: The Biography of an Oklahoma Town, p. 139; Interview, Harry H. Adams, January 13-14, 1938, Foreman, ed., Indian-Pioneer Papers, Vol. XCIX, pp. 33-43.

## CHAPTER VIII

### DEPUTY UNITED STATES MARSHALS IN OKLAHOMA TERRITORY, 1889-1906

While developments in Indian Territory gradually required increased law enforcement, the opening of Oklahoma Territory created an abrupt and overwhelming task for lawmen. Never before in the American "westering" experience had land runs and lotteries opened entire new regions in a matter of hours. This means of settlement, combined with a volatile and mobile population, posed new threats to law enforcement officials. In Oklahoma Territory the first such lawmen were deputy United States marshals.

Demand for opening Indian Territory to white settlement began soon after the Civil War, but not until the era of agricultural depression of the early 1880s did the demands gain widespread support. Armies of land-hungry settlers, led by capable leaders such as David Payne, William Couch, and James B. Weaver, successfully directed national attention to an unoccupied area approximately thirty miles by fifty miles in size in the central section of Indian Territory. In 1889 Congress succumbed to pressures from a depressed farming population and a powerful railroad lobby, enacting legislation to open the area, known as the Unassigned Lands, to white

settlement.

The planned opening posed problems for deputy marshals. In 1889 there was no legal government in the Unassigned Lands, and federal legislation opening the area did not provide for a territorial government. As a possession of the United States government without local law enforcement, the area therefore came under the jurisdiction of federal courts and deputy marshals. Jurisdiction in the Unassigned Lands was shared by two courts, one seated at Wichita, Kansas, and the other at Muskogee, Creek Nation. The federal court at Wichita had assumed its jurisdiction in 1883 when Congress limited the extensive jurisdiction of the court at Fort Smith. In 1889 the marshal at Wichita was William Clark Jones, a former professional soldier and prison warden. The federal court at Muskogee was founded in March of 1889 with Thomas B. Needles as marshal. Needles was a Republican from Illinois, having served as state auditor. Although Needles and Jones had concurrent authority in the Unassigned Lands, President Benjamin Harrison's Attorney-General, W. H. Miller, assigned the dominant law enforcement role to fellow Republican Needles.<sup>1</sup>

With the authority to appoint as many deputies as he considered necessary, Marshal Needles issued hundreds of special commissions to railroad employees, land office officials, and other men who would be in advantageous positions during the run. He assigned only fourteen regular field deputies to the new lands, four in Guthrie and the rest at

other prospective town sites. Marshal Jones commissioned only eight special deputies, but he entered the Unassigned Lands with nineteen of his regular deputies. These men had the duties of expelling sooners, keeping order among the land-seekers, and investigating all criminal deeds. Their duties began at noon on April 22, 1889, when settlers waiting along the borders of the former Indian lands rushed headlong for choice sites. That day approximately 50,000 homesteaders and lot claimers struggled for possession of 1,887,796 acres.<sup>2</sup>

Surprisingly, the early days were marred by few crimes, for conditions did not immediately attract outlaws, and the men scrambling for land usually were hard-working farmers accustomed to settling disputes through the law, not with guns. Two days after the run, Marshal Needles attested to the relative peace in a telegram: "Everything remarkable orderly and peaceful. Ten thousand people here [in] Guthrie. Not a single arrest yet. Hope to preserve order without any trouble."<sup>3</sup> There were exceptions to this glowing report, for many crimes ensued over multiple claims to the same quarter sections of land. In one case a group of Texans, who had accompanied David Payne onto Indian lands illegally, claimed ownership of a strip of land by virtue of their prior trip to the location. When farmers on the land refused to acknowledge their claims, the Texans murdered three of them. Such deaths occurred, but considering the numbers of men and the value of land involved, the months following the run were relatively peaceful, in part attributable to work performed

by deputy marshals.<sup>4</sup>

In 1890 the task of law enforcement eased for deputy marshals when President Harrison signed the Organic Act, authorizing the organization of a territorial government. As established by the act, Oklahoma Territory included six counties from the Unassigned Lands and "No Man's Land," renamed Beaver County. With territorial government came a United States federal court and officers, including a marshal and deputy marshals. In August of 1890, Kingfisher businessman William C. Grimes became the first marshal in Oklahoma Territory. Born in Ohio, Grimes was an experienced lawman, having migrated to the Nebraska frontier in 1878, where he later became a sheriff. Campaigning on the Republican ticket, Grimes was reelected every term until 1889 when he was lured to Oklahoma Territory. Once in the new land, he homesteaded 160 acres on the outskirts of Kingfisher, where he soon used his valuable land and his natural abilities to become a community leader. In 1890 President Harrison, a Republican, rewarded Grimes with appointment to the marshal's office in Guthrie.<sup>5</sup>

Grimes organized his office and gathered about him an imposing band of twenty deputy marshals, among whom were Chris Madsen, William "Bill" Tilghman, Charles Colcord, George Thornton, Bud Ledbetter, Jack Stillwell, Henry "Heck" Thomas, and the first black deputy marshal in Oklahoma Territory, G. I. Currin. Madsen, one of the first men Grimes approached, was typical of the men chosen as the first deputy

marshals of Oklahoma Territory. A native of Denmark, Madsen was a professional soldier before joining the ranks of law enforcement. He served in the Danish Army, fought in the Franco-Prussian War, and later joined the French Foreign Legion. He emigrated to the United States in 1870, where once again he accepted a soldier's uniform. While in the United States Army from 1875 to 1890, Madsen served as quarter-master sergeant of the Fifth Cavalry Regiment, commanded Indian Scouts in Wyoming and Indian Territory, and fought in several Indian campaigns. In 1890 he was serving as quartermaster sergeant at Fort Reno, raising a family of four on his monthly salary of \$29. His experience as a successful fighter, his organizational skills as a quarter-master sergeant, and his reputation as a good citizen brought him to the attention of newly-appointed Marshal Grimes.<sup>6</sup>

On January 21, 1891, Grimes commissioned Madsen a deputy United States marshal, assigning him to El Reno. Madsen's first assignment was to end the organized sale of liquor to Indians. It was a common crime near Fort Reno because only a few miles to the west was the border of the Cheyenne-Arapaho reservation. Soldiers and other white men from El Reno, Frisco, and Reno City made handsome profits selling liquor to the Indians, which was a federal offense. Through connections he had established at Fort Reno, Madsen discovered the place of the next liquor transaction, a small bridge near town. Concealing himself near the bridge where he could see all approaches, Madsen waited for the criminals. When



a band of five men approached, he identified himself and ordered them to surrender. After a scuffle, the new deputy single-handedly disarmed and arrested the bootleggers. Such exemplary performance of his duties earned Madsen the reputation as a capable lawman.<sup>7</sup>

Deputy Madsen had other, more unique, duties. One was establishing the authority of federal law in No Man's Land, which later would be divided into three counties of the Oklahoma Panhandle. Not included in Indian Territory and not a part of Texas or New Mexico, this isolated area twice the size of the Unassigned Lands had no organized court system or law enforcement agency before 1890, despite the several thousand ranchers and farmers who had settled the frontier region. This law enforcement vacuum existed until 1890, when the Organic Act extended federal authority over No Man's Land. The duty of implementing federal law enforcement in newly-named Beaver County fell to Madsen.<sup>8</sup>

In 1891 federal Judge John H. Burford notified Marshal Grimes that he had to establish his jurisdiction in No Man's Land in order to try criminals there. With three wagons loaded with the judge's bench, witness box, and several prisoners slated for trial, Deputy Marshal Madsen accompanied Judge Burford to Beaver City, the county seat of Beaver County. When they arrived in this area long ruled by isolated ranchers, rugged cowboys, and self-reliant farmers, Burford and Madsen took quarters above the town's saloon. Perhaps in defiance of the federal officials' authority, cowboys

fired several shots through the saloon's ceiling into the judge's room. Obligated to establish the authority and prestige of the court, Deputy Marshal Madsen rushed downstairs where he confronted three rebellious cowboys. Within moments he disarmed one of the ruffians, clubbed another with his pistol, and shot the third. This quick action established the authority of federal law and assured its enforcement by deputy marshals.<sup>9</sup>

Grimes' deputy marshals encountered other problems in Oklahoma Territory, such as the Dalton brothers and their gang. In May of 1890, the Daltons committed their first crime in Oklahoma Territory, stealing a small herd of horses and then killing a pursuing farmer. To pursue the bandits, Marshal Grimes chose Deputy Marshal Ransom Payne, a man from Iowa who previously served as a deputy marshal in Kansas. Payne was supported by a posse from Indian Territory led by Heck Thomas, who held commissions from courts in both territories. Although the pursuit failed, the inter-jurisdictional cooperation indicated more efficient organization and more adequate reserves of manpower.<sup>10</sup>

From 1890 to 1896, the Dalton and Doolin outlaw gangs operated in and out of Oklahoma and Indian territories, fighting, dodging, and dying at the hands of deputy marshals. Magnifying the scope of their responsibilities were subsequent land openings in Oklahoma Territory. In 1893 the marshal's office at Guthrie was reorganized to confront the mounting threats to law and order. President Grover Cleveland

replaced Marshal Grimes with Evatt Dumas Nix, a businessman from Guthrie. Born in Kentucky in 1861, Nix was from a family steeped in law enforcement; his grandfather, uncle, and father had been sheriffs or deputies in Kentucky. In 1889 the twenty-eight-year-old Nix migrated to Oklahoma Territory, where he entered the wholesale grocery business in Guthrie. While proving his abilities and trustworthiness by administering the affairs of the defunct Commercial Bank of Guthrie, Nix became a community leader and the local choice for marshal.<sup>11</sup>

To fulfill the difficult tasks of law enforcement in Oklahoma Territory, Nix requested commissions for 150 deputy marshals, who were authorized by the United States Attorney-General. After compiling a list of potential deputies, he chose men whom he considered able, sober citizens, as well as tough frontiersmen. Gathering the men for a three-day conference, Nix gave them instructions as to his policies, the foremost being that they guarantee their personal safety first, then ensure their arrests. His advice apparently was heeded, for during the next four years his deputy marshals arrested approximately 60,000 persons, with the loss of only five deputies. Nix's twenty-four regular field deputies, with the assistance of many specially commissioned local sheriffs and policemen, were to face the wildest years in Oklahoma Territory.<sup>12</sup>

In September of 1893, before the deputies had a chance to implement Nix's orders, they were assigned to aid in the

opening of the Cherokee Outlet. Long dominated by cattlemen, the 6,344,562 acres of fertile land attracted more than 100,000 land seekers, all clamoring for approximately 35,000 claims. The extensive borders, the anticipated throngs of participants, and the inadequate number of land offices posed serious problems which deputies had to confront. Nix commissioned 1,000 special deputies for the run; their duties were guarding the borders, preventing sooners from entering ahead of schedule, and establishing order as soon as people settled on the land, particularly in town sites. Nix divided the Cherokee Outlet into several assignments, with Tilghman and Colcord supervising deputies in the central sections, Madsen maintaining order in the western reaches near Woodward, Enid, and Alva, and Nix personally supervising the land run in the eastern third from Hennessey to Orlando.<sup>13</sup>

Though deputies were charged with law enforcement duties, several of them participated in the run and claimed land. Land seekers, such as Deputy Marshal Colcord, waited on the borders with all other hopefuls, careful not to use their authority to gain an unfair advantage in the race for the best claims. When the gun sounded, Colcord rode his fiery thoroughbred race horse to a prized lot in the business district of Perry, destined to be the hub of the new region's economy. After claiming the lot, he assigned one of his possemen to protect the land from claim jumpers while he performed his duty as deputy marshal in charge of the town.

His primary law enforcement duty was establishing order at the land office, where eager claimants tried to be first to file on their quarter sections or lots. Colcord formed the mass of humanity into lines, then passed out tickets determining the order of filing. He also patrolled the tent town, maintaining order amidst claim jumping and flaring tempers.<sup>14</sup>

Deputy marshals served the purposes of law enforcement during land runs; land runs, however, proved to be the least threat to law and order from 1893 to 1900 in Oklahoma Territory as criminals descended on the developing land in increasing numbers. The most famous outlaw bands, such as the Dalton and Doolin gangs, terrorized Oklahomans from 1890 to 1896, while other bands such as the Christians, Martins, and Dunns also flaunted the forces of law and order. In 1893, when outlaws were just beginning their widespread depredations in Oklahoma Territory, the federal court in Guthrie prosecuted only 851 criminal cases, compared to 2,148 in Indian Territory. By 1895, the number of federal criminal cases in Oklahoma Territory had risen to 2,919, the highest number of criminal prosecutions in the nation for one district.<sup>15</sup>

Deputy marshals in Oklahoma Territory confronted the crime wave under a handicap, for there were few federal criminal statutes to enforce. In Indian Territory deputies enjoyed wide jurisdiction when enforcing the Intercourse Act, which regulated relations between Indians and whites.

In Oklahoma Territory most Indians resided on allotments, limiting the extent of such duties. The jurisdiction of deputy marshals in Oklahoma Territory, therefore, was limited primarily to a few laws such as timber theft from government land, sale of liquor to Indians, and interference with the postal service. Two alternatives for more effective jurisdiction were available to deputies: closer cooperation with county sheriffs, who had extensive criminal jurisdiction, and reward offerings, which provided incentive for deputy marshals to pursue criminals without federal fees.

Cooperation with territorial county sheriffs increased as local government developed after the land runs. For example, in November of 1893 cattle thieves stole a settler's cattle herd, then killed the farmer. The criminal act came within the jurisdiction of the county sheriff, who unsuccessfully pursued the thieves. When further attempts at capture failed, Marshal Nix assigned Deputy Marshal Pat Murphy to the case. Murphy assisted the sheriff's men, working under the authority of the sheriff's office, not under federal authority. In another case a band of outlaws robbed a store in Arapaho; the posse which pursued the culprits included both county sheriff's men and Deputy Marshal William Banks. Countless examples of such cooperation improved the effectiveness of deputy marshals and provided needed assistance to overwhelmed county lawmen.<sup>16</sup>

Jurisdictional authority, however, did not deter deputies from pursuing criminals as private citizens after rewards. The best example of reward money as incentive for law enforce-

ment was the long pursuit of the Doolin and Dalton gangs in 1893. Bill Doolin, Bill Dalton, and their gangs terrorized Oklahoma Territory in the early 1890s, robbing banks, trains, and businesses, while murdering several men in the process. Express companies, railway corporations, private individuals, and state governments offered rewards for their capture or deaths, which deputy marshals could legally accept. A typical robbery which prompted such an offer of reward occurred in May of 1894 at Southwest City, a small mining town in the southwestern corner of Missouri. The Doolin gang robbed a bank, after which they fought their way out of town, killing one local citizen and wounding several others. The governor of Missouri responded by offering a \$500 reward for any member of the gang. By the end of 1894 Bill Doolin alone would have garnered his captor approximately \$5,000 -- incentive for the dangerous duty of bringing him to justice.<sup>17</sup>

One of the most persistent deputy marshals pursuing outlaws such as Doolin in Oklahoma Territory was Bill Tilghman. Born in Iowa, Tilghman's parents in the 1850s migrated to the Kansas frontier. Accompanying his father in his freighting operations, Tilghman quickly developed frontier skills. At the age of eighteen he became a scout for the United States Army and fought in several Indian campaigns. In 1877 he moved to Dodge City, Kansas, where he became a peace officer, serving as deputy sheriff, undersheriff, and city marshal until 1889, when he made the run into the Unassigned Lands. After the run into the Cherokee

Outlet in 1893, Tilghman became the first city marshal at Perry. As a deputy marshal for Nix, Tilghman served during the most lawless years of Oklahoma Territory. His most famous law enforcement act was the single-handed capture of Bill Doolin in a bath house in Hot Springs, Arkansas, a deed prompted by the offer of a reward for Doolin's capture.<sup>18</sup>

Another deputy marshal who kept a close eye on reward money was Heck Thomas. Born in Georgia, he served in the Confederate Army during his teens before migrating to the Texas frontier, where he worked as an express messenger and later as a detective. In 1875 he first worked in Indian Territory under the authority of Judge Isaac Parker's court. Thomas pursued criminals in both Indian and Oklahoma territories after 1889, for he held commissions from more than one court most of the time. Like Tilghman, Thomas pursued Doolin, the most wanted man in the territories. After Doolin escaped from prison following Tilghman's daring capture of the bandit, Thomas cornered the weary outlaw near his farm, and with the aid of local men killed him. In this case the reward money did not prove to be a financial gain for the deputy marshal, for by 1896 it amounted to only \$1,425, most of which went to possemen and for expenses.<sup>19</sup>

Despite such poor returns from their missions of justice, deputy marshals continued the fight against criminal gangs. By 1900 this law enforcement, combined with the effects of



settled conditions, largely had tamed the once-wild frontier. As Oklahoma Territory prospered, especially during the boom years of the latter 1890s, its population expanded. Men who had staked claims in the early years of the decade started families, changing the character of the rough land to one of youth and vigor. In a land where men planted permanent roots and raised their families, they demanded stable social conditions and law and order. Indicating this transition, the number of criminal prosecutions in the federal court at Guthrie decreased from 1,213 in 1897 to 425 in 1899 and to 287 in 1902.<sup>20</sup>

Urban governments, with money from rapid economic development, hired more and better trained policemen; and counties used new tax revenues from prosperous farms to bolster sheriffs' departments. Better local law enforcement and settled conditions destroyed the breeding grounds for outlaws, who once had found ideal conditions in Oklahoma Territory. By the time of Oklahoma statehood in 1907, this development had reduced the importance of deputy marshals in maintaining law and order. The state, molded from the twin territories, was divided into two federal judicial districts, each with six deputy marshals, only a shadow of the once indispensable law enforcement corps.<sup>21</sup>

From 1889 to 1907, deputy United States marshals played a vital role in preserving peace in Oklahoma Territory. From the opening of the Unassigned Lands in 1889 to

the lottery of 1901, deputies regulated land openings and preserved order among the masses of hopeful pioneers.

Successful settlement was in part attributable to diligent deputy marshals. After the initial land openings, deputies preserved order in a highly mobile and developing environment which produced social deviates such as Bill Doolin and the Daltons. Federal statutes and organization were important to this success, but the real strength of the deputy marshals' corps was the quality of men filling the ranks. Frontiersmen such as Bill Tilghman, cagy manhunters such as Heck Thomas, and trained soldiers such as Chris Madsen made deputy marshals effective lawmen in the new land. While guarding the settlement of Oklahoma Territory, maintaining order among the new settlers, and taming frontier conditions for statehood, deputy United States marshals from 1889 to 1907 ably enforced laws and preserved order.

#### FOOTNOTES

<sup>1</sup>B. B. Chapman, "The Legal Sooners of 1889 in Oklahoma," The Chronicles of Oklahoma, Vol. XXXV, No. 4 (Winter, 1957-1958), pp. 389-391.

<sup>2</sup>Ibid., pp. 390-392.

<sup>3</sup>Ibid., p. 398.

<sup>4</sup>Glenn Shirley, West of Hell's Fringe: Crime, Criminals, and the Federal Peace Officer in Oklahoma Territory, 1889-1907 (Norman: University of Oklahoma Press, 1978), pp. 14-15.

<sup>5</sup>Dennis T. Flynn, "William Grimes," The Chronicles of Oklahoma, Vol. IX, No. 2 (Summer, 1931), pp. 221-223.

<sup>6</sup>Ibid., p. 222; Kingfisher Free Press (Kingfisher, Oklahoma), April 13, 1964, p. 141; Zoe Tilghman, Outlaw Days: A True History of Early Day Oklahoma Characters (Oklahoma City: Harlow Publishing Company, 1926), pp. 5-7.

<sup>7</sup>Homer Croy, Trigger Marshall: The Story of Chris Madsen, pp. 39-45.

<sup>8</sup>Carl Coke Rister, No Man's Land (Norman: University of Oklahoma Press, 1948), p. 48.

<sup>9</sup>Ibid., pp. 54; Croy, Trigger Marshall: The Story of Chris Madsen, pp. 55-61.

<sup>10</sup>Shirley, West of Hell's Fringe: Crime, Criminals, and the Federal Peace Officer in Oklahoma Territory, 1889-1907, p. 48.

<sup>11</sup>E. D. Nix, Oklahombres: Particularly the Wilder Ones (St. Louis: n. p., 1920), pp. 60-67.

<sup>12</sup>Ibid., pp. 81-85.

<sup>13</sup>Charles Colcord, The Autobiography of Charles Colcord, p. 170.

<sup>14</sup>Ibid., pp. 185-188.

<sup>15</sup>United States House of Representatives, 53rd Congress, 2nd Session, "Annual Report of the Attorney General for 1893," Executive Document 7 (Washington: Government Printing Office, 1893), pp. 18-21; United States House of Representatives, 54th Congress, 1st Session, "Annual Report of the Attorney General for 1895," Executive Document 9 (Washington: Government Printing Office, 1895), pp. 60-63.

<sup>16</sup>Oklahoma State Capitol (Guthrie, Oklahoma), November 13, 1893, p. 1, November 20, 1893, p. 1, November 22, 1893, p. 1.

<sup>17</sup>Shirley, West of Hell's Fringe: Crime, Criminals, and the Federal Peace Officer in Oklahoma Territory, 1889-1907, pp. 191-194.

<sup>18</sup>Tilghman, Outlaw Days: A True History of Early Day Oklahoma Characters, pp. 1-3.

<sup>19</sup>Ibid., pp. 11-12; Shirley, West of Hell's Fringe: Crime, Criminals, and the Federal Peace Officer in Oklahoma Territory, 1889-1907, p. 370.

<sup>20</sup>United States House of Representatives, 55th Congress, 2nd Session, "Annual Report of the Attorney General for 1897," House Document 9 (Washington: Government Printing Office, 1897), pp. 18-21; United States House of Representatives, 56th Congress, 1st Session, "Annual Report of the Attorney General for 1899," House Document 9 (Washington: Government Printing Office, 1899), pp. 72-75.

<sup>21</sup>United States House of Representatives, 57th Congress, 2nd Session, "Annual Report of the Attorney General for 1902," House Document 9 (Washington: Government Printing Office, 1902), pp. 20-23.

## CHAPTER IX

### VIGILANTE LAW AND THE ANTI-HORSE THIEF ASSOCIATION

Deputy marshals, agency policemen, local sheriffs, and tribal lawmen represented law enforcement by popularly elected governments. The authority of these men was the result of social evolution whereby society abandoned the law of revenge and individual law enforcement for professional enforcement through designated representatives. By 1865 this evolution was well advanced in Indian Territory; in 1890 white men migrating to Oklahoma Territory brought with them well developed traditions of institutional law enforcement. Nonetheless, law enforcement by individuals survived after 1865, both in Indian and Oklahoma Territories. Vigilante law enforcement, although divorced from duly authorized groups, continued to be an effective facet of law enforcement as late as the 1920s.

Citizens in the twin territories resorted to vigilante action for several reasons, including stock theft, bank robbery, and vice. In such instances when threats to safety

and security could no longer be tolerated, citizens turned to their common-law right, which enabled private individuals to make arrests where they had reasonable grounds for believing that the persons arrested had committed felonies. Such authority was the basis for vigilante law enforcement in early-day Oklahoma.<sup>1</sup>

Among the Five Civilized Tribes, the individual law of revenge had been largely sublimated before removal to Indian Territory in the 1830s and 1840s, but as did their white neighbors, the Indians occasionally reinforced tribal officers with unofficial vigilante action. In 1865 such enforcement became necessary for Chickasaw and Choctaw livestock owners when Comanches continually raided the western ranches of their nations, operating with little fear of law enforcement officers. In 1865, 350 Comanches made a broad sweep through the upper Red River valley, gathering mixed-bloods' herds as they traveled. Choctaw and Chickasaw men resorted to vigilante justice, organizing into tactical units and attacking the marauders. Without losing a man, the enraged citizens recovered their livestock.<sup>2</sup>

Another common threat to property in the Indian nations was the large population of freedmen settled on the borders of Indian Territory. Without technical skills, farming implements, or gainful employment, many of these former slaves

resorted to theft for survival. Stealing chickens, hogs, cattle, and horses, freedmen on the southern borders of the Choctaw and Chickasaw nations overwhelmed the capabilities of tribal lawmen. Reverting to individual law enforcement in retaliation, mixed-blood Indians organized vigilante groups with elaborate systems of patrolling, held meetings, and organized relay messenger systems. Cherokees also organized vigilante groups to combat theft by freedmen. In July of 1880, a band of Cherokee vigilantes crossed the Verdigris River to apprehend two black men suspected of horse theft; the men were captured and lynched. Later, more than 200 Cherokee vigilantes attacked Marshalltown, a black community in the Creek Nation. After burning buildings and retrieving livestock, the vigilantes threatened further action if depredations continued.<sup>3</sup>

Indian vigilantes mounted offenses again in 1888 when Creek citizens organized to drive outlaws and renegades out of their nation. After scourging outlaw haunts, a vigilante committee escorted twenty-five outlaws to the border, warning them that lynchings awaited their return. Moreover, ten men who were wanted for violating federal laws were turned over to a deputy United States marshal. These efforts met resistance when vigilante members attacked four members of the Barnett gang. The outlaws fought the citizen lawmen from

their log cabin, killing two committeemen and wounding several others. The besiegers killed one outlaw in the incident before securing their capture. Such white outlaws as the Barnetts, who used Indian Territory as a refuge from state and federal lawmen, prompted violent vigilante justice.<sup>4</sup>

Similar threats to law and order erupted in Oklahoma Territory. The first recorded vigilante action in that region occurred in No Man's Land, the present-day Oklahoma Panhandle. Ranchers and farmers had settled No Man's Land in the early 1880s, after hostile Indians were confined to reservations and rail transportation extended westward. Several towns developed, the largest being Beaver City. Before 1890 there was no legal government or law in No Man's Land, for it was not included in any organized territory or state. Early settlers in Beaver City, bringing with them a desire for law enforcement and social order, organized the Beaver City Vigilante Committee in lieu of official lawmen. The leader of the vigilantes was George Scramage, a land owner and ambitious politician who desired adequate protection for his property rights and sought a reputation as a devoted community leader.<sup>5</sup>

The first and most violent act of justice undertaken by the Beaver City Vigilante Committee involved land claims in 1887. Two local merchants, who owned several saloons and



brothels, desired a certain section of land near town. The two men plotted with Frank Thompson to build a dugout on the land, thereby establishing their right to ownership; the lot, however, already had been claimed by Scramage's brother-in-law. Two days after the conspirators jumped the claim, five vigilante members moved to enforce community law regulating the validity of original land claims. Approaching Thompson, the vigilantes opened fire, crippling the claim jumper. Then, after killing one of the merchants involved in the plot, the vigilantes riddled Thompson's crippled body with bullets. The third member of the conspiracy fled town, never to return. Later, an inquest ruled that the two claim jumpers "came to their death from gunshot wounds received at the hands of many law abiding citizens, as it should be in such cases."<sup>6</sup>

The residents of No Man's Land also were plagued by horse thieves who stole livestock, then drove their contraband the short distances to Kansas, Colorado, Texas, or New Mexico. The worst offenders were the Chitwoods, a band of cowboys who operated a ranch on Coon Creek and maintained a way station in Sod Town. Thus the citizens of Blue Grass, Gate City, and Neutral City organized vigilante committees for protection from these outlaws. When the Chitwoods struck again, approximately 200 men from these communities banded

together for a massive attack on Sod Town. Dividing into three groups, they planned to attack the outlaw town from all sides. The raid, however, netted only two prisoners; the rest of the gang escaped. The vigilantes later satisfied their vengeance by apprehending and lynching one of the thieves, named George Montgomery. Such vigilante action purged No Man's Land of the worst criminals by 1890, when federal law was extended to the region.<sup>7</sup>

During the 1880s white ranchers who leased Indian lands in the southwestern corner of the Chickasaw Nation also organized vigilante forces to combat rustlers. Unlike No Man's Land, the Chickasaw Nation had criminal statutes and peace officers; the problem emerged because the jurisdiction of Chickasaw sheriffs did not extend to white rustlers stealing from white ranchers. Deputy marshals, who had the duty of suppressing cattle theft by white men, were ineffective against isolated incidents. Trapped in this vulnerable position, the white cattlemen organized the so-called Detective Army. A secret vigilance force patterned after the military, the Detective Army was highly organized and commanded by a corps of officers ranging in grade from colonel to non-commissioned privates. Chartered in 1888, the force was led by Cicero Steel, U. G. Wilkinson, and K. H. May, three cattlemen who had suffered from the depredations of rustlers.

Members of the Detective Army made a solemn pledge to "report all violations of law to the company that comes to my knowledge. I will do all in my power to have the law rigidly enforced. I will obey all summons given or sent me by officers when within my power to do so."<sup>8</sup> Ready to enforce the law themselves when institutional lawmen could not, these cattlemen maintained law and order without the benefit of governmental assistance.

Unofficial law enforcement gained even more impetus in Oklahoma Territory after 1889. For thirteen months after its opening on April 22, 1889, the territory of 50,000 settlers lacked government or law until it was formally organized. In most towns founded during the run, the desire for law and order led to the creation of provisional governments. Possessing no official authority, these citizen governing bodies nonetheless appointed law enforcement officials. In Oklahoma City the first police officer was Charles Colcord; although he carried no commission and received no salary, he represented the majority's desire for law and order. Provisional governments and appointed officers were limited to towns, however, leaving the majority of rural settlers protected by fewer than thirty deputy marshals and a few hundred troops.<sup>9</sup>

Similar conditions emerged after the land run of 1893 into the Cherokee Outlet, when settlers again took the law

into their hands by enforcing their brand of justice against sooners, who entered the territory before the official time, and claim jumpers, who threatened the property rights of lawful settlers. Within a week after the opening, rural vigilantes rose against a band of armed men from Missouri who entered the Cherokee Outlet before the land run. Hanging one of the sooners discouraged the others, whereupon the Missourians vacated the land to lawful claimants. In County "L" of the Cherokee Outlet, sooners posed a worse threat by terrorizing legal settlers. In the absence of official law enforcement, these settlers organized a vigilante committee. When a band of sooners killed a retired soldier who claimed 160 acres of land, the vigilantes struck, driving the usurpers from the territory. Near Enid another vigilante organization expelled seven sooners from the Cherokee Outlet and hanged two claim jumpers.<sup>10</sup>

Violence was the essential authority of vigilantes, whether lynching, shooting, or riding undesirables out of town on a rail. In 1894 vigilantes from the vicinity of Watonga pursued two horse thieves, Dock Bishop and Frank Latham, exchanging more than twenty shots during a running gun battle. When a bullet crushed the arm of one of the bandits, the two men surrendered; justice at the end of a rope was as near as the closest tree. Desperate and dangerous criminals were

also victims of violent vigilantes. George "Red Buck" Waightman, one of the toughest of Bill Doolin's gang, fell to irate vigilantes in 1895 near present-day Custer City, Such a death at the hands of vigilantes served as more than mere punishment; it was an obvious deterrent to potential crimes. This objective was made clear when successful vigilantes tied a warning sign to the boots of a lynched horse-thief: "This is what the Vigilance Committee does with horse thieves."<sup>11</sup>

Lynching was the most severe punishment employed by vigilantes. From 1885 to 1896 vigilantes lynched seventy-six suspected criminals in Indian and Oklahoma Territories. Of that number, thirty-four were horse thieves, while the others were presumed guilty of varied crimes from murder and rape to theft and rustling. Coinciding with trends of new settlement and social instability, the greatest number of lynchings occurred in 1894 and 1895, when vigilantes hanged seventeen horse thieves and eight other criminals. As these numbers do not include criminals executed by gunshot or exiled by threats, the number of vigilante victims must have run into hundreds during the 1890s -- an indication of vigilante effectiveness.<sup>12</sup>

Quick vengeance oftentimes denied justice, however. In No Man's Land in 1887 vigilantes lynched a farmer on whose

land they found stolen cattle. Leaving the suspected thief's ranch, the vigilantes met the actual thief driving a herd of stolen cattle onto the innocent farmer's land. After a second hanging the cowboys returned to the farmer's widow to apologize. In another case of mistaken punishment, vengeful white settlers lynched two Seminole youths believed to have raped and killed a white woman. In an inquest after the lynchings, investigators proved that the two youths were innocent. For their mistake, several white vigilantes were convicted in courts and sent to jail. Yet, mistaken punishment and extralegal violence rarely inspired legal punishment in courts. From 1882 to 1942, vigilantes and uncontrollable mobs lynched 123 persons in Oklahoma, but relatively few executioners were ever brought to trial, and even fewer were convicted of criminal action. Vigilante retaliation, if accepted as legitimate by the majority of the community at the time, usually was viewed as legal law enforcement.<sup>13</sup>

Despite negligible punishment for their actions, many vigilantes shunned violence, seeking a degree of legal authority. The best example of organized and authorized vigilante law enforcement was the Anti-Horse Thief Association. This organization, which eventually boasted more than 5,000 members in Oklahoma, began before the Civil War in Missouri.

The founder was David McKee, a pioneer who had migrated from Illinois to Iowa, to the gold fields in California, and finally to the hills of Missouri. As a farmer and blacksmith, McKee accumulated property on his Missouri farmstead. His security was threatened, however, by marauding bandits who descended on farms to steal stock, only to escape into the rugged hill country. In 1854 McKee moved against the lawlessness by organizing a secret vigilance committee, which he dubbed the Anti-Horse Thief Association.<sup>14</sup>

Declaring that his organization differed from lawless vigilantes who too quickly resorted to lynch law, McKee indicated that his organization's purpose was "not to hang thieves, but to prevent criminality." The association's written intention was that "when a person or persons have been arrested and handed over to them charged with theft, they shall investigate the case and if they think there is sufficient cause to found a prosecution, they shall hand them over to the civil law, attending personally and with the assistance and influence of the society to their legal prosecution."<sup>15</sup>

The Anti-Horse Thief Association prospered in the Missouri hills which produced bandits such as the James brothers and Younger brothers. By 1885 there were 184 sub-orders with 4,973 members, which expanded to 7,055 by 1890.

This phenomenal growth extended beyond the borders of Missouri. In 1893 law-minded citizens in Cleveland County established the first sub-order of the Anti-Horse Thief Association in Oklahoma Territory. The organization quickly spread through the new territory, which was pervaded by bandits and live-stock thieves. By 1900 Oklahoma Territory was home to 199 sub-orders with membership exceeding 5,000, most of whom were centered in Pottawatomie, Lincoln, Payne, and Pawnee counties on the border of Indian Territory.<sup>16</sup>

This rapid growth in Oklahoma Territory was due in part to law enforcement techniques practiced by the Anti-Horse Thief Association, for membership in the organization afforded protection by all other members. When a theft occurred against a member, who paid a one dollar insurance fee, association leaders appointed a sub-committee, or posse, which joined victims in pursuit of the rustlers. While on the trail the local sub-chapter paid each posseman one dollar per day plus all expenses. Any member who refused to serve on sub-committees when summoned was fined five dollars.<sup>17</sup>

This formalized vigilante system enjoyed more flexibility than local law enforcement, which was usually confined by jurisdictional limits. Posses organized by the Anti-Horse Thief Association oftentimes pursued criminals long distances across several legal jurisdictions. One posse member followed



thieves 1,500 miles through Oklahoma, Texas, and New Mexico, before recovering a fine team of horses. A more amazing case involved a prize mule stolen from a member of the association. Rustlers stole the animal from a member near Wynnewood, taking it to Fort Worth, Texas. Two possemen of the association followed the trail to Fort Worth, where they discovered the mule had been shipped to Galveston, Texas. Wiring the president of their lodge, the two possemen sought further instructions. He answered: "Wired you funds; follow it to Africa, but bring back the mule or its hide."<sup>18</sup> They finally found the mule in the possession of a British merchant in Galveston. The expense of recovering the mule exceeded its value five times, but the principle of law enforcement was upheld and the criminals were brought to justice.

The Anti-Horse Thief Association in Oklahoma Territory protected members in other ways as well. The organization, chartered by the territorial government, offered a standing reward of \$200 for the capture and conviction of thieves who stole livestock from members and a \$500 reward for the arrest and conviction of any man who killed a member. The association also practiced preventive enforcement. All members were urged to watch for suspicious livestock movement through their neighborhoods; members checked brands and descriptions of stolen livestock with lists circulated among

sub-orders. If known thieves moved to a community, many orders of the Anti-Horse Thief Association assigned members to lengthy surveillance. Members were located, moreover, at strategic points on cattle trails or river fords to watch for stolen herds. Unlike local law enforcement officers, whose limited numbers prevented such tactics, the association successfully incorporated prevention into law enforcement.<sup>19</sup>

By 1900 organized vigilante groups had spread to Indian Territory, using similar techniques of prevention and enforcement. In 1902 one of these organizations, the Indian Territory Detective and Protective Association, merged with the rapidly growing Anti-Horse Thief Association in Indian Territory. The following year a chapter of the association was organized at Muskogee, a result of increased horse theft in the Creek Nation. By 1905 the organization in Indian Territory was formidable enough to attract several prominent political leaders to a barbeque in honor of the organization. Future Oklahoma United States Senator Robert L. Owen was among the group. By statehood the organization was flourishing in other territories.<sup>20</sup>

From 1899 to 1909, the Anti-Horse Thief Association in the twin territories earned a reputation for effective law enforcement. In that decade members recovered 578 head of stolen livestock, while failing to recover only 51 horses and mules. The approximate value of the recovered livestock

surpassed \$83,000, a sizeable sum during the initial years of settlement. As part of their efforts at enforcing the law and ridding their communities of outlaws, members apprehended more than 400 suspected thieves, of whom 272 were convicted and sent to jail. This record of property recovery and criminal apprehension was indicative of the role played by the association in law enforcement in Oklahoma.<sup>21</sup>

Other organizations responded to the same lawless conditions that spawned the Anti-Horse Thief Association. The most popular of these was the Law and Order League. Although this group did not enjoy the extensive organization of the Anti-Horse Thief Association, it proved to be an effective deterrent to crime. The league's stated goals were "to help officers hunt down all criminals, to protect witnesses for the territory, and prosecute any person attempting to intimidate them."<sup>22</sup>

By 1900, the objectives of such vigilante associations began changing. Like the entire nation, Oklahoma experienced the moral upheaval which sparked new interests in social reforms such as prohibition. Liquor consumption, gambling, and prostitution, which had often had been ignored by lawmen, became intolerable in the new progressive era. As moral consciousness developed, however, law enforcement officials oftentimes failed to adapt to new societal expectations.

More often, new demands on law officers' capabilities, which intensified with the multitude of new morality laws, overwhelmed institutional law enforcement. When lawmen failed to rid communities of these vices, vigilantes took up the gauntlet; by 1900 law and order associations began directing attention to the enforcement of liquor and vice laws.<sup>23</sup>

In 1907 prohibition advocates successfully outlawed the manufacture or sale of liquor in the new state of Oklahoma. Thereafter, various vigilante groups organized to enforce this constitutional provision. In 1908 moral crusaders in Oklahoma City created the Oklahoma City Law Enforcement League "to carry on the war against the blind tiger, the gambler, and the perfidy of the officers of the law." More than 400 citizens pledged themselves to a "cleaner Oklahoma City."<sup>24</sup>

Similar goals prompted the organization of a Law and Order League unit in Watonga in 1911. Two hundred members, pledged to combat liquor and vice, used mass intimidation to expel bootleggers and criminals from their town. In the outburst of vigilante law enforcement, the league visited fifty suspected houses of crime, promising lynchings to all suspects if they remained in town. Sheriff Sam Cunningham, following the irate citizens, arrested more than sixty law violators. For days the jail was overcrowded and trains

were packed with prisoners bound for the Blaine County Jail. The citizens of Watonga expected moral behavior, and they were willing to enforce that desire with vigilante action.<sup>25</sup>

The most pervasive vigilante group enforcing moral laws proved to be the Ku Klux Klan. The Ku Klux Klan in Oklahoma stressed law enforcement and morality as its primary tenets. In a newspaper warning to all non-believers, a klansman wrote in part: "We are sworn to uphold and to demand the strict and impartial enforcement of the law, and an unseen hand will guide and we will back our officers to the last man in enforcing the law. The officer who will not enforce the law had better get out and we are strong enough to enforce our demands. The man or woman, white or black, who defies the law of common decency had better beware ... gamblers, bootleggers, moonshiners, loafers, adulterers, prostitutes, thieves, gun-toters, firebugs and law breakers of every class and description, your days are numbered."<sup>26</sup> Hundreds of newspapers in the early 1920s carried accounts of such vigilante law enforcement by the hooded order.

In the early 1900s immorality was not the only pressing threat to the accepted social order; a new breed of bank robbers threatened the financial security of hundreds of Oklahoma communities. The age of the internal combustion engine opened new opportunities for bank robbers, for while

driving automobiles, bandits could silently enter towns, rob banks, and escape in minutes without trace. Before the 1910s, when bandits used horses, lawmen often had time to organize posses, pick up trails, and pursue before criminals crossed jurisdictional lines. Motorized bandits overcame those obstacles in their quest for instant wealth. Criminals such as bank-robbing Henry Starr blazed paths of lawlessness, striking countless small town banks. From September of 1914 to January of 1915, Starr supposedly robbed fourteen banks, all in small towns and usually netting \$2,000 to \$3,000. This was but a small percentage of all bank robberies in the 1910s, 1920s, and 1930s.<sup>27</sup>

Lawless conditions were not confined to one state. The Iowa Bankers Vigilante Association organized in 1922 was created expressly to suppress bank robberies. By 1926 such groups had been adopted by bankers' associations in Kansas, Illinois, Missouri, and Oklahoma. One of the first such organizations in Oklahoma was initiated by the Kay County Bankers Association in 1926. Authorized as special deputies in their county, forty-four volunteers pledged their support to the fight against bank robbers. Most of these men were employed downtown, near the banks. By establishing an alarm system these men could immediately grasp their weapons and confront the fleeing bandits before their escape. Similarly

organized bankers' vigilante groups appeared in several counties in the north-central section of the state.<sup>28</sup>

The same technological changes permitting increased numbers of bank robberies also posed problems for farmers. Motorized bandits, able to enter and leave rural areas quickly, found farm machinery and livestock inviting targets. Sponsored by the Farmers Union, farmers of Canadian County in 1927 organized the Anti-Theft Association as a response to the wave of theft. Collaborating with the sheriff's office and several city marshals' offices, Anti-Theft Association members pledged their support to law enforcement. One effective means of aiding lawmen was applying registered identification numbers to all livestock and property. The Anti-Theft Association also offered rewards for the capture of criminals possessing property belonging to members. Within a month the Canadian County vigilantes numbered 125 men, representing an important supplement to official law enforcement.<sup>29</sup>

This law enforcement effort by individuals was necessary to control rural theft in Canadian County. The necessity was not a result of inferior or absent law enforcement; it was a result of rapid social, technological, and economic changes. As these changes overwhelmed institutional law enforcement agents, concerned citizens responded with vigilante action. Rapid environmental change prompted vigilante responses several

times during Oklahoma's early years. The first occurred when mixed-bloods of the Five Civilized Tribes, experiencing revolutionary economic, social, and political change, rose in arms against Great Plains Indians and renegade freedmen who threatened their security. Another pre-territorial instance of vigilante law enforcement occurred in No Man's Land, when rapid settlement far beyond the frontier line isolated ranchers and farmers from institutional law enforcement. To establish and maintain order in their new homes, settlers organized vigilante committees.

The opening of Oklahoma Territory, and the intervening period of provisional government, again necessitated vigilante justice. After each land run, which represented the most sudden changes in the American westerning process, settlers supplemented overwhelmed lawmen with vigilante action. Then, in the early decades of the twentieth century, the results of economic and social change spawned a moral revolution. When new laws against vice were too demanding on law enforcement agencies, adamant citizens joined the law enforcement fight. In the 1920s the major change was technological; the automobile and a system of roads opened rural America to a new breed of mobile bandits. When county law enforcement proved inadequate, farmers and small town businessmen assumed some responsibility for law enforcement.



Vigilante law enforcement in each case was a result of environmental change surpassing institutional peace-keeping capabilities. Otherwise, vigilante action materialized with various characteristics. At times it was mob rule, with only violent vengeance in mind; at other times vigilantes were highly organized to cooperate and supplement law officers without violence. Whatever form vigilante justice assumed, it was an important phase of law enforcement in Oklahoma.

## FOOTNOTES

<sup>1</sup>Dorset Carter, ed., Annotated Statutes of the Indian Territory, Embracing All Laws of a General and Permanent Character in Force at the Close of the Second Session of the 35th Congress (St. Paul, Minnesota: West Publishing Company, 1899), p. 258.

<sup>2</sup>Mary Evelyn Frost, "A History of Carter County" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1942), p. 19.

<sup>3</sup>Wallace Brewer, "Outlawry in the Upper Red River Country, 1865-1907" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1934), pp. 64-66; Carolyn Foreman, "Marshalltown, Creek Nation," The Chronicles of Oklahoma, Vol XXXII, No. 1 (Spring, 1954), pp. 56-57.

<sup>4</sup>New York Times, November 12, 1888, p. 1.

<sup>5</sup>"The Saga of No Man's Land as Seen in 1888 and 1889," Vertical Files, Library Division, Oklahoma Historical Society, Oklahoma City.

<sup>6</sup>J. V. Frederick, "The Vigilantes in Early Beaver," The Chronicles of Oklahoma, Vol. XVI, No. 2 (June, 1938), pp. 190-196.

<sup>7</sup>Rister, No Man's Land, pp. 120-128.

<sup>8</sup>Daily Oklahoman, September 2, 1917, Sec. B, p. 5.

<sup>9</sup>Colcord, Autobiography of Charles C. Colcord, p. 112.

<sup>10</sup>Indian Chieftain (Vinita, Oklahoma), September 21, 1893, p. 1; Norman Transcript (Norman, Oklahoma), November 24, 1893, p. 2; Oklahoma State Capital, November 21, 1893, p. 1.

<sup>11</sup>Ibid., April 21, 1894, p. 1; Interview, Mary Ellen Witten, April 18, 1938, Foreman, ed., Indian-Pioneer Papers, Vol. XCIV, pp. 315-316.

<sup>12</sup>Mary Elizabeth Estes, "An Historical Survey of Lynchings in Oklahoma and Texas" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1942), pp. 72-77.

<sup>13</sup>Charles B. Lewis, "The Development of Cimarron County" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1939), p. 26; Geraldine Smith, "Violence on the Oklahoma Territory-Seminole Nation Border: The Mont Ballard Case: (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1957), pp. 1-25.

<sup>14</sup>Minnie M. Brashear, "The Anti-Horse Thief Association of Northeast Missouri," Missouri Historical Review, Vol. XLV, No. 4 (July, 1951), pp. 342-344.

<sup>15</sup>Ibid., pp. 342, 345-346.

<sup>16</sup>Norman Transcript, July 21, 1893, p. 2; Daily Oklahoman October 18, 1900, p. 1.

<sup>17</sup>Cleveland County Leader (Moore, Oklahoma), June 24, 1899, p. 2; Brashear, "The Anti-Horse Thief Association of Northeast Missouri," Missouri Historical Review, Vol. XLV, pp. 342-346.

<sup>18</sup>Daily Oklahoman, November 7, 1909, p. 15.

<sup>19</sup>Ibid., p. 15; Henry Peck, The Proud Heritage of LeFore County (Van Buren, Arkansas; Press Argue, 1963), p. 33; Interview, Phil Horton, March 23, 1938, Foreman, ed., Indian-Pioneer Papers, Vol. L. pp. 318-320.

<sup>20</sup>Stillwater Advance, October 30, 1902, p. 2; Purcell Register, May 13, 1903, p. 2; Amos Maxwell, "The Sequoyah Convention," The Chronicles of Oklahoma, Vol. XXVIII, No. 3 (Winter, 1950), p. 305.

<sup>21</sup>Daily Oklahoman, November 7, 1909, p. 15.

<sup>22</sup>El Reno News, February 19, 1897, p. 6. One of the first Law and Order Leagues in Oklahoma Territory appeared in Washita County in 1897, when 300 farmers banded together to fight crime. Daily Oklahoman, April 10, 1897, p. 2.

<sup>23</sup>El Reno News, July 26, 1900, p. 4.

<sup>24</sup>Daily Oklahoman, September 30, 1908, p. 1.

<sup>25</sup>Vinita Weekly Chieftain, March 31, 1911, p. 3.

<sup>26</sup>Ed Gill, Oklahoma in the 1920s (Muskogee, Oklahoma: Thomason Printing Company, 1974), p. 60.

<sup>27</sup>Glenn Shirley, Henry Starr: Last of the Real Badmen (Lincoln: University of Nebraska Press, 1976), p. 163.

<sup>28</sup>Blackwell Sunday Tribune (Blackwell, Oklahoma), July 11, 1962, p. 1; ibid., March 27, 1927, p. 12.

<sup>29</sup>El Reno American (El Reno, Oklahoma), March 22, 1928, p. 48.

## CHAPTER X

### COUNTY LAW ENFORCEMENT, SINCE 1890

On April 22, 1889, pioneers rushing for homesteads in the Unassigned Lands carried with them a strong tradition of local self-government. As on every frontier in the West, men hurriedly established governing bodies to maintain order; the initial results were provisional governments, claim associations, and vigilante organizations. When officially sanctioned government developed, these pioneers continued their passion for local government. Extending this preference to law enforcement, these early Oklahomans looked to county lawmen as the preservers of the peace. For more than fifty years county law enforcement remained the most important peace-keeping institution in Oklahoma.

Since 1890 the most active of county law enforcement officials in Oklahoma have been sheriffs. In 1890, after the Organic Act provided a territorial government for Oklahoma, the legislature sanctioned the office of county sheriff. Statutes provided that registered voters in each county were to elect sheriffs to two-year terms. One of the lawmen's primary duties specified in the statutes was "to keep and

preserve the peace of their respective counties, and to quiet and suppress all affrays, riots, and unlawful assemblies and insurrections ... and in apprehending or securing any person for felony or breach of peace."<sup>1</sup> Two other stipulated duties were maintaining jails and attending all sessions of court, in order to "serve and execute according to law, all processes, writs, precepts and orders issued or made by lawful authorities."<sup>2</sup>

Territorial sheriffs' law enforcement duties were accompanied by extensive but detailed powers of arrest. The preferred method of arrest was by warrant issued by judges; but even without a warrant sheriffs could arrest suspects when they had "reasonable cause" to believe a felony had been committed. In either case lawmen had the authority to break open doors or windows of houses in which suspects retreated. The only statutory limitation on the powers of arrest was that "the defendant is not to be subjected to any more restraint than is necessary for his arrest and detention."<sup>3</sup>

The first sheriffs in Oklahoma Territory had to possess a combination of talents to execute their authority because the office required men who were both politicians and rugged frontiersmen. One such man was Charles Colcord. A former cowboy, Colcord possessed the political skills to ally himself with the first leaders of the Oklahoma City provisional

government and the physical skills to enforce law and order in the bustling city on the Canadian River. When the first territorial elections were held, Colcord's political friends donated \$300 to defray expenses of his campaign for the office of sheriff in Oklahoma County. With fellow Democrat, William "Bill" Taylor, Colcord canvassed the county by horse and buggy. His successful stumping, close political friends, and reputation as a man of authority earned Colcord the Sheriff's office.<sup>4</sup>

The law enforcement duties of sheriffs expanded as patterns of criminal activity developed in the twenty-three counties of Oklahoma Territory. In 1898 criminal convictions in county courts included fourteen murders, ten manslaughter cases, thirteen violent assaults, sixty-nine cases of larceny, thirty-two cases of burglary, and thirty other felonies. In 1900 the number of convictions increased more than fifty percent as the population increased to approximately 400,000.<sup>5</sup>

Sheriffs and their deputies risked their lives arresting criminals; arrests however, did not end sheriffs' duties, for in Oklahoma Territory there were no prisons to detain convicted felons, forcing sheriffs to transport prisoners to neighboring states for incarceration. Instead of building a territorial penitentiary, officials in Oklahoma contracted with the state of Kansas to hold and care for prisoners

convicted in Oklahoma Territory. The territorial government paid Kansas thirty-five cents per day for each prisoner, an expense which annually cost the territory more than \$5,000.<sup>6</sup>

Sheriffs encountered similar detention problems in their home counties. In Logan County, the most populous in Oklahoma Territory, a group of Guthrie businessmen built the first jail. In 1891 Colcord, an opportunistic businessman as well as sheriff of Oklahoma County, purchased the jail, then contracted with several counties to hold their prisoners for one dollar per day. Sheriff Colcord provided a similar service for Oklahoma County, for soon after becoming sheriff, Colcord abandoned the wooden jail built by the provisional government and replaced it with steel cells purchased in Cincinnati, Ohio. Most county sheriffs did not enjoy such facilities during the early years of the territory. Kiowa County, for example, did not build a county jail until 1902. Sheriffs in early Oklahoma Territory not only had to cope with criminals, but also with inadequate incarceration facilities.<sup>7</sup>

Another serious problem affecting the efficiency of county sheriffs was their constricted jurisdiction. Confined by county boundaries, sheriffs could not pursue bandits such as the Doolins and Daltons over long distances. This problem was partially eradicated when sheriffs of Oklahoma Territory organized the Oklahoma Territorial Sheriffs Association.



Chartered in 1891, this organization worked to improve the effectiveness of county law enforcement in the territory. Members resolved that "the sheriffs of Oklahoma Territory [should] use every justifiable means toward cooperation in the case of fugitives from justice, and that in case a prisoner escapes from the sheriff of one county and due notice of such escape is given, the sheriff so notified will bend his energies toward effecting the recapture of such prisoners."<sup>8</sup> Meeting in the Logan County sheriff's office, association members also pledged to "cooperate as zealously as possible" to arrest criminals fleeing neighboring counties.

The Oklahoma Territorial Sheriffs Association also improved law enforcement by establishing the first central repository for dissemination of criminal information. In 1901 the association persuaded the editor of the Guthrie Capital to publish a "Sheriffs' Column" containing criminal information of use to all sheriffs in the territory. Each member sheriff telephoned information to the Guthrie newspaper, describing stolen property, identifying criminals, as well as requesting assistance. This early system of centralized cooperation improved the efficiency of county law enforcement.<sup>9</sup>

The system of county law enforcement in Oklahoma

Territory changed little after statehood. New elections and new laws to enforce, such as prohibition, marked the only transition, while basic duties and authority remained the same. The most significant change occurred when Indian Territory became part of the new state. The Atoka County sheriff's office, part of the former Choctaw Nation, was a good example of this transition during the early development of county law enforcement in the first years of statehood. Prior to 1907 the Choctaw Nation provided for county sheriffs. Serving under tribal law until 1898 and then under the adopted statutes of Arkansas, Choctaw county sheriffs' duties differed little from those of their counterparts in Oklahoma Territory. In November of 1907, the first state elections were held in Atoka County, opening county offices to non-Indians for the first time. Five men entered the political race for sheriff, which Jesse Phillips won with 992 votes. Phillips had migrated to Indian Territory from Mississippi with his parents in the 1890s. Drawing \$2,000 salary per year, Sheriff Phillips, at six-feet four inches tall and weighing two hundred and seventy pounds, directed his two deputy sheriffs in upholding law and order. Phillips was reelected twice, serving six years with distinction.<sup>10</sup>

Phillips relied on his physical prowess to enforce the law once he was in office, but first he had relied on party

affiliation to gain the position. As a Democratic candidate, the young man from heavily Democratic Mississippi gained favor among the many former slave-owners in Atoka County. Such affiliation influenced county law enforcement in all regions of the state, oftentimes relegating ability to a secondary consideration after party politics. Politically, the state was divided into northern and southern sections. Republicans from Kansas, Missouri, Iowa, and Illinois were dominant in northern counties, especially in those created from the Cherokee Outlet, while Democrats from Texas, Arkansas, and the deep South, who settled in the rich bottom lands of southern counties, dominated politics from "Little Dixie" to old Greer County.<sup>11</sup>

Kiowa County, opened by lottery in 1901, was controlled by Texans. In the first county elections, as in most held thereafter, Kiowa County voters elected Democratic lawmen. The first sheriff was John Lindsey. Born in Waco, Texas, in 1878, Lindsey migrated to Oklahoma Territory in 1897, locating first in Roger Mills County, then moving to Hobart in 1901, where he successfully ran for the office of sheriff. Another longtime peace officer from Kiowa County was Decmocrat P. K. Morrill, who served three years as sheriff. Born in Weatherford, Texas, in 1886, he moved to Kiowa County in 1902. In addition to his service as sheriff, Morrill was

Hobart's chief of police from 1930 to 1969. Another example of political influence on the office of sheriff was Pushmataha County, located in the southeastern corner of the state. Voters from this county in "Little Dixie" elected only one Republican sheriff between 1907 and 1960, all others being Democrats from southern states.<sup>12</sup>

Just as successful candidates for sheriff in southern counties had to be Democrats, potential lawmen in northern counties fared better when they were members of the Republican Party. In Grant County, organized from a section of the Cherokee Outlet, most sheriffs were northern-born Republicans. Sheriff Frank Hamilton, a peace officer in Grant County for several decades, was born near Hutchinson, Kansas, in 1873. He moved to Grant County in 1902, where he farmed until entering the sheriff's race as a Republican. Among thousands of transplanted Kansans, Hamilton's political affiliation helped him in his successful bid for office. Another successful Republican was Duff Allen, who became the first sheriff of Alfalfa County in 1907. Born in Pickneyville, Illinois, in 1869, Allen made the run of 1893 into the Cherokee Outlet, settling on the Salt Fork River. As a young man in Oklahoma Territory, Allen became a deputy sheriff in "M" County. This experience, plus his Republican affiliation, won him election as sheriff in 1907. Men such

as Allen, Hamilton, Lindsey, and Phillips had to be able lawmen, but they also had to be members of the dominant political parties in their counties.<sup>13</sup>

As the only law enforcement in rural Oklahoma, sheriffs and their deputies maintained law and order for more than eighty percent of all Oklahomans in 1907. During years of initial settlement, their law enforcement duties were moderate; isolated cases of stock theft and occasional bank robberies were the most common threats confronting county lawmen. Soon after statehood, however, the discovery of oil shattered the calm of rural Oklahoma. With oil discoveries came tens of thousands of restless workers and millions of dollars in investments and wages. A succession of oil booms, attracting criminals, confidence men, bootleggers, and gamblers, posed new threats to the peace of rural Oklahoma. The task of maintaining order and enforcing law among the armies of oil fields workers fell to county sheriffs and their overworked deputies.<sup>14</sup>

As early as 1853 men in Indian Territory knew that much of the land below them contained oil; only the lack of markets and leasing conflicts with the Indian nations restricted the growth of the oil business. By 1900 oilmen were pumping less than 7,500 barrels of oil annually in Indian and Oklahoma territories combined. Not until 1901

did drillers make the first commercially significant oil strike in Oklahoma. Thereafter, a succession of oil fields opened, ushering in an era of oil boom developments in Oklahoma. The most significant oil fields were the Bartlesville field in 1904, the Glenn pool in 1905, the Wheeler pool in 1907, the Cushing field in 1912, the Healdton field in 1913, the Seminole field in 1922, and the Oklahoma City field in 1928. During each of these oil booms thousands of rugged oil men descended on unprepared counties, straining the capabilities of law enforcement officers.<sup>15</sup>

Two overwhelming obstacles confronted county lawmen during the oil booms. The most apparent problem was one of physical incapacities, because most counties employed only three officers: a sheriff, an undersheriff, and a deputy who also served as jailer. In addition to jail and judicial duties, these law enforcement officers responded to disturbances in all sections of their counties. A difficult enough task during pre-boom days, adequate law enforcement was strained when oil fields with thousands of workers spread over tens of square miles.

Although less easily discerned, another problem confronting sheriffs was the general character of men attracted to the oil fields. Seeking high wages, possible riches, and the excitement of boom towns, ambitious and energetic

men raced to the Healdton, Cushing, and Seminole oil strikes. Due to frequent moves and inadequate housing, most of these men did not take their families to the oil fields; the result was a highly active, affluent population of single men unbounded by traditional motives for establishing secure and stable communities for their families. County lawmen had to enforce the law and maintain a degree of orderliness among this volatile group of men.

One of the largest and wildest oil booms occurred when oil was discovered near Cushing, in north-central Oklahoma. Eventually covering approximately thirty-two square miles, the Cushing oil field attracted hordes of investors, workers, and merchants. Coming from oil producing states such as Pennsylvania, Ohio, Texas, California, and West Virginia, thousands of oil field laborers sought daily wages averaging six to fifteen dollars per day. Investors meanwhile rushed to drill wells which promised daily production exceeding 1,500 barrels of oil, then selling for up to sixty-five cents per barrel. The Cushing field continued producing for more than seven years, annually attracting more men and their money. With thousands of dollars for leisure and entertainment, the men of the oil fields attracted gamblers, bootleggers, prostitutes, and thieves.<sup>16</sup>

In Creek and Payne counties, where the Cushing oil field

was most active, county lawmen tried to maintain law and order during the rapid transition of their counties. These officers received minimal assistance from boom-town city marshals, who usually were confined to incorporated city limits. The primary problem with boom-town law enforcement, however, was inadequate manpower. Drumright, for example, known as a "hijacking town," employed only one officer when the oil boom swept through the region. One of the many criminals attracted by the booming economy murdered the lone city marshal. A hastily appointed replacement for the marshal later proved to be worse than many criminals when he raped the town's telephone operator in her office.<sup>17</sup>

Inconsistent law enforcement in oil towns intensified the onerous duties of sheriffs and their deputies. Unprepared for the rapid economic developments with their attending population surges, county lawmen sought support from law abiding citizens. One such group of supporters proved to be oil producers and well owners. Concerned that lawless conditions would jeopardize workers' performances on the job, a group of producers contributed \$5,000 to local law enforcement, a gift which bolstered the capabilities of sheriffs' offices in all counties affected by the boom. Such assistance, combined with the resolve of native residents and lawful recent arrivals, usually provided the support



necessary to carry on the struggle for law and order.<sup>18</sup>

Law enforcement officers in southern Oklahoma needed similar support when the Healdton oil field began production in 1913. With more than 20,000 men working in the Healdton field, which covered approximately seventeen and one-half square miles, this boom tested the resourcefulness of the Carter County sheriff's corps. At the height of the boom's activity, deputies made countless raids on bootleggers and gamblers and quelled at least one riot in the oil field each week. Disturbances erupted so often that the sheriff of Carter County assigned one of his deputies to the oil field, his duties confined strictly to maintaining order among the rowdy roughnecks.<sup>19</sup>

The Healdton oil field was typical of increased crime during boom years; it also included violent behavior by both criminals and law enforcement officers. In one session of district court in the Healdton area, the court prosecutor initiated fifteen murder cases, an astonishing number for one district court. Several of the cases were dismissed when key witnesses met untimely deaths. As criminals relied on violence to ply their trades, lawmen retaliated in kind. The career of Deputy Edgar "Bud" Ballew of Carter County testifies to that necessity.<sup>20</sup>

In nine years of service in the oil fields, Deputy Ballew

killed eight men in line of duty. His first conflict occurred in November of 1915, when Ballew entered the "66" Cafe in Wirt, a small but booming town in the oil fields. There he discovered two men robbing the cashier. When one of the bandits shot at him, Ballew returned fire, killing one of the men and wounding the other. Less than one year later, while attempting to close a saloon, Ballew shot and killed the owner of the bar. Ballew shot and killed six other men in similar acts of law enforcement before he, too, was killed in a gunfight.<sup>21</sup>

Retaliatory violence was one means of combating criminals in the oil fields; its long-term effects, nevertheless, were minimal. A more common deterrent to crime was increased manpower for sheriffs' staffs. In almost all counties affected by major oil booms, county officials expanded the number of deputies, special agents, and jailers. The sheriff's office in Carter County expanded to twelve men: one sheriff, an undersheriff, four field deputies, one civil deputy, one supervisor of identification, two jailers, and two guards. Similar changes occurred in Seminole County, where an even larger oil boom occurred in the 1920s. From just a few officers in 1915, the Seminole County sheriff's department expanded to eleven men in 1930. At a time when most counties in Oklahoma employed only three or four men in sheriffs'

departments, counties experiencing oil booms required exceptionally large forces to maintain law and order.<sup>22</sup>

Expanding the number of county law enforcement officers was the solution to another worsening threat to order in the 1920s, the rising traffic death toll on county highways. The age of the automobile, with heavy highspeed vehicles and paved two-lane highways, was accompanied by a gruesome carnage on the highways never before seen in Oklahoma. An outraged public, suffering from the danger on state roads, demanded traffic regulation and enforcement. In their traditional role as preservers of public order and safety, county law enforcement officers assumed this new responsibility as best as possible.

Existing sheriffs' departments could not fulfill public demands for increased traffic supervision, for the limited sizes of sheriffs' corps made it impossible to patrol all county highways. In 1923 Tulsa County solved this problem by creating the first county highway patrol in Oklahoma. The Tulsa County Highway Patrol, operating through the county commissioners' office, consisted of six uniformed men who patrolled the highways of Tulsa County and enforced locally established traffic codes. During the first fourteen months of operation, Captain Phillip Stone and his five policemen issued 2,060 arrests for traffic violations, amounting to

\$36,771 in fines. Cooperating with the Tulsa County sheriff's department, this early predecessor to the Oklahoma State Highway Patrol met the public demand for law and order on public highways.<sup>23</sup>

Highway traffic control, oil field law enforcement, and an expanding population increased the duties of county law enforcement officers during the first three decades of statehood. These expanding duties resulted in larger and more sophisticated sheriffs' departments in most counties of Oklahoma. This trend was especially evident in the most populous counties, Oklahoma and Tulsa. In 1930 the Oklahoma County sheriff's department consisted of twenty-one men and women, fulfilling fifteen specialized duties. Within the new organization were sophisticated law enforcement positions such as chief of transportation, chief of criminal investigation, criminal investigator, and patrolman. The Tulsa County sheriff's department in 1930 numbered twenty-three officers, several of whom staffed new crime prevention positions similar to those in Oklahoma County. Increased manpower and duty specialization were two results of new threats to peace in Oklahoma.<sup>24</sup>

A more traditional means of confronting such threats was inter-county cooperation. Law enforcement officers have long shared a sense of comradery, a conviction that all lawmen

from every jurisdiction are members of an unofficial fraternal order. This identification has served the needs of society well in times of trouble, for close cooperation between lawmen oftentimes has overcome seemingly insurmountable threats from criminals. An example of this comradery occurred in Seminole County in 1936. The incident began when two young car thieves murdered veteran lawman Christopher "Chris" Whitson. Within one hour more than 200 peace officers from surrounding county and city forces arrived in Seminole to avenge their slain comrade. A massive search uncovered the murderers, ridding Oklahoma society of two more criminals.<sup>25</sup>

In 1940 cooperation between county lawmen again served the goals of public order. The threat in this case was a gang of organized cattle thieves. Using trucks and convenient rural roads in north-central counties, these modern-day rustlers easily found isolated herds, cut the wire fences, moved the cattle into waiting trucks, then escaped without trace. Such thieves often could be in the next county before their theft was discovered. Not knowing where the rustlers would strike next, Sheriff C. M. Burkdall of Pawnee County and Sheriff Merl Harmon of Payne County joined forces. With the combined units moving into either county when necessary, the lawmen soon discovered the thieves. A force of three county lawmen then approached and captured the rustlers.

In rural Oklahoma such cooperation oftentimes proved essential.<sup>26</sup>

Yet, specialized officers, increased manpower, and inter-county cooperation in the 1920s and 1930s could not keep pace with changing demands for law enforcement. The Oklahoma State Legislature in 1925 responded by creating the Oklahoma Bureau of Criminal Identification and Investigation. Although the bureau centralized the collection of criminal data, the staff of investigators never attained adequate size to combat crime in all sections of rural Oklahoma. In 1937 the Oklahoma State Legislature again tried to supplement county law enforcement, creating the Department of Public Safety, of which the Oklahoma Highway Patrol was the largest and most essential unit.<sup>27</sup>

These two state law enforcement agencies, however, did not supplant county law enforcement, for the Oklahoma Bureau of Criminal Identification and Investigation was mainly a repository for information and rarely investigated local crimes unless specifically requested by sheriffs. Likewise, the Oklahoma Highway Patrol did not totally assume the functions of county law enforcement officers, for troopers were predominantly traffic officers who also were available for emergency duty. While highway patrolmen possessed full law enforcement authority, early leaders of the patrol stressed service and highway safety more than criminal law enforcement.

Although county lawmen after 1937 shared rural law enforcement duties with state agents, they retained an important role in preserving law and order. During World War II, as the draft thinned the ranks of the Oklahoma Highway Patrol, sheriffs increased their efforts by preserving order at home. Sheriff A. Garland Marro of Tulsa County, for example, purchased several new machine-guns for use against possible "Fifth Column" sabotage in the oil fields. One of Sheriff Marro's deputies, a veteran of World War I, instructed his fellow deputies in the operation of the new weapons. Spurred by propaganda warning against fascist and communist threats to democracy, many officers added anti-sabotage tactics to their traditional roles of county law enforcement.<sup>28</sup>

After the war, sheriffs' departments resumed peace-time law enforcement duties, sharing rural enforcement with an augmented Oklahoma Highway Patrol. Since 1945, however, environmental and social changes have lessened the responsibilities of county law enforcement. Governmental centralization, transferring many duties from county to state agencies, was one of the changes which weakened the role of sheriffs' departments. Another factor in the decline has been urbanization within the state. In 1907, 87.4 percent of Oklahomans resided outside of incorporated

towns in the jurisdictions of sheriffs. In 1970, only 32.0 percent of all Oklahomans lived in rural districts. This population shift has affected both the workload of county lawmen and the tax base for its support, resulting in smaller staffs and inadequate funding.<sup>29</sup>

The Adair County sheriff's department serves as a typical example of this problem. In 1977 the Oklahoma State Legislature enacted a statute directing all sheriffs' departments to provide jail guards on duty twenty-four hours a day. In larger counties, such as Oklahoma, Tulsa, or Comanche counties, where large urban centers required well-staffed sheriffs' departments, such an order was easily met. Smaller rural counties, such as Adair County in the rugged hills of eastern Oklahoma, were unable to meet the stipulation due to inadequate manpower and a lack of funds. Sheriff Dan Abbott, who had only one undersheriff and one jailer, closed the sheriff's office and moved his operations into the jail where he could provide the twenty-four hour-a-day guard duty. When asked for additional funds to hire another officer, the county commissioners of Adair County responded with "no funds." Small forces and limited tax revenues in rural regions since World War II have hurt the capabilities of county law enforcement.<sup>30</sup>

Although sheriffs' departments have lost strength and



capabilities since World War II, county lawmen still fulfill an indispensable role in law enforcement in Oklahoma. In addition to civil duties, which always have consumed most on-duty time, county lawmen provide two essential elements to law enforcement in the state: the peace-keeping services rendered to isolated communities who otherwise would have no law enforcement, and the personal relationship between sheriffs and the citizens within their jurisdictions.

A typical community which long has depended on county law enforcement is Battiest, a small mountain town in McCurtain County. In 1907 isolated towns such as Battiest could afford to hire local peace officers, for wages were minimal and local officers usually fulfilled multiple duties caring for the welfare of the town. Yet, since World War II, increasing wages and job opportunities elsewhere have made it virtually impossible for small towns to hire competent lawmen. Battiest, a community of only 393 residents, has long since functioned without a city marshal; instead, the isolated mountain folk have depended on the McCurtain County sheriff's department, which maintains offices at Antlers and Idabel. Although approximately fifty miles distant, deputies from these offices have been subject to call at all hours, providing the town with adequate law enforcement.<sup>31</sup>

To the south, in Latimer County, Sheriff Austin Park

in 1920 proved that lawmen serving in their own communities, where they were familiar with the customs and desires of their neighbors, could better meet social demands for law enforcement. During the recession following World War I, coal miners in southeastern Oklahoma walked off their jobs due to lowered wages. When the striking miners marched on Wilburton, state officials dispatched the Oklahoma National Guard to Latimer County with orders to stop the demonstration. Sheriff Park, a local man who knew and understood the grievances of the rebellious miners, intervened between the angry mob and the nervous guardsmen. Leaving his gun in his automobile, Sheriff Park walked down the road to "talk to the boys." By explaining the consequences of their actions to the marchers, and by using his personal relationship with his neighbors in the procession, Park prevented a clash between local men and state troops, a clash which might have resulted in violence and further labor troubles.<sup>32</sup>

In every county of Oklahoma, similar law enforcement successes have occurred, in part due to the local nature of county law enforcement. Substituting understanding for violence and friendship for suspicion, sheriffs and deputies for decades have enforced the laws and demands of their communities. This is the strength of electing local law enforcement officers. Local men, elected by local citizens,

usually have lived with and shared the expectations and demands of their fellow neighbors; such expectations and demands in any society are the basis for law.

From 1890 to 1925, except for a small force of over-worked United States deputy marshals, law enforcement in rural Oklahoma was the sole duty of county sheriffs. Elected every two years, these part-time politicians and also full-time lawmen maintained social order as demanded by the majority. If the lawmen failed in this duty, the public voted them out of office. When in office, the sheriff and his few appointed deputies were responsible for hundreds and thousands of square miles.

The years from 1890 to 1920 were a period of testing for county law enforcement. Confronted by rapid settlement, territorial bandits, oil booms, and highway death tolls, county lawmen reacted with inter-county cooperation, increased manpower, and organizational innovation. During this period sheriffs' departments attained the highest measures of success, enforcing state law in rural Oklahoma. From the flint hills of northeastern Oklahoma to the level plains in the southwest corner of the state, county lawmen represented law and order to hundreds of thousands of people.

The threats to county law and order intensified in the 1920s and 1930s, prompting the state legislature to create

two state law enforcement agencies, the Oklahoma Bureau of Criminal Identification and Investigation and the Oklahoma Highway Patrol. Although county lawmen retained all of their previous powers and authority, the inroads of state lawmen were significant. These statewide agencies, when coupled with urbanization after World War II, reduced the duties and obligations of county lawmen. Sheriffs and their deputies and jailers, however, are still important. In maintaining jail facilities, in providing law enforcement for isolated communities and rural residents, and in maintaining the desired social order of their constituents, sheriffs and their deputies continue to play a vital role in law enforcement in Oklahoma.

#### FOOTNOTES

<sup>1</sup>N. F. Wilson, comp., Wilson's Revised and Annotated Statutes of Oklahoma, 1903 (2 vols., Guthrie: State Capital Company, 1903), Vol. I, pp. 432-433.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., Vol. II, pp. 1195-1196.

<sup>4</sup>Colcord, The Autobiography of Charles Colcord, pp. 156-157.

<sup>5</sup>Oklahoma Territory, Annual Report of the Governor of Oklahoma to the Secretary of the Interior for 1899 (Washington: Government Printing Office, 1899), p. 87; Oklahoma Territory, Annual Report of the Governor of Oklahoma to the Secretary of the Interior for 1900 (Washington: Government Printing Office, 1900), p. 90.

<sup>6</sup>Ibid., p. 89.

<sup>7</sup>Colcord, The Autobiography of Charles Colcord, pp. 57, 67; Donice Clay, "Law Enforcement in Kiowa County," in Pioneering in Kiowa County (n. p.: Kiowa Historical Society, 1975), p. 29.

<sup>8</sup>Daily Oklahoman, December 30, 1892, p. 5; Norman Transcript, January 12, 1894, p. 4.

<sup>9</sup>Stillwater Gazette, January 31, 1901, p. 5.

<sup>10</sup>Daily Oklahoman, August 20, 1962, p. 21.

<sup>11</sup>Stephen Jones, Oklahoma Politics in State and Nation (Enid, Oklahoma: Haymaker Press, 1974), pp. 30-31, 50-51.

<sup>12</sup>Clay, "Law Enforcement in Kiowa County," in Pioneering in Kiowa County, pp. 28-29; C. E. Dudley, Days Gone By (n. p.: n. p., n. d.), p. 47.

<sup>13</sup>Blackwell Morning Tribune (Blackwell, Oklahoma), October 23, 1927, p. 4; Our Alfalfa County Heritage (n. p.: Alfalfa County Historical Society, 1976), p. 187.

<sup>14</sup>United States Department of Commerce, Thirteenth Census of the United States, 1910 (11 vols., Washington: Government Printing Office, 1913), Vol. III, p. 436.

<sup>15</sup>Carl Coke Rister, Oil! Titan of the Southwest (Norman: University of Oklahoma Press, 1949), pp. 12-24, 80-94, 119-142, 231-269.

<sup>16</sup>Ibid., pp. 120-124.

<sup>17</sup>Drue L. DeBerry, "The Ethos of the Oklahoma Oil Boom Frontier, 1905-1929" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1970), pp. 67-68.

<sup>18</sup>Ibid., p. 68.

<sup>19</sup>Gilbert L. Robinson, "The History of the Healdton Oil Field" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1937), pp. 59-60.

<sup>20</sup>Daily Ardmoreite (Ardmore, Oklahoma), March 1, 1919, p. 1.

<sup>21</sup>Ibid., November 19, 1915, p. 1, April 27, 1922, p. 1.

<sup>22</sup>Oklahoma Sheriff and Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1930), pp. 48, 50, 56, 84.

<sup>23</sup>Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1924), n. p.

<sup>24</sup>Oklahoma Sheriff and Peace Officer, 1930, pp. 54, 62.

<sup>25</sup>Oklahoma Sheriff and Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1936), p. 86.

<sup>26</sup>Oklahoma Sheriff and Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1940), p. 17.

<sup>27</sup>Oklahoma, Oklahoma Statutes, 1931 (Oklahoma City: Harlow Publishing Company, 1931), p. 1395; C. W. Van Eaton, comp., Harlow's Supplement to the Oklahoma Statutes, 1940 (Oklahoma City: Harlow Publishing Company, 1940), p. 1307.

<sup>28</sup>Oklahoma Sheriff and Peace Officer, 1940, pp. 20-25.

<sup>29</sup>United States Department of Commerce, Thirteenth Census of the United States, 1910, Vol. III, p. 436; United States Department of Commerce, Census of Population, 1970 (2 vols., Washington: Government Printing Office, 1973), p. 5.

<sup>30</sup>Daily Oklahoman, November 15, 1977, p. 1.

<sup>31</sup>Bobby Joe Williams, "Social Structure in a Mountain Community: A Preliminary Report" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1957), pp. 46-47.

<sup>32</sup>Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, January, 1963), p. 13.

## CHAPTER XI

### CITY POLICE, 1873-1907

County lawmen during the territorial era coped with an unsettled frontier, extensive jurisdictions, and limited communication. In the towns and cities of the territories urban lawmen dealt with different, but similarly threatening developments. In towns such as Vinita, Muskogee, Tulsa, Guthrie, and Oklahoma City, thousands of men and women of all races and backgrounds lived and worked on tracts of land oftentimes no larger than many family farms. The results were intense social interaction, overcrowded housing and public facilities, and limited tolerance for anti-social behavior.

These problems, which were typical of most urban communities, were more severe in Oklahoma and Indian Territories where frontier conditions and relatively young governmental institutions made urban life more complex. Moreover, the rapid growth of territorial towns, which outpaced urban expansion in most regions of the country, multiplied the problems of city lawmen. For example, in 1890 only 9,484



people in Oklahoma and Indian Territories resided in cities or towns, or less than 3.7 percent of the population; by 1907 that figure had expanded to 178,271, comprising 12.6 percent of the new state's population. This population explosion, combined with frontier conditions, intensified normal law enforcement tasks such as tax collection, while creating new duties such as clearing tents and buildings from platted city streets. More so than other law enforcement officials, territorial policemen confronted new and mounting threats to law and order, threats which forced them to devise new and innovative means of law enforcement.<sup>1</sup>

Law enforcement in the towns of Oklahoma preceded white settlement, for many Indian tribes by the 1840s had developed definable law enforcement institutions. The distinction between law enforcement in camp and on the trail was slight among most of the Great Plains tribes. The Cheyenne, whose warrior societies enforced a strict social code, simply adapted institutions developed through decades of nomadic wandering to their infrequent tribal gatherings. Even when Great Plains tribes developed exceptional law enforcement for camp meetings, such as the Kiowas did with the Taime-keepers, it usually was only an extension of clan leadership to a temporarily stationary setting. As was true of most Great Plains tribes, the Kiowas' camp life was merely an integrated

phase of their nomadic-hunting way of life, little different from behavior on the trail.<sup>2</sup>

Similar conditions prevailed among the Five Civilized Tribes; before the Civil War none of the tribes maintained law enforcement officers explicitly for duty in towns. Even until 1907, when tribal sovereignty ended, the Choctaws, Chickasaws, Creeks, and Seminoles were without regimented city lawmen. Only the Cherokees, the most Anglicized of the tribes, designated city lawmen, and that did not develop until 1873 when the Cherokee National Council incorporated the towns of Fort Gibson and Downingville. Through this act Cherokee town councils and mayors could enact ordinances and appoint constables "to restrain all violence, obscenity, and disorderly conduct, within the limits of the Town."<sup>3</sup>

The first Cherokee city constables possessed authority to arrest all persons violating town or tribal laws. With powers similar to those possessed by Cherokee district sheriffs, they upheld justice from the time of arrest to the execution of punishment. Only in cases of murder did Cherokee town constables transfer prisoners to district sheriffs. In this respect, town lawmen of the Cherokee Nation differed little from their American counterparts in neighboring states. By 1890 seven towns in the Cherokee Nation were patrolled by such officers.<sup>4</sup>

Although Indian lawmen served needed functions in Cherokee society, they proved to be ineffective when confronted by migrating whites. Especially after 1871, when railroads first penetrated the isolated territory, whites settled in towns such as Vinita, Wagoner, and Muskogee, ready to tap the potential wealth of the Indian nations. This wave of non-Indian settlement posed new threats to the region's stability, for federal law excluded whites from Indian jurisdiction; when non-Indian citizens committed crimes, therefore, only federal deputy marshals could legally arrest them. At times tribal officials ignored this limitation, ordering Indian officers to enforce the law among all men, citizen or not. In more than one instance, however, native lawmen refused to risk their lives for the safety of white non-tribal residents.<sup>5</sup>

Responsible for law and order among non-citizen whites in the Indian nations, the federal government attempted to solve this jurisdictional problem in 1878 by creating an Indian police force commanded by the white agent at the Union Agency in Muskogee. By 1879 such a force had been organized, quickly gaining the services of thirty officers. As new settlements appeared in his jurisdiction, the agent assumed a degree of control by assigning Indian officers to each urban site. For example, in 1886 Agent Robert L. Owen

assigned the first two permanent Indian policemen to the trading town of Tulsa. Officers William Sunday and Bill Burgess, both Cherokee Indians, lived at the foot of Standpipe Hill in North Tulsa, where they enforced liquor laws and maintained order among new settlers.<sup>6</sup>

The difficult and often dangerous duties of these early urban lawmen was typified by the arrival of Indian Policeman Shawnee Hardridge in Tulsa in 1889. When he reached his new post, Hardridge found a message from the agent at the Union Agency, describing a man who had a stolen wagon and team. The note directed him to pursue the suspect who was last seen near Tulsa. After following a trail towards Skiatook, the Indian officer overtook two men seated in a wagon, one of whom matched the description in the message. Pulling alongside the wagon, Hardridge drew his gun and ordered the men to halt. They responded with gunfire, piercing the lawman's horse but missing the officer. Hardridge returned fire, killing one man before the other escaped into the dense underbrush. The Indian officer then returned to town with the stolen wagon and horses.<sup>7</sup>

The hazardous duty attending the white immigration during the 1880s accelerated as all-white towns developed. By 1890 Krebs and McAlester had expanded to more than 3,000 population, while Lehigh, Muskogee, and Purcell followed

with respective populations of 1,600, 1,200, and 1,060. Although Indian agents often expressed surprise at the degree of order in these towns, the only law enforcement consisted of agency policemen, tribal officers, and a small corps of highly mobile deputy marshals. This contingency proved inadequate in 1890, when white men in the coal mining community of Krebs became too lawless to ignore. As a result, Indian Agent Thomas Owen gave the citizens of Krebs permission to organize a provisional government, complete with laws and enforcement officers. The agent delegated unofficial authority to these provisional lawmen by agreeing to expel from the territory all law violators arrested and convicted by the town's officials.<sup>8</sup>

Temporary peace-keeping efforts were not enough to maintain peace in the burgeoning white communities of the Indian Nations. Recognizing the problem, the federal government in 1890 extended the civil law codes of Arkansas to Indian Territory, under which white town dwellers could petition the federal government for municipal incorporation. With such recognition, they could elect town officials and law enforcement officers. Although solving problems of lawlessness in many towns of Indian Territory, federally organized city law enforcement created even more trouble in several Cherokee towns.<sup>9</sup>

The conflict was jurisdictional, because the law extending township provisions to Indian Territory failed to make federal incorporation exclusive of Cherokee township laws, which had been recognized as valid since 1873. This legal oversight caused no problems when the first two Cherokee towns were granted federal incorporation; but, in 1896, when whites in the Cherokee town of Claremore applied for this status, a unique political problem surfaced. The new federally chartered government, which was controlled by a white majority, elected city officers and a city marshal; the Cherokee government, however, refused to disband, claiming legitimacy as a legal creation of the Cherokee National Council. Thus Claremore was ruled by two governments, each with its own lawmen. In this case a federal judge settled the conflict in favor of the federally incorporated government in 1898; a similar conflict in Nowata was not resolved as peaceably.<sup>10</sup>

In 1897 whites in the incorporated Cherokee town of Nowata petitioned a federal district judge for incorporation under the Arkansas law code. When the request was granted, the white majority elected a white-dominated city government and city marshal. Despite the election, the Cherokee town government behind City Marshal Jonathan Fulson refused to disband. A minor clash ensued between Fulson and the white

city marshal, whereupon both governments appointed additional officers ready to survive by force if necessary. The conflict between Indian and white lawmen ended only when the white marshal shot and killed Fulson and his brother. In this strange incident lawmen resorted to behavior usually condemned by society; frontier conditions and the political whirlwind in Indian Territory created these ironic confrontations.<sup>11</sup>

While these environmental conditions dictated new systems of peace-keeping in Indian Territory, similar developments were forcing whites to implement makeshift law enforcement in Beaver City, No Man's Land. Settled in 1885, Beaver City survived without official law enforcement for two years before four violent deaths in 1887 prompted concerned citizens to elect a town government capable of establishing law and order in their frontier community. On September 16, 1887, the first provisionally elected city council of Beaver City commissioned Addison Mundell as its city marshal. The lone lawman received \$50 a month in salary, paid for by a monthly tax of \$3 imposed on all businessmen and saloonkeepers in town. This provisional law enforcement officer preserved order until the Organic Act of 1890 established Oklahoma Territory, authorizing federally organized governments and officials.<sup>12</sup>

Similar expedience was necessary 200 miles to the south-east after April 22, 1889, for as in No Man's Land, the

Unassigned Lands had no organized governments to maintain order. Only a few hundred overworked troops and a small corps of United States deputy marshals represented law and order among the flood of farmers, cowboys, and badmen. Confronted with this hopeless task, United States Marshal Thomas B. Needles assigned three deputies to Guthrie and a dozen more to scattered points in the opened territory. These officers tried to maintain order at designated townsites, but the task was too much; the deputies usually directed most of their attention to rural districts, leaving the fledgling towns with only minimal supervision.<sup>13</sup>

Having outdistanced established social institutions such as law enforcement, security-seeking homesteaders and lot-claimers rapidly organized provisional units of local government for the preservation of order. In Guthrie, where more than 8,000 well-armed settlers crowded onto a score of town lots, each only twenty-five feet wide and fifty feet deep, voters hastily organized a provisional committee of fifty, which appointed a mayor, enacted ordinances, and selected a city marshal and his deputies.

One of the first law enforcement acts peculiar to such frontier boom towns was clearing the way for streets through claimed lots, for land-greedy settlers usually claimed every parcel of land in new townsites. The provisional government



of Guthrie, with its duties of establishing and maintaining order in the community, surveyed streets through the tangle of tents and shacks. When lot-claimers refused to vacate the condemned properties, city lawmen were summoned to enforce the law. Two policemen, William Barclay "Bat" Masterson and William "Bill" Tilghman, both well-known lawmen accustomed to city law enforcement in Dodge City, Kansas, attached heavy logs to two teams of four mules. Mounted on the lead mules and carrying Winchesters and six-guns, the two officers ordered all tents and property cleared from surveyed Oklahoma Avenue. A newspaperman described this early act of city law enforcement: "At the appointed time, Tilghman, Masterson, the mules and logs started. In an hour, there was not a tent or piece of luggage in Oklahoma Avenue, and for the first time since the occupation of Guthrie you could stand on the hill and look straight down the avenue to the Santa Fe station."<sup>14</sup>

Another important duty for these early lawmen, and one which was necessary for the peace-keeping successes of town governments, was tax collection. The provisional government of Kingfisher appointed their first city marshal only four days after the land run of April 22, 1889; three days later the city council ordered him to collect taxes from the residents of the young community. Taxes on town lots, buildings,

and gambling devices, paid to city marshal D. F. Wyatt, insured the existence and effectiveness of civil government in Kingfisher. For accomplishing this important task, the marshal received a salary of \$25 per month.<sup>15</sup>

Lawmen found similar duties forty-five miles to the south in young Oklahoma City, where claim jumpers became a problem during the first few days after the run. In one instance, a force of 250 armed men marched on a claim adjacent to Oklahoma City on the north, intending to stake out town lots; only blue-shirted United States cavalrymen kept order. Another band of 500 men turned to a claim west of the city, but again troopers prevented the act of lawlessness. Violence threatened the security of the inner-city community as well. One example of wild frontier exuberance was the conflict between cowboy settler George "Satan" Shields and the Wolf gang. When members of the gang threatened a friend of Satan's, the wild Texan purchased an oak ax handle and proceeded to the saloon where his adversaries lounged. When the battle ended six members of the gang lay unconscious. A provisional lawman took the battered badmen to the city court, where the judge fined each of them \$100 on charges of "attempting suicide."<sup>16</sup>

Although violence and claim jumping abounded, most of the rugged settlers in Oklahoma City desired a greater degree of law and order. A few days after initial settlement a

provisional government was organized with William Couch, the Boomer leader, as mayor and Joseph "Joe" Blackburn, an official in the Seminole Townsite Company, as city clerk and recorder. These unofficial city officers enacted ordinances and appointed policemen for law enforcement; with no city funds to pay officers, however, Couch and Blackburn could not find a qualified lawman who would enforce the law full-time. This deficiency ended when Blackburn, acting as mayor, appointed fellow Kentuckian Charles Colcord as Oklahoma City's first full-time policeman.<sup>17</sup>

Colcord's law enforcement prospects were not promising, for the provisional government offered no determined salary, no jail, and no police court. Monetary compensation for risking his life enforcing the law depended on collecting fines from law violators. If an arrested man had money, Colcord fined him from one to five dollars, kept him one night in a makeshift tent jail, then deposited him back into the rambunctious crowds. Despite the uneven pay and the inadequate assistance provided by only one or two part-time deputies, Colcord maintained a relative degree of order. Ignoring the rows of saloons, casinos, and bordellos along the Santa Fe tracks, the lone officer concentrated on preventing violence. One of his most noted successes was preventing a gang war between an armed band of gamblers and

a vengeful force of cowboys who were determined to settle their differences with gunfire. Colcord forestalled the street battle by disarming every gambler and cowboy he met until the two forces were incapable of warfare.<sup>18</sup>

Such violence often resulted in shootings, threatening the safety of industrious citizens. Needing assistance, Colcord wired United States Marshal Richard "Dick" Walker, who had jurisdiction in the newly-opened territory. Recognizing the problems, Walker commissioned Colcord a deputy marshal, authorizing him to use a detachment of United States soldiers in the city as supplementary manpower if needed. Relying on the barrel of his gun and a sensible attitude towards frontier behavior, however, Colcord avoided the use of soldiers as temporary lawmen.<sup>19</sup>

In August of 1890 the first Oklahoma City elections were held under the Organic Act creating Oklahoma Territory. Residents of the young town elected W. J. Gault mayor, who in turn appointed Colcord as the first legal city marshal. With a salary of sixty dollars a month, Colcord organized a new police force and selected one officer for each of the city's four wards. Included in this first force was John Hubatka, who remained with the Oklahoma City police department for more than forty years, serving at various positions from patrolman to chief of police.<sup>20</sup>

This new police force inherited many of the problems encountered by provisional lawmen, such as violence, unsettled conditions, and a mobile energetic population. In addition to enforcing restraints on violent behavior, the officers upheld a steadily lengthening list of city ordinances. Typical of many western boom towns, one of the first such ordinances prohibited carrying concealed weapons. Other city statutes, from morality laws to speed limits on buggies, imposed a sense of order on young Oklahoma City; these laws, however, were only as effective as the manpower behind them.<sup>21</sup>

As the list of ordinances lengthened the young boom town attracted more hopeful settlers, straining the ability of policemen to enforce the law. From 1890 to 1900 the population of Oklahoma City expanded from a few thousand to 10,037. From 1900 to 1907 the increase accelerated, rising to 32,452 energetic urbanites. This population explosion with all the social problems attending compact settlement, forced city leaders to add new men to the police force. As Chief Frank E. Cochran bluntly explained, "The town is getting so big six men can't handle it any more."<sup>22</sup> From five officers in 1890, the department increased to eight men in 1896. In 1901 the force boasted of twelve men, before a major reorganization in 1903 brought the number to twenty-two officers. Of these, seven men patrolled the city during the day, thirteen

enforced the law at night, while two men served as detectives.<sup>23</sup>

When Oklahoma entered the Union as the forty-sixth state, the Oklahoma City police department numbered twenty-five patrolmen and four detectives. Each officer served almost 1,100 citizens, a task which involved long hours and diligent work. Moreover, in 1907 police officers' duties were more difficult due to the heavy load of cases involving criminals, and not just traffic violations. For example, in 1906 Chief John Hubatka's police force made 7,112 arrests. This included 1,962 arrests for intoxication, 1,173 arrests for prostitution, and such varied duties as 431 arrests for assault and 92 arrests for carrying concealed weapons. A few arrests were for non-violent offenses, such as eight arrests for allowing chickens to run loose, but police duty before the age of the automobile generally entailed enforcing laws against professional criminals. Preserving the peace and enforcing state and city laws among this volatile frontier population was the basis for the rapid growth of the Oklahoma City police department.<sup>24</sup>

While this police force established social order within its small jurisdiction, the federal government authorized a succession of land openings from 1893 to 1901. Each opening witnessed the sudden birth of towns, and each required the settling influences of lawmen. Before the opening of the

Cherokee Outlet in 1893, Marshal E. B. Nix of Guthrie foresaw this need, assigning deputy marshals to proposed townsites. He assigned Bill Tilghman and Forrest Halsell to Perry, Jack Love to Woodward, and other officers to isolated locations such as Alva, Kingfisher, Enid, and Pond Creek. The duties of these temporary town officers included guarding land office vaults, maintaining order around the offices, and preventing violence among claimants. These seemingly simple assignments amounted to major duties on September 16, 1893, when the land run into the Cherokee Outlet began.<sup>25</sup>

As the sound of the opening gun faded, land-hungry men and women rushed into the rich new region. At noon the townsite of Enid boasted only four inhabitants; three hours later more than 12,000 claimants crowded onto the 320 acre townsite. In Perry, the location of the land office, the population surge was even more overwhelming. By nightfall the small community of 6,000 lots was home to more than 25,000 men and women. Crowded conditions in the frontier environment, combined with the intensity of claiming, losing, and defending lots, spawned a rowdy, intense citizen body in need of the settling influences provided by lawmen.<sup>26</sup>

During the first few weeks after the run, city law enforcement was a matter of simply preserving the peace, for enforcing laws governing public behavior and morality waited

for boomtime madness to subside. In Perry, for example, which boasted of more than 100 saloons and gambling establishments, lawmen could only keep citizen behavior within certain limits. Even this task was difficult at times, for Perry and its land office attracted tens of thousands of claimants. Oftentimes these men waited two weeks for their turns to file, spending their idle time in one of the saloons in "Hell's half acre," Perry's wilder district. At these dens of pleasure successful claimants celebrated, while frustrated land seekers drowned their sorrows. Both groups provided Perry with a population which tested the fiber of boom town law enforcement.<sup>27</sup>

As in most towns settled by land runs, Perry was plagued by claim jumpers. During the first few days of settlement the only lawmen in Perry were United States deputy marshals, but usually they were occupied with maintaining order at the land office. Charles Colcord, at the time a commissioned deputy marshal, prevented claim jumping to a limited extent when he was affected personally. Having filed on a prime corner lot, Colcord left to attend to his official duties as a lawman. While absent, a band of gamblers pulled up his stakes and claimed the lot, whereupon they hastily began erecting a tent for their trade. Alerted by fellow deputies, Colcord returned to his lot where he used his shotgun and a stiff boot to expell the lawless interlopers. The first day



Colcord defended his claim three times before he assigned one of his possemen to the site.<sup>28</sup>

Frontier conditions blazed for only two weeks before the territorial governor declared Perry a first class city. Through the first city elections, as in most frontier towns, potentially permanent settlers controlled the government, with grocer John Brogan as mayor. Desiring peace and order, Mayor Brogan appointed Bill Tilghman as the town's first chief of police, with John Thornhill, Charles "Fatty" Hopkins, and Henry A. "Heck" Thomas as his policemen.<sup>29</sup>

Although the city council declared Perry an "open" town with legalized liquor sales, gambling, and prostitution, the new government demanded strict regulation of these activities. The young police force collected taxes on the saloons, kept prostitutes out of the "respectable" sections of town, and collected license fees from gamblers based on the number of tables operating. By 1895 a police department of three day policemen and two night officers maintained order as demanded by Perry's leading citizens. Paid only \$45 a month, these officers in less than two years after the land run established a sense of order which promoted the construction of three national banks, sixteen schools, seven miles of water main, an electric light system, and a motorized fire department.<sup>30</sup>

Settled conditions did not ease the burdensome duties

of policemen; neither did the passing of the rough frontier make their jobs safer. Violent outbursts such as bank robberies, prison escapes, and bar room brawls posed everyday threats to the lives of city lawmen. As opposed to cross-country manhunts in rural regions, where gunfights occurred usually as last resorts, law enforcement in small towns often involved face-to-face confrontations between escaping criminals and dutiful lawmen. For example, while city marshal of Perry, Bill Tilghman shot at least one man in gunfights for his life. Oklahoma City Police Chief Milton Jones was not so fortunate in 1894. In a gunfight with outlaw James "Jim" Casey on the streets of the city, Jones gave the ultimate sacrifice for the cause of law and order.<sup>31</sup>

From 1873 to 1907 the land which became the state of Oklahoma experienced the development of city law enforcement with all of its unique characteristics. In Indian Territory, where city law enforcement in Oklahoma began, jurisdictional conflicts between Indian and white law enforcement were most apparent in towns, where congregations of whites provided real threats to Indian sovereignty. In towns such as Claremore and Nowata larger conflicts between two cultures were expressed in issues of local government and law enforcement. The problems surrounding whites in the Indian nations, and the overlapping jurisdictions of federal and native criminal

laws were much more apparent in towns such as Muskogee and Krebs than in rural districts where distances and isolation muted cultural differences.

In Oklahoma Territory, boom towns filled with gamblers and drifters as well as settlers and businessmen represented most of the social and economic problems attending the land runs. With problems of overcrowding and lack of official governmental regulation, territorial towns posed the most serious dangers to lawmen between 1889 and 1907. Oklahoma City, for example, rose out of the prairie sod in one day, seething with ambitious men and women. Their economic endeavors, from lot claiming to gambling, for more than sixteen months remained unregulated by an official government. Even when the people elected official governments, lawmen were confronted with the same unsettled conditions.

Lawmen in territorial towns enforced numerous laws and ordinances varying with geography, social structure, and constituency, but most urban law enforcement shared certain similarities. For example, in most towns police departments grew much more rapidly than rural law-keeping agencies. City lawmen also spent more time than their rural counterparts enforcing morality laws against such activities as gambling and drinking. Moreover, territorial city officers encountered more people in constricted jurisdictions, making their jobs

more dangerous. Whether arresting gun-toting criminals or incarcerating intoxicated citizens, city lawmen before 1907 established their unique and invaluable contribution to law enforcement in Oklahoma.

#### FOOTNOTES

<sup>1</sup>United States Department of Commerce, Thirteenth Census of the United States, 1910, Vol. III, p. 436.

<sup>2</sup>Mayhall, The Kiowas, pp. 120-121; Llewellyn and Hoebel, The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence, pp. 112-113.

<sup>3</sup>Cherokee Nation, Constitution and Laws of the Cherokee Nation (Parson, Kansas: Foley Printing Company, 1893), pp. 300-305.

<sup>4</sup>Ibid., pp. 300-306.

<sup>5</sup>Grant Foreman, Muskogee: The Biography of an Oklahoma Town, pp. 46-48.

<sup>6</sup>Clarence Douglas, The History of Tulsa, Oklahoma: A City With a Personality (3 vols., Chicago: S. J. Clarke Publishing Company, 1921), Vol. I, p. 149.

<sup>7</sup>J. M. Hall, The Beginnings of Tulsa (n. p.: n. p., n. d.), p. 52.

<sup>8</sup>United States Department of the Interior, Report of the Commissioner of Indian Affairs for 1890, p. 430.

<sup>9</sup>H. V. Thornton, "A History of Early Municipal Government in Oklahoma," Oklahoma Municipal Review, Vol. IV, No. 5 (May, 1930), pp. 120-121.

<sup>10</sup>Ibid., p. 121.

<sup>11</sup>Vinita Indian Chieftain, October 7, 1897, p. 1; Felix M. Gay, History of Nowata County (Stillwater, Oklahoma: Redlands Press, 1957), p. 24.

<sup>12</sup>Rister, No Man's Land, pp. 112-114; Pictorial Edition of the Hooker Advance (Hooker, Oklahoma: Hooker Advance Press, 1928), n. p.

<sup>13</sup>Guthrie Daily Leader, April 16, 1961, Sec. B, p. 8.

<sup>14</sup>Glenn Shirley, Six-Gun and Silver Star (Albuquerque: University of New Mexico Press, 1955), pp. 17-18.

<sup>15</sup>Melvin Fiegal, "The Founding and Early Development of Kingfisher, Oklahoma" (Unpublished Master of Arts Thesis, Oklahoma State University, Stillwater, 1965), pp. 20-23.

<sup>16</sup>Roy Gittinger, The Formation of the State of Oklahoma p. 191; Daily Oklahoman, January 3, 1943, p. 1.

<sup>17</sup>Colcord, The Autobiography of Charles Colcord, p. 63.

<sup>18</sup>Ibid., pp. 139-143.

<sup>19</sup>Ibid., pp. 150-151.

<sup>20</sup>Ibid., pp. 153-154; Daily Oklahoman, April 23, 1916, Sec. D, p. 12.

<sup>21</sup>Ibid.

<sup>22</sup>Ibid., January 30, 1957, p. 1.

<sup>23</sup>United States Department of Commerce, Census of Population, 1970, Vol. I, Pt. 38, p. 14; Daily Oklahoman, December 23, 1903, p. 21.

<sup>24</sup>Ibid., January 15, 1907, p. 5.

<sup>25</sup>Nix, Oklahombres: Particularly the Wilder Ones, pp. 96-98.

<sup>26</sup>Joe B. Milan, "The Opening of the Cherokee Outlet," The Chronicles of Oklahoma, Vol. X, No. 1 (Spring, 1932), pp. 126-127; Ethel K. Knox, "The Beginning of Perry, Oklahoma" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1937), p. 17.

<sup>27</sup>Ibid., p. 17.

<sup>28</sup>Colcord, The Autobiography of Charles Colcord, p. 187.

<sup>29</sup>Knox, "The Beginning of Perry, Oklahoma," p. 14.

<sup>30</sup>Robert E. Cunningham, Perry, Pride of the Prairie (Stillwater, Oklahoma: Frontier Press, n. d.), pp. 18-19; "Perry," Oklahoma Magazine, Vol. III, No. 4 (April, 1895), pp. 207-208.

<sup>31</sup>Milan, "The Opening of the Cherokee Outlet," The Chronicles of Oklahoma, Vol. X, p. 127; Daily Oklahoman, January 30, 1957, p. 1.

## CHAPTER XII

### CITY POLICE, SINCE 1907

After 1907 city law enforcement developed rapidly, for as Oklahoma changed from an overwhelmingly rural to a predominantly urban state, city lawmen were confronted with worsening threats to social order and public safety. These problems were the results of two basic developments: urban growth and the widespread use of automobiles. The lure of cities, consisting of jobs, better wages, and new economic opportunities, attracted vice, crime, and social instability as well as ambitious citizens. Technological developments, such as the automobile, posed further problems for city police, including traffic fatalities and newly mobile criminals. Together, urban growth and technology forced city governments to reorganize and supplement their police departments.

When Oklahoma gained statehood in 1907, most towns and cities within its borders were small and constricted. Even Oklahoma City, the state's largest urban center, numbered only 40,000 residents and included but a few square miles. In such cities and towns the combat of crime, rather than traffic



regulation or public service, was the foremost function of policemen. As the official manual of the Oklahoma City Police Department stated, "The prevention of crime being the most important duty of a police officer, each patrolman shall direct his efforts constantly to that object ... and to the very utmost of his power, prevent the commission of assaults, breaches of the peace and all other crimes about to be committed."<sup>1</sup> With no traffic problems, minimal governmental regulations to enforce, and little administrative paper work, most policemen dealt with crime and criminals.

One of the most serious crimes confronting law enforcement officials at the turn of the century was vice, especially liquor sales, prostitution, and gambling. Suppressing these activities consumed much on-duty time in most towns and cities, not because vice was new to Oklahoma, but rather because many Oklahomans by 1907 shared the national mood of moral progressivism. As citizens increasingly viewed vice as criminal activity, policemen were forced to new heights of activity.

Many town and city governments had taken stands against vice even before statehood. One such city was El Reno, incorporated on June 12, 1890. The first official act of the El Reno City Council was enacting an ordinance establishing a detailed criminal code defining offenses and fixing

penalties. Included in the ordinance was one section outlawing "intoxication in any street, alley, or public place, or in any private house."<sup>2</sup> Also included were provisions against operating a bawdy house, entering a bawdy house, keeping a prostitute, appearing nude in public, wearing the clothes of the opposite sex, gambling, betting, and operating gambling devices. This rigid moral code was an expression of the citizens' demands for moral purity; its enforcement became the burden of the city police department.<sup>3</sup>

El Reno policemen, never numbering more than five men during the 1890s, spent most of their energies dealing with men and women violating these laws. From July 12, 1890, to August 15, 1890, these officers arrested sixty-seven men and women for various offenses. Of that number, fifty-eight had violated one or more of the moral codes established by the council's first ordinance. This included the arrests of twenty-six prostitutes, two bawdy house operators, eleven gambling operators, sixteen intoxicated persons, and three people guilty of using indecent and obscene language.<sup>4</sup>

Even as late as 1916 people violating the strict moral code burdened the El Reno police department. From August 6, 1916, to September 30, 1916, city lawmen arrested fifty-three persons, of whom thirty-eight had violated morality laws. Prostitution still was the most common offense, followed by

intoxication and gambling. In the cities and towns of Oklahoma, where the purveyors of vice assembled to collect their illegal income, policemen were caught between persistent drinkers, gamblers, and prostitutes, and reform-minded citizens who demanded social purity.<sup>5</sup>

In Oklahoma City the enforcement of vice laws also consumed much of the police department's energies. In a period of twenty-one months from April of 1905 to January of 1907, Oklahoma City policemen arrested 1,962 inebriates, 1,173 prostitutes, and 303 persons for operating bawdy houses. To many of the 40,000 residents of Oklahoma City, even these efforts were not enough to cleanse the community of immoral activity. That conviction was a major issue in the city elections of 1907. After a heated campaign involving the increasingly influential Anti-Saloon League and the reform-minded Daily Oklahoman, the voters elected a reform mayor, who dutifully appointed Charles Post as chief of police.<sup>6</sup>

Chief Post, responding to the progressive spirit of his constituents, organized a "flying squadron" of officers to raid dens of vice quickly and effectively. These officers attacked gambling establishments, bawdy houses, and liquor sales rooms, attaining a fair measure of success. Enthusiastic enforcement of morality laws might have pleased

progressive citizens, but it often led the police department to extremes. For example, the police dockets of 1908 included arrests for "open flirting on the streets" and "spooning in broad daylight."<sup>7</sup>

Progressive reform affected organization of police departments as well as the extent of strict enforcement. Apparently in an attempt to give government "back to the will of the people," the Oklahoma Territorial Legislature in 1896 made the Oklahoma City police chief's position elective. When this change did not have the expected effect, the position reverted to appointive status in 1905. In 1911 the reform spirit again surfaced when the voters instituted a commission form of government, under which the chief of police was elected. Whether under an elected or appointed chief, the Oklahoma City police department during the early years of the century confronted an increasing volume of vice and crime, while at the same time being directed by the majority of voters to cleanse their city of moral deviates.<sup>8</sup>

The task of moral reform required more officers than had been needed for simple caretaker police forces. By 1916 the Oklahoma City police department numbered sixty-three men, including one chief, three captains, three sergeants, three motorcycle officers, twenty-seven patrolmen, eleven

detectives, four traffic officers, four drivers, three jailers, a police matron, and one prison guard. With increased manpower also came new equipment. By 1916 the police force had three automobiles, three motorcycles, and one motor patrol wagon. Such changes were necessary to meet the rapid expansion of Oklahoma City before World War I and the accelerating demands for moral conformity in society.<sup>9</sup>

Not all towns and cities in Oklahoma after 1907 experienced such expansion. For example, the town of Welch, with a population of only 684 in 1910, shared many of the problems found in larger cities, but on a much smaller scale. Instead of the personnel increases, the town of Welch maintained only one city marshal throughout the 1910s and 1920s. The city marshal was an important officer because he not only enforced city ordinances and preserved law and order, but also fulfilled various duties such as road repair, animal control, and operating the town's well pump. To perform these duties, in 1915 the city council paid the marshal \$700 a year. Although this was a modest amount, it was the second largest municipal expenditure, exceeded only by the street department. As in larger cities such as Tulsa or Muskogee, police services were indispensable for maintaining order in small towns such as Welch.<sup>10</sup>

The police departments of both small and large towns of Oklahoma encountered new problems when the United States entered World War I in 1917, for many Oklahomans, like the rest of the nation, enthusiastically supported the war effort. Police departments, enforcing public demands for conformity during wartime, often assumed new and forceful roles in the state's towns and cities.

In one of the most publicized incidents of local war frenzy, Oklahoma City Police Chief William B. Nichols led a raid on the International Bible Students Association, who were selling the novel The Finished Mystery, a book which the United States Department of Justice labeled as seditious and pro-German; the raiders seized and burned more than 5,000 copies of the book. Nichols enforced the war spirit in other ways, adhering to the slogan, "Go to work, go to war, or go to jail." To insure Oklahoma City's complete participation in the war, Chief Nichols ordered his officers to increase vagrancy arrests in order to apprehend draft evaders. Such action was not just the result of one officer's attitude, but was merely a reflection of the national mood, manifested in the overt actions of city policemen.<sup>11</sup>

As the war ended and Oklahoma boys returned to their homes, the towns and cities of the state experienced a population explosion. In 1910 Oklahoma City and Tulsa

boasted respective populations of 64,205 and 18,182. By 1930 each had expanded to 185,389 and 141,258, while smaller towns such as Lawton increased from 7,788 to 12,121 during the same period. Between the two world wars these towns and cities were rocked by disrupting developments attending this large population shift, including problems which tested urban policemen.<sup>12</sup>

Although political reform waned after the war, social reform in the cities of Oklahoma resumed prewar levels, stimulated by increased vice among an expanding and prosperous population. The Tulsa chief of police in 1922 expressed this sentiment when he wrote, "Vice and crime do not segregate; they congregate. They evolve and wax fat on the foul moral conditions which their congregation produces."<sup>13</sup> The actions of the Tulsa police department complied with its chief's attitudes, for in 1922 policemen in Oklahoma's second largest city arrested 2,545 persons for public intoxication, 1,851 for selling liquor, 1,097 persons for prostitution, and 825 for gambling.<sup>14</sup>

The Tulsa police department, in a move to combat these social crimes more effectively, established a vice squad, divided into three sections: liquor raiders, narcotics agents, and a gamblers squad. The liquor raiders alone conducted 1,404 raids and arrested 1,849 men and women in

one year. In the three years from 1922 to 1925 the six men in the liquor raiding squad, working in day and night shifts, made 5,044 raids and 6,610 arrests, of which approximately one-half were for liquor law violations, one-fourth for gambling, and one-fourth for "lewd conduct." This success was due to a combination of energetic law enforcement and Tulsans' desires for social law enforcement.<sup>15</sup>

City police confronted another and more deadly threat during the 1920s and 1930s, violent crime. The depression years, which in Oklahoma extended from the mid-1920s to the 1930s, were marked by rampant crime, as killings, burglaries, and robberies increased with unemployment and social unrest. For example, in Oklahoma County in 1936, forty-six people were killed and hundreds of others were wounded.<sup>16</sup>

The intensity of the decade-long crime wave is best reflected by the tragic record of officers killed in the line of duty. From 1928 to 1934, thirty-two Oklahoma policemen lost their lives protecting the public's welfare. In Oklahoma City alone ten officers were killed during the 1930s, a record which has not been matched since. As violent crimes increased, the threat to the public's safety intensified; policemen responded with greater efforts at law enforcement, too often resulting in the deaths of officers.<sup>17</sup>



Vice and crime were not the only threats to public safety during the 1920s and 1930s, for traffic problems, new and potentially more dangerous, emerged during these decades. Cities and towns were unprepared for automobiles in the twentieth century, as there were few paved roads and fewer traffic codes. Unpaved lanes, adequate for wagons and horses, became the scenes for traffic collisions and pedestrian danger. To confront the problem, cities and towns enacted regulatory traffic codes, to be enforced by the traditional preservers of the peace, city lawmen. Even the small town of Welch experienced the problems attending automobile use, countering in 1915 with a detailed ordinance "to Regulate and Control the Movement and Operation of Motor Driven and Other Vehicles Upon the Streets and Avenues."<sup>18</sup> Included were provisions for acceptable automobile operation, such as driving on the right side of all streets, limiting driving speed to a maximum of eight miles per hour, and sounding the horn when rounding corners.<sup>19</sup>

To enforce traffic codes, many town and city police departments created patrol squads assigned exclusively to traffic. In 1924 the Tulsa police department employed nineteen officers in a traffic squad; these men issued more than 4,300 citations to motorists violating one or more of the city's traffic laws. In 1936 the Oklahoma City police

department boasted of forty-one traffic officers, of whom eighteen were stationed at street corners, while twenty-three regulated traffic from motorcycles.<sup>20</sup>

By 1930 most cities and towns of Oklahoma had enacted traffic codes, elevating traffic law enforcement to an important position among the varied duties of policemen. For example, in 1929 the five-man police department of Duncan made 327 arrests, of which 117 involved traffic law violations. In El Reno 250 of the department's 700 arrests were traffic citations. In Oklahoma City, out of 23,661 arrests, 8,848 involved motorists. These numbers indicate the importance which traffic law enforcement assumed among city police departments in the 1920s and 1930s.<sup>21</sup>

Traffic problems, public opposition to vice, and more crime increased only gradually in many towns and cities of Oklahoma, allowing police departments time to adjust. This period of adjustment enabled cities to increase police personnel, reorganize divisions, and enact new ordinances. From 1907 to 1930 a few towns of the state confronted another threat which did not lend to gradual adjustment; the new problem was the oil boom. Towns such as Cushing, Ardmore, Drumright, and Seminole, which had developed in orderly fashions before oil strikes in their regions, became boom towns overnight, made rich by oil. The sudden transitions

from sleepy villages to bustling boom towns revolutionized economic, social, and legal traditions. City police departments tried to maintain order and preserve the peace during this time.

The situation in Seminole was typical of these law enforcement problems, for this town was the scene of the wildest oilboom in Oklahoma, experiencing most of the problems encountered in other boom towns. The discovery well starting the boom in Seminole struck oil on March 12, 1926, with initial production of 1,110 barrels per day. Soon, oilmen drilled wells which produced more than 10,000 barrels per day, enough to attract more than thirty-five oil companies and hundreds of independent drillers. So much oil flowed from the ground around Seminole that pipeline construction and oil tank crews worked three shifts per day. To house and feed thousands of oil field workers, merchants, builders, and restaurateurs hastily transformed Seminole into a supply center for the oil field. A town of less than 1,000 people thus became a bustling boom town which often hosted more than 20,000 men and women.<sup>22</sup>

This collection of humanity represented both the best and worst of the oil industry, for the height of the Seminole oil boom did not coincide with another booming oil field from 1926 to 1927. All the saloon-keepers, camp followers,

gamblers, prostitutes, and outlaws who had ambled from one boom town to another in Oklahoma, Texas, Louisiana, and California, rushed into Seminole to tap the quick wealth of the nation's premier oil field. In Seminole they found men with money to spend; some months the payroll for all companies in the oil field exceeded \$600,000, most of which was spent in Seminole. Much of this money gravitated to Chancre Flats, or Bishop's Alley, the "red light district" on the northeast side of town where roughnecks found saloons, dance halls, gambling dens, and everything needed for diversion from the long hours on the oil rigs.<sup>23</sup>

The small Seminole police force expanded to fourteen men in an attempt to retain order in the overwhelmed village. Jake Sims, who had drifted to the Seminole oil fields in 1926, became chief of police in 1927. When he assumed the position, he found that the nearest jail was eighteen miles distant; he therefore found an abandoned railroad boxcar, transported it to a spot one block east of Main Street, and designated it as Seminole's city jail.<sup>24</sup>

The boxcar jail had room for approximately twenty prisoners, but many nights the police crowded fifty to sixty men and women into the small structure. Sims modified the car by drilling holes into the sides, through which he slipped chains with shackles. This kept prisoners immobile and harmless, the men on one side, the women on the other.<sup>25</sup>

Chief Sims had adequate reason for incarcerating so many people, for Seminole was rife with crime during the oil boom. In one month, from November 23, 1927, to December 20, 1927, the Seminole Morning News reported twenty-one felonies committed in and around Seminole, including one kidnapping, two shootings, one murder, one bank robbery, two armed robberies, three hijackings, one stabbing, five cases of larceny, two whiskey confiscations, and three still confiscations. This was in addition to hundreds of minor offenses such as disturbing the peace and intoxication. In his final report for 1927, Chief Sims recorded 1,440 cases processed, a figure which indicates the volume of law enforcement required in boom towns.<sup>26</sup>

As lawmen in boom towns desperately tried to maintain order, police departments in other towns and cities of Oklahoma continued their gradual development. One of the most important changes to surface in the 1920s was specialization within departments. In 1907 most police forces were divided only into patrol and detective divisions, but by 1930 most departments listed officers in diverse units such as the motorcycle patrol, foot patrol, traffic squad, vice squad, horse patrol, detectives, automobile theft squad, and Negro officers. Another innovative division was the bertillon unit, which accumulated and used criminal

records. Specialization was necessitated by advanced urbanization, increased use of automobiles, newly mobilized criminals, population growth, and the movement of blacks to urban centers in Oklahoma.

Larger cities such as Oklahoma City needed highly structured police departments, for with more than 150 officers efficient organization was imperative. For traffic control the police department maintained three divisions: mounted patrol, foot patrol, and motorcycle corps. Created during Jack C. Walton's tenure as mayor of Oklahoma City, the mounted patrol included more than twenty officers throughout the 1920s. From their elevated positions on horseback, mounted officers directed traffic and patrolled the streets in outlying residential districts. The traffic force also included five motorcycle officers who concentrated on detecting moving violations among motorists. As the only motorized patrolmen in the 1920s, motorcycle policemen furnished pursuit capabilities at the time when high speed automobiles were appearing on city streets in Oklahoma. To direct traffic before the implementation of street lights at intersections, foot patrolmen were assigned to various locations throughout the city. These officers also served as beat patrolmen, walking the sidewalks of commercial districts.

The Oklahoma City police department also maintained a special squad of bertillon experts. As the city expanded to almost 100,000 population, records of criminals' body measurements, colorings, and markings were needed, for the former personal relationship between policemen and community residents had long since disappeared. These records helped a detective force of twenty men solve crimes and find criminals in a city of strangers.<sup>28</sup>

Another separate division in the Oklahoma City police department was a detachment of four black officers who patrolled the east side of town. Supervised by Sergeant Al Jones, also a black, these officers fulfilled various duties from criminal investigation to regulating student behavior at several all-black schools. A growing black population, combined with strict segregation, made this unit an important component of law enforcement in Oklahoma City.<sup>29</sup>

The departmentalization which characterized the Oklahoma City police department also spread to smaller towns and cities. The Bartlesville police department, although numbering only sixteen men in 1931, maintained two merchant's officers, two plainclothes detectives, two desk sergeants, one chief, one captain, one bertillon expert, four patrolmen, one motorcycle officer, one traffic officer, and one black

officer. The Ponca City police department in 1925, with only eleven men, listed each of these officers plus an automobile theft agent. This specialization was absent only in police departments with fewer than seven or eight men. In towns such as Stillwater and Ada, which maintained respective forces of six and seven men, records made no distinction between officers, listing them only as day or night patrolmen.<sup>30</sup>

Whether in large, departmentalized police departments or small centralized forces, city policemen shared certain working conditions to 1929. One of the most common traits was hard work. Approximately ninety-percent of all policemen worked twelve-hour work days, six days per week. Long hours were necessary, for in most towns and cities there was only one officer for approximately every 1,000 to 1,500 citizens. The officer-to-citizen ratio varied from towns such as Seminole, which maintained twelve policemen for a population of 10,000, to towns like Bristow, which policed a population of 14,500 with only four officers.<sup>31</sup>

In 1907 a few officers could effectively maintain order among several thousand people, for constricted city limits in "walking cities" allowed centrally located officers to reach scenes of distress quickly. Thus, limited geographical jurisdiction softened the deleterious effects of



low officer-to-population ratios. The age of the automobile, and resulting urban sprawl, negated this natural compensation, for when a city's population spread to suburban districts, officers' response-time diminished. To overcome this problem, police departments in the cities of Oklahoma relied on twentieth century technology.

One solution to urban sprawl was more effective communications systems, which allowed officers to patrol neighborhoods a mile or more from central headquarters, yet maintain contact with headquarters for receiving orders and transmitting reports. Radios were not readily available for law enforcement until the late 1930s, so police departments resorted to systems of call boxes and signals. In Stillwater, where six men patrolled a growing city of 10,000, the police department installed nine call boxes at various locations. Once each hour officers called headquarters through the call boxes, which were direct lines to a dispatcher or desk sergeant. The calling officers issued reports and received orders. If officers were needed before they made their hourly calls, desk sergeants used signal lights or horns to gain their attention. A quick call following such signals soon had officers on their way to scenes of distress.<sup>32</sup>

To assist policemen further in sprawling towns and cities, urban governments supplied more equipment such as

automobiles, motorcycles, and later, radios. In 1924 the Oklahoma City police department owned only thirteen automobiles and five motorcycles, and of these only one car and the motorcycles were used by patrolmen; the other officers patrolled on foot, as urban police had done for decades. By the mid-1930s, however, foot patrolmen had proven to be inadequate in geographically expanding urban centers. In 1936 the Oklahoma City police department reported the use of forty automobiles, twenty for patrolling and twenty for detectives' use. In addition, the force employed twenty-three motorcycles, all used in the traffic division. Patrolling was made even more efficient by the use of radios, for in all, forty automobiles had one-way radio receivers, making signal lights and sirens obsolete.<sup>33</sup>

These technological advancements were made despite the economic depression of the 1930s, for the two large cities of the state, Oklahoma City and Tulsa, did not suffer economically as severely as cities in other regions. In fact, Oklahoma City increased police personnel from 150 in 1926 to 222 in 1936. It seemed as if police manpower and equipment increased as unemployment rose, explained perhaps by the general feeling of social unrest and the desire to stabilize society.<sup>34</sup>

World War II had a reverse affect on city police

departments, for the manpower drain into the armed services left the ranks of lawmen seriously depleted. In Oklahoma City most of the veteran officers either joined the military or were drafted, leaving only a skeleton crew of experienced officers. The vacated posts were filled by men who had been declared unfit for military service, or were too old or physically handicapped. One of the best sources for such temporary recruits was the corps of taxi cab drivers in every city, for they knew the neighborhoods and the constituents they would serve. Also during the manpower shortage of the war years, women assumed clerical and dispatching positions which previously had been reserved for men. Moreover, when soldiers were in town, military police and shore patrolmen temporarily supplemented the police force. Even with these substitutes, police forces during the war years lost manpower.<sup>35</sup>

The end of the war was the only solution to this problem as the ranks of police departments swelled with returning servicemen. As police departments returned to full strength, rampant vice and crime again erupted, especially the illegal sale of liquor. At times the problem was worse than in the turbulent 1930s, for post-war prosperity of the 1940s and 1950s increased the purchasing power of liquor buyers. To meet the new demands, bootleggers boosted production and sales, forcing policemen to new heights of activity.

Bootlegging was especially severe in larger cities where buyers and sellers were plentiful and where anonymity in numbers provided safer working conditions. In Oklahoma City in 1949, where bootlegged whiskey smuggled north from Texas sold for approximately three dollars a pint, policemen made 2,319 arrests for violation of liquor laws. According to police estimates, Oklahoma City was home to more than 500 persons making all or part of their income from the sale or distribution of liquor. This army of bootleggers posed a threat to law and order in Oklahoma City, a threat which prompted continuous police reaction.<sup>36</sup>

In 1950 the Oklahoma City police department maintained a liquor squad composed of six detectives, who generally handled all raids and arrests against bootleggers. This squad was organized into three two-man units, each of which rode as a team in their cruisers. One pair patrolled the city from 8:00 in the morning to 4:00 in the afternoon, when another team took over and patrolled until after midnight. The third team operated when needed most, usually during the peak sales time of late afternoon and early evening. Although every policeman occasionally participated in raids or arrests against bootleggers, the men of the liquor squad accounted for most of the approximately 200 liquor-related arrests each month.<sup>37</sup>

Police in smaller towns generally were not as active in arresting bootleggers, for liquor sales often were conducted just outside of city limits, where city marshals did not have jurisdiction. Even when bootleggers operated in towns, small town police forces usually were unable to organize specialized liquor squads. For example, in Chickasha, a town of 15,750 persons in 1950, policemen made only 60 arrests for possession of liquor, exceeded by 594 arrests for drunkenness and 84 arrests for disorderly conduct.<sup>38</sup>

Chickasha policemen during the early 1950s usually conducted only two or three raids on known bootleggers each month. Because the eighteen-man force had no liquor or vice squad, patrolmen initiated such raids. As in Chickasha, police departments in most Oklahoma towns with between 10,000 and 30,000 population relied on patrolmen for all types of law enforcement, from vice raids to traffic regulation. In the fifteen Oklahoma towns which fell into this category in 1950, more than 70.6 percent of all police officers were classified as patrolmen. This compared with 24.5 percent dubbed as patrolmen in the Oklahoma City and Tulsa police departments. In smaller towns, with police forces of approximately fifteen to thirty men, specialization was less common.<sup>39</sup>

This lack of divisional specialization extended even

to criminal investigation. Of the fifteen police departments in cities with populations between 10,000 and 30,000, only four maintained detective divisions and of these, three were manned by only one detective. In the remaining eleven cities, police chiefs performed most investigation. Such capabilities were adequate in most of these towns, for felonious crimes occurred only occasionally. In Chickasha in 1950, criminals committed only eighty-five felonies, excluding car theft. This included only one murder and four robberies, with seventy-nine of the cases involving burglary or larceny. In small towns, where uniformed policemen knew most of the residents and habitual trouble makers, specialized detective units were not as essential as in larger cities.<sup>40</sup>

In the state's major urban centers increased specialization was necessary. In Lawton, the fifth largest town in Oklahoma in 1953, the police department of thirty-seven men was organized into several divisions. In addition to detective, traffic, and patrol divisions, the force included a fingerprints and records division, a dispatcher-radio division, and a motorcycle corps. In a city of 35,000 population, this specialization was necessary to deal with the multitude of problems arising daily.<sup>41</sup>

In the state's two largest cities even more specialization

developed. By 1955 both the Oklahoma City and Tulsa police departments had organized juvenile divisions to handle crimes committed by minors. Oklahoma City employed twelve men and Tulsa eight officers to cope with the unique problems of juvenile crime. In May of 1954 the Tulsa police department created another special squad, the Homicide Division. After choosing three men with long experience in investigation and training from the Federal Bureau of Investigation, Tulsa Police Chief Joseph McGuire equipped the squad with a car and specialized gear for investigating crime scenes. Whereas before cases were assigned to any detective on duty at the time homicides were reported, after 1954 these three specially trained and equipped officers handled all homicide investigations.<sup>42</sup>

Specialization was necessary in large cities, and even in many mid-sized towns, a result of special problems related to urban growth, technological revolution, and cultural change. Small towns, too, had special problems resulting from urbanization. Towns with populations of from 200 or fewer to 1,000 suffered from too few taxpayers and not enough law enforcement duties for full-time employment of a police department. Migration to larger cities and towns left hundreds of small communities with needs for law enforcement but without the means of maintaining adequate protection.

In most small rural communities, such as Lone Grove, Covington, and Rush Springs, police departments consisted of only one officer. Usually underpaid and often using their own automobiles and equipment, small town city marshals oftentimes earned second incomes. In the towns of Kiowa and Custer City in 1950, the lone city marshals drew social security to supplement their salaries of \$90 and \$75 a month. In Ramona the city marshal doubled as city water superintendent in order to make an adequate salary. In some towns no salary was furnished; in Lone Grove the city marshal received only \$2.50 for arrests and 10¢ a mile as expenses, and furnished his own equipment. The burdens and onerous duties endured by small town marshals was expressed by the city marshal of Covington, who wrote, "I am the only officer here. I work nights as night watchman and am subject to call during the day. I receive a salary but no operating funds."<sup>43</sup>

Such problems did not plague the police departments of Oklahoma City and Tulsa, which expanded into small armies in the 1960s and 1970s. Prompted by social upheavals and concern for urban violence during the late 1960s and early 1970s, and funded by increased federal involvement in local law enforcement, large city police departments reached unprecedented sizes. The Oklahoma City police department, numbering 277 men in 1955, increased to more than 600



officers in 1976, an addition of more than 300 men in fifteen years. The Tulsa police department, functioning with 230 men in 1955, attained numerical strength of 621 men in 1976, an even more astounding increase of almost 200 percent.<sup>44</sup>

Part of this phenomenal growth was due to innovative and supplemental programs undertaken by police departments during the hectic ten year period from 1965 to 1975. For example, in only two years from 1969 to 1971, Oklahoma City Police Chief Wayne Lawson added twelve new details to his department. Included were units such as the alcohol safety action project, the airport police, an intelligence team to fight organized crime, a bomb detail, and a community service program. The creation of each was an attempt to use police to solve problems disrupting society. From organized crime and sky-jackings to anti-establishment sentiments among youth and the actions of native terrorist groups, the turbulent decade affected both society and police departments.<sup>45</sup>

Since 1907 police departments in the larger cities of Oklahoma developed from small, centralized crime fighting forces to large, departmentalized servants of the public. During the early years of statehood, the duties of policemen predominantly entailed the enforcement of statutory social standards and property rights. From morality legislation to anti-theft laws, these standards primarily involved

action against criminals. Not until the latter 1920s, when automobiles came into general use, did policemen begin traffic regulation. This duty involved not just a criminal class of citizens, but the majority of society, men and women who represented the dominant social order.

While police duties were branching into traffic regulation, rapid urban growth forced police administrators to departmentalize their forces. Car theft squads, fingerprint experts, and the separation of patrol and traffic units were a few of the results. To implement these new strategies, and to regulate the social order among a rapidly expanding population, city governments increased the size of police departments. From the forces of 100 to 150 men in 1930, large city police departments expanded from 200 to 300 by 1941. This rapid expansion continued into the 1970s.

Large city police departments, no longer small forces of merely beat policemen and detectives, have assumed new and greater responsibilities in Oklahoma society. Policemen still fight crime, but since 1907 urban lawmen have expanded their services to the public with duties such as traffic regulation and airport policing. The effects of population growth, technological advancements, and social changes have made these developments necessary.

#### FOOTNOTES

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<sup>2</sup>El Reno, "Minute Book of the Town Council," Unpublished Ledger, July, 1890, to May, 1893, p. 3, El Reno Carnegie Library, El Reno, Oklahoma.

<sup>3</sup>Ibid.

<sup>4</sup>El Reno, "Police Docket," Unpublished Docket, July 12, 1890, to August 15, 1890, pp. 1-67, Carnegie Library, El Reno.

<sup>5</sup>El Reno, "Municipal Judge's Docket," Unpublished Docket, 1916, pp. 1-53, Carnegie Library, El Reno.

<sup>6</sup>Daily Oklahoman, January 15, 1907, p. 5; Mike Brake, Oklahoma City Police Department Yearbook, 1975 (Marceline, Missouri: Walsworth Publishing Company, 1975), p. 139.

<sup>7</sup>Ibid., p. 140.

<sup>8</sup>Daily Oklahoman, January 30, 1957, p. 1, January 31, 1957, p. 1.

<sup>9</sup>Ibid., April 23, 1916, Sec. D, p. 12.

<sup>10</sup>Welch, Oklahoma, "Town Ledger," Unpublished Ledger, 1915-1925, pp. 123, 153, 216, 217, 240, Western History Collections, University of Oklahoma, Norman, Oklahoma.

<sup>11</sup>Brake, Oklahoma City Police Department Yearbook, 1975, p. 142.

<sup>12</sup>United States Department of Commerce, Thirteenth Census of the United States, 1910, Vol. III, pp. 457-458; United States Department of Commerce, Fifteenth Census of the United States, 1930 (32 vols., Washington: Government Printing Office, 1934), Vol. III, Pt. 2, pp. 590, 599, 603.

<sup>13</sup>Tulsa, "First Annual Report, Tulsa Police Department, 1922-1923," Peace Officer, 1924, n. p.

<sup>14</sup>Ibid.

<sup>15</sup>Ibid.; Tulsa, "Third Annual Report, Tulsa Police Department, 1925," Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1925), p. 37.

<sup>16</sup>Daily Oklahoman, January 4, 1957, p. 1, January 5, 1957, p. 1.

<sup>17</sup>"Killed in the Line of Duty," Oklahoma Municipal Review, Vol. VIII, No. 10 (October, 1934), pp. 125-127; Brake, Oklahoma City Police Department Yearbook, 1975, p. 153.

<sup>18</sup>Welch, Oklahoma, "Town Ledger," Unpublished Ledger, August 16, 1915, p. 73, Western History Collections, University of Oklahoma, Norman.

<sup>19</sup>Ibid.

<sup>20</sup>Tulsa, "First Annual Report, Tulsa Police Department, 1922-1923," Peace Officer, 1924, n. p.; John Watt, "Radio Produces in Oklahoma City," The American City, Vol LI, No. 17 (February, 1936), p. 17.

<sup>21</sup>"Police Department Statistics," Oklahoma Municipal Review, Vol. III, No. 8 (August, 1929), p. 233.

<sup>22</sup>Bruce Gilbert Carter, "A History of Seminole County, Oklahoma" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1932), pp. 67-70.

<sup>23</sup>Jane Bryant, "The Birth of a Boom Town," American Heritage, Vol. VIII, No. 3 (April, 1957), p. 98; Jake Sims Interview, "This is a Good Place to Live," Oil in Oklahoma Collection, Western History Collections, University of Oklahoma, Norman.

<sup>24</sup>Ibid., p. 2.

<sup>25</sup>Ibid., p. 4.

<sup>26</sup>Seminole Morning News (Seminole, Oklahoma), November 22, 1927, p. 1, November 23, 1927, p. 1, November 24, 1927, p. 1, November 27, 1927, p. 1, November 30, 1927, p. 1, December 1, 1927, p. 1, December 3, 1927, p. 1, December 6, 1927, p. 1, December 6, 1927, p. 1, December 8, 1927, p. 1, December 9, 1927, p. 1, December 11, 1927, p. 1, December 16, 1927, p. 1, December 19, 1927, p. 1, December 20, 1927, p. 1, January 8, 1928, p. 1.

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<sup>28</sup>Ibid.

<sup>29</sup>Ibid., p. 148; Oklahoma Municipal Review, Vol. VI,  
No. 2 (November, 1932), pp. 246-247.

<sup>30</sup>Oklahoma Sheriff and Peace Officer, 1930, p. 78;  
Peace Officer, 1925, p. 50; Dorothy G. Taft, "A Comparative  
Study of the City Governments of Ada, Stillwater, and  
Norman" (Unpublished Master of Arts Thesis, University of  
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<sup>31</sup>"Police Department Statistics," Oklahoma Municipal  
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<sup>32</sup>Ibid.; Taft, "A Comparative Study of the City Governments  
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<sup>33</sup>Peace Officer, 1924, n. p.; Watt, "Radio Produces in  
Oklahoma City," The American City, Vol. LI, p. 17.

<sup>34</sup>Ibid.

<sup>35</sup>Brake, Oklahoma City Police Department Yearbook, 1975,  
p. 155.

<sup>36</sup>James Martindale, "Bootleggers in Oklahoma City"  
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<sup>37</sup>Ibid., pp. 11, 14.

<sup>38</sup>Charles W. Thompson, "Municipal Administration in Chickasha, Oklahoma: An Anlysis" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1951), pp. 124-125.

<sup>39</sup>Ibid., p. 130; Richard H. Folmar, "Municipal Police Administration in Oklahoma" (Unpublished Master of Arts Thesis, University of Oklahoma, Norman, 1951), p. 45.

<sup>40</sup>Ibid., p. 62; Thompson, "Municipal Administration in Chickasha, Oklahoma: An Analysis," p. 125.

<sup>41</sup>Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1953), pp. 24-25.

<sup>42</sup>Oklahoma Crime Study Commission, Municipal Law Enforcement in Oklahoma: A Study and Evaluation (Oklahoma City: Oklahoma Crime Study Commission, 1955), p. 5; Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1954), pp. 3-4.

<sup>43</sup>Oklahoma Crime Study Commission, Municipal Law Enforcement in Oklahoma: A Study and Evaluation, pp. 16-17.

<sup>44</sup>Ibid., p. 2; Oklahoma Journal (Oklahoma City, Oklahoma), May 24, 1976, p. 1.

<sup>45</sup>Ibid., November 7, 1971, p. 1.

## CHAPTER XIII

### STATE LAW ENFORCEMENT, 1907-1936

In 1907 law enforcement in Oklahoma was the combined duty of city policemen, county sheriffs, and United States deputy marshals. Each fulfilled responsibilities determined by social and technological conditions during the nineteenth century, a time when the territories were predominantly rural and provincial. This system failed to keep order during the early decades of the twentieth century, however, for changes such as increased automobile use and accelerated urbanization resulted in new threats to law and order beyond the capabilities of these early lawmen. One solution to these new threats was state law enforcement unbounded by local jurisdictions.

Although automobiles and urbanization proved to be the ultimate justification for statewide law enforcement in the 1920s, as early as 1907 prohibition was sufficient reason for creating a state police force. The sale of intoxicating beverages in Oklahoma was prohibited by the state constitution for two reasons. One was concern for the thousands of Indians

in the state, who by federal policy had been denied legal liquor since the 1840s. If that policy was to be continued, Oklahoma as a state had to be declared dry. Moreover, the people of Oklahoma represented one of the most reform-minded electorates in the nation at a time when spiritual purity was as popular as political reform. To a rural population believing in progressive idealism, prohibition was a step toward spiritual purification. Reform activists in the state, teamed with federal officials concerned about the welfare of the state's Indians, successfully lobbied to make possession or sale of liquor illegal.

It was one matter to declare liquor illegal, but quite a different one to enforce the law. Contending with bootleggers, who used the extensive state borders for easy transport, and thirsty Oklahomans, who demanded liquor at any cost, city and county lawmen could not slow the importation of distillates into Oklahoma. City marshals were limited to incorporated city limits and county lawmen were too thinly dispersed to pose a serious threat to bootleggers. United States deputy marshals also offered little help, for their influence extended only to federal jurisdiction, which before national prohibition was limited to a few federal statutes concerning Indians.

Also limiting the success of prohibition in the state



was inconsistent law enforcement in local jurisdictions. Popularly elected lawmen oftentimes used expedient discretion when constituents demanded liquor. City police, realizing the impossibilities of total enforcement, oftentimes accepted the presence of bootlegging in certain sections of town. Confronted with this seemingly lax enforcement, and witnessing the widespread use of alcohol, many proponents of prohibition demanded state intervention against the army of bootleggers. These crusaders found a leader in the state's second governor, Lee Cruce.

As a lawyer and banker, Cruce possessed a keen appreciation for effective law enforcement. This served the purposes of moral reformers in Oklahoma, for in 1910 the governor-elect promised to use all his powers to enforce prohibition. As governor he fulfilled his pledge, successfully promoting a bill in the Oklahoma State Legislature authorizing him to appoint one special state law enforcement officer. In June of 1911, Governor Cruce chose William E. McLamore as the first state lawman in Oklahoma. Although a longtime friend of Cruce's, McLamore soon disappointed the governor when the lawman was discovered in a roadhouse with two women and a quantity of beer.<sup>1</sup>

To better enforce prohibition, Governor Cruce appointed William J. Caudill as the next special officer. Caudill was

a good choice, for he had been an energetic proponent for prohibition at the Oklahoma Constitutional Convention in 1906 and had thereafter advocated its enforcement. To supplement Caudill's capabilities, Cruce initiated a deputizing campaign extending state law enforcement powers to all sections of the state. For example, in Washington County Governor Cruce deputized three members of the local Law and Order League. With the assistance of Officer Caudill, these men began a campaign against what they considered a "reign of lawlessness."<sup>2</sup> Their enthusiasm was dimmed only when a county sheriff's deputy arrested them for carrying concealed weapons, a charge which later was dropped.<sup>3</sup>

Governor Cruce declared that he would deputize 100,000 men if he could find suitable and willing candidates. Those qualifications apparently were in short supply, for by August of 1911 the special enforcement officer boasted of only 200 deputies in the entire state. This limited official support in the towns and counties of the state, combined with persistent rural opposition to state interference in what it considered local matters, hindered the effectiveness of the state law enforcement officer. Even the editorial staff of the Daily Oklahoman, who generally supported the governor's policies, questioned the need for the officer. These doubts surfaced in 1913, when the Oklahoma State Legislature passed

a bill abolishing the office. Although Governor Cruce vetoed the bill, the legislature passed a similar act over the veto. Thus in 1914 the first state law enforcement officer was suspended, a victim of inadequate manpower and rural opposition to centralized law enforcement.<sup>4</sup>

State law enforcement in Oklahoma was rejected in 1913 not because of special interest groups, but because of insufficient reasons for substantial governmental change. The system of local law enforcement established by the state constitution in 1907 was well suited to a state which was approximately ninety percent rural. The system reflected the needs of a state which had few roads, fewer automobiles, and an underdeveloped communications network. The resulting isolation of rural districts instilled traditions of individualism, provincialism, mistrust of outsiders, and a strong belief in local control of politics, schools, and law enforcement. Therefore, as late as 1913, a centralized state controlled law enforcement agency could have been accepted only as a result of extraordinary threats to law and order. Enforcement of prohibition was insufficient cause to the majority of Oklahomans in 1913.

Changes in the late 1910s and early 1920s, however, provided sufficient cause to overcome this opposition to state law enforcement. The most influential developments

were the use of automobiles and accelerated road construction. During the first three decades of the twentieth century, Americans traded their wagons and horses for automobiles and trucks. For example, in 1900 people in the United States owned fewer than 4,000 automobiles; that number increased to 1,500,000 in 1921 and 4,800,000 in 1929. In less than thirty years Oklahomans gained a mobility undreamed of in 1900.

With increased use of automobiles, county and state governments constructed hundreds of miles of road. Especially after the passage of the Federal Highways Act in 1916, road-building accelerated in Oklahoma, led by activists such as Governor Martin E. Trapp. By 1930 every county in the state was served by at least one state-built road.<sup>5</sup>

These developments affected law enforcement in Oklahoma because highways and automobiles furnished criminals with mobility and access to previously isolated districts. Bank robbers, hijackers, and cattle rustlers, no longer confined by slow transportation, suddenly possessed the ability to strike and flee quickly. Local lawmen could not cope with this new threat, for constricted jurisdictions impeded pursuit. Moreover, inter-jurisdictional pursuit of criminals was hindered by lack of efficient communication systems.

Like their fellow officers in towns, county lawmen could not cope with this new threat to law and order. Foremost

of the problems hampering sheriffs' forces was insufficient manpower. In the majority of Oklahoma's counties, sheriffs' departments consisted of only four or fewer officers, and in thirty counties there were three or fewer officers. Actual manpower was more limited than these figures indicate, for one of the officers usually was a jailer. Moreover, the sheriff and his undersheriff were limited in their law enforcement role, for at least one-third of their time was spent as officers of the court. Thus, in half of the state's counties, only two officers spent approximately five to six hours a day enforcing the law. In 1900 this had caused no undue problems, as retarded transportation and relatively immobile residents enabled a few officers to respond to most lawless acts. By 1920 easy access to isolated communities and a mobile society had overwhelmed that ability.<sup>6</sup>

Another development weakening the effectiveness of local law enforcement was accelerated urbanization. From 1910 to 1930 the percentage of Oklahomans living in towns and cities increased from one-fifth to one-third, and this occurred while the absolute population increased more than 200 percent. Urbanization, accompanied by technological and sociological changes, intensified the schism between town dwellers and rural residents. County sheriffs and town and city policemen, each representing their respective

constituencies, did not have the legal or organizational abilities to bridge the gap between rural and urban threats to law and order.<sup>7</sup>

The ability of local lawmen to adjust to these social and technological changes was hampered by a dearth of formal law enforcement training or education. This problem was especially severe among county sheriffs' forces. By statute sheriffs were elected every two years; too often their election was based more on popularity than on law enforcement qualifications. In-service training was one expedient, but even it was inadequate due to rapid turnovers every two years. For example, a survey of county governments in 1935 revealed that of thirty-five sheriffs reporting, nineteen were serving first terms with no previous experience in law enforcement. Of the thirty-five, only two considered law enforcement a career. At a time when sophisticated and well-equipped criminals were penetrating the isolation of rural Oklahoma, county law enforcement in the state still was amateurish.<sup>8</sup>

These shortcomings prompted no reform as long as the public was unaware of the problem. Not until dramatic or sensational lawlessness appeared to threaten the majority of Oklahomans did the people demand institutional changes. One such threat was increased bank robberies in the 1910s. During that decade bank robbers executed one of the worst

campaigns against Oklahoma banks in history. The wave of robberies culminated in a flurry of action between September 8, 1914, and January 13, 1915, when thieves struck fourteen banks, all in small, rural towns. Lawlessness became so severe that the Oklahoma State Legislature enacted a "bank robber bill," establishing a fund of \$15,000 for the death or capture of bank robbers.<sup>9</sup>

The combined effects of increased crime, social revolution, technological change, and inadequate law enforcement training convinced many farsighted Oklahomans that a new, more centralized law enforcement agency was at last necessary. No changes were accomplished before 1925, however, for World War I diverted attention from 1917 to 1919, and state political unrest from 1920 to 1923 prevented orderly legislative programs. Not until 1924, after Jack C. Walton had been impeached, did law enforcement reform gain momentum. Governor Martin E. Trapp, a state official since 1907, and his legislative allies resurrected the drive for a statewide law enforcement agency. The Oklahoma State Legislature responded by creating the Oklahoma Bureau of Criminal Identification and Investigation, known popularly as the crime bureau.<sup>10</sup>

Because the crime bureau was to be an executive department assigned to the governor's office, Trapp directed his executive secretary, Parker LaMoore, to initiate and organize

the new force. LaMoore, a former newspaperman and an adroit politician, turned to local lawmen for advice. This suppressed many local fears concerning interference from a state agency, and benefited from the experience of longtime peace officers. By the spring of 1925 LaMoore had established the first operable state law enforcement agency in Oklahoma.<sup>11</sup>

The crime bureau in 1925 was considered a supplemental law enforcement agency whose main purpose was to aid local lawmen when needed. The basic functions would be to accumulate and process criminal records and fingerprints, to provide information on criminals, and to aid investigation of crimes when summoned by local authorities. The emphasis on record-keeping and identification was illustrated by the selection of the first crime bureau superintendent, Dr. J. G. Duncan. He had been the superintendent of the bureau of criminal identification at the Oklahoma Penitentiary at McAlester, and had served as chief of identification for the Tulsa County sheriff's office. In these positions he had ably processed criminal operations, reports, mugshots, and personal information on criminals.<sup>12</sup>

Although the crime bureau functioned primarily as a professional service agency to local police forces, it also served an investigatory role on the state level. The first crime bureau included four field investigators: Lee Pollack,



Joe Ballard, G. Z. Armstrong, and Luther Bishop. These men provided the link between the records and expertise of the crime bureau and the sheriffs and police in the field. To fulfill this duty, the first investigators were experienced lawmen. Agent Pollock typified this.<sup>13</sup>

Born on November 26, 1879, near Ward Springs in the Chickasaw Nation, Pollock was the mixed-blood son of a white rancher and a Chickasaw maiden. Raised on his father's ranch in unsettled Indian Territory, young Pollock learned to use his gun and rely on his cunning. At the age of seventeen he left school to work as a deputy to Joseph Ward, the sheriff in Atoka County, Choctaw Nation. With three years of law enforcement experience, Pollock later joined the Indian agency police force headquartered at the Union Agency in Muskogee. As an Indian policeman he acquired the skills of frontier law enforcement, complete with manhunts, violent confrontations, and life in the field.<sup>14</sup>

In 1907, when the Choctaw Nation was dissolved preparatory to statehood, Pollock successfully made the transition as a lawman. In 1907, after three years with the Indian police, he became the first deputy sheriff of Pittsburg County, a position he held for thirteen years. As a deputy from 1907 to 1920, Pollock witnessed many of the changes transforming life in rural Oklahoma. These years familiarized him with

the tasks confronting local law enforcement as well as the inadequacies. When Parker LaMoore needed agents who could skillfully adapt to a variety of assignments, he chose Pollock as the crime bureau's first agent in 1925.<sup>15</sup>

Agents such as Pollock had to be both bertillon experts and rugged lawmen, for the agent's job oftentimes involved dangerous assignments. The short career of Agent Luther Bishop serves as a good example of the violence. Assisting federal agents in the investigation of the Osage murders in 1926, Bishop sought the murderer of Henry Roan, an Osage Indian who had shared in the oil riches of his tribe. By obtaining evidence from a convict in prison, Bishop successfully proved that John Ramsey and Bill Hale, two white ranchers, had murdered the Indian for insurance money. Ramsey and Hale apparently struck back, however, for on the night of December 6, 1926, an unknown assassin entered Bishop's room while the lawman slept. After a violent struggle the assassin shot and killed the veteran lawman. Thus, for agents with the crime bureau, duty often went beyond mere investigative research.<sup>16</sup>

Yet, investigation was the primary duty of the crime bureau's agents. Their caseload usually involved felonious crimes, for local officials normally requested assistance only in extraordinary cases. For example, in March of 1936 crime bureau agents investigated nineteen homicides, ten robberies,

eight burglaries, two larcenies, five cases of embezzlement, and two violations of liquor laws. In all, agents handled seventy-six investigations during the month, of which forty-six were solved or closed.<sup>17</sup>

Most of these cases were handled in conjunction with local officers who needed the expertise of the crime bureau. One such instance occurred in McAlester in 1932 when a prominent businessman was robbed and murdered by unknown assailants. The culprits committed their crime unwitnessed and left no fingerprints, leaving only the bullets in the dead man's body. As Chief of Police Ott Reed exclaimed, "It was as perfect a crime as a criminal could hope to execute."<sup>18</sup> With a persistence typical of many lawmen, Reed called the crime bureau for aid. Transporting the bullets to their laboratory in Oklahoma City, agents determined the type of gun used in the crime. With this information local officers located the murder weapon, leading to the arrest of a suspect. With this identification, the lawmen accumulated other evidence which later convicted the felon. In the words of Chief Reed, "it was entirely due to the spirit of cooperation among the splendid representatives of the law in Oklahoma ... that a man is now serving a sentence for murder."<sup>19</sup>

In another instance of state and local cooperation,

lawmen in Pontotoc County requested the assistance of the crime bureau in an unsolved case of bank robbery. Agent Clint Myers, who unlike the county sheriff could devote his full efforts to the case, responded by gathering evidence at the scene of the crime. His investigation indicated that the man wanted for the robbery were L. C. Paxton, Bill Greer, and "Cadillac" Bill Dodson. Agent Myers, unhindered by city or county jurisdictions, trailed the suspects to Seminole. Once in that oil boom-town, Agent Myers contacted Police Chief Jake Sims, who arrested the wanted men. With his professional expertise, full-time devotion to the case, and statewide jurisdiction, Agent Myers unraveled a crime which otherwise might have gone unsolved.<sup>20</sup>

To provide this cooperation, the crime bureau maintained an extensive laboratory for crime analysis and supplied its agents with necessary equipment. In addition to personally purchased side arms, agents had access to three Thompson sub-machine guns, ten shotguns, four rifles, one hundred gas guns, and six pairs of leg irons and handcuffs. Automobiles were not furnished; instead, agents drove their own cars and claimed mileage expenses of five cents per mile. This expense often exceeded \$100 per month, as agents drove to all sections of the state in their investigations. For example, in March of 1936 Agent Jesse Jones drove 2,087 miles, receiving

\$104.35 mileage fees and \$16.48 for other expenses. The daily routine of crime bureau agents included monotonous driving and confining laboratory tests as well as fast-paced manhunts and violent confrontations.<sup>21</sup>

Such service earned a good reputation for the crime bureau. Part of the success was due to increased manpower and appropriations. From 1925 to 1936 the crime bureau expanded to twenty-six men and women, of whom fifteen were field operatives. This three-fold increase allowed the agency to investigate more cases and hire more trained specialists. Bolstering manpower was possible due to increased appropriations, which by 1936 was approximately \$67,000 per year. With more equipment, men, and money, the crime bureau expanded the role of the state government in Oklahoma's law enforcement system.<sup>22</sup>

A stronger crime bureau, however, created new enemies just as it pleased old friends. Many county governmental officials, who carefully guarded their local autonomy, viewed the agency as a subversive threat of state government. City and town officials also expressed apprehension that state law enforcement was too independent of local agencies. The opposition from local governments was augmented by fiscally conservative legislators who demanded less government and reduced spending. One such conservative was Legislator

James Phillips of Okfuskee County. In 1935 Phillips initiated legislation abolishing the crime bureau, claiming state usurpation of local authority and the need to trim appropriations. The move failed momentarily, due to Governor William H. "Alfalfa Bill" Murray's insistence that the crime bureau be left intact.<sup>23</sup>

Such attacks against the state law enforcement agency persisted to little avail. In June of 1937, however, proponents of state law enforcement compromised on the issue in order to gain support for a highway patrol. The patrol, which would employ 125 state lawmen, was a major victory for law enforcement reformers; at the same time it was a major defeat for the crime bureau, for state legislators shifted emphasis and funds to the new and larger agency.<sup>24</sup>

On June 11, 1937, legislative leaders announced a drastic reduction in the appropriation for the crime bureau from \$64,900 to \$26,400. Faced with this cutback, bureau superintendent Charles W. Daley reduced the size of his staff. First, Daley requested resignations from all twenty-five bureau employees. He then rehired six men and women. The restructured crime bureau consisted of the superintendent, his assistant, a stenographer, a bookkeeper, and three field operatives. The staff reduction forced Daley to curtail services to local lawman. No longer would the crime bureau

publish a state crime bulletin, send agents into the field for investigations, or furnish evidence to local prosecutors free of charge. Thereafter, he confined his staff to lab work in Oklahoma City, with all expenses paid by city or county governments.<sup>25</sup>

Although the crime bureau suffered severe cutbacks in 1937, the Oklahoma State Legislature had committed itself to stronger state law enforcement by creating the highway patrol. The crime bureau had been important in this transition, beginning as a small, eight-man operation and earning respect through performance. For twelve years before the establishment of the patrol, the crime bureau proved to many Oklahomans that local lawmen needed state reinforcement. From 1925 to 1937 the social, economic, and technological changes which had prompted creating the crime bureau accelerated, forcing state officials to expand the role of the state government in Oklahoma's law enforcement system.

## FOOTNOTES

<sup>1</sup>Oklahoma, Session Laws, 1910-1911 (Guthrie: Co-operative Publishing Company, 1911), p. 165; Governor Lee Cruce to Wilberforce Jones, October 10, 1914, Lee Cruce Administrative Files, Archives and Records Division, Oklahoma Department of Libraries, Oklahoma City, Oklahoma; Tulsa World, August 15, 1911, p. 1.

<sup>2</sup>Orben J. Casey, "Governor Lee Cruce and Law Enforcement, 1911-1915," The Chronicles of Oklahoma, Vol. LIV, No. 4 (Winter, 1976-1977), pp. 440-441.

<sup>3</sup>Ibid.

<sup>4</sup>Governor Lee Cruce to F. M. Stevens, August 18, 1911, Lee Cruce Administrative Files, Archives and Records Division, Oklahoma Department of Libraries, Oklahoma City, Oklahoma; Daily Oklahoman, December 1, 1913, p. 1, March 18, 1913, p. 1, September 23, 1914, p. 1.

<sup>5</sup>E. Bee Guthrie, "Oklahoma's Road Program," Harlow's Weekly, Vol. XXVIII, No. 25 (June 19, 1926), p. 4.

<sup>6</sup>Brookings Institution, Report on a Survey of Organization and Administration of Oklahoma (Oklahoma City: Harlow Publishing Company, 1935), p. 98.

<sup>7</sup>Ibid., p. 3.

<sup>8</sup>Ibid., pp. 97-98.

<sup>9</sup>Shirley, Henry Starr: Last of the Real Badmen, pp. 163-164.

<sup>10</sup>Oklahoma, Session Laws, 1925 (Guthrie: Co-operative Publishing Company, 1926), p. 63.

<sup>11</sup>Peace Officer, 1925, p. 6.

<sup>12</sup>Ibid., pp. 7-8.



<sup>13</sup>Ibid., p. 8.

<sup>14</sup>Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1961), p. 11.

<sup>15</sup>Ibid., pp. 11-12.

<sup>16</sup>Arthur M. Lamb, Tragedies of the Osage Hills (Pawhuska, Oklahoma: Raymond Red Corn, 1964), pp. 190-191.

<sup>17</sup>Oklahoma State Bureau of Criminal Identification and Investigation, "Case Division Report, March, 1936," Bureau of Criminal Identification and Investigation Files, Archives and Records Division, Oklahoma Department of Libraries, Oklahoma City, Oklahoma.

<sup>18</sup>Ott Reed, "Cooperation in Police Work," Oklahoma Municipal Review, Vol. VI, No. 5 (May, 1932), p. 107.

<sup>19</sup>Ibid.

<sup>20</sup>Seminole Morning News, November 27, 1927, p. 1.

<sup>21</sup>Oklahoma State Bureau of Criminal Identification and Investigation, "Case Division Report, March, 1936," Bureau of Criminal Identification and Investigation Files, Archives and Records Division, Oklahoma Department of Libraries, Oklahoma City.

<sup>22</sup>Oklahoma City Times (Oklahoma City, Oklahoma), June 11, 1937, p. 1, June 18, 1937, p. 1.

<sup>23</sup>Oklahoma Municipal Review, Vol. X, No. 12 (December, 1936), pp. 177-178; Daily Oklahoman, November 9, 1932, p. 1, December 6, 1935, p. 1.

<sup>24</sup>Interview, Dale Petty, June 5, 1976, Oklahoma City, Oklahoma.

<sup>25</sup>Oklahoma City Times, June 11, 1937, p. 1, June 16, 1937, p. 1, June 25, 1937, p. 1.

## CHAPTER XIV

### STATE LAW ENFORCEMENT, SINCE 1937

Despite the growth of the crime bureau from 1925 to 1936, the early years of the Great Depression were marked by increasing threats to public safety. As before 1929, violent crime mounted, spreading fear that the state was on the verge of lawlessness. Another problem was wholesale violation of state prohibition, especially after 1933. The most serious threat to physical safety of the state's citizens, however, proved to be highway traffic fatalities. All three problems were the result of accelerated social, economic, and technological changes; only expanded state law enforcement possessed the capabilities of successfully confronting these problems.

Violent crime mounted to new heights in the early 1930s, primarily because the nation reeled before the onslaught of economic chaos. Oklahomans, especially, became cognizant of this increase when a series of highly publicized crimes struck the state. The first of these crimes erupted in the summer of 1933, when George "Machine Gun" Kelley and his gang kidnapped Oklahoma City oilman, Charles Urshel. Before

the outrage over this deed subsided, Bonnie and Clyde Barrow robbed a bank and shot two local policemen in Commerce, Oklahoma; sixty-year old Constable Cal Campbell died from his wounds. Heightening the public's awareness of these crimes, Governor William H. Murray assembled more than 1,000 lawmen for the largest manhunt in the state's history. The governor ordered the small army to pursue and capture several infamous criminals who were believed to be hiding in the densely wooded Cookson Hills. Combing the traditional retreat for bandits south of Tahlequah, the manhunt made headlines daily. To the average citizen, such extraordinary crimes and methods of law enforcement indicated a breakdown in law and order.<sup>1</sup>

A more widespread violation of the law, if not the most publicized, was the increased activity of bootleggers. Although illegal distillates long had plagued lawmen in Oklahoma, before 1930 the supplies of whiskey had been limited due to national prohibition. In December of 1933 Congress repealed prohibition, allowing American whiskey manufacturers to rekindle their distilleries. With a sufficient supply of whiskey in neighboring states, bootleggers saw a ready market in still-dry Oklahoma.

Like the better-known criminals of the 1930s, bootleggers took advantage of high-speed automobiles and newly-paved

highways to avoid county sheriffs and local policemen. Although documented proof of bootlegging activities is second hand at best, federal tax statements revealed a thriving illegal liquor business in Oklahoma. In 1934, the first year after national repeal, federal tax agents in the state collected more than \$100,000 in taxes on illegal liquor. By paying federal excise duties, bootleggers satisfied federal law, leaving only restricted local lawmen to elude. This startling fact was published in the Daily Oklahoman, opening the eyes of many reformers to the extensive illegal liquor problem.<sup>2</sup>

As if to further heighten the public's awareness of the liquor traffic, Governor Ernest W. Marland ordered state agents to crack down on bootleggers in a sensational series of raids. Although there were too few agents to challenge bootleggers significantly, the raids were highly publicized. In addition to the spot raids, Marland began a verbal campaign against sheriffs' tolerance of illegal liquor sales. In one statement, Marland said that "local respect for the anti-liquor laws does not prevail to the extent of any legal agency being able to effectively terminate bootlegging."<sup>3</sup> He even went so far as to threaten use of the Oklahoma National Guard in an all-out attempt to end the rampant liquor trade.<sup>4</sup>

Newspaper editors in all sections of the state reiterated

Marland's criticism of local anti-liquor enforcement. The editor of the Alva Daily Record suggested that local officers usually knew about liquor outlets, but seldom enforced the laws due either to apathy, inability, or corruption. An editorial in the Blackwell Daily Journal went even further, saying that because local enforcement usually was inactive, only state police action could end the liquor menace. Such publicity touched the sense of social responsibility of anti-liquor forces and the powerful church organizations. As these people realized local police could not counter the illicit liquor traffic, they likewise demanded reform.<sup>5</sup>

Although criminal activity was highly publicized and had a marked influence on public attitudes, crime personally touched the lives of relatively few Oklahomans each year. While victims' neighbors might be sympathetic, and other citizens might feel threatened, they did not suffer the personal tragedy which motivated people to demand radical law enforcement reform. This necessary emotional element proved to be the increasing highway traffic death toll. Before 1920 there had been fewer than 100 deaths per year on the state's highways; even as late as 1930 the number of highway related deaths was less than 400. By 1936, however, the annual death toll on the roads had climbed to 685 lives, with more than 2,000 serious injuries.<sup>6</sup>

The reasons for this carnage were varied, but the most significant were increasing use of automobiles and more paved highways. Multiplying the problem was the shortage of traffic regulations. Although automobile use had increased phenomenally, the state government did not react with the needed traffic safety laws. For example, as late as 1935 there was no state registration or licensing law. If a person could start an automobile and at least keep it on the road, he could operate legally on any state highway. Even the few traffic regulations enacted in some cities were not adequately enforced. With unregulated highway traffic, self-preservation was the law on the highways of Oklahoma.<sup>7</sup>

Local lawmen could have coped better with these threats in the early 1930s if they had possessed increased manpower, purchased new equipment, and lobbied more effectively for traffic-law legislation. Most rural counties, however, could neither expand their sheriffs' departments, purchase high-speed automobiles, nor organize lobbying efforts. This limitation was due in part to declining tax bases in rural counties suffering from unemployment, population loss, and declining farm prices. For example, the rural populations of Roger Mills and Creek counties declined from 14,164 and 64,115 in 1930 to 10,736 and 50,503 respectively. Out of the state's 77 counties, 47 lost population from 1930 to

1940. Decreasing farm population and depressed farm prices, coupled with 30 percent unemployment in many towns, forestalled most attempts to help local lawmen mount offensives against criminals, bootleggers, and traffic deaths.<sup>8</sup>

By 1935 many Oklahomans had observed the serious threats to law and order in their state, while many citizens recognized the inadequate law enforcement system as a partial cause of these problems. Among the critics of local law enforcement was Governor Marland. In 1935 he armed the proponents of state law enforcement when he contracted with the Brookings Institution to investigate Oklahoma's state and local governmental system, including law enforcement. When the report cited the weaknesses and inadequacies of county law enforcement, Marland ordered the Oklahoma Planning Board to prepare a detailed plan for a state police force.<sup>9</sup>

Many newspaper editors joined Marland in his support for such a force. An editorial in Harlow's Weekly, the state's foremost chronicler of public opinion at the time, reported that a growing number of newspapermen in the state desired a larger and more effective state law enforcement agency. Editors of the Blackwell Daily Journal, Frederick Leader, and Alva Daily Record were only a few of the concerned community leaders who demanded the means for confronting mounting dangers of crime and highway fatalities.<sup>10</sup>

Despite opposition from the editors of the Municipal Review, a publication expressing the views of city and town governments in Oklahoma, county commissioners, and conservative legislators, the proponents of an extensive state police force gained momentum. Marland and his allies won their first battle in June of 1935, when the Oklahoma State Legislature established the first highway patrol. Organized under the stolen car division of the Oklahoma Highway Department, the small force consisted of sixteen men. Led by Chief Jake Hardy Strickler, the six-car highway patrol proved that lawmen with statewide jurisdiction and backed by state revenues could successfully supplement local officers, especially when directed against traffic deaths and bootleggers.<sup>11</sup>

With the two investigative reports for factual reinforcement and the success of the experimental patrol, Governor Marland admonished the Oklahoma State Legislature to provide the state with an adequate state police force. On January 5, 1937, a bill was introduced in the Oklahoma House of Representatives proposing the creation of the Oklahoma Department of Public Safety. With assurances that the agency would not supercede local authority, the bill passed both houses of the legislature and was signed by Governor Marland on April 20, 1937.<sup>12</sup>

The bill divided the Department of Public Safety into



three divisions: registration, traffic control, and highway patrol. The largest branch was the highway patrol, which provided the manpower for the other divisions. The legal authority of each patrolman was similar to those of any sheriff; officers and troopers were declared peace officers of the state with jurisdiction over offenses against the laws of the state. The only exception was serving or executing civil processes.<sup>13</sup>

With a \$300,000 annual appropriation, Governor Marland chose J. M. "Bud" Gentry as the first commissioner of public safety. Gentry, a former automobile dealer and highway safety advocate from Enid, developed the technical organization of the new agency while he issued a call for applications to the first highway patrol school. As stipulated by statute, troopers had to weigh at least 160 pounds and be at least 5 feet, 11 inches tall; still, more than 500 men applied.<sup>14</sup>

With headquarters at Tenth Street and Broadway in Oklahoma City, Gentry organized the first highway patrol school. After weeks of rigorous physical and mental training, the first troopers were ready for the road. To satisfy the demands of the highway patrol's rural supporters, Gentry assigned all detachments to one of four rural district headquarters in Perry, Enid, McAlester, and Lawton. At these locations sergeants maintained base operations in small

trailers, maintaining ties with Gentry through the telephone system.<sup>15</sup>

Initially, Gentry and his staff assigned troopers to specific roads regardless of county boundaries, such as State Highway 51 from Tulsa to Stillwater. Within two months, however, this system was altered with troopers assigned to geographical regions rather than single highways. By assignment to an area, such as Pittsburg County, troopers would get to know local judges, county attorneys, and sheriffs, as well as the troubled spots.<sup>16</sup>

After completing the first patrol school in June of 1937, Gentry assigned the new troopers to one of the four districts. As the troopers drove to their districts, the public had their first look at the new law enforcement officers. Most of the men drove 1937 model Hudsons, with a few in 1937 model Fords, while sixteen troopers rode large motorcycles. The troopers wore chocolate brown and tan uniforms, Sam Browne belts around their waists and chests, campaign hats, revolvers on the hip, and badges and collar pins with "OHP" engraved on them.<sup>17</sup>

As the troopers drove to their assigned districts, the cycle-riding squad left headquarters for their common barracks in Edmond, which served as their rendezvous. Astride their sixty-one inch Indian motorcycles, they rolled down the

highway in formation. Known as the "Flying Squadron," the cycle unit roamed the state selecting specific regions for intensive patrolling. After a region was chosen, Captain Dale Petty led the unit down the highway, leaving the riders' gear at motels before assigning each trooper an area for patrolling. The Flying Squadron operated in this fashion until late 1938, when the cycle troopers were assigned to individual districts.<sup>18</sup>

With the first troopers at their posts, it became obvious that there was inadequate manpower to patrol all urban and rural areas effectively, a problem that would haunt the highway patrol for decades. With only 125 troopers patrolling more than 70,000 square miles, each trooper theoretically enforced traffic and criminal laws in an area of more than 560 square miles. Considering that there were two troopers assigned to each car, every detachment had to patrol more than 1,000 square miles. Only by working ten to twelve hour days, six days a week, were troopers able to patrol their areas adequately.<sup>19</sup>

Another concern during the first year of the highway patrol was preventing negative public reaction. Troopers overcame this problem and earned a reputation for service by using warning tickets, providing filled two-gallon gas cans for stranded motorists, and safety education talks. In

the first nine months, troopers issued 288,277 warnings compared to only 5,518 arrests, and assisted more than 250,000 motorists stranded on the highways. By acting as a friend in need, troopers fostered a positive public perception of the patrol. Furthering good relations with the public, Commissioner Gentry encouraged every trooper to give at least one safety talk each month to schools or civic groups. By educating the public about the goals of the highway patrol and the laws it enforced, the troopers built an understanding between themselves and the public.<sup>20</sup>

Protecting the public on the roads of the state was the primary function of the patrol; many Oklahomans, however, considered criminal law enforcement the foremost responsibility of the young force. Troopers fortified this assumption countless times during the first few years of the highway patrol's existence through participation in manhunts, arrest, and gunfights. The first assignment to a criminal case for the highway patrol as a group was a manhunt for Pete Traxler, a convicted felon who had escaped from prison. Taking advantage of its dispersed manpower, centralized coordination, and special training, the highway patrol effectively established roadblocks to impede Traxler's movement. By immobilizing the bandit, the patrol helped local lawmen isolate and capture the fugitive.<sup>21</sup>

The highway patrol's role in criminal law enforcement was advanced in 1939 when the Oklahoma State Legislature abolished the Oklahoma Bureau of Criminal Identification and Investigation, transferring its duties, records, equipment, and staff to the Oklahoma Department of Public Safety. This act made the resources and skills of the crime bureau more readily available to troopers. Commissioner Walter Johnson took advantage of this organizational realignment by initiating a series of raids against bootleggers. From 1939 to 1940 troopers established road blocks, chased bootleggers, and raided whiskey dealers. In 325 raids in two years, the patrol arrested 421 men, confiscated 49,000 pints of whiskey, and seized thirteen automobiles used for hauling the contraband. High-speed chases through wheat fields, gun battles in back alleys, and midnight raids on gangster's hideouts thereafter became typical duties for troopers.<sup>22</sup>

From 1937 to 1941 the highway patrol enjoyed a period of development and growth as officers and troopers searched for workable systems through trial and error, guidance from other patrols, and knowledge gained from traffic schools such as the Northwestern Traffic Institute. These efforts earned rewards, for by 1941 the highway patrol force had increased to 145 men, the public had accepted its authority, a radio

system with mobile units had been established, and the death rate on the highways had been reduced from 15.7 per 100,000,000 miles driven in 1937 to less than 7.0 in 1941. This successful development changed after December 7, 1941, when the United States entered World War II.<sup>23</sup>

The outbreak of the war drained manpower from the patrol, weakening the agency despite determined efforts by remaining troopers. Although Governor Leon C. Phillips exempted troopers from the draft for one year, many voluntarily joined the service to fight for their country. By 1942 the number of troopers had been reduced from 145 to 47.<sup>24</sup>

The Oklahoma State Legislature partially eased the problem by creating an auxiliary highway patrol in 1943. Under the new plan, troopers designated able-bodied civilians in their counties to be trained in enough basic police skills to ride with troopers as partners. The auxiliary force eventually proved its worth, fulfilling many duties which previously had been handled by troopers, such as manning roadblocks, aiding in disaster relief, and helping local law enforcement authorities in support capacities. Even with such relief, the highway patrol was too undermanned to continue services which previously had been rendered. Fortunately, changed conditions in the wartime nation, such as gas rationing, tire shortages, and the lack of new cars

curtailed traffic, thus easing the responsibilities of the patrol. Decreased traffic, extra work by remaining troopers, and the auxiliary force enabled the highway patrol to maintain basic traffic and criminal law enforcement during the war years.<sup>25</sup>

After Japan surrendered, the highway patrol entered a five year period of rapid growth. This period of expansion began as troopers returned from the service and new patrol schools were held to fill the need for a full force. The growth in manpower was so rapid that by 1949 there were 214 troopers on the force and three new support divisions. Increased manpower and size were not the only changes by the 1950s, for duties, equipment, and organization experienced similar advances.<sup>26</sup>

During the latter 1940s, the highway patrol added several new divisions which provided new flexibility for general law enforcement. One was a size and weights division, directed to enforce new laws regulating the expanding trucking industry. By limiting the size and weight of cargo transported by trucks, troopers prevented abuse of roadbeds, and better roads facilitated safer driving and fewer accidents. Another new arm of enforcement was the air patrol, organized in 1948 by trooper-pilot Art Hamilton. Oklahoma was the first state in the nation to employ an airplane for traffic control and

manhunts. From 1948 to 1955, Hamilton logged 6,700 hours in the air, representing the most efficient and flexible watchdog in the highway patrol.<sup>27</sup>

In 1949 two other developments enhanced the effectiveness of troopers. One was the Uniform Traffic Code, passed by the Oklahoma State Legislature to clarify old laws, add new ones, and give the highway patrol more power and latitude for dealing with traffic law violators. With stronger and stricter laws to enforce, troopers' efforts became more effective. The other new tool available was a frequency modulated (FM) radio system. Initiated in 1946 with war-tested technology, highway patrol technicians installed base consoles at headquarters in 1949. With FM receivers and transmitters in every car and district headquarters, better communication, and thus more efficient coordination, was possible.<sup>28</sup>

The benefits of modern radio technology were needed desperately by the highway patrol's commanders, for by the late 1950s the agency's duties had increased without corresponding increases in manpower, equipment, or appropriations. Two reasons for the increased duties were accelerated highway construction and the new system of turnpikes. During Governor Raymond Gary's administration from 1955 to 1959, highway construction became the foremost



objective of state government. With new emphasis and money for roads, the state highway system increased almost twenty-five percent. This was accompanied by turnpike construction, beginning in 1954 with the completion of the Turner Turnpike. By 1959 the Will Rogers and H. E. Bailey Turnpikes also had been completed. Although the Oklahoma Turnpike Authority paid the expenses of the troopers on the four-lane super highways, the highway patrol had to train, equip, and supervise the men. Both of these developments strained troopers and intensified the need for more men.<sup>29</sup>

Increased highway mileage strained the capabilities of the highway patrol, but the situation was worsened by worn equipment. In 1956, eighty-three automobiles had more than 100,000 miles on them and the radio network still was using equipment more than ten years old. Such problems plagued the highway patrol through the 1950s despite pleas for legislative relief. The only means of keeping pace with increasing duties and highway mileage was to work more hours, and spread the manpower thinner. One answer was converting to one-man units rather than two-man teams in each car, but the personnel shortage remained a problem.<sup>30</sup>

Confined to patrolling roads and highways, troopers offered only secondary assistance in the continuing war against bootleggers. After 1955 the illegal liquor business

assumed serious proportions, leading to increased crime and violence. The whiskey trade became so profitable that gangland wars occasionally erupted, sometimes involving innocent citizens. The most publicized gang wars were in the southern half of the state where liquor dealers in Texas sold whiskey to runners or gangs who transported the contraband to outlets in Oklahoma. Wholesalers in Texas, meanwhile, oftentimes sent their own men to hijack the runners, thus making profits from sales plus retrieving the liquor. In other instances, gangs in Oklahoma waged gangland battles trying to dominate the liquor trade in certain areas. Much of this criminal warfare occurred on the highways, for cars and trucks were the common carriers for the trade. Too often, these gun battles involved innocent motorists when combatants mistook innocent drivers for bootleggers, leading to needless violence.<sup>31</sup>

Troopers responded to the problem as best they could, but only occasionally before 1959 did they participate in raids on liquor outlets, the center of the bootlegging business. Such offensive strikes against bootleggers remained the responsibility of local lawmen and the crime bureau, which since 1939 gradually had assumed most of the highway patrol's investigatory and crime-busting duties. When summoned by local officials, crime bureau agents supplied

expert assistance in the war on gamblers, robbers, and bootleggers. For example, in 1952 three crime bureau agents teamed with two Ponca City policemen and one Kay County deputy sheriff in a raid against a bootlegging operation in Ponca City. The officers gathered evidence, then raided at two locations, arresting five men for sale of liquor and confiscating eight pints of bootleg whiskey and three fifths of wine.<sup>32</sup>

By 1957 the crime bureau division of the Oklahoma Department of Public Safety had recouped much of its strength lost in the reorganization of 1937. One of the most important factors in that development was the leadership of Chief Owen K. Bivins. Born in Washington County in 1914, Bivins worked as a ranch hand and rodeo rider as a young man. In 1937 he gave up this nomadic life to join the newly organized highway patrol. As was typical during the early years of the highway patrol, Bivins served in eight districts in four years. After a stint in the Coast Guard during World War II, Bivins earned a transfer to the crime bureau, where he rose from field investigator to assistant director in two years. In 1952 Governor Johnston Murray elevated Bivins to the chief post in the crime bureau, a position he held until 1959.<sup>33</sup>

Under the leadership of Bivins, the crime bureau expanded to thirty-five men, of whom seventeen were field operatives.

The others performed lab work, fingerprint identification, polygraph tests, chemical analysis, and other technical services. Bivins divided the state into ten districts, assigning to each at least one operative. Although Bivins returned the crime bureau to an operable size, separate from the Department of Public Safety, he admitted that he did not have enough manpower to confront the widespread violation of prohibition laws in the late 1950s effectively.<sup>34</sup>

Despite the crime bureau's inability to cope with bootlegging operations, before 1959 the leadership of the highway patrol stressed traffic law enforcement at the expense of criminal law enforcement. In 1959 the attitude of the highway patrol's leadership changed when J. Howard Edmondson was elected governor. Edmondson, a former county attorney and law enforcement advocate, ran for governor on a platform emphasizing strict enforcement of the state's prohibition laws. His stated purpose was to force an election for repeal; if the citizens retained prohibition, he was willing to enforce the law. To implement his plan, Edmondson appointed fellow lawyer, Joe Cannon, as the commissioner of public safety. Cannon, soon to be known as the "anathema of bootleggers," quickly mounted an attack against whiskey peddlars, using troopers to set up roadblocks and raid suspected sales outlets. In four months these tactics drove the price of a

fifth of illegal whiskey from five dollars to more than twenty dollars. With illegal whiskey scarce, the voters of Oklahoma repealed prohibition on April 7, 1959.<sup>35</sup>

Enforcing criminal laws was not the highway patrol's only duty unrelated to traffic safety, for troopers long had performed emergency services such as rescue and disaster relief. One instance of such service was the relief effort in Woodward in 1947. When several tornadoes leveled half the city and killed more than 100 people, troopers rushed to the scene to coordinate relief measures and maintain law and order. Hundreds of manhours were spent in the rescue, with many troopers working for three or four days with little sleep or rest. In certain sections of the city destruction was so thorough that cars could not drive on the streets due to rubble, forcing troopers to patrol the city on foot. Days of back-breaking work by troopers maintained order and hastened the recovery from one of the worst Oklahoma disasters of the decade.<sup>36</sup>

Such relief has been repeated countless times during the highway's patrol's history. Recognizing this service, the Oklahoma Civil Defense System in 1955 designated the highway patrol as the central coordinating agency for disaster relief in the state. In 1959 the highway patrol improved its capabilities for relief by establishing the special

details and rescue division, better known as the rescue squad. The rescue squad was a specially trained six-member team of troopers directed to combat disasters such as riots, prison breaks, floods, tornadoes, marine emergencies, major fires, and manhunts. Using several specially equipped four-wheel-drive vehicles, the rescue squad in 1960 answered forty-three calls to drownings, recovered twenty-four victims, worked crippling snow storms in the northwestern part of the state, provided relief after tornadoes, and investigated several airplane crashes. The rescue squad was a good example of the special services every trooper offered the public.<sup>37</sup>

Since 1960, both the highway patrol and crime bureau have expanded and improved their services to the citizens of Oklahoma. This development has been a result of growing demands for better law enforcement, fostered by accelerated construction of highways, a growing number of people on the roads, and new threats to public order such as student unrest, white collar crimes, and subversive activities. Coinciding with these demands for more and better state law enforcement have been new and expanded sources of funding, the most important being free-spending federal programs. Through legislation such as the National Safety Standards Act, the Omnibus Crime Control and Safe Streets Act, and the Federal Boat Safety Act, the national government has provided the

highway patrol and crime bureau with new opportunities for growth and expansion. Even at the state level, expanding tax bases and rapid population growth have generated new funds for state appropriations to law enforcement.<sup>38</sup>

With increasing responsibilities and better funding sources, both the highway patrol and crime bureau have increased manpower. The patrol has expanded to more than 550 troopers. Most of these men are line troopers who patrol the highways day and night, while many of them are assigned to specialized divisions such as the lake patrol, training division, or size and weights division. The crime bureau, officially titled the Oklahoma Bureau of Investigation, has expanded to more than eighty men and women. These agents work from headquarters in Oklahoma City as well as field offices in Tulsa, Lawton, and McAlester.<sup>39</sup>

The combined services offered by the highway patrol and crime bureau have filled a void in Oklahoma's law enforcement system since 1936. The coming of the 1930s with accelerated social, technological, and economic changes, outpaced the abilities of local lawmen to adapt. Confronted with a mobile population, decreasing tax bases, traffic fatalities, and more sophisticated criminals, understaffed sheriffs' departments and constricted police forces needed assistance. The only solution was increased state intervention.

By providing funds for training, communications, and more manpower, the state government offered skills and flexibility lacking at the county and municipal levels. Today troopers and investigators work closely with local lawmen; together they provide a deterrent to crime and traffic fatalities in Oklahoma.



#### FOOTNOTES

<sup>1</sup>John Toland, The Dillinger Days (New York: Random House, 1965), pp. 83-102, 250-251.

<sup>2</sup>Daily Oklahoman, August 8, 1935, p. 1.

<sup>3</sup>Harlow's Weekly, Vol. XLIV, No. 22 (June 22, 1935), p. 3.

<sup>4</sup>Ibid.

<sup>5</sup>Ibid.

<sup>6</sup>Oklahoma State Planning Board, A State Police For Oklahoma (Oklahoma City: n. p., 1936), p. 2; "Traffic Safety," Unpublished Manuscript, Charles Rice Files, Charles Rice, Oklahoma City, Oklahoma. (Charles Rice was the original director of the Drivers License Division of the Oklahoma State Department of Public Safety).

<sup>7</sup>Brookings Institution, Report on a Survey of Organization and Administration of Oklahoma, p. 98.

<sup>8</sup>United States Department of Commerce, Sixteenth Census of the United States: 1940, Population (2 vols., Washington: Government Printing Office, 1942), Vol. I, p. 863.

<sup>9</sup>Brookings Institution, Report on a Survey of Organization and Administration of Oklahoma, p. 3; Oklahoma State Planning Board, A State Police for Oklahoma, p. 2.

<sup>10</sup>Harlow's Weekly, Vol. XLV, No. 6 (August 10, 1935), p. 6, Vol. XLV, No. 16 (October 19, 1935), p. 3.

<sup>11</sup>Oklahoma Municipal Review, Vol. X. No. 12 (December, 1936), pp. 177, 192; Interview, Dale Petty, June 5, 1976, Oklahoma City (Petty was the first uniformed captain of the highway patrol in 1937); Alva Ray Stevens, "Oklahoma Highway Patrol" (Unpublished Master of Arts Thesis, University of

Oklahoma, Norman, 1957), p. 2; "List of Special Officers," October 10, 1935, Oklahoma State Highway Commission Files, Archives and Records Division, Oklahoma Department of Libraries, Oklahoma City, Oklahoma; Oklahoma Sheriff and Peace Officer, 1936, p. 127.

<sup>12</sup>Oklahoma State House of Representatives, 16th Legislature, 1st Extraordinary Session, Journal, (Oklahoma City: Hawlow Publishing Company, 1937), p. 17; Oklahoma State House of Representatives, 16th Legislature, Regular Session, Journal (Oklahoma City: Harlow Publishing Company, 1937), p. 158; Oklahoma, Session Laws, 1937 (Oklahoma City Harlow Publishing Company, 1937), p. 326.

<sup>13</sup>Ibid., pp. 327, 330.

<sup>14</sup>Ibid., p. 329; Interview, Dale Petty, June 5, 1976, Oklahoma City.

<sup>15</sup>Ibid.; Interview, Carl Tyler, June 19, 1976, Oklahoma City (Tyler was one of the original troopers in 1937, later serving as chief of the highway patrol and chief of the crime bureau).

<sup>16</sup>Ibid.: Interview, Dale Petty, June 5, 1976, Oklahoma City.

<sup>17</sup>Ibid.

<sup>18</sup>Ibid.

<sup>19</sup>Oklahoma State Planning Board, A State Police For Oklahoma, p. 2.

<sup>20</sup>Oklahoma State House of Representatives, 17th Legislature, Regular Session, Journal, (Oklahoma City: Hawlow Publishing Company, 1939), p. 62; Safety Signal (Oklahoma City, Oklahoma) Vol. V, No. 6 (January, 1954) p. 4.

<sup>21</sup>Ibid., Vol. XIX, No. 2 (May-June, 1962), p. 2; Stevens, "Oklahoma Highway Patrol," p. 17.

<sup>22</sup>Oklahoma State Senate, 17th Legislature, Regular Session, Journal, March 27, 1939, pp. 893-894; Oklahoma State House of Representatives, 18th Legislature, Regular session, Journal (Oklahoma City: Harlow Publishing Company, 1941), pp. 77, 101.

<sup>23</sup>Ibid.

<sup>24</sup>Ibid.; Interview, Carl Tyler, June 19, 1976, Oklahoma City.

<sup>25</sup>Oklahoma, Session Laws, 1943 (Oklahoma City: Harlow Publishing Company, 1944), p. 122; Interview, Charles Rice, June 11, 1976, Oklahoma City (Rice was one of the few troopers to remain with the patrol during the war years).

<sup>26</sup>Oklahoma, Session Laws, 1949 (Guthrie: Co-operative Publishing Company, 1949), p. 369.

<sup>27</sup>Interview, H. J. "Butch" Harman, July 15, 1976, Oklahoma City (Harmon was the first officer with the size and weights division); Daily Oklahoman, July 10, 1955, p. 10.

<sup>28</sup>Oklahoma, Session Laws, 1949, p. 41: Interview, Charles Hughes, July 5, 1976, Oklahoma City (Hughes was the longtime director of the highway patrol's communication division).

<sup>29</sup>Interview, H. J. "Butch" Harmon, July 15, 1976, Oklahoma City (Harmon was assistant commissioner of public safety during Governor Raymond Gary's administration).

<sup>30</sup>Daily Oklahoman, October 26, 1956, p. 31, January 15, 1958, p. 1.

<sup>31</sup>Ibid., February 17, 1955, p. 2.

<sup>32</sup>Oklahoma City Times, March 14, 1952, p. 1.

<sup>33</sup>Sam Watson, "A Biographical Sketch of Owen K. Bivins," Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, January, 1975), pp. 5-7.

<sup>34</sup>Oklahoma City Times, August 28, 1957, p. 1; Daily Oklahoman, February 17, 1955, p. 1.

<sup>35</sup>Jones, Oklahoma Politics in State and Nation, p. 124; Oklahoma, Session Laws, 1959 (Guthrie: Co-operative Publishing Company, 1959), p. 95; Jimmie L. Franklin, Born Sober: Prohibition in Oklahoma, 1907-1959 (Norman: University of Oklahoma Press, 1971), pp. viii, 194; Safety Signal, Vol. XV, No. 6 (April, 1959), p. 1; Interview, Dale Petty, June 5, 1976, Oklahoma City.

<sup>36</sup>Oklahoma State House of Representatives, 21st Legislature, Regular Session, Journal (Guthrie, Oklahoma: Cooperative Publishing Company, 1949), p. 2114; Interview, Bob L. Blackburn, Sr., June 2, 1976, Seminole, Oklahoma (Blackburn was a trooper who worked the Woodward disaster for several days).

<sup>37</sup>Interview, Paul Clark, July 15, 1976, Oklahoma City (Clark was the highway patrol's civil defense liaison officer in the early 1970s and was with the highway patrol in the 1950s); Safety Signal, Vol. XV, No. 3 (January, 1959), p. 1; Daily Oklahoman, January 14, 1959, p. 20; Oklahoma State Department of Public Safety, Annual Report, 1960 (Oklahoma City: n. p., 1960), p. 13.

<sup>38</sup>Interview, Kent Rasmussen, July 12, 1976, Oklahoma City (Rasmussen was the federal projects director for the Oklahoma State Department of Public Safety in 1976); Interview, Robert Lester, July 16, 1976, Oklahoma City (Lester was commissioner of the Department of Public Safety from 1962 to 1970, when the federal government's involvement increased).

<sup>39</sup>Oklahoma State Department of Public Safety, Annual Report, 1976 (Oklahoma City: n. p., 1976), p. 2; Daily Oklahoman, June 25, 1975, p. 22.

## CHAPTER XV

### NEW TOOLS FOR LAW ENFORCEMENT, SINCE 1930

During the 1920s and 1930s rapid social and technological change posed mounting threats to law and order in Oklahoma, straining traditional institutions of law enforcement. The most visible response to these threats was organizational realignment, with the state government assuming a new and expansive role. State involvement and organizational change alone, however, never could have overcome these problems without technical, procedural, and financial improvements for local lawmen. Developments which made such improvement possible are best exemplified by organized professional training, radio communications, and increased federal funding.

One of the most significant developments in law enforcement during the past half century has been improved training for lawmen. Before 1930, when Oklahoma was predominantly rural and provincial, skills in investigation and statutory interpretation were not as important as the ability to intimidate trouble-makers. In these simpler times, being a part of the community and being respected were the best

qualifications for policemen and sheriffs. The 1920s, however, brought increased urbanization, social mobility, traffic regulation, and sophisticated criminals. No longer could lawmen depend on physical superiority and esteem alone in their fight for law and order; police skills and training also were necessary.

Early in the 1920s many Oklahomans recognized the need for more law enforcement expertise. This was one reason for creating the Oklahoma Bureau of Criminal Identification and Investigation, which employed fingerprints experts, chemists, ballistics experts, and trained investigators. Most police departments and sheriffs' forces adopted this commitment to professionalism more slowly. One of the first police forces in the state to organize a police training school was the Oklahoma City police department.

Convened in November of 1931, the Oklahoma City police school offered extensive education to members of the department. Meeting twice a week for five months, ninety-six officers studied a variety of subjects ranging from criminal investigation and traffic codes to personal combat and pistol training. Included in the training was explanation of the state criminal code and city ordinances. Taught by departmental staff, these courses offered Oklahoma City policemen new insights into complex law codes, techniques for solving

crimes, and personal defense.<sup>1</sup>

The first training school had additional unforeseen benefits. When the school was scheduled, officials constructed the department's first firing range for pistol practice. The training improved marksmanship, but it also discovered guns that did not fire, faulty sights, and impractical holsters. For urban policemen, removed from rural settings which once had provided plentiful opportunities for firing practice, the firing range improved their chances for survival.<sup>2</sup>

In-service training was practical for large departments with trained experts on the staff, but for the numerous small forces of three or four men, the cost of retaining expert instructors was prohibitive. Technical training was extended to these lawmen for the first time in February of 1932 when the Oklahoma Municipal League and the Oklahoma Police Executives Association organized the first statewide police training school. Hosted by the Tulsa police department, the six-day school utilized instructors from the University of Oklahoma, Oklahoma City police department, Tulsa police department, and the Federal Bureau of Investigation. For the ninety policemen from various towns and cities attending the school, subjects ranged from report preparation to arrest and seizure procedures. Those men later conveyed the lessons

learned to other members of their home departments, thereby extending the effectiveness of the state school.<sup>3</sup>

By the mid-1930s police training was an accepted necessity by most lawmen. Major police departments conducted schools regularly, making participation available to men from smaller towns. In 1935 the police departments were joined by the University of Oklahoma, which organized its first police institute. By 1938, with an appropriation from the Oklahoma State Legislature, the University of Oklahoma had established an annual school for scientific police education, using national authorities as well as qualified personnel from the faculty.<sup>4</sup>

The emphasis on formal training was increasing when the Oklahoma State Legislature created the highway patrol in 1937. Adhering to this trend, the first commissioner of public safety called for a five-week intensive training school for all applicants to the patrol. Commissioner Bud Gentry organized the school under the leadership of two state troopers from established forces. The supervisor was Sergeant George Tubbs from the Michigan State Police, one of the oldest and most progressive state police forces in the nation. Tubbs offered more than mere instruction to the cadets; he turned the first patrol school into an intensive training camp organized along military standards. Divided into squads,



the cadets arose at 5:15, cleaned their quarters, and ran one mile before breakfast. The rest of their days were filled with classes in subjects such as the ten rules of the road, first aid, search and seizure techniques, and cycle riding. The physically and mentally taxing school reduced the number of cadets from 140 to 81, and prepared them for their new assignments as the state's first highway patrolmen.<sup>5</sup>

Thereafter, the highway patrol conducted similar schools at least every two years and often every year, depending on the number of new troopers needed. Yet, the highway patrol's program limited the accessibility to potential troopers, excluding many county sheriffs' officers who likewise needed the training. Perhaps because the sheriff's office was the oldest of the law enforcement institutions in Oklahoma, sheriffs and their deputies were the last to receive training. This problem was solved in 1950 when the Oklahoma Sheriffs and Peace Officers Association and the crime bureau organized the first law enforcement training school specifically for sheriffs. Conducted by O. K. Bivins and other agents of the crime bureau, the training program's goals were to acquaint newly elected sheriffs with their duties and to promote better cooperation between all law enforcement agencies.<sup>6</sup>

For the first time sheriffs enjoyed access to expert training. During the three-day courses, crime bureau agents

discussed subjects ranging from laboratory skills to preservation of criminal evidence. Instructors tailored courses to apply to unique problems faced by county lawmen, such as how to investigate cattle rustling. Other professionals from the Federal Bureau lectured on how to detect stolen cars and use federal assistance. Exposure to this information enabled many sheriffs to overcome the problems which had limited their effectiveness for decades.<sup>7</sup>

Since 1950 police training in Oklahoma has expanded and matured. Sponsored by universities, junior colleges, police departments, the crime bureau, and the highway patrol, training facilities are readily accessible to every law enforcement officer in Oklahoma. This development improved the ability of these people to preserve law and order.

Training became more important as the threats to public safety intensified. One of the social developments which compounded these threats was increased mobility of the population. Equipped with automobiles, criminals in the 1920s and 1930s entered and left jurisdictions with ease. Moreover, with more people driving new, highspeed automobiles on better and seemingly safer paved roads, the traffic death toll mounted. Lawmen, isolated in their patrol cars, could not respond to emergency calls or cooperate in manhunts. Without efficient means of coordination, policemen, troopers,

and sheriffs were at a disadvantage in the war on traffic deaths and criminals.

Just as new developments fomented these problems, however, new breakthroughs in technology provided a solution -- radio communications. Surging ahead during World War I, radio technology offered several benefits to lawmen: pursuits could be coordinated from one central location through a transmitter; patrolling officers could be summoned for quick response to emergencies; and, by using radio directives, a few officers could effectively patrol larger areas.

In 1921 the Detroit, Michigan, police department was the first organization to adapt radio technology to police work. Because two-way units were unavailable before the mid-1930s, the first receiver used was an amplified modulating (AM) unit which could receive transmissions but not transmit a response. The Detroit police department used this early system to broadcast the license numbers of stolen automobiles, one of the most widespread crimes of the 1920s. By 1928 the Detroit police department had radio receivers in every patrol car. This success was highly publicized throughout the nation, promoting experimentation in other cities.<sup>8</sup>

In 1931 the Oklahoma City and Tulsa police departments purchased the first radio receivers for police work in Oklahoma. By 1936 the Oklahoma City police department had

equipped twenty patrol and twenty detective cars with one-way receivers; by 1937 the radio system in the Tulsa police department was extensive enough to join an inter-city communications network stretching from coast to coast. Smaller police departments also adopted radio systems as technology improved quality and reduced prices of equipment. The McAlester police department, for example, purchased a police radio system in 1934. By 1936 at least ten police departments in the state relied on radio communications.<sup>9</sup>

Initially, most of these systems employed transmitters which broadcast on the same channels as commercial stations. This made it necessary to interrupt commercial programs when transmitting police calls. Problems with this practice arose, for policemen complained that official communications became common knowledge to all radio listeners, including law breakers. To overcome these problems, the Federal Radio Commission assigned the frequency of 1,570 kilocycles to all police departments. One channel proved to be inadequate, however, so after May 1, 1934, police departments were allowed to broadcast on bands anywhere from 1,658 to 2,490 kilocycles.<sup>10</sup>

In 1937, when the Oklahoma State Legislature created the highway patrol, police radio communication still was in the developmental stage. To indicate the novelty of radio use,

only seventeen state police forces in the nation possessed radio transmitters in 1936. During the first two years of the highway patrol's operations, troopers worked without a police radio system; instead, they used commercial one-way radio receivers already installed in their Hudsons and Fords. Over these commercial receivers troopers listened for messages relayed through radio stations operated by county or city police departments, for the highway patrol did not purchase transmitters until 1939. Tuned into commercial radio bands such as 2450, which was the Oklahoma County sheriff's department radio band, troopers received messages from their district headquarters.<sup>11</sup>

Not until 1938 were two-way units used, and this was only one set installed in the chief's car. The first two-way unit had a range of twenty-five miles, cost \$93 to build, and operated with an eight watt transmitter set in the back seat. With this two-way unit in Chief Howard Cress' highway patrol car, the highway patrol possessed new capabilities for manhunts, emergency operations, and liquor raids.<sup>12</sup>

With this one example of radio's potential, highway patrol leadership soon determined that a decentralized communications system was a handicap to the highway patrol's effectiveness; therefore, Commissioner Gentry initiated plans to develop an independent radio system for the highway patrol

in January of 1939. The first transmitting station was KOSO, an experimental one-way AM station broadcasting highway patrol signals on frequency 1626. Throughout 1939 the station beamed messages only to district base stations, for as yet there were no compatible mobile units installed in highway patrol cars.<sup>13</sup>

In 1940 highway patrol radio technicians installed the first mobile units in squad cars, using fifteen foot wire-wrapped bamboo antennas attached to the bumpers. The system proved inefficient, for oftentimes during cloudy weather units could not receive signals from district bases, while they easily picked up transmissions from the highway patrol in West Virginia, which was on the same frequency. Highway patrol technicians even received letters stating that their signals had been received in India and China. Although this communications system was a major step toward modernization, the AM network was inefficient.<sup>14</sup>

During World War II the highway patrol solved the problem by converting to a recently developed frequency-modulated (FM) radio system. By 1944 most highway patrol cruisers had FM receivers, beginning a new era for radio communications. To service the new experimental radio sets, the highway patrol hired Charles Hughes, who had worked with radios since the early 1920s. Building and installing FM units as quickly

as he could, Hughes supplied all district bases and all highway patrol cruisers with two-way receiver-transmitters by 1949. Thereafter, Hughes and his team of technicians steadily improved this system, building relay stations, stronger transmissions, and more refined receivers.<sup>15</sup>

By the early 1950s most police and sheriffs' departments also had developed two-way radio systems. For example, out of thirty-five city police departments surveyed in Oklahoma, only five did not maintain police radios. Of the largest twenty cities, only one did not have two-way communications, while half of them had three-way units. With three-way radios, officers could transmit both to headquarters and to other mobile units as well as receive messages. The availability of such advanced equipment improved even more after 1953, when Congress enacted the Civil Defense Act, providing matching funds for the purchase of radio equipment. From 1953 to 1955 county and city governments in Oklahoma spent approximately \$481,000 for radio equipment, after which all but three counties in the state used two-way radios in some capacity.<sup>16</sup>

The widespread use of two-way radios immensely improved the capabilities of lawmen. By maintaining verbal contact with headquarters, lawmen could range farther afield, make optimum use of automobiles, and scientifically organize

manhunts. Moreover, through the use of radios, officers could respond to calls of distress quicker, thus enlarging the role of lawmen in the lives of Oklahomans. In countless ways radio communication provided a highly efficient tool for law enforcement.

The rapid proliferation of police radios was due in part to federal financial assistance. Federal aid to law enforcement in Oklahoma was not a recent development, for United States deputy marshals and Indian police long had provided law enforcement in the territories and in the state. Additional federal aid was extended in the 1920s and 1930s through the Federal Bureau of Investigation, which furnished equipment such as fingerprint sets and assisted in solving federal crimes. Other federal agencies, such as the Civil Defense Bureau, also supplied equipment and assistance on a limited scale. Direct federal aid to local and state law enforcement in Oklahoma, however, did not reach significant proportions until the 1960s.

During this eventful decade two developments combined to increase federal involvement in Oklahoma law enforcement. One was increased federal spending, culminating in the "Great Society" reforms of President Lyndon B. Johnson. Coinciding with this trend were the turbulent years of the late 1960s when urban riots, student protests, and subversive terrorists



stunned the sensibilities of middle-class Americans. As a result, Congress was urged to establish programs to aid local and state law enforcement; free-spending Congressmen readily complied.

One of the earliest federal programs to aid local law enforcement was provided through the National Safety Standards Act of 1967, establishing guidelines for promoting traffic safety. To gain compliance from the states, the Federal Transportation Department offered funds for new projects which would advance traffic safety. In Oklahoma the most important response was the Implied Consent Law, passed by the Oklahoma State Legislature in 1968. Based on federal specifications, this law established guidelines for testing drivers suspected of intoxication, for making arrests of intoxicated drivers, and for providing and preserving evidence for conviction in court. With federal funds, the Department of Public Safety organized the program, purchased needed equipment, and began the training of all lawmen in the state on how to apply the new statute. As a result of federal involvement, Oklahoma lawmen gained the training, equipment, and statutory support for the war on intoxicated drivers.<sup>17</sup>

Another and more expensive federal program began in 1968 when Congress enacted the Omnibus Crime Control and Safe Streets Act. Working through the Law Enforcement

Assistance Administration, the primary goal of this free-spending federal program was to funnel block grants to states for reduction of crime and delinquency. To receive and distribute these funds, Governor Dewey Bartlett organized the Oklahoma Crime Commission, composed of thirty-two members. These men and women solicited grant proposals from state, county, and municipal law enforcement agencies and decided which would receive available federal funds. The first year this grant funding amounted to \$305,660, but it increased to \$2,291,000 in 1970, \$4,491,000 in 1971, and \$7,800,000 in 1973. These funds promoted new expansion and increased capabilities for lawmen in Oklahoma.<sup>18</sup>

This assistance was applied to a variety of programs. In 1969, the first year of the federal project, more than eighty percent of the funds paid for new equipment. Thereafter, the crime commission primarily funded more innovative programs. Although a small amount of this assistance went to ongoing programs, such as training and communications, the bulk of available funds were used to establish new law enforcement services such as telecommunications and computers. With federal financial support the Department of Public Safety purchased an advanced computer and made it available to all law enforcement agencies in the state. With quicker and more accurate information on criminals and drivers, lawmen could

respond to problems more efficiently.<sup>19</sup>

A third federal program injecting money into Oklahoma's law enforcement system was provided through the Federal Boat Safety Act of 1971. Administered by the United States Coast Guard, this program's intent was to promote water safety through improved law enforcement on lakes and rivers. In 1971 such laws in Oklahoma were weak and administered by a small division of the Oklahoma Parks Department. With matching funds, the expertise of the highway patrol, and a new state commitment, the lake patrol expanded to more than forty men by 1976, with stations on every major lake in the state.<sup>20</sup>

Federal assistance, like the development of radios and advanced training, helped law enforcement in Oklahoma expand, experiment, and professionalize. Without these aids in the war on crime and traffic fatalities, lawmen would have been hard pressed to maintain the standards of law and order which are taken for granted by the public. Fortunately, the same technological, social, and economic changes which have created threats to the public's safety have furnished law enforcement officers with the tools to combat these threats.

#### FOOTNOTES

<sup>1</sup>Robert Huston, "Oklahoma City Police Department Activities," Oklahoma Municipal Review, Vol. VI, No. 11 (November, 1932), pp. 236-237.

<sup>2</sup>Ibid.

<sup>3</sup>Oklahoma Municipal Review, Vol. VI, No. 1 (January, 1932), pp. 22-23, Vol. VI, No. 3 (March, 1932), p. 56.

<sup>4</sup>Ibid., Vol. IX, No. 9 (September, 1935), p. 139, Vol. XI, No. 9 (September, 1937), p. 129; Daily Oklahoman, November 16, 1938, p. 2.

<sup>5</sup>Interview, Dale Petty, June 5, 1976, Oklahoma City; Interview, Carl Tyler, June 19, 1976, Oklahoma City.

<sup>6</sup>Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, November, 1952), p. 4.

<sup>7</sup>Peace Officer, November, 1954, pp. 4, 6.

<sup>8</sup>"Police Radio: Yesterday-Today-Tomorrow," Oklahoma Municipal Review, Vol. XI, No. 5 (May, 1932), p. 66.

<sup>9</sup>"Oklahoma Police Executives Meet," Oklahoma Municipal Review, Vol. V, No. 12 (December, 1931), p. 371; "Radio Produces in Oklahoma City," The American City, Vol. LI, p. 17; Interview, Charles Hughes, July 5, 1976, Oklahoma City; "Police Radio: Yesterday-Today-Tomorrow," Oklahoma Municipal Review, Vol. XI, p. 67; Oklahoma Sheriff and Peace Officer (Oklahoma City: Oklahoma Sheriffs and Peace Officers Association, 1934), p. 16.

<sup>10</sup>"Police Radio School," Oklahoma Municipal Review, Vol. X, No. 3 (March, 1936), p. 43.

<sup>11</sup>"Police Radio: Yesterday-Today-Tomorrow," Oklahoma Municipal Review, Vol. XI, p. 67; Interview, Charles Hughes, July 5, 1976, Oklahoma City; Interview, Dale Petty, June 5, 1976, Oklahoma City.

- <sup>12</sup>Daily Oklahoman, May 26, 1938, p. 5.
- <sup>13</sup>Interview, Charles Hughes, July 5, 1976, Oklahoma City.
- <sup>14</sup>Ibid.
- <sup>15</sup>Ibid.
- <sup>16</sup>Rolmar, "Municipal Police Administration in Oklahoma," pp. 24-25.
- <sup>17</sup>Interview, Robert Lester, July 16, 1976, Oklahoma City.
- <sup>18</sup>Sunday Oklahoman (Oklahoma City, Oklahoma), March 25, 1973, Sec. A, p. 16.
- <sup>19</sup>Daily Oklahoman, March 27, 1973, p. 7; Interview, Robert Lester, July 16, 1976, Oklahoma City; Interview, Kent Rasmussen, July 14, 1976, Oklahoma City.
- <sup>20</sup>Interview, Robert Lester, July 16, 1976, Oklahoma City; Oklahoma State Department of Public Safety, Annual Report, 1976, p. 16.

## CHAPTER XVI

### LAW ENFORCEMENT: AN EVOLVING INSTITUTION

Prior to 1803, what is now the state of Oklahoma was virgin prairie and undeveloped timber land. The inhabitants of this rugged region were largely nomadic Indian hunters who traveled and camped in small bands. The political organization of these nomads was rudimentary at best, for the needs of their society did not extend beyond daily demands for food and shelter. With no written laws and a lack of political unity, these tribesmen did not need designated lawmen; rather, law enforcement was the duty of each individual.

In contrast, modern society is highly complex and diversified, necessitating sophisticated forms of governmental supervision for the maintenance of internal order. Without the combined efforts of city, county, state, and federal law enforcement officials, modern society would be more seriously threatened by criminals, disorder, and threats to public safety; during the transition from 1803 to the present, such problems emerged, usually in response to environmental, political, social, or economic change. Through a desire

for peace and order, most residents of the territory and state countered these developments with innovative means of law enforcement.

Countering internal disorder with law enforcement systems began with Indian tribes native to Oklahoma before 1803. The Kiowas, for example, altered the ancient law of individual revenge when internal feuds erupted during large tribal encampments. The Kiowas responded with new law enforcement agents such as the topadok'i and Taimé-keepers. Their duty was to enforce tribal (not individual) law in the best interests of the tribe.

Other tribes in the region also developed more advanced means of law enforcement when necessary. The Pawnees designated "braves," while the Osages depended on "civil chiefs" for maintaining internal order. The most advanced Great Plains Indians in terms of law enforcement development, however, were the Cheyennes. Unlike the Comanches, who did not gather in tribal encampments, the Cheyennes spent most of each year as a tribal unit. This social and political organization, made possible by use of the horse for hunting, intensified intra-tribal interaction and increased opportunities for internal conflict. To maintain order, the Cheyennes developed a system of law enforcement through warrior societies, divorced from individual law of revenge. Without these lawmen, who

represented the tribe as a whole and enforced an accepted code of behavior, tribal unity and security would have been jeopardized.

The Cheyennes' transition from individual law of revenge to organized law enforcement occurred only gradually and was still in its early stages when encroaching whites altered tribal development. This same type of transition occurred much quicker and was more easily discernable among the Five Civilized Tribes. During the eighteenth century, the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles experienced contact with Anglo-American Culture. Especially among the Cherokees and Choctaws, mixed-blood families readily adopted the white man's economy, political thought, and desire for law and order. In each tribe the first attempts to promote internal law and order involved lighthorsemen.

Lighthorsemen represented a bridge between individual law of revenge and socially-designated law enforcement. As such, lighthorsemen shared characteristics of both systems. For example, each lighthorseman enforced a written law code, much like his white counterpart in the United States. Lighthorsemen, however, retained Indian traditions such as reliance on one individual for all facets of law enforcement; every Cherokee lighthorseman served as lawman, jailer, judge, jury, and executioner. Also indicative of the transitional



role of lighthorsemen were their minimal restraints, wide jurisdictions, lack of uniforms, and simple organization.

Eventually, each of the Five Civilized Tribes adopted the use of lighthorsemen. Yet, as each tribe edged closer to the customs and economy of their white neighbors, lighthorsemen proved to be inadequate, for mixed-blood leaders demanded a more structured judicial and law enforcement system which would guarantee security of property and orderly progress. In response, the Cherokees in 1825 disbanded their lighthorse corps, replacing them with marshals and sheriffs. The Chickasaws adopted a similar plan in 1855. The Choctaws kept their lighthorsemen until the end of tribal sovereignty, but in a modified and more functional structure. After the Civil War the Choctaws opted for a structured system of sheriffs and constables, while retaining small bands of lighthorsemen. The Creeks and Seminoles had not yet progressed beyond lighthorsemen when allotment destroyed the tribal governments.

The law enforcement systems devised by the Five Civilized Tribes worked remarkably well, comparing favorably with their counterparts in neighboring states. Yet, Indian lawmen suffered from one devastating shortcoming: their jurisdiction did not extend to whites in Indian Territory. This problem, which had been of little consequence before 1861,

suddenly assumed major importance after 1871 when the first railroad penetrated the isolation of Indian Territory.

Attracted by economic opportunity, increasing numbers of whites immigrated into the Indian Nations. These people were immune to native law, falling instead within federal jurisdiction.

To supplement over-worked deputy United States marshals, who had the task of maintaining order among whites in Indian Territory, Congress in 1878 authorized the creation of agency police forces. Composed of Indian lawmen, these units enforced federal law on the reservations. One of the largest and most influential agency police forces was at the Union Agency, headquarters for the agent to the Five Civilized Tribes. Consisting of up to thirty-five Indians, this law enforcement corps maintained order among the burgeoning population of whites in Indian Territory. The Union Agency police, like similar units at other agencies, served as a buffer between Indians and oncoming whites. By limiting the whiskey trade, removing intruders, collecting taxes on legal white residents, and suppressing crimes committed by whites, agency policemen provided a period of adjustment for their fellow tribesmen as well as preserved internal peace on the reservations.

Agency police forces also were established on reservations

in western Oklahoma. In many ways Comanche, Kiowa, Cheyenne, and Arapaho policemen fulfilled duties familiar to their counterparts to the east; the agency police among the Great Plains Indians, however, served in an additional role as the agents of acculturation. Distributing the dole, forcing attendance at white schools, and limiting the authority of traditional Indian leaders, native policemen helped Indian agents acculturate their fellow tribesmen to the whites' world. As an integral component of the acculturation program, Indian policemen were retained at several agencies well into the 1930s.

Although the combination of tribal lawmen and agency policemen ably served the residents of Indian Territory, their combined capabilities could not cope with felonious crimes violating federal laws. Such crimes were beyond the jurisdictions of tribal officers, and agency policemen were too busy with administrative affairs to risk their lives in such hazardous duty. The most successful agent for enforcing federal law against felons proved to be deputy United States marshals.

Theoretically, deputy United States marshals possessed jurisdiction in what would become Oklahoma as early as 1803, when the Louisiana Purchase became part of the United States. Few deputy marshals entered Indian Territory before the Civil

War, however, for the absence of white settlers limited their duties to less serious crime such as selling whiskey to Indians. The end of the war and the arrival of the railroad in Indian Territory marked a new era for deputy marshals in the Western Judicial District of Arkansas, which had jurisdiction in Indian Territory. Especially after the arrival of Isaac "Hanging Judge" Parker on the Fort Smith bench, deputy United States marshals established a reputation as rugged lawmen of Indian Territory.

While directing nearly 200 deputy marshals in their forays into Indian Territory, Judge Parker established the authority of the federal courts among both whites and Indians in his jurisdiction. These federal lawmen, often spending months at a time tracking wanted men through flint hills and river bottoms, worked only for fees and expenses. Only rugged individuals such as Padden Tolbert and Heck Thomas could have thrived on these dangerous missions. Enjoying wide jurisdiction and access to necessary funds for possemen, deputy United States marshals proved to be the primary obstacles to white felons in Indian Territory.

With each succeeding decade after the Civil War deputy marshals encountered more problems, for white influx and a growing population resulted in more felonious crimes committed. Moreover, in 1881 federal jurisdiction was extended to Indians

committing felonies. Congress responded to this problem by splitting Indian Territory into several jurisdictions, one of which was centered at Muskogee in the Creek Nation. This expansion of federal involvement in territorial law enforcement proved beneficial, for in 1889 the first of a series of land openings increased the duties of federal lawmen in Oklahoma.

From 1889 to 1906 the rapid opening and development of Oklahoma Territory resulted in an expanded role for deputy United States marshals. Foremost among these new duties was supervising land runs and maintaining order until legally authorized governments were established. Moreover, the excitement and turmoil of the land openings attracted a rowdy and adventuresome population. Deputy marshals were ordered to regulate the behavior of this highly mobile population. Again, only through the experience and skill of men such as William "Bill" Tilghman and Chris Madsen was federal law upheld in Oklahoma Territory.

The rapidly developing territories spawned many threats to law and order which lawmen could not effectively suppress. To supplement tribal, federal, and local lawmen, many citizens opted for vigilante law enforcement. Most vigilantes were well organized with specific objectives. In many oil boom towns where organized law enforcement was absent, local citizens

organized vigilance committees for maintaining order. More often, however, vigilance committees appeared in rural districts where lawmen usually were only seldom seen.

The most successful of the vigilante organizations was the Oklahoma Territory Anti-Horse Thief Association, established to combat rustling in the countryside.

Like most vigilante groups, the Anti-Horse Thief Association included a constitution, paid dues, official rules of conduct, and provisions for cooperation with official lawmen. By establishing chapters in most counties during the 1890s, the Anti-Horse Thief Association successfully suppressed or solved many cases of stock theft. Only when vigilante law enforcement went beyond enforcing property laws did conflicts with official lawmen arise. The best known vigilante group of this type was the Ku Klux Klan, which espoused moral and racial law and order above all else. Reigning supreme in many sections of the state from 1918 to 1922, the Ku Klux Klan was an aberration of the earlier frontier vigilante organizations.

The early vigilantes, supplementing the efforts of Indian lawmen and deputy United State marshals, helped pave the way for more traditional means of law enforcement, most commonly county sheriffs. The oldest of all Anglo-American law enforcement institutions, the sheriff's office quickly became

the primary preserver of peace at the local level. Citizens of Indian Territory installed county sheriffs as early as 1825; in Oklahoma Territory the first sheriffs assumed office in 1890, following the organization of the territory.

Elected by the citizens of each county, sheriffs and their deputies best represented the American adaptation of democratic principles to law enforcement necessities. Every two years the voters of each county chose the kind of law enforcement officer desired. If the community wanted strict enforcement of morality laws, they would elect a person who would apply more pressure to bootleggers, gamblers, and prostitutes. If community standards accepted lax moral behavior, then the sheriff elected would reflect that attitude.

Sheriffs and their deputies represented the most effective type of law enforcement in Oklahoma from 1890 to 1920. During this period most Oklahomans were farmers, beyond the range of city policemen and too dispersed for effective protection from deputy United States marshals. Sheriffs, with rural districts as their primary concern, usually responded quicker to threats to law and order among the farming population. Moreover, elected sheriffs and their deputies usually were local citizens who knew the residents of their jurisdictions and therefore recognized potential threats to public peace.

Local lawmen noticed unfamiliar faces and unusual behavior as indications of trouble, but deputy marshals could only respond to crimes already committed.

City policemen fulfilled a similar role in their more constricted jurisdictions. Like county lawmen, policemen knew their constituents and recognized unfamiliar or suspicious behavior. Also like county sheriffs, city lawmen more closely represented the prevailing attitudes of their communities. If city residents demanded more or less law enforcement, they expressed their will at the polls, through their elected councilmen. In most towns at the turn of the century, such electoral response usually expressed a desire for strict enforcement of morality laws. More so than any other law enforcement agency, city police departments conducted a persistent battle against vice. In towns such as Oklahoma City and El Reno, enforcement of morality laws consumed as much as three-quarters of police activities.

Another common characteristic of city police departments was the rapid rate of growth. Keeping pace with the expansion of cities such as Tulsa, Oklahoma City, Enid, and Muskogee, many police departments doubled in size every five or ten years. This expansion was accompanied in medium and large sized towns by specialization. The Oklahoma City police department, for example, in 1891 consisted of only five



policemen, who were simply called patrolmen. Within thirty years, the department had expanded to more than seventy-five men, divided into specialized divisions such as bertillon, detective, vice, traffic, and patrol. This trend has continued to the present.

The combination of county and city police served nineteenth century Oklahoma well. By the mid-1920s, however, changing environmental, social, technological, political, and economic advances had created new problems which were beyond the effectiveness of local lawmen. The response to this development was the creation of state law enforcement agencies. Benefiting from state funding, inter-county jurisdiction, modern training, and better organization, members of the Oklahoma State Bureau of Criminal Identification and Investigation and the Oklahoma Highway Patrol proved to be valuable allies of local lawmen.

Crime bureau agents after 1925 provided technical skills which had been lacking in local police departments. Trained in scientific investigation, field agents were assigned to extraordinary cases throughout the state when needed. These agents not only offered their skills, but also provided needed manpower to local agencies who already were overworked. Moreover, the crime bureau maintained records specialists, chemists, and ballistic experts, who served as consultants to small police

and sheriffs' departments. Although suffering a setback in 1936, the crime bureau has since developed into the best trained and most professional corps of lawmen in the state.

Created in 1937, the highway patrol offered similar advantages to local lawmen. Beginning with 125 men, the highway patrol provided flexible manpower to rural sheriffs and policemen. Also, the statewide distribution of troopers coordinated through a radio system enabled the highway patrol chief to respond quickly to natural or man made disasters. Most importantly, troopers represented the first effective traffic regulation in the state, a role which saved hundreds of lives each year.

State law enforcement did not displace county or city lawmen; rather, crime bureau agents and highway patrol troopers supplemented sheriffs and policemen, filling voids created by progress. Working together as a team, each agency provided certain skills in the war against crime and threats to public safety. Aiding the various lawmen in this task have been several law enforcement innovations of the past fifty years. Among these developments are professional training, radios, and increased federal funding to state and local law enforcement agencies.

Police training, needed to combat sophisticated criminals, gained popularity during the first few decades of the twentieth

century. Beginning with city police departments and gaining momentum through state lawmen, training in subjects such as records retrieval, investigation, report preparation, and arrest procedures improved the efficiency and effectiveness of lawmen.

Efficiency was promoted even more by the adaptation of radios to police work. Providing new means for coordinating the movement of officers, radios maximized the use of limited manpower. Radios quickly replaced sirens and call boxes in large cities and made possible the effective use of widely dispersed patrolmen in automobiles. The universal use of radios and other expensive equipment, however, would not have been possible without increased funding. These funds became available partially through a series of far-reaching federal programs funneling vast sums of money into the coffers of state and local police departments. Beginning in the mid-1960s, federal funding has since become an indispensable aid to law enforcement in Oklahoma.

Since 1803 law enforcement in Oklahoma has developed stage by stage, sometimes changing abruptly, sometimes gradually. These transformations and modifications were responses to a changing world. From frontier isolation and Indian politics to highspeed automobiles and rapid urbanization, the altering environment has determined the character of law enforcement

in Oklahoma. The results have been revenge-minded warriors, tribal lawmen, federal officers, local lawmen, and state troopers. Together, the men behind the badges have helped make Oklahoma a safer place to live. The progress and security we enjoy today is the legacy of law enforcement in Oklahoma.

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