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SETTLER COLONIALISM ON THE SOUTHERN PLAINS: SQUATTERS AND  
THE CONSTRUCTION OF A SETTLER STATE IN INDIAN TERRITORY

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SETTLER COLONIALISM ON THE SOUTHERN PLAINS: SQUATTERS AND  
THE CONSTRUCTION OF A SETTLER STATE IN INDIAN TERRITORY

A THESIS APPROVED FOR THE  
DEPARTMENT OF HISTORY

BY

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## **Abstract**

Settler colonialism, a process by which settlers take control of and transform both the land and people who live in a region into the settlers' image, was a defining force in Oklahoma's formation and remains pervasive in Oklahoman memory. To contextualize the idea's impact in Oklahoma history, this thesis explores settler colonialism's expressions on the Southern Great Plains, such as the Boomer movement - a fanatical settler colony based in Wichita, Kansas. The Boomers were at heart a settler colonial organization, but they were not unique. Hundreds of smaller colonies attempted to seize land in Indian Territory (modern day Oklahoma) between 1879 and 1901; in examining these organizations through the lens of settler colonialism, it is clear that the impact of the Boomers must be balanced within the broader context of settler colonialism on the Southern Plains; that Indigenous people in Indian Territory shaped the forces of settler colonialism; that the Boomers and their compatriots largely failed to make their dreams into a legal reality; that the subsequent state of Oklahoma Territory was fundamentally a far more aggressive settler colonial institution than the Boomers; and that settler colonialism remains an extremely pervasive force in Oklahoman identity and thought. To undo the historiographical and memorial damage created by settler colonialism in Oklahoma, a complete autopsy of the Boomers, Oklahoma history, and Southern Plains settler colonialism is necessary.

## **PART I: Historiography**

### **An Intervention**

This thesis is an intervention into a niche field that has disproportionately impacted Oklahoma and US historiographies so as to distance them from each other. The settler colonial ideology that squatters created, the Boomers perfected, and settlers adopted in the late nineteenth and early twentieth centuries created an enduring, self-replicating narrative of Oklahoma exceptionalism within US history. Influential Oklahoma historians such as Carl Coke Rister, Angie Debo and Danney Goble heavily implied that Oklahoma's demographics, patterns of settlement, politics and confusing environmental landscape made it so unique that scholarly comparison was useless. Consequentially, scholars of other fields, such as US history, borderlands studies and settler colonial history ignore Indian Territory and Oklahoma, while most Oklahoman scholars do not incorporate the advances of other historiographies into their own works. For example, in his 573-page history of Anglo American expansion across the globe between 1783 and 1939, James Belich mentioned Oklahoma in passing four times.<sup>1</sup> John Weaver, a Canadian scholar who published a similar history six years earlier, abstractly described the Boomers in a single sentence and did so inaccurately.<sup>2</sup> A few exceptions exist, particularly in the works of David Chang and Bonnie Lynn-Sherow, but until a scholar deconstructs the origins of Oklahoma settler colonial exceptionalism,

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<sup>1</sup> James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World, 1783-1939* (Oxford: Oxford University Press, 2009), 85, 162, 394, 409.

<sup>2</sup> John C. Weaver, *The Great Land Rush and the Making of the Modern World, 1650-1900* (Montreal: McGill-Queen's University Press, 2003), 75.

Oklahoma histories will continue to suffer from historiographical isolation. This present study is a first step in alleviating that problem.

A few notes on terminology are necessary before proceeding. A squatter is “someone who violates formal rules to occupy land in order to originate an interest.”<sup>3</sup> In the context of Indian Territory, this study examines groups who organized deliberately into colonies. That term, as well as the label colonist, is appropriate because squatters called their organizations colonies and because these settler colonial organizations aimed to reshape the landscape, political systems and people they encountered, to colonize everything they encountered. Hundreds of thousands of Anglo men and women illegally settled in the Chickasaw, Creek, Seminole, Cherokee and Choctaw republics, but they did so on an individual or familial basis. In this study, the term squatter refers to people who deliberately and often vocally banded together to seize land that lay within Indian Territory but outside of those republics. The term Boomer, while ill-defined in the nineteenth century, is today mainly associated with David Payne’s ideologically and culturally significant 1880-1885 colony in Wichita, Kansas, so I choose to use Boomer to exclusively refer to that movement. Sooner is the only term here with legal meaning under US law; sooners were squatters during the first of the five land runs, organized US government openings of Indigenous land in Indian Territory to American settlement. Settlers are people who became legal US residents of Oklahoma Territory. While settlers are distinct from sooners, squatters and Boomers, these distinctions were difficult for the late nineteenth century Americans to make out. Each group participated in settler colonialism, advocated for territorial and federal

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<sup>3</sup> Quoted in Weaver, *The Great Land Rush*, 76.

politicians to construct an agrarian, populist republic on the Southern Plains and in theory one person could belong to all four groups between 1879 and 1889 alone.

In theoretical terms, settler colonialism, in the context of Indian Territory and Oklahoma an Anglo-American reshaping of Indigenous lands and peoples, is “premised on the domination of a majority that has become indigenous.”<sup>4</sup> Settler colonialism is distinct from colonialism; in the latter, one people colonizes another to control them, but does not fundamentally change their culture. In the former situation, settlers fundamentally change the people around them and erase Indigenous identities. I believe both squatters and settlers helped create a settler colonial culture in Indian Territory, to achieve what I label settler indigeneity. At first, both squatters and settlers attempted to instill a settler colonial order, a cultural way of organizing the world and preexisting peoples according ideas that settlers could easily and unconsciously reproduce. Settlers created a settler state, which in this context refers to both an area where settlers became the majority and a government that designed its policies to change and control Indigenous peoples. Settler sovereignty is a term proposed by Lisa Ford in her 2010 work, referring to the cooperation of the state and settlers to extinguish Indigenous polities.<sup>5</sup> Ford’s idea is at times useful but also quite vague. Conflict may emerge between settlers or from outside the settler colonial order between settlers and Indigenous people attempting to defy the settler colonial order. The presence of settler indigeneity indicates that settlers successfully won that fight. Settler indigeneity is the final stage of settler colonialism, since at that point there is little to no resistance from

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<sup>4</sup> Quoted in Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (New York: Palgrave MacMillan, 2010), 5.

<sup>5</sup> Lisa Ford, *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788-1836* (Cambridge, MA: Harvard University Press, 2010), 2-3.

Indigenous people. For the most part, white Oklahomans have no qualms about their settler indigeneity; they feel they belong where they live.

Instead of pursuing more traditional histories of movements, themes, and tribal nations that scholars have explored to a limited extent in Oklahoma historiography, I have increasingly considered squatters, settlers, the state, Indigenous peoples and the environment of the Southern Plains together in the *long duree*, particularly between the between the end of the American Civil War in 1865 and the revival of tribal governments in the late 1960s. David Chang did this in his 2010 study of the Creek Nation, but I would like to find a way outside of the frameworks of tribal nationhood and explore how individuals and families at both the margins and center of nationhood interacted with settler colonialism before the late 1960s.

Racial and ethnic terminology also needs clarification. The terms “tribe” and “Five Civilized Tribes” are diminutive and indicate a culturally inferior status to the Anglo Americans who confronted them, when in reality these Indigenous people were members of distinct national states with functioning legislatures, education systems and state infrastructures. Even Southern Plains Indians, who lived semi-nomadically, possessed sophisticated systems of internal governance and environmental manipulation. However, it is inaccurate to refer to the Comanches or Kiowas as a nation, since each interrelated band represented a distinct people. In contrast, the Choctaws, Chickasaws, Creeks, Seminoles and Cherokees, who considered themselves citizens of a nation, often allied their nations into a larger group, the five republics. In 1890, roughly sixty distinguishable ethnic groups and somewhere around 120 major polities existed across Indian Territory. Consequentially, I prefer to use the term

Indigenous only when referring to Indians cross culturally or when comparing them directly with squatters, Boomers or settlers. This ethnic and political diversity means that the term white is almost inherently inaccurate in this context. Although most of Oklahoma Territory's residents were Anglo-Saxon, many did not consider the Eastern European miners near McAlester, Indian Territory, or the German speaking residents of Kingfisher County to be white people. Primarily, Oklahoma Territory was an Anglo, English-speaking state that developed a white identity in the twentieth century and the prefix Anglo is more appropriate than referring to the state's late nineteenth and early twentieth century majority culture and populace as white. Finally, I refer to Washington D.C. as Washington City before 1900, since this is the term Americans used to describe the capital city in the late nineteenth century.

Historiographically, the literature on squatters in Indian Territory is completely inadequate and long out of date. Southern Plains historian Carl Coke Rister published the most comprehensive and academically vetted history in 1942, *Land Hunger: David L. Payne and the Oklahoma Boomers*.<sup>6</sup> As the title implies Rister's work only focused on the Boomers. Furthermore, Rister framed the Boomers and particularly David Payne in idealistic terms. He also argued that Boomer actions made Oklahoman settlement inevitable. The only other published work on the subject, Stan Hoig's 1980 book *David Payne and the Oklahoma Boomers* updated but did not fundamentally change the arguments that Rister presented forty years earlier.<sup>7</sup> A few scholars wrote theses, dissertations or articles that examined the Boomers, but as with Hoig, none of these

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<sup>6</sup> Carl Coke Rister, *Land Hunger: David L. Payne and the Oklahoma Boomers* (Norman: University of Oklahoma Press, 1942).

<sup>7</sup> Stan Hoig, *David L. Payne: the Oklahoma Boomer* (Oklahoma City, OK: Western Heritage Books, 1980).

authors incorporated outside literatures, explored other contemporary squatter movements on the Southern Plains or successfully deconstructed Rister's arguments.<sup>8</sup> Consequentially, Rister's assumptions, ideas he drew directly from the ideological framework that David Payne created in the late nineteenth century, shapes this subfield of Southern Plains history as well as modern white, Oklahoman memory. Importantly, historians of Indian Territory and Oklahoma are diversifying but almost everyone who addressed the Boomers were white, male settlers (myself included), the primary constituency of Payne's message. Indigenous historians have yet to examine this movement.

In comparison to US Indigenous historiographies such as the Southeast or the Northern Great Plains, relatively flawed and outdated scholarship addresses the post-Civil War period in Indian Territory. Many twentieth century scholars, such Morris L. Wardell, Ernest Wallace and E. Adamson Hoebel, Arrell M. Gibson, William T. Hagan, Donald Berthrong and arguably even Wendy St. Jean and F. Todd Smith, implied that the late nineteenth century political decline of the Five Republics as well as Southern

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<sup>8</sup> Carl Coke Rister, "'Oklahoma: Land of Promise,'" *Chronicles of Oklahoma* Vol. 23, No. 1 (Spring 1945): 2-15;

A. Suman Morris, "Captain David L. Payne: The Cimarron Scout" *Chronicles of Oklahoma* Vol. 42, No. 1 (Spring 1964): 7-25; Genevieve Moss, "C.P. Wickmiller 'Doc' Wickmiller: Boomer with a 'hatfull of pills'" *Chronicles of Oklahoma* Vol. 63, No. 2 (June 1985): 192-203; Mary Jane Warde, "Fight for Survival: The Indian Response to the Boomer Movement" *Chronicles of Oklahoma* Vol. 67, No. 1 (Spring 1989): 30-51; Michael Lovegrove, *Free Homes: David L. Payne and the Oklahoma Boomer Movement, 1879-1884* (Master's Thesis, University of Oklahoma, 1996); Thomas Burnell Colbert, "'The Lion of the Land: James B. Weaver, Kansas, and the Oklahoma Lands, 1884-1890,'" *Kansas History: A Journal of the Central Plains* Vol. 31 (Autumn 2008): 176-193; Gregory James Brueck, *Breaking the Plains: Indians, Settlers, and Reformers in the Oklahoma Land Rush* (PhD Diss., University of California at Davis, 2012); Ward's account remains the lone work that emphasizes an Indigenous perspective and is relatively brief at that. Brueck presented an interesting idea and was the first scholar to bring in other literatures to examine the Boomers, but overall his work is underdeveloped. It may make an excellent book one day, but at present is in need of some reform of its own.

Plains Indians to the west was inevitable in the face of Anglo American expansion.<sup>9</sup> Even Angie Debo, a historian known for her scathing criticism of the United States' abuses of Indigenous peoples, reproduced this dominant Anglo narrative in her 1941 history of the Creek Nation, *The Road to Disappearance* and her 1943 book, *The Rise and Fall of the Choctaw Republic*.<sup>10</sup> Notably, many of these scholars were employed by the University of Oklahoma, an institution with great influence over both Oklahoman and Indigenous academic histories in that era.

Twentieth and twenty first century scholars who did not assume that the dissolution of Indigenous governments, cultures, and people groups was an inevitable process in American history produced exciting and important works. Alice Marriott was the first to do this through her 1945 oral history of the Kiowa people, arguing that Kiowa culture thrived despite Oklahoma's formation.<sup>11</sup> Many years later, David La Vere examined international relationships in Indian Territory, arguing that the cultural and geopolitical clashes that occurred between Southern Plains and Southeastern Indians there were inevitable.<sup>12</sup> Instead of grounding these two peoples in Anglo ideas

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<sup>9</sup> Morris L. Wardell, *A Political History of the Cherokee Nation, 1838-1907* (Norman: University of Oklahoma, 1938); Ernest Wallace and E. Adamson Hoebel, *The Comanches: Lords of the South Plains* (Norman: University of Oklahoma Press, 1952); Arrell M. Gibson, *Oklahoma: A History of Five Centuries* (Norman, OK: Harlow Publishing Corporation, 1965); Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma, 1971); William T. Hagan, *United States-Comanche Relations: The Reservation Years* (Norman: University of Oklahoma Press, 1976); Donald J. Berthrong, *The Southern Cheyennes* (Norman: University of Oklahoma Press, 1963); Donald J. Berthrong, *The Cheyenne and Arapaho Ordeal: Reservation and Agency Life in the Indian Territory, 1875-1907* (Norman: University of Oklahoma Press, 1976); Wendy St. Jean, *Remaining Chickasaw in Indian Territory, 1830s-1907* (Norman: University of Oklahoma Press, 2011); F. Todd Smith, *The Caddos, the Wichitas and the United States, 1846-1901* (College Station: Texas A&M University Press, 1996).

<sup>10</sup> Angie Debo, *The Road to Disappearance* (Norman: University of Oklahoma Press, 1941); Angie Debo, *The Rise and Fall of the Choctaw Republic, Second Edition* (Norman: University of Oklahoma Press, 1961).

<sup>11</sup> Alice C. Marriott, *The Ten Grandmothers* (Norman: University of Oklahoma Press, 1945).

<sup>12</sup> David La Vere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000)

of nationhood, La Vere examined that struggle through nineteenth century Indigenous ideas. Other historians abandoned the constraints of tribal or national histories to incorporate other historiographies into their works while building on historians such as Berthrong, Gibson, and Wardell. These included African Creek, African Cherokee and Comanche social histories by Gary Zellar, Cecilia Naylor, and Morris Foster, a Chickasaw familial history by Hubert McAlexander, biographies of Comanche politician Quannah Parker and Chickasaw rancher Montford Johnson by William T. Hagan and Neil Johnson, a legal history of the Seminole Nation by L. Susan Work, and histories of Choctaw and Cherokee tribal policy by Devon Abbot Mihesuah and Fay A. Yarborough.<sup>13</sup>

As is the case with many historiographies in the United States, most scholars writing about Oklahoma history have left Indigenous peoples in a marginal space. Oklahoma's relative lack of historians in comparison to other regions in the United States only extenuates this problem of simplistic histories. H. Craig Miner and Danney Goble's 1976 and 1980 works, which examined industry in Indian Territory and territorial politics respectively, still framed Anglo American expansion as an inevitable event, but each author attempted to describe a more comprehensive world on the

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<sup>13</sup> Morris W. Foster, *Being Comanche: A Social History of an American Indian Community* (Tucson: University of Arizona Press, 1991); Devon Abbot Mihesuah, *Choctaw Crime and Punishment, 1884-1907* (Norman: University of Oklahoma Press, 2009); Gary Zellar, *African Creeks: Estelvyte and the Creek Nation* (Norman: University of Oklahoma Press, 2007); Cecilia E. Naylor, *African Cherokees in Indian Territory: From Chattel to Citizens* (Chapel Hill: University of North Carolina Press, 2008); Hubert H. McAlexander, "The Saga of a Mixed-Blood Chickasaw Dynasty" *Journal of Mississippi History* Vol. 49, No. 4 (December 1987): 288-300; William T. Hagan, *Quannah Parker, Comanche Chief* (Norman: University of Oklahoma Press, 1991); L. Susan Work, *The Seminole Nation of Oklahoma: A Legal History* (Norman: University of Oklahoma Press, 2010); Neil R. Johnson, *The Chickasaw Rancher* (Stillwater, OK: Redlands Press, 1960); Fay A. Yarborough, *Race and the Cherokee Nation: Sovereignty and the Nineteenth Century* (Philadelphia: University of Pennsylvania Press, 2008).

Southern Plains than either tribal or state historians.<sup>14</sup> Two decades later, Murray Wickett argued that Oklahoma's development reflected United States race relations between Indigenous, African American and white Americans. While innovative, Wickett's argument was too blunt to address regional complexities such as the Boomers accurately.<sup>15</sup> The best comprehensive histories came from regionalist, environmental historians. In 2004, Bonnie Lynn-Sherow argued in *Red Earth: Race and Agriculture in Oklahoma Territory* that as Oklahoma Territory's Anglo population reshaped the environment, they changed the people of color living there as well.<sup>16</sup> David Chang argued in his 2010 work *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929*, that allotment fundamentally changed the Creek people, their relationship to African Creeks, African Americans and Anglo Americans, and ultimately reshaped Creek Country, what is today east-central Oklahoma.<sup>17</sup> Unfortunately, no one has adequately addressed Oklahoma's relationships to the larger US historiographies of politics, culture, environment, race, gender, indigeneity, colonialism, settler colonialism, manifest destiny, American exceptionalism and transnational history.

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<sup>14</sup> H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty and Industrial Civilization in Indian Territory, 1865-1907* (Norman: University of Oklahoma Press, 1976); Danney Goble: *Progressive Oklahoma: The Making of a New Kind of State* (Norman: University of Oklahoma Press, 1980).

<sup>15</sup> Murray R. Wickett, *Contested Territory: Whites, Native Americans, and African Americans in Oklahoma, 1865-1907* (Baton Rouge: Louisiana State University Press, 2000).

<sup>16</sup> Bonnie Lynn-Sherow, *Red Earth: Race and Agriculture in Oklahoma Territory* (Lawrence: University Press of Kansas, 2004).

<sup>17</sup> David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010)

## **PART II: History**

### **Imagining the Settler State: Southern Plains Squatters, 1879-1901**

As they rode their mounts toward the Boomer dug outs in May 1884, houses made of sod lodged halfway into the earth with rows of crops plowed around them, the soldiers ground their teeth. On the horizon of western Indian Territory's expansive plains, they recognized the figure of H.M. Stafford, a prominent Boomer leader. After the soldiers arrested Stafford and brought him to Fort Reno for the eighth time in four years, the Boomer demanded the soldiers return the dog he lost in an August 1882 venture. Stafford was not concerned about his arrest; he was proud to defy the federal government and soldiers arrested him again at a much larger encampment a few months later.<sup>18</sup> Stafford's concern for his dog belies assumptions within a larger worldview: that he possessed an inherent right to farm 160 acres of land in Indian Territory, dog and all, and the federal government did not have the moral authority to deny that right. Between 1879 and 1899, tens of thousands of men and women such as Stafford, organized into dozens of colonies, subscribed to settler colonial ideology to justify their attempts to seize land in Indian Territory and create an Anglo-American settler state on the Southern Plains.

Squatters such as Stafford were part of a larger force that scholars have identified as settler colonialism. Colonialism and settler colonialism are fundamentally different. Unlike colonialism, in which a conquering administration derives its local power from the society it has overtaken, the basis for settler colonialism is not physical

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<sup>18</sup> H.M. Stafford, Affidavit of H.M. Stafford, May 14, 1884, Special Case File 111-Boomers, hereafter SCF111, Record Group 75, National Archives and Records Administration, College Park, Maryland; Edward Hatch to E.R. Platt, August 1, 1884, SCF111.

control, but belief. Whereas colonial forces primarily use violence and economics to manipulate subject peoples, settler colonial forces recreate history itself by forcing subject peoples to assimilate into settler culture. Thus, it is difficult to create a post-settler colonial state.<sup>19</sup> On the Southern Plains, settlers created an aggressive settler state, a political state with settler colonial ideology as its backbone and settlers as its dominant people group. The United States, New Zealand, Canada and Australia are all settler states. Squatters and settlers in Indian Territory participated in a global expansion of Anglo American settler colonialism between the late eighteenth century and the mid-twentieth century.<sup>20</sup> However gradual and unlikely, their variation on a global movement provided the ideological framework for a new settler state in the North American West.

Settler colonial policy was at the heart of Indian Territory's political origins. In the 1820s and 1830s, the United States, especially settlers living on the nation's borders, grew increasingly aggressive towards Indigenous peoples in the way of expansion. During President Andrew Jackson's administration, the United States ethnically cleansed eastern North America and removed many of those peoples to what it designated Indian Territory, a strip of the Great Plains that originally stretched from modern day Nebraska to Oklahoma's southern border.<sup>21</sup> Between 1830 and 1885, the United States continued to ethnically cleanse the North American West of Indigenous people who blocked US expansion. In the meantime, the five largest groups of people removed to what is today eastern and central Oklahoma in the 1830s, the Cherokees,

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<sup>19</sup> Veracini, *Settler Colonialism*, 4-5.

<sup>20</sup> See Weaver, *The Great Land Rush* and Belich, *Replenishing the Earth*.

<sup>21</sup> Roy Gittinger, *The Formation of the State of Oklahoma, 1803-1906* (Norman: University of Oklahoma Press, 1939), 25.

Choctaws, Creeks, Seminoles and Chickasaws, rebuilt their societies and governments into five nations. Many members of these nations fought for the Confederacy during the American Civil War, so the victorious Union punished each nation in 1866 by forcing them all to lease land for the government's continuing ethnic cleansing of the North American West. In 1879, a considerable amount of this leased land was uninhabited.

On February 15, 1879, a Cherokee businessman and politician named Elias Cornelius Boudinot published a letter in the *Chicago Times* to exploit that vacant land.<sup>22</sup> In the letter, Boudinot claimed that the Unassigned Lands or Oklahoma District, Seminole and Creek tracts within central Indian Territory vacated in 1866, was open to Anglo-American settlement. The *Chicago Times* reached a national audience, so Boudinot's letter was spread far and wide to thousands of landless and poorly informed American citizens searching for homes on the Great Plains. The Cherokee politician published the letter to manipulate his political position within the Cherokee Nation but his actions inadvertently created a political prairie fire on the Southern Plains. Squatters and settlers fanned Boudinot's flames into an Anglo-American settler state decades after the *Chicago Times* published his original letter.

In their works, Carl Coke Rister and Stan Hoig focused almost exclusively on Boudinot's wanderer protégé from Indiana - David Payne - and his Anglo-American colonists, but many squatter movements varying by geographical area, race and economic objectives formed over a twenty year period in response to Boudinot's letter. The most prominent colonies were under David Payne and his successor William Couch in Wichita, Kansas between 1880-1886 and J.S. Works in Queen City, Texas and later

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<sup>22</sup> Rister, *Land Hunger*, 41.

in Navajoe, Greer County, beginning in 1886. Payne and Couch's movement targeted the Unassigned Lands and later the Cherokee Outlet, another largely vacant region leased by the Cherokee Nation to the United States after the American Civil War. Payne gathered the largest number of people, possibly as many as 14,000 colonists.<sup>23</sup> The most successful colonies were the South Canadian Colony, a strip of the South Canadian River valley farmed by African Americans between 1886 and 1889, the Navajoe colony in southwestern Indian Territory, and the Mountain View colony, a town established by 1895 within a legal anomaly between the Kiowa-Comanche-Apache and the Cheyenne and Arapaho Reservations.<sup>24</sup> A few other colonies notable for oddities or their prominence were the Chikaskia Creek Colony, a lone interracial movement made up of Anglo-Americans and Cherokees attempting to settle the Cherokee Outlet in 1879 and the Quapaw Reserve colony at Baxter Springs, Kansas, the first prominent Anglo-American squatter movement after Boudinot published his letter.<sup>25</sup>

For the most part, these squatters were Anglo-American citizens from states surrounding Indian Territory, such as Kansas, Texas and Arkansas. Works left a list of where the members of his Navajoe Colony, based on the northeastern Texas-Louisiana border and later located in a wide valley near the Navajoe range of the Wichita Mountains of Greer County, called home. Sixty three percent of the settlers came from various parts of Texas and 16% came from Arkansas. Tiny minorities came from Illinois, Kansas, Missouri, Florida, Maryland and Tennessee. None came from

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<sup>23</sup> Rister, *Land Hunger*, 51-52.

<sup>24</sup> "Negro Sooner Colony" Folder 15, Box 24, WPA Historic Sites and Federal Writers Project Collection, hereafter WPA, Western History Collections, Norman, Oklahoma, hereafter WHC; Frank Baldwin to whom it may concern, February 26, 1895, 305, KA-71, Kiowa, Comanche, and Apache Nation Agency Records, Oklahoma Historical Society, Oklahoma City, Oklahoma, hereafter cited as OHS; J.S. Works, January 20, 1906, Folder 18, Box 1, T.N. Athey Collection, hereafter TNA, OHS.

<sup>25</sup> G.F. Towle to Assistant Adjutant General, July 11, 1879, SCF111.

Louisiana.<sup>26</sup> Although David Payne's Wichita movement garnered wider support than J.S. Works' Navajoe colony or his later projects of Oklaunion and Comanche, Payne's colony probably possessed a similar hinterland from its core in southwest Kansas, with smaller groups coming from Arkansas, Texas and Missouri.<sup>27</sup> Payne's Boomer ideology was intimately connected to the universe Wichita's residents lived in; the message's impact lessened as it traveled outside of that landscape.

Apart from the small Chikaskia Creek Colony and the South Canadian River Colony, Anglo-American US citizens peopled these organizations. The racial composition of each colony was tied to several factors, including post-Reconstruction politics, other town movements on the Great Plains, and the populist universe the Boomer colony inhabited. As the 1879 rush erupted, thousands of African Americans were already fleeing the western Southeast through St. Louis and forming towns in western Kansas.<sup>28</sup> Even without this event, Anglo and African Americans were not comfortable with each other and formed separate colonies.<sup>29</sup> Another potential group of converts to the Anglo squatter colonies, European immigrants actively looking for land, typically joined a mushrooming group of ethnic towns divided by language on the central and northern Great Plains. These incoming Europeans never really connected with Anglo squatters, although many of the latter peoples formed similar towns on Southern Plains land after the land runs opened Indian Territory.<sup>30</sup> The only notable

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<sup>26</sup> J.S. Works, "December 1886, Report," Folder 6, J.S. Works Collection, Oklahoma Historical Society, Oklahoma City, Oklahoma, hereafter cited as OHS.

<sup>27</sup> Edward Everett Dale, "Old Navajoe" *Chronicles of Oklahoma* Vol. 24, No. 2 (Summer 1946): 131.

<sup>28</sup> Neil Irvin Painter, *Exodusters: Black Migration to Kansas after Reconstruction* (New York: Alfred A. Knopf, 1977), 184.

<sup>29</sup> Charles E. Morse to Assistant Adjutant General, March 22, 1880, SCF111.

<sup>30</sup> Walter K. Nugent, *The Tolerant Populists: Kansas Populism and Nativism* (Chicago: University of Chicago Press, 1963), 36; Terry J. Prewitt, *German-American Settlement in an Oklahoma Town:*

squatter who did not hold American citizenship was C.P. Wickmiller, a pharmacist and photographer who accompanied the Boomers during their February 1883 Camp Alice expedition.<sup>31</sup>

The central tenet of the squatter gospel in Indian Territory was a cry for land, what Carl Coke Rister termed “restless land hunger.”<sup>32</sup> This desire was not unique to the people who moved into Indian Territory. Anglo Americans, African Americans and European immigrants looked for land across the Great Plains between 1863 and about 1920. Motivated by the 1862 Homestead Act, settlers believed they were entitled to 160 acres of land. During the 1879 land rush in Indian Territory, most squatters thought the region fell under the Homestead Act and once federal officials clearly stated that Boudinot’s letter was inaccurate, the majority voluntarily left.<sup>33</sup> The people who participated in the 1879 rush had more in common with settlers across the Great Plains than squatters who tried to settle Indian Territory over the next three decades. However, the most fanatical colonists, in Wichita and Queen City, Texas, reinterpreted the Homestead Act as a moral authority that allowed them to disregard other federal laws.

Most squatters who organized to settle Indian Territory did not intend to rally votes or gain political prominence; they banded together to build towns instead of parties. However, the Boomers, the largest of these movements, adapted to the 1879 rush by successfully repackaging radical agrarian populist rhetoric to appeal to southwestern Kansans. Populism, a political ideology that gained serious traction in the

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*Ecologic, Ethnic and Cultural Change* (New York: AMS Press, Inc, 1989), 1; Douglas Hale, *The Germans from Russia in Oklahoma* (Norman: University of Oklahoma, 1980), 9.

<sup>31</sup> Moss, “Wickmiller,” 194-96.

<sup>32</sup> Quoted in Rister, *Land Hunger*, vii.

<sup>33</sup> Ward Coachman to Charles Thompson, May 15, 1879, 913, CHN-83, Cherokee Nation Agency Records, OHS.

state in the 1870s and continued to do so in the 1880s and 1890s, had several basic tenets: corruption by the few inhibited the freedom of the many, corrupt, bloated capitalist monopolies oppressed hardworking Americans and controlled the United States and to destroy these organizations, a leader must exhibit “manliness,” an idealization of the Anglo-American male as a hardworking everyman.<sup>34</sup> As populism gained traction with southwestern Kansans by the late 1870s, both the Democratic and Republican parties lost control of their constituencies, while David Payne’s 1871-1872 term as a state representative in the populist stronghold of Wichita and his 1876-1879 odd jobs for the House of Representatives in Washington City gave him significant political familiarity with both southwestern Kansas populist and national United States politics.<sup>35</sup> Boudinot, a much more accomplished and intelligent figure, had extensive experience with Confederate, United States and Cherokee Nation politics, but he recognized that Payne understood the politics of southwest Kansas with an intimacy that even the Cherokee could not match.<sup>36</sup> Payne was also a physically intimidating and well-spoken man, a person who populists thought of as an ideal leader.<sup>37</sup> Payne and probably Boudinot designed the Boomer colony to adapt to the peculiarities of the populist universe within late nineteenth century southwestern Kansas.

All squatters and most American settlers on the Great Plains, regardless of political affiliation, origin or race, thought of themselves as victims, which played

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<sup>34</sup> Quoted in Nathan Jessen, *Populism and Imperialism: Politics, Culture, and Foreign Policy in the American West, 1890-1900* (Lawrence: University Press of Kansas, 2017), 13, 34-35; Jeffrey Ostler, *The Fate of Agrarian Radicalism in Kansas, Nebraska and Iowa, 1880-1892* (Lawrence: University Press of Kansas, 1993), 25, 74-75.

<sup>35</sup> Rister, *Land Hunger*, 28-31, 34-35.

<sup>36</sup> James W. Parins, *Elias Cornelius Boudinot: A Life on the Cherokee Border* (Lincoln: University of Nebraska Press, 2006), 42-43.

<sup>37</sup> Rister, *Land Hunger*, 7.

directly into the settler colonial ideology that later enveloped Oklahoma Territory.<sup>38</sup> On the Southern Plains, colonists' conduct and rhetoric exhibited what Lorenzo Veracini labeled perception transfer, a strain of settler colonialism in which settlers disassociate Indigenous people from the landscape.<sup>39</sup> Squatters, particularly those in Wichita, believed their way of life was under attack by corrupt politicians and corporations. Their aim was not to oppress others; they viewed themselves perhaps as a kind of political refugee, trying to establish a better life on empty, vacant landscapes waiting for them to arrive and till the soil. No squatter group ever organized to kill Indians or take part in ethnic cleansing; every single one thought they settled on land that was unoccupied. This did not lessen the impact of their actions, but if the squatters subscribing to populist ideology believed there was no one living in the Oklahoma District, they saw the government removal of settlers not as a legitimate extension of US sovereignty, but as protection for corporations. David Payne, a failure as a farmer, as well as a mediocre statesman, clerk and soldier, masterfully drew on this ideology by publicizing the presence of his settlements in Kansas newspapers and campaigning in the Kansas border towns to simultaneously bait the federal government in and out of Indian Territory and gain public sympathy at the same time.<sup>40</sup> Unlike his contemporaries who crumbled under pressure from federal troops, the Boomer message only gained legitimacy among southwestern Kansans every time soldiers destroyed a settlement. Unwittingly, federal troops repeatedly remade the Boomers into victims.

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<sup>38</sup> Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton and Company, 1987), 44.

<sup>39</sup> Veracini, *Settler Colonialism*, 37.

<sup>40</sup> Rister, *Land Hunger*, 65, 79,

As Payne successfully argued that cattle ranchers, the federal government and Indigenous peoples were collaborating to displace legitimate settlers, ideological and political realities became irrelevant to the Boomers.<sup>41</sup> Some cattlemen did ranch in the Unassigned Lands and government troops removed them, but the Boomers did not believe federal agents who argued this point.<sup>42</sup> Judge Isaac Parker ruled at his court in Fort Smith, Arkansas that the Oklahoma District remained Indian Country and the Boomers violated federal law; David Payne simply argued that he had never been tried in court at all.<sup>43</sup> Soldiers and Indian scouts angrily shouted at Boomers and waved guns at them; that only strengthened Payne's message. David Payne's message culminated at the largest squatter camp in Indian Territory ever, Rock Falls. In July 1884, 1500-2000 Boomers built dug outs on the prairie near Chikaskia Creek. On July 25, Union Indian Agency employee Connell Rogers talked with Payne at the settlement and realized only eradicating every single structure and razing the landscape would stop the Boomers from establishing a town. A few days later, federal troops, Indian scouts and cowboys descended upon the crowded camp, rounded up the squatters and wiped the town from the face of the earth.<sup>44</sup> Despite the government's overwhelming response to Payne's challenge that could have made squatting seem hopeless, in the minds of Payne's constituents the burning of Rock Falls vindicated everything the Boomers did and argued at Wichita.

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<sup>41</sup> D.L. Payne, "To Our Oklahoma Colonists," June 8, 1882, Folder 3, Box 4, TNA, OHS; B.E. Porter, "How to Become a Squaw Man," *Oklahoma War Chief* Vol. 4, No. 28 (July 15, 1886), Folder 2, Box 2, Samuel Checote Collection, WHC.

<sup>42</sup> C.V. Sewell to Grover Cleveland, November 17, 1888, 348, Roll 667, *Letters Received by the Office of the Adjutant General, 1881-1889*.

<sup>43</sup> Connell Rogers to Edward Hatch, July 25, 1884, SCF111.

<sup>44</sup> Connell Rogers to Edward Hatch, July 25, 1884, SCF111; T.N. Athey, "History Biography of David L. Payne," 82, Folder 16, Box 4, TNA, OHS.

In fact, as they reworked reality for their own purposes, some of the more fanatical colonists began describing the Boomer movement with augmented Christian imagery. One Boomer remembered that as soldiers tied David Payne up at Rock Falls and carted him off towards Fort Smith, Payne sang the song “John Brown’s Body” but reworked the lyrics to refer to his own movement.<sup>45</sup> During the American Civil War, many pro-Union soldiers and civilians sang that song to describe John Brown, a radical Christian abolitionist well known for his revolutionary activity in Kansas and Virginia to destroy enslavement and his subsequent execution, as a martyr not for Christianity but for both the freedom of African Americans and the fate of the Union. At least in the memory of one man, David Payne transformed religious imagery as well as common cultural knowledge to frame himself as a martyr.

The Boomer marriage of populism with Christian imagery often referenced the Biblical story of the Israelite flight from the Egyptian Empire to Canaan recounted from Exodus 12 through Joshua 12, a story with heavy implications in late nineteenth century American society.<sup>46</sup> In the late nineteenth century, the Bible was an integral part of American culture. Payne and Couch strategically inserted biblical language into their populist rhetoric to galvanize the colony’s members. Boomers began comparing Payne to “Moses,” a failed leader who God chose to liberate the Hebrew peoples from enslavement.<sup>47</sup> The story of Moses, John Brown’s fiery religious rhetoric, and David Payne’s campaigning in Kansas and Indian Territory blurred together in Wichita, even the colony failed to see the consequences of actual African American enslavement in

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<sup>45</sup> Quoted in Athey, “History Biography” 82, Folder 16, Box 4, TNA, OHS.

<sup>46</sup> Exodus 12:33-Joshua 12:23 (English Standard Version)

<sup>47</sup> Quoted in Alvin Rucker, “The Last of the Boomers,” *The Daily Oklahoman*, December 16, 1928, Folder 60, Box P-26, David L. Payne Collection, WHC.

the post-Reconstruction United States. The Boomers mistranslated the Choctaw phrase *Okla Homa*, which means Red People, as “the Beautiful Land,” another reflection of biblical language.<sup>48</sup> With their leader as Moses and their destination as a promised land, David Payne and his followers thought of themselves as people enslaved by a corrupt government, nineteenth century Hebrews. In the Bible, God spoke directly to Moses and told him to lead the Hebrews to a “a land flowing with milk and honey,” Canaan.<sup>49</sup> If the Oklahoma District became the Boomer Canaan, then the Homestead Act acted as a kind of Ten Commandments, rules God gave to Moses to help the Hebrews follow the covenant God had struck with the biblical founder of the Hebrews, Abraham.<sup>50</sup> In biblical language, the Homestead Act was the federal government’s combined covenant and guide to its citizens, the Boomers argued that the government’s violation of that promise did not invalidate their settlement; on the contrary, their perception of the Homestead Act as covenant-like made the Boomer’s mission seem extralegal and inevitable.

Other colonists, particularly those at Navajoe, improvised a more practical approach. Unlike the most squatters in Indian Territory, the Navajoe colonists interacted on a regular basis with Indians. Instead of arguing that Indigenous people did not exist in the landscape as the Boomers did, the Navajoe colonists adopted the premise that the Comanches and Kiowas did not have an inherent right to govern the Southern Plains; hence the Indians also had no right to stop squatters from harvesting timber, water and

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<sup>48</sup> Quoted in D.L. Payne, “To Our Oklahoma Colonists,” June 8, 1882, Folder 3, Box 4, TNA, OHS.

<sup>49</sup> Quoted in Exodus 3:8.

<sup>50</sup> Genesis 15:1-6

food from the land.<sup>51</sup> Veracini identified the Navajoe colony variant of settler colonialism as conceptual displacement, the idea that Indigenous people do not possess a sovereign right to the landscape.<sup>52</sup> Even though the squatters were also new arrivals to the Southern Plains, the Navajoe colonists believed their town's stationary identity and their needs as an growing community trumped nearby nomadic Indigenous societies.

The ideological bedrock of the Chikaskia Creek Colony is particularly bewildering. Elias Boudinot thought up the colony as a way for him to exploit the letter he planned to publish in the *Chicago Times*. He enlisted his friend James Bell to lead the colony into the Cherokee Strip in June 1879, hoping to construct a metropolis that would both disrupt his enemies in the Cherokee Nation while enriching himself with a growing border trade from the rush he anticipated.<sup>53</sup> Boudinot intentionally made his colony interracial; the organization's members included both Cherokee citizens and white American sharecroppers working for them in the Cherokee Nation. Chikaskia Creek was deep in the Cherokee Strip, technically owned by Cherokee authorities but leased by the United States. Boudinot hoped to use the biracial identity of his colonists by having the Anglo settlers file under the Homestead Act and the Cherokee argue that they had a right to settle there under Cherokee law. This was ingenious; by following laws in each nation, Boudinot invalidated the claims of the other and created a kind of neutral zone where no one law governed anything.<sup>54</sup> The Cherokee's adaption to settler colonial forces by taking up settler colonialism himself was a logical adaptive decision,

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<sup>51</sup> Thomas A. Edwards, June 8, 1937, Indian Pioneer Papers, hereafter IPP, WHC; V.H. Eates, July 26, 1937, IPP, WHC.

<sup>52</sup> Veracini, *Settler Colonialism*, 35.

<sup>53</sup> E.C. Boudinot to James Bell, February 1879, File 4977, Roll 41, Cherokee Nation Papers, hereafter CNP, WHC.

<sup>54</sup> E.C. Boudinot to James Bell, June 13, 1879, File 4992, Roll 43, CNP, WHC.

considering his vendetta against his enemies in the Cherokee Nation. Boudinot had long anticipated an end to Cherokee sovereignty; he hoped to manipulate squatters for his own gain rather than suffer the same consequences as his Cherokee peers.

Most squatters were not so explicit in their discussion of race. Racial animosity was present within each colony's internal politics and external relationship, but except in the tensest situations, colonists did not consciously express their racial attitudes. Colonies were typically segregated by race, except for Boudinot's brief venture, and did not work together. Furthermore, colonists routinely encountered African American soldiers in Indian Territory. The Boomers who met soldiers from Fort Reno in the Unassigned Lands hurled racial slurs at their captors but even Boomer ideology was never explicitly racial with the exception of one incident. After Army officials arrested David Payne again and transported him to Henrietta, Texas in September 1882, the US marshal let Payne into the town for a few hours. The Indianan came back with the Clay County sheriff, who attempted to arrest the soldier escort. The soldiers raised the stakes by preparing to fire, the sheriff backed down and Payne continued towards Fort Smith in custody. However, in rallying the town's residents around him, Payne unsuccessfully attempted to use Texan racial attitudes about Fort Reno's largely black garrison to free himself.<sup>55</sup>

Squatter relationships with Indigenous peoples were more complicated; the Anglo Americans who ventured into Indian Territory were often open to compromise, but they also brought racial stereotypes that affected their interactions with Indians. Aside from the Navajoe colonists, the Boomers and particularly David Payne formed

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<sup>55</sup> Thomas Boles to Post Adjutant, Fort Reno, September 30, 1882, SCF111; Return, Fort Reno, September 1882, Roll 998, M617, *Returns from U.S. Military Posts, 1800-1916*.

many different relationships with Indians. E.C. Boudinot was Payne's staunch ally, friend and mentor.<sup>56</sup> Payne traded with Absentee Shawnees and Nez Perces.<sup>57</sup> He regarded the Oto man he met on a February 1882 venture as an enemy.<sup>58</sup> With the limited data available, squatters seem to have made judgements based on situational encounters with Indians and African Americans but tended not to stereotype entire groups.

Squatter gender roles were also relatively fluid, although they often reflected patterns present across the United States. In the Boomer colony, the only organization where substantial information about gender is available, Payne's Boomer ideology, itself a blending of radical agrarian populist thought, Great Plains realities and gender norms of southwestern Kansas, allowed the limited number of women present in the Boomer colony to play practical as well as domestic roles. David Payne's longtime unmarried partner, R.A. Haines, became known as the "Mother of the Oklahoma Payne Colony."<sup>59</sup> During the 1879 rush, many politically active Kansan women were heavily involved in the temperance crusades to the east; David Payne's anti-temperance position while a state representative in Wichita likely deterred them from joining the Boomers.<sup>60</sup> In general, women were a minimal presence in all but the largest encampments. Those women who were present likely represented some of the most

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<sup>56</sup> Parins, *Elias Cornelius Boudinot*, 199-200.

<sup>57</sup> E.L. Stevens to J.V. Carter, July 17, 1883, 613-616, SFSA-46, Sac and Fox Agency Records, OHS; Rister, *Land Hunger*, 58.

<sup>58</sup> Rister, *Land Hunger*, 102-03.

<sup>59</sup> Quoted in Editor of *The Oregonian* to Oklahoma Historical Society, January 13, 1916, Folder 17, Box 8, W.P. Campbell Collection, OHS.

<sup>60</sup> Michael Lewis Goldberg, *An Army of Women: Gender and Politics in Gilded Age Kansas* (Baltimore: The John Hopkins University Press, 1997), 46; Rister, *Land Hunger*, 31.

radical populists in southwestern Kansas and many played both domestic and practical roles.

The Boomers' populist ideology prized "manliness."<sup>61</sup> Not to be mistaken for machoism or aggressive behavior, populists thought of manliness as the ability to lead a responsible lifestyle and to fulfill patriarchal roles.<sup>62</sup> David Payne understood that he and Haines complimented each other as father and mother figures; little is known of their actual relationship, but the idea of Payne as a father and a husband made him more attractive within the southwestern Kansas political universe than a man with no family. The Boomers also confronted soldiers far more than any other squatter colony, but the importance of manliness in their understanding of the world led them to emphasize their long term political struggle over the immediate defense of each individual settlement. This is unusual; squatters outside Indian Territory attacked government troops and Indigenous peoples alike to seize land.<sup>63</sup> Although Payne's movement fortified their camps and acted as if they would mount a tenacious defense against soldiers and Indian scouts, Boomer leaders always surrendered under pressure.

The populist gospel that the Boomers preached spoke indirectly to the political, racial and societal problems of southwestern Kansas and to a limited extent the entire Great Plains, but land was always their measure for success. Both soldiers and squatters manipulated the landscape to battle each other. Most squatters exaggerated the environment's agricultural and hunting potential. They firmly believed they could remake the landscape to suit their needs, a sentiment commonly held by many Anglo

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<sup>61</sup> Quoted in Jessen, *Populism and Imperialism*, 34.

<sup>62</sup> Jessen, *Populism and Imperialism*, 34-35.

<sup>63</sup> For example, Hermann Giliomee, *The Afrikaners: Biography of a People, Second Edition* (Charlottesville: University of Virginia Press, 2009), 165.

Americans on the Great Plains. Some squatters even imagined themselves as part of the land, “boast[ing] that they are coming like the grasshopper in numbers to[o] large to be removed by the government.”<sup>64</sup> However, soldiers also manipulated the land. At Rock Falls, soldiers from Fort Reno ignited a terrifying, nearly uncontrollable force by setting the town’s main building on fire and removing the squatters to let them watch the area burn, destroying any hope of rebuilding the town.

In the Unassigned Lands, the brutal weather seemed to have a mind of its own, yet the Boomers’ populist fanaticism meant they when even other squatters fled for shelter or avoided the treacherous winter altogether, the Boomers and US soldiers remained. The Boomers were ideologically stalwart enough to ignore their surroundings, while the soldiers following them were required to do so by military law. Thus, their endurance became a contest of wills. Prairie fires and the wind that spread them presented one difficulty. H.E. Horn remembered that “the wind was blowing south... a fire came with dreadful velocity south. The storm of fire swept everything before it.”<sup>65</sup> Winter presented an even harsher reality. While the lone occupant of an isolated dugout on February 2, 1883, David Payne wrote “very Cold-have frozen my feet, fingers and nose.”<sup>66</sup> The cold was equally unforgiving to US soldiers, who shivered and angrily cursed the squatters for taking them away from their warm beds. Before besieging William Couch’s Stillwater camp in early 1885, Edward Hatch noted that his African American cavalymen reshod their horses for “ice and snow.”<sup>67</sup> The troops then built a bridge of ice to cross the Salt Fork of the Arkansas River. Perhaps

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<sup>64</sup> J.T. Cunningham to W.P. Adair, April 15, 1879, SCF111.

<sup>65</sup> Quoted in Athey, “History Biography of David L. Payne” 33, Folder 15, Box 4, TNA, OHS.

<sup>66</sup> Quoted in David Payne, Diary, February 2, 1883, Folder 15, Box 1, David Payne Collection, OHS.

<sup>67</sup> Edward Hatch to Assistant Adjutant General, Department of the Missouri, February 7, 1885, SCF111.

watching Couch's camp in the bitter cold of January, Hatch wrote that "the country is such [that] steams and canons have abrupt, high banks and so frozen and covered with ice it was necessary sometimes to assist the animals out. All this time the weather was intensely cold."<sup>68</sup>

Squatters in Indian Territory epitomized settler colonialism in the North American West. They played an early yet critical ideological role in the subordination of Indigenous peoples to the Oklahoman state. The Boomers, the most determined, successful and developed organization out of every squatter group in this era, created a fanatical populist ideology to prioritize their mission over all other objectives and societal problems in southwestern Kansan society. However, Indigenous people played a conspicuous part in this process as well.

## **Indigenous Responses to Settler Colonialism in Indian Territory, 1866-1890**

Carl Coke Rister framed the Boomers as freedom fighters battling a massive, unstoppable government. The University of Oklahoma professor published his interpretation of events at the height of the Third Reich's expansion across Europe and Africa. Although the rapid ignition of the Second World War and involvement of the United States against what seemed a much larger and more powerful force in the years that Rister wrote and published *Land Hunger* (itself ironically a parallel for *lebensraum*) might have nothing to do with the Boomer invasion sixty years earlier, it would have been all too easy to frame that story in such a way that the Boomers, who in their own eyes saw themselves as warriors fighting to free the landscape for the vulnerable - an

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<sup>68</sup> Edward Hatch to Assistant Adjutant General, Department of the Missouri, February 7, 1885, SCF111.

obvious parallel to American reasoning for war with the Nazi state – that would inevitably win. In a time of crisis, perhaps this was Rister’s intentional message; perhaps not. However, Rister’s arguments that settlement was inevitable on a moral basis allowed him to largely ignore the Indigenous peoples that complicated those parallels. Oklahoma Territory was not inevitable. Indians, not squatters, made critical decisions that both slowed and led to the formation of the settler state of Oklahoma Territory.

As squatters swarmed into Indian Territory in the 1879 rush, the Cherokees, Chickasaws, Choctaws, Creeks and Seminoles were furiously debating who could hold citizenship within their own republics. After the American Civil War ended, this debate centered on the place of formerly enslaved African peoples, now freed by US troops. Although the war brought this conflict to the forefront of each society, these peoples debated the place of people of African descent well before arriving in Indian Territory. If an Indigenous person of African descent gained the rights of citizenship, many Indians wondered how that could change their societies. The Creeks, Cherokees and Seminole governments accepted their former slaves of African descent as citizens, while the Chickasaws and Choctaws rejected African Indigenous citizenship. Although the Choctaws belatedly recognized their freedmen several decades later, many Chickasaws instead disowned or killed their African Chickasaw counterparts and the Creeks and Cherokees continued to debate what rights African members of their societies possessed.<sup>69</sup>

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<sup>69</sup> Barbara Krauthamer, “In Their ‘Native Country:’ Freedpeople’s Understandings of Culture and Citizenship in the Choctaw and Chickasaw Nation” In Tiya Miles and Sharon P. Holland, *Crossing Water, Crossing Worlds: the African Diaspora in Indian Country* (Durham: Duke University Press, 2006), 114-15; “News Item of B.F. Overton and Cyrus Harris,” *Star Vindicator* Vol. 4, No. 24 (July 21,

Although African Indigenous people and the Anglo-American squatters were profoundly different, Indigenous officials recognized them both as a tool for US officials to disrupt and dismantle the five nations. The debate over African Indigenous citizenship gave the five nations a vocabulary to discuss the arrival of large numbers of Anglo people across Indian Territory. These migrants compromised each republic's border security and sovereignty. In 1878, Commissioner of Indian Affairs William Leeds told Cherokee Principal Chief Charles Thompson that until the Cherokee Nation defined the qualifications for Cherokee citizenship, the US Interior Department would not remove immigrants.<sup>70</sup> A few years later, Commissioner Hiram Price argued that the federal government had to independently determine Cherokee citizenship.<sup>71</sup> It was no coincidence that Dennis Bushyhead, Thompson's successor, tried to define Cherokee citizenship by advocating for African Cherokee inclusion and forming a citizenship court.<sup>72</sup> On the opposite end of the spectrum, the Chickasaw Nation began electing xenophobic, nationalistic Governors. For example, in 1877 Governor Benjamin Overton exchanged shots with an Anglo squatter after shooting the man's dog. The *Atoka Independent* reported that "Governor Overton says it is just such white men...that he is trying to rid the Nation of."<sup>73</sup>

E.C. Boudinot, a well-educated Cherokee citizen more familiar with Arkansas or Washington City than Tahlequah, chooses to publish his letter in the *Chicago Times*, to

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1877), McAlester, Indian Territory, Folder 17, Benjamin F. Overton Collection, hereafter Overton Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma, hereafter WHC.

<sup>70</sup> William M. Leeds to Charles Thompson, March 27, 1878, File 1530, Roll 18, Cherokee Nation Papers, hereafter CNP, WHC.

<sup>71</sup> Hiram Price to Henry Ward and Cyrus Beade, May 9, 1883, 1428-29, CHN-83, Cherokee Nation Agency Records (CHN), Oklahoma Historical Society, Oklahoma City, Oklahoma, hereafter OHS.

<sup>72</sup> Wardell, *Political History*, 271; Naylor, *African Cherokees*, 167.

<sup>73</sup> "Attack Upon Gov. Overton," *Atoka Independent*, Vol. 1, No. 13 (October 26, 1877), Folder 32, Overton Collection, WHC.

encourage Anglo-American settlers to disrupt the Cherokee Nation legislature, and to support of David Payne's Boomers sparked the beginnings of a settler state. Boudinot was the first of several Indigenous people living in late nineteenth century Indian Territory that disproportionately altered the region's future. Ironically, Boudinot's endorsement of Anglo settlement evolved from his Cherokee citizenship's failure to protect his financial ventures. In 1868, he built a tobacco factory on the border of the Cherokee Nation and Arkansas to undercut US firms. Startled tobacco businessmen lobbied in Washington City and Congress changed the law so federal officials could collect taxes from Boudinot. The Arkansan Cherokee lost his factory, which frustrated him immensely. He began investing in businesses that encouraged outsiders to come to the territory such as his hotel at Vinita, Indian Territory at the western terminus of the Missouri, Kansas and Texas Railroad.<sup>74</sup>

Boudinot's 1879 scheme to create a parallel separatist Cherokee Nation outside of both Cherokee Nation and United States legal jurisdiction was just one more trick in a bag that seemed bottomless. His soul rending, life defining conviction, forged in 1839 after angry Cherokees forcibly removed from their homes in the Southeastern United States murdered his family members – the people who signed away the Cherokee Nation in 1835 – was to avenge his kin by any means necessary. Although many Cherokee people hated Boudinot, his response to those events reflected his immersion in both Cherokee and Anglo cultures - Boudinot learned to engage and master multiple worlds as a Cherokee intellectual, a Confederate politician and a borderlands businessman. By using his skills in the Anglo world to take revenge, he followed the

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<sup>74</sup> Parins, *Elias Cornelius Boudinot*, 88-93, 103, 116.

Cherokee blood laws that dictated he avenge his relatives. The colony and the rush never panned out as Boudinot hoped, so he moved on. In 1885, he attempted to become Commissioner of Indian Affairs.<sup>75</sup> However, his choices set forces in motion that neither he nor anyone else fully understood at the time and perhaps made his colonization project the most influential decision to shape the Southern Plains after the American Civil War. Moreover, E.C. Boudinot's relatively unique manipulation of both Cherokee and Southern Plains politics means that the Arkansan Cherokee was the reason the Anglo-American Boomers existed, the ideological catalyst for Oklahoma Territory.

However, Boudinot and his partner James Bell represented a tiny but passionate minority in the Cherokee Nation. Most Cherokees, and in fact most Indigenous people in eastern Indian Territory, viewed E.C. Boudinot's decisions as traitorous. Even as Boudinot organized the rush, congressmen organized bills to make Indian Territory a state and families of Anglo Americans were pouring into the five nations illegally in numbers that dwarfed the squatter colonies to the west.<sup>76</sup> In response to these threats from Muskogee to Washington City, the five nations organized in three main ways. First, each government began passing tougher laws to govern Anglo immigration. They installed permit systems to monitor and eject the Anglo sharecroppers, traders and merchants in their territories. The legislatures also made intermarriage more difficult to stop Anglo men from taking advantage of Indigenous women.<sup>77</sup> Despite these much

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<sup>75</sup> James Taylor et al to L.Q.C. Lamar, March 6, 1885, File 7226, Roll 49, CNP, WHC.

<sup>76</sup> Gittinger, *The Formation of the State of Oklahoma*, 103-04; Gregory D. Smithers, *The Cherokee Diaspora: An Indigenous History of Migration, Resettlement, and Identity* (New Haven: Yale University Press, 2015), 175.

<sup>77</sup> Gibson, *The Chickasaws*, 285-86.

stronger laws, white men continued to work themselves in the republics legally and others simply squatted on across the five nations, a jurisdiction so large that it was difficult for the combined five nations' Lighthorsemen and the US Marshals at Fort Smith to police.

Southeastern Indians were intimately familiar with settler colonialism. Creek, Cherokee and Choctaw politicians encouraged their Southeastern constituencies and Southern Plains Indians to attend regional fairs that served as a forum to discuss international issues, such as the status of foreigners, and create intertribal solidarity. This second method was a direct response to settler colonialism. Two months after US troops burned the Rock Falls settlement, Cherokee official Robert Owen asked the Principal Chief to fly the captured flag of David Payne at the 1884 Indian International Fair to enrage and unify visiting Indians against the Boomers.<sup>78</sup> By the mid-1880s, Southeastern Indians had been in constant contact with Anglo-American societies for over 200 years. Their debate over citizenship and a much vaguer conversation about belonging in an international Indigenous context was a part of their development as five nations with state administrations, systems of taxation and law enforcement and democratically elected politicians.

In contrast, Southern Plains Indians encountered a colonial state attempting to conquer them and control their behavior. Until 1889, they were always able to either retreat into the expanse of the Southern Plains or isolate themselves from settlers, so their ideological framework, particularly the way they encountered others, differed

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<sup>78</sup> Ward Coachman to Charles Thompson, May 16, 1879, File 1538, Roll 18, CNP, WHC; T.B. D'Anslad to "the governor of Indian Territory," February 9, 1894, File 2504, Roll 23, CNP, WHC; Robert L. Owen to Dennis Bushyhead, September 9, 1884, File 1595, Roll 19, CNP, WHC.

immensely from Southeastern Indians. Where Choctaw people envisioned themselves as an interwoven nation knit together through kinship, formal laws and a democratically elected government, Comanche people tied themselves to their family and the band it belonged to. Even after the United States imprisoned them at Fort Sill and Darlington Agency, Southern Plains Indians maintained relationships with Lakota, Northern Arapaho and Pueblo peoples several hundred miles away.<sup>79</sup> The five nations assumed they had to engage settler colonial institutions, but the Comanches, Kiowas, Southern Cheyennes and Southern Arapahos were still figuring out US colonialism as Choctaw, Seminole, Chickasaw, Creek and Cherokee officials attempted to bring them into the fold. The former peoples did not understand the nature of settler colonialism and did not see these alliances as valuable.<sup>80</sup>

In some respects, Southeastern Indians were able to break out of the settler colonial-colonial divide and create intertribal unity among Midwestern and Northern Plains Indians. In 1890, Ponca chief White Eagle wrote to his “brother” Cherokee Principal Chief J.B. Mayes, asking him to protect Ponca land.<sup>81</sup> Several years later, Sac and Fox Nation secretary J.P. Stanley asked the Creeks for land to relocate their people after the twin nations lost most of their land in the September 1891 land run.<sup>82</sup> Constant pressure from settlers as well as the federal government forged bonds of kinship between peoples with little else in common, but these bonds were still strongest between the five republics. In 1893, Chickasaw Governor Jonas Wolfe wrote to

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<sup>79</sup> Martin Gibbons to E.P. Smith, May 19, 1875, 885, Roll 719, *LR24-81*; Ben M. Thomas to P.B. Hunt, March 2, 1881, 408, KA-47, Kiowa, Comanche and Apache Nation Agency Records, OHS.

<sup>80</sup> La Vere, *Contrary Neighbors*, 7.

<sup>81</sup> Quoted in White Eagle to J.B. Mayes, May 22, 1890, File 2463, Roll 23, CNP, WHC.

<sup>82</sup> J.P. Stanley to the Chief of the Muskogee Nation, October 9, 1893, Folder 61, Box 1, Creek Nation Collection, WHC.

Cherokee Principal Chief C.J. Harris that the Chickasaw and Cherokee peoples “stand together to hold our Country in as it has been.”<sup>83</sup>

That intertribal unity occasionally resulted in racial animosity and even Indigenous xenophobia. Some Indians at Shawneetown, near modern day Shawnee, Oklahoma, began treating all Anglo-Americans as the same, even if they were legally and culturally different from one another. One settler noted that “the period...was a time of great unrest among the Shawnees. Hemmed in by the whites their country parceled out into allotments and the prospect of whites homesteading the remainder, aroused...an ugly spirit.”<sup>84</sup> Formed around a trading post in 1876, Shawneetown became an important trading center and meeting place for the linguistically and culturally diverse peoples settled around the village.<sup>85</sup> In June 1891, six months after the federal government forced the Sac and Foxes to allot the reservation and nine months prior to the scheduled September 22 opening to Anglo settlement, the Commissioner of Indian Affairs ordered Agent Samuel Patrick to clear out squatters. As Patrick’s police did so on June 12, a mob of Indians formed at Shawneetown, intent on removing all whites from the reservation. On August 1, the commissioner reprimanded Patrick and asked that he not disrupt the economy of the reservation by ousting Anglo sharecroppers and traders, only squatters. Of course, even the sharecroppers only possessed limited rights in Shawneetown and the line dividing them from squatters was

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<sup>83</sup> Quoted in Jonas Wolfe to C.J. Harris, April 28, 1893, File 2492, Roll 23, CNP, WHC.

<sup>84</sup> Quoted in Franklin Campbell Smith, “Autobiography,” 140, Franklin Campbell Smith Collection, WHC.

<sup>85</sup> *Shawnee, Oklahoma 1895-1930: Forgotten Hub of Central Oklahoma* (Shawnee, OK: Historical Society of Potawatomie County, 1986), 5.

often too blurry for the Indian Agent or the surrounding Indians to accurately distinguish.<sup>86</sup>

Third, the five republics created their own committee to “to aid in the prosecution of D.L. Payne,” which their leaders felt would determine the strength and degree of “the threatened intrusion upon the north-western border of our territory.”<sup>87</sup> Four prominent men made up the committee: George Washington Grayson, an ex-Confederate Creek who later held office as Principal Chief, Cherokee lawyer, historian and anthropologist D.W.C. Duncan, Thomas Cloud, later killed while captain of the Seminole Lighthouse Police, and Choctaw politician, judge and international diplomat James Thompson.<sup>88</sup> The four met on December 15, 1880 to decide how to respond to Payne’s scheduled court appearance in March 1881. Along with future Chickasaw Governor Benjamin Overton, they visited Payne’s camp a few days later. On March 2, the men debated hiring an American lawyer but instead relied on their own legal expertise. A few days later, the four traveled to Judge Isaac Parker’s court at Fort Smith. There, D.W.C. Duncan and the district attorney won the suit against David Payne.<sup>89</sup>

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<sup>86</sup> Acting Commissioner of Indian Affairs to Samuel L. Patrick, March 31, 1891, 319, Sac and Fox Agency Records, SFSA-46, OHS; Acting Commissioner of Indian Affairs to Samuel L. Patrick, August 1, 1891, SFSA-46, OHS.

<sup>87</sup> Quoted in G.W. Grayson et al to J.F. McCurtain, May 2, 1881, 17835, CTN-69, Choctaw Nation Records, OHS.

<sup>88</sup> G.W. Grayson, *A Creek Warrior for the Confederacy: the Autobiography of Chief G.W. Grayson*, edited by W. David Baird (Norman: University of Oklahoma Press, 1988), 9, 59; Grant Harris, “When Printing was a Hazardous Calling,” *Chronicles of Oklahoma* Vol. 14, No. 2 (June 1936): 239-40; D.W.C. Duncan, September 16, 1937, Indian Pioneer Papers, WHC; C.L. Webster, “Prof. D.W.C. Duncan’s Analysis of the Cherokee Language” *The American Naturalist* Vol. 23, No. 273 (September 1889): 775-81; Arthur T. Burton, *Black Gun, Silver Star: the Life and Legend of Frontier Marshal Bass Reeves* (Lincoln: University of Nebraska Press, 2006), 72; “Journal of the Adjourned Session of First General Council of the Indian Territory,” *Chronicles of Oklahoma* Vol. 3, No. 2 (June 1925): 120-25; Frank E. Parke and J.W. LeFlore, “Some of Our Choctaw Neighborhood Schools,” *Chronicles of Oklahoma* Vol. 4, No. 2 (June 1926): 149.

<sup>89</sup> G.W. Grayson et al to J.F. McCurtain, May 2, 1881, 17835, CTN-69, OHS; Mary Jane Warde, *George Washington Grayson and the Creek Nation, 1843-1920* (Norman: University of Oklahoma Press, 1999), 126.

Thompson noted that Duncan was particularly important in winning the case. While Parker's 1881 decision did not result in the punishments the committee hoped for, it did stymie most settlement across Indian Territory for eight years.<sup>90</sup>

As the five nations debated citizenship, formed intertribal relationships and appealed to the federal government to remove squatters, Southern Plains peoples confronted United States colonialism with guns and ammunition rather than court orders and legal queries. On the Kiowa-Comanche-Apache Reservation, Indigenous people used violence tactically to achieve their goals, with mixed results. Sometimes violence failed. In June 1878, US marshal Horace Jones and 2<sup>nd</sup> Lt. S.R. Whithall tried to arrest two Comanche men, who gathered in their brother's tent. After a three-hour standoff, the two men ran, empowered by their brother's medicine. Soldiers shot two and maimed another.<sup>91</sup> However, violence had its uses. A few months later, a shaken P.B. Hunt recounted his harrowing encounter with Kiowa chief Big Bow, who tried to kill the Indian Agent after he took away Big Bow's ability to distribute agency goods to his people.<sup>92</sup> In most cases, Southern Plains Indians dealt with their problems as a community, which included avenging relatives. In February 1879, a party of Texas rangers under G.W. Arrington attacked a Kiowa hunting party being escorted by the 10<sup>th</sup> Cavalry in the Texas Panhandle and killed a Kiowa. In response, the dead man's relatives killed an Anglo trader on the Texas border.<sup>93</sup>

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<sup>90</sup> James Thompson to J.F. McCurtain, May 21, 1881, 17835, CTN-69, OHS.

<sup>91</sup> S.R. Whithall, to Fort Sill Post Adjutant, June 30, 1878, 393-403, Roll 384, *LR24-81*.

<sup>92</sup> P.B. Hunt to E.P. Hayt, October 31, 1878, 944-46, Roll 383, M234, *Letter Received by the Office of Indian Affairs, 1824-1881*, hereafter *LR24-81*.

<sup>93</sup> G.W. Arrington to John B. Jones, January 20, 1879, 20-21, Book 11 1879-188, Box 2Q401, Texas Adjutant General's Office Records, Dolph Briscoe Center for American History, University of Texas, Austin, Texas, hereafter DBC; Nicholas Nolan to Post Adjutant at Fort Sill, January 8, 1879, 331-32, Book 10 1878, Box 2Q400, Texas Adjutant General's Office Records, DBC; Lena Mae Stephens,

Although their success varied, Southern Plains Indians continued to cultivate such a violent reputation that all but the foolhardiest settlers refused to venture into their territory. Southern Plains peoples used this strategy of intimidation to manipulate Anglo racism far more successfully than the Southeastern Indians' permit systems. The Plains Indian reputation for violence warded off hundreds of thousands of settlers looking west. Although G.W. Arrington and his rangers continued to aggressively hunt Indians on the border, many Texans at Mobeetie feared the rangers would ignite a "merciless and useless war" that would lead to Comanche and Kiowa reprisal killings.<sup>94</sup> In other cases, intimidated cattlemen and cowboys altered their own behavior to conform to Southern Plains Indian reciprocity, exchanging cattle to establish a debt with the Indians.<sup>95</sup> Even federal troops and Southern Cheyenne scouts at Fort Reno used this reputation to terrify squatters in the Unassigned Lands.<sup>96</sup>

While settlers might be frightened of Southern Plains Indians, those who interacted with them on a regular basis developed more complicated relationships. The colony of Navajoe began as a deliberate attempt to create a regional trading center as well as a city, but it drew its lifeblood from across the North Fork of the Red River. Comanches and Kiowas were already regularly trading with C.F. Doan at his store on

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"Doans, A Trading Post on a Texas Cattle Trail, 1876-1895," July 25, 1940, 10, Panhandle-Plains Historical Museum and Archives, Canyon, Texas, hereafter PPHM.

<sup>94</sup> Quoted in John Donnelly, Benjamin Williams and J.W. Husleby to Governor O.M. Roberts, N.D. [c. 1880], 367, Book 11 1879-1880, Box 2Q401, Texas Adjutant General's Office Records, DBC; Adjutant General, *Report of the Adjutant General of the State of Texas* (Galveston: A.H. Felo and Co, 1881), 37, Archives and Information Services Division, Texas State Library and Archives Commission, Austin, Texas; G.W. Arrington to J.W. Davidson, June 18, 1879, 81-82, Book 11 1879-1880, Box 2Q401, Texas Adjutant General's Office Records, DBC; Mooney, "Calendar History," 355.

<sup>95</sup> P.B. Hunt to B.B. Groom, November 28, 1884, Folder 5, B.B. Groom Correspondence, Francklyn Land and Cattle Company Collection, PPHM; John Miles to E.A. Hayt, April 15, 1879, Roll 1 (CALB1), Cheyenne-Arapaho Agency Letterpress Books, El Reno Carnegie Library, El Reno, Oklahoma.

<sup>96</sup> Rister, *Land Hunger*, 70-71; Eugene Couch, April 29, 1937, IPP, WHC.

the Red River and levying cattle from drives traveling along the Great Western Trail to Dodge City, Kansas, so it was natural that the settlers who arrived just as the cattle trail was dying down would center themselves in this same exchange.<sup>97</sup> While J.S. Works' "respectable" and "white" colonists were initially frightened by a January 1887 scare caused by a small group of Comanches traveling to New Mexico Territory, they quickly established relationships with Comanche and Kiowa communities.<sup>98</sup> Quanah Parker, a dominant Comanche leader who had a knack for winning over his Anglo compatriots, saw that by numbers alone he could influence this small town and began trading with the settlers as an investment in his own regional power.<sup>99</sup>

The colony survived through exchange. The original one hundred odd settlers built orchards, farmed cotton, corn and watermelons and in one instance several men formed a short lived, ill-fated mining company, but V.H. Eates remembered that "as many as eight hundred Indians [were at Navajoe] at one time."<sup>100</sup> W.T. Dale noted that "lots of Indians came over to Navajoe every time they got paid off to gamble and drink."<sup>101</sup> Considering that the entire colony consisted of 111 people in December 1886, this trade was anything short of secondary to the town's residents.<sup>102</sup> Many settlers

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<sup>97</sup> P.B. Hunt to E.P. Hayt, February 24, 1880, 155, Roll 386, *LR24-81*; T.T. Hawkins, "When George Saunders Made a Bluff 'Stick'" In J. Marvin Hunter, Ed, *Trail Drivers of Texas, Volume 1* (New York: Argosy-Antiquarian LTD, 1963), 393-96.

<sup>98</sup> Quoted in J.S. Works, "Report of the Texas-Oklahoma Colony," September 1886, Folder 6, J.W. Works Collection, OHS; O.O. Howard to the Adjutant General, August 12, 1887, 252, Roll 548, M689, *Letter Received by the Office of the Adjutant General, 1881-1889*.

<sup>99</sup> J.S. Works, "The Oklahoma Boomer," 12-13, 17, Folder 23, Works Collection, OHS; O.O. Howard to the Adjutant General, August 12, 1887, Roll 548, M689, *Letter Received by the Office of the Adjutant General, 1881-1889*; J. Evetts Haley, *Charles Goodnight: Cowman and Plainsman* (Norman: University of Oklahoma Press, 1949), 307-08; S.B. Burnett to L.J. Worthham and W.B. Fitzhugh, January 25, 1909, Quanah Parker Letters, Box 2K300, DBC.

<sup>100</sup> Quoted in V.H. Eates, July 26, 1937, IPP, WHC; W.T. Dale, May 26, 1937, IPP, WHC; Walter B. Howard, July 13, 1937, IPP, WHC.

<sup>101</sup> Quoted in W.T. Dale, May 26, 1937, IPP, WHC.

<sup>102</sup> J.S. Works, "December 1886 Report," Folder 6, Works Collection, OHS.

became fluent in Comanche as a result. These relationships were not necessarily exploitative; sometimes they were friendly. Emma Poolin, whose family traded horses across the river, knew the Kiowa policeman Bob Poolant very well. In fact, Poolant had such a good relationship with one settler that he attempted to trade for the man's wife.<sup>103</sup>

However, squatter-Indian relations at the base of the Navajo Mountains did escalate towards conflict on occasion. Squatters farming the valley routinely traveled across Otter Creek and onto the reservation, cut down timber and hauled it back to town, all while being hunted by federal officials and Indian police. The settlers may have negotiated with Kiowas and Comanches for the timber, but this practice only expanded as other border towns sprung up along the Kiowa-Comanche-Apache Reservation's borders. Wood was a rare and valuable resource for both parties; as more people arrived, it became scarce and settlers became desperate. Thomas A. Edwards, a teacher at the settlement of Cloud Chief a few years later reasoned that "the settlers needed the timber very much for fuel and posts, and to make sheds and corrals and to brace their dugout homes, so they raided that [KCA] Reservation with little molestation from Government agenc[i]es."<sup>104</sup> Several Indian police captured a wood cutting party from Navajoe around the turn of the century, so settlers in the town retaliated by taking two Indians hostage. The local sheriff negotiated a hostage exchange, but this standoff could have ignited a war.<sup>105</sup>

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<sup>103</sup> Emma Poolin, October 11, 1937, IPP, WHC.

<sup>104</sup> Quoted in Thomas A. Edwards, June 8, 1937, IPP, WHC.

<sup>105</sup> W.T. Dale, May 26, 1937, IPP, WHC.

In 1936, E. Elliott remarked that “the Indians were a pest in the early days. They were always begging for something to eat. They would steal horses and cattle and one had to be on the look-out to prevent it.”<sup>106</sup> As Elliott’s view became the dominant one, cultures clashed. While they were a minority, squatters at Navajoe often complied with Indigenous reciprocity. As more people arrived and it became easier to simply take environmental resources without paying Indigenous people for them, Navajoe colonists began to weasel out of their obligations. In fact, as more settlers arrived on the borders of Indigenous communities across the new territory, encountered Indians asking for meat or other products and refused to give them anything, Indigenous reciprocity’s power over Anglo-Americans collapsed. More importantly, reciprocity was not just an idea on this part of the Southern Plains – it was an economy with markets, products and debts that Indians relied upon. As that economy began to collapse in the 1890s, Southern Plains Indians struggled to adapt and sometimes came to blows.

Gunfights occasionally broke out at Navajoe as much as any other town in the territory but Poolant’s demise brought both the Kiowa camp on Elk Creek and the town of Navajoe to the brink of war. In September 1891, Bob Poolant approached a group of cowboys at the headwaters of Elk Creek and asked them for a cow. The cowboys refused and Poolant became angry. A frightened cowboy shot him through the head and left his body on the prairie. The rest of the Kiowas with Poolant fled, notified their camp downstream and returned a few hours later to pick up their friend’s rotting body.<sup>107</sup> The settlers at Navajoe panicked and began to fortify their town. Some fled.

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<sup>106</sup> Quoted in E. Elliott, “Early Days in Old Greer County,” Folder 2, Greer County History Collection, OHS.

<sup>107</sup> Wilbur S. Nye, *Carbine and Lance: The Story of Old Fort Sill* (Norman: University of Oklahoma Press, 1937), 275-76.

This behavior was not uncommon at the time.<sup>108</sup> Settlers across the Southern Plains, as well as other parts of the country, often fled or holed up during Indian scares.<sup>109</sup> As Kiowa and Anglo settlers gathered across from each other on Elk Creek, General Hugh L. Scott, a white Army officer who understood Indian sign language and ways of life, and Kiowa leader Big Bow, arrived from Fort Sill, arrested the cowboy who shot Bob Poolant and calmed things down by ordering the head ranchers to distribute cattle to the Kiowas in exchange for Poolant's life. At the nearby court in Mangum, a jury acquitted the shooter, but Scott's advice kept the two populations from laying waste to each other for the time being.<sup>110</sup>

Oklahoma Territory's advance westward resembled a hungry animal, but the settlers who encountered Southern Plains Indians were immersed in Southern Plains reciprocity, their own individual goals, as well as the ongoing advance of the state. Each settler made different choices, as did the Indians they encountered. For the time being, most Southern Plains Indians in the west were threatened but not directly affected by the settler state. Still, Anglo-Americans brought their own settler colonial aspirations. Indians rapidly encountered a new world slowly but surely defined by settler colonialism. Oklahoma Territory's assumption of power over western Indian Territory between 1892 and 1901 fundamentally gave settlers the confidence and numbers to overpower Southern Plains Indians. Yet, this process was never certain, especially in the territory's first years.

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<sup>108</sup> Walter B. Howard, July 13, 1937, IPP, WHC.

<sup>109</sup> Tommie C. Saye, April 14, 1958, Pauline W. Naylor Collection, Folder A-Baber, Box 1, Southwest Collections, Texas Tech University Library, Lubbock, Texas.

<sup>110</sup> H.L. Scott, *Some Memories of a Soldier* (New York: The Century Co., 1928), 162-64.

In those initial years, just what it meant to be a settler in Oklahoma Territory was uncertain. Some people, particularly those who had constant exposure to Indians, learned and participated in Indigenous cultures. Rose Kelly Thompson Spear traded regularly with Southern Cheyenne Little Chief and his relatives. She held them in high regard, arguing that “they would not steal and they harmed nobody.”<sup>111</sup> L.G. Adams and Southern Arapaho William Bignose struck up a friendship while surveying the town of Arapaho, OT. Bignose even hid his friend by dressing him up in Indigenous garb so he could come to their camp.<sup>112</sup> Ben Butler Dancey reflected on his friendships with Indigenous people, noting that ““I learned to like these Indians, of course you sometimes would hear some one say the only good Indian is a dead Indian but we liked them and knew that was a wrong thing to say.”<sup>113</sup> All of these people, who legally settled in Oklahoma Territory, regarded Indians for the most part as friendly, if sometimes confusing.

The dividing line between these friendly exchanges and those settlers who maintained antagonistic attitudes driven by fear and suspicion towards Indians was the second group’s refusal to cooperate within Southern Plains reciprocity. Reciprocity is essentially where one individual gives the other a gift, incurring a kind of gift debt, that the first expects the second to pay back later. This process was how Southern Plains peoples formed friendships and families. While traveling to Colony, OT, Mary Stumbo’s family met a party of Indians who asked for beef. Stumbo’s people remembered that “we did not have any cattle that we wanted to kill. The Indians did not

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<sup>111</sup> Quoted in Rose Kelly Thompson Spear, August 25, 1937, IPP, WHC.

<sup>112</sup> L.G. Adams, September 16, 1937, IPP, WHC.

<sup>113</sup> Quoted in Ben Butler Dancey, n.d., IPP, WHC.

like this and told us not to go any farther south...”<sup>114</sup> The settlers misunderstood the fact that giving the party beef was not optional. Other settlers were far more predatory. Some dug up Indian graves for their contents or stole timber.<sup>115</sup> In at least one instance, a loan shark preying on Indians at Anadarko dressed up in Indian garb to sneak onto the reservation and intimidate his customers into paying.<sup>116</sup> Settlers sometimes formed lynch mobs and killed Indians, but more frequently, Anglo residents saw Indigenous people as anachronistic. Southern Plains Indians did not fit into a segregating post-Civil War American society. In 1908, several Kiowas stumbled upon an Anadarko lynch mob in the process of mutilating a black man.<sup>117</sup> The Anglo settlers fired warning shots at the investigating Kiowas but did not attack them. Both parties went their separate ways, leaving the body hanging.

In 1924, Oklahoma City businessman C.A. McNabb publicly announced that “had [the 1890 Oklahoma City Indian scare] been fought as anticipated, the Cheyenne Indian tribe would today have been extinct.”<sup>118</sup> McNabb recounted that one night in 1890, some farmers mistook the noise from a large Eastern European celebration for warring Southern Cheyennes and fled to Oklahoma City. Settlers fortified a brick building in the city, named it Fort Conella, and prepared for an assault that never came.<sup>119</sup> For the most part, territorial Oklahomans did not fantasize about such

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<sup>114</sup> Mary Stumbo, June 15, 1937, IPP, WHC.

<sup>115</sup> Gold Stover, July 12, 1937, IPP, WHC; Thomas A. Edwards, June 8, 1937, IPP, WHC.

<sup>116</sup> “June 10, 1905” and “September 28, 1905,” Glenn D. Shirley Western Americana Collection, Box 165, Folder 39, Dickinson Research Center, National Cowboy & Western Heritage Museum, Oklahoma City, Oklahoma

<sup>117</sup> Guy Quotone, September 7, 1967, Dorris Duke Collection, WHC.

<sup>118</sup> Quoted in C.A. McNabb, “Oklahoma City’s Indian Scare,” *Chronicles of Oklahoma* Vol. 2, No. 4 (December 1924): 397.

<sup>119</sup> “Fort Conella,” Folder 14, Box 26, Works Progress Administration Historic Sites and Federal Writer’s Project Collection, WHC.

genocidal measures as McNabb's statement. As Patrick Wolfe theorized, genocidal violence was for the most part unnecessary in the larger process of settler colonialism.<sup>120</sup> However, race always lurks underneath the surface of settler colonial expansion – in Boomer interactions with African Americans, settler images of Southern Plains Indians, and white supremacist dominance in the twentieth century.

If one town epitomized the racial tensions that emerged as settlers moved westward, that town was El Reno. The town, which was only a few miles from the longstanding community of Fort Reno and the short lived competing Reno City, began, much like Navajoe. However, the town, one of the five principal cities in the territory's first decade, was also part of Oklahoma Territory, which considerably emboldened its citizens, Whereas J.S. Works and his colonists knew that they were dependent on Comanche and Kiowa trade and would not receive assistance from the federal government if a conflict began, the western border communities of Oklahoma Territory believed that they need answer to only the territorial government. El Reno and Reno City began as trading towns, but their citizens gradually transitioned away from that reciprocally based economy into a capitalist, agricultural mode, a change that began with the racist, settler colonial images they brought with them.<sup>121</sup> In 1890, Territorial Governor George Steele joined in a parade along with citizens from the town, soldiers from the fort and Indigenous people from across the reservation border. After the parade, Steele invited the chiefs onto a stage, where they addressed the crowd and

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<sup>120</sup> Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* Vol. 8, No. 4 (December 2006): 387-88.

<sup>121</sup> United States Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, for the Year 1890* (Washington, D.C: Government Printing Office, 1878), 179-181; "Indian Payment: Uncle Sam pays Indian, Indian pays El Reno Merchant," *El Reno News*, Vol. 111, No. 49, (March 10, 1899): 1.

argued that the United States cheated them out of their homes, food and families. Someone in the crowd yelled that the agency issue was beginning, so the chiefs and their families, who relied on the issue to avoid starvation, rushed off to Fort Reno and the crowd laughed at them.<sup>122</sup>

The nearby beef issue at Fort Reno to surrounding Southern Cheyenne and Southern Arapaho camps, revealed emerging settler colonial racism as well as remarkable self-actualization among El Reno's Anglo residents in the town's early years. At the beef issue, Indians regularly gathered at the fort and ritually killed cows as soldiers released them from the pen. Settler interpreted this event, an important pillar in the Indigenous reciprocally based economy that still affected the town, as well as reaction of the crowds surrounding the issue, in varying ways. Rachel Wilson Wright remarked "The whole thing was a demonstration of savagery and not necessarily Indian savagery. The Indians did the killing but the white people made the holiday out of it."<sup>123</sup> E.G. Remmers watched the same issue and met an Indian student "dressed well and very intelligent."<sup>124</sup> After talking to him, the student returned to his family. Remmers then went with her family to the issue "and we saw this educated Indian with his people eating raw beef with blood all down the side of his mouth, and when he saw us, he was embarrassed and began cleaning blood form the side of his lips...Probably was ashamed to have us see him in this condition."<sup>125</sup> Both women were uncomfortable with the entire display as well as the reaction of their Anglo peers, but they were also unwilling

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<sup>122</sup> H. Merle Woods. *The El Reno That Was: The Dramatic Start and Early Years of a Historical City of the Prairies* (El Reno, OK: H. Merle Woods, 1978), 11-12.

<sup>123</sup> Rachel Wilson Wright, February 22, 1938, IPP, WHC.

<sup>124</sup> E.G. Remmers, May 20, 1937, IPP, WHC.

<sup>125</sup> E.G. Remmers, May 20, 1937, IPP, WHC.

or more likely unable to abandon their identities as settlers. In the coming decades, these settler colonial attitudes hardened with the advance of the territorial state administration.

Indigenous people and the settlers who began arriving in the late nineteenth century shaped Oklahoma Territory's development; for the most part, squatters did not make successful contributions. The settler state's changes to the region obscured but did not destroy Indigenous ideas about familial and national identity. Indigenous people did not disappear; they played important roles in Oklahoma Territory, but settlers increasingly watched them with suspicion. Despite the gradual alienation, segregation and dismantling of Indigenous influence in Anglo communities, many Indians maintained their familial and tribal ties. Many retained roles that allowed them to navigate Oklahoma's Territory's increasingly exclusionary culture – a consequence of the gathering settler colonial attitudes among individual settlers - but after the state instituted settler colonial policies to control the west, Indigenous people found life more difficult on the Southern Plains.

### **The Legal Failure of (Most) Southern Plains Squatters, 1879-1890**

At the height of the 1879 rush, one Indian agent remarked that “most of the [squatters] think the Attorney General is unjust in his construction of the laws about the territory. They think it belongs to them and they ought to have it...They are all Lawyers.”<sup>126</sup> Squatters, government employees, Indians and other people living in the territory constantly debated federal and Indigenous laws governing the landscape. In

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<sup>126</sup> Quoted in J. Miles to E.A. Hayt, May 14, 1879, Special Case File 111-Boomers, Record Group 75, National Archives and Records Administration, Washington D.C., hereafter SCF111.

their respective influential histories of Indian Territory and the Boomers, Roy Gittinger and Carl Coke Rister argued that “the Boomers Won” by influencing Washington City politicians to open the territory.<sup>127</sup> However, congressmen debated doing so as early as 1870.<sup>128</sup> Organized and federally authorized white settlers only arrived a decade after the rush and annexed a relatively small part of Indian Territory. Eighteen more years elapsed before Oklahoma Territory swallowed a reduced Indian Territory to form a new state and although some ex-squatters became part of the territorial administration and influenced that territory and state’s evolving culture, only a tiny percentage succeeded in manipulating the law to form towns. Gittinger, Rister and other historians who tentatively connected the efforts of squatters with the formation of Oklahoma constructed a teleological narrative. Squatters failed to change the law and all but a few hundred people out of perhaps 20-30,000 ever received homes from squatting.

As federal troops ethnically cleansed the Southeastern United States in hopes of removing one problem, Congress began passing legislation that unintentionally created mass legal confusion on the 1880s Southern Plains. In 1830, Congress passed the first of several Preemption Acts, “a euphemism for legalizing squatters.”<sup>129</sup> The Preemption Acts, as well as other legal bills such as the Armed Occupation Act, the Homestead Act, and the Indian Trade and Intercourse Act theoretically eliminated legal pluralities, “the situation in which two or more laws interact” on western landscapes the US government claimed as part of its sovereign territory.<sup>130</sup> By defining its sovereignty in the North

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<sup>127</sup> Quoted in Gittinger, *The Formation of the State of Oklahoma*, 138; Rister, *Land Hunger*, 201-04.

<sup>128</sup> Gittinger, *The Formation of the State of Oklahoma*, 103-04.

<sup>129</sup> Richard Edwards, Jacob K. Friefeld and Rebecca S. Wingo, *Homesteading the Plains: Toward a New History* (Lincoln: University of Nebraska Press, 2017), 8.

<sup>130</sup> Quoted in M.B. Hooker, *Legal Pluralism: An Introduction to Colonial and Neo-colonial Laws* (Oxford: Clarendon Press, 1975), 6.

American West, the federal government could then divide the landscape between areas it reserved for its citizenry and areas it designated as Indian Country. The Preemption and Homestead acts governed the former landscapes, while the Indian Trade and Intercourse Act governed the latter. As a settler colonial institution, the federal government's inherent desire was to extinguish Indigenous sovereignty and to avoid doing so through processes that detracted through its own sovereignty. For example, the 1842 Armed Occupation Act allowed settlers to claim 160 acres of former Seminole lands in Florida Territory, helping the federal government to consolidate, stop squatters and placate settlers.<sup>131</sup>

The 1862 Homestead Act was a similar combination of a political concession and a settler colonial advancement of federal sovereignty by peopling the North American West with warm bodies loyal to the United States. The 1862 Act allowed settlers to claim a piece of land after living there for five years. Despite its relatively simplistic nature, scholars furiously debated the document's meaning as well as its economic and cultural impact. Older scholars argued that most homesteaders abandoned their land and that mass fraud took place.<sup>132</sup> A group of new scholars used statistical analysis to disprove those claims, arguing that most homesteaders succeeded, and the fraud claims are overblown.<sup>133</sup> By the time the federal government extinguished the Indigenous title to a small part of Indian Territory in 1889, the Homestead Act was

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<sup>131</sup> Paul W. Gates, *History of Public Land Law Development* (Washington, D.C: U.S. Government Printing Office, 1968), 388.

<sup>132</sup> For example, Henry Nash Smith, *Virgin Land: The American West as Symbol and Myth*, Reprint, 1950 (New York: Vintage Books, 1957), 221.

<sup>133</sup> Edwards, Friefeld and Wingo, *Homesteading the Plains*, 35, 89.

completely engrained into the cultural knowledge of many Anglo Americans in the American West.

Although the 1830s federal laws designed by bureaucrats in Washington City manufactured a theoretical federal sovereignty in Indian Territory, the treaties that federal negotiators negotiated in 1866 with the Creek, Seminole, and Cherokee Nations revealed the growing power of the United States on the Southern Plains, changed the borders of Indian Territory and most importantly, created the legal pluralities that E.C. Boudinot, David Payne and other squatters exploited fifteen years later. During the American Civil War, some Cherokees, Creeks and Seminoles fought for the Confederacy, so after that conflict the United States punished these three nations by ordering them to lease land to the United States. Federal officials forced the Seminoles to lease their entire nation, the Creeks to lease the western half of their nation and sell part to the Seminoles, and the Cherokees to lease their western hunting lands (otherwise known as the Cherokee Outlet) to the United States. None of these sales were absolute. Technically, all three nations still had ownership over leased lands, but no Indigenous people lived on them after the disruption of the Civil War. However, the United States could settle other Indians and Indian freedmen on leased lands, buy the land and hold it in trust for the resettled nations. Until that time, the three nations had legal jurisdiction over their leased lands.<sup>134</sup>

The implications of these legal changes and their degree of their enforcement by US and Indigenous authorities is confusing even in the present. To a person living thousands of miles from Washington City in Wichita, Kansas, without the ability to

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<sup>134</sup> Charles J. Kappler, *Indian Treaties 1778-1883* (New York: Interland Publishing Inc., 1972), 911, 933, 946-947.

quickly look up these laws or perhaps without even the ability to read, the complexities of why Kansas was open and Indian Territory was closed were a mystery. E.C. Boudinot played the role of a promoter, providing a map and specifications of Indian Territory in the *Chicago Times* to thousands upon thousands of people.<sup>135</sup> His maps were by far the most readily available to the average person, so he could create knowledge. As with other promoters in the late nineteenth century, Boudinot manipulated the truth for his own ends; while others lied about the agricultural qualities of incredibly arid regions in the American West, Boudinot purposefully oversimplified the complicated legal implications of the Homestead Act and the 1866 treaties. Although President Rutherford Hayes issued a May 1879 proclamation that drastically cut down the amount of people who placed confidence in Boudinot, some squatters still disregarded his proclamation as the product of a corrupt system and relied on the knowledge the Cherokee man in hopes of creating a new state.<sup>136</sup>

Although the federal government diminished Creek, Cherokee and Seminole sovereignties via the 1866 treaties, Indian Territory was still riddled with legal and extralegal pluralities. The United States governed much of the western territory as well as small sections of the east, while the Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles owned their own lands. Southern Plains Indians as well as organized bands of horse thieves established their own settlements, governed by their own informal laws. Squatters created extralegal pluralities as they moved into federal governed lands and occasionally Indigenous lands. They also created informal legal systems, often with the covenant of the Homestead Act in mind.

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<sup>135</sup> Secretary of the Interior to the Commissioner of Indian Affairs, April 25, 1879, SCF111.

<sup>136</sup> Wardell, *Political History*, 280.

Scholar Lisa Ford used the examples of two extraordinarily aggressive, early nineteenth century settler states, New South Wales and Georgia, to explain what she labeled settler sovereignty. Ford defined settler sovereignty as the process by which settlers and a higher government collaborate to extinguish legal pluralities and create a sole legal authority, territoriality.<sup>137</sup> Ford's variant of settler colonial theory is poorly designed to accommodate less aggressive systems as well as Anglo squatters. In Indian Territory, squatters and the federal government often created or supported new and different sovereignties. Indigenous people collaborated with federal troops, judges and politicians to stop squatting. This situation, in which squatters detracted from federal territoriality and federal forces reinforced larger legal pluralities created by the Five Republics to extinguish smaller ones created by Anglo Americans, contradicts Ford's assertions. While Ford's model is valuable, it needs some adjustment.

If sovereignty is the "final and absolute political authority in the community," many communities reinterpreted legal pluralities created by the interaction of Indigenous, federal and Texan laws for the own purposes, often creating new sovereignties or empowering those that already existed outside of federal authority.<sup>138</sup> In general, Indigenous peoples reinforced legal pluralities that protected their sovereignty, while ranching, coal and railroad companies tried to use the landscape for their own purposes. Squatters formed new polities and thus new sovereignties that contradicted the federal government's immediate authority, ironically to accelerate the federal government's long term territoriality in the region. Federal officials complicated

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<sup>137</sup> Ford, *Settler Sovereignty*, 1.

<sup>138</sup> Quoted in F.H. Hinsley, *Sovereignty, Second Edition* (Cambridge: Cambridge University Press, 1986), 17.

how the government approached these legal pluralities, varying from Judge Isaac Parker's explicit support of Indigenous governments to Secretary of the Interior Hiram Price's refusal to support Cherokee sovereignty. From 1890, the Oklahoma Territorial government rapidly assumed territoriality over the landscape. Although significant legal pluralities exist in Oklahoma even today, the territory's aggressive expansion liquidated the most significant threats to state sovereignty within twenty years of its inception.

In the field, squatters used a variety of legal tactics in their efforts to legitimize their polities. Large Anglo-American organizations attempted, generally unsuccessfully, to win enough public support to overwhelm federal officials and force them to open Indian Territory. Although these squatters claimed they were settling under the Homestead Act's authority, they did not understand the act's legal implications. The South Canadian River Colony, not unlike the horse thieves operating in settlements across the territory, established their community in the lush, wide valley near Lexington, Oklahoma, isolating their presence to protect their community. Other organizations, such as the Chikaskia Creek and Navajoe colonies, did possess a detailed understanding of federal, Cherokee and Texan law systems respectively. Ironically, the federal government did not challenge either group in court, simply arresting and removing the Chikaskia colonists and only observing the Navajoe colonists. The Mountain View colonists were the only squatters to employ a mix of brute force and legal action. Although most of these squatters were not working together, they were aware of other colonists and responded accordingly.

At the border town of Baxter Springs, Kansas, N.D. Ingraham organized the first large movement to draw a physical response from the federal government, the Quapaw

Reserve Colony, otherwise known as the Baxter Springs League. Ingraham's organization laid out a legal blueprint for other squatters to examine, and his failure helped others build superior organizations. Army captain George Towle noted that Ingraham set up a "so-called Land Office" out of his post office in the border town of Baxter Springs, Kansas.<sup>139</sup> By June 17, 1879, the land office resembled a land company, electing organization officials to preserve order, selling memberships and having settlers stake 160 acre claims.<sup>140</sup> US soldiers cleared out these claims in July, ejected Ingraham several times and established a camp to deter further settlement, but Ingraham's land organization kept records of colonist claims for at least a year afterward.<sup>141</sup> While relatively inconsequential even in Quapaw circles, David Payne learned from Ingraham's failed tactics.

After he returned to Wichita from Washington City in 1880, David Payne or perhaps his mentor E.C. Boudinot, realized that although Payne's colony might still be a regional organization, the Indianan had to confront and change the national laws that governed settlement. Payne's people needed to win the unequivocal legal right to reside in the Indian Territory, so Payne used his raids as test cases and intentionally provoked a federal trial instead of giving up after being removed, as many other squatters did the year before. Louis Weythman, a close friend, remembered Payne's reasoning in a June 1880 conversation: "as we know that we are lacking in the legal right to settle...the

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<sup>139</sup> Quoted in George Towle to Assistant Adjutant General, June 17, 1879, SCF111.

<sup>140</sup> John Forbes, Kansas City Times "The Rush to Oklahoma," *Kansas City Times*, May 8, 1879, 1; "The Oklahoma Raid," *Kansas City Times*, May 9, 1879, 1.

<sup>141</sup> C.R. Platt to Assistant Adjutant General, May 9, 1879, 427, Roll 10, M1495, "*Special Files*" of the *Headquarters, Division of the Missouri, Relating to Military Operations and Administration, 1863-1885*, hereafter "*Special Files*;" G.F. Towle to Assistant Adjutant General, June 4, 1880, SCF111; Return, Camp on Quapaw Reserve, June 1, 1881, Roll 1534, M617, *Returns from U.S. Military Posts, 1800-1916*; G.F. Towle to Assistant Adjutant General, July 11, 1879, 676, Roll 10 "*Special Files*"

Oklahoma country...it will require much agitation to bring it about. We must agitate, agitate, agitate until there is a popular demand from Congress to overcome its present indifference in regard to this matter.”<sup>142</sup> Often, Payne claimed that the Oklahoma District was public domain and asked for a trial to prove his right to that area. For example, in an August 1880 letter he sent General John Pope from Fort Reno, an imprisoned Payne stated that “we are loyal and law abiding citizens of the United States and have committed no crime against the lands of our country, and we demand a trial at once”<sup>143</sup> Payne, a former Kansas state senator and a soldier in Indian Territory, must have been aware that the Homestead Act did not apply to Indian Territory.<sup>144</sup> More than likely, E.C. Boudinot knew that Payne’s arrest, if properly manipulated, would lead to a court case, where the Indianan would have his chance to gain legal rights to settlement.

At Fort Smith, Arkansas, the district federal court for the entirety of Indian Territory and western Arkansas, David Payne’s legal challenge on the ground failed, but his case fell on sympathetic federal ears that protected him from punishment. In the March 1881 case *United States vs. D.L. Payne*, Judge Parker, representing the federal government, accused Payne of breaking the Indian Intercourse Act by entering Indian Country twice illegally. Payne and Boudinot counterargued that the Unassigned Lands ceased being Indian Country and became public domain in 1866. The case was relatively simple for Parker. The district attorney and Cherokee Nation representative D.W.C. Duncan successfully argued that David Payne violated the law. Parker ruled

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<sup>142</sup> Quoted in Louis Weythman to J.B. Thoburn, April 1921, Folder 18, Box 1, T.N. Athey Collection, Oklahoma Historical Society, Oklahoma City, Oklahoma, hereafter OHS.

<sup>143</sup> Quoted in David Payne et al to John Pope, August 2, 1880, Folder 8, Box 1, David Payne Collection, OHS.

<sup>144</sup> Rister, *Land Hunger*, 14-15, 18-22, 28-31.

that the Oklahoma District was legally Indian Country and that the federal government could withhold public land anyway.<sup>145</sup> Under the Intercourse Act, Parker fined Payne \$1,000.

Although Parker's ruling was relatively clear cut, federal officials failed to execute it in ways that had any meaning and essentially nullified the law. The Intercourse Act did not leave David Payne criminally liable; unless Congress strengthened the law, the Indianan would never break rocks at a federal prison. Although he was civilly liable, Payne possessed no financial assets; he lived off of the profits from his colony in Wichita, another legal loophole that Boudinot may have anticipated. Federal officials could not punish Payne criminally and Payne's manipulation of southeastern Kansas populism kept federal officials from just shooting him on the prairie. Parker's 1881 ruling also definitively banned African American settlement in the Oklahoma District. During the 1879 rush, African American colonists at St. Louis, Missouri, and Coffeyville, Kansas, argued that the freedmen referred to in the 1866 treaty applied to all people of African descent liberated from enslavement.<sup>146</sup> Isaac Parker instead ruled that the federal government could only resettle Indian freedmen in the Oklahoma District.

Elias Boudinot thought deeply about Cherokee and United States legal systems before sending James Bell and seventeen others to Chikaskia Creek in June 1879, a strategy that the Cherokee taught David Payne after the 1881 case at Fort Smith. Boudinot purposefully chose a mix of Cherokee and Anglo-Americans so the

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<sup>145</sup> G.W. Grayson et al to J.F. McCurtain, May 21, 1881, 17835, Choctaw Nation Records, CTN-69, OHS.

<sup>146</sup> Wardell, *Political History*, 231-32.

Americans could make a homestead claims under U.S. law and Cherokees could claim the right to settle under Cherokee law.<sup>147</sup> US Army 2<sup>nd</sup> Lt. Eugene Bushman surrounded, cut off, and then arrested this little colony, labeling them all “white Cherokees.”<sup>148</sup> E.R. Platt further explained Bushman’s assertion in his own June 18 report that “I could not discover any differences between the half-breed Cherokees and the whites; they looked alike, talked alike, acted alike, and appeared alike...if these people are Cherokees, and were expelled from Cherokee lands, it was because appearances were so much against them as to excuse, if not justify, the act.”<sup>149</sup> Even after Bell presented a land license to Bushman, which both Cherokee officials denied distributing, the officer argued what he perceived to be a white identity meant that the colonists had no right to the Cherokee Strip.<sup>150</sup> After Bushman ejected the colonists, Boudinot angrily wrote to Bell, asking him to sue the government and noting that “I wish to God they would arrest me.”<sup>151</sup>

David Payne’s post-March 1881 strategies, aside from outright denying Parker’s ruling, reflected Boudinot’s masterful manipulation of Cherokee and United States five years earlier. In 1882, David Payne sued US Army General John Pope, without much success.<sup>152</sup> In July 1883, Payne considered a strategy that Boudinot used at Chikaskia

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<sup>147</sup> E.C. Boudinot to James M. Bell, February 1879, File 4977, Roll 41, Cherokee Nation Papers, hereafter CNP, WHC; James Bell to Sarah C. Watie et al, May 21, 1879, File 4382, Roll 40, CNP, WHC; E.C. Boudinot to James M. Bell, March 30, 1879, File 4982, Roll 43, CNP, WHC.

<sup>148</sup> Sarah C. Watie to James Bell, May 25, 1879, File 4383, Roll 40, CNP, WHC; Eugene Bushman to the Assistant Adjutant General, Department of the Missouri, August 3, 1879, SCF111.

<sup>149</sup> Quoted in E.R. Platt to Adjutant General of the Army, June 18, 1879, SCF111.

<sup>150</sup> L.P. Bell to Dennis Bushyhead, September 22, 1879, SCF111; John Tufts to Commissioner of Indian Affairs, October 4, 1879, SCF111.

<sup>151</sup> E.C. Boudinot to James Bell, June 3, 1879, File 4989, Roll 43, CNP, WHC.

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<sup>152</sup> *Kansas City Times*, “The Raider’s Revenge,” January 28, 1882, 5, Folder 50, Box P-23, David Payne Collection, WHC.

Creek, the creation of an interracial band of settlers that could exploit both the Homestead Act and Indigenous land rights. Payne traveled to the southeastern edge of the Unassigned Lands and made overtures towards the Absentee Shawnees. Payne tried to sell the concept of a joint Anglo-Absentee Shawnee settlement. If successful, Payne's colonists and the Shawnees could take 160-acre allotments as one community. Whether Payne's people would become enrolled as Absentee Shawnees or the Shawnees would become American citizens and homestead was not clear, but Absentee Shawnee leaders never agreed, and Sac and Fox agent J.V. Carter opposed it after a conversation with Payne.<sup>153</sup>

At William L. Couch's Stillwater Creek camp in December 1884, Lt. W.W. Day noted with some apprehension that the Boomers had "doubled barreled shot guns and Winchesters."<sup>154</sup> After Payne's fatal heart attack ended his career in 1884, his successor Couch began exploring new tactics to open the Oklahoma District and the Cherokee Outlet. Couch only led a few expeditions into Indian Territory by himself, but in contrast to Payne's hesitancy to fight US soldiers, Couch organized a well-armed force to defend his last settlement. W.W. Day's superior Col. Edward Hatch estimated the fortified camp to have 400 armed men.<sup>155</sup> Couch tried to establish sovereignty through force, but this was only posturing. When soldiers raised their rifles, his camp surrendered. He and his men were unwilling to die, since they could simply make another raid in the future. With the idea of manliness in mind, these responses were logical, even if they were far more aggressive than Payne's largely peaceful gatherings

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<sup>153</sup> E.L. Stevens to J.V. Carter, July 17, 1883, 613-616, SFSA-46, OHS.

<sup>154</sup> Quoted in W.W. Day to Post Adjutant, Fort Reno, December 25, 1884, 887, Roll 10, "*Special Files*."

<sup>155</sup> Edward Hatch to Adjutant General, Department of the Missouri, December 31, 1884, 893, Roll 10, "*Special Files*"; Edward Hatch to C.C. Augur, January 23, 1885, 944, Roll 10, "*Special Files*."

Ultimately, Payne was a master at manipulating politics in southeastern Kansas populism and his mentor E.C. Boudinot fooled the US public, but Couch was the first to realize the pointlessness of squatting in the territory and decided to work through Washington City channels. He began collaborating with several populist congressmen from Kansas to open the Oklahoma District legally.<sup>156</sup> Couch was not advocating something new; congressmen began proposing bills to allow white settlers to move into the territory as early as 1870.<sup>157</sup> Boudinot advocated for that cause beginning in 1872.<sup>158</sup> Although several senators continued to propose bills to open the territory, the Boomers did not change the law and most of their contemporaries failed to even gain land. Creek delegates, scared by the 1887 Dawes Act and other pressures from congressmen at Washington City, decided to sell their lease to the United States in January 1889.<sup>159</sup> The squatter contribution to the new state administration that federal authorities created in 1890 was a settler colonial attitude that permeated throughout the territory's structures and people.

The Anglo-Texan squatters at Navajoe exploited an American-Texan plurality far more successfully. The case's legal history is long and complicated, but its remoteness delayed heated debate between the United States and Texas. In 1819, the United States and Spain negotiated the border of their territories on the Red River, but did not specify which branch. That conflict came to a head in 1860, at which time Texas

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<sup>156</sup> Colbert, "The Lion of the Land," 179-181.

<sup>157</sup> Gittinger, *The Formation of the State of Oklahoma*, 103-04.

<sup>158</sup> Elias Cornelius Boudinot, "The Manners, Customs, Traditions, and Present Conditions of the Civilized Indians of the Indian Territory," 43, No. 617, Roll 63, *Western Americana: Frontier History of the Trans-Mississippi West 1550-1900*.

<sup>159</sup> Warde, *George Washington Grayson*, 161-62.

claimed Greer County, while the United States argued it was part of Indian Territory.<sup>160</sup> In 1879, Texan land salesmen began distributing property in the county, which the United States continued to oppose but largely did not interfere with. In 1896, the United States Supreme Court supported the United States claim and granted Oklahoma Territory rights over Greer County, while legitimizing existing settlements there such as Mangum and Navajoe.<sup>161</sup>

Until 1875, Texas and the United States had little control over this piece of land, which only added to confusion about who governed the county. Prior to the 1869 establishment of Fort Sill, Kiowas and Comanches ruled the landscape. They remained influential into the twentieth century. Some Anglo businesses also existed in Greer County, including a family of sheep herders from 1873 under Texas law, while a cattle ranching firm began negotiating with the Office of Indian Affairs and Southern Plains Indians for leasing rights in 1883.<sup>162</sup> Conflicting legal regimes created a strong enough legal plurality for the Navajoe colonists to cocoon themselves inside a veil of red tape until the Supreme Court made its decision and legitimized their settlement. One of the few government reports about the settlement came from Lt. C.J. Crane in 1888, who described the town from across the North Fork of the Red River and noted that the settlers claimed the land “under the laws of Texas.”<sup>163</sup> J.S. Works, Navajoe’s founder, expressly designed the town to follow Texas law but support the formation of a new

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<sup>160</sup> Carl Newton Tyson, *The Red River in Southwestern History* (Norman: University of Oklahoma Press, 1981), 159-60; Berlin B. Chapman, “The Claim of Texas to Greer County” *Southwestern Historical Quarterly* Vol. 53, No. 1, 2, 4 (July 1949-April 1950), 10, 23.

<sup>161</sup> John T. Kilpinen, “Land Speculation and the Case of Greer County, Texas” *Southwestern Historical Quarterly* Vol. 109, No. 1 (July 2005): 74-75, 90; Tyson, *The Red River in Southwestern History*, 169.

<sup>162</sup> V.H. Eates, July 26, 1937, Indian Pioneer Papers, WHC; B.B. Groom to Mr. Brown, May 31, 1883, Folder 3, Groom Correspondence, PPHM.

<sup>163</sup> C.J. Crane to Post Adjutant, Fort Sill, April 10, 1888, SCF111.

state to the north, further exploiting Greer County's legal status to the advantage of his colonists.<sup>164</sup>

Despite its small size, Oklahoma Territory began in a legal environment that did not reflect federal-Indigenous legal pluralities at Navajoe but did unintentionally cause disparities and violent disputes between arriving settlers in the Unassigned Lands. The initial April 22, 1889 land run was particularly messy. Settlers raced each other for the best parts of the prairie and for years afterward, disputed and killed one another over claims. W.L. Couch was elected mayor of Oklahoma City in May 1889 and served for six months. In April 1890, another settler named J.C. Adams shot Couch with a Winchester rifle after Couch tried to get Adams off the claim they each filed. Couch died a few days later and was only one of many casualties of the first land run.<sup>165</sup> Part of the inherent problem in Couch's death, and in the five land runs that expanded the territory between 1889 and 1895, more generally, was that it was difficult for federal officials and especially settlers to distinguish the legal and cultural differences between squatters, sooners and settlers. After the massive 1893 run, territorial and federal utilized more controlled distribution methods, experimenting with an auction system to sell Fort Supply Military Reservation in 1894, using a lottery to open the Kiowa-Comanche-Apache Reservation in 1901 and public auctioning the Big Pasture in 1906.<sup>166</sup> As the line blurred between settlers in the Unassigned Lands and their squatter

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<sup>164</sup> J.S. Works, "The Oklahoma Boomer," 10, Folder 23, J.S. Works Collection.

<sup>165</sup> "W.L. Couch Home," Folder 5, Box 9, WPA Historic Sites and Federal Writers Project Collection, WHC.

<sup>166</sup> Berlin B. Chapman, *Federal Management and Disposition of the Lands of the Oklahoma Territory, 1866-1907* (New York: Arno Press, 1979), 277; Frank D. Healy, "Notice," 1901, 86, Roll 2, M840, *Interior Department Territorial Papers: Oklahoma, 1889-1912*.

counterparts, particularly at the dawn of the twentieth century, both roles murkily became a part of Oklahoman identity and memory.

Only 300 out of perhaps 20-30,000 squatters succeeded in manipulating legal pluralities to form permanent settlements; the squatters had little impact on federal law governing Indian Territory. At the very least then, this situation contradicts the assertions James Belich, John Weaver and Lisa Ford made in their works. The legal changes that opened Indian Territory came from Washington City; US congressmen debated the territory's status before and after the height of the squatter movements there. Even William Couch, Payne's second in command and by extension the leader of the largest colony of squatters after the Indianan's death, recognized after federal troops repeatedly destroyed his settlements that he needed a congressional bill to change the law. Furthermore, Indigenous people impacted both these squatters and the laws they confronted far more than scholars have acknowledged. Cherokee and Creek people made decisions that reshaped the entire region. Accounting for these factors, the squatters' failure to make legal changes and the success of Indigenous people in doing the same, the settler colonial ideology that the Boomers created made its way into Oklahoma Territory's government and emerging culture.

### **Building the Settler State of Oklahoma Territory, 1890-1905**

On January 30, 1905, Oklahoma Territorial Governor Thompson Ferguson hurriedly mailed a letter to Secretary of Interior Ethan Allen Hitchcock in Washington. Despite warnings from Ferguson as well as the territorial attorney general, Oklahoma Territory's upper house passed an illegal measure to surround the Osage Reservation with a quarantine zone to stop the Osages from importing diseased cattle and infecting

nearby settler herds.<sup>167</sup> Settlers demanded that their representatives protect them from financial loss by forcing the administrators of the landlocked reservation to draw Osage livestock from an area where the disease was not present.<sup>168</sup> However, as the attorney general and the governor tried to convince the representatives, the territorial government had no legal right to blockade land administered by the federal government; such an action might result in a lawsuit or a heavy fine.<sup>169</sup> That did not stop the territorial representatives of either house, who quarantined the Osage Reservation via territorial law on February 3.<sup>170</sup> Ferguson and the territorial attorney general were legally right, but the representatives and the constituencies they represented felt they had a moral right to protect their livestock. Why was this? In the last decade of the nineteenth century and the first five years of the twentieth, Oklahoma Territory's state administration absorbed the initially uncertain settler colonial attitudes that settlers brought to the Unassigned Lands in 1889 and designed aggressive, often racist settler colonial state policies that expanded the growing settler state, strengthened its power over the Southern Plains and reshaped the people who came to call themselves Oklahomans.<sup>171</sup>

The territory that emerged between 1889 and 1906 had tenuous links to ex-squatters but shared their settler colonial ideology. Although William Couch and J.S. Works played roles in the new administration, with the exception of the Navajoe and

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<sup>167</sup> T.B. Ferguson to E.A. Hitchcock, January 30, 1905, 591, Roll 3, M840, *Interior Department Territorial Papers: Oklahoma, 1889-1912*, hereafter *OTP*; P.C. Simmons to T.B. Ferguson, January 28, 1905, 598-600, Roll 3, *OTP*.

<sup>168</sup> T.B. Ferguson to E.A. Hitchcock, February 3, 1905, 605-06, Roll 3, *OTP*.

<sup>169</sup> P.C. Simmons to T.B. Ferguson, January 28, 1905, 598, Roll 3, *OTP*.

<sup>170</sup> T.B. Ferguson to E.A. Hitchcock, February 3, 1905, 602, Roll 3, *OTP*.

<sup>171</sup> The term state, as used in this chapter, refers to the government administration and its extensions in Oklahoma Territory. Oklahoma Territory did not become the State of Oklahoma until 1907.

Mountain View colonies squatters failed to change land laws or gain any concrete land.<sup>172</sup> According to a survey of 34 ex-Boomers conducted by the Oklahoma Historical Society in 1926, 59% eventually took claims in the Unassigned Lands, 23% settled elsewhere in Oklahoma and 18% moved to Kansas or elsewhere. That sample is tiny; More detailed numbers are not available.<sup>173</sup> The settlers who peopled the territory did not recognize the Boomers or any other group as forebears. Oklahoman memories later merged squatters with the state's historical narratives, but during the territorial period squatters resembled sooners too much for settlers to quickly enshrine them. What brought squatters and settlers together was their shared desire to construct a settler colonial order, the society that settlers created as they outnumbered and overwhelmed older Indigenous communities, but there were always far more settlers than squatters. To structure that settler colonial order, territorial residents built a settler state with an administration capable of controlling Indigenous peoples, rebel polities and inadvertently settlers themselves.

Oklahoma Territory rapidly expanded its land base after the federally administered April 22, 1889, land run separated it from Indian Territory. Settlers first claimed the Unassigned Lands, 1,887,796 acres.<sup>174</sup> On May 2, 1890, Congress passed the Organic Act, allowing a territorial government to form at Guthrie, organize the territory's existing lands into five counties with five county seats, Guthrie, Oklahoma City, Kingfisher, El Reno and Norman, and add on the sparsely populated Cimarron

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<sup>172</sup> "W.L. Couch Home," Folder 5, Box 9, WPA Historic Sites and Federal Writers Project Collection, Western History Collections, Norman, Oklahoma, hereafter WHC; Paul Westitt to T.N. Athey, July 25, 1910, Folder 13, Box 4, T.N. Athey Collection, Oklahoma Historical Society, Oklahoma City, Oklahoma, hereafter cited as OHS.

<sup>173</sup> Folder 7, Box 23, Joseph Thoburn Collection, OHS.

<sup>174</sup> Bob L. Blackburn, "Unassigned Lands" *The Encyclopedia of Oklahoma History and Culture*, Vol. 2 M-Z (Oklahoma City: Oklahoma Historical Society, 2009), 1534.

Territory as Beaver County.<sup>175</sup> Beaver County, an area roughly twice the territory's 1889 size, remained a peripheral attachment to Oklahoma Territory; only 5% of the population lived there in 1890.<sup>176</sup> Federal troops administered four more land runs between September 23, 1891 and May 23, 1895 that more than tripled the territory. In those runs, the state organized fifteen new counties.<sup>177</sup> Indigenous people lived in eleven of those to the east, west and northeast. These peoples presented serious problems, which the state used settlers to solve.

Between 1889 and 1901, half a million settlers jammed themselves into newly opened lands, forever changing the degree of power Indigenous people had over the territory and helping the state to expand. In 1888, about 17,000 people lived between the border of the Texas Panhandle and the five Indigenous republics in eastern Indian Territory.<sup>178</sup> On July 1, 1890, the Unassigned Lands, an area previously inhabited by a few hundred people at most, had 57,447 settlers, so many that each person could not make a 160-acre homestead claim.<sup>179</sup> This left the settlers living in the territory's new urban centers hungry for more land. A decade later, Thompson Ferguson reported that the now much larger territory now had 541,480 people or 528,587 settlers and 12,893

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<sup>175</sup> "An act to provide a temporary government for the Territory of May 2, 1890. Oklahoma, to enlarge the jurisdiction of the United States Court in the Indian Territory, and for other purposes," *Fifty-First Cong. Sess. 1, Chs. 181, 182. 1890*, hereafter cited as the Organic Act, 83.

<sup>176</sup> George Steele to John Noble, July 1, 1890, 447, Roll 1, *OTP*.

<sup>177</sup> John W. Morris, Charles R. Goins and Edwin C. McReynolds, *Historical Atlas of Oklahoma, Second Edition* (Norman: University of Oklahoma Press, 1976), 54.

<sup>178</sup> United States Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1888* (Washington: Government Printing Office, 1888), 89-139; Indian agents reported 13,350 Indians and an estimated 250 agency employees, but other fluctuating communities existed. Estimating that about 1,000 cowboys and cattlemen lived in the area seasonally, another 1,000 or so professional or at times opportunistic criminals -typically organized into bands to defend themselves from legal and physical onslaughts – 200 or so combined South Canadian and Navajoe colonists and about 1200 combined soldiers from Fort Reno, Fort Sill and Fort Supply. This makes a total of about 17,000 people, a very rough estimate. None of those people lived in the Oklahoma District.

<sup>179</sup> George Steele to John Noble, July 1, 1890, 447, Roll 1, *OTP*.

Indians, a ratio of one Indian to every forty-one settlers. This ratio is deceptive however. Few Indians lived in the Cherokee Strip or the Unassigned Lands. In other parts of the territory, Indians were a notable presence. For example, in Comanche, Kiowa and Caddo counties, the ratio more like 20 settlers to one Indian.<sup>180</sup>

In the Unassigned Lands and Cherokee Strip counties, settlers developed a wheat export based economy that provided the fuel and capital for the territory's rapid expansion of infrastructure and dominance over territorial lands. In the territory's first years, 57,000 settlers in the Unassigned Lands overwhelmed western Indian Territory's limited agricultural production. In late 1890, military and territorial officials took stock of the territory's population centers near Guthrie, Kingfisher and Oklahoma City, roughly 36,000 or 63% of the territory's total people.<sup>181</sup> They noted that roughly a third of all people in these urban centers, about 4,100 people, were in serious need and two thirds of people in the rural districts near these cities, about 15,800 people, would not survive the winter.<sup>182</sup> "Extreme drought" crippled the settlers' ability to produce an agricultural surplus or even survive, leading territorial officials to ask the federal government for aid.<sup>183</sup> In territorial border towns, such as El Reno and Norman, settlers relied upon trade with Indigenous people to survive those first years.<sup>184</sup> Yet, over the course of the next decade, more settlers arrived, townspeople built facilities to store

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<sup>180</sup> E.A. Hitchcock to T.B. Ferguson, November 7, 1902, 542, 551, Roll 2, *OTP*.

<sup>181</sup> George Steele, *Report of the Governor of Oklahoma* (Washington: Government Printing Office, 1891), 449.

<sup>182</sup> Captain, 10th Inf., Camp at Oklahoma City to J.F. Wade, August 27, 1890, 491, Roll 1, *OTP*; H.C. Camenaugh to J.F. Wade, August 12, 1890, 495, Roll 1, *OTP*; D.F. Wyatt to Thomas Newshaw, September 1, 1890, 500, Roll 1, *OTP*.

<sup>183</sup> Quoted in Captain, 10<sup>th</sup> Inf. to J.F. Wade, Fort Reno, August 27, 1890, 491, Roll 1, *OTP*.

<sup>184</sup> Woods. *The El Reno That Was*, 14; "Sand Bar Saloon on South Canadian River between Lexington, Oklahoma Territory and Purcell, Indian Territory 1896," No. 506, Division of Manuscripts Photograph Collection, WHC.

their surpluses, the territory's railroads expanded which made it easier to ship agricultural products, drought wore off, and in 1893 the federal government opened the Cherokee Strip, the future breadbasket of the entire state. By 1902, farmers in the west produced so much wheat that the territory developed a surplus and began exporting grain overseas.<sup>185</sup>

Oklahoma Territory relied heavily on federal resources to achieve that surplus. Federal officials made Oklahoma Territory with the 1890 Organic Act, which created an organized territorial government. From April 22, 1889 to May 2, 1890, the territory had no formal government beyond a court in Muskogee, Indian Territory, and several US Army camps in Oklahoma Territory proper.<sup>186</sup> The Organic Act enabled the territory's residents to form a government at Guthrie and begin constructing an administration that had the facilities to assume control of the Indigenous lands to the west. Congressmen in Washington City then sent federal troops to govern the territory, which served as an arm of territorial expansion. Soldiers built garrisons at Kingfisher, Guthrie, Purcell and Oklahoma City in the first land run and accompanied the citizens as the state expanded in all directions over the following six years.<sup>187</sup> Troops from Camp Oklahoma, Fort Reno and Fort Sill garrisoned Tecumseh, Chandler, El Reno, Enid and Lawton.<sup>188</sup>

Soldiers were often involved in land related disputes and riots, particularly in the Oklahoma District. In this role, they helped Oklahoma Territory's administration

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<sup>185</sup> E.A. Hitchcock to T.B. Ferguson, November 7, 1902, 548, Roll 2, *OTP*.

<sup>186</sup> Organic Act, 94.

<sup>187</sup> Return, Camp Wade, October 1889, Roll 1548, M617, *Returns from U.S. Military Posts, 1800-1916*, hereafter cited as *Returns*; Return, Camp Oklahoma, May 1889, Roll 878, *Returns*; Return, Camp at Guthrie, April 1889, Roll 433, *Returns*; Return, Camp at Purcell, May 1889, Roll 1534, *Returns*.

<sup>188</sup> George Steele to John Noble, November 2, 1891, 569, Roll 1, *OTP*.

achieve territoriality over its own citizens. Some citizens asked federal officials, including President Benjamin Harrison, to keep them posted to protect private property.<sup>189</sup> For example, in November 1889 soldiers at Camp Wade and US marshals fortified the property of one claimant near Kingfisher and arrested citizens who planned to attack it.<sup>190</sup> Soldiers in Oklahoma City quelled similar incidents in May and September 1889.<sup>191</sup> In April 1890, a citizen shot private James Robinson in the head. He died at Camp Oklahoma.<sup>192</sup> Rioting was not uncommon and often rooted in land disputes; one such riot occurred on April 19, 1892 at the Oklahoma City land office.<sup>193</sup> In other instances, the territory used troops to put down armed rebellion, such as Pond Creek townspeople's 1894 "bush-whacking campaign" against Rock Island Railroad.<sup>194</sup> After the railroad refused to stop at the town, slowly choking off the economic commerce that formed the lifeblood of any new town, the town's residents began using explosives to stop the train.<sup>195</sup> The territory asked for federal troops to protect Rock Island interests. Even after sending troops, the residents still harassed the railroad that was killing their town, so General Nelson A. Miles promptly traveled to Pond Creek and arrested every major leader there, including the mayor.<sup>196</sup>

Oklahoma Territory contracted with many agencies to build an infrastructure to control both its Indigenous and settler residents. In the first years of the twentieth century, after the territory acquired jurisdiction over Kiowa, Comanche and Caddo

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<sup>189</sup> W.P. Thomson to Benjamin Harrison, October 9, 1890, 510-511, Roll 1, *OTP*.

<sup>190</sup> Return, Camp Wade, December 1, 1889, Roll 1548, *Returns*.

<sup>191</sup> Return, Camp Oklahoma, May 1889, Roll 878, *Returns*; Return, Camp Oklahoma, September 1889, Roll 878, *Returns*.

<sup>192</sup> Return, Camp Oklahoma, April 1890, Roll 878, *Returns*.

<sup>193</sup> "Riot at Oklahoma City" *Daily Oklahoma State Capitol* Vol. 3, No. 259 (April 19, 1892): 1.

<sup>194</sup> Thomas A. Lance to Hoke Smith, July 17, 1894, 690, Roll 1, *OTP*.

<sup>195</sup> Goble, *Progressive Oklahoma*, 31-38.

<sup>196</sup> Nelson A. Miles to Adjutant General of the Army, July 23, 1894, 729, Roll 1, *OTP*.

counties and the Southern Plains Indians living there, engineers from the Department of the Interior began advocating to construct steel bridges across rivers there.<sup>197</sup> These bridges allowed territorial officials to quickly move troops and settlers across the landscape if need be, further consolidating the state's territoriality. The territory also held twin contracts with the Kansas State Penitentiary at Lansing, Kansas, and the Oklahoma Sanitarium Company at Norman, OT.<sup>198</sup> At varying times, the sanitarium held 300 to 400 people, while the territory held about 300 people at the prison.<sup>199</sup> The prison contract was relatively uncontroversial, but many territorial residents, described the sanitarium as a violent, corrupt, flawed and environmentally destructive institution.<sup>200</sup> Some citizens even accused the city court at El Reno of using the asylum to seize land from others by deeming them insane.<sup>201</sup> The territorial legislature responded by attempting to build a state sanitarium at Supply, OT, and close the private Norman institution.<sup>202</sup> Despite all of this controversy, the territory utilized the Department of the Interior, the Kansas State Prison and Oklahoma Sanitarium Company to control Indians and settlers alike.

In several instances, the evolving settler colonial order that increasingly dominated Anglo-Oklahoman culture in the territory caused settlers and the territorial government to openly defy the federal government. Lisa Ford's model of settler

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<sup>197</sup> James L. Parker to Chief of the Patents and Miscellaneous Division, Department of the Interior, May 10, 1904, 1, Roll 3, *OTP*; Charles D. Walcott to E.A. Hitchcock, March 13, 1906, 681, Roll 4, *OTP*.

<sup>198</sup> E.A. Hitchcock to T.B. Ferguson, November 7, 1902, 553, 559, Roll 2, *OTP*.

<sup>199</sup> Investigation Committee to T.B. Ferguson, January 24, 1902, 340, Roll 2, *OTP*; Board of Examining Physicians to T.B. Ferguson, c. January 1903, Roll 2, *OTP*; E.A. Hitchcock to T.B. Ferguson, November 7, 1902, 553, Roll 2, *OTP*.

<sup>200</sup> Investigation Committee to T.B. Ferguson, Governor, January 24, 1902, 340-344, Roll 2, *OTP*; T.B. Ferguson to E.A. Hitchcock, December 11, 1905, 1191, Roll 3, *OTP*.

<sup>201</sup> John M. Rankin to Theodore Roosevelt, January 23, 1902, 363-64, Roll 2, *OTP*.

<sup>202</sup> T.B. Ferguson to E.A. Hitchcock, July 20, 1905, 918-921, Roll 3, *OTP*.

sovereignty, the idea that settlers and the state cooperate to extinguish legal pluralities created by Indigenous peoples, helps explain why Oklahoma Territory supported the squatters at Mountain View and in the Wichita Mountain Range.<sup>203</sup> The territorial court at El Reno protected these squatters, while the territory benefited from the capital created in the Wichita Mountains Gold Rush. After the government opened the Kiowa-Comanche-Apache Reservation, the territory expanded into that landscape yet settler sovereignty does not explain federal policy in Oklahoma Territory. Under Ford's model, the federal government should have cooperated with squatters, allowing them to trample on Indigenous rights and back the state's expansion into Indigenous land. Instead, federal soldiers repeatedly arrested squatters and removed them, just as they had with squatters in the Unassigned Lands a decade earlier.

The squatters at Mountain View physically attacked individual General Land Office employees and sued Agent Frank Baldwin in the territorial court at El Reno.<sup>204</sup> When settlers arrived to run for the Cheyenne and Arapaho Reservation land in April 1892, some took land on the north and south sides of the Washita River, on what was actually the Kiowa-Comanche-Apache (KCA) Reservation. By 1895, a town developed, which KCA Agent Frank Baldwin ordered removed. The settlers refused to leave and sued Baldwin. By 1899, the settlers lost their cases but court action also prevented US soldiers from clearing and burning the town.<sup>205</sup> The General Land Office attempted to

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<sup>203</sup> Ford, *Settler Sovereignty*, 2-3.

<sup>204</sup> C.R. Brooks to F.D. Baldwin, March 11, 1897, 385, KA-71, Kiowa, Comanche and Apache Nation Agency Records, hereafter cited as KCANAR, OHS; A.W. Barber to the Commissioner of the General Land Office, August 19, 1899, 455, KA-71, KCANAR, OHS.

<sup>205</sup> F.D. Baldwin, to whom it may concern, January 18, 1895, 296, KA-71, KCANAR, OHS; C.R. Brooks to F.D. Baldwin, March 23, 1895, 314, KA-71, KCANAR, OHS; C.R. Brooks to F.D. Baldwin, March 11, 1897, 385, KA-71, KCANAR, OHS; C.R. Brooks to F.D. Baldwin, May 15, 1897, 391, KA-71, KCANAR, OHS.

survey the strip that year, only to have the town's residents remove their markers and threaten GLO surveyors with physical violence.<sup>206</sup> In 1900, the Interior Department determined the land was part of the Kiowa-Comanche-Apache Reservation, but by that time the railroad had already connected the town, the squatters refused to move and the town survived through the 1901 opening of the reservation.<sup>207</sup>

In the late nineteenth century, the settlers in the Unassigned Lands began to spread rumors of gold in the Wichita Mountains on the Kiowa-Comanche-Apache Reservation to the west. These rumors were elderly, possibly as old as several eighteenth century Spanish gold mines on the western side of the range.<sup>208</sup> Until the federal government broke Comanche and Kiowa dominance over the Southern Plains and Oklahoma Territory's formation brought hundreds of thousands of people practically to the reservation's doorstep, relatively few Anglo-Americans ventured there. At least one party traveled from Texas in 1849, only to have the Comanches attack them, while in 1881 another man began using dynamite on Medicine Bluff, a Kiowa sacred site near Fort Sill.<sup>209</sup> US Army officials promptly arrested him.<sup>210</sup> While surveying Devil's Canyon for the federal government in 1890 in what is now Quartz

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<sup>206</sup> A.W. Barber to the Commissioner of the General Land Office, August 19, 1899, 452-456, KA-71, KCANAR, OHS; A.W. Barber to the Commissioner of the General Land Office, August 24, 1899, 457, KA-71, KCANAR, OHS.

<sup>207</sup> J.M. Johnson "Indian Lands-Kiowa and Comanche Reservation," n.d., 599, KA-71, KCANAR, OHS; M. [Bauus?] to E.A. Hitchcock, October 10, 1899, 855, Roll 1, *OTP*; James F. Randlett to Commissioner of Indian Affairs, December 11, 1900, 651, KA-71, KCANAR, OHS.

<sup>208</sup> Grant Foreman, "The Lore of Devil's Canyon" *The Daily Oklahoman* Vol. 43, No. 40 (February 17, 1935): 14-C;

<sup>209</sup> Foreman, "The Lore of Devil's Canyon," 14-C; J.K. Mizner to Assistant Adjutant General, Department of the Missouri, July 29-30, 1881, *Carbine and Lance* Notes, W.S. Nye Collection, hereafter WSNC, Fort Sill Museum, Lawton, Oklahoma, hereafter FSM; At the time of this writing, the Fort Sill Museum is permanently closed. The author was able to secure this specific source from archivist Eric Radowski as a favor.

<sup>210</sup> J. K. Mizner to Assistant Adjutant General, Department of the Missouri, July 29-30, 1881, *Carbine and Lance* Notes, WSNC, FSM.

Mountain State Nature Park, Andrew J. Meers claimed to have found an abandoned Indian village and possibly abandoned Spanish or Mexican mines.<sup>211</sup> H.W. Bruce told the people he met of a sorrowful story of his “gems,” lost in a snowstorm.<sup>212</sup> Even David Payne, who knew very little about geology or even the contemporary mining practices of his day, speculated in 1882 that the Wichita range might possess untold riches.<sup>213</sup>

Between 1897 and 1901, miners and squatters used the territorial court at El Reno to assist them in their fight to open the Wichita range. Many hoped that the federal government would crumble under the weight of their demands. Independent groups of miners began staking claims in the mountains, sinking shafts and panning for gold. Although never funded or directly assisted by the state, miners and squatters used the territorial court at El Reno, OT, to contest the Bureau of Indian Affairs agent at Anadarko. After Agent W.T. Walker ejected Meers from the reservation and seized his mining equipment, Meers’ bosses in Chickasha threatened to sue the agency.<sup>214</sup> The Commissioner of Indian Affairs quickly ordered Walker to return Meers’ property.<sup>215</sup> In another instance, a territorial court issued a restraining order against Agent James F. Randlett to protect a local businessman while he was on the reservation.<sup>216</sup> Randlett was shocked and contacted his superiors, who swore they would defend him in court.<sup>217</sup>

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<sup>211</sup> Quoted in “Devil’s Canyon,” Folder 9, Box 21, WPA, WHC.

<sup>212</sup> G.W. Horne, “Meers Mining Town,” Folder 9, Box 16, WPA, WHC.

<sup>213</sup> Rister, *Land Hunger*, 140.

<sup>214</sup> Commissioner of Indian Affairs to W.T. Walker, July 29, 1898, 405-07, KA-71, KCANAR, OHS.

<sup>215</sup> Commissioner of Indian Affairs to W.T. Walker, July 29, 1898, 405-07, KA-71, KCANAR, OHS.

<sup>216</sup> E.M. Muller vs. James F. Randlett: Restraining Order, n.d., 487, KA-71, KCANAR, OHS.

<sup>217</sup> James Randlett to Commissioner of Indian Affairs, January 10, 1900, 489-491, KA-71, KCANAR, OHS; J.K. Richards to E.A. Hitchcock, February 12, 1900, 525, KA-71, KCANAR, OHS.

From a federal perspective, mining settlements in the Wichita Mountains impaired federal sovereignty because they infringed upon Indigenous sovereignties and therefore challenged federal governance. Many miners used the Oklahoma Territory's expanding settler colonial order to justify their own claims in the mountains. Take, for example, Wildman. Miners formed the town of Wildman on Otter Creek, a stream on the western extreme of the Wichitas, in 1900.<sup>218</sup> The town more resembled a mobile camp rather than a settlement, with a wagon based post office to boot. Most of the miners drew their supplies and foodstuffs from Navajoe.<sup>219</sup> Several companies based themselves out of the town. Although federal troops repeatedly swept the mountains for miners, they returned.<sup>220</sup> E.A. Williams, secretary of one of the companies, angrily wrote to James Randlett that "Plain English is easy understood, and under the mining laws of the U.S. you have no jurisdiction over us"<sup>221</sup> Williams believed that his company had an inherent right to the land's resources. With a large settler colonial administration expanding only eighty miles away, it was difficult for Randlett and other federal officials to discourage miners and squatters at Wildman. During the final June 1901 federal sweep before the federal government opened the reservation in August, Captain Farrand Sayre reported to Randlett that Wildman was still a fully functioning town.<sup>222</sup>

The mining boom that accompanied the already massive rush into reservation in August 1901 allowed the territory to annex the last bastion of Southern Plains Indian

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<sup>218</sup> Kiowa County Historical Society, *Pioneering in Kiowa County* (Hobart, OK: Kiowa County Historical Society [1975?]), 231.

<sup>219</sup> Farrand Sayre to James Randlett, June 25, 1901, 670, KA-71, KCANAR, OHS; Dale, "Old Navajoe," 143.

<sup>220</sup> Return, Fort Sill, June 1901, Roll 1176, *Returns*.

<sup>221</sup> Quoted in James Randlett to E.A. Williams, July 10, 1900, 584-85, KA-71, KCANAR, OHS.

<sup>222</sup> Farrand Sayre to James Randlett, June 25, 1901, 670, KA-71, KCANAR, OHS.

lands, but also brought the same problems of territoriality and sovereignty federal officials grappled with to the doorstep of territorial politicians. As thousands of miners rushed into the mountains at Wildman, Oreana, Lugert and Meers, farmers took up farmland they won in lotteries and formed communities such as Hobart, Lawton and Anadarko. Not unlike the underbelly of the territorial administration at Guthrie, in which Democratic and Republican politicians squabbled for power over territorial politics, some miners and settlers fought each other for the right to harness the landscape for gold or wheat.<sup>223</sup> Territorial and federal officials learned from the massive amount of claim jumping, gun fighting and outright murder in the Unassigned Lands a decade earlier. This time, they collaborated to install the settler colonial order at a faster pace by using a lottery system to distribute land. The faster settlers - miner or farmer - resolved their differences, the sooner they enforced and expanded state power, and therefore the settler colonial order.

For all this demand, the gold rush failed to generate much wealth and thousands of people left the region with emptier pockets than when they arrived. During the rush, miners organized their camps into formal districts.<sup>224</sup> After surveying each district across the Wichitas' sixty-five-mile span in fall 1901, University of Oklahoma geologist Charles N. Gould remarked that "there were thousands of miners at work. Every little gulch had its cluster of cabins. The hills were bristling with claim notices and honeycombed with mine shafts."<sup>225</sup> Two years later, surveyor H. Foster Bain noted that

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<sup>223</sup> [J.H. Himmel?] to Lee Sears, February 17, 1903, Folder 8, Box 1, S.E. Andrus Collection, hereafter SEA, WHC.

<sup>224</sup> Mineral Location Notice, Otter Creek Mining District, Folder 1, Box 2, SEA, WHC; Mineral Location Notice, Union Mining District, Folder 8, Box 2, SEA, WHC.

<sup>225</sup> Charles N. Gould, "The Beginning of the Geological Work in Oklahoma" *Chronicles of Oklahoma* Vol. 10, No. 2 (June 1932): 202.

seven companies and forty-six separate mines existed across the mountain range.<sup>226</sup> Bain concluded that there was no gold or silver in the mountains, as Captain Sayre noted three years earlier.<sup>227</sup> As miners gradually realized that their struggle was pointless, many left and either took up farming in the countryside, went to one of the cities in the territory or left for other rushes.<sup>228</sup> At least one company was still operating in 1909 and H.W. Bruce still lived in his remote cabin in the mountains in 1920, but the rush was largely over by 1907.<sup>229</sup> Gould thought that combined, mining companies spent about one million dollars over the course of the rush.<sup>230</sup>

Gould's description reveals an intriguing environmental facet of Southern Plains settler colonialism. Miners remade the Wichita Mountains into something resembling a late nineteenth century Potosí, only to find nothing to reward their efforts. However, the same settler colonial order that helped the state gain territoriality in the west and settlers to intimidate Southern Plains Indians, endowed arriving miners and settlers with an arrogance over the surrounding environment. For example, in the early part of the twentieth century a rancher in Greer County harvested thousands of dollars' worth of bat guano from a large cave on his property, permanently disrupting the cave's ecosystem.<sup>231</sup> In another instance, Governor Ferguson and other officials investigated a

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<sup>226</sup> Foster Bain, "Reported Ore Deposits of the Wichita Mountains," In Joseph Alexander Taff, *Preliminary Report on the Geology of the Arbuckle and Wichita Mountains in Indian Territory and Oklahoma* (Washington: Department of the Interior, United States Geological Survey, 1904), 84-93.

<sup>227</sup> Bain, "Wichita Mountains," In Taff, *Preliminary Report*, 92-93; Farrand Sayre to James F. Randlett, June 25, 1901, KA-71, KCANAR, OHS.

<sup>228</sup> G.W. Horne, "Meers Mining Town," Folder 9, Box 16, WPA.

<sup>229</sup> "Gold Mining in the Wichita Mountains, Old Spanish Village and Gold Mine," Folder 5, Box 21, WPA Historic Sites and Federal Writers Project Collection, hereafter cited as WPA, Western History Collections, Norman, Oklahoma, hereafter cited as WHC; "Henry Bruce, last known gold mining prospector in the Wichitas. Taken in the Wichita National Wildlife Preserve. C. 1920," Box 1, George W. Long Collection, OHS; G.W. Horne, "Meers Mining Town"; Jack D. Haley, "The Wichita Mountains: The Struggle to Preserve a Wilderness, Part I" *Great Plains Journal* Vol. 13, No. 1 (Fall 1973): 79.

<sup>230</sup> Gould, "Geological Work," 202.

<sup>231</sup> "The Greer County Bat Cave," Folder 3, Box 20, WPA.

celebration at the Miller 101 Ranch near Ponca City, OT, for the crime of “cruelty to animals.”<sup>232</sup> The Miller brothers organized a buffalo barbecue and territorial officials were concerned that they might cause the buffalo to suffer, belying a perceived responsibility that accompanied dominion over the environment.<sup>233</sup> In yet another example, the Wildman Mining Company built a cyanide mill to process the material from their mine in 1904. The environmental effects of this destructive process are difficult to determine but the massive cement base of the mill still juts out of the hillside in Great Plains State Park, not far from Roosevelt, Oklahoma, 113 years later.<sup>234</sup>

That perception was present all the way up to the governor’s office. In his 1902 report to the Secretary of the Interior, Thompson Ferguson argued that the Oklahoma Territory was fundamentally an agricultural society.<sup>235</sup> He and other governors designed policies that supported farmers, such as the establishment of Northwestern Territorial Normal School in Woods County, deep in the Cherokee Strip. In his 1898 dedication of the college’s main building, “the Castle on the Hill,” Temple Houston argued that the Alva, OT, institution was connected to the ongoing expansion of the United States across the globe.<sup>236</sup> In 1899, the institution enrolled more students any other university in the territory.<sup>237</sup> After the legislature authorized it in 1897, the school grew to ten times its size over a five-year span.<sup>238</sup> Ferguson supported state policies that benefited

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<sup>232</sup> Quoted in T.B. Ferguson to E.A. Hitchcock, June 14, 1905, 891-93, Roll 3, *OTP*.

<sup>233</sup> T.B. Ferguson to E.A. Hitchcock, June 14, 1905, 891-93, Roll 3, *OTP*.

<sup>234</sup> Gold Belle Mine, Great Plains State Park, Mountain Park, Oklahoma, July 27, 2017.

<sup>235</sup> E.A. Hitchcock to T.B. Ferguson, November 7, 1902, 550, Roll 2, *OTP*.

<sup>236</sup> Quoted in Wayne Lane, *Northwestern Oklahoma State University: A Centennial History* (Stillwater, OK: New Forums Press, 1996), 18; Temple Houston, “Temple Houston’s Speech at the Laying of the Cornerstone of Northwestern State Teacher’s College, Alva” July 20, 1898, Temple Houston Collection, WHC.

<sup>237</sup> Lane, *Northwestern Oklahoma State University*, 18.

<sup>238</sup> F.C. Langley to E.A. Hitchcock, March 17, 1902, 409, Roll 2, *OTP*.

farmers. He advocated to end free range policy in Beaver County, thus endorsing homesteaders during a 1905 range war with the county ranchers.<sup>239</sup> Thompson Ferguson's ideological stance reflected Boomer ideology; Ferguson and Payne each believed cattlemen would overtake Indigenous societies and farmers would inevitably overtake the cattlemen. This perceived agricultural mastery became an existential part of the settler colonial order, present in a settler colonial ghost story. Settlers told the story of a sooner, killed by a settler near Yukon, OT, a town on the western side of the Unassigned Lands, who vengefully swore to inhabit the claim even in death. As the consequences of this arrogance - the Dust Bowl - played out in Alva and other towns decades later, the settler colonial order's dominance over the environment haunted settlers.<sup>240</sup>

The advance of Oklahoma Territory's settler colonial order via a massive land acquisition, population boom, agricultural expansion, mining boom and the growth of environmental arrogance over a fifteen year period became a conduit for the expansion of what Andrea Smith labels the "white supremacist settler state."<sup>241</sup> She proposed that historians view settler colonialism and white supremacy as interrelated parts of the settler colonial order and argues that the culmination of this intervention is a recognition that the white supremacist settler state uses both practices to maintain order.<sup>242</sup> In the Wichita Mountains mining rush, territorial officials installed a settler colonial order that preyed on non-Anglo communities as the state advanced into Kiowa, Comanche and

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<sup>239</sup> T.B. Ferguson to E.A. Hitchcock, April 7, 1905, 759-60, Roll 3, *OTP*; C.W. Stewart to Theodore Roosevelt, March 25, 1905, 754, Roll 3, *OTP*.

<sup>240</sup> "Dead Man's Crossing of Sooner Legend," Folder 8, Box 20, WPA.

<sup>241</sup> Quoted in Andrea Smith, "Indigeneity, Settler Colonialism, and White Supremacy" In *Racial Formation in the Twenty-First Century*, Edited by Daniel Martinez HoSang, Oneka LaBennett and Laura Pulido (Berkeley: University of California Press, 2012): 88.

<sup>242</sup> Smith, "Indigeneity, Settler Colonialism, and White Supremacy," 68, 88.

Caddo counties. Officials took punitive measures to either discipline or incorporate people they thought violated their settler colonial order, as they did across the territory. In the west-central and southwestern parts of the territory, the violators were typically Southern Plains Indians, while European and African American communities conflicted with Oklahoma Territory's Anglo mass in the west-central, northwestern and northern landscapes. Territorial officials relied principally on the Anglo Americans who settled an area to begin establishing a settler colonial order as well as an infrastructure; the state subsequently developed both for its own purposes. For the most part, both settler communities and the state initially concentrated on Southern Plains Indians, who settlers perceived to be the greatest danger to their society. In later cases after statehood, the state passed racist laws such as grandfather clauses and anti-German speaking laws to disempower or assimilate non-Anglo communities. Although individual communities enforced these laws, Oklahoman officials designed them.<sup>243</sup>

In the territory's first years, local actors were more powerful than the territorial government; these interactions as well as the state's role in them was uncertain. In June 1892, a black man who was with a white woman narrowly escaped a lynch mob at Guthrie.<sup>244</sup> Governor Abraham Jefferson Seay quickly came to man's defense and argued that "I have stated since I came, my unqualified determination to resist mob violence at all times and places, under any circumstances, and against any and all people; white, red or black."<sup>245</sup> In September 1893, the Anglo-Texan deputy sheriff of

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<sup>243</sup> *Frank Guinn and J.J. Beal vs. United States of America*, September 1915, 2-9, Notebook 5, Box V-3, Judge Edgar Vaught Collection, WHC; Richard C. Rohrs, *The Germans in Oklahoma* (Norman: University of Oklahoma Press, 1980), 42-49.

<sup>244</sup> A.J. Seay to John Noble, June 20, 1892, 591-92, Roll 1, *OTP*.

<sup>245</sup> Quoted in A.J. Seay to John Noble, June 20, 1892, 591-92, Roll 1, *OTP*.

Cloud Chief, OT, seized Southern Cheyenne Indian Big Smoke's gun; Big Smoke's kin responded by beating up the deputy sheriff and Agent John Seger subsequently had the Cloud Chief official arrested for violating territorial law.<sup>246</sup> Two months later at Cheyenne, OT, a town populated by about fifty Anglo-Texan ranchers surrounded by several hundred Southern Cheyennes, cowboy Tom O'Hara blatantly murdered Southern Cheyenne Indian Wolf Hair.<sup>247</sup> The other cowboys immediately fortified the town, fearing the violent Southern Cheyenne reputation. After an El Reno jury acquitted O'Hara in 1894, settlers instituted a settler colonial order that emanated from the Unassigned Lands and relied upon a state that increasingly tolerated settler violence to subjugate Southern Plains Indians.<sup>248</sup>

By the end of the territorial period and the first years of statehood, settlers across Oklahoma Territory voted in officials who had strongly settler colonial as well as racial beliefs; the state became a primary actor in constructing and maintaining a white supremacist settler colonial order. In April 1907, robbers stole the diamonds of an Anglo man spending time with an African American woman in Guthrie's southern segregated district.<sup>249</sup> When he complained to the police, Chief W.H. Mitchell blamed the man for wandering into the southern part of the city, "out of the way from police protection."<sup>250</sup> In March 1909, national guard and militia units mobilized to put down what became known as the Smoked Meat Rebellion. Creek Indians at the Hickory Stomp Ground near Henryetta, Oklahoma granted sanctuary to African Americans

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<sup>246</sup> John Seger, *Early Days Among the Cheyenne and Arapahoe Indians*, Edited by Stanley Vestal (Norman: University of Oklahoma Press, 1979), 122-29.

<sup>247</sup> Berthrong, *The Cheyenne and Arapaho Ordeal*, 185; Nat M. Taylor, *A Brief History of Roger Mills County* (n.d.), 7, University of Oklahoma Libraries, Norman, Oklahoma.

<sup>248</sup> Berthrong, *The Cheyenne and Arapaho Ordeal*, 186.

<sup>249</sup> W.H. Mitchell to Hugh Scott, May 6, 1907, 181, Roll 5, *OTP*.

<sup>250</sup> Quoted in W.H. Mitchell to Hugh Scott, May 6, 1907, 181, Roll 5, *OTP*.

fleeing a December 1907 lynching in town. State officials from Henryetta pursued and sparked a conflict with the black residents of Hickory Stomp Ground.<sup>251</sup> Oklahomans in urban centers read what was initially a small gunfight between a group of African Americans and the sheriff and his deputies as a Creek uprising and quickly sent local national guard units to storm Hickory Stomp Ground. The state massively intervened.<sup>252</sup>

Oklahoma Territory's variant of settler colonial expansion was extremely aggressive, so much so that at times the people normalizing the new society's settler colonial order and constructing a settler colonial administration contradicted the federal officials they drew their authority from. When scholars examine territorial expansion as a system and not as a series of local interactions, the process was more deliberate than meets the eye. At times, the state even endorsed the seizure or manipulation of federally protected Indigenous land, particularly the Kiowa-Comanche-Apache Reservation and the Osage Reservation. Over the course of the territory and subsequent state's development, its citizens gradually incorporated Boomer ideology into the settler colonial order that dominates the state's historical and cultural narratives to the present.

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<sup>251</sup> Leslie Jones, "Chitto Harjo and the Snake Rebellion" *Chronicles of Oklahoma* Vol. 88, No. 2 (June 2010): 177-78.

<sup>252</sup> John Alley, "For First Time True Story of the Last Oklahoma Indian Uprising Is Told By Man Who Put It Down," Folder 3, Box 5, John Alley Collection, WHC.

## **PART III: Memory**

### **Historicizing the Settler State, 1884-2017**

In Norman, Oklahoma, the home of Oklahoma's research university and one of the most concentrated communities of well-educated people inside the state, two bridges cross Highway 35, which divides the eastern and western sides of the city. The Main Street and Lindsey Street bridges each have little monuments, both of which are recent, government funded projects. The Main Street bridge, the pathway between Norman's economic center to the east and its wealthiest residents to the west, is inscribed with a quote: "We belong to the land." A basque-relief on the Lindsey Street bridge depicts a farmer spreading seed, juxtaposed by two gates to the University of Oklahoma. Silently, these two motifs indignantly argue that the Anglo-Americans living in Norman have an inherent right to the Southern Plains. Oklahoma is a state violently birthed out of ethnic cleansing, civil war, theft, aggressive cultural reorientation, racial segregation and discrimination; the message on each bridge to travelers and residents replaces those complications with a different narrator. The Boomers, long dead, live on through this twentieth and twenty first century settler colonial narrative of innocence that Anglo-Oklahomans constructed to legitimize their control of the landscape.

After David Payne's death, Oklahomans memorialized the Boomers, the only squatters who had a discernable ideological and region-wide impact on Oklahoman identity, in two main ways. First, a few Anglo-Oklahomans singled out the Boomers as pioneering Oklahomans. More often, Anglo-Oklahomans in the first half of the twentieth century submerged Boomer ideology into Oklahoman identity. Since they were able to retell history in a segregated, overtly racist state that punished people of

color who questioned the settler colonial order, by the mid-1930s Anglo-Oklahomans easily conflated the Boomers with settlers, sooners, and other late nineteenth century organizations. All became less controversial. Almost as if the Boomers designed their message to be a cancerous, self-replicating disease, settlers across the state but especially in the Anglo heartland of the Unassigned Lands learned to forget history and create a new narrative, one in which they were not only the victors but the only people on the landscape at all. This fabricated sense of belonging is settler indigeneity. Settler indigeneity is intrinsic to Oklahoman identity.

David Payne was the only figure and his movement was the only organized squatter group that settlers directly memorialized. After years of anti-government resistance ended with his death at a Wellington, Kansas, breakfast table, Payne's followers shaped him into a martyr. Ex-Boomers used their influence to name a county after the Indianan, state officials dedicated a tree to the man near the state capitol thirty years later, and an Oklahoma A&M professor bought a portrait of him for the Stillwater, Oklahoma, chamber of commerce in the interim.<sup>253</sup> In the late twentieth century, residents of Stillwater celebrated the centennial of William Couch's 1884 camp on Stillwater Creek with a parade through the town, lectures by prominent historians at Oklahoma State University and a local elementary school, and the dedication of the site itself by Stillwater's Mayor, Christine Salmon.<sup>254</sup> Twelve years later, Mayor Terry Miller spoke at a reburial and dedication of David Payne's body near Boomer Lake, a

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<sup>253</sup> E. Bee Guthrey, "Early Days in Payne County" *Chronicles of Oklahoma* Vol. 3, No. 1 (April 1925): 74-75; Jasper Sipes to T.N. Athey, April 6, 1925, Folder 14, T.N. Athey Collection, hereafter TNA, Oklahoma Historical Society, Oklahoma City, Oklahoma, hereafter OHS; W.P. Campbell to Walter Stemmens, August 17, 1916, Folder 17, Box 8, W.P. Campbell Collection, OHS.

<sup>254</sup> [advertisement], *Payne County Historical Review: Payne Colony 1884-1984 Centennial*, Vol. 5, No. 2 (Autumn 1984): 20.

small park in the town.<sup>255</sup> Importantly, throughout the twentieth century Oklahomans never ritualized and repeated these events, so Payne's individual identity did not become crucial to Oklahoman settler indigeneity. The one instance where Anglo-Americans singled out the Boomers as an important, historically significant group instead of integrating them into Oklahoman history was the Payne Memorial Organization (PMO) in 1901. Based out of Braman, Oklahoma Territory, on the Kansas border, the organization existed until the early 1910s and was made up mostly of ex-Boomers. Many members did not live in Oklahoma Territory.<sup>256</sup> The organization's goals were to assist local people in Kay County, Oklahoma, reflecting the populist origins of the Boomers, and to preserve the legacy of the Boomer movement by working directly with the "territorial history society."<sup>257</sup> Louis Weythman, one of David Payne's confidants, served as president, while Thomas N. Athey, a young historian who played key roles in furthering and integrating Boomer ideology into Oklahoman identity through other organizations, served as secretary.<sup>258</sup> Although led by steely eyed ex-Boomers, the PMO did not possess the regional or even county-wide influence among Kay County's settlers to alter their perception of the Southern Plains. In fact, the Guthrie-based 89ers Society asked the PMO to join its 1912 encampment, incorporating the PMO's message into their own conceptions of Oklahoman history.<sup>259</sup>

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<sup>255</sup> D. Earl Newsom, *The Story of Exciting Payne County* (Stillwater, OK: New Forums Press Inc., 1997), 9, 12.

<sup>256</sup> A.R. Greene to T.N. Athey, February 23, 1902, Folder 13, Box 4, TNA, OHS; H.H. Stafford to T.N. Athey, May 13, 1905, Folder 13, Box 4, TNA, OHS.

<sup>257</sup> Quoted in "Call to Organize a County Payne Memorial Organization," c. 1901, Folder 13, Box 2, TNA, OHS.

<sup>258</sup> "Call to Organize a County Payne Memorial Organization," c. 1901, Folder 13, Box 2, TNA, OHS.

<sup>259</sup> "Oklahoma 89ers" invitation committee to T.N. Athey, March 21, 1912, Folder 13, Box 2, TNA, OHS.

Twenty four years earlier, Anglo-Americans began a much more successful process of conflating the Payne colonists with men and women who followed US law in the 1889 land run. Gordon Lillie, an Anglo-American, Pawnee speaking, Bureau of Indian Affairs employee living just north of modern day Payne County, admired the Wichita colony and decided to create his own colony while also constructing his Pawnee Bill identity in the Wild West Show circuit.<sup>260</sup> Although the wordplay surrounding the Boomers and other squatters was never entirely clear, Lillie's claimed that the Pawnee Bill Oklahoma Colonization Company grew to be the "largest organized bunch of boomers" entering the Unassigned Lands during the 1889 land run, which technically made them legal settlers, not squatters.<sup>261</sup> However, Lillie's notoriety helped conflate the Boomer label with anyone entering lands formerly known as Indian Territory, including sooners and settlers, on a national scale. Lillie continued to cultivate a fantasized western identity, running his own Wild West Show, building an elaborate ranch on the Pawnee Reservation, and even consulting for a 1936 *Boomers* Metro-Goldwyn-Mayer film that never reached production.<sup>262</sup> As with E.C. Boudinot, Lillie's stint as a colony organizer was one more adventure, not the passion that consumed and eventually killed David Payne.

Reporters, writers and novelists outside of the territory quickly began to conflate squatters, sooners and settlers, allowing Boomer ideology to melt into the whirlpool of people that reached the Southern Plains between 1880 and 1910. After the *Kansas City*

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<sup>260</sup> Gordon W. Lillie, "Major Gordon W. Lillie's (Pawnee Bill) Own Story" 1-2, Folder 1, Box 10, Gordon W. Lillie Collection, hereafter GWL, Western History Collections, Norman, Oklahoma, hereafter WHC.

<sup>261</sup> Quoted in Gordon W. Lillie, "Narrative of Gordon W. Lillie's Life, 1887-1889," Folder 1, Box 10, GWL, WHC.

<sup>262</sup> David R. Knapp to Gordon W. Lillie, December 18, 1936, Folder 9, Box 10, GWL, WHC.

*Times* created the term “Boomer” in 1879, people across the United States began using it to refer to all Anglo-Americans entering Indian Territory.<sup>263</sup> Most people reading Kansas newspapers did not possess the context to decipher the complex legal and cultural distinctions between squatters, settlers and sooners. Dime novelists such as Will Winch and Phillip S. Warne made squatters and settlers indistinguishable in their works.<sup>264</sup> A few minor novelists further conflated Boomers and settlers in twentieth century novels such as *The Boy Land Boomer* and *The Blazing Horizon*.<sup>265</sup> In the former work, Pawnee Brown defeated an aristocratic, corrupt nemesis, ugly, cruel African American soldiers and a despicable Pawnee Indian, blending ideological motifs from David Payne, Gordon Lillie and William Cody.<sup>266</sup>

Boomer ideology gradually became more difficult to distinguish, so much so that it reshaped American conceptions of Oklahoma in the twentieth century. David Payne never reached William Cody’s superstardom, which probably benefited Boomer ideology in the long run by allowing the ideology to supersede the movement’s figurehead. From 1880 until 1884, David Payne’s following in Wichita allowed him to transition from a local politician into a minor celebrity in nineteenth century Western American culture. In January 1884, Cody thought Payne significant enough to ask the Indianan to join his Wild West Show.<sup>267</sup> Payne accepted but died before reaching the

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<sup>263</sup> “Boomer Movement,” *The Encyclopedia of Oklahoma History and Culture Vol. 1 A-L* (Oklahoma City: Oklahoma Historical Society, 2009), 155.

<sup>264</sup> Phillip S. Warne, “Captain Adair, The Cattle King or, a Red Ransom, A Tale of Oklahoma Boomers and Busters” *Beadles’ New York Dime Library* No. 583, Vol. 45 (December 25, 1889), 2; Will Winch, “Oklahoma Bill; or, Detective Grady and the Boomers” *Old Cap Collier Library* No. 351 (New York: Munro’s Publishing House, July 29, 1889), 1.

<sup>265</sup> Ralph Bonehill, *The Boy Land Boomer or Dick Arbuckle's Adventures in Oklahoma* (Akron, OH: Saalfeld Publishing Company, 1902), 49-51, 232; Ernest Lynn, *The Blazing Horizon: The True Story of Pawnee Bill and the Oklahoma Boomers* (Chicago: White House Publishers, 1927), 219-220.

<sup>266</sup> Bonehill, *The Boy Land Boomer*, 43, 49-51, 88.

<sup>267</sup> Bill Cody to David Payne, January 28, 1884, Folder 77, Box P-25, David Payne Collection, WHC.

show.<sup>268</sup> Americans outside Oklahoma continually interwove Payne's message into Oklahoman culture through film over the next five decades. In 1925, Metro-Goldwyn-Mayer released the blockbuster western *Tumbleweeds*, the first of four major twentieth century films to depict the 1889 or 1893 land runs. The film's opening pictures of cattle herds and caption that "man and beast -both blissfully unaware that their reign is over," regurgitated the long dead Payne's ideological stance that settlement, however delayed by cattlemen, Indians or the US government, was inevitable and justified.<sup>269</sup> Most recently, the 1993 Tom Cruise blockbuster *Far and Away* used distilled versions of Boomer ideology, depicting Indians in only one frame of the entire film and contextualizing the 1893 land run as a justified and inevitable, if uncertain, event for poor, Irish immigrants.<sup>270</sup>

Within Oklahoma Territory, settler indigeneity possessed far more wrinkles than Hollywood cared to recognize in subsequent decades. As they established towns in 1889 land run, settlers renamed the areas they lived in both to erase Indigenous identity and to promote their own settler indigeneity. Settler communities used perception transfer as well as another strategy that Lorenzo Veracini identified as "transfer by name confiscation," a situation in which settlers seize Indigenous names to manufacture indigeneity.<sup>271</sup> David Payne used the first strategy by renaming the Cherokee named Chikaskia Creek as an English name, Rock Falls. Settlers adopted this practice at Kingfisher, Edmond, Norman, and El Reno, OT. Other communities renamed old Creek

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<sup>268</sup> Louis S. Warren, *Buffalo Bill's America: William Cody and the Wild West Show* (New York: Alfred A. Knopf, 2005), 199.

<sup>269</sup> King Baggot, Dr, *Tumbleweeds*, (United Artists, 1925), Accessed July 1, 2017, <https://en.wikipedia.org>. *Tumbleweeds* is a publicly accessible film and is available on Wikipedia.

<sup>270</sup> Ron Howard, Dr, *Far and Away* (Universal Pictures, 1992), DVD, (Universal Home Video, 2009).

<sup>271</sup> Quoted in Veracini, *Settler Colonialism*, 47.

and Seminole lands with labels that enshrined specific Anglo-American figures, such as Payne County, Cleveland County, Guthrie, OT and Noble. Other settlers at Comanche and Shawnee, towns on the borders of the Unassigned Lands with significant exposure to Indigenous peoples, appropriated Indian words to make themselves Indigenous. This rebranding, melded with Boomer ideology, provided an ideological backbone for the growing settler state's landscape.

A few Oklahomans consciously questioned Boomer ideology, which angered ex-Boomers. Joseph Thoburn, head of the Oklahoma Historical Society in Oklahoma City, worked to gather ex-Boomers for a reunion at the 1926 Oklahoma State Fair, which was hampered by massive amounts of rain.<sup>272</sup> Thoburn argued that the Boomers simultaneously broke federal law and contributed to the new territory's culture. Ex-Boomer secretary and Indiana dairy farmer William Osburn attended the reunion and exchanged angry letters with T.N. Athey about Thoburn a few years afterwards.<sup>273</sup> Athey and Osburn thought Thoburn altered history and became angry when he refused to fund their own research.<sup>274</sup> In response, they put together a manuscript written by Athey, which was never published and ironically ended up in the Oklahoma Historical Society.<sup>275</sup> By 1926, many Boomers were scattered or dead and only a few people, one of which was Thoburn, examined them in much depth.

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<sup>272</sup> Joseph Thoburn to Fountain Seacat, September 7, 1926, Folder 7, Box 23, Joseph Thoburn Collection, OHS; Bob L. Blackburn and Paul B. Strasbaugh, *A History of the State Fair of Oklahoma* (Oklahoma City: Oklahoma Heritage Association, 1994), 104.

<sup>273</sup> William H. Osburn, "Tribute to Capt. D.L. Payne," *Chronicles of Oklahoma* Vol. 7, No. 4 (March 1930): 34.

<sup>274</sup> T.N. Athey to W.H. Osburn, August 2, 1928, Folder 14, Box 4, TNA, OHS; William Osburn to T.N. Athey, March 30, 1929, Folder 14, Box 4, TNA, OHS.

<sup>275</sup> See T.N. Athey, "History Biography of David L. Payne" [1931], Folders 15-17, Box 4, TNA, OHS.

Athey wrote his letters from Southern California, an arena where Oklahomans further conflated Boomer ideology with Oklahoman identity. While vice-president of the Oklahoma State Society of Southern California, an organization made up of a Californian Oklahoma diaspora that reached its height from 1928 to 1932, T.N. Athey remained connected to ex-Boomers in Oklahoma.<sup>276</sup> Far from stereotypical 1930s images of impoverished Okie migrants, the Oklahomans traveling to California in the 1920s were generally well off.<sup>277</sup> A significant minority were Osage Indians, living off their oil leases, although these people probably did not join a club made up almost exclusively of people who advocated the seizure of their land.<sup>278</sup> Other Anglo groups from across the United States formed similar associations around Los Angeles for themselves to preserve their regional identities.<sup>279</sup> As the Depression erupted across the country and the Dust Bowl began to compound those difficulties on the Southern Plains, the organization's members began to falter, rich Oklahomans stopped migrating to California and by the mid-1930s, the State Society collapsed.

While it did exist, the Oklahoma State Society of Southern California reflected how Oklahomans reinterpreted the ideology David Payne formulated fifty years earlier. Athey organized several reunions and events that merged Boomer ideology with Oklahoman identity. At an April 22, 1929 meeting, Athey advertised "Oklahoma music," and "Oklahoma speakers."<sup>280</sup> Although mainly organized by ex-Boomers

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<sup>276</sup> T.N. Athey to C.P. Wickmiller, May 3, 1923, Folder 4, Box 4, TNA, OHS.

<sup>277</sup> James N. Gregory, *American Exodus: The Dust Bowl Migration and Okie Culture in California* (Oxford: Oxford University Press, 1989), 7-9.

<sup>278</sup> Tanis C. Thorne, "The Indian Beverly Hills: Displacement, Rituals of Place and the First Wave of Urbanization in the 1920s" *Journal of the West* Vol. 46, No. 2 (Spring 2007): 83.

<sup>279</sup> John A. Whalen to T.N. Athey, November 21, 1930, Folder 4, Box 2, TNA, OHS.

<sup>280</sup> Quoted in T.N. Athey, "To the Oklahoma 89ers – and early timers -Greeting!" [c. 1929], Folder 4, Box 2, TNA, OHS.

around the Los Angeles area to commemorate the fortieth anniversary of the 1889 land run, the April 22 meeting blurred settlers, sooners and Boomers in Oklahoma Territory's state formation.<sup>281</sup> The organization's ongoing financial problems meant it had trouble meeting and its membership declined to 900 people by November 1930, so Athey needed to make every meeting count.<sup>282</sup>

In 1931, Athey planned several celebrations and reunions, in which he argued that the Boomers were both critical to the formation of Oklahoma and representative of Anglo-American dominance in the North American West. One event in Huntington Park, California, celebrated the anniversary of the Rock Falls settlement, what Athey termed "the first great event and week in the opening of Oklahoma to settlement and building of a great Commonwealth."<sup>283</sup> The State Society used another event, "Great West-Pathfinders Day," to equate David Payne and William Couch with famed Americans Kit Carson, Merriweather Lewis and William Clark.<sup>284</sup> Thomas Athey repeatedly associated the Boomers with other late nineteenth century associations, such as participants in the 1889 Land Run, the 1893 Cherokee "strippers" and the Anti-Horse Thief Association.<sup>285</sup> Athey did not include the sooners, who he considered to be squatters and thieves.<sup>286</sup> In 1932, Oklahoma Governor Bill Murray acknowledged the State Society as an important representative of Oklahoman culture in California.<sup>287</sup> In

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<sup>281</sup> T.N. Athey, "To the Oklahoma 89ers – and early timers -Greeting!" [c. 1929], Folder 4, Box 2, TNA, OHS.

<sup>282</sup> M.K. Hinds to Executive Committee, Oklahoma State Society of Southern California, November 8, 1930, Folder 4, Box 2, TNA, OHS.

<sup>283</sup> Quoted in T.N. Athey, "To the Payne Colony Oklahoma Boomers" [c. 1931], Folder 4, Box 2, TNA, OHS.

<sup>284</sup> Quoted in T.N. Athey, "Great West-Pathfinders Day" Folder 4, Box 2, TNA, OHS.

<sup>285</sup> Quoted in T.N. Athey, July 30, 1931, Folder 4, Box 2, TNA, OHS.

<sup>286</sup> T.N. Athey, July 30, 1931, Folder 4, Box 2, TNA, OHS.

<sup>287</sup> Claude Weaver to T.N. Athey, March 11, 1932, Folder 4, Box 2, TNA, OHS.

fact, even as ex-Boomers died off, Oklahomans forgot other squatter movements, and the Oklahoma State Society of Southern California collapsed, Boomer ideology replicated and strengthened a growing settler indigeneity among white Oklahomans.

At first, the academic historians who examined the Boomers did so carefully and avoided claiming that the settlement of the region was inevitable. In 1916, Joseph Thoburn published the first extensive academic commentary on Oklahoma as well as the Boomers, a thirty-page chapter buried in his five volume *Standard History of Oklahoma*.<sup>288</sup> Thoburn was unsure of the role the Boomers played.<sup>289</sup> This reflected Thoburn's mixed identity as a settler and a person intrigued by Indigenous cultures. While a professor at OU, he recruited and supported Indigenous students and as an OHS employee, he redesigned Oklahoma's flag to include Confederate Choctaw, Osage and vaguely Indigenous symbols.<sup>290</sup> Thoburn's contemporary at OU, Roy Gittinger, published *The Formation of the State of Oklahoma* the next year. Gittinger concluded that the Boomers, a broad label that included Payne's colonists as well as the Quapaw Reserve colonists, influenced legislation but what really changed Indian Territory was the 1887 Dawes Act, a fact Carl Coke Rister acknowledged but did not allow to influence his ideas about Oklahoma exceptionalism.<sup>291</sup>

Rister, another historian at OU, threw out a cautious analysis in his 1942 *Land Hunger: David Payne and the Oklahoma Boomers*, instead arguing simultaneously that the Boomers were simultaneously exceptional and yet their settlement was also part of

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<sup>288</sup> Joseph B. Thoburn, *A Standard History of Oklahoma, Vol. 2* (Chicago: American Historical Association, 1916),

<sup>289</sup> Thoburn, *Oklahoma, Vol. 2*, 577.

<sup>290</sup> Paul F. Lambert, *Joseph B. Thoburn: Pioneer Historian and Archaeologist* (Oklahoma City: Oklahoma Heritage Book Center, 1980), 52, 56, 74-75.

<sup>291</sup> Gittinger, *The Formation of the State of Oklahoma*, 98-151.

an inevitable expansion of Anglo Americans into Indian Territory. Rister's work, which is still the most well researched and influential account of the Boomers, subordinated the Boomers into an emerging Oklahoman settler colonial order, a historical interpretation some Boomers would not have been entirely comfortable with judging by Osburn and Athey's letters. In 1954, Edwin McReynolds, a professor of history at OU, criticized David Payne in his edited Works Progress Administration history *Oklahoma: A Guide to the Sooner State* but argued the Boomers were pioneers in the last stage of civilization, agricultural settlement, that destroyed prior Indigenous and ranching cultures; thus, settlement was inevitable even if Payne as an individual was a failure.<sup>292</sup> In the most recent work about the Boomers, University of Central Oklahoma history professor Stan Hoig's 1980 mediocre *David L. Payne: the Oklahoma Boomer*, Hoig noted that "Payne had breathed life into an unstoppable movement that would inevitably lead to the settlement of the Oklahoma lands"<sup>293</sup> Rister's – and to an extent David Payne's - interpretation won the day. Oklahomans tend to accept the Boomers message without examining history, while academic historians ignore the Boomers due to their exceptional reputation, strengthening Oklahoman settler indigeneity.<sup>294</sup>

After the 1889 land run, Boomer ideology found a home at one of Oklahoma's premier educational institutions, the University of Oklahoma and one of the state's largest population centers, Norman. Settlers established the town during the 1889 run and it quickly dominated Cleveland County, the southernmost part of the Unassigned Lands. The university formed the next year and the town became intrinsically linked to

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<sup>292</sup> McReynolds, *Oklahoma: A Guide to the Sooner State*, 251, 286.

<sup>293</sup> Quoted in Hoig, *David L. Payne*, 2.

<sup>294</sup> Belich, *Replenishing the Earth*. In a study of Anglo settlement, Belich failed to mention the Boomers.

that institution. At present, Norman's population is one of the most well-educated and the third largest community in the state.<sup>295</sup> The University of Oklahoma is the flagship liberal arts institution in the state, one of the three oldest and is well known nationally for its football team. Although Stillwater occasionally celebrates its origins as William Couch's winter camp, the University of Oklahoma ritualistic memorialization of the Boomers makes it the only community that still routinely refers to that movement directly. This memorialization recreates settler indigeneity constantly and takes place through symbols, rituals and mythology in university's educational activities, the built environment, public commemoration and sport.

Football came to Norman in 1895, a time of uncertainty for the town and the territory. In the prior six years, settlers came to the brink of starvation, attacked their neighbors in property disputes, policed their towns with mob violence and organized formal posses to protect their property from raiders.<sup>296</sup> The Chickasaw Nation opposed the territory's expansion, yet settlers at Norman and Lexington traded with Chickasaws on a regular basis. Lexington's residents even built the "Sand Bar Saloon," a bar visible from the Chickasaw economic hub of Purcell.<sup>297</sup> Amid this violence, food shortages and a collective identity crisis among Anglo settlers, the football program provided an opportunity for rich and poor Anglo-Oklahomans alike to create a collective Anglo Oklahoman identity. Students at the games began chanting "Hi rickety whoop te-ao, Boomer, Sooner, Okla U."<sup>298</sup> The chant created new knowledge for settlers, that the

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<sup>295</sup> Oklahoma Department of Libraries, *Oklahoma Almanac 2015-2016, Fifty Fifth Edition* (Oklahoma City: Oklahoma Department of Libraries, 2015), 3.

<sup>296</sup> For example, "Constitution of the Grand and Sub-Orders of A.H.T.A. of Oklahoma," Folder 18, Box 1, Anti-Horse Thief Association Collection, WHC.

<sup>297</sup> "Sand Bar Saloon on South Canadian River between Lexington, Oklahoma Territory and Purcell, Indian Territory 1896," No. 506, Division of Manuscripts Photograph Collection, WHC.

<sup>298</sup> Quoted in *Sooner Yearbook 1916*, 326, WHC.

Boomers, sooners and the settler society that built Norman were all part of the same story of inevitable Anglo-American progress. In 1904, an inspired student immortalized this chant as a musical score entitled “Boomer-Sooner.”<sup>299</sup> Two years later, Bennie Owen, the university’s influential early football coach convinced university officials to formally adopt the song and moniker as part of the institution’s culture.<sup>300</sup>

As football gained traction, the university’s first president David Ross Boyd began manipulating the institution’s environment to imitate his ideal town landscape. When he arrived, Norman was surrounded by the border of the windy Great Plains grasslands, which looked barren to a naïve Boyd. The president bought thousands of trees and began planting them across the university to break the wind and sell to Norman’s residents, who also wanted trees.<sup>301</sup> Although settlers across the Great Plains planted trees to break the wind, the intensity of Boyd’s goal was unusual. As president for the better part of two decades, David Ross Boyd’s policies radically reshaped Norman and the University of Oklahoma’s built environment to fit the settler colonial order. Trees maintain that order and today, the town is covered in trees from end to end.<sup>302</sup>

In the present, the university’s veneration of Boyd’s tree obsession approaches a kind of settler colonial sainthood. Boyd played a part in this by chiseling his own image into the main university administration building. University officials erected other symbols as well. Boyd planted an elm tree in front of the administration building, which

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<sup>299</sup> Quoted in Harold Keith, *Oklahoma Kickoff: An Informal History of the First Twenty-Five Years of Football at the University of Oklahoma, and of the Amusing Hardships That Attended Its Pioneering* (Norman: University of Oklahoma, 1948), 124-25.

<sup>300</sup> Keith, *Oklahoma Kickoff*, 137.

<sup>301</sup> Blake Gumprecht, “Transforming the Prairie: Early Tree Planting in an Oklahoma Town” *Historical Geography* Vol. 29 (2001): 123-26.

<sup>302</sup> Gumprecht, “Transforming the Prairie,” 126, 130.

the university cut down in 2006. Rather than simply removing the stump left behind, the university held an elaborate ceremony. The university stamped a plaque onto the tree's remains, arguing that when Boyd planted what is called the Pe-et elm he "sowed not only the seeds of knowledge and opportunity but also the seeds of history and tradition."<sup>303</sup> Inside the student union hangs a relatively small painting, entitled "What Possibilities!," of the university president planting his first tree on the plains and staring off into the horizon with the original university building juxtaposed behind him. This painting is also in the Oklahoma State Capitol building in Oklahoma City. Very clearly, these images paint Boyd as someone who remade Norman. University tour guides recreate and praise Boyd's story in every encounter with visitors, further replicating the settler colonial justifications that the town and university's residents solidified over the past thirteen decades.

David Ross Boyd melded Christian imagery within the University of Oklahoma, just as the Boomers did in the 1880s, to inspire his students. Boyd drew his imagining of The Sower directly from imagery in the biblical book of Mark.<sup>304</sup> The Sower is a large statue of a farmer spreading seed, located next to a busy street that runs through the heart of the university. At Boyd's 1936 funeral, Robert Donaldson read a eulogy for Boyd that explained the latter man's reasoning came from the Biblical parable of the sower recounted by Jesus Christ in the biblical book of Matthew: "Dr. Boyd placed the figure of the Sower in the heart of the seal, surrounded with an inscription: 'For the State and the Republic.' From those pioneer days of raw, uncultivated life, that casting the seeds of truth and righteousness as vital elements bestowed upon the State and its

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<sup>303</sup> Plaque, Pe-et Elm, University of Oklahoma, Norman, Oklahoma, October 15, 2017.

<sup>304</sup> Mark 8:4-8 (English Standard Version).

youth.”<sup>305</sup> In the biblical parable, the sower’s seeds failed until they landed on a rich landscape. There, they explode into voluminous crops. The parable and the image of the sower had obvious parallels with the populist agrarian rhetoric of Boomer ideology. University symbols, such as the The Spirit of Learning is a Lasting Frontier monument in front of the library and the Sooner Schooner, a model 1889 land run wagon used during OU football games, in the student union reflect Boyd’s interpretation of Boomer ideology.

Amidst these settler colonial symbols, Indigenous people continued to live, work and attend the university in Norman. For settlers and the university to reconcile their own indigeneity with actual Indigenous people, they began appropriating stereotypical Indigenous images. This arena is blurry, since many Indigenous Oklahomans contributed to the university’s massive collection of art, sculptures and other images that permeate the campus. It is difficult to determine the way Indigenous artists, university students and university administrators interpret these various public symbols. Furthermore, a settler, a person whose attachment to the landscape comes from settler colonial ideology, could find an affirmation in one symbol, while an Indigenous person, someone drawing their attachment to the landscape from their Indigenous identity, might see something completely different. However, there does seem to be a settler colonial message from the university lurking in the background.

Fans and settlers alike say “Boomer-Sooner.” Although the university’s fanbase often uses that phrase to support their team, the saying means far more than many realize. It may seem inconsequential, but “Boomer-Sooner” is a ritual that

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<sup>305</sup> Quoted in Robert M. Donaldson, *Dr. David Ross Boyd: An Educational Pioneer*, November 19, 1936, WHC.

acknowledges and affirms settler indigeneity. Anyone can say “Boomer” to their peers, who say “Sooner” back. Each time a person does this, they inadvertently reinforce an argument that Anglo-American settlement was a logical and inevitable progression in Oklahoma history. The phrasing allows a crowd of people to reinforce a sense of belonging and a sense of place. Anglo-Americans can easily incorporate Indigenous people and African Americans into this worldview- all the latter two groups have to do is say “Sooner.” In the process, everyone becomes Indigenous. In essence, “Boomer-Sooner” is the product that David Payne and other squatters tried to manufacture, settler indigeneity. In short, the phrase “Boomer-Sooner” legitimizes Oklahoma’s status as a settler state, the destruction of Indigenous polities, the abuse of Indigenous people and a rewriting of history itself to depict the landscape as an empty yet fertile place pioneered by Anglo-Americans instead of a well peopled environment overtaken by aggressive squatters. All of this is simultaneously encapsulated and obscured by saying the phrase; as more people affirm settler indigeneity, the entire idea becomes that much more difficult to distinguish from history itself.

Despite the terrifying degree of indigeneity settlers manufacture, that process is in constant motion. Indigenous people and knowledgeable settlers can criticize or even reverse settler indigeneity. The university contains thousands of public images of Indigenous people. Many professors in the Native American Studies, Language and History departments question settler colonialism directly. Officials, students and town residents also successfully replaced Columbus Day with Indigenous People’s Day at the university in 2015 and the town in 2017.<sup>306</sup> Although this only scratches the surface of

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<sup>306</sup> Council of the City of Norman, “A Resolution of the Council of the City of Norman, Oklahoma, Declaring the Second Monday in October as Indigenous Peoples’ Day in the City of Norman;

settler indigeneity, those changes do mean university and town residents are willing to acknowledge the region's problematic identity. At the same time, Boomer ideology does informally radiate outward from the campus. For example, the author attended a graduate teaching orientation where an administrative official asked the audience to shout "Sooner" after he said "Boomer."<sup>307</sup> Norman is no stranger to debate, particularly the strife surrounding the Edwin DeBarr. DeBarr was a founder of the University of Oklahoma, a vice-president, a well-loved professor of chemistry and had a street as well as a university building named after him. In the early 1920s, he was also the Oklahoma Grand Dragon of the Ku Klux Klan, the highest position in that white supremacist organization that he could attain in the state. Fired for this association as the Klan battled Oklahoma's government in 1923, DeBarr's chemistry building remained DeBarr Hall until student protesters convinced university officials to remove the name in 1988.<sup>308</sup> City officials recently changed DeBarr street to Dean's Row.

The DeBarr debate might seem separate from the settler indigeneity that pervades Norman, Oklahoma, but as Andrea Smith argues, settler colonialism and white supremacy are part of the settler colonial order.<sup>309</sup> Edwin DeBarr possessed power to oppress both African Americans and Indigenous people, but he was not a lone figure; Normanites openly praised the man until his death in 1950.<sup>310</sup> In fact, Norman's

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Reaffirming the City's Commitment to Promote the Well-Being and Growth of Norman's American Indian and Indigenous Communities; And Promoting Dialogue and Collaborative Efforts Throughout the City of Norman between Indigenous and Non-Indigenous Communities and Tribal Governments," R-1718-23, Norman, Oklahoma.

<sup>307</sup> Graduate Student Orientation, August 17, 2016, Dale Hall, University of Oklahoma, Norman, Oklahoma.

<sup>308</sup> David W. Levy, "The Rise and Fall and Rise and Fall of Edwin ('Daddy') DeBarr" *Chronicles of Oklahoma* Vol. 88, No 3 (2010): 290-93, 298-301, 307.

<sup>309</sup> Andrea Smith, "Indigeneity, Settler Colonialism, and White Supremacy," 68.

<sup>310</sup> Levy, "Edwin ('Daddy') DeBarr," 302-03.

residents lynched two men – one white and one black – in 1914 and 1915 respectively, but they kept African Americans out of the town and only selectively included Indigenous people until Oklahoma’s overall settler colonial order began to change in the 1960s.<sup>311</sup> Early on, some Norman residents ritualistically employed a band of Absentee Shawnees from what is today Little Axe, Oklahoma, in the town’s parades, to use what the settlers thought of as an anachronism to vindicate their own Anglo-American settlement.<sup>312</sup> More recently, the University of Oklahoma’s longstanding president and former Oklahoma governor David Boren rejected attempts by Indigenize OU and their allies to end the “Boomer-Sooner” phase, arguing that a majority of Oklahoma’s alumni needed to support this measure to change the name.<sup>313</sup> At heart a clever politician, Boren maintained the settler colonial order under which Oklahomans elected him governor and later president of a the state’s flagship research institution.

Settlers at Norman, Oklahoma used Boomer ideology to manufacture settler indigeneity in the present. Many other communities did the same across the state, but at Norman, it is far easier to see. Consequentially, the university has an opportunity to examine and lead other Oklahoma communities in unsettling Oklahoman settler colonialism before outsiders cause the institution further embarrassment. The university must choose a new mascot, encourage fans to stop saying “Boomer-Sooner” and contextualize the institution’s placement of Indigenous artwork and settler symbols. It should also acknowledge Oklahoma’s problematic settler colonial past and the

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<sup>311</sup> John Womack, *Cleveland County, Oklahoma Historical Highlights* (Noble, OK: Privately Printed, 1982), 1-12, 52-59.

<sup>312</sup> Bonnie Speer, *Cleveland County: Pride of the Promised Land* (Norman, OK: Traditional Publishers, 1988), 51.

<sup>313</sup> Mark Burke, “Sooner debate: acknowledging the past, changing the future” *Norman Transcript*, May 22, 2016, Accessed June 27, 2017, <http://www.normantranscript.com>.

surviving remnants of the settler colonial order in the present, which are many. In doing so, the university will avoid further controversy and consequences, such as a lack of diversity created by offended students, reduced donations from an increasingly global list of donors and continually poor relations with surrounding Indigenous groups. More importantly, acknowledging this history and removing these symbols will create a healthier community and empower students with empathy, an understanding of their surroundings and the ability to think critically about the worlds they live in.

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