

OKLAHOMA'S FRONTIER INDIAN POLICE

Part One

By Art T. Burton

The story of the frontier Indian police in the history of Oklahoma is very important. It is one of the unsung stories in the annals of law enforcement in the Wild West. Oklahoma, prior to statehood, was known as Indian Territory, and after 1889, Oklahoma Territory was added, taking on the nickname, the "Twin Territories." Today, the most commonly thought of lawmen who worked the territories were deputy U.S. marshals. However, the Indian police were there and were probably as important if not more so.

As early as 1808, the Cherokee Nation passed an act appointing "regulators" to suppress horse stealing and robbery, to protect widows and orphans, and to kill any accused person resisting their authority. This action was taken when the Cherokees were located in the South U.S., before the "Trail of Tears." Indian Territory, later Oklahoma, initially was made up of the Five Civilized Tribes: the Cherokee, Choctaw, Chickasaw, Creek and Seminole. After the move to the west, during the 1830's and 1840's, the Indian nations set up their law enforcement system and judicial courts similar to what they had in the East. The Indians were called the Five Civilized Tribes because they had adopted many of the customs and traditions of the Europeans, including African chattel slavery for agricultural development. The only nation that had a different scenario initially was the Seminole Nation which had embraced African fugitives slaves as their allies against the U.S. government.

The Cherokee Advocate, published at Tahlequah, reported on November 13, 1844, that the Cherokee National Council had passed a bill authorizing a Lighthorse Company. It was to be composed of a captain, lieutenant and twenty-four horsemen. Their assigned duty was to pursue and arrest all fugitives from justice. The other Five Tribes imitated the Cherokee Lighthorse for their nations. These lawmen performed as tribal police; criminals apprehended by them were turned over to the Indian courts for trial and punishment.

The Cherokee got the name "lighthorse" from Revolutionary War hero, General Henry Lee who was called "Lighthorse Harry" due to the rapidity of his cavalry movements during the conflict. Henry was Robert E. Lee's father.

An example of early Cherokee justice was the punishment for rape. For the first offense, the rapist was punished with fifty lashes upon the bare back and his left ear cropped off close to the head: for the second offense, one hundred lashes and the other ear cut off, for the third offense, death. Due to some circumstances the early lighthorse had to serve as policemen, judges, and jurors. Their job was eased in 1874 by the construction of a national prison at Tahlequah presided over by a high sheriff. The Cherokee Nation had a gallows for execution at Tahlequah. None of the other Indian nations had a national prison and used firing squads for execution.

Actually, the general rule of thumb in the Indian nations was for a criminal to be tied to a whipping post and lashed with a hickory switch by a lighthorseman in increments of 25, 50 and 75 if they were repeatedly arrested. After the third lashing a person could be condemned to death by a lighthorseman firing squad. The sentence was carried out by an Indian judge and jury. Traditionally, a condemned man would be released to his family and return in a year's time for his execution. Most all Indians honored this tradition except a few who escaped their punishment as the era of the Indian nations moved closer to an end in 1907. With this in mind, the Five Tribes, except for the Cherokee, didn't see a need for a national prison. The Chickasaw did maintain a jail at Tishomingo. A portion of the Seminole Nation whipping post is in the Oklahoma State Historical Museum in Oklahoma City.

After the Civil War, other Indians were ushered into Indian Territory. Those who created a credible police presence were the Osage at Pawhuska, the Kiowa and Comanche at the Anadarko Agency and the Cheyenne and Arapaho at the Darlington Agency. The latter two were located in the far western portions of the Indian Territory; the Osage in the north, next to Kansas. The Five Civilized Tribes lost these lands for participating in the Civil War on the side of the Confederacy. Although all the Indians were not sympathetic to the South, some did fight for the Union.

The Seminole Nation, being the smallest of the Five Tribes, had a different legal system in that the Chief was the judge and the council served as the court. Generally, the Seminole Lighthorse which were headquartered at Wewoka, were appointed and comprised of a captain, lieutenant and eight privates. Although the smallest in number, the Seminole Lighthorse was the most feared of all the Five Tribes because they were the most aggressive. The Seminole law stated explicitly that in order to protect officer: If, notwithstanding the orderly deportment of the officer, the person to be arrested shall have the right to kill." This edict was followed by prompt action of the Seminole Lighthorse in pursuing felons.

The Creek (Muscogee) Nation Council on October 12, 1867, approved a provision in their legislature that stipulated there would be six districts, and each districts would have one company of lighthorsemen to be compensated by law. Each company consisted of one officer and four privates who were elected for two years by the vote of their respective districts. One judge was selected by the National Council for two years in each district and the lighthorsemen were subservient to his orders.

As early as the 1820's in Mississippi, the Choctaws had a lighthorse police, which served as judge, jury, and sheriff. The men who controlled the lawmen were Greenwood LeFlore, Charles LeFlore's uncle, and David Folsom. The lighthorsemen in Mississippi at that time rode over the country settling difficulties that arose among parties and individuals, and arresting, trying and inflicting punishment on all violators of the law. Peter Pitchlynn was made the head of the Choctaw Lighthorse in 1825, and the next year a treaty with the United States provided a permanent annuity for the police.

After the move to the West, the Choctaw Principal Chief had nine lighthorsemen under his command whom he appointed, and who served as his special agents in carrying messages, making arrests, keeping liquor at a distance during the council sessions, and assisting the U.S. Indian agent in the enforcement of laws. The Choctaws also had county sheriffs and each District Chief appointed one lighthorseman. A law was passed

in 1888 requiring two lighthorsemen be appointed to serve as bodyguards for the National Treasurer.

In the winter of 1873, Principal Chief William Bryant ordered the Choctaw Lighthorse to suppress an organized gang that was stealing horses and cattle. Almost forty members of the gang were arrested, of whom fifteen were immediately tried and shot.

The Chickasaw Lighthorsemen worked out of Tishomingo and the Choctaw Lighthorsemen were headquartered at Tuskahoma and Atoka. The Indian nations didn't have any jurisdictional rights over white men or black men who were not citizens of their nations. What the Indian Lighthorse did, on many occasions, was to stop non-citizens from breaking the law, detain them and turn them over to deputy U.S. marshals. The legendary Deputy U.S. Marshal Bass Reeves picked up many of his prisoners from the Seminole, Chickasaw, and Creek Lighthorse police on his trips through the nations. On some occasions the Indian lighthorse would kill a non-citizen and would have to stand trial in federal court at Fort Smith, Arkansas. The respective Indian nation would then pay for a defense lawyer for the policeman on trial.

In 1874, the federal government ordered the consolidation of Indian Agents for the Five Civilized Tribes. Prior to that, the Cherokee Agent was at Tahlequah, the Choctaw and Chickasaw at Boggy Depot, the Creek agent at Okmulgee, and the Seminole at Wewoka. The agent for the Five Civilized Tribes moved into a new building at Muskogee on January 1, 1876. The new office was called the Union Agency. In February of 1880, Col. John Q. Tufts, United States agent for the Union Agency of Muskogee, Indian Territory, organized a unit of Indian police to operate throughout the Five Civilized Nations. The policemen were recruited from the lighthorsemen from the various nations. The official title for this group was United States Indian Police or U.S.I.P. It is interesting to note that also in the Cherokee, Choctaw, and Chickasaw nations they had county or district sheriffs who were appointed by the Indian political leadership. Many of the larger Indian towns also had constables.

The United States Indian Police headquartered at Muskogee could travel through all the Five Tribes in pursuit of Indian citizen criminals. The Indian Police and Lighthorse police were deputized on many occasions by deputy U.S. marshals to serve as federal possemen in pursuit of non-Indian citizens.

The United States Indian Police were completely under orders of the Indian agent. They occasionally assisted in the enforcement of tribal laws. They also arrested criminals, whom they turned over to deputy U.S. marshals, and removed illegal squatters and intruders who had been reported to the agent by the Principal Chief. They arrested fugitives from justice and turned them over to the officers of neighboring states when the governors made request upon agents, as they sometimes did, instead of upon the Principal Chief. However their number one duty was upholding Federal laws in response to introducing liquor into the Indian Territory. U.S.I.P. were paid a salary ranging from five to fifteen dollars a month from the U.S. government and received additional monies from the tribes for removing intruders and for special services.

There was great activity by the Indian police in the 1890's to suppress the manufacture and sale of "Choctaw beer," which was also known as "Choc." This was a popular

alcohol drink made of barley, hops, tobacco and fishberries sold principally in the Choctaw mining towns.

Outside of the Five civilized Tribes in the Indian Territory there were also Indian policemen of note. The Osage Agency located at Pawhuska had a very good police department. The same could be said for the Darlington Agency Indian police, for the Cheyenne and Arapaho Reservation, and the Anadarko Agency Indian police for the Kiowa and Comanche Reservation. The Anadarko Agency police patrolled an area that included present day Oklahoma City.

In the Five Civilized Tribes, some of the lighthorse police were black men and white men. The blacks were citizens due to the Treaty of 1866, where the Indians were told to give their former African slaves citizenship and rights. The former slaves became known in the nations as Indian Freedmen and their descendants were likewise noted. The white men became citizens generally by marrying Indian women within the Five Tribes.

One of the first outstanding Indian police officers was the legendary Cherokee, Sam Sixkiller. Sixkiller at the age of nineteen joined a Union Indian artillery company under the command of his father, 1st Lt. Redbird Sixkiller, during the Civil War. In 1875, Sixkiller was appointed high sheriff of the Cherokee Nation and warden of the National Penitentiary. On February 12, 1880 Sixkiller became the first captain of the United States Indian Police headquartered at Muskogee, Indian Territory. As captain, Sixkiller had forty men under his command. Besides this position, Sixkiller also held a commission as a deputy U.S. marshal and a special agent for the Missouri Pacific Railroad. Sixkiller's duties included policing the streets of Muskogee, one of the most dangerous towns in the "Wild West." There were more lawmen killed in a fifty mile radius of Muskogee than anywhere west of the Mississippi River during the frontier era.

Sixkiller's main problems were the whiskey bootleggers, cattle thieves, murders, rapists, timber thieves, land squatters, train robbers, card sharks, and prostitutes servicing the railroad towns. During his six years as captain, Sixkiller was wounded once. It is reported that he killed a bootlegger from Missouri named Solomon Cople. Cople was attempting to peddle whiskey in and around Muskogee. Sixkiller cornered him outside of town. Cople tried to resist arrest and Sixkiller using his pistol, killed him.

The most famous Indian Territory outlaw that Sixkiller subdued was the notorious Creek Freedman, Dick Glass. Glass had a gang that operated throughout the Indian Territory. They stole horses in the Indian nations and exchanged them for illegal whiskey in Texas, bringing the contraband back across the Red River to be sold at a substantial profit. In June of 1885, Sixkiller put a posse together that included the equally renown Indian lawman Charles LeFlore. They set an ambush for Glass and his gang near Colbert in the Chickasaw Nation. The gang had a full supply of whiskey and were northbound. They rode tight into the trap set by the lawmen. Glass pulled his pistol, but caught a full charge from Sixkiller's shotgun that put him out of action, permanently. The rest of the gang were either killed or arrested shortly thereafter.

On Christmas Eve, 1886, Sixkiller was off duty and unarmed. Feeling a little under the weather, he made a trip to downtown Muskogee to pick up some medicine. He was met by two dastardly malcontents bent on mayhem: Dick Vann and Alf Cunningham. Sixkiller was stepping up on the platform on the north side of the Patterson Mercantile Store.

Vann and Cunningham, with a shotgun and pistol, fired on him without notice; supposedly they held a grudge for a previous run-in they had with the lawman. Sixkiller fell to the ground mortally wounded, and Vann and Cunningham made good their escape on fast ponies.

After the death of Captain Sixkiller, the United States legislature passed a bill, signed by the president, which made assault on an Indian federal policeman a federal crime. The document signed March 2, 1887, stated: "...any Indians committing against the person of any Indian policeman appointed under the laws of the United States, or any Indian United states deputy Marshal, any of the following crimes, namely, murder, manslaughter or assault with intent to kill, within the Indian Territory, shall be subjected to the laws of the United States relating to such crimes and shall be tried by the District Court of the United States." It was a landmark case which increased the stature of Indian police officers in Indian Territory and elsewhere in the United States.

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ART T. BURTON, author of BLACK, RED AND DEADLY, will continue his extensive review of the frontier Indian police in Oklahoma history in PART 2. He details the career of other notable Indian officers who have been significantly overlooked in America's western history. Part 2 begins with a reconstruction of Captain Charles LeFlore's successful efforts over a 13 year career spent battling outlaws in Indian Territory.