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# Outlaws: A tale of two histories

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**Outlaws: A tale of two histories**

by

**William Carlton**

A thesis submitted to the graduate faculty  
in partial fulfillment of the requirements for the degree of

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Kathleen Hilliard, Major Professor  
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Four horsemen—four lone horsemen. With Stetsons pushed low and bandanas pulled high, they sauntered around the wide bend in the dusty trail and surveyed the sleepy town. The sun, directly overhead, blazed down, and in the distant west, dark storm clouds skated ominously across the sky. The coming downpour would quickly wash away all tracks; pursuit would be impossible.

The baleful eyes of the lead rider narrowed as he scanned the peaceful scene spread before him. The remote town lolled in the afternoon warmth. On a battered barrel sheltered by an overhanging awning, a seasoned cowhand dozed fitfully. Across the street, the general store's proprietor, a short, rotund man wearing a smudged apron and whiskers, emerged from the cool interior of his establishment, leaned heavily on a worn hitching post, and gazed idly toward the gathering storm. Only the intermittent barking of a dog and the faint piano-playing drifting from the saloon interrupted the endless drone of insects. Surprise was complete.

The pounding of hooves followed by the popping of six-shooters was the townpeople's only warning. The cowboy who had been napping in the shade dazedly awoke and stumbled to his feet. Before he could clear leather, three shots pierced his chest, and he fell back into eternal slumber. The fusillade from the gunmen's weapons quickly increased to a pounding tempo. Bullets whined through the air and buried themselves in doorframes; the saloon's large glass windows tinkled to the wooden boardwalk as shots sought their marks. Two of the mounted men sprang from their horses and raced toward the bank while fanning their revolvers. As they approached

the bank's entrance, the sheriff, who had been gabbing with the teller, emerged from the doorway and . . . .

This imaginary account of a gunfight and bank robbery mirrors countless scenes from American Western fictional literature.<sup>1</sup> If a reader skims through a novel by Zane Grey, Jack Schaefer, Louis L'Amour, or any other noted writer, he or she will likely encounter an incident resembling the one related above. Insert a damsel in distress, a straight-shooting hero, and an Ennio Morricone soundtrack and all the elements of a traditional Western are in place.

Yet novels that lead breathless readers through piñon-filled canyons to the lair of lawless gangs are not the sole employers of stories; historians also structure their studies, either explicitly or implicitly, as narratives. As William Cronon astutely observed in "A Place for Stories," "Like all historians, we configure the events of the past into causal sequences—stories—that order and simplify those events to give them new meanings."<sup>2</sup> A dilemma arises, then, when researchers examine the same facts but derive distinct, and possibly antithetical, accounts and conclusions. Contemplating this predicament, Cronon rhetorically inquired of his fellow historians, "If our choice of narratives reflects only our power to impose our preferred version of reality on a past that cannot resist us, then what is left of history?"<sup>3</sup> What, indeed.

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<sup>1</sup> In the following pages, the word "Western" refers to America's mid- and southwestern states.

<sup>2</sup> William Cronon, "A Place for Stories: Nature, History, and Narrative," *Journal of American History* 78, no. 4 (March, 1992): 1349.

<sup>3</sup> *Ibid.*, 1371.

The following article not only acknowledges Cronon's concerns but also explores possible ramifications of "impos[ing] our preferred version of reality on a past that cannot resist us." The study accomplishes both objectives by juxtaposing two tales of outlawry and comparing the conclusions of each. The first story recounts the escapades of Buz Lucky, an Afro-Creek desperado roaming throughout Indian Territory; the second narrative, though, investigates the interplay between banditry and sovereignty. Whereas the first portion portrays outlawry as a reflection of nineteenth-century social structures, the second section depicts desperadoism as a threat to established political systems. The question, therefore, is which of the two histories is correct? And if both are correct, which is superior? The subsequent pages seek to address these dilemmas while pondering "A Place for Stories."

Before launching into a detailed recital of the two tales, an introduction that acquaints the reader with both the place and time in which the following events occurred is necessary. The two narratives involve outlaws operating in pre-statehood Oklahoma during the final decades of the nineteenth century. This region, comprised of both Oklahoma and Indian Territory, witnessed incredible changes throughout the 1800s, so a thorough chronicling of its formative events is not possible. Instead, the next paragraphs focus on the treaties signed between the Five Civilized Tribes and the United States in the aftermath of the Civil War. Examination of these treaties highlights two issues that proved significant in the latter half of the nineteenth century: race and native self-determination.

When reflecting on slavery in the United States, many historians and non-historians naturally envision white masters and black slaves, yet Euromericans were not the only adherents of the peculiar institution. In the late-eighteenth and early-nineteenth centuries, the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations began to adopt the practice of race-based servitude from their American neighbors.<sup>4</sup> Consequently, when removed to Indian Territory in the 1830s, members of the five tribes were accompanied by their African slaves, who remained in bondage until the end of the Civil War.

At the conclusion of hostilities, because certain native factions had consorted with the Confederacy, the United States required the five indigenous nations to ratify new treaties. Probably the most contentious issue during these negotiations was the relation of Afro-Indians to their late masters. Should tribal citizenship be extended to former slaves? If so, were freedmen and -women eligible to receive all the benefits, such as access to land and annuities, reserved for Native Americans? Representatives of the United States answered these questions in the affirmative, but envoys of the Cherokee, Chickasaw, Choctaw, Creek, and Seminole nations differed in their responses.<sup>5</sup>

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<sup>4</sup> William G. McLoughlin, "Red Indians, Black Slavery and White Racism: America's Slaveholding Indians," *American Quarterly* 26, no. 4 (October 1974): 367–385. Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (Cambridge, UK: Cambridge University Press, 1999).

<sup>5</sup> Walt Willson, "Freedmen in Indian Territory during Reconstruction," *The Chronicles of Oklahoma* 49, no. 2 (Summer, 1971): 230–244.

Though numerous reasons for the divergence in native responses exist, only two are considered here. First, indigenous leaders who opposed the proposed measures evinced concern over maintaining tribal sovereignty. Unsurprisingly, Native Americans did not desire a foreign power to dictate whom they should recognize as citizens and what perquisites they should accord to said citizens.<sup>6</sup> Second, negotiators of the Five Civilized Tribes feared that offering material benefits to Afro-Indians would encourage African Americans to migrate to Indian Territory and further complicate the ability of indigenous nations to detect intruders.<sup>7</sup> Their fears were not unfounded; eventually, both black and white homesteaders journeyed to and settled in the Twin Territories. The resulting amalgam of Native Americans, Afro-Indians, African Indians, and Euromericans created a racially heterogeneous and viscous environment.<sup>8</sup> Concerns over race and native self-determination, though, were expressed not only during post-Civil War negotiations but also throughout the remainder of the nineteenth century; therefore, this study seeks to situate pre-statehood Oklahoman outlawry in its historical context, specifically, in relation to racial intermixture and tribal sovereignty.

The first paragraphs of this paper sketched a fictitious account of a band of desperadoes engaged in the quintessential outlaw activity, robbing a bank. When envisioning the scene, what images materialized? Specifically, what were the

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<sup>6</sup> Claudio Saunt, "The Paradox of Freedom: Tribal Sovereignty and Emancipation during the Reconstruction of Indian Territory," *Journal of Southern History* 70, no. 1 (February, 2004): 63–94.

<sup>7</sup> Gary Zellar, *African Creeks: Estelveste and the Creek Nation* (Norman, OK: University of Oklahoma Press, 2007).

<sup>8</sup> Murray R. Wickett, *Contested Territory: Whites, Native Americans, and African Americans in Oklahoma 1865-1907* (Baton Rouge: Louisiana State University Press, 2000).

appearances of the bandits? Yes, dusty, sweaty, rancid, and weathered, but peer beneath their grimy veneer. Do any black faces appear? Probably not. The absence of African complexions in these imaginations is understandable because the majority of America's western outlaws were not of African descent. However, freedpeople were active participants in the history of the Wild West. Consider, for example, the story of Buz Lucky.

Buz, known to his companions as "Buster," was a peace-loving inhabitant of the sleepy community of Pleasant Grove—or so the defense attorney would have the skeptical jurors believe.<sup>9</sup> Located north of Muskogee in the Creek Nation, Pleasant Grove had been home to Buz for nearly twenty-five years. During these comparatively tranquil years, Buz entered the employ of Simon Brown, a Creek freedman who operated a ferry.<sup>10</sup> In his capacity as ferryman, Buz necessarily interacted with a diverse clientele, and one individual who availed himself of Buz's services was B. C. Burchfield, a deputy marshal from the Fort Smith, Arkansas, court.<sup>11</sup> According to later testimony, Buz transported Burchfield across the Arkansas River on numerous occasions, thereby establishing an acquaintance between the two men.<sup>12</sup>

The interaction between pilot and passenger, however, extended beyond the banks of the Arkansas River, where Buz plied his craft. In August of 1892, Buz smuggled

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<sup>9</sup> *United States v. Buz Lucky*, page 134, Transcripts of Testimony, 1889–1899 (National Archives Identifier: 1157668), Record Group 21, National Archives at Fort Worth, Texas (hereafter cited as *United States v. Buz Lucky*).

<sup>10</sup> *Ibid.*, page 138. For more information on Simon Brown, see Zellar, *African Creeks*, 170.

<sup>11</sup> *United States v. Buz Lucky*, page 21.

<sup>12</sup> *Ibid.*, page 138.



three gallons of whiskey into Indian Territory and attempted to peddle the in-demand contraband. His fledgling enterprise experienced a crippling setback, though, when officers apprehended both him and his wares. In examining the defendant jacket for this offense, three items attract the researcher's attention.<sup>13</sup> First, the heading of the document contains the phrase, "White man, Indian, or Negro"; the official registering the crime would presumably enter a suitable description in this field. For Buz, the words "White man, Indian, or" are partially obscured by two bold pen strokes—the recorder unmistakably offering his perception of the racial category to which Buz belonged. Second, an individual purchased liquor from Buz and proceeded to provide testimony against him; the defendant jacket identifies the informant as Solomon Golias, who will reappear in a later act. Finally, located at the bottom of the form is a signature line for the officer recording the information. Scrawled across said line is the name "B. C. Burchfield."<sup>14</sup>

Buz was not the only one in the Creek Nation who regarded bootlegging as an alternative source of income; indeed, in perusing the Fort Smith court records, the profession appears to have been quite popular. Another individual who trafficked in whiskey was Tom Root, and like Buz, Tom attracted the unwanted attention of the ever-

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<sup>13</sup> As Stephanie Stegman, who volunteered at the National Archives at Fort Worth, explained, "Court papers from a defendant's case file were stored in a pigeon-hole cabinet together with their co-defendants as well as other defendants with the same last name. Over time, when the pigeon holes became full, court employees transferred the contents to a numbered system of files or 'jackets.'" Stephanie Stegman, "Defendant Jackets, Legal Abbreviations, and Aliases, Oh My!", The Text Message, <https://text-message.blogs.archives.gov/2013/05/13/defendant-jackets/> (accessed November 6, 2016).  
<sup>14</sup> Request for writs in Criminal Defendant Case File for Bus Lucky (NAIL Control Number: NRFF-21-3W51-28885), Jacket Number 258, Records of the U.S. District Court for the Western District, Record Group 21, National Archives at Fort Worth, Texas.

vigilant Burchfield. Summoned as a witness before Judge Parker in 1895, Burchfield testified, “I have known . . . Tom Root, I guess, about three years or a little more.” When asked about his relationship with Tom, Burchfield succinctly responded, “I had a warrant for Root for introducing [liquor].” But whereas the warrant for Buz identified Buz as “Negro,” the one for Tom identified Tom as “Indian.”<sup>15</sup>

Peddling whiskey apparently satisfied neither Buz’s nor Tom’s aspirations; a more lucrative enterprise was desired. In early October of 1894, deputy marshal Paden Tolbert penned a message to the honorable George J. Crump, a United States marshal. In his missive, Paden apprised the marshal of Buz’s most recent ventures, stating, “These men have made two attempts to wreck passenger trains, both of which were nearly successful.”<sup>16</sup> One of the incidents to which the deputy marshal alluded occurred in August of 1894. In this month, Buz and a half dozen anonymous men “broke a switch lock and ran an M. K. & T. passenger train in on a side track filled with boxcars.”<sup>17</sup> The identity of Buz’s accomplices remains obscure, but Paden, in reporting the episode, described the assailants as “six unknown negroes.”<sup>18</sup> Whether the participants in the attempted train heist were African American or Afro-Indian was irrelevant; all the bandits were subsumed under the broad category of “negro.”

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<sup>15</sup> *United States v. Buz Lucky*, page 25. Request for writs in Criminal Defendant Case File for Tom Root, Jacket Number 267, Records of the U.S. District Court for the Western District, Record Group 21, National Archives at Fort Worth, Texas.

<sup>16</sup> Letter to George J. Crump, October 1, 1894, in Criminal Defendant Case File for Bus Luckey (NAIL Control Number: NRFF-21-3W51-28860), Jacket Number 385, Records of the U.S. District Court for the Western District, Record Group 21, National Archives at Fort Worth, Texas (hereafter cited as Jacket Number 385).

<sup>17</sup> Request for writs in *ibid.*

<sup>18</sup> *Ibid.*

Undiminished by initial failure and official disapprobation, Buz's nascent interest in trains—specifically, the contents of the baggage car—increased throughout the summer and into the fall. In early November, Buz and his companions began conspiring with Jim Dyer and Nathaniel Reed, two white outlaws. Their objective: the Missouri-Kansas-Texas Railroad. Cooperation between the two parties resulted in a reorganization of the gangs' hierarchical structure; though Buz had previously mobilized members of his band, he relinquished command to Jim.<sup>19</sup> According to various newspaper accounts and the testimony of Nathaniel, "Dyer not only planned the Blackstone [train] robbery but [also] organized the gang that committed it."<sup>20</sup> The Blackstone affair, which the preceding quote references, occurred in November of 1894, merely a month after a concerned Paden forewarned the marshal.<sup>21</sup>

The Blackstone robbery has received the attention of numerous authors, so a complete recital of the holdup is unnecessary.<sup>22</sup> Suffice it to say the attempted heist was a fiasco. Of more interest to the historian, however, is the language employed by the authorities in the aftermath of the assault. Two records mention the participants in the robbery and several items they appropriated. In the first document, the names "Buss Lucky, Will Smith, Frank Smith, Tom Root, and Jack Reed" are scrawled beneath

<sup>19</sup> "Fort Smith Letter: Several Capital Sentences—Last Week's Letter," *Indian Chieftain*, June 18, 1896.

<sup>20</sup> "Fort Smith Letter: Buck Gang Convicted—Blackstone Train Robbery Unraveled," *Indian Chieftain*, September 26, 1895.

<sup>21</sup> "Train Robber Sentenced," *Atchison Champion*, October 17, 1895.

<sup>22</sup> Art Burton, *Black, Red, and Deadly: Black and Indian Gunfighters of the Indian Territory, 1870-1907* (Austin, TX: Eakin Press, 1991). Harry Sinclair Drago, *Outlaws on Horseback* (New York: Dodd, Mead and Company, 1964). Dan Anderson and Laurence Yadon, *100 Oklahoma Outlaws, Gangsters, and Lawmen 1839-1939* (Gretna, LA: Pelican Publishing, 2007).

the letterhead, and immediately following this entry are the words “colored and white men.”<sup>23</sup> Upon reading this description, one naturally speculates upon the individuals’ racial designation. Who were colored, and who were white? The second report addresses this query. In this report, the names of Buz, Tom, and Will are accompanied by the statement, “Colored men and not Indians.”<sup>24</sup> To classify members of this multiracial outlaw gang, officials relied upon ethnicity; race formed the basis for identification.

In the weeks following the Blackstone episode, Buz and Tom successfully evaded pursuit, finding refuge in Broken Arrow, a Creek town located fifteen miles south of Tulsa. According to Buz’s later testimony before the court at Fort Smith, “We [Buz and Tom] were together all the time . . . knocking around from one house to another up there.”<sup>25</sup> Eventually, though, they established a semi-permanent residency in the cabin of Kizzie Lola, a full-blood Creek Indian.<sup>26</sup> Members of the Broken Arrow community were apparently indifferent to the disreputable character of their new neighbors. For example, Pete Grayson, a mixed-blood citizen of the Creek Nation, readily admitted to playing cards with the two desperadoes in the home of Anderson Chisholm, a young full-

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<sup>23</sup> Request for writs in Criminal Defendant Case File for Bus Luckey, Jacket Number 385.

<sup>24</sup> *Ibid.*

<sup>25</sup> *United States v. Buz Lucky*, page 133.

<sup>26</sup> Letter from W. H. Neal to George J. Crump, December 7, 1894, in Criminal Defendant Case File for Buz Lucky, Jacket Number 1896, Records of the U.S. District Court for the Western District, Record Group 21, National Archives at Fort Worth, Texas (hereafter cited as Jacket Number 1896). Records identify this woman by various names; Lizzie Lola, Kissie Lola, Kizzie Loler, Kizzie Lorey, and Kizzie Haggies are some of her given names. Aware of these inconsistencies, this paper simply refers to her as Kizzie. Dawes Roll Creek by Blood, 1898–1914, enrollment no. 851, National Archives Microfilm Publication M1186, card 256, National Archives at Fort Worth, Texas (hereafter cited as Dawes Roll Creek by Blood, 1898–1914).

blood Creek native.<sup>27</sup> When asked, “Did Buz Lucky ever tell you whether or not the marshals were after him?”, Pete responded in the affirmative.<sup>28</sup>

Unlike Kizzie, Pete, and Anderson, though, not all the inhabitants of Broken Arrow were inclined to ignore the past indiscretions of the two outlaws. Deputy Will Neal and a half dozen other officers were scouring the Creek Nation for Buz and Tom when they received confidential information regarding the desperadoes’ retreat. Unfamiliar with both the terrain and the two bandits, the lawmen required the services of an individual acquainted with both the region and the renegades. Enter Goliah Solomon, the man who had purchased liquor from Buz.<sup>29</sup>

Aware of the sympathy extended to the fugitives, Goliah and the officers awaited the cover of darkness before creeping into a field adjoining Kizzie’s cabin. From its position, the posse watched as the night gradually retreated before the gathering glow on the eastern horizon. The serene countryside lay blanketed in a dense fog as the six men advanced and positioned themselves around Kizzie’s dwelling. After several minutes, the cabin’s door creaked open, and a figure hesitantly stepped out into the gloom. Uncertain of the shrouded individual’s identity, the lawmen darted forward.<sup>30</sup> In the ensuing scuffle, the deputies discovered the mysterious stranger was neither Buz nor Tom. Fearing the commotion had alerted the two bandits, the officers renewed

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<sup>27</sup> Though documents differ in the spelling of this man’s surname—Chism, Chisum, and Chisholm—the following pages use only his first name, Anderson. Dawes Roll Creek by Blood, 1898–1914, enrollment no. 1078, card 324. *Ibid.*, enrollment no. 844, card 254.

<sup>28</sup> *United States v. Buz Lucky*, page 83.

<sup>29</sup> *Ibid.*, page 2.

<sup>30</sup> *Ibid.*, pages 71–72.

their charge; four agents stormed the house while the remaining two investigated some nearby haystacks.

Upon entering the cabin, the lawmen unexpectedly encountered Rose Lucky, Buz's wife. Unbeknownst to law enforcement, Rose had recently slipped away from Pleasant Grove and rejoined her husband in Broken Arrow. Even Goliah, who was acquainted with the married couple, evinced bewilderment at Rose's presence. The attention accorded to Rose, however, was momentary. As the report of multiple gunshots shattered the chill morning's silence, officers scrambled from the house and dashed through the misty haze toward the haystacks from where gunfire had erupted.<sup>31</sup>

Reconstructing the melee in the meadow proves a difficult task for the chronicler because conflicting testimonies obscure much of the record. Though Burchfield, one of the participants in the fracas, maintained that visibility was not an issue during the fight, the presence of a thick fog undoubtedly explains variances among the numerous accounts.<sup>32</sup> Yet despite disputes over the details, three facts were indisputable: Buz and Tom had escaped, a lawman lay mortally wounded, and a woman occupied one of the haystacks.

When the officers first glimpsed the outdoorsy female through the gloom, they presumed she was a man. One deputy recalled, "I thought it was a man at the start, but as she raised up, I saw it was a woman."<sup>33</sup> Approaching the unexpected consort, the

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<sup>31</sup> Ibid., pages 72 and 18.

<sup>32</sup> Testimony given before Commissioner Brizzolara on December 31, 1894, page 7, Jacket Number 1896.

<sup>33</sup> *United States v. Buz Lucky*, page 43.

lawman proceeded to question her about her selection of sleeping accommodations. December, the month in which this incident occurred, is generally uncondusive for camping excursions, so the official was understandably interested in the woman's explanation. Unfortunately, extant documents do not record the interrogation, but several fragments of information are available to contemporary researchers. First, the woman's name was Nancy.<sup>34</sup> Second, members of the community referred to her as "Nancy Root," although she had not yet married Tom.<sup>35</sup> Third, she did not speak English.<sup>36</sup>

But other considerations soon replaced interest in Nancy. As the lawmen surveyed the frosted field from whence two partially clad desperadoes had recently departed, they espied the form of a prone officer. Quickly acquiring a wagon, the posse hauled the bloodied deputy to a neighboring farmhouse, but within several hours, the injured officer expired. Officials responded by issuing writs for the arrest of Buz, Tom, and Will Smith, an individual who was presumed to have participated in the gunfight.<sup>37</sup>

Two days after the outlaws' expeditious retreat, a deputy United States marshal who was present at the encounter addressed himself to Marshal Crump. In the dispatch, the officer recounted the altercation and subsequent escape of the

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<sup>34</sup> Ibid., page 99.

<sup>35</sup> A faint note under Nancy's name in the 1895 Creek payroll for Lochapoka and testimony from Buz's trial provide Nancy's maiden name: Chisholm. *United States v. Buz Lucky*, page 155 and 85. Based on a Creek census from 1882, Nancy appears to be related to Anderson Chisholm, the man at whose house Buz and Tom played cards. Creek Census of 1882, page 185, Microfilm 7RA-43, Record Group 75, National Archives at Fort Worth, Texas.

<sup>36</sup> *United States v. Buz Lucky*, page 103.

<sup>37</sup> Request for writs for W. H. Neal, Jacket Number 1896.

desperadoes. After summarizing the events, the author of the letter provided both the names and racial categories of the outlaws. Buz was identified as a “Creek negro,” Tom was described as a “Creek Indian,” and Will Smith, who was mistakenly included with Buz and Tom, was classified as a “mulatto negro.”<sup>38</sup> A document attached to the message assigned similar designations to the three men, except for Will Smith, who was referred to as a “negro” rather than a “mulatto negro.”<sup>39</sup>

As the official reports circulated, local newspapers produced sensational descriptions of the tragic confrontation between law enforcement and the desperadoes. The same day the deputy marshal relayed the information to Marshal Crump, the *Guthrie Daily Leader* published an account detailing the altercation. Entitled “Battle with Outlaws,” the article proclaimed, “A fight occurred between Deputy Marshal Williams and posse and Buz Luckey and Tom Roots, Creek Indians, and William Smith, a Cherokee negro.”<sup>40</sup> The following morning, a newspaper in Muskogee repeated the report, but in the Muskogean periodical, Tom was identified as a Creek Indian, whereas Buz and Will were simply specified as “negroes.” Even a week later, editors continued to differ in their portrayal of the participants; the *Indian Journal*, for instance, classified Buz and Tom as “Creek Citizens” but regarded Will as “a Cherokee negro.”<sup>41</sup> In short, journalists differed substantially in their depictions of the three fugitives.

<sup>38</sup> Letter from W. H. Neal to George J. Crump, December 7, 1894, *ibid.*

<sup>39</sup> *Ibid.*

<sup>40</sup> “Battle with Outlaws: One Deputy Marshal Fatally Wounded—Shot through the Body,” *Guthrie Daily Leader*, December 7, 1894.

<sup>41</sup> “A Hot Fight,” *Indian Journal*, December 14, 1894.



After several weeks of eluding law enforcement, Buz and Tom wearied of constant pursuit and surrendered to Moses Jimison, an Afro-Creek official residing in Arkansas Colored.<sup>42</sup> Because the deceased deputy had been a United States citizen, Buz and Tom appeared before the district court in Fort Smith, Arkansas, the domain of the renowned “Hanging Judge” Isaac Parker.<sup>43</sup> In the ensuing trial, racial descriptors, which had been prevalent in official documentation and journalistic reports, were noticeably absent. An exception to this observation, though, was the discussion about Goliah, the individual who served as guide to the officers. Witnesses, the majority of whom were white Americans, alternatively referred to Goliah as “a negro,” “a darky,” and “a colored fellow.”<sup>44</sup> But though of African descent, Goliah was also of Creek nationality; the former slave of Una McIntosh, Goliah resided in Arkansas Colored in the Creek Nation.<sup>45</sup> Interestingly, one of the white deponents acknowledged Goliah’s Indian citizenship but continued to confine him to racial designations.<sup>46</sup> For the white witnesses, Goliah’s racial, not national, affiliation was his determining characteristic; color established the basis for his identification.

The verdict and aftermath of the trial are superfluous to this study (although of slight interest is the 1900 census of the Columbus, Ohio, penitentiary, wherein Buz is

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<sup>42</sup> “Oklahoma Outlines,” *Wichita Daily Eagle*, May 21, 1896.

<sup>43</sup> “Charge of the Court” in *United States v. Buz Lucky*, pages 1–2.

<sup>44</sup> *United States v. Buz Lucky*, pages 2 and 110.

<sup>45</sup> Dawes Roll Creek Freedmen, 1898–1914, enrollment no. 972, National Archives Microfilm Publication M1186, card 261, National Archives at Fort Worth, Texas.

<sup>46</sup> *United States v. Buz Lucky*, page 68.

considered to be a black inmate, not Indian).<sup>47</sup> Of more import are the themes that materialize as one analyzes the outlaw career of Buz and the people with whom he interacted. First, Buz's activities—both legal and illegal—transcended racial boundaries; he married a black woman, consorted with white outlaws, played cards with a mixed-blood companion, and relied upon a Native American abettor. However, lest the reader conceive of the indigenous nations as having fashioned a halcyon society indifferent to color, one should recall that Buz's original band of miscreants consisted exclusively of individuals with African ancestry. Furthermore, when Buz surrendered to law enforcement, he sought out Moses, an Afro-Creek officer.<sup>48</sup> Though Buz occasionally conspired with white desperadoes, such as Jim and Nathaniel, he generally associated with other black bandits and exhibited more confidence in an Afro-Creek official.<sup>49</sup>

A second issue tangentially related to the first is the ambiguous social position occupied by native freedpeople in Indian Territory. The influx of African-American settlers into eastern Oklahoma contributed to the creation of a milieu where race could eclipse possession of tribal citizenship. This observation is evidenced in the documents pertaining to Buz's criminal career. Officials and journalists alike differed in their

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<sup>47</sup> Other than confirm Buz's conviction, the documents consulted for this study unfortunately do not disclose much post-trial information. United States Census, 1900, database with images, *FamilySearch* (<https://familysearch.org/ark:/61903/1:1:MMZY-GT5> : 22 January 2015), Buz Luckey, Montgomery Township (incl. Ohio State Penitentiary) Columbus City Ward 15, Franklin, Ohio, United States; citing sheet 4B, family , NARA microfilm publication T623 (Washington, D.C.: National Archives and Records Administration, n.d.); FHL microfilm 1,241,269.

<sup>48</sup> "Oklahoma Outlines," *Wichita Daily Eagle*, May 21, 1896.

<sup>49</sup> Even Tom, whom authorities and newspapers often identified as a Creek Indian, appears not to have been a full-blood native. Though conclusively determining the racial designation of Tom's parents is not possible, the author of this paper suspects that one of them was of African origins. See Dawes Roll Creek by Blood, 1898–1914, enrollment no. 2956 and 2957, card 914.

categorizations of Buz and his cohorts; their descriptions of the desperadoes were based occasionally on race, occasionally on nationality, and occasionally on a combination of the two.<sup>50</sup> However, as the preceding pages demonstrate, observers typically preferred racial rather than national descriptors in identifying wanted individuals. This propensity reveals how Buz, an Afro-Creek who resided in an Indian town, could be relegated to the status of “negro.”<sup>51</sup>

The story of Buz as portrayed in the previous pages exemplifies the social realities of late-nineteenth century Indian Territory. Or to rephrase this statement, outlawry serves as a microcosm of the racial environment in pre-statehood Oklahoma. Perceived in this manner, the first narrative concerns itself less with Buz and more with the structures that restricted the options available to him.<sup>52</sup> Regarding desperadoism as simply a reflection of pre-statehood social norms consequently deprives historical actors of agency and presents outlawry as a passive entity. These are the unintended result of the first history.

Whereas the first history extracts a particular element from the narrative and then employs said element to explain the experiences of Buz, the second history explores the narratives constructed by nineteenth-century observers themselves. This approach is necessary to better understand the attitudes and actions of individuals in

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<sup>50</sup> Compare, for example, request for writs in Criminal Defendant Case File for Bus Lucky, Jacket Number 258; “A Hot Fight,” *Indian Journal*, December 14, 1894; and letter from W. H. Neal to George J. Crump, December 7, 1894, Jacket Number 1896.

<sup>51</sup> “Killed by Outlaws,” *Muskogee Phoenix*, December 8, 1894.

<sup>52</sup> Cronon, “A Place for Stories,” 1352.

relation to outlawry. As Cronon contends, “[T]o recover the narratives people tell themselves about the meanings of their lives is to learn a great deal about their past actions and about the way they *understand* those actions. Stripped of the story, we lose track of understanding itself.”<sup>53</sup> In contrast to the story of Buz, then, the second history perceives Oklahoman banditry *with* nineteenth-century individuals rather than perceive *race through* nineteenth-century banditry. In doing so, it seeks to illuminate the manner in which outlawry actively influenced the ideation and political responses of Indian Territory residents.

As one browses primary materials from mid- to late-nineteenth century, he or she notices the reoccurring concept of progress. Interestingly, observers frequently juxtaposed this ambiguous abstraction with outlawry. Individuals generally regarded law and order as the foundation for economic and civil advancement; banditry, however, actively threatened evolution in both spheres.

Converting the wilderness into market-oriented farmlands, railroads represented nineteenth-century progress. The disruption of commodity conveyance therefore endangered economic development, not to mention the investments of affluent entrepreneurs. Agents of the Missouri–Kansas–Texas Railroad communicated this concern to a Fort Smith official in a letter that warned, “[A] gang of desperadoes is in the vicinity and along the line of one road with a view to some criminal mischief. . . . [W]e think the danger sufficiently great to ask that writs be issued for the arrest of one

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<sup>53</sup> Ibid., 1369.

Cook and four persons names unknown.”<sup>54</sup> Railroad magnates, though, were not alone in defending the metaphorical wheels of progress. In a mid-1880s report, a Kansan functionary proclaimed, “Those who violate the law should be arrested and brought before the courts for trial and punishment. The stopping of transportation and the stagnation of business have endured long enough. The wheels of industry must be put in motion.”<sup>55</sup> Thus, outlawry, if unrestrained, endangered the officially sanctioned economic evolution of a region.

Concerned individuals, though, decried not only the commercial stasis but also the civil stagnation produced by banditry. In his first annual address to the Cherokee Nation, Chief Bushyhead thundered, “[T]he enforcement of law and preservation of order are . . . essential to our civilization and progress.”<sup>56</sup> Newspapers, the molders of public opinion, reiterated the executive’s sentiments. In an editorial on lawlessness in Indian Territory, the *Cherokee Advocate* lamented the absence of “peace, order, or opportunity to advance in civilization.”<sup>57</sup> The *Star Vindicator* echoed this theme, declaring, “This is supposed to be a civilized country, and there is a proper way to get at

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<sup>54</sup> Letter from the Missouri, Kansas, and Tennessee Railway to Churchill, February 11, 1875, Folder 6, Box U-8, U.S. District Court Collection: Western District of Arkansas, Western History Collections, University of Oklahoma, Norman, Oklahoma.

<sup>55</sup> Disturbances of the Public Peace, Folder 21, Box 239, Edward Everett Dale Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma.

<sup>56</sup> First Annual Message of Hon. D. W. Bushyhead, November 10, 1879, 2755.41, Phillips Pamphlets Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma (hereafter cited as Phillips Pamphlets Collection).

<sup>57</sup> Editorial on Ross, *Cherokee Advocate*, January 16, 1875, Folder 29, Box 1, William P. Ross Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma (hereafter cited as William P. Ross Collection).

all offenders against the law.”<sup>58</sup> Even the common citizenry commented on which behaviors were appropriate for a developed society. When recounting a shooting incident that occurred near his home, a witness recalled, “I heard them talking about shooting. . . . I heard my wife make some expression that she did not like to hear such things in a civil country.”<sup>59</sup> In sum, elected officials, unelected pundits, and even electors themselves contemplated illegal activities, at least partly, in relation to civil advancement.

The intersection of outlawry and progress segues into the principal ramification of desperadoism: politics. The Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations occupied a precarious position in the late nineteenth century; American expansion, a relentless western drive, exerted increasing pressure on the native governments of Indian Territory. Therefore, to preserve their independence, the five indigenous nations in eastern Oklahoma sought to demonstrate their civilized state, but outlawry, which both American and Native American officials perceived as an attribute of regressive populations, undermined these efforts. In other words, pervasive banditry was an indicator of primitive societies, so to affirm their economic and civil advancement and consequently defend their sovereignty, principals of the Five Civilized Tribes desired to curtail illegal activities.

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<sup>58</sup> Editorial on Coleman Cole, *Star Vindicator*, August 18, 1877, Folder 29, Coleman Cole Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma.

<sup>59</sup> *United States v. Oscar Thompson and Nicholas Miller*, pages 4–5, Transcripts of Testimony, 1889–1899 (National Archives Identifier: 1157668), Record Group 21, National Archives at Fort Worth, Texas. Letter from Edmund McKinney to Peter P. Pitchlynn, April 19, 1853, Folder 23, Box 2, Peter P. Pitchlynn Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma (hereafter cited as Peter P. Pitchlynn Collection).

At the conclusion of the Civil War, before eastern Oklahoma had earned the dubious distinction of being a haven for desperadoes, Choctaw Chief Peter Pitchlynn wrote, “Now it becomes our people to settle down to a strict observance of law and good order. . . . Our safety as a Nation and our hopes of successful arrangements in any future negotiations with the United States Government will be materially affected for good or evil by the measure of good order we may be able to maintain in our country.”<sup>60</sup> If native governments prevented outbreaks of outlawry, the moral high ground claimed by the United States during treaty negotiations would presumably approximate the Great Plains rather than the Rocky Mountains. In the immediate aftermath of the Civil War, then, some Indian Territory officials associated the preservation of order with the preservation of self-determination.

This perspective enjoyed the support of other influential Native Americans in the following decades. The motivation for said support is revealed in a Kansan newspaper column entitled “On to Oklahoma.” Appearing in the *Kansas City Times*, the article vigorously advocated for the “open[ing] [of Indian Territory] to white settlement.” “The citizens of the border counties of Kansas,” declared the editor, “. . . have felt disposed right along to prevent Indian Territory from becoming . . . a rendezvous for outlaws— but the only way this can be brought about or effected is to give to Indian Territory a territorial form of government, laws, courts, and officers to enforce the laws.”<sup>61</sup> David

<sup>60</sup> Letter from Peter P. Pitchlynn to Edmond Gardner, June 20, 1865, Folder 27, Box 4, Peter P. Pitchlynn Collection.

<sup>61</sup> “On to Oklahoma,” *Kansas City Times*, January 3, 1882, Folder 35, Box 1 (P-23), David L. Payne Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma.

Payne, a boomer in frequent contact with native law enforcement, could not have penned a more eloquent argument for the dissolution of the Five Civilized Tribes.

Unfortunately for the governments in eastern Oklahoma, Kansan newspaper editors were not alone in promoting the opening of Indian Territory. Residents of the Seminole Nation addressed the United States Congress in a letter that merits full consideration.

The undersigned citizens of the Seminole Nation . . . have learned with profound astonishment and grief, that the honorable Board of Indian Peace Commissioners, represented by Messrs. Clinton B. Fisk, C. S. Hammond, B. R. Roberts, and J. D. Lang, (the chairman thereof being, as we understand, treasurer of the Atlantic and Pacific Railroad Company, which claims large contingent land grants in our country); have on their return to the seat of Government of the United States, reported that there exists an *immediate necessity*, on account of the frequency of crime, for the organization of a Territorial form of Government over the people of this Territory.<sup>62</sup>

According to the United States representatives, the inability of a state to maintain law and order justified foreign intervention within said state—the United States undoubtedly assuming the role of interventionist.

American editors and commissioners advocating for the dismemberment of tribal governments and the establishment of a territorial government in Indian Territory compelled a response from indigenous inhabitants. Obviously, outlawry was not the only element in discussions surrounding Native American sovereignty, but it factored

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<sup>62</sup> Protest of the Seminole Nation against the Establishment of a Territorial Government by the Congress for the Indian Territory, January 7, 1875, 2755.148, Phillips Pamphlets Collection.



into the dispute and therefore merited the attention of both informal and formal tribal leaders.

Unelected residents of Indian Territory, such as regular citizens petitioning United States Congress and journalists defending the Five Civilized Tribes, commented on desperadoism in relation to Native American autonomy. Though not public servants, these individuals participated in the political discourse between native and foreign powers. Consider once more, for example, the Seminole petitioners who drafted a memorial to American legislators. In the appeal, the appellants not only contested the conclusions of the commissioners but also championed Seminole sovereignty. After summarizing the agents' report and recommendation, the indignant correspondents insisted that the amount of outlawry in Indian Territory did not deviate significantly from the level of illegal behavior in the United States and that Seminole self-determination should consequently not be abrogated.<sup>63</sup> A Cherokee journal also employed this logic in an editorial, declaring, "To admit that there are bad men in the Cherokee Nation, is but to concede a fact equally true of every State in the Union, and it by no means follows that this [Cherokee] Government is, therefore, warranted in utterly condemning the acknowledged authorities of that [United States] Government."<sup>64</sup> In other words, both the United States and Indian Territory contained numerous individuals engaged in criminal activities; therefore, the American government could not use outlawry as a rationale for restricting the autonomy of the Five Civilized Tribes.

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<sup>63</sup> Ibid.

<sup>64</sup> Editorial on Ross, *Cherokee Advocate*, May 4, 1872, Folder 6, Box 1, William P. Ross Collection.

Not only unelected residents but also elected officials recognized the confluence of banditry and native sovereignty. In January 1875, the *Cherokee Advocate* contained an article detailing unsubstantiated reports of Chief William Ross ignoring illegal behavior “in order to prevent any action favoring a territorial government.” The editor, however, discredited these rumors and rebutted the argument that the executive tolerated outlawry so as to impede the expansion of United States power into Indian Territory. “We are disposed, however, to doubt the assertion that Ross encourages outrages in order to prevent action in favor of a Territorial government,” wrote the skeptical columnist; “he must be shrewd enough to know that every outbreak of this character greatly strengthens those who demand that this fair Territory shall no longer be left to the exclusive occupation of those who either cannot or will not maintain order or develop its resources.” Warming to the topic at hand, the roused reporter continued, “The very existence of the anomalous subject, sovereignty—this Territory from which the people of the United States are excluded, even while they must of necessity make laws for it—is an offense which cannot long be tolerated.”<sup>65</sup> Herein lay the issue: the United States legal and judicial systems already exerted considerable pressure on the self-governance of the Five Civilized Tribes and outlawry exacerbated the situation by further threatening Native American self-governance. Therefore, why would any official in Indian Territory not curb banditry and thereby deny the United States an opportunity for intervention?

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<sup>65</sup> Editorial on Ross, *Cherokee Advocate*, January 16, 1875, Folder 29, Box 1, William P. Ross Collection.

Less than five years after the *Cherokee Advocate* defended Chief William Ross against these unfounded accusations, Dennis Bushyhead addressed the Cherokee Nation as the newly elected executive. In his first annual message to the Cherokee constituency, Chief Bushyhead notified the audience of “an organized band of desperadoes . . . roam[ing] on our western borders.” He then requested that Cherokee officers aid American law enforcement in apprehending the renegades. His rationale for this recommendation was that the “preservation of order . . . will materially aid us in our relations with the United States Government.”<sup>66</sup> Curtailing outlawry would conceivably reduce external interference within the Five Civilized Tribes.

Chief Bushyhead’s address to his Cherokee compatriots, though containing admonition and reproof, was restrained and subdued. Not so the message of Benjamin Overton, governor of the Chickasaw Nation, delivered on September 20, 1883. The historical record is silent as to the governor’s bill of fare that September morning, but his discourse later that day suggests it was wholly unpalatable. To quote the dyspeptic official,

Your national weakness . . . has produced in the bosoms of your countrymen a feeling of contempt and disrespect for their own nationality, and seeing that their lives and property cannot be protected by the laws of their own country, must naturally seek protection elsewhere. . . . History gives no account of a people who manifests as little interest as you do in maintaining a government, particularly when the political fate of the nation depends upon a prompt and impartial administration of the laws. Your continued indifference to the enforcement of law, or failure to protect the lives and property . . . has produced

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<sup>66</sup> First Annual Message of Hon. D. W. Bushyhead, November 10, 1879, 2755.41, Phillips Pamphlets Collection.

a like indifference in the minds of your neighbors as to your success as a people.<sup>67</sup>

Referencing disregarded legislation, the executive exhorted Chickasaw authorities to enforce all laws, thereby protecting Chickasaw self-determination and propelling the nation to a higher level of civilization. The jeremiad, like all good jeremiads, concluded with a somber warning to the congregants. “Remember that history is replete with the rise and fall of nations; that yours is only fallible, and without a radical change in the means of executing your laws, you must succumb to the inevitable.”<sup>68</sup> In short, the reluctance or inability of Chickasaw officers to apprehend outlaws and maintain order prompted indigenous inhabitants to request American intervention, which undermined tribal sovereignty.

This interplay between outlawry and self-determination is not unique to pre-statehood Oklahoma; historians examining banditry in other regions have commented on the connection between the two. The late Eric Hobsbawm, in particular, explored the relationship between lawlessness and native autonomy. Writing in the 1950s and 1960s, Hobsbawm articulated the concept of social banditry. Though Hobsbawm’s conception of social banditry contains various elements, he defined social bandits as “peasant outlaws whom the lord and state regard as criminals, but who remain within peasant society, and are considered by their people as heroes, as champions, avengers, fighters for justice, perhaps even leaders of liberation, and in any

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<sup>67</sup> “Message of the Governor of the Chickasaw Nation,” September 20, 1883, *Indian Journal*, Folder 67, Benjamin F. Overton Collection, Western History Collections, University of Oklahoma, Norman, Oklahoma.

<sup>68</sup> *Ibid.*

case as men to be admired, helped and supported.”<sup>69</sup> Essentially, he considered his subjects to exemplify “a special type of peasant protest and rebellion.”<sup>70</sup>

In the years following the publication of Hobsbawm’s studies, other researchers began to question the British historian’s conclusions. Whereas Hobsbawm gathered an assortment of material from numerous regions, later scholars analyzed specific locales to evaluate the legitimacy of Hobsbawm’s interpretations. Led primarily by Anton Blok, these historians challenged Hobsbawm’s use of sources and contended that Hobsbawm depended on popular accounts rather than actual events to construct his theoretical framework. Robert J. Antony was particularly frank in his assessment of Hobsbawm’s evidence; favoring candor rather than tact, he bluntly declared, “Much of Hobsbawm's treatment of social banditry is loosely argued and inadequately supported by reliable evidence. Folk ballads, legends, and myths have formed the basis of his concept of social banditry.”<sup>71</sup> Though Hobsbawm’s *Bandits* generated considerable debate, many researchers questioned the ubiquity—even the validity—of social banditry.<sup>72</sup>

In contrast to the aforementioned historians who criticized Hobsbawm’s selection of sources, this study explores a theme woven throughout *Bandits* that pertains to native societies and self-governance. In other words, rather than determine whether social bandits inhabited the literary world or the actual world, the subsequent

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<sup>69</sup> Eric Hobsbawm, *Bandits* (New York: The New Press, 2000), 20.

<sup>70</sup> *Ibid.*, 45.

<sup>71</sup> Robert J. Antony, “Peasants, Heroes, and Brigands: The Problems of Social Banditry in Early Nineteenth-Century South China,” *Modern China* 15, no. 2 (April 1989), 124.

<sup>72</sup> Paul Vanderwood, “Bandits, Real and Imagined: An Introduction to the Theme in Mexican History,” in *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History*, eds., Clive Emsley and Louis A. Knafla (Westport, CT: Greenwood Press, 1996), 231.

paragraphs analyze Hobsbawm's perception of the interaction between outlawry and autonomy.

Hobsbawm, when constructing his theoretical framework of social banditry, emphasized power contests and class conflict—power contests pertaining to a struggle between agrarian populations and distant centers of governance and class conflict pertaining to an animus between rural indigents and both local and foreign elites. His analysis of the former rests on the premise that traditional communities are instinctively antagonistic toward the influx of disruptive, external influences. This principle, communicated implicitly and explicitly throughout *Bandits*, is most clearly articulated in the second chapter, entitled “What Is Social Banditry?” “Insofar as bandits have a ‘programme,’ it is the defence or restoration of the traditional order of things ‘as it should be’ . . . . They right wrongs, they correct and avenge cases of injustice, and in doing so apply a more general criterion of just and fair relations between men in general, and especially between the rich and the poor, the strong and the weak.”<sup>73</sup> In Hobsbawm's estimation, the values of a foreign, invasive power are necessarily antithetical to the practices of a native society, and this antithesis results in social banditry.

This supposition is logical and undoubtedly valid in certain historical contexts, but the examination of desperadoism and sovereignty in the previous pages challenges this generalization. As the study noted, a select number of citizens of the Five Civilized

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<sup>73</sup> Hobsbawm, *Bandits*, pages 29–30. See also pages 9, 20, 21–22, 27, 31, and 42.

Tribes conceived of progress in a manner similar to Americans—harvesting natural resources, industrializing, transporting commodities, and opposing individuals, such as desperadoes, who threatened these enterprises. Granted, most Native Americans residing in Indian Territory did not wholly concur with this conception of societal evolution; many indigenous inhabitants opposed the allotment of tribal lands and other measures inimical to established practices. But the historical record does not indicate that conservative citizens of the Five Civilized Tribes engaged in cattle rustling or train robbery, for example, as a demonstration of their resistance to external forces. Conversely, archival investigation for this study did not uncover evidence of desperadoes participating in illegal activities to restore “the traditional order of things.” Instead of being a reaction to and deterrent of foreign incursion, outlawry invited further American intervention. Unchecked disorderly behavior provided the United States with a justification for occupying Indian Territory and suspending Native American governance. Elected officials of the indigenous nations recognized this subversion of tribal sovereignty and therefore perceived outlawry as an insidious eroder of the *ability* to maintain “the traditional order of things.” The history of outlawry in late nineteenth-century Oklahoma, then, contests the tacit Hobsbawmian assumption that banditry at the vertex of native and foreign cultures constitutes social banditry.

This second history, then, highlights the political impact of outlawry in pre-statehood Oklahoma. Whereas the story of Buz depicts desperadoes as passive reflections of late-nineteenth-century social norms, the second narrative portrays outlaws as historical actors who influenced political discourse and decisions in Indian

Territory. The different emphases and conclusions of both histories result from the concerns and preoccupations of the narrators. As Frederick Jackson Turner declared, “Each age writes the history of the past anew with reference to the conditions uppermost in its own time.”<sup>74</sup> The first story views the experiences of Buz through twenty-first century eyes, which instinctively are drawn to color. This observation is not intended to suggest racial concerns were foreign to the Twin Territories; rather, race was not an essential element of outlawry within the Five Civilized Tribes. Consequently, to magnify this component of the story while suppressing the narratives of nineteenth-century observers ascribes meaning that is alien to the actual participants. The second history, by contrast, acknowledges historical voices and seeks to portray outlawry as residents of Indian Territory understood it. This approach coincides with Cronon’s assertion that “to recover the narratives people tell themselves about the meanings of their lives is to learn a great deal about their past actions and about the way they *understand* those actions. Stripped of the story, we lose track of understanding itself.”<sup>75</sup> In sum, rather than introduce twenty-first century concerns into the narrative, the second history endeavors to reveal historical actors’ perception of outlawry.

From the historical narrative of Buz and Tom to the discourse on indigenous autonomy, this study has explored various issues. The opening pages discussed William Cronon’s “A Place for Stories” and examined the presence of race in western

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<sup>74</sup> Frederick Jackson Turner and John Mack Faragher, *Rereading Frederick Jackson Turner: “The Significance of the Frontier in American History” and Other Essays* (New Haven, CT: Yale University Press, 1998), 18.

<sup>75</sup> Cronon, “A Place for Stories,” 1369.



desperadoism. Afro-Indian renegades, harried by both American and Native American law enforcement, roamed throughout pre-statehood Oklahoma; their pursuers, in an effort to identify the fugitives, categorized them primarily by race, not nationality. This conclusion segued into a discussion of one's approach to the study of outlawry: should historians perceive banditry as a passive reflection of existing social realities or as an active agent influencing political developments? In contrast to the first portion of the article, the latter half pursued the second alternative. Observers regarded outlaws as hindering economic and civil progress. This preoccupation with notions of civilization and societal evolution revealed the tense relationship between outlawry and native sovereignty. To demonstrate their civilized state and thereby defend their autonomy, the Five Civilized Tribes sought to curtail illegal behavior, which hindered their ability to lay claim to power. The interplay of desperadoism and sovereignty prompted the study to consider the arguments presented by Eric Hobsbawm in *Bandits*. However, in contrast to scholars who disputed the existence of social banditry, this article instead challenged the supposition that traditional communities necessarily opposed the values and culture introduced by foreign societies and that outlaws who inhabited these fluid regions were social bandits preserving native practices.

The escapades of Buz and Tom therefore serve a greater purpose than simply recounting a colorful chapter in American history. Analysis of their experiences allows the two outlaws to escape the confines constructed by fictional literature and compels the reader to look beyond their desperate deeds and contemplate their historical roles. In doing so, one perceives they not only typified Indian Territory's social environment

but also threatened its political landscape; though late-nineteenth century racial norms influenced the decisions and actions of desperadoes, these unruly characters possessed agency and jeopardized the remnants of native self-determination.

More importantly, though, divergence between the two narratives encourages one to consider the role of the historian in recreating history. Whereas the first half of this study uses outlawry as a lens through which to view race, the latter portion rejects this presentist approach and instead seeks to understand late-nineteenth-century concerns about banditry, such as sovereignty. Recognizing the disparate themes and conclusions in both stories invites students of history to pause and reflect before attributing explanations and interpretations to the experiences of past men and women.

## BIBLIOGRAPHY: PRIMARY SOURCES

*Atchison Champion.*

Benjamin F. Overton Collection, Western History Collections, University of Oklahoma, Norman, OK.

*Cherokee Advocate.*

Coleman Cole Collection, Western History Collections, University of Oklahoma, Norman, OK.

Creek by Blood and Creek Freedmen Cards, Enrollment Cards for the Five Civilized Tribes, 1898–1914, Microfilm M1186, National Archives at Fort Worth, TX.

Creek Census, 1882, Microfilm 7RA-43, Records of the Bureau of Indian Affairs, Record Group 75, National Archives at Fort Worth, TX.

David L. Payne Collection, Western History Collections, University of Oklahoma, Norman, OK.

Dawes Commission and Commissioner to the Five Civilized Tribes. *The Final Rolls of Citizens and Freedmen of the Five Civilized Tribes in Indian Territory.* Baltimore: Genealogical Publishing, 2011.

Dawes Enrollment Applications, Microfilm M1301, Records of the Bureau of Indian Affairs, Record Group 75, National Archives at Fort Worth, TX.

Edward Everett Dale Collection, Western History Collections, University of Oklahoma, Norman, OK.

*Guthrie Daily Leader.*

*Indian Chieftain.*

*Indian Journal.*

Jacket Number 258, Records of the U.S. District Court for the Western District, Record Group 21, National Archives at Fort Worth, TX.

Jacket Number 267, Records of the U.S. District Court for the Western District, Record Group 21, National Archives at Fort Worth, TX.

Jacket Number 385, Records of the U.S. District Court for the Western District, Record Group 21, National Archives at Fort Worth, TX.

Jacket Number 1896, Records of the U.S. District Court for the Western District, Record Group 21, National Archives at Fort Worth, TX.

*Muskogee Phoenix.*

Peter P. Pitchlynn Collection, Western History Collections, University of Oklahoma, Norman, OK.

Phillips Pamphlets Collection, Western History Collections, University of Oklahoma, Norman, OK.

*United States v. Buz Lucky*, Transcripts of Testimony, 1889–1899 (National Archives Identifier: 1157668), Record Group 21, National Archives at Fort Worth, TX.

*United States v. Oscar Thompson and Nicholas Miller*, Transcripts of Testimony, 1889–1899 (National Archives Identifier: 1157668), Record Group 21, National Archives at Fort Worth, TX.

U.S. District Court Collection: Western District of Arkansas, Western History Collections, University of Oklahoma, Norman, OK.

*Wichita Daily Eagle.*

William P. Ross Collection, Western History Collections, University of Oklahoma,  
Norman, OK.

### BIBLIOGRAPHY: SECONDARY SOURCES

Adams, Ramon F. *Burs under the Saddle: A Second Look at Books and Histories of the West*. Norman, OK: University of Oklahoma Press, 1964.

Anderson, Dan, and Laurence Yadon. *100 Oklahoma Outlaws, Gangsters, and Lawmen 1839-1939*. Gretna, LA: Pelican Publishing, 2007.

Antony, Robert J. "Peasants, Heroes, and Brigands: The Problems of Social Banditry in Early Nineteenth-Century South China." *Modern China* 15, no. 2 (April 1989): 123-148.

Blok, Anton. "The Peasant and the Brigand: Social Banditry Reconsidered." *Comparative Studies in Society and History* 14, no. 4 (September 1972): 494-503.

Brooks, James, ed. *Confounding the Color Line: The Indian-Black Experience in North America*. Omaha: University of Nebraska Press, 2002.

Burton, Art. *Black, Red, and Deadly: Black and Indian Gunfighters of the Indian Territory, 1870-1907*. Austin, TX: Eakin Press, 1991.

Chang, David A. *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929*. Chapel Hill, NC: University of North Carolina Press, 2010.

Cronon, William. "A Place for Stories: Nature, History, and Narrative." *Journal of American History* 78, no. 4 (March 1992): 1347-1376.

Drago, Harry Sinclair. *Outlaws on Horseback: The History of the Organized Bands of Bank and Train Robbers Who Terrorized the Prairie Towns of Missouri, Kansas, Indian Territory, and Oklahoma for Half a Century*. Cornwall, N. Y.: Cornwall Press, 1964.

Egmond, Florike. *Underworlds: Organized Crime in the Netherlands 1650-1800*. Cambridge: Polity Press, 1993.

- Emsley, Clive and Louis A. Knafla, eds. *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice in Modern History*. Westport, CT: Greenwood Press, 1996.
- Hobsbawm, Eric. *Bandits*. New York: New Press, 2000.
- May, Katja. *African Americans and Native Americans in the Creek and Cherokee Nations, 1830s to 1920s*. New York: Garland Publishing, 1996.
- McLoughlin, William G. "Red Indians, Black Slavery and White Racism: America's Slaveholding Indians." *American Quarterly* 26, no. 4 (October, 1974): 367-385
- O'Mally, Pat. "The Suppression of Social Banditry: Train Robbers in the U.S. Border States and Bushrangers in Australia, 1865-1905." *Crime and Social Justice*, no. 16 (Winter 1981): 32-39.
- O'Neal, Bill. *Encyclopedia of Western Gunfighters*. Norman, Oklahoma: University of Oklahoma Press, 1979.
- Roberts, Gary L. "The West's Gunmen: I, The Historiography of the Frontier Heroes." *American West* 8 (January 1971): 10-15 and 64.
- Roberts, Gary L. "The West's Gunmen: II, Recent Historiography of Those Controversial Heroes." *American West* (March 1971): 18-23 and 61-62.
- Saunt, Claudio. *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816*. Cambridge, UK: Cambridge University Press, 1999.
- Saunt, Claudio. *Black White, and Indian: Race and the Unmaking of an American Family*. Oxford: Oxford University Press, 2005.
- Saunt, Claudio. "The Paradox of Freedom: Tribal Sovereignty and Emancipation during the Reconstruction of Indian Territory." *The Journal of Southern History* 70, no. 1 (February, 2004): 63-94.

Turner, Frederick Jackson and John Mack Faragher. *Rereading Frederick Jackson Turner: "The Significance of the Frontier in American History" and Other Essays*. New Haven, CT: Yale University Press, 1998.

Wagner, Kim A. "Thuggee and Social Banditry Reconsidered." *The Historical Journal* 50, no. 2 (June 2007): 353-376.

White, Richard. "Outlaw Gangs of the Middle Border: American Social Bandits." *The Western Historical Quarterly*, Vol. 12, No. 4 (October 1981): 387-408.

Wickett, Murray R. *Contested Territory: Whites, Native Americans, and African Americans in Oklahoma 1865-1907*. Baton Rouge: Louisiana State University Press, 2000.

Willson, Walt. "Freedmen in Indian Territory during Reconstruction." *The Chronicles of Oklahoma* 49, no. 2 (Summer, 1971): 230-244.

Zellar, Gary. *African Creeks: Estelveste and the Creek Nation*. Norman, Oklahoma: University of Oklahoma Press, 2007.