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# Vice in the Veil of Justice: Embedding Race and Gender in Frontier Tourism

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Vice in the Veil of Justice: Embedding Race and Gender in Frontier Tourism

Vice in the Veil of Justice: Embedding Race and Gender in Frontier Tourism

A dissertation submitted in partial fulfillment  
of the requirements for the degree of  
Doctor of Philosophy in Anthropology

By

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August 2013  
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## ABSTRACT

This dissertation analyzes how “frontier” discourses in Fort Smith, Arkansas simultaneously constitute mythological narratives that elide the deleterious effects of imperialism, racism, and sexism, while they operate as marketing schemes in the wager that they will attract cultural heritage tourists. It examines material exhibits and interpretive history programs at locations including the Fort Smith National Historic Site, Fort Smith Museum of History, Miss Laura's Visitor's Center, and the Clayton House; in texts such as the 1898 book by Samuel Harman whose title forever branded Fort Smith as *Hell on the Border*; in the subsequent branding and marketing derived from the novel and film versions of *True Grit*; and in performances by local reenactment troupes such as Wild West Shooters, Quantrill’s Raiders, Indian Territory Pistoliers, and Baridi Nkokheli’s portrayal of Bass Reeves.

In this diverse assemblage of narratives and performances, the identity of Fort Smith as a “border town” teetering on the precarious edge between civilization and savagery, white and colored, rugged masculinity and domestic femininity, is constructed and celebrated. My thesis is that the frontier myths told in Fort Smith about the presence of the military fort and the principle figures of Judge Isaac Parker, Bass Reeves, Laura Zeigler, and Belle Starr, are mythologies that serve to legitimate and rationalize discourses that locate the role of Fort Smith as a doorway to the Southwest in the nation's campaign of manifest destiny. Locally, Fort Smith is veiled as a “noble protector of Indians” while Indian Territory is systematically and literally severed and railroaded into becoming a state.

This frontier discourse operates on several levels. For the Chamber of Commerce and the Convention and Visitors Bureau it is the foundation for branding the city as a “frontier” town in order to grow the industry of cultural heritage tourism as the local manufacturing base shrinks.

For many reenactors, the frontier resonates deeply, serving as a talisman for protecting narrow notions of race, gender, and justice, as it elides their complexity, ignores their ambiguity, and reinforces social inequalities. Still others find the frontier discourse as a way of transcending centuries of discrimination.

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## **DEDICATION**

This dissertation is dedicated to the memory and family of SGT. Henry Wesley Kellough,  
LAPD.

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## **I: THE FORT SMITH FRONTIER COMPLEX**

“Would you like to pull the lever?”

For the grand finale of the tour, we were led to the end of a hallway where a miniature gallows stood on a table. The model was about two feet high and two feet wide and complete with a little stairwell that ascended to a platform with a vaulted roof covering it. Four little ginger-bread-like-men, each with a hangman’s noose around its neck, stood on the trap door awaiting their execution. Above these pretend gallows hung the portrait of the man said to be the architect of this entire scene – Judge Isaac C. Parker – widely referred to as “The Hanging Judge.” With his head cocked to the left, his trademark white goatee and moustache finely combed, and his eyes sternly focused in the distance, Parker’s austere visage presided over the tourist proceedings at these miniature-gallows in the official Fort Smith Visitor’s Center, located in Miss Laura’s Social Club.

The tour guide asked if we knew who Judge Parker was and if we had visited the National Historic Site to see his courtroom. She suddenly grew a sideways grin on her face and looked squarely into the eyes of a young teenage girl whom she had conspicuously ignored up to this point in the tour of this historic bordello. “Would you like to pull the lever?” she said to her. “Sure,” the young girl sardonically replied. With the switch of the lever, a trap door swung open and the four ginger-bread men fell to their fates. With their little ropes cinched around their necks, the hangman’s knot did its designated duty causing each of them to forcefully lurch to one side, which is said to be what breaks the neck in an actual hanging. But in this case it only set the ginger-bread-men to comically Weeble-Wobbling back and forth on their ropes for several seconds.

A similar scene has been replayed for tourists in Fort Smith, Arkansas, many times. What does it mean to reduce an instrument of capital punishment into a child's plaything? What does it mean for a young teenage girl to tour a brothel and be ignored the entire way? Why does it suddenly become acceptable to engage the young girl when the subject turns to hangings, and gleefully request that she pull the lever? Moreover, what does it mean for a city to intentionally build its entire tourist marketing scheme around gallows and a brothel? These are the sorts of questions that this dissertation will ask and answer.

### The Frontier Complex and "American Exceptionalism"

The city of Fort Smith, Arkansas, serves as a representative point of expression for Frederick Jackson Turner's "frontier thesis." Turner argued that it was the very nature of the frontier environment that was the crucible for what he called "American exceptionalism." The harsh conditions of living on the "outer edge of the wave – the meeting point between savagery and civilization" (Turner 1999 [1893]:19), forced pioneers to search themselves for new and innovative ways in which to survive. This entrepreneurial spirit was believed to have led America to greatness; therefore Turner was lamenting its loss and expressing concern for the future American character (Turner, F.J. 1999). I will argue that Turner was just one of many people in the late 19<sup>th</sup> century who were imagining the frontier not merely as a natural place but as a place, imbued with mythical qualities, laying the groundwork upon which countless dramatic tall-tales and legends of the Wild West frontier could unfold.

Turner first presented this thesis in 1893 at the American Historical Association meeting, held concurrently with the Columbian Exposition in Chicago, which marked the 400 year anniversary and capping off of white colonization of North America and manifest destiny.

Turner declared the American frontier “closed” as of 1890, based on demographic patterns derived from census records. It is this imagined frontier that both Turner and the Columbian Exposition discursively circumscribed across the frontier of the Great Plains and across the ever moving frontier of American imperialism.

Fort Smith saw its own frontier closing in this same time frame. First, Indian Territory was removed from the jurisdiction of the U.S. Court for the Western District of Arkansas, Judge Isaac C. Parker presiding, September 1, 1896, and then two and a half months later, Parker died on November 17, 1896. Eleven years later the role that Fort Smith had played as a border city to the frontier officially ended with Oklahoma statehood in 1907. This subsiding frontier was immediately reopened in the imagination with a flood of tall-tales, legends, and myths. Since 1955, Fort Smith has consciously capitalized on the imagined loss of, and the nostalgia for, this frontier by branding and marketing itself to tourists as a frontier western town, showcasing brothels and judges, outlaws and deputies, and full size and miniature gallows for tourists to reenact hangings.

This process of mixing contemporary imaginings of what the frontier was like with the historical and material artifacts from the period to create authentic reproductions for tourists is what I will call the “frontier complex.” The frontier complex is material in that it comprises a set of buildings and monuments in downtown Fort Smith, and it is mental in that the ideas and memories that it contains represent contemporary ideologies of justice, gender, and race. The overall result of this frontier complex is that the devastating consequences of imperialism, racism, and sexism are silenced.

## The Political Economy of Fort Smith

The city of Fort Smith sits in the mouth of the Arkansas River Valley at the far west center point of the state, abutted to the Oklahoma border, and spooned on three of its borders by the Arkansas and Poteau Rivers. This geographical location has long been inhabited and contains many prehistoric Indian sites including Spiro Mounds which flourished during the Mississippian period (800-1450), and is located less than ten miles from downtown Fort Smith. Caddo and Osage Indians lived in the area just prior to European arrival.

The Arkansas River Valley became significant to the United States after the Louisiana Purchase in 1803, which immediately doubled the size of the country and precipitated an initially gradual, then rapid and systematic advancement westward. It took 14 more years before the military fort of Fort Smith was established in 1817. The fort and subsequent city bear the name of General Thomas Adams Smith, a decorated brigadier general from the War of 1812 (Higgins 2007:12). The military fort was the catalyst for the growth of the Belle Point community that became the city of Fort Smith in 1842. Though fundamentally symbiotic, the relationship between the civilians and the soldiers, between the captains of the local economy and the captains of the fort, was never clear, nor certain, seldom congenial, and most often contentious (Bearss 1969; DuVall 2006; Higgins 2007).

From its inception, the local Fort Smith economy has been inextricably bound with the political and military decisions made in Washington. The political economy of a nation at war necessitates a particular balance between the military and civilian uses of its resources. Fort Smith was founded as a direct result of the War of 1812, given a second life by the U.S. Mexican War 1846-48, and acquired its principal “hell on the border” identity as the staging ground of the “cold war” with Indian Territory 1871-96.

The economy of Fort Smith grew as the imperialist impulses of the United States breached the continental borders and spilled around the globe. Local forests in the Ozark and Ouachita Mountains and wood manufacturers in the River Valley provided wagons and rifle butts for World War I; wood gliders for World War II, and after; 1941-61 Fort Chaffee readied soldiers for World War II, held German POWs, and then became a base of operations in the Cold War military buildup. In 1953, Fort Smith was designated the base of the 184<sup>th</sup> Tactical Reconnaissance Squadron, which became the 188<sup>th</sup> Fighter Wing, commonly referred to as the “Flying Razorbacks.”

The local Fort Smith economy has thus ridden the vicissitudes of United States military involvements from its founding in 1817 to the present day. In January of 2013, this point was driven home when it became clear that national defense cuts would remove the 188<sup>th</sup> Flying Razorbacks from the city, placing over one thousand jobs in harm’s way and setting the local economy reeling with uncertainty. The dependency on federal monies in the Fort Smith economy has been manifest at every turn, yet this fact is absent in both popular history and cultural memory of the town (Bearss 1969:5).

Instead of looking east toward Washington D.C. for the source of its history, all eyes in Fort Smith are redirected westward in the diversion of frontier discourse. This viewpoint squares with the anti-government attitudes expressed by many of the historical reenactors who perform in the frontier complex. They in effect turn their backs on the federal government, its law, order, and money in favor of reenacting deputies and outlaws from Indian Territory to revel in a lawless Wild West where they take orders from no one, and justice into their own hands. The westward focus on the points of the compass also veils the origins of Fort Smith history in the carpetbagger



Judge Parker, the industrialist Jay Gould's northern railroad interests, as well as the complexity and legacy of slavery, the Civil War, and segregation of the South.

### Thesis and Research Questions

My thesis is that the frontier complex veils the vices of the nation by redirecting attention away from the ills of imperialism, racism, and sexism, while it is crafted with the goal of attracting tourist dollars. It does this by inscribing binary messages of civilization/savagery, whiteness/other, and masculinity/femininity onto the Fort Smith border and all of its iconic representations – the Parker court and his gallows, Miss Laura and her prostitutes, the Bass Reeves story and the monument to him – via the process of imitating a much altered past (Taussig 1993). These highly stylized and dualistic frontier narratives are offered up as cultural heritage tourism, and fundamentally serve to legitimate, rationalize, and disguise discourses that locate the role of Fort Smith as a doorway to the Southwest in the nation's campaign of manifest destiny.

This is accomplished, in part, by mythologizing (Barthes 1972 [1957]) the life stories: of Judge Isaac Parker of the U.S. Court for the Western District of Arkansas, 1875-96; Bass Reeves, who served as an African American lawman in Indian Territory from 1875-1907; Laura Zeigler, who was a madam of brothel in Fort Smith from 1903-11; and Myra Maybelle Starr, who lived at Younger's Bend near Eufaula, Oklahoma, where she was violently gunned down in 1889. The stories told in the frontier complex about these individuals function to generate an overall frontier myth that distracts from, and serves as an alibi for, the trauma caused on the road to manifest destiny and in the altered lives it left in its wake (Kaplan 2002; Sturken 2007, 1997). Ultimately, these mythological narratives are neatly packaged for tourists who can then immerse

themselves in the frontier complex and imbue themselves and their government with impunity from the negative effects that colonization, genocide, slavery, institutionalized racism and sexism had on tens of thousands of people, so close to where they are standing in Fort Smith.

Locally, the frontier complex veils Fort Smith as being a “noble protector of Indians” from 1817-96, while in that same time frame, Indian Territory was systematically and literally severed and railroaded into eventually becoming a state in 1907. In fact, there is substantial evidence that Fort Smith was never intended to “keep the peace between the Indians” but rather its mission was to oversee westward expansion and manifest destiny (Bears 1969; DuVall 2006; Higgins 2007). Regardless, the frontier complex resonates deeply for many individuals today, serving as a talisman for protecting narrow notions of race, gender, and justice, as it elides their complexity, ignores their ambiguity, and reinforces the social inequalities they create.

All of the participants in the frontier complex – the tourists, the staff, interpreters, and volunteers at the various sites of memory (Flores 2002, Nora 1989), and the people who dress up and reenact various elements of Fort Smith history – by their very actions simultaneously bask in this cultural memory *and* constitute it in performance (Bauman 1977, Hymes 1975, Limon 1989, Schieffelin 1985, Turner 1988, 1991 [1969]). The frontier complex does not simply exist *in toto* for a consumer to pick up and be given the decoder ring to divine its meaning. The participants in the frontier complex create its meaning in each and every unique interaction, each metonymic rubbing together of their mental ideologies with its material artifacts.

Just as I say all the human agents construct the frontier complex by interacting within it, so too have I circumscribed it in my research and in this writing. My reading of the Fort Smith frontier complex will include: material exhibits and interpretive history programs at locations including the Fort Smith National Historic Site (where the old courthouse, jails, and replica

gallows from Judge Parker's court stand) , Fort Smith Museum of History, Miss Laura's Visitor's Center (the restored "Victorian" home used as a brothel by Laura Zeigler), The Clayton House (restored home of William Henry Harrison Clayton who served as a prosecuting attorney in the Parker court), the Cherokee Nation, and the Bass Reeves Monument. The frontier complex will include representations of the frontier found in texts such as the 1898 book by Samuel Harman, full of wild and fanciful stories from the Parker court, whose title forever branded Fort Smith as *Hell on the Border*, and the subsequent branding and marketing derived from the novel and film versions of *True Grit*; performances by local reenactment troupes such as Wild West Shooters, The Lawbreakers & Peacemakers, The Indian Territory Pistoliers, The Sons and Daughters of the Old West, Miss Laura's Players, The Clayton House Players, the Bass Reeves Legacy Troupe of Muskogee, and Baridi Nkokheli's portrayal of Bass Reeves.

In this diverse assemblage of narratives, exhibits, and performances, the mythic identity of Fort Smith as a "border town" teetering on the precarious edge between civilization and savagery, white and colored, rugged masculinity and domestic femininity, is constructed and celebrated. It is my contention that this dichotomous framework has consistently served in the past and through today as a platform for the discursive formation of stereotypical and mythical images of race and gender and the rationalized use of justice/power to further the interests of the local and national political economy.

Bob Marley is often attributed with having said that "there are no facts in Jamaica;" the same might be said of the frontier complex. The manner in which historical facts are appropriated, manipulated, and represented for maximum public impact and tourism dollars oftentimes exceeds the limits of their signification. Historical facts get lost in the grist as myths and legends are milled into memories for the tourist who visits these sites. But, Emile Durkheim

(1972 [1895]) and Paul Rabinow (1986) would remind us that even though the “facts” may be socially created and lack scientific, empirical evidence to support their origin, once they are repeated and represented in social reality enough times, they become social facts, cultural facts, that are as real as gravity.

The persona of the Lone Ranger, for example, is argued by one published author, Art Burton, to be based on the life of Bass Reeves (Burton 2006:11). While this is highly debatable and will be revisited in detail in Chapter 5, the point here is that it has been repeated in the frontier complex enough times that it is now a social fact. Recently the local newspaper quoted a resident representing the cultural fact thusly: “Experts think that Bass Reeves was the person producers based the Lone Ranger character from. Bass Reeves had an Indian sidekick, he knew Indian languages, and he used disguises when he went after people to arrest them” (Smith, 2012). What was once conjecture by one person, is now canon. The historical veracity of this claim will be investigated, but the more intriguing question are why has this social fact been incorporated into the myth of Bass Reeves and why must it be repeated so frequently?

This dissertation will address these and several other interrelated questions: What motivates individuals to engage in the frontier complex as participants, or as tourists? Why does the discourse of the frontier complex need to be interminably repeated over and over, and over? How do tourist sites like this one establish Fort Smith's identity as guardian of the border of Indian Territory? How do these performances of the frontier complex create feelings of innocence, resistance, and empowerment? Is the frontier narrative being used as a vehicle for postponing the collective mourning of traumatic events (Sturken 2007, 1997), if so, how and why? How is the frontier complex used to rationalize and legitimate inequalities? More specifically, what role does the frontier complex play in legitimating manifest destiny? How is

the Parker court used as a cloak of innocent narratives that conceal the oppressive power of the nation state? How is gender inequality turned into humorous, kitschy trinkets by exhibits and reenactments? How is the legacy of slavery, segregation, and racism reduced to easily consumable post-racial narratives? And finally, has the wager that Fort Smith made in using the “frontier” brand to market itself resulted in the money-flow that was predicted?

### Chapter Previews and Theoretical Orientations

The line of inquiry for investigating these questions will unfold in the following chapters. Chapter 2, *Research in the Frontier Complex*, will explain the methods of inquiry used for gathering the data and the writing of this dissertation. Following Clifford Geertz (1973), I will endeavor to untangle the thickly woven text that is the story of Fort Smith by providing a thickly described narrative. In an effort to be as reflexive as possible, I will share my own positionality in Fort Smith (Clifford 1983, Briggs 1986, Davies 2007, Rabinow 1977). Ultimately the product of my research, this written document, will be crafted as an object of the ethnographic process (Geertz 1989, Clifford 1986). My research has included fieldwork observations and analysis of material exhibits, reenactments, and personal interviews (Briggs 1986, Clifford 1983, Comaroff 1992) with the producers and the consumers of the exhibits and performances in the frontier complex.

In Chapter 3, *Mythic Frontier*, Fredrick Jackson Turner’s “frontier thesis” (1999) will be applied to the Fort Smith frontier complex. Roland Barthes’ (1972 [1957]) model for deciphering myth will then be applied to the mythologizing of the border to the frontier. From rodeos to Wild West shows, the frontier lifestyle was quickly turned into theatrical performances that resonated with a paying public. This chapter will interpret the orientation video at the Fort

Smith National Historic Site as a contemporary vehicle of the frontier myth. The military presence on the border was claimed to be for “keeping the peace” when in effect, it regulated a systematic and controlled westward expansion (Bearss 1969, DuVal 2006, Higgins 2007). I will argue that the frontier myth ultimately functions to construct whiteness (Hartigan 2005) by equating it with civilization, (Bederman 1995, Frost 2005) and its advance westward with manifest destiny.

Chapter 4, *Mythic Justice*, will systematically contrast the cultural memory of the “Hanging Judge” to the historical facts of Judge Isaac C. Parker’s career in Fort Smith (Flores 2002, Franklin 2000, Nora 1989, Sturken 2007, 1997). The Parker era from 1875-96 is framed in the same “keeping the peace” vein as is the military presence from 1817-71, while Parker is held up as a model of law, order, and justice, despite contrary academic analysis of his career (Brodhead 2003, Kopel 2000, Tuller 2001). Parker’s career is further aggrandized by stories of deputies riding out of Fort Smith into “70 thousand square miles” of Indian Territory, even though it shrunk to 35 then 22 thousand square miles in 1883 and 1889 respectively. The case of Ned Christie and a comparison of exhibits representing it (Kirshenblatt-Gimblett 1998, Lavine and Karp 1991) in Fort Smith and Tahlequah, Oklahoma, will reveal how museum exhibits assist with the construction of cultural memory. It is the contention of this chapter that the justice of Judge Parker’s court was not absolute, as is depicted. Rather, the cultural memory of his career is part of the larger myth of the frontier that must be maintained to keep the focus westward, away from Parker’s Yankee background, away from his questionable practices on the bench, away from his lackadaisical oversight of Arkansas forests, and away from his contribution to the systematic acquisition of Indian Territory by whites.

In Chapter 5, *Mythic Race*, we will systematically analyze how racial discourse in the Fort Smith frontier complex reinforces whiteness (Frankenberg 1993, Hartigan 2004, 1997, Pfeil 1995, Lipsitz 1998) in the local cultural memory by omitting historical facts of Indians and African Americans in Indian Territory (Bhabha 1990, Franklin 2000, Friedman 1992, Frisch 1989, Le Goff 1996, Nora 1989, Popular Memory Group 1985, Ricoeur 2004, Sturken 1997, Trouillot 1995, Wright 1985). Despite its history and proximity to neighboring Indian Territory, Indians are not a featured element in Fort Smith's frontier discourse. Dramatic stories of deputies and outlaws in Indian Territory supersede those of the racial complexity that existed there.

The story of Bass Reeves may seem an exception to this rule, but on closer scrutiny we will see that his story has been co-opted for the dominant white narrative in a variety of ways (Bonilla-Silva 2009, DuBois 1903, Fanon 1967, Gilroy 1993, Lipsitz 1998, Pfeil 1995). For example, one of the biggest proponents of Reeves's story, Art Burton (2006:11) claims Reeves is the basis for the Lone Ranger, a white hero of the American frontier. Finally, we will contextualize mythic race by examining how Baridi Nkokheli was simultaneously hailed as a Bass Reeves reenactor in Fort Smith while he was subjected to highly racialized discourse by a city director with impunity.

Chapter 6, *Mythic Gender*, will examine gender as a malleable social construct, bent by historical context and ideology to suit social purposes and otherwise poetically performed by individuals for motives ranging from capitulation to subversion of the social structure (Bederman 1995, Butler 1999, Herzfeld 1985, Frankenberg 1993, Foucault 1978, Gilmore 1990, Kimmel 1996, Kondo 1990, Morris 1995, Mouffe 1992, Scott 1988). Following Butler, "gender ought not to be construed as a stable identity or locus of agency from which various acts follow; rather,

gender is an identity tenuously constituted in time, instituted in an exterior space through a *stylized repetition of acts*” (Butler 1999:179). This chapter will examine how male deputies and outlaws are routinely portrayed in the frontier complex and then turn our attention to how women are formulaically represented. In each case historical facts will be compared to the cultural memory in order to illuminate what the alibis of these gender myths selectively omit. Finally, this chapter will synthesize the four myth chapters of this dissertation to explain how part of its title, “embedding race and gender in the frontier,” is equivalent to imposing whiteness, manliness, and civilization onto it (Bederman 1995).

Chapter 7, *Performing Frontier Tourism*, will examine the intersection of the mythology of the frontier complex and the tourism industry in Fort Smith. Tourism became a serious object of study in the 1970s. Dean MacCannell’s *The Tourist: a new theory of the leisure class* (1976), followed by *Hosts and Guests: the anthropology of tourism* (Smith 1977), officially drew cultural anthropology into the arena of tourism. While tourism is a multifaceted topic to investigate, (Abram 1997, Baerenholdt 2004, Bruner 2005, Chambers 2000, Desmond 1999, Gmelch 2004, Rothman 1998, Selwyn 1996, Sheller and Urry 2004, Urry and Larsen 2011, Wrobel 2002, Wrobel and Long 2001), this dissertation will focus on how tourist places are created, staged, and performed and the motivations for doing so.

Specifically, Chapter 7 will examine how the frontier complex has been performed from its conception (Bauman 1984 [1977], Hymes 1975, Limon 1989, Schieffelin 1985) with tourists in mind. I will argue that the frontier complex is constituted in public performances for maximum tourist dollars as it perpetually repeats: “the gallows,” “the Hanging Judge Parker,” “the ‘true grit’ of the city,” “the ‘pleasures’ of Miss Laura’s,” “the legend of Bass Reeves,” “the shoot-outs of frontier reenactors,” and the anticipated “‘game changing’ Marshals Museum.”



In the concluding Chapter 8, The Wager of Frontier Tourism, the stark economic facts of cultural heritage tourism in Fort Smith, will be examined. For nearly six decades the city has intentionally wagered that the “Wild West frontier story” can be told with positive economic results. The history of the town and its very identity, have been gambled on marketing the “frontier” brand to tourists. A demographic profile and economic indicators of tourism will be examined to determine if this bet has paid off. That the mythology of the frontier complex has been crafted for tourist dollars helps to explain how key material elements that assisted in the imperial advancements of manifest destiny are reduced to tourist kitsch. The powerful gavel of Judge Parker is reduced to a finger-nail file; the instrument of capital punishment is reduced to a child’s toy, a playful trifle.

## II: RESEARCHING THE FRONTIER COMPLEX

*Inspired by my research into the Wild West I went out and bought myself a pair of cowboy boots. Well, honestly they aren't the real deal, full-out cowboy boots. They're those half-pint kind with a zipper on the side. Still, if your pants are covering them it's hard to tell they're pretend boots. I was on my way to the Wild West Shooters' monthly meeting at the local all-you-can-eat buffet, and decided to wear them to try to fit in, however minimally, with my subjects who were decked out in their "period correct" clothes, armed with their "period correct" knives and guns. I found Frisco Kid and Yosemite Sam smoking and talking outside the restaurant and eagerly engaged them, hoping they might notice my new boots and feel akin to me. Within seconds I was being instructed on the proper way to break the boots in, to get them wet and let them set up to form around my feet, etc. Frisco Kid looked at me with a sympathetic yet mischievous smile and said "I'd rather lick a skunk's ass than break in a new pair of boots!" The three of us burst into laughter. Yosemite Sam removed the half-toked cigar from his mouth, looked at me daringly and said "Write THAT down in your little note book!"<sup>1</sup>*

### Into the Field

I have asked many historical questions in the course of my research, read many books and articles by historians, presented papers at a history conference, and spun hundreds of feet of 19<sup>th</sup> century newspaper microfilm spools. It is no wonder that my informants and even some of my colleagues think I am working on a history degree; the fact is I am a cultural anthropologist, not a historian. Despite how caught up I have become in the historical details of Fort Smith and the frontier, I have not been researching the past but rather how we tell the story of the past today and how it is remembered, and how the cultural memory of the frontier complex is used to promote tourism. Yes, in order for me to discover how this is done it was necessary for me to develop a solid understanding of the historical facts, but more importantly, to investigate all manner of current conversation about the frontier complex, even in the turn of a vulgar joke with the punch line of "I'd rather lick a skunk's ass."

This thickly woven text that is the story of Fort Smith requires a thickly described (Geertz 1973) narrative to tease out all the layers, all the contradictions and obfuscations, all the ideological assumptions of race and sex, and all the power packed manipulations that have come to constitute the popular understanding and cultural memory of Fort Smith history. It was Clifford Geertz's "Notes on a Balinese Cockfight" that drew me into anthropology. The realization that a crowd gathered to watch two roosters annihilate each other with razor sharp spears attached to their feet could also be a recapitulation of the social standing of individuals within a small Balinese town allowed me to see for the first time how culture was a text, a complex novel spun well beyond the imaginations of even the great 19<sup>th</sup> century Russian novels such as Dostoyevsky's *Brothers Karamazov*, or Tolstoy's *Anna Karenina*.

The discipline of anthropology has its own complex, thickly woven webs that have only relatively recently been interrogated. In the late 1980s, I was an undergraduate studying sociology and anthropology and blissfully oblivious to the earthquake that was shaking the foundations of anthropology. The tectonic fault lines of the discipline were triggered by such de-centering works as Paul Rabinow's *Reflections on Fieldwork in Morocco* (1977), "Ethnographies as Text" by George Marcus and Dick Cushman (1982), "On Ethnographic Authority" by James Clifford and George Marcus (1983), and then their potent aftershock *Writing Culture: The Poetics and Politics of Ethnography* (1986), followed by *Anthropology as Cultural Critique* by George Marcus and Michael Fisher (1986), James Clifford's *The Predicament of Culture* (1986), and then back to Clifford Geertz with *Works and Lives: the anthropologist as author* (1989), just to name a few.

Anthropology had been woken up from a pleasant dream in which culture was a neatly contained object that sat within nicely contained boundaries that could be conveniently accessed

by objective fieldworkers who could completely and perfectly convey the contents of these “others” in masterfully transcribed notes that fit into systematic theories and ethnographies that could be read by others to divine exactly what went on in the hearts and minds of exotic peoples. The nightmare anthropology awoke to was the realization that nothing was as neat or tidy as it had seemed. Anthropology had been guilty of essentializing, romanticizing, and fictionalizing accounts of peoples which by their very designs constituted them as “others” in relation to the modern western world. Today, anthropologists are keenly aware of the obstacles to full understanding and articulation of cultural meaning and make an avid practice of disclosing all known impediments to themselves and their readers.

### Field Work

With their discipline no longer a perfect “mirror for humanity,” anthropologists took a long hard look at their own reflection and asked how they were seeing themselves see the “others,” how their own positionality impacted what they were capable of discovering. Taking this into consideration, my personal and professional location in Fort Smith has profoundly shaped my fieldwork experience and interaction with my informants from the start (Davies 2007, Rabinow 1977).

I have been a professor at the local university, the University of Arkansas Fort Smith, since 1997; consequently many of the employees, volunteers, and visitors at the sites of memory that constitute my field site are former students of mine. For five years, 1998-2003, I served on the board and then as Director of the Fort Smith Multicultural Center during which time I came to know many key figures in the city government and representatives of racial and ethnic groups in the Fort Smith. A third avenue in which I am known in my field site comes from community

service in which I am engaged. For the past five years, I have served on the board of the Next Step Day Room, an agency for assisting individuals out of homelessness. Many homeless individuals circulate around the sites of memory that are the focus of my research. Some of the staff members at these sites are aware of my connection to the Next Step and they often ask me questions regarding the homeless situation in Fort Smith.

From this perspective I realize that I get responses in my fieldwork that are unique to the position and relationship that I have in the city and with the individuals I encounter in my field site. I feel fortunate to have had excellent rapport with all these groups and with the employees at the historic sites. At times perhaps it is too comfortable of a rapport, as many of my former students have been so happy to share all they know with me; at times I suspect they are simply telling me what they think I want to hear (Clifford 1983, Briggs 1986). I have questioned my positionality throughout my research. There were three instances, for example, when I was asked to clarify historical facts while sitting in the audience during presentations at the National Historic Site, the Fort Smith Museum of History, and at the Clayton House. In some cases I knew the answer, but refrained from answering so as to not change the narrative being presented.

I have spent the past three years, since August of 2009, actively and formally working, collecting data, and developing a rapport with the key players in the production of the frontier complex in Fort Smith. I have collected data in the field with both reenactment groups and historical interpreters at the various sites of memory. Ultimately the product of my research, this written document, is a crafted object of the ethnographic process that constitutes my very subject, which is my academic interpretation of the frontier complex (Clifford 1986, Geertz 1989).

My research has included observing and collecting data on and with the producers and consumers of material exhibits on display in the frontier complex at the National Historic Site and the Fort Smith Museum of History. Exhibits at both of these sites have been analyzed for their role in constituting the frontier complex. The exhibits and the artifacts in them are not innocent objects that speak for themselves but crafted signs – ethnographic objects – that have been given meaning by their placement in the exhibits (Karp and Lavine 1991, Kirshenblatt-Gimblett 1998). For example, the Fort Smith Museum of History has an exhibit “In the Shadow of the Gallows” (Fort Smith Museum of History 2009, Przybylek 1998) which features no fewer than 40 depictions of nooses and 30 depictions of gallows, many of which are the same repeated image. This conspicuous repetition of the “Hanging Judge” mantra speaks volumes about the frontier complex that veils vice within justice, and is the sort of artifact that will be analyzed in depth.

In addition to the historic sites of memory, there are eight distinct reenactment groups that were under observation for this research. They all have a slightly different focus and are by and large made up of distinct sets of people. Some are associated with a particular locale but most perform at various places throughout the city. While each reenactment group performs aspects of justice, race, and gender, each of these is more often associated with a specific variable in the popular imagination. Justice, for example, is foremost in the minds and audiences of groups such as the Wild West Shooters, Quantrill’s Raiders, Lawbreakers & Peacemakers, the Indian Territory Pistoliers, and the Sons and Daughters of the Old West, while race is more often considered the topic at hand when Bass Reeves is being depicted, and gender when Miss Laura’s Players are on the stage.

## Into the Frontier Complex

When I first moved to Fort Smith in 1997, I was slow to interact in the frontier complex. The Fort Smith National Historic Site was closed for remodeling. It had been struck by the devastating tornado that ripped through the downtown area in April of 1996 destroying many buildings and homes. With matching federal monies, the site took the opportunity to remodel and develop its square footage and exhibits. I recall visiting it with my young family shortly after it reopened in 2000, but was frankly nonplused if not flat-out repulsed by this ghoulish site featuring gallows, jails, and “the Hangin’ Judge;” I did not return to it for many years, and even then it was only quite reluctantly.

It was a talk given by Baridi Nkokheli in February 2011 that ultimately propelled me headlong into the frontier complex. I first began following Nkokheli for research in August 2009 when he was caught in a public paradox of racial ideologies. In one instance, he would be widely respected in his portrayal of U.S. Deputy Marshal Bass Reeves; in the next, he was being told publicly by a Fort Smith City Director that he could “only serve one master” (Freeman 2009, Times Record 2009, The City Wire 2009a, 2009b). For four months a series of newspaper articles unfolded in which he had to defend himself as not being “an angry black man” all the while being fawned over when he donned the cloak of Bass Reeves. I scoured every article written about the “one master” comment and attended every public session where “Bass Reeves” was making an appearance, but by May 2010, I decided that there was simply not enough data on which to build an entire dissertation. Out of discouragement and sheer exhaustion, I dropped out of graduate school.

While officially “quit” in the 2010-11 school year, the inertia of what I had started carried me through a series of events that led me to resume the following year. In November 2010, I

presented my research at the annual American Anthropological Association meeting (Maher 2010). While my paper afforded me the opportunity to travel to New Orleans and engage with other scholars, I did not see that it would begin my pull back into this research. I was inspired by several papers, most notably the work of Mark Auslander (2010) on the reenactments of a lynching and of slave auctions. Against my will, I returned to Fort Smith with Mr. Nkokheli's racial paradox heavy on my mind.

In February 2011 Nkokheli gave two talks on the UAFS campus as part of "Black Heritage Month" events. The first was his standard Bass Reeves presentation. The next day he came back as himself, Tokunboh Baridi Nkokheli, to explain precisely the derivation of his unique name. I had heard rumors of its origins and was extremely curious to find out the details. According to his presentation, he was given his Swahili name, which means "I was taken away on a slave ship but now I have returned to serve in the vanguard," by Dr. Maulana Karenga after his father, Sgt. Henry Wesley Kellough, was killed out of resentment by his white colleagues in the Los Angeles Police Department on November 25, 1963 (Maher 2011b, Nkokheli 2011).

Nkokheli's presentation included a series of pictures of his father that reminded me a great deal of my own. Nearly contemporaries, both of our fathers served in the Air Force. It was impossible for me to look at these photos of Mr. Kellough and not think of my own father – walking the beach in uniform, standing relaxed and poised with such proud self confidence next to his shiny new car, gazing lovingly at his beautiful new bride as he took her hand to help cut the wedding cake, posed in his suit and tie – resembling those taken of my father as a school principal. So too, was it impossible for me to hold back the emotional torrent precipitated by the simple facts that my father has led a full life and Mr. Nkokheli's father's was cut short; I grew up with my father and mother around and Mr. Nkokheli never got to know his; I have lived a life of



privileged position without concern for prejudicial discrimination and Mr. Nkokheli has not; all of this because of the arbitrary whim of racial constructions.

To see such youthful energy, such joyous love, such sacredness of a human life shattered and stolen from a family, and then restored with such determined perseverance and grace by Mr. Nkokheli, to then be dragged back into the toxic muck of racist public discourse – all of this was, and still is, an abomination. The realization that I was in a unique position to study and disclose all of this, compelled me to return in full-force: I had no choice.

The thought of doing hundreds of hours of reading, research, and writing on topics such as murder, rape, hangings, and prostitution, still turned my stomach. But, now I could see not only the academic value of studying it, but also the humanistic side of disclosing how the frontier complex contains contemporary and historical expressions of oppression by class, gender, and race. Because of my deeply felt motivation to understand and educate myself and others about systematically constructed inequalities in the United States, I put my prejudices against frontier tourist traps aside and dove wholeheartedly into the sordid lives of Fort Smith, Arkansas, past and present.

The findings of this research will be a surprise to many. What is about to unfold is not what is routinely said about Fort Smith. On the contrary, it is a significant counter-narrative to the popular cultural memory. No doubt it will offend and shock the sensibilities of many of the people involved in the production of the frontier complex. This research and my interpretation of it points out ways in which tourist narratives of the frontier complex are not true and at times not even historically honest or sensible to their consumers.

When *True West* magazine declares Fort Smith, Arkansas, to be the number one “True Western Town” of 2013, when people confuse the fictional novel and films of *True Grit* with

historical lives, when it is declared in December of 2012 that we will celebrate a “True Victorian Christmas” at the Fort Smith National Historic Site, then it raises the question of what the word “true” means. From Roland Barthes’ perspective, “mythic” would be an appropriate substitution for the word “true” in all of these cases. In a classic Orwellian “Ministry of Truth” sort of way, all these sites of memory in the frontier complex and their accompanying stories perform a “double-speak” that dresses them up to silence and conceal many crucial aspects of oppressive social history. By focusing on a thin slice of the story and then adding a dose of aggrandizement, we leave the domain of historical fact and fully enter the domain of myth. This is what this dissertation will uncover.

During the course of my fieldwork, I shot many hours of film and captured thousands of photographs of my subjects. While I am a decent photographer and am proud of several of them, you will not find any of them reproduced in the following pages for two reasons. First, you can search the Internet and find an abundance of pictures of any of the primary subjects in this dissertation. Secondly, I believe the proliferation of material visual images that cover – that *veil* this topic, fundamentally attenuate our capacity to understand it on a deeper level, the physical images instantaneously mythologize the facts that lie behind them.

In “The Photographic Message,” Barthes points out: “The photograph professing to be a mechanical analogue of reality, its first-order message in some sort completely fills its substance and leaves no place for the development of a second-order message. Of all the structures of information, the photograph appears as the only one that is exclusively constituted and occupied by a ‘denoted’ message, a message which totally exhausts its mode of existence” (1983:197).

The material image immediately constructs by its very nature and presence that which I am

trying to deconstruct in order to see what is behind it. For this reason the reader must think abstractly to uncover and unveil the underlying meaning of the frontier complex.

### III: MYTHIC FRONTIER

*Fort Smith – it's the window through which you see the vast panorama of the history of the West unfolding. This military outpost acted as a funnel feeding into the wilderness: soldiers, traders, explorers, immigrating Indians, and settlers. They came here first before heading out to their western destinations, and for nearly eighty years, Fort Smith's presence served notice to the lawless that the full and complete authority of the United States government stood on the frontier.*

– Fort Smith National Historic Site Orientation Video [Paskowsky 2000]

#### The Lure of the Frontier

The mystique of the border to the frontier has long been a draw for the mythic imagination as the doorway, or “window,” through which to pass from the known to the unknown. From William “Buffalo Bill” Cody’s “Wild-West” shows to rodeos, from James Fennimore Cooper’s *Leatherstocking Tale*, to dime store novels and pulp fiction, to the popularity of such contemporary frontier border story-lines that unfold in the “Star Trek” series and more recently in HBO’s “Deadwood” or AMC’s “Hell on Wheels,” we can see how borders enable new arrangements of the social structure.

The rolling borders of late 19<sup>th</sup> century America were full of contestations to the social structure: the displacement of hundreds of North American Indian groups; the Civil War and the end to slavery; immigration into the country from all points on the compass; and intensified economic stratification with the boom of industrial tycoons and robber barons including Andrew Carnegie, John David Rockefeller, and Jay Gould. All these changes violently shook the young nation’s conceptions of social structure and social identities. Dramatizations of the mythic frontier border kept abreast with the rapidity of social change. “Buffalo Bill’s Wild-West Show,” for example, provided a template for America to understand the implications of manifest destiny.

Buffalo Bill Cody toured the country in a theatrical “combination” beginning in 1872. Before a show in Terre Haute, Indiana, in October of 1873, Cody was billed as the “ORIGINAL – LIVING HERO – LINK BETWEEN SAVAGERY AND CIVILIZATION” (Sagala 2008:7). One of his later outdoor shows was entitled “A History of American Civilization” in which the story line progressed through four epochs. Notably, these stages of primeval forest, prairie, cattle ranch, and mining camp appeared as early as 1886. “The passage of the frontier to ever higher stages of civilization presaged the most famous theory of western development” – that of Frederick Jackson Turner’s thesis – by seven years (Warren 2005:51). From 1872 until his death in 1917, Cody crisscrossed the country by rail with his show mediating the national tensions between the ordered, rational, bureaucratized east and the chaotic, natural, savage west. These shows functioned as an intermediary for different stages of development.

Cody’s popular dramatization of the “stages” in frontier development paralleled the academic fashions of Karl Marx, Friedrich Engels, Lewis Henry Morgan, E. B. Tylor, and social Darwinists such as Herbert Spencer, William Graham Sumner, Lester Frank Ward, and Henry George, all of whom contributed “stages of development” notions over the 19<sup>th</sup> century which spilled into the popular mindset. The mythic border to the frontier tapped the zeitgeist of the age and facilitated a national exploration of past, present, and future relationships between “us and them,” between “mimesis and alterity” (Taussig 1993). At the tail end of all this “staging,” Turner (1999 [1893]) contributed his now famous essay “The Significance of the Frontier in American History” in 1893, which uniquely located the ever moving American frontier border as the catalyst for a society to change from one stage to the next. Turner writes, in “relation to westward expansion...the frontier is the outer edge of the wave – the meeting point between savagery and civilization” (Turner 1999 [1893]:19).

As the nation made its trek across the continent, there were the defined binary planes of civilized and wild between society and nature, the known and the unknown. The types of persons who are said to have gone to this border of the American frontier were among the lowest rungs of the 19<sup>th</sup> century social structure ladder: American Indians, African Americans (free blacks, freedman, and run-away slaves), immigrants seeking new opportunities; women who survived by either prostitution or villainous behavior; and of Indian Territory in particular it is said, criminals.

At this border point, Frederick Jackson Turner suggested that elements of the two stages intermix, perpetually creating a new social character. Turner declares: “American social development has been continually beginning over again on the frontier. This perennial rebirth, this fluidity of American life, this expansion westward with its new opportunities, its continuous touch with the simplicity of primitive society, furnish the forces dominating American character” (1999 [1893]:19). By coming into contact with an earlier stage of development, by crossing the border into the frontier, individuals could refresh their world view and re-enter a successive stage of development with greater success.

Michael Taussig, a contemporary anthropologist building on James Frazer’s theories of sympathetic magic, would suggest that once over the border and in the frontier, the civilized can copy the savage stage and thereby extract power from it (Taussig 1993:59). By “othering” people in the frontier as savage, white Americans gave themselves license to act savage-like, just out of the reach of civilization. Turner describes how traversing the border from interior to the frontier effects this mimetic transformation of white Europeans into the alter:

The frontier is the line of most rapid and effective Americanization. The wilderness masters the colonist. It finds him a European in dress, industries, tools, modes of travel, and thought. It takes him from the railroad car and puts him in the birch canoe. It strips off the garments of civilization and arrays him in the hunting shirt and moccasin. It puts

him in the log cabin of the Cherokee and Iroquois and runs an Indian palisade around him. Before long he has gone to planting Indian corn and plowing with a sharp stick; he shouts the war cry and takes the scalp in orthodox Indian fashion. In short, at the frontier the environment is at first too strong for the man. He must accept the conditions which it furnishes, or perish, and so he fits himself into the Indian clearings and follows the Indian trails. [Turner 1999 [1893]:20]

Once the frontier has reclaimed the “civilized,” the stages of developing American civilization can thus begin again. Turner describes his evolutionary stages of society as such: “It begins with the Indian and the hunter; it goes on to tell of the disintegration of savagery by the entrance of the trader; the pathfinder of civilization; we read the annals of the pastoral stage in ranch life; the exploitation of the soil by the raising of unrotated crops of corn and wheat in sparsely settled farming communities; the intensive culture of the denser farm settlement; and finally the manufacturing organization with city and factory system” (Turner 1999 [1893]:23-24). Turner’s “frontier thesis” has been roundly critiqued by historians (Etulain 1999), but it does continue to stand as an exceptional articulation of the mythic American frontier.

It is this same mythic frontier which is active and accessible to tourists today via Wild West narratives, historical reenactments, museum exhibits (Karp and Lavine 1991 ; Kirshenblatt-Gimblett 1998), pilgrimages (MacAloon 1984), and in sites of memory (Flores 2002; Nora 1989) such as the frontier complex in Fort Smith. Here tourists can come to the border and then fall across into the imagined and mythical frontier “West,” where past and present inconsistencies and contradictions in the American social structure can be reconciled.

Michel Rolph-Trouillot (1991:32) reminds us that the “West is not in the West, it is a project,” and that western civilization constituted its very identity by constructing the savage “other.” In the case of the American frontier, the directions are reversed, but the process is the same: the “eastern civilization” of the United States framed its identity in relation to an imagined and savaged West. Historian Elliott West (2012) maintains that popular conceptions of the “wild

west” are highly exaggerated. Details seen in westerns do not match the 19<sup>th</sup> century reality of an ethnically diverse urban society in which very few people were employed as cowboys, deputies, or outlaws. The fact is that popular conceptions of the Wild Western frontier are inaccurate. Regardless, a myth “is not an explanation in satisfaction of a scientific interest,” but is rather a “vital ingredient of human civilization” (Malinowski 2002:177). In this manner, we will see how the ingredients of the mythic frontier are used to equate whiteness with American civilization.

The American West, the frontier, is a stage on which the project of the West, of national identities, of power struggles, of race, and of gender get worked out. The nature of the frontier border coupled with the interests of an expanding political state created an inexhaustible trove of symbolic elements to weave myths of savagery and civilization with which imperialism is both rationalized and legitimated. This is not simply coincidental; instead, “one of the strategies of state violence is to reproduce its competition as ‘primitive’ and ‘other’ so as to feign a kind of frontier imagery of savagery that rationalizes violence” (Flores 2002:164). Here we will see the process of Taussig’s “mimesis and alterity” in action.

To that end, this chapter will establish the anthropological approach to deciphering myth following Roland Barthes (1972). I will interpret how this mythic frontier has been, and still is, active in the frontier complex of Fort Smith, Arkansas, and then I will compare the myth to a close reading of the historical narrative. This will disclose how the mythic frontier is complicit in the “othering” project which in turn constituted “civilization” as whiteness in the American West. The subsequent three chapters will develop the same process in the domains of mythic justice, mythic race, and mythic gender.



## Roland Barthes and the Mythic Imagination

According to Roland Barthes, “myth is a type of speech” (Barthes 1972 [1957]:93) and in the frontier complex in Fort Smith, one hears a lot of “speech.” The frontier myth is a special blend between historical facts and cultural memory. Marita Sturken (2007, 1997), H. Bruce Franklin (2000), and Richard Flores (2002) agree, “cultural memory refers to those aspects of memory that exist outside of official historical discourse, yet are ‘entangled’ with them” (Flores 2002:xv). Life is breathed into myths in this entanglement and they become “deeply grounded narratives through which communities express their heartfelt convictions” (Flores 2002:xv). Myths are far from fallacies. Rather, they convey in language the most intimate truths of lived social experience.

But myth is not ordinary language where a signifier is attached to a signified that in turn becomes an intelligible sign; rather it is a second order language that Barthes calls mythic or meta-language. Our ordinary language, whose meanings have been agreed upon, allows us to have enough consensus and convention to interact and conduct business. Mythic language takes words away from the everyday domain where we could safely assume their meanings and steals those words away to another level, appropriates them for a different usage to talk about how we experience the world, and in our examples here, to talk about our understanding of our history.

In a myth, the common sign is taken, picked up, and shaken clean of its contents and left to stand again anew as a second order signifier; now it means nothing, it is an emptied, hollow form. At this point, “when it becomes form, the meaning leaves its contingency behind; it empties itself, it becomes impoverished, history evaporates, only the letter remains” (Barthes 1972 [1957]:103). There has been a separation here in this process, a separation of the meaning of words used in ordinary language, their sign, from their signifier. Mythical language

repurposes the original sign as a new signifier and at that point leaves the domain of historical facts and enters the domain of the mythic imagination. It is a metalanguage “because it is a second language, *in which* one speaks about the first” (Barthes 1972 [1957]:100).

Deconstructing an obvious advertising myth is one thing, but questioning the historical veracity behind the mythology of “the frontier,” “Judge Isaac Parker,” “Bass Reeves,” “Miss Laura,” or “Belle Starr” in Fort Smith is tantamount to treason to tourist discourse. Even the hint of questioning the mythology of the frontier complex evokes an immediate response of, “well, they were real people, and we have documentation that they were in Fort Smith, so this really happened.” True, these were real people who did pass through Fort Smith and there is documentation of their time spent here, but it does not necessarily follow that all that is said about them must therefore be true, or to have “really” happened. Barthes cautions us that the empty form of the metalanguage sign stands safely close to its original sign in the event of needing to retreat from its exaggerated claims. When that happens, “the meaning will be for the form like an instantaneous reserve of history, a tamed richness, which it is possible to call and dismiss in a sort of rapid alternation: the form must constantly be able to be rooted again in the meaning and to get there what nature it needs for its nutriment; above all, it must be able to hide there” (Barthes 1972 [1957]:104). Looking into this process of “hiding” reveals more features of myth.

Barthes points out that the language of myth lends itself quite neatly to the domain of law and order – which could possibly explain our fascination with so many crime and murder-mystery stories: “The ubiquity of the signifier in myth exactly reproduces the physique of the *alibi* (which is, as one realizes, a spatial term): in the *alibi* too, there is a place which is full and one which is empty, linked by a relation of negative identity (‘I am not where you think I am; I

am where you think I am not')” (Barthes 1972 [1957]:109). Thus, in a verbal sleight-of-hand, mythic language distracts us and leads us down a diversionary trail.

Applying this to Fort Smith, we can see how each of the archetypal mythic figures from the frontier complex represents a kind of alibi. It will be my contention in the following chapters that the frontier complex has an overarching frontier myth, and that the alibis of each of its key characters fit into the frontier complex as an overall whole to conceal atrocities perpetrated while realizing manifest destiny. Here they are in brief: the alibi of Judge Parker rebukes, “I didn’t passively contribute to Indian Territory being overrun by whites. That’s not where I was! I was imposing law and order on the border.” The alibi of Bass Reeves’ assures us, “I wasn’t institutionally discriminated against in slavery and segregation. That’s not where I was! I worked hard and followed all the rules and became successful against all the worst possible odds.” The alibi of Laura Zeigler comforts us, “I wasn’t systematically discriminated against, therefore having to sell my body to strangers in order to survive. That’s not where I was! I had it pretty good – I made a lot of money and was able to pay my mortgage off really fast.” The alibi of Belle Starr massages our misogyny, “I wasn’t an intelligent, free-thinking woman, who would have made a terrific entrepreneur had I just not been a woman. That’s not where I was! I was murdered because I was a crazy Amazon.”

These alibis function in the frontier complex to distract us from the fact that the growth of the United States did significant, debilitating, and irreparable harm to hundreds of thousands of people in the 19<sup>th</sup> century. The overarching “Myth of the Frontier” serves as a container of impunity for all the misdeeds perpetrated in the name of westward expansion of the political state. The frontier alibi says, “the nation wasn’t creating hostile environments that incited inter-tribal warfare and Indian retaliation against white intruders, that’s not what the nation was doing

in Fort Smith. The nation was – keeping the peace – between the Indians and helping them to acquire civilization.”

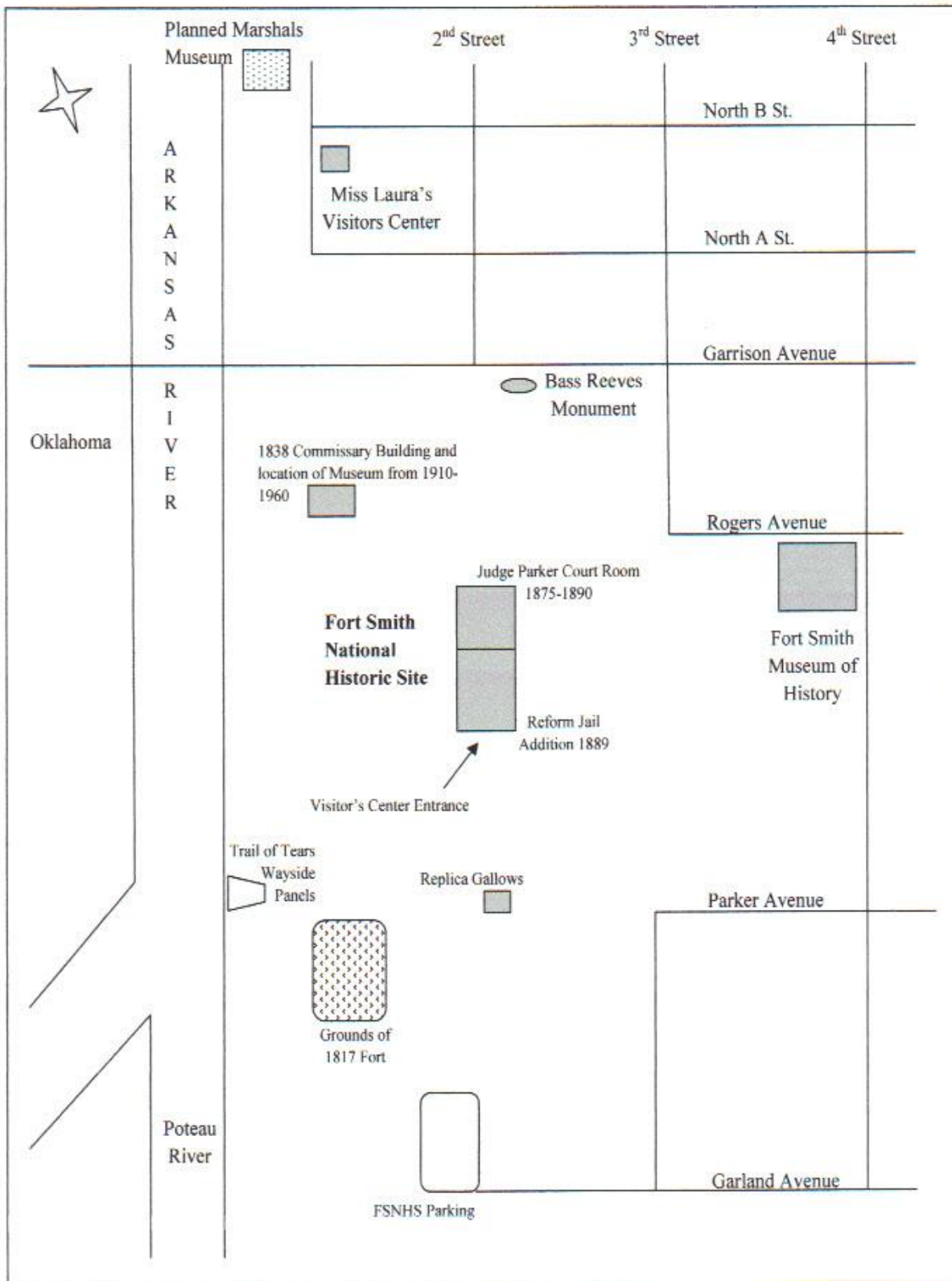
Instead of invoking thoughts of state induced trauma, “frontier border town” conjures up a carnivalesque atmosphere that sends the imagination reeling far flung from the facts of misfortune found in the fulfillment of manifest destiny. I suggest that the continued and current imperialistic American tendency, which has caused national and world-wide trauma (Butler 2004; Sturken 2007), is one reason that people enjoy a frolic in the mythology of the frontier complex. It is a place of refuge and exoneration from these past and contemporary traumas for which we may otherwise feel culpable. These traumas and the mythic alibis that silence them will be developed in this and subsequent chapters.

### “Keeping the Peace”

The Fort Smith National Historic Site is the flagship of the Fort Smith frontier complex (see map on next page). The 19 acre park is located downtown just off Garrison Avenue and at the foot of Rogers Avenue, adjacent to the Arkansas River which is the Oklahoma border. The site contains the remains of the 1817-24 fort, an 1838 commissary building, the original jail and court room of Judge Parker, the 1890 reform jail, and a replica life-size gallows. The historic site originally opened in 1961 and underwent major renovations of buildings and exhibits in 2000. Over 40 thousand tourists paid the four dollar admission fee last year to visit the site.

As is the routine at many such historical sites, visitors are shown an orientation video<sup>2</sup> before touring the exhibits and grounds. We will take this video, entitled *Peacekeeper of Indian Territory* (Paskowsky 2000b), as a representative example<sup>3</sup> of how this border fort is treated in the frontier complex as sitting between the wild, savage, and lawless Indian Territory, and the

Map 1: The Fort Smith Frontier Complex. (Not to scale)



arrival of law, order, and civilization. After paying, tourists are ushered into a small, comfortable theater with soft seats and dimmed lights for better focus on the video. As the video begins, the first thing you hear is chirping birds. The first thing you see on the screen is a view of the Poteau River through a thicket of trees. You begin your trip into the past looking into an image of unspoiled, pristine, and uninhabited wild nature.

The narrator invites us to the border view of the frontier, “*Fort Smith, it’s the window through which you see the history of the vast panorama of the west unfolding*” (Paskowsky 2000b) as the camera pans down the Poteau River to the confluence with the Arkansas River to expose a view westward into Indian Territory, into Oklahoma. The background audio in the video changes from sounds of nature to a low, foreboding, and suspenseful musical note. The music quickly turns into a frolicking tone that matches the exuberance with which the narration describes the frontier laying before the first settlers to the area. The narrator, local TV news personality Bur Edson, tells us, “*this military outpost acted as a funnel, feeding into the wilderness soldiers, traders, explorers, emigrating Indians, and settlers. They came here first before heading out to their western destinations.*” The keyboard soundtrack builds to a playful flourish as the image of promise and new possibilities for this influx of people to the area is heralded. It is presented as a momentous precipice, full of adventuresome opportunities for everyone participating in it.

The narration moves quickly from this image of gleeful hopefulness to the seriousness of the role of law and order that the fort embodies: “*And for nearly eighty years Fort Smith’s presence served notice to the lawless, that the full and complete authority of the United States government stood on the frontier.*” As these words are spoken, the camera pans to a waving American flag flying over the remains of the 1817 fort to confirm its commanding presence. The

screen transitions with the words: “FORT SMITH: Peacekeeper of Indian Territory,” overlaid on the screen with a halcyonic depiction of the fort. This is the overarching frontier myth of Fort Smith – that it was initially built to “keep the peace” between the Indians on the edge of civilization, and that it served that role from 1817 until “nearly eighty years” later in 1896, when the Judge Parker era of the Western District Court of Arkansas ended.

The facts of “the peace” and the chronology of the Fort are, in actuality, not as smooth or tidy as the video suggests, but there is no time to reflect on that. Suddenly we are standing on the Belle Point rock outcropping, looking up the Poteau River, and not down the Arkansas River. We are then told of the first troops’ arrival from Little Rock, who, in a matter of directional clarification, would have been seen looking down the river, not up it. The camera cannot pan down the river because it would reveal a modern bridge carrying vehicles that would spoil the image of untouched nature. With that bit of misdirection, we are told that “*Fort Smith’s story begins on Christmas Day, 1817, when a keel boat heavy with troops and supplies landed at Belle Point on the Arkansas River. Major William Bradford and 64 men of the United States rifle regiment, under orders from General Thomas A. Smith, began constructing a small wooden stockade. This was the first Fort Smith.*” This holiday landing was not quite as “maiden” a landing as depicted. An advance contingent of soldiers had scouted out the location and begun setting up camp in November of that year and were at Belle Point awaiting their arrival (Higgins 2007:12).

The video narrative presses the point that, “*escalating conflicts along the western frontier made this post necessary*” as we see a drawing depicting the 1817 wooden stockade, complete with palisades and turrets, to confirm the hostile nature of the situation. Fort Smith is situated on the frontier between the civilized East and the savage West. This positioning is reinforced, “*The*

*growing violence however was not between whites and Indians but between the Cherokee and the Osage.*” This tribal warfare is explained, *“For more than 200 years Europeans had been moving inland from the Atlantic and Gulf coasts. This white expansion displaced many Indians who fled their native lands in the Southeast to preserve their way of life in unfamiliar territories”* (Paskowsky 2000b). At these words a map of the United States appears and the original location of the Chickasaw, Choctaw, Cherokee, Muscogee (Creek), and Seminole, each light up on the screen in a different color. As “unfamiliar territories” is spoken, the land acquired in the Louisiana Purchase is highlighted to show tourists where it was that these Indians “fled” to. In actuality the land they removed to was a small fraction of the 1803 purchase.

And so we are told, *“the clash between the Cherokee and Osage began this way.”* While there was indeed such a clash the narrative firmly draws us away from any hint that the violence was between whites and Indians. To the contrary, in 1808 a land cession treaty with the Osage *“allowed President Thomas Jefferson to encourage more Cherokees to move into the area and settle permanently.”* Quapaw, Tunica, and Caddo, who also lived in the region into which the Cherokee were being displaced, are not mentioned. The storyline paints a strict binary representation of very pale skinned Cherokee who are shown dressed in European clothing, with a focused gaze into the tourist’s eyes, juxtaposed to Osage who are sienna and ochre in complexion, wearing animal skin clothes and feather adornments with a gaze looking defiantly away from the European way of life and decidedly past the tourists eyes. *“As the number of Cherokees increased on what was once Osage land, outbreaks of violence became more frequent, and the two tribes were on the verge of open warfare. U.S. officials hoped the establishment of Fort Smith would ease tensions and make the area safe for future white and Indian settlement”* (Paskowsky 2000b). While the chaotic complexity of the situation is



presented in this simplified storyline with a trained and soothing voice, the most immediate concern at the time was to make Arkansas a secure place to move eastern Indians to.

A portrait of armed troops and their officers stand posed full of commanding composure as we learn that, “*After several years [it had only been five years] of struggle the military began to see results. In 1822 the Cherokee and Osage agreed to a peace treaty.*” At this point the narrative begins to lay hints as to the underlying reason for the fort’s existence: “*Soldiers could then concentrate on building roads, patrolling frontier boundaries, and regulating trade and travel through Indian country. Their success prompted a local newspaper editor to declare Fort Smith essential to western defenses of the nation*” (Paskowsky 2000b).

The trajectory of the narrative suddenly shifts, “*by 1824 [only two years later] however, the situation had changed. Military commanders realized that in order to maintain control of the frontier they needed to relocate the fort farther west. Troops abandoned Fort Smith and moved 50 miles up the Arkansas River where they built Fort Gibson*” (Paskowsky 2000b). This is largely how the establishment of the fort is framed. A park brochure reads: “First Fort Smith was built in 1817 to keep peace in the Arkansas River Valley between the native Osage and newly arriving Cherokee.... Trying to be more effective in maintaining the peace, the Army abandoned the fort in 1824 and moved farther west” (National Park Service 2012). Thus, Fort Smith was abandoned for the first, but not the last time in its long history of jilted relationships with the federal government.

Let’s push pause on the video for a moment. We are 3 minutes and 16 seconds into the 15 minute long orientation video. Already, the premise of the mythic frontier has been laid down over a complex set of historical facts. The “peace” that is consistently pointed to, is peace between Indian groups, not a peace between Indians and whites or the United States government.

In the larger scheme of national expansion, it is the latter, not the former, “peace” that led to the establishment and perpetuation of Fort Smith. This small fort of Fort Smith was part of a larger military strategy of an entire string of forts along the western border of the ever expanding and encroaching political state. Fort Smith was just one in “a chain of fortifications along the length of the western frontier of the United States, each one of them garrisoned by a single company of the U.S. Army’s Rifle Regiment. These frontier posts formed the young nation’s line of defense on its western borders and stretched from Green Bay on the Fox River in Wisconsin to Fort Claiborne on the Red River” (Higgins 2007:15, Higgins 2004). Fort Smith was clearly part of a much larger national military strategy, but this is omitted from the local narrative.

This fact is repeated in historical books on the region. In *Little Gibraltar on the Arkansas*, by Edwin Bearss and Arrell Gibson (1969), for example, the first sentence of the book declares Fort Smith exists because: “The United States Army was a primary force in opening the Southwestern wilderness. By 1817, a pattern of military settlement had developed which was repeated with increasing regularity...When the area was safe for pioneer farmers and townsmen the soldiers moved on to open new frontiers” (Bearss 1969:3). Rather than “protecting the Indians,” Bearss emphasizes, “the most obvious duty was military – guarding the United States when the Southwest was shared with Spain and Mexico” and then as a side effect, “an extension of the military role was pacifying the Indian tribes upon whose hunting range the military settlement intruded” (Bearss 1969:3). Bearss’ book is available to purchase in the gift shops at both the Historic Site and the Fort Smith Museum of History, but this initial and important point he makes is not articulated at either site.

Arkansas historian Billy Higgins writes of this larger military strategy in a book commissioned by the historic site: “The forts, including Fort Smith situated near the middle of

this belt [of forts], looked outward on any enemies that might appear to threaten U.S. territory on its western borders” (Higgins 2007:15). Furthermore, there is scant evidence that is what the military presence was used for. On the contrary, “Bradford never ordered his rifle company into the field to head off or to punish the Cherokee or Osage raiders in Arkansas or in the territories to the west,” (Higgins 2007:15). With a clear eye toward the West, it was in the best interest of the United States to allow the Indians to war among themselves thus making the path to the Pacific that much more open. Consequently, “Bradford was content to allow those bitter enemies their chances to settle scores directly with each other, which they continued to do” (Higgins 2007:15).

Kathleen Du Val’s *The Native Ground* (2006) is specifically about the North American Indians who inhabited the Arkansas River Valley, through Oklahoma, Arkansas, and into northern Louisiana, and how they actively negotiated their relationships to political states of Spain, France, Britain, and eventually the United States. Du Val argues that groups including the Caddo, Quapaw, Osage, and Tunica had the upper hand during the 17<sup>th</sup> and 18<sup>th</sup> centuries so long as they had the four contesting political states to play off of one another. The Louisiana Purchase and the War of 1812 radically altered this strong position. As a result, “the Osages had preferred white settlers to Cherokees, but soon white settlers would define all Indians as the enemy and push them all to the margin, establishing the region as their own exclusive native ground” (Du Val 2006:227). Suddenly there was only one political state to deal with, and it was narrowing its focus toward viewing all Indians as one conglomerate entity that had to be uniformly dealt with.

Indians as well as veterans were encouraged to migrate into the newly acquired land of the United States after it became “free and clear.” The population quickly began shifting: “The

defeat of Tecumseh's forces and the conclusion of the War of 1812 had decreased fears of Indian uprisings. As a result, the number of non-Indian settlers rose from fewer than 400 in 1803 to over 14,000 in 1820, making them the most populous group in the Arkansas region . . . reaching 30,000 by 1830" (Du Val 2006:228). These white migrants soon found themselves crosswise with the plans of the federal government to relocate Choctaw and Cherokee into the Arkansas Territory; these maneuverings led to the clash between Indian groups, especially the Cherokee and the Osage.

The emerging role of the federal government was not one of protector or peace keeper even though requests for them to keep the peace came directly from the Cherokee and the Osage. This point was driven home when, "in 1821, Chief Clermont II [of the Osage] told Major William Bradford, the commanding officer of Fort Smith: 'you tell us the president looks on all the Red People as a Father looks on his Children' and 'you tell us he is sorry to hear that the Cherokees & us are killing each other'" (Du Val 2006:221-222). The Osage as well as Cherokee chiefs' arguments amounted to this: "If the United States insisted on sending Indians west, the chief held the United States responsible for compelling those Indians to respect the rights of those already there" (Du Val 2006:222). Despite these pleas to establish peace between the Cherokee and the Osage, "federal policy avoided direct involvement in Indian-Indian violence" (Du Val 2006:225). Higgins asserts the same: "Bradford's actions cast doubt on the standard historical interpretation that Fort Smith was founded for the purpose of keeping peace between the Indians. That does not seem to be the role that the commanding officer understood for himself and his garrison once it was established. Bradford intended to use force against Indians only when they attacked whites on non-Indian territories . . ." (Higgins 2004:103).

When the Osage could not get a response from Washington, they reached out to their religious friends. For example, “in 1821 . . . their missionary William Vaill was surprised to learn of Bradford’s lack of authority to intervene. Vaill noted that ‘we expected that the design of the garrison was to keep peace among the Indians. We find, however, that they are not to oppose the Indians in their wars with each other’” (Du Val 2006:225). On a more practical level, the idea of federal troops keeping the peace is fanciful: “Bradford’s garrison of fewer than 100 men was no match for thousands of Cherokees and Osages” (Du Val 2006:225). The basic math of being so outnumbered makes the often repeated narrative that the fort was put here “to keep the peace between the Indians” absurd. Regardless, the discourse which I observed during the course of my fieldwork at the National Historic Site in the exhibits and by park ranger tours of the site perpetuate this myth.

In this light, the narrative of white-Indian affairs and the military strategy for the existence of Fort Smith becomes clearer: “Federal officials had no qualms about intervening when Indian warfare endangered whites. . . Official policy on the Osage-Cherokee war stated that ‘the U.States [sic] will take no part in their quarrel; but if, in carrying on the War, either party commit outrages upon the persons or property of our citizens,’ Major Bradford’s troops should act” (Du Val 2006:225). In response to spreading rumors that Osage and Cherokee were about to cause violence to whites, Bradford promptly and sternly laid down the power of the federal government: “‘if you shed one single drop of a White man’s blood I will exterminate the Nation that does it,’ leaving ‘not a Cherokee or Osage alive on this Side of the Mississippi’” (Du Val 2006:226).

Why was the first 1817-24 fort built? The answer appears to be far more complex than what is presented at the National Historic Site. At minimum it is clear that it was not to keep the

peace between the Indians, but rather to create a stable place in which to relocate Indians from the Southeast in order to open up more agricultural land for whites in Georgia, Alabama, and Mississippi. At this point in time, the far western border of Arkansas Territory was over 100 miles farther west than it is currently, which means the first Fort Smith was in the heart of Indian Territory, surrounded by the recently relocated Cherokee and Choctaw. From 1817-28, the Cherokee lands were in the northwest corner of present-day Arkansas, and the Choctaw lands were in the far southwest corner of the state from 1820-25 (Bolton 71:1998).

The ever-rolling frontier border was the “front-line” of displacement, a destination for Indians. White settlement came slowly but steadily stretching hundreds of miles east from the westward moving wake of the frontier. The fact that by 1824, *“military commanders realized that in order to maintain control of the frontier they needed to relocate the fort farther west. Troops abandoned Fort Smith and moved fifty miles up the Arkansas River where they built Fort Gibson”* (Paskowsky 2000b), discloses that it was the gradual arrival of white settlers in the displacement wake that necessitated the perpetual removal of Indians further westward.

Resuming the video at the 3:16 mark, we learn in the following minute and 23 seconds of the role that the frontier, and specifically Fort Smith, played in the “civilizing” process of the Indians. Abandoned by the military in 1824, *“the soldiers, however, left behind a civilian settlement which eventually grew into a bustling trading center. Although no soldiers were permanently stationed here for the 14 years between 1824 and 1838, the government viewed Fort Smith as an important part of its emerging policy of Indian Removal”* (Paskowsky 2000b). This is a vague period in the history of the fort as it is routinely said that it was abandoned *and* troops were active there. It is also emphasized that it was a key site in the supply chain for Indian removal. Regardless, in this second life of the fort we can observe that it is once again

complicit in the project to sequester Indians for the purpose of allowing and encouraging white settlement east of the Mississippi.

Instead of keeping the peace between the Indians, now the fort was in the support role of assisting Indians in their transformation from savagery to civilization. We are told in the orientation video that *“for years, the federal government had promoted a policy of transforming the Indians into its image of a civilized people. However the desire of land hungry Americans often interfered with this process. It was hoped that the relocation of the Indians to the West would give them a chance to complete their conversion into Christians and farmers”* (Paskowsky 2000b). Ever since Thomas Jefferson lined out the intellectual capacities of the “three races” in his 1785 *Notes on Virginia*, Indians were favored with the ability to learn the ways of civilization, if just given the proper chance. Africans fared far worse in Jefferson’s estimation, incapable of the cognition demanded for civilization, enslaved by whites and Southeast Indians. “I believe the Indian, then, to be, in body and mind, equal to the white man. I have supposed the black man, in his present state, might not be so” (Jefferson 1998 [1785]:268).

Meanwhile, we are told that in the Southeast and in early tribal migration into Indian Territory, the fruits of the Jeffersonian civilizing process were showing. According to the orientation video: *“Tribes like the Cherokee, Chickasaw, Choctaw, Muscogee, and Seminole in the Southeast farmed, built mills and plantations, and sent their children to missionary schools where they learned to read and write. Some of the Indians even owned black slaves. It’s understandable then that they had no desire to give up their lands”* (Paskowsky 2000b). Indeed, slavery served as an over card for the Five Tribes entrée into their “civilized” status, for identifying with whiteness. Additionally, Sequoyah’s syllabary, and its use in the publication of the *Cherokee Phoenix* newspaper beginning in 1828, the quick adoption of constitutional

governments, and the rule of law in their own Supreme Court systems made it look as if the Five Tribes were quickly on their way to being civilized.

While Jefferson's paternalistic and essentialized notions of race were highly flawed, Andrew Jackson's were shrewd, and apparently above contempt. We are told in the next two minutes of our orientation about his approach to managing Indian relations. "*Although the Supreme Court eventually confirmed the sovereignty of Indian tribes, President Andrew Jackson would have none of it. He refused to enforce the Supreme Court's decision, and he ignored scores of treaties with various Indian nations which stipulated that the U.S. government was to protect Indian lands from being overrun by white settlers*" (Paskowsky 2000b). The façade of "keeping the peace" between the Indians crumbles during this period of removal and essentialized notions of savage and civilized are used as diplomatic chips as Cherokee, Osage, and white settlers all jockey for position in the frontier landscape (Du Val 2006:218). The complexity of these categories is illustrated as early as 1812: "Downplaying their ties to the past, Cherokee leaders used their 'civilized' reputation to attract United States support. Chief Tolluntuskee wrote Eastern Cherokee Agent Return J. Meigs that the Osages were 'savage,' 'barbarous,' 'uncultivated,' 'wild Indians.' Cherokees argued that they were implementing United States Indian policy while the Osages were impeding it" (Du Val 2008:218).

The military hero of New Orleans, Andrew Jackson, continued in his presidency the westward movement that his accomplishments in the War of 1812 had begun. He had a very clear vision of how to use newly acquired western lands: "*Jackson's administration was also responsible for the Indian Removal Act of 1830. It gave government officials the right to negotiate treaties with Indian tribes exchanging their eastern territory for land west of the Mississippi,*" the orientation video explains. Though perhaps legal, "*these treaties were often*



*signed by an unauthorized minority of the tribe because they supported removal, but the majority of Indians were reluctant to leave their homelands; however, they soon had little choice.”* What had been “voluntary” up to that point now became mandatory: “*By the mid 1830s, the army was involved in removing some Indians from their lands, even though this violated recent treaties”* (Paskowsky 2000b). No matter how much civilization the Indians may have acquired, equality was an ever moving goal post for them.

Nevertheless, Indian removal gave Fort Smith its second life as frontier border agent for the federal government. “*Fort Smith served as the primary supply depot for those Indians who managed to make it to Indian Territory. Between 1830 and 1834, soldiers dispensed blankets, axes, blacksmith tools, spinning wheels, and other goods that they had been promised by treaty. These goods were to help the Indians rebuild their shattered lives. When the distribution center moved farther west, Fort Smith’s buildings fell into disrepair”* (Paskowsky 2000b). Upon this second end to the military use of Fort Smith, local businessman John Rogers redoubled his already ten year long efforts for a second military fort to be built in Fort Smith.

The role of Fort Smith in the mythic frontier was in serious jeopardy. The time between 1824 and 1838, when construction of the second Fort Smith would be decided, reveals the serious economic stakes of growing a country, and how the local civilian population came to benefit from and exploit it. Why was Fort Smith given a third life when virtually all military personnel were opposed to it? As we will see below, local businessmen used their political savvy to garner the construction of a second Fort Smith, which infused over \$300 thousand into the local economy (Higgins 2007:37). The historical detail of this period is important because it reveals the ulterior motives for the Fort’s existence and the way in which the savage-civilization binary is used on the border to exploit the situation for local economic gain.

The cultural memory of this period is given a mythic gloss in the orientation video at the National Historic Site. At the 6:40 mark, the narrator explains how the second fort came into existence: *“In 1838, the War Department ordered the construction of a new Fort Smith. It was a decision based largely on the Arkansas congressional delegation’s argument that violent feuding within the Cherokee nation would spill over into the white settlements. Military leaders like future U.S. president Colonel Zachary Taylor thought this unlikely, and objected to the expense of the second fort”* (Paskowsky 2000b). Two significant points need development. First, to say that Colonel Taylor and the military in general were “opposed” to the fort is vast understatement. And second, we are given a clue here of how essentialized notions of savage v. civilized are being used for political ends.

It was businessman John Rogers, not the military, who wanted Fort Smith to be rebuilt. He had been investing and developing hundreds of acres in the Belle Point community that had grown around the first fort. Ultimately he incorporated the city in 1842, earning him the title of town “father.” The main east-west bisecting road through Fort Smith today bears his name. He first moved to the area in 1821, where he operated a tavern and sutler store in the Belle Point. A civilian population slowly grew to service the needs of the soldiers. The civilian clout, business acumen, and at times, the downright belligerent attitude that John Rogers wielded over the military presence is impressive.

After Fort Smith closed in 1824, Rogers actively lobbied any political party he could to persuade them to return the military installation to near the Belle Point settlement. He had made an investment in the area and he wanted to see a return on it. He had supply lines, goods, and a great deal of whiskey to sell to soldiers, and illegally profit from its sale to Indians. In addition to Fort Gibson being developed 50 miles farther up river in 1824, the smaller Fort Coffee was

developed about five miles up the river from Fort Smith, located virtually on top of the Mississippian period remains of Spiro Mounds. This fort and this period of time are virtually omitted from the frontier narrative presented in the Fort Smith frontier complex.

The Fort Coffee site was widely believed by military personnel to be a superior location over Fort Smith for several reasons. Mainly the location afforded a much better view of the river and thus a greater opportunity to catch those trafficking illegal whisky up the Arkansas River to be sold in Indian Territory. Captain Stuart was in charge of the troops at Fort Coffee and was concerned that townspeople at Belle Point settlement were taking advantage of their proximity to Fort Smith. John Rogers and his business partner John Nicks both benefited from a previous military association from the War of 1812 that Nicks had with Colonel Arbuckle, who oversaw the military presence in the Fort Smith region. Consequently Rogers and Nicks took liberties in many places that irritated others, such as Officer McClellan. After the troops had vacated Fort Smith and moved to Fort Coffee, for example, “McClellan said that it was startling to learn that the firm of Nicks and Rogers held a federal license to trade with the Indians at Fort Smith” and selling them whisky no less, “Nicks and Rogers had friends in high places, as was evidenced by the openness with which they flouted their operations at Fort Smith” (Bearss 1969:102-103). Such was the nature of frontier political economy.

The relationship between John Rogers and Captain Stuart grew steadily more contentious. “When John Rogers began to lobby Arkansas congressmen and the secretary of war for rebuilding Fort Smith on a grander scale, Captain Stuart wrote stinging letters about the nefarious conduct of Rogers and other real estate speculators. Stuart suspected Rogers, the largest property holder in the town, of acting to further his own ‘pecuniary interest’ in seeking to restore the building and fortifications at Fort Smith” (Higgins 2007:34). This military oversight

of the local economic gaming of the fort's presence is a recurring theme with Rogers, but he was a skilled negotiator.

Just as the Cherokee had done before him, Rogers used the narrative of the mythic frontier as a border between savages and civilized as a political tool. Rogers was "having petitions circulated to persuade the War Department to expand the garrison at Fort Smith to six companies or to remove Stuart's company. Stuart's informants said that Rogers had employed three men to obtain petition signatures and paid them a set fee for each signature they obtained, including those of children and of persons no longer living." And then more pointedly, "the purported grounds for calling in additional troops was that Indians were 'committing depredations upon the Property of the Whites'" (Bearss 1969:130). Thus, Rogers played the savage card to "Other" the Indians, and incite fear in hopes of garnering the economic boom of the construction and presence of a second fort.

Rogers' friend Major Arbuckle contributed to this savage othering. "Arbuckle warned, if the tribes resolved their differences and directed their energies to a war against the settlers, a 'strong work' at Belle Point" was the best defense (Bearss 1969:132). The fort was now "needed" to protect whites from Indians, not to keep the peace between them. Stuart rejected Rogers' essentialized depiction and instead described the local Indians as "perfectly quiet, and are on the most perfect terms of friendship with the whites, and have never manifested the least appearance of having any feeling to the Contrary [sic] . . ." (Bearss 1969:130). Stuart is calling Rogers on his use of "feigned frontier imagery" (Flores 2002: 164): "Pecuniary interest, and not fear of Indians, is the Sole Cause of Wanting a large body of Troops at this place" (Bearss 1969:131).

Virtually all members of the military but for Arbuckle believed Fort Coffee, not Fort Smith, was where the troops should be positioned. Moreover, Stuart “described Rogers’ tract as ‘generally poor and unfit for Cultivation,’” (Bearss 1969:132). It is clear from the record that Captain Stuart was dumbfounded by this entire process as he “searchingly questioned War Department officials on the issue of restoring and enlarging Fort Smith. He asked why the government should pay Rogers 40 dollars an acre for poor, denuded land, expose troops to taverns and loose women, and contribute to the moral deterioration of his men when the War Department could find much better military sites farther west” (Bearss 1969:139). Stuart even had the Surgeon General look into the matter: “Charles B. Welch an assistant surgeon who came out from Washington” (Bearss 1969:140) who blamed the ill health on the Poteau River’s tendency to get backed up when the Arkansas water level was high. The result was a stagnant breeding ground for illness.

For his part, Rogers did all he could to sway the opinion of Washington back to Fort Smith. He “carried on an aggressive private campaign,” “he advertised in the *Arkansas Gazette* and in several Eastern newspapers plans to convert 160 acres of his Belle Point holdings into town lots,” he “revealed that he would be willing to sell any of his land in the area in question to the government at a fair and reasonable price” and that he would “hold in abeyance his plan to divide his land into lots if the government would give him some indication of interest. . .” (Bearss 1969:149). It was April 4, 1838 that “Congress passed a joint resolution authorizing ‘the Secretary of War to purchase a site for a fort at or near the western boundary of Arkansas.’ This was in direct contradiction to the established military policy of constantly pushing the army posts west with the advancing frontier” (Bearss 1969:151) and “against the advice of leading military

thinkers” who, “contended that there was not the slightest military reason for a fort in or near Arkansas” (Bearss 1969:150-151).

While the military officials exercised their disbelief, John Rogers made quick work of directing Washington officials to his property. Rogers owned 640 acres that he had purchased from the federal government for \$450 in 1834. Four years later, he wanted the “fair and reasonable” price of \$30 thousand for that same property. Captain Stuart had estimated it was worth \$1,300 at the most. Just eight days after the resolution passed to build the second fort, an agreement was reached with Rogers on April 12, “for fifteen thousand dollars, Rogers agreed to convey to the United States ‘clear of all liens of encumbrances 296 acres of land adjoin the public reservation at Fort Smith’” (Bearss 1969:152). Though half the acreage, Rogers got his asking price.

The birth of the second fort, a breach birth at that from the military point of view, came in fits and stops, but in the frontier complex narrative, the 14 years of contestation are smoothed to this lithe description in the orientation video: *“Despite this opposition, building began on the new garrison slightly east of the original stockade. The second Fort Smith held quarters and barracks for approximately four companies of men, and was enclosed by a stone wall twelve feet high and three feet thick. Over the next thirty years, Fort Smith was essential to military operations in the southwest. Goods from its commissary and quartermasters storehouses supplied military outposts throughout Indian Territory”* (Paskowsky 2000b). The scale of constructing the second fort required skilled laborers to be imported from the northeast. Costs of the second fort mounted.

The degree of government money flowing into Fort Smith did not escape the attention of the man who would become the 12<sup>th</sup> President of the United States, Zachary Taylor. He resided

in Fort Smith between 1842-45 while he was the commander of the Western Military District (Higgins 2007:38). While here, “Taylor could imagine that a few promoters of Fort Smith were riding the government’s coat tails not for the good of protecting the frontier, but for amassing personal fortunes” (Higgins 2007:39). Wanting no part of Fort Smith, “Taylor established his headquarters at Cantonment Belknap [about a mile east of the fort] . . . and was thus close to the Fort Smith situation and could observe it at first hand. Taylor . . . was shocked at what he regarded useless expenditure of public funds at Fort Smith” and said “that when finished it would ‘serve as a lasting monument to the folly of those who planned [it], as well as him who executed [it]’” (Bearss 1969:168). Taylor’s opinion of the second fort was unambiguous: “The plan . . . is highly objectionable . . . A more useless expenditure of money & labor was never made by this or any other people. . . The sooner it is arrested the better” (Bearss 1969:168-169).

Zachary Taylor would subsequently leave Fort Smith to help direct the United States military invasion Mexico, 1846-48, which would in the end add another expansive territory to the United States as did the Louisiana Purchase. It was the westward expansion that Taylor himself was militarily orchestrating that ultimately secured the funds for the construction of the very fort that he was so opposed to. The barracks at the newly minted Fort Smith were first occupied in 1846, just in time to help Taylor on his way to Buena Vista in northern Mexico. It was speculated that it took eight long years to construct the fort due to the lackluster attitude the military had toward the fort.

While the fort was not decommissioned until 1871, and while it did have a boom during the California Gold rush, it was actually killed, literally, one more time on the eve of its most prosperous decade. Zachary Taylor, the recently departed and disgruntled denizen of Fort Smith, and recently decorated war hero, was elected to the presidency in 1848, and he was not averse to

settling old scores with his newly acquired power. Taylor took decisive action against Fort Smith. “General Order 19, issued May 31, 1850, directed the commandant of the 7<sup>th</sup> Military Department to dispose of the military stores and garrison at Fort Smith and to abandon the post” (Bearss 1969:209). Thus, a fort that took eight years to construct was abandoned after six years of occupation.

With the tables turned townsfolk, and Arbuckle rallied to write the War Department pointing out the error of its ways. As the order was issued by the “special direction of General Taylor” (Bearss 1969:212), but all of their contorted objections were for naught. “On July 2, 1850, Captain Caleb C. Sibley formed Company E and took passage for Fort Gibson” effectively ending the military presence in Fort Smith (Bearss 1969:212-213). One person, “Captain Montgomery remained in charge of the building and remaining stores with no men to assist him” (Bearss 1969:213). The fate of Fort Smith looked bleak.

One short week after the final evacuation of the second Fort Smith, President Zachary Taylor died on July 9, 1850. The necessary political machinations were promptly greased and seven months later Taylor’s order was reversed. “On February 12, 1851, the adjutant general directed Colonel Arbuckle to reoccupy Fort Smith by withdrawing Company E of the 5<sup>th</sup> Infantry from Fort Gibson” (Bearss 1969:213). Born again on the whims of mortality, Fort Smith lived to see another day and finally take its first long breath. The second fort and city alike “settled down to nearly eleven years of uninterrupted existence as a frontier military station” (Bearss 1969:214). The motivation for and continued existence of Fort Smith is full of ambiguity, ambivalence, and acrimony, but these characteristics are not included in the cultural memory of the Fort Smith frontier complex.



The National Historic Site orientation video sums it up this way: “*Forts Washita, Wayne, Gibson, Towson, Arbuckle, and Cobb all received a steady supply of troops, equipment, and orders from Fort Smith. As a result, all the military roads, stage routes, mail service and telegraph lines extending across the frontier radiated from Fort Smith which also acted as the distribution point for food, farming supplies, and federal funds for those Indians migrating West*” (Paskowsky 2000b). This list of forts, all located another step westward, reveals markers in the advancing frontier and the role of the forts left behind to facilitate white settlement and the political economy of the nation.

Fort Smith benefited greatly from the ever expanding nation. The California gold rush and further white settlement was facilitated during the 1850s by the military infrastructure. Locally, “Fort Smith’s role as communications center for the Southwest was broadened by technological developments and expanding stage, steamboat, and mail enterprises. The system of military road radiating from Fort Smith carried an ever increasing flow of traffic” (Bearss 1969:216). With the arrival of the Missouri River and Western Telegraph Company in 1858, Fort Smith was suddenly within a few hours reach from Washington (Bearss 1969:216). A description from the era regales the developments of the area: “Fort Smith is a thriving town of about 2,500 inhabitants, and they boast that every house is full.” (Bearss 1969:217). The prosperity of the town was directly contingent on its relation to federal monies invested in the region to support westward expansion.

### Frontier Interrupted: The Civil War

Thus the mythic frontier narrative nicely camouflages the ulterior motives and vices of the nation’s role in manifest destiny. At this point in the discourse of the frontier complex, the

role of the mythic border between savage and civilization is momentarily interrupted. The Civil War era in Fort Smith is summarized in 25 seconds in the orientation video: “*The Civil War brought an abrupt halt to these activities. In April of 1861, Confederate sympathizers known as the Arkansas Volunteers seized control of Fort Smith. The post’s location and its reserves of food, clothing, and ammunition made it a plump prize worth fighting for. But within two years, Union forces reoccupied the fort and held it until the end of the Civil War*” (Paskowsky 2000b). In fact there was no “fight” at Fort Smith (Higgins 2007:49). Still, exhibits and living history events do feature the Civil War at the National Historic Site, far more than it is represented in the video, but the brevity in the video is symptomatic of the emphasis on the frontier narrative before and after the Civil War in the frontier complex.

The prosperous decade of the 1850s in Fort Smith made it an ideal location for secessionist states to secure heading into the Civil War. It continued to be amply stocked through 1860 and into 1861. Consequently, “Arkansas state troops seized Fort Smith several weeks before the Little Rock convention adopted an ordinance of secession” (Bearss 1969:237). The Confederacy occupied it from 1861 to the summer of 1863 and the Union from 1863-65; there were never any battles at the actual site, only a few skirmishes more peripherally to the city. Notably for the frontier complex, nefarious characters William Quantrill and Cole Younger were said to be in Fort Smith 1862 and 1863 respectively. These two figures and their subsequent exploits become rich fodder for the imaginations of contemporary reenactors and will be returned to in the Frontier Performance chapter.

During the Civil War, Fort Smith found itself split but still used as a major supply line for each side in their respective turns to hold it. Higgins maintains, “despite the two years of Confederate dominance and southern feeling from flag waving to patriotic speeches, Fort Smith

was a town of divided loyalties. While some citizens fled, those who held Unionist views, a good portion of the population, stayed put after Blunt's Federal forces retook the town" (2007:49). While casualties and devastation were minimal in Fort Smith, the Civil War was not kind to it. One result of its secession was the loss of the hub for the transcontinental railroad. Prior to the war, Fort Smith was being seriously considered for a more southerly route. The geography of that route would have been more easily traversed than that out of Kansas City.

One other significant historical event that took place in Fort Smith in the post Civil-War, but pre-Western District Court era was "The Council of 1865." Treaties were negotiated with Indian groups in Indian Territory that had fought in the Civil War regardless if they had sided with the Union or the Confederacy. The Five Civilized Tribes "were faced with redefining their relationship with the U.S. government. Some tribal leaders were optimistic about restored relations, but others feared harsh retributions from federal policy makers" (Higgins 2007:54). It had been quite a mixed bag for the different Indian groups in terms of Union or Confederate sympathies during the war. Regardless of which side they had taken, the results of this council would affect all the Indians equally.

The Council struggled, "provisions were made for a follow up council but it was never called. Blacks were released from bondage, but only among the Seminoles did freedmen achieve full tribal membership. Nothing was set aside for them, nor was any reparation ever made to ex-slaves by the Indian tribes (Higgins 2007:55). The net result of the council was confusion. "Instead of unity, the Indian Territory seethed with claims, conflict, and resentments. Not only were the tribes divided, a situation that often convinced residents to take law into their own hands, but non-white emigrants were streaming into the territory, many of whom disregarded any authority beyond their own interests" (Higgins 2007:55).

In the larger picture, the outcome of the council reflected the ongoing national strategy to fulfill manifest destiny. In characteristic manner, “here Commissioner of Indian Affairs, Dennis N. Cooley and other commissioners spoke harshly to the ‘Great Father’s erring children’ and spelled out the principles on which the treaties restoring peace would be based: surrender of western lands, abolition of slavery, granting of railroad rights-of-way, establishment of U.S. military posts, and measures directed toward a territorial government for the Indian Territory” (Utley 2003 [1984]:116). Indians such as Chief John Ross of the Cherokee were presciently opposed to many aspects of the treaty because “[Ross] recognized that the move toward territorial government [was] aimed at liquidating the tribal self-government” and “that railroad agents and Kansas land sharpers. . . had rushed to Fort Smith” to take advantage of the Indians situation (Utley 2003[1984]:116). The fate of Indian Territory was clear to see. According to a former National Historic Site historian, “ultimately, the Fort Smith Council provided the foundation for the 1866 treaties which significantly altered conditions in Indian Territory and paved the way for Oklahoma statehood” (Galonska 1995:4). Only statehood would be satisfactory in the national project of acquiring the West.

In the post-Civil War era, the narrative explanation for the existence of the military Fort Smith changes. Now we learn that, “after the Civil War (1861-1865) the military permanently closed the little-needed fort in 1871” (National Park Service 2012). Why was it “little-needed” in 1871? Indian Territory was still present and increasingly full of more Indians and an ever growing number of illegally present white settlers. Saying that it is “little-needed” in 1871 reveals precisely why it *was* originally needed in 1817 – to advance the political state westward – not to protect the Indians.

## Frontier Resumed: constructing whiteness with civilization

In *Never One Nation: Freaks, Savages, and Whiteness in U.S. Popular Culture 1850-1877*, Linda Frost (2005) points out that before Buffalo Bill Cody's Wild-West show, P.T. Barnum was entertaining Americans with mythic images of the savage and the civilized. In 1863, he hired a group of Sioux and Winnebago Indians to be in his New York show: "He was participating in the performance and staging of the nation, using the persons and bodies of 'real' Native Americans to flesh out the racialized assumptions of his audience members" (Frost 2005:1). This was the time of the Dakota War in Minnesota which resulted in 38 Dakota being hanged simultaneously. Though the United States was preoccupied with the Civil War it was still working out its conceptions of Native Americans.

This was problematic because both the Union and the Confederacy were literally and figuratively savaging each other. Objectifying the enemy is common practice in all wars, but in this case, it complicated efforts to savage all Indians while claiming whites to be uniformly civilized. "If the Union was itself an actualization of civilization, then those who had taken a stand against it could only be uncivilized" (Frost 2005:26). Newspapers of the time ran articles and cartoons that portrayed the other as savage. In tandem, both "the Northern press. . . racializes as alien the Confederate soldier by grafting onto him a popular image of Indian savagery; just as the 'savage tribes' use their enemies' body parts for trophies or leave them 'to decay in the open air,' so the Southern male – *white* male – has similarly used those of his Yankee opponent" (Frost 2005:21).

The boundaries of the savage-civilized argument gerrymandered at will when it involved whites and Indians, but held firm when it came to African Americans. Despite the savage narratives spread by the North about the South, they would not touch the barbarous nature of

slavery as evidence of their savageness. Rather, “Confederates in these instances are typically savage *not* because they perpetuate the enslavement and debasement of other human beings, but because they threaten the life and dignity of the Union soldier, a figure obviously metonymic for the Union itself” (Frost 2005:22).

The post Civil-War era necessitated a method for uniting all whites and making whiteness and civilization pristine and synonymous. As the nation turned its gaze to the West, it was able to collapse North v. South into the same category of “East.” This restored whiteness and once again allowed the full force of savaging to be applied to Indians. The mythic frontier unified a wounded and divided nation. In the next chapter, we will see how this same logic is at work as the Northern, Yankee, Radical Republican, carpet bagging Isaac C. Parker is absorbed into the frontier myth to become the singular watchman of mythic frontier justice – not northern or southern, but western justice.

Most notably absent from the above discussion is the role of women. Aside from prostitutes, villains, and the four washerwomen who arrived at the fort in 1817, little is noted about women in relation to this stage of development from savage to civilization. Three exceptions are occasionally mentioned in the frontier complex: Mary Rogers, wife of town developer John Rogers, and contemporaries Florence Clayton and Mary Parker, wives of Prosecuting Attorney William Henry Harrison Clayton and Judge Isaac Parker. These women are not used to exemplify any sort of active role in the frontier, but they are routinely cited as embodying the latest styles and accoutrements of civilized life.

Mary Rogers’ portrait hangs at the Fort Smith Museum of History. The caption next to it tells us “this oil on canvas” was “made at new Orleans before Mary came to Fort Smith to join her husband.” Her portrait hangs between “John Rogers’ Sideboard,” and a four poster covered

bed. She is framed in domesticity for perpetuity. Of her husband's chest of drawers we are told "the marble top and fancy woodwork on this large sideboard announce John Rogers' ability to acquire wealth and power in Fort Smith. According to family history, John bought the piece in New Orleans, the city where his wife, Mary grew up" (Fort Smith Museum of History 1986). We are not told much else about Mary Rogers, but in a short space she twice mimetically attaches frontier Fort Smith to New Orleans, the closest, most accessible port of civilization in her time. She sits as a portrait of domesticated white woman amidst the otherwise savage-like frontier.

In a skit performed in the frontier complex during my fieldwork, the wives of Clayton and Parker are only referenced – they are not actually in it. The year is 1882 and the Clayton house has just been completed. We are told that Florence and Mary adjourned to the "poshly decorated parlor where they will talk about the latest east-coast fashions. They will also talk about ideas of starting a public library in Fort Smith." The elite white women of the 19<sup>th</sup> century are used in today's frontier complex to equate the arrival of whiteness with the arrival of the more refined traits of civilization (Frost 2005; Hartigan 2005).

The social construction of whiteness is omnipresent throughout the Fort Smith frontier complex, but seldom directly stated. In 1936, the Noon Civics Club thought the presence of whiteness so important they erected a rock monument and plaque to mark the place and date of the first white birth: "FIRST WHITE CHILD. HERE WAS BORN SARAH ANN TICHNELL IN 1826. THE FIRST WHITE CHILD BORN IN FORT SMITH. ERECTED AS A PUBLIC SERVICE BY THE NOON CIVICS CLUB, 1936." This civically minded organization put up several monuments in 1936.<sup>4</sup> Time and development have overtaken this "first white child" sign which now sits out of view between a levee and a warehouse. Though literally within a stone's

throw of the National Historic Site grounds, only the most committed or the lost will find this monument today.

Beyond the question of who has membership in the “white” category, what the sign marks is the arrival of whiteness on the frontier, the arrival of civilization, and that only white women are the bearers of white civilization. To be clear, the intent of this marker is to indicate the place where a white woman gave birth to a child conceived by a white man. The previous instances of white men fathering children with female slaves or Indian women, whether by rape or consent, would not have qualified for this distinction.<sup>5</sup> With the arrival of white civilization firmly posted in Fort Smith we will now focus on how Mythic Justice is deployed in the project of the frontier complex.



#### IV: MYTHIC JUSTICE

*There is no law west of Saint Louis, and no God west of Fort Smith.*

– Unknown

*I have ever had the single aim of justice in view... 'Do equal and exact justice,' is my motto, and I have often said to the grand jury, 'Permit no innocent man to be punished, but let no guilty man escape.'*

*I have never hanged a man; it was the law.*

– Judge Isaac C. Parker<sup>6</sup>

#### Frontier Justice

The end of the Civil War necessitated the restoration of civilization to stand for full and complete “whiteness” in frontier discourse. Yankee and Rebel alike were subsumed under the banner “civilized” regardless of the ethnic and cultural diversity or raging animosity contained within the white category. As such, the charge of spreading white civilization across the continent could be resumed in full force. The often used quip, “there is no law west of Saint Louis, and no God west of Fort Smith,” locates the West, and specifically the home of Judge Isaac Charles Parker, clearly outside the bounds of complete civilization. The western frontier provided a traumatized nation an “othered” and “savaged” domain that would be utilized as a therapeutic and solidarity building force (Flores 2002, Frost 2005, Taussig 1993).

Frederick Jackson Turner would agree that the frontier did all this and more: “The effect of the Indian frontier as a consolidating agent in our history is important,” and furthermore, it functions “as a military training school, keeping alive the power of resistance to aggression, and developing the stalwart and rugged qualities of the frontiersman” (Turner 1999 [1893]:26). American identity is worked out within this cauldron of aggression-based-bonding. It is also where the mythic justice of the “Hanging Judge” Parker is located. The United States District

Court for the Western District Court of Arkansas teetered between wild savagery and white civilization.

The court sat directly on the border; the Choctaw Nation boundary was literally 200 yards from Parker's bench. This positioned him as an ideal symbol of American identity presence on the frontier (Brodhead 2003, Daily 1933, Emery 1959, Harman 2001 [1898], Harrington 1996, Portis 1968, Tuller 2001). As such, he also represents civilized-whiteness in a domain routinely characterized as colored, lawless, and uncivilized. Indian Territory is described as containing savage Indians and being overrun with white criminals hiding out from the jurisdiction of other states (Harman 2001 [1898], Burton, A. 1991). Images of mythic justice arose alongside these quintessential tropes of lawlessness, savagery, and abandon to match or surpass it with symbols of civilization and law. In cultural memory, Judge Parker has come to represent the archetypal superhero who came to save the day; who sat steadfast on the border for twenty one years on the federal court bench; who unflinchingly and unwaveringly imposed civilization, law, order, and justice, onto Indian Territory. A close examination of the historical record reveals a far more complex Judge Parker, one who fiercely imposed his conception of justice; one who came to believe that he above all others knew what was best for Indian Territory; and one who, because of his resolute constitution, compounded frontier injustices.

### The "Hanging Judge"

The mythic tale of justice begins in Fort Smith in 1871 when the United States Western District Court of Arkansas moved to Fort Smith. The Fort Smith National Historic Site orientation video describes the transition: "*After fifty-four years of intermittent occupation, the army permanently closed Fort Smith. But the site was not abandoned for long. In November of*

1872, the federal district court of Western Arkansas, which was responsible for maintaining the peace in Indian Territory, moved into Fort Smith's former soldiers' barracks" (Paskowsky 2000)<sup>7</sup>. The discrepancy in year of occupation stems from the court being initially located in the Rogers Building when it first moved to Fort Smith, until it was destroyed by fire. The court then sought use of the abandoned fort (Bearss 1969:315).

The fact that the Western District Court of Arkansas sat in nearby Van Buren from 1851-71 is a seldom mentioned fact in either Fort Smith or Van Buren today. Memory of it has been eclipsed by the Parker era of the court. Moreover, despite the inconsistent military occupations and the transition to a federal court, the long used justification of "keeping the peace" between Indians, is extended to the entire Parker era. The very title of the orientation video, *Peacekeeper of Indian Territory*, (Paskowsky 2000b) subsumes the full 79 year range of federal presence at Fort Smith from 1817-96. Parker's reign on the federal bench is presented as a continuation of the same overarching mission the military had there since its inception.

It was "on May 8, 1871, Judge William Story gaveled the first session to order in the new federal courtroom. . . Story promptly disposed of eighty-seven criminal cases, but no one was condemned to hang" (Higgins 2007:56). The exclusion of hangings must be included in deference to Parker's subsequent reputation. Many people were in attendance that day to witness the historic occasion. A newspaper reported, "the town is jammed with strangers from all parts, some in office, some hunting for office, and a vast number that have been in, and now out, and some who do not want pap, though they are scarce; altogether the U.S. Court adds considerably to the life of the city" (Bearss 1969:315). In lieu of a military fort, the federal court system then became the extension of the nation for marshaling civilization into Indian Territory (Burton, J. 1997:253). As this newspaper account of the day indicates, local business once again became

the direct benefactor of federal monies and the traffic it created in the city. These economic benefits to the city are largely left out of the cultural memory of the site, where all the focus is facing firmly westward at the civilizing process.

The explanation for the lawlessness in Indian Territory sets up the “peacekeeper” mission of Fort Smith from the orientation video: *“In the aftermath of the Civil War, tribal governments were overwhelmed by the task of rebuilding their communities. Intertribal feuding and an influx of fugitives and outlaws who were not subject to tribal law made it impossible for the Indian nations to restore order. The federal government also seemed powerless to remove these intruders, and soon lawless men and women of every creed and color were moving into the 70 thousand square miles of Indian Territory where they roamed free, robbing and killing at will. The violence and lawlessness frontier gave rise to the saying, ‘There is no Sunday west of Saint Louis, no god west of Fort Smith’”* (Paskowsky 2000b). While routinely described as lawless and uncivilized, each of the Five *Civilized* Tribes (emphasis added) had functioning Supreme Courts and their own lawmen referred to as Lighthorse Police. The Indian Nations were fully organized by the social institutions of law and jurisprudence, but they were also coping with white criminals and illegally present entrepreneurs beyond their jurisdiction as the Indian courts were not allowed to try whites.

Notice too, that early in the narrative of the Parker Era, Indian Territory is described as being far larger in size than it actually was. By 1861, the boundaries of Indian Territory were that of the current state of Oklahoma minus the pan-handle, which would have made it approximately 65 thousand square miles. Furthermore, the jurisdiction within Indian Territory of the Western District Court progressively shrank in stages to half that size by 1883, and down to one-fourth of its original size by 1889, before going down to zero in 1896 (Brodhead 2003:104-

105). Despite this progressively shrinking jurisdiction, the figure of “70 thousand” square miles is routinely applied to Indian Territory for the entirety of Judge Parker’s 21 year career in Fort Smith from 1875 to 1896.

The first few years of the federal court in Fort Smith got off to a rough start and are summed up in the orientation video in one sentence: “*The graft and corruption that plagued the federal court system in Fort Smith only contributed to the problem.*” Not only was Indian Territory lawless, but so too the federal government. In addition to artificially inflaming relations within Indian Territory, Judge William Story and Marshal Logan H. Roots embezzled and extorted tens of thousands of dollars from their positions in the court. Called to Washington to account for his part in the scandal, Story turned in his resignation to escape impeachment. Roots was found to have extorted over \$55 thousand from the court while using the equivalent amount of money to become a founding shareholder in the First National Bank of Fort Smith (Bearss 1969:319, Higgins 2007:56, Tuller 2001:48-49).

This corruption nearly cost the city of Fort Smith another closing of the federal funds spigot. It was “recommended that Congress abolish the court at Fort Smith, to assure that ‘every door to fraud will be closed, and the administration of justice can be more successfully maintained’” (Bearss 1969:319). This was not an idle threat as “in the spring of 1874, a bill was introduced in Congress to abolish the federal court at Fort Smith” (Bearss 1969:319). With Story and Roots ousted from the court to freely pursue their enterprises in the private sector, interim Judge Henry J. Caldwell held the seat until Judge Parker arrived in Fort Smith on May 2, 1875.

Isaac Parker’s arrival signals a mythic arrival of mythic order on the border: “*It wasn’t until President Ulysses S. Grant named Isaac C. Parker to the bench that some degree of order began to appear. Parker was appointed judge of the western district of Arkansas in 1875, and for*

*the next 21 years, dispensed efficient and effective justice*” (Paskowsky 2000b). Parker took swift action. After handing down several death sentences, the first executions under his watch took place on September 3, 1875, when six men hanged at one time. The local newspaper reported a crowd of over five thousand gathered to witness the event with headlines such as, “Six Men Atone For Crime,” “The Crime Committed in the Indian Country,” “ARKANSAS NOT RESPONSIBLE,” “Bad Men will be Punished, Good Men will Punish them,” “Justice is Slow, Justice is Sure!” (Akins 2012:35). Five hanged at once in Parker’s second execution day of April 21, 1876, and then four more on September 8, 1876. Hanging a total of 15 men on three occasions within his first year (19 percent of his total), Parker made a statement about law and order on the border.

This very dramatic arrival contributed to the “Hanging Judge” reputation attached to Parker, but after this first run, hangings became less frequent and were more typically one or two individuals hanged at a time. It was over two full years before another execution would occur on December 20, 1878. Parker did hand down death sentences in this two year period, but due to community reaction to his first 15, all of those sentences were commuted: “Fort Smith lawyers and residents reacted to the executions of fifteen men in just over a year by joining forces to ameliorate the severity of Parker’s sentences. . . hundreds of residents from Fort Smith and Indian Territory – often including the jurors who had convicted the condemned – signed petitions supporting commutations or pardons” (Tuller 2001:71). In the end, nearly one-half of the death sentences Parker handed down were commuted. Sentiments about the arrival of “justice” on the border were clearly mixed.

Other multiple hanging days dominate the public imagination of Parker and his image of mythic justice. They include: five hanged on September 9, 1881, four hanged on January 14,

1887, six hanged on January 16, 1890, and five hanged on July 1, 1896. These seven multiple execution days account for 44 percent of all the executions carried out in Parker's term. If hangings of three at a time are included, then 59 percent of all of Parker's executions over his twenty one year stint happened on 11 days (Akins 2012). Parker heard a total of 13,490 cases, but it is the 344 cases he heard for capital crimes, 160 of which returned a death sentence, and the 79 that were ultimately carried out, that he is most known for. In perspective, 0.012 percent of all the cases he heard resulted in the death penalty, and 0.006 percent resulted in a hanging. These are the statistics that garnered Parker his posthumous yet fiercely unshakable moniker of "Hanging Judge" that is attached to him in virtually all contexts even outside of his career as a judge.

The myth of justice in the frontier complex of "peacekeeper of law and order on the border" does not stem simply from Parker. The federal court employed over two hundred deputies to cover the "70 thousand" square miles of its jurisdiction. In this expanse, *"the government's most urgent priority was to stop the lawlessness in Indian Territory, and to do this, it hired two hundred deputy marshals to track down the criminals and bring them to trial in Fort Smith. The deputy corps was made up of every racial group on the frontier. And men like Bass Reeves, Heck Thomas, Zeke Proctor and Sam Sixkiller were among its most prominent members"* (Paskowsky 2000b). The large number of deputies employed to cover the great size of Indian Territory is frequently emphasized to account for the rampant lawlessness. However, the actual size of the Western District Court of Arkansas' jurisdiction at different stages of its existence is never clearly stated in the frontier complex.

## Jurisdiction Matters

In addition to the 1861 figure cited above of 65 thousand square miles in Indian Territory, the Western District Court of Arkansas covered 19 counties in the western half of the state (see table on next page for precise counties and square mileage) which constituted 13,500 square miles for the entirety of Judge Parker's tenure in Fort Smith (Brodhead 2003:45, Tuller 2001:42). The cultural memory of the Parker era virtually omits obligations in Arkansas entirely. This is true in the orientation video, exhibits at both the National Historic Site and the Fort Smith Museum of History, and most accounts of Parker's career (Akins 2012, Ball 1990, Bearss 1969, Croy 1952, Daily 1933, Emery 1959, Harman 1898, Harrington 1996, Higgins 2007, Patton 1992, Przybylek 1998, Shirley 1968, Stolberg 1988).

Harman's 1898 account gives one of the earliest citations of jurisdiction size. Speaking exclusively about Indian Territory, he declares, "for many years it was with the ruffians of an immense tract of country, 74,000 square miles, stretching away to the Colorado line, that Judge Parker had to cope" (2001[1893]:88). Harman does not cite any source for that figure, yet it became the cited figure, the "social fact" for the frontier complex. A case in point of this widespread misrepresentation is the entry for the "Western District Court of Arkansas" on the *Online Encyclopedia of Arkansas History and Culture*, which reads, "the jurisdiction in Oklahoma alone was more than 74,000 square miles in area" (Bowden 2009). With the repetition of this flawed number, it is no surprise then that my questioning of jurisdiction boundaries was routinely lost on many of my consultants during my fieldwork observations in the frontier complex, including individuals among the most familiar with Fort Smith history. This blind spot in the cultural memory reveals how powerfully the legacy of Judge Parker is entirely contingent on Indian Territory.



**Table 1: Jurisdiction Matters**

Jurisdiction of the United States District Court for the Western District Court of Arkansas 1878-1896, included the following nineteen Arkansas counties. In 1883 the jurisdiction in Indian Territory was reduced to the lands of the Five Nations. In 1889, the entirety of the Chickasaw Nation and over one-half of the Choctaw Nation were removed to the Eastern District of Texas. Consult Michael Brodhead (2003:104-105) for Indian Territory jurisdiction boundaries. Consult *Revised Statutes of the United States, Passed at the First Session of the Forty-Third Congress, 1873-74 (2d ed.) 89 1878*, for Western and Eastern Arkansas Court county divisions. From 1851-78, the jurisdiction was approximately the same size, but county names and sizes fluctuated. All western Arkansas counties have held their name and size since 1861.

County Name	Square Mileage
Benton	847.36
Washington	941.97
Crawford	593.09
Sebastian	531.91
Scott	892.32
Polk	857.68
Sevier	565.13
Little River	532.25
Howard	588.55
Montgomery	779.08
Yell	929.98
Logan	708.13
Franklin	608.86
Johnson	659.80
Madison	834.26
Newton	820.90
Carroll	630.09
Boone	590.23
Marion	597.01
Total Parker Jurisdiction in Western Arkansas 1878-1896	13,508.60
Total Indian Territory (all of OK less panhandle) 1861	65,000.00 (approximately)
Total Parker Jurisdiction 1878-1883	78,508.60
Total Indian Territory Jurisdiction 1883-1889	35,000.00 (approximately)
Total Parker Jurisdiction 1883-1889	48,508.60
Total Indian Territory Jurisdiction 1888-1896	22,000.00 (approximately)
Total Parker Jurisdiction 1889-1896	35,508.60
Total Jurisdiction of Western District Court Sept. 1, 1896	13,508.60

In actuality, for the first third of Parker's career, the jurisdiction was larger than what is customarily cited. It contained approximately 78,500 square miles including the 19 western Arkansas counties. In 1883, the jurisdiction of the court in Indian Territory was reduced to only the lands of the Five Tribes, approximately 35 thousand square miles. The Chickasaw Nation and the southern half of the Choctaw Nation were removed from its jurisdiction in 1889, reducing the terrain in Indian Territory to 22 thousand square miles, for the final third of Parker's career in Fort Smith. Thus, "the long arm of the law" was not nearly as long as is portrayed.

An exhibit at the National Historic Site is actually entitled "The Long Arm of the Law." The textual narrative reinforces the notion that Parker reigned over a vast expanse of Indian Territory during the entirety of his career: "The U.S. Court for the Western District of Arkansas, with its seat at Fort Smith, is unique in the history of federal tribunals. At the height of its influence, it held a vast jurisdiction – about 74 thousand square miles – over land that was home to thousands of American Indians and an increasing number of residents who were not tribal members" (Fort Smith National Historic Site 2000b). This "increasing number" of whites moving into the territory became concentrated in the later part of Parker's career when the jurisdiction of only 22 thousand square miles of Indian Territory afforded him a much shorter reach.

Regardless, discussion of the deputy's duties is tightly reined to the more expansive notion of Indian Territory. The orientation video depicts widespread violence: "*These lawmen led hazardous lives. They not only had to track down dangerous fugitives in a lawless wilderness, they had to bring them back alive. A deputy who killed a suspect who was resisting arrest had no hope of collecting his fee, and he even had to pay the dead man's burial expense to boot. It was a job that required enormous skill and even more luck. Many didn't make it. During*

*Parker's tenure on the bench, over one hundred deputies lost their lives in the line of duty"* (Paskowsky 2000b). The extent to which Indian Territory is described and imagined to be replete with savage wildness in the frontier complex cannot be overstated.

One of the most popular writers and public figures of Fort Smith history, Art Burton, describes it this way: "No part of the West was more of a legal and jurisdictional nightmare, or criminal's paradise, than Indian Territory. Without a doubt, the territory offered outlaws their safest refuge and their richest field for uninhibited plunder. At one time or another, the worst scoundrels in the West accepted the open invitation to visit Indian Territory. The Jesse James Gang vacationed there between holdups, and the Dalton, Doolin, and Cook gangs roamed there, robbing and killing at will" (Burton, A. 1991:1). The repetition of such accounts in the frontier complex makes it easy to lose sight of the fact that Indian Territory was meanwhile home to tens of thousands of Indians who had their own judicial system. It was not the exclusive province of ne'er-do-wells. While it can be conceded that it was a violent time and place in American history, it is mythic exaggeration to portray it as universally lawless.

Despite the complexity of the situation the mantra according to the mythic frontier complex maintains a singular focus: Indian Territory was full of lawlessness and the federal government had to apply civilization and its law and order to it. The myth reinforces the arrival of white civilization, of white law and order, being taken to the Five Tribes, because in historical fact law, order, and civilization were already present in Indian Territory. In Tahlequah, for example, the Cherokee Nation Supreme Court had been functioning since 1844. Little mention is made in the cultural memory of the application of law by Indians. Rather, we are told that *"suspects were brought back to Fort Smith to face a court appearance before Judge Parker. A person found guilty of rape or murder faced certain death. That was the law, and Judge Parker*

*sentenced killers like Cherokee Bill and rapists like the Rufus Buck gang to the gallows. Those who committed lesser offenses, like horse thief Belle Starr, received less severe punishment*” (Paskowsky 2000b). “Upholding the law” by the Parker court is held up as evidence of the impartial legal process that he represented on the frontier border. Moreover, this is the alibi contained in Parker’s mythic justice (Barthes 1972 [1957]:109)<sup>8</sup>: the federal court was not systematically dismantling Indian Territory for white settlement; that’s not what it was doing on the border. Rather, it was impartially applying the law.

Parker contributed to this impartiality narrative with his routinely cited comment that “I never hanged a man; it was the law.” The orientation video shares more of his legal philosophy: “*Parker never once attended an execution in Fort Smith. In fact, he wrote, ‘I am in favor of abolishing the death penalty, provided there is a certainty of punishment, whatever the punishment may be. It is not the severity of the punishment, but the certainty of it that checks crime’*” (Paskowsky 2000b). These comments were made in an early September 1896 *St. Louis Republic* interview granted to Ada Patterson<sup>9</sup> days after the remainder of the Western District Court of Arkansas’ jurisdiction in Indian Territory, 22 thousand square miles at this point, was removed from its purview. It was just six weeks before Parker’s death. With his health failing and his jurisdiction restricted, Parker was no doubt feeling the weight of history’s judgment upon his career. What is routinely cited as proof of his total devotion to the law and is the basis of his mythic justice image was instead his *mea culpa*.

“It was the law”

Contemporary analysis of Judge Parker’s judicial career is revealing. Up until 1889, there had been no recourse of appeal in Parker’s court except to the President of the United

States. It was only from 1889-96, the last third of his time in Fort Smith, that Parker's death sentences could be appealed to the Supreme Court. While this change is often explained in the frontier complex as "fixing a clerical error," David Kopel suggests: "the congressional concerns about Judge Parker's arbitrariness" (2000:297) necessitated the statute. From outside the Fort Smith frontier complex, an objective review of Parker's actions does not support the mythic image of pure justice. Kopel analyzed Parker's record and found that "the Supreme Court had reviewed forty-four of Parker's capital sentences, and reversed thirty-one of them" (2000:298). Seventy percent of the appealed cases were overturned. That is not the image of practicing law by the generally agreed upon standards of the time.

The U.S. Supreme Court was of the opinion that Parker intentionally led his juries to his foregone conclusions. Kopel surmises, "Judge Parker's zeal for hanging went too far, as he repeatedly forced juries to bring in guilty verdicts against people who were defending themselves against criminal attack" (Kopel 2000:298). In his biography, *Isaac C. Parker: Federal Justice on the Frontier*, Michael Brodhead (2003) arrived at the same conclusion, stating that, "the grounds for the reversals were many and varied, but mostly they involved Judge Parker's instructions to the juries. Often the justices found Parker's wording calculated to incline the jurors toward a guilty verdict" (2003:151). Parker's zeal for administering justice exceeded the written parameters of his duties.

Jeffrey Burton agrees with this interpretation in *Indian Territory and the United States, 1866-1906*: "It had been maintained that Parker was careless with the law, unversed in its finer points. Reference to some of his charges to grand and petit juries and to his pronouncements out of court affords convincing evidence – at any rate, to a layman – that he was deeply read in the law but evinced a keener regard for what he felt to be the spirit of the law than what he knew to

be its letter” (1995:199). More pointedly, Burton describes the need to “put a curb on the judge’s arbitrary influence” (Burton, J. 1995:199).

In the course of my fieldwork in the frontier complex, I frequently heard explanations that the inordinately long directions Parker gave to his juries “was to help them out,” and “because they weren’t educated and needed a bit of instruction on the process.” According to Brodhead, the Supreme Court would differ with those contemporary tour guides: “Parker’s lengthy instructions to juries – some ranging from 40 to 70 typewritten pages – contained much that was confusing and contradictory. Reading the opinions handed down by the Supreme Court reversing the Parker court, one cannot help suspecting that the justices’ obligatory references to ‘the learned judge’ were heavy with sarcasm” (Brodhead 2003:151). Sarcasm or not, Parker’s image of pure justice is soiled in these repeated rebukes from the Supreme Court.

Many of Parker’s instructions to the jury have been preserved. Here is an example of one that Samuel S. Harman called “JUDGE PARKER’S BEST PETIT JURY CHARGE” (Harman 2001 [1898]:521). He begins:

Gentlemen, a moment’s reflection satisfies us that in every trial of this character, there is involved one of the gravest propositions upon which depends the social happiness of men, women and children living in a state of civilized society and under a civilized government. That proposition is whether the law of the land, that rule of action which prescribes the conduct of men, when in the hands of intelligent jurymen of the country, affords a sufficient safeguard for all the rights of the governed, and especially that highest of rights known as belonging to man – the right to life. [Harman 2001 [1898]:521-522]

Just the opening paragraph of his instructions to the jury goes on for two-and -a- half pages. His philosophizing about the human condition is a marvel. Here is one long sentence:

When we but reflect for a moment that you are possessed with memories, with judgment, with reason, with the power of observation, with the knowledge of right and wrong, with a high sense of justice, a strong desire to see the right prevail, an inherent love of equal and exact justice to all under all circumstances, a reverence for the truth, and high regard for the law of the land – when you have all of these things as attributes of your nature, and as a part of the qualifications which enable you to perform rightfully, honestly and

well this high duty cast upon you by the laws of your land; I say the consideration of sympathy is lessened, because when you can apply, in the discharge of this great duty, these great attributes of your nature, the duty is easier of solution, easier of performance, than it would be if you did not possess them. [Harman 2001 [1898]: 522-523]

An example of what the Supreme Court may have thought a digression in their reversals may have included this bit of instruction to the jury:

For centuries, yes, for ages, if geology be true, the lightnings (*sic*) had played in the heavens and men were awed and terrified from their sight. Morse came with the capacity to read their laws, and he chained them, and taught them to carry our messages of affection, our messages of fortune and misfortune, to friends thousands of miles away. When nature is correctly read she never deceives. For centuries the blood had gone to the heart and returned again to the extremities. For centuries physicians had dissected the human frame and had failed to discover the great law of life, that the lungs received the oxygen from the air we breathe and transmit it to the blood; that the blood thus provided with new life was sent out to feed the most remote organ, it may be said by a mechanism more delicate than human genius has ever been able to construct. Harvey came, read nature's law aright, made the discovery, and it was no longer a mystery. And so it is with nature everywhere. [Harman 2001 [1898]:523]

Parker goes on to elucidate the process by which trees reproduce themselves before he arrives at the tangential point of his examples in relation to law: "Nature's laws to govern the working of nature in their innocence, and that they may serve the purposes of man. Nature has a set of laws which apply to the criminal acts of men as well as to their innocent acts" (Harman 2001 [1898]:524). This particular jury instruction runs over 30 full pages (Harman 2001 [1898]:521-552) and one must look hard to find clear directions to the jury.

In addition to consuming jury directions, Parker's record was particularly truant in self-defense cases. In Kopel's investigation, he found that "Nine defendants from Parker's court raised appeals involving self-defense; eight of them won reversals" (2000:298). Many visitors to Parker's courtroom today voice the opinion that he represents a contemporary notion of being "tough on crime" and "giving criminals what they deserve," and that "we should bring back that sort of justice." Virtually all of the historical reenactors who have been part of my research are

staunch supporters of gun rights, particularly for self defense, and cite the image of Parker's frontier justice as a model of their beliefs.

But Parker's decisions regarding self-defense do not square with that point of view: "Clearly, the Supreme Court and Isaac Parker were in disagreement over what constituted self-defense. They also held different views on the related matter of the duty to retreat. We have seen that Parker stood by the old rule that a person, when threatened, must use every means, including flight, to avoid bloodshed. Other courts, including the nation's highest, were moving toward acceptance of 'no duty to retreat'" (Brodhead 2003:156). In contemporary terms, Parker would have been the polar opposite from Florida's "stand your ground" law cited in the Trayvon Martin case. He was not a fan of the self-defense plea and he flatly refused to uphold laws governing it.<sup>10</sup>

The power and significance of the oft repeated Parker quote, "I never hanged a man; it was the law," should not be underestimated. The sentiment is even on the dust cover of historian Michael Brodhead's book, in which he directly questions the legitimacy of that very explanation. Additionally, Supreme Court Justice William Rehnquist had been a fan of Parker and "cited Parker's expertise in Indian law, and... approvingly quoted the Hanging Judge's statement, 'I never hanged a man. It is the law.'" But according to the Supreme Court of the 1890s, too much of what Judge Parker did was not the law – Parker infringed on the right to self-defense" (Kopel 2000:298).

For example, in one case "the question was the validity of Judge Parker's instructions to the jury about the difference between premeditated murder and manslaughter. Judge Parker had told the jury that [the defendants] carrying of a handgun could be considered evidence of premeditated intent to kill, even if the carrying was purely for self-defense" (Kopel 2000:300-



301). In another case, he told the jury that the defendant “was a bond-jumper, he could not claim self-defense (Kopel 2000:302). This Supreme Court did not agree with this overt manner of leading the jury. One of the reversals was due in part to Parker citing the biblical account of Cain and Abel to a jury that “the wicked flee when no man pursueth.” Justice Edward White retorted, such words were “tantamount to saying . . . that flight created a legal presumption of guilt, so strong and so conclusive, that it was the duty of the jury to act on it as an axiomatic truth” (Brodhead 2003:154-155). In yet another trial, “Judge Parker instructed the jury that they were free to conclude that [the defendant] had provoked the trouble, and therefore lost his right to self-defense” (Kopel 2000:304). And again, “Judge Parker told the jury that even if [the defendant] had the right to use self-defense against an attack by [the victims], [the defendant] could not defend himself if [he] had the ability to retreat safely” (Kopel 2000:306). Repeatedly, Parker led juries away from self-defense pleas.

Near the end of his career, Parker was lambasted in a public tiff with Solicitor General Whitney for doing so: “Parker refused to accept instruction. Whitney conceded that the judge meant well, but was ‘ignorant and careless’ with the law, continuing to fill his jury charges ‘with gross errors. . . On account of his great desire to secure convictions’ Whitney concluded, Judge Parker had become ‘the best friend of the criminals, for he insures them reversals’” (Tuller 2001:151). While clinging to antiquated legal conceptions, Parker unwittingly became complicit in reversals of his own decisions.

In another case, the justices made sweeping comments on Parker’s judicial conduct: “Other instructions by Parker were ‘clearly illegal. . . The charge given . . . violates every rule thus announced. It was neither calm nor impartial. It put every deduction that could be drawn against the accused from the proof of concealment and flight and omitted or obscured the

converse aspect” (Brodhead 2003:155). These are but a few examples with which scholars including Kopel, Brodhead, and Tuller have critiqued the notion that the record of Judge Isaac Parker was above reproach. “One can only shudder at how many of the 7,419 criminal convictions in Judge Parker’s court (only a few of which, as post-1889 capital sentences, were reviewed by the Supreme Court) were likewise erroneous” (Kopel 2000:322). Such an application of the Supreme Court’s overruling logic awaits a retroactive study.

Tuller points out that Parker came to his extremely powerful position with more political savvy than legal experience: “Parker was a political appointee with enough legal background to satisfy the needs of the Grant administration in filling a judicial vacancy, not an insightful legal thinker or an honored jurist. At the time of his appointment, he possessed only a year and a half of judicial experience as a state circuit judge. He was a frontier attorney who had used the law as a means of political advancement” (Tuller 2001:162). Competent at best, Parker carved out his own niche of frontier justice.

Parker learned on the job, worked hard, and ran an efficient court, but failed to adapt with the changing legal standards of his time, instead choosing to publicly attack his detractors. “On his controversial courtroom conduct, he reiterated ‘I have been accused of leading juries. I tell you a jury should be led . . . if they are guided they will render justice.’ Parker asserted that his critics ‘utterly forget the hardened character of the criminals I have to deal with’” (Tuller 2001:156). In a manner reminiscent of Raskolnikov, his was a special case, so he argued. These remarks come from his September 1896 deathbed interview. This was Parker’s last attempt at leading the jury of public opinion regarding the justness of his career. In Fort Smith today, the presentation of Parker’s mythic justice in the frontier complex, in the court of cultural memory, clearly comes down in his favor.

The historical record reveals a different side of Parker, one very reluctant to relinquish power, or take any criticism without rebuttal: “When the U.S. Supreme Court attempted to correct this bias, Parker interpreted the reversal of his sentences as personal attacks and responded in his usual manner – he struck back with invective,” “retaliated with rebuke that shifted the blame to his foes,” “initiated a series of public tantrums against his superiors,” because he “had become convinced that only he fully understood the complexities of his jurisdiction” that his ego was transformed “into a brittle sense of rectitude and indispensability” (Tuller 2001:161). At best, ‘methinks the judge did protest too much.’ At worst, these are the traits of a megalomaniac. It was Parker, not Lady Justice, who was blinded by his all consuming mission of instilling justice in Indian Territory. This was seen above in his overturned cases and below in his refusal to appoint commissioners to assist him.

The high cost of running the courts was a constant irritation to Washington which never lowered its brow of scrutiny over the Western District Court of Arkansas. Parker had it within his power to reduce costs and extend justice further into Indian Territory but refused to do so. He had the authority to “appoint United States commissioners in the Indian Territory” (Burton, J. 1995:67). Some felt it was “Parker’s duty to appoint commissioners at Vinita, Fort Gibson, Tahlequah, Muskogee, Eufala, Okmulgee, McAlester, Atoka, Caddo, and Tishomingo” (Burton, J. 1995:67). This would have eased the cost of justice significantly. In some instances, it is said that the court had to pay “\$450 to \$250 to pursue through the courts the thief who had robbed him of a horse worth \$40” (Burton, J. 1995:67), because of the long distances necessarily traveled to stand before Parker in Fort Smith. Commissioners located farther out would have reduced the time, distance, and money required for serving justice.

Contrary to the clear benefits of such action, “Judge Parker almost never [he did so only twice] appointed commissioners in the Territory, and on the very rare occasions that he did, it was with reluctance at the time and regret afterward. His main objection to the location of commissioners courts in Indian Territory was that, being away from the eye of the district attorney and judge at Fort Smith, they could be neither advised nor supervised” (Burton, J. 1995:67). Jeffrey Burton gently posits, “Perhaps Parker, a man of prodigious stamina and no small vanity, merely thought it intolerable that important antejudicial proceedings in his district should be held out of his earshot” (1995:67). Burton sums up Parker’s career: “The statistics say little of his qualities, except his stamina. His worst fault appears to have been the stubbornness of pride not uncommon in those appointed to public office, particularly if they are unused to having their decisions questioned. On the whole, Parker was a much better servant than a bad system deserved; but when that system was improved, he rebelled against it” (Burton, J. 1995:230). This conflicted character of Judge Parker is virtually absent in the frontier complex.

In Fort Smith, the cultural memory of the “Hanging Judge” remains one of unsullied frontier justice which is inflated all the more with Parker’s humanitarian contributions. The orientation video assures us, “*Judge Parker earned his reputation on the bench, but his influence extended far beyond the courtroom. He supported education reform and women’s suffrage, and he worked to improve the living conditions of prisoners in his jail*” (Paskowsky 2000b). Parker’s service on the school board and other civic efforts are said to have earned him saintly stature. “To the children of that day he was the very embodiment of that patron saint of childhood made famous by the ‘Night Before [sic] Christmas.’ White of hair and beard, with pink cheeks, and slightly rotund, he had a twinkle in his eye and a little contagious chuckle, which always made them think of Santa Claus” (Daily 1933:682). The penultimate evidence of

Parker's full and total devotion to justice and community is driven home in the orientation video: "*His doctor said, 'He worked himself to death'*" (Paskowsky 2000b).

### White Civilization, White Justice

The final statement in the National Historic Site video weds the military fort era and the Parker era in a perfect union for procreating white civilization in the western frontier. "*Fort Smith's leading role as the seat of law and order in the Southwest ended with the new courts and the death of Judge Isaac Parker. For 80 years, Fort Smith struggled to bring peace to this region. From the earliest military attempts to end the war between the Cherokee and Osage, to Judge Parker's strict enforcement of the law, this post tells the story of the military installations, legal institutions, and specific individuals who truly defined the West*" (Paskowsky 2000b).

The mythic image of Parker exonerates him of any complicity in the taking of Indian Territory as another piece of manifest destiny. Parker is frequently cited as being a "friend to the Indians," but closer scrutiny reveals a greater complexity: "Parker, although portraying himself as an unflagging defender of Indian rights, may ultimately have done the Five Civilized Tribes more harm than good with his mixed record on American Indian issues" (Tuller 2001:10). Brodhead concurs, "Parker maintained that...legislation would hasten the 'civilizing' of the territory's inhabitants by having them participate in the white man's governing processes" (2003:19). Parker's approach to "helping" was typical of the times:

His advocacy was decidedly paternalistic, typical of nineteenth-century humanitarians who believed their duty as to aid American Indians 'in their journey along the pathway of civilization.' Seldom given to self-doubt, Isaac Parker never appeared to question his belief in the inherent superiority of his own culture. Nor did he waver in his conviction of the ultimate dominion of the United States over the tribal governments of the Indian Territory. Time and again he ruled against the Five Civilized Tribes, declaring that they could not prevent the construction of railroads across their lands, denying their rights to extradite criminals or to try adopted citizens. In fact, Parker contributed to the

diminution of tribal self-determination and hastened the territorial status that he stridently opposed by consistently undermining American Indian sovereignty. [Tuller 2001:10]

Parker enthusiastically supported taking civilization to the savages. “Parker presumed that his duty was to help American Indians assimilate into a superior culture, not to preserve their traditions. . . He approached his role as judge over Indian Territory . . . as a protector of a less-evolved people. Although some of his ruling weakened tribal rights, he believed that such rulings at least prepared American Indians for the time when they would participate fully in white society” (Tuller 2001:120). From this vantage point, “taking peace” to the Indians is but a thinly veiled code for the social construction of whiteness (Hartigan 2005, 1997, Lipsitz 1998, Omi and Winant 1994, Pfeil 1995).

For his time, Parker’s was a progressive and humanitarian approach to Indians. By comparison, “some Indian-hating westerners favored outright extermination” (Brodhead 2003:19). Considering how “civilized” the Five Civilized Tribes had become begs the question of what more was wanted of them other than their land. Thus, the mythic frontier narrative makes the mythic justice of Judge Parker complicit in the project of manifest destiny and of constructing whiteness across the continent. In historical fact, Parker and his fellow Republicans goal was to bring citizenship to African Americans and Indians alike.

### Definitive Justice

A visit to the Fort Smith National Historic Site obscures the historical facts of Parker’s time on the bench. Walking onto the 19 acre grounds, one is enveloped in a forest of mythic symbols (Turner 1967). It is difficult to miss the imposing edifice of the replica gallows as you walk into the visitor’s center. As you step into the gift shop, you are immediately surrounded with kitschy Parker items such as noose emblazoned ball-caps, miniature gavels, and four-

paneled, multicolored post cards that have morphed Andy Warhol's image of Marilyn Monroe into Judge Parker's visage. The walls are covered with photos of Parker, Indians, Civil War hats, canteens, toy cannons and guns, handcuffs, flags, popular books and films including the novel and both film adaptations of *True Grit*, and posters of John Wayne and Clint Eastwood. This pastiche is legitimated by uniformed park rangers and volunteers arrayed in period costume.

After paying money and watching the 15 minute long orientation video, *Peacekeeper of Indian Territory* (Paskowsky 2000b), the tourist is then primed to interact with the exhibits at the site. Walking into "Hell on the Border," the original jail used by Parker, one hears reenacted voices of life in the basement jail. Making your way upstairs to the second jail and courtroom, visitors square off with a larger-than-life photo of outlaw Cherokee Bill and are then overtaken by the imposing edifice of what was the 1889 reform jail. It is complete with walk-in cells flanked by exhibit panels featuring portraits of miscreants from Indian Territory that you must dodge through as if they are real people in your way. Finally, you walk through a corridor to step into the quiet of the replica of Judge Isaac C. Parker's courtroom.

All this takes place in the same building in which Parker and the most infamous deputies and criminals trod. How can there be any doubt that this was the place where law and order stood, where justice was meted out? There is a clue left in the exhibits but it is very hard to find. At the farthest recess of the courtroom, on an exhibit panel that is facing the back wall, the persistent and diligent tourist will find a hint at a greater complexity. Gazing upward the top of the eight foot tall panel declares: "THE COURT OF NO APPEAL" (Fort Smith National Historic Site 2000a). The biggest image on the display is at the bottom of the panel. A portrait of "Lady Justice" is sitting blindfolded and holding a balanced scale. The panel sends a mixed message that a "court of no appeal" was balanced justice. As a whole, the exhibit invokes a

conflated mythic image of definitive frontier justice. In between this contradiction lies the explanation.

The heading for the textual narrative on the panel reads: “VERDICTS OVERTURNED.” The panel summarizes the facts as outlined above: “How did the advent of the appeals process affect Judge Parker? In the 1890s, 44 death sentences he handed down were appealed. Of those, 31 (or 70 percent) were overturned by the U.S. Supreme Court. Often the reasons rested in Parker’s tendency to allow inflammatory evidence and lead juries.” In the next paragraph, Parker’s position that he was standing for justice is affirmed: “While Judge Parker did not oppose the appeals process, he strongly objected to higher courts that overturned cases on what he considered technicalities. He publicly criticized both the Supreme Court and the Attorney General, declaring ‘the greatest cause of the increase of crime is the action of the appellate courts. . . They make the most strenuous efforts, as a rule, to see not when they can affirm but when they can reverse a case’” (Fort Smith National Historic Site 2000a). This is the extent of the explanation. From it, Parker’s image of fighting for frontier justice emerges untarnished. Elsewhere in the exhibits, Parker is presented as dispensing “even-handed justice.”

Accompanying this text are two small portraits, one of Chief Justice Melville Fuller who presided over the Supreme Court’s critique of Parker’s cases, the other of John Henry Rogers (not to be confused with “founding father” John Rogers). John Henry Rogers, who was practicing law in Fort Smith well before Parker as early as 1869, led the legislation to have the Supreme Court hear appeals from Parker’s court; and, perhaps most significantly, was Parker’s successor on the bench of the Western District Court of Arkansas and served until his death in 1911. This is the only place in the frontier complex where any information on Judge Rogers can be found. It was over two years into my research at the site before I discovered this; it was news



to me that Parker even had a successor. Upon questioning, it was also news to many of the park rangers at the site. The narrative of Parker's frontier justice is so strong that it makes one believe everything just stopped when he died, including the U.S. District Court of the Western District of Arkansas.

There is little explanation in the frontier complex of what happened after 1896. The public imagination of Fredrick Jackson Turner's "frontier" truly ends in Fort Smith with Parker's passing. Subsequently, we do not learn much of the law and order that was present in Indian Territory, or of the 1898 Curtis Act which abolished the court systems of the Indian Nations and concentrated all legal questions in the hands of the federal courts. Nor is there development of the land runs leading up to Oklahoma statehood. The virtual omission of all this, underscores what the mission of the federal presence in Fort Smith truly was – facilitating white expansion into Indian Territory.

Jeffrey Burton contends that tribal sovereignty was lost after the elimination of their courts, it was simply a matter of time before Indian Territory would be overrun with whites who overwhelmingly voted for statehood in 1907 (Burton, J. 1995:253). Once the wild and savage frontier was civilized with the institutions of the white government in Washington, the reason for the federal presence ceased, as did the "frontier" rhetoric which legitimated it. This sudden shift in thinking reveals two things: first, the hollowness of how 80 years of white intrusion is excused as "keeping the peace." Secondly, we can see the alibi function of the mythic frontier and of mythic justice in action in the frontier complex, as they work to re-write history and distract tourists from the machinations and the presumptions of manifest destiny.

## Origin Myth

The mythologizing of the Parker era began as soon as it concluded. Within two years of Parker's death, Samuel H. Harman and his associates published *Hell on the Border: He Hanged Eighty-Eight Men* (2001 [1898]). The book set the tone for all mythic images of the "Hanging Judge." Harman's inaccurate title underscores the function of the book was not to convey history but rather the mythology of Parker and his deputies exploits in order to make a profit from the book. It was "a business venture from the start," according to David Turk, historian of the U.S. Marshal Service (2011).

As such, *Hell on the Border* was devastating to the historical record of the court. Scholars (Brodhead 2003; Kidder 2007, 2006; Stollberg 1988; Tuller 2001) subsequently wrote about the Parker court, but after Harman the damage was done. It is Harman's account and its subsequent retellings, namely Homer Croy's *He Hanged 'Em High* (1952) and J. Gladstone Emery's *Court of the Damned* (1959), which captured the public imagination, and that have served as the mythological template of the Fort Smith frontier complex.

Harman's accounts read more like a pulp western fiction than factual history. Harman describes criminals as "brutes, or rather demons, in human form, and their crimes were deliberately planned and fiendishly executed" (Harman 2001 [1898]:88). As for Judge Parker, "a man less resolute than Judge Parker would have failed in the task set before him. Failure would have meant bloodshed and a fierce domination of the lawless class in the district. A great work was to be performed and a man equal to the emergency sat upon the bench, who was fearless amid disorders, powerful in his grand individuality" (Harman 2001 [1898]:88).

It was Harman who immortalized Parker's words, "do equal and exact justice, permit no innocent man to be punished, but let no guilty man escape" (Harman 2001 [1898]:94). The

mystique of Parker is that he oozed justice from every pore of his body, that injustice was such an abomination to his sensibilities it could not have been in his sight without being struck down – or strung up, as the case may be. Harman mythologizes the moment discussed above when the jurisdiction in Indian Territory was entirely removed from the purview of the Western District Court of Arkansas, tying the removal of jurisdiction directly to Parker’s death, naturalizing the infusion of justice pulsing through Parker’s bloodstream:

At last, Congress, with ruthless hand, took from the court its jurisdiction over the Indian country, passing a law, March 1, 1895, providing that such jurisdiction should cease after September 1, 1896. Congress, no doubt, had thought it had done wisely, but Judge Parker thought differently. That court was his idol; with its destruction his mission ended. It was impossible for so great a man to dwarf his magnificent proportions to the dimensions of a petty court. Belittled as it was, it was his no longer; nature revolted; and as the day grew near for the great catastrophe, [the catastrophe being the loss of the Indian Territory jurisdiction] it was reported for the first time – early in July, 1896 – that Judge Parker was too sick to hold court. He had performed his duty nobly; he had fought a good fight for the enforcement of law and for the preservation of the lives and property of those within his jurisdiction. He had taught the lawless to respect the rights and property of peaceful citizens, and had assisted the Indians in the Territory to advance to a higher civilization. [Harman 2001 [1898]:96]

In this epitaph, not to the deceased judge but to his lost jurisdiction, we see the mythologization of Parker as “Judge of Supreme Justice.” Harman also builds on Parker’s reputation for “being a friend to the Indians” and dismisses the errors of the Supreme Court as a hindrance to Parker’s will to impose frontier justice on the border.

Harman dedicates *Hell on the Border* to Parker thusly: “To the memory of my loved and honored friend, Judge I. C. Parker, one of the noblest of men, whose keen sense of justice, made him a rigid disciplinarian and a stickler for right, yet left him a devoted lover of humanity and in full sympathy with its sorrows, do I dedicate this book,” (Harman 2001 [1898]:vi). Harman was “assisted by J. Warren Reed and C. P. Sterns” who “drew upon court records, newspaper accounts, and interviews in writing [*Hell on the Border*]” (Harman 2001 [1898]:xvii). Reed was familiar with the court as a defense attorney. Juliet Galonska, who was the park historian at the

Fort Smith National Historic Site, wrote the introduction to the 2001 reprinting. She cautions that *Hell on the Border* “should be read and used with caution” and that there are “inaccuracies . . . scattered throughout the book” (Harman 2001 [1898]:xvii).

Though Harman lived in Bentonville, he would travel to and stay in Fort Smith while the federal court was in session. He was only a juror between 1888-96. Recall, this was during the last third of Parker’s career when his verdicts could be appealed to the Supreme Court and the jurisdiction in Indian Territory was down to 22 thousand square miles. After Parker’s death, Harman saw an opportunity to cash in his cache with the court by selling its story. According to David Turk, United States Marshal Historian, Harman never realized that income as he died the year after the book’s publication (Turk 2011).

While making preparations for its publication, Harman, Reed, and Stearns attempted to purchase parts of the old gallows. Harman had wanted to use them in a publicity stunt that he was arranging. He employed George Maledon, the so-called “hang-man,” to go on tour displaying artifacts from the old court and discussing in gruesome detail the proceedings of hangings. Oddly, Harman shares this strategy with his readers:

. . . but desiring to secure some expression of public opinion before giving the necessary time and expense to preparing the manuscript, of ascertaining to my own satisfaction how the people in general would regard such a work, I made arrangements with Mr. Maledon and, after securing for him some of the ropes and other gruesome relics of his late vocation, as well as numerous photographs of the most noted desperadoes with whom the court had dealt, made a summer’s tour of some of the country towns and small cities within a radius of, perhaps, five hundred miles from Fort Smith, exhibiting the famous hangman and the instruments of his office, in a tent, pitched in convenient localities in the places visited. [Harman 2001 [1898]:111]

By this time, Buffalo Bill Cody had clearly demonstrated there was money to be made in such mythic displays of the Wild West. Harman claimed his motive for publishing the book and for the tour was a morality lesson. He insisted it was to keep the lessons of “justice” learned

from the court alive. In sharing these thoughts with his reader, Harman demonstrates how he mythologized the Parker court:

Again and again, during this tour, was I assured of the demand already existing for the book I had in view, and when I would address the listening hundreds upon the great moral lessons to be learned from a close scrutiny of the records of crimes and criminals punished by the court that stood at the head, in America, in the number of capital punishments it had administered, many were the gray-haired fathers and earnest spoken mothers, who grasped my hand and in thrilling accents bade me God-speed in the work I had in mind and which, in their belief, would be a might agent in saving the girls and the boys of our land. [Harman 2001 [1898]:112-113]

And so began the cultural memory and mythic image of justice embodied in Judge Isaac C. Parker.

The historical facts in Fort Smith regarding Harman's acquisition of the old gallows reveal a deep ambivalence the town had regarding the entire Parker era. When the city council learned of Harman's plans to acquire pieces of the gallows for his tour, they burned it down. Harman clearly wanted a monopoly on the Parker myth. After hearing a rumor that the town council might sell the gallows to another party, Harman,

. . . at once sought the leading newspaper offices of Fort Smith and caused them to believe that I was about to procure the old death trap and exhibit it about the country, and the press was suddenly stricken with a holy horror and, imbued with the idea that such an act would reflect great discredit upon Fort Smith, their columns teemed with denunciations of the proposed plan most bitterly, and a howl of opposition went up, so strong as to compel the city council. . . [and] the gallows was ordered torn down and burned. [Harman 2001 [1898]:115]

Harman felt such a claim to mythologizing Parker that he shares these admitted deceptions in *Hell on the Border* with no apparent shame.

The book itself is full of questionable newspaper accounts of trials, of outlaws, and deputies, of the action that revolved around the proceedings of the court. *The Fort Smith Elevator*, which was a key source many of the accounts, provided aggrandized stories that only grew in mythic proportion with Harman's hyperbole of the courts history. Academic historians

dismiss virtually every aspect of *Hell on the Border*. From an anthropological perspective however, it is a time capsule of the creation story, the origin myth of the “Hanging Judge” and how it was embedded into the American cultural memory, and how it functions to cover up several otherwise unpleasant facts of the Parker court.

“He went that-a-way!”

As we have seen above, Parker’s “long-arm of the law” was not nearly so long as it is portrayed. The exaggerated size of the court’s jurisdiction functions as an alibi that explains why there continued to be such “lawlessness” in Indian Territory throughout Parker’s career. The alibi says, “it was a monumental task to cover such a huge jurisdiction, it wasn’t because increasing numbers of whites were illegally penetrating it.” The historical facts diminish the mythic justice that “Parker and his deputies” were dispensing. It is my contention that the figure of “74 thousand square miles” must be repeated over and over and over as a mantra for the Parker era in order to direct our attention westward, to turn our backs on the East, from which the train of manifest destiny was originating, and away from the still open wounds of North v. South.

Judge Parker was that which some on the frontier border would prefer to forget: he was a carpet-bagging “Radical Republican Yankee” from the North who was keen on imposing white civilization from the East on the savage West. He was not a “friend of the Indians” in today’s conception of that phrase. The mythic justice of Judge Parker couples with the mission of the mythic frontier described in the previous chapter. It socially constructs whiteness on the frontier, diverts attention from the national fall-out from the Civil War, and more locally distracts from corruption in Fort Smith; and it entirely silences the fact that Parker had jurisdiction over 19 counties in Arkansas.

The history of the eastern segment of the Western District Court of Arkansas is neglected in virtually every narrative of the frontier complex. In some ways, this is not surprising because there is evidence that Parker himself neglected it, too. While there are occasional accounts of deputies riding out of Fort Smith to Eureka Springs, for example, they are few and far between. Accounts of deputies riding into Indian Territory totally eclipse anything the court may have done in Arkansas proper. Admittedly, the bulk of the criminal cases heard in the court stemmed from Indian Territory. This does not mean however that federal laws were not being broken in the Arkansas counties. Parker made deliberate choices on where to expend his limited funds.

This point has significant ramifications when locating Parker's term as judge in a broader context. While Parker was sitting on the bench, "control over forestry practices did not exist at the time, but so great was the volume of timber cutting in northwestern Arkansas and what is now northeastern Oklahoma, that the Secretary of the Interior urged the federal court in Fort Smith to quell the plundering" (Higgins 2007:58). Kidder (2007, 2006) argues that Parker's passive supervision of the natural resources in Arkansas and his negligent application of the law hastened the railways intrusion into Indian Territory. The trees being stolen from Arkansas forests were quickly converted to railroad ties.

Kidder connects railroad development to the civilizing project of Indian Territory that Judge Parker was actively marshaling: "The nation's mood changed during the 1880s from civilizing savages to a development of stable and protected economic markets in Indian Territory. Well-meaning reformers, who had long argued that Indians could and should be assimilated into American society, provided justification for economic expansion into Indian lands. They maintained that the Indians would relinquish their savage heritage if they had the responsibilities of property ownership" (2007:9).

Parker facilitated white encroachment by allowing the trees to be taken, expediting westward expansion of the nation. Railroad kingpins were not unaware of the significance of Fort Smith's rail lines. "One of America's industrial captains, Jay Gould had a personal interest in the district and visited Fort Smith twice, the last time in 1891 when he dedicated the opening of a railroad bridge across the Arkansas River" (Higgins 2007:58). The Gould Bridge arched the Arkansas River at Belle Point not 300 yards from Parker's old courtroom, near where John Rogers' sutler store stood in the 1820s.

Florence Hammersly, daughter of Judge Parker's court crier, composed a poem which was read at the grand opening of the Gould Bridge:

Long years we've been near together  
Our city and the Indian land,  
So near we could see each other,  
That hand could most touch hand,  
But there's been a barrier to commerce  
Friendship's social queen  
Tho so near, we've been distant  
The Arkansas rolls between.  
But today we are united  
By this highway of steel and stone,  
No longer will commerce be blighted  
Nor friendships wanton alone.  
Fort Smith and the Indian country  
Henceforth will go hand in hand  
Abreast with the tide of progress  
Our own, our native land.  
Now, while our native vintage mingles  
With the waters that flow to the sea  
We'll unfurl our grand old banner  
And shout for the home of the free  
[INSIGHT 2000:72]

The freedom that the railroad brought was the freedom for white migrants to invade and rampage across Indian Territory. The bridge opening coincided with the ever quickening land runs in Oklahoma Territory made possible by the Dawes Act. The complicit role that Parker had in this process is entirely lost in the cultural memory of the frontier complex.



The “peace” that Fort Smith was keeping between 1817 and 1896 is borne out in the census data. As early as 1890, the census revealed Indians to be the vast numerical minority in their own lands. The Dawes Act simply made *de jure* what was already *de facto*: “The 1890 territorial census [showed] a total territorial population of 178,097, of which only 28 percent (50,055) were Indians. Whites (109,393) and blacks (18,636) combined to make the overwhelming 72 percent remainder” (Kidder 2007:11). The territorial referendum for statehood in 1907 was 180,333 for and 73,059 against (Wickett 2000:186). The vast white majority made this a foregone conclusion.

### Lawbreakers and Peacemakers

In addition to Judge Parker, visitors are regaled with the exploits of outlaws and deputies throughout the frontier complex. Several appropriately costumed reenactment groups perform shootouts in the Fort Smith area purportedly to keep the memory of this era alive. One of these groups is called “The Lawbreakers and Peacemakers.” Others groups also take their names from this frontier border relationship: “The Sons and Daughters of the Old West,” and “The Indian Territory Pistoliers.” These groups and their reenactments will be detailed in the Frontier Performance chapter. At this point, I believe it instructive to look at a specific case of deputies trying to bring an outlaw back to have justice served in Parker’s court. One of the more high-profile of these incidents which is featured throughout the frontier complex is the case of a Cherokee Nation Senator from Tahlequah, Ned Christie. This case vividly presents the mythic frontier justice of Parker and his deputies.

The manner in which Christie is represented in Fort Smith contrasts alarmingly with exhibits about Christie developed in Tahlequah by the Cherokee Nation. Examining these

accounts side-by-side demonstrates that exhibits are not simple representations of historical facts (Kirshenblatt-Gimblett 1998). Rather, “decisions are made to emphasize one element and to downplay others, to assert some truths and to ignore others” (Lavine and Karp 1991:1). The comparison of the exhibits makes the local biases behind each of them stand out, “we discover the artifice when we look at older installations or those made in other cultural contexts” (Lavine and Karp 1991:1).

### Cherokee Outlaw

As portrayed in Fort Smith exhibits, Ned Christie was a hardened outlaw wanted for the murder of deputy Dan Maples. The National Historic Site begins a featured exhibit with a posed photo of him taken in 1889. Christie is standing defiantly, loaded for bear with a pistol in his right hand held across the front of him, a second holstered pistol, and a rifle held in his left hand. He has long dark hair flowing off his shoulders. The banner in the exhibit declares in large red letters: “\$1000 DEAD OR ALIVE” (Fort Smith National Historic Site 2000b). The accompanying text explains that “in 1890 Judge Isaac Parker gained the Attorney General’s consent to offer a \$1000 reward for the capture of Ned Christie. Gus York received the reward upon delivering Christie’s body to the federal court in November 1892.” In the narrative, Parker is featured as an agent of morality, not an impartial judge.

The photo and bounty are topped off with a quote from Judge Parker dated October 11, 1890: “The cause of justice demands the capture and punishment of this most lawless desperado. He now boastingly sets at defiance the whole Government of the United States.” Before any trial, let alone arrest, Judge Parker appears to have already decided that Christie was guilty. Christie’s

alleged Winchester rifle and Colt revolver are on display as testimony for the obvious danger this “outlaw” presented.

An infamous photograph with a caption in large red letters then declares: “NED CHRISTIE IS KILLED!” The photo shows seven deputies, each posed standing with their rifles, each wearing a hat, with determined expressions on their faces. In the middle of the deputies and guns is the dead body of Christie, affixed to a door, standing upright, arms folded but still forced to hold his rifle in death. It looks like his feet are tied together, and his hair is cut very short. This same image is gratuitously repeated throughout the frontier complex. Oftentimes there is no explanation of the events, context, or even who is in the photograph. At the Fort Smith Museum of History, the same photo is simply labeled “outlaw.”

The text below “KILLED” makes the case for why deputies were after Christie: “Murder suspects often resorted to extreme measures but none more than Ned Christie. Indicted for the murder of Deputy Dan Maples in May 1887, Christie, a member of the Cherokee National Council, eluded capture for almost five years.” The first sentence, “none more than Ned Christie” presumes his guilt though he was never actually tried. He resisted being taken to the Parker court on grounds that he was innocent and wanted to be tried in the Cherokee Nation court where he believed he could get a fair hearing. The National Historic Site exhibit explains:

Perhaps feeling that he was wrongly accused and mistrusting a federal court that would try him – a full blood Cherokee – for killing a white law-enforcement officer, Christie retreated to the hills of the Cherokee Nation. There he built a rock fort with high walls and gun ports. Deputies tried to wrest Ned from his stronghold, often with tragic results. In 1889, a bullet from the fort tore apart Deputy L.P. Isbell’s shoulder, crippling him for life. The return fire wounded Christie in the forehead, leaving him nearly blind in one eye. [Fort Smith National Historic Site 2000b]

This paragraph jumps from “feeling wrongly accused,” to “retreating to his stronghold,” to being on a first name basis, without development.

The drama of the siege is built up over five years from the time of Maples' murder and culminating when, "deputy marshals, equipped with a six-pound cannon and dynamite bombarded Ned's fort for over twenty-four hours. Ned fled only after the barrage lifted his house from its foundation and set it on fire. He soon succumbed to the deputies' firepower." Why exactly this took five years is a puzzling piece of the story. Nonetheless, "deputies brought Ned Christie's remains back to Fort Smith for identification. The body, reportedly tied to the front door of his own home, was displayed on the porch of the U.S. jail for one day." We learn from a story out of the "Fort Smith Elevator" that his dead body was quite an attraction: "All day Sunday crowds of people visited the jail to view the remains of the dead outlaw who lay in a rough pine box just as he had been picked up after death" (Fort Smith National Historic Site 2000b).

Not until the very end of the exhibit are we given any explanation of what Maples was doing in Tahlequah. There is a photo of him with the caption: "Deputy U.S. Marshal Daniel Maples." The text explains that "in 1887, Maples traveled to Tahlequah on business for the Fort Smith court. On the evening of May 4, an unknown gunman hiding behind a tree wounded Maples several times; he died the next morning" (Fort Smith National Historic Site 2000b). That is the total summation of the exhibit. Without developing more context, it does not allow for an interpretation other than Christie was an outlaw who murdered Deputy Maples who was then killed by the authorities while trying to be brought to justice. That is the standard Ned Christie narrative heard in the Fort Smith frontier complex, and that image of deputies discharging their guns at will at outlaws is what is reenacted, and romanticized in the popular imagination.

## Cherokee Patriot

In Tahlequah, Oklahoma, capital of the Cherokee Nation, Ned Christie is a patriot. Exhibits at the Cherokee National Supreme Court Museum and the Cherokee National Prison Museum treat the story extensively. When you visit these sites, the stark contrast in the cultural representation of social facts in Tahlequah, compared to that in Fort Smith, is instantly realized. On my first trip to the Supreme Court Museum, the door was not even closed behind me when my gaze fell through the gift shop onto a line of souvenir t-shirts. On them was Ned Christie's distinct visage with his long dark hair flowing onto his chest. Under his image was a single word, first in small Cherokee letters, and then in large bold English letters, "**PATRIOT.**" I was floored by the unexpected contrast.

The back of the t-shirt has an explanation of what happened to Christie. It says:

NED CHRISTIE, Ned Christie was born December 14, 1852, in the old Goingsnake District of the Cherokee Nation. A full blood Cherokee and member of the Bird Clan, Christie stood an impressive six feet, four inches tall. He was a blacksmith and gunsmith by trade and in 1885 was elected to the Cherokee National Council under the administration of Principal Chief Dennis Bushyhead. He was known as a staunch advocate of Tribal Sovereignty and spoke against the railroads and the allotment of Cherokee lands. In 1889 he was falsely accused of murdering a U.S. Marshal and spent five years evading capture until he was eventually assassinated by a large group of U.S. Marshals. Today he is considered a brave man and a Cherokee patriot. 1852-1892.<sup>11</sup>

The t-shirt alone adds considerable complexity to the story. It is quite interesting to learn that Christie purportedly spoke against allotment and railroad intrusion, and did so as a senator of the Cherokee Nation. The use of the word "assassinated" clearly shows which verdict was reached in this case in Tahlequah.

In the Cherokee National Prison Museum, there is a large exhibit dedicated to the Ned Christie incident complete with a cabin façade to recreate the siege. The display has a great deal of text in which we learn: "While he had no formal education and spoke little English, Christie's

reputation as being truthful and reliable won him a seat on the Cherokee National Council” (Cherokee National Prison Museum 2012). There is a seldom seen photo of him featured in which he is unarmed. He sits, serene and calm, kerchief around his neck, his shirt and vest covered by a larger overcoat, his hands are folded, and his long dark hair is flowing off his shoulders.

In this picture, he is calm and poised in thoughtful reflection. The image of a statesman emerges: “During Christie’s tenure, he became well known for his passionate speeches that upheld the importance of the tribal sovereignty of the Cherokee Nation. He was strongly against railroads entering Indian Territory, and the proposed allotment of Cherokee lands. His belief was that these actions would allow for more intruders to come into the nation.” Alternative motives Christie’s case, begin to emerge. Christie is held up as fighting for tribal sovereignty at the precise moment when it is being attacked by the Dawes Act and railroad intrusion. The “representation of cultural facts” (Rabinow 1986) in Tahlequah turns out to be a mythic counterbalance to those in Fort Smith.

With this in mind, the exhibit unfolds more images of the Christie case. The Dan Maples murder scene is set up in detail. We are told, “On April 10, 1887, the Cherokee Female Seminary was destroyed by a fire. Principal Chief Dennis Bushyhead called a special council meeting in Tahlequah to discuss plans to rebuild the school. On the night of May 4, 1887, Ned Christie arrived in the Cherokee capital to attend the special meeting. At the same time, Daniel Maples, a deputy marshal for the Western District of Arkansas, was also in town with a posse of men serving warrants and keeping an eye on the illegal whiskey trade” (Cherokee National Prison Museum 2012). The plot thickens.

The issue of illegal whiskey is a recurring theme in Indian Territory from 1817-1907. From Captain Thomas in the 1830s through Judge Parker's tenure, whiskey running commanded a great deal of federal energies. Like many of us, Ned Christie had a taste for whiskey. On the eve of the murder, we read that "Christie and a companion of his, Charley Bobtail, met John Parris" at the home of Nancy Shell to buy whiskey, where they ran into Bud Trainor. Like Parris, Trainor had a criminal record with both the Indian and U.S. courts" (Cherokee National Prison Museum 2012). Christie was a Senator of the Cherokee Nation and as such was in a position to report Parris and Trainor; therefore he was an immediate threat to them.

According to the Tahlequah exhibit, someone else was the murderer. We read that "Ned Christie drank his purchase and stumbled back towards the house of Senator Ned Grease, where he was staying. He passed out along the bank of Town Branch and fell asleep. Around the same time, Deputy Maples and his group returned to their camp to settle in for the evening. As they arrived at their campsite, an unseen assailant shot Maples and he died the next morning." John Parris and Bud Trainor, who were already wary of Senator Christie, each had warrants on their heads for illegally trading whiskey in Indian Territory, "and both men had a motive to kill Deputy Maples. When questioned about the shooting, Parris accused Ned Christie of being the gunman. The investigation thus focused on Christie as the main suspect" (Cherokee National Prison Museum 2012).

Since Maples was a federal deputy out of Fort Smith, the warrant for Christie would take him to Isaac Parker's court. But, "Ned Christie was unwilling to stand trial for murder in a nation that was not his own and refused to turn himself in. Years passed and the deputy marshals made multiple attempts to apprehend Christie, but he was always able to avoid capture. During this time, Christie was portrayed as a desperate outlaw, and many murders, robberies, and other

crimes were attributed to him” (Cherokee National Prison Museum 2012). The Tahlequah narrative squarely counters all the points thrown against Christie by the Fort Smith side of the story.

The description of the siege at Christie’s fort is described similarly to that in Fort Smith. Twenty-five deputies pound the cabin for over a day, a canon is fired, and finally dynamite is deployed to send Christie running. In addition to the textual display, there is an audio program available to be heard while reading about Christie’s case. It begins with a clear unambiguous counter claim: “After five years of hiding out and evading capture, accused of a crime that he did not commit, Ned Christie’s stand was coming to an end. He has barricaded himself in his fort at Wauhilla . . .” The audio then has a reenactment of the posse yelling at Christie and shooting, there are easily a hundred shots fired in a 40-second audio clip. After the shooting dies down, we hear, “. . . an innocent man had been wrongfully hunted and killed. Ned Christie died for what he believed in – that the sovereignty of the Cherokee Nation was worth fighting for. He was a good man, and a patriot.” The Tahlequah narrative defiantly declares Christie to be a patriot, not an outlaw.

### Cherokee Warrior

Roy Hamilton, a direct descendant of Christie, wrote *Ned Christie: Cherokee Warrior* (2004) in order to relate the family tradition regarding his great, great uncle. Hamilton depicts Judge Parker’s response to Maples’ murder as one of Christie’s presumed guilt. As suggested in the Cherokee Nation exhibits, Hamilton argues that Trainor pinned the murder on Christie. The remainder of the book focuses on his attempted escape from the inevitable death awaiting him at Parker’s court. In the historical present we read, “Ned, they’re talking hanging. They’re not



talking about investigation, or anything else. Judge Parker's gonna hang a Cherokee for this, and your name is all we hear. . . Listen to me Ned. They won't give you a Cherokee trial in the Nation. They want to take you out of the Cherokee Nation to Fort Smith. In Arkansas, in a white court, with Judge Parker, they will hang you" (Hamilton 2004: not paginated). As historical fiction, this clearly dramatizes the events and demonstrates a strong counter narrative to juxtapose to the Fort Smith account.

Not only is Fort Smith depicted as assuming Christie's guilt, Parker is depicted as ruthlessly pursuing Christie because of his resistance to the intrusion of white civilization:

Ned would not be given the opportunity to clear himself. The 'hanging judge' Parker was making speeches saying too many marshals had been killed in the Indian Territory, it would not be tolerated, it had to be stopped if it took hanging every murderer in Indian Territory. The men reported that Parker was going to make an example by using Ned Christie. Ned had long been a problem for the U.S. government. Ned's fiery speeches of sovereignty...and his words saying the U.S. government had no right to enter and place controls on their Cherokee government were only making it harder for the whites to move farther west. The messengers told Ned, if he surrendered he would hang. [Hamilton 2004]

Parker is portrayed to presume guilt before a trial, and the implication is that Christie was framed because he had become an obstacle for westward expansion, for taking civilization to the savages. Christie declared, "I would rather die at home, in my own Nation, with my people, I won't die in the white man's country" (Hamilton 2004).

Roy Hamilton then includes an important element to the story that is not told at either the National Historic Site or the Cherokee Nation Jail Museum – Ned Christie cut his hair. On the eve of his death, "Ned's impulses were near the surface, and he sprang up, re-lit a lamp, and sat down at the kitchen table. He rummaged about the surface, found his cup and held it as if it had contents. He sat the cup aside and fumbled about the table for a knife. He pulled his hair out from the side in a horizontal line and with the sharp blade began to cut. Lying clumps of hair

aside, just to pull more and cut more. He thought of the relentless conditions of his lot in the universe” (Hamilton 2004). In the morning he said to his wife, “Will you accompany me to the East side of the cabin to place my hair in a shallow grave? Will you tie it with otter rope, place your medicine on it and say magic words, Nu-si?” (Hamilton 2004).

His wife went with him and, “there, on the East side of their world, Nu-si placed his hair into a shallow dip in the earth, which Ned had made, she opened the otter bag and place its contents across his braid from top to bottom, then with her hand she pulled the cold earth back across his beautiful braid of hair. She spoke Cherokee and asked the Great Spirit for guidance, comfort and strong minds.” It was done, “he had taken his hair and by the morning light put it away as a gift to the Great Spirit – no other shall have it or be tempted to take it” (Hamilton 2004). The technical, rational-legal bureaucratic language and world view of Judge Parker’s court is thus countered with Native American religion.

Hamilton describes the violent shoot out at the fort and then addresses the insult of his ancestor’s body being put on display and photographed. There is a photo in his book of Christie’s dead body propped up, tied to his cellar door, standing on the front porch of Isaac C. Parker’s courthouse. In this photo, it is Christie himself, no deputies, but he is still made to hold his Winchester rifle, as if to verify the danger he presented to the court. Of the photo, Hamilton says, “Ned Christie’s lifeless body. After being assassinated in 1892, his body was posed and displayed. Ned’s family finds this photographs disturbing; but, it does exemplify the horror of Ned’s assassination and the cruelty of those who would take the life of a brave Cherokee” (Hamilton 2004). And thus we are left with two very different images of a highly contested frontier murder.

## Great Rejoicing

A murder with such highly charged implications, the kind of weapons deployed, the number of deputies involved, the length of the siege, and the number of shots fired, is a recipe for aggrandizement. Samuel S. Harman's account of the epic clash ends with an egregious splash of mythic justice:

Every man in the attacking party obeyed orders to the letter, and, strange as it may seem, not one of the officers were hurt. Christie was about forty-five years old at his death. His burial was a signal for great rejoicing by the citizens of a good portion of the Territory, where the speaking of his name had been sufficient to strike terror to the stoutest hearts. The body was removed to Fort Smith for the purpose of identification and for the rewards that had been offered by the government through the Chief Marshal and by private individuals. [Harman 2001 [1898]:555]

Who these "rejoicing citizens" were is unclear, but we can now locate the event in the larger mythos of "the Hanging Judge." Judge Parker's mythic justice transforms the otherwise violent power of state authority into quiet reminders of the benevolent hold it had over Indian Territory. Who could possibly question that justice was omnipresent on the border? Ultimately, the way in which the Parker court is remembered glosses inconsistencies and reinforces the dominant march of white civilization.

The realignment of cultural memory to fit political ends has been well established by authors such as Richard Flores (2002), H. Bruce Franklin (2000), Pierre Nora (1989), and Marita Sturken (2007, 1997). It is my contention that the mythic justice of Judge Isaac Parker is held up so highly as the epitome of judiciousness only to match the degree necessary to conceal the injustices born of imperialism: relocating thousands of Native Americans; appropriating natural resources from their land, such as the forests for railroad ties; intruding on their land with railroads and land runs; dismantling their governance structure; and replacing clan access to property with individual allotments. This point will be developed more fully in the final chapter of the dissertation, "Frontier Tourism." In the next two chapters, we will examine how

conceptions of mythic race and mythic gender are circumscribed upon the canvas of mythic frontier justice further reinforcing white male hegemony.

Before the frontier closed, one strategy used by some white men to acquire Indian land in the Territories was to marry an Indian woman. This practice was mimicked in political theater at the closing of the American frontier when these two territories merged into one state in 1907. At the celebration marking statehood, “Mr. Oklahoma Territory” symbolically married “Miss Indian Territory.” As one race was symbolically assimilated, another was legislatively separated: the very first law enacted by the new state of Oklahoma legislature segregated blacks from whites. Such ideological contradictions reveal the economic and political motivations behind the socially constructed nature of race. With “frontier justice” served, we can now turn our attention to how mythical narratives of race are embedded within the frontier complex to further disguise the dominance of white civilization over the frontier.

## V: MYTHIC RACE

In many ways, the history of Indian Territory encapsulates the arbitrary nature in which race has been socially constructed in the United States. The interplay between white, Indian, and African American in this frontier space reveals the contradictions within and between each of those categories, and how they have been used by some individuals to leverage the political economy in which they find themselves (Baker 2010, 1998, Deloria 1999, Di Leonardo 1998, Du Bois 2007 [1903], Fanon 1967, Gilroy 1993, Hall 1997, 1980, Hartigan 2005, Lipsitz 1998, Miron and Xavier 2000, Nyong'o 2009, Omi and Winant 1994, Pfeil 1995, Reed 1997, Taussig 1993, Trouillot 1991, Visweswaran 2010, Wray 2006). While the end result of Indian Territory was its folding into white institutions and white civilization, the historical facts of that very complex and messy process of divesting Indians and African Americans of their political and economic positions in the frontier are silenced by mythic images of race in the Fort Smith frontier complex, and reconstituted in a cultural memory more palatable for the predominately white affluent tourists consuming cultural heritage (Bhabha 1990, Connerton 2009, 1989, Foucault 1972, Franklin 2000, Friedman 1992, Frisch 1989, Le Goff 1996, Nora 1989, Popular Memory Group 1985, Ricoeur 2004, Sturken 1997, Trouillot 1995, Wright 1985). A critique of the cultural heritage tourism industry will be developed in the final chapter. Here we will focus on how the racial history of whites, Indians, and blacks in the frontier is reconstituted as myth and embedded into local cultural memory.

The discourse of “keeping the peace” in the mythic frontier and the mythic justice of Judge Parker discussed in the previous chapters serve as the foundation on which mythic race is built in Fort Smith (Barthes 1972 [1957], White 1990). The mythic alibi of white-Indian

relations says: “White people weren’t systematically dismantling Indian Territory and taking possession of it. That’s not what they were doing. Judge Parker and his deputies were taking peace to the Indians and nurturing them toward civilization.” The mythic alibi of white-black relations says: “Former slaves could be successful in the 19<sup>th</sup> century frontier. Bass Reeves was not systematically discriminated against by slavery, segregation, and racism. That’s not where he was. He was given a great opportunity by Judge Parker, worked really hard, followed all the rules, and overcame all manner of limitations to have a very successful career.” This chapter will contextualize these mythic alibis (Barthes 1972 [1957]:109) within the historical facts of Indian Territory and explain how they conceal institutionalized racism within the cultural memory of the “Wild West” frontier.

Despite the complex demographic history of the Fort Smith region, which includes various European immigrant groups (German, Irish, etc.), indigenous groups (Caddo, Osage, etc.), displaced Indian groups (Cherokee, Choctaw, etc.), and various groups of African descent (black slaves, free blacks, Freedmen, etc.), essentialized notions of white, black, and Indian dominate the discourse in the frontier complex. A close examination of the interplay between these socially constructed racial categories in Indian Territory and Oklahoma Territory – together referred to as “the Territories,” will reveal an underlying racism which is today concealed in the Fort Smith frontier complex mythology. First we will examine white-Indian relations and revisit the ideologically laden savage-civilization dichotomy. A discussion of African Americans – former Indian slaves, Freedmen, and free black emigrants – to the Territories will then establish a refractive mirror through which we can more clearly see the myth of the legendary black lawman, Bass Reeves.

“Into the Territories”<sup>12</sup>

If Troops are ever Stationed in this Territory, for the avowed purpose of giving protection of the White inhabitants against the neighbouring [sic] Indians, difficulties and contentions will at once arise between the two parties. The depraved portion of the Whites, feeling themselves Protected by the Military will commence their Lawless outrages on the Indians, by Killing and Stealing their property and often molesting their person.

– Captain Stuart’s protest against constructing the second Fort Smith, 1833 [Bearss 1969:131]

Thousands of men—and *women*—whose feet for years had itched to tread the “public domain” on whose broad acres their covetuous [sic] eyes had lingered greedily, longing, waiting for the time when the “Cherokee Strip” should be opened to actual settlers, which actual settlers could and then would be citizens, not aliens nor “intruders” in the land in which rested their homes—were finally permitted to settle the wilderness in a day...[and] at *last*, the right to stake a spot of God’s green earth they could call their own

– Samuel S. Harman’s praise of a land run in Oklahoma Territory, 1893. [Harman 2001 [1898]:701-702]

Tahlequah, Oklahoma, is only 50 miles northwest of Fort Smith, but it may as well be 500 as far as the presentation of cultural facts (Rabinow 1986) related to white-Indian relations is concerned. Tahlequah has been the Cherokee Nation’s capital since 1843, and today there are several museums there designed to tell the Cherokee’s story – and it is a quite different story than the one presented in the frontier complex (Karp and Levine 1991; Kirshenblatt Gimblett 1998). The Cherokee National Museum, for example, begins with an exhibit in which the first caption declares that the Cherokee were “playing by the rules” (Cherokee National Museum 2011). The exhibit goes on to detail the ways in which the Cherokee took on the traits of western civilization. This is not a new observation, as “Lewis Downing, the Principal Chief of the Cherokees, noted in 1870 that the Five Civilized Tribes had accumulated property, adopted the Christian religion, had built churches and schools, and established printing presses and agricultural societies” and this was accomplished “all without the interference of white authorities” (Wickett 2000:46). The Cherokee had long been playing the game of white

civilization, and well aware of the ever moving goal post of attaining it – always within reach, but never in grasp.

The Cherokee arrived in Indian Territory steeped in the classic earmarks of civilization; already identified as one of the Five *Civilized* Tribes (emphasis added) prior to removal. Despite their high degree of assimilation, they were still held at bay by whites. In the Territories, and nationally, Indians continued to be othered in an essentialized blanket of homogenous opinion. Buffalo Bill's Wild West shows, for example, contributed to the othering of Indians as savage while legitimating the right to westward expansion. According to Wickett, "all of the scenes which included Native Americans were battles between marauding savage Indians and resilient white pioneer settlers" (2000:19). Manifest destiny was reinforced "by glorifying white violence against Native Americans as noble and just, Wild West shows gave cultural sanction to the prevailing racial ideology advanced by many white settlers and officials" (Wickett 2000:19).

Indians and African Americans alike were construed as immoral degenerates. In the frontier, "many agents complained that Native Americans were more intent upon drinking, gambling, horse racing, and dancing than undertaking any form of gainful employment. One Indian inspector noted that Indians seemed to have adopted many aspects of the white man, but that it was 'usually his vices, seldom any of his virtues'" (Wickett 2000:19). This selective perception went across the board, as "many white reformers felt African Americans, like Native Americans, needed a strict moral guidance of a kind of authority figure" (Wickett 2000:28). Wickett notes that minstrel shows which reinforced this view were quite popular in Indian Territory as early as 1878 (Wickett 2000:29).

The colonizing whites had to continue to construct difference between races in order to legitimate the inequitable social structure of the United States. In the reinforcement of the



“Other,” whiteness is constituted just as assuredly (Frankenberg 1993, Hartigan 2005, 1997, Lipsitz 1998, Omi and Winant 1994). Hartigan describes whiteness as “the operations of racial privilege and advantage that structure the lives, attitudes, and actions of white people” (1997:496) or as “the coherence of privileges that white people, generically, have developed (1997:502). Whiteness is an essentialized mirror of the “Othered,” in this case Native Americans and African Americans, with the key difference being that whites have held the keys to the political economy.

Homi Bhabha posits that “colonial mimicry is the desire for a reformed, recognizable Other, *as a subject of a difference that is almost the same but not quite*” (1984:126). African Americans and Indians are simultaneously told to “aspire to whiteness,” and that they will “never attain it.” This is why “Tribes” must always be added to the Five Civilized Tribes – they are not quite white – in effect they are “civilized-savages” allowed to come close to whiteness, but ultimately turned away and deprived full access. The label “Five Civilized Tribes” discursively forms a principle racial ideology that legitimated Indian removal, relocation, and manifest destiny’s claim to their land (Hall 1997, Miron and Lewis 2000). To avoid contributing to this subtle yet virulent justification for racial inequality, the Cherokee, Choctaw, Creek, Chickasaw, and Seminole will hereafter in this dissertation be collectively referred to as the Five Nations.

Though each of the Five Nations functioned through political and legal institutions that mirrored those of the United States, these facts are silenced within the mythic frontier narrative. To allow them voice would be to expose the alibis of keeping the “peace” and taking “civilization” to the savages for what they are – subterfuge for exonerating America from the ills of imperialism, erasing the culpability of the federal fort and court that passively observed and

facilitated the overrunning and dismantling of Indian Territory by whites, as we saw in the two previous chapters.

Certainly the situation in Indian Territory was complex. Not all Indians were opposed to railroads and allotment, nor all whites in favor of them. Many wealthy landowning Indians welcomed these changes as they increased their coffers and benefited them with the encroaching masses of poor whites who quickly displaced Freedmen as tenant farmers (Wickett 2000:109). The fact that there was as great a range of opinions within, as much as between racial groups, holds true for the porosity of the so-called biological categories of race, too. The discursive formation of these categories and their shifting parameters becomes manifest when it is politically expedient to alter them (Baker 2010, 1998, Deloria 1999, Hartigan 2005, Visweswaran 2010).

Before the frontier “closed,” one strategy used by some white men to acquire Indian land in the Territories was to marry an Indian woman. Wickett notes that “the degree of intermarriage between white settler and members of the Five Civilized Tribes was truly astounding” (2000:36). What is even more remarkable is the apparent lack of self-awareness among whites who failed to see the contradiction in the racialized logic of it being acceptable for a white man to marry an Indian woman (when it is a white woman and Indian man, the narrative is invariably one of “capture,” see Gwynne 2011), though it was anathema and against the law after 1896 for whites and blacks to marry. Intermarriage of whites and Indians was initially explained by the lopsided ratio of white men to white women in the frontier, but was intentionally used to gain access to Indian property and political process. Such a marriage gave the white husband full citizenship rights in the tribes (Wickett 2000:37). Intermarriage, coupled with the Dawes Allotment Act,

railroad intrusion, and mass white and black emigration into the Territories, brought “peace” and “civilization” to them, making a vote for statehood a foregone conclusion.

This practice of intermarriage was mimicked in political theater on the day these two territories merged into one state November 16, 1907. The symbolic marriage between “Mr. Oklahoma Territory” and “Miss Indian Territory” (Wright 1957:255) assimilated Indians into full whiteness only at the exact moment that it no longer mattered. With tribal sovereignty effectively neutralized by allotment and abolishment of their courts, whites had reduced Indians to a numerical and social minority in their own home, thus making political miscegenation of whites and Indians safe.

It is important to scrutinize what kind of a marriage was enacted at Oklahoma statehood and dramatized in the wedding vows between “Mr. Oklahoma and Miss Indian.” A comparison of the event of that day to how it is remembered reinforces the savage-civilization mythology. Guthrie, Oklahoma, the first capital of the state, was the location of this wedding. The site of the wedding later became the Oklahoma Territorial Museum. Today, a statue commemorating the marriage stands outside the building. It depicts Mr. Oklahoma Territory dressed as a rancher with his pants tucked into his spurred boots, marrying Miss Indian Territory, depicted as an Indian woman, wearing a tattered dress, with two long braids of hair. She holds her left braid in one hand while her right hand is taken by that of her husband. One hand holds savage tradition and the other is taken by civilization. The statue was erected in 1976 as part of the national bicentennial commemoration. As such, it projects an image of a united state and country created out of diverse set of peoples.

In actuality, the clothing at the 1907 mock wedding was quite modern. Muriel Wright found that:

The part of Miss Indian Territory, the bride in the memorial wedding ceremony, was taken by Mrs. Leo Bennett of Muskogee, a beautiful young woman of Cherokee descent, with dark hair and eyes. She wore for this occasion a lavender satin dress made in the latest fashion of the time, floor length princess style with long sleeves and high collar; and a large picture hat and gloves, carrying one large, mauve colored chrysanthemum [while the groom] wore for the wedding the best in striped trousers and black coat suitable for such an occasion. [Wright 1957:255-256]

Wright then goes on to further correct the stereotypical cowboy-Indian wedding imagery as she notes that many school pageants across the state incorrectly portrayed the event: “Directors and writers of present day pageantry generally have Miss Indian Territory shown as an Indian girl wearing her hair in two braids, a feather headdress and a buckskin, beaded dress and moccasins; Mr. Oklahoma always in a cowboy outfit, not in keeping with fact” (1957:255).

In 1907, the marriage proposal was made by C. G. Jones. He described the bridegroom as “only 18 years old, but. . .capable of assuming all the matrimonial responsibilities of a stalwart youth” (Wright 1957:259). William Durant presided over the marriage and presented the bride to the groom:

I present the hand and fortune of Miss Indian Territory, convinced by his 18 years of wooing [the duration that Oklahoma Territory had existed] that his love is genuine, his suit sincere and his purpose honorable. . .Despite the unhappy circumstance of her youth, which have cast a shadow of sorrow over a face by nature only intended to give back only warm smiles of God’s pure sunshine, this beauteous maiden comes to him as the last descendant of the proudest race that ever trod foot on American soil. . .Although an orphan, Miss Indian Territory brings her spouse a dower that, in fertile fields, productive mines and sterling and upright citizenship, equals the fortune of her wooer. [Wright 1957:259]

Oklahoma Territory is depicted as a respectable, innocent, and sincere suitor rescuing the orphaned and naturalized savage. If Miss Indian Territory was an orphan, it was only because Mr. Oklahoma Territory’s parents had murdered hers. Moreover, this depiction once again contributes to effectively silencing the advanced features of civilization practiced by the Five Nations.

In Fort Smith, Indians are virtually absent from the frontier complex. There are two exhibits at the National Historic Site dedicated to Indian removal and the Trail of Tears, but the information is decontextualized from the active role that Fort Smith played in the process.<sup>13</sup> Fort Smith is portrayed merely a supply store along the path from the southeast to Indian Territory. The origins and destination of Indian removal is presented in the abstract without grounding it locally. Furthermore, Indians are seldom seen in living history performances or reenactments, (literally one individual representing an Indian has been observed in three years of fieldwork), in Fort Smith. When they are represented at heritage festivals, such as the Fort Smith Heritage Festival, they are often Natchez, not individuals from one of the neighboring Five Nations, who are conspicuously missing from the frontier complex today.

The match for Oklahoma statehood was 18 years in the making. “Mr. Oklahoma” and his “Uncle Sam” had been coveting Miss Indian Territory’s dowry for some time. The history of the land runs in Oklahoma Territory is the corollary to the “peace” that Fort Smith is purported to have been keeping from 1817-96. A wider view of Oklahoma situates what was going on in Fort Smith during the federal government presence of the military fort and then district court. Moreover, it reveals the underlying canvas on which contemporary notions of race are painted. As American Indians were being effectively neutralized in Indian Territory, African Americans were held out a false hope of equality in America.

### Oklahoma Territory and African Americans

Carved out of Indian Territory in 1890, Oklahoma Territory comprised roughly the western half of present day Oklahoma. The Dawes Severalty Act was enacted in 1887 and implemented in Oklahoma Territory soon afterward. It effectively cut property access from clan

affiliation and imposed private property onto all Indians. White and black pioneers alike traveled through Indian Territory by train, wagon, horse, and foot, on their way to stake a claim, all of which contributed to the inevitability of statehood (Burton, J. 1995, Chang 2010, Foreman 1971, Johnson 2012, Strickland 1975, Strum 2002, Wickett 2000).

The Dawes Act gave whites and blacks access to “free land” just as slavery had given whites and the Five Nations “free” labor. The consequences of allotment were the systematic subsidization of white wealth, the overall impoverishment of Indians, and the disenfranchisement of Freedmen and so-called “state negroes,” free blacks from the South who had emigrated to the Territory (Wickett 2000:31, Sturm 2002). The Curtis Act of 1898 expanded allotment to include Indian Territory, the land of the Five Nations. It also officially abolished the Indian courts which had given Indians some degree of sovereignty throughout the Judge Parker era. Not only did many Indians lose control of their property and polity, “the act also compelled the Five Civilized Tribes to grant railroads additional concessions, which brought new hordes of uninvited outsiders into the territory and created instant cities such as Tulsa and Ardmore” (Kidder 2007:10). As the advancement of white civilization quickened, many recently-freed African Americans also sought their dream in the frontier.

While Indians of the Territories were systematically disenfranchised, then characterized as wild savages before, and noble savages after statehood, African Americans fared no better as they went from slavery to emancipation to Jim Crow and were then virtually scrubbed from the cultural memory of the frontier. At the very moment that Indians were being assimilated in symbolic marriage, African Americans were being legislatively separated: the very first law enacted in the State of Oklahoma was Jim Crow. Such contradictions in racial ideology –

marrying one and forbidding contact with the other – reveal the economic and political motivations behind the socially constructed nature of race in the United States.

The rush toward white settlement of Oklahoma Territory was hastened by movements by many African Americans to make Oklahoma a predominately black state. There was brief moment when it looked to many like this could be a reality. Many black towns were created in both Territories and advertisements were posted throughout the South encouraging former slaves to head west for opportunity and self-governance denied them in the South. Oklahoma Territory was especially successful from 1891-94 at attracting large numbers of former slaves with thousands participating in the initial land runs (Littlefield 1973:349). All-black towns were formed but the emigrants fought a double battle in their new home – their presence was often met with violence by whites and disdain by Freedmen. The freed slaves of the Five Nations referred to these former slaves from the South as “Watchina – the white man’s negro” or as “state negroes” (Wickett 2000:31).

This particular place and time experienced an inside-out othering process of virtually all racialized categories. In this frontier space, we can see the working out of the American social structure of racial categories: full-bloods of the Five Nations were distancing themselves from their black Freedmen as they adopted whites as citizens while Freedmen and “state negroes” were contesting with one another for allotments. The blanket category of whiteness came to prevail over all those considered black or red. In actuality, all these people were living under a very similar umbrella of social institutions in the Territories. What was at stake here was economic and political power, control of the emerging state, and its ever increasing oil and gas discoveries (when Oklahoma entered the Union it did so as the leading oil producing state, see Woodward 1951:303). In that contest, whites threw down the “othering” gauntlet, blinded

themselves to seeing Indians or African Americans as civilized, and were thus the heir apparent to that economic and political power.

This was an overt contest for political control. Edward McCabe, a leader in the all-black-town movement, carefully encouraged people to live in places that would benefit them politically: “He advocated a plan of dispossessing whites of political power by organizing colonies of blacks so that a majority of black voters could be situated in each representative and senatorial district” (Littlefield 1973:345). Several all black towns flourished and at face value could have served as evidence that African Americans were just as competent and capable as their white counterparts. But this was not to be, as Wickett notes, because “no white Americans were willing to admit that the success of the black towns undermined the racial stereotype of African Americans as childlike, lazy, and lacking in moral and intellectual capacity” (Wickett 2000:34). In other cases, “those whites who recognized the contradiction explained it away by claiming the people who resided in the black towns were atypical of the race in general, or they simply refused to comment on the success of the black towns whatsoever” (Wickett 2000:34).

By 1895, McCabe’s plan had run its course. Between white resistance to it and the harsh conditions emigrants faced once they arrived, the reality of Jim Crow began to emerge and enthusiasm for black emigration waned. If any lingering questions remained about how the state of Oklahoma felt about successful, prospering African American communities, the Tulsa race riots of 1921 ended them.

In the Fort Smith frontier complex, all the racialized complexity described above is expunged by the myths of frontier justice of the federal fort and court, keeping the “peace between” and “taking civilization” to the Indians. The record of African Americans in the Territories is virtually absent from the frontier complex. Regardless, it is in this highly complex



and contested racialized context that the story of Bass Reeves is embedded. It is done so in a de-historicized manner that submerges the stark racial contrasts of whites, Indians, and African Americans. Bass Reeves is embedded as a transcendent figure who evades all levels of systematic discrimination to have a remarkably successful career. His is a testimony to the post-racial, colorblind racist ideologies that purported that black people can easily succeed if they just play by the rules and try hard enough (Bonilla-Silva 2009, Hall 1980, Hartigan 2005, Omi and Winant 1994, Reed 1997).

### The Mythic Black Deputy Marshal

*Bass's story is so incredible on its own it doesn't need embellishment. His story is a bit unbelievable and it can sound like a tall tale, like Pecos Bill, and I didn't want to put the truth of his story in any question, I didn't want to cloud that and so I took out any invented dialogue all the dialogue in the book is something that's documented. So I had to try to make it exciting without that use of the drama. One of the things the publisher decided to do was to do an illustrated portrait but then they called back and asked about using the actual photograph, and I thought, "that's perfect" because now when they get to the end of the book and see the photo they can know that this was a real person. This is a flesh and blood hero.*

– Vaunda Micheaux Nelson, [May 27, 2012, field note, Bass Reeves Monument dedication weekend]

*Bass was born a slave, in Arkansas. George C. Reeves, owner of Bass as a slave, later became speaker of the house in Texas, and if you go to western Texas there's a county named for him, Reeves County. And it's very interesting because the county seat of Reeves County is Pecos, and if you look at the most legendary fictional character in wild-west fiction history, it's Pecos Bill. And so Reeves County is the county from which Pecos Bill would have come from. And you know if you study the stuff about Bass Reeves it almost sounds like Pecos Bill stuff, riding the cyclone and going off.*

– Art Burton [May 27, 2012 field note, Bass Reeves Monument dedication weekend]

The story of Bass Reeves is a recent addition to the Fort Smith frontier complex. His record as a lawman was first reconstructed from court records and newspaper accounts by a few

historians in the 1970s (Littlefield 1971, Williams 1976). There is little to no mention of him in the primary sources discussing the Parker Court (Brodhead 2003, Croy 1952, Emery 1959, Harman 2001 [1898], Shirley 1968, Stollberg 1988, Tuller 2001). Reeves made his first appearance in the popular press in 1976 when Charles Mooney wrote about him for *Real West: True Tales of the American Frontier*. Mooney pulled no punches of his estimation of Reeves in this popular press monthly and set the tone for what was to come: “Bass Reeves, the invincible black Deputy U.S. Marshal, (sic) carved his reputation as a lawman second to none” (Mooney 1976:48). Reeves is introduced to frontier history enthusiasts in super hero terms, “more than once his belt was shot in two, buttons were shot off, and the bridle reins, held in his hands, were cut by a bullet. . . not to mention the holes in his hat, shirt and trousers” (Mooney 1976:49). While this brief article reads fanciful and is playful with facts, this description is routinely repeated about Bass Reeves in the frontier complex.

Not until Burton and the publication of *Black, Red and Deadly* (1991a) was the story of Reeves incorporated into the cultural memory of Fort Smith (Flores 2004, Nora 1989). As the title implies, the book features African Americans and Native Americans who were either outlaws or lawmen. The title of the chapter that features Reeves seems to take its cue from Mooney’s imagery, “Bass Reeves: The Invincible Marshal” (Burton 1991a:165). While purporting to be rooted in historical facts, Burton’s commentary on Reeves is frequently difficult to distinguish from historical fiction. Burton believes that “Reeves was the most outstanding peace officer of his era...the man was a phenomenon...one of the greatest frontier heroes this country has ever produced” (Burton 1991a:217).

That same year, Burton published a short piece on Reeves in *True West* magazine (Burton 1991b). In it, Burton describes a shootout that Reeves had with an outlaw: “Webb’s first

shot grazed Reeves' saddle horn, the second cut a button off his coat, and the third shot tore the reins out of his hand, causing Reeves to lose control of his horse. Reeves jumped off the animal pulling his Winchester from its scabbard in the same motion" then "landed on his feet" just when "the fourth shot clipped the brim of his hat" (Burton 1991b:41)! The "invincible" deputy got his man in the end. Reeves' reputation began to grow as a handful of authors picked up his story. Kareem Abdul-Jabbar features Reeves in a chapter entitled "Respect" in his *Black Profiles in Courage* (1996:123) which was clearly inspired by Burton's work, and two adult fiction books made their appearance, *Bass Reeves, Deputy U.S. Marshall 1875 to 1902* (Estes 2000), and *Bass Reeves* (Wright 2001).

In 2005, momentum for Bass Reeves' story began to pick up. Paul L. Brady, a judge from Atlanta and a descendant of Reeves, published *The Black Badge: Deputy United States Marshal Bass Reeves, from Slave to Heroic Lawman*. The next year Burton published his full length book on Reeves, *Black Gun, Silver Star: The Life and Legend of Frontier Marshal Bass Reeves* (2006). A young adult fiction book on Reeves also came out, *The Legend of Bass Reeves: Being the True and Fictional Account of the Most Valiant Marshal in the West* (Paulsen 2006). With this burst of publicity for Reeves, Burton began making regular public appearances and lectures in Fort Smith. Both Burton and Reeves quickly became minor celebrities among local history enthusiasts and they caught the attention of circuit Judge Jim Spears, who was in search of a historic figure from Fort Smith's past to turn into a statue as a way of creating public art and promoting the frontier history of the city.

Spears had initially proposed a statue of Zachary Taylor on horseback, but that concept never gained much traction given that former president's outright disdain for Fort Smith. Spears, "then had a conversation with Bill Black, the superintendent of the Fort Smith National Historic

Site, who mentioned Bass Reeves” (Grummer 2012:4). At this time, the City of Fort Smith hired T. Baridi Nkokheli to be the Director of the Department of Sanitation. Spears immediately noted that Nkokheli bore a close resemblance to Bass Reeves. By May 2007, Nkokheli was making regular public appearances dressed as Reeves, promoting awareness of him, and raising funds for a monument to the deputy which was ultimately erected in May 2012.

Over that seven year period, there was a Bass Reeves blitz in Fort Smith. The Bass Reeves Legacy Initiative was formed, Nkokheli made hundreds of public appearances at schools, libraries, and civic groups to raise awareness and money for the monument, and the Clayton House, the restored home of William Henry Harrison Clayton, attorney general in the Parker era, promoted Reeves with a reading program in local schools of Vaunda Micheaux Nelson’s *Bad News for Outlaws: the Remarkable Life of Bass Reeves, Deputy U.S. Marshal* (2009). With a positive public reception of Reeves’ story, famous western sculptor Harold T. Holden was commissioned to create the monument to him. The arrival and dedication of the monument, entitled “Into the Territories,” was full of fanfare and programs to celebrate and educate the public about Reeves. Today, books that do not have anything to do with Reeves can sport a full page of the existing photos of him (Johnson 2012:126).

My fieldwork for this entire project was initially inspired by Nkokheli’s performance of Reeves. I first observed him at a presentation he gave for a noon-time program at the Fort Smith Public Library in 2009. What struck me most about the event was seeing the audience, primarily white women over 50, smitten with the story of Reeves and Nkokheli’s portrayal of him. Any racial barriers that might have otherwise been present between these same people in ordinary street clothes walking down the sidewalk were completely absent. Seeing how Nkokheli’s Reeves was a “safe black man” that broke down racial barriers and stereotypes between the two

groups convinced me that further investigation was necessary to uncover the meaning behind all of this.

What follows is an overall analysis of data from three years of fieldwork in Fort Smith. I quickly realized that the interpretation of public performances of Reeves could not be adequately understood without contextualizing his story within the wider frontier complex. Without the military fort, without Judge Parker, there would be no Bass Reeves. The mythic narrative of Bass Reeves is inextricably bound to the mythic frontier and mythic justice heretofore described. As such, the underlying narrative of Reeves, while intended to give praise to a noteworthy African American, is etiolated by wider American racial ideologies that turn Reeves' story into a poster boy for neo-liberal, colorblind racism (Bonilla-Silva 2009, Hall 1997, 1980, Miron and Xavier 2000, Reed 1997).

To unpack the mythological Bass Reeves and its underlying meanings, we will analyze key tropes of his story that must be repeated virtually every time he is mentioned, conspicuously so: Reeves patrolled 74 thousand square miles; Reeves served over three thousand writs; Reeves was illiterate; Reeves fiercely followed the letter of the law as exemplified by arresting his own minister and his own son; and Reeves was the basis for the pulp fiction hero, the Lone Ranger.

#### Jurisdiction Matters, Again

Art Burton (1991a, 1991b) attaches the story of Reeves to the exaggerated claim of Judge Parker's jurisdiction and in the process inflates the grandeur of Reeves' reputation. We read that "Judge Isaac Parker hired 200 deputy U. S. marshals to patrol the 75,000 square miles in the region, and possibly the most feared of them was a black lawman named Bass Reeves" (1991b:40), and then, "two hundred deputies were a mere handful to cover an area of 74,000

square miles, where the outlaws knew every trail and hideout and the deputies had little protection other than their own discretion and skill in serving these processes of law” (Burton 1991a:156). The online *Oklahoma Encyclopedia of History and Culture* (<http://digital.library.okstate.edu>) repeats this mantra: “When Reeves began riding for Judge Parker, the jurisdiction covered more than seventy-five thousand square miles.” This entry was authored by Art Burton who is also the author for the Bass Reeves entry in the online *Encyclopedia of Arkansas History and Culture* (<http://www.encyclopediaofarkansas.net>).

The ubiquity of the 70 thousand-plus figure acts as testament to Reeves’ prowess as a lawman. Not only is it repeated in virtually all newspaper articles and popular presentations on Reeves, it is found on signs of business establishments in Fort Smith. Real estate developers Richard and Rick Griffin recently opened Garrison Pointe, a gas, convenience, and liquor store at the corner of Garrison and North 5<sup>th</sup> Street. On the side of the building, there are large posters that give tribute to Judge Parker and Bass Reeves. Of Parker, we read that “his jurisdiction covered 74,000 square miles of the Indian Territory.” The poster of Reeves dovetails off the grandiose image of Parker’s jurisdiction. In a sweeping generalization, it declares Reeves was “recruited in 1875 to serve as Deputy U.S. Marshall under Judge Isaac Parker. When Reeves retired from Federal service in 1907 he had arrested over 3000 felons, killing 14 in the line of duty.”

As established above, Parker’s jurisdiction in Indian Territory was never larger than 65 thousand square miles, was reduced to 35 thousand miles in 1883, and to 22 thousand in 1889. Furthermore, Reeves did not work for the Fort Smith federal court for his entire career. He did from 1875-89 (Littlefield 1971:80) and then continued to work as a deputy for other courts out of Paris, Texas, and Muskogee until he was prohibited from doing so in 1907 with Oklahoma

statehood and the enactment of Jim Crow. He worked for two more years in law enforcement for the Muskogee city police. Less than half of his 32-year-career was spent bringing criminals to trial in Fort Smith (Littlefield 1971:80).

While there is evidence that early in his career Reeves traveled as far west as Fort Sill, Fort Reno, and Anadarko, each about 260 miles from Fort Smith, (Littlefield 1971:80), more often the “duties were generally confined to the areas occupied by the Five Civilized Tribes - the Cherokees, Choctaws, Creeks, Chickasaws, and Seminoles” (Littlefield 1971:77), which consisted of 35 thousand square miles. This issue of jurisdiction area might seem superficial, but when the entire narrative of Judge Parker and subsequently Bass Reeves depends upon this claim, and it is incessantly repeated in the frontier complex, it becomes a significant element in the analysis of the frontier mythology. Simply put, Reeves was not personally covering 75 thousand square miles for 32 years, and to imply that he did makes him larger than life.

### Over 3,000 Writs

It is widely repeated in the frontier complex that Bass Reeves served over 3,000 writs. This widely stated claim which is routinely stated as fact is based on a newspaper article from the *Chickasaw Enterprise* from November 28, 1901 (Art Burton, Bass Reeves entry <http://digital.library.okstate.edu>). Burton refers to this article as a “Pauls Valley” reporter (Burton 1991b:42) to whom Reeves allegedly claimed to have served that many warrants. I have not found the article directly quoted in the literature, but acquired a copy of it. In it, we learn that Reeves, “claims that he has been a deputy for twenty-seven years; that during that time he has arrested more than three thousand men and women” (Chickasaw Enterprise, 1901). This is the extent of the documentation to date to verify the number of arrests made by Reeves. In other

words, it is not a documented fact, which could be gleaned only through investigation of the court documents. Until that research is done, that figure stands as an unsubstantiated mythic exaggeration.

### Illiterate, Illiterate, Illiterate

In the frontier complex, you cannot say Judge Parker without saying “Hanging” first, and you cannot talk about Bass Reeves unless you point out that he was illiterate. This descriptive trait of Reeves is stated virtually in the same breath as saying that he memorized all 3,000 writs and never got one wrong. He is widely talked about as being exceptionally smart – anyone to have survived 32 years of law-enforcement in Indian Territory would have to be. His intelligence is reinforced by claims that he knew “multiple Indian languages,” and frequently outwitted outlaws. Yet access to literacy is a sharply-drawn line which Reeves is just as universally said not to have crossed.

To reinforce this point, we can examine a presentation given for the Bass Reeves Monument unveiling day, May 26, 2012. “Warrants Memorized, Warrants Delivered” was performed at the Clayton House. In the skit, the characters of Judge Isaac Parker and Prosecuting Attorney William Henry Harrison Clayton are discussing the uncanny ability that Reeves allegedly had for memorizing writs. Dave Ross, the author of the skit, first explained to the audience that “the year is 1882 and the Clayton house has just been completed.” He points out that Mary and Florence, the respective wives, have adjourned to the “poshly decorated parlor where they will talk about the latest East Coast fashion. They will also talk about ideas of starting a public library in Fort Smith.” Bass Reeves is not present for the occasion, just the two prominent white men talking about him.



Clayton says to Parker with amazement, “I hear Reeves brought in 16 prisoners at one time.” Judge Parker replies, “he may be the only black deputy in the entire country but he’s worth more than two dozen deputies.” In actuality, Reeves was not even the only black deputy at that time in Parker’s jurisdiction (Littlefield 1971, Williams 1981). Clayton says, “tell me more about Reeves. You interviewed him before he was hired. I’ve talked to him about these cases at great length but he’s a man of few words and I’m not at all familiar with his past.”

Parker fills in the details,

What’s absolutely incredible about the man is he never learned to read or write. As I heard it told, the young Reeves wanted to learn, but the slave master said no. Despite the lack of any kind of formal education, he worked the farm in Texas and grew to love animals as well as ride and shoot. He served in the Union Army in Indian Territory during the Civil War. Got in some kind of argument with his owner and escaped into Indian Territory. That was where he learned to become an excellent scout and tracker. I hired him there as a Deputy Marshal in 1875.

This is the popular genealogical narrative that is often repeated for Reeves in Fort Smith.

Clayton then introduces the topic that is the crux of the skit,

Life is paradoxical at times, isn’t it? An illiterate, former slave has the initiative to become one of the best marshals in our entire country. In watching him I kind of wonder what kind of man he might become had he not been denied a full education? When I think of the thousands of extra hours Reeves must have spent in learning the simple task of connecting subpoenas and other legal documents to the suspects in question.

As an audience member, my mind began to wonder at this point how many hours it takes a person to learn to read and to what extent Reeves was simply passing for illiterate. Following the logic of the skit, if he spent “thousands of extra hours” memorizing writs, perhaps he might have developed some minimal literacy skills? Apparently Parker had no such doubts as he replies, “it must be some system he has worked out that helps him coordinate the sounds of words and letters with the way they appear on the written page.” “It’s fascinating,” replies Clayton.

Then for a moment, the men become self-conscious of speaking for so long in the absence of their wives' company. They glance in the direction of the parlor and chide, "Mary and Florence may run out of things to talk about." The punch line of the "joke" here is that the men are smoking cigars and drinking brandy away from the "pesky conversation of ladies' fashions." As they debate whether to continue their sequestered repose, a daughter of Clayton's comes out to inquire, "the ladies in the parlor are wondering if you're ready to be a little more sociable." This is another joke that is met with some forced laughter, but overall it falls flat. Clayton forces the joke even further, "tell them we'll come out after we finish one more cigar." Maggie sarcastically replies, "one more cigar, I'll tell 'em that." Men indulging themselves at the expense of attending to their wives is presented as humorous.

Then, as if there is no question of how the illiterate Reeves miraculously memorized over three thousand writs, they return to the question of just how he did it. Clayton shakes off the interruption with, "Now where were we?" "Talking about Reeves and that almost uncanny ability to memorize case documents without knowing how to read or write," says Parker. And then Clayton takes a stab at how Reeves might have accomplished such an amazing feat: "It must be some sort of incredible memory force he has. It's like he can study something and take a projection of it in his mind. He has the procedure down to some kind of science. It needs more study, maybe for future generations." I look around at faces in the audience for signs of incredulity but detect none.

Parker then picks up this thread: "Once he was fairly sure of the name, Reeves had someone read the document to him over and over until he had it committed to memory. Our clerk, Jorgenson, says he has seen Reeves repeat the procedure two or three hundred times. And it still fascinates him how Reeves has never been wrong in linking a suspect with the subpoena."

Though the process they are describing resembles the act of reading, there is no mention of it. “Reading it to him?” Parker asks. Clayton responds, “some of the Marshals say that Bass often has to ride many, many miles before he can find someone who can read it to him or to write something for him. Here in Fort Smith we take reading for granted but in Indian Territory the percentage of illiterates remains very high.” Recall that Mary Parker and Florence Clayton are in the house discussing the development of a library for Fort Smith while their husbands marvel at the genius of an alleged illiterate.

Many familiar faces are in the audience. I have seen them at several other events such as this at the Clayton House, the Fort Smith Museum or the National Historic Site. What is being presented, as outlandishly unbelievable as I think it is, is the sort of narrative about Reeves that people in the audience are accustomed to. The skit ends with a strong-armed attempt to paint Fort Smith as a city that is ‘in the know’ of the modern era. Clayton asks, “how ‘bout another cigar your honor?” “Splendid idea, Havanas I assume?” inquires the Judge. Clayton responds with a grand gesture meant to convey affluence but comes off as arrogant pomposity, “of course.”

Virtually all sources on Reeves claim he was illiterate, but cite no evidence to support that. His illiteracy has become a social “fact” at this point. However, in the same literature one can find references of Reeves sending telegrams, keeping books, and filling out forms. It is not always clear if someone was assisting him with that. Furthermore, if what is said about Reeves’ repeated exposure to warrants and the legal verbiage they contain is even half true, then I posit that Bass Reeves was functionally literate. It requires too great a degree of suspended disbelief to believe that he never recognized a single word. I believe Bass Reeves could read. Reviewing descriptions of Reeves with this in mind makes it seem obvious. In 1909, for example, we hear

that “while Reeves could neither read nor write he had a faculty of telling what warrants to serve on any one and never made a mistake. Reeves carried a batch of warrants in his pocket and when his superior officers asked him to produce it the old man would run through them and never fail to pick out the one desired” (Burton 2006:297). As a black man in late 19<sup>th</sup> century United States, Reeves would have known full-well that it was in his best interest to not let on that he knew how to read; he was “passing for black.”

But I am not going to pretend to know the interworking of Bass Reeves’ thoughts, and I doubt the historical record will reveal the truth of the matter. I will however venture an anthropological argument for why we must insist that he was illiterate today: his illiteracy legitimates and reinforces neo-liberal racial ideology (Pfeil 1995, Lipsitz 1998); it is proof that if a black man just works hard enough then he can succeed, no matter if he was a former slave, a discriminated-against black man, and an illiterate to boot.

I believe that Art Burton unwittingly contributes material for perpetuating this racial ideology. In his efforts to elevate African American history, he fosters a widespread view that lowers the overall estimation of blacks, “Reeves rose above his humble beginnings as a slave and preserved and excelled as a federal lawman even though he was illiterate” (2006:301). This is the alibi of the mythical Bass Reeves. It omits the facts that at the very time frame this skit is set, thousands of Freedmen and “state negroes” were being systematically disenfranchised from the political economy being opened as “free land” to so many whites. It silences the fact that Reeves and thousands of other African Americans were institutionally discriminated against with the signing of Jim Crow laws at Oklahoma statehood.

## The Letter of the Law

The insistence of Reeves' illiteracy is equaled in measure with the claim that he was a consummate follower of the letter of the law. It is consistently repeated that he "always got his man" and "never got the wrong man," which is then underscored with the disclaimer "despite his illiteracy." The primary example used to drive home this point is that he arrested his own son for murder. In this and virtually all other instances, Reeves is projected in the same light of mythic justice as is Judge Parker – a universal emblem of pure justice to whom anything less than that is an abomination. Burton declares, "not only did Bass Reeves arrest one of his sons for murder, he arrested the minister who baptized him. It is evident that Reeves was quite determined to uphold the law no matter the relationship he had with the offender" (Burton 2006:295). A close comparison of the claim of Reeves's pure justice to the historical record reveals that he was human after all.

Benjamin Reeves, one of Bass Reeves children, murdered his wife. This much fabled event is used to illustrate Bass' dedication to duty. Burton's chapter on this episode of Reeves' life is entitled "Devotion to Duty" (2006:341). In *The Black Badge: Deputy United States Marshal Bass Reeves from Slave to Heroic Lawman*, Paul Brady recounts the same story in much the same way in a chapter entitled the exact same thing: "Devotion to Duty" (2005:167). Burton dramatically sets it up: "The incident that resonates most with many who follow the life and career of Deputy U.S. Marshal Bass Reeves is the time he had to arrest his own son for murder" (Burton 2006:242). Burton quotes an oral history interview with Reeves's daughter, Alice Spahn, cited in an unpublished seminar paper written in 1960 by Richard Fronterhouse (Burton 2006:242,328). The theme of staunch dedication to the law is reinforced: "Bass and his deep-seated belief in the law are legendary. Nothing could deter him when he was forced to make a

decision where the law was concerned. As proof of this, consider the time he arrested his own son for murder” (Burton 2006:242).

The key part of this story which is uniformly presented in the frontier complex is that when Reeves heard that a warrant was out for his son’s arrest he insisted on being given the writ. His obedience to the law is emphasized while the fact that his son murdered his wife is minimized. This moment is recounted in an obituary of Reeves from 1910, “with a devotion of duty equaling that of the old Roman, Brutus, whose greatest claim on fame has been that the love for his son could not sway him from justice, he said, ‘Give me the writ,’ and went out and arrested his son” (Burton 2006:300). The fact that he would not allow anyone else to bring his son to justice is demonstrable proof of the veracity with which Reeves cleaved to justice.

The part of the story that is not heard in the frontier complex is that Benjamin Reeves, referred to as Benny, murdered his wife because of suspected adultery. Furthermore, the story according to the Fronterhouse paper is that Bass Reeves himself counseled his son to take such action. Allegedly, Benny had caught his wife in an adulterous situation once before, but worked through that episode without violence. Sometime after that, he confided to his father what had transpired. Burton quotes Reeves from the Fronterhouse interview giving this fatherly advice to his son, “I’d have shot the hell out of the man and whipped the living God out of her” (1991a:211, 2006:243). Soon after this conversation, “Benny came home from work and found his wife again with another man. In the melee that followed, the man Benny had caught in his place escaped, bloody and beaten, but otherwise unharmed. However, in his hysterical rage, he killed his wife” (Burton 1991a:211, 2006:243).

Not only is this unpleasant fact of Reeves’ character left out of the Fort Smith frontier complex, Burton revised the story for another account. In his *Real West* account of this event,

Burton says, “his son had had a domestic fight with his wife and accidentally killed her” (Burton 1991b:42). There should be no confusion over the facts of this case. In one of the first academic articles on Bass Reeves, we learn that his son “had brutally murdered his wife” (1971:83). Burton and many others, who spread the “gospel of Bass” (Boulden 2012:3) as it has been called, are aware of this detail. Omitting this fact of what happened assists the myth of Reeves’ “pure justice” to continue going unquestioned.

In addition to basic fact checking of statements that have become part of the Bass Reeves cultural memory canon, there are many other facts in the historical record that are selectively ignored. Historian Nudie Williams paints a more complex picture of Reeves. Williams first elevates Reeves’ reputation, declaring he was “neatly dressed,” “polite,” “courteous,” “well respected,” and “fearless and capable.” He was also “the most feared U.S. Marshal that was ever heard of in . . . [the Indian] country” (1990:156). But then, on balance, Williams includes damning information from the same historical records that praise Reeves. It was reported of Reeves that “many times he never brought in all of the criminals [he pursued] but would kill some of them.’ Because ‘he did not want to spend . . . [too] much time in chasing down the man who resisted arrest, he would shoot him down in his tracks” (Williams 1990:156-157).

The *Fort Smith Elevator*, a daily newspaper full of sensational stories and many advertisements, ran from 1878-1907. While it is often cited in praise of Bass Reeves, there are also articles in it that call his character into question. One of them “reported that United States Marshal Thomas Boles dismissed Reeves in 1884 because ‘he had the habit of letting a prisoner escape when more could be made than by holding him” (Williams 1990:157). Additionally, “Reeves’s contemporaries openly questioned the various methods he used in carrying out his duties. They accused him of being selective in whom he arrested. His personal honesty was

debated in the local press” (Williams 1990:159). Williams then contextualizes the news reporting of the time period: “To be sure every move was subject to close public scrutiny. Racism played an important role in Reeves’s career and much of the criticism against him stemmed from prevailing racial prejudices among Southerners who resisted placing blacks in positions of authority over whites” (Williams 1990:159).

The portrait that Nudie Williams paints of Reeves is one of complexity and ambiguity; the historical record supports this assessment. The popular myth of Bass Reeves has selectively chosen elements from this record to emphasize the heroic and the positive while omitting, glossing, and overlooking the negative and contradictory pieces of his life. Reeves is said to have killed 14 men in the line of duty and to have been investigated and exonerated for each one of them. Burton takes this as evidence of his prowess as a lawman and marksman. He compares Reeves’ record to a gunfighter ranking created by Bill O’Neal. According to Burton, “the top three persons on O’Neal’s chart are murderers, the highest ranked individual with twelve killings. The top peace officer is (Wild) Bill Hickock, [sic] with seven killings. If we take the word of Reeves and the local Indian Territory press that he killed fourteen men, he would have to rank very high on O’Neal’s chart” (1991a:217). The popular imagination of contemporary Wild West shoot outs is captured by Reeves’ dramatic record and glorifies it. Nudie Williams points out another side to that record: “By being involved in so many killings, his reputation was somewhat tarnished by the association” (1990:156). On balance, Reeves’ record is not so glowing. Fund raising over \$300 thousand for the Bass Reeves monument on a more nuanced picture of his career would have been challenging.



## The White Bass Reeves

In addition to incriminating historical facts, the very race of Bass Reeves is concealed in the frontier complex. In four significant ways, Reeves' African American identity is elided: he is associated with whiteness in his 1910 obituary; he is equated with the Lone Ranger; a white mannequin is used for his depiction at Three Rivers Museum in Muskogee, Oklahoma; and the monument erected to him in Fort Smith does not bear his or any African American's resemblance.

While on his death bed in November 1909, the *Muskogee Times-Democrat* published an article reflecting on Reeves' career and service. In addition to the usual accolades that Reeves was a staunch defender of the law and citing the numerous fugitives he brought back from Indian Territory, it was also noted that "he was honest, fearless, and a terror to the bootleggers. He was as polite as an old-time slave to the white people and most loyal to his superiors" (Burton 2006:297). In other words, Reeves was a model minority for other African Americans to follow.

After his death on January 10, 1910, the newspaper used his life as model for whiteness. Reeves was, "black-skinned, illiterate, offspring of slaves whose ancestors were savages, this simple old man's life stands white and pure alongside some our present-day officials in charge of affairs since the advent of statehood" (Burton 2006:301). Contrary to the corrupt white politicians in Oklahoma, "Bass Reeves would not have served under such a regime. Black though he was he was too white for that. His simple, honest faith in the righteousness of the law would brook no disrespect for its mandates" (Burton 2006:301). Reeves's devotion to the law is then again held up as a model of whiteness, as "it is lamentable that we as white people must go to this poor, simple old negro to learn a lesson in courage, honesty and faithfulness to official duty" (Burton 2006:301).

In the lens of racial ideology, Reeves was not “black” because no black person could follow the law as truly as he did. Just as the Indians in the Territories before him, Reeves as an African American was brought to the cusp of whiteness, but to his last breath denied it. His “slave-to-accomplished-lawman” life story is held up as a fabled testament of how racism is not an obstacle to having a successful career. On the heels of newly passed Jim Crow laws in Oklahoma and heavy handed treatment of African Americans, Reeves in his death could be held up as proof that whiteness was attainable for blacks.

While the realities of institutionalized racism would make attaining “whiteness” nearly impossible for African Americans for decades to come, in the domain of myth, whiteness was more easily attained. Art Burton has successfully perpetuated the notion that Bass Reeves was the model for the Lone Ranger. The construction of this mythic element can be traced from its inception in *Black Badge, Silver Star* (2006) to its repetition in the frontier complex. Innocently enough, Burton introduced this idea as a “folktale” a “story” (2006:11). He reflects, “after I finished writing *Black, Red, and Deadly*, I thought about the uncanny similarities between Bass Reeves and the TV and radio character, the ‘Lone Ranger’” (2006:11). Burton then lines up a set of features that finds parallels to Reeves and the Ranger: Reeves was often called “The Black Marshal,” and that rings a bell with “The Lone Ranger;” Reeves was known to pay for things with a silver dollar, which equates to the Lone Ranger’s silver bullets; they both rode a white horse; they both associated with Indians, Reeves in the Territory, the Lone Ranger with Tonto; and the black mask embodies Reeves’ black skin (2006:11).

Burton then attempts to draw a straight line between Reeves and the creation of the “Lone Ranger” show. Many prisoners from the federal court in Fort Smith were taken to the Detroit House of Corrections and the radio program of “The Lone Ranger” first aired in Detroit

in 1933 (Burton 2006:13). Burton ends his comparison with a qualified caveat, “I doubt we would be able to prove conclusively that Reeves is the inspiration for the Lone Ranger. We can, however say unequivocally that Bass Reeves is the closest real person to resemble the fictional Lone Ranger on the American western frontier of the nineteenth century” (Burton 2006:14). In public presentations on Reeves in Fort Smith, Burton has routinely pushed the boundary of what he had been calling a “folktale” stating that he has “talked with a living relative of the creator of ‘The Lone Ranger’ and “they believe this to be plausible” (Burton 2012).

This seed of suggestion has been sufficient for this claim to take root in the frontier complex. Other Reeves promoters have picked up and repeated this tacit connection to the point that now it is stated as fact. In an end-of-the-year article reflecting on the May 2012 monument to Reeves, it was stated unequivocally that, “experts think that Bass Reeves was the person producers based the Lone Ranger character from. . .Bass Reeves had an Indian sidekick, he knew Indian languages, and he used disguises when he went after people to arrest them” (Smith 2012). Those “experts” would be Art Burton and those whom he has convinced of this story.

Regardless of the veracity of the story, it fundamentally transforms Reeves from a black African American into a white man. The image of Bass Reeves is also whitened at Three Rivers Museum, in Muskogee, Oklahoma. As the last home of Reeves, the city has incorporated him into their museum and annual heritage festival. In 2011 and 2012, part of that festival was a “Bass Reeves Walking Tour.” There is not just one person portraying Reeves, but an entire cast of characters who are members of The Bass Reeves Troupe of Muskogee. The ensemble includes a middle-aged wife of Reeves, a young daughter of Reeves, and an old Bass Reeves, as well as other local characters with whom Reeves is said to have associated. The tour takes place along the path that Reeves once walked as a police officer where it is repeatedly said that “not a

single crime was committed on his watch.” His lawman superpowers were not diminished by shifting from federal deputy to town constable.

Three Rivers Museum has a shrine of artifacts dedicated to Reeves, complete with a tombstone – an actual headstone, because the exact resting place of Reeves is unknown. The heritage festival walking tour ends in the room with this exhibit, in homage to Reeves. As part of this display, there is a mannequin dressed up to depict Reeves. While in this context it is immediately recognizable as Reeves – sporting his very distinct moustache – on closer inspection, it does not resemble Reeves at all. In actuality it does not look like an African American in any way, not in features or skin color. Moreover, it does not even look like a male mannequin – it is in fact a white female mannequin. The thin facial structure, long and thin nose, the high cheek bones, the stylized eye brows, and the alluring, gazing eyes all point to this mannequin modeling women’s clothing in its previous life. Remove the moustache and it’s not hard to imagine the mannequin sporting lingerie.

This clearly observable and evident fact is never mentioned. To the contrary, excited comments such as, “take my picture with Bass!” can be heard when visiting the museum. On one occasion, I was there with Baridi Nkokheli who portrays Bass Reeves in Fort Smith. A gentlemen from Muskogee who portrays Reeves there, was also present. As soon as people realized that the two most prominent Bass Reeves reenactors were present, they all started saying “let’s get a picture with the three Bases.” The third Bass being referred to was the mannequin.

On one hand, the ease with which this twist of tranvestism and of white-passing-for-black is accepted underscores the flexibility, malleability, and socially constructed and performed character of race and gender (Butler 1999, Kondo 1997). On the other hand, I believe this race-gender twist reveals something more pernicious. After all, what does it mean to have a white-

female mannequin dressed up like an African American lawman? How is it that visitors are so willing to suspend their disbelief and see a black man instead of a white woman when they look at this mannequin? Are a thick black moustache and a wide-brimmed hat all that it takes to change gender? Is this a projection of Bass Reeves as the ultimate historical antidote to rape hysteria? The mannequin says: “This law-abiding deputy would never rape white women.”

Thus, in obituary, in heroic legend, and in mannequin representation, the popular image of Bass Reeves’ African American identity is first attenuated, etiolated, and then articulated to whiteness (Hall 1997, Miron and Lewis 2000). In the final act of misrepresenting his race, we will note the appearance of the monument raised to him in Pendergraft Park at the foot of the Garrison Avenue Bridge in May 2012. The sculpture of Reeves does not immediately strike a resemblance to Reeves, nor does it appear to be phenotypically African American. It does however favor Harold Holden, the white sculptor. In these four examples, the mythic race of Bass Reeves functions to reinforce whiteness with post-racial ideologies of neoliberalism and colorblind racism. It also creates a narrative more readily digestible for the predominantly white audience consuming it as tourism in the frontier complex.

### Resistance

Not everyone in Fort Smith has bought into the mythical narrative of Bass Reeves. Public reception of the attention to Reeves and the arrival of the monument have been mixed. In the course of my fieldwork, I heard resentment toward it before, during, and after its raising. While local history enthusiasts warmed up to Art Burton, and to the promotion of the city and its frontier history that the monument was bringing, there was frequently an undertone to comments that the attention Reeves was being given was misplaced. Many people would point to the so-

called “Three Guardsman,” Bill Tilghman, Chris Madsen, and Heck Thomas as deputies more deserving of the attention. One person told me, “it’s just a brush fire. Art has everyone excited about Bass, but it will soon pass.”

More overt racial tones to these comments could be heard when the monument was within sight, traveling across the bridge into Fort Smith as a line from *Blazing Saddles*, “The Sheriff is a n-----,” was repeated under the breath of one individual in the awaiting crowd. In the weeks and months since the monument was dedicated, some have reported hearing other racist jokes about it, and still others are hostile to the monument calling it “racist” to go “out of the way to pay attention to him just because he was a black man.” One African American calls the monument a “white man’s statue.” I suggest these comments about the Reeves monument belie a broader racialized sentiments and tensions throughout the town.

### Bringing Bass Home

The manner in which the city of Fort Smith responds to racialized issues, and what mythic notions of race it embraces, was put on display in the fall of 2009. Baridi Nkokehli, as Director of Fort Smith Department of Sanitation (the same man who has portrayed Bass Reeves since 2007), and Andre Good, the only African-American city director, were embroiled in a very public sequence of articles triggered by Bill Maddox, a white city director (now retired from the board). Maddox told Nkokehli during a city director meeting that “you have one master and that is the City of Fort Smith. You are obligated to the city of Fort Smith” (author’s transcription from online video archive of the August 18, 2009 meeting, <http://www.fortsmithar.gov/boardofdirectors>). Maddox’s remark was made as he spoke against developing a sanitation contract with the nearby city of Van Buren.

After some discussion of the topic, Director Good interrupted the Mayor before moving to the next agenda item: “Actually, I’m. . . There is one other thing. Director of Sanitation, Baridi, is just the Director of Sanitation. He is the Director of one municipality, he doesn’t have one master . . . he’s got one municipality that he answers to. And I just wanted to say that.” After an outcry from a former city director to condemn the remarks, there ensued a series of articles in the local press working through this comment and assessing what should be done about it.

While the general public reaction to the comment was that Maddox “misspoke” and that “he’s just an old white guy who doesn’t know better,” I would argue that Nkoheli’s and Good’s responses illustrated Du Bois’ double consciousness (Du Bois 1986, Gilroy 1993, Reed 1997). Nkokheli said of Director Maddox’s remark and apology: “I told him it was not my default response to take offense, that I actually understood what he intended. Although I would have thought someone as intelligent as Director Maddox, living in a former Confederate state and addressing the city’s only black department head, would have been more aware of how the word ‘master’ would come across. . .The first thought in my mind was, ‘Did he just call me a slave?’” (Freeman 2009). Director Good responded, “I don’t think he owes the public an apology . . . but the constituents could demand it” (Freeman 2009). They each stated their offense through the veil of double consciousness and then unequivocally accepted Maddox’s apology. The matter appeared to be finished at that point.

A month later, Maddox reignited the furor when he distributed a racially inflammatory e-mail from one of his constituents at a city meeting where Nkokheli and Good were both present, setting off another month of articles. The e-mail defended Maddox’s previous “one master” comment:

You used the term ‘master’ in a manner that has been correct English for hundreds of years and if blacks take umbrage at it, they are revealing their ignorance of the language. Everyone who works for a salary or wage has a master! All salary/wage earners are modern-day slaves to the all mighty dollar (sic), so the blacks need to grow up and enter the 21st Century. I, for one, have never owned a slave nor do I want one. They are too expensive to maintain and machines do the job faster and better than they would. [The City Wire 2009b]

This time Maddox’s intentions were more closely scrutinized, but still no public officials condemned his actions let alone asked for his resignation. Maddox defended his actions thusly:

I was not raised up that way (racist). I didn’t go to school with them (blacks) until college. I served in the Army with them, and absolutely no [sic] ill feelings toward them. ...I hear people talk about the blacks in a derogatory way and I know white people and people of just about any color who are just as bad, you know, whatever they may say. So I do not have that feeling at all about the colored people, as I grew up knowing them, or with the blacks or Afro Americans, or whatever they want to be called today. [The City Wire 2009b]

Nkokheli and Good stated their offense to the act more forcefully this time, but were given virtually no support by elected officials or the community.

Quite tellingly, not only did Nkokheli and Good speak in the veiled language of double consciousness again, each also felt like they needed to attach a caveat to their reactions that because of them they should not be put in the “angry black man” category. Director Good apologetically stated, “the fact that Director Maddox made an unfortunate remark — one that even he regrets — does not make him a racist. Also, Director Maddox did not write the email he referenced at today’s [sic] study session. And the fact that I spoke out should not secure my place in the ‘angry black man’ category” (The City Wire 2009b). Nkokheli responded to the initial “one master” comment in a similar way: “I would hope it doesn’t put me in the light that suggests I have to be defended, or that my feelings were hurt, or that I’m an angry black man because I’m not” (Freeman 2009).

The reaction to this event by Good and Nkokheli, the city directors, and the local newspapers reveals contradictory, not to mention ironic, racial ideologies in Fort Smith. The



same Fort Smith that lauded and fawned over Baridi Nkokheli's efforts for reviving the memory of Bass Reeves, simultaneously allowed such racial insults to be publicly put upon him and Director Good. In the lived out social reality of Fort Smith, the mythic image of a subservient black man in a white world prevailed.

Furthermore, the *Times Record* and *The City Wire*<sup>14</sup> newspapers argued that such highly-charged public discourse on race needed to stop, not because it was morally reprehensible, but because it was bad for business. The *Times Record* ran an editorial in which it declared, "diversity training may or may not be the answer here, but something needs to be said or done to address both diversity and unity in the city. Right now Fort Smith doesn't look like the model city we need to be marketing if we want sustained economic development" (Times Record, 2009). *The City Wire* similarly stated, "there is no doubt that socio-economic success is more likely and broad in communities and metro areas that do the best job of squashing prejudice based on race, gender, sexual preference, disability and religion. If we don't have a solid public position against such lapses in judgment, we risk losing the types of creative and entrepreneurial minds that come from all categories of humans" (The City Wire 2009a). The consensus view by Fort Smith's leadership was to keep up proper appearances in order to prosper economically, despite underlying racism.

These responses to Maddox's inflammatory actions are reminiscent of the mentality embodied in the notion of the "New South." Historians such as C. Vann Woodward (1951) and W. J. Cash (1941) describe a rebranding of the "Old South," with all of its negative connotations of the Confederacy, to the "New South" which had allegedly turned over a new leaf shifting from agriculture to industry. The new economy, however looked much like the old as "the Southern factory almost invariably was: a plantation, essentially indistinguishable in

organization from the familiar plantation the cotton fields” (Cash 1941:205). Atlanta newspaperman Henry Grady coined the “New South” phrase as a call to action, as a new method for revisiting the Civil War and defeating the North (Cash 1941:188). Cash observes, “the New South meant and boasted of was mainly a South which would be new in this: that it would be so rich and powerful that it might rest serene in its ancient positions, forever impregnable” (Cash 1941:188). The citizen’s e-mail which Maddox distributed articulates this “New South” sentiment – agricultural slaves are too expensive, industrial machines can do the job more effectively, and blacks need to get over it.

This chapter has revealed that contemporary narratives of the “Old Wild West frontier” function as a mythic alibi which conceals the complexity of race relations and the systematic imposition of white civilization into Arkansas and Oklahoma. We have also seen how the “New South” ideology has been used in reaction to real and overt racism directed at a key person promoting the “Old West.” In Fort Smith, this “New South” has intersected with this mythic “Old West” to collude in silencing racism of both the past and the present.

Coincidentally, the Fort Smith Convention and Visitor’s Bureau’s tourist slogan for the city is “Fort Smith, Where the New South Meets the Old West” (<http://www.fortsmith.org>). The use of this slogan will be fully explored in chapters 7 and 8. For now, we will turn our attention to examining how mythic images of gender are deployed in the frontier complex to aggrandize exploits of male deputies and outlaws and to reinforce female domesticity.

## VI: MYTHIC GENDER

*It wasn't one aspect of society that was employed by the Marshal Service. We know for a fact that in addition to African American deputy marshals there were Native American marshals and there were some women employed by the Federal Court in various capacities. That, at a time when those things weren't happening in other segments of society, in other parts of the country, probably had a little bit to do with Fort Smith's location on the edge of Indian Territory, on the edge of this border situation. You know, this unsettled area is an area that needed some special people to go in there and be able to operate and do that kind of work.*

– A local historian speaking of “Equal Opportunity in the Old West”  
[200 Years of Grit, Hartman 2005]

*This is something you may not know, but Belle Starr attempted to assassinate Clayton at the Sebastian County Fair. Belle Starr was friends with Jesse James and the Younger's. She was outlawing and bootlegging. In the Starr gang she was the brains of the gang and would plan the robberies. When she was tried by Parker for stealing horses, Clayton did not call Belle Starr to the stand because she was too smart, but Sam Starr was dumb and he could confound him. Well, Fort Smith is known as Hell on the Border because of the terrible prison conditions so Parker looked for a more humane place to send them. Belle Starr served nine months at the Detroit House of corrections and then immediately went back to her old ways. She was almost as feared as Jesse James! Men feared her. She shot first and asked questions later. When she was shot dead, people were not upset about her death. The townspeople could have cared less.*

–Introduction to a skit about Belle Starr's trial performed in honor of the birthday of Prosecuting Attorney William Henry Harrison Clayton

### Gender Complex

The mythology of the Fort Smith frontier complex is highly gendered. The two main figures featured in Chapter 4, Mythic Justice and Chapter 5, Mythic Race – Judge Isaac Parker and Deputy Bass Reeves – are both held up as models of righteousness men, models of “what to do.” They are presented as role models of the highest ethical order to be emulated. As we have just seen in the previous two chapters, the historical facts of these figures do not necessarily square with that cultural memory portrait. Furthermore, virtually all the figures featured at the National Historic Site and the Fort Smith Museum of History for the 19<sup>th</sup> century are men,

namely deputies and outlaws. Similarly, the bulk of the reenactment groups in Fort Smith emphasize the role that men allegedly played in the 19<sup>th</sup> century.

In contrast, the principle women discussed in the frontier complex, Laura Zeigler and Belle Starr, are held up as models of “what not to do,” as models of immoral, decadent, reproachable behavior. “Miss Laura” ran a brothel, and she and her “girls” are playfully talked about in Fort Smith as the “colorful” side of the frontier. Belle Starr is held up as a wild, sex-crazed, Amazon bandit queen who met a brutal end (Shirley 1990). The fact that otherwise “respectable” men were clients at the brothels in Fort Smith is made to be part of the “joke” in the mythic narrative. This chapter will argue that Zeigler and Starr are used in the frontier complex, just as we have seen with Parker and Reeves, as mythic alibis to: disguise the exploits of white men in the frontier; to reinforce female domesticity; and to conceal the facts that men were flocking to Oklahoma Territory for easy divorces; and that soldiers stationed next to Fort Smith at Camp Chaffee from 1941-61 were frequenting brothels downtown.

This chapter will examine gender as a malleable social construct, bent by historical context and ideology to suit social purposes and otherwise poetically performed by individuals for motives ranging from capitulation to subversion of the social structure (Bederman 1995, Butler 1999, Herzfeld 1985, Frankenberg 1993, Foucault 1978, Gilmore 1990, Kimmel 1996, Kondo 1990, Morris 1995, Mouffe 1992, Scott 1988). Following Judith Butler, “gender ought not to be construed as a stable identity or locus of agency from which various acts follow; rather, gender is an identity tenuously constituted in time, instituted in an exterior space through a *stylized repetition of acts*” (Butler 1999:179). First, we will examine how male deputies and outlaws are routinely portrayed in the frontier complex and then turn our attention to how

women are formulaically represented. In each case, historical facts will be compared to the cultural memory in order to illuminate what the alibis of these gender myths selectively omit.

Finally, this chapter will synthesize chapters 3 through 5 (those which focus on myth) into this chapter to explain how part of this dissertation's title, "embedding race and gender in the frontier," is equivalent to imposing whiteness, manliness, and civilization onto this space (Bederman 1995). We have already seen above how civilization is equated with whiteness in the Fort Smith frontier complex narrative by the federal fort and court taking "civilization to the savages," the erection of the "First White Child" monument, the disenfranchisement of African Americans in the Territories, and the marital assimilation of Indians into the family of United States statehood.

Gail Bederman's *Manliness and Civilization: a cultural history of gender and race in the United States, 1880-1917* (1995), details how the evolutionary development toward "civilization" in the 19<sup>th</sup> century was also synonymous with "manliness." The 1893 Columbian Exposition demonstrated this uni-linear notion of progress on with "authentic live savages" (Raibmon 2005:36) while Fredrick Jackson Turner delivered his "frontier thesis" paper there. This context, it will be argued, is the basis for the mythology of the Fort Smith frontier complex. We will now turn our attention to representations of "manliness" and "womanliness" found in the Fort Smith frontier complex.

### It Took Brave Men

*It Took Brave Men*, (Paskowsky 2000a) is another video shown to tourists at the Fort Smith National Historic Site. This video runs on a continuous loop on the second floor of the 1888 reform jail exhibit and it is also available on the Historic Site's Youtube channel

(<http://www.youtube.com/FortSmithNHS>). The video will be analyzed as was its companion video, *Peacekeeper of Indian Territory* (Paskowsky 2000b) in chapters 3 and 4. The mythical imagery of deputies and outlaws is neatly laced over the mythic frontier justice of Judge Parker.

The video begins with a dramatic introduction to the frontier which squarely locates the courage and bravery of the men who served as deputies, in the mythic frontier justice of Judge Parker:

*The western edge of Arkansas.*

*The border of the United States and Indian Territory.*

*The seat of the federal court for the Western District of Arkansas, Judge Isaac C. Parker presiding.*

*Having jurisdiction over Indian Territory, the court sees some of the most wicked, nasty, and despicable characters of the West. The court records chronicle their deeds - assault, larceny, theft, rape, manslaughter, and murder. The warrants issued by the court initiate the long arduous process of serving justice. [Paskowsky 2000a]*

The exaggerated size of Parker's jurisdiction is then cited as evidence of the difficult task faced by the deputies: "*Unlike their invincible counterparts in Hollywood, these real law men had the perilous task of enforcing federal law in Indian Territory. They patrolled the vast area stretching beyond the wide Arkansas River*" (Paskowsky 2000a). The narrator's voice slows down to stretch out the word "vast" and then draws the word "wide" out even further to convey to the viewer just how impossibly huge the jurisdiction was, and by association just how tenacious the deputies had to be to venture there.

The danger of the jurisdiction is repeatedly emphasized. We learn that "*the U.S. Attorney General estimated in 1888 that of the twenty thousand white persons residing in Indian Territory, only five thousand are law abiding. Out of every eleven men convicted in Parker's court, seven are white, three are black, and one is Indian. Packs of outlaws roam freely*"

(Paskowsky 2000a). The video develops a scene of three outlaws approaching an Indian farm, harassing the wife, and stealing horses from the husband. But then something happens, Judge Parker arrives in Fort Smith and “*what had seemed an outlaw paradise slowly begins to change. Ranging out of Fort Smith, a stalwart force of deputy U.S. marshals ride in the line of duty.*” The video depicts deputies arriving at the scene and then tracking the horse thieves. Their “manliness” is lauded: “*There is a stoic toughness about them. As if cut from the same mold, they accept this hard life on the edge. They are noted for determination on the trail.*” Then a recollection from a retired deputy is inserted to legitimate the unfolding story. Sam Lawrence declares, “*dress up the stories of those early days all you like, add anything hair-raising that you may think of, and still, you will not over-exaggerate them. The outlaws we dealt with, knew neither fear, nor honor. We realize that we rode with our lives in our hands all the time, and we lived and thrived on the excitement*” (Paskowsky 2000a).

This characterization of the Judge Parker era and “his” deputies and of Indian Territory and its outlaws is the standard depiction found in the Fort Smith frontier complex. Another point frequently reinforced is how many deputies died in proximity to Fort Smith. In the video, we hear that “*the cost of policing territory is high. At least sixty five deputy U.S. marshals are killed in the line of duty during Parker’s twenty one year tenure on the bench. Time and again, new men of courage and self reliance must be recruited for this dangerous job.*” There is no question of their manliness and how it contributed to justice to the frontier. Judge Parker’s validates this with the words: “*Without these men, I could not hold court a single day.*”

This is the mythic memory of U.S. deputy marshals in Indian Territory. I do not take issue with the claim that it was a dangerous place and time. However, a close examination of the historical record reveals that not all the men were “brave and true” and that some of them may

have died due to incompetence and nefarious plots from within rather than from dastardly outlaws. Historian Jeffrey Burton (1995) suggests that what was going on in Indian Territory, and the character of the deputies, was far more complex than what is heard in the frontier complex.

Burton analyzed the reports of Samuel Galpin, a clerk from the Office of Indian Affairs, who viewed the action from Indian Territory. From his vantage point, Galpin paints a very different image. Of the deputies he says, “many of them... appear to devote their whole attention and arbitrary power to the arrest and lodgement in Fort Smith of any person, white man or Indian, who is charged, often by perjury, with a petty and technical violation of the Internal Revenue laws, they are no terror to evil-doers or protection to the law-abiding citizen, and are the least valuable members of the body politic” (Burton, J. 1995:63). Serving a writ on the more dangerous outlaws required a larger posse to assist. However, “by working, instead, in ones and twos, the officers might make many more arrests, but they would go in greater hazard of their lives – or be tempted to let the most desperate criminals escape” (Burton. J. 1995:65).

Brave as they may have been, if they were not getting paid and supported properly the deputies inclined toward easier quarry. Motives for becoming a deputy surely varied, but fundamentally it was a job. As such, “by cutting expenses, an enterprising marshal could make large amounts of money under this system. But his profit depended on him bringing in prisoners, and he sometimes did not bother to consider whether or not he had jurisdiction in a case” (Littlefield 1971:78). Profit motive, not supreme justice, was a key variable in the calculus of serving writs.

Galpin ends his report with a point that is at times laughingly cited in the frontier complex. Of the deputies, “some of the present officers of justice, clothed with the full authority



and majesty of the law, are well known as formerly horse thieves” (Burton, J. 1995:63). On one hand, the deputies are uniformly presented as brave and courageous and on the other hand, the fact that several of them crossed back and forth between the categories of lawman and outlaw can be cited in the frontier complex as just another example of the “wild and wooly” nature of Indian Territory.

Ultimately, Burton concludes of the Parker court that its “difficulties were insuperable: it had too much to do, in too large a territory, through officers of variable character and quality, upon too slender a body of cohesive criminal law, and against too much economic and constitutional constraint” (Burton, J. 1995:65). In other words, criminality and lawlessness were inevitable. At worst, Parker’s refusal to appoint commissioners farther out of Fort Smith into Indian Territory compounded these issues and made the deputy’s work more dangerous than necessary. At best, the federal court in Fort Smith was holding a plug in the dam preventing an outright deluge of white intrusion into the Territories. The narratives of mythic justice and mythic gender blend here to conceal this fact.

The “Goingsnake incident” in which eight deputies were killed happened a few years before Parker’s arrival in 1872, but is routinely cited as proof of the danger that Indian Territory presented. There are many different version of this story, but the gist of it is that Zeke Proctor, a Cherokee, was on trial for killing an Indian woman who was married to a white man. Proctor turned himself in and was on trial for this murder by the Cherokee court system. The widower, James Kesterson, traveled to Fort Smith and acquired deputies to attend Proctor’s trial to arrest him in the event that he was acquitted by the Indian court, jurisdiction rights aside.

The arrival of the deputies and posse at the courthouse precipitated the shootout before the trial even began (Burton, A. 1991a:123). The Cherokee justice system was not allowed to

run its course without interruption. Though we can never know if a more subtle, tactful approach to this situation would have been less fatal, the complexity of the facts of the case are seldom developed in the frontier complex, but that eight deputies were killed at one time is repeatedly cited as evidence of the Arkansas-Oklahoma borderland as a dangerous domain.

In 2005, the city of Fort Smith made a bid for being chosen as the location for a brand new United States Deputy Marshal Museum. As a part of that process, a video was constructed touting the reasons Fort Smith should be chosen: *U.S. Deputy Marshals: 200 Years of Grit* (Hartman 2005). In that video, we learn that “starting in 1871, Fort Smith was the Granddaddy of all marshal service. There was [sic] more marshals here spread out over a larger part of the country, more people brought in, more marshals killed in the line of duty” (Hartman 2005). Then Governor Mike Huckabee provides a promotional spot in it and directly likens the deputies serving in Fort Smith to Rooster Cogburn from *True Grit*, as a clip of Cogburn bringing a prisoner in to Fort Smith plays over his words. We are told by the Governor, “Rooster Cogburn always got his man, as did those who rode for Judge Isaac C. Parker. More than 100 deputy U.S. marshals died in the line of duty between 1871-96 a majority of whom are buried within fifty miles of Fort Smith” (Hartman 2005). The photo of Ned Christie’s dead body, forced to hold his rifle in death, strapped to a door on the steps of Judge Parker’s old courtroom, and flanked by deputy marshals, is then shown without any explanation as evidence of how violent and dangerous Indian Territory was for the deputies. The governor concludes, “in Fort Smith Arkansas the gallant men and women who brought law and order to the old west helped change the landscape of our great nation.”

The mythic gendered alibi of justice says “deputies died because they were brave and because Indian Territory was so dangerous,” not because they were incompetent or looking for

trouble. These gendered images of male deputies and outlaws are highly essentialized and leave little room for variation in how men are thought to have performed gender in the 19<sup>th</sup> century. Regardless, we will see how this essentialized nature is cleaved to in contemporary reenactments of this time period in the next chapter, but for now we will examine how women are portrayed in the frontier complex.

### It Took Loose Women

We are told by a local historian in *200 Years of Grit* (Hartman 2005) that Fort Smith in the late 19<sup>th</sup> century was a place of “equal opportunity employment.” It is stated that the nature of the frontier environment made the rule of employment somehow different here than in the rest of the country. With that in mind, we can look at what roles women are depicted in. While it took “brave men” taking “peace and civilization” into Indian Territory, the frontier complex maintains that the “Wild West” spilled into Fort Smith and lined Garrison Avenue with prostitutes and taverns. Claims of bars and brothels lining downtown Fort Smith are legion and used today as evidence that Fort Smith was the border between savagery and civilization. Women are essentialized as either good wives and home makers or some extreme deviation from heterosexual normativity such as prostitutes or wild women. For example, at a presentation given at the National Historic Site by members of the United Daughters of the Confederacy in 2012 concerning women’s clothing from the 19<sup>th</sup> century, the audience was told quite matter-of-factly that “when a woman was widowed she could either learn to make hats or become a prostitute.”<sup>15</sup>

The theme of prostitutes from the Wild West is featured in the frontier complex with near equal prominence to Judge Parker’s gallows. Recall from the opening vignette in chapter one

that “Miss Laura’s” and Judge Parker’s histories are comingled by having a miniature gallows overseen by a portrait of Parker in the restored brothel. The official Fort Smith Visitor’s Center is housed in “Miss Laura’s,” a 19<sup>th</sup> century “Victorian home” which allegedly functioned as a brothel at the turn of the 20th century. The building was put on the National Register of Historic Places in 1973, restored in 1983 and has served as the official Visitor’s Center since 1992 (Radcliff 2011). As the visitor’s center, it provides free maps and brochures about the areas attractions, and tours of the brothel. In 2012, 12,718 visitors to Miss Laura’s signed the register.

For the past 20 years, women have been dressing in costume to portray the more “colorful” side of the frontier complex for tourists. Tourist literature in Fort Smith describes “the row” of brothels from Miss Laura’s day as “pleasure palaces,” and the brochure for Miss Laura’s, “The Hello Bordello,” coyly teases, “Our Brothel Still Takes Care of Visitors!” Tour guides at Miss Laura’s routinely tell visitors that “Miss Laura’s girls had it pretty good. They got three dollars instead of one, like at the other houses on the row.” Guests are enthusiastically told that “Miss Laura encouraged her girls to go see the theater [sic] when it was showing in town.” The fact that this was most likely a way to advertise for business is not mentioned. Rather, the “good-life” that prostitutes had in the establishment is emphasized.

The brochure for Miss Laura’s begins by sharing some background “history.” The first line locates Miss Laura’s squarely in the mythic frontier: “At the turn of the century, Fort Smith, Arkansas was a raucous border town perched on the edge of a yet untamed Oklahoma, which was known then as Indian Territory.” Oklahoma is described as “untamed” despite the fact that by the early 1900s, there was no part of it that had not been “civilized” by railroads and federal courts. The brochure narrative then taps into the mythic character of the kind of people entering the Territories: “Cowboys, outlaws, outcasts, as well as God-fearing pioneers, all streamed

through this wild little city. Each sought different adventures, different pleasures. An eager-to-please Fort Smith accommodated all requests.”

In the frontier complex, prostitution is never depicted as a demeaning or dangerous line of work for women. No mention is made of syphilis, violence against women, suicide, destitution, unsafe abortion, shame, or women’s displacement from their homes and communities. The Miss Laura’s brochure touts that “houses of ill fame catered to one of many vices that were practiced, and enjoyed, openly.” The “fun” of 19<sup>th</sup> century prostitution is evidenced by the kitschy items that tourists can consume at Miss Laura’s such as red garter belts, or replica tokens. On the tour of Miss Laura’s, you learn that the women used these tokens instead of money so their customers could not rob them nor the girls rob Miss Laura. I was informed by tour guides on several occasions that “replica tokens are especially popular around Christmas time for wives to put in their husbands stockings.”

In the gift shop “parlor,” there are several photos of women hanging on the wall. The tour guides point out that “these photos were found in the attic, but we do not know for certain if they were all Miss Laura’s girls.” In one photo, a young woman in a short dress stands on a swing as two older men pose in front of it for the picture. In another photo, a woman in full-length dress with sleeves down to the wrists stands holding a tree branch. Still another image has five women sharing a swing smiling and laughing. In one picture, three women wear short skirts, sun bonnets and shade themselves with a parasol. They lie on a hillside posed interlaced with each other in coquettish fashion. Their shoes are fastened by straps that crisscross up to their knees. On one tour, a married couple visiting from Chicago was taking in these photos when the wife pointed at the shoes and gleefully declared, “Oh, look at those cute shoes! Aren’t they just soooo cute!”

At the end of each tour, women are presented with replica “Certificates of Clean Health,” while men are given tin deputy badges that have “Live the History” printed on them. You learn on the tour that “Miss Laura’s girls had monthly health inspections and had to pass them in order to work.” Michel Foucault’s observations on surveillance and disciplining of underclass (women’s) bodies through medicalization (1978, 1977) are not only illustrated in the historical context of prostitution in Fort Smith, but are also played out on the tour itself, as men are given badges of authority and women subjected to the states certification. “Inmate House of Prostitution” is stamped across the certificate. When I inquired what that meant, I was told that “the women were inmates. They were not free to just go around town whenever or wherever they wanted – they might run into one of their customers on the sidewalk with his wife, and that just wouldn’t do.” But still, “Miss Laura’s girls had it pretty good.”

The adulterous behavior of the man in the story is not questioned, while the sequestered and behaved manners of the inmates is reinforced. This is heard on tours repeatedly and seen in the brochure that brags Miss Laura’s “ladies were known to be the most refined and the healthiest of Fort Smith’s ‘daughters of joy’”. Miss Laura herself was a poised and attractive lady who was known to have occasionally confronted a rowdy customer with a loaded .45.” The image projected is that Miss Laura’s was a “respectable” place and full of good times. It was:

. . . filled with song, dance, gambling, and, of course, other pleasures. During a good business month, champagne was chilled in an upstairs bathtub and served at no charge to appreciative customers. Fort Smith’s first player piano banged out popular tunes there while patrons of all classes mingled with the ladies. Many prominent local figures also were known to frequent the flourishing bordello, and Miss Laura reaped the profits.<sup>16</sup>

The key elements of “champagne in the tub” and the “player piano” were worked into every one of the over ten tours that I have taken over the course of my fieldwork. Everyone, including the prostitutes, is presented as having an “enjoyable,” “pleasurable,” and profitable time.

The fact that Laura Zeigler paid off her bank note on the building within two years is never skipped, and it is also claimed in the brochure and on the tours that Zeigler turned a handsome profit on the sale of it in 1911 for \$47,000. Research has revealed however, that the actual figure on the title of sale was substantially less, \$5,450 (Boulden 1994, and e-mail to author April 17, 2013). The cumulative effect of repeating these mythic elements is that structural gender inequalities are elided, and neoliberal gender ideologies are reinforced with the “success” of the individual female entrepreneur’s capitalist venture.

Miss Laura’s was the featured cover story in the August 2012 issue of *2NJOY* magazine. In the article, the former brothel is contextualized in the “Wild West” on the edge of “Indian Territory” which was full of violence and “bandits” (Collins 2012:25). The “champagne in the tub” is mentioned and that “Miss Laura’s ‘girls’ were well trained – never seen on the first floor unless fully clothed.” We are told that “rather than permitting the girls to walk the streets and shop, merchants brought goods to the house for them to purchase.” On the occasions they went to the theater, “they sat in the balcony as targets for hostile stares from wives seated below; I imagine many men slouched down and stayed face forward in their seats” (Collins 2012:25). On tours of the bordello, which is “still furnished much as it would have been on its busiest evening,” one hears “a delightful story of the early days of the frontier.” As the “delightful” frontier drew to a close so too, goes the narrative, did the good times at Miss Laura’s.

The story of Miss Laura’s in the cultural memory of the frontier complex begins to fade shortly after 1910. By then “the golden days had passed” and the “community had tired of the frontier permissiveness,” we read in the Visitor’s Center brochure. In 1911, Laura Zeigler sold her business to Bertha Gale Dean who operated the hotel until she died in 1948. But during the time Dean owned it, “business slowed and the neighborhood declined to slum status” and “the

property became an informal haven for drifters, drunks and gamblers.” This important shift in the story line leads us to believe that prostitution was curtailed soon after 1910 and was a behavior that was contained within the frontier era, not something that lingered into the 20<sup>th</sup> century, let alone the 21<sup>st</sup>.

The character of “Miss Laura” was invented by Carolyn Joyce in 1992 for marketing Fort Smith’s frontier past (Collins 2012:25). After more than twenty years of performing the character, she playfully quips, “Miss Laura’s story has not changed from 1903 to today. Miss Laura has always taught us that ‘it’s a business doin’ pleasure with ya!’” (Collins 2012:28). The performance aspect of this will be addressed in the next chapter and the use of “Miss Laura” for tourism will be fully developed in the final chapter. Right now we will focus on comparing this mythical projection of highly gendered behavior into the frontier complex, with historical facts about prostitution in Fort Smith.

Though Laura Zeigler originally opened her hotel in 1903, “Miss Laura’s girls” are routinely depicted contiguous to the late 19<sup>th</sup> century Parker era. In some skits, Judge Parker is actually put in the same time frame, though he died in 1896. In the frontier complex, decades of difference are conflated to project a unified myth of the wild western frontier. Just as in the cases of Judge Parker and Bass Reeves, I do not doubt the veracity of every detail of their stories, but some are clearly mythic. Fort Smith was indeed the home to much prostitution. Unlike the cases of Parker and Reeves where I believe their exploits are exaggerated beyond historical fact, in the case of Laura Zeigler, and as we will see too, with Belle Starr, her mythic alibi actually minimizes and conceals an even greater and longer running business of prostitution in Fort Smith. The alibi of “Miss Laura” says, “prostitution was confined to the frontier time frame and



as soon as the frontier ended, so too did prostitution.” In fact, it may have been just getting started at frontier’s close.

Fort Smith clearly has a checkered and corrupt past when it comes to prostitution. In April 1895, for example, the Chief of Police was caught using city money to purchase items including a stove, wallpaper and paint for a so-called “bawdy house.” Chief Henry Surratt resigned in apparent embarrassment but the city council turned immediately around and reinstated him (Russell 1981). A survey of the Fort Smith City Police Docket<sup>17</sup> from 1895 revealed that at the start of every month, 20-30 women were found guilty of “inmate of a house of ill favor,” charged five dollars, then released until the start of the next month when they would be brought in again to collect the same fine from them. In 1904, 51 women were arrested and found guilty on May 4. Among the names listed in the police docket were Laura Zeigler (spelled Zegeler in the docket) and Bertha Gale Dean. Their names recurred in the docket for several years before and after the opening of “Miss Laura’s.”

What is usually excluded from the narrative of the frontier complex is that Fort Smith experimented with legalized prostitution between 1907 and 1924 (Boulden 2000:86). After 1907, the city made virtually the same amount of money as from the fines collected at the start of each month when prostitution was illegal. Individual women had to pay for their certificate of clean health, referenced above, and “similarly, all keepers of the houses of prostitution were required to purchase licenses for engaging in prostitution within the district. Both of these groups made monthly payments to the city of the exact same amounts that they had been paying monthly in the way of fines” (Boulden 2000:86).

The ordinance legalizing prostitution in 1907 read: “All prostitution in the City of Fort Smith, Arkansas, shall be confined to the district embraced between North 'C' Street on the

North; the alley in Blocks No.s 2 and 3, City of Fort Smith, on the East; North 'A' Street on the South; and Arkansas River on the West, and there only" (Boulden 2000:86). This neighborhood is essentially the first few blocks on the immediate northwestern side of Garrison Avenue, literally one block from Isaac Parker's old courtroom. Ben Boulden, who has written extensively for the local newspaper on the history of Fort Smith, notes that "the most significant innovation was the introduction of the bimonthly health inspections by a city health officer. According to the ordinance he was to inspect both inmates and keepers and to revoke their licenses if they were found to be sick and to withhold their licenses until they were restored to health" (2000:86). In effect the city functioned as a pimp.

The law was revoked in 1921, "amidst a wave of law-and-order vigilantism and the resurgence of the Ku Klux Klan statewide and locally in the 1920s, the city board of commissioners acted to repeal the 1907 ordinance. With sweeping words, the new city law established a fine of \$25 to \$100 for use of any place or thing for 'illicit sexual intercourse, fornication or adultery, or as a place of assignation'" (Boulden 2000:86). Obviously, this did not bring prostitution to an end in Fort Smith, and I suggest its peak had not yet been reached.

Bertha Gale Dean's (formerly Laura Zeigler's) brothel continued to function into the 1950s where "the occupation of the roomers did not change, but the auspices under which they operated did" (Dishner 2000b:86). Local history and personal interviews attest to at least five different motels in downtown Fort Smith which effectively functioned as known brothels up until the late 1970's: The Como, The Palace, The Saint Charles, The Ozark, and The Rex Rooms. None of these are mentioned in the frontier complex and are muted from the city's history in general. In addition there are widespread oral accounts of prostitution and gambling in Moffett, Oklahoma during this time frame. Moffett is literally just across the bridge from

downtown Fort Smith. Today it consists of very few residences and a few very large, well supplied junk yards. But, ask virtually anyone who's lived in Fort Smith more than forty years and they will tell you that: "Back in the day all military personnel were banned from entering Moffett," and that the town was "full of dangerous establishments replete with drinking, gambling, and whoring." To date I have found no written record of these events despite the preponderance of tall-tales that abound about it in Fort Smith.

In these legends of Moffett lies the clue to the flourishing prostitution in Fort Smith proper: military personnel stationed at Camp Chaffee, located adjacent to the eastern border of Fort Smith. This connection was directly stated in the *Southwest Times Record*, the primary Fort Smith newspaper. In sequence we learn that, "'The Row,' along with surrounding saloons and boarding houses, was torn down in the 1920s to make room for a growing furniture industry. Yet, Bertha Gale's rooming house survived the wrecking crew and business continued as usual, right up to and through the next heyday for prostitution, when Camp Chaffee was opened in the 1940s" (Dishner 2000b:86). The claims of Moffett's wildness deflects the cultural memory away from Fort Smith, away from the fact that men stationed at Camp Chaffee from 1941-61 frequently paid for sex in downtown Fort Smith.

Another article that directly connects prostitution in Fort Smith to the military presence at Camp Chafee is entitled, "End of war brought last hurrah to Bordello Row" (Dishner 2000a:169). It is openly stated that, "the jewel of Bordello Row, known today as Miss Laura's, had one last flourish of vigorous business during the 1940s when Camp Chaffee became the training center for thousands of soldiers being inducted into the U.S. Army. Garrison Avenue was flooded with soldiers looking for a good time whenever they could get a pass to come into town, and Bertha's Place once again became a place for a good time" (Dishner 2000a:169).

Evidence that this may have been the peak of prostitution in Fort Smith comes from an article specifically about the impact of World War II on Arkansas families (Smith 1980). C. Calvin Smith reveals that a near syphilis epidemic broke out at this time. He tells us that “in Fort Smith, the growth in re-reported cases was so alarming that Circuit Judge Sam Woods called for a grand jury investigation” (Smith 1980:23). Moreover, we learn the sordid detail that “of the total number of cases there were more girls in the 14-year-old bracket than any other. The ‘Victory Girls’ – those young girls who performed ‘patriotic’ sexual favors for men in uniform – had arrived in Arkansas” (Smith 1980:23). The power of the mythic narrative of, “Miss Laura’s girls had it pretty good” conceals all of this.

From the above, I believe we can minimally conclude that prostitution is not fun or safe and that if women could have found a better line of work, they most likely would have. There are a few newspaper accounts from “Miss Laura’s”-era of prostitutes committing suicide but these are not spoken of in the frontier complex. Distinguishing the facts of prostitution from the mythic gender projections of “Miss Laura’s girls” is quite easy, but very rarely heard in the frontier complex, with one notable exception. A former employee of the Fort Smith Visitor and Convention Bureau told me, “Miss Laura's is all about marketing. Many facts of prostitution are not exactly ‘family friendly.’ When they moved Miss Laura's they found fetus bones in the walls.” The actual building was moved about sixty feet when it was remodeled for the Visitor’s Center. While the claim of finding “fetus bones” may be as suspect as “Miss Laura’s girls having fun,” this reference to a consequence of the sex industry was a rare moment of candor about the ugly nature upon which Fort Smith has built its tourism industry.

The myth of Miss Laura’s attempts to sequester prostitution in a distant time and place. It would like to convince us that prostitution has been left in the past. Not only was prostitution

stimulated during Camp Chafee's heyday, but the Fort Smith Police Department still regularly makes arrests for it. In January 2013, for example, a former city director was caught in a sting for soliciting prostitution online at Backpage.com, and a local hotel was busted for renting rooms by the hour for selling sex (Staff, Times Record 2013). The outlandish nature in which 19<sup>th</sup> century prostitution is playfully discussed in the frontier complex becomes apparent when contextualized in its contemporary surroundings. Two establishments catering to the sex industry have operated within very short distances to Miss Laura's. The Cheyenne Gentlemen's Club, a strip club, is five minutes down the road and Pleasures by Kasey, a sex toy shop with pole dancing classes was located in the 500 block of Garrison Avenue. I conducted very brief fieldwork in both of these establishments in order to bring some basic perspective to the otherwise lighthearted treatment of prostitution in the frontier complex.

The Cheyenne Gentlemen's Club is euphemistically referred to as the "Oklahoma Ballet" in Fort Smith, and is jokingly known as such by many people. The venue is one big wide open room with a bar along one side, a large stage with a stripper pole along the front wall, and a second pole and stage on the other side. Near this second stage is an entrance to the "VIP Room," to which you can gain access with one of the employed "dancers" by "buying her" a \$35 drink. In my one visit to the Cheyenne, I tried my best to sit inconspicuously along a wall and observe the entire scene. There were at least 15-20 employed women working the room. It was early in the evening before the bars in downtown Fort Smith had closed, so the place was only about half full, 75-80 men. Many of the patrons had strippers at their tables while others were watching the dancer on the stage; all seemed to be in their own internalized world. Several women led men into the VIP room. Nudity, sexual touching, and mimicked sex were on full display.

As I sat there taking in what I found to be a horrific scene, the phrase “Miss Laura’s girls had it pretty good,” began to ring in my ears. With that pithy quip juxtaposed to the events transpiring in front of me, my stomach turned in revolt at the romanticized narrative at “Miss Laura’s,” as much as at the scene at the Cheyenne. I wondered to myself how today’s visitors to Miss Laura’s would feel at the Cheyenne. Would they find their outfits “just so cute?” Though less than five minutes from Judge Parker’s courtroom, the Cheyenne Gentlemen’s Club is “othered.” It is in a contemporary “Indian Territory” where Fort Smithians go for strip clubs and gambling – the Choctaw Casino and the Cherokee Casino are adjacent to the Fort Smith-Oklahoma border.

Pleasures by Kasey was an adult oriented store with a pole dancing studio. It had been in Fort Smith for a few years but when it moved to Garrison Avenue in March 2012, it caused a minor uproar, including the city board reviewing its policies of sexually-oriented businesses. In the end, it was found that Pleasures by Kasey was not a sexually-oriented business because less than ten percent of its merchandise was directly sexually oriented (Mitchell 2012; Staff, The City Wire 2012). The few times I entered the store there were no other customers and little merchandise to browse.

The storefront operated for about six months, but then closed and now only pole dancing classes are held there. Though a minor flap to be sure, this incident revealed that while Fort Smith can build its tourism industry around making light of women who engaged in prostitution in the past and declare, “it’s a business doin’ pleasure with ya!” efforts to provide people with pleasure today, were not found so “colorful.” Women giving men pleasure in the past is romanticized, while women giving themselves pleasure in the present is vilified. As we take up the case of Belle Starr, we will see this rule applies even in the past.

## Belle Starr Femme Fatale

A cursory glance at the literature on Myra Maybelle Shirley, a.k.a. Belle Starr, gleans her long list of dramatic titles. She was: “The Bandit Queen,” “Queen of the Outlaws,” “The Female Jesse James,” “The Petticoat Terror of the Plains,” “A Cleopatra,” “Braver than Joan of Arc,” “The Dashing Female Highwayman,” “A Daring Amazon,” “the Prairie Amazon,” “King Philip,” “Tecumseh,” “Powhatan,” “Sitting Bull,” and “Geronnyomo!!” [sic] just to name a few (Shirley 1990). From these labels, she was attributed with possessing “superior intelligence,” being “excessively erotic, [but] weak in maternal feeling, astute, audacious, resembling of the sterner sex, having an excessive desire for revenge, cunning, cruelty, love of dress, and untruthfulness, ...extraordinary wickedness...” (Shirley 1990:10), and deriving “wild pleasure of the chase” (Shirley 1990:14).

It is said that the name Belle Starr “struck terror to the hearts of the timid and caused brave men to buckle an extra holster about their loins before setting out through the territory of her operations. Men “could not resist Belle.” For example, a man named “Middleton had loved Bella [from the time] he had first laid eyes on her, and determined to win her if it were in his power” (Shirley 1990:180). As one speculator put it: “To sum up her character in one trite paragraph, I will simply state that Belle was a maroon Diana in the chase, a Venus in beauty, a Minerva in wisdom, a thief, a robber, a murderer and a generous friend” (Shirley 1990:18).

Reflecting on this list of labels and characteristics of the person originally known as Myra Maybelle Shirley, it is clear that we have left the domain of not only historical fact also of ordinary language and have entered the domain of myth. The historical veracity of these tall tales has been debunked by Glenn Shirley in *Belle Starr and Her Times* (1990) who separated the historical wheat from the mythical chaff. For example, he observes that at the time of her death,

to most, “the woman’s name meant nothing. The *Vinita Chieftan*, gave her ambush murder only a paragraph” (Shirley 1990:3). Rather, the entire dramatic story behind her was fabricated via the network of Richard K. Fox who ran the *National Police Gazette* out of New York as well a lucrative business in dime novels. Fox “perceived Belle Starr as a circulation builder and dispatched Alton B. Meyers...to Fort Smith (Shirley 1990:4-5).

From there the legend of Belle Starr was born and perpetuated as subsequent authors elaborated on the initial fiction (Booker 2010, Roscoe 2004, Rau 2001, Steel 1989). The fact that the wild stories of her are known to be fiction makes the rapacious energy with which they are told, such as in the opening vignette of this chapter, all the more fascinating. Such hyperbole so readily consumed by the popular imagination and firmly embedded in the cultural memory demands academic attention. The only question that must be asked about Belle Starr is: why? Why must she be described in such exaggerated terms? These wild claims were fabricated for a reason and they still resonate today for a reason. It is my contention that the story of Belle Starr is another mythic alibi (Barthes 1972 [1957]:109). In the case of Belle Starr, I suggest the alibi goes something like, “I wasn’t an intelligent, free-thinking woman in the late 19<sup>th</sup> century. I was a gun toting, sex-crazed wild woman. That’s why I was gunned down so violently.”

To see what the myth surrounding Belle Starr is covering up it is useful to look at what historical facts we do know about her. We know she was born and raised in Carthage, Missouri, and was well educated. At the Carthage school, “Myra Shirley was one of the first to master its curriculum of reading, spelling, grammar, arithmetic, deportment, Greek, Latin, Hebrew, and music, and she learned to play the piano” (Shirley 1990:39). We also know that she was arrested twice for horse theft, went before Judge Parker both times, was found guilty one of those times and spent six months in the Detroit House of Corrections. We know that she had a series of



husbands who had a habit of breaking the law. Clearly, she did not associate with the most genteel of men.

On February 3, 1889, while riding her horse side-saddle near the Canadian River, she was shot in the back with large buck shot from a shot gun and then again with smaller shot on the side of her face and neck, and subsequently died from these wounds (Shirley 1990:234-236). None of these basic facts fully explain the manner in which the character of Belle Starr is so wildly exaggerated after her death. There is more here than meets the eye and far more than meets the historical facts of the matter. To get to the bottom of this, we need to travel from Younger's Bend, near Eufaula, in the Choctaw Nation, to ancient Greece.

There is a Greek myth of the Amazons, women who live alone on an island who are powerful, who have pearls and gold and who only admit men for reproductive purposes. This myth led some explorers to search for these exotic, eroticized women and their fabled treasures. European explorers were well acquainted with the myth. According to Virginia Bouvier's *Women and the Conquest of California 1542-1840* (2001), the myth was serialized in popular literature and read widely by sailors and explorers in the New World. In these stories, the violent tendencies of the Amazons who live on the island of California are tamed by European Christianity. The Amazon River and the state of California are thus derived. More significantly, this pervaded Europeans gendered and racialized consciousness of people in the New World, legitimating conquest in the process.

In this Greek myth, the Amazonian women live as warriors; steely reserved women who only needed men for sex. When European explorers made contact with the new world they mistakenly believed they had found this lost tribe of Amazons. The mythic narrative established a highly gendered dichotomy. They were "strong, independent women who fiercely defended a

kind of female utopia, the Amazons taunted a population of male conquerors from afar” (Bouvier 2001:5). This is paralleled in the story of Belle Starr, who while held up at Younger’s bend, taunted the male-enforced law, out of Fort Smith.

Bouvier argues that in the conquest of California the Amazon myth constructed a “basic gendered hierarchy of power” (Bouvier 2001:17). The fundamental paradigm it created was one of “conquest as a male venture enacted upon a ‘feminized’ population” (Bouvier 2001:17). Turning Belle Starr into an Amazon not only policed the boundaries of heterosexual normativity, it also assisted in transforming Indian Territory into grounds upon which the mythic justice of Judge Parker and his deputies was imposed. White peace and civilization were being taken to the savages.

Amy Kaplan (2002) argues that the encroachment of the imperial United States created border friction that systematically called into question the safety of the hearth, the home, the security of whiteness, and subsequently fostered the fear of miscegenation. The response to this fear was to shore up the boundaries of domesticity in tandem with manifest destiny to create what Kaplan calls “manifest domesticity” (2002:23). The murder of Belle Starr, an intelligent, capable woman living in the frontier, called into question the safety of the domestic sphere at a time when the U.S. populace was being encouraged to migrate west and fill the “great void.” The highly publicized murder of a white woman on the frontier necessitated a cover up, an alibi, to sustain the illusion that westward expansion was safe for white women and for families that conformed to the hegemonic rules of heterosexual normativity.

The mythologization of Belle Starr as an Amazon, and femme fatale establishes an excuse for why this white woman was killed in Indian Territory. The alibi says: “Belle Starr wasn’t killed because she was living in a dangerous environment, that’s not where she was.”

Rather, “Belle Starr was killed because she was a crazy Amazon woman who dominated men and used them for wanton and lustful purposes.” The myth is a way to conceal the fact that an ordinary, intelligent woman was murdered in the frontier. This was not tolerable to the mission of manifest destiny. It was not tolerable to have bald facts expose that it was a dangerous place for ordinary women. The myth is so exaggerated, and so often repeated in the frontier complex, to rationalize her murder. She was killed because in the myth her persona is too far removed from the boundaries of normal domesticity, so far afield from the matrix of heterosexual normativity that was being reinforced at this very moment in U.S. history.

Belle Starr can now be placed among the pantheon of deities in the frontier complex mytho-sphere with Judge Parker, deputies and outlaws, Bass Reeves, and Miss Laura. Together this set of alibis function to distract us from observing the significant, harmful, debilitating, and irreparable harm done to entire populations in achieving the goal of manifest destiny in the 19<sup>th</sup> century, and the global ambitions of the United States in the 20<sup>th</sup>. The overarching “Myth of the Frontier” serves as a container of impunity for all the misdeeds perpetrated in the name of westward expansion of the political state. Instead of invoking thoughts of trauma, “wild-west frontier” conjures up a carnivalesque atmosphere of outlaws, deputies, prostitutes, and wild-women, that sends the imagination reeling far flung from the facts of misfortune found by many in this era.

We will now examine the late 19<sup>th</sup> century more closely for details related to gender and what these representations tell us about the larger context of American culture. Mythic images of the Wild West in novels and film are drawn from this time frame, 1871-1907, from placement of the federal court in Fort Smith to Oklahoma Statehood. It is from this set of images that the burst of Westerns on television and in Hollywood films in the 1950s and 60s spring, and it is

from those Westerns that the contemporary reenactors in the frontier complex conjure their performances for tourists today. This analysis of this Wild West imagery will serve as a baseline for the examination of contemporary performances in the next chapter.

### Embedding Race and Gender in Frontier Tourism

The late 19<sup>th</sup> century was an ironic and contested time in gender and sexual relations. Sexuality was simultaneously muted and excessively talked about (Foucault 1978), and the boundaries of heterosexual domesticity were being created and policed (Kaplan 2005; Kimmel 1996; Bederman 1995). The mythic frontier, and subsequently the frontier complex, provided a vast environment to explore the poetics and performativity of gender (Butler 1990; Gilmore 1990; Herzfeld 1985; Morris 1995). Not only was the nation expanding its boundaries across the continent and beyond, it was also shifting from agrarian to industrial, from rural to urban, and from a producing to a consuming society. Industrialization not only provided the tools for making manifest destiny and global imperialism a reality, it also created a new environment in which individuals anxiously negotiated their gender performances.

At this moment, many East Coast urbanites suddenly found themselves wracked with the pangs of neurasthenia. George Beard and S. Weir Mitchell, late 19<sup>th</sup> century physicians, described and diagnosed this ailment as early as 1881 (Kimmel 1996:134). Sometimes it was called sexual neurasthenia or more often it was simply called “hysterics,” the “vapors,” or “brain sprain” in the popular press. Just as the grandeur of taking “civilization to the savages” was nearly complete in Indian Territory, Beard claimed that same “civilizing force” to be a debilitating one for urban white people. He claimed neurasthenia “was the result of ‘overcivilization’ – changes such as steam power, the periodical press, the telegraph, and the

sciences had so speeded up the pace of social life that people simply couldn't keep up despite their tireless efforts" (Kimmel 1996:134).

The result was a set of a maladies including, "insomnia, dyspepsia, hysteria, hypochondria, asthma, headache, skin rashes, hay fever, baldness, inebriety, hot flashes, cold flashes, nervous exhaustion, and brain collapse" (Kimmel 1996:134). Men and women who found themselves living in large cities in small homes working office jobs that no longer required strenuous physical activity, were particularly prone to contract this new disease. For those men, "the question was how to participate in the business world, find their rung upon the ladder, and still maintain a sense of their manhood" (Kimmel 1996:103). Kimmel states that "by 1910 about 20 percent of the adult male population was working in such white-collar jobs in large companies, banks, and retail firms" (1996:103). What the disorder fundamentally amounted to, in Beard's opinion, was a case of too much civilization. Total immersion in the modern milieu, he maintained, was making men and women forget their traditional gender roles, lose their moorings, and develop a plethora of diseases.

Men no longer knew how to be men and women no longer knew how to be women. The simple remedy laid out by the likes of Beard and Mitchell, (Bederman 1995, Foucault 1978, Kimmel 1996) was for each sex to return to the purported womb of its gender, to bathe and rebirth refreshed and clarified in thought and action, recalibrated to proper gender specifications. Women were sent to home for "rest cure" where they could sit and meditate upon the domesticity of their position, while men were sent west to dude ranches to take on the role of cowboy and reacquaint themselves with guns and horses or recover their primal urges by playing Indian (Bederman 1995, Kimmel 1996, Deloria 1999).

Charlotte Perkins Gilman chronicled the “remedies” of neurasthenia in *The Yellow Wallpaper* (1899). She was told by Dr. Mitchell to “live as domestic a life as possible. Have your child with you all the time. Lie down an hour after each meal. Have but two hours intellectual life a day. And never touch a pen, brush, or pencil as long as you live” (Bederman 1995:131, Kimmel 1996:135). Fortunately, she did not take her doctor’s advice, but picked up the pen to champion the cause of women confined to the home, to the domestic sphere.

For men, coming into contact with the great outdoors became a cure for virtually everything. Theodore Roosevelt, George Bird Grinnell and William Kent belonged to groups for men like the “Boone and Crockett Club to encourage big game hunting” (Kimmel 1996:136). Children were sent to camps such as “Camp Minnewawa, Camp Mirimichi, and Camp Pokanoket” to play Indian and be restored by nature’s healing forces (Deloria 1999:108). The Boy Scouts and Camp Fire Girls were born out of this same “felt” need to retreat from excessive civilization, to escape being “imperiled” by what Philip Deloria called “an effeminate, postfrontier urbanism” (Deloria 1999:96).

Three famous men who suffered from neurasthenia and who reclaimed their health by traveling to the frontier were Owen Wister, Fredrick Remington, and German sociologist Max Weber (not to mention Theodore Roosevelt). Weber was in such ill health with the hysterics that he had to resign his professorship from 1897-1904. It was ultimately his 1904 trip to the United States, where he delivered a paper at the St. Louis World’s Fair, and his subsequent foray into Indian Territory to Guthrie and then for a week in Muskogee, that propelled him out of his dark period and invigorated his writing until the time of his death in 1920 (Scaff: 2011:73).

Weber was at once cured by the leisure activity (Veblen 1994 [1899]) of travelling to the frontier which his white collar position afforded him, while in that very same moment he

formulated his critique of the Protestant work ethic (Scaff 2012:94-95) which he argued led to a value system which increased the wealth of its adherents in direct proportion to which it sucked them dry of their manhood, who became, as Weber put it “specialists without spirit, sensualists without heart” (Kimmel 1996:104). Modernity had supplied the ailment and the cure, men who used to be producers could then engage in what Veblen described as conspicuous consumption, to buy tourist experiences in the open frontier that would restore their manhood taken from them in the bureau’s office space (Kimmel 1996:104-105).

Owen Wister and Frederick Remington created icons of western frontier imagery fiction and painting, after being inspired by the West themselves. As in the case of Max Weber, they are complicit in constituting the cure as they partake of it. Wister had been a banker before he made his fateful trip and realized his masculine potential at a dude ranch in Wyoming. At the ranch, he “slept outdoors in a tent, bathed in an icy creek each morning, spent hours in the saddle, hunted, fished, worked in the roundup, and helped to brand calves, castrate bulls, and deliver foals” (Kimmel 1996:150). In a very short time, he wrote “I am beginning to be able to feel I’m something of an animal and not a stinking brain alone” (Kimmel 1996:15). With health restored, he wrote *The Virginian* (1904 [1902]), which sold over 300,000 copies from 1903-07.

After decades of taking civilization to the savage Indians in the west, suddenly white men wanted to go out and experience nature to regain contact with their inner savage-selves. Here is the point where we can see race and gender being embedded in the frontier narratives. It is not African Americans, Indians, or women, but rather it is fictitious depictions of white men in the frontier which are embedded in tourist narratives that veil the injustices of their imperialist, capitalist, racist, and sexist vices. By the time Wister arrived in the West, it was a highly modernized one. To him “the West was ‘manly, egalitarian, self-reliant, and Aryan’” (Kimmel

1996:151). It was very important to Wister that the West was where “whiteness” was possible: “To catch the deeper meaning of our life, one’s path must be toward that Western verge of the continent where all white men are American born” (Kimmel 1996:151).

Frederick Remington’s story is similar. He was the son of a newspaper man and was an aspiring journalist at an East Coast college before he was directed out west to cure his case of neurasthenia. His paintings of the West, of cowboys, of the rugged living of the frontier, are among the most popular of that genre today. Remington actively rejected the urbane east as “he rejected effete conceptions of beauty, of the ‘cards and custards’ of the eastern establishment, and he hated Europe with its ‘collars, cuffs and foreign languages’” (Kimmel 1996:151). While Wister’s campaign of whiteness was subtle, Remington’s was blatant. With vitriol, he declared “Jews, Injuns, Chinamen, Itialians, Huns – the rubbish of the earth I hate. I’ve got some Winchesters and when the massacring begins, I can get my share of ‘em, and what’s more, I will” (Kimmel 1996:151). Of African Americans, he lamented that in the Civil War “so many Americans had to be killed to free a lot of damn niggers who are better off under the yoke” (Kimmel 1996:151). Wister and Remington, following in Buffalo Bill Cody’s footsteps, project highly racialized mythical images of the western frontier into the American psyche.

Ironically, it was not until railroads and reservations had tamed the “Wild West” that it could be constituted as such. As early as 1880, most cattle ranches were downsizing or put out of business entirely (Kimmel 1996:148). Barbed wire and railroads quickly closed the open range as the occupation was industrialized. As the cow-hand was being downsized, the “cowboy” was invented. There had been cattlemen, ranchers, and steer drivers but there had never been the co-opted and commoditized, and mythologized image identity of a cowboy. It is



truly mythic because the activity that that sign “cowboy” was originally attached to no longer existed.

The mythic frontier was created as a substitution for the historical reality. In 1882, Buffalo Bill Cody took his Wild West show on the road and in 1883 the first rodeo was held (Bederman 1995, Kimmel 1996). The cattle hands who had been put out of work as their occupations were overtaken by technology, could find employment in the burgeoning field of western tourism. Cattle ranches that had gone bankrupt from the closing frontier reopened as health spas for city folks who had just been diagnosed with the disease of civilization, neurasthenia, and needed to go out west to fill their prescription. Only after “civilization had been taken to the savages” could urbanites escape civilization by traveling to the west.

Wister freely admits in the preface to *The Virginian* that it is a “colonial romance” set in Wyoming between 1874-90 – a simulacrum, at best. He suggests, “had you left New York or San Francisco at ten o’clock this morning, by noon the day after to-morrow you could step out at Cheyenne. There you would stand at the heart of the world that is the subject of my picture, yet you would look around you in vain for the reality. It is a vanished world” (Wister 1904:viii). Though a different part of the frontier from Indian Territory that process holds true and the mythologizing carries throughout the West- the West is conflated, again, to paraphrase Trouillot (1995:74) the “American frontier west” is not a place, it is a project.

As the national scene of gender jockeying unfolded, locally Oklahoma Territory became a haven for renegotiating marital contracts. In addition to the abundant advertisements designed to lure the recently freed African Americans from the south to Oklahoma Territory, so too were men and women on the east coast who were looking for easy divorces. Littlefield and Underhill’s article, “Divorce Seeker’s Paradise: Oklahoma Territory, 1890-1897” (1974) adds

complexity to the narratives of land-runs and criminality, and reveals another concealed fact of what the frontier offered.

Just as relationships between husbands and wives were strained and waning from neurasthenia, New York urbanites were being shown a way out of unpleasant relationships. They could read advertisements of a far off land that provided another kind of cure for what afflicted them. Circulars were distributed in the city that “extolled the virtues of Oklahoma’s divorce laws, emphasizing particularly the ninety-day residency requirement and inviting the unhappy and distressed to come west” (Littlefield 1974:21). Thus, the “brave and courageous deputies” and the “violent criminals” were joined by men and women who lacked courage or criminality to end their relationships back east.

North and South Dakota openly competed for these divorce emigrants but their six month residency requirement and harsher climates made ninety days in Oklahoma’s milder climate far more appealing (Littlefield 1974:23). The town of Guthrie was not only the starting point of land-runs but also promoted as “an ideal resort for divorce seekers. It was scenic and friendly, legal fees were reasonable, and court appearances often unnecessary” (Littlefield 1974:23). Divorce emigrants were drawn from the west-coast too, with deceptive advertisements in papers which “reported that a man could get a divorce in Oklahoma, then move out of the territory within thirty days, without his wife knowing about it” (Littlefield 1974:24).

Opponents of easy divorce actively worked to curtail this lucrative business. As the era of easy divorce was drawing to a close, people rushed to Oklahoma to file. The scene was so intense in some district clerk’s offices that “the editor of the *El Reno News* compared the situation with the ‘runs for homestead filings at the land office at the opening of an Indian reservation’” (Littlefield 1974:30). It was not until 1906 when the Supreme Court ruled that out

of state divorces did not adequately notify defendants, extending it to one full year of residency required, that the divorce mill in Oklahoma closed (Littlefield 1974:33). Within a year, this divorce haven would use a mock wedding to symbolize its creation. The courtship between, Mr. Oklahoma Territory and Miss Indian Territory, effectively granted a divorce to the United States from its entailments with Indian Territory.

The rush of unhappily married individuals and the coterie of attorneys to assist them out of their debacles, reveals another underlying complexity of what was happening in the Territories. This is another level of activity that is entirely omitted from frontier narratives in Fort Smith. In converse to the great claims that the military forts and the federal court in Fort Smith were championing the hallmark of civilization, the case of “civilization” was oversold to Americans and many went to the Wild-West to escape it. The net result of the mythic frontier gender is the creation of a skewed image of an essentialized gendered past, a starkly binary time “when men knew how to be men and women knew how to be women.”

This fictionalized account of the frontier era, is held up today by some as a talisman to ward off fears and anxieties over their perceived “gender trouble” (Butler 1999). The projected myth of “everybody knowing their place” provides assurances to some that their contemporary ideas of narrow gender roles have a basis in history. In my three years of fieldwork, I have heard this sentiment expressed many times by the more enthusiastic reenactors. “I was just born in the wrong time,” several told me. By clinging to an imagined past, they can comfort themselves from their unease of the perceived “confusion” of gender roles, race relations, and government intrusion of today, while in fact the past was equally fluid, malleable, and oppressive.

All of this mythic projection of gender conceals the reality of men profiteering off industrial advancement, stealing land from Indians and African Americans, while they sought

easy divorces and other escapes from unsatisfactory marriages, in a heartless age of iron horses and “iron cages.” These facts must be covered up with romantic images of self-assured men claiming what is rightfully theirs, defending the sanctity of heterosexual normativity, and protecting whiteness. This is why the military fort must be “keeping the peace,” why Isaac Parker must be the “Hanging Judge,” why Bass Reeves must be “a rule abiding illiterate,” why Miss Laura’s girls must be “enjoying themselves,” and why Belle Starr must be a “bandit queen.”

### White, Manly, and Civilized

Up to this point we have deconstructed the mythological narratives of: military Fort Smith keeping the peace on the frontier from 1817-71; of Judge Isaac Parker taking civilization to Indian Territory from 1875-96; of Bass Reeves serving justice against all odds; of Miss Laura’s girls having a pleasurable time servicing men; and of the murdered Belle Starr being an oversexed bandit queen. When taken as a whole, this mythical pantheon of the frontier complex constitutes and reinforces a civilization which is white and manly. Gail Bederman points out that in the late 19<sup>th</sup> century “the terms ‘civilization’ and ‘the white man’ were almost interchangeable. Columnists. . .who invoked ‘the white man’s moral code. . .the white man’s moral sentiments. . .the white man’s moral ideals’ were invoking civilization’s morals, civilization’s sentiments, civilization’s ideals. In other words, ‘the white man’ was a metonym which simultaneously denoted a male of European ancestry and the advanced civilization of which he was a member” (Bederman 1995:50).

Being white, civilized and manly was considered to be evolutionarily above the primitive (not white) savage, and masculine (Bederman 1995:91). These late 19<sup>th</sup> century conceptions of

gender were simply consistent with the overall trajectory of the “stages of societal development” that had been laid out by the likes of E. B. Tylor, Lewis Henry Morgan, and Herbert Spencer and then performed by Buffalo Bill Cody for the masses. As we saw in a previous chapter, Cody had incorporated this evolutionary model into his Wild West show years before Fredrick Jackson Turn articulated them in his frontier thesis.

White, civilized, American man’s arrival at the apex of evolution was modeled at the 1893 Chicago World’s fair, officially known as the Columbian Exposition (Bederman 1995, Raibmon 2005). It was the capstone to four centuries of occupation in the new world. The fair showcased all the modern marvels of the Industrial Age intentionally juxtaposed to the “primitives.” This racialized divide in “the White City depicted the millennial advancement of white civilization while the Midway Plaisance, in contrast, presented the undeveloped barbarism of uncivilized, dark races” (Bederman 1995:31). The “live displays” of “Indians on exhibit were living proof of the static opposition between the traditional and the modern, an opposition visitors assumed was rooted in racial difference” (Raibmon 2005:36). While colored indigenous peoples from around the world were put on display to demonstrate the American white man’s superior evolutionary position, its own colored people, African Americans were banned from having a presence at the fair.

Ida B. Wells and Frederick Douglass did their best to subvert the “hegemonic civilization discourse” of the White City by circulating a pamphlet to white Europeans (Bederman 1995:38). While Douglas was appointed to be the Haitian representative and Wells met with some success from a European audience, the message of white male dominance prevailed. For white women, the situation was only slightly better. After much pressure from Susan B. Anthony and the wives of three Supreme Court justices, white American women were relegated to a single small

building on the margins of the “White City” next to the “primitive Plaisance.” There they were allowed to display their soft material items which contrasted to the hard steely, manly objects in the primary exhibits (Bederman 1995:34).

Adjacent to the World’s Fair grounds Buffalo Bill Cody performed his Wild West show to rapt audiences. As his troupe performed the evolutionary stages of the frontier’s closure, Fredrick Jackson Turner presented his frontier thesis to the American Historical Association which met in Chicago in tandem with the fair. The Plaisance, the Wild West show, Turner’s frontier thesis, and the White City’s display of scientific and technological marvels, put four hundred years of evolution on full display and clearly marked the pinnacle of it as white male civilization.

The Fort Smith frontier complex embodies a chrysalis stage of that 19<sup>th</sup> century notion of the linear development of American civilization. If shrunk down to size, one could imagine the frontier complex contained in a snow-globe, as an encapsulated moment in time. One could see the Arkansas River, Belle Point, the military fort, Miss Laura’s, the Bass Reeves Monument, the federal court, and the gallows with little nooses swinging on it. Marita Sturken suggests “snow globes are objects that, like photographs, represent a ‘permanent instant’ in which time is arrested, yet they are also objects in which that instant is meant to be in constant replay” (Sturken 2007:3). As it is “to-scale” the frontier complex it is not picked up and shaken, but rather is more akin to an amusement park that functions in the same repetitious way. It is projected as a time capsule in which visitors can walk amongst the “wild-rides” of the imagined mythical past. We will now turn our attention to how this frontier complex time capsule is constituted through performances of justice, race, and gender.

## VII: PERFORMING FRONTIER TOURISM

*NOBODY KNOWS THE TROUBLE I'VE SEEN – and I mean it. Many, many people have come to me when they are in trouble – very serious trouble. Usually that trouble was Murder; Oh! I beg your pardon; I haven't introduced myself. I am Judge Isaac C. Parker's Courtroom. Judge Parker and I reigned undisputed in Fort Smith over the area from the Arkansas River on the east to Colorado on the west. For 16 years the Supreme Court of the United States could not intervene. I have seen the most desperate outlaws of the West tried.*

– The Judge Parker Saga, August 14, 1963<sup>18</sup>

Judge Parker knows. He is an old carpetbagger but he knows his rats. We had a good court here till the pettifogging lawyers moved in on it...Now they have got the judge down on me, and the marshal too. The rat-catcher is too hard on the rats. That is what they say. *Let up on them rats! Give them rats a fair show!*"

– Rooster Cogburn [Portis 1968:63]

Fort Smith is a place of true authenticity. It was the gateway to the Old West, an era ingrained in the American Imagination. Outlaws and lawmen alike passed through Fort Smith headed into Indian Territory. It was here that Native American peoples were led across the Arkansas River into their new territory in Oklahoma. It was here that Judge Isaac C. Parker tried the fugitives arrested by the marshals. And who could forget it was here that the fictitious Rooster Cogburn began his search for the fictitious Tom Chaney in the popular movie *True Grit*.

– “Why Fort Smith?” [www.usmarshalsmuseum.com]

The current slogan “Where the New South meets the Old West” touts the current day second largest City in the State and still pays tribute to our heritage. The “Frontier” brand was a natural for Fort Smith.

– “Fort Smith named #1 True Western Town 2013” [www.fortsmith.org]

We are here today to entertain you with the “Old West,” fictitious of course, but what the heck?

– Introduction to a frontier complex reenactment

### Tourism Overview

Tourism became a serious object of study in the 1970s. Dean MacCannell's *The Tourist: a new theory of the leisure class* (1976), followed by *Hosts and Guests: the anthropology of tourism* (Valene 1977), officially drew cultural anthropology into the arena of tourism. Some

works have focused on tourism as modern day pilgrimages for travelers such as *Culture on Tour* (Bruner 2005), and *Culture Tours* (Chambers 2000), others on the representations and performances of tourist places such as *Performing Tourist Places* (Baerenholdt 2004), *Staging Tourism* (Desmond 1999), *The Tourist Image* (Selwyn 1996), and *Tourism Mobilities* (Sheller and Urry 2004). Another track has focused on how individuals locate themselves in a tourist environment. This line of inquiry includes books such as *Tourists and Tourism* (Abram 1997), (Gmelch 2004), and *The Tourist Gaze 3.0* (Urry and Larsen 2011). A body of literature focusing exclusively on the American West has also developed including *Devil's Bargain: Tourism in the Twentieth-Century American West* (Rothman 1998), *Promised Lands: Promotion, Memory, and the Creation of the American West* (Wrobel 2002), and *Seeing and Being Seen: Tourism in the American West* (Wrobel and Long 2001). While tourism is a multifaceted topic to investigate, given time and space limitations and the overall focus of this dissertation, the following will develop how tourist places are created, staged, and performed and the motivations for doing so. Specifically we will examine how the frontier complex has been crafted from its conception with tourists in mind. A brief summary of Fort Smith's venture into frontier tourism will set the stage for a deeper analysis.

For nearly sixty years, Fort Smith has used its 19<sup>th</sup> century frontier history to promote tourism. When the history museum opened its doors in 1910 (called the Commissary Museum then), its exhibits were shaped by amateur curators and largely featured the history of the military forts and the role Fort Smith played in the Civil War. Founded by several local women's groups including the Daughters of the American Revolution and the United Daughters of the Confederacy, the museum utilized the 1838 commissary building on the grounds of the second fort and championed the story of the Lost Cause and the New South.



In January 1955, the city began to market its frontier history to visitors when Mayor H. R. “Happy” Hestand appointed a commission to develop a plan to reclaim the old courthouse and Parker courtroom from the Welfare Agency and to construct a replica gallows (Southwest American 1955). By May 1957, both were ready for a grand opening; the “New South” was well on its way to meeting the “Old West” in Fort Smith tourism. In 1960, the Commissary Museum was relocated to Garrison Avenue and shortly afterward changed its name to the Old Fort Museum to be consistent with the emerging branding of the city.

In 1961, Congress passed legislation to incorporate the original Fort Smith site into the National Park system and it was dedicated as such October 27, 1964 ([www.nps.gov/fosm](http://www.nps.gov/fosm)). The frontier had quickly overtaken the Civil War as the featured tourist template in Fort Smith. In the 1960s, Judge Parker’s courtroom, with its border status between savage outlaws and lawful civilization, was featured in *True Grit* (Portis 1968), and the screen adaptation of the novel starring John Wayne as Rooster Cogburn (Hathaway 1969). The mystique of frontier justice in Fort Smith was further reinforced in *Hang ‘Em High* (Post 1968), starring Clint Eastwood, implicitly based on Isaac C. Parker as depicted in Homer Croy’s *He Hanged Them High* (1952).

Efforts to capitalize on Fort Smith’s image of frontier prostitution came on the heels of the success with Parker’s courtroom. The Commercial Motel, known today as “Miss Laura’s,” was saved from destruction, put on the National Register of Historic places in 1973, restored in 1978, and became the official Visitor’s Center in 1992 (Dishner 2000b:86). That same year, Carolyn Joyce “created the character of Miss Laura Zeigler as a marketing technique to provide a lighthearted look at the colorful history along the row in frontier Fort Smith” (Staff, *The City Wire*, 2011). The use of frontier history for tourism kicked into high gear in Fort Smith in 2005 when the city successfully vied to be the location for the United States Marshals Museum.

Chosen as the site in 2007, a 50 million dollar building in the shape of a badge is still in the fund-raising stage, but has property located in the frontier complex right across the street from Miss Laura's.

Another boon to Fort Smith's frontier past was given when Ethan and Joel Coen featured Jeff Bridges as Rooster Cogburn in their December 2010 release of *True Grit*. Events were held throughout the city to mark its debut.<sup>19</sup> Mythic images of deputies continued in May 2012 with the unveiling of the Bass Reeves monument. The apex of performing frontier tourism in Fort Smith may have been reached on December 12, 2012, when *True West Magazine* named the city the "#1 Top True Western Town of the Year for 2013."

This brief overview of the developing tourism industry in Fort Smith shows how the city has intentionally branded itself as a frontier tourist destination. The analysis that follows examines the process of how from 1955 through the present, the city has created the frontier complex by performing it for tourists.

### Constituting Frontier Tourism in Performance

The mythology of the frontier complex is not self evident nor is its meaning inherent in the displayed material artifacts from the past. The meaning of the time period of key figures including Isaac Parker, Bass Reeves, Ned Christie, Belle Starr, and Laura Zeigler is created in the act of presenting it to the public. This act of presentation is far more complex than merely conveying historical facts; it is a representation, it is a constituting of "the facts" of social reality itself (Durkheim 1972 [1895], Rabinow 1986, Schieffelin 1985). As we have already seen, exhibits at the National Historic Site selectively construct a particular narrative of Judge Isaac C. Parker, deputies, and outlaws that privileges some aspects of their lives and times while

selectively omitting other significant details (Karp and Levine 1991, Kirshenblatt-Gimblett 1998). The same holds true for how Native Americans, African Americans, Bass Reeves, Belle Starr, and Miss Laura and prostitution are displayed in Fort Smith. These crafted conceptions of the past by those interested in promoting tourism act to constitute the frontier complex.

While a foundation of meaning can be established by visiting the “sites of memory” (Nora 1989, see also Flores 2002) within the frontier complex, that meaning alone is insufficient for determining what it means to people today who visit it as tourists, who engage it as employees or volunteers, or who reenact it in skits, living history, and dramatic enactments. By examining the performance of the frontier complex, we can gain another level of understanding (Bauman 1984 [1977], Hymes 1975, Limon 1989, Schieffelin 1985, Turner 1985, 1991 [1969]). In contrast to what Schieffelin refers to as a “meaning-centered approach” which posits that the meaning of a ritual performance can be adequately understood so long as one correctly deciphers its “system of symbols,” he maintains that “to a large degree . . . the meanings of the symbols and of the rite itself are created during the performance, evoked in the participants’ imagination in the negotiation between the principal performers and the participants” (1985:722).

Dell Hymes, too, contends that “the concern is with performance, not as a something mechanical or inferior, as in some linguistic discussion, but with performance as something creative, realized, achieved, even transcendent of the ordinary course of events” and that the “emphasis is upon the constitution of a social event” (Hymes 1975:13). Richard Bauman adds that performance “calls forth special attention to and heightened awareness of the act of expression and gives license to the audience to regard the act of expression and the performer with special intensity” (1984:11). To this end, the process of constituting the Fort Smith frontier complex in performances will be examined.

## Resurrecting the “Hanging Judge”

Within a year of Judge Parker’s death, the gallows were considered an embarrassing eyesore by the city and burned down. An 1897 newspaper offered the epitaph: “Fare thee well old Gallows! Whether thou hast been a necessity . . . or a lingering relic of darkness . . . remains to be decided” (In the Shadow of the Gallows).<sup>20</sup> No longer having jurisdiction in any part of Indian Territory, the United States Court of the Western District of Arkansas proceeded to conduct business in Fort Smith, but its proverbial bridge to the frontier had, quite literally, been burned.

In fact, the court had moved from “Parker’s courtroom” to a new location on 6<sup>th</sup> Street in 1890. That Judge Parker held court in a different location his last six years on the bench is seldom acknowledged in the frontier complex. The only photo of Judge Parker sitting on the bench comes from the 6<sup>th</sup> Street courthouse, but it is routinely accepted as having been taken in courtroom. The cultural memory of Parker is not allowed to wander too far from the designated “site of memory” (Nora 1989) for his time in Fort Smith. To do so would decrease the power of the “authentic experience” of standing in “his courtroom.”

During Fort Smith’s respite from reminders of its frontier history, archetypal images of the “Wild-West” grew in the American popular imagination fueled by novels and films (Slotkin 1992:231). Michael Kimmel observes that by the 1950s, “over 10 percent of all fictional works published . . . were westerns, and eight of the top ten television shows – a total of thirty prime-time television shows in all – were ‘horse operas.’ Fifty-four western feature films were made in 1958 alone” (Kimmel 1996:252). The “civilized white man” of 1950s America was hungry for images in which he could triumph in the Cold War (Flores 2002) or take refuge from the “white collar” (Mills 1951) life of the “organization man” (Whyte 1956) trapped in his “iron cage”

(Weber 1958 [1904]) and immersed in a “lonely crowd” (Riesman 1950). These twin engines of American modernity – the industrialization and bureaucratization – continued to haunt the American psyche just as their expressions as Manifest Destiny and neurasthenia had done in the late 19<sup>th</sup> century.

Richard Slotkin (2000 [1992]) has dubbed this dual function the frontier myth provides as “regeneration through violence.” The frontier serves an intermediary for individuals escaping the pangs of the savage or the civilized. Slotkin suggests, “the compleat [sic] ‘American’ of the Myth was one who had defeated and freed himself from both the ‘saga’ of the western wilderness and the metropolitan regime of authoritarian politics and class privilege” (1992:11). Regardless of which side you were on, this space held the promise of rejuvenation or opportunity.

The fecundity of the frontier myth not only gives it widespread appeal, but also a wide range of uses. For some, “westerns provided the re-creation of the frontier, the ‘meeting point between civilization and savagery,’ where real men, men who were good with a horse and a gun, triumphed over unscrupulous bankers and other rogue versions of Self-Made Manhood” (Kimmel 1996:252). Others, such as John Wayne, used westerns to reinforce “Cold War nationalism.” Richard Flores argues that for John Wayne, “the Alamo...was an archetypal American tale. He used it to preach his views on patriotism and anticommunism” (Flores 2002:119). These potent mythic images were primed and ready for a post World War II burgeoning white middle class with discretionary income.

In *Devil’s Bargains*, Hal Rothman suggests that tourism and the West are inseparable. He says that “Western tourism stands at the heart of the American drama precisely because it occurs on the same stage as the national drama of self-affirmation. To Americans the West is

their refuge. . .home to the mythic landscapes where Americans become whole again in the aftermath of personal or national cataclysm” (Rothman 1998:15). Though Arkansas is not a western state, and Fort Smith is not a western town, this national popularity of reaching into the western frontier for myths that reconcile contemporary political, gender, and racial ideologies most likely contributed to turning this reluctant city around on its view of risking its reputation on the gallows in exchange for tourist dollars. By 1955, it was ready to make that “devil’s bargain.”

In 1952, the seed for the Fort Smith frontier complex was planted by Homer Croy’s *He Hanged Them High: An Authentic Account of the Fanatical Judge who Hanged Eighty-Eight Men*. Croy claims that while in Fort Smith gathering materials for this book, he “told the Chamber of Commerce that the only thing the town was known for was the court, and that the gallows was the most dramatic part of the court, and suggested that it should be rebuilt as a tourist attraction” (Croy 1952:229-230). Apparently the Chamber had not yet embraced this idea as Croy declares, “I was frowned into the street. Fort Smith is still sensitive about the death machine” (Croy 1952:230). Within five short years however, the gallows would be rebuilt and Parker’s courtroom reopened for tourists.

Whether it was Homer Croy’s suggestion that triggered the quick turn-around may never be known, but in January 1955, Mayor H. R. “Happy” Hestand appointed Circuit Judge Paul Wolfe to head a commission for the rejuvenation of the Parker courtroom and gallows as a way to promote tourism (Southwest American 1955). Documents from the Paul Wolfe collection at the Fort Smith Museum of History clearly reveal that tourism was a primary goal of resurrecting Judge Parker’s courtroom and gallows.<sup>21</sup> According to a newspaper clipping in the Wolfe collection from a December 24, 1954 Letter to the Editor, “the best idea that’s come along in a

long time is the plan to recreate some of the landmarks here, like Judge Parker's court etc. I'd go a step further and say it would be a good thing to rebuild the old gallows. I think tourists would flock to see it." Commission members expressed high hopes in the early months of meetings. One member reported that "plans to restore the court of Judge Parker indicated the city was becoming more 'hospitality minded' and that the restoration would bring 'millions of dollars' of tourist trade into the city." Dollar signs were featured in the enthusiasm for the project: "If every tourist who comes through can be encouraged to stay over one day...the restoration would be worthwhile" (Wolfe Collection).

On May 26, 1957, Public Historical Restorations, Inc. opened the "The Historical Federal Court of Judge Isaac Charles Parker" for business. The next step in developing it as a tourist destination was the removal of a squatter town that had developed on top of the site of the original 1817 fort. Through 1958-59 the Chamber of Commerce systematically worked with the residents of Coke Hill, sometimes called West Fort Smith, to purchase their land and remove its inhabitants.<sup>22</sup> This process entailed othering the people and the place of Coke Hill as a dilapidated "slum." The removal was framed as part of "urban renewal." Stories swirled of what a horrendous place it was to live despite evidence that people led happy lives there and that if there was trouble, it was most often attributable to outsiders such as soldiers stationed at Camp Chaffee (Steel 2000:189).<sup>23</sup>

Photographs from the eviction of residents reveal the power of the gaze in constructing otherness. R. K. Rodgers, chairman of the Coke Hill Clearance Committee, can be seen in several photos from the time, but he does not look at the camera (Bhabha 1990, Taussig 1993). Rodgers became very active in town politics after making a fortune in the Fort Smith area in Checkered cabs, a bus line, stockyards, coal, and natural gas (Fort Smith Historical Society

2013). Always wearing a pressed white shirt and tie, Rodgers stands in stark opposition to his bricolage surroundings, as out of place and scrutinizing as Malinowski among the Trobrianders. In one picture, he stands before a home put together with clapboard siding and other wood remnants, holding a jug at arm's length as if it were a wild animal about to bite him. The image says, "look at how these backward people were living." Another photo in front of a home shows a mother and her son. The young boy stands next to his wagon, proudly smiling into the camera, with his dog in his arms. R. K. Rodgers gazes scowlingly at the dog as if it were a rabid varmint. The mother gazes straight into the camera in front of her happy home, clothes drying on the line behind them, and a rocker and sofa on an inviting front porch.

A man in overalls stands in a different photo with his hands squarely placed on his hips, elbows flared outward, looking straight into the camera with a determined, if not defiant gaze. R. K. Rodgers stands poised, disarmed with his hands behind his back staring directly at the man, as if to declare "see this man here in the overalls, he is the one standing in the way of urban renewal." By the end of 1958, all the residents were gone and an amateur archaeology team led by Clyde Dollar revealed the foundation of the 1817 fort. That discovery coupled with the removal of the Coke Hill "eyesore" paved the way for applying for National Park status.

President Kennedy signed that legislation September 13, 1961; a month and a half later, he had the deed to the property handed to him on October 29 during a brief speech at the Fort Smith airport in route to a campaign event in Oklahoma. Kennedy is said to have responded, "I don't know exactly what part of Fort Smith this entitles me to, but I'm sure it's a good part."<sup>24</sup> The president had no idea then, nor do the people who visit the park know today, since the story of Coke Hill is not part of the interpretation. On August 14, 1963, Public Historical Restorations, Inc. signed the site over to the National Park Service and Lady Bird Johnson



dedicated it with a speech here on October 27, 1964. Between May 26, 1957 and August 14, 1963, the time period in which the site was locally operated, 61,985 people visited the site.<sup>25</sup> In other words, an average of 10,000 visitors per year went to the site in those first six years.

What is important to note here is that Fort Smith had burned down the gallows; it had completely abandoned and forgotten where the first fort was; the city had to justify moving a small town of 250 inhabitants in order to find it again. The Fort Smith of 1955 was neither a “Western” town, nor was it a “frontier” town. The city had to exhume its past in order to breathe tourist life into it. Once the skeletal remains of its 19<sup>th</sup> century history had been unearthed, the archetypal mythic images of the Wild West, which were flourishing in the popular media of the 1950s, could be readily fleshed out to constitute and to perform the frontier complex.

This particular performance of the frontier was designed with a very specific audience in mind – tourists. As such, what is constituted is created for the biggest possible draw, not the most historically accurate. The specific steps that Fort Smith took in its performative constituting of the frontier complex can be found in primary sources left behind from the process. Newspaper articles, photos and hand-written notes in the Paul Wolfe collection cited above contain a record of performing the frontier complex into existence between 1954-64. The performance consists in part of the repetition of key mythical elements delineated in chapters 3 and 4. They repeat the same inaccuracies and platitudes found in Samuel S. Harman’s 1898 *Hell on the Border* and what Homer Croy reworked from that for his 1952 book. Statements are repeated such as exaggerated jurisdiction of “74,000 square miles,” of “keeping the peace between the Indians,” of “lawless Indian Territory,” of “Parker never hanged a man, it was the law” and of “88 men hanged on the gallows,” are restated over and over in virtually all the articles and speeches from this formative decade. This repetitive, rhetorical speech pattern is a

key aspect of performance. The performance is not conveying historical facts, but rather constituting the mythical frontier complex as a cultural fact.

Note cards from the Wolfe collection outline a sales pitch given to the audience on the development of the National Historic Site. Images of 1950s westerns are dramatically invoked as speech declares, “this important event is worth telling – and because it pertains to Indians, the Wild West and outlaws, the young people may enjoy it too. (Don’t we all).” By 1964, the Wild West “enjoyed by all” was one fabricated for movies based on mythic fabrications from the late 19<sup>th</sup> century. What was being sold to tourists was a spirit, or a mood, not a tangible commodity. As Hal Rothman suggests, “the exchange is more complicated and ambiguous than a typical material sales transaction. A feeling is transmitted and perhaps shared; a way of living is expressed. A mode of behavior, be it the ethos of skiing, the appreciation of the Mona Lisa, or the way to hold your cards at the Blackjack table, is offered and recognized if not always understood” (Rothman 1998:20-21). The “feeling” of the Wild West is thus being embedded into the frontier complex via an oral performance given to civic groups.

The note cards end the speech with a new constitution for the city. It invokes “we folks here in F. S. may not have a pedigree – but we have a historical heritage to which we can point with pride to the entire nation.” The underscored words connect the self-consciousness of a “New South” under siege with civil rights protest, taking refuge and a new pride in the imagined myth of the “Old West.” Another set of hand written notes for a public speech end with “Pride in not letting past go to waste, PRIDE OF ANCESTRY. Tourist attraction of 1<sup>st</sup> magnitude. (History first). A reason to stop over in Ft. S.”<sup>26</sup> This is a performance of frontier tourism that is crafting a new identity for the city.

This new identity comes with a price. What Fort Smith residents waded into was a “devil’s bargain,” according to Rothman, in that “the embrace of tourism triggers a contest for the soul of a place” (1998:11), and that “in this new form of exchange, an entity meaningful but intangible, typically the identity, way of life, or feel of a place and its people seems to be offered up for a price” (1998:21). Whether or not this “bargain” was worth it became an open question in Fort Smith. The next significant shift in frontier tourism came 28 years later.

### “Miss Laura’s Social Club” Is Born

In 1992, the old Riverfront Commercial Hotel became the official visitor’s center for Fort Smith, rebranded as “Miss Laura’s Social Club.” In the performance of frontier tourism, the old hotel is repetitively stated to be a “Victorian home” though it was built sometime after 1898 and more closely resembles a French Mansard-style building. The insistence that it is “Victorian” in all literature, tours, and references to “Miss Laura’s” is a performative act that constitutes frontier tourism in Fort Smith. This construction is further sustained by volunteers and employees dressing in elaborate and colorful dresses reminiscent of late 19<sup>th</sup> century depictions of western movie prostitutes, more flamboyant than even “Miss Kitty’s” best on *Gunsmoke*. This tourist model of the frontier constitutes itself as a cultural fact while it perpetuates the myth that prostitution in Fort Smith was relegated to the 19<sup>th</sup> century. At Miss Laura’s, we can see a seamless fusion of elements for performing frontier tourism.

As tour and travel sales director of the Fort Smith Convention and Visitors Bureau, Carolyn Joyce created the persona of “Miss Laura” in 1992 to “promote Fort Smith to motorcoach groups” (Group Tour Media, 2012). Promotional literature within the tourist industry touts that “in the role of Miss Laura and dressed in a costume true to the frontier period,

Joyce welcomes tour groups and keeps alive part of Fort Smith's colorful history" (Group Tour Media, 2012). Asked about the inspiration for "Miss Laura," Joyce replied "to entice motorcoaches off the interstate I decided I would create the character of Miss Laura as a marketing tool. So I would tell the operators at the different marketplaces that if they would bring their motorcoaches into Fort Smith, I would be in costume to greet their group, give the tour and make it a fun stop for them" (Group Tour Media, 2012). The ills of 19<sup>th</sup> century prostitution are thus constituted as "fun" and a "pleasure" in the performance of frontier tourism.

Carolyn Joyce quickly realized that to keep the tour buses in town, more entertainment had to be provided. Staying to visit all the material at the National Historic Site and the Fort Smith Museum of History was apparently insufficient for tourist desires, so she developed a musical, "The Medicine Show on Hangin' Day" performed by Miss Laura's Players. The show is described in *2NJoy* magazine as "a musical comedy exaggerating the public draw that Judge Parker's hangings had on the area. Back then people would come by wagon from miles around to see the hanging, often bring their dinner with them. In the play, Miss Laura brings two or three girls to the public gathering and entertains along with a Huckster hawking his elixir assured to cure most any ailment a body might have" (Collins 2012:27). Which part of that description is the exaggeration can be hard to discern. The part that appears most stated as fact, of people coming to town for hanging day, is as exaggerated as the other elements. In fact, the erection of the walled fence around the gallows and the intentional scheduling of hangings on weekdays all cut down the fanfare in the 1870s.

When asked why Miss Laura's show is so popular, Carolyn Joyce replies, "it's that wild west [sic] flair. And of course, we have so much western heritage in our area. When you crossed the river behind Miss Laura's, you were in Indian Territory. The lawless of all of that.

Fort Smith has such a rich western heritage along with Judge Isaac Parker and everything we have encased in our national historic site. And of course this was part of the red-light district. It was part of our history” (Group Tour Media 2012). While these quotations from Carolyn Joyce are essentially infomercials, as they appear in tour and travel literature, they illustrate how Fort Smith performs the frontier myth for tourism by repeating formulaic elements that inextricably conflate fiction and historical fact. In the above quote, Joyce hits these performative marks as her comments travel from “Wild West, “western heritage,” and “lawless,” to “Judge Parker,” “historic site,” and “history.”

Motorcoach tours to Fort Smith are advertised for on the “Group Travel Leader” website [grouptraveller.com](http://grouptraveller.com). The frontier complex is featured in their “Hats, Boots, and Spurs” themed package which includes Dodge City, Oklahoma City, Fort Smith, and Branson. An article, “Fort Smith: Scoundrels welcome,” entitles one such pitch to tourists. The commercial declares, “you might think that a town would shy away from a rough past that included murderers and other assorted lawbreakers, the Trail of Tears, a notorious jail dubbed ‘Hell on the Border,’ a judge known as the ‘hanging judge,’ a gallows where more than 80 men were hanged, 66 saloons on the town’s main street and seven houses of ill repute” (Group Travel Leader 2013). The tourist is invited to an attitude, a persona, and an ethos, to become a “scoundrel” and walk where they walked.

Several of the employees at the National Historic Site who are fully aware of the greater complexity and subtlety that the site contains frequently voiced their frustration to me at being hamstrung in their presentations by the tourist pitch that visitors have come to expect. They bemoan the tourist emphasis on the “Hanging Judge” and more recently on having to cater to what they see as the exaggerated claims and enthusiasm about Bass Reeves. Max Steele, one of

the park rangers, one day insisted on showing me the State of Arkansas travel map which labeled the Fort Smith National Historic Site, not as such, but rather as “Judge Parker’s Court.” The complexity that the site has to offer is attenuated into commercial sound bites. The short amount of time visitors spend at the site confounds efforts to convey more nuanced interpretations.

At the end of tours of “Miss Laura’s,” the final performance of frontier tourism takes place at the miniature gallows which was featured in the opening vignette of this dissertation. Hanging little ginger-bread-like men is reduced to tourist fun. This act can be viewed on a Youtube video entitled “Fort Smith ‘Hangin’ Judge’ Gallows Demonstration.”<sup>27</sup> A young girl is preparing to pull the lever, but before doing so she inquires as to why people were hanged in the past. A second girl’s voice off camera says, “I don’t know. Why were people hung? Do you know?” A man’s voice off camera answers, “Killers, horse-thieves, really anything. . .” The first girl fills in, “so stealing, thieves.” With that factually incorrect description, she pulls the lever, the ginger-bread men Weeble-Wobble, and the girls declare “hoo-ray.” Performing executions is not about justice, it is about constituting Fort Smith into a frontier ethos that can be consumed by people of all ages.

### Gallows, Gallows, Gallows

As one walks onto the “stage” of the frontier complex today, it is difficult to miss the life-size replica gallows at the National Historic Site. In fact, gallows are seen throughout the complex: the working miniature set at Miss Laura’s, and three other miniature, but non-functioning gallows are at the Fort Smith Museum of History. The Old Fort Gun Club also has a full-size gallows at its shooting range on the east side of town. When I inquired for what purpose the gun club needed a replica gallows, I was just stared at as if the answer should be

self-evident. It was not, but I will now suggest that the omnipresence of gallows throughout Fort Smith is the principal method in which mythic frontier justice is performed and constituted. “Hanging Judge, Hanging Judge, Hanging Judge” must be repeated to sustain the illusion throughout the frontier complex.

H. Bruce Franklin describes this process as the “plausibility of denial,” continuing to believe “something is not true or does not exist despite convincing evidence to the contrary” (Franklin 2000:26). It functions as a “cover-up,” as an alibi. In this case, the repetition of “Hanging Judge” creates the plausibility of denial that the military fort was not put here as one small part of a systematic strategy for the nation to advance across the continent; that Judge Parker did not methodically contribute to injustices in the Territories; that this whole place had not been for the further advancement of white male civilization. No, the performance of frontier justice persuasively maintains it was here to “keep the peace” between, and take “law and order” to, the Indians. This is why nooses must swing back and forth, back and forth, throughout the frontier complex.

One of the most hypnotic displays of the “Hanging Judge” mantra is an exhibit located at the Fort Smith Museum of History. “In the Shadow of the Gallows” was originally constructed and put on display at the Museum in 1998.<sup>28</sup> It was on display for three years before being taken down and was then reinstalled as an exhibit in 2009 in a slightly different manner than the original. While this exhibit makes a direct attempt at critiquing the use of gallows, nooses, and the “Hanging Judge” for tourism, I argue below that in its strenuous effort to debunk the frontier tourist performance, it actually performs it better than anything else. Throughout the small exhibit, there are no fewer representations than forty nooses and thirty gallows.

The exhibit is located on the second floor of the museum. As you step off the elevator, you are greeted by an easel holding an exhibit placard for “In the Shadow of the Gallows.” An image of a noose, artfully decorated, frames the words as if it were a corsage. A whiskey barrel and bottle are the first material artifacts on display, but have no explanation as to the role they play in the exhibit. Next to the barrel is an enclosed case that features a small doll figure of Parker standing in a coffee cup which also sports his likeness. A similar doll figure of Belle Starr, once convicted of horse theft by Parker, accompanies him in the cabinet, which is lined with postcards featuring a photo of the replica gallows and other memorabilia, not from Parker’s era, but from the tourist kitsch used by Fort Smith to market memories of him.

The first placard to frame the exhibit asks the question: “What do dolls, t-shirts, metal badges, postcards, and mugs have in common? All have been used to popularize Fort Smith’s modern image as a ‘Wild West’ tourist destination. Such memorabilia highlights the transformation of the city’s historic past into a part of its present commercial life” (Fort Smith Museum of History 2009). This initial placard encapsulates the central paradox of the mythic frontier in Fort Smith. The frontier complex simultaneously purports to be historically accurate *and* be a contrived marketing scheme.

Next to this cabinet is a t-shirt which has an image of a noose dangling between the words “Fort” and “Smith.” The exhibit attempts to interpret the item by explaining “many of these items feature the noose or gallows. Why? Because it is *this* story – the story of 86 men executed by the U.S. Court in Fort Smith for crimes committed in Indian Territory – that people come here to see” (Fort Smith Museum of History 2009). The italics of “*this* story” reveals it is not “this story,” as in the record of the 19<sup>th</sup> century history of the Western District Court of Arkansas 1851-96, that people have come here to see. Rather, it is “*this* story,” the story of the



tourist Wild West frontier that has been exaggerated and fabricated into grandiose, legendary, and mythic proportions, and that this exhibit in front of them is embodying for them. This is the story of performing frontier tourism.

Leaving no room for doubt, the exhibit drives home this point in a placard entitled “Never Forgotten.” It reads in part, “sixty years after Fort Smith burned the gallows, however, the city reopened a new one in 1957 as part of the restored Parker courtroom. The story that emerged as a tourist draw was not quite the same history that nineteenth century residents of Fort Smith experienced firsthand. This exhibit is about both stories” (Fort Smith Museum of History 2009). On one hand, “In the Shadow of the Gallows” directly reveals the contrived nature of how Fort Smith and the Parker court are remembered. Quite pointedly, it declares “ever since Judge Parker’s court was restored in the 1950’s people have been coming to Fort Smith in search of the ‘Wild West.’ Attracted today by images of stagecoaches, guns, badges, and handcuffs, tourists explore Parker’s courtroom, watch a ‘Medicine Show on Hanging Day,’ or stop at a visitor’s center named after a notorious frontier madam” (Fort Smith Museum of History 2009). In the very same moment the exhibit attempts to display Fort Smith’s frontier past, it becomes complicit in the heist of historical facts for tourism; the exhibit’s very existence constitutes that which it is trying to deny.

By the end of the exhibit, gallows and hangings are reduced to entertainment and children’s play things. In one display cabinet, a wooden picnic basket sits with a rope coming out of it ending in a hangmen knot and noose. There is no explanation of these items. Nor are they contextualized in relation to facts previously stated in the exhibit that measures were consistently taken to reduce the amount of fanfare and public-picnic atmosphere, such as a wall being erected to conceal the gallows and scheduling weekday hangings instead of weekend

events that made it harder for people to attend. Once again the exhibit plays the gibbet both ways, saying “there was” and “there was not” a festive atmosphere at hangings.

There are two miniature gallows on display in the exhibit. One of them is presented as a carved piece of art made in 1984 entitled “Hanging Around.” It is introduced as a “whimsical version of the gallows story.” This small gallows accommodates two to be hanged at a time but in this depiction, only one person has been hanged. The victim has fallen, his body dangling half way through the trap, black hood over his head with a contour-less face, his arms bound around his waist, and his hands clutching at the air. The hangman stands with another noose in his left hand, tall and thin, his broad brimmed hat casting a shadow over his bug-eyed stare, his beaked nose, and his thick moustache, as he looks at you as if to say, “watch it buddy, or you’ll be next.” This mini-gallows sits atop the donation box. One can see dollar bills lining the glass case below the gallows and a sign that reads “DONATIONS ARE GREATLY APPRECIATED.” The proximity of a pretend hanging to a request for money to keep the tourist attraction in operation reveals their intimate relationship.

The other miniature gallows in the exhibit is encased in a plexiglass box that is complemented with a copy of Samuel Harman’s book (Harman’s name is repeatedly misspelled Harmon throughout the exhibit) *Hell on the Border* –with the textual heading of “The Story Lives On.” These gallows stand about a foot and a half tall and wide. There are five all-white wood block figures hanging through the trap door at varying heights. Some dangle midway through the trap while others heads are barely visible, eternally hanged for their crimes. This same miniature gallows can be seen in an undated black and white photo pinned next to some other pictures in the exhibit. It comes with no explanation at all.

In this photograph, the gallows has been arranged as if someone had been “playing house” with it. There are a set of stairs adjoining the scaffold and a cardboard backdrop made to look like the old brick wall of the fort, with a painting of a tree and the sky beyond the view of the wall. The old photo has an entire cast of characters on the gallows. Six people stand as one figure has been hanged. These are not wooden blocks but little life-like dolls. One is clearly clergy while others wear suits, but have no discernible designation of office. The victim hangs a bit off kilter with torso and head above the trap door, appearing almost mistakenly lodged mid-way through the execution.

Near the end of the exhibit, it asks “Why Rebuild the Gallows?” and then provides some possible answers which include, “The image of the ‘Hanging Judge’ (a term rarely used in Parker’s lifetime) made it difficult to separate the man from the punishment,” “The hangings attracted the general public to the story. It was *this* Fort Smith story that fit with the pop-culture ‘Wild West’ of the 1950s,” and, “The character of the ‘Hanging Judge’ – one man bringing law to a ‘lawless frontier’ by way of the gallows – was a variation of an enduring western myth” (Fort Smith Museum of History 2009). Over and over this exhibit simultaneously deconstructs and creates the frontier mythos which features Parker as the principle architect.

The National Historic Site holds “Execution Anniversary” programs on the dates on which executions occurred. On these days, an actual noose is put on the gallows for every man who was hanged on that date. The programs run once in the morning and once in the afternoon. A park ranger provides information on the court case to tourists while sitting in the courtroom and then walks them out to the gallows to complete the program as a way of simulating the judicial process. The stairway leading to the gibbet has a locked gate with a warning to those who might think of ascending it: “respect the gallows as an instrument of justice.” The sign is a

performative; it constitutes “pure justice,” leaving no room for question as to whether justice was actually served here. The Supreme Court justices who overruled 70 percent of Parker’s death sentence convictions might argue otherwise. Thus, the “plausibility of denial” of Parker’s injustice is performed in the frontier complex, constituting the myth of justice on the edge of the frontier.

### Performing *True Grit* for Frontier Tourism

Attempts at distinguishing fact from fiction in the frontier complex is further compromised with the conflation of Hollywood images and historical facts. The near totally fictitious accounts of Belle Starr, for example, are reinforced at the National Historic Site and the Fort Smith Museum of History with Hollywood posters showing an evocative Gene Tierney starring in *Belle Starr* (Cummings 1941) opposite Randolph Scott as her husband, Sam Starr. While the details of that specific film are not part of the frontier complex cultural memory, the displayed movie posters alone perpetuate the myth of Belle Starr as a seductress and *femme fatale*.<sup>29</sup> In the National Historic Site, movie posters line the wall of the small theatre in which the orientation video is shown. In the gift shop, copies of *True Grit*, the novel and each of the films, are available for sale as is *Hang ‘Em High*, which features a grim looking Jed Cooper, Clint Eastwood’s character, on the cover silhouetted by six nooses strung over a gallows.

Back at the Fort Smith Museum of History, a *True West Magazine* cover from April 2011 depicting side by side the two “Rooster Cogburns,” Jeff Bridges and John Wayne, has been blown up to movie poster size and is pinned below a display featuring one of the miniature gallows. Just a few feet from this case is a life-size cardboard cut-out of John Wayne as Rooster Cogburn. Another nearby placard indicates that the museum gave pictures of 19<sup>th</sup> century Fort

Smith to Ethan and Joel Coen's set team for their design of Fort Smith in the film. While the story of *True Grit* is fictional, the museum boasts a factual, literal connection to it which entirely confuses the matter. The net result of this collage is a hopeless conflation of fact and fiction inextricably bound with one another.

The novel itself blends historical people and places with fictional characters. In the first chapter of *True Grit*, for example, Rooster Cogburn is called to the stand to testify in front of Judge Parker, and Fort Smith is where the trip to avenge Mattie Ross's father embarks across the Arkansas River in search of Tom Chaney in Indian Territory. In other words, the frontier complex is the "real life" stage setting for an imaginary story to play out, which it does in numerous ways. I am told by virtually all of my consultants at the National Historic Site that visitors frequently claim ancestry to the fictional characters created by Portis. They say they are descended from LaBeouf, from Mattie Ross, or from Rooster Cogburn himself. Indeed, author Brett Cogburn is currently on tour, touting himself to be the great grandson of the Rooster Cogburn from the novel while selling *Rooster: The Life and Times of the Real Rooster Cogburn, the Man Who Inspired True Grit* (Cogburn 2012).

Charles Portis has offered some counter points to the way in which his novel is performed in the frontier complex. He was extended an invitation to attend the grand reopening of the National Historic Site in 2000 after extensive renovations following a 1996 tornado. In lieu of attending, Portis replied in letter to Park Superintendent Bill Black.<sup>30</sup> A few important observations can be gleaned from this exchange. On the issue of fictive kinship, Portis unequivocally states "no, Rooster Cogburn wasn't based on a specific person . . . he was just a representative figure of those hardy deputy marshals who worked for Judge Parker's court."

A Park Ranger from the National Historic Site walked this letter over to Brett Cogburn on the day he was signing copies of his book at the Fort Smith Museum of History. When presented with counterfactual evidence to his claim, he simply replied that he was descended from Rooster Cogburn and that he was not going to discuss it further. When I and others interviewed Brett Cogburn to get some information on this topic, he deployed various tactics of distraction and evasion that ultimately deterred the requests. He not-so-skillfully avoided answering the question while simultaneously receiving press and attention that further constituted the frontier complex as a place where fact and fiction both reside.

The city of Fort Smith readily embraced the news that Ethan and Joel Coen were releasing a remake of *True Grit* in December 2010. Some of the festivities were billed as “True Gritapalooza” sponsored by the Fort Smith Convention and Visitors Bureau. “Roosters by the Dozen” was held at the National Historic Site on the day of the films debut. According to the Facebook announcement, the goal was to set a “world record for the most Rooster Cogburns [sic] in one place, and the only Rooster Cogburns [sic] at the actual site where True Grit would have occurred!” ([facebook.com/Gritapalooza](https://www.facebook.com/Gritapalooza)). Deputy badges and eye-patches were provided for all those who attended. The crowd, said to be over 500, gathered in front of the replica gallows.

Through a bull-horn, someone read the lines of Lucky Ned Pepper to the assembled Roosters: “What’s your intention? Do you think one on four is a dogfall?” To which the Roosters replied, “I mean to kill you in one minute, Ned. Or see you hanged in Fort Smith at Judge Parker’s convenience. Which will you have?” The character of Ned Pepper responded, “I call that bold talk for a one-eyed fat man.” To which hundreds of Roosters yelled in unison, “Fill your hand, you son of a bitch!” This performance of mythic-fictional characters in “the actual site where True Grit would have occurred” with the replica gallows where Judge Parker would

have hanged Ned Pepper continues the conflation between fact and fiction and once again constitutes the frontier complex in performance.

The academic year of the film's release, 2010-2011, University of Arkansas Fort Smith (UAFS) featured Portis' novel in the "Read This!" program, which required several Freshmen English II students to read it in the fall and spring semesters. Following that program in September 2011, a group of English students, alumni, and professors from UAFS participated in the 50<sup>th</sup> anniversary celebration at the National Historic Site by performing a dramatic reading of the Parker courtroom scene in the replica of Judge Parker's courtroom. Professors played the roles of Cogburn, Judge Parker, and the prosecuting attorney while students and alums rounded out the cast. Again the frontier complex is constituted by performing fiction in the place in which it allegedly "really" happened.

In Fort Smith it has been hotly debated: "Who was the real character with 'true grit?'" Was it Rooster Cogburn? Was it the Texas Ranger, LaBeouf? This question carries over to actual deputies from the Parker court era. Was it Bass Reeves, or was it Bill Tilghman? Was it Chris Madsen, or was it Heck Thomas? A program produced by the Smithsonian Channel, *The Real Story: the facts behind the fiction* came to Fort Smith to film an episode on this very question. The film crew hired local reenactors to play various roles and asked if it was deputy Reeves, or Madsen, or Thomas, who had the "true grit." There was great excitement and stir about the film. I was told by one of the reenactors that "when they said 'action' I was in the zone I was right there, back in that time. I was hooked and told 'em I wanted more if they needed me for anything." This episode of *The Real Story* was widely referred to as a "documentary" by those in the frontier complex but it resembles more of "reality show" of the past.

When *The Real Story: True Grit* (Jones 2011) aired, few of the local people who had been involved actually saw it.<sup>31</sup> Full of quick camera work that seldom focuses on one thing for very long, it does not answer the “who had grit” question in the end. The heavily edited show gave most of the local reenactors mere seconds on the screen, with one exception. A young man who portrayed a deputy for the show has his same short scenes, repeated several times throughout the program. While he is playing the role of law enforcement, he is made to look like a cold-blooded murderer. One day as we discussed the veracity of the film, he exasperatedly said, “they have it looking like I walk up behind this guy along a river bank, shoot him in the back, and then high tail it out of there on my horse! They make me look like I’m the criminal!”

The TV episode spurred speculation in the frontier complex over which deputy had more grit than the others. One alternative answer to this question is seldom suggested, but Charles Portis gives a clue to it his letter sent to the park superintendent. Portis says of Mattie Ross, that “she shows herself, unconsciously, perhaps, to be just as hard in her own way as these hard customers she disapproves of, and has to deal with.” Though seldom in contention in the “greatest grit” contest, Mattie Ross clearly demonstrated it. The highly gendered framework in the frontier complex disqualifies her from such consideration. In contrast, English Department faculty report that in a classroom context many UAFS students concluded it was Mattie Ross.

A final element from *True Grit* to make note of is how many reenactors in the frontier complex use it as a template of their “anti-government interference” attitudes. The setting of the novel in the “lawless” Indian Territory embodies a place where government bureaucracy has yet to tread, where justice can prevail unfettered by the oversight of the Supreme Court, rule of law, or due process. Rooster Cogburn expresses his disconcertment with how the machinations of a bureaucratic, rational-legal system, permits guilty men to go free. Cogburn says to Mattie Ross,



“You can’t serve papers on a rat, baby sister... These shitepoke lawyers think you can but you can’t. All you can do with a rat is kill him or let him be. They don’t care nothing about papers” (Portis 1968:63). Cogburn’s disdain for bureaucracy comes through again to Mattie Ross: “Your Government marshals don’t have time to be paying a lot of social calls. They are too busy trying to follow all the regulations laid down by Uncle Sam. That gentleman will have his fee sheets just and correct or he does not pay” (Portis 1968:79). Cogburn’s attitude of operating above the law is appealing to the reenactors.

It is Cogburn’s association with Quantrill’s raiders and Bloody Bill Anderson that most excites the imaginations of the “anti-government-interference” minded. We learn from the local horse trader in the novel that “report has it that he [Cogburn] rode by the light of the moon with Quantrill and Bloody Bill Anderson. I would not trust him too much. I have heard too that he was *particeps criminis* in some road-agent work before he came here and attached himself to the courtroom” (Portis 1968:87). By that simple reference, Cogburn carries an anti-government persona as James Quantrill and Bloody Bill Anderson operated as a paramilitary group during the Civil War.

Many local reenactors frequently drop the name “Quantrill” here and there in conspicuous ways. In the early months of my observations of their shootouts and interacting with them between shoots, I would hear this name dropped, but felt like I was missing something. Even after developing basic knowledge of who Quantrill was and what he did, I still felt a bit lost. It was not until it occurred to me that the use of his name was part of the script in the frontier performance that it made sense to me. “Quantrill” is a trope; it does not refer to the person who led the paramilitary group, but rather in one short name it evokes an entire attitude and persona of government defiance. Virtually every member of the reenactment group is a

member of the NRA, and has happily revealed to me their conservative political views. In addition to conversations and comments which I have recorded, their postings on their Facebook pages of Tea Party material of staunch gun rights posts, etc. reveal their anti-government interference position. By aligning themselves with Rooster Cogburn and by way of intimation of Quantrill, they can perform their political ideologies in the frontier complex.

### Wild West Frontier Reenactors

In the Fort Smith frontier complex, there is a wide variety of reenactors and reenactment groups who purport to dress in “period” clothing to represent a part of life as it was in the late 19<sup>th</sup> century. The group names reflect their dispositions. There are: “The Lawbreakers and Peacemakers,” “The Sons and Daughters of the Old West,” “The Indian Territory Pistoliers,” “The Clayton House Players,” and the “Bass Reeves Troupe of Muskogee.” Additionally, Baridi Nkokheli portrays Bass Reeves as a “stand alone” character but in third person. His performance focuses on providing the history of Reeves rather than reenacting him. The National Historic Site conducts “Night Court” quarterly in which specific court transcripts from Judge Parker’s era are studied and then performed in period clothes and first person dramatizations in the replica courtroom for a paying audience. After performing for 18 years together, “Miss Laura’s Players” performed their last show in December 2012. Carolyn Joyce continues to portray “Miss Laura” on occasion and some of the volunteers at the Visitor’s Center will dress in “period” clothing. Volunteers at the National Historic Site, too, can frequently be seen dressed in costume.

In addition there are many other reenactment groups that use the grounds of the National Historic Site, but are outside the frontier period of history and imagination that this dissertation is

focused on. There are several Civil War-related groups including Confederate and Union troops as well as the United Daughters of the Confederacy. Infantrymen and “washer-women” from the 1817-24 fort period as well as pioneer reenactors focused more on the 1820s-40s can also be seen on occasion. What follows will be an analysis of just the reenactment groups who portray some aspect of the frontier era, which is closely tied to the Judge Parker era from 1875-96.

I have spent many hours over the past three years conducting fieldwork among all these reenactment groups. Pseudonyms will be used for all individuals and group names where distinction in group is not key to the interpretation. I will consolidate the data under the heading of the “Wild West Shooters” group name to make the description as anonymous as possible. Pseudonyms that reflect personas are challenging with these subjects as most of the classic western names are already in use by the reenactors.

One thing that all of the frontier reenactment groups agree on is that they are “keeping the frontier past alive.” In some way, they all believe what they are doing constitutes some aspect of life as it actually was “back then.” Conversely, it is my contention that the groups are instead constituting the frontier complex today. We will now examine a few skits which are typical of those presented in Fort Smith. The skits range from deputies chasing horse thieves, to bank robberies, to town drunks shooting errant blanks all about town. Some skits are meant to amuse, while others end with carnage.

“I’m Kit Carson, greatest gunman in the West!”

The Wild West Shooters perform at virtually all the local heritage festivals and at key historical sites and museums for special occasions. An often-repeated skit is the gag marksman bit featuring the legendary marksman Kit Carson. The skit begins when Yosemite Sam and Kit

Carson locate themselves about thirty yards away from where a cluster of six other reenactors are standing at the far other end of the street. One of them is holding an inflated red balloon. The “gag” of the skit is that Kit Carson will demonstrate his “prowess” with firearms by using a mirror to shoot backwards and pop the red balloon. This eventually happens, but not until two or three bystanders are wounded or killed and the man holding the balloon is hit several times.

Yosemite Sam uses a bullhorn to set up the skit for the audience and warns the crowd to move to the edges of the street. He announces that “Kit Carson has generously agreed to do a demonstration of his shooting prowess. Now, what Kit will do –can I have someone down there show the balloon? As you can see there is a man down there with a balloon.” As directions are being given, a flurry of people suddenly scamper through the middle of the skit, momentarily distracting the reenactors as they let down the balloon. Sam advises “back up, down there with the balloon, please.” “*Get out of the street!*” booms Carson’s voice over Sam’s bullhorn, to the spectators still encroaching on their stage.

“That’s good, that’s good,” Yosemite Sam and Kit echo. Yosemite Sam then says, “Now Kit, I have a mirror in my pocket, and if you will, will you use the mirror?” In a very stern voice, Kit responds, “yes I will, I will use the mirror.” Yosemite Sam reaches into his duster for the mirror which is about eight inches in diameter. Sam shouts, “Alright, Kit has generously agreed to use the mirror.” “This is going to make it pretty difficult but I’m going to try to do it anyway,” Carson declares.

“Kit is ready! Can I have the first holder of the balloon?” Sam gives away what is about to happen when he says “first holder” but no one in the audience understands that at this point. Kit draws his pistol out and gives a strong look down the street at the balloon holder and then turns his back to him, holds the mirror up, places his gun over his left shoulder and takes aim at

the balloon. “Hold up the balloon, we should only have one shot here ladies and gentlemen, this is the great Kit Carson,” Sam says to the crowd over the bullhorn. Kit takes aim and fires. There is a thunderous blast and smoke shoots from his pistol. He rocks back on his heels, then spins around to survey the results. “You missed!” come the hollered back responses. He not only missed the balloon, but he also downed a “bystander.”

There are six men standing very close together near the one holding the balloon. Why they would be that close to someone being fired at is a good question. Presumably they all have great confidence in the firing accuracy of Kit Carson so do not feel the need to move out of harm’s way. The men all holler back, “you missed, you missed. You hit ‘em,” as they point to a man who has fallen dead to the ground. Yosemite Sam hollers back, “o.k. then hold the balloon further to the right,” as part of the joke. They continue with the shootout demonstration. The slowly developing joke is that Kit hits everything but the balloon. The attempted humor generally falls flat or is lost altogether on the wary and weary crowd.

“Second shot coming up,” announces Sam. Carson again turns his back and takes a broad stance, holding the broken mirror up again with his left hand he takes aim with his right hand as he reaches back over his left shoulder. As he is taking aim, the men down by the balloon give him aiming directions. “A little to the left,” they yell, and “A little bit lower!” Carson fires and this time a man who was about ten feet away is hit and collapses backward to the ground. Yosemite Sam yells, “a little more to the right, Kit.” This punch line garners one loud guffaw from the audience. “He’s gone Kit!” they yell, pointing to yet another corpse that has fallen victim to Kit’s bad aim. Two minutes into the skit and two men are lying dead on the ground, legs splayed in feigned death, hats placed over their faces. Few in the audience are laughing but

the skit marshals forward with Kit Carson now given even more direction on where to aim, not to stop, but to continue with the “accidental” murdering.

On the third shot, two men who were standing about eight feet apart each fall down. They have not rehearsed and the cue of which one is supposed to be the victim has gone awry. Yosemite Sam adlibs, “You hit two of ‘em Kit! Well, that was a fantastic shot, Kit.” I laugh heartily under my breath but I hear not even a chuckle from the rest of the crowd. I think to myself, “is nobody paying attention?” I search the faces in the crowd of about thirty for some clues, but only find blank expressions. Back on the street, Carson is preparing for his fourth attempt. Frisco Kid has now taken the balloon as the original holder is dead on the ground. Frisco crouches low reaching his hand with the balloon as high as he can go. “Easy now, Kit, he yells,” wincing in concern over what fate awaits him. The shot is fired and the Frisco Kid is hit in the left leg. He takes a knee, hollering that he’s been shot. He reaches into a pocket and removes a planted prop. Frisco takes a white handkerchief that had been prepared with a fake blood stain to make the gunshot wound come to life. Kit hollers, “what’s the matter?” at Frisco as if to say he’s being a wimp for not sticking in there with the shooting demonstration.

They do the same routine until on the fifth attempt the balloon is punctured to create the illusion that it’s been struck. There is virtually no crowd response. Kit Carson fires four more rounds into the air and then takes what seems an interminable amount of time painfully prolonging the anguished conclusion to the skit. He then declares “I’m Kit Carson, pistolier extraordinaire!” The final punch line signals a relief to the crowd who had been maintaining a basic level of politeness throughout. They now take their cue and depart.

The emcee of the festival gets on the public address system and says, “thank you so much for being here,” and then with what seems like a wish that by repeating something over and over

you can make it come true, she says “We really, really, really, really, enjoyed your presentation.” A few hours after the shootout, Bear, one of the reenactors, came up to me and asked, “How did that come off?” There was a hint of wonderment, perhaps even embarrassment in his voice. The shootout skit had not gone well, very few people laughed, and there was very little response from the audience. I pointed out to Bear that “the weather put a damper on the event, and the football game interfered, too.” He took solace in that as he squinted off into the horizon as if looking for other clues.

Before and after the skits, there is occasionally some mingling of the reenactors with the crowd, but more often the reenactors retreat to their enclave and visit amongst themselves. Surprisingly they are not overly friendly or interactive with the crowds that they are ostensibly there to entertain. There is some picture taking and “posing with the deputies” that goes on between skits, but most of the time the performers and audience are mutually stand-offish. Audiences do not demand more performance. It is more accurate to say the reenactors demand the attention of the audience. People do not intentionally drive to see these skits; rather the performances are imposed on people where they already are.

Members of the reenactment groups of this ilk purport to be doing the performances to “keep history alive,” because they “love the past,” or “wish they could have lived back then.” They have all invested hundreds, and some, thousands of dollars in “period correct” weapons and clothes. Considering the amount of time, money, and energy expended for these performances raises the important question, for what? For a small number of adults to perform a ridiculous vignette which is not even up to the standards of the smallest of community theaters? While this balloon skit is done for “fun” it begs the question of what their objective is as it is preposterous to think this in any way shape or form resembles 19<sup>th</sup> century life. In all the reenactment groups

I observed, I was always told at some point, “you know, what we do isn’t *really* accurate. Back in the day someone would have just come up and shot someone in the back. It would have taken thirty seconds. That’s not entertaining.” Performing frontier tourism is once again simultaneously contrived and “historically accurate.”

### “A Necktie Party”

“Fire in the hole!” yells Bloody Bill Anderson as he fires his double barrel 12 gauge shotgun into the air. After the shot, he opens the gun and blows through the barrel to force the discharge of smoke out the end. He tells me later, “yeah, every time I shoot the shotgun the people just go ‘ooh, ooh’ they love it, and then I do the thing where I open it up and I blow the smoke out of the end of the barrel, they love that.” He cracks a wide grin and cocks his head in self-congratulatory adulation as he declares “theatrics!” This skit is tacitly rooted in a story about a gang of outlaws who have escaped from Fort Smith and are being tracked by a deputy and his posse. It does not reference a specific historical case.

The skit begins in a small town, literally a miniature western town set. The reenactment group has constructed western town building façades resembling a movie set, though on a much smaller scale. There is a bank, a saloon, a sheriff’s office, etc. The skit begins with a U.S. marshal speaking to the pretend-town’s mayor asking him if he’s seen the outlaws in question. The mayor asks, “what are you going to do after you’ve found them guilty?” The marshal responds, “that’s when we’re going to have a neck-tie party. That’s when we stretch their necks, you know, a neck-tie party.”

In addition to a jab at due process, evidently this is an attempt at humor, but the crowd, which is quite close, has no reaction. Often the skits are done in public spaces which make it



extremely difficult to hear all the dialogue. In many cases, it is simply impossible for the crowd to hear all of the narrative and understand what is going on. Subsequently, what is left is the sight of a lot of shooting and people falling down “dead.” In bigger venues, wireless microphone head-sets are deployed, but more often than not fail in some capacity and do not make the voices clearly audible. At this particular shootout, every word can be easily heard by the audience.

In these shootouts, there are always “good guys” and “bad guys.” All the good guys survive, all the bad guys die and all the loaded rounds get fired. Criminals are never apprehended, only killed. The women in the skits are scripted to end up huddled together off to the side. Occasionally one of them will fire a gun, but most of the time they play a passive covering role, waiting until the coast is clear to run out and poach items off the dead “bad guys.” During the skits, the men nearly always tell the women where to go, where to stand, to “get back” and “move over there.” In one skit, I observed a woman who began to speak be told very quickly, “you don’t do that there.”

The shoot out portion of this particular skit pits three good guys against four bad guys. The deputies have caught up with the outlaws and a stand-off is framed by the street in front of the little town. “Put your guns down right now!” is the initial demand made by the marshal, which is met with a defiant “fiddledeedee!” and “you get *your* hands up!” from the outlaws. “No, you get ‘em up,” “You get ‘em up,” is bantered back and forth several times before the shots begin to fly. One of the bad guys has two pistols, two of them have one pistol a piece, and one of them has a rifle and a pistol. The three good guys are also heavily armed one with two pistols, one with a pistol and a shotgun, and the marshal with two pistols and a shotgun. As if that were not enough to hold onto he goes through the entire shootout with a tobacco pipe in his mouth. In the firefight that ensues, 50 rounds are fired in 20 seconds. None of the three good guys have

been killed, let alone wounded. All four bad guys are on the ground, ostensibly dead. But the skit is not over.

There is no movement from any of them for over a minute, yet the good guys and the womenfolk who have been witnessing the shootout bait them to “shoot ‘em again,” and “he aint dead yet!” “This one’s still moving,” and “It’s not dead yet,” can be heard. One of the good guys fires his shotgun at one of the dead outlaws and then flippantly but defiantly justifies the pot shot with, “I think he twitched.” A minute and half after the fact, a final shot is taken at an unmoving, dead bad guy lying prostrate with his back to the good guys. “What about that one over there?” They bend over in feigned inspection of the corpse, “I’ll get ‘em right here,” hollers the U.S. marshal who proceeds to blast the “dead” outlaw in the back with a shotgun.

What does it mean for men portraying U. S. deputy marshals to shoot and then continue to slaughter their victims? This is not an atypical conclusion to their skits. Is this justice? Does this resemble anything from the 19<sup>th</sup> century? What heinous act must these men have committed to be so objectified? The audience is told that the “Johnson Gang” was “wanted for horse theft.” In these shootouts, nobody screams in pain when they’ve been shot. All the bad guys fall down gallantly, shooting all the way down, firing on bent knee, now on the ground, shooting while rolling over toward death, somehow maintaining the resolve to continue fighting even after having been shot several times. Nobody screams or cries at the loss of loved ones. The bad guys are never shown to have kin, nor womenfolk. Rather they are looted for what items might be sold for profit. The shoot-out reenactments mute any of the real pain and anguish that would have been present in a real shooting. Instead, they are performing frontier tourism so they can dwell in an imagined, dehistoricized past, as tourists experience a decontextualized yet potent ethos of a “different era.”

“Thread counting and button scrutinizing is bullshit!”

“*Sit down and shut up!*” yelled Jesse James from the back of the room. “Who are you?! Who are you to tell me what to do?!” came the screamed reply from Emmett Dalton. The two men, each armed with guns and knives, advanced on each other and as their chests bumped they were drawn back by others in the room. This was not the performance of a skit, but instead twenty minutes into the monthly meeting of the Wild-West Shooters (WWS) when the conversation had taken a contentious turn for the worse. We had just spent the past hour dining from the all-you-can-eat buffet while posturing for best position in the room to observe this fight, for everyone knew it was going to take place.

Pressure had been building under the surface for several months over a break-away reenactment group, that I will call Quantrill’s Raiders (QR), which was drawing membership from within the ranks of WWS. About ten individuals were simultaneously members of both groups, and QR had been getting paid shoot-out gigs that would have otherwise gone to the WWS. The members of WWS who were not invited to be in QR were not only feeling resentful for being overlooked as members, but also because it meant that the more QR flourished, the more WWS would languish for lack of income from the paid events.

This fight had been telegraphed the day before in a melodramatic e-mail from the club president, Bloody Bill, who said in that correspondence and repeated at the meeting that night that he would be resigning due to “the inability to work effectively in this environment.” The details of “this environment” were never clearly articulated. Bloody Bill was one of the members participating with both QR and WWS. In the two monthly meetings leading up to this one, Bloody Bill had begun to lay a trail of contention to justify the behavior of QR. He had said at previous meetings, “We’re [WWS] losing gigs because we’re not period correct enough.” He

cited author Brett Cogburn, who had recently given a book talk in Fort Smith, as an example of someone who refused to hire them for their lack of authentic appearance. He then chastised WWS for not rising to a higher degree of authenticity, while benefiting and profiting from this “fact” as a member of QR. Ironically the WWS were not “authentic” enough for Brett Cogburn, the author discussed above, who claimed direct descent from the fictional Rooster Cogburn.

On the surface, the explanation for why QR developed as a distinct group from WWS was one of a greater degree of “period correctness.” QR originally joined the Reenactors Guild of America (RGA) when that group broke away from WWS and used its membership in RGA as a cloak of higher authenticity to legitimate their new group. However, RGA turned out to be too “period correct” for even the QR. In a conversation with Bloody Bill from QR, he matter-of-factly told me that RGA’s “thread counting and button scrutinizing is bullshit.” There was no suggestion of irony that standards of “authenticity,” which Bloody Bill valued so much that he led his own posse to operate outside of the WWS, were in this case invalidated because they were too stringent. Degrees of authenticity among reenactment groups are finely-split hairs. QR defines itself as somewhere between WWS and RGA and yet, to the novice, there is truly no evident difference among any of them.

An alternate explanation for why QR may no longer be RGA certified is because they do not abide by the safety regulations clearly specified in the RGA rulebook. There are distances that must be kept and directions that shots must be taken. I was told by an RGA safety marshal that the QR as well as the WWS had “too many safety violations” by RGA standards. The Reenactment Guild of America, posts their “Rules and Regulations” on their website, [www.rgamerica.org](http://www.rgamerica.org). “Weapons & Performance Ammunition” regulations state that all pistols shots must be taken from at least 15 feet away and all shotgun blasts from at least 25 feet away.

After reviewing my filmed footage of shootouts of all the observed groups, I can say that not one of the groups that have shoot-outs in the frontier complex meets this safety standard. RGA also requires safety ropes or lines that clearly demarcate the performance space. This rule was also broken at events I observed. What does this tell us about their performance?

In my many hours of fieldwork with these reenactment groups, I observed only one occasion in which a request was made from one reenactor to another to “watch where you’re pointing that thing.” On that occasion, the request was ignored the first time and had to be repeated. The offender reluctantly complied, sulking as if their gun handling skills had somehow been challenged. I was slow to come around to observing exactly where guns were pointed. Between skits at one event, all the shooters were standing around, reloading guns, and talking. As we all huddled around visiting, I suddenly noticed that the end of a shotgun was absent-mindedly pointed straight at my head not less than a foot away. At that same event, I accidentally knocked a rifle to the floor that had been balanced on the seat of a chair. What does this tell us about their performance?

If neither QR nor WWS is “period correct,” then what was the argument between QR and WWS all about? I suggest that “period correctness” is being used as a superficial excuse, an alibi, for the break. The skits that these groups perform usually have about five to ten men on either side – “good guys and bad guys.” In the larger WWS group, the numbers on both sides swell to over ten and the practical result of this is that fewer reenactors get to shoot their guns and be the star of the show. The “stages,” the “venues” in which these shootouts are performed, can only contain so many shooters. It is my contention that the reason for the QR split comes down to stage-time and shoot-out time. In other words, the time they get to be featured in “the show.” Comments from the reenactors reveal that they frame what they are doing in movie-like

terms. They frequently engage in excited banter about western films and television shows and cite favorite lines from them or strike a familiar pose from them.

I suggest, too, that their lack of safety is directly related to their “Quantrill Raiders” ethos they wish to affect: their distrust of government, bureaucracy, and disdain for having to follow rules in general. At various times, individual reenactors or entire groups have been banned from coming onto the grounds of the National Historic Site for not abiding by gun rules. In some instances, they were invited and asked to leave their guns at home but arrived armed anyway. On another occasion, they were specifically told not to come dressed in period clothes. As they strolled onto the grounds dressed-out, they caught sight of me and approached with mischief on their faces. As we greeted each other, they pulled their coats back to reveal their holstered pistols and their defiance of the federal park service request as they performed their Quantrill trope.

#### “You Women Get Out of the Way!”

During the argument between Quantrill’s Raiders and the Wild West Shooters, much gendered posturing was disclosed. As the men in the group yelled and physically intimidated each other, there were three women who tried to calm “their men” down. Their protestations were quickly met with stern admonitions to “be quiet,” “mind your own business,” and even a “shut up.” Several women got up and left the room in feigned indignation at the turn of events, not at all unlike what happens in their skits. I believe the role women play in the frontier reenactments is exceptionally significant, even though they seldom play an instrumental role in the action. The following skit exemplifies the gendered performance.

As the Wild West Shooters were setting up for the skit, Yosemite Sam hollers, “Where’s the women? Women! Come over here. You ladies get over here and get in the way” (said with mild sarcasm). Five women in full-length dresses begin to promenade in the general direction indicated. Sam continued, “you girls get over here and when you see us comin’ you know what happens.” The women walk the direction pointed until Sam hollers, “that’s good stay right there ladies.” The women huddle, whisper to each other, glance, and point around in feigned surprise of what is happening; one says “oh my.”

The shooting begins after eight armed men have just held up a bank and are running in the direction of the women with bags of money. “GET OUT OF THE WAY YOU WOMEN!!” is yelled as the men come, guns blazing toward them. One of the bank robbers says suggestively to his companions, “look at what we got here.” “Oh my gosh!” responds a distressed woman. Just then, deputies arrive at the scene and demand, “put the money down, and walk away from it!” To which several bank robbers reply, “No! We earned it!” The women skirt to the edges of the scene as the hollering goes back and forth several times before the firing begins. In the end, all seven of the bad guys die all five of the good guys survive unharmed.

As the scene unfolds, the five women come over to the dead bad guys and poach off of their bodies, pulling off their boots, taking their guns, pilfering their wallets, “this one’s got some nice boots” is yelled as she takes his boots off and holds them up. One of them hollers to a deputy, “this one’s still moving. It’s not dead.” The man on the ground is not moving at all, but a deputy comes up and shoots him anyway. “This one’s toes are already curling up.” Another woman fans her face and makes an expression of the smell of death getting on her. They are smiling, grinning. “Alright, clean ‘em up off the street” is hollered. And then, “CUT!” “Cut” is

the Hollywood cue used to end all of their skits. The downed bad guys slowly rise, brushing themselves off, all acting as if they've had a good time.

The women's lack of involvement in these skits raises the question as to why they are there at all. Beyond the reinforcement of narrow, essentialized notions of gender roles, I suggest the skits are also a restatement of the hegemony of heterosexual normativity. The women are always and only on the "good guys" side. Given the stark binaries of the skits, I can only speculate that if they were on the "bad guys" side they would either need to be killed or ravished. Their quiet comportment belies a balance that stands in opposition to the Amazon Belle Starr and women who find pleasure in prostitution. Most of the women wear full-length dresses that cover the length of their arms and up to their necks. Esther, one of the Wild West Shooters, proudly wears what she calls her "widow-weeds" occasionally, but changes the historical context to the Civil War when playing that role. In virtually all cases, the presence of subservient, domestic, and kept women, underscores the image of the men as white, manly, and civilized, and whose wives are not being murdered nor working outside the home.

### Constituting Bass Reeves

The frontier complex is a Bakhtinian chronotope (1981:84) that permits multiple voices and views to be expressed. We have just heard Park Rangers pleading for historical accuracy, city tourism employees flagging down motorcoaches dressed as madams, and neo-liberal racial and gender ideologies being reinforced. The frontier complex is a platform for all of these perspectives and acts, as well as a stage for other competing voices. This dissertation has been, in part, an effort to discern meaning from this otherwise cacophonous chatter. One voice that needs more analysis in the context of performance is that of Art Burton's. Since his book on



Bass Reeves in 2006, Burton has been instrumental in shaping a particular image of Bass Reeves which has come to be the repeated story in Fort Smith and elsewhere.

I suggest that Art Burton has performed the legend of Bass Reeves into existence. Burton has given talks on two separate occasions at UAFS, made special appearances at the National Historic Site, including at the July 2011 “Hell, Grit, and Justice” conference. In January 2010, he was a featured speaker at the Fort Smith Museum of History for the 100<sup>th</sup> anniversary of Bass Reeves’ death. He gave several special talks during the events leading up to the unveiling of the Bass Reeves Monument in May 2012. He is a celebrated historian among the enthusiasts of Fort Smith and when people are quoted talking about Reeves, they are often reciting elements laid out by Burton. He has constructed a mythic narrative about Bass Reeves which has come to be the accepted historical fact by the sheer force of his performance.

In May 2012, there was a series of events associated with the unveiling of the Bass Reeves Monument.<sup>32</sup> Art Burton was on hand for the occasion as an honored guest and key speaker. On the last day of the events, the Fort Smith Public Library hosted a “wrap up session” where all the key players in the promotion of Bass Reeves in the frontier complex were present: Art Burton, Vaunda Nelson, Baridi Nkokheli, Judge Jim Spears, and Harold T. Holden. In one of his closing statements, Art Burton held forth on Reeves in his very familiar fashion:

I can say emphatically, and I would challenge anybody to say that there was a better lawman on the western frontier, in that era, than Bass Reeves. And, I think that it’s great that Fort Smith has embraced him and I think that there’s just going to be a multitude of attention that’s going to be given to Bass Reeves in the coming years. Because as more information comes out and more research is done I think that people are just gonna have to [a pause, and then with feigned conceit] agree with me, that he was the best [laughter]. And you will not find a better statue of anybody, of western character in the United States than what [Harold Holden] did on Bass Reeves. So, not only will the statue stand up, Bass Reeves will stand up. I’ve told Baridi and I’ve told Vaunda, I’ve told everybody, Bass is bigger than all of us, we’re just a conduit to get this information out and I think its divine intervention really and you know Bass was not perfect and I’m sure he had some

pit holes and stumbles along the way, but when we talk about lawman there was no better lawman than Bass Reeves in the Wild West.

Art Burton's enthusiasm for depicting Reeves in heroic terms is palpable. In various speeches, he has repeatedly said things such as: "No man is comparable," "Reeves is the greatest lawman in U.S. history," "Getting in a gunfight with Bass was the equivalent of suicide," "The only time Belle Starr voluntarily turned herself in was when Bass Reeves was serving the writ," "Reeves is the greatest man in frontier history," and "Bass Reeves is Bass Reeves." In the spirit and attitude with which Burton delivers these comments, one would not be surprised to next hear that Reeves could "float like a butterfly and sting like a bee."

Burton's legendary language is on a par with those who created the legend of Davy Crockett who could "run faster, jump higher, squat lower, dive deeper, stay under longer, and come out drier than any man in the whole country" (Shackford 1994:xii). One story incredulously repeated by Burton and his surrogates is that Reeves could "spit on a brick and break it." At some point in his Reeves liturgy, Burton invariably delivers in messianic tones, "Bass Reeves walked in the valley of death for 32 years." It was with this sort of praise that Burton successfully lifted the discourse on Reeves into the Biblical domain. A paraphrase that emerged in the May 2012 presentations was "WWBD?" Instead of "What would Jesus do?" it became "What would Bass do?"

Burton is clearly taking liberty with facts to intentionally aggrandize the exploits of Bass Reeves. When asked at one of these speaking engagements about the connection of Reeves to the Lone Ranger, Burton responded with his litany of connections from silver dollars, white horses, Indian companions, and the link to Detroit. He concluded his speculation with a caveat of omission: "But! Even if you can't prove all of that, Bass Reeves is the closest real individual that had characteristics like the Lone Ranger. There's nobody else in reality that had

characteristics like the Lone Ranger other than Bass Reeves.” And then again in a mixture of qualified statements he said, “I would think personally that Bass Reeves was probably the inspiration for the Lone Ranger.”

Burton’s personal webpage is largely designed for selling his books ([www.artburton.com](http://www.artburton.com)). The background image he uses throughout it is the iconic Monument Valley in northern Arizona. This is over 800 miles from anywhere he writes about. The banner on his webpage reads: “ART BURTON’S WILD WEST.” I believe this is an indication that the chronotope that is “performing frontier tourism” in the frontier complex voices yet another thing for Art Burton; his stated objective has become to get a major Hollywood movie made of Reeves’ story. Burton is repeatedly asked and provides updates on the status of movie plans. Names such as Louis Gossett Jr., Morgan Freeman, and James Pickens Jr. are routinely dropped while discussing it. Burton tells stories of being personally called and courted by the handlers of these Hollywood stars.

At the end of a talk he gave in May 2012, an audience member asked, “listen, all this information about Bass Reeves, is it not about time we get us a movie about this guy?” The applause generated by this question elicited the following response from Burton: “I’ve been talking to Hollywood since about 92, round 92, yeah. Suzzane de Passe had rights to my first book, she produced Lonesome Dove, and I said, ‘well if this woman produced Lonesome Dove I’m sure they could do us a movie on Bass Reeves.’” Note that he is claiming ownership of the Bass Reeves story. Burton continues, “I’m going to tell you what she said. Susan’s people tried for about three years but she told me, ‘Hollywood is having a hard time with a black marshal. Even though this is not fiction, we know this is real history.’” Then, in a strange combination of disbelief and belief he declared, “Hollywood made a West that didn’t exist, it’s a Hollywood

creation, but I'm sure that a movie on Bass will be made." Burton has presented himself as the definitive authority on Reeves and he basks in that role. Performing frontier tourism in Fort Smith has many meanings, indeed.

At the 2013 Arkansas Governor's Conference on Tourism, there was a session on creating "Living History: Attracting Visitors with Colorful Characterizations." The session description prompted: "Is a living history character the right option for your community or business? Hear from a few of Arkansas's most notable personalities." The clear intent of the session was to give audience members some ideas for how to constitute "living history" in their own cities. Of the three presenters, two were from Fort Smith - Baridi Nkokheli and Carolyn Joyce. Each was dressed in their "period correct" clothes. After 20 years of experience presenting "Miss Laura," Joyce had her routine down pat: "Good morning gentlemen, I missed you last night, oh, and you, too ladies." Inducted into the "Tourist Hall of Fame" in 2011, "Miss Laura" comfortably performed her routine as a madam, spreading her fan in front of her at all the right moments, fully cognizant of her fabrication and its intent.

While Mr. Nkokheli realizes the connection that the Bass Reeves Monument has to tourism, as of this writing he still believes that Art Burton's performed construction of Reeves has merit. His presentation for the "Living History" session turned into a mini-lecture repeating every "fact" about Reeves that time would allow, including the alleged connection to the Lone Ranger. Nkokheli is operating under the assumption that all of what Art Burton has said about Reeves is historically accurate. In his presentations, Nkokheli routinely borrows a line from Burton saying, "everything we know about Bass is true because it was read into the court record at Judge Parker's court." On the surface it may appear that Nkokheli is simply a mouthpiece for

Art Burton. However, Nkokheli's story behind his portrayal of Bass Reeves is far more complex.

### The man behind the badges: Sgt. Henry Wesley Kellough<sup>33</sup>

On the sunny southern California morning of November 25, 1963, dramatic headlines in the *Los Angeles Times* read: "Oswald Slain!" "JFK's Burial." There were alluring advertisements on that Monday before Thanksgiving including: a 1964 Ford Galaxie 500 \$2819 at Ben Alexander's Hollywood Ford – a "Thanksgiving Sale," or turkeys on sale at Market Basket for 35 cents a pound. On the bottom of the front page the "Comic Dictionary" word of the day was Confidence Man – an individual who takes advantage of unsuspecting people (Los Angeles Times 1963a). Indeed, some individuals, some organizations, and some corporations were looking for their mark that day. The city of Los Angeles, the entire nation, was so distracted by the unfolding dramatic events that one can imagine certain "conmen" recognized this moment as ripe for their deceptive tactics to be deployed.

One notable advertisement that appeared in the *Los Angeles Times* on November 25<sup>th</sup> was for the Chevrolet Corvair that declared: "Everything that makes Corvair fun to drive is back (with big new engines, to boot)." That day, a car of that make was driven to work by a Los Angeles Police Department Detective. On his way home, the detective's Corvair veered off the San Bernadino Freeway, hit a light pole, exploded, and immediately killed the driver. This 28 year old detective, Sgt. Henry Wesley Kellough, had been recognized in August 1962 with the Los Angeles Police Department Medal of Valor for saving the lives of several people from a burning building, left a widow and three young children behind. The news of this detective's

death most likely went unnoticed for the most part in Los Angeles, as people were focused on the catastrophic national headlines and busy with Thanksgiving preparations.

Sgt. Kellough was the father of Baridi Nkokheli.<sup>34</sup> Nkokheli's life story is seldom heard, but it has strongly influenced his portrayal of Bass Reeves. After serving in the United States Air Force, Kellough joined the Los Angeles Police Department on May 5, 1958, as a vice squad officer. His hard work and effort in the LAPD were rewarded with promotions, but did not go unnoticed by some white police officers who, as Nkokheli put it, "thought: 'this is a Negro who didn't know his place.'" Before leaving from work that day, Nkokheli's family alleges that Kellough drank from a tainted glass which caused him to lose control of his Corvair and veer off the road within blocks of the police department, ending his life in a fiery crash.

One brief column appeared in the *Los Angeles Times* reporting on this incident: "Young Police Hero Killed in Flaming Crash" read the headline (Los Angeles Times 1963b). Brief mention was made of his Medal of Valor and the family he left behind. Kellough's widow soon after became involved in "The Organization US," led by Dr. Maulana Karenga. It was through their close family association with the organization that Mr. Nkokheli's mother requested Dr. Karenga rename each of her children with a more meaningful and reflective sense of their cultural heritage.

Mr. Nkokheli's full name is Tokunboh-Baridi Nkokheli. He explains that it is derived from Swahili. Tokunboh means "I was taken away and now I have returned," "someone from beyond the seas," "taken away on a slave ship in the Middle Passage." Baridi means "calm, deliberate, composed," "self possessed, collected, unruffled." Nkokheli means "allure, excel, dependable," "someone on whom much can be depended," "someone who reaches and obtains his goals," "to be in the vanguard, the leader of a movement."

Shortly after moving to Fort Smith, Arkansas in 2005 to become the director of the Department of Sanitation, Nkokheli was approached by Circuit Judge Jim Spears about bringing the famous African American lawman, Bass Reeves, back to life because of his physical resemblance to Reeves. Mr. Nkokheli publicly spoke of his personal background for the first time in February 2011, after four years of performing as Reeves in Fort Smith. He reflected on his performance as Bass Reeves:

You understand that there is a power at work in this universe however you want to describe it. You know there is something that is greater and stronger than all of us and all of the little things that we do. For Judge Spears to see me and see the mustache and to say that he looks a little bit like the guy that we want to promote, but not to know that in my own personal history, my biography, that I also am the son of a lawman who had character equivalent to Bass Reeves. To get the chance to portray a real, true historic figure like Bass Reeves, a real life person is an honor that's beyond measure. I really don't have the words for what this opportunity has meant to me. [Nkokheli 2011]

Thus when Mr. Nkokheli performs Bass Reeves, he resurrects two deceased lawmen. Nkokheli has described his performance of Reeves in the frontier complex as one of a healing process for himself and for his entire family.

After his talk, I published an article about the story of his unusual name in the local history journal. Afterwards, I anxiously awaited someone to comment or ask me question about Nkokheli's story. Because of my research, I have been traveling in the circles of people who read that journal, but no questions were forthcoming. Nearly a year after its publication, I was finally approached about it by a local reenactor. He asked in a serious voice, "can I ask you a question about that article you wrote about Baridi?" "Alright," I thought to myself, "finally." I excitedly replied yes to his request and then he asked, "why didn't you give the Wild West Shooters proper credit for supplying Baridi with his period correct clothes?" Such are the polyphonic voices of the frontier complex.

While Mr. Nkokehli's personal story demonstrates the healing function of performance, it is ultimately lost on most people. What is left is an image of him wearing period clothing striking a pose with his duster pulled back, his hand on his hip, pistol exposed, and rifle on display in mimic of the Bass Reeves Monument. Mr. Nkokheli's portrayal has become synonymous with Bass Reeves. Without Nkokheli's efforts, it is likely the monument would not stand in downtown Fort Smith today. If it were not for Art Burton, Mr. Nkokheli would not have had a script to read for his presentations as Reeves, which are almost exclusively based on Burton's accounts.

As we have just seen, frontier tourism is performed in Fort Smith not simply for economic profit, but also for healing from personal and national traumas, too. The myths of the fort, of Parker, Reeves, Christie, Starr, and Zeigler, are particularly crafted for tourism in Fort Smith – they do not exist independently of each other – nor do tourism and history in general. In *Tourists of History*, Marita Sturken (2007) draws a clear connection between tourism and modernity and how Americans use tourism as a way of mediating various traumas caused by modernity and American imperialism. Sturken's book focuses on how tourism is performed in Oklahoma City and at Ground Zero; I believe the frontier complex functions similarly. Sturken argues that "American cultural responses to traumatic historical events enable naïve political responses to those events. They do this precisely because these cultural responses allow American history to be seen in isolation, as exceptional and unique, as if it were not part of the rest of world history and as if it were something simply to be consumed" (2007:12).

The Fort Smith frontier complex is routinely presented as if it constitutes an exceptional time and place as it decontextualizes and de-historicizes historical facts of the 19<sup>th</sup> century, and repackages them in kitschy activities or commodities which can be consumed such as in the



“fun” act of hanging little figures at miniature gallows, or wearing a noose adorned “Hang Around Fort Smith” T-shirt. As we have seen, the military fort was not unique to its relationship to Indian Territory, it was just one small temporary link in a chain sweeping westward at a deliberate pace; the district court judge and deputies who worked out of that court were not exceptional defenders of justice, their exploits are exaggerated and aggrandized to inflate their efforts and conceal their injustices; Indian Territory was not “lawless,” as each of the Five Nations had their own Supreme Court; Native Americans, African Americans, and women did not find the frontier to be an “equal opportunity” provider, they were systematically discriminated against by individuals and institutions. Performing frontier tourism conceals this vice in the veil of justice as it embeds race and gender to reconcile and alleviate contemporary fears and anxieties of the “othered” while it exonerates the dominant group from complicity in the project of constructing whiteness.

This point is reinforced in sentiments often expressed by the reenactors during my fieldwork. Many of them shared a great admiration and fondness and longing they have for the “good ole days.” One reenactor, Wyatt Earp, stated that his performances in the shootouts took him “out of time.” When asked to elaborate on what he meant, Wyatt told me, “yeah, it takes me out of this time and puts me back where I’d like to be.” Still unsure of what about the late 19<sup>th</sup> century was so alluring to him, I pushed the issue further. He told me the draw for him to that time was all about freedom:

Freedom, freedom, yeah. You could go where you wanted to go and more or less do what you wanted to do. You had to... you had rough times. If you did the wrong thing you was in trouble, bad. And if you did good things then you had a chance to do what you wanted to do. Go where you wanted to. Didn’t have to worry about income tax and doctors and all that stuff. It just seemed to be a... it was a bad time, but it was a cleaner and fresher time. You could trust people. They’d leave their doors open for you and everything else. That’s kinda why I like it. I was raised on Western movies anyway.

This world that Wyatt describes simply did not exist. Who in the late 19<sup>th</sup> century was “free to do what they wished,” “free to come and go?” Big business and big government were firmly established in the late 19<sup>th</sup> century and “meddling in the lives of people,” and in their “freedom.” Being a white man certainly made that easier, both then and now. Can you imagine an African American today wishing to go back to the 19<sup>th</sup> century to be more “free?”

Demographic profiles reveal that tourists in general and cultural heritage tourists in particular are more likely to be older, more educated, more affluent, travel for longer periods of time, and spend more money (Cultural Heritage Tourism 2011). Performing frontier tourism allows reenactors and tourists alike to tap into the mythic frontier west where their contemporary ideologies are reconciled.

## VIII: THE WAGER OF FRONTIER TOURISM

A semiotics of place serves to anchor meaning in a foundational and thereby mythical past; a semiotics of project binds social actors in the present with a sense of historical subjectivity and attempts to silence the stories of those whose presence may unravel the tightly wound strands of meaning in the master symbol.

– Richard Flores, *Remembering the Alamo* [2002:160]

I want you to all take a moment, and look forward to the U. S. Marshals Museum, which *is* coming. Richard [Griffin] and I are personally working to help raise money for that project. When it does come, it is a game changer for downtown Fort Smith, and for the region at large.

– Rick Griffin, GRIT award acceptance speech, April 25, 2013<sup>35</sup>

Arkansas has long recognized the significance of the tourism industry to the state's economy. At the 39<sup>th</sup> annual Governors Conference on Tourism in April 2013, Fort Smith had two "Henry Award" nominations. Baridi Nkokheli was nominated in the "Outstanding Volunteer Service Award" category and the Bass Reeves Legacy Monument was up for the "Natural State Award." While neither award was taken back to Fort Smith, the city's brand as a frontier town was reinforced. Beginning in 2012, Fort Smith began recognizing those who had made outstanding contributions to tourism in the city by taking nominations for and giving "GRIT Awards," further entangling *True Grit* with tourism as "GRIT" stands for Giving Recognition in Tourism.

Nominations for the April 2013 GRIT awards in the category of "Attraction Partner of the Year" included two elements from the frontier complex, the Bass Reeves Legacy Initiative, described at the event as a "classic example of a hospitality dream come true," and the Fort Smith Museum of History, which was framed as "Fort Smith's own version of the Smithsonian." Two married couples who have contributed to perform frontier tourism in Fort Smith were

nominated for the “Polly Crews Hospitality Person of the Year” award. Baridi Nkokheli and Tonya, his wife, who also served on the Bass Reeves Legacy Initiative board, were jointly nominated, as were Floyd and Sue Robison for their portrayal of Judge Isaac and Mary Parker. The Museum and the Nkokheli’s won their respective awards on April 25, 2013. Last year, the Clayton House won over the nominations of the Bass Reeves Legacy Initiative, the Fort Smith Museum of History, and the Fort Smith National Historic Site. The frontier complex is thus inextricably bound to the tourism industry, or more correctly we can see now it is the other way around.

Fort Smith tourism has risked the history of the town and its very identity on the gamble of the frontier brand. The wager has been made that the Wild West frontier story can be told in Fort Smith with positive economic results. The strategy appeared to reap dividends when in December 2012, *True West Magazine* named Fort Smith the “#1 True Western Town of 2013.” What that means precisely is debatable. The magazine itself is essentially a trade magazine intended to get people to travel. Each year, it reveals a new “top ten Western town” list as a way of promoting tourism throughout the West writ large. All the potential winning towns invest in advertisements in the magazine, which features fantastic stories from the Wild West. These create the illusion that it is an actual magazine with historical information about the West and not just one long advertisement for tourism, which in fact, it is.

Interestingly, the reaction to this news in some ways revealed an admission that this was a spurious award given in exchange for tourism revenues. The Fort Smith Convention and Visitors Bureau soon after the announcement posted to their website:

When the Fort Smith Advertising and Promotion Commission was established almost twenty five years ago, the staff faced the daunting task of creating an image and reputation (the term used in the industry these days is ‘brand’), that would attract individuals and groups to enjoy the local hospitality and ‘grow’ the economy through

tourism. Fortunately very conscious decisions were made to ‘brand’ Fort Smith as a community that prized its colorful and historic frontier past.

[<http://www.fortsmith.org/things-to-do/top-true-western-town.aspx>]

The moment of self-disclosure continues, “the tourism industry coined a phrase in more recent years for what Fort Smith has been involved with for years, called ‘Cultural Heritage Tourism.’ And then, “the two versions of the movie ‘True Grit’ and the naming of Fort Smith as the future home of the United States Marshals Service national museum did much to solidified [sic] and expand the Fort Smith tourism brand.” It is for these reasons that the Convention and Visitors Bureau claims they applied for and ultimately received the “#1 Western Town of 2013” title.

News of the accolade spread like a prairie fire through the frontier complex on the morning of the announcement. Blogs, Facebook posts, and Tweets from the Visitors Bureau, the Fort Smith Museum of History, the National Historic Site, and the Clayton House all trumpeted it as great tourist news. The *Times Record* ran an editorial the next day entitled “Old West Status Brings Tourists, Jobs, Revenue, Pride” which encapsulated how performing frontier tourism recapitulates the frontier myth. The describe Fort Smith as “Hell on the Border and the place that brought civilization to the West” in the context of discussing *True Grit* (Portis 1968, Hathaway 1969, Coen 2010).

The conflation of fictional characters and historical facts in the frontier complex is frequently repeated. The editorial continues, “Portis’ well-known gallery of ruffians, rubes and rule-enforcers – Rooster Cogburn, Mattie Ross, Tom Chaney, LaBoeuf and Lucky Ned Pepper – have enough of the real to them that they live in our celebration of our town almost as much as the people we know walked here, Judge Isaac Parker, Deputy Marshal Bass Reeves, W.H.H. Clayton, Miss Laura and Belle Starr” (Editorial 2012). What constitutes “enough of the real” is unclear, but I suggest “enough of the real character” of the actual historical figures has been

omitted or altered to turn them into fictional, mythic figures. To fully perform frontier tourism and constitute the frontier complex, the editorial declares, “Fort Smith has always known it was a Western town, so it didn’t need *True West* magazine to declare it the Top True Western Town on Wednesday – but it sure was nice” (Editorial 2012).

The *True West* press release announcing the decision tied the fate of the tourism industry in Fort Smith directly to the gallows. It dramatically began, “they called him the ‘hanging judge.’ Isaac Parker certainly threw a big rope around Fort Smith, Arkansas, during his 21 years on the federal bench. His courtroom and jail – restored to their 1880s appearances – are part of the reason nearly one million visitors came to town in 2012.” A bit of fact checking reveals that even with the most generous accounting of visitors to the frontier complex, not even 10 percent of that figure can be attributed to Judge Parker’s “big rope.”

The most recent annual visitor numbers reported to me show the National Historic Site with the highest attendance of sites in the frontier complex at 43,639 for 2012.<sup>36</sup> That figure represents only people who came into the building and registered at the desk. The National Park Service officially doubles that number for their records as they assume that many people come to use the grounds, but do not go inside to pay the nominal admission fee. The Fort Smith Museum of History reported nearly 21,000 visitors in their last annual count, Miss Laura’s had 12,718 sign their register in 2012, and the Clayton House estimates 6,500 people came through their doors last year.

In all likelihood, many tourists went to more than one of these sites so their numbers would be duplicated. Moreover, schools bring bus loads of children to these sites each year. Their numbers would not reflect a tourist who stays in a local hotel, eats in a restaurant, and fills up their gas tank before leaving town. If we assumed each number was a unique adult

individual, the figure for tourists in the frontier complex impacting the local economy over the past year would be 83,857, which is very close to the doubled figure of the National Historic Site's 87,386.

The fact is the Fort Smith frontier complex is not a huge tourist destination. It is not a Clinton Library nor a Crystal Bridges, let alone a Tombstone, Arizona, which can each attract 300-600 thousand visitors annually. Comparatively, using the hospitality tax as a point of comparison, the state of Arkansas brought in nearly \$12.5 million in tourism receipts while employing just over 100,000 individuals in the tourism sector in 2012. In Fort Smith, \$746,182 was collected from the 3% hospitality tax with an estimated 9,000 individuals employed in the tourism sector (The City Wire, 2013). These figures are not proportionate to the status Fort Smith holds as the second largest city in the state, which does not bode well as the city is increasingly dependent on the tourism industry as top employers fold. Whirlpool, which had employed as many as 4,500 in 2006, closed its doors June 2012 and as of May 2013, the fate of over a thousand jobs with the 188<sup>th</sup> Fighter Wing was unclear at best.

Data from the Economic Report prepared by the Arkansas Department of Travel and Tourism puts tourism in the frontier complex into perspective. With five billion dollars being spent by travelers in the state each year since 2008, there is a definite share of tourist money to be sought (Economic Report 2012:64). The state of Arkansas is divided into twelve "Tourism Regions" (Economic Report 2012:71). Fort Smith, located in Sebastian County, is included in the "Western Arkansas' Mountain Frontier Region," which ranks fifth out of the state's twelve regions for "tourists expenditures," i.e. dollars spent. While five other counties are in Fort Smith's region, Sebastian County comprises 80 percent of the tourist revenue from it.

In 2012, tourist expenditures totaled \$430,940,955 garnered from 1,190,136 visitors to the Fort Smith region. For comparison, the “Northwest Arkansas Region” which includes Benton, Carroll, Madison and Washington counties, generated \$743,711,903 in expenditures with 3,246,662 visitors. The “Heart of Arkansas Region,” which includes Little Rock, led the state with nearly 1.8 billion dollars in expenditures and 6,364,713 visitors. The other two regions that drew more revenue and tourists than the Fort Smith region were the “Diamond Lakes Region” which includes Garland County with Hot Springs and recreational lakes, and the “Arkansas Delta Byways Region” which includes all the counties contiguous to the Mississippi river and the lure of gambling boats.

Sebastian County itself is in the top five counties for tourist “Travel Spending,” with 6.0 percent of the pie. Garland and Pulaski are ahead of it with 10.4 percent and 28.0 percent respectively. The contiguous counties of Washington and Benton come in 4<sup>th</sup> and 5<sup>th</sup> but with their combined percent of 9.8 percent, Sebastian County comes in last (Economic Report 2012:66). Thus, Fort Smith is in serious competition with other regions and counties in the state. Perhaps the most pointed evidence that Fort Smith’s frontier complex has not truly made it onto the tourist radar is that Sebastian County is not among the top ten counties listed as a “Final Destination” for tourists coming to the state. The piece of the tourist pie becomes even smaller considering that of all the visitors to the state, only 26 percent include “Historic Sites” as “activities participated in” (Economic Report 2012:86).

Even so, great hopes have been raised for the future of frontier tourism in Fort Smith. The city is going “all in” with the wager that the U. S. Marshals Museum will make a significant economic impact on the region. Judge Jim Spears, who was a driving force behind the Bass Reeves Monument, is now trying to align this future Fort Smith museum with those found in



Little Rock and Bentonville. Arkansas, according to Spears, “will soon add the third jewel in the crown of museums. The William Clinton Presidential Library & Museum of Little Rock . . . Crystal Bridges Museum of American Art in Bentonville [and now] Fort Smith will be the eventual home of the U.S. Marshals Museum” (Mooty 2012). All the classic mythic stops are being pulled out to heighten the tourist appeal of this latest installment in the frontier complex.

Spears and others use the same talking points to promote the Marshals Museum that have been repeated ever since Judge Paul Wolfe and his commission used them for restoring the Parker courtroom and gallows in 1955. In one speech given by Spears, who is said to have given a “brief history of both the U. S. Marshals and Fort Smith, both of which were celebrated in the original movie (with John Wayne) and recent remake (with Jeff Bridges) of ‘True Grit’” (Mooty 2012). Spears used “star appeal” as he delved into the mythic imagery of the frontier complex. He said, “‘True Grit’ had a lot of truth to it and a lot of fiction to it.” He then peppered his talk with the familiar tropes of “160 sentenced,” “79 hanged,” “74,000 square miles,” “opposed to the death penalty,” “it was the law,” and for good measure, he dropped the name “Belle Starr.”

These are the formulaic elements for performing frontier tourism in Fort Smith, and all those advocating for the Marshals Museum are simply using the prepared script. Recall how the Marshals Museum conflated the factual and the fictional as it evoked the spirits of both Judge Parker and Rooster Cogburn when explaining why they chose Fort Smith for its museum. They then declare:

The U.S. Marshals Service was the only law enforcement agency with the jurisdiction to enter Indian Territory and the frontier lands, areas once referred to by a Fort Smith newspaper as “the rendezvous of the vile and wicked from everywhere.” Deputy Marshals headquartered in Fort Smith patrolled the vast 74,000 square mile territory. The danger of the job and the violent criminals they faced resulted in the burial of more deputy marshals and special deputies in this region than anywhere else in the country. [[http://www.usmarshalsmuseum.com/why\\_ft\\_smith](http://www.usmarshalsmuseum.com/why_ft_smith)]

Reminiscent of a cargo-cult, the frontier mythology continues to be chanted in hopes that tourist dollars will fall from the sky. What is less often considered, are the underlying business ventures that shape the landscape of downtown Fort Smith.

Under the grandiloquent fanfare surrounding the Marshals Museum, we can see similar machinations of the political economy at work just as we did in chapter 3 with the ploys of Fort Smith's founder, John Rogers, to have the second Fort Smith built in 1838, or in chapter 7 with R. K. Rodgers and the Chamber of Commerce dismantling Coke Hill in the name of frontier tourism. Today the principle architects behind the mythic imagery are Richard Griffin and his son Rick, who run Griffin Properties of Fort Smith. Together they own a substantial amount of real estate downtown and have already renovated a handful of buildings on Garrison Avenue to "historic" condition. In actuality, they gut the interiors and retain only the appearance of the old façade.

For their efforts, the Griffins were nominated for and won a GRIT award, April 25, 2013, for "Business Partner of the Year." In the accolades read for their nomination, they were described as "business leaders dedicated to our future by helping preserve our past" and "key players in the future development of Fort Smith's riverfront." Rick Griffin spoke for the two of them as they accepted their award. In closing he said, "I want you to all take a moment and look forward to the U. S. Marshals Museum which *is* coming. Richard and I are personally working to help raise money for that project. When it does come, it is a game changer for downtown Fort Smith, and for the region at large."<sup>37</sup>

Not only are they raising money, but between the two of them, they sit on enough boards in town to create an interlocking directorate that can directly influence development in the city. Richard Griffin serves on several boards and is the current chairman of the Fort Smith Historic

Downtown Preservation Association, the Central Business Improvement District Commission (CBID), and the Fort Smith Housing Authority. His son Rick Griffin serves on the board of the Marshals Museum. On the same day they won their GRIT award, the local paper reported that the CBID headed by Richard Griffin gave Rick Griffin permission to go ahead with plans to spend \$3 million renovating the 400 block of Garrison Avenue (Garrett 2013).

Rick Griffin “said the restoration will be done with attention to historic preservation, and efforts are being made to secure state and federal tax credits. He said the effort at preservation ‘is the right thing to do for downtown,’ given the city’s goal of emphasizing its frontier heritage, a goal that is expected to intensify in the area as the U. S. Marshals Museum is developed on the Arkansas River front” (Garrett 2013). Using the Marshals Museum as the basis for their business venture, he emphasized, “we want to start the ball rolling on that” (Garrett 2013).

The Griffin family is well positioned to see a profit from potential tourists that they are making key decisions in attracting. Meanwhile they are clearing the way to maximize their investment. Coincidentally, three agencies that assist individuals experiencing homelessness are near the region that the Griffins wish to develop.<sup>38</sup> Richard Griffin, the real estate developer, in his capacity as board president of the Fort Smith Housing Authority, is the boss of that agency’s executive director, who in turn is currently board president of the Old Fort Homeless Coalition, which has been tasked with relocating all the agencies that work with homeless individuals. The city has clearly defined the only location homeless agencies can move to is the far south side of Garrison Avenue in a virtually abandoned industrial park, away from Griffin Properties, and far from the gaze of frontier tourists.

The Marshals Museum got more good news on the morning of April 26, 2013 when it was reported that local state senator Jake Files led the way in securing over one million dollars in

state funds for the project. Five years after being awarded the museum, approximately 21 million of the 50 million dollar project has been secured or pledged. While this tepid response in donations might deter some, Fort Smith remains committed to the frontier brand. It is unknown whether or not the remaining funds will materialize for this ‘museum of dreams,’ in a building resembling a badge. If they build it, will tourists come?

From this vantage point, we can now see that the frontier complex is a crafted cultural space (Lefebvre 1992, Low 2003, Soja 1989). The ground upon which it sits has gone through many claims in the past two hundred years. From Osage and Caddo, to the United States Military, to abandonment; from Indian Territory, to the states of Arkansas and Oklahoma; from the U. S. Court for the Western District of Arkansas, to the Welfare Agency; from the squatters village of Coke Hill, to the National Historic Site; and today from homeless camps, to the Marshals Museum. The physical landscape of the downtown Fort Smith riverfront has been perpetually redesigned at the whim of the powers in the political economy. For the past 60 years, it has been steadily crafted with the specific targeted audience of a “leisured class of tourists” (Low 2003:23) in mind.

The tourism industry has thus directly shaped how the landscape and the story of the city have been framed. The “‘heritage industry’ which ostensibly markets traditional culture [is] intended to satisfy the tourists growing desire to consume ‘authentic’ landscapes as a means to experience imagined communities full of appealing, heroic or colorful people” (Low 2003:23). Many businesses and events in Fort Smith have attached themselves to this frontier brand hoping it will bring dividends. While in “Miss Laura’s” for a tour on one occasion, the guide informed me that Belle Starr Antiques was a good place to look for 19<sup>th</sup> century items. In actuality, the store carries primarily 1950-onward items.

Additionally, there is Old Fort Tattoo, True Grit Tattoo, True Grit Bike Tours, as well as Border Town BBQ and On the Border Liquor, not to mention the annual Hanging Judge Gun and Knife Show. At Garrison Pointe Convenience, owned by Griffin Properties, you can buy coffee in four frontier flavors: The Judge Parker Blend, The Rooster Cogburn Blend, The Bass Reeves Blend, and the Belle Starr Decaf Blend. The Judge Parker Platter is on the menu of yet another local barbeque restaurant, and one local radio station recently renamed itself “The Marshal.” Precisely what economic benefits will be realized from this “frontier” branding, remains to be seen.

What is already observable and known is that each site in the frontier complex offers a piece to an overall puzzle which has coherence as a whole. Collectively they perform the mythic frontier, mythic justice, mythic race, and mythic gender which omit or elide the deleterious effects of manifest destiny and the injustices done to Native American Indians, African Americans, women, and the disenfranchised. Of course, performances like those of Baridi Nkokheli complexify, even “trouble,” such myth-making processes. Still, these tropes loom large behind the marketing scheme, and behind the “frontier” brand, which Fort Smith, Arkansas, has wagered will attract tourist dollars.

## Notes

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<sup>1</sup> Fieldwork notes, 2012.

<sup>2</sup> The Fort Smith National Historic Site orientation video entitled *Peacekeeper of Indian Territory* (Paskowsky 2000b) is shown for visitors to the site and it is also available online at: <http://www.youtube.com/FortSmithNHS>. It has been shown at the site since 2000 with the reopening after the 1996 tornado remodeling. The italicized quotes throughout this chapter and the next, reference the transcript of this video.

<sup>3</sup> This approach is modeled after that of Richard Flores' treatment of the orientation video shown to visitors at the Alamo in *Remembering the Alamo* (2002)

<sup>4</sup> One of these monuments claims to locate the chimney of Zachary Taylor's quarters from his time in Fort Smith. This location was excavated by the Arkansas Archaeological Survey in 2004 and no evidence was found of Taylor's stay, but history of Irish Catholic nuns was unearthed. See Jamie Brandon's Project Past for a discussion, <http://projectpast.org/som/index.html>.

<sup>5</sup> Thanks to my colleague Mike Crane for the insightful conversation regarding this point.

<sup>6</sup> These quotes are found in virtually all books on Parker as well as in exhibits at the National Historic Site and the Fort Smith Museum of History.

<sup>7</sup> This is the second portion of the orientation video *Peacekeeper of Indian Territory* by Michael Paskowsky (2000b) that was used for analysis in chapter three. All italicized dialogue in this chapter not attributed otherwise comes from this video.

<sup>8</sup> This is the same alibi unveiled in the Mythic Frontier chapter and will resurface in the subsequent myth chapters as well. Of the alibi contained in myths, Barthes says that "the ubiquity of the signifier in myth exactly reproduces the physique of the *alibi* (which is, as one realizes, a spatial term): in the alibi too, there is a place which is full and one which is empty, linked by a relation of negative identity ('I am not where you think I am; I am where you think I am not')" (Barthes 1957:109).

<sup>9</sup> The article is available in the Fort Smith National Historic Site archives. Ada Patterson is considered to be in the "yellow journalism" style. While her article is full of emotional and subjective appeal it is widely cited in the frontier complex as a piece of objective journalism.

<sup>10</sup> David Kopel (2000:324-325) notes that in seven of the eight cases in which Parker's guilty verdict in a self-defense plea was overturned they involved people of color or recent immigrants.

<sup>11</sup> "Ned Christie" T-shirts were on sale at Cherokee National Supreme Court Museum and Cherokee National Jail Museum, January, 2013, Tahlequah, Oklahoma.

<sup>12</sup> "Into the Territories" is the name of the Bass Reeves monument created by Harold Holden. It stands at the foot of the Garrison Avenue bridge between Second and Third Streets, Reeves peering across the Arkansas River into Oklahoma.

<sup>13</sup> One "Trail of Tears" exhibit at the National Historic Site is directly across from an exhibit entitled "Agents of Empire," but no connection is made between the two. The Agents of Empire exhibit emphasizes Fort Smith as a supply line for the gold-rush, and westward movement while effectively silencing its culpability in the ills of imperialism.

<sup>14</sup> The City Wire is an exclusively online newspaper in Fort Smith. In the interest of full disclosure, I have been a paid free-lance writer of music reviews for it since April of 2012. I did not write about this incident or any of the ensuing controversy in the paper, nor was I employed by the paper at that time.

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<sup>15</sup> Field notes, summer 2012.

<sup>16</sup> Miss Laura's Social Club brochure. In the spelling of "Miss" on the brochure the letter "i" is dotted with the shape of a heart, obfuscating the sex industry under the guise of "love."

<sup>17</sup> These Police Docket's are in storage at the Fort Smith Museum of History. I thank Leisa Gramlich and Caroline Speir at the Museum for giving me access to them.

<sup>18</sup> This quote is from the transcript of a pre-recorded skit which was played during the "Ceremonies transferring the Judge Parker courtroom to the National Park Service by Public Historical Restorations, Inc," held August 14, 1963. It is available at the Fort Smith National Historic Site research library, file box Janie Glover, Chamber of Commerce: Accession number 440.

<sup>19</sup> University of Arkansas Fort Smith featured *True Grit* in its "Read This" program in which Freshmen English II students were required to read it. The Fort Smith Convention Bureau held a "True Grit-a-palooza" at the National Historic Site where they tried to break a record for having the most Rooster Cogburn lookalikes. People were also encouraged to appear in costume at the Malco Theater on the evening of its opening.

<sup>20</sup> "In the Shadow of the Gallows" is an exhibit initially created in 1998 by Leslie Przybylek, then curator of the museum, and Juliet Galonska, then historian at the Fort Smith National Historic Site. The exhibit was on display from 1998-2001. Przybylek and Galonska moved out of state soon after the exhibit's installation. In 2009, the exhibit was reinstalled. It was confirmed via e-mail with Leslie Przybylek that some original aspects of the exhibit were excluded in this time. All my citations from, and descriptions of the exhibit, come from the second installation.

<sup>21</sup> The Paul Wolfe collection contains numerous newspaper clipping from 1954-64 as well as hand-written notes from meetings and presentations given to the community for raising money for the restoration. The collection is available at the Fort Smith Museum of History, accession number 1999.6, 200.6, Wolfe Collection. Current Museum Director Leisa Gramlich was kin to Paul Wolfe and Caroline Speir, who also works at the museum, was kin to Mayor H. R. Hestand. Thanks to them for their assistance with this collection.

<sup>22</sup> A Coke Hill folder derived from the Chamber of Commerce files can be found in the Pebley Historical and Cultural Collection Center in the Boreham Library at University of Arkansas Fort Smith, accession number 2012.1.80.

<sup>23</sup> See "Meanderings of a Meanie, Prying Into People's Privacy" by Eddie Hicks, Southwest Times Record, March 19, 1939, Coke Hill folder, Pebley Historical and Cultural Collection Center, Boreham Library at the University of Arkansas Fort Smith, accession number 2012.1.80.

<sup>24</sup> I have not been able to find this quote anywhere besides the National Historic Site webpage, (<http://www.nps.gov/fosm/historyculture/national-park-service-1961present.htm>), and suspect it to be part of the folklore of the site.

<sup>25</sup> According to a hand-written note with no authorship in the Paul Wolfe collection. The figure of 62,000 is also cited in a newspaper clipping in this collection but provides no source.

<sup>26</sup> Paul Wolf collection, Fort Smith Museum of History, "Miscellaneous" file, document F.

<sup>27</sup> See (<http://www.youtube.com/watch?v=g30KtKDOmfQ>).

<sup>28</sup> See above endnote 20.

<sup>29</sup> In January 2013 I presented a paper on the myth of Belle Starr at a local history conference. A newspaper article appeared the next day which took words I used to deconstruct the myth, and

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rearranged them to reconstitute it as it is always told in Fort Smith. By recombining my words, they were able to reverse all my efforts to dispel the mythology of the frontier complex. See “UAFS History Conference Explores Lives Of Frontier Women,” Stacy Ryburn, Southwest Times Record, January 27, 2013, <http://swtimes.com/sections/news/uafs-history-conference-explores-lives-frontier-women.html>.

<sup>30</sup> Each of these letters is on file at the Fort Smith National Historic Site archives.

<sup>31</sup> This episode of the program is available on I-Tunes.

<sup>32</sup> Events included a May 17, “Artist Reception” for Harold T. Holden, a May 24, “Meet the Artist Reception,” May 25, there was a lunchtime talk by Vaunda Nelson, author of *Bad News for Outlaws*, and that evening an “Oscar Awards” party at the Movie Lounge. Saturday May 26, the monument was dedicated and unveiled in the morning followed by presentations at the Fort Smith Museum of History where Art Burton spoke, the National Historic Site reenacted the “Trial of Bass Reeves” in the Judge Parker courtroom, and the Bass Reeves Troupe of Muskogee performed at the Clayton House. On Sunday May 27, Baridi Nkokehli was interviewed at the Clayton House and then a final “Wrap-Up” discussion panel took place at the Fort Smith Public Library.

<sup>33</sup> Portions of this section were previously published in the Journal of the Fort Smith Historical Society, September 2011, used with permission from editor.

<sup>34</sup> Mr. Nkokheli’s gave two talks on the UAFS campus in February 2011. Each was recorded with permission and gifted by Mr. Nkokheli to the Pebley Historical and Cultural Collection, Boreham Library, University of Arkansas Fort Smith.

<sup>35</sup> Field notes, April 25, 2013.

<sup>36</sup> Park Ranger Jeremy Lynch reported these numbers to me over the telephone, Caroline Speir e-mailed me the Fort Smith Museum of History figures, Caroyne Joyce e-mailed me Miss Laura’s figures, and Julie Moncrief messaged me on Facebook the data for the Clayton House.

<sup>37</sup> The quotes from this event are from notes I took while in attendance.

<sup>38</sup> I have served on the board of one of these agencies, the Next Step Day Room, since 2008.



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