



*Seminole Burning*  
*A Story of*  
*Racial Vengeance*

DANIEL F. LITTLEFIELD, JR.

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## *Seminole Burning*

## *Preface*

My first knowledge of the episode known as the Seminole burning came from an undergraduate course in Oklahoma history taught by Angie Debo in the summer of 1959. The context in which she presented it became lost to me in time, but I could not forget the incident itself. Perhaps a decade later, I obtained a microfilm copy of "Violence on the Oklahoma Territory-Seminole Nation Border: The Mont Ballard Case" (1957), a master of arts thesis by Geraldine Smith, whose work at the University of Oklahoma was the first attempt to write a detailed history of the event. That film remained in my files until recently, after my interest in the Seminole burning had been sparked once more and I was well into the process of researching it.

In one of my frequent rummagings among the inventories and records in the National Archives, I found the Justice Department files relating to the case. As I read them, I realized that the story that emerged differed significantly from the one Smith had told. It was the discrepancies between the stories that caught my attention and led to this book.

Heretofore, historical treatment of the event has rested largely on newspaper articles, published federal documents, and the transcript of the Mont Ballard trial. The result has been an extremely inaccurate rendering of the facts in the case and some erroneous conclusions about its causes. Smith's work is flawed in that respect, though it was an attempt to go beyond the event itself and place it in a larger historical context of frontier lawlessness. Edwin C. McReynolds took Smith's work a step further in *The Seminoles* (1957), hinting briefly at the racial overtones of the affair. Since their work, the topic has lain dormant except for an occasional piece in the pulp press. My work expands on the contexts Smith and McReynolds introduced, with emphasis on the latter, and explores others that bear significantly on the event, such as questions of criminal jurisdictions in Oklahoma and Indian Territory, white renters in Indian Territory, the public perception of lynching in that era, and the personal agendas of individuals involved in the case.

Smith and McReynolds relied on limited sources in their work. They did not take into account the evidence that exists in the extensive files of the Justice Department in the National Archives in Washington, D.C.; the records of the U.S. Court for the Western District of Oklahoma or the Melven Cornish Collection in the Western History Collections at the University of Oklahoma; the records of the U.S. Court for the Northern District of the Indian Territory at the National Archives-Southwest Region at Fort Worth, Texas; or the Horace Speed Collection at the Oklahoma Historical Society. This work draws heavily on these and other primary sources as well as on newspaper articles and printed sources, some of which Smith's work was useful in ferreting out.

My thanks go to the archivists and staff at the above named institutions. But I must give a special thanks to Herman Kirkwood of Oklahoma City and Guy Guinn of Edmond, indefatigable researchers on the topic who provided me much information and many leads to sources regarding the oral history and family histories of participants in the event.

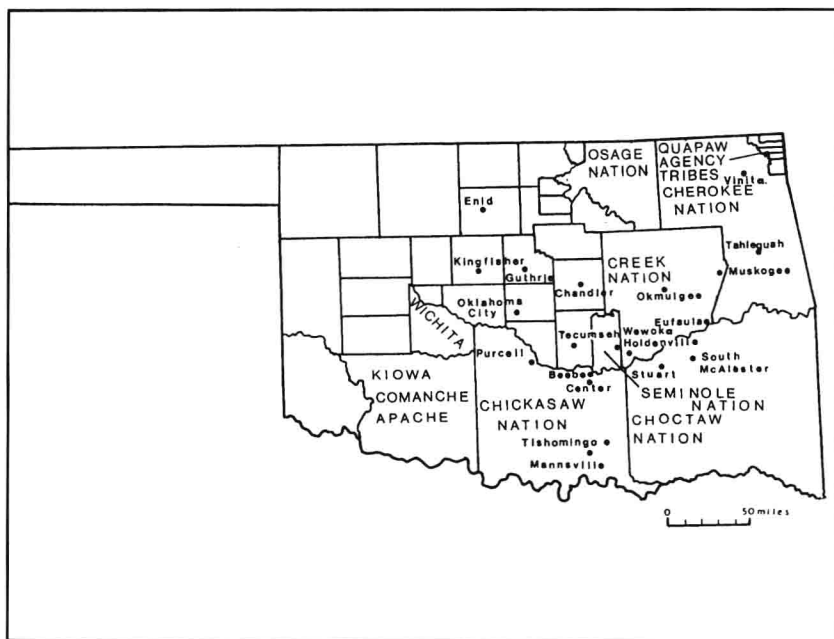
Finally, I thank those members of the Seminole Nation who encouraged my work or read my manuscript, especially Tedd McGeisey and other members of the McGeisey family, Melinda Micco, Ted Underwood, and Jim Burgess.

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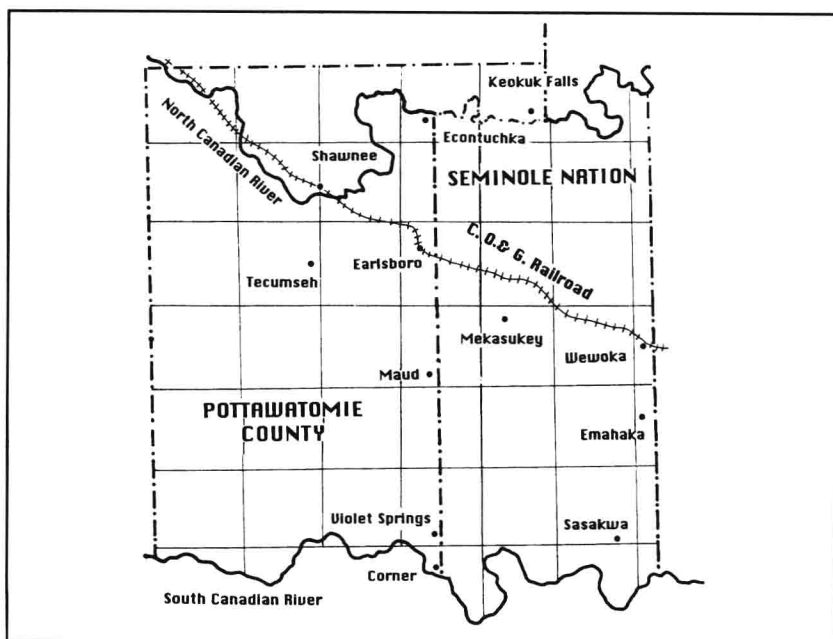
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## *Seminole Burning*





*Oklahoma Territory and Indian Territory, 1898*



*Seminole Nation and Pottawatomie County Oklahoma, 1898*

## ONE

# *A Celebration*

In early May 1906, the small farming community of Maud, Oklahoma Territory, learned that one of its own, Mont Ballard, had gained release from the federal penitentiary at Leavenworth, Kansas, and was returning home after seven years. This news was momentous for Elias Riddle and other of Ballard's friends, who quickly raised money and planned a welcoming celebration for their former neighbor, who had figured prominently in their small town's history.

At eight o'clock in the evening of May 7, hundreds of people jammed the high school auditorium for the welcoming ceremonies. The local band played "Home, Sweet Home" and "America," and Riddle, H. A. Bolinger, and the Reverend James D. Hodges, a Methodist preacher, made speeches. The formal program was followed by a feast, all in honor of Ballard and his wife, Sarah Jane, who had worked steadily for his release.<sup>1</sup>

The celebration was a display of community solidarity, though Maud had changed a great deal since Ballard went away. It had been only a post office and general store when he left but was now a village with a business district, schools, and churches, located a half mile east of its original site. The town's growth had attracted newcomers, and among its people were many who did not know Ballard and had no firsthand knowledge of the events that resulted in his imprisonment. Thus his official welcomers painted a picture of his crime that hardly fit the facts. In their speeches, they presented Ballard as

a scapegoat, wrongly prosecuted and convicted, innocent of complicity in the one event that had put Maud on the national map and had become, to some, its mark of distinction and, to others, a blot on its reputation—the burning of two Seminole Indian teenagers at the stake on a cold, moonlit night in early 1898. Because of a reward—“offered for blood,” the speakers said—and “nefarious prosecution . . . by a band of carpet-baggers” who, they claimed, had interfered in a local affair, Ballard had “paid the penalty for the crime of others.” The community was not welcoming home a criminal guilty of murder; it was welcoming home a sacrificial lamb.<sup>2</sup>

At least the speakers admitted that burning the Seminoles was a crime; that was more than the community had admitted in 1898. And though Ballard had been an active participant in events leading to the burning, the speakers were correct in asserting that he was less guilty than some. But he was also guiltier than others, and many in the crowd of celebrants knew it. One of the speakers—the Reverend Hodges—and doubtless numerous of his listeners had been a part of the mob. More than a hundred had participated in it during the course of a week, and perhaps that many more had witnessed the burning, including the prominent and insignificant, the substantial and the shiftless, the self-righteous and the wantonly vicious, preachers and saloonkeepers, lawmen and outlaws, outraged seekers after justice and ghoulish onlookers, all who crowded around the fire and, standing elbow to elbow, formed a brotherhood and sisterhood in crime. Spurred by the murder of a white woman by an Indian, presumably a Seminole, in the Seminole Nation just east of Maud, the mob invaded the Seminole Nation and terrorized Seminole men and boys for more than a week before selecting two, whom they took across the territorial boundary into Oklahoma to burn at the stake in a Baptist tabernacle a short distance southwest of Maud. The event had involved members of many households, especially in the hamlets of Maud, Earlsboro, and Violet Springs, all near the Oklahoma-Seminole Nation line.

The celebration of Ballard's return gave Maud citizens an opportunity, after the passage of years, to repair its image by putting the best face on the burning. After it occurred, the citizens of eastern Pottawatomie County, most of them not accurately informed of the facts, had conspired to thwart justice by refusing to cooperate with lawmen and prosecutors, hiding the identities of participants, and unwittingly helping to perpetuate a fabricated version of what had led to the burning. Though grand juries indicted nearly seventy of the mob members, only six, including Ballard,

received prison terms. With Ballard's return from prison, the community could reaffirm its public position and present once more a united front against the reputation for lawlessness and mob rule that the burning had earned it, and which it felt it did not deserve. Thus Ballard, the speakers claimed, was not a criminal but a martyr "in defense of American womanhood." The crowd applauded loudly at their "every reference" to what the burners had done, expressed their "wholesale sympathy" for Ballard, acknowledged his "unstained citizenship," and hailed him "an honorable fellowman" and "a highly respected neighbor" who had been reclaimed. The ladies of Maud reinforced these sentiments by presenting Ballard with "a floral offering."<sup>3</sup>

This social occasion contrasted sharply with the reality of the event it indirectly celebrated—the deliberate and premeditated burning of two human beings. A majority of the citizens of Pottawatomie County, Oklahoma, were honest, hardworking, and law-abiding, but they allowed a few men from outside the community to use the citizens' desire for law and order to involve them in an act of personal vengeance. In 1906, the Maud community was blatantly pretending that some of its members had not given in to appeals to their basest passions. Their celebration of Mont Ballard's return sanctioned the actions of their relatives, friends, and neighbors. Some, without question, privately disapproved of what had happened, but few would make their feelings known. When they read the story of their celebration in the local newspaper, did any of those who had witnessed the burning pause after the editor's statement that the band's rendition of "Home, Sweet Home" and "America" had "kindled the fires of love and patriotism"?<sup>4</sup> Did any of them think about another fire that the mob had kindled no more than half a mile away one January night in 1898?

That such a crime against humanity could occur is not surprising. But how could the people celebrate it years later? On the surface, the mob's action appeared to be a form of violence familiar to most Oklahomans in eastern Pottawatomie County. To them, the burning seemed like the lynchings by mass mobs common in the United States, particularly the South, during the previous two decades. That was what the instigators of the burning wanted the public to think, and it was certainly the context into which federal authorities and local newspaper editors placed it. It is understandable why they presented it in that light. A majority of the people in eastern Pottawatomie County were from the South and border states and had only recently settled in Oklahoma, having arrived principally by way

of Arkansas and Texas, through the Indian Territory, most of them during the 1890s, the decade of the greatest number of lynchings.

Given the southern heritage of the majority of the mob members, it seems easy to assign as a cause for the burning one of those commonly put forth by historians to explain mob violence in the South: racism, violence bred of economic or other frustrations, psychological tensions regarding gender and sexuality, or a culture-based sense of honor.<sup>5</sup> There was, without question, some degree of most, if not all, of these motives at work in the burning at Maud, but, as historian W. Fitzhugh Brundage points out in his recent study of lynching in the New South, such explanations of lynching are limited. "No explanation of the butchery of lynch mobs," he says, "can be entirely satisfactory unless it is sensitive to the historical and regional variations in mob violence."<sup>6</sup> In this case, the victims were Seminoles, not African Americans, and the lynching and its aftermath were products of their setting in both place and time.

Though Brundage's study deals with the lynching of blacks, particularly in Virginia and Georgia, his theory applies to the New South in general, which produced large segments of the population in Pottawatomie County, and is useful in helping to explain the dynamics of the Seminole burning. Mobs in the South, he finds, had certain shared elements: their pretext was to punish those who broke the law or violated local customs; they showed little or no regard for proving guilt or innocence of their victims; they were a form of racial repression; and they assumed "a degree of community approval." Brundage classifies mobs into four categories "based on size, organization, motivation, and extent of ritual."<sup>7</sup>

At first, the mob at Maud assumed the characteristics of what Brundage calls private mobs. These were "closed groups, secretive in nature," made up of relatives, friends, and neighbors of the victim to be avenged, "bound together by a shared sense of personal injury." Because they engaged in "a form of private vengeance," they were less given to ritual and "lacked the legitimacy that broad local favor might have given them."<sup>8</sup>

At the core of the mob leadership at Maud were relatives and friends of the murdered woman and her husband who came to the scene of the crime from Indian Territory and parts of Pottawatomie County some distance from Maud. They were strangers to most of the mob members from Maud. Though they made no attempt to disguise themselves, some hid their identities behind aliases, and they later sought to keep their roles in the affair from being made public. At their head was one who presented himself to the

local folk as a professional burner by virtue of previous lynching experience in Texas. He and other mob organizers were calculating in their methods and sought to cover their wanton violence and their intent on vengeance with the guise of seeking justice. Nine days elapsed between the murder and the burning. During the first six days their harassment of the Seminoles was a family matter.

As days passed and they became frustrated in their efforts at finding the killer, the leaders changed their tactics and transformed the mob into one with the surface characteristics of what Brundage labels a mass mob. Such mobs, large in numbers and made up of anyone who was willing to take part, had "widespread local approval" and were fraught with ritual, such as public confession, prayer, and selection of symbolic lynch sites.<sup>9</sup> "Communal participation in mob violence," Brundage writes, "ensured that no single individual would be held responsible for the execution because mass lynchings became the expression of communal values of law and order, family honor, and white supremacy rather than personal vengeance. Mob members did not suffer wrenching guilt; rather, they rejoiced that they had punished a deserving victim."<sup>10</sup> If the mob leader had lynching experience as he claimed, he probably understood these social dynamics.

But in this case, there were obstacles to raising a mass mob. The murdered woman did not live in a white community but in the Seminole Nation, so the outrage against local white community values was lacking. To participate in a mob, the white citizens of Oklahoma had to enter a different federal jurisdiction in which local affairs were governed by the Seminoles, whose values—not those of the white community—informed the society. Murder was an outrage against local Seminole values, just as it was among the whites; the difference was that Seminoles did not resort to lynching to express that outrage. Because the crime occurred in the Seminole Nation, the mob leaders, in effect, had to "import" white outrage. They resorted to circulating rumors of rape. They sent out public notice of their intent to burn two Indians at the scene of the crime, though only one had committed the murder, but the unexpected arrival of a Seminole policeman disrupted their plans and caused them to delay. Two days later, they sent out another public notice. Both times, they drew perhaps as many people from outside the Maud community as they did from Maud. Most knew little of the circumstances of the crime, had no emotional attachment to the Maud community, and went to the scene mainly out of curiosity. Thus in preparation for the burning, the mob leaders ritualized the activities for the crowd's

sake. Immediately after the burning, they left Maud, returning to their home communities and leaving the local residents to deal with the aftermath. To garner wider public support for what they had done, they circulated false stories through the newspapers, not only of rape but of necrophilia, to incense the general public in Oklahoma. Because they had truly believed those stories—or chose to in order to salve their consciences—the people of Maud could celebrate Mont Ballard's return in 1906.

Thus there were forces at work in the event that most citizens of Maud, even some of the mob members, and most federal officials did not seem to recognize. The burning had not been the work of a mass mob that gathered in emotional reaction to an outrageous crime. The local people had been manipulated by mob leaders, relatives of the dead woman and her husband and their allies, who had come from outside the Maud community, intent on lynching from the start, and had capitalized on a lack of adequate local law enforcement to give vent to their racial hatred. The harassment of the Seminoles and the burning of two of them reflected the propensity for wanton viciousness and malicious violence on the part of the murder victim's family and friends as they sought vengeance for her death. The mob leaders had contrived to make it appear to be a communal act to cover their part in more than a week of harassment, of searching for victims to burn, and finally selecting them on the basis of personal grudges. They were able to carry out their private scheme of vengeance because of the peaceful conditions that prevailed in the Seminole Nation, the unsettled conditions in Indian Territory owing to the impending dissolution of the tribal governments, and the confusion over criminal jurisdiction as federal courts assumed control of affairs in the territory.

Many who followed the mob leaders did not know the truth: that only one Indian, not two, had committed the crime for which two burned, that one of those was certainly, and the other probably, innocent of the crime, and that there had been no rape or sexual violation of the corpse. Those who knew the truth or learned it later refused to utter it, continuing to tell the story that the mob leaders wanted told and handing it down to subsequent generations, some of whom today are reluctant to discuss the episode with strangers or even talk about it among themselves except in hushed tones. What follows is an attempt to give an accurate account of the Seminole burning, to explain why and how it happened, and to show how, in its aftermath, Justice Department officials in Oklahoma and the Indian Territory struggled to see justice prevail but, at most, won only a minor victory over lynching in Oklahoma.

## TWO

# *Borderlands*

The post office and store that constituted Maud when Mont Ballard went to prison in 1899 sat within sight of the boundary between Oklahoma Territory and Indian Territory—at that point, Pottawatomie County and the Seminole Nation. West of the line, the landscape had dramatically changed since the creation of Pottawatomie County a few years earlier. The open landscape of the former Potawatomi and other tribal lands was now laid out in neat squares, marked by wire fences that enclosed fields of corn, cotton, and wheat, orchards and gardens, pastures and hay meadows, and home places with recently constructed frame houses and barns. Roads followed some of the lines that bounded the mile-square sections of land. From their side of the territorial boundary, Oklahomans looked east into a world that, for the most part, was culturally, economically, politically, legally, and racially alien to them. In an age driven by the concept of “progress,” white Oklahomans found the Seminole Nation objectionable. Like the other Indian republics of the territory with their large land masses, it represented an impediment to the “progress” driving the American nation. From their side of the line, Seminoles witnessed the “order” that the Americans had imposed upon the former Potawatomi, Kickapoo, and Sac and Fox domains, and many of them feared—rightly so—the imposition of such “order” upon them. In 1897, the borderlands where these two radically different worlds met were remarkably peaceful, but the prevailing social and cultural opinions held about Indians by the whites in the region would



provide much of the impetus for, and later justification of, the violence that occurred near Maud in the early days of 1898.

The creation of Pottawatomie County had been another step in the attrition of the Indians' land base during the preceding thirty years. On the eve of the Civil War, the Cherokees, Chickasaws, Choctaws, Creeks, and Seminoles, commonly called the Five Civilized Tribes, owned all of present-day Oklahoma except a disputed area between the north and main forks of the Red River, the panhandle, and a tiny region in the northeastern corner held by a number of tribes. Because factions of each of the Five Civilized Tribes fought for the Confederacy, the United States levied penalties at war's end, mainly in the form of land cessions. By treaties in 1866, the tribes gave up almost the western half of their territory, on which the United States later settled tribes removed principally from the Midwest, Great Plains, and Southwest. In the center of the territory, however, was an area that the government had not assigned to any tribe. A clamor soon arose for the opening of these Unassigned Lands, as they were called, to non-Indian settlement. Public appeal prevailed, and at noon on April 22, 1889, the area was opened by a land rush and became known in 1890 as Oklahoma Territory.

During the next five years, lands belonging to various Indian tribes opened in response to the continued agitation by American farmers for more land. Congress had passed the General Allotment Act in 1887, providing for the dissolution of the common tribal titles to the land and for the allotment of parcels to tribal members. The government began to apply the provisions of this act to the tribes surrounding Oklahoma Territory, allotting lands, opening surplus, unallotted lands to non-Indian settlement, and attaching the lands governmentally to Oklahoma Territory. Potawatomi and Shawnee, Iowa, Sac and Fox, and Tonkawa lands opened in 1891; Cheyenne and Arapaho land and Pawnee land in 1892; and Kickapoo land in 1895. In addition, the Cherokee Outlet, which the United States purchased from the Cherokees, opened in 1893. Pottawatomie County was created from lands formerly held by the Potawatomis, Shawnees, Kickapoos, Sacs, and Foxes.

Meanwhile, the Five Civilized Tribes, who still held their lands in common, were also under pressure to take individual allotments and open their surplus lands to non-Indian settlement. These Indian nations had been exempt from the provisions of the General Allotment Act; thus in 1893 Congress established a commission, chaired by former Senator Henry L.