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**There and Back Again:  
Oklahoma's Metanarrative as a Southern State**

A Dissertation Submitted

by

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### Abstract

The perspective to view Oklahoma as a Southern state where racial policy sets the tone for the land is not new, but previous scholarship argued that Oklahoma's Southern foundation began during the period of statehood in 1907 and ceased following court and legislative action during the Civil Rights Era. This work argues that Oklahoma's Southern turn commenced much earlier, during the Five Tribes' relocation to Indian Territory following the Indian Removal Act of 1830. This Southern base cemented itself in the very fabric of the land when the Five Tribes joined the Confederate States during the war for secession and, following the American Civil War, attempted to limit the citizenship status and opportunities of their freedmen. For a brief moment, during the leadup to statehood, these future Oklahomans had the opportunity to move away from their Southern roots and take a more progressive stance in establishing racial equality. Instead, Southern sympathies swept into power through the Democratic Party and the rise of "Lily-White" Republicans, allowing Democrats to dominate the state constitutional convention. A long Civil Rights Era commenced in the state, sparking a mixture of racial violence, intimidation, and legal action. Following the *Brown* decision after four decades of state-sponsored segregation, Oklahoma once again had a new opportunity to move away from its Southern roots; one that state leadership attempted to foster. However, the Southern foundation proved challenging to overcome in the state as Oklahoma City fought integration efforts for decades, demonstrating the pervasiveness of Southern ideology in Oklahoma.

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**Abbreviations ABB**

|       |  |
|-------|--|
| CORE  | Congress of Racial Equality                                |
| KKK   | Ku Klux Klan   |
| NAACP | National Association for the Advancement of Colored People |
| NSA   | Neighborhood Schools Association                           |
| OCPA  | Oklahoma Council of Public Affairs                         |
| SCLC  | Southern Christian Leadership Conference                   |
| SNCC  | Student Non-violent Coordinating Committee                 |
| WPA   | Works Project Association                                  |

## Chapter 1

### Introduction

Article XIII, Sec. 3, of the Oklahoma Constitution stipulated the creation of white and “colored” schools in 1907 and ingrained de jure segregation as Oklahoma shifted from territory status to statehood. The creation of separate schools for two racial categories, “white,” which included all races not of African descent, and “colored,” those of African descent, continued a precedent set in Oklahoma’s days as the Twin Territories, Oklahoma Territory and Indian Territory, as Oklahoma achieved statehood.<sup>1</sup> The establishment of segregationist principles did not just spring forth during statehood; division of race emerged long before statehood as the land that would one day be Oklahoma had already established a Southern foundation from which the state would grow. This Southern footing arrived with the citizens of the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles, collectively known as the Five Tribes, forced removal from the American Southeast to Indian Territory and brought the Southern race-based slave system with them following the Indian Removal Act of 1830.<sup>2</sup>

To truly understand Oklahoma’s state history, one must appreciate the Southern foundation from which that history derives. The common perception, and one garnered by many state historians and the state itself, is that Oklahoma is a western state that conjures up images of

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<sup>1</sup> Oklahoma State Constitution Article XIII, Sec 3, legislation created separate schools for white and colored children with like accommodations would be provided by state funds with the term “colored children” referring to children of African descent and the term “white children” meaning all others; “Oklahoma Constitution,” Oklahoma Historical Society, accessed April 8, 2023, <https://www.okhistory.org/research/okconstitution#page/50/mode/1up>.

<sup>2</sup> Barbara Krauthamer, “Slavery,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 02, 2024, <https://www.okhistory.org/publications/enc/entry?entry=SL003>.



Native Americans, the Land Run, cowboys, and pioneers.<sup>3</sup> However, the land and sentiment of the future state originate from those southeastern tribes who founded the territory's first western style governments and incorporated a Southern economy. These early Southern beginnings in Indian Territory, later reinforced by a Southern Democratic Party during Oklahoma's constitutional establishment, firmly placed Oklahoma on a Southern footing.

Utilizing a Southern lens to view the state's history, one can fully grasp the significance of Oklahoma's role in America's Civil Rights Movement and the uniqueness in the direction Oklahoma, as a Southern state, moved to integrate following the *Brown* ruling. Interpreting Oklahoma as a Southern state also allows for a greater understanding of local and state history as parts of the state, including Oklahoma City, still struggle with the aftermath of the decision the Oklahoma City school board and community leaders made limiting the integration of the district's public schools. The effects of these policies are still seen today, per the studies done by the Oklahoma Council of Public Affairs (OCPA) and the Oklahoma Policy Institute, which illuminates six current egregious examples of segregated school boundaries along with the white flight phenomenon to Oklahoma City's suburb communities and racial divisions between African Americans on the east side of the city and Hispanics dominating the south side of Oklahoma City.<sup>4</sup>

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<sup>3</sup> Arrel M. Gibson used a western lens in his college survey text see Arrel M. Gibson, *Oklahoma: A History of Five Centuries* (Norman, University of Oklahoma Press, 1981), XI; TravelOK, "Plan Your Western Adventure: Oklahoma Tourism % Recreation Department," YouTube Video, :30. February 10, 2022, [https://youtu.be/2gmvFE8-QLk?si=HV\\_vc4mKPsqJbZLZ](https://youtu.be/2gmvFE8-QLk?si=HV_vc4mKPsqJbZLZ).

<sup>4</sup> Greg Forster, "Oklahoma Still Segregates Public Schools," Oklahoma Council of Public Affairs, November 2, 2021. <https://ocpathink.org/post/analysis/oklahoma-still-segregates-public-schools>; Gene Perry, "The Changing Map of Poverty and Race in Oklahoma," Oklahoma Policy Institute, May 2, 2019. <https://okpolicy.org/the-changing-map-of-poverty-and-race-in-oklahoma/>.

Americans bestowed the moniker “Civilized” upon the Cherokee, Choctaw, Chickasaw, Seminole, and Creek Nations, ironically in part due to their participation in the African slave trade; these tribes also adopted Anglo-American norms of Christianity, style of government, horticulture, literacy, and market participation.<sup>5</sup> Indian Territory eventually shared more than a cardinal direction or a border with Southern states. Indian Territory shared a Southern nomenclature set by a U.B. Phillips edict that the central theme in Southern history is the principle that the South “is and would remain a white man’s country.”<sup>6</sup> While not every Southern historian will ascribe to Phillips's lens through which to view the South, southern historians recognize the role of race, particularly black and white relations, in the course of Southern history.<sup>7</sup> Phillips's understanding of the South created a blatant and palpable distinction that crossing into a region of the South, one was under a different system of laws.

Phillips’s view of the South set during the early twentieth century falls short in labeling a region in the present as time and individuals do not stand still. Forces shape and shift meaning and understanding, creating a paradox when attempting to define characteristics by which to view any region or group of people. Attempting to define the American South leads to a lesson in futility or as John Shelton Reed, an American sociologist and founder of the Center for the Study of the American South explained in a 2001 interview, “Southern identification is not so much a

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<sup>5</sup> Andrew K. Frank, “Five Civilized Tribes,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 02, 2024, <https://www.okhistory.org/publications/enc/entry?entry=FI011>.

<sup>6</sup> Ulrich B. Phillips, “The Central Theme of Southern History,” *The American Historical Review* 34, no. 1 (1928): 31. <https://doi.org/10.2307/1836477>.

<sup>7</sup> Danney Goble, “The Southern Influence On Oklahoma,” in *“An Oklahoma I Had Never Seen Before,”* ed. by Davis D. Joyce (Norman: University of Oklahoma Press, 1994), 284.

matter of shared history as a shared cultural style.”<sup>8</sup> As Reed found, Southerners in 1900 stood up for Dixie, venerated the Lost Cause, and championed a Confederate heritage, but as Southern identification shifted away from historical concepts to cultural style, Reed found African Americans living in the South grew in affection for the term “Southerner” as culture replaced shared history that excluded African Americans opened up the Southern label to include both blacks and whites.<sup>9</sup> Reed’s life work in sociology defined the term Southern by those people who choose to affiliate with the South and, in so doing, demonstrates the expansive nature of who is now included in the term “Southerner.” Reed then sought to discover how those who identify with the South are set apart.<sup>10</sup>

In a similar manner, Southern historians like U.B. Phillips, Wilbur J. Cash, C Vann Woodward, and Bertram Wyatt-Brown sought to explain Southern history through the distinctiveness they saw that defined the South. Phillips examined the unique weather of the South in his 1929 work *Life and Labor in the Old South*, explaining how the South's distinct weather led to the cultivation of staple crops that promoted the plantation system, which gave rise to chattel slavery.<sup>11</sup> Cash’s 1941 *The Mind of the South* found a distinctive white Southern mindset that, regardless of the region across the South and class, committed to one overriding goal of protecting and promoting white supremacy.<sup>12</sup> Woodward’s *The Strange Career of Jim*

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<sup>8</sup> John Shelton Reed, Elizabeth Fox-Genovese, and Eugene D. Genovese. “Surveying the South: A Conversation with John Shelton Reed,” *Southern Cultures* 7, no. 1 (2001): 78. <http://www.jstor.org/stable/26236866>.

<sup>9</sup> John Shelton Reed, *One South: An Ethnic Approach to Regional Culture* (Baton Rouge: Louisiana State University Press, 1982), 113-18.

<sup>10</sup> Reed, Fox-Genovese, and Genovese, “Surveying the South,” 76.

<sup>11</sup> Ulrich Bonnell Phillips, *Life and Labor in the Old South: The Classic Study of what Life was really like in the Antebellum South* (Boston: Little, Brown and Company, 1929).

<sup>12</sup> W.J. Cash, *The Mind of the South* (New York: Alfred a. Knopf, 1941).

*Crow* found the South to be the central theater to the historically recent development of segregated race relations.<sup>13</sup> While Wyatt-Brown's *Southern Honor* argued that the North and South operated under two fundamentally different codes of conduct, the South being an honor-bound society utilizing shame to dictate behavior, while the North operated under a guilt-based society in which Northerners internalized codes of behavior.<sup>14</sup> Through a lens of distinctives, Southern historians sought to create a narrative to explain Southern history due to the region's uniqueness that separated the South from the rest of the United States.

Contemporary Southern historians over the last thirty years realized the search for Southern distinctiveness which produced monumental works, including the scholarship of Woodward and Wyatt-Brown, that forever changed our understanding of the past but also minimized crucial aspects of the South by focusing primarily on white male elites and the aftermath of their choices as the decisive agents of change in the history of the South. Twenty-first century historians now emphasize and recognize the experience of all the South's inhabitants by distinguishing the uniqueness of various groups and regions across the South and no longer seek a central theme to develop a clear single narrative to define the South. This new emphasis culminated in Fitzhugh Brundage's 2023 edited work *A New History of the American South*, a work by fifteen distinguished Southern historians with the central aim to tell the history of the American South. Brundage organized his new telling of the American South by dividing Southern history into three parts. Part one starts with the antiquity of the South by placing an emphasis on the Ancient Native South prior to European arrival, through contact and interaction between African Americans, Native Americans, and Europeans, and finishing with the American

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<sup>13</sup> C. Vann Woodward, *The Strange Career of Jim Crow* (New York: Oxford University Press, 1955).

<sup>14</sup> Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982).

Revolution. Part two examines the nineteenth century and the development, collapse, and legacy of the South's cotton kingdom, paying particular attention to the African American experience in slavery as well as what freedom came to reflect following the American Civil War in a period in which Black Southerners actively participated in securing their own emancipation. Part three covers the twentieth century, examining the burden of separate but equal in the Jim Crow South, the reform of the early twentieth and late twentieth centuries, and essays that cover religion, culture, and the southern economy of the 1900s.<sup>15</sup> The fact that Brundage's work contains no central thesis to bind the individual essays demonstrates the revision in which Southern historians now travel to produce a more inclusive and accurate historical narrative. Brundage pointed out that over fifty years ago, a history of the South paid the most attention "to identifying the historical moment when the South deviated from the path pursued by the rest of the nation and then tracing the South's subsequent deviation."<sup>16</sup> Moving away from tracing deviations of the South to the goal of telling Southern history utilizing a long historical narrative that analyzes the South's Native American foundation, forever changed by European and African cultural contacts, to the development of a plantation economy that emphasizes black agency, leading to white Southern resistance, culminating in the rise of Jim Crow, and ending with African American freedom struggle of the twentieth century form the themes providing the nexus for Brundage's to create his history of the American South.

Oklahoma's history is unique in the same way that Southern history, analyzed down to each region of the South, is unique. The hill country of Appalachia will not reflect the same lived

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<sup>15</sup> Fitzhugh W. Brundage, *A New History of the American South* (University of North Carolina Press, 2023).

<sup>16</sup> Aram Goudsouzian, "What Is 'the South?': Fitzhugh Brundage Reflects on an Ambitious Undertaking: A New History of the American South," Chapter 16: A Community of Tennessee Writers, Readers & Passersby, September 14, 2023. <https://chapter16.org/what-is-the-south/>.

experiences as those in the Tidewater or New Orleans. However, the same themes in Brundage's revision of Southern history can be located in the telling of Oklahoma's history. A Native American impact on the region, the changing of Native culture and economic systems due to contact with outside groups, and the rise of the plantation system that utilized chattel slavery led to a black freedom struggle before and after emancipation. Indian Territory contained a real sensitivity to race relations between blacks and Native Americans that often relegated blacks to second-class status. During the period of Indian Territory, "Native" rights often included the whites incorporated into the tribal nation. The reverse took place under territorial and state law as the term "white" included Native Americans under the law, leaving Native blacks and African Americans, before and after statehood, on the outside looking in with regards to the rights enjoyed by those living in the region.<sup>17</sup>

The Five Tribes' leadership publicly endorsed a coalition with the South during the American Civil War as each of the Five Tribes signed treaties of alliance to join the Confederacy in their war of secession.<sup>18</sup> Following the Civil War, which devastated Indian Territory, the American federal government stipulated that the Five Tribes cede the western half of Indian Territory and incorporate their former slaves, now freedmen, as full members of their tribal nations, which four of the five tribes acquiesced to the federal request of citizenship rights for

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<sup>17</sup> Cherokee Nation, *Laws of the Cherokee Nation: Adopted by the Council at Various Periods (1808-1835). Printed for the Benefit of the Nation*, (Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852); Elias Rector, "Office Southern Superintendency, Fort Smith, September 20, 1859," in *Annual Report of the Commissioner of Indian Affairs*, (Washington: George W. Bowman, Printer, 1860); Bill No 52, Box 17, Acts, Bills, and Resolutions of the Choctaw Nation, Choctaw Nation Manuscript Collection, Choctaw Nation Papers 1868-1936, Western History Collections, University of Oklahoma Libraries, Norman, OK; *Territory of Oklahoma Session Laws of 1897* (Guthrie, Oklahoma Territory: Leader Co., 1897), 212; *Constitution of the State of Oklahoma* (Oklahoma City: Warden Printing Company, 1907), 90.

<sup>18</sup> James L. Huston, "Civil War Era," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 11, 2024, <https://www.okhistory.org/publications/enc/entry?entry=CI011>.

their freedmen, all except the Chickasaw.<sup>19</sup> From Reconstruction to the Land Runs, which opened Indian Territory to American settlement, the leaders of Indian Territory had the opportunity to shift away from the land's Southern foundation. Outside of the Seminole, who always had a more benevolent approach to those classified as enslaved and later freedmen, the other four tribes placed varying degrees of limits on the citizenship rights of their freedmen. These limitations on citizenship perpetuated the Southern trajectory of Indian Territory.

The Land Runs opened up the ceded lands, becoming Oklahoma Territory, and offered the opportunity for a new frontier away from the South. However, territorial governments that saw alliances of Democrat and Populist political parties pushed through segregationist principles in light of Republican efforts, which relied on African American support to stem a Southern tide.<sup>20</sup> As Oklahoma Territory approached statehood, a Southern wing of the Republican party labeled the "Lily Whites" alienated black support through the ballot, and Oklahoma, like Indian Territory, fell to the Southern perspective when the South stood for segregation and locked step with a Democratic party that stood for states' rights and segregation.<sup>21</sup>

The Democrats' supermajority in Oklahoma allowed for Oklahoma to become the first state to establish a "one-drop" rule defining the term "colored" in the state's constitution to include all persons of African descent, while the term white included all other races.<sup>22</sup> This racial

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<sup>19</sup> Charles J. Kappler, *Indian Affairs: Laws and Treaties Vol. II Treaties*, (Washington: Government Printing Office, 1904), 911, 918, 931, 1050-1051.

<sup>20</sup> R. Darcy, "Origins and Development: The Oklahoma Territorial Legislature, 1890-1905," *Chronicles of Oklahoma*, vol 83, no. 2 (2005): 145.

<sup>21</sup> Paul Finkleman, "Conceived in Segregation and Dedicated to the Proposition That All Men Were Not Created Equal: Oklahoma, the Last Southern State," in *Black Americans and the Civil Rights Movement in the West*, edited by Bruce A. Glarud and Cary D. Wintz, (Norman: University of Oklahoma Press, 2019), 214.

<sup>22</sup> *Constitution of the State of Oklahoma*, 90.

caste system, created post-statehood, brought Native Africans and African Americans together in a common bond after decades of apprehension against each other as they continued their fight for equality that initially saw both Native Africans and African Americans create their own towns and settlements as Oklahoma transitioned from the Twin Territories to state.<sup>23</sup>

The post-Civil War era to the 1920s saw the establishment of more than fifty all-black towns as a way to support and provide space for their autonomy in a state that increasingly sought to promote inequitable conditions.<sup>24</sup> By 1952, only nineteen all-black towns remained as the Great Depression and the wartime home economy of World War II transitioned a largely rural African American population to an urban-based one.<sup>25</sup> Many of these black towns could not compete with the opportunities found in the wartime economy in metropolitan cities as the African American communities relied heavily on an agriculture-based economy comprised of small-scale farmers.<sup>26</sup>

The wartime boom many African Americans experienced during World War II quickly ended as factories abruptly fired their black hires for their white counterparts returning home after the war.<sup>27</sup> Despite their efforts at home and abroad during World War II, African Americans were forced back to the margins of American society as the stigma of segregation

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<sup>23</sup> Larry O'Dell, "All-Black Towns," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 11, 2024, <https://www.okhistory.org/publications/enc/entry?entry=AL009>.

<sup>24</sup> Norman L. Crockett, *The Black Towns* (Lawrence: University Press of Kansas, 1979), 91.

<sup>25</sup> Arthur L. Tolson, "Black Towns of Oklahoma," *The Black Scholar* 1, no. 6 (1970): 21-22, <http://www.jstor.org/stable/41163446>. Pg 21-22

<sup>26</sup> Thomas R. Knight, "Black Towns in Oklahoma: Their Development and Survival" (PhD diss., Oklahoma State University, 1975), 124-131, <https://shareok.org/bitstream/handle/11244/44220/Thesis-1975D-K71b.pdf?sequence=1>.

<sup>27</sup> James T. Patterson, *Grand Expectations: The United States, 1945-1974* (Oxford: Oxford University Press, 1996), 4-5 and 19-31.



continued to mark their days. However, new successful legal challenges by the NAACP in 1948 with *Sipuel v Board of Regents of the University of Oklahoma* and again in 1950 with *McLaurin v Oklahoma State Regents for Higher Education* began to crack the segregationist armor that encased Southern states like Oklahoma and helped pave the way for the *Brown* decision in 1954 to end racial segregation in public schools.<sup>28</sup>

Once again, Oklahoma faced the possibility of moving away from the Southern influence that long held sway on the state's foundation, and this time, state leadership pursued an alternate course as Oklahoma experienced a landmark year in 1955. State and local leaders decided to travel a different avenue regarding segregation than their southern counterparts.<sup>29</sup> Governor Raymond D. Gary, newly elected, advocated for the state to pursue the process to integrate the *Brown* ruling by calling a special election to be held in the spring of 1955 to vote on his Better Schools Amendment that would create a streamlined process to end the separate school system ingrained in Oklahoma's state constitution. The measure passed by a 3-1 margin, and seventy of seventy-seven counties voted for adoption.<sup>30</sup> Gary advocated for a smooth transition in abolishing the state's two-color-tiered education system as he commanded the Oklahoma State

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<sup>28</sup> Scot W. Boulton, "Desegregation of the Oklahoma City School System," *Chronicles of Oklahoma*, vol. 58, no 2, (1980): 192-193, accessed January 25, 2021, <https://gateway.okhistory.org/ark:/67531/metadc1752290/m1/66/>.

<sup>29</sup> Following the *Brown* decision, Senator Strom Thurmond of South Carolina came up with the idea of creating a declaration to bring about the reversal of *Brown* which became known as the Southern Manifesto. The manifesto led to massive resistance to *Brown* and of which ten southern states adhered to Thurmond's call of resistance. Alabama, Georgia, Mississippi, South Carolina, Tennessee, and Virginia all immediately passed resolutions to nullify the *Brown* decision followed by Arkansas, Florida, Louisiana and Texas by the fall of 1956. For an overview of Southern opposition see Aucoin, Brent J Aucoin, "The Southern Manifesto and Southern Opposition to Desegregation," *The Arkansas Historical Quarterly* 55, no. 2 (1996): 173-93. <https://doi.org/10.2307/40030963>.

<sup>30</sup> Keith D. Lough, "Hoorah for Integration!": The Adoption of the 1955 Better Schools Amendment," *Chronicles of Oklahoma*, vol. 8,5 no. 2 Summer (2007): 168, accessed April 5, 2023, <https://gateway.okhistory.org/ark:/67531/metadc2006445/>.

Bureau of Investigation to keep tabs on individuals or groups that “sounded off too loudly” against desegregation efforts.<sup>31</sup> As the state’s top leader, Governor Gary’s willingness to back the *Brown* decision provided a different direction that Oklahoma leadership could pursue as Gary called on the state to get behind desegregation efforts, shifting Oklahoma away from their Southern trajectory.<sup>32</sup>

In 1955, as spring gave way to summer, two Oklahoma City high school football coaches, inspired by the *Brown* decision and the passage of Governor Gary’s Better Schools Amendment, decided to make their yearly scrimmage official and play the first integrated football game. On November 4<sup>th</sup>, 1955, C.B. Speegle’s all-white boys from Capitol Hill faced off against Moses Miller’s all-black football players from Douglas High School as 10,000 Oklahomans flooded the stands to cheer on their respective sides in Oklahoma City’s Taft Stadium.<sup>33</sup> The game’s success sparked changes in high school athletics and represents part of the larger context of integration efforts in Oklahoma, particularly its capital city, as by the

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<sup>31</sup> For Governor Gary’s thoughts on the importance of backing the *Brown decision* see Gary to Penny, 18 August 1954; Gary to Jones, 7 June 1955; Gary to Harrison, 21 June 1955, Box 13, Folder 9, Governor Raymond D. Gary Papers, Governor’s Office Records, Oklahoma State Archives, Oklahoma Department of Libraries, Oklahoma City, Oklahoma.

<sup>32</sup> “School Desegregation, Tax Revision Get High billing In Governor’s Message,” *The Daily Oklahoman*, (Oklahoma City, Oklahoma), January 12, 1955.

<sup>33</sup> For the *Daily Oklahoman*’s coverage before and after the game see Bob Dellinger, “Douglass Risks 46-Game Skein at Hill Tonight,” *Daily Oklahoman*, November 03, 1955; Bob Dellinger, “Capitol Hill Nudges Douglass, 13-6: Trojans String Snapped at 46,” *Daily Oklahoman*, November 04, 1955.

following season, African American schools were allowed to compete against their white counterparts in sports.<sup>34</sup>

The first integrated game in Oklahoma between two of the state's best high school football programs sprouted from the respected coaches' love of the game and their steadfast belief that iron sharpens iron, which led to the breaking of the color barrier between opposing teams. Unfortunately, not everyone in the Oklahoma City community could overcome their racial bigotry as businesses and the city's school district remained largely segregated three years after the passage of the Better Schools Amendment.

Further demonstration became necessary for Oklahoma City to desegregate its public spaces. In 1958, Clara Luper, a high school history teacher and leader of the NAACP Youth Council of Oklahoma City, organized a sit-in protest at Katz Drug Store. The Youth Council's protest was the first in Oklahoma history and took place a full seventeen months before the four North Carolina A&T students' renowned effort in Greensboro. Clara Luper and the Youth Council continued their non-violent protests throughout the early 1960s and eventually saw the end of segregation in public spaces in Oklahoma.<sup>35</sup>

The successful integration of the gridiron, along with the desegregation of Oklahoma City businesses through the efforts of Luper's Youth Council, demonstrated that a southern city

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<sup>34</sup> In 1955, there were 94 black high schools playing athletics as members of the Oklahoma Interscholastic Athletic Association. Separate schools were not allowed to take part in the Oklahoma Secondary School activities Association (OSSAA). In 1956, the ratification of the "Better Schools Amendment" opened the doors for separate schools that had not integrated to take part in the state playoffs run by the OSSAA of which fourteen separate schools participated. Within a decade only twenty-one separate schools were still part of the Oklahoma Interscholastic Athletic Association as many of the separate schools were shut down while sixty-eight of them joined the OSSAA within a year of integration of Oklahoma's public schools in 1956.

<sup>35</sup> Christina L Beatty, "An Interview with Christina L. Beatty: The Legacy of Clara Luper." *Journal of Women's History* 34, no. 4 (2022): 148.

could integrate in a relatively peaceful manner. However, the roots of the Southern foundation of the state remained deep, particularly in large metro areas like Oklahoma City. De facto segregation and school board policies kept the Oklahoma City school district from reflecting the overall demographics found in the city. The district's official stance following *Brown* complied with integration measures through the creation of neighborhood schools that stipulated that students would attend mixed schools reflective of their neighborhood demographics. However, the district's allowance of white transfers out of predominately black schools while denying black transfers into predominately white schools left the district largely segregated.<sup>36</sup>

While racial tension is not just a Southern phenomenon, as seen in the mass resistance to busing in Boston, where Ronald Formisano's groundbreaking work showed northern resistance to desegregation was due in part to white South Bostonians correlating African Americans with crime and "unrestrained sexuality."<sup>37</sup> However, Formisano's work also demonstrated that resistance to busing for the purpose of promoting integration also situated on intrawhite dispute between the middle and upper-class and working-class whites as the paring of Irish South Boston and African American Roxbury upended working-class community institutions while the well-off families saw integrated education as the great equalizer while having the luxury of sending or moving their children to schools of their own choice.

Boston integration struggles centered not purely on racial lines but on class resentment and neighborhood pride as many white parents who opposed busing initially gave busing a try as white enrollment immediately increased at mixed-schools from less than twenty-five percent in

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<sup>36</sup> "What We Want The Black Child To Know," *The Black Dispatch* (Oklahoma City, Oklahoma) September 15, 1955.

<sup>37</sup> Ronald Formisano, *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill: University of North Carolina Press, 1991), 118-119.

1968 to approximately thirty-three percent in 1974 to over forty percent in 1975.<sup>38</sup> Boston, like other northern cities, saw an open willingness to agree that busing may provide an integration opportunity, but a limited number of actual participants as populations preferred neighborhood schools. In 1982, the *Social Science Quarterly* attempted to ascertain white opposition in Akron, Ohio, and found a similar preference for neighborhood schools and the perception of cost and benefits of busing were not code words for racism as those polled would support busing under certain conditions but the condition needed to achieve more than just a racial balance.<sup>39</sup> Similarly, a 1981 survey by Chicago State University found 69 percent of students willing to be bused to a “good” school while 77 percent of parents opposed any type of busing with “the majority of students and parents, regardless of race, favored neighborhood schools; only blacks favored busing of other ethnic or racial groups into their schools.”<sup>40</sup> Boston, Akron, and Chicago were not immune to racial tensions, but struggles to implement integration started from a willingness to at least attempt to integrate if given the choice.

In contrast to northern metropolitan areas, Oklahoma City Public Schools district policy ran similar to that of Charlotte, North Carolina. Darius Swann, who previously lived in India, wanted his son James, who had never known of racial segregation, to be allowed to stay at Seversville Elementary, an integrated school, before receiving a note from Seversville Elementary requesting that James enroll in the nearby all-black school. Darius found that

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<sup>38</sup> Robert D. Lamb and Melissa R. Gregg, *The Dual-System Problem of Complex Conflicts* (Carlisle Barracks, PA: United States Army War College Press, 2018), 85-86.

<sup>39</sup> McKee J. McClendon and Fred P. Pestello. “White Opposition: to Busing Busing or to Desegregation?” *Social Science Quarterly* 63, no. 1 (1982): 70, 81. <http://www.jstor.org/stable/42861379>.

<sup>40</sup> Earl J. Ogletree and Stanley S. Starkman. “Chicago Students and Parents Accept Integration, Reject Busing.” *The Phi Delta Kappan* 62, no. 10 (1981): 745. <http://www.jstor.org/stable/20386128>.

Charlotte-Mecklenburg frequently allowed the transfer of students from integrated schools but not in the opposite direction, as school policy before 1965 allowed busing to achieve segregation.<sup>41</sup> Similar to the policies developed in Charlotte, Oklahoma City Public Schools utilized board policies to strengthen segregation following the *Brown* rulings. Instead of adhering to the Federal Supreme Court ruling, board leadership in various Southern cities attempted to circumvent integration or flat-out resist school integration.

Nashville, the “Athens of the South,” like Oklahoma City, sent out baseless platitudes about Nashville’s willingness to comply with the *Brown* ruling. Mayor Ben West commented that “the Supreme Court has declared the law. Our people are law-abiding citizens. We have not other thought except to conform to the law of the land. All our citizens are entitled to the opportunity of an education and I am sure our Board of Education will protect all in this right.”<sup>42</sup> The local NAACP brought forth a suit against the Nashville Board of Education in 1955, culminating in a 1957 ruling by the Federal court forcing the Nashville school board to develop and implement a program for desegregation.<sup>43</sup> The proceeding *Nashville Plan* called for a gradual integration starting with the first grade that allowed any first-grader to transfer to another school based on two criteria: if the student had previously been assigned to a school reserved for the opposite race, or if the student would be a racial minority in their new school.<sup>44</sup> Nashville

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<sup>41</sup> Frye Gaillard, *The Dram Long Deferred: The Landmark Struggle for Desegregation in Charlotte, North Carolina* Third Edition (Columbia, University of South Carolina Press, 2006), 26-27.

<sup>42</sup> “Clement Asks Calm Attitude,” *Nashville Banner*, (Nashville, Tennessee), May 17, 1954.

<sup>43</sup> Sonya Ramsey. “‘We will be ready whenever they are’: African American Teachers Responses to the Brown Decision and Public Schools Integration in Nashville, Tennessee, 1954-1966.” *The Journal of African American History* 90, no. 1 (Winter, 2005): 30, <https://www.proquest.com/scholarly-journals/we-will-be-ready-when-ever-they-are-african/docview/194471709/se-2?accountid=12085>

<sup>44</sup> Benjamin Houston, *The Nashville Way: Racial Etiquette and the Struggle for Social Justice in a Southern City* (Athens: GA, University of Georgia Press, 2012), 63

neighborhoods, similar to Oklahoma City, meant few African American children lived in neighborhoods, leaving few black children eligible to attend formerly white schools.

Furthermore, the transfer rules developed in Nashville and Oklahoma City following the *Brown* ruling allowed both districts to promote the old status quo of segregated schooling.<sup>45</sup> Nashville's one-grade-per-year initiative proved so successful at delaying the integration of the district that other cities such as Houston and Dallas adopted the Nashville Plan, while Nashville transfer policy mirrored the one utilized by Oklahoma City Public Schools and demonstrated the lengths Southern school boards traversed in their token compliance to *Brown*.<sup>46</sup>

Oklahoma City Public Schools would not fully comply with integration efforts until 1972 when the *Swann v Charlotte-Mecklenburg Board of Education* decision gave the federal district court the power to force integration to overcome de facto segregation in large metropolitan schools.<sup>47</sup> Still, the lingering effects of a Southern perspective shaped Oklahoma City Public Schools as white flight left the district as segregated as before the *Brown* decision. Currently, low expectations by district leadership seen in the establishment of fifty percent-based grading practices and the allowance of rampant truancy have created a school district in peril of setting low bars for their students that leave them at a disadvantage.

A Southern lens through which to analyze Oklahoma's past is not a new concept, as Danney Goble pushed for a Southern perspective to provide context to shed some light on

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<sup>45</sup> Houston, *The Nashville Way*, 64.

<sup>46</sup> Glenn M. Linden, *Desegregating Schools in Dallas: Four Decades in the Federal Courts* (Dallas: Three Forks Press, 1995), 38.

<sup>47</sup> Boulton, "Desegregation of the Oklahoma City School System," 193.

Oklahoma's peculiarities regarding race and culture.<sup>48</sup> Paul Finkelman is one of the latest scholars to follow Goble's lead with his 2019 article, "Conceived in Segregation and Dedicated to the Proposition that All Men Were Not Created Equal: Oklahoma, the Last Southern State." Goble's argument, which Finkelman seconds Goble's position for a Southern perspective to understand aspects of Oklahoma's state history, is sound, and this work will not contest Goble's thesis but will put forth that Goble does not extend far enough back in the state's history to explain Oklahoma's Southern foundation. Both Goble and Finkelman contend that Oklahoma's Southern foundation originated at statehood when "Democrats, by-and-large southern Democrats, would write Oklahoma's constitution."<sup>49</sup> Instead of Jim Crow sweeping in from the South at the turn of the 20<sup>th</sup> century, this work contends Southern conditions were already fostered in the state, and at times of opportunity to move away from a Southern foundation, people in positions of power and their supporters will bypass those opportunities to return to their Southern roots until the state actions by Governor Raymond Gary broke this pattern following the *Brown* decision only to see local officials hamper integration efforts until essential federal pressure forced the entire state to comply with integration efforts.

Placing Oklahoma in the South shows the significance of Oklahoma's role in the Long Civil Rights movement in American History and its contribution to African American history and activism. Furthermore, Oklahoma's leadership attempted to set a precedent as a Southern state by incorporating integration through their "Better Schools Amendment," following the *Brown* decision. In contrast, other Southern states' political leaders organized mass resistance, as

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<sup>48</sup> Danney Goble, "The Southern Influence On Oklahoma," 282.

<sup>49</sup> Danney Goble, "The Southern Influence On Oklahoma," 286.



seen in the “Southern Manifesto.”<sup>50</sup> The manifesto criticized the Supreme Court desegregation, and nineteen Senators and eighty-two Representatives representing eleven Southern States signed on to roll back the Supreme Court’s rulings.<sup>51</sup> Comparing the manifesto to Oklahoma’s action provides additional context to understand the national Civil Rights narrative that is lost when Oklahoma is seen as a Western state.

Oklahoma’s path to integration following the *Brown* ruling is unique as state leadership attempted to quickly and fully comply with the process of desegregating public schools. Past scholarship on the Civil Rights era focused little attention on events in Oklahoma, instead concentrating on “Southern” states, giving much of their space to the people in and around the major figures and events like Martin Luther King Jr., Montgomery Bus Boycott, Greensboro Sit-in, and the Little Rock Nine. Often considered a border or western state, Oklahoma does not fit the standard national narrative of the Civil Rights Movement. However, what this work argues is that Oklahoma’s history, state policies, and actions firmly placed Oklahoma in the South, making the state’s actions following *Brown* unique and worth examining to provide further context to an alternative direction of attempted compliance instead of mass resistance seen in other Southern states. Utilizing a Southern lens through which to view Oklahoma’s history not only helps with understanding the national narrative but also opens up new insight into the state’s history and helps explain cultural and racial aspects of Oklahoma’s history to the present day.

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<sup>50</sup> Dianna Everett, “Better Schools Amendment,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 11, 2024, <https://www.okhistory.org/publications/enc/entry?entry=BE028>; “New Southern Manifesto: Declares Civil Rights Bill Imperils Liberty Of All,” *Daily Press*, (Newport, Hampton, Warwick, Virginia), July 13, 1956.

<sup>51</sup> “Southern Manifesto Assails Desegregation,” *The Galveston Daily News*, (Galveston, Texas), March 11, 1956.

Oklahoma sets a unique example. For a Southern state to have state and local leaders and activists in politics and the community provide clear examples of integration for the populace to follow deserves a thorough examination. Despite Governor Gary, Clara Luper, The Youth Council, and Coaches Miller and Speegle's efforts, desegregation still proved to be a struggle as entities like Oklahoma City Public Schools attempted to hold on to their prejudiced past. However, the process of integrating the state of Oklahoma after the *Brown* ruling was relatively peaceful compared to other Southern states.

However, understanding the difficulties that Oklahoma faced as the state integrated and how the state overcame those struggles in a comparatively less tense manner provides a greater context in which to view the consequences of decisions made by local leaders during the modern civil rights movement as massive resistance seen in other southern states did not take hold in Oklahoma following *Brown* for two reasons. The first, Oklahoma as a state, had already attempted and failed in its efforts to resist the integration of higher education in the decade preceding *Brown*. The second saw Governor Raymond Gary utilize a two-pronged attack against the state's separate school system by appealing to his constituent's hearts and pocketbooks. Gary's rhetoric contained both the logic of a Christian message- that people are made in the image of God and in heaven, there are no separate facilities, while arguing that the state could create better educational opportunities for all students if Oklahoma moved from their separate funding formula to pay for segregated schools.

The context in which to view Oklahoma's experience in the grander narrative of the civil rights era needs further examination, as scholarship has left Oklahoma on the periphery of the dominant narrative through which the civil rights era is viewed. Scholars through the twentieth century defined the modern civil rights era as beginning with the *Brown* decision, followed by

public protests to end Jim Crow segregation in the deep South, and culminating in a glorious climax with the passage of federal legislation in the form of the Civil Rights Act of 1964 and Voting Rights Act of 1965.<sup>52</sup>

Early scholars of the civil rights movement who wrote in the 1970s and 1980s primarily viewed the civil rights era as a political movement. Taking a top-down approach, academics examined the roles of the Eisenhower and Kennedy administrations in moving legislation.<sup>53</sup> Rare during this period of civil rights scholarship was the social history approach taken by William H. Chafe's *Civilities and Civil Rights*, which analyzed the grassroots activism of a single locale in Greensboro, North Carolina.<sup>54</sup> Even though there was a lack of social history to broaden the context in which to view the historical record, an expanded view slowly developed through the autobiographies of civil rights leaders.

Congress of Racial Equality (CORE) founder James Farmer published his *Lay Bare the Heart* in 1985 to assess the movement. Farmer's autobiography continued the coverage of a top-down understanding of the civil rights era as Farmer was a prominent civil rights leader in American history, and Farmer's narrative did expand the scope, location, and timeframe in which the civil rights movement was traditionally set as Farmer discussed his 1942 sit-in of an all-white

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<sup>52</sup> Jacquelyn Dowd Hall, "The Long Civil Rights Movement and the Political Uses of the Past," *The Journal of American History* 91, no. 4 (2005): 1234. <https://doi.org/10.2307/3660172>.

<sup>53</sup> Carl M. Brauer, *John F. Kennedy and the Second Reconstruction* (New York: Columbia University Press, 1977); Robert Frederick Burk, *The Eisenhower Administration and Civil Rights* (Knoxville: University of Tennessee Press, 1984); August Meier and Elliot Rudwick, *CORE: A Study in the Civil Rights Movement, 1942-1968* (Oxford: Oxford University Press, 1973); Thomas R. Peake, *Keeping the Dream Alive; A History of the Southern Christian Leadership Conference from King to the 1980s* (New York: Peter Lang International Academic Publishers, 1987).

<sup>54</sup> William H. Chafe, *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (Oxford: Oxford University Press, 1979).

restaurant in Chicago.<sup>55</sup> Civil rights activist James Forman chronicled his experience in the movement with his *The Making of Black Revolutionaries* to argue that the non-violent civil disobedience movement employed in the 1950s and 60s was limited in scope as non-violent activists failed to get to the root political and economic causes of America's racism.<sup>56</sup> Like Farmer, Forman's work expanded the historical understanding of the civil rights era by challenging the perception that the movement centered on Martin Luther King's persona and non-violent approach to civil rights. However, few civil rights scholars of the 1980s followed Chafe's social history approach or Forman's lead in questioning the effectiveness of non-violent methods as academics instead concentrated on or analyzed national civil rights leaders, organizations, or events of national consequence, which put their focus squarely on Martin Luther King Jr.

King's legacy had long been cemented into the movement due to his work in Montgomery, the day he disclosed his dream on the steps of the Lincoln Memorial, his crossing of the Edmund Pettus Bridge, and his martyrdom resulting from his assassination in 1968. All of these factors resulted in the passage of Martin Luther King Jr. Day in 1983. King had long been a focus of academics and was only further ingrained in the historical narrative of the civil rights era with David Garrow's *Bearing the Cross*.<sup>57</sup> Garrow's biographical study of King made the

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<sup>55</sup> James Farmer, *Lay Bare the Heart: An Autobiography of the Civil Rights Movement* (New York: Arbor House, 1985) pgs. 67-77.

<sup>56</sup> James Forman, *The Making of Black Revolutionaries*. Illustrated ed. (Seattle: University of Washington Press, 1997).

<sup>57</sup> Lawrence D. Reddick, *Crusader without Violence: A Biography of Martin Luther King Jr.* (New York: Harper, 1959); Lerone Bennett Jr., *What Manner of Man: A Biography of Martin Luther King, Jr.* (Chicago: Johnson Publishing Company, 1968); David L. Lewis, *King: A Biography* (Urbana: University of Illinois Press, 1978); Stephen B. Oates, *Let the Trumpet Sound: The Life of Martin Luther King, Jr.* (New York, Harper and Row, 1982).

argument that King's Christian faith and leadership served as the central fulcrum from which the civil rights movement radiated.<sup>58</sup>

Garrow's work was quickly followed and expanded upon by Adam Fairclough's *To Redeem the Soul of America* and Taylor Branch's *Parting the Waters*, which offered a broader context to view the civil rights movement as Garrow's focus on King minimized the contributions of others. While Fairclough and Branch followed Garrow's lead as they focused on King, they expanded Garrow's narrowed focus by incorporating more of King's immediate circle into their analysis. Fairclough focused as much on the (SCLC), the organization that King served as president of, as just the man himself. Branch included the academic theologians and African-American preachers like Vernon Jones, Howard Thurman, and Mordecai Johnson, who served as King's predecessors. Branch expanded the narrative by showing how the "King years" included events outside King's control, like CORE's Freedom Rides or the repeated clashes between the King-led SCLC and the NAACP.<sup>59</sup> While there are still historians who continue to develop scholarship on King, the expanded interpretations of King by Fairclough and Branch have proven influential as contemporary civil rights historians have continued to enlarge the historical narrative by expanding out from King.<sup>60</sup> This scholarship eventually revised the historical record,

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<sup>58</sup> David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference*. 1st Perennial Classics ed. (New York: Perennial Classics, 2004).

<sup>59</sup> Adam Fairclough, *To Redeem the Soul of America: The Southern Christian Leadership Conference and Martin Luther King, Jr.* (Athens: University of Georgia Press, 1987); Taylor Branch, *Parting the Waters America in the King Years, 1954-63* (New York: Simon and Schuster, 1988).

<sup>60</sup> Eric J. Sundquist, *King's Dream* (New Haven: Yale University Press, 2009); Keith D. Miller, *Martin Luther King's Biblical Epic: His Final, Great Speech* (Jackson: University Press of Mississippi, 2012); Rufus Burrow, *A Child Shall Lead Them: Martin Luther King Jr., Young People, and the Movement* (Minneapolis: Fortress, 2014); Gary Dorrien, *Breaking White Supremacy: Martin Luther King Jr. and the Black Social Gospel* (New Haven: Yale University Press, 2019).

decentering the civil rights movement from King and emphasizing regional and localized civil rights movements and leaders through the extensive work done on state and community studies.

Localized historical narratives have transformed our understanding of the civil rights movement. For instance, Ronald P. Formisano's *Boston Against Busing* explored Boston's white resistance to school desegregation in the 1970s and concluded that racism alone could not explain white opposition to the integration of Boston schools.<sup>61</sup> John Dittmer's *Local People* further entrenched the social history approach to examining the civil rights movement through a case study of local people in Mississippi who developed the grass-roots organization the Mississippi Freedom Democratic Party or took up positions in national organizations like CORE or the (SNCC) as they fought for civil rights in the state.<sup>62</sup> Dittmer's work demonstrated that local leadership drove change. Subsequent state and community studies offered further proof that rivalries and differences in opinions between the NAACP, CORE, SCLC, and SNCC that were obvious in a top-down approach to examining the civil rights era became more blurred at the local level as people worked with a variety of organizations and supported various policies and tactics including the use of violence as seen in Hasan Kwame Jeffries' *Bloody Lowndes*, local communities strived for civil rights.<sup>63</sup>

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<sup>61</sup> Ronald P. Formisano, *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s* (Chapel Hill: University of North Carolina Press, 1991).

<sup>62</sup> John Dittmer, *Local People: The Struggle for Civil Rights in Mississippi* (Urbana: University of Illinois Press, 1994).

<sup>63</sup> Bobby L. Lovett, *The Civil Rights Movement in Tennessee: A Narrative History* (Knoxville: University of Tennessee Press, 2005); Peter F. Lau, *Democracy Rising: South Carolina and the Fight for Black Equality since 1865* (Lexington: University Press of Kentucky, 2006); Elizabeth Jacoway, *Turn Away Thy Son: Little Rock, the Crisis That Shocked the Nation* (New York: Free Press, 2007); Hasan Kwame Jeffries, *Bloody Lowndes: Civil Rights and Black Power in Alabama's Black Belt* (New York: New York University Press, 2009); Françoise N. Hamlin, *Crossroads at Clarksdale: The Black Freedom Struggle in the Mississippi Delta After World War II* (Chapel Hill: University of North Carolina Press, 2012).

The decentering of the Civil Rights historiography from Martin Luther King Jr. through the production of state and community studies has forced historians to rethink where to place the civil rights movement. Early scholars who viewed civil rights as a political movement or those who placed their emphasis on King nationalized the civil rights narrative, undercut meaningful differences happening at the local level, and minimized the efforts of non-national figures as they struggled for equal rights. As scholars strived to overcome the shortcomings of the dominant narrative centered on King, they have geographically expanded the lens through which to view the civil rights movement.<sup>64</sup> Localized studies pivoted the discussion from a national narrative to a local one. New historical inquiries arose as scholars began to focus outside the King-linked campaigns in the deep South.

Social historians' foray into the northern experience in the struggle for civil rights through Jeanne F. Theoharis and Komzi Woodard's *Freedom North*, Matthew J. Countrymen's *Up South*, Thomas J. Sugrue's *Sweet Land of Liberty* reimaged the Civil Rights Movement as a national phenomenon, and not purely a Southern issue.<sup>65</sup> This revision allowed scholars to seek trends to regionalize the struggle for civil rights and ponder which region was more significant in the outcome of the movement.<sup>66</sup> Whereas Matthew D. Lassiter's and Joseph Crespino's *The*

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<sup>64</sup> Clarence Lang, "Locating the Civil Rights Movement: An Essay on the Deep South, Midwest, and Border South in Black Freedom Studies," *Journal of Social History* 47, no. 2 (2013): 371–372. <http://www.jstor.org/stable/43305919>.

<sup>65</sup> Jeanne Theoharis and Komozi Woodard, *Freedom North: Black Freedom Struggles Outside the South, 1940-1980* (New York: Palgrave MacMillan, 2003); Matthew Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Philadelphia: University of Pennsylvania Press, 2006); Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008).

<sup>66</sup> Patrick D. Jones, *The Selma of the North: Civil Rights insurgency in Milwaukee* (Cambridge: Harvard University Press, 2010); Mary Lou Finley, *The Chicago Freedom Movement: Martin Luther King Jr. and Civil Rights Activism in the North* (Lexington: University Press of Kentucky, 2016); Silvan Niedermeier, *The Color of the Third Degree: Racism, Police Torture, and Civil Rights in the American South, 1930-1955* (Chapel Hill: The University of North Carolina, 2019); Jessica D. Klanderud, *Struggle for the Street: Social Networks and the Struggle for Civil Rights in Pittsburg* (Chapel Hill: The University of North Carolina Press, 2023).

*Myth of Southern Exceptionalism* countered regionalism in the civil rights historiography by attempting to erase the Mason-Dixon line to show that African-American relegation was systematic across regional boundaries.<sup>67</sup> Lassiter and Crespino's attempt to revise the historical record to end Southern exceptionalism provides an interesting perspective. However, their revision is a bridge too far to cross as it minimizes the South's unique past and culture as a region. The South's status as former Confederate states, its legacy as a slave-based agricultural system, the region's political secession, and subsequent military occupation during Reconstruction preceding the South's subordination for much of the twentieth century to northeastern industrial power all set the South apart.<sup>68</sup>

Despite the revisionist efforts of Lassiter and Crespino, scholars have continued to develop regional examinations that demonstrate contrasting regional characteristics. Tim S.R. Boyd's *Georgia Democrats, the Civil Rights Movement, and the Shaping of the New South*, Shirley and Wayne Wiegand's *The Desegregation of Public Libraries in the Jim Crow South*, Elaine Allen Lehtreck's *Southern White Ministers and the Civil Rights Movement* all address unique southern aspects in the form of southern politicians, Jim Crow legislation, or the

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<sup>67</sup> Matthew D. Lassiter and Joseph Crespino, *The Myth of Southern Exceptionalism* (Oxford: Oxford University Press, 2010).

<sup>68</sup> David R. Goldfield, *Cotton Fields and Skyscrapers: Southern City and Region, 1607-1980* (Baton Rouge: Louisiana State University Press, 1982); Lou Ferleger, *Agricultural and National Development: Views on the Nineteenth Century* (Ames: Iowa State University, 1990); Gabor S. Boritt, *Why the Civil War Came* (Oxford: Oxford University Press, 1996); Charles Joyner, *Shared Traditions: Southern History and Folk Culture* (Urbana: University of Illinois Press, 1999); James C. Cobb, *Globalization and the American South* (Athens: University of Georgia Press, 2005); John Lowe, *Bridging Southern Cultures: An Interdisciplinary Approach* (Baton Rouge: Louisiana State University Press, 2005); Timothy J. Minchin and John A. Salmond, *After the Dream: Black and White Southerners since 1965* (Lexington: University Press of Kentucky, 2011).



experience of white clergy following the Birmingham church bombing.<sup>69</sup> Contemporary scholars who have examined northern characteristics during the civil rights era include Angela Denise Dillard, Marin L. Deppe, and Laura Warren Hill, who analyzed unique characteristics of the North through their work on the link between black religious leaders and the political left in Detroit, the black power movement in Chicago, and how African-American activists responded to police brutality as they struggled for justice.<sup>70</sup>

The continued regional divide in which to view the civil rights movement through a Northern or Southern capacity continues to motivate scholars to add to the historical narrative of marginalized states and locales that were not included in the dominant narrative that derived from political history and centered on Martin Luther King Jr. or were part of the regional studies that emphasized northern experiences in the black struggle for equal rights. The expansionist Civil Rights narrative created by the regional divide has transcended space and time, as seen by the development of the Long Civil Rights narrative championed by Jacquelyn Dowd Hall. Hall found that “confining the civil rights struggle to the South, to bowdlerized heroes, to a single halcyon decade, and to limited, noneconomic objectives, the master narrative simultaneously elevates and diminishes the movement.”<sup>71</sup> Hall argued for a truer story, one that took root in the

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<sup>69</sup> Tim S.R. Boyd, *Georgia Democrats, The Civil Rights Movement, and the Shaping of the New South* (Gainesville: University Press of Florida, 2012); Shirley A. Wiegand and Wayne A. Wiegand, *The Desegregation of Public Libraries in the Jim Crow South: Civil Rights and Local Activism* (Baton Rouge: Louisiana State University Press, 2018); Elaine Allen Lehtreck, *Southern White Ministers and the Civil Rights Movement* (Oxford, University Press of Mississippi, 2018).

<sup>70</sup> Angela Denise Dillard, *Faith in the City: Preaching Radical Social Change in Detroit* (Ann Arbor: University of Michigan Press, 2007); Martin L. Deppe, *Operation Breadbasket: An Untold Story of Civil Rights in Chicago, 1966-1971* (Athens: University of Georgia Press, 2017); Laura Warren Hill, *Strike the Hammer: The Black Freedom Struggle in Rochester, New York, 1940-1970* (Ithaca: Cornell University Press, 2021).

<sup>71</sup> Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past.” *The Journal of American History* 91, no. 4 (2005): 1233–63. <https://doi.org/10.2307/3660172>.

late 1930s, accelerated during the Double Victory campaign of World War II, and went far beyond the South to inspire declared rights movements in the 1960s and 70s.<sup>72</sup> Scholars, following Hall's lead, expanded the timeline. Most recently, William H. Chafe's *Lifting the Chains*, published in 2023, incorporates any action to survive Jim Crow-inspired legislation as part of the African American experience to secure their rights and position in the United States, extending the Civil Rights movement from Reconstruction to the present day.<sup>73</sup> Despite the expanded civil rights narrative via either time or space, Oklahoma history sits on the periphery of modern civil rights historiography despite the state's record as a fertile ground to analyze race relations as seen in past and contemporary scholarship. This work is an attempt to rectify Oklahoma's place in this expanded narrative by demonstrating Oklahoma's long struggle with civil rights dating back to Indian Removal that squarely places Oklahoma in the South, a region where integration faced formidable barriers. Whereas the previous scholarship of the state examined a narrower scope of time, this work's long narrative attempts to establish Oklahoma in the South.

Murray R. Wickett's *Contested Territory* examined American race relations of the frontier West in Indian Territory. Wickett argued that policies advocated and pushed for by white government officials, missionaries, and humanitarian reformers sparked debate and fractionalization between blacks and whites as whites argued for the assimilation of Native

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<sup>72</sup> Hall, Jacquelyn Dowd. "The Long Civil Rights Movement and the Political Uses of the Past." *The Journal of American History* 91, no. 4 (2005): 1233–63. <https://doi.org/10.2307/3660172>.

<sup>73</sup> William H. Chafe, *Lifting The Chains: The Black Freedom Struggle Since Reconstruction*, (New York, Oxford University Press, 2023), 94-95.

American populations but strict segregation between blacks and whites.<sup>74</sup> While Darnella Davis used a microhistory approach focusing on two families, one of Cherokee Freedmen descent and the second of Muscogee Creek lineage, in her *Untangling a Red, White, and Black Heritage* to argue that inequalities were still apparent over one hundred years after allotments were given.<sup>75</sup> Indian Territory race relations and policies continued into statehood as strict segregation of African Americans became the law of the land as Oklahoma entered statehood, which Philip Mellinger's 1971 article "Discrimination and Statehood in Oklahoma" explored as he analyzed the development of Jim Crow during the early years of Oklahoma statehood. A topic that was further explored by Danney Goble in his monograph *Progressive Oklahoma*.<sup>76</sup> Both Goble and Mellinger trace Jim Crow's placement into Oklahoma's Constitution to Oklahoma Democrats' willingness to embrace the Progressive agenda that saw them sweep the 1906 constitutional convention elections, giving the Democrats unprecedented power in the State.

Historians continued to examine Oklahoma's segregated history with particular attention on the Tulsa Race Massacre, which saw the destruction of "Black Wallstreet" in Tulsa, Oklahoma.<sup>77</sup> Further exploration of white and black race relations in Oklahoma before the modern civil rights era focused on the development of black towns in Oklahoma, the experience

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<sup>74</sup> Murray R. Wickett, *Contested Territory: Whites, Natives Americans, and African Americans in Oklahoma, 1865-1907* (Baton Rouge: Louisiana State University Press, 2000).

<sup>75</sup> Darnella Davis, *Untangling a Red, White, and Black heritage: A Personal History of the Allotment Era* (Albuquerque: University of New Mexico Press, 2018).

<sup>76</sup> Philip Mellinger, "Discrimination and Statehood in Oklahoma," *Chronicles of Oklahoma*, vol. 49, no 3, (1971): 340-377, accessed May 06, 2023, <https://gateway.okhistory.org/ark:/67531/metadc1761003>; Danney Goble, *Progressive Oklahoma: The Making of a New King of State* (Norman: University of Oklahoma Press, 1980).

<sup>77</sup> Scott Ellsworth, *Death in a Promised Land: The Tulsa Race Riot of 1921* (Baton Rouge: Louisiana State University Press, 1982); Tim Madigan, *The Burning: the Tulsa Race Massacre of 1921* (New York: St. Martin Griffin, 2001); Randy Krehbiel, *Tulsa 1921: Reporting a Massacre* (Norman: University of Oklahoma Press, 2019); Karlos K. Hill, *The 1921 Tulsa Race Massacre: A Photographic History* (Norman: University of Oklahoma Press, 2021).

of black-segregated schools, and the early stages of integration with landmark Supreme Court cases that integrated the University of Oklahoma in 1948 and Oklahoma State University in 1949.<sup>78</sup> However, despite the increase of localized historical narratives highlighting the civil rights struggle in Oklahoma, these narratives have not had an impact on comprehensive national studies. In William H. Chafe's, *Lifting the Chains*, Chafe examines the long civil rights struggle of African Americans from Reconstruction to the present day; Oklahoma's coverage consists of the Tulsa Riot and *McLaurin v. Board*.<sup>79</sup> Even publications like V.P. Franklin's *The Young Crusader*, whose work seeks to tell the "untold story" of the Civil Rights movement, gives only two pages to Clara Luper's sit-in movement.<sup>80</sup>

This study seeks to add to the historical narrative through the examination of Oklahoma's long civil rights experience, starting with Indian Removal, which brought a race-based slave economic system to the area and culminated with the desegregation of Oklahoma City. The connectivity of the long narrative that links the social structure created by the Five Tribes to de jure segregation established during the territorial and early first half of Oklahoma's statehood has been largely ignored in the greater context of the state civil rights movement narratives. Most regional and state studies have focused on the twentieth-century civil rights movement. Edited collections like Davis D. Joyce's *An Oklahoma I have Never Seen Before*, Quintard Taylor's and Shirley Ann Wilson Moore's *African American Women Confront the West*, Bruce A. Glasrud's

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<sup>78</sup> George O. Carney, "Historic Resources of Oklahoma's all-Black Towns," *Chronicles of Oklahoma*, vol. 69, no 2, (1991): 116-133, accessed May 07, 2023, <https://gateway.okhistory.org/ark:/67531/metadc2031656>; Anita G. Arnold, (Oklahoma city's African American Education (Charleston: Arcadia Publishing, 2018); George Lynn Cross, *Blacks in White Colleges: Oklahoma's Landmark Cases* (Norman: University of Oklahoma Press, 1975).

<sup>79</sup> William H. Chafe, *Lifting The Chains: The Black Freedom Struggle Since Reconstruction*, (New York, Oxford University Press, 2023).

<sup>80</sup> V.P. Franklin, *The Young Crusaders: The Untold Story of the Children and Teenagers who Galvanized the Civil Right Movement* (Boston: Beacon Press, 2021).

and Charles A Braithwaite's *African Americans on the Great Plains*, and Sarah Eppler Janda and Patricia Loughlin's *Herland* have all included essays on Clara Luper's sit-ins which began in 1958 to integrate Oklahoma City restaurants and businesses.<sup>81</sup> Few Published monographs have attempted to cover Oklahoma's experience during the Civil Rights era through the perspective of the entire-black experience in totality; the best of those is Jimmie Lewis Franklin's *Journey Toward Hope*. Other scholars have investigated specific individuals or events that had significant roles in desegregating Oklahoma, as in John T. Hubbell's "The Desegregation of the University of Oklahoma."<sup>82</sup>

Works that have investigated the history of the state or its region have often taken an all-encompassing or microhistory approach. These works usually place little significance on the desegregation events and civil rights history, but these integration events and people only help drive the main focus of the scholarship. Sam Anderson devoted just a few pages to Oklahoma City's civil rights struggles as Anderson examined the city's chaotic founding and bust and boom cycles during the city's rise into a metropolis in the monograph *Boom Town*.<sup>83</sup> Ajax Delvecki

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<sup>81</sup> Davis D. Joyce, *An Oklahoma I Had Never Seen Before: Alternative Views of Oklahoma History* (Norman: University of Oklahoma Press, 1998); Quintard Taylor and Shirley Ann Wilson Moore, *African American Women Front the West: 1600-2000* (Norman: University of Oklahoma Press, 2003); Bruce A. Glasrud and Charles A. Braithwaite, *African Americans on the Great Plains: Anthology* (Lincoln: University of Nebraska Press, 2009); Sarah Eppler Janda and Patricia Loughlin, *This land is Herland: Gendered Activism in Oklahoma from the 1870s to the 2010s* (Norman: University of Oklahoma Press, 2021).

<sup>82</sup> Jimmie Lewis Franklin, *Journey Toward Hope: A History of Blacks in Oklahoma* (Norman: University of Oklahoma Press, 1982); Jace Weaver, *Then to the Rock Let Me Fly: Luther Bohanon and Judicial Activism* (Norman: University of Oklahoma Press, 1993); Bob Burke and Angela Monson, *Rosco Dunjee: Champion of Civil Rights* (Edmond: University of Central Oklahoma Press, 1998); David W. Levy, *George McLaurin and the Struggle to End Segregated Education* (Norman: University of Oklahoma Press, 2011); John T. Hubbell, "The Desegregation of the University of Oklahoma, 1946-1950," *The Journal of Negro History* 57, no. 4 (1972): 370-84. <https://doi.org/10.2307/2716982>; Keith D. Lough, "'Hoorah for Integration!': The Adoption of the 1955 Better Schools Amendment," *Chronicles of Oklahoma*, vol. 85 no. 2 (2007): 158-175. <https://gateway.okhistory.org/ark:/67531/metadc2006445/>.

<sup>83</sup>Sam Anderson, *Boomtown: The Fantastical Saga of Oklahoma City, Its Chaotic Founding, Its Apocalyptic Weather, Its Purlined basketball team, and the Dream of Becoming a World-Class Metropolis* (New York: Broadway Books, 2018).

and Larry Johnson's *John A Brown's, Kerr's & Halliburton's* examined the consumer habits of Oklahoma City denizens and the end of the era of downtown shopping and, while doing so, gives minimum coverage to Clara Luper's sit-ins in Kerr's department stores.<sup>84</sup> Survey texts examining Oklahoma's entire history, like W. David Baird's and Danney Gobles' *Oklahoma A History* and Arrell Morgan Gibson's *Oklahoma: A History of Five Centuries*, weave Civil Rights events into a larger narrative of changes in the state.<sup>85</sup> Neither survey text dedicates a whole chapter or the central thesis of a chapter to the Civil Rights movement.

The main academic attempt to synthesize a comprehensive examination of Oklahoma's civil rights era comes from graduate students. Using political history, Allan Saxe's "Protest and Reform" analyzed the change over time in Oklahoma City as the city moved from traditional Southern attitudes into mainstream politics, embracing constitutional morality, but paid little attention to where those Southern attitudes derived. William Wollitz's 1973 dissertation on "School Desegregation in Oklahoma City" used an ecological case study method to examine school desegregation.<sup>86</sup> Doctoral candidates in education have made up the recent bulk of contemporary dissertations as they examined the effects of Oklahoma's desegregation process. Tamia Moaning-Norris, Pamela Diane Thomas, and Sinha Binita studied and produced works on

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<sup>84</sup> Ajax Delvecki and Larry Johnson, *John A. Brown's Kerr's & Halliburton's: Where Oklahoma City Loved to Shop* (Charleston: The History Press, 2016).

<sup>85</sup> W. David Baird and Danney Goble, *Oklahoma: A History* (Norman: University of Oklahoma Press, 2008); Arrell M. Gibson, *Oklahoma: A History of Five Centuries* (Norman, University of Oklahoma Press, 1981).

<sup>86</sup> William L. Wollitz Jr., "An Ecological Approach to the Case Study Method: School Desegregation in Oklahoma City" (PhD Diss., The University of Oklahoma, 1973), ProQuest (7412328).

the consequences of Oklahoma City's long struggle to desegregate public schools, but none examined the origins of that segregation.<sup>87</sup>

Two graduate-level theses comprise some of the more recent scholarly attempts at a comprehensive study of Oklahoma's civil rights movement. James Gribble Hochtritt's "An Absence of Malice: The Oklahoma City Sit-In Movement, 1958-1964" and Joel Edward Baehler's "Organizing the 'living dead': Civil Rights in Oklahoma City and Tulsa, Oklahoma 1954-1964." Hochtritt and Baehler reached a similar conclusion that mass resistance to desegregation did not appear in Oklahoma during the modern civil rights era due to the relatively positive relationships between black and white communities.<sup>88</sup> While Oklahoma's history shows less strife and tension during the modern civil rights movement than Oklahoma's southern state counterparts, this study feels that Hochtritt and Baehler's studies are too restrictive in their timeframe to produce a definitive answer.

The historical record needs an extended examination of what caused Oklahoma's policies of segregation, and in so doing, will show Oklahoma is much more aligned with the South than the West. Once a Southern lens is applied to Oklahoma's history, the uniqueness of Oklahoma's dramatic shift in state policy following the *Brown* decision takes on a greater significance.

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<sup>87</sup> Tamia Moaning-Norris, "Present Day Implications of the School Desegregation Decision in Board of Education of Oklahoma City Public Schools v. Dowell (1991)" (PhD diss., The University of Oklahoma, 2013), ProQuest (3567868). Pamela Diane Thomas, "The Oklahoma City School Board's 1984 Decision to Curtail Busing and Return to Neighborhood Elementary Schools" (PhD Diss., The University of Oklahoma, 1990), ProQuest (9110004). Binita Sinha, "The Influence of Public Schools on Residential Growth in the Urban Fringe of Oklahoma City" (PhD diss., The University of Oklahoma, 1997), ProQuest Order No. (9733698).

<sup>88</sup> James Gribble Hochtritt, "An Absence of Malice: The Oklahoma City Sit-In Movement 1958-1964" (Master's Thesis, The University of Oklahoma, 1994), ProQuest (304105126); Joel Edward Baehler, "Organizing the 'living Dead': Civil Rights in Oklahoma City and Tulsa, Oklahoma, 1954-1964" (Master's Thesis, Oklahoma State University, 2012), ProQuest (1513243).

Meanwhile, in the rest of the South, governors called for mass resistance and stood outside of integrated high schools, barring their doors. In contrast, Oklahoma's Governor Raymond Gary rushed in the Better Schools Amendment in an attempt to fast-track integration.

For a state situated in the South, where segregation was ingrained in its constitution, and a state with a long history of racial violence seen in sundown towns, lynch mobs, and the Tulsa Race Riot, Oklahoma's desegregation process is historically significant as the state contained less discord in the ten-year period from *Brown* to the passage of the Civil Rights Act of 1964 than its neighboring states of Arkansas, Texas, and Louisiana, where massive resistance occurred. In order to demonstrate the significance of the radical change of Oklahoma's movement away from the state's Southern foundation, one must begin at the beginning and establish that Oklahoma was a Southern state. Chapter two demonstrates the Southern foundation created in Indian Territory through the social and government structure created by the Five Tribes following their removal from the southeastern part of the United States. In this section, the researcher utilized background information, demographics, laws, and policies that fostered segregation and compared policy to first-hand accounts of diaries and oral interviews from the WPA Slave Narratives to ascertain the effects of segregation upon the populace.

Chapter three examines the causes and effects of the Five Tribes' alliance with the Confederate States during the American Civil War. The irrevocable decision to join the South created the first opportunity for the area that would become Oklahoma to move away from a Southern culture as the federal government restructured Indian Territory. The Five Tribes reluctantly ended the practice of slavery, and the federal government requested the Five Tribes to provide tribal citizenship for the Indian Territory's freedmen population. Due to their Confederate alliance, the Five Tribes also forcibly ceded the western half of Indian Territory,



which, through the opening of the Unassigned lands, became Oklahoma Territory, briefly offering a new beginning for African Americans fleeing the South. Utilizing tribal laws, campaign speeches, oral interviews, and newspaper accounts, one can see the hope Oklahoma Territory offered, but at the same time, the division between freedmen and their tribes as well as the animosity between the Native freedmen and African Americans as each sought opportunities across the Twin Territories.

Chapter four demonstrates how quickly the promised land of Oklahoma reverted to the land's Southern roots as the Twin Territories became one state with a supermajority government run by the Democratic party. The creation of the one-drop rule systematically placed Native blacks and African Americans at the bottom rung of Oklahoma's social ladder. State law fostered and demanded the development of segregated black communities, and when state statutes were not enough to keep the social inequity in place, Oklahoma citizens relied on verbal intimidation and physical violence to maintain their southern social hierarchy.

Chapter five examines the Long Civil Rights movement in Oklahoma by reviewing the first aspect, segregated schools. Examining the inequalities in Oklahoma's separate school system compared to the tremendous gains in African American literacy demonstrates the significant hurdles African Americans traversed to overcome the discrimination of the literacy test in order to secure their voting rights. The high academic achievement by blacks in the state paved the way to challenge higher education to open their doors to African American students through the Supreme Court's decisions in *Sipuel v Board of Regents of the University of Oklahoma* and *McLaurin v Oklahoma State Regents* laying the foundation for *Brown v Board*.

Chapter six examines Oklahoma's second opportunity to move away from the state's Southern foundation following the *Brown* decision. A combination of state leaders and local

activists paved a new avenue for the state to travel away from the South. However, a close examination of Oklahoma City Public Schools demonstrates the hold the Southern concepts still had on adults in the city as de facto segregation and school board decisions will not see Oklahoma City Public Schools fully comply with integration until 1972, only after federal court mandates. Once forced integration arrived in the district, white flight left the school boundaries just as segregated as families fled outside the district, despite the call by black and white student leaders to create unity in the now federally mandated integrated schools.

Due to the fact that the South is not a precise location or term and is open to debate, I argue that Oklahoma related more to the South than the West. The first reason pertains to Oklahoma's Constitution and the provisions that schools will be fully segregated regarding race, having separate schools for white and black students. Before *Brown*, seventeen states were lawfully segregated without an option, and of those seventeen, only Delaware, Maryland, and West Virginia did not join the Confederacy. While Oklahoma did not exist as a state during the Civil War, a majority of the Native American nations that resided in Indian Territory signed treaties and fought on the Confederates' side.<sup>89</sup> The second reason is that during the period under examination, individuals and entities labeled Oklahoma a Southern state. The United States Commission on Civil Rights and political scientist Daniel J. Elazar's theory of political culture placed Oklahoma in the South.<sup>90</sup> Furthermore, *Oklahoma City's Black Dispatch* also put

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<sup>89</sup> Arthur E. Sutherland, "Segregation by Race in Public Schools Retrospect and Prospect." *Law and Contemporary Problems* 20, no. 1 (1955): 169, accessed April 8, 2023, <https://doi.org/10.2307/1190281>; Gibson, Arrell Morgan Gibson, "Native Americans and the Civil War." *American Indian Quarterly* 9, no. 4 (1985): 387, accessed April 8, 2023, <https://doi.org/10.2307/1183560>.

<sup>90</sup> Commission on Civil Rights, *The 50 States Report* (Washington, D.C.: US Government Printing Office, 1961), 519; Daniel Elazar, *American Federalism: A View from the States*, 2nd ed. (New York: Thomas Y. Crowell Company, 1972).

Oklahoma in the south, as the newspaper lauded the state's efforts in complying with the Brown ruling, which showed that Oklahoma far outpaced its southern state counterparts.<sup>91</sup>

The timeframe in question for this examination will be set from the Indian Removal of 1830 to 1991, when Oklahoma City Public Schools were fully integrated. By taking a long view to analyze the conditions of the state, this study can prove that Oklahoma's Southern foundation was laid during the state's historical period as Indian Territory and reaffirmed during statehood making Oklahoma truly a Southern and not a Western state. Furthermore, when the people of the state were given the opportunity to diverge from this Southern path, they chose time and again to stand firm in Southern ideology throughout the ninetieth and first half of the twentieth century. Understanding Oklahoma's Southern foundation increases the historical significance of Oklahoma's actions when the state finally moves from its Southern path following the *Brown* decision. A Southern perspective in which to view Oklahoma further illuminates the reasons for the struggles in Oklahoma City Public Schools in shedding their Southern prejudice and helps explain some of the issues the district still faces today.

The examination starts broadly, giving an overview of each of the Five Tribes' enslaved practices, and continues through an investigation of racial conditions and the establishment of Jim Crow legislation. The land shifted from territory to state to focus narrowly on Oklahoma City as the Civil Rights movement subsided by the 1970s. The narrowing to Oklahoma City instead of continuing the broad approach is for two reasons. First, it is the state's capital and seat of power. As the city goes, so does the state. Home to the state's largest population center, Oklahoma City contains the largest school district, the most circulated white and black

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<sup>91</sup> "Be Proud of Oklahoma's Bright Future for Negroes," *Oklahoma City Black Dispatch*, May 15, 1959.

newspapers during the 1970s, *The Daily Oklahoman* and *The Oklahoma City Black Dispatch*, and serves as the state's economic and cultural hub.<sup>92</sup> Oklahoma City also had the largest concentration of African Americans in the state, with 26% of the Oklahoma African American population residing in Oklahoma City in the 1960s. It was a growing population as the city only contained 17% of the total black population of the state in 1950, a number that would jump to 33% by 1972<sup>93</sup>. The actions of community leaders and civil rights activists were magnified due to the state capital's inherent power and the sheer percentages affecting the largest number of African Americans in the state.

The analysis of tribal laws, constitution, collection of local archives, Oklahoma City Public School archives, high school and city newspapers, Oklahoma's state laws and public records, and official papers of city and state leaders provides the bulk of the empirical evidence to prove Oklahoma's place in the South. While this work will add to the increasing number of localized modern civil rights movement examinations, the primary significance of this work and

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<sup>92</sup> For a general overview of the importance of Oklahoma City and the *Daily Oklahoman* see the following articles produced by the Oklahoma Historical Society: Linda D. Wilson, "Oklahoma City," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed April 8, 2023, <https://www.okhistory.org/publications/enc/entry.php?entry=OK025>; David Dary, "Daily Oklahoman," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed April 8, 2023, <https://www.okhistory.org/publications/enc/entry.php?entry=DA002>; The significance of the *Black Dispatch* providing news coverage catered to African American audiences see William Bedford Clark, "'The Black Dispatch': A Window on Ralph Ellison's First World," *The Mississippi Quarterly* 62, no. 1 (2009): 6–8, accessed April 8, 2023, <http://www.jstor.org/stable/26476680>.

<sup>93</sup> US Bureau of the Census, *U.S. Census of Population: Supplementary Reprt 1960 Supplementary Reports Series PC(S1)-5, "Negro Population, by County: 1960 and 1950"* (Washington, D.C.: US Government Printing Office, 1966), 2 and 45, accessed, April 8, 2023, <https://www2.census.gov/library/publications/decennial/1960/pc-s1-supplementary-reports/pc-s1-52.pdf>; For African population trends in the state of Oklahoma see Campbell Gibson and Kay Jung, *Historical Census Statistics on Population Totals By Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for the United States, Regions, Divisions and States* (Washington, D.C.: US Census Bureau, 2002), 69, accessed, April 8, 2023, <https://www.census.gov/content/dam/Census/library/working-papers/2002/demo/POP-twps0056.pdf>; Data collected for the total number African Americans living in Oklahoma County in 1972 was generated by USAFacts which collects and organizes United States government data from 70 sources. "How has the population changed in Oklahoma County," USAFacts, last modified July 2022, <https://usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/oklahoma/county/oklahoma-county?endDate=1972-01-01&startDate=1971-01-01>.

what history must recognize is that a Southern perspective is needed to understand Oklahoma's history. By utilizing a Southern understanding, people of the state might be allowed to see aspects of Oklahoma's society just a little bit differently, and, as Goble explained, it might "put us in a place to see things that we might otherwise never see at all."<sup>94</sup>

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<sup>94</sup> Goble, "The Southern Influence On Oklahoma,"283.

## Chapter 2

### Establishing a Southern Foundation

Oklahoma and the West are two terms forever linked due to country, history, and perception. This Western lens through which to view the state derives from a chain of events initiated by the Oklahoma Land Run in 1889. The opening of Oklahoma Territory to settlement spurred the Superintendent of the U.S. Census Bureau, Robert P. Porter, to declare after the 1890 census that the frontier was closed.<sup>1</sup> Porter's statement helped influence Frederick Jackson Turner to write "The Significance of the Frontier in American History," which inspired a legion of history disciples, including Edward Everett Dale, a cowhand from Oklahoma who left the prairie to study at the feet of Turner while earning his Ph.D. at Harvard.<sup>2</sup> With his terminal degree in hand, Dale returned to Oklahoma, teaching history for decades at the University of Oklahoma, molding future historians to utilize a Western narrative that would define Oklahoma history as one shaped by the frontier experience.<sup>3</sup> This Western lens has not been diminished as the state is home to the National Cowboy & Western Heritage Museum, and the term Western is still being used to define the state, as seen by Oklahoma's travel industry in 2022. That year, TravelOK told visitors that Oklahoma offers a place where travelers can "go back to find where pioneers settled the land, where Oklahoma and history go hand in hand, where buffalo and

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<sup>1</sup> Robert P. Porter, "Extra Census Bulletin: Distribution of Population According to Density: 1890," (Washington: Government Printing Office, 1890), 4.

<sup>2</sup> Frederick Jackson Turner, *The Frontier in American History* (New York: Open Road Integrated Media, 2015); Ray Allen Billington, *Frederick Jackson Turner: Historian, Scholar, Teacher* (New York: Oxford University Press, 1973), 117, 345.

<sup>3</sup> Arrell M. Gibson, *Frontier Historian: The Life and Works of Edward Everett Dale* (Norman: University of Oklahoma Press, 1975); Gibson used a westerns lens in his college survey text see Arrell M. Gibson, *Oklahoma: A History of Five Centuries* (Norman, University of Oklahoma Press, 1981), XI.

prairie meet wide-open skies, where old western ways take you for a ride” in their “Where the West is Still Wild” travel campaign.<sup>4</sup>

While Oklahoma’s early state historians utilized Turner’s Frontier Thesis to shape their understanding of their state’s history, not all historians agreed with Turner’s perspective. His thesis has come under attack by various historians who disagreed with the special significance of the Western identity formed along the frontier.<sup>5</sup> Similar to the revision by historians to Turner’s Thesis, contemporary articles have attempted to wrestle with Oklahoma’s Western legacy, placing Oklahoma at a crossroads between a Western and Southern identity. Danney Goble’s 1994 article “The Southern Influence on Oklahoma” and the more recently published 2019 article, “Conceived in Segregation and Dedicated to the Proposition That All Men Were Not Created Equal: Oklahoma, the Last Southern State” by Paul Finkleman, revised the Oklahoma narrative to place a Southern emphasis on the state’s history.<sup>6</sup>

Both Goble and Finkleman attribute Oklahoma’s Southern turn to the period in and around statehood when Southern African Americans fled the South and headed west and ran into a Southern Democratic faction who pledged their party at the 1906 State Convention to the

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<sup>4</sup> TravelOK, “Plan Your Western Adventure: Oklahoma Tourism % Recreation Department,” YouTube Video, :30. February 10, 2022, [https://youtu.be/2gmvFE8-Qlk?si=HV\\_vc4mKPsqJbZLZ](https://youtu.be/2gmvFE8-Qlk?si=HV_vc4mKPsqJbZLZ).

<sup>5</sup> Oklahoma History survey texts with a western lens see Edward Everett Dale and Morris L. Wardell *History of Oklahoma*, (Englewood Cliffs, NJ: Prentice-Hall, 1948); Edwin C. McReynolds, *Oklahoma: History of the Sooner State* (Norman: University of Oklahoma Press, 1954); The textbook originally published by Dale and later revised but kept the western perspective is Gene Aldrich, *A History of Oklahoma* (Edmond: Thompson Book and Supply, 1972); Gibson, *Oklahoma A History*. For examples of those that have attacked Turner’s Thesis see Howard Roberts Lamar, *Dakota Territory 1861-1869* New Haven: Yale University Press, 1956); Richard White *A New History of the American West, “It’s Your Misfortune and None of My Own”* (Norman: University of Oklahoma Press, 1991); Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton, 2006).

<sup>6</sup> Danney Goble, “The Southern Influence On Oklahoma,” in “*An Oklahoma I Had Never Seen Before*,” ed. by Davis D. Joyce (Norman: University of Oklahoma Press, 1994), 280-301; Paul Finkleman, “Conceived in Segregation and Dedicated to the Proposition That All Men Were Not Created Equal: Oklahoma, the Last Southern State,” in *Black Americans and the Civil Rights Movement in the West*, edited by Bruce A. Glarud and Cary D. Wintz, (Norman: University of Oklahoma Press, 2019), 213-235.

Southern position or, as Finkleman described it, the event birthed the state with “Original Sin” through the 1907 Constitution.<sup>7</sup> Goble’s and Finkleman’s emphasis on the events surrounding Oklahoma entering the union as a Southern state is shortsighted and minimizes the impact of the Southern apparatus brought by the Five Tribes to Indian Territory. Furthermore, the Goble and Finkleman perspective minimizes the history of enslaved and later freedmen living in Indian Territory before the arrival of Southern African Americans. The installation of Oklahoma as a Southern state did not begin with its implementation of Jim Crow in 1907; it arrived much earlier. Each of the Five Tribes, Cherokee, Choctaw, Chickasaw, Creek, and Seminole, allowed for slavery and, in turn, all except the Seminole established and implemented slave codes to develop a racial hierarchy in Indian Territory, thus cementing Oklahoma in history as a Southern state.

In seeing Oklahoma as a Southern state, one can extrapolate the national importance Oklahomans had in establishing, fomenting, and the leading roles they served in the Civil Rights era. Oklahoma, whose national reputation as a Western state, has marginalized the state’s footprint in the national narrative that defines the Civil Rights era mainly through an investigation of Southern states of which Oklahoma is not a part. By using a Southern lens through which to view Oklahoma’s past, the state’s unique and significant role in the United States’ long march to civil rights can come into focus. The inclusion of Oklahoma with the South adds a level of nuance to the Civil Rights narrative as Oklahoma, time and again, will have the choice between Southern traditions or a new frontier, and these choices profoundly impact the national Civil Rights Movement.

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<sup>7</sup> Danney Goble, “The Southern Influence On Oklahoma,” 286; Paul Finkleman, “Conceived in Segregation,” 216.



As in the rest of the South, the vast majority of people in Indian Territory did not own slaves, but the lack of personally owning a slave did not negate the individual benefit of slaves to the various tribal members found in Indian Territory. By 1830, enslaved labor constituted a considerable extent of labor in the Five Tribes, which grew more extensive in the antebellum period.<sup>8</sup> The 1835 census conducted by the Cherokee prior to removal contains one hundred and fifty-six heads of households owning at least one slave, with several owning multiple slaves, including Joseph Vann, who held the most slaves in his possession at one-hundred and two evenly split between women and men.<sup>9</sup> By 1860, approximately thirty years from the Five Tribes' removal to Indian Territory, the Cherokee owned 2,511 slaves or 15% of their total population, Choctaw owned 2,349 slaves or 14% of their population, Creek owned 1,532 slaves or 10% of their population, and Chickasaw owned 975 slaves which constituted 18% of their population.<sup>10</sup>

Quickly upon arrival, mixed-blood members of the Choctaw, Chickasaw, and Cherokee sought commercial agricultural development of farms, plantations, and ranches along the Indian

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<sup>8</sup> Mary Jane Warde, *When the Wolf Came: The Civil War and the Indian Territory* (Fayetteville: The University of Arkansas Press, 2013), 30-35; Barbara Krauthamer, *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South* (Chapel Hill: The University of North Carolina Press, 2013), 17; Fay A Yarbrough, *Choctaw Confederates: The American Civil War in Indian Country* (Chapel Hill: University of North Carolina Press, 2021), 47-48.

<sup>9</sup> Items of information taken from Census of Cherokees within the Limits of Tennessee in 1835, were made by Daniel Henderson Esq., and a copy was made by G.W. Currey in 1836. This copy is located in Muskogee, Oklahoma and was copied from the original record by Grant Forman. *Census of 1835 of Cherokee Indians*, Foreman Transcripts. American Indian Records, Oklahoma Historical Society, Oklahoma City, OK.

<sup>10</sup>Not until the 1890s and the redefinition of the Five Tribes legal status the United States Government viewed the Five Civilized Tribes as land holding entities and the United States government did not undergo any official sanction statistical examination of Indian Territory. The only exception was due to an error in the instruction to census collectors on the Arkansas Frontier and in 1860 statistics were taken for all whites in the Indian Territory as well as all those enslaved by either Native Americans or whites. For statistics of Indian Territory see Michael F. Doran, "Population Statistics of Nineteenth Century Indian Territory," *The Chronicles of Oklahoma*, vol 53 no. 4 (1975), 501; 1860 United States Federal Census, Population Schedules, 1860: Arkansas Schedule 2 Slave Inhabitants, Roll M653\_54, digital image, ancestry.com.

Territory river valleys.<sup>11</sup> By 1830, the Chickasaw could export approximately 1,000 bales of cotton.<sup>12</sup> The Chickasaw were not the only members of the Five Tribes to reestablish their commercial agriculture endeavors in Indian Territory. On September 14<sup>th</sup>, 1836, U.S. Teacher of the Pushmataha District in the Choctaw Nation, Ramsey D. Potts, gave praise to the Red River section of the Choctaw country as “well adapted to agriculture and were they to raise cotton, it would be a source of considerable revenue to them.”<sup>13</sup> A few individuals started to raise cotton in 1836, but that quickly changed as all along the Arkansas, Canadian Red, Verdigris, and Washita River systems, tribal members, along with their slave labor, cleared and cultivated fields for cotton production.<sup>14</sup> Throughout the 1840s, the Choctaws, like their co-inhabitant brethren, the Chickasaw, sent half a million pounds of cotton, or roughly one thousand cotton bales, to market.<sup>15</sup> While the overall total pounds of cotton produced by the Choctaw and Chickasaw paled in comparison to the 200 million pounds in 1839 produced in those tribes' former territory of Mississippi once tribal land became available to the public, the production of cotton by the Choctaw and Chickasaw shows how quickly those tribes attempted to establish a Southern economic venture in Indian Territory.<sup>16</sup> By 1842, Choctaw Agent William Armstrong sent a

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<sup>11</sup> Arrell M. Gibson, *Oklahoma: A History*, 98-101.

<sup>12</sup> Arrel M. Gibson, *The Chickasaws* (Norman: University Of Oklahoma Press, 1971), 122.

<sup>13</sup> Ramsey D. Potts Report to Captain William Armstrong, 14 September 1836, Foreman Transcripts, American Indian Records, Commissioner of Indian Affairs, vol 1, 358-359. Oklahoma Historical Society, Oklahoma City, OK; *Arkansas Gazette*, February 14, 1837.

<sup>14</sup> W. David Baird and Danney Goble, *Oklahoma: A History* (Norman: University of Oklahoma Press, 2008), 95.

<sup>15</sup> Gilbert C. Fite, “Development of the Cotton Industry by the Five Civilized Tribes in Indian Territory.” *The Journal of Southern History* 15, no. 3 (1949): 347.

glowing report sent to the Commissioner of Indian Affairs describing how the farms of the Choctaw and Chickasaw along the Red River would compare with many in the states. The two tribes had eight to ten cotton gins and shipped between seven to eight hundred bales of cotton. The report found that many of the Choctaw lived in comfortable homes, and the more affluent class, in addition to stocks of horses, cattle, sheep, and hogs, owned a number of slaves that were generally engaged in cotton production. However, Cotton was not the only commercial product that drew the attention of wealthy Chickasaw and Choctaw planters. In 1842, low cotton prices and a government contract for twenty thousand bushels of corn saw wealthy, enterprising farmers expand and diversify their cash crop production.<sup>17</sup>

While cotton and corn production served as an essential part of the agricultural economy for the Five Tribes, fruits, vegetables, wheat, oats, hay, and even some tobacco production also made for diversified farming for plantation and subsistence agriculturalists. Five Tribes ranchers also produced impressive amounts of livestock.<sup>18</sup> The Creeks, in 1846, sold over one thousand hogs to purchasers as far as Indiana. In 1850, buyers from California came and purchased over one thousand head of cattle from Indian Territory to satisfy the great demand in the new state. The Chickasaws and Cherokee were well known for their large herds of horses and cattle, as well as cultivated land. The Cherokee ranchers and farmers in 1859 had 102,500 acres of farmland, 240,000 head of cattle, 20,000 horses and mules along with 20,000 hogs, 16,000 sheep, and

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<sup>16</sup> For statistics on Cotton in Mississippi see Joshua D. Rothman, *Flush Times and Fever Dreams a Story of Capitalism and Slavery in the Age of Jackson* (Athens: University of Georgia Press, 2012), 21-22; Cynthia Clark, *The American Economy: A Historical Encyclopedia* 2<sup>nd</sup> Edition, (Santa Barbara: ABC-CLIO, 2011), 108-109, 787-798; Eugene R. Dattel, "Cotton in a Global Economy: Mississippi (1800-1860)," *Mississippi History Now*, accessed October 10, 2023, <https://www.mshistorynow.mdah.ms.gov/issue/cotton-in-a-global-economy-mississippi-1800-1860>.

<sup>17</sup> William Armstrong, "Choctaw Agency, September 10, 1842," in *Annual Report of the Commissioner of Indian Affairs*, (Washington: Government Printing Office 1842), 438.

<sup>18</sup> Fite, "Development of the Cotton Industry," 347-348.

annually raised 5,000 bushels of corn and thirty-five bushels of wheat per acre.<sup>19</sup> Despite various avenues to generate revenue, like the rest of the South, Indian Territory saw a gradual increase in cotton production and the number of slaves from the time of Indian removals in the 1830s to the acumination of the American Civil War.

Along with the economic success seen in the agriculture fields, the production by enslaved women and men played a vital role in the Five Tribes' structural success during the "Golden Years" in Indian territory.<sup>20</sup> Enslaved people helped construct the infrastructure that sustained tribal life by helping build government buildings, schools, offices, and individual homes in the Five Tribes' new territory.<sup>21</sup> While the enslaved proved to be a net benefit economically for the Five Tribes, it is worth noting that despite several decades of slaves living amongst them, full-blooded or "common Indians" hardly owned slaves. This aversion to owning slaves by full-blooded tribal members was noted by Colonel Benjamin Hawkins, one of the first agents of the United States for Indian Affairs being appointed as a joint commissioner to negotiate with the Creeks in 1785. Hawkins became the principal agent for Indian affairs south of Ohio by the Jefferson administration. A post that he would retain until he resigned in 1816. Hawkins's position and intimate knowledge of the Five Tribes allowed him the vantage point to

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<sup>19</sup> Baird and Goble, *Oklahoma*, 96; *Arkansas Gazette and Democrat*, June 21, 1850; George Butler, "Cherokee Agency, Tahlequah, Cherokee Nation, September 10, 1859," in *Annual Report of Commissioner of Indian Affairs*, (Washington: George W. Bowman, Printer, 1860), 172-173; Angie Debo, *The Road to Disappearance: A History of the Creek Indians*, paperback ed. (Norman: University of Oklahoma Press, 1979), 112; Grant Foreman, *The Five Civilized Tribes: Cherokee, Chickasaw, Choctaw, Creek, Seminole* Norman: University of Oklahoma Press, 1934), 81.

<sup>20</sup> Arrell Gibson's undergraduate textbook *Oklahoma: A History of Five Centuries* described the antebellum period of Indian Territory as the "golden years" for the Five Tribes as they organized constitutional governments and established schools, published literary works and newspapers and established agricultural and commercial business ventures with little oversight by the United States government. Gibson's text was one of the two leading texts for Oklahoma History courses, including this author's undergrad course, around the turn of the twentieth century. Arrell M. Gibson, *Oklahoma: A History of Five Centuries*, 84-108.

<sup>21</sup> Alaina E. Roberts, *I've Been Here All the While: Black Freedom on Native Land* (Philadelphia: University of Pennsylvania Press, 2021), 23.

conclude that, without exception, those tribal members who held slaves were either mixed-blood tribal members or white traders.<sup>22</sup> Hawkins noted the prosperity of several Indians who had received the “King’s gifts,” which were enslaved Africans whom the agents of Great Britain gave for services rendered. Hawkins wrote, “These Indians have negroes, taken during the revolutionary war, and where they are, there is more industry and better farms.”<sup>23</sup> Decades later, missionary and abolitionist Charles K. Whipple, who conversed with missionaries in Indian Territory and ventured there himself, made a similar observation that only mixed blood or whites had a vested venture into slavery, as he noted that most tribal members had no direct interest in owning chattel slaves. However, when Whipple contemplated terminating slavery in Indian Territory, he found the prospect uncertain. Whipple explained, “the intelligence and enterprise which enabled them to acquire this species of property also qualify them for an active and successful participation in public affairs.”<sup>24</sup> Those who owned slaves, Whipple found, were the most active in Tribal politics and would be quick to dismiss any proposals that would end the institution of slavery in Indian Territory.

Emancipation proposals would not be forthcoming by the slave owners and full-blooded Native Americans. Both groups would have been familiar with and accepted the concept of enslavement to one degree or another long before having children with whites. For a millennium, Native Americans had practiced some sort of enslavement or captivity of each other. However, this original practice of captivity tied to specific cultural contexts expanded and became tied to

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<sup>22</sup> Benjamin Hawkins, *Creek Confederacy and A Sketch of the Creek Country in the years 1798 and 1799* (New York: Bartlett & Welford, 1848), 4-5.

<sup>23</sup> Benjamin Hawkins, *Collections of the Georgia Historical Society Vol III, Part 1* (New York: William Van Norden Printer, 1848), 66.

<sup>24</sup> Charles K. Whipple, *Relation of the American Board of Commissioners for Foreign Missions to Slavery* (Boston: R.F. Wallcut, 1861), 94.

the race-based economic system seen across the Atlantic. By the time of Indian Removal to Indian Territory in the 1830s, the Five Tribes proved well-versed in the type of human trafficking that was perpetrated and accepted throughout much of the United States in the 19<sup>th</sup> century. The lack of interest by full-blooded Native Americans did not stem from a like ownership interest but from their endemic poverty. Full-blooded tribal members tended to shy away from acquisitions of worldly riches and lived in the present with little regard for future economic prospects. Unlike their mixed-blood brethren who owned slaves as an economic tool to achieve surplus goods for sale, full-blooded Native Americans sought one or two slaves to transfer the everyday effort of subsistence labor to someone else's shoulders.<sup>25</sup> The full and mixed-blooded willingness to use slaves was chronicled in the writings of Henry C. Benson, a Methodist minister who spent several years among the Choctaw Nation as a missionary, where Benson came across the Choctaw's practice of chattel slavery in Indian Territory. Benson attributed the Choctaw's attachment to African slavery to the fact that the Choctaw had originated in the American South and carried the "peculiar intuition" with them. Describing the Choctaw as willing enslavers, "as far as they were able, they are slaveholders, and even the impoverished Indians will manage to get possession of one or two negroes to perform their heavy work."<sup>26</sup> The use of slaves to perform manual labor also emerged as typical amongst the other members of the Five Tribes.

While missionary observers like Henry Benson pointed out that slavery in Indian Territory by the Five Tribes had Southern roots, the "peculiar institution" of Indian Territory was

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<sup>25</sup> Michael F. Doran, "Negro Slaves of the Five Civilized Tribes." *Annals of the Association of American Geographers* 68, no. 3 (1978): 337-338.

<sup>26</sup> Henry C. Benson, *Life Among the Choctaw Indians and Sketches of the South-West* (Cincinnati: L. Swormstedt & A. Poe, 1860), 33-34.

unique from the American South and amongst the Five Tribes. The enslaved of Cherokee, Choctaw, and Chickasaw tended to lead more restricted lives than those held by the Creeks and Seminoles. The Creek's traditional ways and the Seminole unique relationships with their slaves tended to offer their slaves more autonomy in their lives. In contrast, the white and American Indian mixed-blooded members of the Cherokee, Choctaw, and Chickasaw proficient in the Southern economy owned the most extensive plantations along the Red River Valley in Indian Territory. They tended to control their slaves similarly to those across the South. Robert Love, a member of the Chickasaw Nation, owned over two hundred slaves that ran his two plantations. Choctaw planter Robert M. Jones utilized five hundred slaves across his five Red River plantations. While the Cherokee, from the time of their removal in 1835 to the eve of the American Civil War, saw their number of enslaved increase from 1,592 to 2,511 slaves by 1860.<sup>27</sup> The Cherokees had fewer freedmen in their ranks despite having the most significant number of slaves amongst the Five Tribes, and scholars have reached an agreement that slavery amongst the Cherokees bared little difference from the enslavement of the South.<sup>28</sup>

The Creeks tended to live less material lives in many respects than their Five Tribe counterparts as they stuck closer to traditional customs. Superintendent William Armstrong, who oversaw the removal of the Choctaws east of the Mississippi, explained the uniqueness of the Creek in comparison to the other Five Civilized Tribes. "They have not mixed so much with the whites; adhere more rigorously to the customs of their ancestors; have no written laws; and are

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<sup>27</sup> Michael F. Doran, "Population Statistics of Nineteenth Century Indian Territory," *The Chronicles of Oklahoma*, vol 53 no. 4 (1975), 496, 501; Foreman, *Census of 1835 of Cherokee Indians*.

<sup>28</sup> Ty Wilson and Karen Coody Cooper, *Oklahoma: Black Cherokees* (Charleston: The History Press, 2017). 28-29; Theda Perdue, "Cherokee Planters, Black Slaves, and African Colonization," *Chronicles of Oklahoma*, vol 60 no. 3 (1982): 322-331 R. Halliburton, Jr., "Origins of Black Slavery Among the Cherokees," *Chronicles of Oklahoma*, vol 42 no. 4 (1974): 483-496;; J.B. Davis, "Slavery in the Cherokee Nation," *Chronicles of Oklahoma*, vol. 11, December (1933): 1066-67; Foreman, *Five Civilized Tribes*, 419.

governed entirely by their chiefs, the people have nothing to do with the making or the execution of the laws.”<sup>29</sup> The great Oklahoma historian Angie Debo, whose work revised the standard for the study of Native American history, Debo’s *The Road to Disappearance*, found that the Creek’s holding on closer to historical values, traditions, and economic worldviews allowed for slavery outside of the few-mixed bloods to “rest very lightly upon the creek negroes.”<sup>30</sup> The Creek’s hesitation to change traditional habits of maintaining clan traditions, planting small patches of corn, and the preference of hunting available game for subsistence living made the Creek unique among the Five Tribes. This uniqueness manifested itself long before their removal to Indian Territory as traditionalists split the Creek nation in the early 1800s, with those wanting to keep historic culture and traditions calling themselves Red Sticks. The Red Sticks found common cause with Tecumseh and his call to resist whites and maintain their traditional ways, culminating with the Red Sticks’ involvement in the War of 1812. Even the Red Sticks’ defeat at the battle of Horseshoe Bend did not diminish their desire to keep their traditional lifestyle, as many in Creek Nation put up a greater resistance to civilization programs than their Five Tribe counterparts of the Choctaw, Cherokee, and Chickasaw Nations.<sup>31</sup>

Like the Creeks, the Seminoles tended to be less restrictive to their slaves. The Seminole had their slaves live in separate towns, with the only obligation being to furnish an annual tribute

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<sup>29</sup> William Armstrong, “Choctaw Agency, October 1, 1844,” in *Annual Report of Commissioner of Indian Affairs, 1844*, (Washington: C. Alexander Printer, 1844), 156; Carolyn Thomas Foreman, “The Armstrongs of Indian Territory,” *Chronicles of Oklahoma*, vol. 30, no 4, (1952): 420.

<sup>30</sup> Debo, *Road to Disappearance*, 115-116. For information on the significance and legacy of Angie Debo, see Shirley A. Leckie, *Angie Debo: Pioneering Historian* (Norman: University of Oklahoma Press, 2000).

<sup>31</sup> Baird and Goble, *Oklahoma: A History*, 73; Gibson, *Oklahoma*, 49-50; For a good overview of the transition that took place amongst the Creeks at the turn of the 19th century see Claudio Suan, *A New Order of things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (Tuscaloosa: University of Alabama Press, 2006). For additional details on the War of 1812, Horseshoe Bend and the Red Sticks see Kathryn E. Holland, Braund *Tohopeka: Rethinking the Creek War and the War of 1812*, (Tuscaloosa: University of Alabama Press, 2012).



to their masters, whose payment often took the form of grain or livestock. Seminole slaves lived apart from their owners, planting and cultivating fields in common and being responsible for tribal members' free-roaming livestock. Since many Seminole slaves were literate, they served as interpreters and clerks. Furthermore, like their Creek counterparts, the Seminoles often intermarried with their slaves, creating another sympathetic connection between enslaver and slave. These marriages often occurred despite harsh laws forbidding marriage between tribal members and African Americans. Creek Law 20 called for the removal of property given to any child who came from the union of a tribal member and an African American and divided among not mixed children as "it was a disgrace to our Nation for our people to marry a Negro."<sup>32</sup> Despite the rule of law, marriages, and unions between the Creeks and their slaves and freemen and women did take place.

Academic sentiment agrees that the Cherokee, Choctaw, and Chickasaw treatment of their slaves mimicked other slaveholding areas of the United States, if perhaps slightly less demeaning.<sup>33</sup> When Charles K. Whipple, a missionary who operated in Indian Territory, examined members of the Five Tribes who held slaves, he found that since the slave institution derived from Southern whites, Five Tribe enslavement contained all of the same characteristics of slavery in the Southern portion of the United States. While Whipple did note some slight modifications of the slave system to fit the local customs of the tribal nations, he concluded that the essential features found in slavery remained unchanged from white-controlled slavery to

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<sup>32</sup> Antonio J. Waring, *Laws of the Creek Nation* (Athens: University of Georgia Press, 1960), 20-21.

<sup>33</sup> Doran, "Negro Slaves of the Five Civilized Tribes," 340-341; Gibson, *Oklahoma*, 98-100. Baird and Goble, *Oklahoma A History*, 96; Roberts, *I've Been Here All the While*, 24-27; McLoughlin, William G. McLoughlin, "Red Indians, Black Slavery and White Racism: America's Slaveholding Indians," *American Quarterly* 26, no. 4 (1974): 368-369; Kathryn E. Holland Braund, "The Creek Indians, Blacks, and Slavery," *The Journal of Southern History* 57, no. 4 (1991): 624.

Native.<sup>34</sup> As Whipple noted, slavery did fit local customs, as seen in how the Seminole utilized a less severe codification of slave laws due to their unique relationship and the critical role the slaves played in Seminole society. Whereas the Creek, despite their resistance to American assimilation, keeping with traditional values of culture, saw them often live in similar conditions as their slaves. Still, they, along with Cherokee, Choctaw, and Chickasaw Nations, developed slave codes that became more severe over time, similar to their white counterparts in the South, and like slavery in those southern states, the growing severity of their slave codes had a direct bearing on the attitudes of and towards free and enslaved African Americans in Indian Territory.<sup>35</sup>

As the Five Tribes continued down their path of assimilation to customs of the United States throughout the first two decades of the 19<sup>th</sup> century, the social, cultural, and political leadership shifted towards that of tribal members with mixed heritage. These men served as tribal members in every way. Still, as they gained positions of influence in power, they started to develop legal codes to deal with the issues that accompanied assimilation. Mixed-blood leaders passed laws to regulate taxes, deal with internal improvements, marriage, voting procedures, and regulations, and control liquor, crime, and slavery.<sup>36</sup> Each step towards assimilation contained its unique set of challenges, which, at times, tribal leaders turned towards codifying laws to help alleviate. One challenge of assimilation that created unique problems was the growth of black slavery among the Five Tribes. Chattel slavery, as practiced in the South and adopted by some

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<sup>34</sup> Whipple, *Relation of the American Board*, 88.

<sup>35</sup> Gibson, *Oklahoma*, 98. McLoughlin, "Red Indians, Black Slavery and White Racism: America's Slaveholding Indians," 381; Foreman, *Five Civilized Tribes*, 54, 83, 420.

<sup>36</sup> R Halliburton Jr., "Black Slave Control in the Cherokee Nation," *The Journal of Ethnic Studies* vol 3, no. 2 (1975): 26.

members of the Five Tribes, challenged the traditional status of captives amongst the Five Tribes. To deal with these challenges, tribal nations adopted slave codes to mitigate enslaved blacks' conduct and legal status.

The Cherokee first started to enact slave codes dealing with the legal status of their slaves after an incident in 1819 that involved a runaway slave in a horse exchange with a Cherokee. In 1819, a runaway slave that had belonged to William Thompson delivered a stolen horse to Otter Lifter, a Cherokee. The runaway slave committed the transgression of selling a horse that did not belong to him, and when it was discovered that “the horse delivered to Otter Lifter...was proved away from him.” The question of accountability was brought before the Cherokee committee on whether William Thompson should be held accountable to Otter Lifter due to the transgression made by his slave. The committee's resolution found that “no contract or bargain entered into with any slave or slaves, without the approbation of their masters, shall be binding on them.” This legal ruling by the Cherokee National Committee and Council was the first of three rulings in 1820 dealing with the enslaved autonomy. After restricting trading with slaves, the committee created additional rules that prohibited slaves from buying and selling liquor. Those caught violating the law “shall receive fifteen paddles” by the hands of patrollers, and every community shall establish its own patrolling company.<sup>37</sup>

The Cherokee enacted slave codes throughout the 1820s, established and codified the legal status of blacks in the Cherokee Nation. 1824, intermarriages between black slaves and Cherokees or whites were made unlawful. If any person permitted the marriage between a slave and a Cherokee or white, they would have to pay a fine of fifty dollars. Furthermore, any male

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<sup>37</sup> Cherokee Nation, *Laws of the Cherokee Nation: Adopted by the Council at Various Periods (1808-1835)*. Printed for the Benefit of the Nation, (Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852), 8-9 and 23-24. From this point on, cited as *Laws of the Cherokee Nation (1808-1835)*, 1852.

Cherokee or a white marrying a black slave would be punished with fifty-nine lashes on their exposed back, while a female white or Cherokee would receive twenty-five lashes. On November 11<sup>th</sup>, 1824, the National Committee and Council deemed it unlawful for black slaves to own property in horses, cattle, or hogs. All those who were in possession of livestock had twelve months from the enacting of the law to dispose of their property under penalty of confiscation, at which point the livestock would be sold for the benefit of the Cherokee Nation.<sup>38</sup> The status of black Cherokees was reinforced three years later by the passage of the New Echota Constitution of 1827.<sup>39</sup> Article III Sec. 4 made only free Cherokee male citizens eligible for a seat in the General Council, and any mixed-blood descendants of Cherokee, either male or female by all free women or men “except the African race,” will be entitled to the rights and privileges provided by the Cherokee Nation. Additionally, no person who is black or of mulatto heritage through either the mother or father's side would be eligible to hold “any office of profit, honor, or trust under this Government.”<sup>40</sup> Black Cherokees, enslaved and free, found themselves through the enacting of slave codes placed on the lowest rung of the Cherokee caste system and would continue to see further erosion of their status during the antebellum period as additional slave codes continued to restrict their access to property, education and promote their secondary status by creating harsher punishments for crimes committed by freemen or slaves.

The Cherokee were not alone in the establishment of slave codes. The Choctaw were the first of the Five Tribes to organize a constitutional government in 1826 that blended traditional cultural practice, the written code that replaced the primitive *lex talionis* or personal revenge

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<sup>38</sup> *Laws of the Cherokee Nation (1808-1835)*, 1852, 39.

<sup>39</sup> *Laws of the Cherokee Nation (1808-1835)*, 1852, 38.

<sup>40</sup> *Laws of the Cherokee Nation (1808-1835)*, 1852, 119.

code, and emerging tribal thought on government.<sup>41</sup> The written laws of the Choctaw made no reference to slaves before removal. Upon arrival in Indian Territory, which took place between 1830 and 1834, the first laws regarding Choctaw slaves were enacted. In October of 1836, a series of laws was passed by the Choctaw Nation that restricted the rights of their slaves. The first prohibited the education of slaves without the owner's permission. This included teaching slaves how to read, write, or sing and strictly prohibited the instructions of any principles and doctrines of abolitionism. The second forced slaves to dispossess themselves of any personal property or arms within two months from the passage of the law or have their property sold off to the highest bidder and profits forfeited to the Choctaw nation. The third act forbade any slave of the tribe from infringing on any Choctaw's rights. Perpetrators shall be driven out of sight to control themselves, and if they return and intrude again, they should receive ten lashes from any tribal member.<sup>42</sup> Cohabiting with a slave was outlawed in 1838, and if any Choctaw citizen should take up with a "negro slave," they will pay a fine of no more than twenty-five dollars but no less than ten and will be forced to separate. If the offending party were caught again, they would receive a minimum of five to a maximum of thirty-nine lashes on their bareback and once again be forced to be separated.<sup>43</sup> The laws passed in 1836 and 1838 demonstrate the growing restrictions and secondary statutes placed on the enslaved Choctaw while at the same time elevating a tribal member's status over their slaves. A trend that eventually saw the Choctaw mirror the statutes of Mississippi as the Choctaw adopted a large part of that state's statutes and

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<sup>41</sup> Gibson, *Oklahoma*, 71-72

<sup>42</sup> *The Constitution and Laws of the Choctaw Nation* (Park Hill, Cherokee Nation: Mission Press, Edwin Archer, Printer, 1847), 21-22. From this point on, cited as *Constitution and Laws of the Choctaw Nation*.

<sup>43</sup> *Constitution and Laws of the Choctaw Nation*, 27.

made them laws for the Choctaw Nation.<sup>44</sup> The adoption of these slave and black codes created a monetary benefit for tribal members through funds raised through confiscated property.

Furthermore, the laws elevated the social and legal standing of tribal members' rights over the enslaved black Choctaw by allowing tribal members to hand out bodily harm to any slave that a Choctaw perceived had repeatedly infringed upon their rights.

The Chickasaw were the last of the Five Tribes to be removed from the American Southeast after reaching removal terms with the United States in the Treaty of Pontotoc Creek in 1832. The treaty stipulated that the Chickasaw cede their land to the U.S. government, which would survey, sell, and pay the proceeds to the Chickasaw Nation. Upon finding an appropriate home in the West, the Chickasaw would remove themselves to Indian Territory. After five years of searching, the Chickasaw took up an invitation by the Choctaw, agreeing in the Treaty of Doaksville to pay the Choctaws \$530,000 to become citizens of the Choctaw nation and settle along the Canadian and Red Rivers. In 1837, the Chickasaw made the long trek to Indian Territory. By early 1838, nearly 4,900 Chickasaws, along with approximately 1,100 enslaved black Chickasaws, settled amongst the Choctaw to live under the laws and Constitution of the Choctaw in Indian Territory.<sup>45</sup>

On the 22<sup>nd</sup> of June 1855, a formal treaty was signed in Washington, D.C., that separated the Chickasaw from the Choctaw Nation.<sup>46</sup> Within two years, the Chickasaw established a Constitution and quickly found their own set of slave codes that mirrored laws previously passed

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<sup>44</sup> Elias Rector, "Office Southern Superintendency, Fort Smith, September 20, 1859," in *Annual Report of the Commissioner of Indian Affairs*, (Washington: George W. Bowman, Printer, 1860), 160.

<sup>45</sup> Grant Foreman, *Indian Removal; the Emigration of the Five Civilized Tribes of Indians* (Norman: University of Oklahoma Press, 1953), 203; Baird and Goble, *Oklahoma A History*, 83; Blue Clark, *Indian Tribes of Oklahoma: A Guide* 2<sup>nd</sup> Edition (Norman: University of Oklahoma Press, 2020), 107-108.

<sup>46</sup> Joseph P. Folsom, *Constitution and laws of the Choctaw Nation: Together with the Treaties of 1855, 1856, and 1866* (New York: Wm P. Lyon & Sons Printers and Publishers, 1869), 27-36.

in both the Choctaw and Cherokee Nations. The Chickasaw Constitution engrained a lower status for Chickasaw blacks by allowing the admittance and adoption of citizenship status to ‘any person... except a negro or descendant of a negro.’<sup>47</sup> In an attempt to keep slaves from being set free, the Chickasaw Constitution gave their government no power to pass laws to emancipate slaves without their owner's permission. Still, it gave their government the power to prevent owners from being able to emancipate.<sup>48</sup> Additional laws passed in 1857 created stiff fines between one hundred and five dollars for any Chickasaw that provided safe harbor or support to any runaway slaves, as well as prohibited slaves from owning horses, livestock, and weapons.<sup>49</sup> As seen in the Choctaw and Cherokee Nations, Chickasaw laws created a dual justice system. Cohabitation with a black Chickasaw free or enslaved by anyone other than another black person was prohibited, while whites could intermarry into the tribe.<sup>50</sup> Duel punishment was also allowed. 1858, a law prohibiting stickball and horse racing on the Sabbath was passed. If a Chickasaw were found guilty, they would be fined dollars for the offense. However, if any black Chickasaw was found guilty, they should be lashed twenty-five times by any Chickasaw who caught them.<sup>51</sup> In December of 1858, any free blacks that remained in the Chickasaw Nation were to be rounded up and sold to the highest cash bidder for one-year terms until “the negro or negroes agree to leave the jurisdiction of the Nation.”<sup>52</sup> The Chickasaw, from the beginnings of

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<sup>47</sup> *Constitution, Laws, and Treaties of the Chickasaws* (Tishomingo City: E.J. Foster, 1860), 19

<sup>48</sup> *Constitution, Laws, and Treaties of the Chickasaws* (Tishomingo City: E.J. Foster, 1860), 22.

<sup>49</sup> *Constitution, Laws, and Treaties of the Chickasaws* (Tishomingo City: E.J. Foster, 1860), 57, 79.

<sup>50</sup> *Constitution, Laws, and Treaties of the Chickasaws* (Tishomingo City: E.J. Foster, 1860), 96

<sup>51</sup> *Constitution, Laws, and Treaties of the Chickasaws* (Tishomingo City: E.J. Foster, 1860), 128.

<sup>52</sup> *Constitution, Laws, and Treaties of the Chickasaws* (Tishomingo City: E.J. Foster, 1860), 115

their new government, grew stricter laws and regulations towards their enslaved and the free blacks living in their territory each year of existence as a new nation in Indian Territory.

As additional restrictions were placed on the enslaved of the major tribes in Indian Territory, the greater the threat that slave resistance would take place in a vicious cycle that played out throughout the 1840s and 50s, wherever chattel slavery was utilized. Opposition to slavery in Indian Territory was remarkably similar to the forms of individual and group resistance documented by the scholarly record throughout North America during the period of chattel slavery on the continent.<sup>53</sup> The similarity seen in the specific patterns of resistance to the slave institutions across the continent is due to the political realities of the period. The high ratio of the race of the oppressors to the oppressed, either in white or Native American slave-holding communities, left the enslaved at a distinct disadvantage when it came to large-scale resistance. This reality, coupled with the presence of well-armed slaveholders, proportionally small size and isolated nature of slaveholdings on farms and plantations a distance apart from each other, and a political hierarchy that saw slaveowners often holding positions of power to design laws to help further maintain their control.<sup>54</sup> While more significant uprisings like Gabriel's Conspiracy in 1800 Virginia, the Charles Deslondes uprising in 1811 in Louisiana, and Nat Turner's Rebellion in 1831 occurred in the United States, the mass majority of slave resistance took place on an individual day-to-day level. This resistance pattern also occurred in Indian Territory with one

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<sup>53</sup> For works dealing with slave resistance in North America see Herbert Aptheker, *American Negro Slave Revolts* (New York: International Publishers, 1967); Michael, Craton: *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca, N.Y.: Cornell University Press, 1982); Peter Kolchin, *American Slavery, 1619-1877* (New York: Hill and Wang, 1993); Stephanie M. H. Camp, *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*. Chapel Hill: University of North Carolina Press, 2004.); Douglas R. Egerton, "Slave Resistance," in *The Oxford Handbook of Slavery in the Americas*, eds Robert L. Paquette and Mark M. Smith (Oxford: Oxford University Press, 2010), 447-464; Edward Bartlett Rugemer, *Slave Law and the Politics of Resistance in the Early Atlantic World* (Cambridge, Massachusetts: Harvard University Press, 2018).

<sup>54</sup> Kolchin, *American Slavery, 155-160*.



officially documented uprising in 1842, where twenty-five slaves, primarily from Joseph Vann's plantation at Webbers Falls, revolted.<sup>55</sup> While resistance on a collective scale was limited, enslaved individuals resisted in various ways, including theft of owners' property, belligerent behavior of feigning sickness, working at a deliberately slower pace, or outrightly refusing to work to cause a slowdown in production or attempt to recapture some aspect of their self-identity. Other times, slaves would take a more extreme form of resistance and commit self-harm or even go as far as to murder their overseers and owners.

As in other slaveholding states where the institution was practiced, some Native owners of slaves applied the whip and physical violence as a justified way to punish their uncooperative slaves. Sarah Wilson recalled her time as a Cherokee slave as part of the Works Project Association's (WPA) *Slave Narratives* project to chronicle the slave experience through interviews with former slaves. Wilson described "Old Master Ben" Johnson as a determined boss who was out to make as much money as possible, the reason behind working his slaves as hard as he did. "When they wouldn't stand for a whipping, he would sell them."<sup>56</sup> Matilda Poe, who was owned by Isaac Love, a full-blooded Chickasaw Indian, recalled how Master Love fired and threatened to kill a white overseer if he saw him back on his property again after he beat and whipped Granny Lucy after she could not keep up with the rest in her fieldwork. While Love was not satisfied with his overseer's behavior regarding Granny Lucy, he also would punish his slaves with force if they were "sassy or lazy."<sup>57</sup> Kiziah Love either did not experience or recall any physical punishments from her owner upon herself or the slaves owned by full-blooded

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<sup>55</sup> Art T. Burton, "Slave Revolt of 1842," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed September 29, 2023, <https://www.okhistory.org/publications/enc/entry?entry=SL002>.

<sup>56</sup> T. Lindsay Baker and Julie P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996), 492-499.

<sup>57</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 324-326.

Choctaw Frank Colbert, the owner and operator of Colbert Ferry, in her interview. Furthermore, Love glowingly recalled her treatment by Master Frank “who was de best folks that ever lived.” She did recall the abhorrent nature of Frank Colbert’s half-brother Buck Colbert, describing him as “the meanest man the sun ever shined on.” Love's description of Buck Colbert claimed him to be a patroller who took pleasure in beating the slaves that he caught without passes before sending them back to their farms. Colbert later went on to kill his baby’s wet nurse for failing to get the child to stop crying and would whip and mutilate another nurse whose injuries left her unable to breastfeed her child.<sup>58</sup> Matilda Poe described patrollers as “low white trash” attracted to the power of being a patroller who went around looking for excuses to shoot slaves.<sup>59</sup> Through the use of force to reinforce the social hierarchy and rules of enslavement in Indian Territory, Native slave owners were setting the stipulation that life in the new territory would resemble the same Southern land that they had come from.

As slave owners in the Five Tribes created slave codes and used physical violence and patrollers to maintain order, some of the enslaved who felt oppressed sought ways to test and challenge their owner's influence over their lives in the new territory. Similar to the people who were enslaved in the slaveholding states of the United States, those enslaved in Indian Territory also sought to protest their treatment and provide for a better quality of life for themselves or their kin by stealing items from their owners. Sarah Wilson recalled how her owner, Ben Johnson, sold an older woman and her son after finally catching the older woman stealing. Wilson described this old woman as “always pestering around trying to get something for herself...picking up something and putting it inside her apron.” Upon being caught, the old

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<sup>58</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 257-263.

<sup>59</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 325.

woman flew into a rage and ran at the owner, jabbing him in his soft belly. Upon realizing that the old woman was not afraid of him, the owner set off to find men to come and bid on her and her son, striking fear into Sarah Wilson.<sup>60</sup>

Wilson's owner often resorted to the use of fear in an effort to maintain control. Wilson recalled how her owner sometimes took an individual or a group of slaves to the Fort Smith courthouse to see a hanging. After one such trip, a group of men who had fought in the slave quarters were subsequently whipped and taken to Fort Smith to see a hanging, and each asked in turn if they were "scared of them dead men hanging up there." All but her uncle Nick answered in the affirmative, but Nick exclaimed that he was not afraid of anything in this world. Ben Johnson flew at him in a rage and beat him with a rope, and upon reaching home, he tied Nick to a tree, took off his shirt, and beat him with a "cat-o-nine-tails." Wilson never forgot seeing all that blood or the feelings of hatred for "that old Indian."<sup>61</sup> Like any enslaver in America, Ben Johnson recognized that acts of defiance would undermine his authority and could encourage others to take a path of rebellion that could, at minimum, limit economic production through a decrease in production or the selling of the defiant slave. In the most extreme, defiance could lead to open physical rebellion and altercations that could end in the death of a slave, a family member, or himself.

The use of punishment and torture to achieve compliance could be coldheartedly applied. Enslavers knew that slaves would feign an illness in an attempt to regain some autonomy over their lives and a way to refuse to do their daily tasks. Charlotte-Johnson White, who, unfortunately, like Sarah Wilson, was owned by Ben Johnson and witnessed her mother's death

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<sup>60</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 324-326.

<sup>61</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 327.

by their owner's hands. White described her mother as always sick, with some mornings feeling so unwell she could barely get out of her wood bunk when the morning work call would sound. One day, when her mother's sickness kept her out of the field, Ben Johnson came down and forced her to take the field, but when her sickness kept her from working, Johnson pushed her into a ditch and whipped and beat her. White recalled that her mother did not live much longer after the beating and attributed the whipping to her mother's death but concluded that her mother was better off dead than living for the whip.<sup>62</sup> Even if Johnson had recognized that White's mother was too sick to work or if he had any regret over the mother's death, which is not apparent in White's interview. The clear message that illness, either real or feigned, would not allow slaves to forsake their responsibilities would have echoed across Johnson's plantation, allowing him to further entrench his control over his slaves' lives.

For slave owners like Ben Johnson, control over his slaves would be vital to maintaining his way of life. Misconduct, in his eyes, would be swiftly dealt with to assert his authority further and discourage others from acting similarly. Just as individual private and public acts of defiance vexed slave owners like Johnson, the presence of runaways, freedmen, or even a more relaxed control over slaves near their slaveholding plantations drew more indignation. As seen after the arrival of the Seminoles to Indian Territory between 1838 and 1842, which upset the status quo in both Creek and Cherokee territories as the Seminole's lax system of slavery created a more sympathetic relationship between slaves and slaveholders as black and native Seminoles fought together against the United States in the Seminole Wars.<sup>63</sup> In response, Creeks recorded and codified a series of laws for their nation in 1840, including several laws regarding the

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<sup>62</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*. 464-466.

<sup>63</sup> Daniel F. Littlefield, *Africans and Seminoles; From Removal to Emancipation* (Westport, CT: Greenwood Press, 1977), 74-78.

governance and punishment of free and enslaved blacks in Creek Territory. These laws were an attempt to maintain social control as black Creeks would come into contact and possibly be influenced by interactions of free-black Seminoles, or Seminole slaves, which Seminole Agent Gad Humphreys described a decade earlier as slaves but in name only as they are fully independent.”<sup>64</sup> In order to maintain control, the Creeks codified laws that outlawed Creek slave ownership of horses, guns, or other property. The Creek forbade tribal members from marrying any free or enslaved black; furthermore, if any black person were found to have intercourse with a Creek woman, their punishment would be one hundred lashes. There was no punishment if they were white or a member of another tribal nation. To help minimize abolitionist tendency in the Creek nation, any tribal member who harbored a runaway slave would face a fifty-dollar fine and receive one hundred lashes. To further stamp down anti-slavery thought, abolitionist materials were forbidden to be taught in school, and the school superintendent was banned from hiring any teacher who promoted abolitionism.<sup>65</sup>

Dealing with this influx of Seminole blacks into Indian Territory, the Cherokee, Choctaw, and Creek enacted an additional series of slave and free black codes. The Choctaw, in October of 1840, prohibited free blacks from residing in the Choctaw Nation, and any free blacks that were unconnected with the Choctaw and Chickasaw who resided on Choctaw land would have themselves been confiscated and sold into slavery. Furthermore, if any suspected free blacks offered resistance during their arrest, the light horsemen or party shall have the authority, if necessary, to kill or maim the suspect during the apprehension. To minimize the incentive for free blacks to come to the Choctaw nation, the law also forbade any Choctaw from hiring any

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<sup>64</sup> Gad Humphreys to Acting Governor William M. McCarty, 6 September 1817, Clarence Edwin Carter ed *The Territorial Papers of the United States* 26 vols (Washington: National Archives, 1958-1962), 23:911.

<sup>65</sup> Creek Indian Laws, Gant Foreman Collection, Oklahoma Historical Society.

free blacks or protecting them in any way, and those in violation of the law would pay a hefty fine of no less than \$250 with a maximum penalty of \$500.<sup>66</sup> While an additional act minimized the incentives of runaway slaves to seek safe haven in the Choctaw Nation by making every Choctaw have the responsibility to capture any “negro whom he may suspect as a runaway” and be compensated five dollars and ten dollars if the runaway is more than twenty-five miles from home.<sup>67</sup> It is worth noting that the slave laws passed in 1839 were specific to black Cherokees but by 1840, those laws aimed as much at free blacks and mulattoes. Established in 1839, the Cherokee Chief, John Ross, enacted differentiating punishment depending on race for rape. If the perpetrator were Cherokee, white, or a mix between the two, the punishment would be a hundred lashes; however, if the violator were a black Cherokee, mulatto, or freedman, their punishment would be death by hanging unless the crime was committed against another black Cherokee. Then, the punishment would revert to one hundred lashes.<sup>68</sup>

Rape was not the only crime that saw variants in punishment for blacks compared to a Cherokee or white offender of the law. Cherokees or whites who misbehave to interrupt congregations at places of divine worship would receive a fine of between five and twenty dollars. In contrast, enslaved individuals would receive thirty-nine lashes on their bare back.<sup>69</sup> One year later, the Cherokee made it unlawful for any “free negro or mulatto, not of Cherokee blood, to hold or own any improvement” within the Cherokee Nation. Cherokee law also forbade

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<sup>66</sup> *Constitution and Laws of the Choctaw Nation*, 32-33.

<sup>67</sup> *Constitution and Laws of the Choctaw Nation*, 35

<sup>68</sup> Cherokee Nation, *Laws of the Cherokee Nation: Adopted by the Council at Various Periods (1839-1851)*. Printed for the Benefit of the Nation, (Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852), 17-18. From this point on, cited as *Laws of the Cherokee Nation (1839-1851)*, 1852.

<sup>69</sup> *Laws of the Cherokee Nation (1839-1851)*, 37.

any slaves of the tribe from owning “horses, cattle, hogs, or firearms.”<sup>70</sup> Additional restrictions came in 1841 when the Cherokee established a pass system for their slaves. Communities were urged to create patrols to divvy out punishment to any slave caught off their owner’s premises without a pass. The same law that established passes and patrols forbade any freedman or slave who was not entitled to Cherokee privileges and found by a patrol with any weapon to receive up to thirty-nine lashes. That same year, Cherokee slaves or freedmen not of Cherokee blood were forbidden from being taught to read or write, and those who were caught instructing black slaves would face a fine from one hundred to five hundred dollars.<sup>71</sup>

The laws passed by the Choctaws, Cherokees, and Creeks caused concern amongst the leaders of the Seminoles as they believed that those laws would eventually be applied to the Seminole blacks legally owned property that now forbidden to slaves in the Creek and Cherokee territories. In the Spring of 1840, Seminole Chief Mic-ca-nup-pa, along with other Seminole Chiefs, reached out to General Matthew Arbuckle's station at Fort Gibson, the man responsible for preserving the peace amongst the indigenous and immigrating Native Americans in Indian Territory.<sup>72</sup> General Arbuckle assured that Seminole blacks would not interfere as long as the Seminoles did not encourage or allow runaway slaves' safe harbor.<sup>73</sup> However, the ease of relationship between the Seminoles and their freedmen and slaves who lived amongst them with little to no control over black activities in a slaveholding land with an ever-increasing strict slave

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<sup>70</sup> *Laws of the Cherokee Nation (1839-1851)*, 44.

<sup>71</sup> *Laws of the Cherokee Nation (1839-1851)*, 55-56.

<sup>72</sup> Brad Agnew, “Arbuckle, Matthew,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed September 29, 2023, <https://www.okhistory.org/publications/enc/entry?entry=AR003>.

<sup>73</sup> General Mathew Arbuckle to Mic-ca-nup-pa and other Seminole Chiefs, May 11, 1840, National archives Record Group 393 Records of the United States army Continental Commands, 1821-1920), 393.2 Records of Divisions 1837-1907, Western Division, 1837-42 Second Military Department, 1837-42, Letters Sent

code was a recipe for revolt. There can be little doubt that the increased legislation of slave and black codes passed by the Creek, who traditionally had a lax approach for their enslaved, as well as the Cherokee, who traditionally mimicked the Southern slaveholding states from which the tribe was removed, was a direct response to Seminole blacks. As the Creek and Cherokee leaders came to grips with a change in the status quo, their Cherokee and Creek freedmen and slaves would have been encouraged by the level of freedom Seminole blacks displayed while at the same time witnessing a continued erosion of their autonomy in Indian Territory.

The inevitable happened in November of 1842, when a group of slaves left the plantations of their Cherokee enslavers near Webbers Falls, most escaping from Joseph Vann, who owned a large cotton plantation and operated a public ferry. The slaves near Webbers Falls would have had a good vantage point to see the Seminole blacks who would have lived under the Seminole with no slave codes, could carry weapons, and settled in the Illinois river bottoms not far from Webbers Falls. Seminole black slaves who lived in more autonomous communities watched over livestock, and paid a yearly tribute would have been the envy of Cherokee slaves who lived under a much harsher and more restrictive system. Being in a freestanding society, the movement of Seminole could have given Cherokee slaves the opportunity to observe the Seminole blacks on a more routine basis.<sup>74</sup> While the historical record has not uncovered the history of direct or indirect influence the Seminole blacks had on the escaped slaves, the connection may never be known. What can be established is that the most extensive revolt of slaves in Indian Territory took place soon after the arrival of the Seminole. Furthermore, the Cherokee reaction to the slave revolt indicates that they blamed the slave uprising on the outside influence of “foreign” free blacks.

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<sup>74</sup> Burton, “Slave Revolt of 1842,” accessed September 29, 2023, <https://www.okhistory.org/publications/enc/entry?entry=SL002>.



On December 2<sup>nd</sup>, the Cherokee National Council passed, within a matter of days, “An Act in regard to Free Negroes.” The law consisted of four sections, all in an attempt to create a barrier between the non-Cherokee blacks and those of the Cherokee nation. The first removed all “free negroes” from the Cherokee Nation, except those freed by tribal members, by January 1<sup>st</sup>, 1843. The second stipulated that any persons who refused the removal order would be reported to the Cherokee agent for immediate expulsion. Third, tribal members would be held responsible for the conduct of any slave that they choose to free. The fourth and last section of the law made a punishment of one-hundred lashes and removal for any “free negro or negroes” who “aided,” “abetted,” or “decoyed” any slave in a runaway attempt.<sup>75</sup> The passages of these laws so quickly after the slave revolt at Webbers Falls by the Cherokee National Council was an attempt to send a direct message that Seminole tolerance to their slaves and freedmen would not be tolerated in the Cherokee nation and further shows the significant divide between Seminole and Cherokee attitudes towards blacks who lived among them. A divide that transcended not only tribal connections but also the individual backgrounds of the slave owners themselves.

Blacks who were owned by full-blooded Native Americans were not utilized in the same way as those who were owned by mixed-blooded or whites who married into the Five Tribes. Full-blooded Native Americans tended not to participate in the Southern economic system, so their motivation to own slaves did not rest on their capacity to produce surpluses for sale. Instead, full-blooded tribal members preferred to utilize their slaves as subsistence labor to sustain everyday life, transferring the grind of daily labor to their slave's shoulders.<sup>76</sup> As

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<sup>75</sup> *Laws of the Cherokee Nation (1839-1851)*, 71.

<sup>76</sup> Doran, Michael F. “Negro Slaves of the Five Civilized Tribes.” *Annals of the Association of American Geographers* 68, no. 3 (1978): 338. <http://www.jstor.org/stable/2561972>.

described earlier, slaves of the Creek and Seminole were permitted a degree of autonomy in their daily lives that was not afforded to Chickasaws, Choctaw, or Cherokee, whose majority of slaves were owned by mixed-bloods or resident citizen whites. The distinction between full-blooded tribal members and those owned by mixed-blood or white residents was captured by Reverend William H. Goode. Goode was a Methodist Episcopal minister who, in 1842, was appointed to Fort Coffee Academy and Mission. Goode also created the Indian Mission Conference in the Choctaw nation as he spent three years in Indian Territory. Goode found time in Indian Territory, which gave him a good vantage point to view slavery in Indian Territory. Goode found the majority of slave owners to be of mixed blood and labeled them as “hard masters,” who, like their southern counterparts, drove their slaves, exacting labor, and punished with severity those who did not meet the standards the owners set. However, the full-blooded tribal members were generally “indulgent masters” due to their lack of systematic labor amongst themselves; full-bloods did not task their slaves to undergo a similar function. Additionally, Goode found full-blooded slaves to suffer the same fate as their owners. If the owners had plenty, so did their slaves.<sup>77</sup> Turning to the recorded experiences of the Freedmen of Indian Territory, a similar view to Goode’s can be ascertained.

Polly Colbert explained that because of the rich land that Native Americans owned, the slaves did not have to work as hard as their counterparts in the South. She also attributed the less strenuous workload to the fact that she thought that “Indian masters were just naturally kinder anyway, leastways mine was.”<sup>78</sup> While Colbert’s interview did not disclose the blooded status of her former owner, Matilda Poe did, who belonged to full-blood Chickasaw Isaac Love. While

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<sup>77</sup> William H. Goode, *Outposts of Zion, with Limnings of Mission Life* (Cincinnati: Poe and Hitchcock, 1864), 162.

<sup>78</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 86.

field labor was part of life on Isaac Love's plantation, as she describes how young boys would bring water to the men in the field, she explained how she did not feel like a slave as she could not tell she was enslaved. She had limited work, always something to eat and wear, and described the times as good compared to what she had been going through as the Great Depression raged through McAlester, Oklahoma.<sup>79</sup> Lucinda Davis belonged to a full-blooded Creek named Tuskaya-hiniha, which meant Head Man Warrior, and she also described a level of autonomy given to her family as someone enslaved by the Creeks. The Davis family would work their patches of field but were required to give a majority of what was produced to their owners. Still, Creek slaves in similar situations as Davis were allowed to keep some of the surplus for themselves and did not live at their master's place or labor like the slaves of whites, Cherokee, or the Choctaw.<sup>80</sup> The interviews of Colbert, Poe, Davis, and others enslaved by the Five Tribes offer a small inside view into the slave conditions of the Five Tribes. Unfortunately, the insight gained through the slave narratives gathered in Oklahoma during the Great Depression is limited as only twenty-eight of the one-hundred and thirty individuals questioned in the Oklahoma Slave Narrative Project were slaves of American Indians.<sup>81</sup>

Due to the varied nature of treatment from tribe to tribe and amongst individuals of those tribes, as well as the limited number of sources available to analyze, it is difficult to discern an overall narrative of slave life in Indian Territory.<sup>82</sup> The majority of the Freedmen of the Five Tribes that were alive, located, and interviewed said they were never or were seldom punished

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<sup>79</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 324-326.

<sup>80</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 107-116.

<sup>81</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 5

<sup>82</sup> Doran, "Negro Slaves of the Five Civilized Tribes, 335.

themselves but recalled seeing others punished. While a few, like Sarah Wilson, who, when caught by her Cherokee owner, would be whipped. Wilson explained that she still carries the scars on her legs from the short-handled leather riding whip her enslaver carried. “When I lie to him, he just down off’n his horse and whip me good there.”<sup>83</sup> Wilson’s narrative is not the common recollection of the Freedmen of the Five Tribes. Henry Clay was born in Jefferson County, North Carolina, and was enslaved to Henry Clay, whom he fondly recalled and kept the Clay name along with his mother and father. Freedman Clay recalled the veiled threats to him he remarked on seeing a neighbor’s slaves being whipped in which Master Clay said, “Hoe your row, yougun, or you might catch the like of that too.”<sup>84</sup> Clay’s owner was in possession of a whipping machine:

It was a big wooden wheel with a treadle to it, and when you tromp the treadle, the big wheel go round. On that wheel was four or five big leather straps with holes cut in them to make blisters, and you lay the negro down on his face on a bench and tie him to it and set the machine close to him. Then, when you tromp the treadle, the wheel go round and flop them straps across his bare back and raise the skin. Getting a negro strapped on that bench had him cured long before you had to romp that treadle.<sup>85</sup>

Clay was later sold to Dyson Cheet, who gave him to his boy Tom Cheet, who brought Clay to the Creek Nation in Indian Territory. Clay’s experience from North Carolina to Indian Territory and working five years on a steamboat from Alexandria, Louisiana, down the Red River to the Mississippi and up to St. Louis led Clay to conclude that slaves in the Creek Country had it better off than most slaves he encountered.<sup>86</sup> Taking the accounts of the Freedmen and other sparse evidence, as official government reports on the leniency seen in the Seminole and Creek

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<sup>83</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 495.

<sup>84</sup> Baker and Baker, *WPA Oklahoma Slave Narratives* 81.

<sup>85</sup> Baker and Baker, *WPA Oklahoma Slave Narratives* 82.

<sup>86</sup> Baker and Baker, *WPA Oklahoma Slave Narratives* 79-86.

treatment along with the distinctions between full-blood and mixed-blood slaveholders in the other Five Tribes towards their slaves, has left many historians making the argument that slavery in Indian territory was less abusive than slave areas dominated by white ownership.<sup>87</sup> As Sarah Wilson's narrative testifies, some Native American owners were not lenient with their slaves, but were Wilson and the few others who spoke of harsh treatment and abuse the exception? With limited sources, a definitive conclusion on the leniency of Native enslavers compared to the rest of the South may be lost to history. Still, a cross-comparison of slaves owned by members of the Five Tribes and those owned by non-Native Americans in Baker and Baker's *WPA Oklahoma Slave Narratives* may shed some light. Of the one-hundred and two non-Native-held Freedmen living in Oklahoma during the WPA interviews, sixty-two described some sort of punishment they or other slaves endured. Of the fifty-six non-Native-held slaves who discussed their master's level of care for them, seventy-eight percent described their treatment, close to the eighty-one percent of the twenty-one Native-held slaves who used positive language when describing their treatment. A similarly high percentage of non-Native and Native-held slaves expressed friendly attitudes towards their former enslavers. Twenty-nine of the Thirty-five non-Native-held slaves who gave their general assessment of their master placed their enslaver in a positive light; similarly, a high number of Native-held slaves, as eight of eleven Native-held

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<sup>87</sup> Monroe Billington, "Black Slavery in Indian Territory: The Ex-Slave Narratives," *Chronicles of Oklahoma* vol. 60 (Spring 1982): 56-65; Doran, "Negro Slaves of the Five Civilized Tribes," 340-341; Gibson, *Oklahoma*, 98-100. Baird and Goble, *Oklahoma A History*, 96; Roberts, *I've Been Here All the While*, 24-27; McLoughlin, William G. McLoughlin, "Red Indians, Black Slavery and White Racism," 368-369; Braund, "The Creek Indians, Blacks, and Slavery," 624.

slaves, gave their former owner a positive assessment.<sup>88</sup> Whether the ex-slaves of Indian Territory described brutal or benign treatment or found themselves better or worse off than their counterparts located throughout the South, the fact remains that chattel slavery, whenever or wherever it was implemented, was undesirable by those who suffered from it. This perception was captured by James Southall's statement to the WPA when he said, "God creates us all free and equal. Somewhere along de road we lost out."<sup>89</sup> What can be understood is that most slaves in Indian Territory were under the control and power of mixed-bloods and whites, who utilized slave labor as an economic tool to grow or raise commercially sold agricultural products. To maintain control of their slaves, four of the Five Tribes instituted an ever-harsher series of slave codes that further developed conditions that resembled the "peculiar institution" of the South, albeit with some distinctions, particularly in the differences seen in the overall treatment of slaves owned between full-blooded and mixed blooded slaveholders.<sup>90</sup>

Utilizing the *Slave Narratives*, the distinctions in workload and treatment of slaves amongst the Five Tribes, as well as individual full-blooded and mixed-blooded slaveholders, are readily apparent. Following the Vann Slave uprising, as well as a growing dependence on slavery for much of their labor, the mixed-blood slaveholders of the Cherokee, Chickasaw, and Choctaw

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<sup>88</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*; See also George P. Rawick, *The American Salve: A Composite Autobiography Series 1 Vol. VII Oklahoma and Mississippi Narratives* (Westport, CT: Greenwood Press, 1978); Kaye M. Teall, *Black History in Oklahoma: A Resource Book* (Oklahoma City: Oklahoma City Public Schools, 1971). Rawick attempted to publish all of the slave narratives compiled by the Works Project Administration in a multiyear three series forty-one-volume effort. Baker and Baker built upon Rawick's effort with their *WPA Oklahoma Slave Narratives* by including all of the WPA slave narratives in both the Library of Congress in Washington as well as the WPA Oklahoma slave narratives that were not sent to Washington. Additionally, the *WPA Oklahoma Slave Narratives* also includes collected by Grant Foreman's team that created the Indian-Pioneer Project for the Oklahoma Historical Society in the 1930s to be most complete single source of Oklahoma slave narratives.

<sup>89</sup> Baker and Baker, *WPA Oklahoma Slave Narratives*, 407.

<sup>90</sup> Michael F. Doran, "Negro Slaves of the Five Civilized Tribes," 342.

found an increased sense of need to protect their human capital investment to discourage a repeat of the Vann slave revolt.<sup>91</sup> Three years after Vann, the Cherokee sought help from the United States federal government in removing the Seminole that had settled on Cherokee land. In a treaty signed on January 4, 1845, between the Creeks and Seminole and the United States and orchestrated by the Cherokee, the Cherokee received their wish. The 1845 treaty reiterated what had been established in the Creek Treaty of 1833: “that the Seminoles should thenceforward be considered a constituent part of the Creek Nation, and that a permanent and comfortable home should be secured for them on the lands set apart in said treaty as the country of the Creeks.”<sup>92</sup> Moving the black Seminoles out of the Cherokee Nation was vital for the Cherokee as slavery was becoming an essential part of the Cherokee prosperity. Slavery, according to George Butler, the Cherokee Indian Agent, the advancement seen in the tribe during his time as an agent, was “in part to the fact of their being slaveholders.”<sup>93</sup> This rapid advancement led to greater prosperity, which, according to a report filed by Agent Butler, saw the Cherokee population increase to 21,000 Cherokees along with 4,000 blacks, the majority enslaved, and 1,000 whites leaving in the Cherokee nation.<sup>94</sup> By moving the Seminoles out of their territory, the Cherokee strengthened their ability to ensure their control and status over their slaves. However, the

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<sup>91</sup> Reid A. Holland, “Life in the Cherokee Nation, 1855-1860,” *Chronicles of Oklahoma*, vol 49, no. 3 (1971): 299-300.

<sup>92</sup> “Treaty with the Creeks, 1833.” Tribal Treaties Database, Oklahoma State University Libraries, accessed October 29, 2023. <https://treaties.okstate.edu/treaties/treaty-with-the-creeks-1833-0388>; “Treaty with the Creeks and Seminole, 1845.” Tribal Treaties Database, Oklahoma State University Libraries, accessed October 29, 2023. <https://treaties.okstate.edu/treaties/treaty-with-the-creeks-and-seminole-1845-0550>; Foremen, *The Five Civilized Tribes*, 242-243.

<sup>93</sup> George Butler, “Cherokee Agency, Tahlequah, Cherokee Nation, September 10, 1859,” in *Annual Report of Commissioner of Indian Affairs*, (Washington: George W. Bowman, Printer, 1860), 172-173.

<sup>94</sup> George Butler, “Cherokee Agency, Tahlequah, Cherokee Nation, September 10, 1859,” in *Annual Report of Commissioner of Indian Affairs*, (Washington: George W. Bowman, Printer, 1860), 172-173.

movement of additional Seminole into Creek territory left the Creek searching for ways to maintain their status quo inside their nation.

The Creeks were the most similar of the Five Tribes to the Seminole in the treatment of their black populations. The black Creek populations in the tribe had long contained many freedmen who enjoyed a high enough status to see intermarriage with the Creeks become a reasonably common practice despite laws forbidding miscegenation.<sup>95</sup> However, following the increase of Seminole, particularly black Seminoles, into Creek territory, the Creek began to tighten their hold over their slaves and freedmen over the next decade and a half.<sup>96</sup> Criminal codes created by the Creek set up dual punishments for the enslaved Creeks and Freedmen of the tribes and Creeks. For instance, if a slave killed a Creek, the slave would be put to death, while if a Creek killed a slave, the Creek would have to pay the victim's owners half of their value. Another law made freedmen over the age of twelve pay an annual tax of three dollars to the Creek Nation, and an additional tax was laid on freedmen on their livestock and wagons.

The Creek Council in 1859 dealt with the influx of immigrants and mixed marriages in their nation by declaring that all free-born persons except those of African origin, “heretofore received and acknowledged by us as citizens of the Creek Nation are hereby declared bonafide members and citizens.”<sup>97</sup> However, Creek children could not be more than half black Creek to receive citizenship. The Creeks also, during this period, began to restrict the movement of their slaves, initiating a pass system for their slaves that outlawed slaves without a written pass from

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<sup>95</sup> Andre Paul DuChateau, “The Creek Nation on the Eve of the Civil War” *Chronicles of Oklahoma*, vol 52, no. 3 (1974): 311.

<sup>96</sup> Gary Zellar, *African Creeks: Esteveste and the Creek Nation* (Norman: University of Oklahoma Press, 2007), 32-40.

<sup>97</sup> “Creek Indian Laws, Gant Foreman Collection, Oklahoma Historical Society.



being more than two miles away from their owner's premises and forbade any nighttime travel without a pass. These restrictions eventually culminated in losing the ability to be armed or conduct business with their own property and, ultimately, their freedom. On March 10, 1861, all free black Creeks had ten days to choose a master amongst the Creek or be sold off at auction to the highest Creek bidder; only the Civil War prevented this from being entirely implemented.<sup>98</sup>

The increase of slave and freedmen populations in Indian Territory increased the severity of laws designed to minimize black autonomy across the tribes. The Creeks, following the precedence of the Chickasaw, Choctaw, and Cherokee, demonstrate that the South's "peculiar institution" had become more ingrained in Indian Territory.

The Creek's transition to a more restrictive slave system, similar to their neighbors, the Cherokee, Choctaw, and Chickasaw, left the Indian Territory firmly in a Southern tradition. The dual system of justice where free blacks of the Cherokee, Choctaw, Chickasaw, and Creek faced harsher penalties for committing the same offenses as tribal members of full, mixed, white blood demonstrates the racial caste system with blacks in Indian Territory at the bottom level. While Indian Territory may have seen blacks, overall, receive better treatment than other areas in the United States that allowed chattel slavery, treatment from removal to the start of the Civil War grew steadily worse as additional restrictions and limitations were placed on first the enslaved and later free blacks in Indian Territory increasingly so after the Seminoles arrived to Indian Territory.

The enslaved in Indian Territory resisted their conditions in similar ways to those enslaved across the Southern parts of the United States; feigned sickness, theft, running away,

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<sup>98</sup> Creek Indian Laws, Gant Foreman Collection, Oklahoma Historical Society.; Debo, *The Road to Disappearance*, 115; Foreman, *The Five Civilized Tribes* 215-216; DuChateau, "The Creek Nation on the Eve of the Civil War," 313.

and one mass revolt in the Vann uprising were just some of the ways that the enslaved fought back against their enslavers.<sup>99</sup> Tribal response to slave resistance also mirrored their Southern counterparts. The passage of additional slave laws that prohibited the instruction of reading and writing, abolitionist teaching, and ownership of property became part of the system for slave owners to maintain control. Eventually, these restrictions extended to free blacks in an attempt to limit their autonomy or force them to relocate and create a distance of separation between free blacks and their slaves. In roughly the three decades from Indian Removal, the Cherokee, Choctaw, Chickasaw, and Creek transformed the western land of Indian Territory into a Southern bastion of slavery.

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<sup>99</sup> For information on how African American slaves resisted their enslavement see Howard McGary, and Bill E. Lawson. *Between Slavery and Freedom: Philosophy and American Slavery* (Bloomington, Indiana University Press, 1992); Steven Hahn, *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration* (Cambridge: Harvard University Press, 2003); Larry Eugene Rivers, *Rebels and Runaways: Slave Resistance in Nineteenth-Century Florida* (Champaign-Urbana: University of Illinois Press, 2013).

### Chapter 3

#### **An Irrevocable Decision: The Pursuit of the Southern Path**

Abraham Lincoln's election in November 1860 and the establishment of the secessionist government in the South that followed, signaled to tribal leadership in Indian Territory that they would have to soon choose a side in the coming American Civil War. These irrevocable decisions ended up being of profound significance to the tribes, forever changing them and the land as it caused temporary tribal fractures, death, and destruction, but just as important includes the decisions the tribes made during their reconstruction period, which witnessed their territory open to black and white Americans looking for a new beginning and a better way of life.

Scholars have taken various approaches to their coverage of the American Civil War, creating a richness of historical scholarship that rivals coverage of any event in United States history. Academics that have attempted one-volume assessments often make little space for Native groups in their narratives. When they are covered, Native Americans often appear as a side note or perhaps part of the chapter on Western Theater as the scholars seek to cover military theaters, tactics, or land loss. In the Oxford series on American History, James McPherson's *Battle Cry of Freedom* allowed for seven pages of the nearly nine hundred pages to discuss Indian Territory. Those seven pages are used to explain the loss of Native land in the West while they sent regiments east to fight in the war.<sup>1</sup> Gary W. Gallagher's and Waugh's *The American War* lumped Indian Territory in a third theater of war, the "Trans-Mississippi," alongside Arkansas, Missouri, and Texas, as well as distant territories of Arizona and New Mexico,

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<sup>1</sup> James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York, Oxford University Press, 1988), 6, 45-46, 48, 404-405, 668.

explaining away this third theater as of little significance as this area never rivaled the Eastern or Western Theater.<sup>2</sup>

Scholars who sought to include Native Americans in their narratives of the American Civil War often utilized a Union or Confederate first perspective. *A People at War* by Scott Nelson and Carol Sheriff largely refers to Native populations only in regard to their effect on Union military tactics, while Anne J. Bailey's *Invisible Southerners* brought attention to the prejudice Native American soldiers faced when enlisting in the Confederate Army as she explored the various ethnic groups that made up the South during the Civil War.<sup>3</sup> Recent scholarship by Bradley R. Clampitt and Mary Jane Warde built upon Annie Heloise Abel's *The American Indian as Participant in the Civil War*, focusing their work on the Civil War in all of Indian Territory.<sup>4</sup> In contrast, a tribal-specific analysis of the impact of the American Civil War can be seen in Fay Yarbrough's *Choctaw Confederates*.<sup>5</sup>

The mentioning of the works above does not suggest inadequacies in those scholarly achievements, as each provides an outstanding context to understand and frame the American Civil War. However, even with the richness of scholarship and the broadening of the narrative to be more inclusive of Native American perspectives in the American Civil War, it has left some

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<sup>2</sup> Gary W. Gallagher and Joan Waugh, *The American War: A History of the Civil War Era*, (State College, PA: Flip Learning, 2015), 42.

<sup>3</sup> Scott Nelson and Carol Sheriff, *A People at War: Civilians and Soldiers in America's Civil War* (New York: Oxford University Press, 2007); Anne J. Bailey, *Invisible Southerners: Ethnicity in the Civil War* (Athens: University of Georgia Press, 2006).

<sup>4</sup> Bradley R. Clampitt, *The Civil War and Reconstruction in Indian Territory* (Lincoln: University of Nebraska Press, 2015); Mary Jane Warde, *When the Wolf Came; The Civil War and the Indian Territory* (Fayetteville: University of Arkansas Press, 2019); Annie Heloise Abel, *The American Indian as Participant in the Civil War* (Cleveland: Arthur H. Clark Company, 1919).

<sup>5</sup> Fay A. Yarbrough, *Choctaw Confederates: The American Civil War in Indian Territory* (Chapel Hill: University of North Carolina Press, 2021).

scholars using racial power structures that fit modern worldviews to explain the complex societies of the past.

Alaina E. Roberts, *I've Been Here All the While* utilized the Chickasaw and Choctaw freed people community of Robertsville and an interview by Jackson Peters, a Chickasaw freedman who married into the Creek Nation to “describe a world where African Americans from the United States were commonplace marriage partners for Indian freed people and where people of African descent in Indian Territory nonchalantly traversed different Indian nations.”<sup>6</sup> Robert's historical perspective is set by a settler colonial lens to view the outcome of white settler Americans at the apex of the power structure with African Americans and Native Free People at the bottom.<sup>7</sup> Beginning with the end in mind, Roberts contends that Indian Freedmen and African Americans came together for better or worse as they staked their own settler claims in the colonial process of establishing Oklahoma. Roberts concludes that “intercommunity racial coalitions” came together during the late 1880s and 1890s during the retreat by Republicans in the protection and support for black rights while, at the same time, Democrats established Jim Crow Laws.<sup>8</sup> While Roberts is correct, Oklahoma's one-drop rule, ingrained in the state's constitutional definition of races in 1907, will place Native freed people and African Americans in the same racial caste and systematically place that caste at the bottom of the social hierarchy.<sup>9</sup>

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<sup>6</sup> Alaina E. Roberts, *I've Been Here All The While: Black Freedom On Native Land* (Philadelphia: University of Pennsylvania Press, 2021), 72.

<sup>7</sup> Roberts defines “settler colonialism” as colonists who exploit a region or country's resources and labor which is done by the forcible resettlement of native populations by settlers who move on to their lands. These settlers then rewrite history to erase the presence of the natives. This settler colonialism was done throughout the Americas, Africa, Australia, and Pacific Islands mostly done by white populations. This process often involves an element of racial ideology, and idea of white supremacy in political, social, and economic systems and this power dynamic is seen as natural and logical. See Alaina E. Roberts, *I've Been Here All The While*, 2.

<sup>8</sup> Alaina E. Roberts, *I've Been Here All The While*, 73.

<sup>9</sup> *Constitution of the State of Oklahoma* (Oklahoma City: Warden Printing Company, 1907). 90.

However, by limiting her historical perspective to settler colonialism and a timeline that primarily focuses on the last half of the 19<sup>th</sup> and first half of the twentieth century, she marginalizes the real-time decisions and conditions the Five Tribes and their slaves and later freedmen lived in and made before and after the Civil War as they dealt with the new reality of their changing world. Conditions that led the Texas commissioners, sent to discuss alliances with the Five Tribes, to assert, “the Choctaws and Chickasaws are entirely Southern and are determined to adhere to the fortunes of the South.”<sup>10</sup> The real-time conditions post-Civil War led many Native freedmen to advocate for tribal membership and then use their tribal citizenship and status in an attempt to separate themselves from the influx of African Americans who entered the territory in the post-Civil War era.

The decisions by the leadership of the Five Tribes to align with the Confederacy during the American Civil War and how the Five Tribes dealt with Reconstruction after, committed Indian Territory to travel a Southern road. A road well laid by other Southern states who, at the time they rejoined the Union, utilized their former slave codes to form the foundation of various black codes passed in 1865-1866 to deny African Americans equality before the law.<sup>11</sup>

Following the overthrow of Reconstruction efforts by the combination of Southern whites and

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<sup>10</sup> James Harrison, James Bourland, and Charles A. Hamilton to governor Edward Clark, April 23, 1861” In *The War of the Rebellion: A Compilation of the official Records of the Union and Confederate Armies. Published under the Direction of the Secretary of War, series IV, volume I*, (Washington: Government Printing Office, 1900), 323.

<sup>11</sup> For information on how slave codes influenced establishment of Southern black codes see, Crouch, Barry A Crouch, “‘All the Vile Passions’: The Texas Black Code of 1866,” *The Southwestern Historical Quarterly* 97, no. 1 (1993): 12–34. <http://www.jstor.org/stable/30238869>; Jerrell H. Shofner, “Custom, Law, and History: The Enduring Influence of Florida’s ‘Black Code,’” *The Florida Historical Quarterly* 55, no. 3 (1977): 277–98. <http://www.jstor.org/stable/30149151>; Rose E. Vaughn “Black Codes.,” *Negro History Bulletin* 10, no. 1 (1946): 17–19. <http://www.jstor.org/stable/44174624>; Martha Mitchell Bigelow, “Public Opinion and the Passage of the Mississippi Black Codes,” *Negro History Bulletin* 33, no. 1 (1970): 11–16. <http://www.jstor.org/stable/24766779>.

the consent of North Democrats that saw the Democratic party rise, phoenix-like, from the party's near-self destruction in 1860 to control the House of Representatives in 187. The Senate in 1878 and the White House in 1884 allowed for these Southern states to develop the South of Jim Crow around the turn of the 20<sup>th</sup> century.<sup>12</sup> While some efforts in Oklahoma Territory aligned with radical Republicans in their efforts to provide racial equality during the late 19<sup>th</sup> century, the rise of Jim Crow that swept the South also emerged in the Choctaw and Chickasaw nations of Indian Territory following the Civil War and defined African American legal and social status in Oklahoma upon statehood in 1907.

Understanding the Five Tribes' alliance with the Confederacy allows Oklahoma to be placed in the larger context of the Civil Rights movement of the twentieth century. Furthermore, the complexity of the real-time decisions by tribal leadership before and after the American Civil War adds nuance and a counterpoint to scholars who rely solely on settler colonialism as a lens to perceive the past. By including the events of the American Civil War, one can appreciate Oklahoma's long road to Civil Rights, which coincides with other Southern states and moves the state's civil rights leaders from a regional significance to a national one.

For complex reasons, the Five Tribes of Indian Territory sided with the Confederacy in the American Civil War. Part of the complexity stemmed from the competing leadership groups within a tribal nation stacked with different positions on slavery that were dividing the United States. In the Cherokee tribe, Principal Chief John Ross supported neutrality as tensions boiled over following the election of Abraham Lincoln in 1860.<sup>13</sup> During the 1850s, full-blooded

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<sup>12</sup> Allen C. Guelzo, *Reconstruction A Concise History* (New York, Oxford University Press, 2018), 124.

<sup>13</sup> Clarissa W. Confer, *The Cherokee Nation in the Civil War* (Norman: University of Oklahoma Press, 2007), 43; John M. Oskison, *Unconquerable: The Story of John Ross, Chief of the Cherokees, 1828-1866*, ed. Lionel Larré (Lincoln: University of Nebraska Press, 2022), 180.

Cherokee leaders, along with Evan Jones, an Anglo-American Northern Baptist missionary, and his son John Buttrick Jones, established the Keetoowah Society. The Keetoowah was an antislavery group that urged fellow Cherokee to adhere to traditional values and tribal unity and argued for Cherokee self-determination by means of consensus.<sup>14</sup> Competing for the hearts and minds of the people was the Cherokee chapter of the proslavery secret society, Knights of the Golden Circle. Established in 1855 by Chief Ross's old nemesis Stan Watie along with several of his followers who joined the Knights in an attempt to minimize the Cherokee Light Horse, which was led by Cah-skeh-new Mankiller, a member of the Keetoowah, an organization often thought of as being Ross' men.<sup>15</sup>

Around 1860, the Keetoowah Society earned the nickname "Pin Indians" as they took up the habit of wearing two crossed straight pins under the coat lapel in a way to recognize fellow members. The Keetoowah grew in strength in the run-up to the American Civil War as they outnumbered the Knights of the Golden Circle and controlled most of the seats in both houses of the Cherokee legislature and believed that Cherokee enslavers and the Knights of the Golden Circle support of Southern states would lead the Cherokee Nation into irreversible harm.<sup>16</sup>

Outside of intertribal conflict and competing views, an additional concern for Five Tribe leaders was the coveting of Indian Territory homelands by some federal officials. In 1858, Southern Superintendent of Indian Affairs Elias Rector praised the vast richness of Indian

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<sup>14</sup> William G. McLoughlin, *After the Trail of Tears; The Cherokees' Struggle for Sovereignty 1839-1880* (Charlotte: The University of North Carolina Press, 1994), 156; Oskison, *Unconquerable*, 179.

<sup>15</sup> James A. Parins, *Elias Cornelius Boudinot: A life on the Cherokee Border* (Lincoln: University of Nebraska Press, 2006), 43.

<sup>16</sup> McLoughlin, *After the Trail of Tears*, 154-158; Robert J. Conley, *The Cherokee Nation: A History* (Albuquerque: University of New Mexico Press, 2008), 174.



Territory. His depiction painted a land full of promise, and ultimately, the “country possessed by them, picturesque and fertile, must at some day become a State of the American Union...necessity is the supreme law of nations. All along the Indian border, the country is now populous, and the railroad will soon reach their frontier.”<sup>17</sup> To open up this land, new treaties must be struck with the Five Tribes, allowing the federal government to establish allotments to individual tribal members. A year later, such a plan was proposed to the Creek Nation in 1859 by Commissioner of Indian Affairs A.B. Greenwood, which created allotted homesteads for Creek citizens while surplus lands could be opened to non-Native Americans.<sup>18</sup> Creek leadership struck down the proposal, reminding Greenwood of the disaster the Creek people faced the last time they agreed to such a plan in their old ancestral land in Alabama.<sup>19</sup> Undaunted by the Creek rebuke of his proposal, he attempted to open Indian Territory to white settlement again in 1860 by offering the same proposal to Cherokee Chief John Ross.<sup>20</sup>

If Greenwood’s approach did not send off warning bells to the leadership of the Five Tribes, the rhetoric emanating from Republican campaigner William H. Seward’s October 3<sup>rd</sup> speech in Lincoln’s Chicago campaign certainly did. Seward’s speech, “The National Idea; Its Perils and Triumphs,” laid out the Republican party platform of “free soil, free labor, free

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<sup>17</sup> Elias Rector, “Southern Superintendency of Indian Affairs, Fort Smith, Arkansas, October 26 1858.” in Report of the Commissioner of Indian Affairs, Accompanying The *Annual Report of the Secretary of the Interior for the Year 1858*, (Washington: WM. A. Harris Printer, 1858), 127.

<sup>18</sup> A.B. Greenwood to Elias Rector, November 17, 1859, Creek National Records: National Council, 1859-1889, Section X-Creek National Council- Samuel Checote’s Book of Records: Nov. 17, 1859-Nov 27, 1890, Oklahoma Historical Society, Oklahoma City, OK.

<sup>19</sup> Motey Carnard and Echo Harjo to Creek Agent William H. Garrett, January 19, 1860, Creek National Records: National Council, 1859-1889, Section X-Creek National Council- Samuel Checote’s Book of Records: Nov. 17, 1859-Nov 27, 1890, Oklahoma Historical Society, Oklahoma City, OK.

<sup>20</sup> McLoughlin, *After the Trail of Tears*, 164-165.

speech, equal rights, and universal suffrage” to their opposition.<sup>21</sup> Seward argued that the Republican idea for the nation was not new but as old as the birth of the United States. Seward attempted to sway the Chicago crowd and legitimize the Republican Party platform by connecting the Republican vision to the foundational concept that birthed the United States. An idea that “had its first utterance and the boldest and clearest of all the utterance it has ever received in the very few words that were spoken by this nation when came before the world...all men are created equal.”<sup>22</sup> According to Seward, the Republican party and Abraham Lincoln would live up to that foundational concept found in the Declaration. Lincoln was determined not to allow a single additional slave to be imported from Africa or transferred from any slave state and placed upon an American territory. Lincoln would also admit Kansas into the Union. In a throwaway line that was not missed by the Five Tribes leadership, “The Indian Territory, also, south of Kansas, must be vacated by the Indians.”<sup>23</sup> Seward’s opening of Indian Territory was in regards to putting slavery to the test using popular sovereignty as slaveholders in Indian Territory would be presented with “the question as they will also do in the case of New Mexico.”<sup>24</sup>

Whether Seward was laying out a path to open up Indian Territory or providing an avenue to further limit slavery in areas designated as territories in the United States made little difference

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<sup>21</sup> William H. Seward, “The National Idea Its Perils and Triumphs: Chicago, October 3 1860,” in *The Works of William H. Seward* vol. IV New Edition, ed. by George E. Baker (Boston, Houghton, Mifflin and Company, 1884), 348-349.

<sup>22</sup> William H. Seward, “The National Idea Its Perils and Triumphs, 349.

<sup>23</sup> William H. Seward, “The National Idea Its Perils and Triumphs,” 349.

<sup>24</sup> The 1860 Republican Party Platform recognized the great doctrine found in the Declaration of Independence, and declared that that standard for all territories is one of freedom and denied the authority of any governing body whether it be the national congress or territorial legislature or any individuals to give legal standing for slavery to exist in any territory of the United States. William H. Seward, “The National Idea Its Perils and Triumphs,” 76, 348-349, 363; Zach Garrison, “Popular Sovereignty” *Civil War on the Western Border: The Missouri-Kansas Conflict, 1854-1865*, The Kansas City Public Library, accessed Thursday, November 9, 2023, <https://civilwaronthewesternborder.org/encyclopedia/popular-sovereignty>.

to Native leaders who distinctly remembered the removals of the 1830s and now had to wonder what a Lincoln presidency would mean for their ability to hold on to Indian Territory.

As tensions rose across America heading into the pivotal 1860 presidential election, many were left wondering in the United States and Indian territory what consequences lay ahead. When Abraham Lincoln emerged victorious in that November election, South Carolina, before the new year and Lincoln's inevitable inauguration, seceded from the Union instead of waiting for Lincoln to fulfill the promises that the Republican Platform and Republican campaigners like Seward laid out two months earlier.<sup>25</sup> Due to the nationwide implications of Lincoln's election, Five Tribal leadership paid close attention to the events that were bringing the United States closer to the precipice of war and were left wondering if the federal government, now headed by Abraham Lincoln and a new political party, could be trusted to guarantee their autonomy, keep invaders out and protect their property including their slaves from confiscation.

Placing their hands on the scales used by tribal leaders to weigh their decisions of what to do in regard to the growing secessionist crisis following Lincoln's election were their longtime tribal agents, who were often viewed as trusted advisors and friends. During the 1850s, when Democrats were in charge of the White House and frequently appointed Democrats to federal posts, several Southerners became agents to the Five Tribes. As Lincoln was sworn in, the Creek agent was Alabama native William H. Garrett, and the Seminole Agent was Virginian Samuel Rutherford, an elected member of the Arkansas legislature before his appointment to the Seminole. Jefferson Davis had recommended Mississippian Douglas H. Cooper to be the agent of the Choctaw and Chickasaw nations. Cooper was so beloved for his work that the Chickasaw

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<sup>25</sup> James M. McPherson, *Battle Cry of Freedom*, 221-222, 234-235.

legislature adopted him as a Chickasaw citizen. Even a former agent who was a proslavery sympathizer from Georgia, Robert J. Cowart, reached out to his Cherokee contacts to help persuade the Cherokee to take a Southern view when it came to secession.<sup>26</sup> Each of these agents used what influence they had to confirm the fears tribal members had about a Lincoln presidency and advocated for the tribes to take the Southern position.

In early 1861, the Five Tribes governments began the process of dealing with the growing secessionist crisis of the United States. The Chickasaw government passed a resolution on the fifth of January that called for the Five Tribes of Indian territory to jointly protect their holdings and interests in regard to actions of the American federal government.<sup>27</sup> The Creek Nation responded to the Chickasaw resolution by calling for delegates of the Five Tribes to meet on the 17<sup>th</sup> of February at North Fork Town, which the Cherokee, Creek, and Seminoles attended.<sup>28</sup> Cherokee Chief John Ross instructed his delegates to urge caution and harmony amongst the nations of Indian Territory and not to rush into any decision regarding the events that were taking place in the United States. Despite Ross's warnings about a quick decision, secessionist forces were pushing for Indian Territory to join the secession movement.

Just two days after Texas convened the state's Secession Convention on January 28<sup>th</sup>, Delegate Henry Brown introduced an ordinance "to secure the friendship and cooperation of the

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<sup>26</sup> Angie Debo, *The Road to Disappearance*, 141; Daniel F. Littlefield Jr., *Africans and Seminoles, 180-182*; Jane F. Lancaster, *Removal Aftershock: The Seminoles Struggles to Survive in the West, 1836-1866* (Knoxville: University of Tennessee Press, 1994), 122; Mary Jane Warde, *When the Wolf Came*, 43.

<sup>27</sup> Gibson, *The Chickasaws*, 229.

<sup>28</sup> Gibson, *The Chickasaws*, 229.

Choctaw, Chickasaw, Cherokee, Creek, and other Indian nations.”<sup>29</sup> Brown’s resolution passed, and in February, Texas sent agents to various Native American nations to seek cooperation and alignment with secessionist states. One month later, as Texas commissioners attempted to win over the tribal leadership, the Texas Committee of Foreign Relations created a “resolution concerning the Cherokee, Chickasaw, Choctaw, and Creek Nations.”<sup>30</sup> Here, the committee resolved to take a liberal policy to the Native Nations, allowing them to form their own confederacy and extend tribal land westward, but these nations were required to create a permanent alliance with Texas. Texas delegates made the argument that Five Tribes “cannot be neutral, but must be decisively on the northern or the southern side of the slavery question.”<sup>31</sup> The Texas viewpoint left the state with the position that if a friendly relationship could not be established, Texas would take hostile actions against Indian Territory as abolitionism would set in. The committee believed that Northern States would use Indian Territory as instruments in times of peace or war to undermine the institution of slavery.

The gravity of the Texas position grew particularly heavy on the Choctaw and Chickasaw Nations as they were situated along the Red River, which divides Texas and Indian Territory. A Texan mob paid a visit and threatened to kill Peter P. Pitchlynn, a former Chief and Choctaw negotiator who had persuaded Choctaw Governor George Hudson to side with the Union unless he changed his mind. Pitchlynn was one of the lead negotiators attempting to procure a payment

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<sup>29</sup> Ernest William Winkler was a state librarian that under the Texas Library and Historical Commission collected, edited and published the *Journal of the Session Convention* which was originally published serially in newspapers. Ernest William Winkler, *Journal of the Secession Convention of Texas* (Austin: Austin Printing Company, 1912), 37.

<sup>30</sup> Winkler, *Journal of the Secession Convention of Texas*, 111.

<sup>31</sup> Winkler, *Journal of the Secession Convention of Texas*, 217

from the American federal government regarding a removal treaty, for which he would receive a commission if the payment could be secured.<sup>32</sup> External pressures were not the only force at play on the Choctaw government as they also faced internal pressure as the Choctaw had a growing concern about the Choctaw Nation and the number of runaway slaves from neighboring states now entering their land due to the possible election of Joseph Dukes as Principal Chief, a noted abolitionist.<sup>33</sup>

Further internal pressure came from Sampson and Israel Folsom; the latter went on to raise the first battalion of Choctaws for the Confederacy and wrote to Pitchlynn explaining what was at stake for the South and how northern attitudes were going to bring harm to not only the Choctaw but all Natives in Indian Territory.<sup>34</sup> Under these internal and external pressures, the Choctaw General Council resolved that the Choctaw Nation “was absolved from all obligations under said treaties, and thereby was left independent, and free to enter into alliance with other governments, and to take such other steps as may be necessary to secure the safety and welfare of the nation.”<sup>35</sup> For Chief Hudson and the Choctaw General Council, their safety required an alliance with the Southern Confederacy due to the federal government’s failure to uphold their

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<sup>32</sup> W. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972), 126-127; Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1961), 60.

<sup>33</sup> Lycurgus P. Pitchlynn to Peter P. Pitchlynn, August 19, 1860, Box 3, Folder 80, Pitchlynn, Peter Perkins Papers 1815-1888, Western History Collections, Choctaw Nation Manuscript Collections, University of Oklahoma Libraries, Norman, OK. From this point on, cited as the Pitchlynn Papers.

<sup>34</sup> Sampson Folsom to Peter P. Pitchlynn, Feb 12, 1860, Box 3 Folder 61, Pitchlynn Papers; Israel Folsom to Peter Pitchlynn, March 19, 1860, Box 3 Folder, 6; “Choctaw-Chickasaw Sketches 1. Descendants of Immigrant John Folsom, Who Came to Massachusetts in 1638, Now Number many in Oklahoma,” *The Madill Record* June 09, 1921.

<sup>35</sup> George Hudson, “Proclamation by the Principal Chief of the Choctaw Nation, June 14, 1861,” in *The War of the Rebellion: A Compilation of the official Records of the Union and Confederate Armies. Published under the Direction of the Secretary of War, series I, volume II*, (Washington: Government Printing Office, 1881), 593-594.

past treaties with the Choctaw because of the existing war between the states.<sup>36</sup> With war upon them, the federal government suspended annuity payments to the Five Tribes, fearing the payments would fall into Confederate hands.<sup>37</sup> Furthermore, military leaders realized the need to consolidate their troops in the North. The issue of holding onto military posts now located in Southern positions was untenable, which led Federal troops to evacuate Fort Smith, Arkansas, on April 23<sup>rd</sup> and the complete abandonment of Indian Territory by northern soldiers on May 9<sup>th</sup>, which left Indian Territory even more vulnerable to Southern pressure.<sup>38</sup> Facing the possibility of hostile foes in Texas and Arkansas coupled with proslavery secessionist rhetoric coming from seemingly trustworthy tribal agents, the Chickasaw and Choctaws' affinity for using enslaved blacks and abandonment of federal troops and suspension of federal government annuities to the tribal nations, the Chickasaw made the momentous decision on the 25<sup>th</sup> of May 1861, to declare its independence from the United States.<sup>39</sup> The Choctaw quickly followed the Chickasaw lead, and sixteen days later, on June 10<sup>th</sup>, the Choctaw announced their separation from the United States.<sup>40</sup>

The American Federal Government's abandonment of Indian Territory left a void that was quickly filled by the combined efforts of Superintendent of Indian Affairs Elias Rector, the

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<sup>36</sup> Hudson, "Proclamation June 14, 1861," 593.

<sup>37</sup> "Extract from the report of the Secretary of the Interior in relation to Indian Affairs," *Report of the Commissioner of Indian Affairs Accompanying the Annual Report of the Secretary of the Interior for the Year 1861* (Washington: Government Printing Office, 1861), 2-3. From this point on cited as *Annual Report of the Sec. of the Interior 1861*.

<sup>38</sup> "Report of Lieut. Col. William H. Emory, First U.S. Cavalry of the abandonment of Forts Arbuckle, Cobb, and Washita, Ind. T.," in *The War of the Rebellion: A Compilation of the official Records of the Union and Confederate Armies. Published under the Direction of the Secretary of War, series I, volume I*. (Washington: Government Printing Office, 1880), 648 ; Warde, *When the Wolf Came Calling*, 51.

<sup>39</sup> Gibson, *The Chickasaws*, 231.

<sup>40</sup> Baird and Goble, *Oklahoma: A History*, 106.

brother of Arkansas Governor Henry M. Rector, and Arkansas attorney Albert Pike.<sup>41</sup> Pike was selected as the Commissioner to the Indian Territory for the newly formed Confederate States of America in March of 1861. Commissioner Pike was an ideal candidate, having previously done successful work in the 1850s as a winning attorney on claims against the federal government for the Choctaw, Chickasaw, and Creek Nations.<sup>42</sup> Within months of his appointment, Pike had met with the Five Tribes, offering them all the same alliance terms: (1) annexation of Indian Territory to the Confederate State of America with tribal nations retaining their autonomy over their land; (2) the Confederacy reserves the right to establish a postal system as well as the quartering of Confederate troops in military installations on tribal land furthermore the Confederates would retain the rights of way for railroad and telegraph lines; (3) protection of slave ownership; (4) a tribal seat in the Confederate Congress; (5) protection from invasion; and (6) the Confederate assumption of annuity obligations of the United States.<sup>43</sup> In return, each of the Five Tribes would raise one regiment that would only serve inside Indian Territory unless given the expressed permission by tribal governments.<sup>44</sup> Pike's close knowledge of tribal leadership allowed him to craft persuasive terms that alleviated the top concerns of many tribal members while highlighting the shortcomings of the federal government. By offering to guarantee tribal land, protect slavery,

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<sup>41</sup> W.G. Coffin, "Office of Superintendent of Indian Affairs, Humboldt, Kansas, October 2, 1861," in *Annual Report of the Sec. of the Interior 1861*, 38.

<sup>42</sup> Ingrid P. Westmoreland, "Pike, Albert," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed October 13, 2023, <https://www.okhistory.org/publications/enc/entry?entry=PI006>.

<sup>43</sup> James M. Matthews, *The Statutes at Large of the Provisional Government of the Confederate States of America, from the Institution of the Government, February 8, 1861, to its Termination, February 18, 1862, Inclusive. Arranged in Chronological Order. Together with the Constitution for the Provisional Government, and the Permanent Constitution of the Confederate States, and the Treaties Concluded by the Confederate States with Indian Tribes* (Richmond: R.M. Smith, Printer to Congress, 1864), 289-346. Kenny A. Franks, "The Implementation of the Confederate Treaties with the Five Civilized Tribes," *Chronicles of Oklahoma*, vol 51 no. 1 (1973), 23.

<sup>44</sup> Gibson, *Oklahoma*, 120; Baird and Goble, *Oklahoma A History*, 107.



and the Confederacy's willingness to assume the annuity payments, Pike won the Five Tribes to the Confederate cause but not all tribal members.<sup>45</sup>

The Creek were the first to sign Pike's treaty after Chief Motey Kennard of the Arkansas District called for a national council, of which 1,000 people attended, with several from the western tribes of the Kickapoos, Caddos, Anadarkos, Wichitas, and Comanches—three days of debate commenced, which saw the pro-Confederate faction led by a prominent slave owner McIntosh and Chief Kennard hold off the opposition forces led by elder Creek statesman and slaveholder Opothleyahola who argued that the Creeks should honor their last treaty with the United States. When Opothleyahola saw that he could not win over the crowd, he withdrew, along with the representatives of the western tribes, to hold a second council in the Antelope Hills in the far western part of the Creek Nation. Two days after the Creek signed their treaty with the Confederate States of America, the Chickasaw and Choctaw Nations signed similar alliances, giving the Confederates a strong foothold and access to the rich resources of Indian Territory.<sup>46</sup>

A similar split to that of the Creek took place in the Seminole Nation, which of the Five Tribes held the most equality between indigenous and black Seminole populations. John Jumper led a party of Seminole to Fort Scott, Kansas, and gave the impression that the Seminoles would

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<sup>45</sup> Georgianna Stidham Grayson, "Why the Five Civilized Tribes Joined the Confederacy:" *Indian Journal*, June 6, 1913. Grayson was dismayed that there was no reliable general history of why the Five Tribes joined the south. She lists off a series of causes including the tribe's location in the South and the adopting of the practice of black slavery. Grayson found those reasons as mere conjecture, but one she gave more credence to was the abandonment of Indian Territory by the federal government. "Blanket Indians" and white freebooters made incursions when Albert Pike a trusted friend to the Five Tribes came and offered security in the form of the Confederacy. Georgianna was the wife of George Washington Grayson who served 2<sup>nd</sup> Greek Mounted Volunteers, and family was well acquainted with Albert Pike from his visits and work with the Creek Nation.

<sup>46</sup> Gibson, *Oklahoma*, 119-120. Baird and Goble, *Oklahoma: A History*, 107-108.

remain loyal. Unbeknownst to the U.S. commissioner at Fort Scott, Jumper had also met with Pike to hear out his terms. By late summer, half of the Seminole Nation followed Jumper and believed that signing the Confederate treaty would be the best course of action for the tribe moving forward, while the other half split from Jumper and his followers, attempting to stake a neutral position while upholding their treaty with the United States.<sup>47</sup>

The Cherokee were the last to sign an alliance with the Confederacy as Principal Chief John Ross still sought to maintain a neutral stance that honored the prior treaties with the United States. Ross, like Lincoln, believed that the United States was not dissolved and that the Confederate States should be ignored.<sup>48</sup> However, internal Cherokee forces were already pushing to side with the Confederates as a group led by Stand Watie met Albert Pike at the Cherokee border to force Ross' hand and opened the door to conflict with the Keetoowahs by aligning themselves with the South. Watie even went as far as accepting the position of Colonel in the Confederate Military, creating the 1<sup>st</sup> Cherokee Regiment, and was able to marshal over three hundred Confederate Cherokee soldiers for the Southern cause.<sup>49</sup> The Keetoowahs responded to Watie's provocation by utilizing their standing with full-blooded Cherokees in an attempt to stop Watie's supporters from aligning the Cherokees with the Confederate States.<sup>50</sup> Southern succession was forcing open old wounds that dated back to the removal period between the Ross

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<sup>47</sup> Kevin Mulroy, *The Seminole Freedmen: A History* (Norman, University of Oklahoma Press, *Seminole Freedmen*, 2007), 165.

<sup>48</sup> Confer, *The Cherokee Nation in the Civil War*, 43; Abraham Lincoln, "First Inaugural Address of Abraham Lincoln, March 4, 1861." Avalon Project - Documents in Law, History and Diplomacy, 2008. [https://avalon.law.yale.edu/19th\\_century/lincoln1.asp](https://avalon.law.yale.edu/19th_century/lincoln1.asp).

<sup>49</sup> McLoughlin, *After the Tears*, 171.

<sup>50</sup> McLoughlin, *After the Tears*, 173.

and Watie factions, as well as the post-removal political power struggle between Cherokee enslavers and the Keetoowahs.<sup>51</sup>

Chief Ross' stance of neutrality, already under intense pressure internally as tensions reached a boiling point with his old enemy Stand Watie as well as between Keetoowahs and Watie's Confederate contingent, now faced outside pressure with Confederate victories at Bull Run near Washington D.C. and Wilson's Creek near Springfield, Missouri. Furthermore, Stand Watie led a series of raids into Kansas, and the few Cherokees who took part in the Confederate victory at Wilson's Creek won praise for their bravery in battle, which raised Watie's prestige, while Ross appeared indecisive.<sup>52</sup> Ten days after Wilson's Creek, Ross called for a public council at the Cherokee's capitol of Tahlequah. There, Ross announced that the Cherokee people needed to unify around the decision that their Five Tribe counterparts made and support the Confederate States of America. He urged the Keetoowah to hold to the Cherokee tradition of unity and suppress their dislike for slavery, but not their opposition to Watie and his faction.<sup>53</sup> Ross' public announcement to support the Confederacy gave Watie's proslavery faction the alliance they sought while at the same time strengthening Ross' hold over the government and preserved a semblance of unity amongst the Cherokee Nation.

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<sup>51</sup> Chief John Ross and Stand Waite feud dates back to 1835 during the removal negotiations with U.S. federal government. Watie and his uncle Major and his cousin John Ridge were in support of removal to Indian Territory while Ross headed a majority coalition that wanted to remain on their ancestral lands in Georgia and would only sell for \$20 million. The Ridges along with Waite signed the Treaty of New Echota which stripped the Cherokee of their ancestral land for \$5 million. The majority of Cherokee disagreed with the Treaty, and Ross supporters condemned those that signed the Treaty of New Echota to death. John and Major Ridge as well as Elias Boudinot Watie's brother were all killed in 1839. Watie sought revenge killing Ross supporter James Foreman sparking a blood feud between the Ross and Watie supporters that would last the treaty of 1846 pardon both sides of all crimes ending open warfare between the groups but animosity remained. See John Sedgwick, *Blood Moon : An American Epic of War and Splendor in the Cherokee Nation* (New York: Simon and Schuster, 2018).

<sup>52</sup> Conley, *The Cherokee Nation: A History*, 174.

<sup>53</sup> McLoughlin, *After the Tears*, 182-185.

On paper, the signing of the Five Tribes treaties with Pike gave the appearance that Indian Territory was united behind the Confederate States of America, but the reality was far different. Creek Opothleyahola, who had led a contingent to the Western edge of the Creek Nation, still vehemently opposed a Confederate alliance and wrote a letter to President Lincoln informing Lincoln of his intentions to keep his word and honor the treaty and sought reassurances from the Federal government.<sup>54</sup> Lincoln's response offered no respite for Opothleyahola as Lincoln commanded him to remain neutral as the conflict between the States was not their concern.<sup>55</sup> Lincoln's letter left no doubt that the Creeks, who remained loyal to the federal government, and others who sought to remain neutral had no support from the United States government.

Throughout the rest of the summer and into the fall of 1861, Opothleyahola's contingency of people who wanted no part of the Confederacy continued to grow. Opothleyahola's division left the Creek nation without a stable government after accusing Chief Motey Kennard of violating governing procedures with their signing of the Confederate Treaty.<sup>56</sup> As the Creek population split between the Opothleyahola and Kennard factions, leaving the nation in turmoil, some slaves in Indian Territory used the chaos as an opportunity to escape into Kansas or joined Opothleyahola in his western camp.<sup>57</sup> Confederate colonel and Creek Daniel M.

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<sup>54</sup> Opothleyahola's letter is quotes in Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy* (Cleveland: Arthur H. Clark Company, 1915), 245-246.

<sup>55</sup> Debo, *The Road to Disappearance*, 149; Edwin C. McReynolds, *The Seminoles* (Norman: University of Oklahoma Press, 1957), 292-293.

<sup>56</sup> Gibson, *Oklahoma, 119-120. Baird and Goble, Oklahoma: A History*, 107-108.

<sup>57</sup> Jim Tomm Interview March 25, 1937, Interview ID 5561, Archival Order 91:323-324, 327, Works Progress Administration Indian Pioneer Oral History Project, Western History Collections, University of Oklahoma Libraries, Norman, OK.

McIntosh wrote to Cherokee colonel John Drew explaining the alarming nature of Opothleyahola's actions. In the letter, McIntosh described the last of over 150 slaves who had left to join with Opothleyahola in the previous three days in a bid to prompt the Cherokee to action as "the state of things cannot long exist without seriously affecting your country."<sup>58</sup> By November, Opothleyahola's following had been estimated to have grown to eight thousand, which led to a growing concern about what would happen if Opothleyahola joined forces with the federal troops in Missouri.<sup>59</sup>

Chief John Ross attempted to negotiate with Opothleyahola by sending a Cherokee delegation led by Joseph Vann in early October to ensure peace across all tribes and their members of Indian Territory.<sup>60</sup> Little came of Ross' attempt, and on November 15<sup>th</sup> Colonel Douglas H. Cooper, the Confederate agent of the Choctaw and Chickasaw, moved 1,400 Native troops along with the contingent of Texas Cavalry to strike Opothleyahola's camp, but upon their arrival, found the camp deserted.<sup>61</sup> The Confederate forces tracked Opothleyahola, and on November 19<sup>th</sup>, the first battle of the Civil War commenced in the Indian territory. An intense day of skirmishes between Opothleyahola's rearguard and the Confederate allied troops saw natives fight natives, leaving several dead on both sides. Opothleyahola's rearguard

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<sup>58</sup> D.N. McIntosh to Col. Drew, September 11, 1861, Folder 278, John Drew Manuscript Collection, Gilcrease Institute of American History and Art, Tulsa, OK; Charles Bahos, "On Opothleyahola's Trail: Locating the Battle of Round Mountains," *Chronicles of Oklahoma*, vol. 63 no. 1 (1985), 60-61.

<sup>59</sup> Mary Jane Warde, *George Washington Greyson and the Creek Nation 1843-1920* (Norman: University of Oklahoma Press, 1999), 60.

<sup>60</sup> McLouglin, *After the Trail of Tears*, 193.

<sup>61</sup> D.N. McIntosh to Col. Cooper, October 27, 1861 John Drew Manuscript Collection, Gilcrease Institute of American History and Art, Tulsa, OK; Corie Delashaw, "Cooper, Douglas Hancock," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed October 22, 2023, <https://www.okhistory.org/publications/enc/entry?entry=CO051>; George L. Griscom, *Fighting with Ross' Texas Cavalry Brigade, C.S.A.: The Diary of George L. Griscom, Adjutant, 9<sup>th</sup> Texas Cavalry Regiment*, ed. Homer L. Kerr (Hillsboro, TX: Hill Jr. College Press, 1976), 3-4.

accomplished their task, and by the next morning, the Confederates were left only capturing abandoned supplies as they entered Opothleyahola's empty camp.<sup>62</sup>

The Battle of Round Mountain, as the skirmish of November 19<sup>th</sup>, 1861, is now named, set off a chain of events that would leave Native Americans in Indian Territory in devastation. After two more bloody battles between Opothleyahola's people and the Confederate-allied native forces in December, Opothleyahola was able to move his followers to Kansas and to safety. Southern allied Native forces were able to maintain their control through the early months of 1863, but the defeat of a large Confederate Force at Pea Ridge, Arkansas, in March left Indian Territory open for an invasion. The March invasion of Indian Territory was led by Colonel William Weer, who met little opposition as he quickly pushed one hundred miles from Southeast Kansas to Fort Gibson, freeing Tahlequah, the Cherokee Capitol, on his way. Upon reaching Tahlequah, Weer was welcomed by Chief John Ross, who claimed Weer to be a liberator. A rumored counterattack by Confederate forces forced Weer to withdraw, taking Ross and approximately 2,000 followers with them. A second Union invasion began in April, and by July, Union Forces forced Confederates to take the field at Honey Springs, deciding the fate of Indian Territory for the duration of the Civil War. The Union's resounding victory at Honey Spring, followed by another victory at Perryville in August and the taking of Fort Smith on the first of September, left Indian Territory in Union hands and forced Confederate-allied Natives to seek refuge in camps along the Red River.<sup>63</sup>

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<sup>62</sup> Griscom, *Fighting with Ross*, 5-6; Douglas H. Cooper, "Report of Col. Douglas H. Cooper, First Choctaw and Chickasaw Regiment, commanding Indian Department, of operations November 19, 1861-January 4, 1862," in *The War of the Rebellion: A Compilation of the official Records of the Union and Confederate Armies. Published under the Direction of the Secretary of War, series I, volume viii* (Washington: Government Printing Office, 1902), 5-14.

<sup>63</sup> Baird and Goble, *Oklahoma: A History*, 108-112.

Following the string of victories, supporters of Ross and Opothleyahola returned to Indian Territory, but guerilla actions by Confederate forces kept many from returning to their homes, preferring the safety of Forts Smith and Gibson. Stand Watie was promoted to the rank of General by the Confederacy for his great success in his raiding actions. Watie's First Indian Brigade was able to capture the steamer *J.R. Williams* as well as three hundred Union wagons at Cabin Creek. The Second Indian Brigade saw success with the Confederate victory of Poison Springs, Arkansas. The First and Second Creek Regiments took part in the massacre of one hundred African-American Union troops at Flat Rock Creek. Each of these successful Confederate operations made little difference in the outcome of the Civil War, which saw nearly 8,000 tribal members take up arms on one side or the other and a civilian population pay a heavy price for the Five Tribes' participation in the war amongst the states. Confederate allies or those loyal to the federal government spent anywhere from two to four years as refugees in either Kansas or along the Red River. Researchers have estimated that most of the approximately ten thousand deaths that occurred amongst the Five Tribes during the American Civil War took place at the refugee camps. Economic devastation struck the Five Tribes, with both armies leaving a path of destruction with homes, farms, and plantations burned, crops confiscated, and hundreds of thousands of livestock and horses driven off.<sup>64</sup> Death and economic destruction pushed the Five Tribes to their lowest point since removal, but the most significant impact on the future of Indian Territory was leaving the Five Tribes in the place of a conquered foe for aligning with the Confederate States of America. This position allowed the United States to reset Indian Territory

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<sup>64</sup> The son of William McIntosh a United states Commissary agent and Creek Scott Waldo McIntosh described the Creek Nation as in a "pitiable condition" with destruction of anything valuable by both posing armies. Scott Waldo McIntosh, Interview July 12, 1937, Interview ID 6659, Archival Order 58:368-389, 380, Works Progress Administration Indian Pioneer Oral History Project, Western History Collections, University of Oklahoma Libraries, Norman, OK; Gibson, *Oklahoma* 122-127; Warde, *When the Wolf Came*, 263.

through the negotiation of new treaties, moving the Five Tribes from their Southern foundation to create an opportunity for a new beginning to redefine Indian Territory, forcing each tribe to incorporate their enslaved populations into tribal citizenry.

The summer of 1865, delegates of the Five Tribes, as well as the Caddos, Comanches, Osages, Quapaws, Seneccas, Shawnees, Wichitas, and Wyandots, were summoned to a delegation from the United States to council at Fort Smith to discuss the consequences of aligning with the Confederacy. From the federal government's viewpoint, the Five Tribes had invalidated their treaties, forfeiting all rights and protections granted by the United States.<sup>65</sup> The United States delegation placed the following conditions upon the Native nations to resume relations: (1) each nation must enter a state of permanent peace with each other and the United States; (2) each nation must agree to the abolition of slavery and incorporation of their freedmen as full citizens of their tribes; (3) each nation will surrender a portion of their lands which will be used to for the removal of tribes that currently exist outside of Indian Territory.<sup>66</sup> After listing federal government demands of the Five Tribes, the council negotiated a peace treaty that restored the tribal allegiance to the United States, absolved the Confederate treaties, and set a date to reconvene in one year in Washington to formally sign the reparations treaties.<sup>67</sup>

In 1866, the Five Tribes delegates submitted to the Reconstruction treaties in Washington. The Choctaws and Chickasaws cosigned a joint treaty while the other nations of the

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<sup>65</sup> Charles E. Mix, "Official report of the proceedings of the council with the Indians of the west and southwest, held at Fort Smith, Arkansas, in September, 1865," in *Report of the Commissioner of Indian Affairs for the Year 1865* (Washington: Government Printing Office, 1865), 312-353.

<sup>66</sup> Charles J. Kappler, *Indian Affairs: Laws and Treaties Vol. II Treaties*, (Washington: Government Printing Office, 1904), 911, 918, 931, 1050-1051.

<sup>67</sup> Mix, "Official report of the proceedings of the council with the Indians of the west and southwest," 353.



Five Tribes negotiated their own. Each treaty was similar and followed the demands laid out the previous year. Each tribe would end the institution of slavery, grant tribal citizenship to their former slaves and freedmen, cede millions of acres, grant railroad rights, and participate in the creation of a unified government for Indian Territory.<sup>68</sup> Through this process, millions of acres were surrendered, and the life the Five Tribes were accustomed to since their removal to Indian Territory was irrevocably changed forever. The American Civil War continued the significant reduction of the Five Tribes, which had declined since the days of removal. At the same time, the number of whites and blacks increased significantly in the years following the Civil War.<sup>69</sup>

For blacks in Indian Territory, life too was changing, although the degree of acceptance by each of the Five Tribes directly correlates to the severity of the slave and black codes the tribes reached before the Civil War. The Seminole, who were known for their level of equality between their freedmen and enslaved blacks and the indigenous members of the tribe, were the only nation among the Five Tribes that allowed black Seminoles to have full personal and political rights free from identity issues as citizens. The Creek and Cherokee quickly adopted their black populations, but the rights of freedmen in those two nations were limited. The Creek gave their freedmen full citizen rights but resettled them in separate towns as per the Creek custom before the Civil War.<sup>70</sup> The Creek also attempted to limit the overall number of black Creek citizens by adding a proviso to their treaty with the federal government. Only freedmen

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<sup>68</sup> Gibson, *Oklahoma*, 128-129; Baird and Goble, *Oklahoma: A History*, 113-115.

<sup>69</sup> Doran, "Population and Statistics," 498, 501.

<sup>70</sup> John B. Sanborn, "Headquarters Commissioner for Regulation Relations between Freedmen in the Indian territory and their Former Masters, Fort Smith, Arkansas, January 5, 1866," in *Report of the Commissioner of Indian Affairs for the Year 1866*, (Washington: Government Printing Office, 1866), 283-285. Littlefield, *Africans and Seminoles*, 203. Gary Zellar, *African Creeks: Estelveste and the Creek Nation*, (Norman, University of Oklahoma Press, 2007. 212-213.

living in the Creek Nation within a year of the ratification of the treaty were granted citizenship. Those who resided outside the nation at the deadline were denied citizenship and could face removal by Creek authorities upon their return.<sup>71</sup> However, for black Creeks residing on tribal land, citizenship was not their only benefit; citizenship also allowed for franchisement, which ultimately gave black creeks a seat at the Creek National Council. Allowing the black towns representation in the Creek National Council led to political strife as another constituency's voice was being heard. This left the Creek in a period of unease following the Reconstruction treaties.<sup>72</sup> The Cherokee, like the Creek, attempted to limit their black population and stipulated that Cherokee freedmen had six months from the signing of the Cherokee Reconstruction treaty to return to the land to receive their status as citizens of the tribe. Not knowing the stipulations of the treaty, many of the Cherokee freedmen failed to return and were excluded.<sup>73</sup> The Cherokee also restricted black Cherokees from the nation's federal annuity payments for land ceded to the United States and established a fear amongst freedmen that any improvements made upon their land would be confiscated by the tribe.<sup>74</sup>

The Choctaws, Chickasaws, and Cherokee, being the most historically restrictive to their slaves, fiercely resisted the adoption of the black populations living in their communities. The Choctaws only officially adopted black Choctaws in 1885, while the Chickasaws never did. The Chickasaws and Choctaw curtailed the rights of their freedmen, only allowing black members of

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<sup>71</sup> Kappler, *Indian Affairs*: 931; Murray R. Wickett, *Contested Territory: Whites, Native Americans and African Americans in Oklahoma, 1865-1907* (Baton Rouge: Louisiana State University Press, 2000), 9.

<sup>72</sup> Gibson, *Oklahoma*, 135-137. Baird and Goble, *Oklahoma: A History*, 113.

<sup>73</sup> Hanna R. Warren, "Reconstruction in the Cherokee Nation," *Chronicles of Oklahoma*, vol. 45 no. 2 (1967), 183, 185.

<sup>74</sup> Wickett, *Contested Territory*, 10.

their tribe to occupy and improve meager forty-acre plots of land.<sup>75</sup> The various degrees of acceptance and protection of rights by tribal freedmen varied at extremes, with the Seminole offering similar living conditions on one end while the Choctaws and Chickasaws pushed for restrictions that would mirror the Jim Crow legislation of the South a generation later.

Progress for the freedmen in Indian Territory was limited. In 1869, the Superintendent of Indian Affairs for the Southern Superintendency gave only the Seminole high praise for the integration of their freedmen as the Seminole accepted “fully the results of the war, and granting of the freeman unconditional citizenship, the Seminoles are living in a state of more perfect peace than any other tribe within” Indian Territory.<sup>76</sup> One of the main concerns and primary causation of the black restrictions seen in the Choctaw and Chickasaw Nations was laid out in a joint address by Choctaw Principal Chief Peter P. Pitchlynn and Chickasaw Governor Winchester Colbert in August of 1873. Both leaders gave voice to the concern that extensive freedom and opportunities for freedmen would create a beacon for African Americans to follow to Indian Territory. The federal government at this time was placing pressure on the Five Tribes regarding western land claims, specifically for the Choctaw and Chickasaw, their “Leased District,” and their freedmen, which the two leaders quantified as “the negro question.”<sup>77</sup> The Leased District was initially granted to the Choctaws in 1820 but was leased back to the United States for \$800,000 as a home for various Native nations in the Treaty of 1855.<sup>78</sup> The United

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<sup>75</sup> Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970* (Norman: University of Oklahoma Press, 2007), 143.

<sup>76</sup> L.N. Robinson, “Office Superintendent Indian Affairs, Southern Superintendency, August 1, 1869,” in *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869* (Washington: Government Printing Office 1870), 400.

<sup>77</sup> “An Address of P.P. Pitchlynn and Winchester Colbert, August 27, 1873,” Pitchlynn Papers, 2.

<sup>78</sup> Jon D. May, “Leased District,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed, December 01, 2023, <https://www.okhistory.org/publications/enc/entry?entry=LE002>.

States commissioners in Washington had given the Choctaw and Chickasaw two options. The first was to incorporate the tribes' freedmen into the tribe, bestow 160 acres of land to each freedman as well as an equal interest in national funds, and guarantee all rights, privileges, and immunities enjoyed by Choctaw and Chickasaw citizens and the tribe would be paid \$300,000 for the Leased District. Through negotiations, tribal representatives were able to reduce the land quantity to 40 acres and restrict access to tribal funds and the nation's public domain. The second was to allocate the Leased District for freedmen and utilize the \$300,000 to help blacks emigrate to a new colony in Indian Territory.<sup>79</sup>

For Pitchlynn and Colbert, only one of the two options was tolerable for their people. One would secure \$300,000 in funding for their tribe in a period of rebuilding following the devastation of the American Civil War while restricting or possibly entirely stopping the creation of colonization of African Americans in the immediate vicinity of the Choctaw and Chickasaw nations. While forbidding tribal membership of the freedmen would remove "the negro question" from the tribes, it would allow for mass African American migration into Indian Territory. A distinct fear that Pitchlynn Colbert laid out to fellow citizens in their address.

If so, being the first colony of the kind in the United States, it will be regarded with particular interest and will be sustained and fostered by the government, and the friends of the negro, now so numerous and powerful. Thousands of other negroes will flock there, so that it will probably assume formidable dimensions in a few years. More lands and other advantages may be required for them; and you can judge for yourselves what will result with reference to our welfare and interests. To say the least, they will be anything but desirable neighbors as a separate community... established as a separate colony, they may do us and our brethren of the other adjacent tribes irreparable injury.<sup>80</sup>

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<sup>79</sup> "An Address of P.P. Pitchlynn and Winchester Colbert, August 27, 1873," Pitchlynn Papers, 7.

<sup>80</sup> "An Address of P.P. Pitchlynn and Winchester Colbert, August 27, 1873," Pitchlynn Papers, 9.

The only logical option in the minds of Pitchlynn and Colbert was to accept freedmen as citizens of the tribes. To sell this point, they argued that freedmen would be invaluable to the tribes as sources of labor, which would provide real value for years to come. Furthermore, Pitchlynn and Colbert did not see the Freedmen as a direct threat to the tribal hierarchy as the Choctaw and Chickasaw indigenous populations outnumbered ten to one, asking the rhetorical question, “can they do us any harm?”<sup>81</sup>

The granting of citizenship did not constitute equality within the Five Tribes. The freedmen, outside of the Seminole, faced various conditions of receiving their full rights and, at times, outright violence by those who blamed the freedmen for the changing circumstances following the American Civil War in Indian Territory. General John Sanborn, who ran the Freedman’s Bureau operation in Indian Territory, remarked in a letter to the Secretary of the Interior James Harlan describing how one freeman was killed by their former master without repercussion by the tribal government and the feeling of helplessness was in the air as “many negroes have been shot down by their masters in this nation, and the government has taken no steps to punish the guilty.”<sup>82</sup> Sanborn called for a proper military force to be stationed at Forts Arbuckle, Lawson, and the Washita to protect the Chickasaw Freedmen, but protection was not forthcoming from the federal government as Chickasaw Freedmen lived a life of strife without protection and rights for decades.

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<sup>81</sup> “An Address of P.P. Pitchlynn and Winchester Colbert, August 27, 1873,” Pitchlynn Papers, 10.

<sup>82</sup> John B. Sanborn, “Headquarters Commissioner for Regulation Relations between Freedmen in the Indian territory and their Former Masters,” 285.

For the Chickasaw Freedmen who lived without civil rights or the protection of due process of the law in either the United States or the Chickasaw Nation, this period of terror would not end during the 19<sup>th</sup> century.<sup>83</sup> In 1887, U.S. Indian Agent Robert L. Owen remarked about the horrific conditions the Chickasaw freedmen found themselves in being landless in the large Chickasaw nation without rights or citizenship.<sup>84</sup> Owen's assessment was mirrored by Agent Leo E. Bennett three years later in the 1890 report, which showed that conditions had not improved for the Chickasaw Freedmen. Bennet urged the United States to take action for the "pitiable ignorance of these people and the distressing abasement of their rights, and it is a responsibility which the government can not shirk."<sup>85</sup> Despite the lack of action by the federal government and the appalling conditions Chickasaw freedmen faced, some black Chickasaws were able to seize their limited opportunities, and this success can serve as a baseline of the opportunities freedmen had in Indian Territory.

Freedmen of the Seminole, Creek, Cherokee, and Choctaw faced diverse conditions as they sought out opportunities to improve their quality of life. Each of the Five Nations had different interpretations of the adoption of Freedmen's level of citizenship and the rights of those formerly enslaved. The gambit of opportunities ran from the Seminole freedmen who lived a life of greater benevolence as they did before the Civil War, while Choctaw freedmen had little

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<sup>83</sup> Daniel F. Littlefield Jr., *The Chickasaw Freedmen: A People without a Country* (Westport: Greenwood Press, 1980), i-ix.

<sup>84</sup> Robert L. Owen, "Union Indian Agency, Muscogee, Ind. T., September 1, 1887," in *Report of the Secretary of the Interior for the Fiscal Year Ending June 30, 1887 Vol. II*, (Washington: Government Printing Office, 1887), 196.

<sup>85</sup> Leo E. Bennett, "Report of Union Agency, Muscogee, Ind. T. September 10, 1890 in *Fifty-Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1890* (Washington: Government Printing Office, 1890), 101.

better conditions than seen by the ill-treatment Chickasaw.<sup>86</sup> Still, all freedmen in Indian Territory outside of those residing in the Chickasaw nation received citizenship status into the tribal nations and had greater rights than before the Civil War, leading to opportunities for individual success. By 1875, two freedmen towns had six representatives in the Seminole National Council, and as all boats rise by the tide, as the Seminole prospered, so did their freedmen.

In 1867, a two-year debate commenced over the distribution of Creek Nation funds to their freedmen. Opposition to these payments was led by Southern Creek chief Samuel Checote, and despite his efforts in the Creek National Council in 1869, freedmen were allowed payment.<sup>87</sup> Cherokee Freedmen faced additional barriers to opportunities than those in the Seminole and Creek Nation, but some success was attained. Joseph Brown, a Cherokee freedman, was elected to the National Council in 1875. Cherokee freedmen had the best opportunity to attain some education as they operated seven freedmen schools by the 1870s.<sup>88</sup> Like the Creek Freedmen, those in the Cherokee Nation also struggled in the distribution of tribal funds when the Cherokee government sold land to the federal government for \$300,000 in 1883. Five years later, through an appeal to President Grover Cleveland and the Office of Indian Affairs, Congress allocated \$75,000, which the federal government charged the Cherokee Nation to pay as the freedmen's share of the land sale.<sup>89</sup> The Seminole, Creek, and Cherokee freedmen experience went from

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<sup>86</sup> Linda W. Reese, "We Had a Lot of Trouble Getting Things Settled after the War: The Freedpeople's Civil Wars," 132-152 in *The Civil War and Reconstruction in Indian Territory* ed. Bradley R. Clampitt (Lincoln, University of Nebraska Press, 2015), 138-139.

<sup>87</sup> Gary Zeller, *African Creeks*, 100.

<sup>88</sup> Linda W. Reese, "Freedmen," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed December 02, 2023, <https://www.okhistory.org/publications/enc/entry?entry=FR016>.

<sup>89</sup> Reese, "We Had a Lot of Trouble Getting Things Settled after the War," 140.

acceptance by the Seminole to the more restrained by the Creek and Cherokee, but all three nations saw an increased acceptance of the freedmen living in their nations during the post-Civil War decades.

The Choctaw, like their Chickasaw brethren, also resisted the incorporation of the freedmen into the Choctaw Nation—both the Chickasaw and Choctaw established laws or black codes to restrict freedmen's opportunities in their Nations. In 1885, the Choctaw outlawed intermarriage with blacks, making interracial marriage a felony crime.<sup>90</sup> Unlike the Chickasaw, the Choctaw followed the advice laid out in the Choctaw Chief P.P. Pitchlynn Chickasaw Governor Winchester Colbert address in 1873 to adopt their freedmen. Adoption by the Choctaw did not take place until 1883, and only after the Freedmen's Oklahoma Association J. Milton Turner started a national call in 1881 for freedmen to move to the Leased District and receive 160-acre homesteads. Milton's call saw the American Congress receive a large number of petitions to gain access to the Lease District lands.<sup>91</sup> The federal government's official position stated that no lands in the Indian Territory were open to any settlement outside of those freedmen who were living in the Indian Territory during the Reconstruction Treaties of 1866.<sup>92</sup> This was further solidified by Fort Smith District Court and Federal Judge Isaac C. Parker's decision in *United States v. Payne* in 1881, which stated that “colored persons who were never held as slaves in the Indian country, but who may have been slaves elsewhere, are like other citizens of the

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<sup>90</sup> Bill No 52, Box 17, Acts, Bills, and Resolutions of the Choctaw Nation, Choctaw Nation Manuscript Collection, Choctaw Nation Papers 1868-1936, Western History Collections, University of Oklahoma Libraries, Norman, OK; Littlefield, *The Chickasaw Freedmen*, 92, 208; Grinde, Donald A., and Quintard Taylor. “Red vs Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907.” *American Indian Quarterly* 8, no. 3 (1984): 217; Reese, *We Had a Lot of Trouble Getting Things Settled after the War*, 146.

<sup>91</sup> “Oklahoma: The Colored People,” *Chicago Daily Tribune* (Chicago, Illinois), April 19, 1881.

<sup>92</sup> Berlin B. Chapman, “Freedmen and The Oklahoma Lands,” *The Southwestern Social Science Quarterly* 29, no. 2 (1948): 156-157.



United States, and have no more rights in the Indian country than other citizens of the United States.<sup>93</sup>

Despite the federal government's opposition to an African-American colony in the Leased District, the Choctaw took no chance and adopted their freedmen but restricted their rights. The Choctaw's adoption did not follow the stipulations of the Treaty of 1866; the freedmen were not granted forty acres apiece, the Choctaw only created one school for the Choctaw freeman children, and they were excluded from the Leased District payment.<sup>94</sup> If any Choctaw freedmen attempted to bring their grievances to the Dawes Commission as the federal government initiated the process for Indian Territory to become a state or states, they were threatened with death.<sup>95</sup> Despite the Choctaw's cynical reasons for finally adopting a limited form of citizenship for their freedmen, the freedmen of the Choctaw finally received citizenship status and rights on paper, if not entirely in action. Thus leaving only the Chickasaw freedmen looking out from within to receive their adoption into the Chickasaw nation, which would never take place as the Chickasaw informed the Department of the Interior that "upon any terms or conditions whatever," they would not accept the freedmen as citizens and requested the federal government to remove the freedmen from the Chickasaw Nation.<sup>96</sup> These successes and expansion of rights for the freedmen amongst the Five Tribes, albeit limited in some tribal

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<sup>93</sup> James W. Goodwin, *The Federal Reporter Vol. 8 Cases Argued and Determined in the Circuit and District courts of the United States*. August-November, 1881. Saint Paul: West Publishing company, 1881, 883.

<sup>94</sup> Kidwell, *The Choctaws in Oklahoma*, 143.

<sup>95</sup> F.J. Powickie, *Commission to the Five Civilized Tribes, Annual Reports of 1894, 1895, and 1896*, Washington: Government Printing Office, 1897), 21-32.

<sup>96</sup> Davis A. Homer, *Constitution and Laws of the Chickasaw Nation Together with the Treaties of 1832, 1833, 1834 1837, 1852, 1855, 1866* (Parsons, KS: The Foley Railway Printing Company, 1899), 171.

nations more than others across Indian Territory, served as pull factors for African Americans in the lead-up to the Oklahoma Land Run and eventual statehood.

In spite of Judge Parker's ruling, a freedman's colony in Indian Territory was still an attractive proposal for white and black leaders. African American leaders at the "Negroes of Kansas Memorialize Congress" hosted a convention in Parsons, Kansas, on April 27, 1882, to petition to establish a section of Indian Territory for the freedmen calling for a third section of land in Oklahoma territory for the occupancy of colored emigrants from the south."<sup>97</sup> In June of the same year, New Hampshire Senator Henry W. Blair introduced a bill to open public lands in Indian Territory for black settlement.<sup>98</sup> Both the bill and petition were non-starters as government officials throughout the 1880s followed through on Judge Parker's ruling and followed the letter in the law of the treaties of 1866. Any reference to freedmen in the Reconstructions Treaties was in regards to those formerly held as slaves or people of African descent residing in Indian Territory at the time the treaties were signed, not the freedmen who were previously enslaved in other Southern States.

While the government's official position was that Indian Territory was off-limits to an African-American Colony, it did not stop ranchmen from leasing the land and grazing large herds in the western half of Indian Territory. In 1883, the Cherokees contracted a five-year lease of six million acres to the Cherokee Strip Livestock Association of Caldwell, Kansas, which in turn subleased sections to seventy-two ranch outfits, creating a large influx of non-Native

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<sup>97</sup> Herbert Aptheker, *A Documentary History of the Negro people in the United States Vol. II From Reconstruction to the Founding of the N.A.A.C.P* (New York: Citadel Press, 1951), 684-685.

<sup>98</sup> *Congressional Record: Proceedings and Debates of the Forty-Seventh Congress First Session* (Washington: Government Printing Office, 1882), 4656.

ranches to Indian Territory.<sup>99</sup> Great cattle trails also crossed Indian Territory. The Shawnee, Great Western, and Chisholm trails brought millions of head of cattle from Texas to Kansas through Indian territory.<sup>100</sup> The cowboys and ranchers that utilized Indian Territory created semi-permanent infrastructure, including fences and corrals, as well as outbuildings and shelter for their ranch hands.<sup>101</sup> The success of the ranchers and cattle barons that utilized Indian Territory created an envious situation for the thousands of land-hungry farmers that had had their eyes on the Leased District and the Unassigned Lands in Indian Territory since the passage of the Homestead Act in 1860 and signing of the Reconstruction Treaties in 1866.<sup>102</sup> During the 1880s, some of these land-hungry settlers attempted to force open Indian Territory to settlement first under the leadership of David L. Payne, the “Prince of the Boomers,” and then after Payne’s untimely death in 1884, William L. Couch carried Payne’s torch in an attempt to light the way into Indian Territory.<sup>103</sup>

Payne and Couch and the thousands who bought membership shares in the Oklahoma Colony spurred Congressional members to introduce bills starting in 1885 to open up the Unassigned Lands in Indian Territory. By 1888, a concerted effort during a short December session of Congress in 1888 culminated in a Native appropriation bill passing with an amendment that allowed for an area of Indian Territory to be open for settlement. Soon after

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<sup>99</sup> William W. Savage, Jr., “Of Cattle and Corporations: The Rise, Progress and Termination of the Cherokee Strip Live Stock Association,” *Chronicles of Oklahoma*, vol. 71 no. 2 (1993): 142-143.

<sup>100</sup> Norman Arthur Graebner, “Cattle Ranching in Eastern Oklahoma,” *Chronicles of Oklahoma*, vol. 21 no. 3 (1943): 302.

<sup>101</sup> Baird and Goble, *Oklahoma: A History*, 120-121.

<sup>102</sup> Gibson, *Oklahoma*, 173-175; Baird and Goble, *Oklahoma: A History*, 141.

<sup>103</sup> Stan Hoig, “The Old Payne trail and the Boomer Colony Sites,” *Chronicles of Oklahoma*, vol. 58 no. 2, (1980): 155; Gibson, *Oklahoma*, 175; Baird and Goble, *Oklahoma: A History*, 142-143.

passage, President Benjamin Harrison issued a statement that public lands in the Oklahoma District of Indian Territory would be opened to settlers when the clock struck noon on April 22, 1889.<sup>104</sup> Tens of thousands lined up in a bid to be the first to enter the borders of the Unassigned Lands. Of these thousands, many were African Americans, some from Kansas who answered the call from Topeka's *American Citizen*, a leading African American newspaper in the state. In the March 1st editorial piece, the *American Citizen* urged every black who wanted their slice of 160 acres to prepare and be ready.<sup>105</sup> The tremendous response to the April 22<sup>nd</sup> inaugural Land Run saw additional reservations opened to settlement, and black leaders, especially those in Kansas, attempted not to let the opportunity for large-scale settlement of African Americans pass as they envisioned making the territory into a black state. In July of 1889, W. L. Eagleson, founder of the Oklahoma Immigration Organization, gave a speech in Topeka to encourage Southern blacks to leave the restrictions of the old Southern states and head to the new territory which would see them "free" and respected." Eagleson laid out a vision that would see those willing to head to the new Oklahoma Territory would be giving not only themselves but their children new chances not to be "molested" able to "think and vote" as they pleased and create new economic opportunities.<sup>106</sup>

Eagleson was not alone in promoting black settlement in Oklahoma. S.H. Scott, a lawyer from Fort Smith, Arkansas, organized a colony group of blacks from Arkansas for the April 22<sup>nd</sup>

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<sup>104</sup> Hamilton S. Wicks, "The Opening of Oklahoma," *Chronicles of Oklahoma*, Vol. 4 no. 2 (1926): 130. 129-142.

<sup>105</sup> *The American Citizen*, March 1, 1888.

<sup>106</sup> "Negroes for Oklahoma," newspaper clipping, Topeka, July 7, 1889, in Fred S. Barde Collection, Oklahoma Historical Society, Oklahoma City, OK. From this point on cited as the Barde Collection. Part of the Barde collection consists of newspaper clippings covering African American immigration to Oklahoma most are from St. Louis newspapers unfortunately some are not identifiable.

run.<sup>107</sup> A separate Kansas group from Eagleson, the First Colored Real Estate Homestead and Emigration Association of Kansas, headed by D.B. Garrett and John Young, led another group into Oklahoma with the watchword “on to Oklahoma,” calling the territory the “Promised Land.”<sup>108</sup> Eagleson’s dream of creating an environment where blacks would be on equal footing was shaping up as African Americans flocked to the new land. The success of such groups helped word spread throughout the South that the new Oklahoma District was a land of opportunity, and black growth led to the creation of seven black settlements by February 1890. Eagleson kept urging migration in a piece picked up by the *New York Times* towards the end of February 1890, Eagleson laid out his manifesto for the Oklahoma District, “We are determined to take it and make it one of the grandest states in the union.”<sup>109</sup> Such rhetoric struck fear for white settlers, the Five Tribes, and the Freedmen who had resided in Indian Territory.

Animosity amongst African Americans and Indian Africans emerged during the Antebellum period and only grew as noncitizen intruders entered Indian Territory before and after the Land Run due to the cultural gap between Indian Africans and African Americans.<sup>110</sup> Henry Clay’s movement as an enslaved person from Louisiana to the Creek Nation demonstrates such a cultural gap from an individual perspective. The cultural divide was significant enough that after emancipation, Clay preferred the company of “white folks” over the Creek freedmen as Clay explained, “In fact I was afraid of these Creeks and always got off the road when I seen

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<sup>107</sup> "Negro Going to Oklahoma," Fort Smith, April 12, 1889, in Barde Collection.

<sup>108</sup> “Oklahoma – The Promised Land,” *The American Citizen* (Topeka, Kansas), May 3, 1889.

<sup>109</sup> “To Make a Negro State: Western Black Men Organizing in Oklahoma,” *New York Times* (New York, New York), February 28, 1890.

<sup>110</sup> Grinde, Donald A. Grinde and Quintard Taylor, “Red vs Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907” *American Indian Quarterly* 8, no. 3 (1984): 214.

Creek negroes coming along. They would have red strings tied on their hats or something wild looking.”<sup>111</sup> For Black members of the Five Tribes, there was a real fear of not being identified as a tribal member and being co-opted into the African-American community.<sup>112</sup> In an interview conducted by Sigmund Sameth of a Creek freedman, for his thesis for the Department of Anthropology and Sociology at the University of Oklahoma. The Creek freedman labeled IS blamed Southern African Americans for the racial issues African Creeks faced.

State people... ruined the country and made a lot of natives leave for the North. Natives won't go to the back door if they have to see a White man. They won't go at all rather than that. If the Southern Negro didn't Uncle Tom so much, they never would have drawn the line between the races. The Native children are better than the Watchina (Southern Black) children and know it even if they go to school together.<sup>113</sup>

Sameth's interviewee lays bare his tribal identity, referencing himself as being native and the Watchinas as the people who have upset the status quo in the relationship between indigenous Creeks and those of African descent.

The status quo, particularly for the Seminole and Creek freedmen, allowed for more easily obtained economic and educational opportunities than the Cherokee, Choctaw, and Chickasaw. The Seminole had an even split in schools, with two schools for their indigenous populations and two for Seminole blacks. The Creek established three boarding schools, one for each of their indigenous males and females and a separate school for their freedmen.<sup>114</sup> The

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<sup>111</sup> Baker and Baker *The WPA Oklahoma Slave Narratives*, 84.

<sup>112</sup> Gary Zellar, *African Creeks: Estelveste and the Creek Nation* (Norman: University of Oklahoma Press, 2007), 168.

<sup>113</sup> Sigmund Sameth, "Creek Negroes: A Study in Race Relations," Master's Thesis, (University of Oklahoma, 1940), 54. accessed December 05, 2023, <https://shareok.org/handle/11244/336470>.

<sup>114</sup> J.D. Lang and F.H. Smith "Indian Territory" in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for 1874*, (Washington: Government Printing Office, 1874), 69; Debo, *The Road to Disappearance*, 26.

prosperity of the Creek and Seminole lured blacks from the other Five Tribes onto their lands.<sup>115</sup> While there was some apprehension in the growing number of black emigrants from adjoining tribal nations, for example, Creek families faced hardships convincing the Citizenship Committee that those with family ties in other Native nations should be allowed a claim to Creek citizenship.<sup>116</sup> However, it was not until the large influx of whites and black southerners in the lead-up to and at the start of the Land Run era that whites increased their percentage of the Indian Territory population from 3% to 61%, an additional twelve thousand black individuals entered the territory and native overall percentage numbers dropped from 87% to 28% while the areas overall population grew over 100,000 people from 1870 to 1890.<sup>117</sup> The changing demographics of the state saw the status quo shift from a Native-dominated perspective in creating racial relationships to reflect white Southern attitudes, which made action imperative for black leaders who envisioned a new state where blacks would finally have the opportunities to be free and fully enjoy their status as citizens.

One such leader was Edwin P. McCabe, whom historians Daniel F. Littlefield Jr. and Lonnie E. Underhill described as the “prime mover” of black colonization of Oklahoma Territory.<sup>118</sup> After Judge Parker’s *Payne* decision and the failure of the Senate to push through legislation that would designate a section of Indian Territory as a freedmen colony, McCabe and

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<sup>115</sup> Debo, *Road to Disappearance*, 196,221, 281; Zellar, *African Creeks*, 166-167; Chapman, “Freedmen and The Oklahoma Lands,” 153-155.

<sup>116</sup> Zellar, *African Creeks* 167.

<sup>117</sup> U.S. Bureau of the Census, *Compendium of the Ninth Census of the United States, 1870* (Washington: Government Printing Office, 1872), 20-21. U.S. Bureau of the Census, *Extra Census Bulletin: The Five Civilized Tribes* (Washington: Government Printing Office, 1894), 4.

<sup>118</sup> Daniel F. Littlefield Jr., and Lonnie E. Underhill. “Black Dreams and ‘Free’ Homes: The Oklahoma Territory, 1891-1894.” *Phylon* 34, no. 4 (1973): 344.

other black leaders moved on from their idea of establishing a black state to one where mass migration of blacks to the Territory would either allow blacks to wield considerable political power through majorities or whites would avoid the area due to the influx of African Americans. Local and national newspapers painted a picture of large numbers of African Americans either settling into Oklahoma Territory or on their way.<sup>119</sup> On April 24<sup>th</sup> and again on August 28<sup>th</sup>, the *Indian Chieftain*, one of the most influential newspapers of the Cherokee Nation, reported that 10,000 Southern blacks were leaving Alabama for Oklahoma, 1,700 had already departed from Atlanta, and 300 African Americans from Mississippi were going to Oklahoma as a fact-finding mission to report on Oklahoma's conditions for immigration.<sup>120</sup> In 1891, a *New York Times* representative was sent to the territory to answer the nation's pressing questions "is Oklahoma really overrun with negroes, and has there been an influx of pauper negroes from the South?" The paper found that while those who were in opposition to black immigration to the state argued that there were "not fifty in the city." Those in favor of the black movement to Oklahoma insisted that there were "two thousand" in and around the capital of Guthrie. The *Times* representative, upon inspection, found "many black faces, and an examination of many of the little houses in the suburbs showed a number of colored families comfortably situated."<sup>121</sup> The representative went on to inspect the McCabe-inspired black community of Langston to answer the paper's second inquiry about poor blacks blanketing the territory. What was found was a small but growing community with 200 members, of which some were carpenters, masons,

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<sup>119</sup> Teall, *Black History in Oklahoma: A Resource Book*, 150-166.

<sup>120</sup> *Indian Chieftain* (Vinita, Indian Territory), April 24, 1890, *Indian Chieftain*, (Vinita, Indian Territory), August 28, 1890.

<sup>121</sup> "The Blacks In Oklahoma: Flocking to the Territory In Large Numbers," *New York Times* (New York, New York), April 9, 1891.



mechanics, a preacher, teacher, and a doctor. When asked what the mission of such a community was, the reply stated that “when these lands are opened, Langston will be the supply depot for all the black race, and there will be repeated the experiment, already a success, that was made in the black-jack country in the northwest part of the territory, but under much more favorable circumstances...”<sup>122</sup> In the same month as the *Times* piece appeared, a promotional flyer, “College Heights Addition, Langston City,” was created by James L. Stevens of Guthrie. Stevens’s flyer outlined the benefits Southern blacks would receive from buying a lot in the College Heights Addition, Langston City. Stevens explained his belief that the “land was secured by the United States in 1866 for the colored people of the South,” by buying a lot, they would be in a prime position to get a good farm when additional land was opened.<sup>123</sup> Stevens then attacked the white naysayers who spoke of black poverty and starvation in Oklahoma Territory. Steven admitted that those who came with nothing did suffer, but then Stevens asked his black audience a series of questions to show where the actual suffering would happen.

What will you be if you stay in the South? Slaves liable to be killed at anytime, and never treated right, but if you come to Oklahoma you have equal chances with the white man, free and independent. Why do the southern whites always run down Oklahoma and try to keep the negroes from coming here? Because they want to keep them there and live off their labor. White people are coming here every day.<sup>124</sup>

For men like Stevens and McCabe, Oklahoma was seen as the blacks' last chance for the American dream that was promised in the Homestead Act. A dream that thousands of Whites

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<sup>122</sup> “The Blacks In Oklahoma: Flocking to the Territory In Large Numbers,” *New York Times* (New York, New York), April 9, 1891.

<sup>123</sup> James L. Stevens, *College Heights Addition, Langston City, Oklahoma Territory, April 21, A.D. 1891* (Guthrie: State Capital Printing Company, 1891).

<sup>124</sup> James L. Stevens, *College Heights Addition, Langston City, Oklahoma Territory, April 21, A.D. 1891* (Guthrie: State Capital Printing Company, 1891).

were pursuing across the West. Stevens' promotional material served as a rallying cry to make Langston and the College Heights Addition the jumping-off point for blacks to take the country.

Through Stevens and McCabe's efforts, Southern blacks who made their way to Langston were well positioned to take advantage of the September 22<sup>nd</sup>, 1891 land runs that took place on the Fox, Iowa, and Shawnee-Potawatomi lands. These efforts did not pass notice by the white community in Norman, whose *Norman Transcript* reported that the 850 agents of Langston spread the message to Southern blacks hoping to get 15,000 African Americans to make their way to Oklahoma Territory by September 10<sup>th</sup> to "secure homes in the new lands."<sup>125</sup> The *New York Times*, which had been covering black migration to Oklahoma Territory, described that nearly 10,000 African Americans on the borders of the reservation were ready to make a claim for homesteads.<sup>126</sup> The *Times* reported that "the negroes who will settle principally in the northern part of the lands are preparing to defend their rights as they term it, and act ugly when talking of the threatened opposition."<sup>127</sup> The *Times* covered white opposition to black settlement as well as the determined effort by Southern blacks to take part in the run. Over 1,500 men and women gathered at Langston, and despite being warned away by whites in which some left, "many just as determined to settle on the wild lands." Four miles south of Langston, a violent altercation took place between two African American males and "some cowboys," leaving the blacks "desperately wounded" when the 12 o'clock signal was given to start the run. McCabe, who traveled to see how his people were getting along, was forced to flee for his life

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<sup>125</sup> "Colored Homeseekers," *Norman Transcript* (Norman, Oklahoma), August 29, 1891.

<sup>126</sup> "The New Oklahoma Lands. Negroes in Great Excitement- Difficulties for the Settlers," *New York Times*, September 20, 1891.

<sup>127</sup> "The Rush to Oklahoma," *New York Times* (New York, New York), September 21, 1891.

when a group of three white men ordered him away, firing five or six shots at him with their six-shooters.<sup>128</sup> In spite of the violent episodes and hostilities, the *Langston City Herald* reported that nearly 1,000 black families had secured a settlement in the run.<sup>129</sup> While these 1,000 families fell short of the 15,000 McCabe had initially requested and hoped to have in the September 22<sup>nd</sup> Land Run, it was a start and a good foundation to help build the black communities that would attempt to hold the line of equality in the new territory.

Subsequent Land Runs helped establish Southern blacks permanently in Oklahoma Territory, and like any new territory or outpost in unsettled land, the early years were generally the hardest. Many blacks, as well as whites, lived in poverty and suffered.<sup>130</sup> However, over time, hard work, perseverance, and a bit of luck converted the wilderness of central and western Oklahoma and turned the land into a rich, thriving agricultural region. Within three years of the Land Runs, African-American farmers in the Oklahoma District were able to raise 1,000 bales of cotton, worth approximately \$30,000 at the time.<sup>131</sup> Although the Oklahoma District started to see some economic success and Langston briefly became the largest all-black city not only in the Oklahoma District but in America, McCabe's plan to establish a territory or state where Southern blacks could dictate the political policy of the area fell short by the mid-1890s.<sup>132</sup> While

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<sup>128</sup> "The New Lands Occupied," *New York Times* (New York, New York), September, 23, 1891.

<sup>129</sup> "Home, Sweet Home.: A Home for you and your Children," *Langston City Herald* (Langston, Oklahoma Territory), November 17, 1892.

<sup>130</sup> "Territory News," *Muskogee Phoenix* (Muskogee, Indian Territory), May 14 1891; "The Blacks In Oklahoma: Flocking to the Territory In Large Numbers," *New York Times* (New York, New York), April 9, 1891; Baird and Goble *Oklahoma: A History*, 148; Gibson, *Oklahoma*, 182.

<sup>131</sup> "Cotton Culture," *Daily Oklahoma State Capital* (Guthrie, Oklahoma Territory), January 13, 1894.

<sup>132</sup> "To Make A Negro State," *New York Times* (New York, New York), February 28, 1890; Baird and Goble, *Oklahoma: A History*, 152; Daniel F. Littlefield Jr., and Lonnie E. Underhill. "Black Dreams and 'Free' Homes," 355.

McCabe's dream of black control of government policy on a grand state-level scale did not come to fruition, a smaller-scale version of that dream was established in the more than three dozen black towns, vastly more than any other American state or territory, that were established in what eventually became the state of Oklahoma.<sup>133</sup>

Historian Norman Crocket, in his seminal work *The Black Towns*, found that most residents who helped establish and reside in the black-towns of Oklahoma were followers of Booker T. Washington's philosophy that focused on economic and moral betterment over political and social demands.<sup>134</sup> However, what African Americans found was more than just economic and moral betterment. As editor of the *Lincoln Tribune*, Ernest D. Lynwood explained that the black town of Oklahoma allowed the space and opportunities for African Americans to express freedom "as freedom was understood by them."<sup>135</sup> In the 1990s, the Oklahoma Historical Society, through their Oklahoma History Center, the primary authority on state history, attempted to provide public history context on the significance of the thirteen historic black towns still in existence in the state by erecting signs in the town centers. Visitors then could read how "African American men and women came together to live in and govern their own communities."<sup>136</sup> For many who settled in the black towns of Oklahoma, it was the first opportunity to fully enjoy and take destiny by their own hands, the local politics that controlled

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<sup>133</sup> Melissa N. Stuckey. "Boley, Indian Territory: Exercising Freedom in the All-Black Town." *The Journal of African American History* 102, no. 4 (2017): 492.

<sup>134</sup> Norman L. Crockett, *The Black Towns* (Lawrence: University Press of Kansas, 1979), 81.

<sup>135</sup> "The Negro as a Pioneer," *Lincoln Tribune* (Clearview, Indian Territory), October 29 1904.

<sup>136</sup> The Oklahoma History Center signs provides a list of historic achievements in the process of community making at a time of extreme prejudice, violence, and inequality. Quoted in Slocum, Karla Slocum, *Black Towns, Black Futures: The Enduring Allure of a Black Place in the American West* (Chapel Hill: University of North Carolina, 2019), 20-21.

their community. Unlike their African brethren living in mixed communities, those in black towns were free from white domination in the political matters of the town.<sup>137</sup>

Unfortunately for the black community of Oklahoma, white domination could be seen at the territorial government level. The First Territorial Legislature consisted of thirteen Council members and twenty-six members in the House of Representatives who were elected on August 5<sup>th</sup>, 1890. The governor of a territory was appointed by the President of the United States, who always selected a member of their political party to fill that post. During the state's first three sessions, Republicans established a slight majority in both chambers supported by a Republican-appointed governor.<sup>138</sup> One of the more contentious issues was the segregation of races in schools, where there was already a precedent set by the Five Tribes of segregating indigenous and freedmen by creating separate schools. During the First Legislature, a compromise was struck in the School Bill of 1890 that established a county option plan where the districts would meet every three years and vote on having mixed or separate schools.<sup>139</sup> The superintendent of the territory reported that by 1894, all districts had voted; in those districts where African Americans were the majority, they voted for a separate school for the minority race. Lack of funding created very brief terms for white students, and most districts failed to offer education opportunities for their black residents.<sup>140</sup> Despite the fact that black children had very few school

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<sup>137</sup> Crocket, *The Black Towns*, 91.

<sup>138</sup> Gibson, *Oklahoma*, 177-179.

<sup>139</sup> Frank A Balyeat, "Segregation in the Public Schools of Oklahoma Territory," *Chronicles of Oklahoma* vol. 39 no. 2 (1961):181-182.

<sup>140</sup> E.D. Cameron, "Second Biennial Report of the Territorial Superintendent of Public Instruction of Oklahoma for the Two Years Beginning July 1, 1892 and Ending June 30, 1894," Oklahoma, Department of Libraries. *Oklahoma Digital Prairie*, accessed December 10, 2023. <https://digitalprairie.ok.gov/digital/collection/territorial/id/1528/>.

privileges in the county option system created by the School Bill, a growing public sentiment advocated for legislation that established school segregation, which came to pass in 1897 with a Democratic territorial governor. The legal establishment of “separate but equal” schools introduced *de jure* segregation in Oklahoma and provided the state with a racial structure that reflected other Southern states. A Democratic political view that aligned with the Southern states ended the possibility of black autonomy, equality, and full citizenship rights, once dreamed of, for those who thought Oklahoma provided a new frontier for racial equality. The advocacy for tribal citizenship rights by Native freedmen, along with the work by Senator W. Blair and the Oklahoma Immigration Organization to create opportunities for black equality, saw limited success by the mid-1890s through the development of all-black towns full citizenship rights in the Seminole Nation. However, these successes proved ineffective to stop the coming of Jim Crow.

## Chapter 4

### From Land of Promise to One of Jim Crow

From statehood to the early decades of the 20<sup>th</sup> century, Oklahoma spurned the state's chance of embracing the change and idolized vision of a western state, full of opportunity for the land's population, no matter the race or creed, to a thoroughly entrenched Southern state complete with Jim Crow legislation that promoted segregated public facilities and schools, limited African American suffrage through a literacy test and grandfather clauses, promoted anti-miscegenation laws and designated racial categories for blacks and whites.

One of the more prominent historians of Oklahoma history, Danney Goble, attributed this shift to two circumstances in establishing Jim Crow laws.<sup>1</sup> The first, Southern states had already passed laws to segregate the black-and-white color line in education, public facilities, and transportation by the time Oklahoma entered statehood. The second was the influx of Southern whites who brought segregationist principles into Oklahoma at the same time that Republicans "decided to remain the party of the Union but not of Lincoln" as Republicans called for Jim Crow legislation to be included in the new Constitution.<sup>2</sup> For Goble, the Democrat sweep of winning over one hundred of the one hundred twelve delegates was a "stunning change" after Democrats' weakness and Republican domination in territorial politics.<sup>3</sup> However, what may be stunning is Goble's changing narrative of Republican domination. In 1980, Goble's analysis of territorial politics in his *Progressive Oklahoma* saw the Republicans as a "party able to win

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<sup>1</sup> "Oklahoma historian, author Danney Goble dies at 60, *Tulsa World*, (Tulsa, Oklahoma), March 09, 2007.

<sup>2</sup> Baird and Goble, *Oklahoma: A History*, 171-173.

<sup>3</sup> Baird and Goble, *Oklahoma: A History*, 172.

consistent if narrow victories in the territory” to find the Republicans “hardly dominate.”<sup>4</sup> Goble’s view of the Oklahoma Republican party changed two years later in his work with James Scales, moving towards a perspective that Republicans dominated the territory, which Goble continued to express in his 2008 undergraduate survey text of the state.<sup>5</sup> What Goble seems to discount, although he brilliantly examined the Populist and Democrat coalition in his *Progressive Oklahoma*, is the 1890 partnership between the Populist and Democrat parties that saw thin Republican majorities unable to seat legislative leaders as the Populist and Democrats coalition placed A.N. Daniels and Gorge Gardenhire as house speakers and council presidents in return for their support for creating a territorial normal school in Edmond and a university in Norman.<sup>6</sup> This partnership between Populists and Democrats proved a much greater force than Goble gives credit to in shaping territorial politics through limiting Republican control or, in some cases, creating outright mixed governments, not the Republican domination that Goble sees throughout Oklahoma’s days as a territory.<sup>7</sup>

The understanding that Republican control was tentative in Oklahoma Territory and in the eastern half of the soon-to-be state was outright non-existent in the Democrat-dominated Indian Territory is crucial in understanding the conditions for establishing a Jim Crow state.<sup>8</sup>

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<sup>4</sup> Danney Goble, *Progressive Oklahoma: The Making of a New Kind of State*, (Norman: University of Oklahoma Press, 1980), 94-95.

<sup>5</sup> James R. Scales and Danney Goble, *Oklahoma Politics: A History* (Norman: University of Oklahoma Press, 1982), 4-5.

<sup>6</sup> Danney Goble, *Progressive Oklahoma*, 27.

<sup>7</sup> R. Darcy, “Origins and Development: The Oklahoma Territorial Legislature, 1890-1905,” *Chronicles of Oklahoma*, vol 83, no. 2 (2005): 145

<sup>8</sup> Linda D. Wilson, “Statehood Movement,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 09, 2024, <https://www.okhistory.org/publications/enc/entry?entry=ST025>.



Oklahoma's segregationist policies did not just sweep in by an influx of Southerners during the Land Run or be allowed by the Republican turn to segregationist policies in the leadup to statehood. The Southern foundation had long been established in the historical precedence of the area. The Five Tribes' establishment of slavery. Tribal leadership alliance with the Confederacy in an attempt to protect their land and slave economy. The various limits placed on citizenship rights of the freedmen by the Creek, Cherokee, Choctaw, and Chickasaw all played significant parts in the conditions that saw the implementation of Jim Crow in Oklahoma's Constitution. The Jim Crow establishment was not something Oklahoma just shifted towards due to immigration from the South. The South was already in Oklahoma, and African Americans and the old Republican guard attempts to usher in a new frontier of racial equality could do little to stem the tide, but they could keep it at bay during the territorial days. However, the combination of the Twin Territories of Oklahoma coupled with a shift of Southern Republicans labeled the "Lily-Whites" who began to parrot the same rhetoric and policies as their Democrat counterparts Oklahoma was able to shake off their prospects of a shift to a new beginning and further cement the land in its Southern foundation.<sup>9</sup>

The Land Run of 1889, along with the successive land openings, brought tens of thousands of new settlers to Oklahoma, forever changing the area's demographics. In these tens of thousands were thousands of African Americans pulled to Oklahoma Territory by the lure of land, rights, and the opportunity to shape their political affairs. During the period between Land Runs and statehood, African Americans were afforded opportunities denied them elsewhere in the South. During the establishment of Oklahoma Territory with the 1890 Organic Act, the issue

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<sup>9</sup> Robert H. Henry, "Civil Rights Movement," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 09, 2024, <https://www.okhistory.org/publications/enc/entry?entry=CI010>.

of race only appeared once in Section 5 to protect equality in the political arena. The Organic Act established that “there shall be no denial of the elective franchise or of holding office, to a citizen, on account of race, color, or previous condition of servitude.”<sup>10</sup> Outside of establishing political protection, another distinction between Oklahoma and the other Southern states was land ownership for black farmers. The 1900 census found that of the 13,225 black farmers in the territory, over three-quarters owned their farms, while only 2,467 were reported to be tenant farmers working the land of another owner.<sup>11</sup> The high percentage of black landowners was due to the freemen's inclusion in the Five Tribes and the division of tribal lands by the Curtis Act. Due to the law's inclusion of black tribal members, a more significant percentage of blacks owned their land than did whites at 75.2 percent compared to 46.1 percent of whites.<sup>12</sup>

Land ownership was a key motivating factor for black immigration to the twin territories that would become Oklahoma, but just as important was the opportunity for autonomy they saw in the territory. The development of black towns, as well as in larger towns like Guthrie, Oklahoma City, and Tulsa, saw a rise of black professionals to fill the needs of the service of the black community. Editor G.N. Perkins of the *Oklahoma Guide*, in his 1905 article “Afro-Americans Condition,” found in all economic lines, “the people of the Twin Territories are advancing.”<sup>13</sup> Perkins found that of the approximately 77,000 blacks living in the two territories

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<sup>10</sup> Bob Burke, *The Writings that Shaped Oklahoma* (Oklahoma City: The Oklahoma Heritage Association, 2013), 84.

<sup>11</sup> Table 56 lists African American and white farmers classified by tenure, for 1910 and 1900 by southern divisions and states. See Department of Commerce Bureau of the Census, *Negro Population of the United States, 1790-1915* (Washington: Government Printing Office, 1918.), 606.

<sup>12</sup> Table 56 lists African American and white farmers classified by tenure, for 1910 and 1900 by southern divisions and states. See Department of Commerce Bureau of the Census, *Negro Population of the United States, 1790-1915* (Washington: Government Printing Office, 1918.), 606.

<sup>13</sup> “Afro-Americans Condition,” *The Oklahoma Guide* (Guthrie, OK Territory), September 8, 1904.

that would eventually compromise Oklahoma, 13,000 were in the agricultural industry, 331 in professional services, 809 in trade and transportation, 1,237 in manufacturing and mechanical pursuits, and 3,326 in domestic and personal services. Across the two territories, there were 25 black lawyers and 35 physicians, and they owned and operated 15 newspapers.<sup>14</sup> As Perkins documents, territorial blacks exercised real economic and social power as they accumulated wealth and occupied every profession, proving what was possible when they were not denied the opportunity for success.

The Twin Territories also afforded blacks educational opportunities outside of the freedmen living in the Chickasaw Nation who were never given any support for a freedmen school. Meanwhile, the Seminole, Cherokee, Creek, and Choctaw used tribal, federal, or missionary funds to develop schools to provide basic education.<sup>15</sup> The first schools in Oklahoma Territory were often integrated as schools were too few in number and of great distances to support a fully segregated educational system. Early territorial Republicans often argued about the cost of developing a fully segregated system as well as pointing out the benefits that an integrated school system would lead to better racial understanding, citing the logic and cost-effectiveness behind the gender mixing of student bodies. Why not race?<sup>16</sup> Democrats, conversely, established themselves as the party that championed white supremacy and fought for

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<sup>14</sup> "Afro-Americans Condition," *The Oklahoma Guide*, (Guthrie, OK Territory), September 8, 1904.

<sup>15</sup> Carol Sue Humphrey, "Freedmen Schools," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed December 21, 2023. <https://www.okhistory.org/publications/enc/entry?entry=FR017>.

<sup>16</sup> E.J. Giddings, "New State Negro Question Address," September 22, 1906, Fred Barde Collection, File 82.97 Oklahoma Historical Society, Oklahoma City, Oklahoma.

separate school provisions in the 1890 Territorial Constitution.<sup>17</sup> The adoption of Article 13 allowed for county votes on the issue of separate schools as long as each school “shall be provided with equal school facilities.” If found lacking, the county vote would be voided, and integration of the district would commence.<sup>18</sup> County votes and litigation soon followed.

In April of 1891, Logan County, the home of the territory capital of Guthrie, voted for separate schools, establishing thirteen white and three black schools. When John Wilson’s daughters were denied admittance to a white school, Wilson sued on the grounds that the school facilities were not equal. The Territorial Supreme Court ruled against Wilson, finding the black and white facilities equally adequate for acquiring an education.<sup>19</sup> The allowance of county vote for separate schools eventually established segregated schools by 1905. Governor Thompson Benton Ferguson’s 1905 report to the Secretary of the Interior states that since the legislature passed the 1901 separate school law, “no other State or Territory has built a stronger barrier against mixed schools.”<sup>20</sup> The law prohibited the racial mixture in public schools while at the same time would not deprive any one race of the advantage of an education. As Ferguson explained, “If there should be only one negro child in a school district, provision must be made for its common school education by the establishment of a school, the employment of a tutor, sending the child at the district’s expense to an adjoining district...or sending the child to the

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<sup>17</sup> Will T. Little, L.G. Pitman, and R.J. Barker, *The Statues of Oklahoma 1890* (Guthrie, Oklahoma Territory: State Capital Printing Company, 1891), 1142-43; For the Oklahoma Democrats position on race see Gibson, *Oklahoma*, 199-202; Baird and Goble, *Oklahoma: A History*, 172; R. Darcy, “Constructing Segregation: Race Politics in the Territorial Legislature, 1890-1907,” *Chronicles of Oklahoma*, vol 86, no. 3 (2008): 263.

<sup>18</sup> Little, Pitman, Barker, *The Statues of Oklahoma 1890*, 1143.

<sup>19</sup> *Marion et al., Board of School Trustees v. Territory ex rel. Wilson*, 32 P. 116, 1 Okla. 210 (1893).

<sup>20</sup> Thompson B. Ferguson, *Report of the Governor of Oklahoma to the Secretary of the Interior for the Year Ended June 30, 1905* (Washington: Government Printing Office, 1905), 53.

Territorial school for negroes in Langston.”<sup>21</sup> The 1901 separate school law left the territory, creating 3,228 schools for the 152,886 students enrolled in public schools, equating to one school for every 47 students.<sup>22</sup> Despite the territorial financial hardships of supporting separate schools and the inherent inequality in a segregated school system, schools were established and maintained, albeit inadequately, in the overturning of Wilson’s lawsuit for the territory’s African American population.

Territorial blacks, particularly the freedmen of the Creek and Seminole, held considerable political power from the days of Reconstruction to the turn of the 20<sup>th</sup> century. After receiving the rights of citizens following the Reconstruction Treaties, the Creek freedmen constituted an essential faction in the Creek legislature, which was bicameral with two houses, the House of Kings and the House of Warriors.<sup>23</sup> The House of Warriors consisted of ninety-six members, and since the majority of the freedmen lived in three towns, they were not scattered among the forty-four tribal towns that made up the Creek nation. Creek freedmen could be elected up to thirteen representatives to the House of Warriors and three to the House of Kings during the late 1860s.<sup>24</sup> The Seminole Freedmen also enjoyed representation in their nation’s council. Although they comprised 16 percent of the Seminole’s total, they never had a proportional number of council members, usually topping out around 9%. Still, no band, Indigenous or black, had proportional representation, demonstrating that the Seminole freedmen, due to their status as black, were not

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<sup>21</sup> Ferguson, *Report of the Governor* 1905, 54

<sup>22</sup> Ferguson, *Report of the Governor* 1905, 51.

<sup>23</sup> *Constitution and Civil and Criminal Code of the Muskogee Nation*, Approved at the Council Ground Muskogee Nation, October 12, 1867 (Washington: McGill & Withrow, Printers and Stereotypers, 1868), 3-4; Debo, *The Road to Disappearance*, 196-197.

<sup>24</sup> Debo, *The Road to Disappearance*, 192-195. Zellar, *African Creeks*, 98-99.

limited in representation in the nation's council other than by their own volition. The political power of Cherokee freedmen was on full display during their fight to attain full citizenship rights. The Cherokee Nation dealt with a series of problems regarding granting citizenship to various people throughout the 1870s.<sup>25</sup> Eventually, the issue was settled after the distribution of a land sale in 1883 to the United States, which was only allotted to citizens of Cherokee blood at the exclusion of the Shawnee, Delaware, and freedmen living in the Cherokee nation. Full citizenship and a share of land distribution payment were achieved by a combined effort of the federal government's passage of the 1888 Cherokee Act and the advocacy of adopted citizens by Cherokee Principal Chief D.W. Bushyhead in his 1883 veto.<sup>26</sup> The demonstration of the political power of adopted citizens, including freedmen, held in the Cherokee territory was captured in a letter to the editors of the *Indian Chieftain* by E.C. Boudinot.

His veto message which lies before me, argues that the colored citizens, and Shawnees and Delawares and adopted whites were just as much entitled in justice and law to their proportion of the money as the Cherokee by blood and as a reward for that veto 1,000 and more of these adopted citizens voted for an elected Bushyhead, chief. Without their votes he would have been defeated by 500 majority.<sup>27</sup>

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<sup>25</sup> For more information on the citizenship issues that affected the Cherokee Nation after the reconstruction treaties see *The Cherokee Constitution and the Laws and Rules bearing on the Autonomy of the Cherokee Nation* (Muskogee, Indian Territory: Phoenix Printing Co, 1894); As well as collected records of the W.J. Watts who was the president of the Cherokee Indian Citizenship Association created in 1883. W.J. Watts, *Cherokee Citizenship and a Brief History of the Internal Affairs in the Cherokee Nation* (Muldrow, Indian Territory: Register Print, 1893).

<sup>26</sup> "That Per capita: The Chief's Veto in Washington," *Indian Chieftain*, (Vinita, Indian Territory), July 13, 1883; Committee on Indian Affairs, *Cherokee Freedmen and Others*, United States House of Representatives, Report Number 844, 50th Congress, 1st Session (Washington: Government Printing Office, 1888); Tim Gammon, "Black Freedmen and the Cherokee Nation," *Journal of American Studies* 11, no. 3 (1977): 359, 363-364.

<sup>27</sup> E.C. Boudinot Sr., "A Communication from Col. Boudinot: His Views Tersely Expression the Leading questions Now Before the People of this Territory," *Indian Chieftain*, (Vinita, Indian Territory), July 16, 1885.

While not all freedmen, particularly those living amongst the Choctaw and Chickasaw, enjoyed the same political power as those in the Creek, Seminole, and Cherokee nations. However, when given the chance to utilize their political voices, the freedmen extensively used their opportunities to influence government practices.

African Americans who immigrated to Oklahoma Territory, like the freedmen of the Creek, Cherokee, and Seminole, had the opportunity to actively participate in and shape the area's politics. The African American constituency was vital in tipping the precarious balance towards Republican control of both houses in the territory's legislature in 1895, 1899, and 1905. However, margins were tight as the Democrats and Populists would join forces and organize both legislative houses in 1890, 1893, and 1897, and 1901 and 1903 saw a divided government as the legislative houses were split. The Republican party only failed to control at least one house during the days of territorial politics once in 1897.<sup>28</sup> To help ensure black voter turnout, African Americans received tangible benefits from the Republican party, including appointments and official recognition by the Oklahoma Republican Convention of 1890.<sup>29</sup> Oklahoma Republicans voted to create a twelve-member Territorial Executive Committee designed to push party interest and adopt resolutions but also look after and welcome "all honest and industrious colored men as emigrants to Oklahoma...pledging to them the enactment of laws guaranteeing to colored citizens the same rights and privileges as those enjoyed by whites."<sup>30</sup> The precarious government balance of Republicans and their Democrat and Progressive counterparts hinged on the African American vote, and Republicans, at least during the early years, attempted to walk a fine line of

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<sup>28</sup> R. Darcy, "Origins and Development," 145.

<sup>29</sup> Murray R. Wickett, "The Fear of 'Negro Domination': The Rise of Segregation and Disfranchisement in Oklahoma," *Chronicles of Oklahoma*, vol 78, no. 1 (2000): 48.

<sup>30</sup> Teall, *Black History in Oklahoma: A Resource Book*, 174.

cultivating the black vote while trying not to alienate their white voters who were inclined to vote for racial divisions.

Republican President Benjamin Harrison appointed George W. Steele as the first territorial governor of Oklahoma Territory. Steele actively pursued good relations with the territory's black population by appointing Edward P. McCabe, one of the leaders of the black emigration movement to Oklahoma Territory, to be Logan County's treasurer. A Steele precedent was carried throughout most of the tenures of Oklahoma's territorial governors, as seen by the last and longest-serving governor, Thomson B. Ferguson. Ferguson boasted that he had done right by African Americans as he appointed "quite a number of colored men to office, and I have given that race all the presentation to which it is entitled."<sup>31</sup> This included two good coveted positions paying over one thousand dollars a year in salary and quite a few minor positions. In return, black leaders in the territory often urged African American voters to remember that "the Democratic party has always been the bitter foe of the race, and has invariably opposed every measure proposed by the Republican party to better the race's condition."<sup>32</sup> This common reminder, coupled with the historic gratitude for emancipation from the Party of Lincoln, often helped shore up black support for Republican candidates despite any shortcomings by the party.

Although appointment was the Oklahoma Republican Party's preferred method of allocating political favors to establish patronage of their African American constituency, particularly after it became evident that nominating black candidates could sink a ticket's prospects, still, a few African Americans were able to win seats, particularly in the early

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<sup>31</sup> Thompson B. Ferguson to B.S. McGurie, June 10, 1903, Box 1, Letter book IV, Thompson B. Ferguson Collection, Western History Collection, University of Oklahoma, Norman, Oklahoma.

<sup>32</sup> *The Oklahoma Guide*, (Guthrie, OK Territory), September 1, 1904.



territorial days. Green I. Currin, a former lawman from Topeka, staked a claim in the 1889 Land Run. Currin was one of five delegates from Kingfisher County elected to the territory's House of Representatives in 1890. Once elected, Currin introduced House Bill 119 in response to growing racial violence as the area's first civil rights legislation, which ultimately failed by one vote to become law.<sup>33</sup> Three years later, David J. Wallace became the second African American elected to the legislature after working with the Territorial Legislature's School and College Committee to establish the Oklahoma Agricultural and Normal University, renamed Langston University, the territory's first and only black college.<sup>34</sup> However, the election of Currin and Wallace were the high points of political power for African Americans in the territory, as racial conflict and tensions increased towards the turn of the century. Republicans, feeling the effects of racism on election outcomes, started to move away from the standard they set at the 1890 Oklahoma Republican Convention. In the last days of Oklahoma being a territory, white Republicans were called out by the *Guthrie Progress*, an African American newspaper, for their failure to back one of Logan Counties best clerks "for no other reason than he was a Negro,"<sup>35</sup> The Republican failure to field black candidates even in areas where African Americans made up a sizable part of the electorate led to losses by several other candidates.<sup>36</sup> Even if a black candidate established

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<sup>33</sup> Bruce T. Fisher, "Currin, Green I.," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed December 20, 2023. <https://www.okhistory.org/publications/enc/entry?entry=CU005>.

<sup>34</sup> Helen M. Stiefmiller, "Wallace, David J.," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed December 20, 2023. <https://www.okhistory.org/publications/enc/entry?entry=WA010>.

<sup>35</sup> *Guthrie Progress*, (Guthrie, OK Territory), November 12, 1904.

<sup>36</sup> *Guthrie Progress*, (Guthrie, OK Territory), November 12, 1904

themselves on the ballot, they were not supported by party campaigners. At the same time, white candidates began to announce their refusal to hire any black staff.<sup>37</sup>

Despite the change over time that took place in Oklahoma Territory that saw African Americans with the opportunities to have tangible support from the Republican party, hold office, send their children to schools, and call a plot of land their own to one on the verge of becoming what many Southern African Americans had fled where their voting privileges and civil rights were starting to come under attack by the political levers of those in power in the Deep South. Oklahoma was at the crossroads of shifting to Southern Jim Crow from the promised land advertised by black newspapers and pamphlets distributed throughout the Southern states that saw over one hundred and thirty thousand African Americans emigrate to Oklahoma by 1910. A rate of increase for African Americans that outpaced the growth of the white population from 1900 to 1910 by 32 percent.<sup>38</sup> A trend that was clearly noted by white Oklahomans and preyed upon by Democratic politicians who utilized racial politics to the great benefit of their party. Arguing that the racial tolerance and opportunities found in Oklahoma would be such a great magnet for oppressed Southern Blacks that the territory would fall under “negro domination.”<sup>39</sup> Winning over the majority of Oklahoma voters, Democrats and Progressives were able to push for segregation laws, starting with separate schools and public accommodations and eventually leading to the disfranchisement of African Americans, all in the

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<sup>37</sup> “Elimination of Negro In Logan: Systematic Campaign Now Being Waged by Whites To Bleach Country Politics.” *The Daily Oklahoman*, (Oklahoma City, OK Territory), August 26, 1904.

<sup>38</sup> Department of Commerce Bureau of the Census, *Negro Population of the United States, 1790-1915*, 606.

<sup>39</sup> “Negro Domination Ghost,” *The Weekly Times-Journal*, (Oklahoma City, Ok Territory), July 20 1906; “You’re Invited: Coweta Extends Cordial Invitation to Homeseekers to Locate Here,” *Coweta Times*, (Coweta, Indian Territory), November, 8 1906; “Right Candidate Can Restore This District to the Democrats,” *Miami Record-Herald*, (Miami, Oklahoma), July 22, 1910.

name of preventing Oklahoma from becoming the “promised land” for African Americans attempting to escape the oppression of the South.

Oklahoma’s allure as a utopia for Southern African Americans was always fraught with difficulties. Racial bias not only affected those who supported the Democratic party, but many white Republicans fell under the same affliction. In the 1880s, a division between black and white Republicans in the South developed that saw white Republicans attempt to separate the party from African Americans. Those attempting to divide the party based on racial lines were given the moniker “Lily Whites” by Texas politician Norris Wright Cuney, a strong advocate for the rights of African Americans.<sup>40</sup> Cuney's strong rhetoric against the “Lily Whites” eventually led them to call for a state convention in Texas to send a rival delegation to the national convention.<sup>41</sup> At the “Lily White” Texas convention, several speeches condemned the African American presence in the Republican party and called for a white-only Republican party not only in Texas but throughout the South.<sup>42</sup> While the “Lily Whites” were not able to create an all-white Southern Republican party as there were a number of African American delegates at the Republican National Convention from 1868 to 1956. However, after 1892, the “Lily Whites” were able to create two defined factions in every Southern state: the “Lily Whites” and their

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<sup>40</sup> Paul Douglas Casdorph, “Norris Wright Cuney and Texas Republican Politics, 1883-1896,” *The Southwestern Historical Quarterly* 68, no. 4 (1965): 455–57.

<sup>41</sup> “Lily White Texans: Republican Whites Nominate a Full Ticket, Excluding Colored Men,” *Rocky Mountain News*, (Denver, Colorado), April 14, 1893.

<sup>42</sup> “The Lily Whites. The Convention and White Leagues in Session,” *Galveston Daily News*, (Galveston, Texas), April 14, 1892.

counterparts, which the “Lily Whites” dubbed the Black and Tans.<sup>43</sup> As part of the South, Oklahoma Territory was not immune to this split.

By the time the Republican Party ramped up its campaign to elect constitutional delegates as Oklahoma prepared for statehood, the party was in disarray.<sup>44</sup> “Lily-White” Republicans attempted to out-pace the Democrats in their support for white supremacy, announcing through the Republican Press Association of the Third Congressional District the adoption of the following position in regards to the African Americans in the new state.

Whereas the Republican Party has discharged its obligations to the Negro in that it gives him full civil rights, equal with every other citizen, and still stands for that policy. Therefore, be it resolved by this Association that the Republican Party of the Third Congressional District is opposed to Negro domination in any sense. It stands for separate schools, separate coaches, and separate waiting rooms for Negroes, which shall have facilities and comfort equal to those shown to other races. That it is opposed and will use every means at its command to prevent the nomination of negroes on any elective tickets seeking the suffrage of the other races.<sup>45</sup>

The “Lily-White” Republican position proved to be political suicide as they attempted to win over voters utilizing the same position as the Democratic candidates.<sup>46</sup> Democratic papers attacked the “Lily-Whites” positions by sowing skepticism by Republicans and their new outspokenness for segregationist policies. The *Woodville Beacon* reminded their readers that it was the Democrats who authored the separate-school law and that it was a Democrat legislature

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<sup>43</sup> Hanes Walton and C. Vernon Gray. “Black Politics at the National Republican and Democratic Conventions, 1868-1972,” *Phylon* (1960-) 36, no. 3 (1975): 269, 272.

<sup>44</sup> Gibson, *Oklahoma*, 186-202; Baird and Goble, *Oklahoma: A History*, 170-175; Murray R. Wickett, “The Fear of ‘Negro Domination,’” 51.

<sup>45</sup> “Political Suicide” *Muskogee Cimeter*, (Muskogee, Indian Territory), September 27, 1906.

<sup>46</sup> The Democratic Territorial Committee “Suggestions For A Platform” is located in Appendix A of Kathy Jekel edited work *The Original Constitution of the State of Oklahoma 1907*. Plank 2 of 20 list that the Democrats “favor laws providing for sperate schools, separate coaches, and separate waiting rooms for the negro race.” For the entire Oklahoma Democrat platform see Kathy Jekel, *The Original Constitution of the State of Oklahoma 1907 & The Road To Statehood*, (Oklahoma City: Oklahoma Historical Society, 2007), 188-189; Danney Goble, *Progressive Oklahoma*, 108-109.

who ushered that bill through the legislative process, while a majority of Republicans opposed the law.<sup>47</sup> The standard bearers of the Oklahoma Democratic Party, the *Daily Oklahoman*, repeatedly encouraged voters to vote for the Democratic Party to enshrine Jim Crow in the new state's constitution.<sup>48</sup>

Traditional Republicans attempted to sidestep the racial issue and make the argument not about race but about economic opportunities the future state would undergo with Republican leadership.<sup>49</sup> In contrast to the majority of the Republican party, a few black and white Republican candidates pointed out the folly of supporting the Democrats' Jim Crow position explaining "that in nearly every convention in which the Republicans have declared for these Democratic provisions, the negroes have bolted the convention."<sup>50</sup> The weak-mindedness of the Republican Party as a whole left them blind to see the logic clearly put before them by the editors of the *Purcell Register* when they asked, "Who does not know that the strength of the republican party is the negro, and Can a party that owes it success to the negro do those things the negro says must not be done, and still hope to win?"<sup>51</sup> Black editors attempted to keep their readers aligned with the Republican party and motivated to vote for delegates to the

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<sup>47</sup> "Negroes Want Mixed Schools," *Woodville Beacon*, (Woodville, Indian Territory), September 28, 1906.

<sup>48</sup> "Almost Nominated a Negro," *The Daily Oklahoman*, (Oklahoma City, OK Territory), September 22, 1906; "The G.O.P. and "Jim Crow" Laws," *The Daily Oklahoman*, (Oklahoma City, OK Territory), October 5, 1906; "Get Support of White People: Democratic Nominees Chances Most Favorable. In Easter Districts: Race Problem Plays very Important Part in the Great Battle of Ballots," *The Daily Oklahoman*, (Oklahoma City, OK Territory), October 25, 1906.

<sup>49</sup> Murray R. Wickett, "The Fear of 'Negro Domination,'" 51.

<sup>50</sup> "Some Good Political Pointers," *Purcell Register*, (Purcell, Indian Territory), October 18, 1906.

<sup>51</sup> "Some Good Political Pointers," *Purcell Register*, (Purcell, Indian Territory), October 18, 1906.

Constitutional Convention.<sup>52</sup> The *Muskogee Cimeter* editors pledged themselves to any Republican candidate that promoted equal rights to all with no special privileges to any one race. The editors claimed, “that the negro has an abiding faith in the honor, wisdom, and integrity of the Republican party, and cannot be driven from its ranks by any acts of hoodlums, masquerading as Republicans, when in truth they are Democrats.”<sup>53</sup> The mixed messaging of the “Lily White” Republicans and those few Republicans and black editors that attempted to keep the Republicans as the party of Lincoln led to massive failure as black voters stayed home, allowing the Democrats to win the election in a landslide.<sup>54</sup> Of the one hundred twelve delegates, ninety-nine were Democrats, one Independent, and only twelve Republicans.<sup>55</sup> Once statehood was secured, the Democrats had an overwhelming mandate to establish their Jim Crow agenda.

The precursor to racial politics that placed Democrats as a supermajority in the first state legislature and ended Oklahoma’s ability to be the promised land for African Americans was the level of racial violence, bigotry, and fear of black domination that permeated the area prior to the Land Runs and statehood that followed in the opening’s aftermath. When citizenship was awarded to the Freedmen of the Seminole, Creek, Cherokee, and Choctaw, a new power dynamic appeared in those nations and further sustained the resentment from tribal divisions in the American Civil War.

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<sup>52</sup> “What the Democrats are Doing,” *The Oklahoma Safeguard*, (Guthrie, OK Territory), September 13, 1906; *Oklahoma Guide*, (Guthrie, OK Territory), October 25, 1906; “Read This And Cut It Out. So You can Read it to Your Neighbor. How to Vote,” *The Muskogee Cimeter*, (Muskogee, Indian Territory), November 2, 1906; *Oklahoma Guide*, (Guthrie, OK Territory), October 25, 1906.

<sup>53</sup> *The Muskogee Cimeter*, (Muskogee, Indian Territory), Friday, October 5, 1906.

<sup>54</sup> Baird and Goble, *Oklahoma: A History*, 172.

<sup>55</sup> Kathy Jekel, *The Original Constitution of the State of Oklahoma 1907*, 13.

The Creek held true to their long-established way of incorporating new peoples into the Creek Confederacy by having freedmen integrate their own townships into the nation. The development of three black towns in the Creek Confederacy gave a small but strong minority political power to shape future election outcomes. The power of the Creek freedmen was first alluded to by the *Fort Smith Herald* and then picked up by the *Cherokee Advocate* in 1872. A contested election that had the potential to lead to a “bloody outbreak” between the Creek and their freedmen citizens as “both sides claimed a majority in the recent election for Chief of the Nation.”<sup>56</sup> The bitter election derived from the electoral power of the three freedmen towns, when combined, commanded 15 percent of the popular vote and often voted with a singular mindset. The three black towns in the Creek Confederacy, with their strong minority group of united votes, often decided the outcome between the Southern faction led by former Confederate officer Samuel Checote and the Northerner faction led by Oktaharsars Harjo.<sup>57</sup> Although a bloody outbreak did not occur, the Harjo faction and their freedmen supporters were not satisfied with the way the ballot count and paper votes were counted, denied Checote’s authority after he won the election in 1867 and stormed the Council House at Okmulgee in which federal troops from Fort Gibson had to be called in to restore the peace.<sup>58</sup> The Harjo faction only grew in power during the 1870s as the Creek black towns saw an increase in population. Some of the increase was due to African Americans from the South who illegally migrated to the Creek Nation but were taken into the Creek towns and, over time, became citizens.<sup>59</sup> By the 1880s, seeing their

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<sup>56</sup> “War of Races,” *Cherokee Advocate*, (Tahlequah, Indian Territory), August 24, 1872.

<sup>57</sup> David A. Chang, *The Color of the Land: Race, Nation and the Politics of Landownership in Oklahoma, 1832-1929* (Charlotte: The University of North Carolina, 2010), 56-57.

<sup>58</sup> Baird and Gibson, *Oklahoma: A History*, 116.

<sup>59</sup> Debo, *Road to Disappearance*, 220, 369.

continued loss of political power, the Southern Creek Faction began to complain about the number of African Americans that had settled into the Creek nation, in which it was impossible to tell freedmen from black immigrants. George Washington Stidham, a Creek legislator and member of the Southern faction, called for the end of black immigration to the Creek nation as if it was not halted, black Creeks would become the majority and “control the whole country.”<sup>60</sup> In the minds of the Creeks, black domination was not hyperbole but a growing threat that other members of the Five Tribes felt as the number of African Americans migrating to Indian Territory increased in the last decade of the 19<sup>th</sup> century.

African American migrants were not only settling in Creek Towns but, through the efforts of Edward P. McCabe and other Southern black migration to Indian Territory promoters, they were able to establish twenty-five black towns in Indian Territory between 1889 and 1900. The establishment of over two dozen towns demonstrates the unwillingness of the federal government to enforce Indian Territory sovereignty and the inability of the Five Tribes to hold the line against invasion despite the effort of Indian nations to block these efforts as Creeks, along with the Choctaws and Cherokee feared a black majority dominating Indian Territory. The Choctaws, by 1891, had attempted to drive most of the African American immigrants out of their nation and passed a law “for the removal of the colored people noncitizens of this nation.”<sup>61</sup> Additionally, the Cherokee hostility towards African Americans saw Cherokee representative and former Secretary to the Cherokee Nation Joseph A. Scales call for eliminating blacks from

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<sup>60</sup> *Report of the Committee on Indian Affairs, the United States Senate, on the Condition of the Indians in the Indian Territory, and other Reservations 49<sup>th</sup> Congress 1<sup>st</sup> Session 1885-86* (Washington: Government Printing Office, 1886), pt 2:152.

<sup>61</sup> Acts, Bills, and Resolutions of the Choctaw Nation, 1891 Box 23 Folder 87 Choctaw Nation Western History Collections University of Oklahoma Libraries Western History Collections.



Cherokee politics as “the greed for office, through the negro vote, has disgraced our politics too long and will ruin the country if we do not call a halt.” Scales animosity was directed at the “Gooseneck politician, and the party that is willing to rob the Indian, to enrich the negro for his vote.”<sup>62</sup> Tensions were so high between African Americans and indigenous of Indian Territory that the *Indian Journal* reported a rumor of a race war that broke out in the Bruner settlement after the murder of two members of the Creek Lighthouse who had killed “a negro desperado named Culley” which enraged the Creek to “go on the warpath.”<sup>63</sup> Although these rumors proved to be false, tensions were high in the area as the racial enmity that arose with the shift in political power, as freedmen's power in the ballot coupled with the increase of total number of African Americans, was not new, but a continued byproduct of the Southern foundation laid in the days following the removal of Indian Territory and attempt to sustain the racial caste system during the run-up to statehood.

Utilizing racial tropes, the *Cherokee Advocate* published a fictional interview of an African American Union soldier in 1872 to demonstrate the perceived notion of black cowardice, lack of intelligence, and the African American station in life. The interviewer asked the fictional African American about his experience fighting at Fort Donelson during the American Civil War. When asked if he stood his ground, the reply was, “No, sah, I runs.” In which the interviewer asked did he run when the first shots were fired, the response “Yes sah, and, would have run soonah had I know’d it was comin.” The interviewer then gives their assessment of the African American soldier with the following question, “Why that wasn’t very creditable to your courage?” To which the African American replies with his justification, which in turn reinforces

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<sup>62</sup> “Scales Letter Again,” *Cherokee Telephone*, (Tahlequah, Indian Territory), July 9, 1891.

<sup>63</sup> *Indian Journal*, Eufaula, Indian Territory November 21, 1889.

the several stereotypes of the racial caste system of the day, “Dat isn’t in my line, sah-cookin’s my profession.”<sup>64</sup> This passage found in the *Cherokee Advocate* demonstrates one prominent Indian Territory newspaper view on African Americans during the era when the federal government attempted to coerce the Five Tribes to accept their Freedmen as equals by making them full citizens of their respective nations. These racial views, coupled with the federal government's actions, laid the groundwork for the profound racial tensions and bitterness that led to violent breaks between the various groups living in what would become Oklahoma.

Racial episodes of violence during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries were numerous in the Twin Territories and proliferated between Natives and blacks, blacks and whites, and whites and Natives.<sup>65</sup> These episodes of violence were localized matters and never turned into an all-out racial war that swept the territory or state. Still, the sheer numbers involved in some of these local affairs show the magnitude of the animosity between the various racial groups. In August of 1880, the *Cherokee Advocate* reported on one such clash between Creek blacks and the Cherokees in which 120 members of the Cherokee Nation were preparing to invade Creek Country after the “invasion of the Cherokee soil by a party of Creek colored citizens, whose avowed purpose was to kill Cherokee and that one school boy had been killed by the party and another wounded.”<sup>66</sup> The Creek raid was in response to the killing of two black Creeks from Marshall-town, a black community in the Creek nation, in which some of the members of that community had been suspected of stealing horses and cattle from the Cherokee. Thirteen black

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<sup>64</sup> “A Darkey’s View of War,” *Cherokee Advocate*, (Tahlequah, Cherokee Nation), August 23, 1872.

<sup>65</sup> Murray R. Wickett, *Contested Territory*, 150.

<sup>66</sup> “The Creek and Cherokee Difficulties,” *The Cherokee Advocate*, (Tahlequah, Cherokee Nation), August 11, 1880.

Creeks came across Cherokee youth William Cobb and Aleck Cowan and killed Cobb and wounded Cowan.<sup>67</sup>

Significant group action centered on racial animosity, as seen by the Creek blacks, and the Cherokee also took part in Oklahoma Territory following the Land Run, bringing large numbers of black settlers who had come into the territory. Historian W. Fitzhugh Brundage labeled the groups of whites who sought to intimidate black settlers out of the territory as terrorist mobs.<sup>68</sup> These white terrorists attempted to create all white areas of the territory as captured in the headlines by the *Weekly Oklahoma State Capital*, “White Cap Raids: They Were the Cause the Killing in Payne County.”<sup>69</sup> White editors played their part alongside the mob action as the press magnified any racial violence committed in Oklahoma Territory to discourage black immigration by showcasing the sheer number of lynchings, the possibility of race wars, and the practice of white terrorist mobs threatening and utilizing gun violence to run African Americans out of towns.<sup>70</sup> In 1896, the national press noted the racial violence in the United States with a report on lynchings for that year. Setting the number of lynchings in Oklahoma Territory at six and Indian Territory at four, which combined, as the territories will to form Oklahoma, had the soon-to-be state tied for fourth with Florida in the number of lynchings for

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<sup>67</sup> “The Creek and Cherokee Difficulties,” *The Cherokee Advocate*, (Tahlequah, Cherokee Nation), August 11, 1880.

<sup>68</sup> W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880-1930* (Champaign: University of Illinois Press, 1993), 19-28.

<sup>69</sup> “White Cap Raids: They were the Cause of the Killing in Payne County. Intimidated the Farmers: Slaybaugh and Sons Supposed to have been members of the White Cap Gang that Notified many Settlers and Contestants to Leave the Country,” *Weekly Oklahoma State Capital*, (Guthrie, OK Territory), October 5, 1895.

<sup>70</sup> “News Boiled Down,” *The Norman Transcript*, (Norman, OK Territory), July 20 1894; “City in Brief,” *Guthrie Daily Leader*, (Guthrie, OK Territory), September 1, 1897; “Imitating Norman: A Negro Killed Killed B White Men Pottawatomie County Negroes to Be Intimidated,” *The Daily Oklahoman*, (Oklahoma City, OK Territory), August 27, 1898.

that year. Only Louisiana, with twenty-five, Alabama, with fifteen, and Tennessee, with fourteen, had more lynchings than the Twin Territories.<sup>71</sup> The national numbers for the two territories for one year may have been high as the number is not backed by news reports coming out of the state or the work of contemporary scholars.<sup>72</sup> One striking statistic is the racial change in who was lynched from the First Land Run to statehood, in which historian Daniel F. Littlefield Jr.'s scholarly work reported that there were ten reported lynchings with eighteen victims. Of those eighteen, ten were Native Americans, five African Americans, and two Mexican and whites apiece.<sup>73</sup> However, following statehood, thirty-three of Oklahoma's forty lynching victims were African American during the statehood era, a 197 percent increase.<sup>74</sup> While reporting the actual numbers like those in 1896 is under dispute, the true numbers, while important, ultimately are immaterial to the fact that some Oklahoman settlers, like their Southern counterparts, used violence as a social corrective to maintain their perceived societal order.<sup>75</sup> Lynch and mob action throughout the early years of Territory and Statehood was an accepted part of territorial life as Oklahoma newspapers often supported the use of the lynch. Only the Langston City Herald, an African American newspaper publication, was the solitary news outlet

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<sup>71</sup> "Lynchings in 1896," *The Chicago Tribune* (Chicago, Illinois,) January 01, 1987.

<sup>72</sup> Daniel F. Littlefield, Jr., *Seminole Burning: A Story of Racial Vengeance* (Oxford: University Press of Mississippi, 1996), 104; Alaina E. Roberts, *I've Been Here All the While: Black Freedom on Native Land*, Philadelphia: University of Pennsylvania Press, 2021), 101; "Negro Lynched: Blaine County People Take the Law Into Their Own Hands," *The El Reno Herald*, (El Reno, Oklahoma Territory), September 18, 1896.

<sup>73</sup> Littlefield, Jr., *Seminole Burning*, 104.

<sup>74</sup> Alaina E. Roberts, *I've Been Here All the While*, 101.

<sup>75</sup> "Additional Local," *Norman Transcript* (Norman, OK Territory), July 20, 1894; "Theo: Appears to be the Chief Issue Before the People," *The Leader*, (Guthrie OK Territory), September 8, 1904; "Lynch Law at Wilburton," *The Daily Oklahoman* (Oklahoma City, Oklahoma), June 27 1909; April 20 1894; *El Reno News* March 5, 1897

in Oklahoma that consistently supported the Anti-Lynch League and whose editorials spoke out against lynching.<sup>76</sup>

Oklahoma's crossroads of being seen as a land of opportunity by Southern African Americans ran into the reality of the strained race relations and violence of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. While the Republican party, particularly during the early days of Oklahoma territory, paid some semblance of service to their black constituents through efforts the party thought would turn out the African American vote. In contrast, the Democrat and Progressive parties, when they controlled both houses of the legislature for the territory in 1890, 1893, and 1897, utilized their window of opportunity to pass territorial laws to restrict and limit black opportunity and independence. In 1890, Progressives and Democratic representatives, along with a lone Independent, Charles F. Grimmer, who aligned with Republicans, used legislative procedures to table H.B. 119, a civil rights bill with a seven to six vote in the Council. The bill passed the House by sixteen votes to two. Still, it failed to get out of the Council when the five Democrats, one Populist, and the Independent voted against protecting the civil rights of the territory's African-American population.<sup>77</sup> In a similar party-line fashion, the 1890 Council also allowed for the separate schools provision, which created the avenue for separate school facilities for African Americans in the territory.<sup>78</sup> In 1893, the House of Representatives was evenly

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<sup>76</sup> See the following examples of the *Langston City Herald* advocacy for anti-lynching laws and justice from lynch mobs. "An Awful Record," *Langston City Herald*, (Langston, OK Territory), June 22, 1895; "To Stop Them.: The Anti-Lynching Bill Gain Introduced in the Ohio Legislature," *Langston City Herald*, (Langston, OK Territory), February 08, 1896; "Say Mister!," *Langston City Herald*, (Langston, OK Territory) June 29, 1896; "Lynching Must Go!: Let All! Everybody Read This," *Langston City Herald*, (Langston, OK Territory), February 06, 1897.

<sup>77</sup> *Journal of the First Session of the Legislative Assembly* (Guthrie, Oklahoma Territory: Oklahoma News, 1890), 393, 986, 1016, 1041, 1049.

<sup>78</sup> Will T. Little, L.G. Pitman, and R.J. Barker, *The Statues of Oklahoma 1890* (Guthrie, Oklahoma Territory: State Capital Printing Company, 1891), 1142-43.

divided between the thirteen seats held by Republicans and nine by Democrats, along with the other four seats held by the Progressive People's Party; this left the territory in a political stalemate, as seen in the 149 ballots needed to elect a Speaker.<sup>79</sup> The split in the territorial government and failure to compromise did not bode well, and much work had to be done. However, the newly appointed Governor, Abraham J. Seay, offered one recommendation in his January 19, 1893 address: to amend the separate schools' article to give African American children an equal opportunity to education.<sup>80</sup> Governor Seay was well aware that the provisions for the 1890 legislature that required equal school facilities were not being adhered to for all African American children.<sup>81</sup> Unfortunately, the political climate of the area and the division between Republicans and Democrats on what constituted the best racial practices for the citizens of the territory meant little would change on the separate-schools law or anything else regarding the protection of African Americans' civil rights, setting the area up for further racial strife in the coming years and decades.

The political stalemate lasted until the Fourth Legislative Assembly in 1897, when the Democrats and Populists controlled a supermajority in the House of Representatives with twenty-three of the twenty-six House seats and all thirteen Council seats.<sup>82</sup> The Democratic majority was also backed by Grover Cleveland, appointed governor, former Confederate veteran,

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<sup>79</sup> *Journal of the House Proceedings of the Second Legislative Assembly of the Territory of Oklahoma* (Guthrie, Oklahoma Territory: State Capital Publishing, 1893), 4-27.

<sup>80</sup> *Journal of the Council Proceedings of the Second Legislative Assembly of the Territory of Oklahoma* (Guthrie, Oklahoma Territory: State Capital Publishing, 1893), 31.

<sup>81</sup> *Journal of the House Proceedings of the Fourth Legislative Assembly of the Territory of Oklahoma* (Guthrie, Oklahoma Territory: Daily Leader Press, 1897), 225.

<sup>82</sup> For a breakdown of party affiliation and history of representatives of the Oklahoma Territorial Legislature see R. Darcy, "Origins and Development," 155-154.

and Democrat William Renfrow, who, along with the Superintendent of Public Instruction for the territory, A.O. Nichols, called for removing the county choice statute, which allowed the county to decide on integrated or segregated schools to establish a law for separate schools throughout the territory.<sup>83</sup> Quick to reply to the directives, the Fourth Legislative Assembly passed an act establishing separate schools for blacks and whites. To make sure the law was applied, the statute used specific language, “shall hereafter be unlawful for any white child to attend a colored school or for a colored child to attend a white school.”<sup>84</sup> The law also required school boards to be elected by the respective race of those that would inhabit the school. To help motivate a climate of de facto segregation, the separate schools’ law also stipulated that if there were one to eight children of a different race than the majority of those students, a special district could be formed with four neighboring districts. If logistics made that an impossibility, those students could be transferred to any district in Oklahoma Territory, all at the county's expense. This last stipulation would help motivate those families that wanted an education for their children to move the isolated black and white families into communities of their own race.<sup>85</sup>

Litigation soon followed when the citizens of Kingfisher County refused to fund and establish separate schools, leaving 955 African American children without a school.<sup>86</sup> In 1898, the father of three, Robert Porter, sued the county commissioners for their failure to lay a

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<sup>83</sup> *Journal of the Council Proceedings of the Fourth Legislative Assembly of the Territory of Oklahoma* (Guthrie, Oklahoma Territory: Daily Leader Press, 1897), 39; *Journal of the House Proceedings of the Fourth Legislative Assembly of the Territory of Oklahoma* (Guthrie, Oklahoma Territory: Daily Leader Press, 1897), 228.

<sup>84</sup> A.O. Nichols, *Territory of Oklahoma Laws for the Regulation and Support of the Common Schools 1897-98* (Oklahoma City: Oklahoma School Herald, 1897), 44.

<sup>85</sup> A.O. Nichols, *Territory of Oklahoma Laws for the Regulation and Support of the Common Schools 1897-98* (Oklahoma City: Oklahoma School Herald, 1897), 44.

<sup>86</sup> *Porter v. Commissioners of Kingfisher County*, 151 Okla. 550 P. 741 (1898).

sufficient tax on the population to pay for an equal facility for the African American children of the county. The case proceeded up to the Territorial Supreme Court, which found the 1897 separate schools law in violation of the Fifteenth Amendment due to the separate race voting requirement for the schools' boards of segregated schools as well as the equal facilities statute found in the 1890 law as well as *Plessy v. Ferguson* as Oklahoma's funding was provided on a per-student basis and not all school districts had an equal number of students.<sup>87</sup>

Separate school legislation was not the only law the Democrats and Progressives who dominated the 1897 Legislature rolled back. In a bid to make the voting process more difficult, the Fourth Legislative Assembly removed the option for a straight party vote as well as the party symbol utilized to identify each candidate's membership.<sup>88</sup> In replacement for the simpler ballot, a rotation system would be used for candidates' placement on the ballot along with abbreviations for party affiliation instead of symbols that would indicate a candidate's party affiliation. These changes were designed to limit the coattail effect of more popular Republican candidates and attempt to confuse the less-educated voters.<sup>89</sup> These changes did not have the desired effect as the Republicans had a decisive win to control both legislative houses and, along with William F. McKinley's 1896 win, placed a Republican back in the position of territorial governor. Newly appointed governor Cassius M. Barnes asked the legislature to amend the 1897 ballot law back to the party-column style, as the 1897 changes were designed with the "intention of practically disenfranchising a large and worthy class of citizens who are entitled by law to equal rights and

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<sup>87</sup> *Porter v. Commissioners of Kingfisher County*, 151 Okla. 550 P. 741 (1898)

<sup>88</sup> R. Darcy, "Origins and Development," 154-155.

<sup>89</sup> *Territory of Oklahoma Session Laws of 1897* (Guthrie, Oklahoma Territory: Leader Co., 1897), 149-150.



privileges of the ballot with any other citizen.”<sup>90</sup> The Fifth Legislative Assembly acquiesced to Barnes's request, and the ballot reverted back to the previous form.

However, there was one 1897 provision to limit rights and separate blacks and whites that was not rolled back by the anti-miscegenation law, which made “all marriages of persons of the white race with persons of the negro race prohibited.”<sup>91</sup> While Republicans were quick to undue Democrat reforms that could potentially hurt the Republicans' ability to turn out votes, their non-response to the anti-miscegenation law, along with two Republican Council members who joined the Fusionist, combined Democrats and Populists, during the Sixth Legislative Assembly that amended an education funding bill to require separate schools is telling of the Republican Party's undergoing change at the turn of the 20<sup>th</sup> century. The Republicans went from being the party that fell one vote shy of ushering in civil rights legislation in 1890 to being a divided party over race. These early 20<sup>th</sup> century Oklahoma Republicans looked to compromise with the Democrats and Populists, looking to get what they could for their black constituents, but, in the end, acquiesced to Fusionist demands for separate schools. As Republican Speaker Walter Stevens concluded, “After two conferences, the original bill (education funding) cannot be salvaged. Believing the Bill far more just to the colored and white people than the present law, with great reluctance, I vote, Aye.”<sup>92</sup> The Bill, signed by Governor Barnes, prohibited blacks and whites from attending the same school and allowed no white or black teacher to instruct a student of a different race. To comply with the *Plessy v. Ferguson* ruling and territory law of equality in

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<sup>90</sup> *Journal of the Council Proceedings of the Fifth Legislative Assembly of the Territory of Oklahoma* (Guthrie, Oklahoma Territory: Daily Leader Press, 1899), 43.

<sup>91</sup> *Territory of Oklahoma Session Laws of 1897*, 212.

<sup>92</sup> *Journal of the House Proceedings of the Sixth Legislative Assembly of the Territory of Oklahoma* (Guthrie, Oklahoma Territory: State Capital Publishing, 1901) 379-80.

separated schools, all school districts were required to furnish the same kinds of equipment, furniture, and facilities to their segregated schools.<sup>93</sup>

The last two territory legislatures before statehood sum up the impasse that developed in the passing of racial laws in Oklahoma Territory. The Seventh Legislative Assembly, taking their seats in 1903, as well as the Eighth in 1905, did not see any new territorial race laws passed as the legislature was evenly divided in 1903 and in Republican hands in 1905. When the Democrats held a slight majority in the House during the Seventh Assembly, two bills were introduced to restrict interaction between the races and limit voter turnout. House Bill 109 called for racial separation on railroad coaches, and another bill attempted to create a pole tax; neither bill was acted upon by either chamber.<sup>94</sup> With no further territory legislative action in regard to racial issues, heading into statehood, Oklahoma Territory had established segregated schools at the behest of Democrat and Progressive legislature when they controlled the territory's legislatures. Segregated schools first appeared through a county option in 1890, but by 1901, they had become mandatory. When Republican efforts failed to stop the segregation of schools when their 1895 repeal of the Separate Schools Act was vetoed by the Democratic governor and Republican courts overturned the Democrat's 1897 mandatory segregation to see the Democrats pass the 1901 bill for mandatory schools, the Republicans turned to making schools equal. Despite the Republican's overall failure in integrating schools, they were successful at keeping

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<sup>93</sup> *Territory of Oklahoma Session Laws of 1901* (Guthrie, Oklahoma Territory: State Capital Printing Col., 1901), 205-08.

<sup>94</sup> *Territory of Oklahoma Session Laws of 1901* (Guthrie, Oklahoma Territory: State Capital Printing Col., 1901), 205-08.

Jim Crow in check by not allowing movement on bills that segregated railroad coaches and established a poll tax.

Entering Oklahoma's Constitutional Convention era, both Indian and Oklahoma territories allowed for school segregation and anti-miscegenation laws. Indian Territory, in their attempt to create their own state to enter the union instead of jointly with Oklahoma Territory, would allow for the continuation of laws that were already enforced in Indian Territory that were not repugnant to the constitution that was adopted at the Sequoyah Convention in 1905.<sup>95</sup> Unlike the Constitutional Convention of 1906, which had no African American delegates, the Sequoyah Convention listed two, J.A. Roper and Richard Hill from District 9, along with three alternates out of the one-hundred and eighty-two delegates, a little under 3 percent.<sup>96</sup> People of African descent are only mentioned once in the Sequoyah Constitution. Article VII Sec. 4 provided equality in the distribution of school funds and created but stipulated that "separate schools shall be provided for children of African descent."<sup>97</sup> Although segregation was allowed in schools and any past tribal laws were allowed to continue, the Sequoyah Constitution did perfunctorily protect the rights of all citizens of the would-be state with Sec. 29 of Article I "Bill of Rights" stating that "All persons, are and shall ever be, equal before the law. No citizen shall ever be deprived of any right, privilege, or immunity or exempted from any duty or responsibility on account of race, color, or previous condition."<sup>98</sup> However rigorously the State of Sequoyah

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<sup>95</sup> *Constitution of the State of Sequoyia* (Muskogee, Indian Territory: Phoenix Printing Company, 1905), 63.

<sup>96</sup> "Delegates to Convention: Separate Staters Select Men to Attend the Pow Wo in this city on August 21," *Muskogee Phoenix*, (Muskogee, Oklahoma), August 10, 1905.

<sup>97</sup> *Constitution of the State of Sequoyia* (Muskogee, Indian Territory: Phoenix Printing Company, 1905), 4-5.

<sup>98</sup> *Constitution of the State of Sequoyia* (Muskogee, Indian Territory: Phoenix Printing Company, 1905), 26.

would have adhered to protecting the civil rights of all of its citizens will never be known due to the political climate of the day in which Indian Territory was firmly in the hands of Democrats. At the same time, a Republican President sat in the Whitehouse who did not want to hand federal legislative seats to the opposition.<sup>99</sup> Utilizing the bully pulpit, Theodore Roosevelt pushed through the Republican view that Oklahoma and Indian Territories should enter the union as a single state to allow the Republicans at least a chance to appoint two senators and elect members to the House. The passage of the Oklahoma Enabling Act established the guidelines for which the constitution for the new state government should be based. These guidelines included a republican form of government, religious liberty, and the protection of suffrage regardless of race or previous conditions of servitude.<sup>100</sup> Oklahoma, heading into the delegate election, had a federal mandate to promote equality and, up to that point in time, a history of the Republican party attempting efforts to protect and serve the African American population in the territory and a black population that would turn out to vote for Republicans allowing the party to be competitive in elections.

The transformation to establish extensive racial restrictions would only occur with a combination of events. The disastrous 1906 turn by some Republicans to support the concepts supported by the “Lily Whites” alienated their African American voters. Dissatisfied black voters, to their overall detriment, decided to sit out the election instead of supporting Republicans to offer a counterbalance to Democrat and Progressive policies at the state convention. The 1907 domination of Democrats and Progressives allowed the Democrats to control Oklahoma’s Constitutional Convention and first legislature, effectively eliminating

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<sup>99</sup> Baird and Goble, *Oklahoma: A History*, 171.

<sup>100</sup> Jekel, *The Original Constitution of the State of Oklahoma 1907 & the Road to Statehood*, 165-187.

Republicans from establishing the new state government. Finally, the discipline of the Democrat delegates was not to push to fully establish Jim Crow in the state Constitution, which Roosevelt threatened to veto, but to wait until the state was formed to create sweeping racial restrictions during the first legislative session.<sup>101</sup> The combination of all these events opened the door for Jim Crow and the effective establishment of single-party control of state politics through the first quarter of the 20<sup>th</sup> century, as Republicans averaged less than twenty-five percent of the legislative seats and never controlled a majority in either house, allowing Democrats to regularly add to the state's segregation laws with little legislative ability by the Republicans to pushback on segregationist laws.<sup>102</sup>

With a supermajority, the Democrats and Progressives were tempted to push for Jim Crow Legislation.<sup>103</sup> Still, these temptations were tempered by the threat of a President Roosevelt veto if the Enabling Act was violated by stripping away African American Constitutional rights.<sup>104</sup> Democrats' main goal was getting a federally accepted constitution passed while staking out their support for segregation. Other considerations on how to limit African American autonomy would need to wait until after the constitution's ratification.<sup>105</sup>

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<sup>101</sup> "Compromise on Coach Law Rumored," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), January 10, 1907.

<sup>102</sup> Baird and Goble, *Oklahoma: A History*, 175-178; For a better understanding of Democrat control in Oklahoma see, Wickett, *The Fear of Negro Domination*, 61-63; Philip Mellinger, "Discrimination and Statehood in Oklahoma," *Chronicles of Oklahoma*, vol. 49 no. 3, Oklahoma Historical Society, (1971): 373-375.

<sup>103</sup> Proceeding of the Proposed State of Oklahoma Held at Guthrie, Oklahoma, November 20, 1906 to November 16, 1907 (Muskogee, Oklahoma: Muskogee Printing Company, n.d.) 21-22.

<sup>104</sup> "Telling the Truth," *Norman Transcript* (Norman Oklahoma), December 20, 1906; "Fight Over Oklahoma," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), December 22, 1906; Governor Frantz was Misquoted in Regard to the "Jim Crow" Speech," *Oklahoma State Register* (Guthrie, Oklahoma), February 28, 1907.

<sup>105</sup> "Redeem the Party Pledge," *The Daily Oklahoman*, *The Daily Oklahoman*, (Oklahoma City, Oklahoma), January 11, 1907; "'Cold Feet'" the Cause? 'Jim Crow' Committee Named -Only one Result is Forecast," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), February 23, 1907.

While the full Jim Crow agenda by the Democrats and Progressives was not ingrained into the state's constitution, they were able to entrench into the very foundation of the state, separate schools for whites and blacks.<sup>106</sup> Separate schools would extend through higher education as the state constitution provided for the continued operation of Oklahoma's only black college, the "Colored Agricultural and Normal University," now known as Langston University.<sup>107</sup> Furthermore, the state Constitution defined racial identity for the state when the delegates further clarified their definition of separate schools. "Sec.3. Separate schools for white and colored children with similar accommodations shall be provided by the Legislature and impartially maintained. The term "colored children," as used in this section, shall be construed to mean children of African descent. The term "white children" shall include all other children."<sup>108</sup>

A later provision sought to clarify section three, which defined "colored children" in that section by defining who is considered African American, creating a division between African Americans and all other races. Article XXIII, Sec. 11 "Definition of Races" wherever state law or the Constitution was concerned, "the word or words 'colored' or 'colored race,' 'negro' or 'negro race,' are used the same shall be construed to mean or apply to all persons of African descent. The term 'white' race shall include all other persons."<sup>109</sup> With this provision, Oklahoma became the first in the nation to adopt a one-drop rule in defining who was black in the nation.<sup>110</sup> Oklahoma's one-drop ruling casting all blacks on one side and all other races on the other might

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<sup>106</sup> *Constitution of the State of Oklahoma* (Oklahoma City: Warden Printing Company, 1907), 4.

<sup>107</sup> *Constitution of the State of Oklahoma*, 55.

<sup>108</sup> *Constitution of the State of Oklahoma*, 57.

<sup>109</sup> *Constitution of the State of Oklahoma*, 90.

<sup>110</sup> Paul Finkelman, "Conceived in Segregation and Dedicated to the Proposition that All Men Were Not Created Equal: Oklahoma, the Last Southern State," in *Black Americans and the Civil Rights Movement in the West* (Norman: University of Oklahoma Press, 2019), 216.

be shocking to modern sensibilities who only define the oppressed and the oppressors based on Western colonialism. However, once tribal laws of Indian Territory are analyzed, particularly those of the Choctaw, Chickasaw, Cherokee, and Creek, there is little mystery as to why James Sapulpa, a Creek politician, bluntly stated, “the negro is a negro and belongs in Africa...The Indian did not bring him here; he was brought here as a slave. The Indian recognizes him as a separate, distinct, and inferior race and does not want to be associated with him in any manner. The Indian stands for separate schools, separate coaches, and separate waiting rooms.”<sup>111</sup> Living out and championing the Democratic platform, Native Americans were placed on the controlling side of the one-drop rule, being labeled as white in a society that was increasingly moving into a period where the law and state would only recognize blacks and whites. For the freedmen of Indian Territory and their descendants, they were entering statehood no longer separated from the African Americans who immigrated into the Twin Territories. While there is strength in numbers, they all would feel the wrath of Jim Crow.

Oklahoma’s first state legislature assembled on December 2, 1907, and by December 18th, had passed their first Jim Crow statute, which initiated separate railroad coaches and waiting rooms for African Americans.<sup>112</sup> *Muskogee Cimeter* attacked the law but was not shocked by the Democrats' quick action to fulfill their campaign promises to institute Jim Crow.<sup>113</sup> However, what was shocking to black editors was that five of the twenty-one

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<sup>111</sup> James Sapulpa in “Prominent Indians’ Views of the Political Parties of the Day” Green McCurtain Collection, Box 27 File 10, Western History Collections, University of Oklahoma Libraries, Norman.

<sup>112</sup> “Provides Separate Coaches and Waiting Rooms: Official Order for Same Will Soon Be Published and Will Become Effective in Four Weeks,” *El Reno Democrat*, (El Reno, Oklahoma), December 5, 1907. “bills Now Become Laws: Jim Crow Measure Passes Modification of Billups’ Bill is Fixed Up Cars,” *Chickasaw Capital*, (Tishomingo, Oklahoma), December 26, 1907.

<sup>113</sup> *Muskogee Cimeter*, (Muskogee, Oklahoma), November 29, 1907; *Muskogee Cimeter*, (Muskogee, Oklahoma), December 20, 1907; “Negro Bishops File Complaints: Over condition of “Jim Crow Coaches,” *The Muskogee Cimeter*, (Muskogee, Oklahoma), February 28, 1908.

Republicans in the legislature voted for the passage of the law, showing the extent of the inroads that the “Lily-Whites” had made in the Republican party.<sup>114</sup> Not taking the new legislation lightly, African Americans attempted to overturn the separate coaches law through legal means as well as through civil disobedience. Edward P. McCabe and Edward H. Twine brought separate injunctions to stop railroad companies from putting the law into effect. Their motion was denied by Judge John H. Cotteral, who claimed to have limited power to overturn state legislative action regarding separate facilities for railroads.<sup>115</sup> Individual African Americans attempted to resist the new law by refusing to move out of white coaches, and a group of African American protestors burned the Midland Valley depot when the depot started to build a separate waiting room.<sup>116</sup> Despite African American efforts to undermine the law, the law stood and ushered in the segregated policies that would define race relations in Oklahoma for the first half of the 20<sup>th</sup> century.

Following the elections of 1906, Oklahoma’s African American residents returned to the polls, which impacted the 1908 election, increasing the number of Republican-held seats in the legislature by 123 percent to forty-nine members elected, as well as three of the state’s five House seats in the federal government.<sup>117</sup> This increase included the first and only African American elected to the state legislature until 1964, Albert Comstock Hamlin. During his one term, Hamlin sponsored successful legislation to make railroad facilities equal as well as

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<sup>114</sup> *The Muskogee Cimeter*, (Muskogee, Oklahoma), December 13, 1907.

<sup>115</sup> “Jim Crow Decision: The Holding of Judge Cotter as Set Out in the Circuit Court Tuesday Not a Sufficient Showing,” *The Oklahoma Tribune*, (Oklahoma City, Oklahoma), March 27, 1908

<sup>116</sup> “Fire at Muskogee: Depot fired supposedly by Negroes near Convention Hall,” *Ralston Free Press*, (Ralston, Oklahoma), February 27, 1908.

<sup>117</sup> Baird and Goble, *Oklahoma: A History*, 179.



appropriate money for Taft School, an institution for deaf, blind, and orphaned African Americans.<sup>118</sup> Hamlin's election and Republican increased success in 1908 was an affront to the Democrats' worldview of Oklahoma.

The changing political winds in the state represented the fruits of Charles N. Haskell's great fear he had laid out in his campaign speech for governor two years earlier. If constituents vote Republican, "you thereby extend an open and cordial welcome to the negro race of other states, and it is not overestimating to say that Mississippi, Louisiana, Texas, and Arkansas will practically become depopulated of the negro race by their grand rush to the new state."<sup>119</sup> Democrats were quick to stop Hamlin and stem the Republican advance by officially amending the constitution through a public vote to eliminate black voters through the incorporation of a literacy test that only applied to African Americans as well as western tribes but exempted the Five Tribes, which often affiliated with the Democratic party. The exception for the Five Tribes was placed in the bill as "no person who was, on January 1<sup>st</sup>, 1866, or at any time prior thereto, entitled to vote under any form of government...shall be denied the right to register and vote because of his ability to so read and write sections of such Constitution."<sup>120</sup> Since the Five Tribes had an electoral form of government prior to 1866, they would be exempted from the literacy qualification. The amendment passed 135,443 to 106,222, a relatively narrow margin reminiscent of the close elections between Republican and Democrat control during the area's

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<sup>118</sup> Michael L. Bruce, "Hamlin, Albert Comstock," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed, January 03, 2024. <https://www.okhistory.org/publications/enc/entry?entry=HA015>.

<sup>119</sup> "Haskell's Masterly Speech Sounds Keynote of Democratic Campaign," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), August 11, 1907.

<sup>120</sup> Howard Parker, *State of Oklahoma Sessions Laws of 1910* (Guthrie, OK: State Capital Company, 1910), 125-6.

territory days. Contemporaries of the time and modern historians have questioned the tally, pointing to the additional 20,364 votes cast in the amendment vote than that year's governor election, as well as reports of voter intimidation and one inspector marking ballots for voters.<sup>121</sup> The format of the vote has also been scrutinized as voters, in order to vote against the amendment, had to cross out the "For the Amendment." If the ballot contained no mark, then it was counted as favoring the measure.<sup>122</sup> A legitimate vote or not, the tally all counted the same, and tens of thousands of African Americans and Plains Tribes members found voting more difficult, effectively shutting out large quantities of people from political participation, pressing the scale that balances the political process further to the side of the Democrats until *Guinn and Beal v United States* declared unconstitutional by the U.S. Supreme Court in 1915 but only for a subsequent law with an extremely brief registration window for voters that were previously ineligible to vote was approved that same legislative session.<sup>123</sup>

In controlling the legislative process from the founding of the state constitution to the first half of the 20<sup>th</sup> century, Democrats were able to push through a series of Jim Crow legislation. In a state that showed Western promise of being a promised land full of opportunities and freedom, it firmly entrenched itself in the Jim Crow South. Alongside separate schools, segregated railcars, and the literacy test, the Oklahoma legislature created a miscegenation law that made it unlawful for any person of African descent to marry a white person in 1908 and further clarified the statute in 1921 to also prohibit marriage between African Americans and

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<sup>121</sup> R. Darcy, "Constructing Segregation," 279-280; Wickett, "The Fear of 'Negro Domination,'" 62.

<sup>122</sup> Parker, *State of Oklahoma Session Laws of 1910*, 125-6.

<sup>123</sup> "Lawmakers Hurl Inkwells in Riot," *The New York Times*, (New York City, New York), February 19, 1916; Baird and Goble, *Oklahoma: A History*, 179.

Native Americas.<sup>124</sup> The state further strengthened separation in education by making instruction of white and colored children in the same school a misdemeanor, forfeiture of teacher certification for up to one year, and required separate accommodations in public libraries.<sup>125</sup>

In 1915, Oklahoma set a national precedence when the state required telephone companies to maintain and operate separate phone booths.<sup>126</sup> In 1925, funding for the construction of a new state penitentiary would be authorized as long as the construction would “provide absolute segregation of the white and colored races at all times.”<sup>127</sup> City and state ordinances sought the segregation of entertainment, recreation, and sport when Oklahoma City banned the marching of black and white bands in the city’s parades, as well as stopping black Golden Glove boxers from sparing with white boxers. In 1928, the Conservation Commission received the right to segregate races in regard to fishing, boating, and bathing, and in 1935, blacks and whites were forbidden from boating together.<sup>128</sup> The totality of the Jim Crow legislation caused Gunnar Myrdal, a Swedish socialist, in 1944, to firmly place Oklahoma in the South when he attempted to define the region through the analysis of the legal status of African Americans in his seminal work *American Dilemma: The Negro Problem and Modern Democracy*.<sup>129</sup> Based on Myrdal legal status items of school segregation, anti-miscegenation, segregated railways and streetcars, the white primary, grandfather, and literacy tests, Oklahoma

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<sup>124</sup> *State of Oklahoma: Sessions Laws of 1907-1908* (Guthrie, Oklahoma Printing Co. 1908), 556.

<sup>125</sup> *State of Oklahoma Session Laws of 1919* (Oklahoma City: Harlow Publishing Co., 1919), 165-166; R.H. Wilson, *School Laws of Oklahoma 1921*. (Oklahoma City: Warden Company, 1921), 55, 65.

<sup>126</sup> “New Legislative Bills,” *The Daily Oklahoman*, (Oklahoma City, OK), February 26, 1915

<sup>127</sup> *State of Oklahoma: Session Laws of 1925* (Oklahoma City: Harlow Publishing Company, 1925), 269.

<sup>128</sup> “Jim Crow Laws in Oklahoma,” *The Oklahoman*, (Oklahoma City, Oklahoma), Feb 13, 2005.

<sup>129</sup> Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* Vol I (New York: Harper Collins, 2009), 186.

lacked only the white primary, placing it firmly with the likes of Arkansas, Florida, Mississippi, and Texas only right below Virginia, North and South Carolina, Louisiana, Georgia, and Alabama. No western state comes close to the number of race legislation as Oklahoma and border states outside of Tennessee, which had the same number as Oklahoma, Maryland with four, Missouri and West Virginia with two a piece, and Kansas, Oklahoma's neighbor to the north with one.<sup>130</sup> Oklahoma, who ended the territorial period with two of the items that Myrdal analyzed, quickly caught up to the rest of the South, and in some ways, like the segregation of phone booths in 1915 and the one-drop definition used in Oklahoma's constitution, set precedents for other Southern states to follow.

The political transformation altered the state from one of promise for Southern African Americans to a continuation of what they left behind in the South. Violence had long been a vestige of the area that makes up Oklahoma, but the period in and around statehood brought an increase in racial violence to the land. In 1902, Territorial Governor Thompson Benton Ferguson received a telegram that Comanche County "was in the throes of a race war" after the Kiowa country was opened to settlement and a large colony of African Americans moved into Lawton. The wire explained that several street fights broke out between blacks and whites and "that the whites are in arms and threatening to drive every negro out of Lawton before sunrise Monday morning."<sup>131</sup> Lawton was not the only attempt by whites to create sundown towns. A decade later, *The Muskogee Cimeter* reported that African Americans in Bryan County organized to protect their lives and property as the whites in Bryan Country "were bent on driving the negroes

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<sup>130</sup> Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* Vol II (New York: Harper Collins, 2009) 1072.

<sup>131</sup> Teall, *Black History in Oklahoma*, 203.

away.”<sup>132</sup> In 1922, the *Norman Transcript* reported that the first African American in years had spent the night in Norman due to his incarceration in the town’s jail. The article gave credence to Norman’s unwritten law and practice of being a sundown town. Explaining that “E.L. Sutton, negro didn’t pay any attention to the University City’s silent warning ‘Negro don’t let the sun go down on you here.’”<sup>133</sup> The home to Oklahoma University remained off limits to African Americans at night, according to the Negro Motorists Green Book of 1940, which the *Oklahoma Daily* confirmed that same year when officials from the University of Oklahoma confirmed that Norman’s extralegal practices forbade African Americans from working in Norman.<sup>134</sup>

Extralegal practices extended beyond the practice of creating and instituting sundown towns. Post-statehood, the nature of lynching in the state began to change, with more blacks than whites being lynched.<sup>135</sup> Racial complexity, as one N.A.A.C.P (National Association for the Advancement of Colored People) investigator, found it nearly impossible for the outside world to know the truth regarding lynching and race conflicts in isolated communities. Walter F. White, the Field Secretary for the N.A.A.C.P in 1922, explained,

for local newspaper men are usually the correspondents of the news service organization and in many cases they are members of the mob, or their friends, or relatives are members and must be protected. If, as in rare instances, the local newspaper man happens to be bitterly opposed to the lynching, he knows that if he should send out the true story of the lynching, he himself might feel the hand of the mob.<sup>136</sup>

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<sup>132</sup> Teall, *Black History in Oklahoma*, 204.

<sup>133</sup> William H. Green, *The Negro Motorist Green-Book* (New York: Victor H. Green, 1940), 38-39.

<sup>134</sup> “Students Want No Negro Competition,” *The Daily Oklahoman*, (Oklahoma City, Oklahoma), December 11, 1940.

<sup>135</sup> Scott Ellsworth, *Death in a Promised Land; The Tulsa Race Riot of 1921* (Baton Rouge: Louisiana State University Press, 1982), 19-20.

<sup>136</sup> Walter F. White, “What a Lyncher Looks Like: Hair Raising Exploits of N.A.A.C.P. Investigator Down in America’s Congo; Out Bluffing the Bluffers,” *The Black Dispatch*, (Oklahoma City Oklahoma), April 27, 1922.

White's exasperation in finding the truth can be seen in the *Norman Transcripts* coverage of the 1914 lynching of Dr. B.E. Ward. Ward, arrested for the murder of his wife, was taken from the Cleveland Country jail in Norman and hung by unknown white assailants. The *Norman Transcript* reported that the party considered the act one of justice and an execution, not a lynching and that Ward's brutal murder of his wife was done in a way that would see Ward spend his days in an asylum and not jail. Furthermore, the paper reported that not one person in the area did not fear Ward's release. For those who were feeling squeamish about the lynching of Ward, the *Transcript* gave the following advice: "however much you may condemn lynch law, there are cases where it is almost justifiable, where it becomes a righteous judgment for inhuman and brutal murders for which there seems no adequate punishment under the law." Whether Ward's lynching was done out of fear or racial animosity can never be known as the assailants were never prosecuted, but what is plainly seen in the event was the failure of the police and community to grant Ward the right to due process.

During the 1920s, Oklahoma became a hotbed of activities of the KKK (Ku Klux Klan), particularly in Tulsa, which in 1921 claimed 3,200 members and became the site of Oklahoma's worst race riot.<sup>137</sup> The Tulsa Race Riot was not unique in the sense that a community faced large-scale racial violence, with nearly a dozen riots in the decade before and after statehood. Areas like Berwyn in 1895, Boynton in 1904 prior to the state's constitutional convention, and again in the towns of Henryetta in 1907 and Dewy in 1917 when the African American parts of those

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<sup>137</sup> Ellsworth, *Death in a Promised Land*, 21-22.

towns were destroyed to establish a sundown precedent for the communities.<sup>138</sup> However, the scale of violence and destruction in Tulsa places the event in infamy.

The *New York Times* reported the death of eighty-five blacks and whites as 3,000 armed men battled it out in the streets of the Greenwood District while thirty city blocks were burned to the ground.<sup>139</sup> The *Black Dispatch* filled in additional details and explained that over 700 homes and 200 businesses were destroyed, equating to a loss of over four million dollars to the African American community.<sup>140</sup> Contemporary scholars have estimated the death toll to be 100 to 300 African Americans, while today, the city of Tulsa is still attempting to uncover evidence of the totality of lives lost.<sup>141</sup> While scholars have not definitively answered the level of involvement in causing and perpetrating the events of the Tulsa Race Riot.<sup>142</sup> Historian Scott Ellsworth's *Death in a Promised Land* is considered the definitive history of the riot. Ellsworth served as a consultant to the official Oklahoma State Commission's 1997 investigation of the riot. Ellsworth's view of the KKK involvement, in the end, did not push white Tulsa over the edge to commit the atrocities as Whites were primed to act if they owned the hood or not. Ellsworth noted that the "mythical 'reconstruction' of black Tulsa by politically and socially influential white Tulsans, be they members of the hooded order or not, revealed a total disregard for the

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<sup>138</sup> Dianna Everett, "Lynching," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 5, 2024. <https://www.okhistory.org/publications/enc/entry?entry=LY001>.

<sup>139</sup> Teall, *Black History in Oklahoma*, 205.

<sup>140</sup> Teall, *Black History in Oklahoma*, 206.

<sup>141</sup> Alina E. Roberts, *I've Been Here All the While*, 129; Lauren McCarthy, "Tulsa Reaches 'Breakthrough' in Search for Massacre Victims," *The New York Times*, April 17, 2023. <https://www.nytimes.com/2023/04/15/us/tulsa-race-massacre-murders-dna.html>

<sup>142</sup> For works on the Tulsa Race Riot of 1921 see Scott Ellsworth, *Death in a Promised Land; The Tulsa Race Riot of 1921* (Baton Rouge: Louisiana State University Press, 1982); Tim Madigan, *The Burning: The Tulsa Race Massacre I* (New York: St. Martin Griffin, 2001); Randy Krehbiel and Karlos K. Hill, *Tulsa, 1912: Reporting a Massacre* (Norman: University of Oklahoma Press, 2019).

rights of black citizens.”<sup>143</sup> What can be definitively answered is that following the 1921 riot, the KKK rose to incredible power in the state building Beno Hall, a two-hundred-thousand-dollar building in downtown Tulsa, and played a leading role in Governor John C. Walton's 1923 impeachment. Walton, before his impeachment, was appalled by the Klan's violence and put parts of the state under martial law.<sup>144</sup> One of the principal reasons for Walton's call for martial law stemmed from the reported 2,500 “whipping parties” that took place in Oklahoma in the previous year, with Tulsa and Oklahoma County averaging approximately one per day.<sup>145</sup> Three years after the Tulsa Race Riot, the Democratic City administration of Tulsa, endorsed by the KKK, swept the 1924 election, winning every seat over the Republican and Anti-Klan ticket.<sup>146</sup> The Klan's election sweep in 1924 proved the highpoint of the white terrorist organization's power as the 1923 anti-mask bill took effect, seeing the Klan numbers drop throughout the rest of the 1920s.<sup>147</sup>

Oklahoma's transformation in the years leading to statehood and the first two decades after placed Oklahoma in solid partnership with other Southern States. The racial violence seen along with the implementation of Jim Crow minimized any chance that Oklahoma would be a magnet for black Southerners' mass migration to the State. The Democrats' ability to convince a majority of Oklahoma voters that Jim Crow legislation was necessary to prevent Oklahoma from being dominated by an influx of Southern blacks, along with many of those same voters utilizing

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<sup>143</sup> Ellsworth, *Death in a Promised Land*, 98.

<sup>144</sup> Larry O'Dell, “Ku Klux Klan,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 5 2024. <https://www.okhistory.org/publications/enc/entry?entry=KU001>.

<sup>145</sup> Teall, *Black History in Oklahoma*, 210.

<sup>146</sup> Teall, *Black History in Oklahoma*, 214.

<sup>147</sup> Baird and Goble, *Oklahoma: A History*, 188.



violence to maintain a social hierarchy, as well as attempts to pacify their own personal demons placed African Americans at a distinct disadvantage in the state. Despite the efforts of those in power and various individuals in the state, Oklahoma's African Americans fought back in an attempt to transform the state back into the promised land they had envisioned. Oklahoma's black activists were not alone in these efforts, the N.A.A.C.P. filed a brief in the *Guinn and Beal v United States*, and Oklahoma juries jailed officials who kept African Americans from voting to protect African American suffrage.<sup>148</sup> The first half of the twentieth century would see a long uphill battle for Civil Rights in Oklahoma. However, the first salvo that will signal the next period of transformation that could lead Oklahoma to truly becoming the promised land for African Americans will be fired on the very issue that jump-started Jim Crow: education.

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<sup>148</sup> R. Darcy, "Constructing Segregation," 282.

## Chapter 5

### Separate is Not Equal: Oklahoma's Long Civil Rights Fight in Education

The black fight for equal treatment in Oklahoma has a long history. The first battles took place during the Civil War reconstruction era when the Five Tribes attempted the citizenship rights of the freedmen as the freedmen attempted to secure their piece of tribal allotments and allocations from the federal government. The struggle continued into statehood when the Native freedmen and African Americans were systemically placed in the same racial caste, with the state's classification of blacks being of any African descent and whites consisting of all other races paving the way for the continuation of segregation principles already seen in Oklahoma's twin territories to continue as Oklahoma became a state. The purpose of establishing Jim Crow legislation, as William H. Chafe succinctly explained, was "to crush the human spirit, take all impulses to freedom, and deny the basic instinct of God's creatures to move forward and create a better life for their families and children."<sup>1</sup> With this purpose in mind, Chafe sees the very survival of Jim Crow by African Americans in just striving to live their lives marrying, raising a family, and getting an education all as forms of defiance.<sup>2</sup>

Oklahoma's civil rights history is full of Chafe's form of defiance, and most significantly, Oklahoma's African American's long fight to secure equal education, which in turn will lay the foundation for the *Brown* decisions, which will tear down the walls of the United States separate but equal doctrine. Despite the significance of Oklahoma's role in the black freedom struggle, Oklahoma sits on the periphery in the historiography of America's civil rights

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<sup>1</sup> William H. Chafe, *Lifting The Chains: The Black Freedom Struggle Since Reconstruction*, (New York, Oxford University Press, 2023), 94.

<sup>2</sup> Chafe, *Lifting the Chains*, 95.

narrative. Chafe's long history treatment of the African American fight for civil rights that analyzes a period from the Civil War to the present day makes little space for Oklahoma's role in this struggle for rights. Chafe connects white resistance to economic advancement and political rights to the race riots of 1919-1923, which include the Tulsa Riot.<sup>3</sup> Later, Chafe brings in the *McLaurin v. Board* Supreme Court decision, which desegregated the University of Oklahoma classrooms, to explain the process in which the constitutionality of segregation was overturned.<sup>4</sup> William H. Chafe is a masterful historian, and it is unfair to expect an impossible task of attempting to enlighten us of the full scope of the long civil rights struggle since Reconstruction in one monograph. However, Oklahoma's significance to the Civil Rights movement should allow for the historical events and people in Oklahoma to take a more prominent role in telling the national civil rights narrative, particularly the fight in the state for equal education. By expanding Oklahoma's bit role to one of more consequence, a better understanding of Oklahoma's state history can be seen as the Western concepts of the state make room for the Southern lens through which to perceive the state's past. Furthermore, by including Oklahoma in the South, a fuller, more expansive view of the national civil rights movement can take place as Oklahoma strengthens the concept that there was a long civil rights history in this nation.

From the moment Oklahomans selected candidates for the State's Constitutional Convention who ran for and, once elected, pushed to adopt "separate schools, separate coaches on the railroads, and separate depot accommodations," the state's ruling central policy was one of segregation.<sup>5</sup> Democratic politician E.J. Giddins utilized rhetoric in 1906 to tap into the racial

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<sup>3</sup> Chafe, *Lifting the Chains*, 153-154.

<sup>4</sup> Chafe, *Lifting the Chains*, 219-220.

<sup>5</sup> *Proceedings of the Constitutional Convention of the Proposed State of Oklahoma Held at Guthrie, Oklahoma November 20, 1906 to November 16, 1907* (Muskogee: Muskogee Printing Company, 1907), 21.

fear of “negro domination” in the state to turn out voters to place in power the Democratic party that will rule Oklahoma in their own traditional “Southern” way and that “God grant when the election returns come in on the night of the sixth of November that the wires will flash the news everywhere the people of Oklahoma have satisfactorily settled the negro question.”<sup>6</sup> Shortly after Oklahoma entered the United States as the forty-sixth state, they passed Senate Bill Number One, solidifying the state’s first legislative steps of incorporating Jim Crow segregation with a bill that outlined separate accommodations for blacks and whites on railways, streetcars, coaches, and waiting rooms.<sup>7</sup> Ever since those early days of statehood and the state implementation of Jim Crow, African Americans in the state attempted to secure their rights. They fought back through educational achievement, resistance, protests, and the legal system.

In 1910, Oklahoma amended the constitution to include the “Grandfather Clause” literacy test that specially required African American voters to read and write sections of the Constitution.<sup>8</sup> The Grandfather Clause specifically targeted African Americans and protected the right to vote for Natives and Whites per the petition filed by Judge John H. Burford. The filing specified that “the education test therein prescribed will not, under the provisions of the said amendment, be required of any other persons or electors in the state except the person of African descent.”<sup>9</sup> The direct nature of the amended State Constitution to specifically target African Americans made the new clause susceptible to the argument that Oklahoma’s amended

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<sup>6</sup> “An Address by E.J. Giddings, Oklahoma City, Oklahoma Territory, September 22, 1906, File 82.97 in Barde Collection.

<sup>7</sup> James M. Smallwood, “Segregation,” *The Encyclopedia of Oklahoma History and Culture* Oklahoma Historical Society accessed January 09, 2024.

<sup>8</sup> Gibson, *Oklahoma*, 210.

<sup>9</sup> “Why You Should vote for the Grandfather Clause: The Amendment does not Affect Whites and Indians,” *The Wilburton News* (Wilburton, Oklahoma), July 29, 1910.

constitution now violated the Federal Fifteenth Amendment. Soon after passage, the Justice Department, led by classically liberal Democrat Solicitor General of the Wilson administration, John W. Davis, and the recently formed NAACP president, Moorfield Story, a renowned Boston lawyer and together they challenged Oklahoma's "Grandfather Clause."<sup>10</sup> Although working for an administration that segregated the federal government, Davis defended the Constitution as written. His work in the Oklahoma case demonstrated Davis' rhetorical argument to his fellow law graduates from Washington and Lee University in 1895 when he explained that the "lawyer has always been the sentinel of the watchtower of liberty. In all times and all countries has he stood forth in defense of his nation, her laws, and liberties..."<sup>11</sup> The work of Story and Davis culminated in the unanimous decision of *Guinn v. United States* by the Supreme Court in 1915.

*Guinn v. United States* was a tremendous victory for the just recently created NAACP and civil rights in general as it was the first significant civil rights victory in the Supreme Court since 1883, whose rulings that year overturned the Civil Rights Act of 1875 and ushered in the Jim Crow era.<sup>12</sup> However, prominent Civil Rights Era scholars, as well as contemporary academics, have downplayed the actual value of *Guinn v. United States*. Paul Finkleman's 2019 work, "Conceived in Segregation and Dedicated to the Proposition that All Men were Not

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<sup>10</sup> Very little scholarship work has been completed on Moorfield Storey the most comprehensive work is now fifty years old offering space for a further study of Storey's life and career as harbinger of modern liberal thought in America. See William B. Hixson, *Moorfield Storey and the Abolitionist Tradition* (New York: Oxford University Press, 1972).

<sup>11</sup> John W. Davis "Law Class Oration," given at Washington and Lee University in 1895. Quoted in William H. Harbaugh, *Lawyers Lawyer: The Life of John W. Davis* (Charlottesville: University of Virginia Press, 1990), 13.

<sup>12</sup> The overturning of the Civil Rights Act of 1875 which prohibited discrimination in public accommodations like inns and theaters paved the way for "Jim Crow" segregation laws of the 1880s and the eventual 1896 *Plessy v. Ferguson* decision that established "separate but equal" doctrine that provided the constitutional basis for segregation.

Created Equal: Oklahoma, the Last Southern State,” explained how the two-year window from 1913 to 1915 during which the case was argued allowed the Oklahoma legislature to pass a new voter registration law that required all eligible voters in the state to reregister to vote unless they had voted in 1914. Since the *Guinn* decision did not come until 1915, African Americans were effectively barred from voting in the state as “almost no blacks could vote in 1914.”<sup>13</sup>

Finkleman’s sentiments echo prominent Oklahoman historian John Hope Franklin who argued that “by 1910, the Negro had been effectively disenfranchised by constitutional provisions in North Carolina, Alabama, Virginia, Georgia, and Oklahoma.”<sup>14</sup> Hope, who was born in Rentiesville, Oklahoma, in 1915 and spent his formative years in Oklahoma, would have seen firsthand the disenfranchisement of African Americans in the state.<sup>15</sup> However, Franklin and Finkleman failed to account for the full complexity of the human experience; instead, both distinguished scholars relied on their own lived experience and perception of the time and the law’s intent to achieve disenfranchisement of African Americans while not taking into account the individual the law attempted to strip rights from.

The Oklahoma “Grandfather Clause” and the state’s legislative workaround of the *Guinn* decision with their passage of a new voter registration period attempted to achieve the disenfranchisement of the state’s African Americans. However, scholar R. Darcy’s examination of African American voters showed that these Jim Crow measures fell well short of their intended purposes. Darcy’s analysis of six African American Majority Townships found the

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<sup>13</sup> Finkleman, “Conceived in Segregation”, 223.

<sup>14</sup> John Hope Franklin, *From Slavery to Freedom: A History of Negro Americans*, Third edition (New York: Knopf, 1967), 340-341.

<sup>15</sup> Hannah Atkins, “Franklin, John Hope,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 11, 2024, <https://www.okhistory.org/publications/enc/entry?entry=FR003>.

disenfranchisement laws passed by the state did affect the overall number of ballots cast by Oklahoma's African American population, but to argue that black suffrage was eliminated through state actions is far from the truth.<sup>16</sup> As Darcy summarized his findings:

Before the 1910 Grandfather Clause went into effect, African Americans in the six townships (Iowa, North Cimarron, South Cimarron Township, Springvale, Deep Fort, and Luther) were voting at well above the state rate dropped to about half the state rate. It quickly rose again, however, to at or above the state rate by 1916 and stayed there through 1940.<sup>17</sup>

The causation of the failure in the state's attempt to minimize the African American vote was twofold. Ultimately, the driving mechanism of Oklahoma's "Grandfather Clause" was a literacy test.<sup>18</sup> Oklahoma legislators and voters who supported the "Grandfather Clause" and saw the clause as a measure adopted by nearly all the Southern states with "general satisfaction" did not account for the state's history.<sup>19</sup> In the Indian Territory, following the Reconstruction treaties, the Five Tribes generally allowed educational opportunities for their freedmen.<sup>20</sup> Furthermore, the African American colony movements to the area were advocates for "a country where they could educate their children," and many of the new African American residents during the first land run were described by the *Topeka Daily Caller* as "not only worthy citizens

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<sup>16</sup> R. Darcy, "Did Oklahoma African Americans Vote Between 1910 and 1943?" *Chronicles of Oklahoma*, vol 93, no. 1 (2015): 72-98.

<sup>17</sup> R. Darcy, "Did Oklahoma African Americans Vote Between 1910 and 1943?," 92.

<sup>18</sup> David A. Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: The University of North Carolina Press, 2010), 164-165.

<sup>19</sup> "Grandfather Clause as Viewed by Prominent Men," *Vinita Daily Chieftain* (Vinita, Oklahoma), July 21, 1910.

<sup>20</sup> Carol Sue Humphrey, "Freedmen Schools," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 11, 2024, <https://www.okhistory.org/publications/enc/entry?entry=FR017>.

but prosperous in business beyond expectations.”<sup>21</sup> The historical precedence of an educated African American population in Oklahoma allowed Professor J.W. McKenzie, the principal of an African American school in Seward, to summarize his personal view. “The Grandfather Clause will not interfere with my right of voting. I think that it is a good thing. I believe that if the negroes are not educated enough to read and write, they should not be allowed to vote.”<sup>22</sup> The development of schools for freedmen by the Five Tribes, along with the African American settler's shared belief in the importance of education, allowed Oklahoma to have a comparatively low illiteracy rate for African Americans when compared to other Southern states and, in the case of McKenzie’s stated opinion supported the law.

At the passage of the “Grandfather Clause” In 1910, 17.7 percent of the African American population ten years of age or over were deemed illiterate, a total of 17,858 individuals. Ten years earlier, 37 percent of Oklahoma’s African Americans, or 14,870 individuals, were illiterate. While the African-American population increased by 81,928 between 1900 and 1910, only 2,988 individuals were added to the illiterate population of African Americans ten years and over.<sup>23</sup> The 17.7 percent of African American illiterates set the bar for the region as bordering states Louisiana at 48.4, Arkansas at 25.4, and Texas illiterate African American population at 24.6.<sup>24</sup> Oklahoma's 83.3 percent literacy rate of African Americans

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<sup>21</sup> Teall, *Black History in Oklahoma*, 150-160.

<sup>22</sup> “Grandfather Clause as Viewed by Prominent Men,” *Vinita Daily Chieftain* (Vinita, Oklahoma), July 21, 1910.

<sup>23</sup> Department of Commerce Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Volume III, Population 1910 Reports by States, with Statistics For Counties, Cities And Other Civil Divisions: Nebraska-Wyoming Alaska, Hawaii, and Porto Rico* (Washington: Government, Printing office 1913), 461, 463.

<sup>24</sup> Department of Commerce Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Volume II, Population 1910 Reports by States, with Statistics For Counties, Cities And Other Civil Divisions: Alabama-Montana* (Washington: Government, Printing office 1913), 115, 775, 801.



outpaced that of the Deep South, which ranged from Florida's 74.4 percent to Alabama, with only 59.9 percent of the state's African American population ten years or older having the ability to read.<sup>25</sup> Democrat E.J. Giddings refused to believe the 1910 census data during the hearing for the contested election case of *Carney vs. Morgan* over the total number of eligible African American voters through the improper execution of the "Grandfather Clause." Democrats claimed that Dick T. Morgan benefited from hundreds of votes from ineligible blacks due to illiteracy but were allowed to vote due to the intimidation of election officials by Republican federal prosecutors.<sup>26</sup> Giddings argued that the negro enumerator who took this census doubled up on us with all the halfbreeds and quarter breeds and everybody else and dumped them on the white side of the fence. But the position we have always taken in Oklahoma and elsewhere throughout the South is that one drop of negro blood makes a negro, and I think you will find that to have been the case here, that they dumped all these other mixed bloods on our side and put all the pure blood of the Ethiopian upon the other. It is not true that the percentage of illiteracy in the State of Oklahoma is merely among the whites, or that there are no more white illiterates in that race than in the colored race, and if the gentleman thinks that is true, let him go back among his people in the next campaign and raise that issue to see what answer the people will make to him in his district.<sup>27</sup>

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<sup>25</sup> Department of Commerce Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Volume II, Population 1910 Reports by States, with Statistics For Counties, Cities And Other Civil Divisions: Alabama-Montana* (Washington: Government, Printing office 1913), 47, 317.

<sup>26</sup> See the Notice of Contest in *Contested Election Case of John J. Carney v. Dick T. Morgan From the Second Congressional District of Oklahoma* (Washington: Government Printing Office, 1914), 3-7. Todd J. Kosmerick, "Morgan, Dick Thompson," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 12, 2024, <https://www.okhistory.org/publications/enc/entry?entry=MO019>.

<sup>27</sup> *Contested Election Case of Carney vs. Morgan: Hearings Before the Committee on Elections No. 2 House of Representatives Sixty-Third Congress Second Session on The Contested election Case of John J. Carney, Contestant vs. Dick T. Morgan, Contestee From the Second Congressional District of Oklahoma April 29, 30, May 1, 2, 4, 5, and 6, 1914* (Washington, Printing Office, 1914), 117.

Giddings did not take into account the seriousness that many African Americans in Oklahoma took their education as well the educational conditions in the state, which were captured in an oversimplified comment by Oklahoma's United States House member Bird McGuire that in Oklahoma, "there is a schoolhouse for every Negro...and the time in my State is passed when the grandfather clause means anything if honestly enforced."<sup>28</sup> Despite the original intentions of the legislators that drafted the "Grandfather Clause" as well as the briefs submitted by the law firms in the contested election cases, who argued that they were not just fighting for a seat in Congress but "the principles of local self-government; of white supremacy in our State" thousands of African Americans voted in the state from 1910 to 1940.<sup>29</sup>

The Republicans and Democrats debated the causes of the number of African American ballots, with Democrats arguing the ineligibility of black voters due to intimidation by federal prosecutors in their attempts to safeguard the Fifteenth Amendment. While Republicans pointed to Democrat Governor Lee Cruce's call for "sensible enforcement" of the Grandfather Clause where "the negro in this state who can read and write has just as good a right to vote as you or I and where the judges of election know that a negro is a qualified voter there is no more reason for applying the test than there is for making me swear that I am 21 years old."<sup>30</sup> However, what cannot be discounted is the drive and determination, despite the hurdles and oppression that

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<sup>28</sup> *Contested Election Case of Davis vs. Bird: Hearings Before the Committee on Elections No. 2 House of Representatives Sixty-Third Congress Second Session on The Contested election Case of John J. Davis, Contestant vs. Bird S. McGuire, Contestee From the First Congressional District of Oklahoma May 7, 8, 9, 1914* (Washington, Printing Office, 1914), 49.

<sup>29</sup> Giddings & Giddings, "Contested Election Case of John J. Carney vs. Dick T. Morgan From the Second Congressional District of Oklahoma: Brief of Contestant," (Oklahoma City: The Marlow-Ratliff Printing Co., 1913), 49.

<sup>30</sup> "Election Officials Can Not Plead Good Faith: Federal and State Court Decision Nullify Grandfather Clause; Orders tow Watch Issued By Wickersham: Cruce Warns Election Judges, *The Guthrie Daily Star* (Guthrie, Oklahoma), November 3, 1912.

Oklahoma's African Americans underwent, to provide educational opportunities for themselves and their community.

In addition to passing the Grandfather Clause in 1910, the Oklahoma legislature also passed House Bill 145, which limited African Americans' control of their local schools. HB 145 placed the county superintendents of public instruction in charge of employing all teachers in the separate schools. Furthermore, the law gave the county superintendent the sole power to establish rules and regulations for the running of the separate schools.<sup>31</sup> In effect, the law mitigated the African American voice in any county where African-Americans were not the majority due to House Bill 365, passed in 1908, which prohibited constituents of one race from participating in school board elections of another race. In 1910, when HB 145 passed, Oklahoma's population constituted 1,444,531 whites, 137,612 African Americans, and 74,825 Native Americans.<sup>32</sup> Utilizing the state one-drop rule dividing African Americans from all other races, only two of the seventy-six counties, Okfuskee and Wagoner, had African American populations that comprised 37.5 to 50 percent of county residents, and no county was over 50 percent.<sup>33</sup>

In 1913, the Oklahoma Senate Bill 75, "Schools and School Districts General School Law," further cemented the divisions between the designated black and white races in the state. Article 15 of the bill laid out the distinct policies for separate schools. While the law did stipulate

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<sup>31</sup> *State of Oklahoma Session Laws of 1910-911: Passed at the Extraordinary Session and at the Regular Session of the Third Legislature of the State of Oklahoma* (Guthrie: Co-Operative Publishing Co., 1911), 210.

<sup>32</sup> Department of Commerce and Labor Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Statistics For Oklahoma Containing Statistics of Population, Agriculture, Manufactures, and Mining for the State, Counties, Cities and Other Divisions*, (Washington: Government Printing Office, 1913), 593.

<sup>33</sup> Department of Commerce and Labor Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Statistics For Oklahoma*, 599

that there should be “impartial facilities for both races,” the actual language of the law and its implementation set up a two-tiered system of education through the state’s organizational design and policy procedures to maintain separate schools for blacks and whites.<sup>34</sup> SB 75 declared the separate school as “that school in said school district of the race having the fewest number of children in said school district” and gave the county superintendent of public instruction to label which school or schools in the district shall be the separate schools.<sup>35</sup> The law paved the way for unequal facilities as “members of the district school board shall be of the same race as the children who are entitled to attend the school of the district, not the separate school.”<sup>36</sup> The funding for the separate schools would be maintained by the county excise board and their annual levy of a tax on all taxable property to sufficiently maintain the separate schools.<sup>37</sup> The division of tax funds was never on an equal basis, and by 1921, the state passed Senate Bill 231, granting aid for school funding for separate schools. The state appropriated \$35,000 to the superintendent of each county to designate up to \$250 to the separate schools the county superintendent deemed eligible for the additional funds.<sup>38</sup> The state created another grant program two years later, in 1923, to supplement local funds to provide aid for “weak school districts,” labeling the legislation as an emergency, allowing for the full force and effect of the

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<sup>34</sup> *State of Oklahoma Session Laws of 1913: Passed the at the Regular Session and at the Extraordinary Session of the Fourth Legislature* (Guthrie: Cooperative Publishing Co., 1913), 571.

<sup>35</sup> *State of Oklahoma Session Laws of 1913: Passed the at the Regular Session and at the Extraordinary Session of the Fourth Legislature* (Guthrie: Cooperative Publishing Co., 1913), 571.

<sup>36</sup> *State of Oklahoma Session Laws of 1913: Passed the at the Regular Session and at the Extraordinary Session of the Fourth Legislature* (Guthrie: Cooperative Publishing Co., 1913), 571.

<sup>37</sup> *State of Oklahoma Session Laws of 1913: Passed the at the Regular Session and at the Extraordinary Session of the Fourth Legislature* (Guthrie: Cooperative Publishing Co., 1913), 573.

<sup>38</sup> *Session Laws of 1921 of the State of Oklahoma: Passed by the Regular Session and the Extraordinary Session of the Eighth Legislature of the State of Oklahoma* (Oklahoma City: Harlow Publishing Company, 1921), 53.

bill to take place immediately after passage by the legislature and the governor's approval. The need for additional funding demonstrates the weakness of the county tax base as they attempted to provide the appropriate funding for the dual school system of the state, let alone attempting to provide impartial facilities.<sup>39</sup> These provisions set the minority at a disadvantage in any attempts to shape district policies and receive proper funding while at the same time limiting opportunities to have the minority's voice heard through the school board.

The inequality between the county's separate schools and the district schools led to litigation when John J. Jones Jr., an African American student attending Muskogee Public Schools, sued the district for violating section 3 of Article 13 of the State Constitution. Section 3 set the provision that "separate schools for white and colored children with like accommodations shall be provided by the Legislature and impartially maintained."<sup>40</sup> Jones Jr. contended that he, along with the other African American children who attended Dunbar School in Muskogee County, were denied equal protection of the law. Jones Jr. argued that the distribution of the funding received by the board of education to support the maintenance of Dunbar and other separate schools failed to provide equal educational facilities enjoyed by the white children of the district. Jones Jr. sought redress for the discrepancies between the separate and district schools and advocated for the comingling of funds across all Muskogee Public Schools as separate schools are part of the Muskogee district. The Oklahoma Supreme Court found that Jones Jr. had legal standing as facts disclosed in the case demonstrated that "the separate or colored schools have been shamefully discriminated against."<sup>41</sup> Unfortunately, the state Supreme

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<sup>39</sup> *Session Laws of 1923 of the State of Oklahoma; Passed by the Regular Session of the Ninth Legislature of the State of Oklahoma* (Oklahoma City: Harlow Publishing Company, 1923), 265-267.

<sup>40</sup> Jekel, *The Original Constitution of the state of Oklahoma 1907 & The Road to Statehood*, 82.

<sup>41</sup> *Jones v. Board of Ed. of Muskogee*, 90 Okla. 233, 217 P. 400 (Okla. 1923)

Court also found that Jones Jr.'s remedy to comingle district funds across separate and district schools would violate Oklahoma section 10574, "Taxation for separate schools," which stipulated that the board of education, when preparing their annual budget, the board will prepare a separate budget for the amount of money required through taxation for the funding and maintenance of separate schools.<sup>42</sup> The court's decision also followed precedents set in 1898 in *School District No. 76, et al. v. Capital National Bank*, which laid the foundation for section 10574 with the decision that the separate school fund is a county tax fund levied upon the taxable property of the county and cities did not have the same tax liability to fund and support the county separate school.<sup>43</sup> The court's 1898 decision and supplicant decisions reinforced the complete separation between white and black schools, including revenue streams to fund the district and country-separate schools.

Although the state supreme court sympathized with the plaintiff, the court fell far short of making lasting changes to offer comparative educational opportunities for African American students like John J. Jones Jr. of Muskogee Public Schools. Instead, the Supreme Court of Oklahoma settled for reprimanding the county excise board for only levying a tax of 1.7 mills instead of the eight mills allowed by Section 9 of Article 10 of the state constitution.<sup>44</sup> The court admonished the county's excise boards' failure even to utilize the additional means to levy a tax to aid funding of common schools legislated just two years before the Jones Jr. court case in 1921, where the state allowed the additional levy of two mills in order to add additional tax

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<sup>42</sup> Clinton Orrin Bunn, *Compiled Statutes of Oklahoma, 1921 Annotated by Clinton Orrin Bunn Of the Ardmore Bar Under the Provisions of Chapter 124, Session Laws of Oklahoma, 1921* Vol II (Indianapolis: The Bobbs-Merrill Company Publishers, 1921), 3469.

<sup>43</sup> *School District No. 76, et al. v. Capital Nat. Bank*, 7 Okla. 45, 54 P. 309.

<sup>44</sup> Jekel, *The Original Constitution of the state of Oklahoma 1907 & The Road to Statehood*, 77.

dollars to support the common schools.<sup>45</sup> The only redress for Jones Jr. was in the form of a statement by the court seeking Legislative action.

We know of no reason, however, why the Legislature could not adopt methods of raising and providing funds for the support and maintenance of white and colored schools so long as the taxpayers of both races were taxed equally, and so long as the funds raised thereby were sufficient to support and maintain both schools with equal accommodations and for terms of equal length.<sup>46</sup>

While Oklahoma's Supreme Court found that Jones Jr. and the other African American students were being discriminated against, the law and the court would go no further than to ask the county excise board and the state's legislators to act in good faith for the good of all students.

The findings of *Jones v. Board of Education of Muskogee* revealed the shocking discrepancies between district and separate schools. Although the independent district schools enrolled three times as many whites as the black separate schools at 6,499 white children compared to 2,278 African Americans, the separate schools received only one-ninth of the funding of white schools. The assessment and levy of 14.8 mills were utilized to fund the independent majority school, while only 1.7 mills were accessed by the county excise board to support the minority school.<sup>47</sup> The discrepancy of funds is apparent in the inequality seen across all facets of the dual system that made up Muskogee Public Schools. Total funding for the fiscal year 1922-23 for the white schools equated to \$438,095.25 for whites and \$46,575 for blacks. The amount spent per pupil across the district for whites in high school was \$104.23, and for

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<sup>45</sup> *Session Laws of 1921 of the State of Oklahoma*, 68.

<sup>46</sup> *Jones v. Board of Ed. of Muskogee*, 90 Okla. 233, 217 P. 400 (Okla. 1923).

<sup>47</sup> *Jones v. Board of Ed. of Muskogee*, 90 Okla. 233, 217 P. 400 (Okla. 1923).

grade school, it was \$65.46. For African American students in high school, expenditures per student came to \$43.26, and for grade schools, \$19.53. White teachers' salaries ranged from \$1,276 per year for early grade school kindergarten to the third grade and up to \$1,556 for high school teachers. For their African American counterparts, early childhood teachers were paid \$766 per year, and high school teachers were paid up to \$928 per year. Class sizes for white and black high schools were the only equitable number where white schools averaged 24.1, and black schools averaged 24.6. However, the grade school for whites only averaged 33.4 while black separate schools averaged ten more students per class at 43.3. The crowded conditions of some of the separate schools due to lack of funds for additional instructors required the separate schools to combine six of the classrooms across all of the separate schools and require the students of those six classrooms to attend only half of the time. Lack of funding not only led to inadequate staffing for the separate schools, but the board of education also had to close the separate schools on April 18th of 1923, operating only seven months and thirteen schools while the fully funded white schools stayed open for the entire nine-month school term. African Americans missed out on more than a month of school due to lack of funding, as well as courses that covered mechanical industries, blacksmithing, auto repair, electric wiring as well as banking, handcrafts, and commercial art, which were all part of the curriculum at the white schools but not included in the separate schools<sup>48</sup> The differences laid out by *Jones v Board of Education of Muskogee* demonstrate the fruits of the systemic racism incorporated in Oklahoma's separate school system during the first half of the twentieth century.

Three years later, in 1926, the Supreme Court of Oklahoma reiterated the state's position that district funds could not be intermingled between the district and separate schools in their

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<sup>48</sup> *Jones v. Board of Ed. of Muskogee*, 90 Okla. 233, 217 P. 400 (Okla. 1923).



decision for the *Board of Education of Oklahoma City v. Thurman*.<sup>49</sup> Once again, the court relied on section 10574 for their ruling and supported the decision by utilizing section 10567, which states that “the public schools of the state of Oklahoma shall be organized and maintained upon a complete plan of separation between the white and colored races, with impartial facilities for both races.”<sup>50</sup> With little help from the state courts to achieve a more equitable education experience and little legislative action outside of additional funding through state-appropriated funds that gave hundreds to separate schools and not the thousands needed for a separate but equal experience, African American students were left with inadequate opportunities for quality education provided by the state. However, the discrepancies seen in black and white schools did not entirely prevent black educational achievement, as determined communities, administration, and instruction strived to increase black academic achievement to push back against the narrative set out during the first major address by William H. Murray at the state convention in 1906. Murray, a Democrat from Washita who married into the Chickasaw Nation and later won the governorship in 1930, explained his view of the proper place for African Americans at the state convention and his rhetoric carried out by the actions of county officials' failure decades later in their inadequate support of African American educational opportunities in the state.<sup>51</sup>

We have no desire to do the negro an injustice. We shall protect him in his real rights. No one can entirely be said to educate him or civilize another. We must provide the means for the advancement of the negro race, and accept him as God gave him to us and use him for the good of society.... As a rule they are failures as lawyers, doctors and in other professions. He must be taught in the line of his own sphere, as porters, bootblacks and barbers and many lines of agriculture, horticulture, and mechanics in which he is an adept, but it is an entirely false notion that the negro can rise to the equal of a white man in the professions or become an equal citizen

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<sup>49</sup> *Board of Education of Oklahoma City v. Thurman*, 247 P. 996 (Okla.1926).

<sup>50</sup> Clinton Orrin Bunn, *Compiled Statutes of Oklahoma, 1921*, 3467.

<sup>51</sup> Keith L. Bryant, Jr., “Murray, William Henry David,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 15, 2024, <https://www.okhistory.org/publications/enc/entry?entry=MU014>.

to grapple with public questions. The more they are taught in the line of industry the less will be the number of dope fiends, crap shooters and irresponsible hordes of worthless negroes around our cities and towns. <sup>52</sup>

Murray's vision of African Americans demonstrates the inherent lack of equality for African American education as Murray and others who held racist views that African Americans were not worthy of the same opportunities in life as those deemed white by the state. This racist sentiment was captured in an editorial piece by *Daily Oklahoma*, which championed the trajectory Oklahoma City had taken as the paper explained the city's growth. The Oklahoma City paper called their metro a real American city not only in name but "in spirit and in tradition, but in blood also...with a population composed almost entirely of native-born Americans, and predominately white persons, it is not surprising that Oklahoma City is growing so steadily and is progressing in all the things that make life worthwhile."<sup>53</sup> Concepts by Murray and the *Daily Oklahoman* left African Americans on the outside looking in as they strived to have the same worthwhile opportunities as other citizens of Oklahoma.

With no changes forthcoming from the courts and requests for county and state officials to act in good faith for the betterment of all students, African Americans faced inequality of education opportunities through individual and collective actions. One avenue for change came through the ballot box. The Grandfather Clause and, later, through voter registration law, which eliminated some African American voters, those still able to vote were encouraged to do so through the endorsements of candidates by the black press at the time.<sup>54</sup> Roscoe Dunjee, the

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<sup>52</sup> *Proceedings of the Constitutional Convention of the Proposed State of Oklahoma*, 21

<sup>53</sup> "Oklahoma City's Population," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), April 16, 1921.

editor of the *Black Dispatch*, went so far as to help black voters and was arrested in 1919 for soliciting black votes within fifty feet of the voting booths. A charge that Dunjee would deny, arguing he was only giving advice to those who sought information from him as they entered the poll stations.<sup>55</sup> A small but growing contingent of African American voters who realized the feebleness of the Republican position in the state started to back Democratic candidates like Jack C. Walton in his run for mayor of Oklahoma City. A year after Walton's victory, the black Non-Partisan League backed pro-Walton candidates in their 1921 municipal elections, leading to the beginning of the shift in political affiliation as 1921 saw more African Americans vote in the Democratic Party primary than the Republican.<sup>56</sup> Walton understood the power of the black vote, something Republicans had taken for granted. Mayor Walton made limited overtures to persuade black voters that he deserved their ballots through the appointment of two African American men, W.D. Fuller and W.R. Parker, to the police force and later as governor when he took on the KKK by signing anti-masking legislation.<sup>57</sup> Despite Parker's work as a police officer, where some of his arrests made the local white newspaper, he was fired by Oklahoma City Police Captain Frank Haefner after his arrest of white and black patrons of a black brothel.<sup>58</sup> By 1926,

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<sup>54</sup> "For Whom Shall the Negro Vote on Election Day?" *Clearview Patriarch*, (Clearview, Oklahoma), October 17, 1912; "For Mayor Chas. B. Selby," *The Black Dispatch*, (Oklahoma City, Oklahoma), March 14 1919; "Vote for These," *The Tulsa Star*, (Tulsa, Oklahoma), April 3, 1920.

<sup>55</sup> "Negro Publisher Taken At Polls: Dunjee Charged with soliciting Votes Within the Limit and Jailed," *The Daily Oklahoman*, (Oklahoma, City Oklahoma, April 2, 1919.

<sup>56</sup> "Forty Negroes Hear Call of Walton Democratic Machine: Walton Says He needs Those 3,5000 Black Vote," *The Black Dispatch*, (Oklahoma City, Oklahoma) March 1, 1921.

<sup>57</sup> Quincy R. Lehr, "Class, Race, and Jack Walton's Mayoralty of Oklahoma City," *Chronicles of Oklahoma*, vol 89, no. 2 (2011): 149; Larry O'Dell, "Walton, John Calloway," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 16, 2024, <https://www.okhistory.org/publications/enc/entry?entry=WA014>.

<sup>58</sup> "Four Negroes Arrested on Charges of Brewing Liquor," *The Daily Oklahoman*, February 8, 1920; Quincy R. Lehr, "Class, Race, and Jack Walton's Mayoralty of Oklahoma City," 149.

African American editors implored their readers to utilize the power of their vote to advocate for changes, putting forth the idea that their vote was up for grabs and not just earmarked for the Republican party.

It was conceded that the Negro vote would line up with the Republican party, but things have changed, and the colored voter surveys the political situation from all angles, and where his interest lies, his vote goes! The Democrats, not only in Tulsa but in many sections, hold out inducements to the Colored Race and try to show us more consideration; the carelessness of the Republican party has lost many Colored votes, and unless something is done, will continue to lose them.<sup>59</sup>

The winds of political change were beginning to drift towards minimal inducements to curry favor of African American voters. However, what little movement *The Weekly Progress* alluded to, and the Democratic party across the state was offering, significant movement to overturn Jim Crow legislation was still decades and Supreme Court orders and federal legislation away.

Outside of using the power of the ballot to reward politicians who would enact appointments and legislation to help African American individuals and communities, African-Americans sought community improvement through their demand for library facilities.<sup>60</sup> During the territorial days, African American newspaper articles advocated for the creation and celebration of libraries with articles that disclosed the library's importance to education, "the freedom of a real library is necessary to a liberal education."<sup>61</sup> Unfortunately, the trend to move

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<sup>59</sup> "The Negro and His Vote," *The Weekly Progress* (Muskogee, Oklahoma), August 5, 1926.

<sup>60</sup> R.O. Joe Cassity Jr., "A Reading Room of Their Own: Library Service for African Americans in Oklahoma, 1907-1946," *Chronicles of Oklahoma*, vol 93, no. 1 (2015): 320.

to Jim Crowism as Oklahoma became a state meant that public libraries like the Carnegie Library in Guthrie, once celebrated by the African American newspaper *The Oklahoma Guide* when it opened in 1901, eventually barred their library doors to black patrons.<sup>62</sup> Not to be deterred, the Excelsior Women's Club raised five thousand dollars to create an African American library, which opened in the fall of 1908 in Guthrie to provide a library for a community that had lost access.<sup>63</sup>

In 1911, a revision to the law regarding public libraries allowed cities with more than one thousand African Americans the prerogative to create and maintain separate public libraries and reading rooms.<sup>64</sup> Over the next two decades, city councils utilized the changes to the law and barred the door to their municipal libraries to African American patrons. By 1937, nine of the larger municipalities in Oklahoma had established public libraries, of which five operated separate dedicated buildings: Tulsa, Okmulgee, Oklahoma City, Guthrie, and Muskogee. The remaining four were located in school buildings in Ponca City, Enid, Chickasha, and Sapulpa, which were jointly used by the students and adults in the community.<sup>65</sup> In addition to the larger cities with their school or separate libraries and reading rooms, the black town of Boley, with 2,000 citizens, established a library in 1910 through the organization skills of the Women's

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<sup>61</sup> "Poetry for Girls," *The Western World*, (Oklahoma City, Oklahoma), March 31, 1904.

<sup>62</sup> Cassity Jr., "A Reading room of Their Own," 309; Dianna Everett, "Carnegie Libraries," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 16, 2024, <https://www.okhistory.org/publications/enc/entry?entry=CA058>.

<sup>63</sup> "Dedication of Excelsior Library," *The Oklahoma Guide* (Guthrie, Oklahoma), September 24, 1908.

<sup>64</sup> Oklahoma Library Commission, *Trustees' Handbook and Library laws of Oklahoma* (Oklahoma City: Oklahoma Library Commission, 1925), 7; *State of Oklahoma Session Laws of 1910-1911*, 200-201.

<sup>65</sup> Oklahoma Library Commission, *Oklahoma Libraries 1900-1937: A History and Handbook*, (Oklahoma City: Oklahoma Library Commission, 1937), 166-169.

Industrial Club.<sup>66</sup> Tahlequah offered a branch library with a permanent collection of 219 volumes placed in the charge of a local school teacher.<sup>67</sup> By 1936, seventy Oklahoma towns had established library services for white citizens of the state. Still, only eleven communities had established separate branches of libraries to serve the black communities, and none were able or willing to supply equal opportunities, which can be showcased by closer examination of the division of the Oklahoma City Library.

In the spring of 1921, without alerting the community, the Oklahoma City Library Board shifted policies and initiated the exclusion of African Americans from the Carnegie Library, the only library in the city. First organized in 1899, the Oklahoma City Carnegie Library had always served the African American residents of the city until Father Fitzpatrick and Dr. L. C. Croghan, a visiting physician, were denied the use of the collection in the Carnegie Library on March 9, 1921.<sup>68</sup> Upon further investigation by the Community Service League, of which Father Fitzpatrick was a founding member, the causation of the change in library access policy stemmed from charges that several African American youth from Douglas School were found flirting with white girls in some of the rooms of the library. While these allegations were not substantiated, they harkened back to the fear long-held by Southerners of racial mixing between white women and black men that culminated in anti-miscegenation laws.<sup>69</sup> The *Black Dispatch's* phone

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<sup>66</sup> Oklahoma Library Commission, *Oklahoma Libraries 1900-1937*, 169.

<sup>67</sup> Oklahoma Library Commission, *Oklahoma Libraries 1900-1937*, 169-170.

<sup>68</sup> "Carnegie Library Closed To Negro Taxpayer: President of Library Board ay Negroes Shut Out of Public Library On Account of Crowded Conditions," *The Black Dispatch*, (Oklahoma City, Oklahoma), March 11, 1921.

<sup>69</sup> For an explanation of antimiscegenation laws in the state of Oklahoma see Charles F. Robinson II, "The Sexual Color Line in Red and Black: Antimiscegenation and the Sooner State," *Chronicles of Oklahoma*, vol 82, no. 4 (2004): 450-475; For a broader understanding of the historical, political, and sociological role miscegenation law has had in the United States see Peggy Pascoe, *What Comes: Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2011).

conversation with the president of the library board, John Wright, stated, “the principal reason for the elimination and expulsion of the Negroes was the over-crowded condition obtaining in the building...which had been a problem for some time, and the board decided that the plan to eliminate the Negro would serve to help in this matter.”<sup>70</sup> Once again, Oklahoma leadership jumped to the conclusion that the marginalization of African Americans was the solution to the many issues that they faced.

*The Black Dispatch* was quick to condemn the actions of the Oklahoma City Library Board. Taking Wright’s explanation of the library being too crowded at face value allowed Roscoe Dunjee, the editor of *The Black Dispatch*, to ask a simple but proactive question. “Even if the facts are as set up, we are at a loss to understand how it would appear to the board that the Negro should suffer more than any other group. The Board might as well have said, we will exclude the Jews or the Baptists or the Barbers to make room?” Dunjee then pivoted to explain his understanding of Andrew Carnegie's stance that his Carnegie Libraries would be free of discrimination and equal access to children of every creed and race, and if the exclusion was behavior-based and not the crowded conditions, Dunjee asked why all African Americans in the city should suffer for a few irresponsible youths.<sup>71</sup> Ending his editorial piece, Dunjee advocated for the passage of Senate Bill No. 231, an emergency appropriation relief for separate schools in the form of \$20,000. Dunjee points out it should be “\$200,000 to do the job right... that, while not entirely what the Negroes ought to have, will bring more permanent relief to the Negroes’ educational system in the state.”<sup>72</sup> Minimal relief did arrive in the form of the creation of the

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<sup>70</sup> “Carnegie Library Closed To Negro Taxpayer,” *The Black Dispatch*, March 11, 1921.

<sup>71</sup> Roscoe Dunjee, “Freedom For All Forever: They Are Too Crowded,” *The Black Dispatch*, (Oklahoma City, Oklahoma), March 11, 1921.

separate Dunbar Library in 1921 and \$35,000 in apportionment for the relief of separate schools.<sup>73</sup>

A white editorial piece by Edith Johnson in the *Daily Oklahoman* about a month before the Dunbar Library opened, captured the same sentiment seen by Murray fifteen years earlier at the state convention. Johnson, like Murray, had low expectations for African Americans in the community, setting qualifiers in home ownership, paying taxes, and being good citizens to be entitled to certain privileges. For the good of these privileges, she implored African Americans to limit any race friction and cooperate with the city commissioners and the library board to get behind a facility that, once completed, would provide access to pleasure and self-improvement.<sup>74</sup> Johnson ignored the fact that until 1921, African Americans had equal access to the Oklahoma Library for reading pleasure and intellectual pursuit. Johnson listed what she felt were perfect amenities that the African American community should appreciate, which included a “new fire-proof brick building...more than a thousand new volumes... and new consignments are arriving every day. The negroes will have their exclusive use just as good as equipment as is furnished in the Carnegie library, only on a smaller scale, with a stack room, and reading room.”<sup>75</sup> Johnson’s worldview left her blind to reason for the black complaint of the separate library, which Dunjee disclosed in an editorial piece on September 15, 1921.

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<sup>72</sup> Roscoe Dunjee, “Freedom For All Forever: The Relief We Need,” *The Black Dispatch*, (Oklahoma City, Oklahoma), March 11, 1921.

<sup>73</sup> Oklahoma Library Commission, *Oklahoma Libraries 1900-1937*, 168; *Session Laws of 1921 of the State of Oklahoma*, 53.

<sup>74</sup> Edith Johnson, “Better Conditions For Our Negro Population,” *The Daily Oklahoman*, October, 31, 1921.

<sup>75</sup> Edith Johnson, “Better Conditions For Our Negro Population,” *The Daily Oklahoman*, October, 31, 1921.



*The Black Dispatch's* investigation into library controversy did not find any race friction outside of an interview with a library board member who is alleged to have said, "he was a southerner and did not believe in the race mixing." Dunjee would go on to admit that arguments over the separate library got heated. However, when a separate library board with an African American had been named, opposition to a separate library quieted down. Dunjee then explained that his point was not an argument for the intermingling of races; he and his community were upset by the lack of equal accommodation. Dunjee presented a logical argument through the city's decision to appropriate \$5,000 for the black library when the Carnegie Library, he estimates, is worth \$300,000, which includes the property value, books, and furnishing. He took Oklahoma City's task to people who favored separation and used equal accommodations and facilities to justify their position. If county officials believed in measuring out exact justice for separate accommodations, Dunjee contended that the city officials should supply \$30,000 propriety as the city's population consists of ten percent African American and approximately \$5,000 per year for running the separate library.<sup>76</sup>

The discrepancy of scale captured by the Oklahoma Library Commission in their 1937 report is staggering. The Oklahoma City Library system housed 116,509 books and 255 periodical subscriptions, with a circulation that ran over 1,200,000.<sup>77</sup> This is in comparison to the separate library of Oklahoma City, which housed 3,641 volumes with a circulation of 22,256.<sup>78</sup> The inequality of white and black accommodations in public libraries is even more revealing across all thirteen public libraries African Americans could access. They had a combined

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<sup>76</sup> Roscoe Dunjee, "Regarding the Library," *The Black Dispatch*, (Oklahoma City, Oklahoma), September 15, 1921.

<sup>77</sup> Oklahoma Library Commission, *Oklahoma Libraries 1900-1937*, 73,

<sup>78</sup> Oklahoma Library Commission, *Oklahoma Libraries 1900-1937*, 168.

collection of 37,501, or about four-fifths of a book per black inhabitant of the cities in which those libraries existed.<sup>79</sup> The exclusion of African Americans from the Oklahoma City Library and the creation of the separate Dunbar Library in December of 1921 was just one of the same inadequacies seen in separate educational state services. While they were designed for the betterment of the citizens, they constantly shortchanged the African American child and their taxpaying parents.

Despite unequal accommodations in schools and public libraries, African Americans were able to drastically decrease the percentage of illiterates age ten and over among the population from 37 percent in 1900 to 9.3 percent in 1930, a 74.86 percent improvement. This improvement faced extraordinary circumstances, from the lack of funding seen in *Jones v. Board of Ed. of Muskogee*, the inequality in the public library system, to the systemic racism through the implementation of Jim Crow and the height of black vs white racial violence in the state.<sup>80</sup> Despite having the breaks pressed against them from all angles, African Americans achieved approximately the same levels of educational achievement as native whites, whose illiteracy rate in 1900 stood at 7.7 percent, which non-native whites improved to 1.8 percent in 1930, an increase of 76.62 percent in literacy only an approximately two percentage points better than black achievement, despite having all the advantages.<sup>81</sup> The increased literacy rates also led to increased levels of academic progress for nonwhites and whites at once again equitable levels

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<sup>79</sup> Oklahoma Library Commission, *Oklahoma Libraries 1900-1937*, 168.

<sup>80</sup> Department of Commerce Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Volume III, Population 1910*, 463; U.S. Department of Commerce Bureau of the Census, *Fifteenth Census of the United States Taken in the Year 1930: Population Volume III, Part 2 Reports by States Showing the composition and Characteristic of the Population for Counties, Cities, and Townships or other Minor Civil Divisions* Montana-Wyoming (Washington: United States Government Printing Office 1932), 541, 546.

<sup>81</sup> Department of Commerce Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Volume III, Population 1910*, 463; U.S. Department of Commerce Bureau of the Census, *Fifteenth Census of the United States Taken in the Year 1930: Population Volume III*, 546.

despite the inequalities of facilities and funding.<sup>82</sup> In 1940, 13.5 percent of whites 25 years or older completed four years of high school, a percentage increased to 19.1 percent by the 1950 census, equating to a 41.48 percent improvement for whites. Nonwhites saw an increase from 6.0 percent to 9.3 percent or a 55 percent increase during the same time period. Four years or more of college also increased for whites and nonwhites. Here, the rise in percentage rate saw whites with an overall more significant improvement of 30 percent as their numbers from 1940 jumped from 5 percent to 6.5 percent, while nonwhites saw a 25 percent increase from 2.4 percent to 3.0 percent.<sup>83</sup> African American academic achievement throughout the first half of the twentieth century made Oklahoma an ideal location for the NAACP to select the state and, particularly, the University of Oklahoma for a test case designed to prove that segregation laws based on the separate but equal doctrine were unconstitutional at the graduate level, all the NAACP needed was the ideal plaintiff.<sup>84</sup>

The NAACP's work during the 1930s to take down the segregated conditions of higher education made the organization intensely aware of the distinct challenges of finding the right individual. Not only would the plaintiff have the academic credentials beyond reproach to be accepted into a graduate program, but the individual also needed to have the necessary fortitude to willingly put their life on hold for years to overcome the speed of the American justice system in which states would rely on delaying tactics to wear down plaintiffs. The individual would also

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<sup>82</sup> The 1950 census utilized the term "color" which referred to the division of the population into two groups, white and nonwhite. The term nonwhite designated a group that consisted of African Americans, Native Americans, Japanese, Chinese, Filipinos, and other nonwhite races. People of Mexican birth or ancestry but were not Native American were classified as white during the 1940 and 1950 census.

<sup>83</sup> U.S. Department of Commerce Bureau of the Census, *A Report of the Seventeenth Decennial Census of the United States Census of Population: 150* Volume II Characteristics of the Population Number of Inhabitants, General and Detailed Characteristics of the Population Part 36 Oklahoma (Washington: United States Government Printing Office, 1952), 36-37.

<sup>84</sup> George Lynn Cross, *Blacks in White College* (Norman: University of Oklahoma Press, 1975), vii.

need to have mental strength and a robust support system to deal with personal attacks, lack of community support, and internal or external pressures throughout the litigation.<sup>85</sup> Despite these challenges, the NACCP brought forth several test cases to remove desegregated education. Not all plaintiffs were successful as various challenges could not be surmounted, as seen in *Thomas R. Hocutt v. Thomas J. Wilson, Jr., dean of admission and Registrar, the University of North Carolina*.

Thomas Raymond Hocutt attended North Carolina College for Negroes and wished to attain a graduate degree in pharmacy. With no graduate program for African American students in pharmacy, he attempted to enroll at the University of North Carolina, which he was denied. Hocutt brought a suit, in which the NACCP national office provided assistance.<sup>86</sup> Hocutt's case unraveled when his lawyers could not prove in court that their client had the proper scholastic credentials for admittance. Without the right academic credentials, Judge M.V. Barnhill, who proceeded over the case, made no attempt to rule on the duty of North Carolina University to admit African Americans to their professional cases in instances where the applicant had the necessary academic credentials.<sup>87</sup> Following the Hocutt case, North Carolina made provision to supply blacks of the state with funds to take graduate courses at northern universities that were not segregated.<sup>88</sup>

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<sup>85</sup> Cheryl Elizabeth Brown Wattley, *A Step Toward Brown v. Board of Education: Ada Lois Sipuel Fisher and Her Fight to End Segregation* (Norman: University of Oklahoma Press, 2014), 64.

<sup>86</sup> "Negro Asks To Be Admitted To The University: Hocutt of Durham Brings Suit And Dean is Commanded to Make Answer in Court," *The Chapel Hill Weekly*, (Chapel Hill, North Carolina), March 24, 1933.

<sup>87</sup> "Hocutt, Negro, Perfect Appeal From Superior Court Decision," *The Daily Tar Heel*, (Chapel Hill, North Carolina). November 14, 1933.

<sup>88</sup> "Negro Plans Battle in Court to Enter University of Virginia: Claim That Tax-Supported Schools Must Admit Negro Students I Basis of Proposed Move," *Richmond Times-Dispatch*, (Richmond, Virginia), August 27, 1935.

Two years after the Hocutt loss, the NACCP brought litigation forward in Maryland, Missouri, and Virginia as the beginning of a campaign to force the admittance of blacks to southern universities.<sup>89</sup> In 1935, Alice Jackson, a twenty-two-year-old graduate from Virginia Union University, became the first African American to apply to the University of Virginia, which she was denied, citing state law and “for other good and sufficient reasons,” which were never clarified to Jackson. Still, the Virginia General Assembly quickly responded to Jackson’s challenge by providing tuition supplements to African Americans to attend graduate programs out of the state if programs were only available in the state to whites.<sup>90</sup> Jackson would go on to use her supplemental tuition to attend Columbia University to earn a graduate degree in English.<sup>91</sup> The NAACP filed a suit on behalf of Donald G. Murray, a graduate of Amherst College, to enter the University of Maryland Law School on the grounds that the rejection of his application was not supported by any state laws or the constitution of Maryland.<sup>92</sup> The Attorney-General of Maryland, Charles T. Le Viness, put forth the grounds for Murray’s rejection, citing state policy from the 1935 legislature’s creation of the Commission on Higher Education of negroes, which allows for \$10,000 for scholarships for African Americans to attend college out of state for the attainment of medical and other professional degrees to supply equal

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<sup>89</sup> “Negro Seeking U. of VA. Place: Courts May Have to Determine Where Colored Girl Will Be Admitted,” *Norfolk Ledger-Dispatch*, (Norfolk, Virginia), August 27, 1935.

<sup>90</sup> Alice Jackson, “Letter from Alice Jackson to the University of Virginia Rector and Board of Visitors.” University of Virginia Special Collections, Encyclopedia Virginia, February 11, 2021. <https://encyclopediavirginia.org/432hpr-f6c5b29f51d60be/>.

<sup>91</sup> “Little-Known Civil Rights Pioneer’s Papers Donated to UVA,” *Black issues in Higher Education*. 20, no. 19 (2003): 16.

<sup>92</sup> “Negro Seeks Write To Enter U. Of MD.: Amherst Graduate Files Petition, Claiming He is Qualifies,” *The Evening Sun*, (Baltimore, Maryland), April 20, 1935.

opportunities for education to blacks students.<sup>93</sup> Judge Eugnee O’Dunne granted a writ of mandamus order requiring that Murray be admitted to the law school regardless of any appeal, as no law facilities are provided at an African American university in the state.<sup>94</sup> Maryland lost its appeal, and Murray was able to complete his law degree at the University of Maryland, on the ruling that “the state has undertaken the function of education in the law but has omitted students of one race from the only adequate provision made for it and omitted them solely because of their color.”<sup>95</sup> The Murray decision set the precedent of desegregation of higher education based on the provision that African American students must be afforded equal treatment. If a public university had the only law program in the state, those university doors could not be barred to students on the basis of race.

With the success of Murray's enrollment in Maryland, the NAACP continued the dismemberment of higher education segregation. The NAACP Southern campaign's next target was the Missouri School of Law, which denied Lloyd Gaines, a graduate of Lincoln University, the state college for African Americans, admission in 1935.<sup>96</sup> The local and state supreme court ruled that Gaines's denial of admission was justified under the Missouri constitution, which required separate schools and state law that allocated money for African American students to attend universities at neighboring states in Illinois, Iowa, Nebraska, and Kansas. The court’s

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<sup>93</sup> “Upholds U. of MD. In Case of Negro: Answer Filed By Attorney-General To Petition Of Murray For Mandamus; Policy of State Cited: Plaintiff Claims Application for Admission Was “Wrongfully Rejected” *The Sun*, (Baltimore, Maryland), May 7, 1935.

<sup>94</sup> “U. of MD. Ordered to Enroll Negro,” *Evening Times*, (Cumberland, Maryland), June 19, 1935.

<sup>95</sup> “Court Upholds Negro as U. Of M. Law Student: Writ Ordering His Admittance Sustained At Annapolis: Declares Race Only Reason For Ban,” *The Evening Sun*, (Baltimore, Maryland), January 15, 1936; *University v. Murray*, 169 Md. 478 (1936).

<sup>96</sup> “Negro’s Test Case In Missouri U. Up In Supreme Court,” *St. Louis Post-Dispatch*, (St. Louis, Missouri), May 16, 1937.

opinion asserted that the Lincoln University Act passed in 1921 demonstrated a “clear intention to separate the white and negro races for the purposes of higher education” and further claimed that the state’s higher education opportunities afforded African Americans in the state were “substantially equal.”<sup>97</sup> In 1938, Gaines’s NAACP attorneys appealed to the Supreme Court of the United States, now three years removed from his admission denial. Although Gaines was now living in Michigan, he was still fighting for equality in his home state.<sup>98</sup> Upon taking the case, the Supreme Court overturned the lower court’s ruling with a strong rebuke to the state of Missouri by Chief Justice Charles Evans Hughes.

The question here is not of a duty of the state to supply legal training...but of its duty when it provides such training to furnish to the residents of the state upon the basis of equality right. By the operation of the laws of Missouri, a privilege has been created for white law student, which is denied to Negroes by reason of their race. The white resident is afforded legal education within the state; the Negro resident having the same qualification is refused it there and must go outside the state to obtain it. That is a denial of the quality of legal right to the enjoyment of the privilege which the state has set up, and the provision for the payment of tuition fees in another state does not remove the discrimination.<sup>99</sup>

Gaines’s victory, while in a step to provide equal opportunities for African Americans, did not upend segregated facilities. The court only continued the precedent set in the Donald

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<sup>97</sup> Negro Denied Admittance to Missouri U.: High Court Upholds Action of Boone Bench in Denying Lloyd Gaines of St. Louis Admission,” *Daily Capital News*, (Jefferson City, Missouri), December 10, 1937.

<sup>98</sup> “To Appeal Gaines Case: M.U. Rejection of Negro Will Go to Supreme Court,” *The St. Joseph News-Press* (St. Joseph, Missouri), March 01, 1938.

<sup>99</sup> *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938); “Missouri U. Opened to Negro: Supreme Court of U.S. Rules Lloyd L. Gaines Must Be Admitted,” *St. Louis Daily Globe-Democrat*, (St. Louis, Missouri), December 13, 1938,

Murray cases. The effects of the Murray and Gaines cases allowed for the doctrine of “separate but equal” if there was equality in opportunities and the state could not bypass its responsibilities for providing equal academic pursuits by providing financial support to send their African American residents outside the state. The NAACP set out to challenge the court's position by attempting to prove that equal education opportunity meant the same education available to all students.<sup>100</sup>

During the first half of the 1940s, the NAACP continued to pursue test case plaintiffs. In 1941, the NAACP worked with Charles Eubanks as he sought admission to an undergraduate engineering program at the University of Kentucky.<sup>101</sup> Three years of litigation postponements and stress took a toll on Eubanks, who suffered professional and personal setbacks of being rejected by the United States Army as well as suffering from a divorce.<sup>102</sup> By 1944, both sides sought a continuance, and by 1945, the state dismissed the case due to state statute that provided for the dismissal of cases that had not been prosecuted for two consecutive terms of court.<sup>103</sup> The Eubanks setback did not diminish the drive by the NAACP to correct educational inequalities. In a 1945 meeting in McAlester, Oklahoma, over the first two days of November, Thurgood Marshall, a lead member of the legal staff of the NAACP, met with the Langston Alumni Association to create a plan to attack the segregated education system of Oklahoma, in particular

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<sup>100</sup> George Lynn Cross, *Blacks in White College*, x.

<sup>101</sup> “Capitol Gossip,” *State Journal*, (Frankfort, Kentucky), October 2, 1941.

<sup>102</sup> “Hearing Postponed to April 3, Rouse Says,” *Lexington Leader*, (Lexington, Kentucky), February 13, 1943; “Negro’s Suit against U.K. faces Court Postponement,” *The Courier-Journal*, (Louisville, Kentucky), January 16, 1944; Wattlely, *A Step Toward Brown v Board of Education*, 62.

<sup>103</sup> “The Eubanks Case,” *The Courier-Journal*, (Louisville, Kentucky), January 29, 1944; “Suit of Negro to enter U.K. Dismissed,” *The Courier-Journal*, (Louisville, Kentucky), January 14, 1945.



the segregation at the University of Oklahoma.<sup>104</sup> The NAACP just needed the right test case plaintiff to see their challenge through.

Dr. W.A.J. Bullock, the president of the Chickasha chapter of the NAACP and regional director for southwestern Oklahoma, put forth Lemuel Sipuel after Thurgood Marshall laid out his strategy to challenge segregated education in the state. Marshall challenged the separate but equal doctrine on the grounds that Oklahoma provided a state taxpayer-supported law school at the University of Oklahoma, which was segregated by law, while Langston, the state's black university, did not have a law program. Sipuel was the ideal candidate, an army veteran who served in Europe during World War II, a brilliant student with a 4.0 grade point average at Langston University, and a two-year member of the President's Honor Cabinet. Dr. Bullock explained his plan to Lemuel along with his mother and father, as well as the difficulties he would face in what would be a long-drawn-out litigation battle, as seen in the Lloyd Gaines case. When Bullock finished, Lemuel respectfully rejected the offer as the war had already interrupted his education plans over the last three years. He wanted to move on with his life by enrolling at Howard University's Law School. Once Lemuel declined, his sister Ada Lis Sipuel's name was put forward as she too was a brilliant honor student at Langston whose family believed she would be an excellent test case plaintiff. Dr. Bullock asked if she was available to take on this monumental challenge, to which she responded that she was willing to take on the segregated system she had lived her own life under.<sup>105</sup>

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<sup>104</sup> "Langston Alumni to Confer with Thurgood Marshall," *The Black Dispatch*, (Oklahoma City, Oklahoma), October 20, 1945; "Negroes Will Seek Admission to O.U. *The Tulsa Tribune*, (Tulsa, Oklahoma), November 05, 1945.

<sup>105</sup> Ada Lois Sipuel Fisher, *A Matter of Black and White: The Autobiography of Ada Lois Sipuel Fisher* (Norman: University of Oklahoma Press, 1996), 76-78.

A by-product of her parents, Ada Lois Sipuel was the perfect test case plaintiff. Her father, Travis B. Sipuel, was an ordained Pentecostal minister, and according to Ada Lois, her father's occupation made her deal with more than her fair share as “everyone seemed to think that preacher’s kids were fair game.” Still, those who teased Ada Lois quickly found out differently.<sup>106</sup> Her mother, Martha Bell Sipuel, was born the youngest in her family and the only one who received an education. She graduated from a two-year teacher’s academy and became a schoolteacher.<sup>107</sup> Martha could not abide simple people and instilled in Ada Lois the importance of thinking critically and using good judgment.<sup>108</sup> Ada Lois also enjoyed full spousal support as her husband, Warren Fisher, fully supported her educational endeavors. When Sipuel married while attending college, she told her husband she would be leaving school to be a better wife, to which Warren responded that she would not, as he promised her parents to see her complete her education and support her as far as she was able to go.<sup>109</sup>

The times in which Ada Lois lived also shaped her to be the ideal plaintiff. At the tender age of five, Ada Lois rushed home due to the excitement buzzing around the time that there was going to be a race riot. Thinking the town was discussing a horse race, she asked her mom to “fix my hair” as she wanted to look her best for the big race.<sup>110</sup> Ada Lois’ parents, who lived through the Tulsa Race Riots of 1921, did not fix her hair but instead got out pallets for the family to sleep on to be close to the floor and below the window line. Her father and adult men from three

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<sup>106</sup> Fisher, *A Matter of Black and White*, 7, 33.

<sup>107</sup> Fisher, *A Matter of Black and White*, 9.

<sup>108</sup> Fisher, *A Matter of Black and White*. 20.

<sup>109</sup> Fisher, *A Matter of Black and White*. 68.

<sup>110</sup> Fisher, *A Matter of Black and White*, 44.

other families watched over their family with firearms in hand.<sup>111</sup> The race riot thankfully never materialized, but what sparked the terror was the lynching of Henry Argo on May 31, 1930.

Henry Argo was accused, arrested, and taken to the Grady County Jail for attacking a white woman and her baby in the dugout of a farm near Chickasha. The news reported that neither the mother nor the baby, whom Argo had reportedly choked, sustained any severe injuries. Still, a crowd reported to be in the hundreds surrounded the jail in an attempt to lynch Argo. State Adjutant General Charles F. Barrett, commander of the Oklahoma National Guard, instructed Battery B. of the 187th Field Artillery to report to Grady County Sheriff Matt Saneky to put down the mob, which dispersed at the sight of the state militia but returned around midnight in an effort to get to Argo.<sup>112</sup> At around 2:30 in the morning, the mob used gasoline-soaked mattresses and smoked out the state militia, physically assaulting the soldiers with bricks, injuring guardsman H.C. Haywood, who would have to undergo an operation to recover from brain trauma, forcing the state militia to retreat.<sup>113</sup> The mob then used hammers to break through the jail walls, and at 3:45 a.m., a shot was heard inside the jail, which hit Argo in the head. Wounded but still alive, Henry Skinner, the husband of the alleged victim, slipped through a hole created in Argo's cell at seven in the morning and plunged a knife into Argo's chest. Three hours later, Argo was pronounced dead at the scene, which dissipated the mob, and Argo was taken to

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<sup>111</sup> Fisher, *A Matter of Black and White*, 45

<sup>112</sup> "Chickasha Mob Threatens Lynching: Militia Called Out to Protect Negro Attacker," *Seminole Morning News*, (Seminole, Oklahoma), May 31 1930.

<sup>113</sup> "Man Hit by Brick Becomes First Guardsman to Be Cared for in Soliders' Home," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), September 12, 1931.

an Oklahoma City hospital, where he eventually succumbed to his grievous wounds at 12:40 p.m.<sup>114</sup>

For Ada Lois Sipuel, the Henry Argo lynching left two lasting impressions on her life. After the lynching, members of the white mob planned to intimidate the African American community by dragging Argo's body through the streets. Dr. W.A.J. Bullock would not let that happen and gathered some of the unsavory members of the community to stand guard over Argo's body, saying that "this was no job for church folks and declared that any white man who crossed Minnesota street with that boy's body would die in colored town."<sup>115</sup> Dr. Bullock's strong actions, along with Sipuel's father, often repeated the belief that "no man was ever whipped by night riders that did not deserve it... that any man that would let himself be whipped without killing some of his tormentors was not a man at all- he was a boy."<sup>116</sup> Bullock and her father, Travis Sipuel, whose tough, determined, ever-protecting nature came to define the measure of a true man for Ada Lois and instilled in her the will to fight for justice.

Secondly, the Argo lynching came to define the injustice seen in the United States. Within days of the lynching, county, state, and federal officials established an inquiry into the murder of Henry Argo and the destruction of county and federal property.<sup>117</sup> On June 10th, Federal officers

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<sup>114</sup> "Henry Argo Who Was Saved From a Mob, Killed: Henry Skinner, Husband of the Woman Assaulted Plunged Knife Into Negro," *Bartlesville Examiner-Enterprise*, (Bartlesville, Oklahoma), May 31, 1930; "Story of Mob Told In Brief," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), June 1 1930;

<sup>115</sup> Fisher, *A Matter of Black and White*, 47.

<sup>116</sup> Fisher, *A Matter of Black and White*, 47-48.

<sup>117</sup> "Many Witnesses Will Be Called to Give Evidence As to Action of Rioters: County, State and Federal Government To Be Represented at Inquiry Into Death of Negro and Destruction County and Federal Property," *The Chickasha Daily Express*, (Chickasha, Oklahoma), June 2, 1930.

arrested fifteen men in connection with the riot and lynching of Argo.<sup>118</sup> The seriousness that state and county officials took into the murder and destruction of the property led the press to question whether jurists in Grady County would determine if the accused were guilty and, if so, what punishment they would give for the crime.<sup>119</sup> There is little wonder as to why the press needed to pose the question of where the jury would side due to the state's historical use of lynch mobs and lack of justice after mob actions, as seen after the Tulsa Race Massacre in 1921. Additional arrests were made, and on June 16, 1930, nineteen were charged in a blanket statement, but a motion to delay until July was granted as more rioters were to be named to the charges.<sup>120</sup> Worried that justice would not be served, Dr. Bullock wrote to Governor William J. Holloway asking him to supersede the Grady county attorney with a list of requests, including the arrest of all connected with riot and lynching, the charging of those apprehended and to increase the bond much higher than the \$1,000 that was set for those arrested.<sup>121</sup> Dr. Bullock's suspicion that justice would not be served proved accurate when the grand jury returned with no indictments, of which the judge overseeing the case, R. L. Williams, scolded the jury for "race prejudice."<sup>122</sup> Federal charges were then brought on twenty-seven suspects for the destruction of the National Guard truck the night of Argo's lynching, and twice referred to a federal grand jury,

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<sup>118</sup> "Chickasha Citizens Quiet After Threat of Mob Violence; Much of Felling Which Prevailed Yesterday Missing: Federal Arrest: The Arrest Made by federal officers Yesterday Given As Cause," *The Vinita Leader*, (Vinita, Oklahoma), June 12, 1930.

<sup>119</sup> "What Will the Juries do?" *The Frederick Press*, (Frederick, Oklahoma), June 13, 1930.

<sup>120</sup> "Delay Mob Hearing: Mort to Be Named Before Trials Are Started," *The Guthrie Daily Leader*, (Guthrie, Oklahoma), June 17, 1930.

<sup>121</sup> "White Wash Predicted in Mob Probe: Governor Asked to Supersede Holden at Chickasha," *The Black Dispatch*, (Oklahoma City, Oklahoma), June 26, 1930.

<sup>122</sup> "Judge Williams Chides Grand Jurors and They Then return True Bills," *Daily Times-Democrat* (Wewoka, Oklahoma), July 16,

and both times, the jury failed to return indictments.<sup>123</sup> The only semblance of justice in the whole affair came from African American activism in which black voters used the slogan “Remember Henry Argo” as 400 African-Americans marched to the polls during the Grady County primary. The outcome saw the ousting of Sheriff Matt Sankey by more than 2,000 votes after being the county sheriff for more than a decade.<sup>124</sup> For Ada Lois Sipuel, the Argo lynching brought her family closer to Dr. Bullock and the NAACP chapter of Chickasha, and justice in her world was through a personal willingness to act.<sup>125</sup>

Dr. Bullock arranged for Ada Lois to undergo an interview with Roscoe Dunjee, the president of state conferences of the NAACP. Approximately ten days after she agreed to replace her brother Lemuel and Dr. Bullock’s acceptance of Ada Lois, she met with Dunjee for a forty-five-minute interview. Her qualifications, determination, community support, and the fact that her husband was overseas in the military and her father was a minister of his own church insulated them from economic pressure, led to Dunjee agreeing that Ada Lois was the perfect plaintiff to face the prejudice and vitriol headed her way once she applied to University of Oklahoma Law School.<sup>126</sup> Outside of her internal fortitude and support from friends, family, NAACP, and community, Ada Lois received help from an unlikely source, Oklahoma University President George Lynn Cross.

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<sup>123</sup> “U.S. Releases Chickasha Rioter: Indictments To Be Quashed Against Remaining Twenty-Seven Says District Attorney,” *The Black Dispatch*, (Oklahoma City, Oklahoma), January 15, 1931.

<sup>124</sup> “Sheriff Matt Sankey Buried in Political Grave in Primary,” *The Black Dispatch*, (Oklahoma City, Oklahoma), August 14, 1930.

<sup>125</sup> Fisher, *A Matter of Black and White*, 50.

<sup>126</sup> Fisher, *A Matter of Black and White*, 79-81.

Cross was well aware of Oklahoma's Article XIII from the state's constitution, which provided for separate schools for blacks and whites, as well as the continued state statutes that reinforced the separation in all levels of state education. As well as the furthered attempts by Oklahoma to fortify their separate provision following the NAACP victories in the *Gaines* decision by appropriating money for African American students to attend universities out of state for programs not offered at Langston University as well as creating a misdemeanor for administrators, instructors and students for allowing and taking part in mixed classes.<sup>127</sup> The Board of Regents of the University of Oklahoma also moved "to instruct the President of the University to refuse to admit anyone of Negro blood as a student in the University" during their board meeting on November 7, 1945, a day after the *Oklahoma Daily* the student newspaper of OU ran the headline "Equality Sought In Negro Attempt At OU Enrollment."<sup>128</sup> While Cross would not violate the law or the orders by the regents for personal financial reasons, he also had no sympathy with the law of separation in the state. Upon meeting with Ada Lois, Roscoe Dunjee, and Dr. Bullock on January 14, 1946, and getting Dean of Admissions Roy Gittinger's evaluation of Ada Lois' transcript, which Gittinger confirmed she qualified for admission to the university, Cross agreed to provide the rejection letter that Dunjee requested.

Upon Dunjee's satisfaction with the proposed letter containing two stipulations on why the university had denied Sipuel's admission, the letter was typed up, signed, and handed over.

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<sup>127</sup> Article XXIII of the Oklahoma's Constitution provided for separate schools for white and colored and defined all colored students as those of African descent and white as all other races. In 1908 the legislation made and state institution college or state unlawful to receive both white and black students. In 1941, the state legislature made it a misdemeanor and a fine up to \$500 fine each day for school administrators to enroll African American Students as well as a fine up to \$50 per day for instructors, and \$20 per white student to attend or instruct a mixed class. Cross, *Blacks in White Colleges*, 29-33.

<sup>128</sup> Board of Regents of the University of Oklahoma, "Minutes," November 7, 1945, 1932-33. Quoted in Cross, *Blacks in White Colleges*, 33; "Equality Sought In Negro Attempt At OU Enrolment," *The Oklahoman Daily* (Norman, Oklahoma), November 6, 1945.

The first condition for her denial cited state law Title 70, Sections 452-464, passed in 1941, which prohibited African American students from attending white universities and set fines for those that allowed mixed classes. The second stipulation listed was established by the Board of Regents, who “specially instruct the president of the University of Oklahoma to refuse admission to Negroes, giving as a bias of their decision the statutes of Oklahoma.”<sup>129</sup> With the letter in hand, Dunjee thanked Cross, and in the following days, the letter was widely published in newspapers across the state.<sup>130</sup> Approximately three months later, on April 6th, 1946, a writ of mandamus with Judge Ben T. Williams of the District Court of Cleveland County was filed on Sipuel’s behalf to be admitted to the School of Law at the University of Oklahoma.<sup>131</sup>

A long, arduous litigation battle awaited Sipuel as it would be three years from the date of her first application for the doors of the Norman campus to be opened to Ada Lois in June 1949.<sup>132</sup> Soon after the writ of mandamus was filed, the state Attorney General Mac. Q. Williamson asked for a 20-day continuance to confer with the state regents and Governor Robert S. Kerr.<sup>133</sup> The attorney general's office then filed a memorandum asking to push back the case from the proceedings on May 16<sup>th</sup> as the regents would not meet to discuss the creation of an African-American law school until the 27<sup>th</sup> of May. Due to the educational setup in Oklahoma, the regents were given the authority to establish education programs for African Americans to

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<sup>129</sup> Cross, *Blacks in White Colleges*, 38.

<sup>130</sup> “O.U. Excludes Negro: Court Suit Planned, *The Daily World*, (Tulsa, Oklahoma), January 15, 1946; “Federal Court to Decide Equal Education Issue,” *The Oklahoma Daily*, (Norman, Oklahoma), January 15, 1946; “Equal Education Goal of Negroes In OU Test Case: Chickasha Student Refused Entry Under State Law,” *The Chickasha Daily Express*, (Chickasha, Oklahoma), January 15, 1946.

<sup>131</sup> “Negro Student Files OU Suit: Court Test on Girl’s Plea Seen in Month,” *The Daily Oklahoman*, (Oklahoma City, Oklahoma), April 7, 1946.

<sup>132</sup> Cross, *Blacks in White College*, 113-114.

<sup>133</sup> “Williams Enters O.U. Negro Test Suit,” *Tulsa Tribune*, (Tulsa, Oklahoma), April 23, 1946.



ensure equal opportunities.<sup>134</sup> A continuance was granted, and the Sipuel court date was set for May 31<sup>st</sup>, in which the NAACP lawyers were going to use the precedent of the Lloyd decision as their legal footing to desegregate Oklahoma University Law School but a day before the trials were to commence another continuance was given.<sup>135</sup>

On July 9<sup>th</sup> the hearing in the Sipuel case finally opened, and after an intense day of oral arguments in which Amos T. Hall, who represented Ada Lois, demanded the court to have the courage to carry out their constitutional duty of providing equal educational opportunities as he did not “see any way in the world to correct these injustices unless the courts have this courage.”<sup>136</sup> Judge Ben T. Williams assured Hall that the court had the courage to “do his duty in this or any other judicial proceedings.” Then Judge Williams proceeded to deny the writ of mandamus. Williams's verdict came down to his belief that Oklahoma’s administration should not be forced to violate state law. Furthermore, Ada Lois had not previously asked the state board of regents to establish a law school in the state for African Americans. Judge Williams agreed with Dr. Maurice H. Merrill, the acting dean of the OU Law School, in his argument that “it is not necessary for the state to anticipate particular courses that might be desired at some time in the future when no such demand has been made.” Until such demand is made, the state has performed its duty by giving the state board of regents’ authority to set up educational facilities needed by the citizens of Oklahoma.<sup>137</sup> Ada Lois expected the defeat at the state level,

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<sup>134</sup> “Langston Law School Motion Ready Monday,” *The Guthrie Daily Leader*, (Guthrie, Oklahoma), May 09, 1946.

<sup>135</sup> “University Case Set For Trial In Norman May, 31st,” *The Black Dispatch*, (Oklahoma City, Oklahoma), May 25, 1946; “Sipuel Case Again Gets Continuance,” *The Ada Evening News*, (Ada, Oklahoma), May 30, 1946.

<sup>136</sup> “Negro Student Denied Order to Enter OU: Norman Judge rules Against Application; Appeal Predicted,” *The Daily Oklahoma*, (Oklahoma City, Oklahoma) July 10, 1946.

<sup>137</sup> Negro Student Denied Order to Enter OU, *The Daily Oklahoma*, July 10, 1946.

and her determination during the continuances and Judge Williams's verdict did not waver in her commitment as she knew it was another step toward the final showdown in the United States Supreme Court.<sup>138</sup>

On August 17, the attorneys for Ada Lois filed an appeal to the state supreme court.<sup>139</sup> The state supreme court ruled to take up the case in early February of 1947 and set the case for March 4<sup>th</sup>.<sup>140</sup> During the state supreme court hearing, Ada Lois' lawyers were asked about the intentionality of bringing this case. Justice Earl Welch asked if this lawsuit was, in turn, an attack on the separate school system of the state. Amos Hall answered, "Certainly not; she is entitled to equal educational opportunity; at present, the state has a right, if it sees fit, to separate the races. But under the federal constitution as upheld by the Supreme Court of the United States, the separation of the races must guarantee equal treatment."<sup>141</sup> In a follow-up question to Hall, Welch asked if the state, when they set up the law school at the University of Oklahoma, should have created an equal school for African Americans. Hall agreed. When asked if the state was guilty of discrimination, Hall answered again in the affirmative. Hall concluded his argument by summing up the increasingly impossible financial position the state's racial history of separation had established. "Perhaps it would be expensive to establish a school offering equal opportunities to our people, but separation is a condition established by the state and one for which we did not ask...if this court issues the writ we ask, it will shock the state into providing the opportunities

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<sup>138</sup> Fisher, *A Matter of Black and White*, 97-102.

<sup>139</sup> "Ada Lois Sipuel Case Appealed to State High Court," *The Chickasha Daily Express*, (Chickasha, Oklahoma), August 18, 1946.

<sup>140</sup> "Sipuel Case Hearing Set," *The Norman Transcript*, (Norman, Oklahoma), February 9, 1947.

<sup>141</sup> "Ada Lois Sipuel Not Attacking Separate Schools, Lawyer Says Equal Education Being Sought," *The Chickasha Daily Express*, (Chickasha, Oklahoma), March 04, 1947.

for our people we ask.”<sup>142</sup> The state’s counterargument by General Fred Hansen rested on the state constitution, which states that separate schools shall be provided and properly maintained, and attempted to make the case that Sipuel had filed suit against the wrong entity; it is the board of regents that should have been compelled to provide those schools, not the University of Oklahoma.<sup>143</sup> On April 29<sup>th</sup>, the state supreme court refused to issue a writ of mandamus and affirmed the lower court decision. The court agreed that African Americans are entitled to equal opportunities in education. Still, the state is within its rights to require separate accommodations, and the state board of regents is entitled to advance notice to provide such accommodations.<sup>144</sup> Judge Welch's majority opinion did not “discharge the state’s duty to its Negro citizens, Negro citizens have an equal right to receive their law school training within the state if they prefer it.” However, the majority found that the case did not demonstrate discrimination as “before the state could be accused of discrimination for failure to institute a certain course of study for Negroes, it should be shown there was some ready patronage, thereof, or some of the race desirous of this instruction.”<sup>145</sup> The state court set its verdict not only in the constitution and the laws of the state but also in historical precedents.

Since statehood, and for that matter in the two territories prior to statehood, separate schools have been systematically maintained and regularly attended by and for the race respectively. This policy has been established and perpetuated, and these schools have been so instituted and maintained by voters and taxpayers and educators and patrons of both races, as if for the greater good of both races in Oklahoma. So that without regard to distances, conveniences or desires or any other consideration, a Negro child or pupil may not enter a white school nor a white child or pupil enter a Negro school.<sup>146</sup>

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<sup>142</sup> “Ada Lois Sipuel Not Attacking Separate Schools, *The Chickasha Daily Express*, March 04, 1947.

<sup>143</sup> “Ada Lois Sipuel Not Attacking Separate Schools, *The Chickasha Daily Express*, March 04, 1947.

<sup>144</sup> “Court Refuses to Order Admission Negro Girl to O.U.” *The Daily Ardmoreite* (Ardmore, Oklahoma), April 29, 1947.

<sup>145</sup> Court Refuses to Order Admission Negro Girl to O.U.” *The Daily Ardmoreite*, April 29, 1947.

The court found that Sipuel's case differed from *Gaines v. Missouri* in that there was an application and denial of furnishing a separate law school in Missouri. In Oklahoma, no petition was made to the Board of Regents to create a law school at Langston.<sup>147</sup> Once again, Sipuel was denied enrollment to OU Law. Rejected but not dejected, she vowed to keep fighting no matter how many years it would take to overcome this gross injustice.

Ada Lois and the NAACP applied for a rehearing during the summer of 1947 as they contended that the state's verdict was in conflict with decisions made by the United States Supreme Court. The state refused a rehearing, and in the fall of 1947, Sipuel's attorneys petitioned the United States Supreme Court for a writ of certiorari.<sup>148</sup> The Sipuel case was picked up by the U.S. Supreme Court and set for argument on January 8, 1948. Four days later, they rendered their verdict. In a unanimous decision, the court ruled that Oklahoma must provide equal facilities for both black and white students.<sup>149</sup> While the Supreme Court did not strike down the separate schools but reaffirmed the court's position from the Lloyd decision that out-of-state tuition does not fulfill a state's obligation to black students when a white student is afforded the opportunity to study that field in their home state. However, the real significance in *Sipuel* was two-fold. The first was the court's decision in *Sipuel*, which allowed state schools to open their doors to black and white students but maintain separate school systems by segregating black and white students. Second, a state could not postpone its obligations by promising to open

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<sup>146</sup> Court Refuses to Order Admission Negro Girl to O.U." *The Daily Ardmoreite*, April 29, 1947.

<sup>147</sup> Fisher, *A Matter of Black and White*, 111.

<sup>148</sup> "Rehearing of Negro student Suit Asked," *The Mangum Daily Star* (Mangum, Oklahoma), June 15, 1947; "High Court Will Hear Sipuel Case," *The Oklahoma Daily* (Norman, Oklahoma), August 6, 1947.

<sup>149</sup> "Negro May Not Get In OU This Term," *Stillwater Daily News-Press*, (Stillwater, Oklahoma), January 13, 1948.

a separate school at some point in the future; if a white student currently had the opportunity to attain a field of study, then the black student must be afforded the same right.<sup>150</sup> The United States Supreme Court decision ultimately left the state supreme court, which needed to interpret the ruling with three options: the Oklahoma University School of Law could be opened to African American students, a second option would be the closing of all law schools in the state, or the state could open a facility for legal education of African American students by January 29<sup>th</sup> the date she could enroll at OU.<sup>151</sup>

On January 17<sup>th</sup>, the state supreme court made their interpretation, and once again supported state law barring mixed classes at OU, and ordered a separate law school for African Americans to be established.<sup>152</sup> Two days later, Oklahoma University accepted Ada Lois Sipuel Fisher's application but would not admit her for the second semester of law classes until ordered by the state regents for higher education as they raced to create a separate law school.<sup>153</sup> In a demonstration of their speed and resiliency to uphold the Southern status quo in the state, the state board of regents was able to put together a plan to establish and implement a separate law school. In an emergency session nine days before the federal deadline, the state board of regents, by resolution, established the Langston University School of Law, which would be housed in one or two committee rooms in the state senate, called for access to the state law library on the first

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<sup>150</sup> *Sipuel v. Board of Regents*, 332 U.S. 631 (1948)

<sup>151</sup> "OU Facing Prospects of Admitting Negro, regents Study Order," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), January 13, 1948.

<sup>152</sup> "State's Supreme Court Bars Mixed Classes at OU, Orders Separate Negro Law School Segregation Rule I Upheld Regents, Racing January 29<sup>th</sup> Deadline, Will Meet Monday," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), January 18, 1948.

<sup>153</sup> "Negro Law School Applicant Threatens Action If Sent to "Makeshift" School: University Officials Accept Application But Will Have to Wait Before Admitting Her. *The Cushing Daily Citizen* (Cushing, Oklahoma), January 19, 1948.

floor of the capitol and would hire two faculty members.<sup>154</sup> Roscoe Dunjee poignantly asked how the board of regents could create a school in a week equal in faculty, facilities, and tradition to the University of Oklahoma.<sup>155</sup> Ada Lois Sipuel Fischer was not to be deterred; having spent more than three years attempting to desegregate Oklahoma and provide for equal justice, she would not give in on January 25<sup>th</sup> and worked with her attorney to prepare for the appropriate legal response to the state's actions.<sup>156</sup>

With the establishment of an “equal” School of Law for African Americans, Oklahoma University regents ordered OU President Cross to refuse admission to Ada Lois Sipuel Fischer. A few days later, on January 28<sup>th</sup>, six African Americans sought to enroll in courses at OU in the fields of architecture engineering, business administration, education, and biology.<sup>157</sup> Before processing the application, President Cross requested a declaration from the state regents on whether there were equal facilities elsewhere in the state for these six applicants that were substantially equal to those at Oklahoma University. Five of the six applicants had strong educational backgrounds with either undergraduate or graduate degrees or hours in hand at the time of application. Mozeal A. Dillon received a bachelor of science degree from Langston and was enrolled at the University of Nebraska for architectural engineering. Helen Holmes had an undergraduate degree from Lincoln University in Missouri. Ivor Tatum had a bachelor of arts from Kansas University and had done some graduate work at Nebraska University, G.W. had

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<sup>154</sup> “Law School Created Here; Negroes to Continue Fight,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), January 20, 1948.

<sup>155</sup> “Law School Created Here; Negroes to Continue Fight,” *The Daily Oklahoman*, January 20, 1948.

<sup>156</sup> Fisher, *A Matter of Black and White*, 129.

<sup>157</sup> “Six More Negroes Knock at OU’s Door To test Segregation: State Board of Regents, in Whirl Again Plans Emergency Talk at 10 a.m. Today On New Requests for Graduate Study,” *The Daily Oklahoman*, (Oklahoma City, Oklahoma), January 29, 1948.

received his master's in education at the University of Kansas and served as an instructor at Langston from 1931 to 1935. James Bond was a biology professor at Langston at the time of his application. The sixth was Mauderie Hancock, who lived in Oklahoma City and applied to study social work.<sup>158</sup> Within eighteen hours of President Cross notifying the board of regents, all seven of the regents appeared in his office, where they directed President Cross to seek advice from Mac Q. Williamson on what should be done. Williamson's first response the board found technically vague and filled with legalese, which stipulated that because the application was late to the last day of the registration period, the Board of Regents would be justified in declining admission due to their eleventh-hour applications.<sup>159</sup> The board asked Williamson to clarify his answers and provide a simple yes or no to whether the students should be enrolled.<sup>160</sup> This time, Williamson was clear in his assessment and ordered that the six applicants should not be admitted at this time.<sup>161</sup>

In light of the *Sipuel* decision and the six African American applicants, Oklahoma Governor Ray Turner summoned a group of legislators to meet on the issue, about which they voted overwhelming to continue to fight for segregation in institutions of higher education. The legislative group then asked the regents of higher education to form a committee of deans to study what it would take to afford separate but equal educational facilities within the states. The deans' report sent a shockwave through the legislature as the reported cost to the state would be

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<sup>158</sup> Ruling Due on Negro Applicants, *The Oklahoma Daily*, (Norman, Oklahoma) January 29, 1948.

<sup>159</sup> David W. Levy, *Breaking Down Barriers: George McLaurin and the Struggle to End Segregated Education* (Norman: University of Oklahoma Press, 2020), 71-73; Ruling Due on Negro Applicants, *The Oklahoma Daily*, (Norman, Oklahoma) January 29, 1948.

<sup>160</sup> Levy, *Breaking Down Barriers*, 74.

<sup>161</sup> "New Opinion Blocks Six Negroes Seeking OU Graduate Study: State Attorney Repeats Entry Isn't Justified," *The Daily Oklahoman* (Oklahoma City, Oklahoma), February 1, 1948.

between \$10 and \$12.5 million and require an additional half a million dollars yearly. Their report suggested that the only practical thing to do was to continue to strengthen Langston's undergraduate programs. Once Langston improved, graduate courses could be offered in education, social work, home economics, and music. However, the only reasonable and legal solution was for the state "to admit Negroes to graduate and specialized education in established courses" at Oklahoma University and Oklahoma A&M.<sup>162</sup> The legislators and board of regents were at a crossroads through which the legislators sided with the historical precedent set by the state's past and did not repeal the segregation laws.

Of the six applicants, the NAACP chose George McLaurin as their test plaintiff and filed suit. The Federal District Court accepted jurisdiction, and a three-judge finished deliberations on August 24<sup>th</sup>, 1948, and gave themselves a thirty-day window to release their decision.<sup>163</sup> Still waiting on a verdict, McLaurin reapplied to the University of Oklahoma's doctorate program in education and once again was denied entrance.<sup>164</sup> Eventually, the verdict was released in which McLaurin secured the right to secure a post-graduate education in the state by a state university and that the Oklahoma statute that denied McLaurin's entrance was unconstitutional and voided.<sup>165</sup> Unfortunately for McLaurin, the judges did not permit an injunction for McLaurin to enter the university right away; instead, they gave the state time to comply with their ruling by

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<sup>162</sup> "Legal Change to Let Negroes in OU, A&M Proposed by Deans *The Daily Oklahoman*, (Oklahoma City, Oklahoma), March 23, 1948.

<sup>163</sup> "Court Decision due in 30 Days In Negro Case," *The Norman Transcript* (Norman, Oklahoma) August 24, 1948.

<sup>164</sup> "Negro Denied OU Entrance: School Blocks Former Professor's Second Attempt to Enroll," *Tulsa Daily World*, (Tulsa, Oklahoma) September 17, 1948.

<sup>165</sup> "Federal Court Rules Against State Race Law: Oklahoma Given Chance to Provide Equal Education," *The Chickasha Daily Express*, (Chickasha, Oklahoma), September 29, 1948.



amending segregation laws.<sup>166</sup> Soon after the McLaurin ruling, Governor Turner announced that he opposed calling for a special legislative session. Instead, he hoped the state could solve the problem without a session, or during the next legislature in the spring, they would take up the entire question and establish new public policy in line with the federal court decision.<sup>167</sup> Turner's hopes were granted by a surprise move by the board of regents as they declared that McLaurin must be accepted but would be separated from white students. McLaurin was told to report on Wednesday, October 13<sup>th</sup>, 1948, becoming the first African American admitted to Oklahoma University and the only one admitted during the fall semester of 1948.<sup>168</sup>

While the doors to Oklahoma University were open to G.W. McLaurin, the equality of the experience certainly was not the same for McLaurin compared to his white peers. McLaurin was segregated from his peers, and each of his classes was held in Room 104 of the Carnegie Building, as that room contained an alcove with a single desk and chair for McLaurin to occupy. His sitting area only provided an obstructed view of the classroom blackboard. McLaurin would later testify in court that the segregated accommodations left him feeling humiliated and made the learning experience difficult, as he found it hard to concentrate in the conditions he faced.<sup>169</sup> McLaurin's separate accommodations soon led to new objections, and a third hearing for

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<sup>166</sup> "Federal Judges Declare Negro Ban Is Not Legal: Court Still Leaves Gate Closed for McLaurin," *The Oklahoma Daily* (Norman, Oklahoma) September 30, 1948.

<sup>167</sup> "Turner Opposes Special Session on Negro Ruling," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), October 01, 1948.

<sup>168</sup> "Negro Must Be Admitted to University Of Oklahoma At Once, Regents Declare," *The Daily Oklahoman*, (Oklahoma City, Oklahoma), October 12, 1948; Ruling Closes OU Door For Other Negroes: High Court Opinion Is Held Applicable to McLaurin Only, *The Daily Oklahoman*, (Oklahoma City, Oklahoma), October 24, 1948.

<sup>169</sup> Eric Lomazoff and Bailie Gregory, "Thurgood Marshal's 'Broom Closet': the Structure of Segregation in McLaurin v. Oklahoma State Regents," *Chronicles of Oklahoma*, vol 97, no. 1 (2019):36; "Negro Launches Case To Remove Barriers At OU," *Vinita Daily Journal*, (Vinita, Oklahoma), October 25, 1948.

McLaurin was requested to determine if having a segregated schoolroom all to one's own is equal education.<sup>170</sup> In the third hearing, Thurgood Marshall, McLaurin's attorney, argued, "the state's segregation laws are void as they apply to McLaurin, the university was stripped of its authority to segregate McLaurin after they enrolled him."<sup>171</sup> During the third hearing, the court found that Oklahoma segregation laws were capable of constitutional enforcement and that the University could continue its segregated practice in accordance with state law.<sup>172</sup> Discouraged but not broken, McLaurin and the NAACP took his case for equal seating at the University of Oklahoma to the United States Supreme Court.<sup>173</sup> The stress and poor accommodations ended up costing McLaurin as he failed the qualifying examinations for his degree the following year. While he was not barred from regular graduate work, McLaurin was not recommended by John F. Bender, the chairman of the university's advisory committee for doctorate candidates for further study toward a doctorate in education degree.<sup>174</sup> In November 1949, the U.S. Supreme Court agreed to review the McLaurin case.<sup>175</sup> The McLaurin case was argued over April 3<sup>rd</sup> and 4<sup>th</sup> of 1950, with a verdict decided on June 5<sup>th</sup>, 1950, in favor of McLaurin. The court found that the university's restrictions placed upon McLaurin of "his personal and present right to the equal protection of the laws, and the fourteenth Amendment precludes such difference in treatment by

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<sup>170</sup> "OU Case Stir New Objection," *Tulsa Tribune*, (Tulsa, Oklahoma), October 15, 1948.

<sup>171</sup> "OU-Negro Case Back in Court," *Tulsa Tribune*, (Tulsa, Oklahoma), October 25, 1948.

<sup>172</sup> "Segregation At OU Upheld by U.S. Court," *Tulsa Daily World*, (Tulsa, Oklahoma), November 23, 1948.

<sup>173</sup> "Negro Seating Appeal Rushed," *The Daily Oklahoman*, (Oklahoma City, Oklahoma) November 23, 1948.

<sup>174</sup> "McLaurin Fails College Exams," *The Daily Ardmoreite*, (Ardmore, Oklahoma), September 15, 1949.

<sup>175</sup> "U.S. Supreme Court To Test McLaurin's Campus Segregation," *The Oklahoma Daily*, (Norman, Oklahoma), November 8, 1949.

the State based upon race.”<sup>176</sup> McLaurin and the nineteen other African American students at OU in 1949, of which Ada Lois Sipuel Fischer, who never enrolled in the hastily created law school for Oklahoma’s African Americans, shall be afforded, according to the courts, the same equational experience in the classroom, as the white students who attended Oklahoma University.

The “Graduate School Cases,” as described by former US Solicitor General Drew S. Days III, of which plaintiffs in Oklahoma made up half of the quartet that will be used as precedents in the monumental *Brown v Board of Education of Topeka* progressed the resetting of racial relations in the United States.<sup>177</sup> But one must not forget the long civil rights march by African Americans in the state of Oklahoma to protect and ensure educational opportunities as a means to protect their right to vote and sustain a higher quality of life. From statehood through the 1940s, Oklahoma leaders were not ready to provide equal opportunities; in 1954, following the *Brown* decision, Oklahoma leaders were afforded another chance to move away from their Southern roots. Oklahoma had faced these crossroads before following the American Civil War and the election of delegates to the state constitution convention in 1906. Both times, they choose to return to the path they had trodden since the arrival of the Five Civilized Tribes, a Southern one. *Brown* offered a new beginning, but would the state be willing to seize the opportunity?

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<sup>176</sup> *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950), 399.

<sup>177</sup> Jack M. Balkin, *What Brown v. Board of Education Should Have Said: The Nation’s Top Legal Experts Rewrite America’s Landmark Civil Rights Decision* (New York: New York University Press, 2001), 94.

## Chapter 6

### **Clinging to the South: The Self-Inflicted Wound of Oklahoma City Public Schools**

Since 2008, *Oklahoma: A History* by W. David Baird and Danney Goble has been on the reading list for countless undergraduates in Oklahoma navigating their way through their Oklahoma history course.<sup>1</sup> Written by two of the premier historians of Oklahoma history, how could *Oklahoma: A History* not be fondly thought of since the monograph's publication? Both historians have won numerous awards and accolades for their work in and out of the classroom, and *Oklahoma: A History* was the ode to the state they both loved.<sup>2</sup> Danney Goble was a brilliant historian who utilized keen insight to revise the overall historical narrative of Oklahoma and argued that to truly understand Oklahoma, you have to understand Oklahoma as a Southern state.<sup>3</sup> Goble's 1994 essay "The Southern Influence on Oklahoma" gives a strong argument to demonstrate the Southern turn Oklahoma underwent during the statehood period.<sup>4</sup> This work has argued that Goble is correct that Oklahoma is a Southern state, but the process of enshrining the land in the South took place over a half-century earlier during the removal of the Five Tribes to Indian Territory, which would become Oklahoma in the first half of the nineteenth century.

Goble, who pioneered the Southern lens through which to understand Oklahoma, once again is too narrow in the Southern hold that grips the state. In *Oklahoma: A History*, Goble and Baird separate Oklahoma from the other Southern states, creating a context of school integration by describing how "it literally took an army to get nine black kids into a then all-white school" in

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<sup>1</sup> "Oklahoma: A History," University of Oklahoma Press, January 5, 2024. <https://www.oupres.com/9780806141978/oklahoma/>.

<sup>2</sup> Baird and Goble, *Oklahoma: A History*, xi-xiv.

<sup>3</sup> "Oklahoma historian, author Danney Goble dies at 60," *Tulsa World*, (Tulsa, Oklahoma) March 09, 2007.

<sup>4</sup> Goble, "The Southern Influence on Oklahoma," 280-301.

Little Rock, Arkansas.<sup>5</sup> The two historians then pivot towards Oklahoma history, explaining how Governor Raymond Gary was born and raised in the southernmost part of the state, “Little Dixie,” but when elected governor in 1955, led the drive to full compliance with the *Brown v Board* ruling.<sup>6</sup> *Oklahoma: A History* explains how blacks and whites came together “in the cause of change,” integrating Oklahoma City through a sit-in movement.<sup>7</sup> Oklahoma University football team broke the color barrier in 1957, a full decade before any school in the Southeastern Conference, and the Barry Switzer teams of the 1970s “blended an incredible array of black talent with the athletic gifts of white kids from Oklahoma and everywhere else.”<sup>8</sup> While those events did take place, OU did blend black and white players into powerhouse teams, a sit-in movement integrated Oklahoma City diners, and Gary pushed for integration, but the struggle missing in those five pages Goble and Baird used to cover the state’s successful end to segregation in the state’s premier survey text for Oklahoma’s history needs to be told as the struggle demonstrates Oklahoma’s Southern hold on the land.<sup>9</sup> By understanding the struggle and the long road to integration, one can understand the fall of Oklahoma City Public Schools, once one of the premier districts in the state and now ranked as one of the worst.<sup>10</sup>

The Supreme Court decisions in *Sipuel v. Board of Regents of the University of Oklahoma* and *McLaurin v. Oklahoma State Regents for Higher Education* set in motion the

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<sup>5</sup> Baird and Goble, *Oklahoma: A History*, 269.

<sup>6</sup> Baird and Goble, *Oklahoma: A History*, 269.

<sup>7</sup> Baird and Goble, *Oklahoma: A History*, 269-270.

<sup>8</sup> Baird and Goble, *Oklahoma: A History*, 271-272.

<sup>9</sup> Baird and Goble, *Oklahoma: A History*, 269-273.

<sup>10</sup> Greg. Forster, “Oklahoma Public Schools: Worse than You Think,” Oklahoma Council of Public Affairs, July 2, 2014. <https://ocpathink.org/post/analysis/oklahoma-public-schools-worse-than-you-think-1>.

monumental decisions that placed public education in the United States on an integrated pathway through the Court's ruling in *Brown v. Board of Education of Topeka*.<sup>11</sup> The *Brown* verdict found that the segregation of white and black children in public schools on the basis of race denied African American children equal protection of the law, a guarantee for all citizens by the Fourteenth Amendment. Even if the physical attributes of the education experience, as well as other tangible factors, were equal, segregation based on race was deemed in violation of the Fourteenth Amendment.<sup>12</sup> Ultimately, the *Brown* decision found that the "separate but equal doctrine" initiated by the *Plessy v. Ferguson* ruling no longer had legitimacy in the field of public education.<sup>13</sup> The *Brown* ruling in 1954 meant the end of over sixty years of precedence in Oklahoma, dating back over a decade before Oklahoma's acceptance into statehood once the First Territorial Legislature of 1891 established a system of separate schools.<sup>14</sup>

Oklahoma's history of separate schools, as well as the fact that prior to *Brown* putting up a strong fight to keep higher education segregated, would indicate resistance, and at a minimum, legislative action to minimize *Brown* would be forthcoming. Violence could also not be ruled out in 1954, as Oklahoma's historical record has shown to be home to a preponderance of citizenry with a willingness to utilize violence or at least physical intimidation and threats to keep the racial hierarchy in place. Southern newspaper editors were immediate in having their voices heard after the *Brown* ruling became public. Headlines showcased their sentiments: "South Loses

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<sup>11</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)

<sup>12</sup> *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), 486-496.

<sup>13</sup> *Plessy v. Ferguson*, 163 U.S. 537 (1896), 163; *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), 495.

<sup>14</sup> "Report of the Governor of Oklahoma, 1891," American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899, accessed February 10, 2024. <https://digitalcommons.law.ou.edu/>.

on School Segregation,” “Deep South Near-Defiant, Bitter on Rule,” and “Says Segregation Not Unchristian, Not Necessarily Discrimination” in attempts to fortify Southern resolve for separate schools.<sup>15</sup> Papers also demonstrated that Southern readers who detested the *Brown* decision were not alone, as seen in *The Blytheville Courier*, which carried the byline of “the most dominant newspaper of Northeast Arkansas and Southeast Missouri.” It noted that a local survey found that ten out of eleven people polled felt the court was wrong in attempting to enact an integrated school system on the South.<sup>16</sup> However, instead of disgust and bitterness showcased in other Southern communities, Oklahoma leadership responded in a progressive manner to the judicial decision.<sup>17</sup> Governor Johnston Murray released a statement the same day Justice Earl Warren delivered the unanimous ruling in *Brown*, aligning the state with the decision. As far as Murray was concerned, he did not expect any difficulties to develop in Oklahoma as he put the state on a path to go along with the U.S. Supreme Court decision. Murray’s viewpoint derived from his belief that “Oklahomans are reasonable, law-abiding people. Whatever changes this new ruling brings will, I feel sure, be handled in an agreeable manner and without incident” as Oklahoma took the next step forward.<sup>18</sup> A state with an appalling racial record that included a “one-drop” racial caste system, the Tulsa Race Riot, and a lynching record that matched other Southern

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<sup>15</sup>“South Loses on School Segregation,” *The Columbia Record* (Columbia, South Carolina) May 17, 1954; “Deep South Near Defiant, Bitter On Rule,” *Daily Press* (Hampton-Warwick, Virginia), May 18, 1954; “Says Segregation Not Unchristian, Not Necessarily Discrimination,” *The Clarion Ledge-Jackson Daily News* (Jackson, Mississippi), November, 7, 1954.

<sup>16</sup> “Citizens Here Favor Segregation,” *Blytheville Courier* (Blytheville, Arkansas), May 19, 1954.

<sup>17</sup> “Murray Says State To Accept Ruling,” *The Chickasha Daily Express* (Chickasha, Oklahoma), May 17, 1954.

<sup>18</sup> “Murray Leads Way In Pledging State Cooperation On Segregation Ruling,” *The Lawton Constitution* (Lawton, Oklahoma), May 18, 1954.

states, and just went through years-long court battles to keep African Americans segregated in higher education, Murray's statement was a seismic shift from Oklahoma's Southern foundation.

Murray was not alone in his sentiments to align the state with *Brown*, as public sentiment also demonstrated a progressive move to integration. Several letters to the editor of *The Shawnee News-Star* utilized a Christian message to argue against the policy of segregation, making the point to say, "We are all God's creatures and should be treated as such."<sup>19</sup> Mrs. George D. Davis, in her letter to the Tulsa Tribune, asked a poignant question to those who believe mixing races is morally wrong, "On what do you base your assumption? Surely not on Christianity" Davis threw out the suggestion that it might be the Nazi ideology of a concept of a superior race.<sup>20</sup> Davis was not the only one to refer to events related to World War II to justify their reasoning for desegregation. M.B., a proud "not colored" "Southerner," argued to forget the color of our skin to tackle a more pressing issue of "combating the communistic enslavement of both white and colored. When our boys are fighting for our country, the bullets do not waver undecidedly between the white and colored" as he argued for the country to stand together.<sup>21</sup> In his letter to the editor of Enid's *The Haymaker*, Bob Gartman also relied on a Christian message, making the overall point that the only thing the state has to lose is segregation. "By not admitting negro students, we have much to lose! We lose the opportunity to lead our churches. We lose prestige, self-respect, and many fine Negro students."<sup>22</sup> A strong Christian theme, along with the post-

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<sup>19</sup> "The Public Pulse," *Shawnee News-Star* (Shawnee, Oklahoma), October 10, 1954.

<sup>20</sup> "People's Forum: Segregation Ruling," *The Tulsa Tribune* (Tulsa, Oklahoma), June 10, 1954.

<sup>21</sup> "People's Forum: Segregation Ruling," *The Tulsa Tribune* (Tulsa, Oklahoma), June 10, 1954.

<sup>22</sup> "Letters to the Editor," *The Haymaker* (Enid, Oklahoma), December 10, 1954.



World War II worldview, certainly helped change individual hearts and minds. Still, not all individuals were as easily persuaded to back the desegregation movement of the state.

While letters of support of the state's direction to follow the *Brown* ruling flowed into newspapers, detractors wanting to keep separate schools were not far behind. This type of back-and-forth in-state opinion on the issue of racial segregation can be seen in a two-week period in the *Hugo Daily News*. On May 25<sup>th</sup>, 1954, the *Hugo Daily News* editors decided to run an opinion piece from the *Henryetta Daily Free Lance* urging those that did support the *Brown* decision to take the next bus to Georgia as Oklahoma will abide by the law of the land—suggesting that they fund one-way tickets for any “race haters” in Oklahoma join their “comrades” in Georgia.<sup>23</sup> As seen by other Oklahomans, the opinion piece once again referred to Judeo-Christian principles as the foundational truth for their racial view.

The scriptures teach ‘as a man thinketh, so is he.’ They do not say ‘as a man’s skin is colored, so is he.’ We are readily taught God I, the father of ALL mankind, not just white mankind. If you don’t like the way a man thinks, blame the man. If you don’t like the color of a man’s skin, blame God. Only God controls the color of a man’s skin. The man controls his own thinking.<sup>24</sup>

A rebuttal was received and posted by *Hugo Daily News* on May 31<sup>st</sup>, arguing that the Supreme Court’s decision and the governor's willingness to abide by the ruling did not reflect the will of the majority in the state. Furthermore, the detractor justified their support of the Georgia Governor as well as their call to action in challenging the Supreme Court verdict through a pseudo-historical argument. Their opinion was based on who they believe deserves equality, setting their opinion on their worldview that African Americans played no part in the creation of

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<sup>23</sup> “Bus Tickets for Race Haters,” *The Hugo Daily News* (Hugo, Oklahoma), May 25, 1954.

<sup>24</sup> “Bus Tickets for Race Haters,” *The Hugo Daily News* (Hugo, Oklahoma), May 25, 1954.

the United States; they were forcibly brought following the Civil War given “the erstwhile salves the right of citizenship-this sacred privilege for which our founding father fought and died.”<sup>25</sup> Their racial prejudice is also highlighted in their letter to the editor as the unnamed writer assumed that African Americans could not appreciate citizenship in the United States and that any attempt to equalize the races “of widely divergent cultures” is an impossibility and will create a “great loss to the prestige and leadership of our national life.”<sup>26</sup> After reading the May 31st letter to the editor, a Hugo Daily reader felt compelled to respond. The response centered on two arguments to disprove the “local Negro hater.”<sup>27</sup> The first point is that they find this person to either not be a Christian or have an unchristian attitude to the state’s racial problem. The second argument is not to disagree with the historical argument of who was a founding father, but to place context around the history of African American soldiers fighting in two recent wars for the United States, World War II, and Korea, disclosing he has seen their graves on foreign soil. In a patriotic nod to the founding fathers and the history of the United States, he signs his letter with a declarative statement, “But as to denying these people have equal and full rights provided all races under our great constitution- poppycock!”<sup>28</sup> The back-and-forth in the *Hugo Daily News* demonstrates the changing of the old Southern guard seen in Oklahoma and the new opportunity for the State to move away from its Southern roots.

The nearly full year the Court took on their decision between *Brown I*, May 17, 1954, in which separate is not equal, and *Brown II* ruling on May 31, 1955, in which the South could

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<sup>25</sup> “Letter to Editor,” *The Hugo Daily News* (Hugo, Oklahoma), May 31, 1954.

<sup>26</sup> “Letter to Editor,” *The Hugo Daily News* (Hugo, Oklahoma), May 31, 1954.

<sup>27</sup> “Letter to Editor,” *The Hugo Daily News* (Hugo, Oklahoma), June 04, 1954.

<sup>28</sup> “Letter to Editor,” *The Hugo Daily News* (Hugo, Oklahoma), June 04, 1954.

move at their own deliberate speed, might explain the overall calm the newspapers reported across the South in light of the Supreme Court's move to integrate public schools. In an analysis of letters to the editors of fifteen major southern cities, only four newsrooms indicated a heavy response in Richmond, Louisville, Dallas, and Little Rock. Charlotte and Nashville reported their volume was lighter than expected, while Atlanta, Tampa, Miami, Oklahoma City, Memphis, New Orleans, Birmingham, Montgomery, and Chattanooga all responded there was a light response to *Brown's* decision. Richmond *Times-Dispatch* and *New Leader* reported receiving sixty-nine letters on the issue, with forty-eight being opposed to the ruling, while the Little Rock Gazette reported a twenty-five to ten ratio against the decision. The cities that reported a lighter influx of letters on the segregation issue found the majority opposing or were bitter about the ruling, complaining about how nine men could tell the 150 million people in the nation what to do.<sup>29</sup>

The lack of urgency demonstrated by Southern segregationists in having their voices heard stemmed in part from the U.S. Supreme Court ruling on May 17 that delayed the issuance of the order to end the separate schools' practice, which was deeply rooted in the South's way of life and custom of the seventeen states and the District of Columbia which had segregation laws. The Court further allowed those states to appear voluntarily before the Court in October of 1954 to offer advice on ending discrimination. Entering the 1954-55 school year, Alabama, Arkansas, Georgia, Florida, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia all continued their separate school policy, waiting for the Supreme Court to issue their mandate. Meanwhile, four states, Georgia, Louisiana, Mississippi,

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<sup>29</sup> "Southern Newspapers Report Residents Take Segregation Ruling Calmly," *The Daily Oklahoman* (Oklahoma City, Oklahoma), May 31, 1954.

and South Carolina, threatened violent opposition to the coming mandate from the Supreme Court.<sup>30</sup> The Court's resolve allowed for the South to slow the pace of integration to a crawl, a sentiment captured on the fiftieth anniversary of the *Brown* decision by law professor Charles J. Ogletree, who questioned the Court's resolve to achieve an integrated and equal society through his summation of *Brown I* and *II*. Ogletree found that the United States Supreme Court nullified any moral righteousness *Brown I* would have produced with the timidity seen in *Brown II*. Although the Court acknowledged the unconditionality and moral wrongness of segregation based on skin color, the U.S. Supreme Court's fear of a racially charged divide between the North and South, which could damage the Court's prestige, allowed for desegregation to proceed at a "deliberate" speed instead of set deadlines and a specific timetable.<sup>31</sup> The Court's failure to set timetables left Southern leadership and their constituents to their own moral whims and prerogatives regarding the speed of desegregation. Once again, they were giving Oklahoma a chance to decide if the state would continue to travel down its Southern road or strike out for a new frontier that would redefine the state's black-and-white relationship.

Immediately following *Brown I*, Oklahoma's Governor Johnston Murray, who served as the chairman of the Southern Governors Conference and had the sole right to call the Conference to meet, refused to call a meeting to discuss the Court's action on segregation. In response to *Brown*, Virginia's Governor Thomas B. Stanley sent invitations to the sixteen governors affected by the public school segregation ban to gather information and views, of which Murray also refused to attend Stanley's meeting.<sup>32</sup> Instead, Murray publicly announced that Oklahoma

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<sup>30</sup> "South Acts Slowly To End Segregation," *Daily Oklahoman* (Oklahoma City, Oklahoma), September 12, 1954.

<sup>31</sup> Charles J. Ogletree, *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education* (New York: W.W. Norton & Co., 2004), 307.

would agree to strictly follow the Supreme Court ruling to change the state laws and amend the constitution to end school segregation. Following Murray's lead, Oklahoma's Attorney General Mac Q. Williamson refused to attend Southern state's attorney generals that met in Atlanta on June 02, 1954, to discuss legal avenues to side-step the segregation ban. Throughout 1954, most of the state legislators fell in line with Murray's stance on ushering Oklahoma's move to desegregate public schools but offered little substance on the process of integration. A survey of the state legislators by the United Press found that fifty-eight to nine legislators who answered the questionnaire felt that a special election on segregation was necessary for the immediate legislature session.<sup>33</sup> The United Press explained the summation of the legislation feelings in a quote from "Representative Buck Cartwright, a Democrat from Wewoka, who voiced the sentiments of most lawmakers when he said the segregation issue is 'one we must face.' However, Cartwright, like most others, offered no specific proposals." While Murray moved the state away following the South's lead, he would not be allowed while in office to see the implementation of integration as Article VI of Oklahoma's Constitution limited the governor to two four-year terms but not consecutively.<sup>34</sup> In the 1954 election, Murray was replaced by Raymond Gary, who would enter office during a precarious time in Oklahoma's history.

While Oklahoma attempted to foster support to end separate accommodations in public schools and move in a new racial direction, other Southern states attempted to hold on to the racial status quo. A little over a month after *Brown II*, Hoxie, Arkansas, a rural community in the

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<sup>32</sup> "Segregation Meet Draws Murray 'No,'" *The Guthrie Daily Leader* (Guthrie, Oklahoma), May 20, 1954.

<sup>33</sup> "Many Legislators Wish Ruling By Court on State Redistricting," *Holdenville Daily News* (Holdenville, Oklahoma), December 07, 1954.

<sup>34</sup> Linda D. Wilson, "Term Limits Amendment of 2010," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February, 12, 2024, <https://www.okhistory.org/publications/enc/entry?entry=TE028>.

northeastern part of the state, abolished its separate school system, and twenty-one black students attended classes with approximately eight hundred white classmates on the first day of school on July 11, 1955.<sup>35</sup> *Life* magazine covered the events, describing the atmosphere as cordial and “children were behaving as if they had gone to school together all their lives.”<sup>36</sup> The national and local spotlight was brought to bear on the small community, and segregationist organizations across the South pressed the townspeople and school board members of Hoxie to cease their integration efforts.<sup>37</sup> Within a month of the school opening, one-hundred and fifty parents staged a boycott in Hoxie, where parents refused to be without their children from the start of school until racial integration was abolished.<sup>38</sup> When school let out for the fall harvest and resumed on October 24<sup>th</sup>, attendance fell by nearly sixty percent.<sup>39</sup> When the Hoxie school board persisted in their integration plans, segregationists filed a suit charging mismanagement, which led to a counter-suit by the school board to file a restraining order against the segregationists for interfering with integration efforts.<sup>40</sup> In 1956, a judge finally granted a permanent order, and Hoxie had twenty-two black students attend alongside their white students after an arduous three-year process.

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<sup>35</sup> Johanna Miller Lewis, “Implementing Brown in Arkansas.” in *With All Deliberate Speed: Implementing Brown v. Board of Education*, edited by Brian J. Daugherty and Charles C. Bolton, (Fayetteville: University of Arkansas Press, 2008), 8.

<sup>36</sup> “A ‘Morally Right’ Decision: An Arkansas School board does some soul searching and negro children enter desegregated classes,” *Life Magazine*, July 25, 1955, 30.

<sup>37</sup> Neil R. McMillen, “White Citizens’ Council and Resistance to School Desegregation in Arkansas,” *The Arkansas Historical Quarterly* 30, no. 2 (1971): 98. <https://doi.org/10.2307/40038072>.

<sup>38</sup> “School Boycott as Integration Protest,” *Vicksburg Evening Post* (Vicksburg, Mississippi), August 4, 1955.

<sup>39</sup> Jerry J. Vervack, “The Hoxie Imbroglio.” *The Arkansas Historical Quarterly* 48, no. 1 (1989): 28. <https://doi.org/10.2307/40027804>.

<sup>40</sup> *Brewer v. Hoxie School District No. 46*, 238 F.2d 91 (8th Cir. 1956); *Hoxie School District No. 46 of Lawrence Co., Ark. v. Brewer*, 137 F. Supp. 364 (E.D. Ark. 1956)

Similar attempts to restrict integration efforts were seen across the South, through the creation of anti-integration groups like the Citizens League for School Home Rule in Houston to public referendum when the state citizens voted to continue school segregation as seen in Mississippi.<sup>41</sup> In Shellman, Georgia, Rev. Henry A. Buchanan, a Baptist minister, hailed the Supreme Court ruling from the pulpit, and the church immediately called a conference. The board of deacons promptly asked for his resignation.<sup>42</sup> As 1954 gave way to 1955, the Tuskegee Institute announced on December 31<sup>st</sup> that seven governors had signed a compact to maintain separate schools in their states, of which Louisiana, Mississippi, and George were named.<sup>43</sup> By 1956, nineteen senators and seventy-seven representatives from eleven states released the “Declaration of Constitutional Principles,” which became known as the Southern Manifesto, declaring that the Supreme Court in the school cases had plainly abused judicial power and the “separate but equal” doctrine clearly laid at the purview of the states.<sup>44</sup> Furthermore, the Court, “without regard to the consent of the governed, outside agitators threatening immediate and revolutionary changes in our public school systems. If done, this is certain to destroy the system of public education in some of the states.”<sup>45</sup> Through these actions, various entities throughout

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<sup>41</sup> “Integration Protest Made in Houston,” *The Brownsville Herald* (Brownsville, Texas), November 28, 1955; “Mississippians Vote On Act to Continue School Segregation,” *The Daily Ardmoreite* (Ardmore, Oklahoma), December 20, 1954.

<sup>42</sup> “Pastor Ousted for Hailing Segregation Ruling,” *Tulsa Daily World*, (Tulsa, Oklahoma), December 10, 1954.

<sup>43</sup> “Tuskegee Institute Charges...7 Governors Sign compact For School Segregation,” *The Elk City Daily News* (Elk City, Oklahoma), December 31, 1954.

<sup>44</sup> “Southern Manifesto Assails Desegregation,” *The Galveston Daily News* (Galveston, Texas), March 11, 1956.

<sup>45</sup> “Here Is Text of Southern Manifesto,” *The Marshall News Messenger* (Marshall, Texas), March 12, 1956.

the South, either through legislative action or private associations, attempted to secure the separate school precedence of their states.

Oklahoma attempted to charter a different path through state government backing, school boards, and private citizen action by black and white members of the community. In the first week of December 1954, segregation came to an end for at least one school day for the students of Highview School district near Billing, Oklahoma, when black and white students from first to eighth grade spent the entire day together at Perry Blaine school. Comments were overwhelmingly positive about the experience, with a fourth grader commenting, "I think they were glad to see me; all of them were friendly, and some were curious while a seventh grader said, "The entire class enjoyed the visit of children from the Highview school. I attend a mixed school in Kansas, and I think Oklahoma should have mixed schools too."<sup>46</sup> Outside of the classroom, integration efforts also took place on the gridiron, as two high school football coaches used the love of the sport in Oklahoma as a bridge to bring blacks and whites together by scheduling the first integrated game.<sup>47</sup> Capitol Hill football coach C.B. Speegle and Douglass' Moses "Pie-Eye" Miller were the respected leaders of two powerhouse programs in the state. Capitol Hill was an athletic powerhouse winning state championships in football in 1949, baseball in 1953, and basketball in 1954, while the separate school Douglass headed into the game unbeaten in over four years as they entered on a current forty-six-game unbeaten streak.<sup>48</sup>

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<sup>46</sup> "White Student spend Day at Blaine School," *The Perry Daily Journal* (Perry, Oklahoma), December 5, 1954.

<sup>47</sup> Football is ingrained into Oklahoma history, the first game was played just five years after the Oklahoma Land Run of 1889 and full thirteen years before statehood. See Larry O'Dell, "Football," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 16, 2024, <https://www.okhistory.org/publications/enc/entry.php?entry=FO015>.

<sup>48</sup> "State Champions," Oklahoma Secondary School Activities Association, accessed February 21, 2024. <https://ossaillustrated.com/state-champions>: "Douglass Risks 46-Game Skein at Hill Tonight," *The Daily Oklahoman* (Oklahoma City, Oklahoma), November 4, 1955.



Not allowed to play each other in a sanctioned game, the two coaches faced off in scrimmages every fall starting in 1945 to prepare for their upcoming seasons. The atmosphere for the game was electric as over 8,000 fans attended the epic clash without incident and the game showcased two of the state's greatest athletes in Douglass' Prentice Gautt who would go on to break the color barrier of the University of Oklahoma's football team and Dick Soergel of Capitol Hill who went on to become a three-sport star at Oklahoma A&M.<sup>49</sup> The game lived up to the hype with Gautt running for over a hundred yards in the first half but he was shut down in the second and the game ended on an incredible fifty-yard jump pass from Douglass quarterback Russell Perry that was intercepted by Soergel to seal the 13-6 victory for Capitol Hill.<sup>50</sup>

Years later, in a joint interview conducted in 1999 by the *Daily Oklahoman*, the quarterbacks of their respective schools were asked to comment about the game. Soergel explained that, at the time, he did not realize he was making history by playing that game. "No one was really pointing at the social aspect of the game. We just didn't want to lose. The racial thing wasn't really in our minds."<sup>51</sup> Former Douglass quarterback Russell Perry recalled a much different sentiment in the Douglass locker room, "we wanted to beat the white guys. We wanted to show them that we were equal or better. We felt like we had to win."<sup>52</sup> The different viewpoints on the game may have derived from the fact that Soergel, who was a senior playing

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<sup>49</sup> Max Nichols, "Gautt, Prentice," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 16, 2024. <https://www.okhistory.org/publications/enc/entry?entry=GA023>; Logan Jones. "Oklahoma State Mourns Loss of Three-Sport Legend and Former Business Manager Dick Soergel," *Sports Illustrated*, December 31, 2023. <https://www.si.com/college/oklahomastate/football/oklahoma-state-legend-dick-soergel-passes-away>.

<sup>50</sup> "Capitol Hill Nudges Douglass, 13-6: Trojans String Snapped at 46," *Daily Oklahoman*, (Oklahoma City, Oklahoma), November 04, 1955.

<sup>51</sup> Andrew Gilman, "Barriers fell when Capitol Hill met Douglass," *Newspapers.com*, *Daily Oklahoman*, Oklahoma City, OK, November 05, 1999, accessed December 10, 2021, <https://www.newspapers.com/image/454871653/>.

<sup>52</sup> Gilman, "Barriers fell."

in his last few games for Capitol Hill, had scrimmaged Douglass for years and saw this game as an extension of what he had already experienced. However, for Perry, whose lived experience was one of a segregated city, the game meant so much more than the chance to beat the “white guys.” It was an opportunity to open doors that had been closed for way too long—a sentiment seen by other African Americans across the United States.

For African Americans, as seen in the sentiments of Russel Perry, the *Brown* ruling was the fruit of the long struggle in the fight for equal rights, the opportunity to prove they were just as good if not better than the separate system that kept them from competing on equal footing. Unfortunately, in order to taste the sweetness *Brown* offered, African Americans would have to continue to fight for equality. African American editor and former instructor C. C. Mack of Los Angeles alluded to the fight that was coming in December 1954 as explained that “prejudice is deeply rooted in the White Man’s nature and all this time the south has been doing about what it wants to do concerning Negro rights and will try to out wit any court decision no matter how high a court it may be.”<sup>53</sup> Mack described the conditions of Los Angeles schools, which paid little attention when African American students were few in number, but with the mass migration of blacks to California and move into the once all-white schools, there was an exodus of whites to the outskirts of town, and schools were moved out in the valley.

The mighty Jefferson, Jordan, and Fremont are almost totally black, and in a year or two, Manual Arts will be the same. At first, three, only old white teachers and custodians remain. AND AT THE SAME TIME NEGRO TEACHERS ARE ASKING FOR TRANSFERS TO WHITE DISTRICTS while students slip out of the Negro district and register from the parts of town. People move away from the other Negroes as soon as they are able. They feel the same way Oklahoma City folk used to feel about Tulsa, So you see, things are somewhat mixed up, and you wonder, WHAT DOES THE NEGRO

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<sup>53</sup> C.C. Mack, “Way Out West: What Do Negroes Want?” *The Black Dispatch* (Oklahoma City, Oklahoma), December 25, 1954.

WANT ANYWAY?<sup>54</sup>

Mack's resounding reply to what African Americans wanted was equality, the right to live where they wanted, send their kids to the top schools, mingle in parks with every race, and dine in restaurants they wanted- in sum, integration of all things. African American civil rights leader, editor, and owner of the *Black Dispatch* Roscoe Dunjee shared a similar view in a speech to the local NAACP chapter in Elk City. Dunjee explained why he stood opposed to segregation on the grounds that blacks and whites needed to meet and mingle as the only way for blacks and whites to get to know each other. Using the recently passed Sipuel and McLaurin cases desegregating higher education, Dunjee reminded people that "despite the general rumor that blood would flow in the streets if any such situation developed...today 400 Negroes are enrolled at Norman and a similar number at A&M college" with no carnage in the streets.<sup>55</sup> Dunjee also explained to his audience the financial benefits of ending a dual system of education for the state of Oklahoma, as the state, as well as the whole of the South, was too poor to maintain a separate school system, explaining, at best, the South is unable to raise one half per capita New York and California raise for education.<sup>56</sup>

The financial logic to get behind desegregation was also used by the new governor-elect Raymond Gary, who won the election in 1954 in his push to persuade Oklahomans to get behind

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<sup>54</sup> C.C. Mack, "Way Out West: What Do Negroes Want?" *The Black Dispatch* (Oklahoma City, Oklahoma), December 25, 1954.

<sup>55</sup> "Race Prejudice is Silly, Stupid Emotionalism in Both Races says Dunjee in Elk City Speech," *The Black Dispatch* (Oklahoma City, Oklahoma), December 11, 1954.

<sup>56</sup> "Race Prejudice is Silly, Stupid Emotionalism in Both Races says Dunjee in Elk City Speech," *The Black Dispatch* (Oklahoma City, Oklahoma), December 11, 1954.

his better school amendment to change the constitution to end separate schools.<sup>57</sup> Gary, knowing the Southern foundation of the state, did not want to submit to a public ballot the issue of black and white students attending the same schools. Oklahoma was the only segregationist state with a separate method of financing its separate school system. White schools were funded through a district tax levy, while separate schools were financed through a county levy.<sup>58</sup> Strategically, Gary framed the argument to amend the constitution to provide funds for public schools to comply with the U.S. Supreme Court ruling in *Brown*. Gary's plan called for the entire state's public education system to move for the county levy, where the state would further supplement school funding based on the average daily attendance of students per district. By shifting the funding mechanism in which the county level and state supplements would be made available to all schools, the school districts would voluntarily integrate to create larger school districts, creating better-financed schools.<sup>59</sup> By making school segregation a financial issue, Gary took a highly contentious issue, made it largely acceptable, and implemented it without much difficulty.<sup>60</sup>

Gary's revision to the state constitution amending the common funding for all schools became labeled the "Better Schools Amendment." It was sold to the citizens of the state as the

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<sup>57</sup> "Gary Plans to handle School Segregation Problems as Financial Issue," *The Daily Oklahoman* (Oklahoma City, Oklahoma), December 26, 1954.

<sup>58</sup> Jekel, *The Original Constitution of the State of Oklahoma*, 77, 82; James C. Milligan and L. David Norris, *The Man on the Second Floor: Raymond D. Gary* (Muskogee, OK: Western Heritage Books, 1988), 80.

<sup>59</sup> James C. Milligan and L. David Norris, *The Man on the Second Floor: Raymond D. Gary* (Muskogee, OK: Western Heritage Books, 1988), 80-81.

<sup>60</sup> "Gary Plans to handle School Segregation Problems as Financial Issue," *The Daily Oklahoman* (Oklahoma City, Oklahoma), December 26, 1954.

solution to the chaos that would face the state's entire education system if not passed.<sup>61</sup>

Newspapers across the state published Gary's op-ed explaining that the state stood to lose eight million in taxes collected for separate schools when the financing of black schools was deemed unconstitutional by the courts. When that happens, the money collected for white schools would have to be utilized to cover the cost of separate schools, crushing both schools in the process.<sup>62</sup>

Gary then laid out the conditions schools would face if the state did not pass his proposed amendment.

Shortened school terms will be the rule rather than the exception. In many communities, classes will likely be held only half-time in some of the lower grades. It will become a regular procedure to crowd 40 or 50 pupils in a single classroom. Temporary arrangements whereby the school is now held in buildings wholly unsuitable for that purpose will become a permanent part of the Oklahoma school picture.<sup>63</sup>

Gary's appeal and framing of the amendment, as well as ads run by the Oklahoma Citizens Interested In Better Schools and by various alumni groups, worked as the state overwhelmingly supported the amendment's passage.<sup>64</sup> The "Better Schools Amendment" was adopted by the state legislature in March 1955 and passed by the citizens of the state by more than a three-to-one margin. Over 90 percent voted for adoption with six western counties, and Love County of

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<sup>61</sup> "Future Growth, Development Depends On School Tax Vote, Gary Warns," *Muskogee Times-Democrat* (Muskogee, Oklahoma), March 24, 1955.

<sup>62</sup> Raymond Gary, "Governor's Office," *The Boise City News* (Boise City, Oklahoma), March 24, 1955; Raymond Gary, "Governor's Office," *The Madill Record* (Madill, Oklahoma), March 24, 1955; Raymond Gary, "Governor's Office," *The Southeast Oklahoman* (Hugo, Oklahoma), March 24, 1955; Raymond Gary, "Governor's Office," *The East Oklahoma Tribune* (Sallisaw, Oklahoma), March 24, 1955.

<sup>63</sup> Raymond Gary, "Governor's Office," *The Indian Journal* (Eufaula, Oklahoma), March 24, 1955.

<sup>64</sup> "Alumni Units Push for Votes," *The Daily Oklahoman* (Oklahoma City, Oklahoma), March 18, 1955; "Vote Yes April 5 For the Better Schools Amendment," *The Drumright Derrick* (Drumright, Oklahoma), March 29, 1955; Here's what the Better Schools Amendment Means To You and Your Child," *Okemah News Leader* (Okemah, Oklahoma), March 30, 1955.

Little Dixie, so named for the Southern values that area of the state held to, rejected the measure on April 5th, 1955.<sup>65</sup>

The voters' acceptance of the "Better Schools Amendment," with a vote of 231,097 in favor vs 73,021, did not automatically mean the state had turned the corner on integration as the same constituents in Oklahoma City who voted overwhelming to approve the amendment, ended up being an area that fought the hardest to maintain segregated schools.<sup>66</sup> Oklahoma's Southern roots ran deep, and a single vote did not reflect a change in the black and white racial divisions seen in the state.<sup>67</sup> After the passage of the amendment, state officials were quick to note that this did not mean an end to separate schools in the state as the Oklahoma legislature introduced several measures in both the House and Senate that required the state to continue segregated schools until the U.S. Supreme Court issued their mandate from *Brown*.<sup>68</sup> Despite the fact that the revision in funding for common schools had the possibility to open a path to the desegregation of public schools, Oklahomans made the conscious decision to disregard any racial prejudice and support the "Better Schools Amendment" because it would improve

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<sup>65</sup> "School Amendment Carries Strong Here 3 to 1 Over State," *The Broken Bow News* (Broken Bow, Oklahoma), April 07, 1955; William H. Mullins, "Little Dixie," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 19, 2024. <https://www.okhistory.org/publications/enc/entry?entry=LI013>.

<sup>66</sup> Dianna Everett, "Better Schools Amendment," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 19, 2024. <https://www.okhistory.org/publications/enc/entry?entry=BE028>.

<sup>67</sup> For the best overall record of the African American experience see Jimmie Lewis Franklin, *Journey Toward Hope: A History of Blacks in Oklahoma* (Norman: University of Oklahoma Press, 1982). For details on examples of specific civil rights fights in Oklahoma see Graves, Carl R. "The Right To Be Served: Oklahoma City's Lunch Counter Sit-ins, 1958-1965," *Chronicles of Oklahoma*, vol 59, no. 2 (1981): 152-166; Monroe Billington. "Public School Integration in Oklahoma, 1954-1963," *The Historian* 26, no. 4 (1964): 521-37. <http://www.jstor.org/stable/24442556>.

<sup>68</sup> "Legislature Spurs School Bill Activity: Vitalizing Measures Introduced Following Amendment Approval," *Tulsa Daily World* (Tulsa, Oklahoma), April 7, 1955.

educational opportunities and outcomes for their own children by providing additional funds for the state's schools.<sup>69</sup>

While individual voters may have been thinking about their own pocketbooks or personal interests to improve the schools for their own children or the community ahead of any racial prejudice, the passage of the "Better Schools Amendment" gained national notoriety as a step to end desegregation.<sup>70</sup> In the state, *The Black Dispatch* lauded Oklahoma for their vote with their headline "Oklahoma Leads Southland in Integration Preparation."<sup>71</sup> *The Black Dispatch* explained Oklahoma's vote was "one of the strangest stands taken to date by a southern state" and should be seen as a stunning blow for segregationists in the South as Oklahoma cleared the way for desegregation while Mississippi made attempts to appropriate 88 million for a separate school program and South Carolina was dragging their feet.<sup>72</sup> Still, a vote did take place that was counter to much of the deep South that Oklahoma had been in lock-step with prior to statehood and through the first half of the twentieth century.

Governor Gary's proposed amendment received praise and hate across the state. One constituent wrote to Gary explaining that integration would not even work in Heaven under God's direction, while others praised his support for integration.<sup>73</sup> Gary's detractors and

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<sup>69</sup> "Gary is Confident in School Election," *The Daily Oklahoman* (Oklahoma City, Oklahoma). April 05, 1955.

<sup>70</sup> "Desegregation Plan Is Voted In Oklahoma," *Chicago Tribune* (Chicago, Illinois), April 06, 1955; "Oklahoma Voters Approves Step in Desegregation," *Star Tribune* (Minneapolis, Minnesota), April 06, 1955; "Oklahoma Clears way For Desegregation," *El Paso Times*, (El Paso, Texas), April 06, 1955.

<sup>71</sup> "Oklahoma Leads Southland in Integration Preparation," *The Black Dispatch* (Oklahoma City, Oklahoma), April 16, 1955.

<sup>72</sup> "Oklahoma Leads Southland in Integration Preparation," *The Black Dispatch* (Oklahoma City, Oklahoma), April 16, 1955.

<sup>73</sup> Don A Smith to Thomas B. Stanley September 8, 1956, Folder 1, Box 107, Raymond Dancel Gary (1908–1993), Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

supporters did not know at the time that, behind the scenes, Gary was working with the Oklahoma Crime Bureau to pay visits to any individual or groups that “sounded off too loudly” against his desegregation plans.<sup>74</sup> Gary, being a sincere Christian, felt compelled to follow the moral and ethically right thing in regard to integration and used the power of the governor's office to ensure a smooth transition from separate schools, as any school board that defied the Court order would lose state financial aid for their district.<sup>75</sup> In Macon, Georgia, at the National Day of Prayer in 1958, Gary responded on his Christian beliefs, telling the audience that “the time is at hand for America to do as the scripture says and ‘Humble ourselves before God.’”<sup>76</sup> Gary advocated for all Americans to look inward and see if we are conducting ourselves as a true democracy, as America's survival was at stake.

In order for a nation to survive materially, its people must be united together for a common cause. That cause should include respect for others, regardless of their religious beliefs, their habits, or their background. We are all God’s children because God made us all in his image. I’m sure there are no special outside rooms in heaven... God is no respecter of persons. Prejudices, and we all have them, are contrary to the will of God. No nation can continue to be strong and prosper in the sight of God whose people permit a wide gulf between the different races of the people.<sup>77</sup>

Utilizing a financial selling point and motivated by his Christian philosophy, Gary attempted to peacefully integrate Oklahoma and move the state away from Oklahoma’s Southern foundation.

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<sup>74</sup> For Governor Gary’s thoughts on the importance of backing the *Brown decision* see Gary to Penny, 18 August 1954; Gary to Jones, 7 June 1955; Gary to Harrison, 21 June 1955, Box 13, Folder 9, Governor Raymond D. Gary Papers, Governor’s Office Records, Oklahoma State Archives, Oklahoma Department of Libraries, Oklahoma City, Oklahoma

<sup>75</sup> Jack Starr, “The South Can Integrate Its Schools,” *Look Magazine*, March 31, 1959, 18-21; Milligan and Norris, *The Man on the Second Floor*, 80-84.

<sup>76</sup> “Gary Says Nation Needs God’s Help,” *The Macon Telegraph* (Macon, Georgia), October 02, 1958.

<sup>77</sup> “Gary Critical of Prejudice *The Daily Oklahoman* (Oklahoma City, Oklahoma), October 2, 1958; “Gary Says Nation Needs God’s Help,” *The Macon Telegraph* (Macon, Georgia), October 02, 1958.



Following the U.S. Supreme Court's mandate in *Brown II*, which set the precedent that racial discrimination in common public education is unconstitutional and all federal, state, and local law will cede to that precedent with all deliberate speed, Gary set the example for the state and local officials to follow.<sup>78</sup> The state Board of Education followed the Supreme Court's phrase "with all deliberate speed" to the letter by not forcing local districts in 1955 to integrate, ruling that the local districts could continue to receive state aid for their common and separate schools even if they did not immediately set forth a plan for desegregation.<sup>79</sup> Leaving the decision up to the individual school board allowed the district to proceed "in good faith" with the desegregation efforts. However, by June, Gary made a state-wide radio address warning school boards not to delay integration actions.<sup>80</sup>

Gary's manner proved significant in putting the state on a firm foundation to push through integration efforts in public schools. Oklahoma had a relatively smooth transition in comparison to other Southern states in which the state leaders of Alabama, Georgia, South Carolina, Virginia, Louisiana, and Mississippi incited the deep-seated racial prejudice in those states in a bid to minimize or limit the *Brown* ruling.<sup>81</sup> The fact that Gary was getting hate mail for his actions illustrates that many Oklahomans still embraced the racial prejudice long seen in the state. Still, the fact that he was also being praised indicates a softening of opinions regarding racial divisions. This shift in public sentiment was tracked by Michelle Celarier in her "Study of

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<sup>78</sup> *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955).

<sup>79</sup> Billington, "Public School Integration in Oklahoma, 1954-1963," 18.

<sup>80</sup> Billington, "Public School Integration in Oklahoma, 1954-1963," 19.

<sup>81</sup> "Some Comply, Others Balk," *The Philadelphia Inquirer* (Philadelphia, Pennsylvania), February 28, 1956.

Public Opinion on desegregation In Oklahoma Higher Education.”<sup>82</sup> Celarier followed the six major newspapers of the state, *The Daily Oklahoman* and *The Tulsa Tribune*, the two leading papers of the largest metro areas in Oklahoma, along with the two main newspapers of Norman, the home of Oklahoma University, *The Oklahoma Daily*, and *The Norman Transcript* and Stillwater the home of Oklahoma A&M, *The Daily O’Collegian* and *The Stillwater Press*.<sup>83</sup> Utilizing letters to the editors, the paper’s editorial pieces, and various headlines as well as two student polls, one at Oklahoma University and another at Oklahoma A&M, over the ten-year period in which Oklahoma’s higher education facilities were desegregated following the *Sipuel* and *McLaurin* decisions; Celarier found that “the cry for ‘equal opportunity for blacks was heard from both segregationists and desegregationists.” Segregationists claimed that education could be equal and separate, and the chief concern of integration was social contact that could lead to racial intermarriage. The main argument for desegregation centered on the hypocrisy of a nation that found a world war to preserve democracy, equality, and freedom but did not provide those things at home for their African American communities, often citing the repulsiveness of Nazi racism.<sup>84</sup> The ten-year battle over Oklahoma higher education had broken down some of the barriers and sentiments seen in the state in regard to integrated school education. Gary’s public and private movement to usher in the *Brown II* mandate came at the right time to promote the change.

Still, segregationist leanings in Oklahoma would not go down without a fight, particularly when the fight would grow beyond the integration of public education in which segregationists

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<sup>82</sup> Michelle Celarier, “A Study Of Public Opinion On Desegregation In Oklahoma Higher Education,” *Chronicles of Oklahoma*, vol 47, no. 3 (1969): 268.

<sup>83</sup> Celarier, “A Study Of Public Opinion On Desegregation In Oklahoma Higher Education,” 280-281.

<sup>84</sup> Celarier, “A Study Of Public Opinion On Desegregation In Oklahoma Higher Education,” 281.

could convince themselves that separate schools were a funding issue. Immediately after *Brown I*, the NAACP changed tactics regarding segregated facilities in their plan to block a \$500,000 African-American lodge from being built in Sequoyah State Park. Roscoe Dunjee, the president of the Oklahoma City branch of the NAACP, announced a suit to block the segregated lodge in light of the U.S. Supreme Court decision on the grounds that public funds spent for segregation purposes would be an illegal expenditure of tax money.<sup>85</sup> The state park issue foreshadowed the direction integration efforts would take in the state following *Brown*, particularly after public schools moved forward with integration. Once schools were integrated, it was only a matter of time before other parts of society would undergo integration efforts.

Starting in the fall of 1955 and continuing to 1958, Oklahoma made tremendous strides in a smooth integration effort across the state in the total number of school districts that became biracial.<sup>86</sup> In 1955, 273 schools started the school year, integrated mostly in the north and western counties of the state where the African American population was less numerous.<sup>87</sup> Although the first district in Oklahoma to announce integration plans was Poteau, located near the Southeastern part of the state on the border of Arkansas, in the heart of “Little Dixie,” who decided to educate their African American students in the district instead of sending them fifteen miles away to the nearest separate high school in the county.<sup>88</sup> In the large metro school district of Oklahoma City, the *Oklahoma City Times* reported that African Americans were welcomed by

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<sup>85</sup> “Negroes Feel State Capitol’s Pulse on Park Issue,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), May 28, 1954.

<sup>86</sup> Billington, “Public School Integration in Oklahoma, 1954-1963,” 521.

<sup>87</sup> Gibson, *Oklahoma*, 244; Dianna Everett, “Better Schools Amendment,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 19, 2024. <https://www.okhistory.org/publications/enc/entry?entry=BE028>.

<sup>88</sup> “Racial Barriers End in Schools at Enid, Poteau: School Committee Urges Integration Over Whole State,” *The Daily Oklahoman* (Oklahoma City, Oklahoma) June 09, 1955.

white students who “bent over backward” to accept their new peers.<sup>89</sup> Newspapers across the state lauded the integration process and the relative acceptance as racial barriers fell, signaling to the state and nation that Oklahoma was well on the way to desegregation.<sup>90</sup>

However, the barriers to the state's integration efforts to erase the long-standing separate schools were quickly established. Among the districts desegregating were the state's two largest, located in Tulsa, and Superintendent of Oklahoma City Public Schools J. Chester Swanson put forth on May 31, 1955, that under his watch, the district would be integrated rapidly without attempts to delay the U.S. Supreme Court mandate explaining the district's policy that they “were not going to keep a child from going to the school within the natural boundaries where he lives or from going to a school where he can get the kind of education program he wants.”<sup>91</sup> However, Swanson also reiterated the district's stance that school administration would not arbitrarily force either white or black students to attend certain schools for the sake of integration and would allow the continued bus service, which enabled African American students to attend a separate school instead of the white school closer to home.<sup>92</sup> The board promoted a positive direction to integration efforts in theory, but in reality, integration efforts would be mitigated by de facto segregation and historic redlining of metro neighborhoods. While African Americans

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<sup>89</sup> “Central Gets ‘A’ for Integration,” *Oklahoma City Times*, (Oklahoma City, Oklahoma) May 31, 1955.

<sup>90</sup> “Schools in Border states Move Calmly to Integrate: Deep South Still Resists,” *Fort Myers New Press* (Fort Myers, Florida), September 9, 1956; “Oklahoma Integration Praised by Powell,” *Waco-Tribune-Herald* (Waco, Texas), November 11, 1956; “Oklahoma Integration Working,” *The Galveston Daily News* (Galveston, Texas) January 06, 1956; “Negroes Break Color Barrier In 8 States,” *Montpelier Evening Argus* (Montpelier, Vermont) February 15, 1956; “Hodge Says Oklahoma Integration ‘Smooth,’” *Ponca City News* (Ponca City, Oklahoma), October 11, 1956.

<sup>91</sup> “Mixed Classes Seen in 88 Oklahoma Districts As ’55 School Year Opens,” *Southern School News* (Nashville, Tennessee), September 1955.

<sup>92</sup> “Negro Leaders Angry At City’s School Policies: NAACP Declares Enrolment Denied to 9 at Central,” *The Daily Oklahoman*, (Oklahoma City, Oklahoma), August 24, 1955.

throughout the 1940s and 50s had been spreading steadily north and east from around the Deep Deuce neighborhood of east Oklahoma City, the city was still heavily segregated in 1955.<sup>93</sup> The district integration measures would touch a little over 10 percent of the district enrollment population, which was approximately fifty-five thousand students in 1955. Based on the school board estimates, 6,480 students would participate in mixed education settings, and the vast majority of the district would be untouched.<sup>94</sup> Furthermore, with the allowance of busing to the separate schools, African American students, at least at Central High School in downtown Oklahoma City, were not welcomed with open arms and “were strongly advised to go home and consider the serious step of entering mixed classes.”<sup>95</sup> The long war of integration would be won on the state level, but actions by the Oklahoma School Board demonstrate that many of the individual battles at the local school board level had a long road ahead.

While Oklahoma’s integration efforts were being praised across the country, pockets of resistance were starting to appear, and while there was tremendous growth on paper from 273 schools that had dropped racial barriers in 1955, which moved up to 440 schools by 1956, with approximately sixty of the state’s seventy-seven counties with some level of desegregation.<sup>96</sup> Oklahoma was making tremendous progress, but the overall numbers hide the reality of desegregation efforts, and by the 1958-1959 school year, the progress had started to slow to a

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<sup>93</sup> Anita G. Arnold, “Second Street,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 21, 2024. [https://www.okhistory.org/publications/enc/entry?entry=SE004; Baird and Goble, \*Oklahoma: A History\*, 275-276.](https://www.okhistory.org/publications/enc/entry?entry=SE004;Baird%20and%20Goble,%20Oklahoma:%20A%20History,%20275-276)

<sup>94</sup> “Oklahoma City Public Schools - Statistical Profile,” Oklahoma City Public Schools, Spring 2021. [https://www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2019-20\\_STATISTICAL\\_PROFILE\\_r2.pdf](https://www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2019-20_STATISTICAL_PROFILE_r2.pdf); “Mixed Classes Seen in 88 Oklahoma Districts As ’55 School Year Opens,” *Southern School News* (Nashville, Tennessee), September 1955.

<sup>95</sup> “Negro Leaders Angry At City’s School Policies: NAACP Declares Enrolment Denied to 9 at Central,” *The Daily Oklahoman*, (Oklahoma City, Oklahoma), August 24, 1955; “Mixed Classes Seen in 88 Oklahoma Districts As ’55 School Year Opens,” *Southern School News* (Nashville, Tennessee), September 1955.

<sup>96</sup> Monroe Billington, “Public School Integration in Oklahoma, 1954-1963,” 529.

halt when only an additional twenty-eight schools desegregated.<sup>97</sup> The integration questionnaire sent to the county superintendent and the school superintendents of Oklahoma City, Tulsa, and Muskogee showed an increase of 1,718 more African American students attending mixed classes over the previous year.<sup>98</sup> The questionnaire also revealed a growing problem as thirty-five high schools in the state enrolled solely African Americans, but only twenty of the thirty-five were separate because of policy.<sup>99</sup> Fifteen of these high schools in Oklahoma City, Tulsa, Muskogee, Lawton, Okmulgee, and Chickasha were in integrated districts but maintained African American high schools in areas with only black residents.<sup>100</sup> The lack of integration in large districts allowed for a comparatively small percentage of their African American students to actually be integrated and attend mixed classes, with half of all white students and 68 percent of African American students actually attending mixed schools in the state, but Governor Gary utilizing district policies of allowing mixed schools even if whole neighborhood schools were segregated due housing patterns could tout that the state had become 75 percent integrated.<sup>101</sup> Outside of the larger district, Little Dixie in the southeastern corner of Oklahoma also proved problematic to integration efforts as the large percentage of African Americans living in those counties disincentivized the financial reason for integration as the large number of black students made it more tolerable to finance separate school systems.<sup>102</sup>

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<sup>97</sup> "Integration Moving Quietly in Many Southern Schools," *The Lawton Constitution* (Lawton, Oklahoma), September 03, 1958.

<sup>98</sup> "8,351 Negroes Integrated," *The Daily Oklahoman* (Oklahoma City, Oklahoma), November 11, 1958.

<sup>99</sup> Monroe Billington, "Public School Integration in Oklahoma, 1954-1963," 529.

<sup>100</sup> "8,351 Negroes Integrated," *The Daily Oklahoman* (Oklahoma City, Oklahoma), November 11, 1958.

<sup>101</sup> "2 More Districts Report Integration In Oklahoma," *Southern School News* (Nashville, Tennessee), October 1957.

<sup>102</sup> Monroe Billington, "Public School Integration in Oklahoma, 1954-1963," 531.

1958 saw the first official reports of agitation between whites and African American students, with fights being reported at Clinton Junior High and Webster High School in the Tulsa school district, while in Spiro, Oklahoma, the principal had to calm the community down after two whites got in a fight. Still, the rumor spread that the incident was racial.<sup>103</sup> Little Dixie saw the first reported bout of violence to school board members in the Springer school district over their support for integration.<sup>104</sup> The Springer School Board meeting on August 4<sup>th</sup> saw six male members of the community break up the meeting and beat two of the board members for the integration of Springer, which marked the end of the separate school system in Carter, Love, and Marshall counties in Southern Oklahoma. Despite the attack, the school board moved ahead with their integration plans, bringing the total to four Little Dixie school districts integrated at the start of the 1958 school year.<sup>105</sup>

Little Dixie kept moving towards integration, and as seen in other parts of the state, a district's pocketbook, as Governor Gary had predicted, determined whether schools' classrooms would integrate. In 1959, the latest Little Dixie district was Wewoka, which sat on the old boundary line between the Seminole and Creek Nations with an estimated black population of 30 percent. Many of them were members of the Seminole Tribe who benefitted from the oil boom that hit the area in the mid-1920s. The black community in Wewoka enjoyed a substantial community with a block square park, a community house, and a new \$125,000 public swimming

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<sup>103</sup> "Police Stop Fight At Tulsa School," *The Daily Oklahoman* (Oklahoma City, Oklahoma), September 25, 1958; "Students Slapped With Suspension in Racial Clash," *The Oklahoma Daily* (Norman, Oklahoma), September 26, 1958; "Imaginary Incidents," *The Daily Oklahoman* (Oklahoma City, Oklahoma), March 01, 1958.

<sup>104</sup> "School in 'Little Dixie' Wary on Integration," *Norman Transcript* (Norman, Oklahoma) August 28, 1958.

<sup>105</sup> Oklahoma Proceeds With Its Integration: 3 More Schools Consolidated Without Incident," *The Black Dispatch* (Oklahoma City, Oklahoma) August 29, 1958.

pool. Still, the financial plight of the new \$150,000 building program, sports program requirements, and expanding student body eventually led to Wewoka integrating their schools even though African Americans in the community had not pressed for admission into the white schools. Outside of the financial need to integrate their district, Wewoka school superintendent Ray Claiborne, who came to the district in 1955, found the community now psychologically ready to integrate. The district had supported mixed athletic programs since 1956, with black and white boys playing on the football and basketball teams despite the fact that they had to go to class in separate schools. Claiborne attributed mixed sports as the reason that school integration would prove successful in their community.<sup>106</sup>

The early success of integration in Oklahoma was lauded by Governor Raymond Gary in an article in *Look Magazine* explaining Oklahoma's accomplishments while imploring the South to do better.<sup>107</sup> Gary counted tangible benefits to the state through their process of integrating blacks and whites into a one-school system. The state saved approximately one million dollars a year and was able to raise teachers' average pay from \$3,500 to \$4,700 while keeping the state eligible for federal aid funds and accelerating the development of additional schools.<sup>108</sup> These successful measurements allowed Governor Gary to argue that race relations had improved within the state with the lessening of Jim Crow practices in some public places and on buses, which had caused much trouble in other parts of the South, pointing to the success of his executive order to integrate the Oklahoma national guard which according to the governor "drew

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<sup>106</sup> "Wewoka, In 'Little Dixie' Sees Financial Crisis In School Decision," *Southern School News* (Nashville, Tennessee), October 1959.

<sup>107</sup> Jack Starr, "The South Can Integrate Its Schools," 18-21.

<sup>108</sup> "Our Integration Story Publicized," *The Daily Oklahoman* (Oklahoma City, Oklahoma) March 17, 1959.



no opposition whatever.”<sup>109</sup> While race relations in the state had come a long way from the state’s Southern heritage, headwinds began to slow the integration progress, particularly as the success of *Brown* ruling fortified civil rights efforts outside of the education sphere.

As long as integration was set at pace by those in power, the desegregation efforts by Oklahoma leadership were viewed as a success. However, in the summer of 1958, a new integration effort was launched that would shake the status quo of segregation beyond the school walls. Led by Clara Luper, a high school history teacher at Dunjee High in Spencer and advisor for the Oklahoma City NAACP Youth Council, a group of thirteen African American children ages seven to fifteen. On August 19, 1958, Luper sat down at the food counter at Katz Drugstore and sought to be served in the store.<sup>110</sup> Katz Drug sat on the southwest corner of Main Street and Robison Avenue in the heart of downtown Oklahoma City. Home to a first-rate pharmacy, department store, and lunch counter that allowed African American patrons to shop anywhere in the store and order food and drinks to go, but they were not allowed to eat in the store whose store policy encapsulated the racial double standard where a white criminal would be given a seat at the table but an African American doctor was given a paper sack and ushered out the door.<sup>111</sup>

Student-led and driven, the NAACP Youth Council civil disobedience was brought to action when fifteen-year-old Barbara Posey, the spokesperson for the Public Accommodations Committee, gave her report, “The owners of all public accommodations in Oklahoma City, say

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<sup>109</sup> “Our Integration Story Publicized,” *The Daily Oklahoman* (Oklahoma City, Oklahoma) March 17, 1959.

<sup>110</sup> Graves, “The Right To Be Served: Oklahoma City’s Lunch Counter Sit-ins, 1958-1965,” 153.

<sup>111</sup> “The Good Fight Oklahoma City Sit-Ins,” Crossroads From the Oklahoma Historical Society, accessed February 24, 2024. <https://www.okhistory.org/crossroads/issue6/page.php?no=1>.

they will not serve Blacks” and asked the group “Now what are we going to do?”<sup>112</sup> Posey then made a declarative statement to force the issue and make the community see their problem. They went to Clara Luper, their advisor, to get her recommendation. Luper recalled seeing her reflection of childhood in the faces of the Youth Council, wanting to do something about the racial caste system that had limited her freedom and made her feel like an outsider in her own country.

I thought about my father, who had died in 1957 in the Veteran’s Hospital and who had never been able to sit down and eat a meal in a decent restaurant. I remembered how he used to tell us that someday he would take us out to dinner and to parks and zoos. And when I asked him when was someday, he would always say, ‘Someday will be real soon’ as tears ran down his cheeks. So, my answer was, ‘Yes, tonight is the night. History compels us to go, and let history alone be our final judge.’<sup>113</sup>

Luper’s Youth Council had been studying nonviolence methods for eighteen months. They had the four strategic steps down. They had investigated the facts of the second-class status Oklahoma had placed on the black community before statehood. The negotiation had long taken place in the state through decades of fighting the Jim Crow legislation before the citizenship status of the native freedmen. The Youth Council also attempted a negotiation process starting in May 1957 in unpublicized talks with individual managers to persuade them to serve African Americans on an equal basis.<sup>114</sup> The Youth Council was well-educated on the issues. Finally, after over a year of preparation, they were now demonstrating against the two-tiered system they had to live under. Barbara Posey approached the waitress and asked for “thirteen Cokes,

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<sup>112</sup> Clara Luper, *Behold the Wall*, ed. by Karlos K. Hill and Bob L. Blackburn. (Norman: University of Oklahoma Press, 2023), 20.

<sup>113</sup> Luper, *Behold the Wall*, 21.

<sup>114</sup> Teall, *Black History in Oklahoma*, 241.

please.”<sup>115</sup> For the next two days, children occupied most of the soda fountain sitting area as they patiently and peacefully waited to be served. Police present during the two days of sit-ins remained close to prevent any disorder, and on August 21st, Katz changed the business policy not only in Oklahoma City but in all thirty-eight outlets in Iowa, Kansas, Missouri, and Oklahoma. The success of Katz led to further barriers being broken at Veazey’s Drug Store as well as Kress and Green’s Variety Store in the Oklahoma City metro area.<sup>116</sup>

The quick success saw the NAACP Youth Council integrate four of the five downtown businesses they targeted, with the only exception being John A. Brown, a department store with a lunch counter inside. For over a year, the Youth Council would launch a series of civil disobedience acts until a one-on-one conversation with Della Dunkin Brown, the owner, who identified herself utilizing her husband’s name, met with Clara Luper and ended the store's segregationist policy in July of 1961.<sup>117</sup> A long, laborious process started to pay dividends, and by 1961, the Youth Council desegregation progress report listed that one hundred and fifteen eating establishments had been integrated.<sup>118</sup> Still, many more public establishments across the state were utilizing segregationist policies, but success did come in small increments. Clara Luper and the NAACP Youth instituted the sit-in movement in Oklahoma, but they were not alone as a number of Oklahoma citizens, both black and white, young and old, religious affiliated

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<sup>115</sup> Luper, *Behold the Wall*, 21.

<sup>116</sup> “Negroes Are Served in Midwest City Café: Negro Youth Break Down Jim Crow Barriers in Several Local Eating Establishments,” *The Black Dispatch* (Oklahoma City, Oklahoma), August 29, 1958; Luper, *Behold the Wall*, 30.

<sup>117</sup> Luper, *Behold the Wall*, 53-57.

<sup>118</sup> Carl R. Graves, “The Right To Be Served,” 158.

and not joined together to enact change not only in Oklahoma City but across the state.<sup>119</sup> The work of Civil Rights activists, their fortitude and resolve in their actions across the state, as well as the likelihood of changes and protection by the federal government, pushed the Oklahoma City Council to enact action. On June 2, 1964, just a month before the 1964 Civil Rights Act went into effect, the city passed an ordinance stopping operators from refusing to serve anyone of any race, religion, or color.<sup>120</sup>

The six-year battle utilizing civil disobedience, starting in 1958 to break down the color barrier, first in Oklahoma City and across the state, shifted the integration fight from public schooling to all public institutions and shed light on the continued struggle for school integration. As long as whites could integrate at their own pace, often for financial reasons, the school boards complied with integration efforts, but the realities of the barriers to integration, as seen in the Clara Luper and the NAACP Youth Council sit-ins took place when African American veered out of their designated lane. This sentiment was captured during an interaction on the first day of the sit-in when Clara had an exchange with a white man who walked over to her and said, “I can’t understand it. You all didn’t use to act this way; you all used to be so nice.”<sup>121</sup> As long as African Americans kept to the pace dictated for social integration, they could be seen to be in the right by members of the community, but by pushing boundaries and breaking additional barriers, they were seen as in the wrong. Just as civil rights activists attempted to integrate public

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<sup>119</sup> “Church Groups Strikes Bow at Segregation,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), August 29, 1958; “Restaurant Sit-In Move flows Again,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), December 4, 1960; “Catholic Priest Tells Why He Joined Local Demonstrations,” *The Black Dispatch* (Oklahoma City, Oklahoma), February 3, 1961; “Tulsa Arrests 33 In Demonstration,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), March 31, 1964; Teall, *Black History in Oklahoma*, 241-257; Baird and Goble *Oklahoma: A History*, 269-270

<sup>120</sup> “Accommodation Bill Passes City Council Votes 5-3; War Two’s Ware Dissents,” *The Black Dispatch* (Oklahoma City, Oklahoma), June 5, 1964.

<sup>121</sup> Luper, *Behold the Wall*, 28.

institutions, as the 1950s gave way to a new decade, African Americans were fed up with waiting for financial incentives to break the walls around neighborhood schooling and pushed for greater integration efforts to force large metropolitan school districts like Oklahoma City to fully comply with the *Brown* ruling.

The initial success of desegregation in Oklahoma City Public Schools held much promise in 1955. The district took part in playing the first integrated high school football game in the state with thousands of spectators without incident. The stars of the game, Prentice Gautt and Dick Soergel took part in a short-term student-exchange program where Gautt went to the all-white south side, and Soergel attended class in the all-black northeast part of Oklahoma City.<sup>122</sup> The Oklahoma City School Board, on August 1, 1955, formally desegregated the entire school district, with over three hundred African American children attending formerly all-white schools.<sup>123</sup> An Inter-City Student Council that consisted of all-white public schools in the metro districts of Oklahoma City, Putnam City, and Midwest City was created to help speed up integration through a study of integration, the creation of programs to ease desegregation for the city schools' radio station, and proposed inter-racial gathering at high school assemblies during the National Brotherhood Week with an exchange of speakers from white and African American student groups.<sup>124</sup>

This early promise of integration in Oklahoma City Public Schools quickly ran into school board-designed barriers. Despite the fact that the black community gained a right to equal

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<sup>122</sup> Andrew Gilman, "Barriers fell when Capitol Hill met Douglass," *The Daily Oklahoman* (Oklahoma City, Oklahoma), November 05, 1999.

<sup>123</sup> Scot W. Boulton, "Desegregation of the Oklahoma City School System," *Chronicles of Oklahoma*, vol 58, no. 2 (1980): 193.

<sup>124</sup> "Student council Moves To assist In Integration," *Lawton Morning Press* (Lawton, Oklahoma), December 04, 1954.

education in *Brown* and the efforts initiated by Clara Luper and the NAACP Youth Council demanded and gained equal treatment that transformed Oklahoma City into a technically desegregated in public accommodations a month before the Civil Rights Act of 1964 the process to fully integrate Oklahoma City Public Schools would take over two decades from the Better Schools Amendment and judicial action from Judge Luther L. Bohanon.<sup>125</sup> A school board member's statement to the *Black Dispatch* demonstrated that the desegregation resolution of 1955 was a mere formality to comply with the integration direction in which Governor Gary attempted to place the state. The board member explained that his belief was to “confine every Negro school child to the Douglass school district, as outlined on the map” while at the same time allowing wholesale transfers to whites living in the Douglass school boundaries to attend Central High.<sup>126</sup> The token movement to desegregate Oklahoma City Public Schools by the school board was captured eight years later by Judge Bohanon in *Dowell v. School Board of Oklahoma City Public Schools*.

The Court has searched the record carefully and finds no tangible evidence to show the defendants have made a good faith effort to integrate the public schools of Oklahoma City beyond the August 1, 1955 resolution, notwithstanding eight years have now passed, which is more time than necessary within which to begin to adjust the inequities which have existed unnecessarily so long, and the record is void of any evidence to indicate that the defendant School Board will make any improvement in the future. The Court recognizes that about the year 1955 there was permitted inter-school athletic activities without regard to race.<sup>127</sup>

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<sup>125</sup> Kenny A. Franks and Paul F. Lambert, *The Legacy of Dean Julien C. Monnet: Judge Luther Bohanon and the Desegregation of Oklahoma city's Public Schools* (Muskogee, OK: Western Heritage Books, 1984), ix.

<sup>126</sup> “What We Want The Black Child To Know,” *The Black Dispatch* (Oklahoma City, Oklahoma) September 15, 1955.

<sup>127</sup> *Dowell v. School Board of Oklahoma City Public Schools*, 219 F. Supp. 427 (W.D. Okla. 1963), 435.

The lack of progress described by Judge Bohanon was self-implemented, dating back to language used in the August 1<sup>st</sup> Resolution 286 by the school board.

All will recognize the difficulties the Board of Education has met in complying with the recent pronouncements of the U.S. Supreme Court in regard to discontinuing separate schools for white and negro children...this action requires the Oklahoma City Board of Education to change a system which has been in effect for centuries, and which is desired by many of our citizens.<sup>128</sup>

In order to overcome historical precedents while continuing the Southern prerogatives of the district's constituents, the school board set up neighborhood boundaries for all schools. In the process of creating the boundaries, the board considered natural geographical boundaries, major traffic ways, railroads, and rivers. Furthermore, the district allowed for any child already enrolled at a school to remain until they graduated from that school as the allowance transfers out of their neighborhood school based on merit and capacity.<sup>129</sup> District Resolution 287 ultimately allowed for the Oklahoma City school board to minimize integration while complying with the *Brown* decision by allowing white transfers out of black majority schools but forbidding black transfers to majority white schools.

By September of 1955, the district was already putting up walls to keep schools as integrated as possible while advocating their desegregation efforts in the press a month earlier, with the *Daily Oklahoman* running the headline, "Segregation in City Schools Wiped Out."<sup>130</sup> While board policy ended the separate school distinction, the creation of neighborhood schools

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<sup>128</sup> "Oklahoma City Public Schools Board Meeting Minutes, Jul-Dec 1955, 160." Minutes Inventory, OKCPS Board Records Inventory For Distribution, Oklahoma Room, Ronald J. Norick Downtown Library, Oklahoma City, Oklahoma. Cited from here on as OKCPS Board Records.

<sup>129</sup> "Oklahoma City Public Schools Board Meeting Minutes, 1955." OKCPS Board Records

<sup>130</sup> "Segregation in City Schools Wiped Out: Board's Action Effective At Once; 23 Schools are Due Mixed Classes," *The Daily Oklahoman* (Oklahoma City, Oklahoma), August 02, 1955.

along with a dual standard in the process of school transfers quickly led to the school board operating a double standard. So, while the district could point to the end of segregation as schools across Oklahoma City Public Schools opened their doors to African Americans, it was on a limited basis. As classes began in 1955, the Central High neighborhood school area enrolled forty-six African American students, eighteen at the senior high and twenty-eight at the junior high.<sup>131</sup> However, nearly another one-hundred and fifty black students who were eligible to enroll had not been registered, and then they showed up to attend school; the official at the school urged the children to go back home and talk with their parents about their decision to enter the previously all-white school.<sup>132</sup>

Transfer denial to Central High School, besides those eligible, was also a concern when two African American children were denied the right to transfer. The newly implemented district map demonstrated that the two children who were denied would have only required a ten-minute walk to attend, but instead, their families had to pay the \$3.00 per month transportation fee to attend Douglass. While those two black families were denied transfers the children of a white state legislator who represented the Second Ward was given a transfer out of predominately black Douglass High School. To defend the double standard, the school official gave ethical reasons why one transfer was allowed but the other was not, as the school official felt it was best to provide whites transfers out of the Negro district in a minority-to-majority plan of transfer.<sup>133</sup> Besides the financial reasons, Central was also considered one of the best high schools in the

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<sup>131</sup> "Negroes Enroll at Central- 18, Senior High, 28, Junior; 6 Choose Webster Jr. High," *The Black Dispatch* (Oklahoma City, Oklahoma), August 25, 1955.

<sup>132</sup> "46 Negroes Enrol in Central," *The Daily Oklahoman* (Oklahoma City, Oklahoma), August 25, 1955.

<sup>133</sup> "What We Want The Black Child To Know," *The Black Dispatch* (Oklahoma City, Oklahoma), September 15, 1955.



state, offering their students 202.5 half units of credits, while Douglass High School could only offer 101.5 units.<sup>134</sup> The lack of equality in educational opportunities was distressing for some members of the community when some students, due to their skin color, transferred to Central High School, offered 128 units of credit in industrial education, 12.5 in science, 9 in foreign language, while Douglass offered 23, 2, and 4 in each of these fields.<sup>135</sup> With such school discrepancies and inequality in their transfer policy, there was only a matter of time before litigation would be brought forth.

The first rumblings of court action started with the 1957 academic year when the Oklahoma City chapter of the NAACP pointed out that white students living in the Culbertson school district were granted special transfers to attend the Harmony school zone, although they lived a greater distance from Harmony than the seven African American students that were denied their transfer request to Harmony.<sup>136</sup> The school board explained the inconsistencies in transfer allowance by pointing to the board's policy that permitted students of the majority race to transfer freely but put restrictions on the minority race and justified the double standard in their policy by pointing to the inherent prejudice of the district's residents. Superintendent Melvin Barnes explained that the greater good for the transfer policy, despite the inequalities, was that the policy provided "an escape valve for those who cannot take integration (and) has helped integration proceed smoothly here."<sup>137</sup> Barnes, by December of 1957, would provide

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<sup>134</sup> "'Famous' Douglass High School," *The Black Dispatch* (Oklahoma City, Oklahoma), September 15, 1955.

<sup>135</sup> "Units of Credit," *The Black Dispatch* (Oklahoma City, Oklahoma), September, 01 1955.

<sup>136</sup> Loy Ferguson, "Court Action Asked In School Dispute," *The Daily Oklahoman* (Oklahoma City, Oklahoma), October 09, 1957.

<sup>137</sup> "NAACP Committee Approves Court Action In Dispute Over School Transfer Policy," *The Black Dispatch* (Oklahoma City, Oklahoma), October 11, 1957.

empty talk to the press about the board needing to rethink the transfer policy but explained that any change to the transfer policy would be complicated and overall ineffective due to the district's long-held leniency to transfers which has created two to three thousand students already attending schools outside of their neighborhood district. Another major issue is the wholesale moving of families from integrated school districts into all-white residential areas.<sup>138</sup> Two years later, *The Black Dispatch* was still reporting on the “unholy alliance” between the school board, principals, and prejudiced white parents who used their classification as a special class to perpetuate segregation in some of the Oklahoma City schools by denying African American transfers but allowing whites to transfer out neighborhood schools.<sup>139</sup>

In 1961, with unequal policies still being adhered to by the Oklahoma City Public Schools, Dr. A.L. Dowell, an African American optometrist, attempted to place his son Robert on a transfer list from Douglass High School to Northeast, which Dowell felt was a better school. The request was denied on the grounds that it was without merit. Dr. Dowell, along with his attorney, appeared before Dr. Jack F. Parker, the superintendent of Oklahoma City Public Schools, again requesting that his son be transferred to Northeast.<sup>140</sup> Dr. Parker decided that merit could be found to grant the transfer if Robert would enroll in an electronics course offered by Northeast, which was not offered by Douglass. With the transfer in place, Robert Dowell appeared to enroll at Northeast. The principal explained to Robert that he might be in danger if he were to undertake the course and enroll in Northeast.<sup>141</sup> Dr. Dowell immediately unenrolled

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<sup>138</sup> “Publicity Listed As Big Obstacle To Integration,” *The Daily Oklahoman* December 05, 1957.

<sup>139</sup> “A Special Class,” *The Black Dispatch* (Oklahoma City, Oklahoma), September 04, 1959.

<sup>140</sup> Boulton, “Desegregation of the Oklahoma City School System,” 194.

<sup>141</sup> *Dowell v. School Board of Oklahoma City Public Schools*, 219 F. Supp. 427 (W.D. Okla. 1963), 436.

his son from Oklahoma City Public Schools and enrolled him at an integrated private Catholic School, Bishop McGuiness. Dr. Dowell then filed a lawsuit on Robert's behalf, which would not reach the suit's full conclusion until 1991, a full thirty years after the original suit had been filed.<sup>142</sup>

There were three major arguments brought forth in the *Dowell* case. The first dealt with the Oklahoma City school board transfer policy, which allowed for unequal treatment of blacks and whites, and Robert Dowell's experience demonstrated the discrimination in district policy. The second major point was that faculty and support staff assignments were determined by the employee's race and the school's majority race. A third contention argued that the Douglass School District neighborhood boundaries were set to ensure the majority of blacks in the same school district.<sup>143</sup>

The Oklahoma City school board defense also consisted of three parts. The first was that the school board's transfer plan of allowing whites to transfer out of neighboring schools in a minority-to-majority transfer plan was not racial segregation. A second part of their defense was Resolution 286, which officially ended segregation in Oklahoma schools. Their third and final defense was that their school boundaries were not gerrymandered to separate blacks and whites based on residential racial housing patterns.<sup>144</sup>

A three-judge panel headed by Judge Luther Bohanon began to hear testimony and evidence on May 10, 1963 and handed down their decision a little over two months later on July

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<sup>142</sup> *Board of Ed. of Oklahoma City v. Dowell* (89-1080), 498 U.S. 237 (1991).

<sup>143</sup> Boulton, "Desegregation of the Oklahoma City School System," 196.

<sup>144</sup> Boulton, "Desegregation of the Oklahoma City School System," 196-197.

11.<sup>145</sup> Judge Bohanon placed their decision in the historical context of Oklahoma City's segregated history, explaining how city leaders legislated, creating not only a segregated school system but segregated housing patterns. Although the school board had resolved to integrate in 1955 and set new attendance boundaries, the Southern-mindedness of city residents, which perpetrated white flight along with the board transfer policy, did not represent a good faith attempt to desegregate Oklahoma City Public schools.<sup>146</sup> Judge Bohanon declared the district policies and actions “discriminatory and unconstitutional” and ordered that Robert Dowell be enrolled at Northeast during the next academic year. Additionally, school officials were to file a comprehensive plan for integrating the city’s school system and no more special transfers except in cases solely connected to scholastic study requirements or other “good faith” reasons but never based solely on or in part on race.<sup>147</sup>

The *Dowell* case laid out damaging statistics on how little progress had been made in desegregating Oklahoma City Public Schools. In 1954-55, the districts of all nine primary schools, one junior high school, and one high school were separate or black schools. By the time of the Dowell case, eleven elementary schools and the same number of junior high and high schools were all black. At the same time, the number of all-white junior highs had decreased from seven to five, and elementary schools fell from sixty-eight to sixty-five while the high schools stayed the same at seven.<sup>148</sup> Additionally, the transfer policy saw 169 white children who

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<sup>145</sup> Jim Reid, “Schools Plan Racial Appeal,” *The Daily Oklahoman*, (Oklahoma City, Oklahoma), July 12, 1963.

<sup>146</sup> *Dowell v. School Board of Oklahoma City Public Schools*, 219 F. Supp. 427 (W.D. Okla. 1963), 440.

<sup>147</sup> “City Schools Plan Race case Appeal,” *The Daily Oklahoman* (Oklahoma City, Oklahoma) July 12, 1963.

<sup>148</sup> *Dowell v. School Board of Oklahoma City Public Schools*, 219 F. Supp. 427 (W.D. Okla. 1963), 427.

lived in the Douglass area given transfers out of their neighborhood district, leaving Douglass High School with no white students from 1955 to 1963.<sup>149</sup> While these numbers listed in the *Dowell* case deserve some scrutiny as Central High School did, to a minimal degree, enroll African Americans starting in 1955, which integrated at least one previous all-white high school. Nevertheless, the promise in 1955 that the district had made to comply with *Brown* without delay fell far short.

Oklahoma City was not the only problem spot in the state for integration as the *Stillwater News Press* reported in 1963 that Oklahoma still had widespread segregation after the Oklahoma State Advisory Committee to the National Commission on Civil Rights released their report.<sup>150</sup> The advisory committee found that the state had four types of districts regarding integration, those integrated at the secondary level but not primary, mixed throughout, some that were all-white and some that were all-black, but the “degree of continuing segregation in public schools is definitely related to the size of communities and the proportion of Negroes within school districts.”<sup>151</sup> The most troubling aspect of the report was the “resegregation” occurrence in Oklahoma’s larger cities where previously all-white schools were integrated and, within a few years, had culminated in an all-black enrollment or predominately African-American enrollment.<sup>152</sup>

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<sup>149</sup> *Dowell v. School Board of Oklahoma City Public Schools*, 219 F. Supp. 427 (W.D. Okla. 1963), 427.

<sup>150</sup> “Widespread Segregation Still Present in State,” *Stillwater News Press* (Stillwater, Oklahoma), June 30, 1963.

<sup>151</sup> “Widespread Segregation Still Present in State,” *Stillwater News Press* (Stillwater, Oklahoma), June 30, 1963.

<sup>152</sup> “Widespread Segregation Still Present in State,” *Stillwater News Press* (Stillwater, Oklahoma), June 30, 1963.

The affinity for white flight by residents of Oklahoma City, along with a school board that would comply with Judge Bohanon's orders to develop a comprehensive plan filed with the court in January of 1964. The school board's plan for integration would rely heavily on emphasizing neighborhood schools, allowing them to maintain relatively segregated schools. To the board's credit, they did comply with the restriction of transfer to scholastic reasons and not on account of race but at the same time allowed students to graduate at the school they started, meaning little change would take place, particularly due to the segregated housing patterns in Oklahoma City.<sup>153</sup> After analyzing the School Board's plan of action, Bohanon concluded that he did not have sufficient evidence to agree or disagree with the board's course of action. Believing this could be a good start, he commented that if the plan did not reach the status of a unitary school district, "further study, planning, and action is and will be necessary."<sup>154</sup> Bohanon suggested that the school board create an unbiased group of experts to study the integration issues inherent to the district, which the board refused to establish. For Bohanon, the refusal of the district to implement a select group was itself self a "lack of good faith" and authorized the plaintiffs to gather necessary evidence, of which they created a three-member team of leading education experts Dr. Willard B. Spalding, Dr. Early A. McGovern and Dr. William R. Carmack.<sup>155</sup> The three-member team admitted that some progress in school desegregation occurred, but the lack of an "affirmative program" would continue to see the district remain largely segregated. The education experts put forth the Pairing Plan, which required the crossing of neighborhood school boundaries by paring predominately black or white junior high schools

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<sup>153</sup> Boulton, "Desegregation of the Oklahoma City School System," 202.

<sup>154</sup> *Dowell v. School Board of Oklahoma*, 244 F. Supp. 971 (W.D. Okla. 1965), 982.

<sup>155</sup> *Dowell v. School Board of Oklahoma*, 244 F. Supp. 971 (W.D. Okla. 1965), 973.

with their racial opposite high school counterparts, starting with now predominately black Northeast High School and white Harding Junior High School and black Central Junior High School and all-white Classen High school.<sup>156</sup> Due to the proposed busing component of the Pairing Plan, the Oklahoma City School Board opposed the plan. It appealed Bohanon's decision that school segregation in Oklahoma could only be ended with "vigorous, affirmative measures," as seen in the Paring Plan.<sup>157</sup> Bohanon, waiting for a ruling in the pending appeal, stayed the case, and a year and a half later, on January 23, 1967, the Tenth Circuit Court of Appeals upheld Bohanon's action, and the Pairing Plan commenced in the 1968-69 school year.<sup>158</sup> However, the nearly three-year delay from the creation of the Pairing Plan to the implementation of the plan allowed for plenty of time for white flight from the Harding attendance area, defeating the objectives of the Pairing Plan. Taking note of the failure of the Pairing Plan, Judge Bohanon extended the integration concept to additional schools and ordered the school board to prepare an additional desegregation plan for Oklahoma City.<sup>159</sup>

The Oklahoma City school board, forced to acquiesce to Bohanon's demand, created the Committee on Equality of Educational Opportunity headed by Willis J. Wheat, who put forth the Wheat Plan for April 4, 1969.<sup>160</sup> The Wheat Plan put forth a set of seven procedures for the school board to follow to ensure compliance with Bohanon's order to desegregate the district. The Wheat plan included limited busing for the minority-to-majority transfer students and a

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<sup>156</sup> *Dowell v. School Board of Oklahoma*, 244 F. Supp. 971 (W.D. Okla. 1965), 975.

<sup>157</sup> *Dowell v. School Board of Oklahoma*, 244 F. Supp. 971 (W.D. Okla. 1965), 975.

<sup>158</sup> "Court Upholds School-Mixing Order for City," *The Daily Oklahoman* (Oklahoma City, Oklahoma), January 24, 1967.

<sup>159</sup> Franks Lambert, *The Legacy of Dean Julien C. Monnet*, 40.

<sup>160</sup> Boulton, "Desegregation of the Oklahoma City School System," 205.

stated goal of a 70 to 30 percent ratio in paired schools—the denial of any transfer request for a student leaving the district to flee desegregation. Students would be encouraged to transfer to be part of a minority race in district school through free transportation, unique class opportunities, and change of school boundaries, particularly at the elementary level, adding four additional all-white elementary schools to be feeder schools to Northeast and sending tenth and eleventh-grade students from predominantly all-black Longfellow to attend predominately white Northwest Classen.<sup>161</sup>

The majority of the Wheat Plan was adopted during an unannounced secret School Board meeting on May 30, 1969, as the board adopted “A Plan for Desegregation and Integration of Oklahoma City Public Schools – 1969 -1970.”<sup>162</sup> However, the adopted plan attempted to keep its promise to keep neighborhood schooling and mitigate the overall concept of busing out neighborhood school boundaries by widening the number of schools to park in the integration plan.<sup>163</sup> The May 30<sup>th</sup> plan also placed an emphasis on discipline and strict enforcement of student attendance by creating special schools for students with disciplinary issues. A further emphasis was placed on the requirement of two-hundred and fifty Northeast students to take part in majority to-minority transfer, as well as two hundred students from Harding Junior High.<sup>164</sup> Overall, the main difference between the Wheat Plan and the May 30<sup>th</sup> Plan was that the type of integration would be desegregation by force or through volunteers. The Wheat Plan advocated

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<sup>161</sup> “Crackdown on Transfers To Sidestep Integration Planned by School Board: Strong City Policy calls For Mixing of Elementary schools to Gain Balance,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), May 6, 1969; Boulton, “Desegregation of the Oklahoma City School System,” 206

<sup>162</sup> “A Plan for Desegregation and Integration of Oklahoma City Public Schools – 1969 -1970,” Box 50, Folder 3, OKCPS Board Records.

<sup>163</sup> Franks and Lambert, *The Legacy of Dean Julien C. Monnet*, 43.

<sup>164</sup> “A Plan for Desegregation and Integration of Oklahoma City Public Schools – 1969 -1970,” Box 50, Folder 3, OKCPS Board Records.



for forced integration, which Judge Bohanon had been urging the district to undergo since his original ruling six years earlier, while the May 30<sup>th</sup> Plan left integration up to student volunteers to migrate in a majority-to-minority transfer program.<sup>165</sup>

Judge Bohanon was quick to conclude that the May 30<sup>th</sup> proposal was not a “good faith plan” and called for a hearing on July 28, 1969.<sup>166</sup> When all arguments had been concluded, Judge Bohanon requested the Board members to reconsider the Wheat Plan, which they formally adopted on July 30<sup>th</sup> and August 1<sup>st</sup>. Judge Bohanon approved the board’s direction to implement the Wheat Plan and ordered the Oklahoma City School Board to file a “full comprehensive plan for the complete desegregation and integration of the Oklahoma City Public School System as to students, faculty, and employees of all grades.” Once again, the school board appealed to the Tenth Circuit Court of Appeals, this time over their own adopted Wheat Plan.<sup>167</sup>

In the meantime, the School Board, as ordered by Bohanon, put forth their “Comprehensive plan for Complete Desegregation of Junior and Senior High schools of the Oklahoma City Public Schools,” which became known as the Cluster Plan.<sup>168</sup> The Cluster Plan, as the name states, divided up Oklahoma City high schools into two clusters A and B. Cluster A included Capitol Hill, Douglass, U.S. Grant, and Southeast, while Cluster B comprised Classen, Marshall, Northeast, Northwest Classen, Dunjee, and Star-Spencer high schools. Students would shuttle back and forth between their home neighborhood school for half the day and finish their

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<sup>165</sup> Boulton, “Desegregation of the Oklahoma City School System,” 207.

<sup>166</sup> *Dowell v. Board of Education of Oklahoma City Pub.*, 307 F. Supp. 583 (W.D. Okla. 1970), 586.

<sup>167</sup> Franks and Lambert, *The Legacy of Dean Julien C. Monnet*, 47-49.

<sup>168</sup> “‘Home Base’ School Plan Wins Approval of Board,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), November 6, 1969.

day at a “Center” school, which would offer a full curriculum in a specialized field of study.<sup>169</sup> The Cluster plan was immediately panned by the public, but Judge Bohanon deemed the plan to be “fair, reasonable, in good faith, and meaningful.”<sup>170</sup> The reaction in Oklahoma City saw Judge Bohanon hanged in effigy from the overpass at Grand Boulevard and Western Avenue and two lawsuits, one from the Neighborhood Schools Association (NSA) and the other from former Oklahoma Governor J. Howard Edmondson, both lawsuits claimed the Cluster plan was discriminatory and unconstitutional.<sup>171</sup> Furthermore, while not challenging the Cluster plan directly, the School Board appealed Bohanon’s decision of not allowing a reversion back to the 1968-69 school boundaries.<sup>172</sup>

The Tenth Circuit Court of Appeals consolidated all Cluster lawsuits, and the latest round of the School Board appeal into one case. While the Tenth Circuit was making its decisions on Judge Bohanon’s actions, the state legislature attempted legislative action to make the decision for them by passing House Bill No 1517, which Governor Dewy Bartlett signed into law on April 15, 1970.<sup>173</sup> HB 1517, in a bid to end the Oklahoma City Public School struggle for integration, declared that

No school district or other authority shall seek to achieve racial balance or overcome racial imbalance by transferring or transporting pupils from one school to another within

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<sup>169</sup> “Comprehensive plan for Complete Desegregation of Junior and Senior High schools of the Oklahoma City Public Schools” Box 50, Folder 7, OKCPS Board Records.

<sup>170</sup> “Few Please With ‘Cluster,’” *The Daily Oklahoman* (Oklahoma City, Oklahoma), November 6, 1969; “‘Cluster’ Plan Given Tentative Approval,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), December 17, 1969.

<sup>171</sup> “Two Suits Attack Cluster Schools,” *The Daily Oklahoman* (Oklahoma City, Oklahoma) December 04, 1969; Franks and Lambert, *The Legacy of Dean Julien C. Monnet*, 83.

<sup>172</sup> “Feb. 16 Hearing Set for School Appeals,” *The Daily Oklahoman* (Oklahoma City, Oklahoma) January 15, 1970.

<sup>173</sup> “Judges Might Look at Anti-Busing Law,” *The Daily Oklahoman* (Oklahoma City, Oklahoma) May 09, 1970.

a district, or from one school district to another...insofar as practicable, each pupil shall be assigned to the school nearest his residence.<sup>174</sup>

HB 1517 had little effect on the Tenth Circuit as the appeal failed, and the School board's request for additional time was denied as the Cluster Plan was ordered to move forward.

With the Tenth Circuit once again backing Judge Bohanon and the new state law having little impact on Bohanon's ruling to implement busing to achieve complete integration of Oklahoma City Public Schools, one parent risked jail to keep her son in their neighborhood school, and many more sent letters of protest to the school board.<sup>175</sup> Yvonne York refused to accept the district assigning her son Ray to Harding Junior High instead of their neighborhood school, Taft Junior High, and falsified Ray York's registration so he could remain at Taft. When the school principal J. Garwin Flemin discovered that Ray was attending Taft under false premises, he confiscated his textbooks, ordered the teachers not to instruct him, and removed his name from the class rolls.<sup>176</sup> This did not deter his parents; they kept sending him to Taft and led a group of parents to picket at Taft. The school authorities, lost in what to do, asked Judge Bohanon to solve the York issue, in which he ordered the parents to cease taking him to Taft and enroll him in Harding Junior High.<sup>177</sup> When the Yorks ignored the ruling, Judge Bohanon fined both parents \$1,000 and sentenced them to thirty days in jail, of which the parents appealed Bohanon's ruling to the Tenth Circuit, staying the case.<sup>178</sup> The Tenth Circuit upheld Bohanon's

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<sup>174</sup> *1975 Directory of Oklahoma* (Oklahoma City: State Election Board, 1975), 157.

<sup>175</sup> "Letters from Parents Protesting School Busing," Box 97, Folder 28, OKCPS Board Records; "York's Mother to Risk Jail to Keep Son in Taft," *The Daily Oklahoman* (Oklahoma City, Oklahoma) January 13, 1970.

<sup>176</sup> Franks and Lambert, *The Legacy of Dean Julien C. Monnet*, 80.

<sup>177</sup> "Teachers Ignore Ray," *The Daily Oklahoman* (Oklahoma City, Oklahoma) January 16, 1970.

<sup>178</sup> Franks and Lambert, *The Legacy of Dean Julien C. Monnet*, 84.

action in the York incident but reduced the overall fine to \$250 for Raymond York and a \$500 fine for Yvonne and dropped the jail sentence.<sup>179</sup>

The 1971 school year opened with the Cluster Plan in effect. When the plan did not seem to accomplish the desired results after the school officials continued to allow students to graduate from the school they had enrolled in before implementation, Judge Bohanon reopened the *Dowell* case on May 3, 1971.<sup>180</sup> However, this time, Bohanon was armed with a new precedent set by the April 20, 1971 ruling by the U.S. Supreme Court in *Swann v Charlotte-Mecklenburg Board of Education*, which allowed bussing to achieve integration.<sup>181</sup> Bohanon ordered a complete desegregation plan by November 1, 1971, so that individual schools would reflect the overall demographics of the school district, which emerged as the Finger Plan.<sup>182</sup> Dr. John Finger, who served as a witness in federal court testifying in the Oklahoma City school desegregation case, devised a plan that would desegregate Oklahoma City Public Schools by regrouping elementary schools to be K through fifth grade, junior highs to be sixth through eighth and high schools to be ninth through twelfth grade.<sup>183</sup> He also redrew the attendance zone boundaries, closed various schools, and utilized grade assignment arrangements of schools where

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<sup>179</sup> Franks and Lambert, *The Legacy of Dean Julien C. Monnet*, 85.

<sup>180</sup> Franks and Lambert, *The Legacy of Dean Julien C. Monnet*, 86.

<sup>181</sup> *Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971)

<sup>182</sup> "New Race Mix Plan Proposed In City Hearing," *The Daily Oklahoman* (Oklahoma City, Oklahoma), November 19, 1971.

<sup>183</sup> "Finger Plan: It Points to Continuing Controversy," *The Daily Oklahoman* (Oklahoma City, Oklahoma), December 19, 1971.

various elementary schools fed into junior highs, which fed into high schools to achieve full integration of school sites to reflect the demographics of the district.<sup>184</sup>

In 1972, Oklahoma City Public Schools opened under the Finger Plan. Once again, the School Board was not ready to accept full desegregation efforts and appealed the Finger Plan to the United States Supreme Court, but their appeal was denied.<sup>185</sup> Oklahoma City Public Schools was the only school district in the state that underwent court-ordered school busing for integration purposes and would remain under the desegregation decree until 1991, when the federal courts finally determined that the Oklahoma City school district had finally established themselves as a unitary district in which the original segregated conditions no longer existed in the district.<sup>186</sup>

Oklahoma City Public Schools suffered greatly from adhering to a traditional Southern viewpoint in regard to racial segregation. What was once a premier school district in the state lost thousands of students to neighboring districts during the thirty-two-year fight over the *Dowell* case. In 1971, the year before the implementation of the Finger Plan, the district had an approximate enrollment of 71,000 students. After court-ordered busing that upended neighborhood schools, almost 30,000 white students, along with another 2,000 black students would leave the district over the next two decades.<sup>187</sup>

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<sup>184</sup> “Finger Plan: It Points to Continuing Controversy,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), December 19, 1971.

<sup>185</sup> Boulton, “Desegregation of the Oklahoma City School System,” 216.

<sup>186</sup> Jerry E. Stephens, “Busing,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 28, 2014. <https://www.okhistory.org/publications/enc/entry?entry=BU017>.

<sup>187</sup> Megan Rolland, “Integration Drastically Reduced Oklahoma City schools’ population.” *The Daily Oklahoman* (Oklahoma City, Oklahoma), April 17, 2011.

Racial issues flared up, particularly in the opening days of the school year when schools were fully integrated either during the Wheat, Cluster, or Finger Plan, with several fights reported during the first week of school. However, as the school year moved on across the district, a growing sense of camaraderie was promoted by the student body and fostered by the school districts themselves. The editorial teams on the yearbook and newspaper staff captured and attempted to foster a growing sense of understanding between the black and white students on campus as the year rolled on, often celebrating school first or their integrated sports teams on to victory. In the 1972 and again in the 1973 yearbooks, the *Chieftain* are headlines filled with positive affirmations: “Together we found happiness.” “Unusual becomes usual as change takes over.” “Unity in sports comes through understanding.” “Finger plan brings changes, problems...Friendship emerge amidst problems.”<sup>188</sup> Northwest Classen’s yearbook also captured a similar sentiment, explaining that the year’s “crowded calendars left little time for bias or protest as school pride claimed first loyalty of Universal Knights.”<sup>189</sup> A year later, the Northwest Classen yearbook celebrated its theme, “What the World Needs Now is Love,” which they found appropriate when the Friendship assembly as the first African American student in school history was crowned the Knight of Friendship.<sup>190</sup> The editorial team and newspaper staff at U.S. Grant

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<sup>188</sup> Capitol Hill High School, *Chieftain* vol. 47 (Oklahoma City: 1972), 8, 92. Capitol Hill High School Archives; Capitol Hill High School, *Chieftain* vol. 48 (Oklahoma City: 1973), 8, 104-107. Capitol Hill High School Archives

<sup>189</sup> Northwest Classen High School, *Round Table* vol XV (Oklahoma City: 1970), 3. Northwest Classen School Archives.

<sup>190</sup> Northwest Classen High School, *Round Table* vol XVI (Oklahoma City: 1971), 24. Northwest Classen School Archives.

for their *Grant Dispatch* captured the sentiment of the school's attempt to "Involve Everyone" for the 1973-74 academic year.<sup>191</sup>

However, the most telling of how race relations started to change in Oklahoma City Public Schools is examining what did not occur at Capitol Hill High School once the school site faced integration through the Finger Plan in the fall of 1972. On the first day of school, when planned boycotts of busing could have caused trouble, they did not. The principals across the school district, particularly on the south side, were pleased with how the day went.<sup>192</sup> Day three of the 1972 school year hinted at some of the trouble that was to come when two black youths near Capitol Hill High School were accosted by a small group of white adult males who proceeded to chase them. Several black youths driving by saw the chase and went after the white males, eventually catching them and beating them up. By the time the police arrived, the fight was over, and no arrests were made.<sup>193</sup> Despite the relative calm on the first days of school, racial tensions were high in the area and soon boiled over when chaos broke out Thursday, August 31<sup>st</sup>, at nearby Southeast High School. Southeast, principal Dee King had called a meeting of white and black student leaders, an attempt to work through racial issues now that the schools were fully integrated. A white student threw a bottle at the group during the meeting, sparking a racial brawl. At approximately the same time the fight broke out at Southeast, Capitol Hill officials received an anonymous phone call that a bomb had been planted to go off around

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<sup>191</sup> "'Involving Everyone' Council Goal," *Grant Dispatch* (Oklahoma City, Oklahoma), September 20, 1973; "Love for his Fellow Man: True Meaning of Christmas," *Grant Dispatch* (Oklahoma City, Oklahoma), December 13, 1973; "How do you judge your fellow man?" *Grant Dispatch* (Oklahoma City, Oklahoma), February 21, 1974.

<sup>192</sup> "Back-to-School Day Called Satisfactory," *The Daily Oklahoman* (Oklahoma City, Oklahoma), August 29, 1972.

<sup>193</sup> "Fight Occurs Near School," *Daily Oklahoman* (Oklahoma City, Oklahoma), August 30, 1972.

ten that morning. The subsequent search by the Oklahoma City bomb squad turned up nothing.<sup>194</sup> The anxiety of a bomb threat, coupled with the new reality of attending a mixed school, created agitation that only needed a catalyst to spark. The spark came from a group of Southeast students bused to Capitol Hill, who decided to disembark the bus, run through Capitol Hill hallways and the courtyard, and turn over motorcycles in their parking lot before campus police caught them. The incident caused what A.J. Marshall, the Principal of Capitol Hill, described as a “psychological chain reaction.” Police were once again called to Capitol Hill, and by the time the day ended, seventeen juveniles from Southeast and Capitol Hill had been arrested with two reported injuries.<sup>195</sup>

However, the early school year violence and chaos created opportunities for student leaders to stand up. The following day, groups of white and black students agreed to quit fighting each other and turn their attention to fighting the busing policies.<sup>196</sup> The student leaders brokered an uneasy peace. How long it would last would be decided by the students, parents, administration, and how the city handled the following explosive racial incident. Nine days after the school riot, *The Daily Oklahoman* reported that a white freshman girl from Capitol Hill was raped. The young girl claimed that when she was returning to class from lunch, two black youths forced her into a car, shuttled her to the northeast side of town, dragged her into the house where they forced her into a bedroom, and one of them raped her. After the assault, the young girl was taken back to Capitol Hill and released. Later that night, she called the police and was taken to

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<sup>194</sup> John Greiner, “School Fights Lead to Arrest of 17 Juveniles,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), September 01, 1972.

<sup>195</sup> Greiner, “School Fights.”

<sup>196</sup> “Students Unite After Fight, Schedule Protest March,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), August 31, 1972.



University Hospital, where the examining physician indicated that she might have been raped.<sup>197</sup> The explosive news story did not lead to any reported fights or mob action despite the continuing coverage by *The Daily Oklahoman*. Over the next few days, the paper reported that the girl had been working with the police investigation examining suspects' photos, and the police had checked out a possible location the rape occurred.<sup>198</sup> Despite the most circulated paper in the city confirming what prominent historian William H. Chafe labeled as the heart of integration struggles for white men, that if desegregation took place, “black men would rush to have sex with white women..and interracial sex would be the end result of racial equality,” the peace agreement between black and white students at Capitol Hill held, and unlike Tulsa in 1921 Oklahoma City did not burn.<sup>199</sup> Five days after the initial claim of rape, the young girl recanted her story confessing that she had willingly accompanied the youth and engaged in sexual intercourse with one of them.<sup>200</sup>

From the tumultuous start, Capitol Hill students attempted to bring the school together. Instead of just a black-and-white partnership to fight bussing policies, the school newspaper, *Redskin Arrow*, attempted to bridge the racial gap. The school paper cartoonists Bobby Roswell and David Dominguez drew two powerful political cartoons taking on the issues during that first month of school. Bobby Roswell’s “Reaching Out to Understand” depicted white and black hands reaching toward each other to symbolize the need to unite.<sup>201</sup> The paper’s other cartoonist

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<sup>197</sup> “Police Probe Rape Report,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), September 9, 1972.

<sup>198</sup> “Rape Victim Views Police Picture Files,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), September 10, 1972.

<sup>199</sup> William H. Chafe, *Lifting the Chains*, 23.

<sup>200</sup> “Story of Rape Was Not True 'Victim' Admits,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), September 13, 1972.

David Dominguez's "Hate, Love," cartoon was a statement that love could triumph over hate no matter how much hate is in the world.<sup>202</sup> Two editorials supported the paper's cartoons by editor-in-chief Gail Peck. In collation with Dominguez's work, Peck wrote an article entitled "in 'living' color." This article was an exposé on hate's work on a person's soul, eventually concluding that love is the key to saving that soul.<sup>203</sup> Another powerful feature of Peck's article "fault lies in us; blame cannot shift" was that it did not sugarcoat the school's issues at the beginning of the school year. Instead of blaming society for racial prejudice seen in the school, Peck blamed the student body themselves. Peck challenged the students at Capitol Hill to rise up and not be the ones who fail to provide freedom and equality for all.<sup>204</sup> It was not all smooth sailing for Capitol Hill in 1972, but after its bumpy racial start, the school coalesced around the idea that there was a new beginning and the students could be the agents of change.

A poll in October of students in the area indicated that they were ready for the responsibility of bringing the school together as they blamed the early violence on the media, outside agitators, police overreaction, parents' racial hatred, and lax discipline.<sup>205</sup> By October, the students felt that if provided a safe environment and if the outside world left them alone, they could solve the racial problems they faced. During the 1972-73 school year, Capitol Hill's student body faced the reality that their world was changing and needed to head in the direction

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<sup>201</sup> Bobby Roswell, "Reaching Out to Understand," illustration, *Redskin Arrow*, (Oklahoma City, Oklahoma), September 23, 1972.

<sup>202</sup> David Dominguez, "Hate Love," illustration, *Redskin Arrow*, (Oklahoma City, Oklahoma), September 23, 1972.

<sup>203</sup> Gail Peck, "In 'Living' Color," *Redskin Arrow* (Oklahoma City, Oklahoma), September 23, 1972.

<sup>204</sup> Gail Peck, "Fault lies in us; blame cannot shift," *Redskin Arrow*, (Oklahoma City, Oklahoma), October 21, 1972.

<sup>205</sup> John Gillie, "Fights Resume At Southeast," *Oklahoma City Times*, (Oklahoma City, Oklahoma), October 12, 1972.

that accepted racial inclusion. Unfortunately, what was being reflected by some in the student body at Capitol Hill was not reciprocated by all and fell far short in the greater community outside the school walls as white flight continued to wreak havoc on the district. Despite calls for peace and unity by African American and white student leaders, violence flared up from time to time. Arson set Southeast on fire twice, violent clashes saw African and American parents announce removing their children from Capitol Hill and Southeast, and a Southeast teacher retired after being pelted with a desk, forcing her retirement due to related medical issues during the first week of school in 1972.<sup>206</sup> By far, the worst episode of violence took place at U.S. Grant High School in 1975 when an African American student shot two white peers, killing one and wounding the other.<sup>207</sup> Violence, fear, and the ability not to attend the neighborhood school where your home was located saw the district suffer greatly as nearly 71,000 students attended Oklahoma City Public Schools when the Finger Plan began during the 1971-72 school year. That year, Oklahoma City enrolled 49,571 white students and 16,319 black students. In the 1990-91 school year, which saw Oklahoma City finally removed from a federal desegregation decree, the white population of the student body had decreased to 16,405, while African Americans had declined to 14,472.<sup>208</sup> Today, over fifty years after the Finger Plan enactment, despite the massive influx of Hispanic students to the district and a much larger Oklahoma City population, the district enrolls roughly half the number of students that entered their schools in 1971.<sup>209</sup>

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<sup>206</sup> John J. Dwyer, *The Oklahomans: The Story of Oklahoma and Its People* Vol. II (Waukomis, OK: Red River Press, 2021), 374-380.

<sup>207</sup> "Two Shot During Riot At Grant High School," *The Daily Oklahoman* (Oklahoma City, Oklahoma), September 19, 1975.

<sup>208</sup> "'Flight' Reported at Star-Spencer," *The Daily Oklahoman* (Oklahoma City, Oklahoma), March 16, 1973; "School Desegregation Most Emotional of Rights Issue," *The Daily Oklahoman* (Oklahoma City, Oklahoma), February 14, 1974; "Busing Still Provokes Emotions," *The Daily Oklahoman* (Oklahoma City, Oklahoma), July 21, 1996.

Ironically, once the district was forced to embrace integration, each school site administration team and staff worked extremely hard to create an integrated environment to build friendships across racial lines. In their October 15, 1974 “Activity Programs Report” that listed positive activities in the district, each school was able to list out several recent activities and programs that promoted “opportunity for every pupil to get to know, understand and respect his black or white counterpart, to form a friendship and accept the ethnic differences as perfectly normal.” These activities included getting support from community parties like the South Oklahoma City Chamber of Commerce, the Northeast Optimist, or school resources, as seen in the system-wide cheer clinic on biracial cheerleading led by director Mr. Willard Pitts, a renowned black educator. Individual school sites reported a series of school success stories that included Capitol Hill reporting an increase of African American girls in the KiYi Pep Club, Classen adding two sections of Black history, Douglass with a pep squad that now consisted of seventy white and sixty black students, and Southeast’s senior class president was a black student. At the junior high level, Capitol Hill Middle School would celebrate Brotherhood Week, honoring four major races. Taft Middle School band director actively sought black girls to be the band majorettes, and Webster Middle School had thirty-five activity groups that met once a week with all races participating in their choice of activity. Elementary schools across the district promoted racial unity through bulletin board displays, racial studies, and involvement in accountability mixed groups.<sup>210</sup> Unfortunately, the district change was too little too late as parents were already fleeing a district that had promoted and attempted to forestall integration as

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<sup>209</sup> Dwyer, *The Oklahomans*, 382.

<sup>210</sup> “Recent Positive Activities in the District- 1974.” Box 97, Folder 10, OKCPS Board Records.

the Oklahoma City School Board could not relinquish their Southern racial views to the direction put forth first by Governor Gary or later to the power of Judge Bohanon and the federal court.

If only Oklahoma City utilized the Tulsa approach to integration, which would allow magnet schools to be created in their district. The Tulsa district placed the best teachers and resources across the district into a few specialized schools. The inclusive Tulsa plan saw magnet schools in minority communities, including Booker T. Washington High School, as well as several middle schools. In an interview for *Voices of Oklahoma*, Nancy McDonald, a Tulsa school volunteer, recalled how Federal Judge Frederick Alvin Daugherty ordered the Tulsa Board of Education in 1971 to desegregate Booker T. Washington, a traditionally African American high school, by 1973.<sup>211</sup>

Understanding the turmoil caused by forced busing, McDonald worked closely with Superintendent Bruce Howell in an attempt to voluntarily create an even split of 1,200 students, half black and half white, to attend Booker T. Washington. Howell also changed principals, sending Granville Smith, the then-current principal of Booker T. Washington, to Nathan Hale High School and transferring Hale's principal, H.J. Green, to Booker T. Washington.<sup>212</sup> Green, working alongside McDonald, visited all nine of Tulsa's high schools, detailing all the unique advanced courses offered at Booker T. while McDonald attempted to win over the parents, and by August 1973, the efforts by Green and McDonald left them 167 white kids short of their goal as parents proved the most difficult to convince due to their worry over safety. For those that overcame their safety concerns, McDonald attributed it to their Christian background, explaining

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<sup>211</sup> John Erling, *Voices of Oklahoma: Stories from the Oral History Website Voices of Oklahoma.com* (Tulsa: Mullerhaus Legacy, 2018), 171.

<sup>212</sup> Erling, *Voices of Oklahoma*, 172.

that they "felt that it was their duty to be part of this.. sort of a calling. They wanted to live out their respect for fellow human beings...this is what Jesus is expecting (them) to do." Falling short of their goal, McDonald's attempted a mass mailing campaign spearheaded by Jon Williams, the chairman, and CEO of the Williams Companies, a natural gas processing and transportation outfit, who developed and funded a brochure mailed out under the All Souls Unitary Church stamp across Tulsa.<sup>213</sup> The brochure led with the headline, "Wanted 175 Young men & Women of High School Age to Participate in a Unique Educational Opportunity!" in an attempt to fulfill their goal of 1,200 students.<sup>214</sup>

The brochure proved successful and Booker T. Washington High School opened the 1973 school year with exactly 600 black and 600 white students. McDonald recalled the joy of her work successfully integrating Booker T. Washington and the notoriety Tulsa received. "We had national publicity because this had never happened. Voluntary integration was a whole new thing in the United States. I remember standing with H.J. the morning of the school opening and wondering if the kids would actually get on the bus and come, but they did."<sup>215</sup> The school quickly rallied around its status as a voluntarily integrated school, taking offense from an August 29<sup>th</sup> editorial piece from the *Tulsa World* for using negative terms bringing attention to the "white flight" of Memphis "which will leave the city a black ghetto" and "if all goes well, the voluntary approach used in Tulsa this could become something of a national model. If it fails, massive forced busing will be just about the only solution left. So far, so good."<sup>216</sup> Fourteen

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<sup>213</sup> Erling, *Voices of Oklahoma*, 173

<sup>214</sup> Daniela Ibarra, "Booker T. Washington High Marks 50th Anniversary of Voluntary Desegregation," KTUL, March 1, 2023. <https://ktul.com/news/local/booker-t-washington-high-marks-50th-anniversary-of-voluntary-desegregation>.

<sup>215</sup> Erling, *Voices of Oklahoma*, 174.

students replied with a letter reprimanding the *Tulsa World* editor for the negative take on Booker T. Washington's voluntary integration. The student letter explained that the opening week proved historic, and the students, unashamed of their school invited the community to see the pride and spirit of Booker T. students in action as the first days of schools allowed for them to "become a true Hornet by boosting school spirit and becoming friends with fellow students, both black and white."<sup>217</sup>

Through the work done at Booker T. Washington, Tulsa saved itself from Oklahoma City's fate by attempting to cater to the needs of the whole community by seeking volunteers to lead the way. The Oklahoma City school board's adherence to Southern protocol of carrying out racial inequality in transfers saw Oklahoma City commit a self-inflicted wound in their bid to fight desegregation and become the only district in the state of Oklahoma to undergo court-ordered busing left a lasting impact on the district and the city at large. Whereas much of the state was preceded by Governor Gary's guidance to promote statewide compliance in desegregation, Oklahoma City Public Schools utilized neighborhood schooling in a segregated city where African Americans had limited options in where to live.<sup>218</sup> When Judge Bohanon used his federal district powers to force the district to develop plans to create school environments where the racial mix in schools reflected the demographics of the district, *The Daily Oklahoman* prophetically laid out in 1963 the next decade's events for the district.

Accordingly, what's to be said about the recognition of race as an absolute criterion for ordering Negro pupils transported by bus into predominately white districts? This being

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<sup>216</sup> "School Days Again," *Tulsa World* (Tulsa, Oklahoma), August 29, 1973.

<sup>217</sup> "An Injustice," *Tulsa World* (Tulsa, Oklahoma), September 10, 1973.

<sup>218</sup> Bruce Fisher, "Where America Stands on Civil Rights Today," *The Daily Oklahoman* (Oklahoma City, Oklahoma), June 29, 2014.

done in some cities including New York. Some such artificial co-mingling of the races apparently would have to be undertaken also in Oklahoma City if integration on anything more than a token basis were accomplished. But the net effect of such drastic practices elsewhere often has been to worsen segregation rather than to remedy it. White families are leaving New York City to enroll their children in predominantly white suburban schools.<sup>219</sup>

Over the next nine years, little more than token integration took place until the *Swann* decision allowed Judge Bohanon the power to coerce the change in demographics across the district through forced busing. Even with forced busing, the school desegregation proved elusive. *The Daily Oklahoman* captured the white flight phenomenon, explaining how Oklahoma City schools, which had been largely white in the Northeast part of the city before the Dowell litigation began, were dominantly black schools or in the process of becoming so by 1969.<sup>220</sup>

When Judge Bohanon implemented the Finger Plan to fully desegregate the entire district through bussing, once again, *The Daily Oklahoman* proved uncannily prophetic. “The dreary pattern of accelerated white flight, desegregation and gradual attrition of the inner-city tax base threatens to repeat here if the ruling is allowed to stand.”<sup>221</sup> The ruling stood for the next twenty-one years, only ending in 1991, which by that time Oklahoma City Public Schools were a shadow of their former glory. Before the Finger Plan, predominately black Douglass High School boasted five National Merit Scholars in just one graduating class, and the teachers often had master’s degrees.<sup>222</sup> In the graduating class survey at Capitol Hill, the year before the Finger Plan, over half of those surveyed were “definitely going to college,” while in the same

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<sup>219</sup> “Easier Said Than Done,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), July 12, 1963.

<sup>220</sup> “Integration: Deepening Quagmire,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), November 7, 1969.

<sup>221</sup> “School Board Should Appeal,” *The Daily Oklahoman* (Oklahoma City, Oklahoma), February 02, 1972.

<sup>222</sup> Dwyer, *The Oklahomans*, 372.



questionnaire, many students commented that the education they received at the school “is more than adequate regardless of the vein of study one chooses to take.”<sup>223</sup> How times have changed. The Oklahoma City Public Schools suffers the fate of failing to smoothly and successfully integrate their school district fifty years earlier, with fewer enrollment numbers, poorer neighborhoods, and less academic achievement. The year before the Covid Pandemic, Oklahoma City Public Schools had thirty schools receive an F on the state’s annual report card for academic excellence, including three high schools: Frederick A. Douglass and Capitol Hill.<sup>224</sup> What The Daily Oklahoman foresaw happening to the district has come to pass, and what the historical narrative needs to realize is why. The Southern aspect of the district wreaked havoc on the community in a similar vein to the Five Tribes' irrevocable decision to join the Confederacy and the Democratic Party, along with the “Lily-White” Republicans, instituting Jim Crow legislation. Oklahoma’s history is full of Southern turns, and the ramifications are still felt today.

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<sup>223</sup> Janet Frasure, “Graduates divulge thoughts for future,” *Redskin Arrow*, (Oklahoma City, Oklahoma), May 18, 1972.

<sup>224</sup> Nuria Martinez-Keel, “30 Oklahoma City public schools got F’s in annual report cards,” *The Daily Oklahoman*, (Oklahoma City, Oklahoma), November 27, 2019.

## Chapter 7

### Conclusion

The first few pages of the latest Oklahoma City Public Schools statistical profile released following the 2022-23 academic year demonstrates the vast changes to the district since the monumental *Brown* ruling. Despite tremendous growth in Oklahoma City over the last seventy-five years, the district has lost over half of its student population. The White and black demographics, that dominated the district during the 1991-92 school year in the first year outside of the federal mandate to bus students, no longer dominated and gave way to Hispanics as the district's white and black enrollment decreased from 19,000 whites and 16,000 blacks in 1992 to roughly 14,000 students total across both races by 2023. During the same period, Hispanic enrollment increased from less than 6,000 enrolled in 1992 to approximately 20,000 students during the 2022-23 academic year, leaving the district much changed and highly segregated despite decades of federal mandates.<sup>1</sup>

Of the public non-charter schools in the Oklahoma City Public School district, sixteen of the thirty-three elementary, five of the thirteen middle schools, and four of the eight high schools consist of a single race, making up 70 percent or more of a school's population.<sup>2</sup> Oklahoma City Public Schools in the current day finds itself highly segregated across the district despite the fact that Oklahoma City has a diverse population with 60.4 percent white, 20.1 percent Hispanic,

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<sup>1</sup> Oklahoma City Public Schools, "Oklahoma City Public Schools 2022-23 Statistical Profile," Oklahoma City Public Schools. Accessed April 2, 2024. [www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2022-23%20STATISTICAL%20PROFILE%20-%20final.pdf](http://www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2022-23%20STATISTICAL%20PROFILE%20-%20final.pdf).

<sup>2</sup> Oklahoma City Public Schools, "Oklahoma City Public Schools 2022-23 Statistical Profile," Oklahoma City Public Schools. Accessed April 2, 2024. [www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2022-23%20STATISTICAL%20PROFILE%20-%20final.pdf](http://www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2022-23%20STATISTICAL%20PROFILE%20-%20final.pdf).

13.7 percent African American, 4.5 percent Asian 3.4 percent Native American, and 11.8 percent of two more races.<sup>3</sup> Oklahoma City is not alone in the tendency to produce highly segregated schools. According to the U.S. Government Accountability Office, “more than a third of students, over 18.5 million, attended a predominately same-race/ethnicity school during the 2021-21 school year. And 14 percent of students attend schools where almost all of the student body was of a single race/ethnicity.”<sup>4</sup>

Districts and their policies are not the sole determining factor in the federal court's decisions to release districts from their obligations to integrate their schools, allowing for the racial divisions that still persist today. Furthermore, persistent segregation, while historically associated with the segregationist Jim Crow laws enacted in the South, contemporary segregation conditions in schools are not a Southern phenomenon. In fact, “the highest percentage of schools serving a predominately single-race/ethnicity student population where mostly white, mostly Hispanic or mostly Black were in the Northeast and the Midwest.”<sup>5</sup> Although not the only reason for the continuing high number of students that attend a predominately same-race/ethnicity school, the United States history of racially segregated neighborhoods and the fact that 70 percent of U.S. students attend neighborhood public schools provide the conditions for racially segregated schools.

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<sup>3</sup> US Census Bureau. U.S. Census Bureau quickfacts: Oklahoma City, Oklahoma. Accessed April 2, 2024. <https://www.census.gov/quickfacts/fact/table/oklahomacityoklahoma/PST045223>.

<sup>4</sup> US Government Accountability Office, “K-12 Education: Student Population Has Significantly Diversified, but Many Schools Remain Divided along Racial, Ethnic, and Economic Lines,” U.S. GAO, August 30, 2022. <https://www.gao.gov/products/gao-22-104737>.

<sup>5</sup> Sequoia Carillo and Pooja Salhotra. “The U.S. Student Population Is More Diverse, but Schools Are Still Highly Segregated,” NPR, July 14, 2022. <https://www.npr.org/2022/07/14/1111060299/school-segregation-report>.

Further fueling modern school segregation is district secession practices, where schools break from existing districts in a bid for more local control over the neighborhood school. When the U.S. Government Accountability Office analyzed ten years of district sections and found the “new districts were generally whiter, wealthier than the remaining districts.” In a bid for local control, particularly over education funding and management of property tax dollars and, to a lesser extent, geography or logistics issues.<sup>6</sup> Since 2000, one-hundred and twenty-eight communities across the nation moved to secede from their school district session, creating a similar pattern, conditions, and district policies to school districts across the South, which attempted to stall integration following the *Brown* ruling.<sup>7</sup>

While district secession may help explain the United States increased movement towards segregated schooling patterns seen in the twenty-first century, district secession cannot explain the continued segregated patterns seen in Oklahoma City, despite the fact that districts could use secession practices if so inclined, as Oklahoma is one of twenty states with no policy defined in state law. As of the 2019 study by think tank EdBuild, no district in Oklahoma utilized district secession yet, segregated school patterns continue to exist, as seen in Oklahoma City Public Schools' demographic breakdown and reflected further at the county level with Oklahoma County, where Oklahoma City Public Schools resides with a majority of the districts in the county dominated by one race or ethnic group reflected in the racial living patterns in Oklahoma County.<sup>8</sup> Although Oklahoma County's top three racial demographics are 69.5 percent white, 19

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<sup>6</sup> Laura Bliss, “School District Secession Often Means Segregation,” Bloomberg.com, June 26, 2017. <https://www.bloomberg.com/news/articles/2017-06-26/school-district-secession-often-means-segregation>.

<sup>7</sup> EdBuild, “Fractured: The Accelerating Breakdown of America’s School Districts.” EdBuild, April 2019. <https://edbuild.org/content/fractured/fractured-full-report.pdf>.

<sup>8</sup> EdBuild, “Fractured: The Accelerating Breakdown of America’s School Districts.” EdBuild, April 2019. <https://edbuild.org/content/fractured/fractured-full-report.pdf>.

percent Hispanic, and 15.9 percent African American, none of the school districts in the county reflect this breakdown.<sup>9</sup> Hispanics are the majority in Oklahoma City, Crooked Oak, and Western Heights districts, African Americans in the Millwood school district, and Whites in Bethany, Choctaw-Nicoma Park, Edmond, Jones, Harrah, and Luther public schools.<sup>10</sup> Only Mid-Del and Putnam City districts contain a non-dominated racial group in their district's enrollment, with Mid-Del's highest racial group being whites at 34.5 percent and Putnam City's highest enrolled demographic being 35.7 percent Hispanic.<sup>11</sup> Oklahoma County's segregated breakdown across districts and within districts themselves stems from the area's history of separate schools and black towns, uneven integration practices across Oklahoma City Public Schools that allowed white but not African American transfers, resulting in forced busing

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<sup>9</sup> US Census Bureau. U.S. Census Bureau quickfacts: Oklahoma County, Oklahoma. Accessed April 2, 2024. <https://www.census.gov/quickfacts/fact/table/oklahomacountyoklahoma/PST045223>.

<sup>10</sup> U.S. News & World Report, Oklahoma City Public Schools - U.S. News Education, accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/oklahoma-city-100087>; U.S. News & World Report, Crooked Oak Public Schools- U.S. news education, accessed April 2, 2024 <https://www.usnews.com/education/k12/oklahoma/districts/crooked-oak-105407>; U.S. News & World Report, Western Heights Public Schools - U.S. News Education, accessed April 2, 2024 <https://www.usnews.com/education/k12/oklahoma/districts/western-heights-112287>; U.S. News & World Report, Millwood Public Schools- U.S. news education, accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/millwood-110991>; U.S. News & World Report, Bethany Public Schools - U.S. News Education, accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/bethany-105186>; U.S. News & World Report, Jones Public Schools - U.S. News Education, accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/jones-109462>; U.S. News & World Report, Edmond Public Schools- U.S. news education,. accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/edmond-111390> U.S. News & World Report, Choctaw-Nicoma Park Public Schools- U.S. news education, accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/choctaw-nicoma-park-103329>; U.S. News & World Report, Harrah Public Schools- U.S. news education, accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/harrah-107697>; U.S. News & World Report, Luther Public Schools- U.S. news education, accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/luther-109173>.

<sup>11</sup> U.S. News & World Report. Midwest City-Del City - U.S. news education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/midwest-city-del-city-100599>; U.S. NEWS & WORLD REPORT, PUTNAM CITY - U.S. NEWS EDUCATION. ACCESSED APRIL 2, 2024. <HTTPS://WWW.USNEWS.COM/EDUCATION/K12/OKLAHOMA/DISTRICTS/PUTNAM-CITY-102525>.

practices that perpetrated white flight creating neighborhoods and schools that do not reflect the county's overall demographics.

Historic precedence, as seen in Oklahoma County or the modern practice of district secession, demonstrates that the troubles of integration following the *Brown* ruling are still a fabric of the American public-school system society seventy years later. This work argued that Oklahoma, heavily influenced by the South through the precedence established by the Five Tribes, Indian Territory's alliance with the Confederate States, and the creation of a racial caste system that separated African Americans and black tribal members from "whites" in which the term white constituted all other racial and ethnic groups not of African descent in the state's constitution, became in part a Southern state. By placing Oklahoma in the South, Oklahoma's unique reaction to the *Brown* ruling demonstrates an alternative path available to other Southern leaders, one they choose not to pursue, instead deciding to travel the road of mass resistance.

Placing Oklahoma in the South creates the issue of historical expansion and the watering down of what constitutes the South, leaving us with the question: if Oklahoma is in the South, why not other states? *Brundage* and the fifteen Southern historians whose work comprises *A New History of the American South* without a clear, central thesis that binds Southern history together. *A New History of the American South* moves Southern history from the distinctiveness long used to define the South, instead incorporating a more inclusive narrative that integrates global and Atlantic world history, African diaspora, environmental history, and the lived experiences of all Southern people. The direction Brundage is moving Southern history opens the possibilities of an expanded South of which Oklahoma's history could take part either directly by placing Oklahoma in the South as this work has argued. If placing Oklahoma in the South is a bridge too

far for some, maybe a more pertinent question is to ask how much the South influenced Oklahoma's history for this writer to transform Oklahoma into a Southern state.

## Bibliography

### Archival Manuscripts and Transcripts

- Capitol Hill High School Papers and Records. Capitol Hill High School Archive and Alumni Room, Oklahoma City, Oklahoma.
- Choctaw Nation Manuscript Collection, Choctaw Nation Papers 1868-1936, Western History Collections, University of Oklahoma Libraries, Norman, OK.
- Creek Indian Laws. Box 13, Folder 2, Grant Foreman Collection, Oklahoma Historical Society, Oklahoma City, OK.
- Creek National Records: National Council, 1859-1889. Section X-Creek National Council-Samuel Checote's Book of Records: Nov. 17, 1859-Nov 27, 1890. Oklahoma Historical Society. Oklahoma City, OK.
- Foreman Transcripts. American Indian Records, Oklahoma Historical Society, Oklahoma City, OK.
- Commissioner of Indian Affairs, 7 Vols.
  - Creek Vol. 7 Constitution and Laws
  - Superintendent for Five Civilized Tribes, Vol 14 Cherokee Census Roll of 1835
- Frederick S. Barde Collection. Oklahoma Historical Society, Oklahoma City, OK.
- Governor Raymond D. Gary Papers. Governor's Office Records, Oklahoma State Archives, Oklahoma Department of Libraries, Oklahoma City, Oklahoma.
- John Drew Manuscript Collection. Gilcrease Institute of American History and Art, Tulsa, OK
- Northwest Classen High School Papers and Records. Northwest Classen Library, Oklahoma City, Oklahoma.
- Records of the United States Army Continental Commands, 1821-1920 National Archives Record Group 393 – 393.2 Records of Divisions 1837-1907 Western Division, 1837-42, Second Military Department, Letter sent.
- Western History Collection, University of Oklahoma, Norman, OK.
- Choctaw Nation Collection
  - Raymond Dancel Gary (1908-1993)
  - Green McCurtain Collection
  - Peter Perkins Pitchlynn Papers 1815-1888
  - Thomas B. Ferguson Collection
- Works Progress Administration Indian Pioneer Oral History Project. Western History Collections. University of Oklahoma Libraries, Norman, OK.



U.S. Grant High School Papers and Records. U.S. Grant High School Archive and Alumni Room, Oklahoma City, Oklahoma.

Primary Sources

Newspapers

|   |                                    |
|---|------------------------------------|
| <i>Arkansas Gazette</i>                 | <i>Oklahoma City Times</i>         |
| <i>Arkansas Gazette and Democrat</i>    | <i>Oklahoma State Register</i>     |
| <i>Bartlesville Examiner-Enterprise</i> | <i>Ponca City News</i>             |
| <i>Blytheville Courier</i>              | <i>Purcell Register</i>            |
| <i>Chicago Daily Tribune</i>            | <i>Ralston Free Press</i>          |
| <i>Cherokee Advocate</i>                | <i>Richmond Times-Dispatch</i>     |
| <i>Cherokee Telephone</i>               | <i>Rocky Mountain News</i>         |
| <i>Chickasaw Capital</i>                | <i>Seminole Morning News</i>       |
| <i>Clearview Patriarch</i>              | <i>Shawnee News-Star</i>           |
| <i>Coweta Times</i>                     | <i>Southern School News</i>        |
| <i>Daily Capital News</i>               | <i>Star Tribune</i>                |
| <i>Daily Oklahoma State Capital</i>     | <i>Stillwater Daily News-Press</i> |
| <i>Daily Press</i>                      | <i>St. Louis Post-Dispatch</i>     |
| <i>Daily Times-Democrat</i>             | <i>State Journal</i>               |
| <i>El Paso Times</i>                    | <i>The Ada Evening News</i>        |
| <i>El Reno Democrat</i>                 | <i>The American Citizen</i>        |
| <i>Evening Times</i>                    | <i>The Black Dispatch</i>          |
| <i>Fort Myers New Press</i>             | <i>The Boise City News</i>         |
| <i>Galveston Daily News</i>             | <i>The Broken Bow News</i>         |
| <i>Guthrie Daily Leader</i>             | <i>The Brownsville Herald</i>      |
| <i>Holdenville Daily News</i>           | <i>The Chapel Hill Weekly</i>      |
| <i>Indian Chieftain</i>                 | <i>The Chicago Tribune</i>         |
| <i>Indian Journal</i>                   | <i>The Chickasha Daily Express</i> |
| <i>Langston City Herald</i>             | <i>The Columbia Record</i>         |
| <i>Lawton Morning Press</i>             | <i>The Cushing Daily Citizen</i>   |
| <i>Lincoln Tribune</i>                  | <i>The Daily Ardmoreite</i>        |
| <i>Lexington Leader</i>                 | <i>The Daily Oklahoman</i>         |
| <i>Miami Record-Herald</i>              | <i>The Daily Tar Heel</i>          |
| <i>Missouri Republican</i>              | <i>The Daily World</i>             |
| <i>Montpelier Evening Argus</i>         | <i>The Drumright Derrick</i>       |
| <i>Muskogee Cimenter</i>                | <i>The East Oklahoma Tribune</i>   |
| <i>Muskogee Phoenix</i>                 | <i>The Elk City Daily News</i>     |
| <i>Nashville Banner</i>                 | <i>The Enid Morning News</i>       |
| <i>New York Times</i>                   | <i>The Evening Sun</i>             |
| <i>Norman Transcript</i>                | <i>The Galveston Daily News</i>    |
| <i>Okemah News Leader</i>               | <i>The Guthrie Daily Leader</i>    |

|                                    |                                      |
|------------------------------------|--------------------------------------|
| <i>The Guthrie Daily Star</i>      | <i>The Sun</i>                       |
| <i>The Guthrie Progress</i>        | <i>The Tulsa Star</i>                |
| <i>The Lawton Constitution</i>     | <i>The Tulsa Tribune</i>             |
| <i>The Leader</i>                  | <i>The Weekly Progress</i>           |
| <i>The Macon Telegraph</i>         | <i>The Weekly Times-Journal</i>      |
| <i>The Madill Record</i>           | <i>The Western World</i>             |
| <i>The Mangum Daily Star</i>       | <i>The Wilburton News</i>            |
| <i>The Marshall News Messenger</i> | <i>Tulsa Daily World</i>             |
| <i>The New York Times</i>          | <i>The Tulsa Tribune</i>             |
| <i>The Norman Transcript</i>       | <i>Tulsa World</i>                   |
| <i>The Oklahoma Guide</i>          | <i>Vicksburg Evening Post</i>        |
| <i>The Oklahoma Tribune</i>        | <i>Vinita Daily Chieftain</i>        |
| <i>The Oklahoma Safeguard</i>      | <i>Vinita Daily Journal</i>          |
| <i>The Oklahoman</i>               | <i>Waco-Tribune-Herald</i>           |
| <i>The Southeast Oklahoman</i>     | <i>Weekly Oklahoma State Capital</i> |
| <i>The St. Joseph News-Press</i>   | <i>Woodville Beacon</i>              |

#### Court Cases

*Board of Ed. of Oklahoma City v. Dowell* (89-1080), 498 U.S. 237 (1991)

*Board of Education of Oklahoma City v. Thurman*, 247 P. 996 (1926)

*Brewer v. Hoxie School District No. 46*, 238 F.2d 91 (8th Cir. 1956)

*Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)

*Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955)

*Dowell v. School Board of Oklahoma City Public Schools*, 219 F. Supp. 427 (W.D. Okla. 1963)

*Dowell v. Board of Education of Oklahoma City Pub.*, 307 F. Supp. 583 (W.D. Okla. 1970)

*Hoxie School District No. 46 of Lawrence Co., Ark. v. Brewer*, 137 F. Supp. 364 (E.D. Ark. 1956)

*Jones v. Board of Ed. of Muskogee*, 90 Okla. 233, 217 P. 400 (1923)

*Marion et al., Board of School Trustees v. Territory ex rel. Wilson*, 32 P. 116, 1 Okla. 210 (1893)

*McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950)

*Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938)

*Plessy v. Ferguson*, 163 U.S. 537 (1896)

*Porter v. Commissioners of Kingfisher County*, 151 Okla. 550 P. 741 (1898)

*School District No. 76, et al. v. Capital Nat. Bank*, 7 Okla. 45, 54 P. 309. (1898)

*Sipuel v. Board of Regents*, 332 U.S. 631 (1948)

*Swann v. Charlotte-Mecklenburg Board of Education*, 402 U.S. 1 (1971)

*University v. Murray*, 169 Md. 478 (1936)

#### Published

*1975 Directory of Oklahoma*. Oklahoma City: State Election Board, 1975.

Aptheker, Herbert. *A Documentary History of the Negro people in the United States Vol. II From Reconstruction to the Founding of the N.A.A.C.P.* New York: Citadel Press, 1951.

Armstrong, William. "Choctaw Agency, September 10, 1842." In *Annual Report of the Commissioner of Indian Affairs*. Washington: Government Printing Office 1842.

Armstrong, William. "Choctaw Agency, October 1, 1844." In *Annual Report of Commissioner of Indian Affairs, 1844*. Washington: C. Alexander Printer, 1844.

Baker, T. Lindsay and Julie P. Baker. *The WPA Oklahoma Slave Narratives*. Norman: University of Oklahoma Press, 1996.

Bennett, Leo E. "Report of Union Agency, Muscogee, Ind. T. September 10, 1890 In *Fifty-Ninth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1890*. Washington: Government Printing Office, 1890.

Benson, Henry C. *Life Among the Choctaw Indians and Sketches of the South-West*. Cincinnati: L. Swormstedt & A. Poe, 1860.

Bunn, Clinton Orrin. *Compiled Statues of Oklahoma, 1921 Annotated by Clinton Orrin Bunn Of the Ardmore Bar Under the Provisions of Chapter 124, Session Laws of Oklahoma, 1921. Vol II*. Indianapolis: The Bobbs-Merrill Company Publishers, 1921.

Burke, Bob. *The Writings that Shaped Oklahoma*. Oklahoma City: The Oklahoma Heritage Association, 2013.

Butler, George. "Cherokee Agency, Tahlequah, Cherokee Nation, September 10, 1859." In *Annual Report of Commissioner of Indian Affairs*. Washington: George W. Bowman, Printer, 1860.

Cameron, E.D. "Second Biennial Report of the Territorial Superintendent of Public Instruction of Oklahoma for the Two Years Beginning July 1, 1892 and Ending June 30, 1894." Oklahoma, Department of Libraries. *Oklahoma Digital Prairie*. Accessed December 10, 2023. <https://digitalprairie.ok.gov/digital/collection/territorial/id/1528/>.

Cherokee Nation. *Laws of the Cherokee Nation: Adopted by the Council at Various Periods (1808-1835). Printed for the Benefit of the Nation*. Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852.

Cherokee Nation. *Laws of the Cherokee Nation: Adopted by the Council at Various Periods (1839-1851). Printed for the Benefit of the Nation*. Tahlequah, Cherokee Nation: Cherokee Advocate Office, 1852.

Coffin, W.G. "Office of Superintendent of Indian Affairs, Humboldt, Kansas, October 2, 1861. In Report of the *Commissioner of Indian Affairs Accompanying the Annual Report of the Secretary of the Interior for the Year 1861*. Washington: Government Printing Office, 1861.

Commission on Civil Rights. *The 50 States Report*. Washington, D.C.: US Government Printing Office, 1961.

Committee on Indian Affairs, *Cherokee Freedmen and Others*, United States House of Representatives, Report Number 844, 50th Congress, 1st Session. Washington: Government Printing Office, 1888.

*Congressional Record: Proceedings and Debates of the Forty-Seventh Congress First Session*. Washington: Government Printing Office, 1882.

*Constitution and Civil and Criminal Code of the Muskogee Nation*, Approved at the Council Ground Muskogee Nation, October 12, 1867. Washington: McGill & Withrow, Printers and Stereotypers, 1868

*Constitution of the State of Oklahoma*. Oklahoma City: Warden Printing Company, 1907.

*Constitution of the State of Sequoia*. Muskogee, Indian Territory: Phoenix Printing Company, 1905.

*Contested Election Case of Carney vs. Morgan: Hearings Before the Committee on Elections No. 2 House of Representatives Sixty-Third Congress Second Session on The Contested election Case of John J. Carney, Contestant vs. Dick T. Morgan, Contestee From the Second Congressional District of Oklahoma April 29, 30, May 1, 2, 4, 5, and 6, 1914*. Washington, Printing Office, 1914.

*Contested Election Case of Davis vs. Bird: Hearings Before the Committee on Elections No. 2 House of Representatives Sixty-Third Congress Second Session on The Contested election Case of John J. Davis, Contestant vs. Bird S. McGuire, Contestee From the First*

*Congressional District of Oklahoma May 7, 8, 9, 1914.* Washington, Printing Office, 1914.

*Contested Election Case of John J. Carney v. Dick T. Morgan From the Second Congressional District of Oklahoma.* Washington: Government Printing Office, 1914.

Cooper, Douglas H. "Report of Col. Douglas H. Cooper, First Choctaw and Chickasaw Regiment, commanding Indian Department, of operations November 19, 1861-January 4, 1862." In *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies. Published under the Direction of the Secretary of War, series I. volume VIII.* Washington: Government Printing Office, 1902.

Davis A. Homer, *Constitution and Laws of the Chickasaw Nation Together with the Treaties of 1832, 1833, 1834 1837, 1852, 1855, 1866.* Parsons, KS: The Foley Railway Printing Company, 1899.

Department of Commerce and Labor Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Volume II, Population 1910 Reports by States, with Statistics For Counties, Cities And Other Civil Divisions: Alabama-Montana.* Washington: Government, Printing office 1913.

Department of Commerce and Labor Bureau of the Census. *Thirteenth Census of the United States Taken in the Year 1910: Volume III. Population 1910 Reports by States, with Statistics For Counties, Cities And Other Civil Divisions: Nebraska-Wyoming Alaska, Hawaii, and Porto Rico.* Washington: Government, Printing office 1913.

Emory, W.H. "Report of Lieut. Col. William H. Emory, First U.S. Cavalry of the abandonment of Forts Arbuckle, Cobb, and Washita, Ind. T." In *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies. Published under the Direction of the Secretary of War, series I. volume I.* (Washington: Government Printing Office, 1880

"Extract from the report of the Secretary of the Interior in relation to Indian Affairs." In Report of the *Commissioner of Indian Affairs Accompanying the Annual Report of the Secretary of the Interior for the Year 1861.* Washington: Government Printing Office, 1861.

Ferguson, Thompson B. *Report of the Governor of Oklahoma to the Secretary of the Interior for the Year Ended June 30, 1905.* Washington: Government Printing Office, 1905.

Folsom, Joseph P. *Constitution and laws of the Choctaw Nation: Together with the Treaties of 1855, 1856, and 1866.* New York: Wm P. Lyon & Sons Printers and Publishers, 1869.

Giddings & Giddings, "Contested Election Case of John J. Carney vs. Dick T. Morgan From the Second Congressional District of Oklahoma: Brief of Contestant." Oklahoma City: The Marlow-Ratliff Printing Co., 1913.

- Goode, William H. *Outposts of Zion, with Limnings of Mission Life*. Cincinnati: Poe and Hitchcock, 1864.
- Goodwin, James W. *The Federal Reporter Vol. 8 Cases Argued and Determined in the Circuit and District Courts of the United States*. August-November, 1881. Saint Paul: West Publishing company, 1881.
- Grayson, Georgianna Stidham. "Why the Five Civilized Tribes Joined the Confederacy?" *Indian Journal*, June 6, 1913.
- Green, William H. *The Negro Motorist Green-Book*. New York: Victor H. Green, 1940
- Griscom, George L. *Fighting with Ross' Texas Cavalry Brigade, C.S.A.: The Diary of George L. Griscom, Adjutant, 9<sup>th</sup> Texas Cavalry Regiment*. Edited by Homer L. Kerr Hillsboro, TX: Hill Jr. College Press, 1976.
- Hawkins, Benjamin. *Creek Confederacy and A Sketch of the Creek Country in the years 1798 and 1799*. New York: Bartlett & Welford, 1848.
- Hawkins, Benjamin. *Collections of the Georgia Historical Society Vol III, Part 1*. New York: William Van Norden Printer, 1848.
- "How has the population changed in Oklahoma County." USAFacts. Last modified July 2022. <https://usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/oklahoma/county/oklahoma-county?endDate=1972-01-01&startDate=1971-01-01>.
- Hudson, George. "Proclamation by the Principal Chief of the Choctaw Nation, June 14, 1861." In *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies. Published under the Direction of the Secretary of War, Series 1. Volume 3*. Washington: Government Printing Office, 1881.
- Jackson, Alice. "Letter from Alice Jackson to the University of Virginia Rector and Board of Visitors." *University of Virginia Special Collections*, Encyclopedia Virginia, February 11, 2021. <https://encyclopediavirginia.org/432hpr-f6c5b29f51d60be/>.
- "James Harrison James Bourland, and Charles A. Hamilton to Governor Edward Clark, April 23, 1861." In *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies. Published under the Direction of the Secretary of War. Series IV. Volume I*. Washington: Government Printing Office, 1900.
- Jekel, Kathy. *The Original Constitution of the State of Oklahoma 1907 & The Road To Statehood*. Oklahoma City: Oklahoma Historical Society, 2007.
- Journal of the Council Proceedings of the Fourth Legislative Assembly of the Territory of Oklahoma*. Guthrie, Oklahoma Territory: Daily Leader Press, 1897.

- Journal of the Council Proceedings of the Fifth Legislative Assembly of the Territory of Oklahoma.* Guthrie, Oklahoma Territory: Daily Leader Press, 1899.
- Journal of the Council Proceedings of the Second Legislative Assembly of the Territory of Oklahoma.* Guthrie, Oklahoma Territory: State Capital Publishing, 1893.
- Journal of the First Session of the Legislative Assembly.* Guthrie, Oklahoma Territory: Oklahoma News, 1890.
- Journal of the House Proceedings of the Fourth Legislative Assembly of the Territory of Oklahoma.* Guthrie, Oklahoma Territory: Daily Leader Press, 1897.
- Journal of the House Proceedings of the Second Legislative Assembly of the Territory of Oklahoma.* Guthrie, Oklahoma Territory: State Capital Publishing, 1893.
- Journal of the House Proceedings of the Sixth Legislative Assembly of the Territory of Oklahoma.* Guthrie, Oklahoma Territory: State Capital Publishing, 1901.
- Kappler, Charles J. *Indian Affairs: Laws and Treaties Vol. II Treaties.* Washington: Government Printing Office, 1904.
- Lang J.D. and F.H. Smith "Indian Territory." In *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for 1874.* Washington: Government Printing Office, 1874.
- Lincoln, Abraham. "First Inaugural Address of Abraham Lincoln, March 4, 1861." Avalon Project - Documents in Law, History and Diplomacy, 2008.  
[https://avalon.law.yale.edu/19th\\_century/lincoln1.asp](https://avalon.law.yale.edu/19th_century/lincoln1.asp).
- Little, Will T. L.G. Pitman, and R.J. Barker, *The Statues of Oklahoma 1890.* Guthrie, Oklahoma Territory: State Capital Printing Company, 1891.
- Luper, Clara. *Behold the Walls.* Edited by Karlos K. Hill and Bob L. Blackburn. Norman: University of Oklahoma Press, 2023.
- Matthews, James M. *The Statutes at Large of the Provisional Government of the Confederate States of America, from the Institution of the Government, February 8, 1861, to its Termination, February 18, 1862, Inclusive. Arranged in Chronological Order. Together with the Constitution for the Provisional Government, and the Permanent Constitution of the Confederate States, and the Treaties Concluded by the Confederate States with Indian Tribes.* Richmond: R.M. Smith, Printer to Congress, 1864.
- Mix, Charles E. "Official report of the proceedings of the council with the Indians of the west and southwest, held at Fort Smith, Arkansas, in September, 1865." In *Report of the Commissioner of Indian Affairs for the Year 1865.* Washington: Government Printing Office, 1865.

- Nichols, A.O., *Territory of Oklahoma Laws for the Regulation and Support of the Common Schools 1897-98*. Oklahoma City: Oklahoma School Herald, 1897.
- Oklahoma Historical Society. "Oklahoma Constitution." Accessed April 8, 2023. <https://www.okhistory.org/research/okconstitution#page/50/mode/1up>.
- Oklahoma Library Commission. *Trustees' Handbook and Library laws of Oklahoma*. Oklahoma City: Oklahoma Library Commission, 1925.
- "Oklahoma City Public Schools - Statistical Profile." Oklahoma City Public Schools, Spring 2021. [https://www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2019-20\\_STATISTICAL\\_PROFILE\\_r2.pdf](https://www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2019-20_STATISTICAL_PROFILE_r2.pdf).
- Owen, Robert L. "Union Indian Agency, Muscogee, Ind. T., September 1, 1887," In *Report of the Secretary of the Interior for the Fiscal Year Ending June 30, 1887 Vol. II*, Washington: Government Printing Office, 1887.
- Parker, Howard. *State of Oklahoma Sessions Laws of 1910*. Guthrie, OK: State Capital Company, 1910.
- Porter, Robert P. "Extra Census Bulletin: Distribution of Population According to Density: 1890." Washington: Government Printing Office, 1890.
- Powickie, F.J. *Commission to the Five Civilized Tribes, Annual reports of 1894, 1895, and 1896*, Washington: Government Printing Office, 1897.
- Proceedings of the Constitutional Convention of the Proposed State of Oklahoma Held at Guthrie, Oklahoma November 20, 1906 to November 16, 1907*. Muskogee: Muskogee Printing Company, 1907.
- Proceeding of the Proposed State of Oklahoma Held at Guthrie, Oklahoma, November 20, 1906 to November 16, 1907*. Muskogee, Oklahoma: Muskogee Printing Company, n.d..
- Rawick, George P. *The American Salve: A Composite Autobiography Series 1 Vol. VII Oklahoma and Mississippi Narratives*. Westport, CT: Greenwood Press, 1978.
- Rector, Elias. "Office Southern Superintendency, Fort Smith, September 20, 1859." In *Annual Report of the Commissioner of Indian Affairs*. Washington: George W. Bowman, Printer, 1860.
- Rector, Elias. "Southern Superintendency of Indian Affairs, Fort Smith, Arkansas, October 26, 1858." In *Report of the Commissioner of Indian Affairs, Accompanying The Annual Report of the Secretary of the Interior for the Year 1858*. Washington: WM. A. Harris Printer, 1858.
- Report of the Committee on Indian Affairs, the United States Senate, on the Condition of the Indians in the Indian Territory, and other Reservations 49<sup>th</sup> Congress 1<sup>st</sup> Session 1885-86*. Washington: Government Printing Office, 1886.



“Report of the Governor of Oklahoma, 1891.” American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899. Accessed February 10, 2024. <https://digitalcommons.law.ou.edu/>.

Robinson, L.N. “Office Superintendent Indian Affairs, Southern Superintendency, August 1, 1869,” In *Report of the Commissioner of Indian Affairs Made to the Secretary of the Interior for the Year 1869*. Washington: Government Printing Office 1870.

Sanborn, John B. “Headquarters Commissioner for Regulation Relations between Freedmen in the Indian territory and their Former Masters, Fort Smith, Arkansas, January 5, 1866.” In *Report of the Commissioner of Indian Affairs for the Year 1866*. Washington: Government Printing Office, 1866.

*Session Laws of 1921 of the State of Oklahoma: Passed by the Regular Session and the Extraordinary Session of the Eighth Legislature of the State of Oklahoma*. Oklahoma City: Harlow Publishing Company, 1921.

*Session Laws of 1923 of the State of Oklahoma: Passed by the Regular Session of the Ninth Legislature of the State of Oklahoma*. Oklahoma City: Harlow Publishing Company, 1923.

Seward, William H. “The National Idea Its Perils and Triumphs: Chicago, October 3, 1860,” In *The Works of William H. Seward* vol IV New Edition. Edited by George E. Baker. Boston, Houghton, Mifflin and Company, 1884.

Sipuel Fisher, Ada Lois Sipuel. *A Matter of Black and White: The Autobiography of Ada Lois Sipuel Fisher*. Norman: University of Oklahoma Press, 1996.

Starr, Jack. “The South Can Integrate Its Schools,” *Look Magazine*, March 31, 1959.

“State Champions.” Oklahoma Secondary School Activities Association. Accessed February 21, 2024. <https://ossaaillustrated.com/state-champions>.

*State of Oklahoma: Sessions Laws of 1907-1908*. Guthrie, Oklahoma Printing Co. 1908.

*State of Oklahoma Session Laws of 1910-911: Passed at the Extraordinary Session and at the Regular Session of the Third Legislature of the State of Oklahoma*. Guthrie: Co-Operative Publishing Co., 1911.

*State of Oklahoma Session Laws of 1913: Passed at the Regular Session and at the Extraordinary Session of the Fourth Legislature*. Guthrie: Cooperative Publishing Co., 1913  
*State of Oklahoma Session Laws of 1919*. Oklahoma City: Harlow Publishing Co. 1919.

*State of Oklahoma: Session Laws of 1925*. Oklahoma City: Harlow Publishing Company, 1925.

Stevens, James L. *College Heights Addition, Langston City, Oklahoma Territory, April 21, A.D. 1891*. Guthrie: State Capital Printing Company, 1891.

Teall, Kaye M. *Black History in Oklahoma: A Resource Book*. Oklahoma City: Oklahoma City Public Schools, 1971.

*Territory of Oklahoma Session Laws of 1897*. Guthrie, Oklahoma Territory: Leader Co., 1897.

*Territory of Oklahoma Session Laws of 1901*. Guthrie, Oklahoma Territory: State Capital Printing Col., 1901.

*The Cherokee Constitution and the Laws and Rules bearing on the Autonomy of the Cherokee Nation*. Muskogee, Indian Territory: Phoenix Printing Co, 1894.

*The Constitution, Laws, and Treaties of the Chickasaws*. Tishomingo City: E.J. Foster, 1860.

*The Constitution and Laws of the Choctaw Nation*. Park Hill, Cherokee Nation: Mission Press, Edwin Archer, Printer, 1847.

“Treaty with the Creeks, 1833.” Tribal Treaties Database. Oklahoma State University Libraries. Accessed October 29, 2023. <https://treaties.okstate.edu/treaties/treaty-with-the-creeks-1833-0388>.

“Treaty with the Creeks and Seminole, 1845.” Tribal Treaties Database. Oklahoma State University Libraries. Accessed October 29, 2023. <https://treaties.okstate.edu/treaties/treaty-with-the-creeks-and-seminole-1845-0550>.

U.S. Bureau of the Census, *Compendium of the Ninth Census of the United States, 1870*. Washington: Government Printing Office, 1872.

U.S. Bureau of the Census, *Extra Census Bulletin: The Five Civilized Tribes*. Washington: Government Printing Office, 1894.

U.S. Bureau of the Census. Population Schedules, 1860: Arkansas Schedule 2 Slave Inhabitants, Roll M653\_54.

U.S. Department of Commerce Bureau of the Census, *Fifteenth Census of the United States Taken in the Year 1930: Population Volume III, Part 2 Reports by States Showing the composition and Characteristic of the Population for Counties, Cities, and Townships or other Minor Civil Divisions Montana-Wyoming*. Washington: United States Government Printing Office 1932.

U.S. Department of Commerce Bureau of the Census, *A Report of the Seventeenth Decennial Census of the United States Census of Population: 150 Volume II Characteristics of the Population Number of Inhabitants, General and Detailed Characteristics of the Population Part 36 Oklahoma*. Washington: United States Government Printing Office, 1952.

- Waring, Antonio J. *Laws of the Creek Nation*. Athens: University of Georgia Press, 1960.
- Watts, W.J. *Cherokee Citizenship and a Brief History of the Internal Affairs in the Cherokee Nation*. Muldrow, Indian Territory: Register Print, 1893
- Whipple, Charles K. *Relation of the American Board of Commissioners for Foreign Missions to Slavery*. Boston: R.F. Wallcut, 1861.
- Wilson, R.H. *School Laws of Oklahoma 1921*. Oklahoma City: Warden Company, 1921.
- Winkler, Ernest William. *Journal of the Secession Convention of Texas*. Austin: Austin Printing Company, 1912.

### Secondary Sources

#### Journal Articles

- Aucoin, Brent J. "The Southern Manifesto and Southern Opposition to Desegregation." *The Arkansas Historical Quarterly* 55, no. 2 (1996): 173–93.  
<https://doi.org/10.2307/40030963>.
- Bahos, Charles. "On Opothelyahola's Trail: Locating the Battle of Round Mountains," *Chronicles of Oklahoma*, vol 63 no. 1 (1985): 58-89.
- Balyeat, Frank A. "Segregation in the Public Schools of Oklahoma Territory." *Chronicles of Oklahoma* vol. 39 no. 2 (1961): 180-192.
- Beatty, Christina L. "An Interview with Christina L. Beatty: The Legacy of Clara Luper." *Journal of Women's History* 34, no. 4 (2022): 147-155.
- Bigelow, Martha Mitchell. "Public Opinion and the Passage of the Mississippi Black Codes." *Negro History Bulletin* 33, no. 1 (1970): 11–16.  
<http://www.jstor.org/stable/24766779>.
- Billington, Monroe. "Black Slavery in Indian Territory: The Ex-Slave Narratives," *Chronicles of Oklahoma* vol 60, no. 1 (1982): 56-65.
- Billington, Monroe. "Public School Integration in Oklahoma, 1954-1963." *The Historian* 26, no. 4 (1964): 521–37. <http://www.jstor.org/stable/24442556>.
- Boulton, Scot W. "Desegregation of Oklahoma City School System." *Chronicles of Oklahoma*, vol. 58, no. 2 (1980): 192-220. Accessed January 25, 2021.  
<https://gateway.okhistory.org/ark:/67531/metadc1752290/m1/66/>.
- Braund Holland, Kathryn E. "The Creek Indians, Blacks, and Slavery." *The Journal of Southern History* 57, no. 4 (1991): 601–36.

- Carney, George O. "Historic Resources of Oklahoma's all-Black Towns." *Chronicles of Oklahoma*, vol. 69, no 2, (1991): 116-133. Accessed May 07, 2023, <https://gateway.okhistory.org/ark:/67531/metadc2031656>.
- Casdorph, Paul Douglas. "Norris Wright Cuney and Texas Republican Politics, 1883-1896." *The Southwestern Historical Quarterly* 68, no. 4 (1965): 455-64. <http://www.jstor.org/stable/30236340>.
- Cassity Jr., R.O. Joe. "A Reading Room of Their Own: Library Service for African Americans in Oklahoma, 1907-1946." *Chronicles of Oklahoma*, vol 93, no. 1 (2015): 72-98.
- Celarier, Michelle. "A Study Of Public Opinion On Desegregation In Oklahoma Higher Education." *Chronicles of Oklahoma*, vol 47, no. 3 (1969): 268-281.
- Chapman, Berlin B. "Freedmen and The Oklahoma Lands." *The Southwestern Social Science Quarterly* 29, no. 2 (1948): 150-59.
- Clark, William Bedford. "'The Black Dispatch': A Window on Ralph Ellison's First World." *The Mississippi Quarterly* 62, no. 1 (2009): 3-18. <http://www.jstor.org/stable/26476680>.
- Crouch, Barry A. "'All the Vile Passions': The Texas Black Code of 1866." *The Southwestern Historical Quarterly* 97, no. 1 (1993): 12-34. <http://www.jstor.org/stable/30238869>.
- Darcy, R. "Constructing Segregation: Race Politics in the Territorial Legislature, 1890-1907." *Chronicles of Oklahoma*, vol 86, no. 3 (2008): 260-289.
- Darcy, R. "Origins and Development: The Oklahoma Territorial Legislature, 1890-1905." *Chronicles of Oklahoma*, vol 83, no. 2 (2005): 144-177.
- Dattel, Eugene R. "Cotton in a Global Economy: Mississippi (1800-1860)." *Mississippi History Now*. Accessed October 10, 2023. <https://www.mshistorynow.mdah.ms.gov/issue/cotton-in-a-global-economy-mississippi-1800-1860>.
- Darcy, R. "Did Oklahoma African Americans Vote Between 1910 and 1943?" *Chronicles of Oklahoma*, vol 93, no. 1 (2015): 72-98.
- Davis, J.B. "Slavery in the Cherokee Nation." *Chronicles of Oklahoma* vol 11, December (1933): 1056-1072.
- Doran, Michael F. "Negro Slaves of the Five Civilized Tribes." *Annals of the Association of American Geographers* 68, no. 3 (1978): 335-50.
- Doran, Michael F. "Population Statistics of Nineteenth Century Indian Territory." *The Chronicles of Oklahoma*, vol 53 no. 4 (1975-76), 492-515.
- DuChateau, Andre Paul. "The Creek Nation on the Eve of the Civil War." *Chronicles of Oklahoma*, vol 52, no. 3 (1974): 290-315.

- Fite, Gilbert C. "Development of the Cotton Industry by the Five Civilized Tribes in Indian Territory." *The Journal of Southern History* 15, no. 3 (1949): 342–53.
- Foreman, Carolyn Thomas. "The Armstrongs of Indian Territory." *Chronicles of Oklahoma*, vol. 30, no 4, (1952): 420-453.
- Forster, Greg. "Oklahoma Still Segregates Public Schools." Oklahoma Council of Public Affairs, November 2, 2021. <https://ocpathink.org/post/analysis/oklahoma-still-segregates-public-schools>.
- Franks, Kenny A. "The Implementation of the Confederate Treaties with the Five Civilized Tribes." *Chronicles of Oklahoma* vol 51 no. 1 (1973): 21-33
- Gammon, Tim. "Black Freedmen and the Cherokee Nation." *Journal of American Studies* 11, no. 3 (1977): 357–64. <http://www.jstor.org/stable/27553311>
- Gibson, Arrell M. "Native Americans and the Civil War." *American Indian Quarterly* 9, no. 4 (1985): 385–410. <https://doi.org/10.2307/1183560>.
- Graebner, Norman Arthur. "Cattle Ranching in Eastern Oklahoma." *Chronicles of Oklahoma* vol. 21 no. 3 (1943): 300-310.
- Graves, Carl R. "The Right To Be Served: Oklahoma City's Lunch Counter Sit-ins, 1958-1965." *Chronicles of Oklahoma*, vol 59, no. 2 (1981): 152-166.
- Grinde, Donald A., and Quintard Taylor. "Red vs Black: Conflict and Accommodation in the Post Civil War Indian Territory, 1865-1907." *American Indian Quarterly* 8, no. 3 (1984): 211–29.
- Hall, Jacquelyn Dowd. "The Long Civil Rights Movement and the Political Uses of the Past." *The Journal of American History* 91, no. 4 (2005): 1233–63. <https://doi.org/10.2307/3660172>.
- Halliburton Jr., R. "Black Slave Control in the Cherokee Nation." *The Journal of Ethnic Studies* vol 3, no. 2 (1975): 23-35.
- Halliburton Jr., R. "Origins of Black Slavery Among the Cherokees." *Chronicles of Oklahoma* vol 42, no. 4 (1974): 483-496.
- Hoig, Stan. "The Old Payne trail and the Boomer Colony Sites." *Chronicles of Oklahoma* vol. 58 no. 2, (1980):150-159.
- Holland, Rei A. "Life in the Cherokee Nation, 1855-1860." *Chronicles of Oklahoma* vol 49, no. 3 (1971): 284-301.
- Hubbell, John T. "The Desegregation of the University of Oklahoma, 1946-1950." *The Journal of Negro History* 57, no. 4 (1972): 370–84. <https://doi.org/10.2307/2716982>.

- Lang, Clarence. "Locating the Civil Rights Movement: An Essay on the Deep South, Midwest, and Border South in Black Freedom Studies." *Journal of Social History* 47, no. 2 (2013): 371–400. <http://www.jstor.org/stable/43305919>.
- Lehr, Quincy R. "Class, Race, and Jack Walton's Mayoralty of Oklahoma City." *Chronicles of Oklahoma*, vol 89, no. 2 (2011): 132-151.
- Littlefield Jr., Daniel F., and Lonnie E. Underhill. "Black Dreams and 'Free' Homes: The Oklahoma Territory, 1891-1894." *Phylon* 34, no. 4 (1973): 342–57.
- Littlefield, Daniel F., and Lonnie E. Underhill. "Slave 'Revolt' in the Cherokee Nation, 1842." *American Indian Quarterly* 3, no. 2 (1977): 121–31.
- Littlefield, Daniel F., and Mary Ann Littlefield. "The Beams Family: Free Blacks in Indian Territory." *The Journal of Negro History* 61, no. 1 (1976): 16–35.
- Logan, John R., Weiwei Zhang, and Deirdre Oakley. "Court Orders, White Flight, and School District Segregation, 1970–2010." *Social Forces* 95, no. 3 (2017): 1049-1075. [muse.jhu.edu/article/648370](http://muse.jhu.edu/article/648370).
- Lomazoff, Eric and Bailie Gregory. "Thurgood Marshal's 'Broom Closet': the Structure of Segregation in *McLaurin v. Oklahoma State Regents*." *Chronicles of Oklahoma*, vol 97, no. 1 (2019): 26-42.
- Lough, Keith D. "Hoorah for Integration!": The Adoption of the 1955 Better Schools Amendment," *Chronicles of Oklahoma*, vol. 85, no. 2 Summer (2007): 158-175. Accessed April 5, 2023. (<https://gateway.okhistory.org/ark:/67531/metadc2006445/>).
- McClendon, McKee J., and Fred P. Pestello. "White Opposition: To Busing Or to Desegregation?" *Social Science Quarterly* 63, no. 1 (1982): 70–82. <http://www.jstor.org/stable/42861379>.
- McLoughlin, William G. "Red Indians, Black Slavery and White Racism: America's Slaveholding Indians." *American Quarterly* 26, no. 4 (1974): 367–85.
- McMillen, Neil R. "White Citizens' Council and Resistance to School Desegregation in Arkansas." *The Arkansas Historical Quarterly* 30, no. 2 (1971): 95–122. <https://doi.org/10.2307/40038072>.
- Mellinger, Philip. "Discrimination and Statehood in Oklahoma." *Chronicles of Oklahoma*, vol. 49, no 3, (1971): 340-377. Accessed May 06, 2023. <https://gateway.okhistory.org/ark:/67531/metadc1761003>.
- Ogletree, Earl J., and Stanley S. Starkman. "Chicago Students and Parents Accept Integration, Reject Busing." *The Phi Delta Kappan* 62, no. 10 (1981): 745–745. <http://www.jstor.org/stable/20386128>.

- Perdue, Theda. "Cherokee Planters, Black Slaves, and African Colonization," *Chronicles of Oklahoma*, vol 60 no. 3 (1982): 322-331.
- Perry, Gene. "The Changing Map of Poverty and Race in Oklahoma." Oklahoma Policy Institute, May 2, 2019. <https://okpolicy.org/the-changing-map-of-poverty-and-race-in-oklahoma/>.
- Phillips, Ulrich B. "The Central Theme of Southern History." *The American Historical Review* 34, no. 1 (1928): 30–43. <https://doi.org/10.2307/1836477>.
- Ramsey, Sonya. "'We will be ready whenever they are:’ African American Teachers Responses to the Brown Decision and Public Schools Integration in Nashville, Tennessee, 1954-1966." *The Journal of African American History* 90, no. 1 (Winter, 2005): 29-51, <https://www.proquest.com/scholarly-journals/we-will-be-ready-whenever-they-are-african/docview/194471709/se-2?accountid=12085>
- Reed, John Shelton, Elizabeth Fox-Genovese, and Eugene D. Genovese. "Surveying the South: A Conversation with John Shelton Reed." *Southern Cultures* 7, no. 1 (2001): 76–93. <http://www.jstor.org/stable/26236866>.
- Robinson II, Charles F. "The Sexual Color Line in Red and Black: Antimiscegenation and the Sooner State." *Chronicles of Oklahoma*, vol 82, no. 4 (2004): 450-475.
- Savage, Jr., William W, "Of Cattle and Corporations: The Rise, Progress and Termination of the Cherokee Strip Live Stock Association." *Chronicles of Oklahoma* vol. 71 no. 2 (1993):138-153.
- Shofner, Jerrell H. "Custom, Law, and History: The Enduring Influence of Florida’s ‘Black Code.’" *The Florida Historical Quarterly* 55, no. 3 (1977): 277–98. <http://www.jstor.org/stable/30149151>.
- Stuckey, Melissa N. "Boley, Indian Territory: Exercising Freedom in the All-Black Town." *The Journal of African American History* 102, no. 4 (2017): 492–516.
- Sutherland, Arthur E. "Segregation by Race in Public Schools Retrospect and Prospect." *Law and Contemporary Problems* 20, no. 1 (1955): 169–83. Accessed April 8, 2023. <https://doi.org/10.2307/1190281>.
- Tolson, Arthur L. "Black Towns of Oklahoma." *The Black Scholar* 1, no. 6 (1970): 18–22. <http://www.jstor.org/stable/41163446>.
- Vaughn, Rose E. "Black Codes." *Negro History Bulletin* 10, no. 1 (1946): 17–19. <http://www.jstor.org/stable/44174624>.
- Walton, Hanes, and C. Vernon Gray. "Black Politics at the National Republican and Democratic Conventions, 1868-1972." *Phylon (1960-)* 36, no. 3 (1975): 269–78. <https://doi.org/10.2307/274392>.

- Warren, Hanna R. "Reconstruction in the Cherokee Nation," *Chronicles of Oklahoma* vol. 45 no. 2 (1967): 180-189.
- Wickett, Murray R. "The Fear of 'Negro Domination:' The Rise of Segregation and Disfranchisement in Oklahoma." *Chronicles of Oklahoma*, vol 78, no. 1 (2000), 44-65.
- Wicks, Hamilton S. "The Opening of Oklahoma," *Chronicles of Oklahoma* Vol. 4 no. 2 (1926): 129-142.

### Monographs

- Abel, Annie Heloise. *The American Indian as Participant in the Civil War*. Cleveland: Arthur H. Clark Company, 1919.
- Abel, Annie Heloise, *The American Indian as Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy*. Cleveland: Arthur H. Clark Company, 1915.
- Anderson, Sam *Boomtown: The Fantastical Saga of Oklahoma City, Its Chaotic Founding, Its Apocalyptic Weather, Its Purloined basketball team, and the Dream of Becoming a World-Class Metropolis*. New York: Broadway Books, 2018.
- Aptheker, Herbert. *American Negro Slave Revolts*. New York: International Publishers, 1967.
- Arnold, Anita G. *Oklahoma City's African American Education*. Charleston: Arcadia Publishing, 2018.
- Bailey, Anne J. *Invisible Southerners: Ethnicity in the Civil War*. Athens: University of Georgia Press, 2006.
- Baird, David W. *Peter Pitchlynn: Chief of the Choctaws*. Norman: University of Oklahoma Press, 1972.
- Baird, David W., and Danney Goble. *Oklahoma: A History*. Norman: University of Oklahoma Press, 2008.
- Balkin, Jack M. *What Brown v. Board of Education Should Have Said: The Nation's Top Legal Experts Rewrite America's Landmark Civil Rights Decision*. New York: New York University Press, 2001.
- Bennett Jr., Lerone. *What Manner of Man: A Biography of Martin Luther King, Jr.* Chicago: Johnson Publishing Company, 1968.
- Billington, Ray Allen. *Frederick Jackson Turner: Historian, Scholar, Teacher*. New York: Oxford University Press, 1973.
- Boritt, Gabor S. *Why the Civil War Came*. Oxford: Oxford University Press, 1996.



- Boyd, Tim S.R. *Georgia Democrats, The Civil Rights Movement, and the Shaping of the New South*. Gainesville: University Press of Florida, 2012.
- Branch, Taylor. *Parting the Waters America in the King Years, 1954-63*. New York: Simon and Schuster, 1988.
- Brauer, Carl M. *John F. Kennedy and the Second Reconstruction*. New York: Columbia University Press, 1977.
- Braund Holland, Kathryn E. *Tohopeka: Rethinking the Creek War and the War of 1812*. Tuscaloosa: University of Alabama Press, 2012.
- Brundage, Fitzhugh W. *Lynching in the New South: Georgia and Virginia, 1880-1930*. Champaign: University of Illinois Press, 1993.
- Brundage, Fitzhugh W. *A New History of the American South*. University of North Carolina Press, 2023.
- Burke, Bob, and Angela Monson, *Rosco Dunjee: Champion of Civil Rights*. Edmond: University of Central Oklahoma Press, 1998.
- Burrow, Rufus. *A Child Shall Lead Them: Martin Luther King Jr., Young People, and the Movement*. Minneapolis: Fortress, 2014.
- Camp, Stephanie M. H. *Closer to Freedom: Enslaved Women and Everyday Resistance in the Plantation South*. Chapel Hill: University of North Carolina Press, 2004.
- Cash, W.J. *The Mind of the South*. New York: Alfred a. Knopf, 1941.
- Chafe, William H. *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom*. Oxford: Oxford University Press, 1979.
- Chafe, William H. *Lifting The Chains: The Black Freedom Struggle Since Reconstruction*. New York, Oxford University Press, 2023.
- Chang, David A. *The Color of the Land: Race, Nation and the Politics of Landownership in Oklahoma, 1832-1929*. Chapel Hill: The University of North Carolina, 2010.
- Clampitt, Bradley R. *The Civil War and Reconstruction in Indian Territory*. Lincoln: University of Nebraska Press, 2015.
- Clark, Blue. *Indian Tribes of Oklahoma: A Guide* 2<sup>nd</sup> Edition. Norman: University of Oklahoma Press, 2020.
- Clark, Cynthia. *The American Economy: A Historical Encyclopedia* 2<sup>nd</sup> Edition. Santa Barbara: ABC-Clio, 2011.
- Cobb, James C. *Globalization and the American South*. Athens: University of Georgia Press, 2005.
- Confer, Clarissa W. *The Cherokee Nation in the Civil War*. Norman: University of Oklahoma Press, 2007.

- Conley, Robert J. *The Cherokee Nation: A History*. Albuquerque: University of New Mexico Press, 2008.
- Countryman, Matthew. *Up South: Civil Rights and Black Power in Philadelphia*. Philadelphia: University of Pennsylvania Press, 2006.
- Craton, Michael. *Testing the Chains: Resistance to Slavery in the British West Indies*. Ithaca, N.Y.: Cornell University Press, 1982.
- Cross, George Lynn. *Blacks in White Colleges: Oklahoma's Landmark Cases*. Norman: University of Oklahoma Press, 1975.
- Crockett, Norman L. *The Black Towns*. Lawrence: University Press of Kansas, 1979.
- Davis, Darnella. *Untangling a Red, White, and Black Heritage: A Personal History of the Allotment Era*. Albuquerque: University of New Mexico Press, 2018.
- Debo, Angie. *The Rise and Fall of the Choctaw Republic*. Norman: University of Oklahoma Press, 1961.
- Delvecki, Ajax, and Larry Johnson. *John A. Brown's Kerr's & Halliburton's: Where Oklahoma City Loved to Shop*. Charleston: The History Press, 2016.
- Deppe, Martin L. *Operation Breadbasket: An Untold Story of Civil Rights in Chicago, 1966-1971*. Athens: University of Georgia Press, 2017.
- Dillard, Angela Denise. *Faith in the City: Preaching Radical Social Change in Detroit*. Ann Arbor: University of Michigan Press, 2007.
- Dittmer, John. *Local People: The Struggle for Civil Rights in Mississippi*. Urbana: University of Illinois Press, 1994.
- Debo, Angie. *The Road to Disappearance: A History of the Creek Indians*, paperback ed. Norman: University of Oklahoma Press, 1979.
- Dorrien, Gary. *Breaking White Supremacy: Martin Luther King Jr. and the Black Social Gospel*. New Haven: Yale University Press, 2019.
- Dwyer, John J. *The Oklahomans: The Story of Oklahoma and Its People* Vol. II. Waukomis, OK: Red River Press, 2021.
- Elazar, Daniel. *American Federalism: A View from the States*, 2nd ed. New York: Thomas Y. Crowell Company, 1972.
- Ellsworth, Scott. *Death in a Promised Land: The Tulsa Race Riot of 1921*. Baton Rouge: Louisiana State University Press, 1992.
- Fairclough, Adam. *To Redeem the Soul of America: The Southern Christian Leadership Conference and Martin Luther King, Jr.* Athens: University of Georgia Press, 1987.
- Farmer, James. *Lay Bare the Heart: An Autobiography of the Civil Rights Movement*. New York: Arbor House, 1985.

- Ferleger, Lou. *Agricultural and National Development: Views on the Nineteenth Century*. Ames: Iowa State University, 1990.
- Egerton, Egerton R. "Slave Resistance." In *The Oxford Handbook of Slavery in the Americas*, edited by Robert L. Paquette and Mark M. Smith, 447-464. Oxford: Oxford University Press, 2010.
- Finkleman, Paul. "Conceived in Segregation and Dedicated to the Proposition That All Men Were Not Created Equal: Oklahoma, the Last Southern State," in *Black Americans and the Civil Rights Movement in the West*, edited by Bruce A. Glarud and Cary D. Wintz, 213-235. (Norman: University of Oklahoma Press, 2019).
- Finley, Mary Lou. *The Chicago Freedom Movement: Martin Luther King Jr. and Civil Rights Activism in the North*. Lexington: University Press of Kentucky, 2016.
- Foreman, Grant. *Indian Removal: The Emigration of the Five Civilized Tribes of Indians*. Norman: University of Oklahoma Press, 1953.
- Foreman, Grant *The Five Civilized Tribes: Cherokee, Chickasaw, Choctaw, Creek, Seminole* Norman: University of Oklahoma Press, 1934.
- Forman, James. *The Making of Black Revolutionaries*. Illustrated ed. Seattle: University of Washington Press, 1997.
- Formisano, Ronald P. *Boston Against Busing: Race, Class, and Ethnicity in the 1960s and 1970s*. Chapel Hill: University of North Carolina Press, 1991.
- Franks, Kenny A. and Paul F. Lambert, *The Legacy of Dean Julien C. Monnet: Judge Luther Bohanon and the Desegregation of Oklahoma City's Public Schools*. Muskogee, OK: Western Heritage Books, 1984.
- Franklin, Jimmie Lewis. *Journey Toward Hope: A History of Blacks in Oklahoma*. Norman: University of Oklahoma Press, 1982.
- Franklin, John Hope. *From Slavery to Freedom: A History of Negro Americans*. Third edition. New York: Knopf, 1967.
- Franklin, V.P. *The Young Crusaders: The Untold Story of the Children and Teenagers who Galvanized the Civil Right Movement*. Boston: Beacon Press, 2021.
- Gaillard, Frye. *The Dram Long Deferred: The Landmark Struggle for Desegregation in Charlotte, North Carolina* Third Edition. Columbia, University of South Carolina Press, 2006.
- Gallagher, Gary W., and Joan Waugh, *The American War: A History of the Civil War Era*, State College, PA: Flip Learning, 2015, 42.

- Garrow, David J. *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference*. 1st Perennial Classics ed. New York: Perennial Classics, 2004.
- Gibson, Arrell M. *The Chickasaws*. Norman: University of Oklahoma Press, 1971.
- Gibson, Arrell M. *Frontier Historian: The Life and Works of Edward Everett Dale*. Norman: University of Oklahoma Press, 1975.
- Gibson, Arrell M. *Oklahoma: A History of Five Centuries*. Norman, University of Oklahoma Press, 1981.
- Glasrud, Bruce A., and Charles A. Braithwaite. *African Americans on the Great Plains: Anthology*. Lincoln: University of Nebraska Press, 2009.
- Goble, Danney. *Progressive Oklahoma: The Making of a New Kind of State*. Norman: University of Oklahoma Press, 1980.
- Goble, Danney. "The Southern Influence On Oklahoma," in "*An Oklahoma I Had Never Seen Before*," edited by Davis D. Joyce, 280-301; Norman: University of Oklahoma Press, 1994.
- Goldfield, David R. *Cotton Fields and Skyscrapers: Southern City and Region, 1607-1980*. Baton Rouge: Louisiana State University Press, 1982.
- Guelzo, Allen C. *Reconstruction A Concise History*. New York: Oxford University Press, 2018.
- Hahn, Steven. *A Nation Under Our Feet: Black Political Struggles in the Rural South from Slavery to the Great Migration*. Cambridge: Harvard University Press, 2003.
- Hamlin, Françoise N. *Crossroads at Clarksdale: The Black Freedom Struggle in the Mississippi Delta After World War II*. Chapel Hill: University of North Carolina Press, 2012.
- Harbaugh, William H. *Lawyers Lawyer: The Life of John W. Davis*. Charlottesville: University of Virginia Press, 1990.
- Hill, Karlos K. *The 1921 Tulsa Race Massacre: A Photographic History*. Norman: University of Oklahoma Press, 2021.
- Hill, Laura Warren. *Strike the Hammer: The Black Freedom Struggle in Rochester, New York, 1940-1970*. Ithaca: Cornell University Press, 2021.
- Hixson, William B. *Moorfield Storey and the Abolitionist Tradition*. New York: Oxford University Press, 1972.
- Houston, Benjamin. *The Nashville Way: Racial Etiquette and the Struggle for Social Justice in a Southern City*. Athens: GA, University of Georgia Press, 2012.
- Jacoway, Elizabeth. *Turn Away Thy Son: Little Rock, the Crisis That Shocked the Nation*. New York: Free Press, 2007.

- Janda, Sarah Eppler, and Patricia Loughlin. *This land is Herland: Gendered Activism in Oklahoma from the 1870s to the 2010s*. Norman: University of Oklahoma Press, 2021.
- Jeffries, Hasan Kwame. *Bloody Lowndes: Civil Rights and Black Power in Alabama's Black Belt*. New York: New York University Press, 2009.
- Jones, Patrick D. *The Selma of the North: Civil Rights insurgency in Milwaukee*. Cambridge: Harvard University Press, 2010.
- Joyce, Davis D. *An Oklahoma I Had Never Seen Before: Alternative Views of Oklahoma History*. Norman: University of Oklahoma Press, 1998.
- Joyner, Charles. *Shared Traditions: Southern History and Folk Culture*. Urbana: University of Illinois Press, 1999.
- Kidwell, Clara Sue. *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970*. Norman: University of Oklahoma Press, 2007.
- Klanderud, Jessica D. *Struggle for the Street: Social Networks and the Struggle for Civil Rights in Pittsburg*. Chapel Hill: The University of North Carolina Press, 2023.
- Krauthamer, Barbara. *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South*. Chapel Hill: The University of North Carolina Press, 2013.
- Krehbiel, Randy. *Tulsa 1921: Reporting a Massacre*. Norman: University of Oklahoma Press, 2019.
- Krehbiel, Randy and Karlos K. Hill, *Tulsa, 1912: Reporting a Massacre*. Norman: University of Oklahoma Press, 2019.
- Lamb Robert D. and Melissa R. Gregg, *The Dual-System Problem of Complex Conflicts*. Carlisle Barracks, PA: United States Army War College Press, 2018.
- Lancaster, Jane F. *Removal Aftershock: The Seminoles Struggles to Survive in the West, 1836-1866*. Knoxville: University of Tennessee Press, 1994.
- Lassiter, Matthew D., and Joseph Crespino. *The Myth of Southern Exceptionalism*. Oxford: Oxford University Press, 2010.
- Lau, Peter F. *Democracy Rising: South Carolina and the Fight for Black Equality since 1865*. Lexington: University Press of Kentucky, 2006.
- Lechtreck, Elaine Allen. *Southern White Ministers and the Civil Rights Movement*. Oxford, University Press of Mississippi, 2018.
- Leckie, Shirley A. *Angie Debo: Pioneering Historian*. Norman: University of Oklahoma Press, 2000.
- Levy, David W. *Breaking Down Barriers: George McLaurin and the Struggle to End Segregated Education*. Norman: University of Oklahoma Press, 2020.
- Lewis, David L. *King: A Biography*. Urbana: University of Illinois Press, 1978.

- Lewis, Johanna Miller. "Implementing Brown in Arkansas." In *With All Deliberate Speed: Implementing Brown v. Board of Education*, edited by Brian J. Daugherty and Charles C. Bolton, 1–20. Fayetteville: University of Arkansas Press, 2008.
- Linden, Glenn M. *Desegregating Schools in Dallas: Four Decades in the Federal Courts*. Dallas: Three Forks Press, 1995.
- Littlefield, Daniel F. *Africans and Seminoles; From Removal to Emancipation*. Westport, CT: Greenwood Press, 1977.
- Littlefield Jr., Daniel F. *The Chickasaw Freedmen: A People without a Country*. Westport: Greenwood Press, 1980.
- Littlefield Jr., Daniel F. *Seminole Burning: A Story of Racial Vengeance*. Oxford: University Press of Mississippi, 1996.
- Lovett, Bobby L. *The Civil Rights Movement in Tennessee: A Narrative History*. Knoxville: University of Tennessee Press, 2005.
- Lowe, John. *Bridging Southern Cultures: An Interdisciplinary Approach*. Baton Rouge: Louisiana State University Press, 2005.
- Madigan, Tim. *The Burning: the Tulsa Race Massacre of 1921*. New York: St. Martin Griffin, 2001.
- McGary, Howard and Bill E. Lawson. *Between Slavery and Freedom: Philosophy and American Slavery*. Bloomington, Indiana University Press, 1992.
- McPherson, James M. *Battle Cry of Freedom: The Civil War Era*. New York: Oxford University Press, 1988.
- McLoughlin, William G. *After the Trail of Tears; The Cherokees' Struggle for Sovereignty 1839-1880*. Charlotte: The University of North Carolina Press, 1994.
- McReynolds, Edwin C. *The Seminoles*. Norman: University of Oklahoma Press, 1957.
- Meier, August, and Elliot Rudwick. *CORE: A Study in the Civil Rights Movement, 1942-1968*. Oxford: Oxford University Press, 1973.
- Miller, Keith D. *Martin Luther King's Biblical Epic: His Final, Great Speech*. Jackson: University Press of Mississippi, 2012.
- Milligan, James C. and L. David Norris, *The Man on the Second Floor: Raymond D. Gary*. Muskogee, OK: Western Heritage Books, 1988.
- Minchin, Timothy J., and John A. Salmond. *After the Dream: Black and White Southerners since 1965*. Lexington: University Press of Kentucky, 2011.
- Mulroy, Kevin *The Seminole Freedmen: A History*. Norman: University of Oklahoma Press, 2007.

- Myrdal, Gunnar. *An American Dilemma: The Negro Problem and Modern Democracy*. Vol 1 Sixth Edition. New York: Harper Collins, 2009.
- Myrdal, Gunnar. *An American Dilemma: The Negro Problem and Modern Democracy*. Vol II New York: Harper Collins, 2009.
- Nelson, Scott and Carol Sheriff, *A People at War: Civilians and Soldiers in America's Civil War*. New York: Oxford University Press, 2007.
- Niedermeier, Silvan. *The Color of the Third Degree: Racism, Police Torture, and Civil Rights in the American South, 1930-1955*. Chapel Hill: The University of North Carolina, 2019.
- Oates, Stephen B. *Let the Trumpet Sound: The Life of Martin Luther King, Jr.* New York, Harper and Row, 1982.
- Oklahoma Library Commission, *Oklahoma Libraries 1900-1937: A History and Handbook*, Oklahoma City: Oklahoma Library Commission, 1937.
- Ogletree, Charles J. *All Deliberate Speed: Reflections on the First Half Century of Brown v. Board of Education*. New York: W.W. Norton & Co., 2004.
- Pascoe, Peggy. *What Comes: Naturally: Miscegenation Law and the Making of Race in America*. New York: Oxford University Press, 2011.
- Patterson, James T. *Grand Expectations: The United States, 1945-1974*. New York: Oxford University Press, 1996.
- Peake, Thomas R. *Keeping the Dream Alive; A History of the Southern Christian Leadership Conference from King to the 1980s*. New York: Peter Lang International Academic Publishers, 1987.
- Phillips, Ulrich Bonnell, *Life and Labor in the Old South: The Classic Study of what Life was really like in the Antebellum South*. Boston: Little, Brown and Company, 1929.
- Reed, John Shelton, *One South: An Ethnic Approach to Regional Culture*. Baton Rouge: Louisiana State University Press, 1982.
- Reese Linda W. "We Had a Lot of Trouble Getting Things Settled after the War: The Freedpeople's Civil Wars." 132-152 In *The Civil War and Reconstruction in Indian Territory*. Edited Bradley R. Clampitt. Lincoln, University of Nebraska Press, 2015.
- Reddick, Lawrence D. *Crusader without Violence: A Biography of Martin Luther King Jr.* New York: Harper, 1959.
- Resendez, Andres. *The Other Slavery: The Uncovered Story of Indian Enslavement in America*. Boston: Houghton Mifflin Harcourt, 2016.
- Richter, Daniel K. *Facing East from Indian Country: a Native History of Early America*. Cambridge, Harvard University Press, 2001.

- Rivers, Larry Eugene. *Rebels and Runaways: Slave Resistance in Nineteenth-Century Florida*. Champaign-Urbana: University of Illinois Press, 2013.
- Roberts, Alaina E. *I've Been Here All the While: Black Freedom on Native Land*. Philadelphia: University of Pennsylvania Press, 2021.
- Rothman, Joshua D. *Flush Times and Fever Dreams a Story of Capitalism and Slavery in the Age of Jackson*. Athens: University of Georgia Press, 2012.
- Rugemer, Edward Bartlett. *Slave Law and the Politics of Resistance in the Early Atlantic World*. Cambridge: Harvard University Press, 2018.
- Sedgwick, John. *Blood Moon: An American Epic of War and Splendor in the Cherokee Nation*. New York: Simon and Schuster, 2018.
- Scales, James R. and Danney Goble, *Oklahoma Politics: A History*. Norman: University of Oklahoma Press, 1982.
- Slocum, Karla. *Black Towns, Black Futures: The Enduring Allure of a Black Place in the American West*. Chapel Hill: University of North Carolina, 2019.
- Suant, Claudio *A New Order of things: Property, Power, and the Transformation of the Creek Indians, 1733-1816*. Tuscaloosa: University of Alabama Press, 2006.
- Sugrue, Thomas J. *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North*. New York: Random House, 2008.
- Sundquist, Eric J. *King's Dream*. New Haven: Yale University Press, 2009.
- Taylor, Quintard, and Shirley Ann Wilson Moore. *African American Women Front the West: 1600-2000*. Norman: University of Oklahoma Press, 2003.
- Theoharis, Jeanne, and Komozi Woodard. *Freedom North: Black Freedom Struggles Outside the South, 1940-1980*. New York: Palgrave MacMillan, 2003.
- Turner, Frederick Jackson, *The Frontier in American History*. New York: Open Road Integrated Media, 2015.
- Warde, Mary Jane. *George Washington Greyson and the Creek Nation 1843-1920*. Norman: University of Oklahoma Press, 1999.
- Warde, Mary Jane. *When the Wolf Came: The Civil War and the Indian Territory*. Fayetteville, AR: University of Arkansas Press, 2013.
- Wattley, Cheryl Elizabeth Brown. *A Step Toward Brown v. Board of Education: Ada Lois Sipuel Fisher and Her Fight to End Segregation*. Norman: University of Oklahoma Press, 2014.
- Weaver, Jace. *Then to the Rock Let Me Fly: Luther Bohanon and Judicial Activism*. Norman: University of Oklahoma Press, 1993.



- Wickett, Murray R. *Contested Territory: Whites, Natives Americans, and African Americans in Oklahoma, 1865-1907*. Baton Rouge: Louisiana State University Press, 2000.
- Wiegand Shirley A., and Wayne A. Wiegand. *The Desegregation of Public Libraries in the Jim Crow South: Civil Rights and Local Activism*. Baton Rouge: Louisiana State University Press, 2018.
- Wilson, Ty and Karen Coody Cooper. *Oklahoma: Black Cherokees*. Charleston: The History Press, 2017.
- Woodward, C. Vann. *The Strange Career of Jim Crow*. New York: Oxford University Press, 1955.
- Wyatt-Brown, Bertram. *Southern Honor: Ethics and Behavior in the Old South*. New York: Oxford University Press, 1982.
- Yarbrough, Fay A. *Choctaw Confederates: The American Civil War in Indian Country*. Chapel Hill: University of North Carolina Press, 2021.
- Zellar, Gary. *African Creeks: Esteveste and the Creek Nation*. Norman: University of Oklahoma Press, 2007.

#### Other Materials

- “A ‘Morally Right’ Decision: An Arkansas School board does some soul searching and negro children enter desegregated classes.” *Life Magazine*, July 25, 1955.
- Agnew, Brad. “Arbuckle, Matthew.” *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed September 29, 2023. <https://www.okhistory.org/publications/enc/entry?entry=AR003>.
- Arnold, Anita G. “Second Street.” *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society, Accessed February 21, 2024. <https://www.okhistory.org/publications/enc/entry?entry=SE004>.
- Atkins, Hannah. “Franklin, John Hope.” *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed January 11, 2024, <https://www.okhistory.org/publications/enc/entry?entry=FR003>.
- Baehler, Joel Edward. "Organizing the 'living Dead': Civil Rights in Oklahoma City and Tulsa, Oklahoma, 1954–1964." Master's Thesis, Oklahoma State University, 2012. ProQuest (1513243).
- Bliss, Laura. “School District Secession Often Means Segregation.” Bloomberg.com, June 26, 2017. <https://www.bloomberg.com/news/articles/2017-06-26/school-district-secession-often-means-segregation>.
- Bruce, Michael L. “Hamlin, Albert Comstock,” *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society Accessed, January 03, 2024. <https://www.okhistory.org/publications/enc/entry?entry=HA015>.

- Bryant, Jr., Keith L. "Murray, William Henry David." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed January 15, 2024, <https://www.okhistory.org/publications/enc/entry?entry=MU014>.
- Burton, Art T. "Slave Revolt of 1842." *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed September 29, 2023. <https://www.okhistory.org/publications/enc/entry?entry=SL002>.
- Carrillo, Sequoia, and Pooja Salhotra. "The U.S. Student Population Is More Diverse, but Schools Are Still Highly Segregated." NPR, July 14, 2022. <https://www.npr.org/2022/07/14/1111060299/school-segregation-report>.
- Dary, David. "Daily Oklahoman." *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed April 8, 2023. <https://www.okhistory.org/publications/enc/entry.php?entry=DA002>.
- Delashaw, Corie. "Cooper, Douglas Hancock," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed October 22, 2023. <https://www.okhistory.org/publications/enc/entry?entry=CO051>.
- EdBuild. "Fractured: The Accelerating Breakdown of America's School Districts." EdBuild, April 2019. <https://edbuild.org/content/fractured/fractured-full-report.pdf>.
- Everett, Dianna. "Better Schools Amendment." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, Accessed February 11, 2024. <https://www.okhistory.org/publications/enc/entry?entry=BE028>
- Everett, Dianna. "Carnegie Libraries," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed January 16, 2024. <https://www.okhistory.org/publications/enc/entry?entry=CA058>.
- Everett, Dianna. "Lynching," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed January 5, 2024. <https://www.okhistory.org/publications/enc/entry?entry=LY001>.
- Fisher, Bruce T. "Currin, Green I." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed December 20, 2023. <https://www.okhistory.org/publications/enc/entry?entry=CU005>.
- Forster, Greg. "Oklahoma Public Schools: Worse than You Think." Oklahoma Council of Public Affairs, July 2, 2014. <https://ocpathink.org/post/analysis/oklahoma-public-schools-worse-than-you-think-1>.
- Frank, Andrew K. "Five Civilized Tribes." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed February 02, 2024, <https://www.okhistory.org/publications/enc/entry?entry=FI011>.

- Garrison, Zach. "Popular Sovereignty" *Civil War on the Western Border: The Missouri-Kansas Conflict, 1854-1865*. The Kansas City Public Library. Accessed November 9, 2023. <https://civilwaronthewesternborder.org/encyclopedia/popular-sovereignty>.
- Gibson, Cambell, and Kay Jung. *Historical Census Statistics on Population Totals By Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for the United States, Regions, Divisions and States*. Washington, D.C.: US Census Bureau, 2002. Accessed, April 8, 2023, <https://www.census.gov/content/dam/Census/library/working-papers/2002/demo/POP-twps0056.pdf>.
- Goudsouzian, Aram. "What Is 'the South?': Fitzhugh Brundage Reflects on an Ambitious Undertaking: A New History of the American South." Chapter 16: A Community of Tennessee Writers, Readers & Passersby, September 14, 2023. <https://chapter16.org/what-is-the-south/>.
- Henry, Robert H. "Civil Rights Movement." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed February 09, 2024. <https://www.okhistory.org/publications/enc/entry?entry=CI010>.
- Hochtritt, James Gribble. "An Absence of Malice: The Oklahoma City Sit-In Movement 1958-1964." Master's Thesis, The University of Oklahoma, 1994. ProQuest (304105126).
- Humphrey, Carol Sue. "Freedmen Schools," *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed December 21, 2023. <https://www.okhistory.org/publications/enc/entry?entry=FR017>.
- Huston, James L. "Civil War Era." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, Accessed February 11, 2024. <https://www.okhistory.org/publications/enc/entry?entry=CI011>.
- Ibarra, Daniela. "Booker T. Washington High Marks 50th Anniversary of Voluntary Desegregation." KTUL, March 1, 2023. <https://ktul.com/news/local/booker-t-washington-high-marks-50th-anniversary-of-voluntary-desegregation>.
- Jones, Logan. "Oklahoma State Mourns Loss of Three-Sport Legend and Former Business Manager Dick Soergel." Sports Illustrated. December 31, 2023. <https://www.si.com/college/oklahomastate/football/oklahoma-state-legend-dick-soergel-passes-away>.
- Knight, Thomas R. "Black Towns in Oklahoma: Their Development and Survival" PhD diss., Oklahoma State University, 1975. <https://shareok.org/bitstream/handle/11244/44220/Thesis-1975D-K71b.pdf?sequence=1>
- Kosmerick, Todd J. "Morgan, Dick Thompson." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society, accessed January 12, 2024. <https://www.okhistory.org/publications/enc/entry?entry=MO019>.

- Krauthamer, Barbara. "Slavery." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed February 02, 2024.  
<https://www.okhistory.org/publications/enc/entry?entry=SL003>.
- "Little-Known Civil Rights Pioneer's Papers Donated to UVA." *Black Issues in Higher Education*. 20, no. 19 (2003): 16-16.
- May, Jon D. "Leased District," *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed, December 01, 2023.  
<https://www.okhistory.org/publications/enc/entry?entry=LE002>.
- Moaning-Norris, Tamia. "Present Day Implications of the School Desegregation Decision in Board of Education of Oklahoma City Public Schools v. Dowell (1991)." PhD diss., The University of Oklahoma, 2013. ProQuest (3567868).
- Mullins, William H. "Little Dixie." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed February 19, 2024.  
<https://www.okhistory.org/publications/enc/entry?entry=LI013>.
- Nichols, Max "Gautt, Prentice." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed February 16, 2024.  
<https://www.okhistory.org/publications/enc/entry?entry=GA023>.
- O'Dell, Larry. "Football," *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed February 16, 2024.  
<https://www.okhistory.org/publications/enc/entry.php?entry=FO015>.
- O'Dell, Larry. "Ku Klux Klan." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed January 5, 2024.  
<https://www.okhistory.org/publications/enc/entry?entry=KU001>.
- O'Dell, Larry. "Walton, John Calloway." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed January 16, 2024.  
<https://www.okhistory.org/publications/enc/entry?entry=WA014> Oskison, John M. *Unconquerable: The Story of John Ross, Chief of the Cherokees, 1828-1866*. Edited by Lionel Larré. Lincoln: University of Nebraska Press, 2022.
- "Oklahoma: A History." University of Oklahoma Press, January 5, 2024.  
<https://www.oupres.com/9780806141978/oklahoma/>.
- Oklahoma City Public Schools, "Oklahoma City Public Schools 2022-23 Statistical Profile," Oklahoma City Public Schools . Accessed April 2, 2024.  
[www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2022-23%20STATISTICAL%20PROFILE%20-%20final.pdf](http://www.okcps.org/cms/lib/OK01913268/Centricity/Domain/96/2022-23%20STATISTICAL%20PROFILE%20-%20final.pdf).

- Reese, Linda W. "Freedmen," *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed December 02, 2023, <https://www.okhistory.org/publications/enc/entry?entry=FR016>.
- Sameth, Sigmund. "Creek Negroes: A Study in Race Relations." Master's Thesis. University of Oklahoma, 1940. Accessed December 05, 2023. <https://shareok.org/handle/11244/336470>.
- Saxe, Allan A. "Protest and Reform: The Desegregation of Oklahoma City." PhD diss., The University of Oklahoma, 1969. ProQuest (6918464).
- Sinha, Binita. "The Influence of Public Schools on Residential Growth in the Urban Fringe of Oklahoma City." PhD diss., The University of Oklahoma, 1997. ProQuest Order No. (9733698).
- Smallwood, James M. "Segregation." *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed January 09, 2024. <https://www.okhistory.org/publications/enc/entry?entry=SE006>
- Stephens, Jerry E. "Busing." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed February 28, 2014. <https://www.okhistory.org/publications/enc/entry?entry=BU017>.
- Stiefmiller, Helen M. "Wallace, David J." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed December 20, 2023. <https://www.okhistory.org/publications/enc/entry?entry=WA010>
- "The Good Fight Oklahoma City Sit-Ins." Crossroads from the Oklahoma Historical Society. Accessed February 24, 2024. <https://www.okhistory.org/crossroads/issue6/page.php?no=1>.
- Thomas, Pamela Diane. "The Oklahoma City School Board's 1984 Decision to Curtail Busing and Return to Neighborhood Elementary Schools." PhD Diss., The University of Oklahoma, 1990. ProQuest (9110004).
- TravelOK. "Plan Your Western Adventure: Oklahoma Tourism Recreation Department." YouTube Video, :30. February 10, 2022. [https://youtu.be/2gmvFE8-Qlk?si=HV\\_vc4mKPsqJbZLZ](https://youtu.be/2gmvFE8-Qlk?si=HV_vc4mKPsqJbZLZ).
- US Government Accountability Office. "K-12 Education: Student Population Has Significantly Diversified, but Many Schools Remain Divided along Racial, Ethnic, and Economic Lines." U.S. GAO, August 30, 2022. <https://www.gao.gov/products/gao-22-104737>.
- US Census Bureau. "Following the Frontier Line, 1790 to 1890." Following the Frontier Line, 1790 to 1890, September 12, 2012. <https://www.census.gov/dataviz/visualizations/001/>.
- US Census Bureau. U.S. Census Bureau quickfacts: Oklahoma City, Oklahoma. Accessed April 2, 2024. <https://www.census.gov/quickfacts/fact/table/oklahomacitycityoklahoma/PST045223>.

US Census Bureau. U.S. Census Bureau quickfacts: Oklahoma County, Oklahoma. Accessed April 2, 2024.

<https://www.census.gov/quickfacts/fact/table/oklahomacountyoklahoma/PST045223>.

U.S. News & World Report. Bethany Public Schools - U.S. News Education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/bethany-105186>.

U.S. News & World Report. Choctaw-Nicoma Park Public Schools- U.S. news education. Accessed April 2, 2024.

<https://www.usnews.com/education/k12/oklahoma/districts/choctaw-nicoma-park-103329>

U.S. News & World Report. Crooked Oak Public Schools- U.S. news education. Accessed April 2, 2024 <https://www.usnews.com/education/k12/oklahoma/districts/crooked-oak-105407>.

U.S. News & World Report. Edmond Public Schools- U.S. news education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/edmond-111390>

U.S. News & World Report. Harrah Public Schools- U.S. news education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/harrah-107697>

U.S. News & World Report. Jones Public Schools - U.S. News Education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/jones-109462>.

U.S. News & World Report. Luther Public Schools- U.S. news education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/luther-109173>.

U.S. News & World Report. Midwest City-Del City - U.S. news education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/midwest-city-del-city-100599>.

U.S. News & World Report. Millwood Public Schools- U.S. news education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/millwood-110991>.

U.S. News & World Report. Oklahoma City Public Schools - U.S. News Education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/oklahoma-city-100087>.

U.S. News & World Report, Putnam City - U.S. News Education. Accessed April 2, 2024. <https://www.usnews.com/education/k12/oklahoma/districts/putnam-city-102525>.

U.S. News & World Report. Western Heights Public Schools - U.S. News Education. Accessed April 2, 2024 <https://www.usnews.com/education/k12/oklahoma/districts/western-heights-112287>.

- Westmoreland, Ingrid P. "Pike, Albert," *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed October 13, 2023.  
<https://www.okhistory.org/publications/enc/entry?entry=PI006>.
- Wilson, Linda D. "Oklahoma City." *The Encyclopedia of Oklahoma History and Culture*. Oklahoma Historical Society. Accessed April 8, 2023.  
<https://www.okhistory.org/publications/enc/entry.php?entry=OK025>.
- Wilson, Linda D. "Statehood Movement." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed February 09, 2024,  
<https://www.okhistory.org/publications/enc/entry?entry=ST025>
- Wilson, Linda D. "Term Limits Amendment of 2010." *The Encyclopedia of Oklahoma History and Culture*, Oklahoma Historical Society. Accessed February, 12, 2024.  
<https://www.okhistory.org/publications/enc/entry?entry=TE028>.
- Wollitz, William L., Jr. "An Ecological Approach to the Case Study Method: School Desegregation in Oklahoma City." PhD Diss., The University of Oklahoma, 1973. ProQuest (7412328).