DANGEROUSLY FREE:
OUTLAWS AND NATION-MAKING IN
LITERATURE OF THE INDIAN TERRITORY

by

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Graduate Department of English
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Abstract

In this dissertation, I examine how literary representations of outlaws and outlawry have contributed to the shaping of national identity in the United States. I analyze a series of texts set in the former Indian Territory (now part of the state of Oklahoma) for traces of what I call “outlaw rhetorics,” that is, the political expression in literature of marginalized realities and competing visions of nationhood. Outlaw rhetorics elicit new ways to think the nation differently—to imagine the nation otherwise; as such, I demonstrate that outlaw narratives are as capable of challenging the nation’s claims to territorial or imaginative title as they are of asserting them. Borrowing from Abenaki scholar Lisa Brooks’s definition of “nation” as “the multifaceted, lived experience of families who gather in particular places,” this dissertation draws an analogous relationship between outlaws and domestic spaces wherein they are both considered simultaneously exempt from and constitutive of civic life. In the same way that the outlaw’s alternately celebrated and marginal status endows him or her with the power to support and eschew the stories a nation tells about itself, so the liminality and centrality of domestic life have proven effective as a means of consolidating and dissenting from the status quo of the nation-state.

I introduce my argument with a brief reading of the Oklahoma Diamond Jubilee celebrations in 1982 before turning to the settler-colonial politics of outlawry in my first two chapters’ respective analyses of Charles Portis’s *True Grit* (1968) and turn-of-the-century narratives of the life of Belle Starr, the so-called “Bandit Queen.” The two remaining chapters take up the invocation of outlaw rhetorics in texts that approach the
politics of outlawry from an Indigenous perspective, including *Green Grow the Lilacs* (1929) by Cherokee poet and playwright R. Lynn Riggs, and three fictional accounts of the life of Ned Christie, so-called “Cherokee outlaw,” by John M. Oskison (1926), Robert J. Conley (1991), and Robby McMurtry (2009). A brief Afterword extends the implications of my argument to political disputes that continue to afflict Oklahoma, and the Cherokee Nation in particular, in the twenty-first century.
DEDICATION

For my grandmothers,
Bernice Jean Bowler and Johanna Gerarda Hunnef,
with gratitude for their strength, humour, and perseverance,
and above all, with love.
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This project has received generous support from various federal, provincial, and institutional sources. I would like to express my deep and abiding gratitude for the assistance I received from the Ontario Graduate Scholarship (OGS) program, the Social Sciences and Humanities Research Council of Canada (SSHRC), the University of Toronto School of Graduate Studies, the University of Toronto Department of English, and the U of T Graduate English Association. This project would not have been possible without the substantial support I received from these institutions. At this time I would also like to acknowledge the diverse body of previous scholarship that has deeply influenced this project and my thinking on this topic.

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Probably the most formative experience of my doctoral years was a research trip I took to Oklahoma in July 2013. I was deeply impressed not only with the beauty of the landscape, but also the generosity, hospitality, and kindness shown to me by many different people who provided me with places to stay, excellent conversation, and good food. I would like to thank all of the participants of Salon Ada 2013, especially our generous hosts LeAnne Howe and Jim Wilson, and my fellow participants, including Daniel Justice, Allison Hedge Coke, Dustin Mater, and the late Greg Rodgers. Speaking of the Starr home site, I am grateful to its current owners, Dr. Ron and Deborah Hood, for their generous hospitality and the care with which they have restored Starr’s final resting place and former home. Thanks, too, to Kimberli Lee for taking me on a driving tour of the Cookson Hills and for a lovely home-cooked meal.

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<tr>
<td>BJD</td>
<td>Oskison, <em>Black Jack Davy</em> (1926)</td>
</tr>
<tr>
<td>BS</td>
<td>Bella Starr, <em>The Bandit Queen</em> (1889)</td>
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<tr>
<td>GG</td>
<td>Riggs, typescript of <em>Green Grow the Lilacs</em> (1929)</td>
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<td>TG</td>
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INTRODUCTION

In 1982, the state of Oklahoma celebrated seventy-five years of statehood. The diamond jubilee festivities took place over a period of seventeen months beginning on June 13, 1981, and culminating on Statehood Day, November 16, 1982, in the city of Guthrie with an historical reenactment of the mock wedding ceremony first staged in 1907 to symbolize the union of the Oklahoma and Indian Territories. The interim celebrations were punctuated by horse races, music festivals, air shows, art exhibitions, rodeos, parades, and powwows. The Broadway musical *Oklahoma!* ran for a month-long series of performances in the state capital throughout the months of June and July 1981. In addition to these commemorative performances, the musical’s cultural influence was reflected in the jubilee’s official slogan, “You’re Doin’ Fine, Oklahoma!,” drawn from the play’s closing number.

The author of the homegrown source from which *Oklahoma!* drew its inspiration, the 1929 play *Green Grow the Lilacs*, also received recognition during the jubilee celebrations. Of nearly 1,500 state-authorized Oklahoma Diamond Jubilee Projects, one was a collection of previously unpublished poems by Cherokee poet, playwright, and author of *Green Grow the Lilacs*, Rollie Lynn Riggs. Another of these projects was a concrete statue cast in Riggs’s likeness that now sits in a courtyard adjacent to the Lynn Riggs Memorial in his hometown of Claremore. The statue depicts an older, scholarly Riggs with a book spread open across his lap; etched onto the book’s facing page are the words “Of Stone and Heart,” the title of one of the poems in the commemorative volume of poetry. Beginning, “Envied and not known / is the frosted stone” (Riggs, *This* 14), the poem was perhaps selected to adorn the statue because of a perceived likeness between the content of its first line and the occluded genius of its Cherokee Nation-born author.

The blurb on the volume’s back cover praises Riggs as “a sensitive, literate man” who felt compelled to “tell the Oklahoma story,” which, it adds, “is the story of mankind: a man who during his lifetime was understood least by those who affected his life most.” These comments claim Riggs—both his occluded genius and misunderstood nature—as a

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1 *This Book, This Hill, These People: Poems by Lynn Riggs, a Diamond Jubilee Memorial to Oklahoma’s Outstanding Poet-Playwright* (Comp. Phyllis Cole Braunlich, 1982).
metonym for the state of Oklahoma. However, the metonymy is fraught with complications. This volume of Riggs’s poetry and its immortalization in concrete were commissioned to commemorate an event for which, if many of his plays can be leveled as evidence, Riggs demonstrated a deep and abiding ambivalence: the forced integration of the Indian Territory into the Union as part of the new state of Oklahoma in 1907.²

Like many of the historical figures and authors examined in the following chapters, Riggs and his literary legacy have been invoked in the service of building an “imagined community” of like-minded citizens with common vested interests despite his skeptical assessment of the legitimacy of Oklahoma’s statehood-era politics.³ Moreover, Riggs lived most of his adult life in self-imposed exile from the place of his birth. The reasons for his exile are sundry and indeterminate; however, they almost certainly include his vexed negotiation of his Cherokee and queer identities. In recent years, scholars have begun to analyze the relationship between these identities and Riggs’s frequent representations of Oklahoma in his dramatic works. However, in the world beyond academe, and especially within Oklahoma, there still exists a deeply entrenched and even hostile reluctance to acknowledge these identities, particularly Riggs’s homosexuality (Daffron 39).

The jubilee’s celebration and reclamation of Riggs as a representative Oklahoman draws attention to the irony inhering in the decision to mark the fête with the publication of this volume of poetry, and the fashioning in concrete of Riggs, a doubly marginalized subject, reading a poem that encapsulates the paradoxical popularity of outlaws in the United States: “envied and not known.” Riggs, his work, and his position as a national signifier within the state of Oklahoma highlight the historic, geographic, and literary intersections interspersed across the overlapping landscapes of “Indian Country” and the former “outlaw nation” that are at the heart of this project.

² Jaye Darby, for example, suggests that Riggs’s *The Cherokee Night* (1930) “portrays a deep aversion to the settling of Indian Territory and Oklahoma’s subsequent statehood as well as an overt repudiation of European American views of civilization” (7). I develop a similar thesis in the context of *Green Grow the Lilacs* in Chapter Three.
³ “Imagined community” is, of course, Benedict Anderson’s shorthand definition for “the nation” (6). “Imagined,” he says, because “the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion,” and a “community” because, “regardless of the actual inequality and exploitation that may prevail in each, the nation is always conceived as a deep, horizontal comradeship” (7).
Conceiving of U. S. nationalism as a cultural rather than socio-political formation, “Dangerously Free: Outlaws and Nation-Making in Literature of the Indian Territory” examines the cultural phenomenon of the outlaw and his or her contribution to the shaping of national identity in the United States. More specifically, it is invested in demonstrating the contribution of literary representations of outlaws and extralegal practices to the consolidation of national identity/ies in the U. S. Having produced some of the world’s most famous outlaws, the U. S. context is particularly conducive to such a study; paradoxically, many of these outlaws were produced by or found refuge in a space that was, for most of the American outlaw’s heyday, not actually a part of the domestic United States. Appropriately, this exceptional space, the former Indian Territory (now the eastern half of the state of Oklahoma), is the primary focus of this study.

Indeed, there is no better place to begin a discussion of outlaws in the United States than in the former Indian Territory, but not because the territory’s Indigenous Nations were inherently criminal or replete with scofflaws. Rather, the unique cluster of conditions and competing interests that defined the Indian Territory and its relationship with the United States turned the new homeland for thousands of Indigenous people into a haven for innumerable white criminals—including the James, Younger, and Dalton gangs—and complicated the prosecution of many offenses committed by tribal citizens, especially in the four decades following the American Civil War. As such, I identify the zenith of the territory’s outlaw heyday as the period between the signing of the Treaty of 1866 and the creation of the state of Oklahoma in 1907; therefore, these forty years are the primary focus of this project.

Etymologically and analytically, my understanding of nationalism is rooted in its “more ancient and nebulous” origins than, in current parlance, its political evocation of the modern nation-state (Brennan 45). The Latin root of “nation,” nātiō, denoted “birth, race, nation,” or a “class of person” (“Nation,” def. n.1). Timothy Brennan offers a more liberal interpretation of the word’s etymological roots, suggesting nātiō encompasses “a local community, domicile, family, condition of belonging” (45). I like this definition. I like it so much, in fact, that it is how I envision “nation” and “nationalism” operating in the present discussion. Moreover, although I will draw, at times, upon other theories of nationalism (namely Anderson’s), this project’s understanding of nationalism also
borrows heavily from Abenaki scholar Lisa Brooks’s understanding of “the nation.” Rather than perpetuate an understanding of nationalism in which rigid boundaries are determined and defended through force, Brooks envisions the nation from a different perspective, rejecting theories based on “the theoretical and physical models of the nation-state,” “notions of nativism or binary oppositions between insider and outsider, self and other,” and a foundation rooted in “an idealization of any pre-Contact past” (244). Instead, Brooks articulates a theory of nationalism that is based on “the multifaceted, lived experience of families who gather in particular places” (emphasis added). Borrowing from Brooks, this project establishes the local, contingent, and domestically influenced construction of multiple and oppositional national identities capable of cohering within the same space.

I identify the figure of the outlaw, broadly construed, as a rhetorical device that has frequently been invoked in U. S. cultural productions to delimit both the acme and the nadir of national belonging. Although outlaws and domestic spaces appear to be antithetical discursive categories, I build on an analogous relationship between them wherein they are both considered simultaneously—paradoxically—exempt from and constitutive of civic life. In the same way that the outlaw’s alternately celebrated and marginal status endows him or her with the power both to support and eschew the stories a nation tells about itself, so the liminality and centrality of domestic life have proven effective as a means of both consolidating and dissenting from the status quo of the nation-state. As Anne McClintock suggests,

The family trope is important for nationalism in at least two ways. First, it offers a ‘natural’ figure for sanctioning national hierarchy within a putative organic unity of interests. Second, it offers a ‘natural’ trope for figuring national time . . . [After 1859] the family offered an indispensable metaphoric figure by which national difference could be shaped into a single historical genesis narrative. Yet a curious paradox emerged. The family as a metaphor offered a single genesis narrative for national history while, at the same time, the family as an institution became void of history and excluded from national power. The family became, at one and the same time, both the organizing figure for national history and its antithesis. (357)

By exploring an alternate genealogy of national identification—one that illuminates the “family ties” between the citizens of a nation and its outcasts, between its legal
frameworks and its extralegal practices—my project establishes the value of outlaw narratives as a productive means of thinking the nation differently.

Outlaws and outlaw narratives have traditionally been confined to masculine, Eurowestern analytic categories that limit their signifying potential and obscure the full extent of their cultural influence. This project disarticulates the outlaw from the West, and thus maleness, and claims his or her principal site of conflict and significance as the home, or, more broadly, domestic space. Consequently, the focus of this project is on competing representations of outlaws, male and female—some of whom even resist the limitations of gender binaries—in Eurowestern and Indigenous literature, and competing legal and literary representations of home, family, and nation in both settler-national and tribal-national contexts. This approach, and its application to texts that coalesced out of a very specific geographic space, directly addresses the propensity of American literature to look to the past to define the present (a paradox more generally articulated by Anderson).

As Amy Kaplan suggests, the place-based nature of regional literature has traditionally separated geography from history, and therefore the socio-political resonance of that local history in the present (244). Many of the texts and authors that I engage in the following chapters are frequently consigned to “regional” categories, such


5 In Domestic Subjects, Beth H. Piatoe (Nez Perce) identifies the interpenetrative workings of three categories of domesticity: the “intimate domestic,” the “tribal-national domestic,” and the “settler-national domestic.” The first refers to “the familial space of the Indian home,” while the second encompasses the larger physical and cultural sites contained within “the indigenous homeland” (2). The “settler-national” domestic is less explicitly defined in Piatoe’s study, but it loosely refers to the foreign and competing domestic arrangement of the settler state, the organization and hierarchy of which were rationalized according to domestic and familial metaphors (5). During the assimilation era (1879-1934), Piatoe argues, the intimate and tribal-national domestics became the battleground in contest with the settler-national domestic. Her thesis is that the Indian home and family became the “primary site of struggle” against “the foreign force of U.S. national domestication” (4).
as Charles Portis and Lynn Riggs. However, I deliberately focus on a specific geographically and temporally bounded space both to reconstitute the geography of Indian Territory with its history, and consider the bearing of both on the present. In postcolonial or Indigenous studies, it is crucial to tie political and economic sovereignty to “a specific and delimited geopolitical terrain” in order to understand the “foundational elements” of any nationalist ideology (Chrisman n. pag.). As such, this project asserts the primacy of place in asserting a kind of anticolonial nationalism. This is not to say that literature tied to a specific region is immune to the collective historical amnesia that French historian Ernest Renan insists is the modus operandi of nationalism (11). Indeed, as Kaplan notes, “The romance of lawless frontier violence is ironically a means of forgetting the history of the West as a political conflict over the land among Indians, homesteaders, and large ranchers, and of reinventing it as a place for the righteous punishment of criminals” (260). The Indian Territory and its outlaws have certainly been invoked in the service of this very romance as Kaplan describes it; however, as I shall demonstrate, my primary texts categorically challenge the elements of this romance, effectively using setting and competing visions of nationhood to reinscribe the history of the West precisely as “a political conflict over the land among Indians, homesteaders, and large ranchers,” and to question the legitimacy of established forms of criminal punishment.

By examining the work of both Eurowestern and Indigenous authors, concentrating upon the ways in which outlaws, judicial practices, and domestic policies are depicted and contested in literature, I demonstrate that outlaw narratives are as capable of challenging the nation’s claims to territorial or imaginative title as they are of asserting them. In other words, at the same time that the outlaw has been strategically mobilized within distinctly U. S. contexts to lay claim to Indigenous lands through the invocation of nationalist rhetoric and the administration of violence, I demonstrate that he or she also has the potential to function as an agent of anticolonial critique. The texts subjected to analysis in the following chapters challenge, question, and reject the imposition of a foreign administration over other independently functioning and autonomous nations. In some cases, they even radically reinvent or reimagine the nation and its geopolitical contours in a manner conducive to protecting the interests and
serving the needs of that specific population—interests and needs that are neither protected nor met simply by adopting the political structures of the settler state. At the same time that the hypervisibility of the outlaw in popular culture has contributed to silencing or effacing competing visions of nationhood, it has also functioned contrapuntally, celebrating and reveling in the proliferation of nations within the same geographically bounded space.

In a symbolic capacity, the outlaw functioned rhetorically to help turn the Indian Territory into U. S. national space. However, even as outlaws—real and manufactured—were invoked in the service of national domestication projects, they have at least as often been invoked in efforts to resist that containment. The subjects of the following chapters are all examples of this latter, seditious mobilization of outlaw rhetorics in literature. Outlaw rhetorics can be understood as the political expression of marginalized realities and competing visions of nationhood. They are opposed to the imperial rhetoric with which, as Mark Rifkin argues in *Manifesting America*, the U. S. has historically constructed national space (8). As Rifkin demonstrates, imperial rhetoric enacted U. S. national policy and identity by virtue of its ability to “naturaliz[e] domestic space by foreclosing countervailing political geographies” (3-4). In a manner distinctly juxtaposed to the function of imperial rhetoric, outlaw rhetorics fracture the false sense of unity provided by standard narratives of national progress and identity in the United States, reopening the “countervailing political geographies” foreclosed upon by the imperial dynamic.

Acknowledging the material realities of the real people who have been identified as “outlaws” in the United States and elsewhere (some of whom I discuss in the following chapters), “Dangerously Free” nonetheless does not take as its subject the lives and historical realities of “real” outlaws. Rather, it focuses on the idea of the outlaw as a productive locus of cultural meaning and social inscription. Envisioning the outlaw as the product of the anxieties, politics, and conflicts of the culture(s) that produced it—as a

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6 Richard Slotkin, for example, has demonstrated how national media were responsible for the fabrication of the pseudo-history that grew up around Jesse James—who was known to frequent the territory—in the 1870s, separating the localized form and meaning of his social banditry from “the specific social and political context that had given his banditry a ‘social’ character” in the interest of establishing generic national mythologies (128).
made thing—offers crucial insight into thus far neglected processes of national signification and imagining that consider the local, lived realities of individuals.

**Outlaw Nation**

Benedict Anderson’s *Imagined Communities* (1983) has become the touchstone for conversations in the Humanities about the role of culture in imagining the nation. As such, this project can be understood as a response to Anderson’s identification of the “deep, horizontal comradeship” shared by members of an “imagined community” as the motivation behind the consent of “so many millions of people, not so much to kill, as willingly to die for such limited imaginings” (7). In this statement, Anderson recalls one of Renan’s earlier observations: “A nation is . . . a large-scale solidarity, constituted by the feeling of the sacrifices one has made in the past and of those that one is prepared to make in the future” (19). This project inverts Anderson’s and Renan’s rhetoric of sacrifice, and instead asks, “What about those who *have killed, or have been killed*, in efforts to maintain the limits and presumed sovereignty of an imagined community?”

In addition to the revolutionary spirit from which the newly minted Republic was born in 1776, a primary distinguishing feature of the United States as a nation is its historical dealings with other extant nations within its borders, namely Indigenous nations. In *Johnson v. McIntosh* (1823), a landmark U. S. Supreme Court decision dealing with the rights of Indigenous nations, Chief Justice John Marshall determined “that the natural rights of human beings to dispose of property that they held by virtue of possession did not apply to Indians in America” by virtue of their “‘character and habits’” as “‘fierce savages’” (White 710). Although this decision was wildly incommensurate with two of Marshall’s later decisions, *Cherokee Nation v. Georgia* (1831) and *Worcester v. Georgia* (1832)—the former of which ruled that Indigenous populations in the U. S. were semi-sovereign “domestic dependent nations”—it was *Johnson v. McIntosh* that would be revived during the removal and assimilation periods

7 This “spirit” made the new, self-declared republic an outlaw to European states; after all, the revolutionaries were viewed as traitors to the Crown and thus outside the rule of law.
to justify the dissolution of tribal governments (Shoemaker 102-3). Marshall’s 1823 decision is also significant because it “rejected the possibility of a universal law of nations that would apply to all peoples with equal consistency and force” (101). With this decision, “Marshall made North America the exception to a universal application of the laws of nations thought to prevail among European nations.” This “exceptional” state was self-justifying in the sense that it also placed the U. S. outside the laws of nations to which it, too, would have been held accountable. In its determination that the “fierce savages” could not be “incorporated with the victorious nation” (White 710), *Johnson v. McIntosh* provided the rhetoric undergirding the creation of the Indian Territory and the forced removals of thousands of people belonging to the Cherokee, Creek, Chickasaw, Choctaw, and Seminole Nations, among many others, throughout the 1830s.

Frank Richard Prassel points to these removals as the earliest origins of the reputation the Indian Territory acquired in the waning decades of the nineteenth century as “outlaw country,” a reputation reflected in popular U. S. literature from the period. Although these removals were technically sanctioned by treaties, Prassel nonetheless points out that they were “in nearly all instances achieved through fraud, corruption, or coercion,” and concludes, “It should be no wonder that there was disenchantment with the rule of [white] law” in the territory (172). In an effort to access the reasons why the Cherokee Nation in the Indian Territory produced an “inordinate” number of outlaws, Robert J. Conley (Cherokee) identifies four contributing factors, including “jurisdictional confusion.” Conley goes into greater depth on this point than Prassel in his suggestion that the United States’ establishment of the Western District Court of Arkansas in Fort Smith restricted the otherwise fully functioning Cherokee legal system’s control over

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8 Cf. Wald for an enlarged understanding of how *Cherokee Nation v. Georgia* and *Worcester v. Georgia* rendered Indigenous peoples legally un-representable and simultaneously called attention to the legal contingency and tenuousness of American citizenship and belonging.

9 In addition to the so-called “Five Tribes,” in the period between 1830 and 1890 numerous other Indigenous nations were forcibly removed to the Indian Territory, including the Cheyenne, Arapaho, Wichita, Caddo, Comanche, Kiowa, Apache, Kaw, Tonkawa, Ponca, Oto, Missouri, Pawnee, Osage, Sauk and Fox, Iowa, Kickapoo, Potawatomi, Shawnee, Wyandotte, Modoc, Miami, Quapaw, Ottawa, Illinois, Delaware, Ho-Chunk, Kaskaskia, Cayuga, Tuskegee, Peoria, and Seneca Nations. Some of these Nations were already resident in the Indian Territory and were moved around within it in order to make room for the incoming dispossessed.

10 I have lightly revised Prassel’s comment to reflect the fact that, ever since their reestablishment in the Indian Territory following the removals of the 1830s, the Five Tribes (Cherokee, Chickasaw, Choctaw, Creek, and Seminole) all had their own substantial legal codes that were limited only by the interference of and restrictions placed upon them by the U. S. federal government.
crimes involving white non-citizens. Long before the establishment of the federal court in Fort Smith, the Cherokee Nation had a complete, efficiently functioning legal system; however, the Indian Territory was still overrun with white lawlessness and crime. Conley asks, “How can these two statements both be true?” (*Cherokee Thoughts* 59). His answer: “The U. S. government decreed that the Cherokee courts had no jurisdiction over crimes involving white people. And there were large numbers of white people in the Cherokee Nation. In addition, with such a decree, the Cherokee Nation became more attractive to outlaws of every stripe.” As a result, Conley insists, “the U. S. government . . . created a situation of uncontrolled violence in the Cherokee Nation, then used that situation as an excuse to further establish its own jurisdiction over the territory” (59). In essence, the U. S. government made the Indian Territory into an outlaw’s paradise, and then used the territory’s reputation as “outlaw country” to gain support for the allotment policies of the late nineteenth century and Oklahoma statehood in 1907.

**Rhetorical Outlaws**

My understanding of outlaw narratives as iterations of domestic discourse contributes to recent scholarly efforts to bring the fields of American and Indigenous studies into more sustained and productive conversations with each other by interpreting outlaw narratives as inseparable from narratives of nation-building. By analyzing my primary texts with this goal in mind, this project seeks to recuperate the rich density of a kind of “belonging” theorized, imagined, and acted out in a space experimenting with a variety of different versions of nationhood simultaneously. What the Indian Territory in the forty years covered by my study offers is a kind of speculative testing ground, one that, to invoke the mantra of my mentor, Cherokee scholar Daniel Heath Justice, “imagine[s] otherwise” conditions of belonging and the way they align with different accounts of nationhood and statehood, legitimate power and illegitimate power.11 As such, the following chapters are oriented around several interrelated conditions of belonging—class, gender, sexuality, and race—poised at the intersection of American and Indigenous

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11 “Imagine otherwise” is Justice’s personal motto. This motto succinctly articulates the goal at the heart of this project: thinking “the nation” differently; as such, I respectfully borrow this phrase throughout the following chapters.
Although these themes guide the discussion in each chapter, they are nonetheless inherently permeable and interconnected, and thus each category is present, to some extent, in all of the chapters.

Contrary, perhaps, to traditional logic, the temporal organization of this discussion does not abide by a strict chronological arrangement. Although the structural configuration of most of these chapters follows a very loose chronologic trajectory in terms of their respective primary texts’ settings, their publication dates do not reflect a similar respect for orderly progression from past to present. However, there is a method to this madness, after all. First, I subscribe to what Cherokee author Thomas King refers to as “the Ezra Pound School of History” (x-xi). In The Inconvenient Indian (2012), King rationalizes his own unorthodox meditation on the history of Indigenous peoples in North America by quoting from Pound’s Guide to Kulchur: “While not subscribing to [Pound’s] political beliefs, I do agree with [him] that ‘We do NOT know the past in chronological sequence. It may be convenient to lay it out anesthetized on the table with dates pasted on here and there, but what we know we know by ripples and spirals eddying out from us and from our own time’” (xi). Furthermore, the governing structure of this project is deliberately designed as a symbolic reversal of the “traditional” North American narrative of progress from “savagism” to “civilization.” Rather than risk replicating this colonial logic by beginning my discussion with representations of Indigenous outlaws and concluding with the influence of settler outlaws on U. S. popular culture, I begin squarely within the context of settler nationalism. Each chapter represents a gradual movement away from the settler-national context and toward the tribal-national context, concluding with an explicitly Indigenous focus. Therefore, a chronologic arrangement of these chapters was not merely a secondary concern to this primary structural objective, but also a significant impediment to it; as such, temporal fidelity was sacrificed to tropic intervention. While acknowledging that the reversal of a trope is no miraculous panacea for balancing the historical (or literary) record—and, indeed, reversals are no less susceptible to the sins of representation than their begetters—it is nonetheless more productive in the context of this project to attempt such a reversal (minor though it might be) than to conform to a prescribed temporal framework.
Chapter One begins by disarticulating the outlaw from its traditional association with the classed white male body. This chapter’s discussion focuses on the gendered and racial politics of Charles Portis’s 1968 novel, *True Grit*, and its two cinematic adaptations (1969 and 2010) to illustrate the limits of liberal personhood as an apt category for national identification. I suggest that *True Grit* effectively defamiliarizes U. S. liberal subjectivities and “legitimate” forms of violence, alienating them from the symbolic register of national affiliations. Each of the film franchises, on the other hand, subtly effaces the novel’s radical critique of capitalism and masculinity, reconciling gendered and racial anxieties generated by contemporary national and international crises by making significant alterations to the novel’s events and perspective. In a sense, the publication and adaptation histories of *True Grit* have made it into a kind of “outlaw text,” having been invoked in writing and on screen in ways analogous to the outlaw’s dual political functions in the U. S. as both an agent of anticolonial critique and propaganda for U. S. imperial domination.

Chapter Two’s analysis of late nineteenth- and early twentieth-century fictional narratives of the life of Belle Starr, “the bandit queen,” complements my first chapter’s defamiliarization of the white middle-class male body in its survey of competing Eurowestern and Indigenous representations of the specifically female outlaw’s role in constituting and refuting the parameters of national space. This chapter is divided into three principal analyses, each of which focuses on a fictive account of Starr’s life: the first written in 1889 by an anonymous reporter for the *National Police Gazette*, the second published in 1889 in a Fort Smith newspaper (a portion of which was allegedly written by Starr herself), and the third published in 1905 in a national U. S. literary magazine by John Milton Oskison, a Cherokee Nation author. Within the large constellation of Belle Starr narratives, which has grown to mythic proportions over the last one hundred and twenty-five years, these three accounts stand out because of their singular preoccupation with representing Starr’s voice. Moreover, the idiosyncratic nature of some of their details illustrates the ways in which outlaw narratives, especially those about outlaw figures who, like Starr, are composed of compound liminalities, are a particularly productive means of thinking the nation differently by envisioning competing models of nationhood and domesticity.
Themes of sexuality and reproductivity touched upon in Chapter Two carry into my ensuing analysis of Lynn Riggs’s *Green Grow the Lilacs* (1929). The focus of Chapter Three is not an outlaw, *per se*, but rather an extralegal social practice, the shivoree, the dramatization of which comprises the entirety of the play’s fifth scene. I identify Riggs’s shivoree scene as perhaps the most compelling evidence in support of Cherokee scholar Jace Weaver’s thesis that, contrary to popular assumption, *Green Grow the Lilacs* is not “devoid of Indian characters at all,” but is, “in some sense, a play about them” (*That* 99). Originating in medieval France, the shivoree custom gradually transformed from a raucous celebration of recent nuptials into the public (and often violent) censure of “unacceptable” marriages. Many European settlers imported various incarnations of this ritual into their new communities in North America. Even though most New World iterations of the ritual lacked the violent dimensions of its Old World ancestor, the practice was frequently banned in many North American communities because of its tendency to incite mischief and result in personal, and sometimes fatal, injury. On its surface, the shivoree dramatized in Riggs’s play appears benign; however, Riggs’s use of diction, tone, and allusion connotes sinister motivations behind the participants’ actions, which tacitly disapprove of the marriage between the white farmer’s daughter and the plausibly mixed-race cowboy. The eddying tensions that disrupt the otherwise even surface of Riggs’s shivoree not only recall the tradition’s punitive origins, but also evoke the spectre of its even more illegitimate cousin, the lynch mob. Ultimately, I suggest that the scene’s complex interplay of racial and sexual politics expresses grief over the loss of the territory as an Indigenous homeland and the unresolved tensions resulting from one nation’s absorption of another. Moreover, I suggest that the play’s subtle critique of anti-miscegenation legislation and sentiment problematizes a long imaginative tradition wherein the republican theory undergirding the formation of the United States—the tacit consent of the American people to be governed by their choice of leader—is likened to consensual union in marriage. Of all my primary texts—equaled, perhaps, only by Oskison’s *Black Jack Davy* (one of the subjects of Chapter Four)—*Green Grow the Lilacs* is most committed to de-romanticizing the history of the American West in its representation of political conflicts between Indigenous people, homesteaders, and ranchers over issues of land, and in the
questions it poses about the perceived “righteousness” of established forms of criminal punishment.

The racial politics alluded to in my discussion of Riggs receive full treatment in my final chapter’s analysis of three fictive accounts of the life of Ned Christie, so-called “Cherokee outlaw”: Robert J. Conley’s *Ned Christie’s War* (1990), Robby McMurtry’s graphic novel, *Native Heart* (2009), and John M. Oskison’s *Black Jack Davy* (1926). Chapter Four illustrates how outlaw narratives written from a perspective grounded in the peoplehood model—a methodology for Indigenous studies based on information generated from within the discipline itself—are remarkably capable of staging critical interventions into state-authored identities imposed on Indigenous peoples by colonial governments. My analysis of Conley’s *Ned Christie’s War* elucidates the novel as an expression of Cherokee peoplehood and rhetorical sovereignty. Specifically, Conley uses several key Cherokee concepts to achieve an important shift in perspective from Eurowestern accounts of the so-called “wolf of the Cookson Hills,” to an account of Christie’s life told from within a “tribally specific” setting. My ensuing discussion of Robby McMurtry’s 2009 graphic novel, *Native Heart: The Life and Times of Ned Christie, Cherokee Patriot and Renegade* teases out the contribution of outlaw rhetorics—both visual and textual—to the expression of rhetorical sovereignty. The chapter concludes with an analysis of John Milton Oskison’s *Black Jack Davy* (1926), a novel in which, I argue, the conventions of the western and romantic genres are subverted by the subtle attention the author pays to a subplot involving an outlaw figure based, undoubtedly, on Ned Christie.

Throughout this project, I examine how these texts contravene the discursive claims that rhetorical invocations of outlaws in the consolidation of U. S. national identity have made since the end of the Civil War. By bringing them into a dialogic relationship with U. S. and Indigenous history, with competing notions of legitimacy and domesticity, and with each other, I hope to contribute to larger cultural and scholarly interventions into the way the contours and body politic of the U. S. are imagined and configured.

On a final note, I use the proper noun *Indigenous* to refer generally throughout the following chapters to the First Peoples of the North American continent; whenever
possible, I note authors’ and critics’ affiliation with or citizenship in their Indigenous Nations. Many of these authors and critics make multiple appearances throughout this project; to avoid redundancy, the first (and only) mention of their affiliation(s) will apply to all subsequent appearances. I use the United States (or U. S.) to refer to the geopolitically bounded nation-state that is the United States, foregoing whenever possible its genitive association with “America” in order to avoid perpetuating the colonial appropriation of this continent’s original inhabitants and their endurance in the present.  

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12 My choice of terminology is informed by Justice’s use of these and similar terms; cf. Our Fire xvi.
CHAPTER ONE

Mattie Ross’s Outlaw Economy in Charles Portis’s *True Grit*

“[A]ll social systems are vulnerable at their margins, and . . . all margins are accordingly considered dangerous.”

— Judith Butler, *Gender Trouble* (168)

Beginning with Tom Nairn in 1975, many scholars have construed “nationalism” as a Janus-like construction, likening it to the ancient Roman god “who stood above gateways with one face looking forward and one backwards” (Nairn 18). So, too, “does nationalism stand over the passage to modernity, for human society. As human kind is forced through its strait doorway, it must look desperately back into the past, to gather strength wherever it can be found for the ordeal of ‘development.’” Appropriately, I begin this discussion of the political and cultural work of outlaw rhetorics in Indian Territory literature not with its “origins” in the nineteenth century, but, to paraphrase Homi Bhabha, *in medias res* (3), with a twentieth-century text that mobilizes the idioms of the past to negotiate present crises and mitigate future uncertainties: Charles Portis’s 1968 Western, *True Grit*.

In terms of its content and its publication, adaptation, and circulation histories, *True Grit* exemplifies the theoretical model outlined in the foregoing Introduction of the outlaw’s mutually opposed discursive roles as, at once, an emulsifying agent in the project of national cohesion, and the political expression of marginalized realities. In fourteen-year-old Mattie Ross, Portis realizes a propertied, socially conservative narrator-hero. Paradoxically, Mattie Ross is also the ultimate outlaw: she takes full

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1 Nairn’s configuration of nationalism as a Janus-faced construction has similarly been taken up by the likes of Anderson, Homi Bhabha, and Brennan. His comments also recall Walter Benjamin’s famous description of the “angel of history” in “Theses on the Philosophy of History,” a description which is less inclined to conceive of the past as a series of sacrifices (as Renan and Anderson do), and more inclined to construe it as a relentless juggernaut: His face is turned toward the past. Where we perceive a chain of events, he sees one single catastrophe which keeps piling wreckage upon wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead, and make whole what has been smashed. But a storm is blowing from Paradise; it has got caught in his wings with such violence that the angel can no longer close them. This storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. This storm is what we call progress.

(Benjamin 257-8)
advantage of her simultaneously privileged class position and marginalized subject position as a female child to navigate successfully the unpoliced interstices of U. S. legal frameworks in order to exact blood revenge upon her father’s murderer. Although Portis’s novel adheres to the Western’s generic conventions, its deliberate disarticulation of the white male body and heroic individualism from their traditional roles in the genre enables the critique of under-representative narratives of national progress and identity in the United States. It achieves this disarticulation through the novel’s implied critiques of liberal personhood and heroic individualism, which are achieved, in turn, through three primary means: the slipperiness of Mattie’s subjectivity, the novel’s ambivalent representation of worn and softened masculinity, and its representation of the Indian Territory and its inhabitants as alternative models of nationhood and masculinity. Effectively, *True Grit* establishes a provocative parallel between liberal personhood and outlawry, thus challenging the pervasive tendency to privilege and legitimize that position at the expense of others.

The radical potential of Portis’s outlaw rhetorics has been significantly undermined by the novel’s adaptation into film and by the tendency of Portis’s adherents to downplay *True Grit’s* significance in their efforts to increase the visibility of his lesser-known works. *True Grit* was first adapted for the silver screen by director Henry Hathaway in 1969. The enduring appeal of Portis’s novel was reaffirmed in 2010 when Joel and Ethan Coen’s noir adaptation became a critical and box-office success. These films model the way in which outlaws, and the alternatives they are capable of representing, have been appropriated in the service of consolidating national identity, particularly at times when the nation and national identity are perceived to be in crisis. Portis’s novel and each of its cinematic adaptations emerged during major U. S. armed conflicts abroad, one—the Vietnam War—aimed at containing the spread of communism, and the others—the wars in Afghanistan and Iraq—motivated by the threat of terrorism. The visual aesthetics and thematic concerns of each of *True Grit’s* adaptations attempt to navigate the chronological divide between the time of the narrative’s setting and the time of material production in the present. All of *True Grit’s* incarnations emerged long after their respective conflicts began, but at crucial moments when civilian support and national morale were flagging. If, as Susan Faludi suggests,
both of these periods demonstrate “the suspicion that the nation and its men had gone ‘soft’” (8), then it is no wonder that the male characters in the novel and its adaptations suffer from an emasculated characterization that is conventionally uncharacteristic of the story’s frontier setting. In Portis’s novel, the heroism of Rooster Cogburn and LaBoeuf is short-lived and ultimately quite impotent. The bathos inherent in the novel’s portrayal of male heroism on the frontier deflates the epic proportions of that myth, and envisions an alternative frontier where women and non-white men are capable of valour and villainy in equal proportions. However, despite the incongruous effect created by Mattie Ross’s stern implacability and the unmanly ineptitude evinced by the story’s male characters, True Grit’s filmic adaptations are nonetheless designed to restore viewers’ confidence in the potent (white) American male hero. Indeed, the improbable triumph of the films’ male protagonists—regardless of the bathos infusing their representation in the novel—obscures the ambivalent, vicarious nature of modern masculinity in order to reassert male social dominance and the stability of a national identity rooted in the familiarity of liberal personhood despite present ills and threats.

Because Portis is, perhaps, one of the United States’ “least-known great novelist[s]” (Rosenbaum, “Our” 343), I will begin with a concise biography of Portis and his career before transitioning into a brief summary of True Grit’s publication history and critical reception. From there, I establish the basis for my thesis that the novel’s outlaw rhetorics—articulated by and in Mattie Ross herself—level a critique of liberal personhood at the same time that they are voiced by a propertied individual. This analysis is divided into three sub-discussions: Mattie’s slippery subject position, the novel’s ambivalent representation of ignoble masculinity, and its representation of “alternative” masculinities evident in the appearance throughout the novel of Indigenous men and their own domestic contexts, which permeate the novel with competing visions of nationhood. After establishing how these outlaw rhetorics are communicated in the novel, I move on to a discussion of the filmic adaptations and their flattening of the novel’s provocative possibilities, thus dramatizing the ways in which outlaw narratives continue to be altered and appropriated to fit a homogenizing—and imagined—narrative of national progress, continuity, and stability.
Charles Portis’s *True Grit*

Born in El Dorado, Arkansas, less than twenty miles north of the Louisiana border, in 1933, Charles McColl Portis grew up in and was influenced by the collision of economies in the “Arklatex” (Arkansas-Louisiana-Texas) region. Although Portis’s adult life witnessed various domestic and international peregrinations, first serving overseas with the Marine Corps during the Korean War, and later working as a journalist for the *Herald Tribune* in New York and London, by 1964 the gravitational pull of Arkansas permanently reclaimed its native son. Portis has lived and written there ever since, eschewing the limelight for a quiet, if not entirely reclusive, private life. Appropriately, the theme of departure and return is the most substantial commonality linking the disparate subjects of Portis’s five novels. Perhaps Ray Midge, the narrator of Portis’s third fictional enterprise, *The Dog of the South*, best summarizes his creator’s feelings on this theme and its effects: “A lot of people leave Arkansas and most of them come back sooner or later. They can’t quite achieve escape velocity” (255).

Portis published his first work of fiction, *Norwood*, a picaresque road-trip novella about an “amiable hick” with country music star aspirations (Connaughton 265), in 1966, which was followed in relatively quick succession by *True Grit* (1968). Since 1968, Portis has published only three additional novels: *The Dog of the South* (1979), *Masters of Atlantis* (1985), and *Gringos* (1991). Although he hasn’t published any new novels since 1991, Portis has maintained a slow but steady stream of creative non-fiction, short fiction, and memoir published in literary magazines and local Arkansas newspapers. In 1996, the Arkansas Repertory Theatre produced his only play, the three-act *Delray’s New Moon*; it is the only previously unpublished work by Portis to appear in *Escape Velocity* (2011), a miscellany of his shorter literary and journalistic labours.

In addition to having remained almost continuously in print since 1968, *True Grit*’s mass appeal is evident in its adaptation into not one, but two feature-length films, the first starring Kim Darby, John Wayne, and Glenn Campbell (1969), and the second featuring Hailee Steinfeld, Jeff Bridges, and Matt Damon in the featured roles (2010). The altered conclusion of the 1969 film left open the possibility for a sequel, which was eventually realized in the 1975 film, *Rooster Cogburn*, starring John Wayne and
Katherine Hepburn in a plot remarkably similar to *True Grit*. Another sequel, *True Grit: A Further Adventure*, starring Warren Oates and Lisa Pelikan, aired in 1978 as a made-for-television movie, which, as the title aptly suggests, depicted the further adventures of Rooster Cogburn and Mattie Ross. Both of these sequels revise and extend the *True Grit* mythos beyond Portis’s original vision.

Prior to its publication in book form by Simon & Schuster in late 1968, *True Grit* was condensed and serialized in three parts in the May 18, June 1, and June 15 issues of *The Saturday Evening Post* just six months before that august periodical collapsed into permanent financial ruin. Not only was the story serialized during the most devastating year for American casualties in Vietnam, but the two-week interim between the publication of the story’s second and third installments witnessed the assassination of Democratic presidential candidate hopeful Robert F. Kennedy. Appropriately, David Simmons has suggested that the two major contemporary contexts for Portis’s novel are the Vietnam War and the Kennedy administration, including the disillusionment of the “Camelot” dream attendant upon John F. Kennedy’s assassination in 1963, and compounded by the assassination of his brother in 1968 (216). Although many critics have suggested the novel signals the twilight of heroic individualism and the demythologization of the frontier (and thus the subversion of the Western’s generic conventions), *True Grit*’s appearance in *The Saturday Evening Post*—just months before the magazine became defunct—nevertheless reveals the tale’s kinship with the fundamentally conservative ideologies to which the *Post* typically subscribed. Jan Cohn suggests that George Horace Lorimer, editor of the *Post* during its most influential period (1899-1936), actively set out to create and shape America in the pages of the magazine (5). Lorimer’s vision of the twentieth-century United States combined “traditional values

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2 At the time of its release, the sequel was promoted as *Rooster Cogburn ( . . . and the Lady)*, but the title displayed in the film’s opening credits is simply *Rooster Cogburn*. Indeed, all of the major online databases (Imdb.com, Wikipedia.com) use *Rooster Cogburn* as the film’s official title, and when it airs on television, it is advertised simply as *Rooster Cogburn*. The promotional title was already sufficiently guilty of reducing the role of Eula Goodnight, Hepburn’s character and a stand-in for the original Mattie, to an afterthought. In nearly all subsequent releases of and references to the sequel, “the Lady’s” role is completely dismissed in an effort, I suppose, to enable Rooster Cogburn/John Wayne’s heroic individualism to emerge in starker relief. This blatant erasure of the woman’s role in the Western narrative reflects the conscious alterations made to Portis’s original vision of *True Grit* in both the 1969 and 2010 adaptations, which I discuss later.

3 Cf. McLuhan, Doherty, Simmons, and Connaughton.
inherited from the nineteenth century,” such as pragmatism, self-reliance, hard work, thrift, and a sense of civic responsibility, with “the culture of the emerging world of business” (8, 10). Mattie Ross just might be the kind of “representative American” Lorimer had in mind. Cohn insists, “Even those stories most innocent of ‘intention’ were partners in the job of constructing America for the Post audience; westerns, historical romances, sports fiction were all spun out of the collective web of a comprehensible society, a society built on fair play and individual initiative and common sense” (7). Although True Grit was not published under Lorimer’s watchful eye, the ideals and values it espouses nonetheless reflect the magazine’s ontogeny even as it gasped its dying breaths.

The sheer popularity of the True Grit franchise may be responsible for the relative paucity of scholarly inquiry into its cultural and political significance since the novel’s publication nearly half a century ago; what scholarship exists is widely divergent in opinion. Many critics have fixated on generic debates in an attempt to locate the novel within a particular literary tradition. Some have suggested that True Grit is a love story, a buddy comedy (Blount 315), an entwicklungsroman (Shuman 367), a revenge narrative (Cieply, Doherty), a feminist text (Maher, Keegan), or that it is a story about loyalty (McMurtry and Ossana), redemption (Scott Rudin qtd. in McMurtry and Ossana), or willpower (Tipton Cortner 57). Where one critic observes the incongruous emergence—and success—of a novel that “could hardly seem more out of step with the countercultural spirit of ’68” (Park 326), another construes Mattie as the embodiment of that same countercultural spirit (Simmons 217). Like the ineffable effects of Mattie’s gender-bending, I suggest that although True Grit appears to be a Western, it nonetheless resists the genre’s conventions as much as it upholds them. This oppositional conflict throughout the novel develops a parallel between True Grit and the outlaw’s dual discursive roles in the U. S. as both an agent of anticolonial critique and propaganda for U. S. imperial domination, thus rendering it a kind of “outlaw text.”

The Four Pillars of Mattie’s Personhood
The narrative framework of Portis’s novel is retrospective, being recalled in the first-person in the mid- to late-1920s by its protagonist, Mattie Ross, a self-righteous and
close-fisted sexagenarian spinster-banker. Set in Fort Smith, Arkansas, and the Indian Territory in 1878, Mattie’s story narrates the events of her fourteenth year when she travelled into the Choctaw Nation in the company of her hired assassin, deputy U. S. marshal Rooster Cogburn, and LaBoeuf, an interloping Texas Ranger. During her four-day sojourn in the Indian Territory, Mattie’s vengeful pursuit of Tom Chaney, her father’s killer, racks up eight dead bodies, including Chaney’s, and witnesses Mattie’s own life-altering ordeal at the bottom of a rattlesnake-infested pit. Thanks to Rooster’s exertions and the sacrifice of a plucky little pony, Mattie eventually returns home to Yell County, Arkansas, missing most of her left arm, but secure in the possession of one of the two California gold pieces that Chaney stole from her father, and in the knowledge that she had fulfilled what she believed was an obligation bred by blood and an angry god.

Not only is the verity of Mattie’s “true account” questionable given the half-century’s remove between what transpires in 1878 and her recollection of those events in the present, but Mattie’s position as a child in her narrative—and a female child, no less—similarly challenges the privileging of liberal personhood as the ideal republican identity in the United States. Mattie’s slippery subject position—the outlaw’s theoretical position—is best articulated by the stockbroker, Colonel Stonehill, when he tells Mattie, “I cannot make an agreement with a child. You are not accountable. You cannot be bound to a contract” (TG 33). Indeed, as a minor, Mattie’s legal representation within the U. S. is negotiated through her relationship to her parents or legal guardian. As such, Stonehill agrees to pay Mattie what she demands only once he receives a letter from her lawyer that has been co-signed by her mother and notarized. Caroline Levander has argued that the child in American literary and political contexts has increasingly been understood as “separate and in need of protection from civic life;” paradoxically, this understanding “has historically helped to constitute and buttress the nation” (6). The child, Levander elaborates, “indicates the state’s reliance on the idea of a self in whose behalf society must advocate. Masquerading as essential if historically evolving, the state, in other words, requires the self that the child represents in order to maintain the perception of its power” (12). “Equality,” then, assumes that all citizens are both autonomous, liberal subjects, and children—partial dependents (15). Mattie represents
the distillation of this contradiction, and the implications of her position fundamentally challenge the idealism of liberal personhood in the United States.

In Mattie Ross, Portis realizes a character composed almost exclusively of hard right angles; she is a square peg that does not merely fit itself into a round hole, but actually reengineers the shape of things to suit her needs. Each edge of the square peg that is Mattie Ross consists of a different element of her character: her middle-class subjectivity, her Calvinist beliefs, her faith in a free market economy, and her latent criminality. Furthermore, these “four Cs” (class, Calvinism, capitalism, criminality) are harnessed together by a fifth: her child’s position. I am not suggesting that the connections between these four Cs render all of them inherently vicious; rather, their function is to destabilize the apparently naturalized relation between maleness and power. As Jack Halberstam suggests, “Masculinity . . . becomes legible as masculinity where and when it leaves the white male middle-class body” (2). Portis’s dissociation of “dominant masculinity” from that body by investing it instead in the body of a rogue female child (albeit a white, middle-class one) not only reveals the constructedness of masculinity, but also challenges the primacy of “heroic masculinity” as a barometer for the health or success of the nation.

Mattie uses her different subject positions to her advantage as circumstances dictate. She as frequently hides behind her status as an “unaccountable” child as she wields her liberal personhood as a kind of weapon. When Stonehill does not accede to Mattie’s initial demands, she threatens to take the matter up with the law, adding, “We will see if a widow and her three small children can get fair treatment in the courts of this city,” counting herself as one of those children (TG 32). At the same time that Mattie invokes her vulnerability in her dealings with Stonehill, her financial acumen establishes her liberal subjectivity. As John Ditsky notes, “[Mattie’s] power with numbers makes her

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4 I do not mean to suggest that Mattie is inherently vicious; by “criminality,” I refer to her willingness to prioritize the preservation of patrimony and the meting out of “justice” (at any cost) over moral and legal prohibitions against murder.

5 In National Manhood, Dana Nelson argues, “[I]n the early national period, masculine aggression is symbolically organized under the banner of whiteness. This reorganization routes class, regional, ethnic, religious, and political rivalries away from dissensions . . . and toward market competition. National manhood provides a new ideological framing for interactions between men and for expressions of more locally organized ideologies of manhood, seemingly guaranteeing that aggressive behavior will lead to the health (and wealth), rather than the fragmentation[,] of the nation” (15).
any man’s equal, suggesting that money and not the gun was the great equalizer in the Old West” (25). Even when a gun would be more to her advantage during her captivity in the bandits’ camp, Mattie appeals to her liberal personhood to reason against the bandits’ treatment of her, complaining to Lucky Ned, “I am Mattie Ross of near Dardanelle, Arkansas. My family has property and I don’t know why I am being treated like this” (TG 175). Mattie’s sense of injustice at being held against her will originates in her self-understanding as a propertied individual whose freedom is contingent upon her access to private resources. The novel’s conflation of Mattie’s dual status as both an “unaccountable” child and a liberal subject triangulates uncomfortably with the outlaw position she inhabits within the narrative. In fact, the conflation of her subject positions is what actually enables her emergence in the text as an outlaw—“dangerously free” to pursue her vengeful quest without facing its consequences. In this sense, True Grit comes uncomfortably close to identifying liberal personhood as a publicly sanctioned form of outlawry. The potential discomfort of this position is mitigated by the novel’s extra-national setting in the old Indian Territory (namely the Choctaw Nation) several decades before its forced integration into the Union as part of the state of Oklahoma. The “culturally alien setting” of Mattie’s extra-national and extra-legal quest not only defamiliarizes the narrative’s generically Western content, but it also defamiliarizes (and delegitimizes) American liberal subjectivities and “legitimate” forms of violence (Mitchell 226).

As Kenneth Millard has observed, Mattie consciously construes her narrative as an “account,” rather than as a “story” (a word she frequently conflates with deception throughout the novel), because its value “can be made quickly assessable by historical verification. Columns of figures in bookkeeping can be pronounced true or false by simple audit, in contrast to checking the credibility of human testimony” (469). All of Mattie’s anxious, self-reflexive “accounting,” in both the narrative and financial sense, begs consideration of what she and others can, or should, be held accountable for in the

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6 Ditsky’s observation is not supported, however, by the novel’s conclusion in which the gun trumps Mattie’s loquaciousness when Rooster saves the day by knocking Chaney a fatal blow to the head with the butt of his rifle.

7 The property to which Mattie refers is three quarter-sections (480 acres) of “good bottom land on the south bank of the Arkansas river not far from Dardanelle in Yell County, Arkansas” (TG 9). Her family, Mattie is careful to note, held “clear title” to this land.
novel. Mattie is compelled to honesty by her memory for figures, admitting when she cannot remember the cost of an insignificant detail, such as the telegram she sends to her lawyer describing her scheme of vengeance (TG 35-6). Indeed, Mattie’s narrative is replete with numbers. Whenever possible, she provides a complete “accounting” for her monetary gains and expenditures, including the cost of embalming, packing, and shipping her father’s body (21), the exorbitant rates charged for room and board at the Monarch Boardinghouse (24), her financial besting of Col. Stonehill (29-35, 87-8), the deal she strikes with Rooster to apprehend Chaney (59), and even the cost of the new headstone—“a sixty-five-dollar slab of Batesville marble”—she commissions for Rooster’s grave (214). Ever the banker and bookkeeper, Mattie feels accountable for the verifiable elements of her narrative, perhaps to compensate for her anxiety that people will “not give it credence that a fourteen-year-old girl could leave home and go off in the wintertime to avenge her father’s blood” (9).

Mattie’s perverse sense of honest accountability is most evident when Lucky Ned Pepper commands her to mobilize her education in the service of his banditry. Lucky Ned orders Mattie to forge the signature of a bank president on several cashier’s checks that are amongst the spoils of his gang’s train robbery. Mattie tells her readers, “Naturally I did not wish to use my education in this robber’s service and I hesitated;” however, even when faced with an illegitimate task, she admits she cannot bring herself to do a bad job: “It is not in me to do poor work where writing is concerned and I toiled earnestly at making faithful copies of Mr. Whelper’s signature” (186-7). In other words, Mattie’s anxious accounting (over)compensates for the otherwise incredible elements of her successful adventure with Rooster and LaBoeuf—for the hyperbole inhering in what some might construe as a “cock and bull story.”

Mattie’s dogged insistence upon monetary gains and expenditures as the primary means of lending credibility to her narrative and to constituting her liberal personhood points to a deeper anxiety “[l]urking at the occluded heart of the South’s mightiest triumphs and tragedies,” an anxiety Melanie Benson Taylor identifies as “a torturous relationship to the almighty dollar” (118). “From the Removal of the Five Civilized Tribes to the erection of plantation dynasties, from the indignities of Reconstruction to
the savage inequities of Jim Crow and the eventual rise of the Sun Belt industry,” Taylor adds,

the region’s heights of prosperity and depths of privation have been yoked inextricably and variously to competitive antagonisms, exploitations, and denials. In ways both practical and profound, the vectors of capitalism have proven the primary terms of southern existence, of Native experience, and of the multiple collisions between and among them. (118)

The “antagonisms, exploitations, and denials” to which Taylor refers are similarly alluded to in an exchange that takes place between Mattie and Chaney during the brief period when they are alone together in the bandits’ camp. As much as Mattie grows impatient with Chaney’s woe-is-me attitude, she is nevertheless willing to engage him in a contest of most-hard-done-by. When Chaney implores Mattie to “keep still” so that he may consider his position and the means of improving it, she whines, “What about my position? At least you have not been abandoned by a man who was paid and pledged to protect you” (TG 189). Chaney’s concise and class-conscious response neatly sums up Mattie’s ignorance and privilege: “What does your kind know of hardship and affliction?”

Indeed, Mattie’s bloodthirsty quest is less about avenging her father’s death, as she claims, and more about reestablishing the status quo, which the “trashy” tenant Chaney upset when he murdered the “gallant” landowner Frank Ross. In addition to robbing Mattie’s father of his life and his horse, Chaney also stole “$150 in cash money plus two California gold pieces that [Ross] carried in his trouser band” (9). Ross received the gold pieces as a wedding gift from his father-in-law, Mattie’s maternal grandfather, and each was worth “thirty-six dollars and some few cents” (130). Mattie’s concern for recovering the gold pieces, the combined value of which represents less than half of the cash money that was stolen from her father’s purse, suggests that she invests these objects with symbolic, rather than monetary, value. John Gray argues that private property “is the embodiment of individual liberty in its most primordial form” (62). Chaney’s theft of the gold pieces after murdering Frank Ross symbolically bereaves the man of his individual liberty after he has physically bereft him of his life. For Mattie, the

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8 To access these gold pieces, Chaney had to rip open his employer’s trouser band; Mattie admits, “I cannot say how he knew about them” (14). Chaney’s knowledge of the intimate hiding place is, indeed, a puzzling quandary with provocative insinuations.
theft of the gold pieces not only represents an affront to her father’s (and thus the individual members of her family’s) individual liberty, but also disrupts rituals of inheritance that confer rights of property and title upon the next generation. Ostensibly, if Mattie’s maternal grandfather passed the gold pieces down to his son-in-law, it stands to reason that Frank Ross might eventually have passed them down to a son-in-law as well—maybe Mattie’s future husband, or her sister’s. Mattie only manages to recover one of the two gold pieces during her time in the territory, and she reveals in her conclusion that that solitary piece was later lost in a house fire (210). In the same way that Mattie seeks to recover “the family jewels,” which participate in the exchange of goods and services (including women and children) between men, she also seeks to reassert her father’s position as “his brother’s keeper”—and I emphasize that word to highlight its possessive sense—by making Chaney answerable to the father’s phallus by shooting him with her papa’s pistol (14). Mattie maintains what Dana Nelson describes as the “intersubjective fraternity of white men”—“an imagined affiliation with other men who have power over groups of people”—by continuing to exert her father’s influence over other, lesser, men (3).

In addition to her penchant for recalling precise figures, Mattie’s deliberate and consistent narrative style, characterized by “painstaking meticulousness” (Moore 24), both compensates for and palliates Mattie’s latent anxiety about her tale’s frequently hyperbolic content. This compensation is evident in Mattie’s refusal to countenance contractions, and in her liberal use of quotation marks to surround any word or phrase that even begins to hint at being colloquial or of less-than-proprietory origin. Her frequent, if awkward, first-person interjections, “Here is what happened,” or “My thought was this:” (cf. pp. 101, 128), attempt to establish her reliability as a narrator. She girds this superficial reliability with evidence from scripture to confirm her more dubious observations (cf. pp. 29, 109-10). Rather than draw her readers’ attention away from the potentially flawed nature of her retrospective eyewitness testimony, Mattie’s attention to numeric detail, linguistic precision, and historical accuracy throws into stark relief the fact that she recounts her tale from a half-century’s remove from the novel’s events, and her narrative voice is always that of a bourgeois senior citizen, rather than a recently bereaved adolescent girl.
Mattie’s perspective on the world is undergirded by her middle-class Protestantism, the limits of which are set by her own rigid assessment of class. Mattie presents her own conduct, and judges others’, in a manner that reflects “the whole set of middle-class virtues—disciplined labor, punctuality, perseverance, prudence, thrift, probity, and careful reinvestment of gains” (Dolan 345). Moreover, her attention to class (evident in her frequent use of the epithet “trash” to characterize those whom she deems low or improper) and her successful navigation of the new economic order of the early twentieth century (evident in her success as a businesswoman and as the proprietor of a bank) support the capitalist socio-economic system developed and controlled almost exclusively by white men in the U.S. Mattie’s sense of class distinctions is evident in her description of Chaney’s appearance on the day he left with her father for Fort Smith: “He had no hand gun but he carried his rifle slung across his back on a piece of cotton plow line. There is trash for you. He could have taken an old piece of harness and made a nice leather strap for it. That would have been too much trouble” (TG 12). This description marks the first time Mattie uses the word “trash” to characterize someone/thing that does not subscribe to her narrow view of propriety. In this first instance, “trash” is someone who lacks industry and creativity.

Mattie invokes the word “trash” seven more times throughout the novel, inflecting it with a different valence each time, but always to the same effect. She next uses it in her condemnation of “the magazines of today” that “do not know a good story when they see one” (39). Mattie refers to “a good historical article” she once wrote based on the official transcript of the Odus Wharton trial and her personal recollection of it. According to Mattie, the popular press’s dismissal of her article as “too long and ‘discursive’” demonstrates that it “would rather print trash” in lieu of her “true and interesting tale . . . with educational aims.” This narrative digression is as illustrative of Mattie’s meritocratic philosophy of life (in which labour or productivity dictates dollar signs) as it is demonstrative of her class- and creed-based sense of superiority.

Continuing her rant, she avers, “I do not fool around with newspapers. They are always after me for historical write-ups but when the talk gets around to money the paper editors are most of them ‘cheap skates.’ They think because I have a little money I will be happy to fill up their Sunday columns just to see my name in print . . . . The paper editors are
great ones for reaping where they have not sown” (39-40). These comments remind readers of their complicity in Mattie’s literary economy: they have, presumably, exchanged money for the privilege of consuming her “true account.”

Few are spared the wrath of Mattie’s outspoken revulsion at the slightest hint of “trashiness.” She calls Rooster a “sorry piece of trash” when she learns he has already spent the twenty-five dollars she gave him as an advance payment for his services (95). During their time together in the outlaw’s camp, Mattie quickly loses patience with Chaney’s frequent complaints that “nothing has gone right for [him]” and “everything is against [him].” She retorts, “No, you are just a piece of trash, that is all” (172). In her description of the other members of Ned Pepper’s gang, Mattie observes that the Permalee brothers come from a “family of criminal trash” (177). Ever loyal to Rooster, Mattie implicitly defends his shooting of Odus Wharton’s two associates—one of them fatally—who were not wanted by the law: “They must have been trash or they would not have been in the company of the ‘thug’” (211). At the conclusion of her account, Mattie recollects receiving the news of Rooster’s death from Cole Younger while “[t]he waxy [Frank] James remained in his seat and did not speak or remove his hat” (213). Before leaving, Mattie thanks Younger, “the courteous old outlaw,” for his solicitude, but snaps at James, “Keep your seat, trash!” (213-4). In this final comment, Mattie relies not only on class hierarchies to reinforce her righteousness, but also gendered expectations about gentlemanly behaviour toward women.

Mattie’s character is constituted by the interrelationships between her Calvinism, her middle-class subjectivity, and her capitalist philosophy. Her Calvinism is evident in much of her diction and in her frequently banal moralizing. Mattie’s avowal, “I would

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9 Mattie’s invocation of Galatians 6: 7, “Do not be deceived: God cannot be mocked. A man reaps what he sows,” recalls her observation from just a few pages earlier, “You must pay for everything in this world one way and another” (TG 37). Even though both of these observations express Mattie’s judgment of others’ conduct, they nonetheless suggest the presence of a brooding latent anxiety over the moral fitness of her personal conduct, an anxiety similarly implied by the defensive reactions Mattie prepares in readiness for any challenges an outsider might level against her own or others’ conduct. For example, Mattie anticipates readers’ skepticism of her father’s sagacity in intervening in Chaney’s affairs. She observes, “Some people might say, well, what business was it of Frank Ross to meddle? My answer is this: he was trying to do that short devil a good turn. Chaney was a tenant and Papa felt responsibility. He was his brother’s keeper. Does that answer your question?” (14). In her conclusion, Mattie similarly remarks, “People love to talk. They love to slander you if you have any substance. They say I love nothing but money and the Presbyterian Church and that is why I never married. . . . It is true that I love my church and my bank. What is wrong with that?” (215).
not rest easy until that Louisiana cur [Chaney] was roasting and screaming in hell!” (21),
echoes the fiery diction of revivalist sermons. Initially a Cumberland Presbyterian (a
Protestant denomination originating in the Second Great Awakening), Mattie reveals that
she later became a member of the U. S., or Southern, Presbyterian Church because she
decided the Cumberlands did not take a hard enough line on Election. “They do not fully
accept it,” she rationalizes, adding, “I confess it is a hard doctrine, running contrary to
our earthly ideas of fair play, but I can see no way around it” (109-10). To support her
convictions, Mattie directs her readers to four verses from the New Testament, and
concludes, “It was good for Paul and Silas and it is good enough for me. It is good
enough for you too” (110).

Mattie’s acquisition of wealth specifically by means of moneylending, a
profession to which negative associations have frequently been attached throughout the
history of Christianity, casts doubt upon the legitimacy of her success according to the
Christian capitalist framework in which she attempts to conduct her business. However,
notwithstanding the means by which Mattie acquired her wealth as an adult, her
adherence to and observance of the middle-class virtues enumerated above nonetheless
atone for this indiscretion, and cast Mattie as an heir of the Calvinist tradition in which
“hard work in one’s profession and concomitant material success could be understood as
a sign of God’s grace” (Dolan 345). Indeed, as Neal Dolan observes, the Calvinist
tradition’s combination of those middle-class virtues with an “affirmative attitude toward
bourgeois material success” were the source of the Puritans’ and, later, the Yankees’
wealth and success (345). Perhaps the overwhelming presence of these embodied
qualities in Mattie is responsible for Marshal McLuhan’s inaccurate description of her as
“a young New England girl” (135).

Like her successful career as a moneylender, Mattie’s worship of the financial
“bottom line” overlaps uncomfortably with her rigid Calvinism. In the 2010 adaptation of
True Grit, the Coen brothers somewhat brilliantly extract one of Mattie’s statements
originally referring to the spectacle of a wagonload of prisoners being unloaded in front
of the courthouse and insert it into the voiceover monologue that accompanies the film’s
opening sequence. By prefacing their film with Mattie’s observation, “You must pay for
everything in this world one way and another. There is nothing free except the grace of
God” (*TG* 37), the Coens simultaneously justify Mattie’s vengeful quest (by positioning her as an instrument of God’s wrathful retribution), and construe her fate as a consequence of that same rule. Inasmuch as the film’s alteration creates greater continuity between its opening and closing sequences, it neglects the novel’s careful consolidation of Mattie’s character through the conflation of her Calvinism and her capitalism. In the 2012 documentary, *The Pervert’s Guide to Ideology*, Slavoj Žižek similarly, if cryptically, observes,

> Capitalism has a strange religious structure. It is propelled by this absolute demand: capital has to circulate to reproduce itself to expand—to multiply itself—and for this goal anything can be sacrificed, up to our lives, up to nature and so on. Here we have a strange and unconditional junction. A true capitalist is a miser who is ready to sacrifice everything for this perverted duty.

Although he does not refer to either of *True Grit*’s cinematic adaptations in his waltz through twentieth-century film, Žižek’s comments nonetheless reflect Mattie’s unapologetic miserliness and “perverted” sense of duty. Mattie may never reproduce herself genetically, but she does reproduce, commoditize, and circulate her “true account.”

Mattie’s dogmatic belief that “you must pay for everything in this world one way and another” is tempered by her faith in purchasing power. Mattie’s faith in the power of money—both to enforce one’s will and to “account” for the world—is made manifest in the novel through her purchase of and subsequent identification with her pony, Little Blackie. Throughout the narrative, Little Blackie functions as a visual signifier of Mattie’s gender non-conformity, business acumen, and grit. According to Jane Tompkins, horses “are the place where everything in the [Western] is hidden. Besides doing all the work in a literal sense . . . they do double, triple, quadruple work in a symbolic sense” (*West* 90). In addition to freighting the pony with these symbolic values, Mattie’s blatant affection for and partnership with Little Blackie threaten to destabilize the Western’s generic conventions. Tompkins comments on the phenomenon of horses’ relative invisibility in Western films, and she notes the specificity of horses in the genre as “ridden by men” (90, 93). Not only is Little Blackie *not* ridden by a man for most of the story, but some might even say he stars in a supporting role.
Mattie purchases Little Blackie from Col. Stonehill in what is perhaps the novel’s most blatant example of her ability to succeed in the world of middle-class men. On her second morning in Fort Smith, Mattie successfully brokers a deal to sell back to Stonehill the ponies her father had foolishly purchased from him; just a few days later, she convinces Stonehill to sell her one of said ponies for two dollars less than she had sold it back to him earlier that week (TG 87-88). The triumph of her business acumen over Stonehill’s is thus emblematic of her agency as both a child in an adult’s world and a woman in a man’s world. Later, in defiance of Rooster and LaBoeuf’s attempt to prevent her from boarding the Poteau River ferry and thus accompanying them into the Choctaw Nation, Mattie urges Little Blackie into the river’s icy current, swimming its breadth, and arriving triumphantly on the other side in advance of the ferry carrying the men (103). In both of the cinematic adaptations, when Mattie confronts the men on the other side of the river, an astonished Rooster utters an impressed variation of “That’s some horse,” the admiration of which obviously extends to Mattie herself. Although this observation is absent from Portis’s novel, by the conclusion of all three iterations of Mattie’s narrative, Little Blackie has been commandeered by Rooster Cogburn, a male rider, who must sacrifice the pony’s life in order to save the girl’s.

As much as Little Blackie is a talisman of Mattie’s grit and pluck, he is also an indicator of her class. Tompkins suggests, “The horse, like a colonized subject, makes a man a master. Its association with knighthood, chivalric orders, lordly privilege, and high degree reinforces the image of mastery that a man on horseback represents” (West 101). Mattie similarly associates men on horseback with chivalry, evident in her memory of the last time she saw her father alive: “He was a handsome sight and . . . I can still see him mounted up there on Judy in his brown woolen coat and black Sunday hat . . . . He might have been a gallant knight of old” (TG 12). Mattie’s construction of her father as a member of the propertied leisure class is also tied to his possession of and mastery over horses. In her justification for her father’s decision to travel to Fort Smith on horseback rather than steamboat or train, Mattie rationalizes, “Not only would it be cheaper but it would be a pleasant outing for him and a good ride. Nobody loved to gad about on a prancing steed more than Papa” (11). The association between the ownership of horses and men of a certain class is similarly reflected in a comment LaBoeuf makes to Rooster
in defense of his own shaggy little cow-pony. When Rooster teases, “How long have [the Texas Rangers] been mounted on sheep down there?” LaBoeuf replies, “What would you guess this pony cost me? . . . You will have your joke, but he cost me a hundred and ten dollars . . . I would not sell him for that. It is hard to get in the [Texas] Rangers if you do not own a hundred-dollar horse” (114). These men’s (and Mattie’s) possession of horses contributes to Nelson’s construction of the “intersubjective fraternity of white manhood,” which depends upon an “imagined affiliation” with other men who wield power over other groups of people (3), though I would expand Nelson’s understanding of these “other groups” to include abstract notions of “people,” such as Mattie’s debtors, and other-than-human animals like Little Blackie.

In his evaluation of Portis’s other novels, Bryan L. Moore identifies the fraudulent systems of order that populate, define, and motivate those fictive texts. He asserts that, unlike “the relatively stable world of True Grit,” Portis’s other fiction “dramatizes and ultimately celebrates a quasi-chaotic world governed by illusions and populated by quirky beings whose only option lies in making do with the fraudulent universal ‘truths’ upon which they have fashioned their lives” (21). Certainly, Mattie’s strict control over her own monologic narrative imbues True Grit with a degree of stability that the other novels—even Portis’s two other first-person perspectives—simply lack. However, Moore overlooks the pertinence of his own observation to the very text he seeks to discount.

Mattie’s “quirkiness” derives from her stern implacability and unshakeable conviction in the rectitude of the “universal ‘truths’” upon which she has just as faithfully fashioned her own life. Her anxious accounting reveals the inadequacy of her “universal ‘truths’” (Calvinist Christianity, free market capitalism, and good, hard work) to invest her world—the United States—with stability and order. In fact, the one universal law that the novel appears to uphold is nature’s own form of lex talionis. Both the novel’s Western aesthetics and Mattie’s stated motivations reasonably suggest that the narrative’s logical climax ought to be the death of Chaney, and Mattie’s concomitant victory. However, as R. Baird Shuman has observed, “Chaney’s death is not presented in such a way as to make it the climax in the novel” (368). Mattie’s long-anticipated moment of victory is foreshortened and overshadowed by two significant revolutions of
fate: the instant karma she is dealt when the recoil from the gunshot aimed at Chaney immediately sends her reeling backward into the snake pit, and the discovery that she has not succeeded in dispatching her father’s killer after all. Mattie devotes more than ten pages of her narrative to describing her ordeal in the pit (TG 195-206). Meanwhile, her description of Chaney’s ultimate demise—blunt force trauma to the head delivered by Rooster’s rifle stock—is reduced to a few sentences describing the sounds of a scuffle and “a dreadful crunch” that take place out of sight above the pit but within range of Mattie’s hearing (202). The only stability to be gleaned from Mattie’s world is through the corrective force of nature.

Shuman interprets the significance of the climax’s unexpected shift in focus from Chaney’s vanquishing to Mattie’s ordeal as evidence that Portis’s Western is actually an entwicklungsroman (a novel of development or growth) in disguise (368). From this inference, Shuman concludes that True Grit “must be said to chronicle Mattie Ross’ struggle to achieve maturity.” Portis may have been attracted to the Western in the first place because of its frequent representation of one of his favourite themes: departure and return. This theme is prevalent in all of Portis’s novels, from the road-trip narratives of Norwood and The Dog of the South, to the con-artist Austin Popper’s pattern of flight and return in Masters of Atlantis, and Jimmy Burns’s bloody foray into Mexico’s “Inaccessible City of Dawn” in Gringos. In all of these cases, the main characters’ experiences away from home achieve little in the way of altering their lives or circumstances, and—contrary to Shuman’s hypothesis—this is especially true of Mattie Ross. As Shuman himself notes, the retrospective framework of Mattie’s narrative “provides Portis with an almost foolproof method of presenting a believable fourteen-year-old, for if anything seems out of character, the reader has only to recollect that the story is being told about rather than by a fourteen-year-old” (367). However, this framework only compounds the opacity of Mattie’s character by eliding the distinction between her child and adult selves. True Grit’s narrative strategy obscures the point at which Mattie’s childhood ends and her adulthood begins. Was she ever a child? Can she be said to be an adult?

Mattie fails to appreciate the morally dubious nature of her own errand into the territory. The fact that she could legitimately fund the apprehension of her father’s killer
by hiring the private services of a representative of the U. S. federal legal system is a moral quandary that the novel raises but never addresses. Another is the sheer cost of human life sacrificed in the fulfillment of Mattie’s quest. In all, the lives of eight untried and unconvicted men are spent so that Mattie may fulfill her perverse sense of duty pro patria. Like Odus Wharton’s accomplice, who dies for helping his “thug” friend, the lives of these men are expendable according to Mattie’s outlaw economy because they are “criminal trash.” However, she never considers the possibility that her quest is anything but righteous, that her conscious thirst for blood—legitimated in her mind’s eye by the need to restore the primacy of liberal personhood—contains far more malice aforethought than Chaney’s impassioned murder of Frank Ross. The result of Mattie’s multiple, competing subject positions is that she plays by no one’s rules, least of all her own.

**Ignable Masculinities**

The events in *True Grit* take place twelve years prior to the beginning of what is arguably the first crucial decade in the history of anxious American masculinity, a period when rugged male individualism was supposedly still alive and well, but was beginning to show signs of wear and vulnerability. As such, Portis’s novel emblematizes what many historians and sociologists have identified as a massive shift in the ideology of the American heroic character that began just prior to the 1890s, the decade in which James Gilbert and others claim “the anguished beginnings of modern masculinity” have their origin (22). 10 Gilbert suggests that the 1890s’ rapid increase in urbanization and the concomitant transformation of labour made it difficult for men to realize older ideologies of self-reliance, individualism, and “manliness” (16). The contemporary response to this shift is witnessed, for example, in the enthusiastic reception of Theodore Roosevelt’s advocacy of “the strenuous life” and the popularity of his Rough Riders. Not

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10 Michael S. Kimmel identifies the end of the Civil War as the earliest beginnings of this crisis, which gained momentum during the ensuing decades with the concomitant surge in industrialization, the entry into the public sphere of unprecedented numbers of women and ethnic minorities, and the closing of the frontier (52). “By the last decades of the [nineteenth] century,” he adds, “manhood was widely perceived to be in crisis.” Cf. also John Higham, “The Reorientation of American Culture in the 1890s,” *Writing American History: Essays on Modern Scholarship* (Bloomington: Indiana UP, 2003: 227-56), and Warren Susman, *Culture as History: The Transformation of American Society in the Twentieth Century* (New York: Pantheon, 1984).
incidentally, the “first” Western, Owen Wister’s *The Virginian* (1902), was not only published in the wake of this shift, but was also dedicated to Roosevelt. It is significant that the intensification of this first palpable crisis in American masculinity coincides with the same decade during which Frederick Jackson Turner famously announced the closing of the frontier, and, by extension, the obsolescence of those rugged, individualistic heroes inspired by national fantasy. It is also significant that it coincides with one of the eras Nancy Shoemaker identifies as a period of increased anxiety around the perceived stability of national identity (101). In the late nineteenth century, she says, appeals for national homogeneity came at the expense of equitable Indian policy; it was during these times of national crisis that Indigenous people were most envisioned as “outside the nation,” and assimilative policies were particularly rigorous.

Mattie’s quest for vengeance is motivated as much by her desire to see her father’s killer killed as it is by her need to address the “anxious masculinity” she experiences on his behalf, that is, her fear that Frank Ross is not a “real” man (Ducat 1). Consequently, she resolves to array herself in her father’s clothes and “traps” (his slicker, hat, and saddle), and to use his pre-Civil War-era Colt’s Dragoon revolver to extinguish the life of Tom Chaney (*TG* 96-7). Outfitting herself in her father’s accoutrements—the physical talismans of his essence—brings her as close as possible to being able to turn back time and achieve what her father ought to have done in the first place: shoot and kill Chaney instead of being shot himself.

Portis heightens Mattie’s authority by endowing her with the two props most necessary for the realization and success of the Western hero: a horse and a gun. I have already discussed the symbolic function of Little Blackie in the consolidation of Mattie’s liberal personhood; her use of her papa’s pistol similarly contributes to the novel’s appraisal of liberal subjectivity. Significantly, Mattie uses her father’s gun to exact her revenge, a gun that belonged to a man who, as Mattie herself reveals in the novel’s first chapter, makes poor personal and business decisions, and does not exercise sound judgment or common sense. The first chapter characterizes Frank Ross as too gentle for his environment; Mattie admits, “If Papa had a failing it was his kindly disposition” (10). Mattie describes her father’s decision to go to Fort Smith to buy some Texas mustang ponies for hunting and breeding purposes as a “scheme,” a description that establishes
his willingness to engage in risky, speculative behavior that ultimately threatens the well-being and stability of his family. Frank Ross’s behaviour epitomizes Gray’s assessment of individual liberty. In contrast to communal societies, Gray argues,

> [I]n a system of full liberal ownership the individual is unavoidably constrained by the limitations of his own talents and resources, [but] he is not constrained by the values or opinions which prevail among his neighbors. Subject only to the law of the land, he may use his property for any purpose he chooses: he need consult, or seek permission from no one. Thus he may use his resources for ventures that would be judged excessively risky, or in violation of conventional moral opinion by his neighbors. (65)

Notwithstanding Gray’s celebration of risk and speculation, Mattie’s narrative inadvertently construes her father’s decisions as impractical and ill advised. Upon his arrival in Fort Smith, Frank Ross discovered that the ponies he intended to breed were, in fact, geldings. Perhaps to assuage his wounded pride or to deny his foolishness, Ross purchased four of the ponies anyway, a decision that Mattie vehemently defends, arguing, “It was a good enough buy” (*TG* 13). Later, when Mattie sells the ponies back to Stonehill in that gloriously comic scene, not only does she pragmatically disburden her diminished family of the unnecessary ponies, but she also *corrects* her father’s prideful error in judgment. In many ways, she becomes the man her father could never be; thus, in some respects, Mattie becomes her own progenitor. Because his death occurs during his (literally) fruitless trip to buy gelled ponies, Frank Ross is irrevocably linked to sterility, which parallels his lack of *cojones* at the moment of his death when confronted by Chaney in front of the Monarch Boardinghouse. During this confrontation, Ross tries to convince Chaney to take his complaint of having been cheated at cards to the law; Ross is a man of recourse, rather than action. Moreover, Ross’s decision to venture onto the streets of Fort Smith, a border-town, “unarmed,” as Mattie tells us, indicates a lack of common sense (14). Frank Ross was no heroic individual; he was too concerned with the affairs of others, and too willing to let those affairs be handled by legal authorities. This is the man whose life Mattie sets out to avenge.

Mattie’s gender-bending—her “female masculinity,” as Halberstam might construe it—does not support traditional categories of masculinity so much as it demonstrates masculinity’s constructedness, especially as it pertains in Western fiction and film. In a bizarre moment of misrecognition, Ditsky articulates the potential of
Mattie’s gender-bending even as he dismisses it, observing, “Old, ugly, rich, she is the last stage of an enactment of an American classic myth: the good little girl who turned into a self-made man” (30). Or, as John Wayne’s Rooster Cogburn says of Mattie, “She reminds me of me.” Halberstam observes,

[F]ar from being an imitation of maleness, female masculinity actually affords us a glimpse of how masculinity is constructed as masculinity. In other words, female masculinities are framed as the rejected scraps of dominant masculinity in order that male masculinity may appear to be the real thing. But what we understand as heroic masculinity has been produced by and across both male and female bodies. (1-2)

As the long-winded title of her “historical article,” “You will now listen to the sentence of the law, Odus Wharton, which is that you be hanged by the neck until you are dead, dead dead! May God, whose laws you have broken and before whose tribunal you must appear, have mercy on your soul. Being a personal recollection of Isaac C. Parker, the famous Border Judge,” suggests, Mattie ventriloquizes the famous “hanging judge” in her first foray into the world of historical fiction. Mattie’s ventriloquism of the judge both in her article and in her novel when she reproduces a substantial portion of the “official transcript” (TG 41-54) indicates her “desire to appropriate the word of the father and thereby achieve entry into the symbolic order of society’s authoritative language;” moreover, her “interpolation of the court scene transcript into her own textual composition . . . subordinates this historical figure, Judge Parker, to her own larger narrative designs” (Millard 473).11 Mattie effectively uses Parker to situate herself in relation to—nay, in control of—discourses of patriarchy, effectively becoming the fiercest patriarch of all.

In each of True Grit’s incarnations, it is clear that this momentous event in Mattie’s life represents an aberration from her past conduct and will not repeat itself in her future affairs. However, the slippage between Mattie’s adult and child selves—occasioned by her retrospective narrative voice—complicates our understanding of the role her “female masculinity” plays in the novel’s critique of liberal personhood and

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11 Millard adds that Mattie’s verbatim reproduction of the letter she receives from her lawyer, J. Noble Daggett, containing the notarized release for her agreement with Stonehill (TG 73-4), and her frequent invocation of his name throughout her narrative similarly ventriloquize the authoritative male voice (474). Daggett never actually makes a physical appearance in either the novel or its adaptations; his letters, when they are reproduced in the films at all, are represented through a voice-over.
heroic masculinity. For example, Mattie’s emphatic response to Ned Pepper’s question, “Most girls like play pretties, but you like guns, don’t you?” is as characteristic of her child self as it is her adult self: “I don’t care a thing in the world about guns. If I did I would have one that worked” (TG 178). The gender nonconformity Mattie demonstrates as a child is only temporary in the sense that she does not continue to wear men’s clothing or accompany adult men on vengeance-quests. As a young girl, the most prominent indicators of Mattie’s gender nonconformity are her ability to navigate male-dominated financial discourses (which I have already discussed at some length) and her physical inhabitation of her father’s place: she outfits herself for her journey with his hat, coat, and saddle; she literally “wears the pants.” Rebecca Bell-Metereau suggests that the Western heroine’s masculine attire merely “accentuates her highly feminine features rather than increases her male attributes,” and that the ill-fitting nature of such costumes frequently “emphasizes her vulnerability, her need for masculine protection” (81). In a related discussion, Halberstam comments on the “limited nature” of the “transvestite butch’s” transgression: “She may revel momentarily in the uncertainty of gender and gender roles, but ultimately order must be restored in terms of full heterosexual womanhood” (207). Even if Mattie’s period of cross-dressing is confined to her time in the Indian Territory, her narrative refuses to acquiesce to the restoration of order supposedly wrought by future heterosexual coupling. Mattie’s behaviour as an adult continues to eschew gendered expectations in much more tangible and lasting ways, such as her refusal to marry (even though, she tells us, “I could have had two or three old untidy men around here” [TG 215]), and her immersion in the world of commerce.

By arraying herself in her father’s clothing, Mattie appropriates her father’s role and the authority of the phallus. She almost literally steps into his shoes, and becomes more of an authority in that position than he ever was. By essentially playing dress-up as her father, Mattie reveals the hollowness beneath the callous masculine exterior so prized in mythic narratives of the American West. In the novel, Mattie describes her preparation for her journey into the territory: “I put Papa’s heavy coat on over my own coat. I had to turn the cuffs back. My little hat was not as thick and warm as his so I traded. Of course it was too big and I had to fold up some pages from the New Era and stick them inside the band to make for a snug fit” (96-7). Prior to this scene, she describes how she was
unable to lift her father’s saddle onto Little Blackie’s back, and had to ask Col. Stonehill’s smith for help, who then watched in silent mirth as Mattie clung to the saddle horn atop the pony’s bucking back, unable to reach the stirrups hanging far below her feet (88).

Mattie’s inhabitation of her father’s clothes “contests the place and authority of the masculine position” (Butler xxvii-xxviii), and effectively illustrates the inherent buffoonery of such authoritative posturing irrespective of gender or class. Unlike the Western heroines of Hollywood cinema to whom Bell-Metereau and Halberstam refer, whose wardrobes are “masculine” in design but feminine in tailoring, Mattie’s pragmatic self-investiture in her father’s clothes/role disrupts “the public regulation of fantasy through the surface politics of the body” (Butler 173). At the same time that Mattie’s cartoonish appearance in her oversized clothing evokes the image of the “pigtailed damsel” and heightens her vulnerability, it also parodies the perceived “original identity” of male heroic individualism. As Butler suggests, “[G]ender parody reveals that the original identity after which gender fashions itself is an imitation without origin. . . . This perpetual displacement constitutes a fluidity of identities that suggests an openness to resignification and recontextualization” (175-6).

Portis’s representation of ignoble masculinity in *True Grit* presents a challenge to “traditional” notions of masculinity. In a more general appraisal of Portis’s fictional writing, Roy Blount observes, “Portis’s characters are insensitive and narrow in ways often held against men. But the characters have tensile strength,” a quality Blount attributes to Mattie Ross as much as Rooster Cogburn (321). Appropriately, the male characters in *True Grit* demonstrate stereotypically “feminine” and “childlike” qualities: Rooster chatters incessantly and indiscriminately indulges his “sweet tooth;” LaBoeuf is vain about his appearance; Col. Stonehill blames others for his woes, and his malarial complaint likens him to Mattie who is also ill with a head cold. Even the names of the novel’s principal male characters, Rooster and LaBoeuf, gesture toward their lackluster heroic qualities. Roosters are generally considered vainglorious and overweening male birds. Moreover, a Rooster is a male chicken; in modern American slang, “chicken”

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12 Such as Doris Day in *Calamity Jane* (1953), Marilyn Monroe in *The River of No Return* (1954), and Jane Russell in *Montana Belle* (1952).
denotes cowardice. LaBoeuf’s name is French for “beef,” connoting the generic flesh of cattle; like “rooster,” it specifically denotes a male cow or steer, which, unlike a bull, is generally castrated. “LaBoeuf”—“The Beef”—also evokes a slang association with “beefcake,” an American term for a sturdy masculine physique, or the display of one. Like Rooster, LaBoeuf is a strutting, arrogant fool who knows how to work his good looks and fancy riggings to his advantage. The names of both men reflect their pomposity and self-regard, whereas Mattie Ross’s name is plain and down-to-earth, reflecting both her individual character and the moral sensibilities of her enlightened Scottish ancestors.

Similarly, the men’s physical appearances do not immediately instill those who gaze upon them with confidence in their competency as lawmen. In her description of her first glimpse of Rooster in the Fort Smith courthouse, Mattie admits she had “guessed wrong as to which one he was, picking out a younger and slighter man with a badge on his shirt” (TG 40). She was “surprised” when, instead of the slim young man, “an old

\[\text{13}\text{ Indeed, Mattie’s recollection of her initial encounter with LaBoeuf represents the only moment in the text when she expresses the slightest hint of sexual desire. She describes him as “a nice-looking man around thirty years of age,” with “pale-blue eyes and auburn hair” (67). Punning on his name, Mattie continues, “His grin and confident manner cowed everybody at the table but me and they stopped talking and made a to-do about passing him things, like he was somebody. I must own too that he made me worry a little about my straggly hair and red nose.” After LaBoeuf extracts crucial information from Mattie regarding her plans, she admits, “I realized I had made a mistake by opening up to this stranger. I would have been more on my guard had he been ugly instead of nice-looking” (71). LaBoeuf’s moniker, it would seem, is appropriate for such a fine hunk of American man-meat.}

\[\text{14}\text{ LaBoeuf wears Mexican-style spurs, the “kind with the big rowels,” and an ostentatious gun belt that “was thick and wide and bedecked with cartridges . . . the handles on his pistols were white. It was like something you might see today in a ‘Wild West’ show” (67). In addition, perhaps, to compensating for something, LaBoeuf’s style is so fashion-forward that he parodies the parody before it was ever parodied. Mattie, moreover, is unimpressed by his brutal Spurs, perhaps seeing something of his attitude toward women and other-than-human animals in his willingness to inflict undue suffering on his own costly pony.}

\[\text{15}\text{ Although there is no evidence in True Grit that suggests as much, it is possible that Portis’s chosen surname for his prickly heroine also pays subtle homage to John Ross, who was Principal Chief of the Cherokee Nation from 1828 to 1866. Like Mattie, “Ross was, to many White observers, a contradiction” (Justice, Our 69). Unlike Mattie, Ross’s apparently contradictory nature arose from the fact that he was “only one-eighth Cherokee by racist blood quantum standards of the day, a lukewarm Methodist, and a wealthy plantation and slave owner who had only rudimentary knowledge of the Cherokee language.” In spite of these qualities, however, Ross was “a passionate Chickamaugan defender of Cherokee land tenure and was strongly supported by the majority of the Nation during his nearly forty-year service as Principal Chief, including the mass of fullbloods and ceremonial traditionalists. He was a shrewd and able leader for some of the most traumatic times in Cherokee history,” including the forced removal of the Cherokees to the Indian Territory and the devastation wrought upon the Nation by the American Civil War. Portis’s use of the name Ross may be entirely coincidental, but it’s likely, given his familiarity with the history of the Indian Territory and its geography, that he was at least aware of John Ross’s prominent role in the history of the Cherokee Nation, and may even have been inspired to imbue his protagonist with a similarly contradictory nature.}
one-eyed jasper that was built along the lines of Grover Cleveland went up and was sworn.” Rooster’s grizzled countenance, visual impairment, and girth make him appear older than his mere “forty years.” Conversely, LaBoeuf’s aggressive charm is an insufficient disguise for his lack of substance. Despite her initial attraction to LaBoeuf, Mattie sees through his swaggering confidence and stylish good looks to the desperation lurking beneath the surface of his stuffed shirt. She capitalizes on LaBoeuf’s failure to apprehend Chaney for the murder of a Texas senator in an effort to deflect his bullying. “If in four months,” she admonishes him, “I could not find Tom Chaney with a mark on his face like banished Cain I would not undertake to advise others how to do it” (72).

Like many of the west’s lawmen who doubled as badmen in their other career ventures, the dubious moral nature of Rooster’s activities before, during, and after his stint as a deputy marshal renders him at least as morally suspect as the likes of Ned Pepper and Tom Chaney. His criminally inflected activities during other periods of his life cast doubt upon the righteous nature of his temporary calling as a lawman, doubts that mount when one considers his trigger-happy approach to law enforcement. By the time Mattie contracts Rooster’s services, he has only been a deputy marshal for four years, during which time he has killed a total of twenty-three men (47). By the end of Mattie’s narrative, that number has risen to at least thirty. In his own defense, Rooster argues, “I never shot nobody I didn’t have to” (46), a potentially spurious claim that echoes the last words uttered by the first condemned man upon the gallows in Fort Smith: “I killed the wrong man and that is why I am here. If I had killed the man I meant to I don’t believe I would have been convicted” (19). Little more than the silver lawman’s badge that Rooster wears upon his vest separates him from the likes of those who swing from Judge Parker’s gallows.

Moreover, despite his occupation as a lawman in Fort Smith, Rooster is not renowned for his spotless reputation. Col. Stonehill calls Rooster a “greasy vagabond,” and warns Mattie not to trust him (87). He cites rumours that Rooster “rode by the light of the moon with Quantrill and Bloody Bill Anderson” during the Civil War, and that he

16 According to Mattie, Rooster is responsible for the additional deaths of Emmett Quincy, Haze, Farell and Harold Permalee, Tom Chaney, Odus Wharton, and an associate of Wharton’s. The lives of Lucky Ned Pepper and the boy, Billy, are extinguished by LaBoeuf. Moon is badly wounded by Rooster, but ultimately dies by the hand of his partner, Emmett Quincy. In all, Mattie’s narrative acknowledges the violent deaths of eleven men, including her father’s.
was “particeps criminis in some road-agent work” before becoming a representative of Isaac Parker’s court. Rooster later confirms the rumour about his fraternity with Quantrill and Anderson, and admits to robbing a Union captain and three soldiers of four thousand dollars in coin shortly after the end of the war (136). With the spoils of his robbery, Rooster fled to Illinois, where he adopted the alias “Burroughs” and opened “a eating place called The Green Frog” (TG 137). When The Green Frog floundered, Rooster sold out and took up a transient existence in the Western states, eventually robbing a high-interest bank in Las Vegas (139). Problematically prophesying the novel’s conclusion, Rooster tells Mattie he avoided arrest by fighting back against the posse that pursued him: he turned his horse around, took the reins in his teeth, and fired at the men with both pistols blazing. The method that Rooster uses to extricate himself from danger when he is on the “wrong” side of the law is the same method he uses when he is on its “right” side during the shootout with Lucky Ned’s gang in the meadow at the novel’s conclusion. Rooster’s indiscriminate application of this method blurs the distinction between criminal wrongdoing and “righteous” criminal punishment.

Significantly, Rooster’s signature combat style—now rendered iconic by both of True Grit’s cinematic adaptations—alludes to his participation in a far less heroic and much bloodier chapter in the history of the southern United States. Rooster’s style of attack is borrowed from a strategy popularly attributed to William Quantrill and his Confederate bushwhackers, a group of irregulars alternately consisting of idealists, opportunists, and “some of the most psychopathic killers in American history” (Schultz 72). Quantrill and his guerillas are most well known for their sacking of Lawrence, Kansas, an abolitionist stronghold, on August 21, 1863. Backed by more than four hundred raiders, Quantrill led a nighttime assault that witnessed the indiscriminate slaughter of over one hundred and eighty men and boys (many of whom were dragged from their homes), and reduced the town to a smoking pile of rubble. As Edward Leslie attests, “Many people, including a few eyewitnesses to their attacks, would later claim that Quantrill’s raiders rode into battle with their reins between their teeth and a revolver in each hand” (180; cf. also Petersen 193). Although Frank James, one of Quantrill’s famed underlings, would later dismiss these accounts as “simply dime novel stuff” (Leslie 180), Duane Schultz notes that the raiders were “among the best shots of any
outfit, North or South. They could fire revolvers simultaneously from each hand” (79). Notably, the firearm preferred by Quantrill and his retinue was the six-shot Colt .44, commonly called “the Navy revolver” (Schultz 78). Appropriately—or perhaps chillingly—the revolvers Rooster carries with him into the Choctaw Nation are the same “navy sixes” (TG 139) he carried when he rode for Quantrill, and possibly the same ones he used in the guerillas’ (in)famous raid on Lawrence, Kansas. Rooster’s use of this method to vanquish Ned Pepper and his gang in the Winding Stair Mountains blurs the distinction between his ability to wield this violence beneath the legitimizing banner of U. S. law enforcement and his illegitimate application of it in the past.

As Mattie reveals in her conclusion, Rooster’s heroism following his courageous exertions to save her life is short-lived. She recounts the abrupt and violent conclusion to his career as a lawman in the service of the U. S. government when, less than three weeks after rescuing Mattie from the snake pit, Rooster shot and killed the fugitive convict, Odus Wharton, and one of his associates who was not wanted by the law at the time. Rooster was “made to surrender his Federal badge” for this indiscriminate use of force (211). After a second marriage to a widow with six children, all of whom he ultimately abandoned, Rooster eventually ended up in Wyoming where he became involved in the “sorry business” of the Johnson County War in which, Mattie fears, “Rooster did himself no credit.” He died at the age of sixty-eight while touring with a Wild West show; his unclaimed body was buried in a Confederate cemetery in Memphis, from which Mattie had it exhumed and removed to her family’s plot in Arkansas.

The quality of LaBoeuf’s heroic masculinity in Portis’s novel is even more amorphous than Rooster’s. In addition to his failure to apprehend Tom Chaney while the

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17 The Johnson County War, alternately known as the War on Powder River and the Wyoming Range War, took place in 1892 in the central Wyoming county of Johnson. It witnessed the bloody conflict between “a faction of arrogant, range-hungry Eastern and British aristocrats who headed the Wyoming cattle industry” and “resisting rustlers, cowboys, and small-towns, most of whom were Democrats or Populists” (R. M. Brown 47). The former “sponsored a vigilante campaign” against the latter, employing hired guns, like Rooster, in their service to eliminate opposition to their “progressive” politics by whatever means necessary. Richard Maxwell Brown has demonstrated the role of this range war in what he calls the “Western Civil War of Incorporation,” which, he argues, “pitted insurgent Indians against the squeeze play of political pressure and military force that concentrated them in reservations stippling the great West. It also bred cultural and economic factors that impinged on the traditional lifeways and livelihoods of the Hispanics of the Southwest . . . . In the mines, mills, and logging camps on the ‘wageworkers’ frontier’ of the West, workers resisted corporate industrialists with strikes that frequently ended in violence between labor unionists and the paramilitary and military forces who joined in an alliance of capitalism and government” (44).
he was still at large, LaBoeuf botches the trio’s planned ambush of the Ned Pepper gang at the dugout. LaBoeuf claimed he could not see well from his hiding place and was in the process of finding a better one when Lucky Ned fired three signal shots; believing the fight had started, he began firing in turn (146). Rooster accused LaBoeuf of having fallen asleep and shooting from panic when he was awakened by the shots. Mattie’s retrospective reasoning highlights the crux of the matter:

I thought it was in LaBoeuf’s favor that his first shot had struck and killed Lucky Ned Pepper’s horse. If he had been shooting from panic would he have come so near to hitting the bandit chieftain with his first shot? On the other hand, he claimed to be an experienced officer and rifleman, and if he had been alert and had taken a deliberate shot would he not have hit his mark? Only LaBoeuf knew the truth of the matter. (146-7)

After sustaining a critical injury in his scuffle with Chaney in the bandit’s camp, LaBoeuf helps to rescue Mattie from the snake pit. However, his final posture in the novel communicates only defeat: he is out of breath and speechless, sitting on the ground with his bloodied head cradled protectively in his hands (206). After her convalescence, Mattie learns that a rescue party eventually found LaBoeuf, who refused to leave the bandits’ camp until he had recovered the body of the man whose trail he had followed for so long (209). Apart from this news, Mattie reveals that she “heard nothing more of the Texas officer” after her last glimpse of him holding his injured head in his hands, seated alone atop the Winding Stair Mountains (215). LaBoeuf’s heroism is suspect throughout the novel, and though it is never exacerbated by the knowledge of later misdeeds (as is the case for Rooster), its inconsequentiality is never mitigated by the knowledge of redemptive acts in the future.

Despite Mattie’s fierce defense of her father’s questionable actions and her loyalty to Rooster, her narrative is nonetheless replete with men ignoble in both deed and character. Indeed, the novel’s comic appeal derives as much from Mattie’s deadpan delivery as the bathos inherent in the fleeting triumph of these ignominious men.

**Alternative Nationhood**

If Mattie’s narrative does not completely revise the role of heroic masculinity in consolidating U.S. national identity, it at least identifies its limits and gestures toward
alternatives. In *True Grit*, some of these alternatives are most evident in the novel’s portrayal of Indigenous peoples. This may come as a surprise to someone whose acquaintance with *True Grit* obtains solely from a familiarity with the films, both of which downplay the story’s Indian Territory setting and actively alter or excise scenes involving Indigenous characters. Notably, Portis’s attitude toward Indigenous people, especially Indigenous men, does not share the negative proclivities of his prevailing attitude toward women found throughout his fictional *oeuvre*. In fact, Portis’s representation of Indigenous peoples in his fiction—and especially of Indigenous men in *True Grit*—is not only an exception to the general rule of Indigenous absence in popular Westerns (Tompkins, *West* 8-9), but it also challenges the supreme heroism of white male bodies in American popular culture. Taylor suggests that to read southern literature written after the Civil War “is to confront a world saturated with Indian characters, themes, and references and yet uncannily absent of ‘real’ Indian survivors” (26). Referring to the tendency of white southern writers to invoke “Indian ghosts and caricatures” in their work, Taylor adds, “Nothing, apparently, makes a hero seem more virile than reminders of worthy and noble foes now indisputably defunct” (29). In her cultural study of the Western genre in American fiction and film, Jane Tompkins makes a similar observation when she expresses her surprise at the startling lack of Indigenous representation in the many films she watched and novels she read for her research. The “Indians” that were present, she says, typically “functioned as props, bits of local color, textural effects. As people they had no existence. Quite often they filled the role of villains” (*West* 8). Indigenous people are not absent from *True Grit*, although they are certainly on the margins of the action. Notwithstanding the brief appearances of Indigenous men and women in Portis’s novel, they are nonetheless present throughout the narrative, punctuating Mattie’s excursion into the territory from the opening sequence of the triple hanging in Fort Smith to Rooster’s mad ride to get Mattie to safety at the novel’s conclusion. The presence of “Indians” and the frequent reminders throughout the novel that the protagonists are in *Indian* Territory reaffirm *True Grit* as a different kind of Western.¹⁸ The sporadic appearance of Indigenous characters, though often nameless,

¹⁸ Although Mattie devotes very little of her narration to a description of the landscape—in fact, she apportions just one paragraph consisting of approximately a dozen lines to its description (*TG* 105)—she
provides Mattie (and readers) with alternative models of masculinity and nationhood, and challenges dominant stereotypes of Indigenous peoples.

The first appearance in the text of an Indigenous person is during the scene of the triple hanging on the Fort Smith gallows shortly after Mattie’s arrival in town. Of the three condemned men, two are white and one is “an Indian” (TG 18). Mattie recalls the Indigenous man’s spare eloquence in speaking his last words: “I am ready. I have repented my sins and soon I will be in heaven with Christ my savior. Now I must die like a man” (19). With the privilege conferred by time and distance, Mattie articulates one of the few moments of genuine, unsolicited generosity in her account: “If you are like me you probably think of Indians as heathens. But I will ask you to recall the thief on the cross. He was never baptized and never even heard of a catechism and yet Christ himself promised him a place in heaven.” Mattie’s exposure to the Christian masculinity of the condemned Indian is complemented by the “surprise” she experiences later when she learns that the Indigenous wife of Bagby, a white merchant in the Indian Territory, is also a Presbyterian, and was schooled by a missionary (109). Not only is Mrs. Bagby a Presbyterian with a strong command of the English language, but she is a member of the Southern Presbyterian Church, the same denomination to which Mattie herself turns later in life (109-10). In a display of maternal solicitude, Mrs. Bagby gives Mattie a little package of gingerbread before the latter resumes her journey with Rooster and LaBoeuf.

Indeed, the Indian Territory and its residents continue to surprise Mattie throughout her sojourn there. In the same way that the Christian faith of the condemned man and Mrs. Bagby refutes Mattie’s notion of “heathenish Indians,” the travellers

nonetheless remarks upon many of the natural and man-made features of the territory, indicating her (and thus Portis’s) familiarity with the place. With references to the Fort Gibson and Texas Roads, the San Bois and Winding Stair Mountains, and the Poteau and South Canadian Rivers, Mattie imbues the Indian Territory with historical and geographic specificity. When the trio stops in the town of McAlester, Mattie observes, “There was little more to the place than the store building and a few smaller frame and log structures of poor description, and yet if I am not mistaken this was at that time one of the best towns in the Choctaw Nation. The store is now part of the modern little city of McAlester, Oklahoma” (154). Moreover, Portis singles out the Missouri-Kansas-Texas Railroad (the Southern Branch of the Union Pacific) as the line robbed by Ned Pepper and his gang in the novel. The M. K. & T. was one of the first rail lines to push its way through the Indian Territory after the conditions of the Treaty of 1866 opened the floodgates for commercial rail industry in the territory. The construction of these rail lines increased the presence of Eurowestern Americans in the territory, and Angie Debo has specifically commented on how the M. K. & T. brought with it “a dangerous class of intruders, enterprising adventurers who fastened themselves upon the Indian country and were determined to make it a white man’s land” (Road 197). In a sense, then, Ned Pepper and his band of thieves are no more enterprising or criminal than their victims.
whom she passes along the territory’s roads similarly defy her categorical understanding of Indigenous peoples. During the trio’s first day of travel along the Fort Gibson Road through the Cherokee Nation before heading south into Choctaw territory, Mattie observes,

   Few travelers were on the road, only an Indian now and then on a horse or a mule, or a family in a spring wagon. I will own I was somewhat afraid of them although they were not, as you may imagine, wild Comanches with painted faces and outlandish garb but rather civilized Creeks and Cherokees and Choctaws from Mississippi and Alabama who had owned slaves and fought for the Confederacy and wore store clothes. Neither were they sullen and grave. I thought them on the cheerful side as they nodded and spoke greetings. (104)

Mattie’s pleasant surprise at the civility of the “Indians” whom she encounters in the territory nonetheless perpetuates the hierarchies of “civilization” that have had no small role in ingraining racial prejudices and stereotypes both within Indigenous communities and the U. S. more generally.19 Elsewhere, however, Portis demonstrates a more equal-opportunity aesthetic in his representation of Indian Territory life—its vices and its virtues. In her description of the “two wicked boys” who are making light of a suffering mule’s discomfort upon the trio’s arrival at Bagby’s store, Mattie is careful to note that, though the boys are the same age, “one was white and the other was an Indian” (109). These boys’ penchant for cruelty, irrespective of race, is balanced by the generous inclinations of other territory residents, such as the “wealthy Indian farmer named Cullen” who provides Rooster with “a buggy and a fast span of matched horses” and an escort in the form of his own son mounted on horseback to expedite Mattie’s return to Fort Smith at the end of the novel after she is bitten by the snake (208).

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19 The work of Cherokee journalist, author, and poet John Rollin Ridge, for example, elucidates “a scale of values in which some Native American tribes, such as the Cherokee, Aztecs, and Incas are seen as the superior representatives of their race” (Christensen 62). Ridge’s contempt for the “western” or “California” nations of Indigenous peoples is evident in his condescending and unflattering portrait of the Tejon Indians in The Life and Adventures of Joaquin Murieta (pp. 36-8), and in his treatment of the Digger Indians in a series of journalistic reports from the 1850s (cf. A Trumpet of Our Own: Yellow Bird’s Essays on the North American Indian, eds. David Farmer and Rennard Strickland. San Francisco: Book Club of California, 1981. pp. 55-65). Similarly, in Roughing It Mark Twain describes the “Goshoot” Indians, a fictionalized Indigenous nation remarkably akin to the Diggers described by Ridge (cf. Chapter XIX). Although Twain’s parody may have targeted the sentimentalism of the “noble savage” depicted by the likes of James Fenimore Cooper, his deconstruction of the “noble redman” merely substitutes cultural vanishing with cultural degeneration and degradation.
In what is perhaps *True Grit*’s most radical revision of the genre, apart from the gender and age of its protagonist, the novel fuses the Western’s racial and gender politics in its representation of Captain Boots Finch of the Choctaw Light Horse Police and his model of “alternative masculinity,” and, indeed, alternative nationhood. Portis’s novel represents, in this respect, an exception to Halberstam’s rule, “[H]eroic masculinities’ depend absolutely on the subordination of alternative masculinities” (1). Mattie correctly observes, “These police handled Indian crimes only, and where white men were involved the Light Horse had no authority” (154). Mattie’s observation forecloses upon the possibility that Finch might have a significant role to play in capturing Ned Pepper and his gang of outlaws, and thus safeguards the individual heroism of Rooster and, to a lesser extent, LaBoeuf. Nonetheless, Finch’s friendly banter with Rooster and his participation in the “corndodger massacre” sequence (163-4) places him on an equal footing with the white lawmen and provides Mattie and her readers with an alternative model of masculinity. Significantly, Mattie’s introduction to the Choctaw captain—“a slender man about of an age with Rooster”—takes place while Finch is having his hair cut (155).

Lee Clark Mitchell has commented upon the ubiquity of male bathing scenes in Westerns, and identifies a corollary to this standard in the hero’s “customary visit to the barbershop, where viewers are asked to gaze at stubble shaved, hair trimmed, mustaches waxed, as faces emerge from suds to be slowly reconstituted before our eyes” (151). These scenes, Mitchell avers, depict “men becoming men in the principal way the Western allows, by being restored to their male bodies,” effectively “proving the body male.” *True Grit* capitalizes upon this generic anxiety not to prove the white bodies of...
Rooster and LaBoeuf male, but rather to prove the *Indigenous* body male. Finch continues to have his hair trimmed while engaging with Rooster in a muted contest of national/masculine rivalry disguised as friendly jocularity, during the whole of which Mattie witnesses the gradual revelation of Finch’s “maleness.” Finch demonstrates his lawman’s acuity by anticipating Ned Pepper’s train robbery as the reason for Rooster’s presence in the Nation. He further demonstrates his vested interest in the outlaws’ whereabouts regardless of jurisdiction. He tells Rooster, “We are watching [Ned’s] woman’s house. It is a waste of time and none of my business but I have sent a man out there” (*TG* 156). Both of the lawmen know where Ned is actually holed up, but Finch wryly observes, “[I]t will take a hundred marshals to smoke him out of there.” When Rooster protests, “It won’t take that many,” Finch clarifies, “It wouldn’t take that many Choctaws.” Finally Finch offers, “I could take you in there, Rooster, and show you how to bring Ned out.” Whether because Finch has touched a sensitive nerve or because Rooster is not in the Nation on official Marshal business, the latter blithely rejects Finch’s offer: “Could you now? Well, a Indian makes too much noise to suit me.”

The men’s understated rivalry continues even after the trio leaves McAlester, when Finch catches up to the group to share with Rooster the news that Odus Wharton had escaped the jail at Fort Smith. Having been apprised of the botched ambush at the dugout, Finch tries to assuage LaBoeuf’s wounded pride by assuring him he is not the first person to miss a shot aimed at Lucky Ned Pepper, adding, “Rooster here has missed Ned a few times himself, horse and all . . . . I reckon he is on his way now to missing him again” (163). This gibe precipitates the comic massacre of about five dozen of the trio’s corndodger rations as Rooster, LaBoeuf, and Finch each attempt to shoot the little victuals in midair. After the men waste a half-hour on “that shooting foolishness,” Mattie—who has been a silent observer to the men’s exertions—shames them into abandoning their fun with her sharp assessment, “Shooting cornbread out here on this prairie is not taking us anywhere” (164). Unlike the implied rivalry between Rooster and LaBoeuf, the rivalry between Rooster and Finch does not appear to be sexually motivated. Moreover, Mattie limits her commentary on Finch’s appearance to her brief description of his “slender” frame. Although these distinctions may suggest that only Rooster and LaBoeuf—the white men—are suitable romantic interests for Mattie, they
nonetheless avoid constructing Finch’s Indigenous masculinity in stereotypically exotic terms, and his difference is therefore a matter of national affiliation. Not only does Portis stock his novel with “real” Indian survivors, but he also refuses to enhance his male protagonists’ virility by invoking reminders of “noble foes now indisputably defunct” (Taylor 29). However, all of Portis’s efforts to stage a different kind of Western between the covers of his novel—including his apparently unique representation of “Indians”—are steamrolled in each of its filmic adaptations’ flattening of Indian Territory diversity and weakening of the novel’s comic satire.

**Compromising True Grit in Cinema and Criticism**

Portis’s *True Grit* draws back just enough from a completely radical representation of the limits and vulnerabilities of liberal personhood to avoid accusations of “un-Americanism.” Where Portis leaves this inch, the novel’s cinematic adaptations take a mile, divesting their source of much of its transformative and ponderous potential, thus modeling the way in which outlaws, and the alternatives they are capable of representing, have been appropriated in the service of consolidating an idealized national identity, one that depends upon the subordination of competing models to achieve dominance.

Although Portis’s novel represents the reality of the Choctaw Nation’s diverse racial population in the late nineteenth century and the legitimate concerns of its Indigenous residents and law enforcement, both of *True Grit*’s cinematic adaptations nonetheless capitulate to the standard Western’s lack of representation of Indigenous people as “individuals with a personal history and a point of view” (Tompkins, *West* 8). Both films omit Boots Finch’s presence during the comic “corndodger massacre” sequence, the entirety of which the 1969 film discards altogether:21 Unlike Hathaway’s 1969 production, which at least reproduces Rooster’s parley with Boots Finch in McAlester, the Coen brothers’ film completely excises the role of the Choctaw police captain. These deletions, along with the elimination of several other moments of Indigenous representation in Portis’s novel, efface the presence of Indigenous masculinity from Mattie’s narrative in favour of emphasizing the white heroic individualism of Cogburn and LaBoeuf. More distressingly, despite these deletions, the

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21 The 2010 film maintains this comic sequence, but its only participants are Rooster and LaBoeuf.
Coen brothers’ film has actually been praised for its “faithful” adherence to its source material, for “lifting whole lines of narration and dialogue from the book” (Doherty n. pag.). In addition to emphasizing Mattie’s sexually precarious and vulnerable position (an element entirely absent from Portis’s novel and even the 1969 film), and heightening the rivalry between Rooster and LaBoeuf (and thus the intimacy between the former and Mattie) by frequently separating the lawmen throughout the film, the Coens’ most substantial alteration to their source material is in the erasure or flattening of Portis’s representation of Indigenous men. When they aren’t simply absent, Indigenous representations function as the solvent through which the film duo transmits its characteristic black humour and macabre eccentricities—the only trademarks of the Coens’ style that disrupt the conventions of what critics have praised as their “first straight genre exercise” (Ebert n. pag.).

The Coens’ rendering of the triple hanging in Fort Smith deprives the condemned Indigenous man of his voice, and turns his moment of death into an opportunity for comic relief. Following the last words of the other two men, the Indigenous man in the Coen brothers’ film begins, “Before I am hanged, I would like to say—,” but his speech is abruptly truncated when the hangman roughly forces the hood over his head and pulls the lever to make the trapdoor fall out from beneath the men’s feet. I will never forget the sensation of the cold chill that ran up my spine during both of my public viewings of the 2010 film when many of my fellow moviegoers laughed hysterically at the hangman’s treatment of the Indigenous prisoner. The humour of the scene derives partly from the sheer brusqueness of the hangman’s actions (and his callous humiliation of the Indigenous prisoner immediately before the latter’s death), but also from preconditioned notions that this sort of treatment of racial minorities was to be expected in the nineteenth century, and that we’ve somehow come a long way since then. In a screenplay otherwise committed to representing its source material faithfully and accurately, these alterations are a serious cause for concern because they reinscribe a mythological understanding of western American history in which ruthless white men effectively scorched the earth and all upon it in order to make room for the “civilization” that followed.

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22 Cf. also Maher, Cieply, and Ebert.
Portis’s novel offers readers a more nuanced portrait of the borderlands between the United States and the Indian Territory in the late nineteenth century that depicts the cultivation of political relationships between the citizens and representatives of each polity without disrespecting either.\textsuperscript{23} One of the most important scenes in which the novel achieves this representation is during Rooster’s amicable parley with Boots Finch, a crucial scene that the Coen brothers actively erase from their “faithful” adaptation. What is more, there is no “wealthy Indian named Cullen” who lends his buggy and horses to Rooster at the conclusion of either the 1969 film or the 2010 adaptation. The Coen brothers similarly alter the scene in which Rooster verbally and physically chastises the two “wicked boys” at Bagby’s store. In Portis’s novel, these two boys—one of whom is white and the other Indigenous—have active roles. They speak to Rooster and they run the ferryboat that takes the trio across the river. In the 2010 film these boys are both Indigenous, and, like the condemned man upon the gallows, they are both silenced, uttering only a few muffled grunts each time Rooster kicks them off Bagby’s porch.\textsuperscript{24} Finally, the Coens reproduce the stereotype of the silent, scavenging Indian during one of the few improvised scenes inserted somewhat extraneously into their adaptation of Portis’s novel. In this extended scene, Mattie clambers up a tree to cut down a hanged man at Rooster’s command. While she is in the tree, an Indigenous man on horseback appears below and engages in a brief conversation with Rooster. Again, like the condemned man and the “wicked boys,” the Indigenous traveler is not granted an active voice in the film, his discussion with Rooster taking place out of earshot of Mattie, and thus the audience. The man soon leaves Rooster, but not before loading the body of

\textsuperscript{23} I elaborate further upon this notion near the end of my discussion of John Oskison’s \textit{Black Jack Davy} in Chapter Four.

\textsuperscript{24} The Coens’ creative license in such scenes as the hanging of the condemned Indigenous man and Rooster’s treatment of the “wicked boys” is similarly reflected in the scene where Mattie takes her first experimental ride on Little Blackie’s back. According to Portis’s novel, Col. Stonehill’s stable man is an “old man” named Toby; Mattie never mentions his race (\textit{TG} 97). Conversely, the stable man, or rather stable boy, in the Coen brothers’ film is a young African American boy. The boy accompanies Mattie to the corral where she and the sooty pony get acquainted with each other. She declares aloud, “I’ll call him Little Blackie,” to which the boy responds, “That’s a good name.” The motivation behind the tongue-in-cheek quality of this extraneous scene, which witnesses a small black boy’s positive assessment of the name “Little Blackie,” is difficult to ascertain. Certainly, it invokes the rhetoric of slavery in the antebellum U. S., which sanctioned the legal status of slaves as chattel property, much the same as domesticated animals. Its role in this scene is not clearly defined, but I suggest that, like the Coens’ decision to turn the condemned Indigenous man into a comic device, this scene mitigates explosive social conflicts in the present by pointing to the sins of the past.
the hanged man onto the back of his horse because, as Rooster explains to Mattie, “it is a dead body, possibly worth something in trade.”

An examination of the differences and similarities of the scenes in which Mattie first meets Rooster and LaBoeuf likewise illuminates the ways in which the films exploit these men’s vulnerabilities as red herrings with which to defer the revelation of their heroic capabilities, thus maximizing their dramatic and emotional effect. The 2010 film heightens this effect beyond the level of the 1969 film, the latter of which initially imbues Rooster with some degree of competence. In Hathaway’s film, Rooster first appears in a distinctly legal setting: he arrives at Judge Parker’s courthouse towing a wagonload of captured criminals. The insertion of this otherwise extraneous scene into the 1969 production immediately establishes Rooster’s ruthless potency as an agent of justice. Similarly, the film’s final image of the marshal is his triumphant departure into the wintry sunset after having escorted Mattie back to her home in Arkansas.

Our introduction to Rooster in the Coen brothers’ film likewise represents an improvisation, but unlike Hathaway’s production, he does not initially appear as a representative of the law; instead, we do not see him at all, but, rather, we hear his voice through the walls of an outhouse where Mattie first confronts him. In this scene, Rooster’s capacities—in all respects—are, to say the least, diminished. Although the scene is treated with characteristic Coen brothers humor, it nevertheless renders Rooster vulnerable: he is, presumably, seated while Mattie stands erect outside the outhouse door in a position of authority over him, having caught him, literally, with his pants down. The uneven and unconventional distribution of power in this scene will, however, be smoothed out and made orthodox by the film’s conclusion when Mattie must be rescued from the snake pit and carried through the night to safety.

Taking its cue from Portis’s novel, in the 1969 film Mattie’s introduction to the Texas Ranger unfolds in the very public setting of the dining room at the Monarch Boardinghouse where they are seated, like equals, across a table from one another. In contrast, Mattie’s initial encounter with LaBoeuf in the Coen brothers’ film heightens her feminine vulnerability because it does not take place in the security of a public setting, but rather in the intimate space of Mattie’s bedchamber. This disturbing confrontation plays upon the sexual threats an unchaperoned young woman on the western border of
Arkansas might have expected to face in 1878. The 2010 film heightens beyond the level ever achieved by either of its predecessors the inherent threat of rape that Mattie faces throughout her journey. While in Fort Smith, Mattie awakens one morning to discover LaBoeuf, a stranger, watching her from the foot of her bed. After receiving several acid-tongued gibes from the girl in reply to his queries, LaBoeuf advances several steps toward where she lies prostrate and, towering over her, threatens, “While I sat there watching you, I gave some thought to stealing a kiss, though you are very young, and sick, and unattractive to boot.” Although this little speech is delivered almost verbatim from the text in the novel, the Coen brothers’ decision to stage this exchange in Mattie’s bedroom rather than the public dining room emphasizes her consistently vulnerable position that will become most crucial in the film’s final scenes when she is rendered utterly helpless and dependent upon Rooster’s paternal assistance and heroic rescue.

Portis’s novel delivers frequent reminders of Mattie’s authority over her narrative. In the novel, an aged Mattie Ross retrospectively narrates the entire sequence of events, beginning with a description of her father’s murder. In contrast, both filmic adaptations of the novel sacrifice Mattie’s central role in favor of profiling their male leads. Both films differ from Portis’s novel in one crucial respect: they shift the focus from Mattie to her male co-stars in a manner that deprives viewers of her keen tongue and strips her of authoritative control over her own narrative. In large block letters beneath the tagline “Punishment comes one way or another,” the 2010 promotional poster bills, in order, Jeff Bridges, Matt Damon, and Josh Brolin (Chaney) as its stars. Hailee Steinfeld’s name only appears in the list of credits at the bottom of the poster, and even then she is second in line, sandwiched between Barry Pepper (Lucky Ned) and Carter Burwell, the composer of the film’s musical score.

Hathaway’s 1969 film significantly alters not only the sequence of expository events, but also—and crucially—the entire narrative perspective to the effect that the stable nuclear family under the father’s control becomes the film’s first image, and the only narrative perspective to which we have access is that of the camera’s lens. As such, Mattie’s voice and her agential role are significantly diminished in this film, and the attention that would otherwise be directed at her is instead deflected to the film’s male stars. The first scene depicts Frank Ross’s leave-taking of his wife and three children as
he prepares to depart for Fort Smith (it should be noted that no such scene of quaint domesticity takes place in the novel). As he kisses his wife goodbye, Ross asks, “Where’s Mattie?” Mattie’s face appears behind a window in the front of the family’s home, and she replies, “I’m in here, Papa.” The film begins, then, with the presentation of an intact nuclear family whose eldest child, a girl, is properly framed within the confines of the domestic abode, albeit she is in a somewhat unlikely position as her father’s bookkeeper. The stability of this nuclear family is destroyed by the murderous intervention of Chaney, a bachelor—that is, a man who has, thus far, refused to submit to the social stability supposedly wrought by heteronormative coupling. Mattie’s quest for vengeance effectively seeks retribution for the unmarried man’s insurrection against the stability of the nuclear family.

This improvised domestic scene immediately calls into question the relevance and reliability of Frank Ross’s pistol—and, by proxy, its owner—when Mattie questions her father’s decision to take it with him on his journey. “Papa,” she ventures, “that gun’s old-fashioned. Why don’t you buy a new one in Fort Smith?” To which Ross replies, “It certainly worked at Chickamauga. It’s got a long way to go yet.” The Hathaway production neglects to mention, however, that Frank Ross was badly injured—almost fatally—during the Battle of Chickamauga in 1863 (TG 11). If the symbolic power of the gun in the West has developed an almost clichéd reputation as a metaphorical representation of the phallus or of male sexuality (Grant 69; Tompkins, West 33), then the failure of Mattie’s father’s gun not only when she needs it most but also when she uses it to discharge her fatal purpose is significant on two levels. At the same time that it condemns “softened” masculinity, it condemns even further a woman’s attempt to wield the phallic power represented by the gun, even if that power has been substantially diminished or “gelded.” In the novel, Rooster gives Mattie the opportunity to exchange her father’s aging firearm for a “like new” “Ladies’ Companion,” a “twenty-two pepper-box that shoots five times,” but Mattie refuses, insisting on using “Papa’s gun” herself (62). In each version of True Grit (textual and visual) “Papa’s gun” misfires on Mattie when she first encounters Chaney at the river. Her first shot injures him when the bullet grazes his ribs, but when she attempts a second and a third shot, “the hammer snap[s] on a bad percussion cap” previously loaded into the gun by Rooster, or so Mattie claims
Given the fact that Chaney has to remind her to cock the hammer before firing, it stands to reason that Mattie’s failure with the gun is just as likely the result of her own inexperience with firearms or the result of the gun’s age and history of disuse.

In the novel as in the 1969 film, her Papa’s pistol betrays Mattie once more when she uses it on Chaney for the last time at the scene of the bandits’ camp. At the very instant she successfully sends “a lead ball of justice, too long delayed, into the criminal head of Tom Chaney,” the kickback from the big pistol sends her reeling into an open pit. It is in this pit that Mattie encounters the rattlesnakes, one of which bites her left arm and necessitates Rooster’s wild ride to get her to safety. To heap insult upon injury, Mattie’s “lead ball of justice” does not achieve its purpose: she only succeeds in wounding Chaney, not killing him. It is not until Rooster strikes Chaney dead that the villain finally expires. The significance of the gun as a phallic object in Hathaway’s film achieves its fullest expression in the improvised final scene when Mattie hands her father’s pistol over to Rooster, saying, “I think it’s only right that you have Papa’s gun; it might keep you alive.” Despite the questionable functionality of the gun and its ability to prevent personal injury, Mattie’s symbolic act restores the phallus to its proper place in the hands of the patriarch. Indeed, the 1969 film elevates Rooster to a more heroic and potent level than he ever achieves in the novel. The conclusion of the Hathaway film presents viewers with a Mattie Ross whose arm—bound in a splint, but still whole—has only been broken by her descent into the snake pit, but was not amputated as a result of snakebite, indicating that Rooster’s efforts to save her life were not only successful, but actually exceed the compromise of the novel’s conclusion in which he rides all night to get her to a doctor, saving her life at the cost of losing her arm.

The 2010 film does not emphasize Frank Ross’s shortcomings in the same way as the Hathaway production; instead, it finds other ways to undermine the value of the man she avenges and the transgressive power she attempts to wield. In the Coen brothers’ interpretation of Portis’s novel, Mattie is allowed to take credit for Chaney’s death, but notably she does not use her father’s pistol to blast him over the cliff’s edge. She grabs LaBoeuf’s Sharps carbine rifle after the Texas Ranger is knocked unconscious by a blow to the head from Chaney, and blasts the latter squarely in the center of his abdomen, sending him over the cliff’s edge and into oblivion. Even though the recoil from
LaBoeuf’s powerful rifle likewise sends Mattie reeling backward into the pit of snakes, it is significant that she does so using a phallic object belonging to a more suitably “masculine” man, capable of hitting his mark from “four hundred yards at least,” rather than the impotent Dragoon pistol belonging to her father.

I have already discussed at some length the symbolic function of Mattie’s pony, Little Blackie, in establishing, at one and the same time, her classed liberal personhood and her transgressive potential as an unconventional Western hero. Like her claim to her papa’s pistol, Mattie’s rhetorical connection to Little Blackie heightens her authoritative stance throughout her narrative. Little Blackie is one of the only living beings for which Mattie exhibits a deep and abiding affection. In the novel, Mattie eulogizes her pony when he drops dead from exhaustion: “Blackie fell to the ground and died, his brave heart burst and mine broken. There never lived a nobler pony” (207-8). Hathaway’s film is faithful to its source material in that Little Blackie’s death is the result of being ridden too hard and burdened too heavily during Rooster’s frantic bid to save Mattie’s life. In the 2010 film, Little Blackie is not permitted to die of his own volition. Instead, Mattie sobs hysterically—tears that were not similarly shed for her own dear father—as Rooster towers over the dying pony and fires a bullet into its brain. Effectively, the Coens’ chilling improvisation witnesses Rooster’s willful, albeit humane, destruction of the symbolic representation of Mattie’s transgressive gender nonconformity and “grit.”

However much the True Grit franchise negotiates contemporary gender concerns by suggesting that women are sufficiently—even superlatively—competent to transact what were once traditionally “men’s affairs,” inevitably, these films suggest, it is still up to men to fulfill the world’s truly “gritty” tasks, such as Rooster’s unfortunate but necessary euthanization of Little Blackie in the 2010 film.

The films’ immense popularity has eclipsed Portis’s novel as the primary means by which people have become familiar with Mattie Ross’s “true account.” As such, I suggest it is one of the most over-consumed and under-read “Western” novels to emerge from the American press. The tone of the popular criticism that has been levied against True Grit and the reception of Portis’s oeuvre both reflect this paradoxical characterization and support the films’ tendency to transmute the troubling questions their source material raises about the legitimacy of U. S. imperial domination—past and...
present—into an affirmation of white male heroic individualism and U. S.
exceptionalism.

Portis’s adherents praise him as “a tricky writer in that he rarely discloses
explicitly any deeper resonance, any thematic preoccupation beneath the comic
picaresque surface of his prose” (Rosenbaum, “Of Gnats,” n. pag.). The “uncomplicated .
. . purity]” of True Grit’s plot, as another reviewer puts it (Tartt 350), masks the
narrative’s complex negotiation of classed, gendered, and national boundaries. The
fastidious propriety of Mattie’s unique narrative style also contributes to the novel’s
popular reception as a ripping good yarn devoid of deeper meaning. Denouncing the
novel as “too popular for its own good,” Ron Rosenbaum discounts True Grit as the least
of Portis’s five novels because of its “image” and because it does not, in his opinion,
fulfill the standard of “greatness” he attributes to Portis’s post-Grit literary output (“Our”
346). To be fair, Rosenbaum’s essay, first published in 1998, was an essential part of his
campaign to secure a publisher that would reprint Portis’s lesser-known works, all of
which had long since gone out of print. Although Rosenbaum’s efforts were rewarded in
1999 when the Overlook Press agreed to reprint all of Portis’s novels—including True
Grit—it was nonetheless necessary, as Ed Park notes, for him “to distance Portis from
his most famous creation . . . in order to make a case for the true gems of the Portis
canon” (328).

Notwithstanding these caveats, the terms in which Rosenbaum denigrates True
Grit—the only novel in Portis’s oeuvre with a female protagonist—in order to realize his
vision, and the media in which his and others’ essays appeared bespeak an implicit
connection between Portis’s literary output and an unbroken continuum of idealized
masculinity in American culture despite temporal distance. Desirous of leaving Portis’s
best-known work unnamed in his essay (in order to highlight the merits of the other
novels), Rosenbaum suggests that a suitable substitute title for True Grit might be, “say,
Necrophilic Whores of Gomorrah,” and assumes that readers of his article would
“probably be more receptive to [his] case for Portis’s greatness if he’d written some
Burroughsian necrophilia novel rather than the all-too-fatally popular novel he did write”
(“Our” 346). The implied misogyny inherent within Rosenbaum’s suggested substitute
title is compounded by the medium in which his essay first appeared, the January 1998
issue of *Esquire* magazine. Throughout its seventy-year history, *Esquire* has routinely groomed the aesthetic, sexual, and cultural tastes of young, middle-class, mostly white, American men (frequently at the expense of their female counterparts), publishing articles and stories by such “manly” staples as Ernest Hemingway, John Dos Passos, and Dashiell Hammett. A more recent essay, Wells Tower’s “The Book that Changed My Life: *Gringos*,” published in the June 2011 issue of *GQ*—another popular men’s lifestyle magazine—perpetuates the association of the Portisian universe with mainstream masculinity. Tower’s panegyric begins with his confession, “Sometime after my fifth reading of Charles Portis’s *Gringos*, I stopped worrying so much about death, politics, and getting fat, and I started worrying about my car” (357). Tower’s admission is in agreement with similarly reductive evaluations of Portis’s aesthetic preoccupations with circumscribed masculinity. Jay Jennings characterizes Portis’s style as a “deep knowledge worn lightly,” most evident in his “unpretentious diction, an expert ear for the spoken word, . . . stoic acceptance of trying circumstances, [and] skill with internal combustion engines” (xi). Jennings’s appraisal draws upon the masculinist trope of the laconic, understated voice so prized within the generic conventions of Westerns and hard-boiled detective mysteries.

Portis is frequently lumped into a spectrum of “macho” American writing, falling somewhere between the likes of Hemingway and Faulkner and the names comprising the “grit lit” canon of the “Rough South”: Barry Hannah, Harry Crews, Cormac McCarthy. This categorical association is, no doubt, the product of the *True Grit* films’ oversized reputation and influence, because a careful reading of their source novel—or any of Portis’s novels for that matter—quickly disrupts that imagined continuum. An instant bestseller in 1968, *True Grit* was quickly adapted for the screen just one year later. The rapid eclipse of the novel first by the long shadow of John Wayne, and again by the cultish allure of the Coen brothers’ reputation was compounded by the films’ alteration of the novel’s outlaw politics in a manner that reduced the book’s revisionary (and controversial) ability to illustrate the extreme consequences of American liberalism—to stage the repercussions of being “dangerously free.”
CHAPTER TWO
Constituting Domestic Space in “Belle Starr Country”

On the evening of February 3, 1889, a woman was discovered lying facedown in the mud just south of the Canadian River on a road running through the Indian Territory’s Cherokee and Choctaw Nations. Whip in hand, the dying woman had clearly been unhorsed after being shot once in the back, and again at close range in the left side of her face and arm while lying on the ground; she passed away in situ shortly after being found (Shirley 236).

The victim was Belle Starr (née Myra Maybelle Shirley), an intermarried citizen of the Cherokee Nation whose local notoriety vacillated considerably between rumours of her involvement in criminal activities (some of which were well-founded), and her reputation as a “friendly” woman whose skill behind the piano made her a popular guest at community gatherings (Shirley 205, 213). Notwithstanding her relatively low criminal profile throughout her life, Belle Starr became a national sensation just three days after her death when the New York Times printed this notice on its front page:

FORT SMITH, Ark. Feb. 5.—Word has been received from Eufala [sic], Indian Territory, that Belle Starr was killed there Sunday night. Belle was the wife of Cole Younger, and Jim Starr [sic], her second husband, was shot down by the side of Belle less than two years ago.

Belle Starr was the most desperate woman that ever figured on the borders. She married Cole Younger directly after the war, but left him and joined a band of outlaws that operated in the Indian Territory. She had been arrested for murder and robbery a score of times, but always managed to escape. (“Desperate”)

The considerable creative license exercised in this brief notice is typical of the liberal approach to representing the “facts” of Starr’s life that many writers have taken in the

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1 Having been declared guilty of larceny by a Fort Smith court, Belle and her Cherokee husband, Sam Starr, were admitted to the Detroit House of Correction on March 21, 1883. Although they each received a one-year sentence, the institution’s inmate records indicate that husband and wife were both discharged on January 8, 1884, after serving just over nine months of their original sentences (Detroit House of Correction 294). This is the only crime for which Belle Starr was ever convicted, and there are no contemporary accounts or court records that might substantiate the innumerable frauds, heists, and murders that have been attributed to her by the popular press in the decades since her death (Shirley 3-4).
decades since her death. As a result of this liberality in representation and Starr’s relative obscurity prior to her death, almost none of her “biographers” can be relied upon to deliver an accurate and informed account of her life. Fortunately for the purposes of the present discussion, my concerns lie not with the “facts” of Starr’s life, but precisely with those texts that are unconcerned with fulfilling the standards of “serious historiography.” The constellation of texts that comprises the primary focus of this chapter contributed to the creation of Belle Starr as a semi-mythologized, alternately national and local heroine/villainess/woman-of-ill-repute whose status as a made thing—the product of the anxieties, politics, and conflicts of the cultures that produced her—offers crucial insight into national formation and culture in the United States, especially (paradoxically) where Indigenous peoples and their land are concerned. I offer readings of a handful of narratives about Starr’s life—some of which were nationally disseminated, and others that circulated on a much more limited, local scale—that demonstrate how the compound liminalities of outlaw figures like Starr attract different popular energies, and therefore enable the proliferation of multiple meanings for diverse populations. As a white Southern woman who later became an intermarried citizen of the Cherokee Nation, Starr’s multiple subject positions inspire a

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2 This license is evident in the fact that Starr was not killed at Eufaula, a town in the Creek Nation; rather, she was killed near the small community of Hoyt in the Choctaw Nation, more than twenty miles from Eufaula. The first name of Starr’s second husband, who was shot and killed at a party in 1886, was Sam, not Jim. Although many of Starr’s so-called “biographers” have identified the outlaw Cole Younger as her first husband or the father of her first child, other documented evidence exists to the contrary, such as the fact of her marriage to James Reed in November 1866, and the birth of their daughter, Pearl, in September 1868, both of which are substantiated by marriage and birth records (Shirley 75, 73). In his autobiography, Cole Younger vehemently denies having had any romantic relationship with Belle Starr (Younger 72-3).  

3 The primary exception to this rule is Glenn Shirley’s Belle Starr and Her Times: The Literature, the Facts, and the Legends (Norman: U of Oklahoma P, 1982). As its title suggests, Shirley’s account engages with much of the extant literature on Starr at the same time that it consults the historical record—including censuses, court transcripts, and marriage, birth, and death records—in its efforts to confirm or deny many of the claims made by previous authors. Although Shirley’s text is not without its flaws (such as its questionable incorporation of some of the “legendary” material into statements of “fact”), it nonetheless bears the greatest resemblance to an accurate historiographic account of Starr’s life and death in all of the extensive literature on this enigmatic woman. As such, the present discussion privileges Shirley’s account over all others whenever concerns of a factual nature arise.

4 The Cherokee Nation conferred legal citizenship upon “every white man, or citizen of the United States, or of any foreign state or government” who married a biologically Cherokee citizen (Cherokee Nation 329). These intermarried citizens pledged to “submit to the constitution and laws of the Cherokee Nation,” and not seek recourse to the protection or privileges of the U. S. government (331). An intermarried citizen retained his or her citizenship in the Nation even if his or her Cherokee spouse passed away, unless he or she married a white man or woman “having no rights of Cherokee citizenship by blood,” in which event all citizenship rights would be revoked (332).
multiplicity of symbolic associations for Eurowestern and Indigenous authors alike. Starr’s multiple subject positions and their varying idiosyncratic representations in print media recall the incompatibility of Mattie Ross’s conflicting subject positions and her unshakeable faith in accounting. In the same way that Mattie’s outlaw rhetorics resist the rigid limits of her “true account,” so do the narrative accounts of Starr’s life examined in this chapter resist the generic conventions of journalism and sentimentalism. It is this resistance—whether intentional or not—that provides opportunities to think the nation differently.

Unlike Eric Hobsbawm, who has advocated an understanding of banditry as a pre-political form of protest,5 I suggest that popular accounts of Belle Starr’s life explicitly convey the political agendas of those engineering her emergence as a powerful cultural symbol. In his discussion of banditry in late nineteenth-century Mediterranean societies, Paul Sant Cassia suggests that outlaws do not necessarily “belong to the peasantry” (as Hobsbawm has argued); rather, they belong to those “who sponsor or control the production of these symbols,” most often in literary form (789). Belle Starr’s representation as a female outlaw in both popular media and pseudo-scientific discourse has traditionally been the exclusive domain of middle-class white men who have gone to great lengths to invent speech on her behalf. Significantly, when her production is not controlled by elite Eastern interests (for example, when she is appropriated in the service of Cherokee nationalism, rather than U. S. national interests), Belle Starr’s representation in print and the tone of her ventriloquized voice undergo substantial alterations. Despite these alterations’ perpetuation of the puppetry of Starr’s voice and body in the service of nationalism, they nonetheless demonstrate how the outlaw’s contradictory energies can be invoked in the service of different, competing nationalisms.

In Imperial Leather (1995), Anne McClintock explores the myriad ways nationalism is implicated in gendered power, particularly as it manifests in settler-colonial societies. Conversely, it is worth considering how gendered hierarchies are implicated in the formation and maintenance of nations. McClintock intones, “All too often in male nationalisms, gender difference between women and men serves to symbolically define the limits of national difference and power between men. Excluded

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from direct action as national citizens, women are subsumed symbolically into the national body politic as its boundary and metaphoric limit” (354). If women have traditionally been construed as symbolic bearers of the nation (cf. John Gast’s 1872 painting, *American Progress*, for example), then they signify “home” in the landscape of male national fantasy—a “home” that does not signify in the same way for women, who are denied unmediated access to national agency. What this chapter asks, then, is how does the female outlaw, as imagined within both national and local contexts, disrupt, challenge, or “imagine otherwise” the connotative associations between woman/nation/home?

The narrow geographical confinement of Starr’s supposed criminal depredations to the extreme southwestern portion of the Cherokee Nation, and her residence in a place that was not yet a part of the domestic United States initially functioned to secure anything that was not “Belle Starr Country” as legitimate U. S. national space. After her death, however, her name became “a household word throughout the [U. S.] nation” (Shirley 3). In a brief exposé on Belle Starr published in *Sturm’s Oklahoma Magazine* in 1910, Frederick Barde notes how certain geographical landmarks in the newly formed state of Oklahoma near the former Starr cabin had been named (or re-named) after the famous female outlaw, such as “Belle Starr Canyon,” located to the east of her home on the Canadian River, and “Belle Starr Creek,” the “never-failing spring” from which she drew the family’s water (22, 23). In the years leading up to and immediately following the territory’s transition into the state of Oklahoma in 1907, Starr’s name contributed its currency to the expropriation of Indigenous lands in the name of American sovereignty. Indeed, the Starr name has become synonymous with white, rather than Cherokee outlawry, despite the Starr family’s notoriety in that respect long before, and for several decades after, the brief period of Belle’s membership therein.⁶ The rhetorical

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⁶ Sam Starr’s grandfather, James Starr, was one of the casualties of the internecine conflict waged by defenders of the “Treaty Party” and those of the “Ross Party” in the years following the forced removal of the Cherokees to the Indian Territory. The former supported the actions of the signatories of the Treaty of New Echota, which agreed to the wholesale removal of the Cherokees to lands west of the Mississippi River (without the consent of the Cherokee Nation), while the latter supported the resistance and leadership of John Ross, Principal Chief of the Cherokee Nation (1828-1866). Some interpreted the actions of the treaty’s signatories as punishable by death for having sold Cherokee land without the express consent of the Cherokee people. For decades after the signing of the treaty, members of each faction waged bloody war against the other. James Starr, one of the original signatories of the treaty, was murdered by Ross Party
appropriation of Cherokee Nation land as “Belle Starr Country” predicted the shape of things to come: the Dawes Allotment Act and the forced integration of Indian Territory into the United States as the state of Oklahoma. Moreover, the literary representation of Starr’s unfettered mobility between the Indian Territory and the “domestic” United States (viz. Missouri, Texas, and Arkansas) gestures toward the inevitability that the territory would some day become a part of the United States and thereby contribute to its Manifest Destiny. As Cassia has suggested,

Ambiguity and the packaging of the myth of banditry in literate state contexts are significant features which cannot be disregarded as mere frills. . . . Bandits are often romanticized afterwards though nationalist rhetoric and texts which circulate and have a life of their own, giving them a permanence and potency which transcends their localized domain and transitory nature. How bandits are portrayed in the modern nation-state and the way in which such symbols are utilized to legitimate contemporary struggles is as significant as what they actually did and represented. (774-5)

Finally, Starr’s death in 1889 was concomitant with the widespread implementation of the Dawes Act, and preceded the Land Run of 1889 by less than three months. Of course, Starr’s death is not wedded through any causal relationship to the allotment of tribal lands, but its symbolic potential was appropriated at the national level in a manner that made the causes behind the Indian and Oklahoma Territories’ slouch toward statehood appear far more romantic, individualized, and “American” than is supported either by reality or history.

supporters. Starr’s sons, one of whom was Sam’s father, Tom, “sought revenge, and they went after it in a big way” (Conley, Cherokee Thoughts 82). Tom Starr acquired his own reputation as an outlaw long before Belle became his daughter-in-law, with some legends suggesting he killed as many as a hundred men (82). Sam Starr was a reputed horse thief, but both his and his more famous wife’s outlaw reputations are vastly outshone by the exploits of his nephew, Henry Starr, who was, perhaps, “the greatest bank robber in history” (81). Henry Starr’s criminal career began in 1891 when he was falsely accused of stealing two horses, and concluded in 1921 when he was shot during a botched bank robbery. Despite Henry Starr’s impressive thirty-year career, Robert J. Conley observes, “History has shoved him aside in favour of his white aunt-by-marriage, Belle Starr” (86). Cf. also Henry Starr, Thrilling Events (Tulsa: R. D. Gordon, 1914).

The Land Run of 1889 witnessed the opening up of the “Unassigned Lands” to white settlement. These lands were formerly part of the Seminole and Creek Nations, who were forced to cede several millions of acres of their territory to the U. S. government as part of the terms of the Treaty of 1866 after the Civil War. The 1889 land run directly contributed to the creation of the Oklahoma Territory in 1890, the formation of which would have significant consequences for the citizens of the Indian Territory, including a substantial increase in the territory’s white settler population and Oklahoma statehood.
Between 1889 and 2009, dozens of accounts claiming to tell the truth about Belle Starr’s life and death have been published in diverse media, including local newspapers, regional and national magazines, mass-market novels, and Hollywood films. Given the scope of this project, I cannot possibly describe and analyze the significance of each of these stylized representations; however, I will provide a brief summary of what I believe are the most influential and persistent Starr narratives (despite their frequently dubious veracity), but not before I briefly summarize the reasonably verifiable elements of Belle Starr’s life and the circumstances that led to her death in 1889. While acknowledging the diverse constellation of texts that constitutes the large body of literature on Belle Starr, in the interest of brevity and sustainability I have narrowed the focus of this chapter to the discussion of three primary texts: *Bella Starr, the Bandit Queen*, published in 1889 as a special subscription-only issue of the *National Police Gazette*; a brief “autobiographical” sketch allegedly authored by Starr herself, which appeared in the February 15, 1889, edition of the Fort Smith *Weekly Elevator*; and Cherokee author John Milton Oskison’s prize-winning short story, “The Greater Appeal” (1905), which depicts a fictionalized encounter between Belle Starr and a deputy U. S. marshal with a warrant for her arrest. References to other Starr narratives will be made as necessary, but I have chosen to privilege these three texts over all others because their singular preoccupation with representing Starr’s voice—however stilted—and the eccentricity of some of their details illustrate the ways in which outlaw narratives, especially those about outlaw figures who, like Starr, are composed of compound liminalities, are a particularly productive means of thinking the nation differently by envisioning competing models of nationhood and domesticity.

**Belle Starr: A Sketch**

Myra Maybelle Shirley was born on February 5, 1848, in Jasper County, Missouri, to parents John and Eliza Shirley (Shirley 34-5). A farmer by trade, by 1860 John Shirley

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8 Glenn Shirley (no relation to the Shirleys of Missouri) notes how Starr’s biographers cannot seem to agree on the date or place of her birth, with hypotheses ranging between 1846 and 1856 (31-2). Like Shirley, I am inclined to accept the birthdate that was engraved on Starr’s tombstone at the discretion of her daughter, Pearl Reed. Shirley further substantiates the 1848 date by consulting the 1850 Federal Population Census, in which “Myra Shirley” was counted as a two-year-old child (35).
had become a slave-owning innkeeper in the town of Carthage, Missouri (36). During the Civil War, John Shirley, “a hot-blooded Southerner,” supported the Confederacy (45). Losing a son and their hotel business to the destruction wrought upon Missouri by the war, in 1864 the Shirleys moved their family to Scyene, Texas, now a suburb of Dallas (62).

It was in Texas on November 1, 1866, that Myra married her sweetheart from Missouri, James C. Reed, an affiliate of the James and Younger gangs, and a former Confederate bushwhacker who rode with Quantrill (Shirley 72, 52). Over the next few years, the couple alternated between their parents’ homes in Scyene, Texas, and Rich Hill, Missouri (72). In September 1868, Myra gave birth to their first child, Rosie “Pearl” Reed (73). In 1869, Jim Reed became a fugitive from the law after allegedly playing a role in the deaths of two men who may have murdered his brother (86). Shirley speculates that a fear of retaliation, coupled with an outstanding federal warrant for Jim’s arrest for dealing whiskey in the Indian Territory, precipitated the Reeds’ flight to California (90), where, in 1871, Myra gave birth to the couple’s son, James Edwin (“Eddie”) Reed (92-3). The Reed family returned to Texas soon after Eddie was born.

In 1873, Jim Reed was allegedly involved in the robbery of Watt Grayson, a citizen of the Creek Nation. Although many of her biographers suggest Myra was an accomplice to this robbery, Shirley insists that no evidence exists to support such a spurious claim, and that, in fact, “[She] disapproved of criminal life and the path [Jim] Reed had chosen. She left Reed after returning from Indian Territory and moved with her children into her parents’ home in Scyene” (103, 106). Jim Reed was shot and killed in 1874 by a former Texas peace officer (115-18).

Shirley refers to the six years after Reed’s death as Myra’s “mystery years” because, apart from the death of her father in 1876, little documented evidence exists that might provide a glimpse into her widowhood (130). These “mystery years” evidently appealed to the imaginative faculties of Starr’s biographers because so many of her alleged “exploits” are popularly consigned to this period of her life. The verifiable record of Starr’s life does not pick up again until her marriage to Sam Starr in 1880 (141). Shirley reproduces a facsimile of the Cherokee Nation’s record of the Starrs’ marriage, in which she is identified as one “Mrs. Bell [sic] Reed[,] a citizen of United States age 27
years.” Shirley wryly comments, “Exercising a woman’s prerogative, Belle came out of the ceremony five years younger,” and bearing, for the first time in her documented history, the name “Belle” (141). Belle’s marriage into the Cherokee Nation transformed her very identity.

In 1882, Belle and Sam Starr were arrested for the thefts of two horses belonging to two different neighbours (see n.1 above). One neighbour, Andrew Crane, was a purportedly white U. S. citizen living in the Cherokee Nation on a paid permit; the other, Samuel Campbell, was a Cherokee citizen (Shirley 155, 163). Because Sam Starr and Sam Campbell were both Cherokee, the former could not be tried for that crime in the Fort Smith court.⁹ As an intermarried citizen, Belle Starr should not have been tried for the crime in Judge Parker’s courtroom, either; however, “the hanging judge” ruled that Belle was “legally ‘a white woman and not an Indian,’” and was therefore eligible to be tried for that crime in Fort Smith (163). One of the Starrs’ attorneys argued that Andrew Crane was “of Indian blood and probably a citizen of the Cherokee Nation,” a claim that Crane did not explicitly deny during his cross-examination by the defense when he admitted, “My mother claims to be a Cherokee but has never proven it. My mother has claimed that her father Zack Downing was a Cherokee. . . . She has black hair, and is dark complexioned” (155-6). Nonetheless, the prosecution presented sufficient proof that Crane “was ‘living in the Indian Country as a white person,’” and so both of the Starrs were eligible to be tried in Fort Smith for the theft of Crane’s horse (163). Declared guilty of larceny, Sam Starr received a twelve-month prison sentence for his role in the Crane affair, while his wife received two six-month sentences, one for each theft.

At a neighbour’s Christmas party in 1886, Sam Starr was confronted by Frank West, a Cherokee policeman who had long sought to apprehend the elusive Starr. Both men simultaneously drew and fired their pistols, killing each other instantly (Shirley 213-
4). After Sam’s death, Belle entered into a common-law relationship with another Cherokee man, Jim July (alias Jim July Starr or Bill July).

In the years between the violent demise of her second husband and her own sensationalized death, Belle witnessed the slow burn of a demographic phenomenon that would explode in the 1890s and have dire consequences for the territory’s Indigenous citizens and their intermarried partners, and, indeed, the future of the territory itself. If the prevailing theory behind the identity of Belle’s killer is correct, then her death may represent one of the earliest and most spectacular synecdoches of this phenomenon’s far-reaching consequences. The phenomenon to which I refer is the seismic shift in Indian Territory demographics beginning in the late 1880s as non-Indigenous settlers from the U. S. began to emigrate to the territory with increasing frequency. In the three years following Sam Starr’s death, “[m]ore than a score of noncitizen farmers, or renters, had become Belle’s neighbours in San Bois County, Choctaw Nation, south of the Canadian [River]. . . . By 1887 white immigrants outnumbered native Choctaws two to one” (Shirley 230-1). The presence of these renters on lands belonging to the Five Tribes was largely enabled by legislation passed by the tribal councils permitting the leasing of land for habitation and improvement by non-citizen lessees. As Daniel F. Littlefield, Jr. (Cherokee) observes,

To landless Americans, particularly poor whites and blacks from the South, so much open land was irresistible. Most of those who came rented land from the Indians or intermarried white or black citizens of the nations, but many of them were there illegally and were known as intruders. Whether renters or intruders, these people were mainly castoffs of American society, who lived off the Indian resources, let their children grow up in ignorance, and raised the loudest cry for the government to dismantle the Indian nations. (20)

As I shall demonstrate in my analysis of Starr’s allegedly “autobiographical” sketch in the Fort Smith Weekly Elevator (1889), the encroachment of this foreign population did not go unnoticed by tribal citizens. In the same way that this migratory phenomenon would affect the “health” of the territory’s Indigenous Nations, it may also have played a role in Belle Starr’s demise.

On Sunday, February 3, 1889, Belle was returning home through the Choctaw Nation from an overnight visit with a friend. She stopped at the home of Jackson Rowe, a Choctaw farmer whose house “was a popular Sunday gathering place for the tenant
families” in the neighbourhood (Shirley 234). Those present at the Rowe home that day were the last to see Belle alive. Her shotgun-riddled body was discovered by a Choctaw neighbour later that evening on the road leading to the Canadian River ferry.

Although the identity of Starr’s killer has never been incontrovertibly determined, the prevailing theory is that she was murdered by Edgar A. Watson, a white man to whom she had leased some of her land as an added source of income after Sam’s death (Shirley 232). Shirley suggests that Starr entered into a rental agreement with Watson in good faith, but upon learning that he was wanted for murder in Florida she went to great lengths to remove him from her property “remembering the threat of Cherokee authorities and the U. S. Indian agent at Muskogee to expel her if she were caught again harboring fugitives” (232). All of her efforts—from attempting to refund the rent money, to arranging for a new renter to take possession of the land—failed until she allegedly threatened to inform Florida authorities of Watson’s whereabouts. This threat encouraged Watson to move into a tenant cabin on Jackson Rowe’s property across the river in the Choctaw Nation (233). Watson was present at Rowe’s place that Sunday afternoon in February 1889, and he left “about an hour” before Belle did (244). Based on a set of tracks found in the mud near the scene of the murder, it was evident that someone had stood in the corner of a fence that bordered the road, and shot Starr from that vantage point. The tracks—a size seven shoe, the same worn by Watson—led back to Watson’s cabin (244, 238).

At Jim July’s insistence, Watson was arrested and brought to Fort Smith to stand trial for Starr’s murder, but the case was dismissed for lack of evidence, and “[n]o further effort was made by anyone to apprehend the person responsible for Belle’s death” (Shirley 245). Rather than being interred alongside her late husband in the Starr cemetery southwest of Briartown, Belle was laid to rest in the yard adjacent to her cabin. Today, interested parties can follow a path carefully maintained by the property’s present owners to visit the lonely site of Starr’s final resting place.

The Making of Belle Starr in Fiction and Film
The first substantial account of Belle Starr’s life to reach a wide audience was the National Police Gazette’s subscription-only special issue, Bella Starr, The Bandit Queen,
or *The Female Jesse James: A Full and Authentic History of the Dashing Female Highwayman, with Copious Extracts from her Journal* (1889).\(^10\) Although many of the later accounts of Starr’s life draw much of their material from this influential urtext, they differ from it in one crucial respect: while their progenitor’s representation of its subject proliferates provocative possibilities (which I describe at greater length in the following section), those which followed it typically intone a sense of failure—both personal and familial—for Starr, and even imply that these failures threatened to permeate the Cherokee Nation, and, in turn, the American nation, were it not for her death and, by extension, the “domestication” of the Indian Territory as part of the United States.

The publication of *Bella Starr* set a fictive precedent for ensuing sources in its narrative’s inclusion of “copious extracts from [Starr’s] journal.” In fact, these alleged journal entries “were pure fabrication,” a conventional device of “yellow journalism” designed to give the impression of authenticity (Shirley 5). However, notwithstanding this generic claim to authenticity, just six years after Starr’s death, Italian criminologist Cesare Lombroso uses *Bella Starr* and most notably its “journal excerpts” as the primary source for his material on Starr in *The Female Offender* (1895). Regarded by some as the “inventor of criminal anthropology,” Lombroso’s work rode the top wave of the rising field of criminology at the turn of the nineteenth century. Female criminals, Lombroso argues, are “doubly exceptional,” compared to criminal men, because “criminals are an exception among civilised people, and women are an exception among criminals. . . . As a double exception, the criminal woman is consequently a monster” (151-2). According to Lombroso, women are, by nature, criminal and base. Only maternity, piety, and weakness keep them from going off the deep end into criminality and vice. Lombroso further observes the rarity of authorship in female “born criminals,” but his reliance on *Bella Starr*’s “journal excerpts” prompts him to cite Starr as an exception to this rule (174). It would seem, according to Lombroso’s calculations, that Starr is *triply* exceptional as a female offender who is also—gasp!—literate.

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\(^{10}\) The discrepancy between the spelling of Belle Starr’s name and the *National Police Gazette*’s use of “Bella” remains unaccounted for. It must be a purposeful error given that two earlier references to her in the magazine identify her as “Belle Starr” (see n. 18 below). Perhaps the editors felt that “Bella” communicated a more lyrical, romantic sensibility than the monosyllabic “Belle.”
One of Lombroso’s antecedents, Charles Victor Crosnier de Varigny, wrote a quasi-criminological study of female offenders in the United States, *The Women of the United States (La Femme aux États-Unis)*, in 1893. De Varigny’s account paints Starr as a victim of her time: he casts her as a descendant of “the settlers,” a “type of another age, led astray in the nineteenth century” (181). More interestingly, de Varigny establishes Starr as the ancestor of the modern American woman who, though “softened by education and civilization,” nonetheless possesses the same “love of independence, romantic tastes, desire to rule, and . . . disdain . . . of social conditions” as their infamous predecessor (182). The conclusion to de Varigny’s account of Starr’s life establishes the modern American woman as the direct descendant of the “Bandit Queen,” a genealogy that generates no small amount of anxiety in the accounts of later Starr biographers whose chief interest lies in the power and influence of Starr’s sexuality.

As mentioned in the previous chapter, many gender historians have argued that the ten years separating 1890 and 1900 is the period to which “the anguished beginnings of modern masculinity” can be traced (Gilbert 22). Whether as a cause or a symptom of these emerging masculine anxieties, the most influential Starr narratives from the 1890s imbue their subject with a degree of agency and respect—evident, for example, in the almost reverential tone present throughout de Varigny’s account—that begins to wane in accounts from the early twentieth century, and is completely absent from some mid-century texts.

In the mid twentieth century, as the United States became locked in the stalemate of the Cold War and struggled with fears of impotence and the “feminization” of American culture (Faludi 9), new accounts of Starr’s life dispensed with the popular belief in the active role she took in illicit activities, and divested her of that agency; her characterization underwent a startling transformation from “Queen of the Bandits” to

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11 These texts include Lombroso’s, de Varigny’s, and the lengthy chapter on Belle Starr in Samuel W. Harman’s “history” of Judge Isaac Parker’s court, *Hell on the Border* (1898, pp. 557-611).
“Mistress of Outlaws” (Drago 90), and her reproductivity became construed as the primary source of her agency.

In the introduction to his oft-cited *A Dynasty of Western Outlaws* (1963), author Paul I. Wellman articulates his goal of forging a “single unbroken chain” of outlawry in the American West in order to make a case for “the contagious nature of crime” (14). His “history” provides accounts of western outlaws and criminals ranging from William Clark Quantrill, to the James, Dalton, Doolin, Jennings, Younger, and Cook gangs, all with the purpose of establishing genealogical connections between them. One particular chapter, provocatively titled “A Brushwood Courtesan,” takes a step back from the book’s exclusively masculine focus to examine the life and criminal career of Belle Starr. One of Wellman’s descriptions of Starr is especially representative of his attitude toward her:

> She was not pretty in the classical sense, but she had the measureless vitality and attraction of youth, a body to make men fall to dreaming, and the instincts to use it for the purposes for which nature intended it. Reckless and promiscuous, she busied herself throughout her life providing, sexually, links and still further links with the Quantrill and James-Younger chain of crime—although she was not conscious she was doing it, being too much a creature of her impulses ever to arrive at a conclusion so abstract. (131)

Wellman is patronizing, condescending, and viciously misogynistic in his portrayal of Starr. In his estimation, the outlaw connections she forges are all achieved, unwittingly, by her promiscuity and “the impulses of her inward flame, her woman’s basic need for men” (131). Wellman’s rhetorical construction of Starr disempowers her as an outlaw in her own right, and reduces her to a “nymphomaniac” whose womb was liable to produce social deviants and whose sexual licentiousness merely helped to solder the connections between disparate branches of America’s criminal kinsmen (146). By conceiving of Starr as a “carrier” of criminal behaviour, Wellman construes her as a threat to the established, albeit imaginary, borders between social units: between white and red, male and female, Eva/Ave, savagery and civilization.

The conclusion to Wellman’s summary of Starr’s life suggests that the supposed contagion bred in her bones was transmissible to everyone with whom she had intimate

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13 Within the niche field of scholarship on American outlaws, Wellman’s book is a frequently cited text.
contact; he opines, “It is interesting to note that almost everyone who had any sort of close relationship with Belle Starr, sexually or through blood relationship, suffered a melancholy fate” (155).\(^\text{14}\) He even attributes Henry Starr’s success as a bank robber to the “traditions and teachings” of his “aunt” (156-7; see n. 6 above). Wellman concludes, “It is fairly evident that, to anyone having much to do with Belle Starr, she was about as healthy as a cobra’s bite” (156).

The perceived decimation of Belle Starr’s family implies both a cautionary tale and an analogy for national stability and progress: if the family is the primary social unit in the fabric of the United States, then criminal behaviour represents an enormous threat to the stability and future existence of the nation; after all, Starr’s criminal family tree culminates in nothingness. Wellman’s account of Starr’s life is the most explicitly misogynistic in its focus on her sexuality, but all of her biographers express some degree of fascination with her unconventional lifestyle as a female outlaw.

This fascination is similarly evident in several twentieth-century films that enlarge the alternately romantic and salacious associations that have accrued around Belle Starr’s name and reputation. In 1941, Gene Tierney appeared as the eponymous heroine of *Belle Starr*, directed by Irving Cummings. Released just three months before the U. S. entered the Second World War, and perhaps hoping to capitalize on the recent success of *Gone With the Wind* (1939), the film’s plot removes Belle Starr from the Indian Territory and resitutes her in southern Missouri during the Civil War and the early years of Reconstruction. Cummings’s film turns Starr into a social bandit whose death is sufficiently poignant to enlist the sympathies and loyalties of her Southern neighbours, including former slaves.

Jane Russell sexed up the screen as Belle Starr in director Allan Dwan’s *Montana Belle* (1952), cited by some as “the best big-screen interpretation of the legendary Belle Starr” (Miller n. pag.). Unlike *Belle Starr* (1941), this film is actually set in the Indian

\(^{14}\) Although this is, perhaps, true for Starr’s two husbands and her son, Eddie, who was shot and killed while attempting to arrest some whiskey dealers in the Cherokee Nation in 1896, her daughter, Pearl, died of natural causes at the age of fifty-seven in 1925 (Shirley 259). After her mother’s death, Pearl supported herself through prostitution, and later enjoyed a period of relative affluence as the madam of a popular Fort Smith brothel. She was married several times, and may have had as many as four children, some of whom died in infancy. Evidently, Wellman felt warranted to include Pearl in his list of people who suffered “melancholy” fates after spending any appreciable amount of time with Belle Starr because she supported herself through the sale of sex and she gave birth to a few “illegitimate” children (156).
Territory, but the deceptive nature of its title nonetheless dissociates Starr from her Indian Territory context. Montana Belle exploits Russell’s Hollywood siren status in its depiction of Belle Starr as an impulsive sex-kitten. The text featured in the film’s promotional trailer markets it as a Western with a titillating twist. In bold graphics splashed across the screen the text reads, “Her sultry voice excites men’s emotions! Her seductive charm arouses men’s jealousy! She knew all men for what they were . . . and the ones she met she didn’t call men! Except for the one man she feared . . . but loved! Men of violence! Woman of impulse! Share the screen in a dramatic showdown! Jane Russell as you like her in Montana Belle” (Montana Belle).

Although the 1980s witnessed the publication of the two most historically accurate Belle Starr biographies—Glenn Shirley’s Belle Starr and Her Times (1982) and Phillip W. Steele’s somewhat less reputable Starr Tracks (1989)—it also produced director John A. Alonzo’s made-for-television movie, Belle Starr (1980), starring Elizabeth Montgomery as the infamous lady outlaw. Ninety long years after the New York Times printed its error-riddled notice of the “Bandit Queen’s” death, this movie perpetuates the deeply entrenched myth that Belle Starr was Cole Younger’s lover, and Pearl was the illegitimate product of their union. In addition to its numerous abuses of history,15 this adaptation of the Belle Starr narrative condemns its subject’s sexual promiscuity and avarice in far more explicit and damning terms than either of its cinematic predecessors or many of its literary antecedents. At the abrupt conclusion to the film, Belle dies after being shot in the back by an unknown assailant. Forsaken by her Cherokee husband and sold out by her son, she is completely alone when she is murdered—possibly by one of these intimate relations.

As this summary perhaps indicates, Belle Starr’s outlaw legacy is neither universally celebrated nor unanimously condemned. However, most of the texts mentioned above construct Starr’s relationship to the United States as of the nation, but not in it. She is of the United States in the sense that she is a product of it, and therefore belongs to it in a possessive sense. Historically and geopolitically speaking, however, she was not in the United States either at the time of her death or during the decade that

15 For some inexplicable reason, Ned Christie (cf. Chapter Four) is a character in this film; he appears on screen just long enough to assist Cole Younger in a Texas bank robbery before being shot to death by a sheriff.
preceded it. As an intermarried citizen of the Cherokee Nation, Starr was a “domestic dependent” of the United States, or what Beth H. Piatote might characterize as a “domestic subject.” The domestic subject, Piatote suggests, “is positioned in opposition to U. S. citizenship, marking its place as within but not of the settler nation” (7-8). Piatote’s observations pertain to the status of Indigenous peoples within U. S. legal frameworks; however, I suggest that the outlaw—particularly the female outlaw—is similarly positioned. The remainder of this chapter focuses on three texts that, in different ways both implied and explicit, acknowledge this affiliation and its potential to think the nation differently.

I. Miss Recognition: Male Impersonation in Bella Starr

In mid-February of 1889 Richard K. Fox, editor and proprietor of the New York-based National Police Gazette, sent one of his staff writers to the Cherokee Nation to report on Belle Starr’s death and try to piece together the fragmented details of the lady desperado’s life. Unable to access the most desirable sources for his story (Starr’s immediate family was reluctant to divulge private details), the reporter turned to Starr’s self-proclaimed “acquaintances,” the inventions of his own imagination, and the generic conventions of “yellow journalism” for the material with which to build his account (Shirley 5). The sixty-four-page Bella Starr, or The Female Jesse James was released just a few months after its subject’s death as a special mail-order publication costing twenty-five cents a copy.

The National Police Gazette was one of the most successful men’s magazines of its day; it was experiencing the largest circulation in its history and its greatest popularity at the time of Starr’s death (Shirley 4). The periodical’s commitment to reporting crime news is indicative of the contradiction that lies at the heart of the outlaw’s popularity in American culture: at the same time that this paper, like other ostensibly radical working-

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16 Shirley identifies the reporter as Alton B. Meyers, the National Police Gazette’s Southwest correspondent (4-5), but he does not provide any sources to confirm this identification. As such, I maintain that the author of Bella Starr is an anonymous freelance writer contracted by the National Police Gazette.

17 Shirley suggests that “thousands” of copies of the chapbook were sold in the months following its release (6). Guy Reel estimates that roughly a “quarter million” copies of the book were sold, earning the magazine more than $60,000 in profit (69); adjusting for inflation based on the Consumer Price Index, that amount is equal to roughly 1.5 million dollars in the present economy. Notwithstanding its commercial success, the ephemeral nature of the publication has ensured its rarity today.
class papers of its day, concerned itself with an impartial defense of equal rights and the 
public good (causes traditionally associated with Robin Hood-like social bandits), it also 
extended the authority of the state by being forced to accept the authoritative Word of 
American legal institutions as testimony for its stories. Dan Schiller identifies this 
paradox as “a longstanding journalistic predicament: the legitimacy of the American state 
was presumed at the same time as the particular corruptions of its officers were assailed” 
(121). As such, the Gazette’s discursive representations of crime “tended to support the 
state’s” (131). Starr’s two earlier appearances within the pages of the National Police 
Gazette ensnare her within the “journalistic predicament” described above. However, 
by taking her out of the context of the journal proper, the publication of Bella Starr as a 
special mail-order subscription effectively dissociates her legend from the strictures 
bounding her to the authoritative Word of American legal institutions. In fact, apart from 
being encased between the lurid pink paper covers that were the hallmark of the National 
Police Gazette, Bella Starr bears no other trace of its association with the magazine apart 
from the identification of Richard K. Fox as its publisher. Thus liberated from its 
association with and implied support of state surveillance, Bella Starr is free to imagine 
alternative possibilities for its heroine and her signifying potential.

Although most of Bella Starr’s content is the product of its anonymous author’s 
prodigious imagination, it nonetheless became the source material from which many of 
the biographies mentioned above fashioned their versions of the Starr legend. Bella Starr 
differs from these later iterations in several crucial respects, namely the frequency with 
which the narrator surrenders authorial control in favour of Starr’s first-person (albeit 
fictive) voice, and its numerous sustained depictions of Starr as an increasingly skilled 
male impersonator. These devices imbue Starr with a greater degree of agency and 
transgressive potential than any subsequent account of her life. Bella Starr ventriloquizes 
its subject’s voice and packages her outlaw appeal for national consumption; as such, it 
represents an artifact of late-nineteenth century popular culture in the U. S. that reflects 
many of the mores and attitudes of the dominant culture. Indeed, like the National Police 
Gazette’s privileging of the pleasure ethic over social critique, the subversive potential of

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18 Cf. “A Border Amazon.” National Police Gazette 22 May 1886: 2, 16, and “A Coward Got the Drop on 
Her.” National Police Gazette 23 Feb. 1889: 3.
popular culture is frequently subverted in turn by dominant culture. As Laurence Senelick has suggested, however, “The job of the contemporary performer or critic or historian is to strip away these repressive accretions to reveal the original impulse” (80). An analysis of the gendered performances in *Bella Starr* is, as I will demonstrate, particularly amenable to such a task.

In the same way that the outlaw has traditionally manifested in popular culture as male, nationalism and national agency have been gendered as male. Ernest Gellner’s famous definition of the nation, for example, relies on heavily gendered language to make its point: “Two *men* are of the same nation if and only if they recognize each other as belonging to the same nation” (7, emphasis added). The male-oriented rhetoric of recognition upon which Gellner draws to define nationalism was also central to the dissenting opinion of U. S. Supreme Court Justice Smith Thompson in the case of *Cherokee Nation v. Georgia* in 1831. In his famous ruling, Chief Justice John Marshall denied the Cherokee Nation’s appeal for an injunction that would prevent the governing authorities of Georgia from executing certain state laws designed to legislate the Cherokees out of existence and expropriate land that had been guaranteed in perpetuity to the Cherokees in treaties with the U. S. federal government. Determining that the Cherokee Nation was *not* a foreign state, but rather a “domestic dependent nation,” having a relationship with the United States resembling that of “a ward to his guardian,” Justice Marshall ruled that the Supreme Court could not hear the case because it did not have jurisdiction over such matters (*Cherokee Nation v. Georgia* 2).

In the case’s sole dissenting opinion, Justice Thompson determined that the Cherokee Nation did, in fact, constitute a foreign nation in relation to the state of Georgia and the United States, and that the Cherokees’ appeal for an injunction was appropriate and ought to be awarded by the Supreme Court (*Cherokee Nation v. Georgia* 80). Justice Thompson observed, “It is a rule which has been repeatedly sanctioned by this Court that the judicial department is to consider as sovereign and independent States or nations those powers that are recognized as such by the executive and legislative departments of the government, they being more particularly entrusted with our foreign nations” (59). In other words, the Cherokee Nation represents a sovereign foreign nation because it had always been recognized and treated as such by the United States government (evidenced,
for example, in the signing of treaties). The rhetoric of recognition undergirding Thompson’s opinion is predicated upon his distinctly gendered definition of “state” and “nation.” “The terms ‘state’ and ‘nation,’” he reasons, “are used in the law of nations, as well as in common parlance, as importing the same thing, and imply a body of men, united together to procure their mutual safety and advantage by means of their union” (52, emphasis added).

Whether undermining or maintaining Cherokee sovereignty, Marshall’s ruling and Thompson’s opinion both construe the nation’s structure as a hierarchy of power that depends on the subordination of some populations—whether “wards” or women—to invent social difference, namely by gendering national agency as male. In this sense, the “male citizen stands in the same symbolic relation to the nation as a man stands to a woman” (McClintock 353), or a ward to its guardian, or, as I demonstrate with greater detail in the next chapter, a wife to her husband.

This digression into U. S. legal history and prevailing theories of nationalism is necessary in order to demonstrate how the National Police Gazette’s rhetorical construction of Belle Starr as a female outlaw does not merely disrupt the gendering of national agency by a representative of the United States’ highest legal institution, but actually defamiliarizes it through the provocative performance of gender. There are at least nine separate occasions in Bella Starr on which “Bella” disguises herself as a man in order to achieve various ends. In many of these instances, the female outlaw’s masquerade as a male U. S. citizen, and the blatant inability of others—most notably a judge—to recognize her for what she is, challenge the rhetoric of recognition governing legal and theoretical paradigms of nationalism that privilege masculinity as the legitimate channel for national agency. The inability to distinguish a legitimate male citizen from an illegitimate female outlaw boldly destabilizes the rhetoric of recognition upon which both the highest U. S. court and influential theories of nationalism have historically staked the nation’s claim to nationhood. The female outlaw in Bella Starr—the most influential Starr narrative—disrupts the legal and theoretical definitions of nationhood through her skilled performances of masculinity.

19 I am borrowing some of my language here from McClintock, who argues, “All nationalisms are gendered, all are invented, and all are dangerous” (352). Furthermore, she suggests, “[N]ations . . . are historical practices through which social difference is both invented and performed” (353).
The narrator of *Bella Starr* delights in describing his heroine’s numerous moments of cross-dressing. Although five of her nine distinct episodes of male impersonation are related to Bella’s participation in self-motivated robberies or her attempt to avoid detection by authorities afterward, four episodes are unrelated to the pragmatic concern of disguising her identity to evade arrest. Two of these latter episodes are particularly notable for their disarticulation of the outlaw from masculinity and, by extension, the nation from masculinity through the blatant performance of gender. Each of these episodes is oriented around a different teleological goal, but their similar dramatizations of masculinity destabilize the rhetoric of recognition as a qualification for nationhood by troubling the “natural” associations between national agency and masculinity.

The first of these episodes is the focus of Chapter VIII, provocatively titled “Bella Sleeps with the Judge” (*BS* 19-23). Although later biographers are more severe in their delimitation of Starr’s mobility and activities, this episode is nonetheless one of the most frequently reproduced apocryphal anecdotes in narratives of Starr’s life. Chapter VIII recounts an intimate encounter between Bella Starr and Judge Thurman, the “ex-mayor of Dallas” (20). One James M. Thurmond, an attorney, was, in fact, the mayor of Dallas from 1879-1880. He won reelection at the end of his first term, but was removed from office in September 1880 after a non-confidence vote by the Dallas city council (*Memorial* 281). In a bizarre twist of fate, Thurmond was shot and killed in 1882 by the lawyer who had prosecuted his case before the city council in 1880 (“Deadly Pistol”). Exploiting what appears to be Thurmond’s lackluster political career and ignominious death, the author of *Bella Starr* turns this episode into a sexually charged joke at his expense.

Chapter VIII begins as Bella and her husband “Jim Read” [sic] flee the Indian Territory after robbing Watt Grayson, a wealthy citizen of the Creek Nation. After the

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20 Each of these episodes is almost certainly the invention of the author of *Bella Starr* as there is no documented evidence that Belle Starr ever dressed in drag, whether for pragmatic or entertainment purposes.  
21 Iterations of this scene are also present in de Varigny (176), Lombroso (189), Barde (21), Shackleford (9), and Lackmann (13-14).  
22 Although Jim Reed was, in fact, involved in the robbery of Watt Grayson in 1873, his wife almost certainly was not. Shirley notes, “No member of the Grayson family, none of the hired hands, and none of those who pursued the outlaws mentioned a woman, dressed as a man, taking part in the robbery” (103). In
couple parts ways, Bella heads to a hotel in Paris, Texas, where she trades her cowboy attire for “a suit of black clothes,” giving herself the appearance of “a smart young lawyer” (BS 20). She completes her impersonation with a close-cropped haircut. Both of her male disguises are so convincing that when she reappears in the hotel lobby, the clerk “at first insisted that the horse [she] put in the stable an hour before, was the property of another fellow.” Bella continues her journey in her masculine disguise, but inclement weather forces her to spend the night at an inn where she overhears a group of men exchanging rumours about “the Bandit Queen’s” involvement in the recent Grayson robbery. One of these men is “Judge Thurman, of Dallas, whom [Bella] had met in social circles on several occasions.” Concerned for the security of his establishment, the innkeeper beseeches the gossips to keep their denunciations of Bella Starr to themselves, and warns, “You don’t know but right here among us, there is one or more of the gang, and as for Bella, she can assume any disguise with such success that not one of you could recognize her.” In response to this caveat, “the big judge” boasts, “I’d know Myra . . . if those fiery eyes of hers were set in the head of a cabbage. Yes, she’s a wild one, but she cannot fool me” (20-21). More travellers arrive seeking overnight accommodations, which requires all of the patrons to “double up” in their beds. Unable to recognize the “young gentleman in the corner,” Judge Thurman ends up sharing his bed with none other than Bella Starr (21-2).

During their shared occupancy of the bed, the Judge expresses his skepticism of Myra’s reputation as “equal to men in craft and courage,” voices his own sense of superiority to “any woman living,” and dismisses the rumours about Bella’s cross-dressing as “utter bosh” (22). He makes all of these ignorant comments while lying in the most intimate proximity to his object of scorn. The next morning, Bella reveals her true identity to the Judge in full view of the hotel’s patrons and passersby. “Your own self-
conceit will damn you without the devil’s help,” she warns him, before adding, “Dallas has reason to be proud of its judiciary” (23). In her parting shot, she advises the Judge to “[g]o right home and tell your friends you have had the honor and glory of sleeping with the Bandit Queen.”

The entire trajectory of Chapter VIII is, without a doubt, oriented around fulfilling the punch line alluded to in its title. Read differently, however, the parodic potential of this scene is far more radical and discomfiting than its superficial farce suggests. Judge Thurman’s inability to recognize the “young gentleman” with whom he literally goes to bed as the outlawed other (in both the legal and gendered sense) fundamentally destabilizes the privileged place of the rhetoric of recognition in affirming nationhood and citizenship. What’s more, Bella’s all too convincing male impersonation further renders suspect—even laughable—the nineteenth- and early twentieth-century qualifications for citizenship and nationhood as the recognition between men and between bodies of men of a shared sense of belonging conferred by their gender privilege. The interplay between judicial and sexual power inherent in the act of a female outlaw “sleeping with” a lawman not only suggests the intimate ties between sovereign and outlaw, but also between the sexual interrelationships that govern the creation and maintenance of a stable domestic space, whether the home, the state, or the nation.

Another notable episode of male impersonation in Bella Starr is oriented around the extreme measures Bella takes to fulfill her obligations as a guardian when a thrill-seeking young man seduces a maiden entrusted to her care. In provocative, albeit problematic ways, this scene models and challenges the “ward/guardian” paradigm governing the relationship between “domestic dependent nations” and the U. S. federal government as outlined by Justice Marshall’s ruling in Cherokee Nation v. Georgia. At the beginning of Chapter XII, Bella resolves to sever her ties with her outlaw gang, and “seek a country where she and her misdeeds were unknown” so that she might “live the life of a virtuous woman” (28). When the husband and wife with whom she spends the first six months of her reformation succumb to typhoid fever, Bella assumes guardianship of their fifteen-year-old daughter, May Flowers. Her friends’ death and her new responsibility prompt Bella to relocate from Texas to a small beachfront cottage in San Diego, California. For the remainder of Chapter XII, Bella Starr personally recounts the
tragedy that befalls her young “ward” in a lengthy excerpt from her “California journal” (29).

In California, Bella rescues a young gentleman from drowning in the Pacific Ocean. This man, “Frank Sillman” of Augusta, Georgia, becomes a frequent visitor in Starr’s home, and begins to court May Flowers, taking her for walks upon the beach or through the wooded hills (30-1). After several weeks, Sillman’s attentions begin to wane, and Bella expresses her disgust with his duplicity as she witnesses May’s increasing despondency. Nonetheless, when Sillman suddenly reappears requesting permission to take May for a walk, Starr does not object. Instead, she secretly follows the couple into the hills, equipped with her “old blood-stained dagger” (31). When she discovers the pair in flagrante delicto, she draws the dagger and advances upon Sillman, but May intervenes, begging her guardian to spare her seducer. Sillman flees the scene, never to return to the little cottage on the coast.

Reflecting on her failure to protect her ward from “the wiles of the world,” Bella forsakes her vow to reform in favour of a vow either to bring about the marriage of May and Sillman, or, failing that, to “slay the cowardly seducer” (31). Once again, she adopts the appearance of “a fashionable young man” and betakes herself to a popular local tavern to inquire after Sillman’s whereabouts. Sillman himself soon appears (using his real name, Charlie Jones), and Bella (alias “William Lee”) soon recommends herself to his confidence after several rounds of billiards and drinks. Her masculine impersonation is so convincing that Jones and his companions invite “Mr. Lee” to accompany them on a hunting trip the next day. During the first leg of their trip, Bella struggles to maintain composure as Jones regales his new hunting partner with “his ability to captivate the opposite sex” and the “full particulars of his recent amours” (33). In the guise of William Lee, Bella suggests that “as a man of honour,” Jones is obligated to marry the girl, and advises him to do so. Jones seals his fate by laughing at this prospect and boasting that his latest conquest is just one of many girls whom he has treated in a similar fashion. Determining that she had “appealed to every sentiment that could possibly exist in a man

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23 Bella’s evasive language makes it difficult to distinguish whether May was raped by Sillman, or seduced by him in the sense that she was a consenting, but reluctant partner. Bella refers to the pair as “the lovers,” but describes how “silent tears coursed down [May’s] cheeks” while the pair was still on the ground (i.e. before they knew they had been caught). In either scenario, it is clear that Sillman takes advantage of an untutored young orphan, and this is why he provokes Starr’s wrath.
of average humanity,” Bella puts her vengeful plan into action by leading Jones away from the rest of the hunters. Giving themselves up for lost, the two agree to camp overnight in the woods and resume their trip the next day. This is the second time in the narrative that Bella sleeps with a man while disguised as one; this time, she reveals how she murdered her partner in his sleep:

I clutched the fatal dagger, and, kneeling over my victim, placed the point between his left ribs. My hand was too nervous to strike deep, so I leaned my throbbing bosom against the hilt, throwing my body’s weight full upon the weapon. The long blade went home. The wretch never uttered a syllable, but the glassy eyes of death reproached me with a horrible significance. The blade remained in the pulsing heart for some minutes. At first I had not courage to withdraw it. When I did so, and wiped the blade on the murdered man’s handkerchief, I thrust both in my bosom, and, mounting, rode in desperate haste from the accursed spot. (33)

Returning home, Bella discovers that May Flowers is dead, having drowned herself in the ocean. Before sealing May’s casket, Bella places within it the “handkerchief crimsoned with the blood of [May’s] seducer,” and with that she resumes her former outlaw pursuits (34).

Bella’s description of Jones’s murder is suggestive of rape, almost explicitly so. If conceptual definitions of nationhood have traditionally excluded women from unmediated membership therein, and national fantasies have symbolically appropriated them as the “bearers” of the nation—as of the nation, but not in it—then Bella’s performance of masculinity and her fatal simulation of rape reveal the relationship between technologies of violence and the gendered limits of nationhood. By burying May with the handkerchief stained with Jones’s blood—wrested violently and involuntarily from his body—Bella symbolically restores May’s virginity and her “pure” femininity.

Ironically, the restoration of May’s feminine purity comes at the cost of Bella’s, but the latter’s sacrifice achieves two significant coups: first, it disarticulates nationhood from masculinity through Bella’s parodic performance of male gender; second, it disrupts the conventions of the nineteenth-century cult of domesticity, which conceived of women as the “bearers” of the nation while limiting their access to the public agency it facilitated. In a somewhat different context, Jack Halberstam has described how certain
drag king performances make “a spectacle of slimy masculinity and misogyny” (255). Such performances

make male parody the center of [the] act by finding the exact mode in which male masculinity most often appears as performance: sexism and misogyny. The drag king demonstrates through her own masculinity and through the theatricalization of masculinity that there are no essential links between misogyny and masculinity: rather, masculinity seems bound to misogyny structurally in the context of patriarchy and male privilege.

The rape and seduction of women can, perhaps, be understood as the most extreme symptoms of misogyny, sexism, and male privilege. The terms with which Bella describes the murder of May’s seducer construe her male impersonation as a figurative rapist. In her double exclusion from the nation as both a woman and an outlaw, Bella Starr is free to claim for her own purposes the technologies of violence empowering men’s exclusive access to national agency, and in the process challenge the perceived legitimacy of the status quo. Tellingly, this episode is unique to Bella Starr. Unlike many other scenes in this account, including “Bella Sleeps with the Judge,” the events of Chapter XII are not reproduced in any subsequent narrative of Belle Starr’s life, an omission that may indicate subsequent biographers’ innate discomfort with the subversive sexual politics implicit in this scene.

More tenuously, Bella’s failure to fulfill the obligations of her guardianship provocatively aligns the female outlaw with the U. S. federal government and its failure to take responsibility for the needs of its “wards,” the “domestic dependent nations” it created when it refused to recognize the sovereignty of Indigenous nations. Like the settlers and criminals who descended upon the Indian Territory in the years after the Civil War and compromised the social integrity of the Indigenous nations, Bella’s fundamentally liminal household on the Pacific Coast—situated on the westernmost edge of the United States—is compromised by the arrival of a white man from the state of Georgia. Bella expresses her wariness of Sillman’s presence, observing in his features “the map of many an outlined vice, incomplete only for lack of opportunity,” and, yet, she admits, “I never objected to [May] being in his company” (30). Bella’s “ward” is abused, exploited, and corrupted by Sillman’s intrusion into the domestic sanctum, an intrusion that Bella unwittingly facilitated by rescuing the man from drowning.
extreme measures to right the wrongs perpetrated against her ward prove too little, too late. Her failure and delayed action are not dissimilar to the U. S. government’s delayed fulfillment of its treaty obligations in Watt Grayson’s appeal (see n. 22 above).

So much of Bella Starr is the product of its writer’s imagination that it is easy to overlook moments of historical accuracy in the narrative. One example is the author’s use of James M. Thurmond as the real-life inspiration for Judge Thurman in Chapter VIII described above. Another is the conclusion to the otherwise fantastical recollection of the Grayson robbery in Bella Starr, in which the narrator acknowledges the very real circumstances of the Grayson appeal to the U. S. government and Bella’s voluntary participation on behalf of the plaintiff (BS 19). This narrative digression even paraphrases the terms of the 1834 Act of Congress in which the United States “contracted to be accountable for any damages committed by white men upon [the Creeks], and to pay all just claims made by the Creeks against citizens of the United States” (19). The narrator of Bella Starr attributes the Bandit Queen’s decision to turn State’s evidence to her desire to secure for herself a pardon “for any and all acts she may have committed within the limits of the Creek territory” (19). However, the fact that no recorded evidence of any of these “acts” in said territory exists suggests that Starr’s motives for testifying were not as self-interested as the narrator of Bella Starr makes them appear. Shirley convincingly demonstrates that Myra Reed was “no more than a bystander” to the Grayson robbery (129). His exculpatory conclusion fulfills the directive of his study, which is to “vindicate” Starr’s life by providing “at least one comparison of contemporary reports and official records with the folklore and legends” (ix). In addition to this vindication, Starr’s voluntary participation in Grayson’s appeal also, perhaps, indicates her sympathy for a victimized population whose only legal recourse beyond the Creek tribal courts was at the federal level of law and politics.

I am not suggesting that the author of Bella Starr deliberately orchestrated the May Flowers episode in an effort to critique the failure of the U. S. government to fulfill its obligations to the “domestic dependent nations” it effectively legislated into existence. Indeed, the parallels are probably unintentional; nonetheless, they are present. In addition to the ability of outlaw figures to attract different popular energies and therefore proliferate multiple meanings for diverse populations, the beauty of the outlaw text is its
ability to reveal the anxieties, conflicts, and politics of the culture(s) that produced it. Bella Starr’s male impersonations reveal the vulnerability and permeability of national ideology founded upon the rhetoric of recognition. Moreover, the provocative parallels between the May Flowers episode and the U. S. government’s assumption of responsibility for and control over other sovereign nations function, perhaps contrary to the author’s intentions, as an implicit critique of imperial technologies of violence, both physical and legislative.

II. “Evidence of her intelligence and education”: The Local Appropriation of Belle Starr’s Voice

The national circulation and widespread prominence of Bella Starr secured its position as the urtext for many later narratives about its subject’s life. However, much of the fodder for Bella Starr appears actually to derive from a somewhat earlier and much more local source. On February 15, 1889, a Forth Smith newspaper, The Weekly Elevator, published an obituary claiming to commemorate “the life of a notorious woman”: Belle Starr (Gaddy 67). Like Bella Starr, this obituary demonstrates a frustrating tendency to mingle historical fact indiscriminately with authorial invention. Citing “the best authority obtainable,” for example, the notice perpetuates the myth that Cole Younger was Starr’s first lover (68). Two paragraphs later, however, the author correctly identifies L. W. Marks as the deputy U. S. marshal responsible for arresting Belle and Sam Starr on larceny charges in 1882 (69). Shirley’s analysis of the documents comprising U. S. District Court Case 2370, United States v. Sam and Belle Starr, confirms the identity of L. W. Marks as the arresting officer in the case (152).

Claiming to present “a few well-founded events of [Starr’s] life,” the Weekly Elevator obituary only partially delivers on its promise (Gaddy 67). The author invents numerous fantastical circumstances, several of which have become enshrined as foundational elements of the Belle Starr myth, such as the “horseback elopement” of Belle and her first husband. Like the reference in Bella Starr to its heroine’s participation in Watt Grayson’s appeal, the obituary’s intermingling of factual

24 See also my discussion of Mirabelle Dawes in Oskison’s Black Jack Davy in Chapter Four.
information, such as Marks’s identity, with pure invention has significantly contributed to the culture of misinformation surrounding Belle Starr, a culture characteristic of most outlaw mythologies in the United States. These inventions, however, frequently reveal more about the culture(s) that produced these outlaws than the outlaws themselves. On the one hand, the Weekly Elevator obituary appropriates Starr’s outlaw voice in an attempt to substantiate its claims. On the other, that voice exceeds its supporting role in its articulation of a scathing critique of the “real” criminal element afflicting the citizens of the Indian Territory’s Indigenous Nations: the creeping horde of landless white settlers whose invasion of the territory was only just beginning at the time of Starr’s death, but was already sufficiently palpable to warrant concern.

Like Bella Starr’s “journal excerpts,” the Weekly Elevator author inflates his account with the appearance of authenticity in his professed intention to “give [his] readers some of [Starr’s] early history, as she gave it to the writer himself while in this city in May, 1886” (Gaddy 68). The author carefully substantiates the plausibility of this claim in his recollection of Starr’s presence in the Fort Smith court in May 1886 to enter a plea on a robbery charge (71). The obituary’s author uses this appearance of authenticity to establish the beneficent supremacy of the U. S. judicial system, even where fugitives from the law are concerned. He suggests that Starr used her 1886 appearance in the Fort Smith court as an opportunity to engineer a scheme to extricate her husband, Sam, from being ensnared within the Cherokee tribal courts. Knowing there was only one outstanding federal warrant against her husband, Belle enlisted a deputy marshal to accompany her back to her home where Sam “surrendered to the officer, thus placing him under the protecting wing of Uncle Sam” (71, emphasis added).

Ensconced within this account’s Russian-doll-like framework of authority is another sketch that the author alleges “was written by Belle herself, and handed to a reporter of this paper over two years ago,” adding that it remained unpublished because “we never had occasion to use it” (72). In this brief, allegedly autobiographical account, “Belle” acknowledges that the quality of her life prior to moving to the Indian Territory was “more adventurous . . . than generally falls to the lot of woman.” Her relocation to the Indian Territory and her marriage to Sam Starr were motivated, she claims, by a desire to live the rest of her life “in peace and quietude.” She implies that the local
reputation she acquired was not the consequence of any criminal behaviour on her part, but rather the work of gossips: “[I]t soon became noised about that I was a woman of some notoriety from Texas, and from that time on my home and actions have been much criticized.” The conclusion to her account explicitly identifies the increasing population of white renters—U. S. citizens—as the source of her woes in the Indian Territory:

I have considerable ignorance to cope with, consequently my troubles originate mostly in that quarter. Surrounded by a low down class of shoddy whites who have made the Indian country their home to evade paying tax on their land, and who I will not permit to come on my premises. I am the constant theme of their abusive tongues. In all the world there is no woman more persecuted than I am.25

(72)

If this sketch actually represents Starr’s first-person voice, then it demonstrates where her allegiances lie: not with the white population squatting in the Cherokee Nation, but, by implication, with her Cherokee family and Indigenous neighbours. Even if this autobiographical sketch does not, in fact, consist of Starr’s own words, it nevertheless articulates some sharp social commentary by someone—very plausibly a Cherokee writer—who was clearly critical of the U. S. government’s “long record of looking the other way while its citizens moved illegally onto Indian land and squatted there” (Conley, Cherokee Nation 195). In that case, this sketch demonstrates how the outlaw energies accruing around Starr’s name were not only appropriated in the service of U. S. national interests (such as justifying the increased need for federal surveillance in the territory, and renaming territory landmarks after a white outlaw), but also in the service of Indigenous national interests.

As far as I can determine, there is no documented evidence to support the claim that an anonymous Cherokee author penned Starr’s autobiographical sketch; however, similar comments made by Henry Starr, Belle’s nephew-by-marriage, in his own memoir sufficiently narrows the gap between wild speculation and educated guess. In the expository paragraphs of Thrilling Events (1914), written while serving time in the Colorado penitentiary, Henry Starr candidly observes,

I had always looked upon the Indian as supreme, and the white renters as poor white trash who moved from year to year in covered wagons with many dogs and tow-headed kids peeping out from behind every wagon-bow, and who, at the very

25 For the full text of this “autobiographical” sketch, see Appendix A.
best, made only a starving crop. In the days of my childhood [the late 1870s and early 1880s] the Indian landowner was looked up to by his white renters, and always treated with courtesy and respect; but the years have brought about a great change; the white man holds power, and the same hypocritical renter has grown arrogant and insulting. (2-3)

An engaging, frank, and often quite humourous account of its author’s prolonged acquaintance with the U. S. federal courts, Thrilling Events is perhaps best understood as a sustained indictment of both the “[b]roken treaties, misplaced confidence and insult” that characterized the United States’ relationship with the territory’s Indigenous Nations in the decades before and after Oklahoma statehood (3), and the blatant failures and hypocrisies of Judge Isaac Parker’s federal court in Fort Smith. The powerful conclusion to Henry Starr’s memoir recalls the complaint that concludes his intermarried aunt’s allegedly autobiographical sketch. “I am only a small theif [sic],” he writes, “and still I go to the penitentiary. The big thieves never go to the pen, and besides, they keep what they steal. For that reason I feel much abused” (51). These comments and Belle Starr’s alleged observation of the abuses committed by white squatters in the Indian Territory paint a much less flattering portrait of U. S. interference in the territory than the light in which the Weekly Elevator author’s glowing assessment of “the protecting wing of Uncle Sam” attempts to construe it.

The implication in this allegedly autobiographical sketch that Starr’s sympathy and allegiance lay with the neighbouring populations of Cherokees, Creeks, and Choctaws (whether natural-born or intermarried citizens) accrues greater plausibility when appraised in conjunction with similarly community-oriented biographical details found in later accounts of her life. Although Bella Starr drew some of its more fantastical details from the Weekly Elevator obituary, it does not appear to have paid much heed to Starr’s purportedly first-person critique of the pattern of abuse that had begun to be established by white settlers in the territory. In fact, rather than entertain the possibility that Starr may have assimilated herself into Cherokee culture and social life—even to a moderate extent—the narrator actively suggests that Starr held herself aloof from her Cherokee neighbours, including her own husband. The narrator claims Bella treated Sam Starr “with coldness,” and had an affair with a white outlaw named John Middleton after “[growing] weary” of her husband because “the white man had much the advantage,
besides being able to boast a good education, which was wanting in the Indian” (BS 52, 50). Bella reluctantly returns to her Cherokee husband only after Middleton drowns while fording the swollen Poteau River. The narrator characterizes the terms of their reconciliation not as the forgiveness of the wronged party by the suitably contrite transgressor, but as a legal and political contract between sovereign nations: “[T]he past was all laid in the shade. . . . Bella had, throughout, acted as though she were the injured party, rather than the aggressor. Consequently, if she had proposed a treaty with her husband, it is quite likely that he would have accepted any terms that she offered” (53).

In this construction, Bella remains a separate entity from the Cherokee Nation, metaphorically capable of transacting treaties with its representatives in a manner similar to the United States’ history of treaty negotiations with Indigenous nations. *Bella Starr’s* narrative enforcement of the boundaries separating the United States and the Indian Territory’s Indigenous Nations sets the tone for most of the ensuing accounts about Belle Starr’s life.

As the decades have worn on, bits of information have coalesced that, at the very least, relax the rigid divide arbitrarily imposed by the *National Police Gazette* publication, if not completely erase it. Like the allegedly autobiographical sketch in the *Weekly Elevator*, these snippets of information provide a more nuanced portrait of Starr’s immersion in the territory’s alternative national and domestic contexts. For example, after Sam and Belle Starr were married, they moved into a log cabin and took up farming on an allotment of land held in common by the Cherokee Nation, whereupon “Belle quickly made friends with neighboring Indian Territory farmers [who were mostly Cherokee and Choctaw], often playing piano for the region’s church services, barn dances, and social affairs” (Steele, *Starr* 52). According to several sources, Belle conformed to the contemporary conventions of Cherokee interior design by “papering” the walls of the couple’s cabin with flower-sprigged calico fabric (Shackleford 15, Shirley 143, Riley 148).

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26 In these comments the author of *Bella Starr* merely demonstrates his own ignorance of the Cherokee Nation’s notable commitment to educating its youth throughout the nineteenth century, producing generations of individuals (men and women alike) who were often educated well beyond the level achieved by most of their counterparts in the states bordering the Indian Territory and beyond.
Starr’s immersion in this land and its customs persists even after her death; after all, she is buried on former Cherokee land (now made private through the machinations of the Dawes Act). Some biographers have even claimed that Starr was buried in the Cherokee fashion, citing rumours that mourners dropped a small piece of cornbread (or a few grains of cornmeal, depending on the account) into her grave or casket as part of an old Cherokee custom (Shackleford 22, Horan 225, Wellman 153). Shirley insists that “only Cherokees” fulfilled this custom (Ruth n. pag.). A more compelling piece of evidence to substantiate these claims is the fact that Starr’s burial site is covered by a “grave house,” consisting of a stone foundation topped with an A-frame made of two poured concrete slabs (see Fig. 1). Although the practice of building grave houses—“small shed-like structures typically built of wood with lattice walls directly above an interment” (Kessler and Ball 75)—is not unique to the Cherokees, such structures are nonetheless found all over the state of Oklahoma, often in the private cemeteries of

[Fig. 1. Belle Starr’s grave, Muskogee County, OK, July 19, 2013. Author’s photograph.]

27 These kinds of structures can also be found in Europe, and they have been reported in the United States from “Maine, throughout Appalachia, south-central Kentucky, middle Tennessee, Georgia, northeastern
Indigenous families. In Creek journalist and author Alexander Posey’s 1908 poem, “Hotgun on the Death of Yadeka Harjo,” the speaker makes a contemporary reference to this custom:

All had to die at las’;
I live long time, but now my days was few;
'Fore long, poke weeds and grass
Be growin’ all aroun’ my grave house, too. (Posey 236)

Inasmuch as Starr’s grave house may have been designed to prevent looters from desecrating her burial site, it also claims her, finally, as a citizen of the Cherokee Nation, subject to its customs and traditions.

In Starr Tracks, Phillip W. Steele reports that Starr’s removal to the Indian Territory after her marriage to Sam in 1880 was a “happy period” in her life (52), and that the strong political activism modeled by her pro-Confederate family extended, after her marriage, to her defense of Indigenous rights:

Belle had been a political activist since childhood. The pro-Confederate atmosphere she grew up in fostered strong beliefs within her. Being married to a Cherokee and having many Indian friends, Belle became a fighter for Indian rights. She accused Parker’s men of often arresting Indians and bringing them in to hang simply because they were Indian . . . Many times she paid expensive legal fees for those Indian renegades who had no funds for their own defense. (56)

Mississippi, Louisiana, eastern Texas, and the Ozarks” (Kessler and Ball 75). The grave house tradition appears to be an amalgamation of Anglo-American, Native American, and African American burial customs.

28 Citing an interview with Allene J. Davis, a grandniece of Ned Christie (see Chapter Four), Bonnie Stahlman Speer notes that after Christie was killed by federal marshals in 1892, his brothers “built a small wooden house over [his] grave to protect and comfort his spirit, as was the custom of the Cherokees” (125). No traces of that grave house remain today.

29 Part of Robert J. Conley’s theory behind the reasons why the Cherokee Nation produced “an inordinate number of ‘outlaws’” lends some support to this claim (49). In addition to the jurisdictional confusion generated by the co-existence of the Tribal Courts and the Western District Court of Arkansas and the turmoil caused by the internal rift within the Nation between the Ross Party and Treaty Party factions (see n. 6 above), Conley believes that many so-called “Cherokee outlaws” were, in fact, not outlaws at all, but members of a Cherokee political society known as the Nighthawks. The Nighthawks were “a nationalistic society of Cherokee patriots,” dedicated to preserving “Cherokee culture, traditions, and national integrity,” and were opposed to statehood, allotment, and U.S. encroachment into Cherokee jurisdictions (Cherokee Thoughts 62). Conley argues that many of the so-called “Cherokee outlaws,” including Zeke Proctor, Ned Christie, Mose Miller, and Charley Wickliffe, were all Nighthawks (or associated with the Nighthawks), “active in resisting the movement for allotment and for Oklahoma statehood” (64). These “outlaws,” then, were not outlaws, but victims of a political conspiracy designed to “destroy [the U. S. government’s] opposition’s most vocal and influential leaders” (65). Cf. also Chapter Four’s discussion of Ned Christie.
Glenda Riley echoes Steele’s claim when she says that Starr, “a woman caught between a number of cultures,” at times “upheld Anglo beliefs . . . while defending Indian customs” (139-40). Although there does not appear to be any documented evidence that would support the claim that Starr ever funded a renegade’s legal appeals, the claim that she was a defender of Indigenous rights is reasonable based on the accumulated evidence of her immersion in the customs and daily life of her contemporary Cherokee community, including her consent to appear in court on behalf of Watt Grayson during his appeal to the U. S. government.

Without a doubt, it is problematic to fashion Belle Starr—a white outlaw whose presence in the Indian Territory only exacerbated the space’s negative reputation as a sink of crime—as a defender of Cherokee or Indigenous rights and national sovereignty. To be certain, that is not my goal. Rather, my analyses of Bella Starr and the allegedly autobiographical sketch in the Weekly Elevator are designed to demonstrate how this female outlaw’s multiple subject positions—as a woman, a criminal, and an intermarried citizen of the Cherokee Nation—have been appropriated in the service of different national interests that are often at cross-purposes with each other. The final section of this chapter’s analysis examines just one of the many fictional narratives about Belle Starr. What makes this one unique, however, is that its Cherokee author, John Milton Oskison, enlists Starr’s contradictory outlaw energies in the service of imagining alternative models of Cherokee and U. S. nationhood. In his deliberate rewriting of history, Oskison envisions the peaceful coexistence of national entities working together to ensure their mutual stability by maintaining the integrity of domestic unity.

III. The “Anticolonial Imaginary” of John M. Oskison’s “The Greater Appeal”

Like Bella Starr, John Milton Oskison’s “The Greater Appeal” appears to have been inspired, at least initially, by the Weekly Elevator obituary. First published in Black Cat magazine in 1905, “The Greater Appeal” is part of the long lineage of Belle Starr narratives in which creative license is privileged over historical accuracy. Oskison’s story is much like its peers in that it appropriates the titillating admixture of femininity and criminality that quickly defined the sensational appeal of the “bandit queen” in the
decades following her death. Moreover, “The Greater Appeal” is similarly oriented around a nationalist agenda, but one that espouses a vision of Indigenous nationhood—specifically one that reflects its author’s Cherokee consciousness—within the narrowed terms of the assimilation era, in contradistinction to its counterparts’ Eurowestern perspectives.\footnote{Piatote defines the “assimilation period” in the U. S. as the years between the opening of the Carlisle Indian School in 1879 and the implementation of the Howard-Wheeler Act (also known as the Indian Reorganization Act) in 1934 (1). The first of these events, she suggests, set in motion the two most dominant policies of the era, while the second suspended them: 1) the forced removal of Indigenous children from their families to attend federally funded boarding and day schools; and 2) the allotment of Indian lands in severalty.}

I suggest that in its fictional representation of an encounter between Belle Starr and a deputy U. S. marshal carrying a warrant for her arrest, “The Greater Appeal” constructs an “anticolonial imaginary” and envisions the Indigenous home/land not only as the primary site of conflict between Indigenous values and foreign assimilative agendas, but also as the space conducive to the most effective expression of anticolonial resistance. Significantly (and problematically), this resistance and the potential for its perpetuation into the future are channeled through the reproductive body of the white female outlaw. Grounding my observations in Beth Piatote’s definition of the “anticolonial imaginary” in Indigenous fiction as “visions of alternative futures that may explain, in part, how Indian communities survived the violence of the assimilation era” (9), I analyze “The Greater Appeal” for its self-conscious appropriation of the discursive conventions of domesticity. Notwithstanding the story’s problematic racial politics, Oskison’s deliberate disordering of Starr’s historical and outlaw circumstances via the sentimental mode critiques assimilation-era politics and envisions an alternative future in which the Cherokee Nation was not inevitably made subject to the domestic economy and administration of a foreign nation-state.

Oskison was a prolific writer of short stories, essays, and novels throughout the early and mid twentieth century. Born in 1874 outside of Tahlequah in the Cherokee Nation, he was the son of a white father and a Cherokee mother, the latter of whom died when he was a toddler. After the death of his wife, Oskison’s father moved his family to Vinita in the Delaware District of Indian Territory. It was there that Oskison grew up and worked on his father’s cattle ranch until he left to pursue an advanced university
education, first at Willie Halsell College in Vinita, and then Stanford and Harvard Universities. Although Oskison lived most of his adult life outside of Indian Territory/Oklahoma, the people and landscapes that populated his childhood nonetheless dominate his fiction.

The political subtexts of Oskison’s substantial body of work have remained largely untapped by scholars and literary critics. With a few notable exceptions, Oskison’s name and evaluations of his work have mostly been consigned to brief summaries in surveys of American Indian literature and collections of literary biography. These evaluations have largely focused on either the works’ literary and aesthetic merit (or lack thereof), or on discussions of the “Indian” politics in Oskison’s novels and short stories. The latter frequently reduce Oskison’s representation of Indigeneity to a reflection of the period’s assimilationist politics. Consequently, until fairly recently, his work has most often been cast “as either overly accommodationist or outright assimilationist” (K. Brown, “Citizenship” 79).

Jace Weaver suggests that Oskison’s work has largely been ignored while others’ has been revived because “he is simply not the writer that [D’Arcy] McNickle, [John Joseph] Mathews, or [Rollie Lynn] Riggs is” (“Foreword” xiii). To be fair, Oskison’s two most frequently dismissed novels, *Wild Harvest* (1925) and *Black Jack Davy* (1926), were published a decade before the appearance of McNickle’s and Mathews’s breakout novels. Riggs’s work from the 1920s consisted almost exclusively of poetry, plays, and screenplays—hardly an even comparison with Oskison’s novelistic output. As a decade marked by the socialist novel, Depression-era publishing represented an innovative period for American literary production. Perhaps it is not a coincidence that Oskison’s two more “respected” literary works, *Brothers Three* (1935) and *Tecumseh and His*

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were published during this period. Although Oskison’s style may not be as accomplished as his contemporaries’, the representation of Indigenous concerns in his fiction is perhaps less explicit, but not more absent, than theirs. As Robert J. Conley has suggested, the nature of the world of popular publishing at the time Oskison began writing fiction necessitated that he “write around what he really wanted to write about,” that is, Indigenous concerns and Indigenous presence (Cherokee Thoughts 150).

 Appearing in print several decades before any of Oskison’s novels, “The Greater Appeal” depicts a fictional encounter between Belle Starr and a deputy U. S. marshal in the Creek and Cherokee Nations in the summer of 1882. Oskison’s calculated attention to the details of his story’s setting, which do not always correspond to the historical realities from which he borrows his material, amplifies his deliberate rewriting of the past as an exercise in historical revisionism. Instead of capitalizing upon Belle Starr as a synecdoche of the Indian Territory’s “criminal” population and thus the dire necessity of extending U. S. control over it in the form of a regulated state government, Oskison’s brief revision of the Belle Starr narrative recasts the relationship between the territory’s tribal citizens and the federal government from one characterized by antagonism to, in Cherokee scholar Kirby Brown’s words, “a result of self-interested human action amenable to revision by better people in a better time” (“Citizenship” 100). Moreover, the story strategically invokes the conventions of the sentimental genre—one of the nineteenth-century’s most effective rhetorical means of consolidating settler-national identity around domestic ideology—to achieve an enlarged understanding of how competing visions of nationhood and domesticity are not inherently opposed to one another.

 In “The Greater Appeal,” deputy U. S. marshal Jim Marks surreptitiously follows Starr through the streets of Muscogee, a railroad town in the Creek Nation, in an effort to serve a warrant for her arrest on charges of “horse stealing and robbery” (241). Aware that she is being followed, the so-called “bandit queen” evades capture by hiding in plain sight in the small shanty home of a local Creek Freedwoman. Having disguised herself in black face with soot from the woman’s chimney, Starr bears silent witness to the

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32 All page numbers pertaining to “The Greater Appeal” hereafter refer to Oskison’s Tales of the Old Indian Territory and Essays on the Indian Condition (Ed. Lionel Larré, U of Nebraska P, 2012).
deputy’s discomposure when he enters the home and cannot find his quarry, concluding that his associate either missed Starr as she escaped out the back door, or “that she used black magic to make herself invisible” (243), a protective strategy that carried folkloric currency in the old Cherokee Nation. After this failure, Marks launches an elaborate undercover operation to apprehend Starr. He disguises himself as an itinerant farmhand and secures employment on a neighbouring farm; after spending two weeks undercover, he is able to visit the Starr ranch without raising anyone’s suspicions. He seizes his opportunity when he is invited to a dance at the Starr home, but before he can arrest Belle, she reveals her knowledge of his identity and takes him to a small bedroom in the house where an infant, her daughter, is fast asleep. She presents the child—recently recovered from a serious illness—as evidence of her dire need to escape his clutches that day in Muscogee: “I had to get here . . . that day, Mr. Marks, I had to. My baby was calling me, and I tricked you bravely, though my heart was choking me for fear I’d fail” (246). Faced with this display of maternal love and protectiveness, Marks “turn[s] judge and jury all at once,” and announces to the child, “Baby, you need your mother more than I or the law” (247). The story concludes as lawman and outlaw return to the party, hand-in-hand, to take another turn on the dance floor.

Oskison’s careful attention to the details of his setting serves a dual purpose: first, it demonstrates his intimate knowledge of the place(s) in which his story unfolds, and second it deliberately undermines that knowledge with historical inaccuracies to envision an alternative future for the Cherokee Nation, one in which the authority of the home/land and the rights and responsibilities attendant upon it successfully resist the imposed authority of the settler-state. Moreover, this story illustrates a recurring theme throughout Oskison’s œuvre, which Daniel Justice describes as the author’s conviction

33 Although a lesser media sensation than the likes of Belle Starr or Ned Christie (the subject of Chapter Four), Wili Woyi (alias Bill Pigeon), a Cherokee citizen, was similarly hunted by U. S. law enforcement in the 1880s and early 1890s on charges of murder and illegal bootlegging. In Cherokee Thoughts, Conley observes, “Wili Woyi [a.k.a. Bill Pigeon] . . . is remembered by Oklahoma Cherokees today as one of the greatest of all Cherokee medicine men. Toward the end of the nineteenth century, Wili Woyi was accused of murder by federal authorities and pursued for something like eleven years. Historians tell us that when the lawmen got to his home, he would be away. Cherokees tell a very different tale” (170). The tale the Cherokees tell is that Wili Woyi could make himself invisible to the eyes of would-be captors, and this was the means of his persistent evasion of arrest. A popular element in the Ned Christie mythos is his reputed ability to evade arrest by shape-shifting into various animal forms, including an owl and a razorback hog (Hamilton 74), the latter of which is gestured toward in Robby McMurty’s graphic novel Native Heart (72).
that the future of Indigenous peoples in the Americas is “as much the responsibility of non-Indians as Indians” (*Our* 118).

From the story’s first paragraph, it is evident that Oskison possesses an intimate knowledge of the place and time he describes, a knowledge that he flaunts conspicuously. Beginning *in medias res*, “The Greater Appeal” immediately establishes a geographically and temporally specific setting, evident in its first line: “She [Belle Starr] was no novice at the game and knew Marks for a thief catcher as soon as she set foot on the station platform at Muscogee” (240). The town of Muscogee was established in 1872 as a train depot on the new Missouri-Kansas-Texas line of the Union Pacific Railroad (Debo, *Road* 198). The “MKT” was a beneficiary of the north-south right-of-way through the Indian Territory granted to rail companies by the U. S. federal government in the aftermath of the Treaty of 1866, which severely penalized the Five Tribes for some members’ support of the Confederacy during the Civil War. Angie Debo observes, “This squalid little town of tents and shacks was the scene of the most feverish speculative excitement, and many traders sought to establish themselves there” (*Road* 198-9).\(^{34}\) The spelling of the town’s name was officially changed from “Muscogee” to its present iteration, “Muskogee,” on July 19, 1900 (Shirk 217). Oskison wrote this story five years after the spelling of the town’s name was officially changed. Whether he simply desired to maintain the integrity of the spelling contemporary with his own childhood and adolescence, or was simply unaware of the change (having lived in California, Massachusetts, and New York in the years preceding the publication of this story), his spelling of Muscogee is nonetheless an accurate reflection of its precise historical context.

Oskison’s use of the older spelling establishes a pattern of historical accuracy that he maintains throughout the duration of the story with one notable exception, which I will discuss at greater length below. Oskison is evidently familiar with those details of Starr’s life that can be discerned with any certainty. He carefully sets the scene of his story in the “early [eighteen] eighties,” and notes further how “Belle Starr’s life had been a wild one in the sixteen years since she had, unwittingly at the time, married a horse thief and chosen to follow his fortunes” (240). It is interesting that Oskison specifies the

\(^{34}\) Cf. also Chapter One, n. 18.
passage of “sixteen years” since Starr married her first husband, and ascribes to his story a somewhat more inexact setting in the “early eighties.” However, if the story were to be set in, say, 1882, Oskison’s apportionment of sixteen years between the setting and Starr’s first marriage is precisely correct: the marriage license issued to Myra Maybelle Shirley and James C. Reed is dated November 1, 1866 (Shirley 75). Oskison’s diction in his representation of Starr’s first marriage to an outlaw as “unwitting” represents the first of his many unconventionally generous portrayals of this woman whose depiction in fictional narratives preceding and following the publication of this story is typically not so generous. The narrator adds, “[T]hough she knew that she, too, had long ago become outlawed, her mission now involved the breaking of no law” (240). The narrator’s use of the passive voice to characterize Starr as having been outlawed is similarly generous in its implication that she did not actively turn herself into an outlaw, but rather was made one.

The motivation behind deputy U. S. marshal Jim Marks’s pursuit of Belle Starr through the streets of Muscogee circa the summer of 1882 is related to the historical reality of her 1883 arrest and conviction for horse theft. On July 31, 1882, a writ was signed by Cassius M. Barnes, chief deputy U. S. marshal at Fort Smith, swearing to the Starrs’ felonious theft of a horse belonging to one Andrew Crane, a non-citizen resident of the Cherokee Nation (Shirley 152; see also n. 1 above). Citing United States v. Sam and Belle Starr, Case No. 2370, Shirley notes, “A capias was issued the same date and sent to L. W. Marks, a deputy marshal for the Vinita District, Indian Territory” (152, emphasis added). L. W. Marks’s apprehension of the Starrs is what led to Belle’s first and only prison sentence in 1883. The warrant for the Starrs’ arrest, however, was not served until September 21, 1882, fully eight weeks after it was issued. In a 1937 interview, Marks’s widow explained the delay as the consequence of numerous conflicting reports regarding the couple’s whereabouts, and the challenges involved in transporting apprehended criminals back to Fort Smith via cumbersome wagon outfits (Shirley 152-3). Oskison firmly grounds his narrative in historically accurate details, such as the spelling of Muscogee, the timing of the story to coincide with Starr’s first (and only) conviction, and his fictionalized representation of the real officer responsible for Starr’s arrest. Oskison acknowledges the reality of this arrest in the transparent
alterations he makes to L. W. Marks’s identity, signaled by the use of quotation marks around “Jim” the first time his name appears in print in the story (240). Moreover, “The Greater Appeal” similarly dramatizes the passage of several weeks between the issue of the writ for Starr’s arrest and Marks’s confrontation with her at the tale’s conclusion. Oskison capitalizes upon the historical fact of the delayed arrest of Starr in 1882 in order to imagine an alternative sequence of events that privileges kinship obligations over federal concerns.

Oskison’s familiarity with the Belle Starr legend is also supported by evidence in his 1926 novel, Black Jack Davy, in which the eponymous hero’s foster parents, Mirabelle and Jim Dawes, are undoubtedly based on Belle Starr and Jim Reed. Even the timing of that novel is relatively in sync with the chronology of Belle Starr’s career (see n. 24 above). Like Mirabelle Dawes’s fate in Black Jack Davy, however, Oskison deliberately rewrites Belle Starr’s domestic narrative in “The Greater Appeal.”

The age of the sleeping child in Oskison’s story suggests that she is the product of Belle’s more recent union with Sam Starr, which means that she is a Cherokee citizen by birth and blood. However, Belle and Sam Starr never had any children together. Given his attention to detail in every other respect related to his setting and his knowledge of Starr’s personal and legendary history, it is not unreasonable to assume that Oskison was also aware of the fact that Starr did, in fact, have two children—a daughter and a son—neither of whom was the child of Sam Starr, and both of whom were born long before this story’s setting. Why, then, does he consciously fabricate the part-Cherokee infant upon whom Starr’s freedom rests in this story? Further, why does he deliberately rewrite the course of history in his decision not to have Marks arrest Starr (thus precipitating her 1883 incarceration), but rather to maintain the integrity of the home and the family—notably the Cherokee family? The answers to these questions lie, I suggest, in Oskison’s strategic and even counterintuitive use of sentimentality.

35 In a series of notes attached to “The Greater Appeal” and Oskison’s previously unpublished autobiography, Lionel Larré, the editor of Tales of the Old Indian Territory and Essays on the Indian Condition, establishes the likelihood that when Oskison was a child he was taught by schoolteacher Fanny Blythe, who later married deputy U. S. marshal L. W. Marks, whom, he suggests, may be the inspiration for deputy marshal “Jim” Marks in “The Greater Appeal.” Fanny Blythe Marks is the widow whose 1937 interview is cited by Shirley in Belle Starr and Her Times (152-3). Cf. Oskison, Tales 71-2; n.19, 473; n.77, 559.
As the brief summary provided above perhaps indicates, the story’s plot is essentially unremarkable, especially given its somewhat trite sentimentalism. Oskison has been criticized as a “weak novelist,” who relies too much on “mawkish sentiment, stock character types, and exaggerated and often absurd plot devices” (Justice, Our 114-5). What’s more, this “narrative sentimentality” disproportionately afflicts his female characters (115). While I don’t dispute this otherwise valid criticism, “The Greater Appeal,” for all its sentimental prose and essentialized portrayal of maternity, represents a provocative exception to this general rule. Popularly denigrated as a singularly unattractive woman, Belle Starr receives an unironically benevolent and generous makeover under Oskison’s supervision. Oskison appears to have been aware of her homely reputation, as witnessed in his narrator’s description of her as “a vigorous woman, too tanned and self-reliant in pose to be beautiful,” but he balances her lack of conventional beauty by endowing her with “magnetism,” “wit,” and expressive black eyes (241, 245). Oskison does not indict Starr; he encourages readers to, as Daniel Justice might suggest, imagine her otherwise—to think of her not as the acme and nadir of democratic American freedom, but as a Cherokee Nation citizen who successfully defied American law.

Oskison’s conservative adherence to the conventions of sentimentality is what distinguishes his narrative from other fictive accounts of Starr’s life, which almost uniformly capitalize on the sensational aspects of her monstrous femininity, especially as it manifests in her reproductive capacity. In A Dynasty of Western Outlaws, for example, author Paul Wellman characterizes Starr as a “carrier” of criminality, whose womb was liable to produce social deviants, especially given her alleged sexual promiscuity with numerous criminal men (131, 146). In a manner wholly unlike this and other Starr narratives, Oskison’s female outlaw secures her own freedom through a convincing display of maternal solicitude. As Starr quietly relates to Marks the dire circumstances that motivated her theatrical deception in Muscogee, a dawning realization begins to overcome what one might call the deputy’s better judgment: “How cleverly she had tricked him! What superb acting she was capable of! But it was neither the actress nor the reckless, criminal Belle Starr who spoke to him. She was now the mother, Marks could see that, altogether human in her joy over the infant’s convalescence, trembling at the
thought of its late peril. Yes, he saw” (Oskison, Tales 246). When Marks asks whether she had helped her husband steal some horses and rob a post office, Belle admits she “shielded” Sam when he got into trouble, but tempers her confession with a modicum of decency, professing, “My life has been stormy for a good many years. But ever since I’ve had my baby I’ve wanted to settle down to a quiet existence. Oh, I’ve wanted to so badly!” (246). This avowal convinces Marks, “the cynical, cool, man-hunting Marks” (247), that the mother belongs at home with her child, not in prison.

The unapologetically sentimental portrayal of this scene participates in what Jane Tompkins identifies as the genre’s explicitly political enterprise, which “both codifies and attempts to mold the values of its time” (Sensational 126). Indeed, Oskison’s sentimentalism narrowly avoids contributing to the efforts of other writers and reformers to define domesticity as “a white, middle-class trait” whose purpose was “to assert power over the lives and bodies of those whom they deemed foreign” (Simonsen 3). Oskison’s use of a white female outlaw may appear to uphold this definition, but I argue that Belle Starr becomes a convenient cipher through which Oskison may enforce Indigenous sovereignty—including the Cherokee Nation’s right to determine its own membership—and envision the emergence of an intact Indigenous home/land from the crucible of allotment and statehood. Moreover, the values Oskison espouses are not those of the “dominant” culture; his story maintains the integrity of the Cherokee home, refusing to subject Belle Starr or her Cherokee husband and child to the federal jurisdiction of the United States, and respecting the demands of kinship. In Oskison’s formulation, kinship is not a symptom of blood quantum, but rather of nationhood. As Daniel Justice explains, [Oskison] acknowledges the importance of blood to his understanding of Cherokee identity, but emphasizes the primacy of Cherokee nationhood and political self-determination above the arbitrary distinctions of blood quantum. Kinship is a more distinctive value in Oskison’s work than is racial purity; nationhood isn’t a finite resource, but rather one that can be extended to encompass others into the body politic. (Our 110)

In Oskison’s world, Justice adds, “[l]ove and kindness”—two of the central values in traditional sentimental fiction—enable possibility, “especially when they are devoted to a higher purpose.”
Notably, “The Greater Appeal” was published in 1905 and set partially in the town of Muscogee, the same year and the same place in which the Sequoyah Convention was held. The Sequoyah Convention witnessed the convening of delegates from four of the Five Tribes (Cherokee, Choctaw, Creek, and Seminole) to write a charter for a new state. The proposed state of Sequoyah would be comprised of the former Indian Territory and thus represent a kind of “Indian” state within the Union. The written constitution for the state of Sequoyah was clear in its demands for its creation as a state separate from the Oklahoma Territory “as a matter of right,” resolving, “if Congress should see fit to refuse this just demand and join the Indian Territory with Oklahoma and bring it into the Union as a single state with Oklahoma Territory it will do so without the consent of the Indians, as well as other inhabitants and over their most solemn protest” (Maxwell 312). Despite being ratified by an overwhelming majority of Indian Territory voters, the Sequoyah constitution’s bid for separate statehood was ignored by President Theodore Roosevelt who used his executive power to recommend that the Indian and Oklahoma Territories be admitted to the Union as a single state (323).

One of the major players in this ultimately failed bid for a separate Indigenous homeland was Creek Chief Pleasant Porter, who is also, incidentally, the only other historical person whose name appears in Oskison’s story apart from Marks and the Starrs. The story specifically identifies Porter’s farm as the place where Marks works undercover for two weeks before his final encounter with Starr at her home (243). All of the story’s settings, then—from Muscogee, to Porter’s Creek Nation farm, to Starr’s Cherokee Nation farm—place Marks (a representative of the U. S. legal establishment) firmly within an Indigenous framework consisting of legal, cultural, and domestic arrangements organized according to a tribal worldview. As Kirby Brown has argued in the context of Black Jack Davy, “[T]he imaginative, quasi-Utopian spaces in which Oskison attempts to resolve conflicts are identifiably and unquestionably sovereign Cherokee [and in this case also Creek] territories” (“Citizenship” 80).

In emphatic defiance of his critics who have characterized his work as disengaged from Indigenous themes, then, Oskison’s story envisions the triumph of a Cherokee Nation citizen over a representative of the U. S. federal government—a triumph that is transacted within the space of the Cherokee home. I cannot deny that a white
intermarried citizen rather than a “born” Cherokee achieves this triumph; however, I concur with Robert Conley’s assessment of the restrictions that the contemporary publishing industry placed on Oskison’s literary production, which set the parameters of his content. Conley opines, “Oskison wanted to write about Cherokees, but the closest he could come to it, because of the demand of his publishers, I am sure, was to write about the white people in the Cherokee Nation, to put Cherokees in the background, and to write about mixed-bloods who were more white than Indian” (Cherokee Thoughts 149-50).

Oskison’s “anticolonial imaginary” in “The Greater Appeal”—its “vision of alternative futures,” to repeat Piatote’s phrase—represents a kind of speculative fiction. What if Belle and Sam Starr had had children together? What if she was never incarcerated? What if, during the assimilation era, the U. S. federal government had prioritized the needs and well being of Indigenous families over the perceived need to assimilate and homogenize Indigenous nationhood to reflect the structures and values of the United States? Oskison’s privileging of the white female outlaw as the focus of his thought experiment is, no doubt, problematic and fraught with ethical complications. However, the contradictory attitudes and affiliations in the story emulate the outlaw’s similarly contradictory energies; perhaps this is why Belle Starr and other outlaws were such attractive figures for Oskison, an author whose literary politics are notoriously “unpredictable and inconsistent,” much like the outlaw’s (Cox 408).

Having thus far conceived of the outlaw as an individual, the following chapter stretches the definition of “outlaw” to include social customs and rituals. At the same time that one such custom, the shivoree, is designed to police sexual behaviour and “outlaw” undesirable unions, its extralegal status renders the ritual itself a kind of outlaw in turn. Effectively, the outlaw ritual outlaws its victims from the national family. Returning to McClintock’s observation that “the male citizen stands in the same symbolic relation to the nation as a man stands to a woman” (353)—or a husband stands to his wife—Chapter Three challenges the suitability of the marriage metaphor as an apt analogy for homogeneous nationhood and illustrates the myriad ways marriage can

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36 See also Oskison’s stories “Only the Master Shall Praise” and “To ‘Younger’s Bend’” (Tales 165-76 and 194-202), and his 1926 novel Black Jack Davy (one of the subjects of Chapter Four), all of which feature historical and fictional outlaw characters.
operate in a non-homogenizing capacity, thus contributing to the project of thinking the nation differently.
CHAPTER THREE
Doubtful Outlaws and Dubious Unions in Lynn Riggs’s Oklahoma

The assassination of Belle Starr transpired less than three months before one of the biggest land grabs in American history took place. The Oklahoma Land Run of 1889 witnessed the influx of over fifty thousand white settlers into the so-called “Unassigned Lands,” an area of nearly three thousand square miles situated in the very centre of the Indian Territory.¹ As a result of this land run and the even larger-scale run into the Cherokee Outlet in 1893, the 1890s witnessed a three-fold increase in the territory’s population of white settlers. Whether they settled on any of the newly opened lands, or took up farming on land rented from tribal citizens in other parts of the Indian Territory, by 1890, noncitizen settlers outnumbered tribal citizens by a ratio of two to one. By 1900, the gap had widened further to a ratio of almost six white settlers to one tribal citizen (Maxwell 169). The rapid increase in the Indian Territory’s white population was matched by those settlers’ clamor for representation in Congress and the influence they wielded in the movement for single statehood with the Oklahoma Territory.

All of these circumstances and concerns are reflected in Cherokee poet and playwright Rollie Lynn Riggs’s 1930 play, Green Grow the Lilacs. Significantly, these concerns are communicated through the play’s dramatization of an “outlaw” ritual, the shivoree (an archaic form of popular justice), and its rhetorical construction of domestic space as, simultaneously, extra-national and extra-legal space that is only domesticated (i.e. rendered into U. S. national space) through violence against and coercion of Indigenous populations. Set in 1900 in the Indian Territory, Riggs’s play employs an overwhelmingly white cast of characters to reflect the dramatic increase in white settlement witnessed by the previous decade. Moreover, the play’s dramatization of a shivoree—a centuries-old custom of European extraction in which a community expresses its disapproval of an unpopular marriage through a mock serenade of the offending couple using common household items or a mock parade through the streets—reveals the powerful discursive means by which competing visions of nationhood are

¹ See Chapter Two, n. 7.
eliminated or trivialized in the United States. However, much like the unstable and unpredictable voices permeating the Belle Starr narratives discussed in the previous chapter, the inherent polyphony of Riggs’s drama similarly generates multiple competing voices and contradictory energies that can be invoked in the service of representing alternative nationalisms.

Riggs’s name and dramatic career have ebbed from popular memory over the last half-century, but *Green Grow the Lilacs* achieved lasting fame, albeit in an altered form, in 1943 when Richard Rodgers and Oscar Hammerstein adapted it for the Broadway stage as the musical *Oklahoma!* Perhaps because of the musical’s overwhelming popularity and reputation as a lighthearted romantic comedy about “whether a cowboy would or would not take a farm girl to a country dance” (Zinnemann 136), this play has often been overlooked as evidence of Riggs’s dramatic engagement with Indigenous concerns. Indeed, this play, like much of Riggs’s work, has often been criticized for its apparent lack of Indigenous characters and content. I argue, however, that far beyond the play’s representation of a multiple-murdering villain, *Green Grow the Lilacs* dramatizes the confluence of lawlessness and racial violence in the decade before Oklahoma statehood—a confluence that resulted from a unique cocktail consisting of the racial, sexual, and economic concerns of white would-be settlers in the Indian Territory during that period. Riggs’s play metaphorizes this confluence in its depiction of the shivoree custom.

Although present throughout the play, Riggs’s indictment of Indian Territory politics in the decades prior to statehood is most clearly manifest in the shivoree scene. In Scene Five of *Green Grow the Lilacs*, the male and female leads are subjected to a raucous and menacing shivoree despite their best efforts to avoid the humiliating ritual by eloping. I argue that the shivoree scene’s rapid devolution into violence and death,

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2 Notwithstanding the more commonplace European and American spellings of “charivari” and “shivaree,” respectively, I maintain consistency throughout this discussion with the spelling of “shivoree” in Riggs’s play.

3 I intentionally invoke the word “polyphony” in this context to take advantage of both its figurative and literal definitions. First, I use it in its figurative sense, meaning a “multiplicity of sounds or voices; mimicry, ventriloquism (“Polyphony” 2a). Second, I invoke its musical denotation, referring to “the simultaneous and harmonious combination of a number of individual melodic lines” (“Polyphony” 1a). The second definition is particularly apt given the many musical asides in *Green Grow the Lilacs*, and Riggs’s conscious marketing of the play as “An Old Song” (see my discussion of the evolution of the play’s title below).
coupled with the play’s troubling refusal to divulge the legal fate of its hero, represents Riggs’s clandestine engagement with the political concerns of the Indian Territory’s Indigenous inhabitants in the two decades preceding its forced integration into the state of Oklahoma in 1907. Outlawry, in the form of the shivoree, becomes Riggs’s means of challenging the perceived legitimacy of Oklahoma statehood and the actions its proponents took to achieve it. Nineteenth-and early twentieth-century efforts to promote national (i.e. American) unity—at the expense of the unity of other nations extant within the geographic borders of the U. S.—are metaphorized in Riggs’s animation of this outlaw practice that, under the auspices of promoting national unity (or a desired would-be unity), is oriented around the labeling and identification of other persons as outlaws or transgressors. Like Portis’s uneasy conflation of Mattie Ross’s outlaw and liberal subjectivities, then, Riggs’s play establishes an uncomfortable parallel between the extralegal practice at the heart of its action and the “symbolic processes” by which the United States constitutes its subjects (Wald 77-8). In her analysis of Cherokee Nation v. Georgia (1831) and Scott v. Sandford (1857), Priscilla Wald argues how several landmark nineteenth-century U. S. Supreme Court decisions turned Indigenous people and slaves “into uncanny figures who mirror the legal contingency—and the potential fate—of all subjects in the Union, a fate made all the more plausible by the instability of the Union and the tenuousness of national unity” (78). Riggs’s representation of the shivoree custom achieves a similar critique, but from the “opposite” side of the law, a juxtaposition that only serves to minimize the perceived gulf between national legitimacy and illegitimacy. Moreover, the perceived need for this outlaw ritual to enforce the will of a “dominant” national culture indicates the presence of a competing vision of nationhood that threatens to diminish the former’s supremacy. For all of the whitewashing of Oklahoma! and Oklahoma history, Green Grow the Lilacs insists upon Cherokee nationhood.

The shivoree custom is intimately connected to that most idealized state of domestic bliss: consensual union in marriage. Consensual (namely heterosexual) union in marriage has long been analogically appropriated as a rhetorical model for the ideal relationship between sovereign and citizen in a republican nation. Diana R. Paulin has suggested that the performance of powerful discursive acts, such as lynching and
minstrelsy, have long been deployed by “white supremacists and their mainstream counterparts . . . to fight against competing visions of nationhood in the United States” (xi). I suggest that the shivoree custom, so clearly illustrated in Riggs’s play, represents another of these performative discursive acts, one that stigmatizes the plausibly interracial marriage between the male and female leads through the violence and derision heaped upon them in the fifth scene. Through the performance of the outlaw ritual, the transgressive couple is excluded, outlaw-style, from the national family. In *Green Grow the Lilacs*, the settlers’ self-declared “right” to exact “rough justice” in the form of the shivoree overrides and undermines the rhetorical construction of a stable, unified (U. S.) nation that a marriage might otherwise model. The marriage of the play’s romantic leads represents the creation of a new Cherokee household within the Cherokee Nation. The disruption of that union by the outlaw ritual parallels the homogenizing and deleterious effects of statehood upon Cherokee families, and challenges the very legitimacy of the processes by which Indigenous lands and peoples were legally absorbed into the “domestic” United States. Consequently, the play’s invocation of outlaw rhetorics challenges the suitability of the marriage metaphor as a means of imagining homogeneous nationhood and illustrates the variety of ways marriage can operate in a non-homogenizing capacity and be invoked in the service of imagining different versions of nationhood.

Riggs’s outlaw ritual stages the various conflicts that arose from and were perpetuated by the territory’s problematic transition into the state of Oklahoma. *Green Grow the Lilacs* takes place at a time when the future of the Indian Territory as a separate Indigenous state—the proposed state of Sequoyah—was still a possibility, as compared to Riggs’s more poignant tragedies, such as *Big Lake* (1925), *The Cherokee Night* (1930), and *The Cream in the Well* (1940), all of which take place after the spring of 1906 when the Cherokee tribal government was in the process of being dismantled, and when single statehood with the Oklahoma Territory was already a foregone conclusion. Rather than undermining his critique of the politics of statehood, the lighthearted tone of Riggs’s play hones it to a keener point, especially when it is compared to these more explicitly violent dramatic works.
Lynn Riggs, Self-Fashioned Exile

Riggs was the third child of a tyrannical white father, and a Cherokee mother who died of typhoid fever when Riggs was just three years old. Before she passed away, Rose Ella Riggs enrolled herself and her children on the Cherokee tribal rolls and received an allotment, part of which Riggs inherited after her death (Braunlich 22-3). Riggs apparently “prized” his Cherokee heritage, even though he never really knew his mother or her family. His portion of his mother’s allotment became “the most tangible physical connection he had to her” (Justice, Our 97). At the age of twenty-four, Riggs permanently severed his physical ties to Oklahoma when he abruptly withdrew from his undergraduate program in English at the University of Oklahoma and fled to Santa Fe, New Mexico, after suffering from intense “emotional distress” (Aughtry 284). In later years, Riggs’s friends and biographers attributed this crisis to the disintegration of a romantic attachment to a fellow coed, Eileene Yost (Braunlich 42). After Riggs succumbed prematurely to stomach cancer in 1954, an old friend, Joseph Benton, wrote a brief summary of the late playwright’s glory days at the University of Oklahoma. Benton is perhaps the first person to suggest that Riggs’s flight to Santa Fe was precipitated by the poor health and nervous stress he suffered after Yost rejected him in favour of a wealthier suitor (299). In the preface to Haunted by Home: The Life and Letters of Lynn Riggs (1988), Phyllis Cole Braunlich perpetuates the “official” story that Yost’s romantic rejection sent Riggs into a “deep depression” culminating in “symptoms of tuberculosis” and his flight to Santa Fe (Braunlich 42).

There may have been more to Yost’s rejection of Riggs than the sudden arrival on campus of a strapping Wisconsinite with a fat wallet. After all, it was in Santa Fe that Riggs supposedly became “newly freed by the recognition of his own homosexual orientation” (Braunlich 13). It is perhaps more likely that his flight was precipitated not by the rejection of a heterosexual lover, but by the collapse of the heterosexual ideal and Riggs’s realization that he would always be a pathologized outsider in the eyes of so many in his society. The cabal of those who would deny Riggs’s gay identity (like his Cherokee identity), including relatives, friends, biographers, and some scholars, continues to exert over him and his work the same oppressive rules governing “what a gay man can say, . . . what an Indian can say, and contributes to the silence and
voicelessness that Riggs attributes to Oklahomans and to the Oklahoma artist trying to
describe them” (Womack, Red 276). Moreover, Riggs’s status as an outsider—to the
Cherokee culture that was his birthright but denied to him by the machinations of
circumstance, to the heteronormative ideal, and to the conservative culture of Oklahoma
that has only become more firmly entrenched since statehood—endows him with a
perspective akin to the outlaw’s. This perspective manifests most clearly in his work
where the margins defining home and nation are neither stable nor secure, but always
subject to the whims of rough justice.

Throughout the early years of his career as a poet and playwright, Riggs
continued to draw on his allotment, mortgaging his land and mineral rights for financial
support. “Eventually,” Braunlich notes, “he sold the land, which had served him well,
although he never lived on it as his own” (24). Although he would return to Oklahoma
for periodic visits with family and friends, Riggs never again lived in the state where he
grew up, preferring life in New Mexico, California, and New York. However,
Oklahoma’s siren-call continued to exert an influence over Riggs’s dramatic work. Over
and over in his plays, Riggs returns to the landscapes and people that populated his
troubled youth. Daniel Justice explicitly articulates the problem of place in Riggs’s
oeuvre as an expression of allotment politics: “Riggs always sought, in both his life and
work, a place of security, a sanctuary that was denied to him as much by the
disenfranchisement of Indians and demonization of homosexuality as by the very real
shattering of the collective land base and much of the sovereignty of the Cherokee Nation
of that time” (Our 96). Craig Womack (Creek/Cherokee) echoes this notion in his

Womack has written extensively on Riggs’s schizoid, bifurcated representations
of his home state. In Red on Red, he delineates what he identifies as Riggs’s “interesting
contradictory impulses,” which are evident, he claims, in the author’s frequent
representation of “two Oklahomas,” a “bucolic” one and a brutal one, in his many plays
(276, 277). Womack identifies Green Grow the Lilacs as Riggs’s affectionate depiction
of Oklahoma’s “golden age,” citing a letter the playwright wrote to Henry Moe of the
Guggenheim Foundation on December 28, 1928. In this letter, Riggs describes the setting
of his new play as “a vanished era in the Middle West—an era a little more golden than
the present one; a time when . . . there was *wholeness* in the people” (qtd. in Braunlich 77). This “golden age” that Riggs describes, Womack says, “contrasts with the grim Oklahoma reality he was born into” (277).

The admixture of lighthearted romance and sinister insinuations evident in so many of Riggs’s plays not only reflects his personal estimation of the place where he grew up, but also a more general “geopathology” symptomatic of life in Oklahoma. In the elaboration of her theory of modern drama as an expression of geographical significance, Una Chaudhuri defines “geopathology” as “the suffering caused by one’s location,” which, she claims, is the primary preoccupation of twentieth-century American realist drama (58). Womack has similarly commented on “the spirit of place” in Riggs’s Oklahoma plays, characterized by the “unabated meanness” with which his characters are perpetually confronted, and the running theme of “Oklapression” (“oppression and depression”) throughout his plays (*Art* 117).

**The Shivoree Politics of Green Grow the Lilacs**

In 1927, Riggs applied to the Guggenheim Foundation for a grant that would allow him to “settle down somewhere in France for several months and write a new play of American life” (qtd. in Braunlich 57). After the foundation approved his grant in 1928, Riggs travelled to France where, for the next year, he worked on the manuscript of *Green Grow the Lilacs*. According to George Seldes, one of Riggs’s acquaintances during his time in Paris, the play’s working title was not, in fact, *Green Grow the Lilacs*, but “Shivaree” (Braunlich 73). Braunlich interprets this working title as evidence of the penultimate scene’s central importance in the play. Indeed, the very fact that Riggs structures the play’s climax and denouement around the shivoree highlights its function as a rhetorical device replete with the kind of deep, or “coded,” statement that Womack has argued characterizes many of Riggs’s most complex dramatic works (*Red* 273).

The American shivoree has its roots in the French custom of *charivari*, “a practice of noisy festive abuse in which a community enacted its specific objection to inappropriate marriages and more generally exercised a widespread surveillance of

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4 This letter’s optimism may have been strategic and pragmatic: Riggs’s motivation for writing it was to ask for an extension of his Guggenheim grant—a request that was ultimately denied (Braunlich 77).
sexuality” (Bristol 3). Riggs would almost certainly have been aware of the American shivoree’s European roots; after all, he wrote *Green Grow the Lilacs* during his sojourn in France. He could not have been ignorant of the custom’s origins, neither of the word’s very specifically French origin, nor of its original malicious motivations.

In medieval and early modern Europe, the reasons why a newlywed couple might be subjected to the humiliating public spectacle varied; some included a marked difference in age between the newlyweds, the beating of a man by his wife, adultery on the part of a wife, or marriage with a foreigner (Alford 506). Anton Blok suggests that the more violent forms of charivari in eighteenth-century Holland and Germany “were intended to drive the residents out of the community as undesirable persons,” citing the German word *Wüstung* (“destruction”) to characterize this form of popular justice (103). Notably, in Blok’s construction, the charivari was part of the “collective violence” deployed by authorities in the Dutch borderlands “to repress banditry” (104). In the absence of a regular police force, these authorities were comprised of members of the ruling class, who “restored their domination through the theater of law,” that is, through the performance of charivari and other symbolic methods of distributing rough justice (105).

Loretta T. Johnson notes that many American frontier shivorees “fit the pattern of the French ritual for *mésalliances*” (380), a term defined as “a union between two people that is thought to be unsuitable or inappropriate; *esp.* marriage with a person of a lower social position” (“Mésalliance”). According to Johnson, moreover, the European charivari served two major functions in society: as both a rite of censure designed to reinforce custom, and as a rite of passage designed to facilitate “a change of social order” (379). Riggs’s shivoree fulfills both of these functions, bringing it into closer kinship with the European charivari and recalling an even more violent extrajudicial practice that experienced widespread use in the United States throughout the nineteenth and early twentieth centuries. Riggs’s fifth scene not only recalls the charivari’s malicious underpinnings but it also evokes the spectre of its equally illegitimate, if far more explicitly violent, cousin: the lynch mob. Johnson asserts, “southern shivarees were related to Ku-Klux-Klan activity in function and ritual and [were] only somewhat less menacing than lynching as a means of controlling social behavior” (385). Moreover,
Riggs consciously orchestrates the shivoree’s devolution into violence as a means of staging and collapsing into a single structural device the various conflicts that arose from and were perpetuated by the territory’s problematic transition into the state of Oklahoma in 1907.

Eschewing his original design, the name Riggs finally gave to his play is the title of one of the “old songs” that the hero, Curly McClain, sings in Scene One. Curly sings “Green Grow the Lilacs,” a song about unrequited love, after Laurey Williams announces her plans to go to Old Man Peck’s dance with her hired hand, Jeeter Fry, thwarting Curly’s attempt to woo her (Riggs, CN 20). In the preface to the edition of Green Grow the Lilacs published by Samuel French in 1930, Riggs suggests that an appropriate subtitle for his play might have been “An Old Song,” and declares that his intent was “solely to recapture in a kind of nostalgic glow . . . the great range of mood which characterized the old folk songs and ballads I used to hear in my Oklahoma childhood” (CN 4). For these reasons, he includes musical asides that do not interrupt the dramatic action of the play so much as they lend to it “the substance of an ancient song.” Although it was never formally known as Shivaree, the thematic evolution of Riggs’s play from “rough music” to “old song” nonetheless illustrates the layering—the polyphony—of the nostalgia and romance implicit in the latter title over the violence and discord implied by the former. The commingling of charivari with Riggs’s “ancient song,” moreover, lends further support to the likelihood that in Green Grow the Lilacs, as in most of Riggs’s Oklahoma plays, his “two Oklahomas” are contemporaneous, albeit warring, factions.

In That the People Might Live, Jace Weaver (Cherokee) criticizes Oklahoma! for its thorough ethnic cleansing of turn-of-the-century Indian Territory. He notes that although the musical’s dialogue is borrowed practically verbatim from Riggs’s script, Rodgers and Hammerstein nonetheless vacate their stage of the racially diverse communities that populated the Indian Territory in the period before statehood (99). Consequently, he adds, “It is commonly assumed that Green Grow the Lilacs . . . also reflects an ethnically cleansed territory.” Challenging this assumption, Weaver boldly suggests that Green Grow the Lilacs “is not devoid of Indian characters at all, but is, in some sense, a play about them.” However, Weaver’s analysis of the play’s Indigenous content overlooks what is, perhaps, the strongest evidence in support of his claim: the
shivoree scene, in which the shadowy outlines of the latent racial tensions undergirding the play’s action emerge in a kind of bas-relief.

Weaver’s interpretive stance is at odds with the conclusions reached by many other scholarly interpretations of the play, such as Raymond Knapp’s 2004 assessment in which he contends that, notwithstanding the relatively minor presence of “Indians” in *Green Grow the Lilacs*, “the play is not really about Indians; rather, it centres around the shunned outsiders who in Riggs’s view constituted the larger population of the territories” (80). Although Riggs identified in complex ways with that population, this superficially lighthearted play about a frontier courtship is nevertheless deeply critical of the succession of those outsiders as heirs to the state of Oklahoma.⁵

Weaver’s interpretation of Riggs’s play as the dramatization of a racially diverse Indian Territory facilitates the emergence of several malicious cultural attitudes from beneath the play’s manifest benignity, “most notably,” he says, “traditional fears in American theater concerning interracial marriage” (*That* 100). As evidence of the play’s Indigenous content, Weaver suggests that the hero, Curly McClain, is, like Riggs, from a mixed racial background composed of both white and Cherokee ancestry. Curly’s surname, nickname, and occupation as a cowboy, Weaver argues, are all indicative of such a lineage (99). “McClain (or McLain),” Weaver notes, “was a fairly prominent Native last name.” “Curly” as a nickname “could have come about because he, as a mixed-blood, had curly hair, an uncommon trait among Indians.” According to Weaver, “it is at least marginally more likely that Indians would have been the cattlemen and the Amer-Europeans the farmers” during this period of Oklahoma’s history.⁶ Furthermore, Curly’s description of Jeeter Fry as “that bullet-colored growly man ’th the bushy

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⁵ In a letter to his agent, Riggs describes the non-Indigenous settlers of Oklahoma as “a suspect fraternity, as fearful of being recognized by others as they were by themselves. . . . Men fleeing from a critical world and their own eyes” (qtd. in Braunlich 71). The letter concludes, “I happened to be born myself just outside the rush of light. And I know how it feels, and, I think, how those others felt.” Womack suggests that Riggs’s estimation of non-Indigenous Oklahomans is better understood “as the internal terrain of a closeted gay man than as an actual literal rendering of Oklahoma and its people” (*Red* 275).

⁶ Citing changes made in 1892 to the *Constitution and Laws of the Cherokee Nation*, Kirby Brown has observed that the employment of noncitizens in the cattle industry was explicitly forbidden by the end of the nineteenth century (90). Indeed, the Cooweescoowee District (now part of Rogers County), which included the town of Claremore, was primarily known for its large cattle ranches, which were mostly owned and operated by mixed-blood Cherokees. Janey B. Hendrix notes that the mixed-blood families of the Cooweescoowee District “were very nearly indistinguishable from any white frontier family, with the exception of their fiercely defended Cherokee nationalism. They were very much citizens of the Cherokee Nation and were as determined as any fullblood to protect the autonomy of their government” (44).
eyebrows that’s alwys orderin’ the other hands how to work the mowin’ machine” (Riggs, CN 17) is, Weaver suggests, an Indian’s observation of a white man’s appearance and assumed intellectual superiority (That 100). As further evidence, Weaver also argues that the play is, in fact, populated with both white settlers and Indigenous people, citing the reaction of the posse members to Aunt Eller’s accusation in Scene Six that the men are “furriners” for having sided with the U.S. government against a member of their own community. The men, Weaver asserts, defend themselves “in explicitly racial terms” (99). One exclaims from the darkness, “Now, Aunt Eller, we hain’t furriners. My pappy and mammy was both borned in Indian Territory! Why, I’m jist plumb full of Indian blood myself,” to which another adds, “Me, too! And I c’n prove it!” (Riggs, CN 103). The humour of this exchange derives from the sheer credibility of the men’s retorts.

In contrast to Curly’s mixed racial background, Weaver reasonably suggests that the cowboy’s love interest and the play’s leading female protagonist, Laurey Williams, “is clearly White,” briefly citing as evidence her desire to live in Virginia or California and the fact that she is from Missouri (That 100). An even more illuminating moment in the play, however, is Laurey’s observation in Scene Two that if her parents had not emigrated to Indian Territory, then she would still be living in Missouri, and thus, she says, “I’d a-had education” (Riggs, CN 25). Prior to the dismantling of the tribal governments, the children of noncitizens, who were mostly white settlers, had limited access to educational opportunities in the territory except by voluntary subscription schools (Debo, And 18), and therefore Laurey’s lament over her lack of education leads us to assume that she is, in fact, white and that her family probably emigrated to the territory during that massive wave in white settlement in the decade before 1900 (the same year as the play’s setting), which witnessed the threefold increase in the territory’s white population.

Although the shivoree in Riggs’s play appears benign, his use of diction and tone nonetheless gestures toward the sinister motivations behind the participants’ actions, which heap scorn and disapproval upon the interracial marriage between the white farmer’s daughter and the plausibly mixed-race cowboy in an Indian Territory increasingly dominated by white settlers. Contrary to its reputation in the United States as the much more benign cousin of its European ancestor, the shivoree in Riggs’s play...
contains disquieting elements that correspond more with the punitive European tradition of charivari than with light-hearted popular accounts of shivoree in America.\footnote{For examples of the latter, cf. Rex Gunn, “An Oregon Charivari” \textit{(Western Folklore} 13.2/3 [1954]: 206-7), and E. Bagby Atwood, “Shivarees and Charivaris: Variations on a Theme” in \textit{A Good Tale and a Bonny Tune}, eds. Mody C. Boatright, Wilson M. Hudson, and Allen Maxwell (Dallas: Southern Methodist UP, 1964).}

Since the War of Independence, “at least a dozen states at some time in their histories declared that marriages between Indians and whites would be null and void” in order to “enforce boundaries understood as religious and also, increasingly, ‘racial’” (Cott 28). Notwithstanding its extra-national status and the presence of its tribal courts, the Indian Territory relied as much on community surveillance to prevent crime and punish criminals as other frontier environments. Nancy F. Cott observes that in remote frontier communities,

where the population spread out thinly under little state surveillance, the state apparatus was not likely to enter the life of a couple unless they were reported to authorities by neighbors. The “informal public” made up of family, kin, and neighbors exercised practical control of marriage formation, preservation, and termination. The local community had far more access to the circumstances of ongoing households and relationships than law enforcement officers . . . . State law set a framework that guided and influenced local communities, but because of its proximity, the community’s ability to approve or chastise its members came first. It could easily be felt as more important than any law—more affirming when it echoed an individual’s or couple’s desire and more coercive when it did not. A community’s shared belief in the morality and utility of its marriage practices forms part of its sense that it \textit{is} a community. The informal public exercised the forces of approval or condemnation that shaped prospective married couples’ behavior.

Communities could be generous—thus marriages between Indians and whites and between their mixed progeny went on informally even where they were prohibited by law, at the sufferance of local communities. Or they could be harsh. (29)

Tellingly, Cott observes, “The trespass most conspicuously mobilizing community resort to the law was marriage across the color line” (40). It is reasonable to conclude, then, that the violence and derision with which Laurey and Curly are confronted during the shivoree have their source in the participants’ aversion to the couple’s interracial union. Certainly, Cherokees contemporary with the play’s setting bore within their collective memory the remembrance of violence of this nature. In 1825, a decade before the
Cherokees’ removal to Indian Territory, John Ridge and his cousin, Elias Boudinot, both young Cherokee men who had been educated in the northeast, married the white daughters of two prominent New England families. Although both marriages were considered scandalous and provoked racist comments and widespread disapproval in the northeast, Boudinot’s engagement to Harriett Gold inspired a particularly potent vitriol in the white residents of the town of Cornwall, Connecticut. A mob of citizens, led by one of Harriett’s own brothers, burned effigies of the bride and groom and mourned Harriett as though she were dead (Boudinot 84). Cherokees were well aware of the dangers that inhered in the transgression of class and racial boundaries, and the Boudinot-Gold marriage represented both.  

The participants in Riggs’s shivoree conform to the older custom’s traditional “community” of unmarried young men, who, as Bristol suggests, “represent a social principle of male solidarity that is in some respects deeply hostile to precisely that form of institutionally sanctioned sexuality whose standards they are empowered to oversee” (3). I suggest, however, that the hostility of this group has its source in its reticence toward the interracial marriage of the young lovers, a hostility that was not unprecedented even at the time of the play’s setting in 1900 and its creation in 1929.  

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8 John Oskison’s novel, The Singing Bird, similarly demonstrates a Cherokee author’s awareness of these dangers. In the novel, Ellen Wear describes the marriage between Elias Boudinot and Harriett Gold as a “mésalliance,” comparing its negative reception in Cornwall to the novel’s (fictionalized) relationship between Richard Panther, a young Cherokee man, and Catherine Decker, a white Yankee woman, and its reception in a fictional New York State community (63). In another letter to her husband, Ellen describes the shivoree with which the community attempts to bully Richard and Catherine into submitting to racial homogeneity in marriage. Ellen witnesses the procession through town of a mob of people bearing torches and “straw-stuffed effigies” of the young lovers, which are fed to a flaming pyre (65).  

9 Margaret D. Jacobs has noted that even though laws against interracial marriage between Native Americans and Anglo-Americans were not as common as laws designed to prevent black-white marriage, nonetheless “social taboo could be as powerful as legislative acts in shaping the lives of white women and their Indian husbands or lovers” (32). In 1891, for example, Dr. Charles Eastman, a member of the Wahpeton Dakota Nation, and Elaine Goodale, the daughter of a prominent white New England family, felt compelled to justify their marriage through their political and humanitarian work in response to the skepticism of “a hostile and intolerant public” (37). In the 1920s when Riggs lived in the artists’ colony of Taos, New Mexico, he came under the patronage and tutelage of Mabel Dodge Luhan. In the early 1920s, Mabel began an affair with Tony Lujan, a Taos Indian, even though both of them were married to other people at the time. According to Jacobs, white Americans viewed the relationship as scandalous not so much because of its interracial nature, but because of “their adultery and cohabitation without marriage” (43). In a manner that sheds light on how Indigenous populations may have viewed interracial liaisons—an area of study that Jacobs notes has often been overlooked in favour of privileging the settler perspective—the tribal council of Tony Lujan’s Taos Pueblo “did take offense at Tony’s relationship with a white woman” and his abandonment of his first wife. The tribal council actively punished Lujan for his transgression by barring him from participation in kiva ceremonies for nearly twenty years (43).
the early nineteenth century, monogamous marriage between white men and Native women was, in fact, encouraged by influential secular and religious officers, including the federal Office of Indian Affairs and the Reverend Jedidiah Morse, who “assumed that native Americans’ assimilation had to be founded on monogamous marriage, from which would follow the conventional division of labor, property, and inheritance” (Cott 26). By the end of the nineteenth century, however, “[o]fficial views on the desirability of Indian-white marriage gave way to greater racial differentiation and distaste” (27), and reflected earlier biases of the nineteenth century.

Violet Alford identifies “rough music,” or charivari, as “the beginning of popular justice” (505). She conceptualizes the European ritual as a structured three-stage process, the third stage of which provides a means of resolving the charivari’s otherwise potentially damaging consequences. Although Alford’s study focuses solely on the charivari’s Old World context, her three stages are nevertheless equally applicable to the escalation of violence in Riggs’s fifth scene.

The diction of the stage directions setting Riggs’s fifth scene immediately denotes stealth, deception, and surreptitious behaviour: “A soft summer wind, creeping about the meadow, lifts the spears of grass that have escaped the sickle . . . After a moment, Curly and Laurey steal into sight, looking around cautiously. They stop, move forward a little [and] begin to speak in hushed voices” (Riggs, CN 75, emphasis added). Having eloped in order to escape the humiliation of the customary shivoree, Laurey and Curly must return to the former’s home under the cover of darkness, like two criminals. The lovers’ disappearance into the security of Laurey’s bedroom initiates the first sequence of the traditional shivoree. The first of the three stages that Alford identifies is that of the “rough music” itself, a discordant “overture” on common household items, such as pots and pans, or whistles and bells, performed near the dwelling of “a culprit” on the night following the marriage ceremony or a few days after the ceremony took place (505). After Laurey and Curly disappear into the house, the shivoree participants emerge from behind the hay stacks, equipped with the “noise-making instruments—tin lids, pots, wash boilers, cowbells, gourd rattles, tambourines, pans, iron triangles, whistles, [and] drums” on which they will perform this ritual “overture” (Riggs, CN 77). The stage directions describe the men’s mood as “disturbed and hysterical with conjecture on the
marital scene they have come to despoil” (77, emphasis added). Moreover, the men have worked themselves up into an “excited frenzy;” they are “mocking” and “satirical” of the newlywed couple (79, 77). After a brief period of anticipation during which the men voice their lascivious speculations and minor jealousies, they unleash “[t]he sound of raucous noise and excitement” with their improvised “musical” instruments, signaling the beginning of the illicit ritual (80).

As the shivoree scene progresses, the mob increases its application of sexually and racially motivated violence against its victims in order to shame and humiliate them into a sense of their “place” in the established—or desired—order of the community. After leering for several moments through the curtains of Laurey’s bedroom, watching as the two undress for their first night together, the men disrupt that private ritual to commence the couple’s public shaming. They “drag” Curly out of Laurey’s bedroom; he is “struggling and angry,” and his shirt is “ripped off in the struggle” (80). This ritual performance is no joke: Curly threatens murder for anyone who lays a hand on Laurey, but notwithstanding his threat, the newlyweds find themselves surrounded by “a wide circle of men.” The couple is forced to mount a haystack, and the revelers suggest the two “make out it’s a bed” (81).

The second stage of the *charivari*, Alford says, is the public display of the culprits by means of a parade, whether on the back of a donkey, or astride a ladder or pole. In northern England, the use of a pole on which to parade the ritual’s victims through town is commonly referred to as “Riding the Stang” (508). In Riggs’s play there is neither a donkey nor a pole; instead, there is the haystack, from the height of which the couple’s ignominy is more plainly visible to those below. “Stack,” in this context, is sufficiently homonymous with “stang” to suggest its use for the same purpose of public shaming. Alford confirms that this second stage of a *charivari* is “the more deadly stage” of the ritual’s three steps (505).  

10 Indeed, the threat of danger is explicit in this stage of...
the ritual in Riggs’s play. The men are ominous and threatening in their demands: “Watch it!” snaps one man; “Don’t want to fall and break yer neck,” another warns Laurey. The crowd of anonymous men becomes “more jubilant,” expressing “crazier derision” as Curly mounts the stack. One man darkly admonishes, “Better be glad we didn’t ride you on no fence rail!” (Riggs, CN 82). The stage directions further describe how the men “break out into derisive and lascivious guffaws . . . in an orgy of delight,” as they encourage Curly to devour his new bride: one man suggests, “Bite them shoulders—” and another, “Eat ’er alive!” (83, emphasis added). The latent threat of violence undergirding this stage of the ritual becomes manifest when the party notices that one of the other haystacks is aflame, having been set on fire by Jeeter Fry, Curly’s former romantic rival for Laurey’s affections (83). This moment is foreshadowed in Scene Three when Jeeter tells Curly about the “married farmer,” possibly Jeeter himself, who murdered his pregnant mistress by throwing her onto a haystack and setting fire to it (47).

Once Curly notices that the stack has caught fire, he begs someone to bring a ladder. At this moment Jeeter emerges from the shadows carrying a flaming brand, which he applies to the stack that bears the helpless couple. Curly jumps from the stack not to save his bride but to fight Jeeter, who draws a knife. During the ensuing struggle, Jeeter

treat[ment]” (211). Pauline Greenhill relates two high-profile cases of death-by-shivoree that took place in Ontario and Manitoba in the late nineteenth and early twentieth centuries (35-110). Mamie Meredith briefly refers to a Nebraska shivoree in which the bride fired a gun (which she thought was unloaded) into the party of revelers, wounding one of her neighbours. Meredith accounts for the bride’s actions: “The party had been annoying and persistent in demanding the treat which custom in their community decreed should be furnished by the bride’s family” (22).

11 Evident in the death of the African American man as related by Susanna Moodie in n. 10 above, to be ridden on a rail was to face serious public humiliation, if not banishment, torture (the practice was often accompanied by tarring and feathering a victim), or death. The negative connotations of this particular form of public ridicule can be found in other canonical works of American fiction, including Mark Twain’s Adventures of Huckleberry Finn (1884) and Sinclair Lewis’s Main Street (1920). Huck’s observation, “Human beings can be awful cruel to one another,” is motivated by the tarred and feathered sight of his former tormentors, the Duke and the King, as they are ridden out of town on a rail followed by a crowd of people making “an awful whooping and yelling . . . banging tin pans and blowing horns” in shivoree fashion (Twain 301-2). A similar application of popular justice becomes the ultimate tipping point that finalizes Carol Kennicott’s decision to leave her husband in Main Street. When the news arrives that a representative from an unpopular political party had been ridden on a rail out of a neighbouring town by a mob of men led by the local sheriff, Carol questions the precedent set by a lawman’s willful transgression of the law. Her husband replies, “Whenever it comes down to a question of defending Americanism and our constitutional rights, it’s justifiable to set aside ordinary procedure” (402-3). This exchange quickly enlarges into a more prolonged argument, the conclusion of which is Carol’s decision to repudiate the drudgery of her role as Kennicott’s wife in favour of a job in Washington.
trips and appears to fall on the knife, killing him almost instantly. The stage directions describing the manner of Jeeter’s death during the fight are uncharacteristically evasive, stating, “The men struggle over the knife, their arms gripping each other desperately. Suddenly, Jeeter trips and they go down on the stubble. Jeeter groans and whimpers and lies very still” (84). In horror, Curly exclaims, “[L]ook at him! Fell on it—Stuck it th’ough his ribs!” The stage directions notably omit any explicit instruction that Jeeter accidentally falls onto his own knife. Moreover, a slight, but crucial, alteration to Curly’s exclamation between its appearance in the 1929 typescript and what Riggs himself described as the “more complete” version of the play published in 1930 similarly obfuscates the nature of just what, exactly, happens during the men’s scuffle (CN 4). In Riggs’s original typescript, Curly cries, “Look at him! Fell on it—Stuck th’ough his ribs!” (GG 5.11, emphasis added). In the published play, Riggs adds a direct object in the form of the neuter pronoun “it” to Curly’s exclamation. As a result of this emendation, the function of “stuck” changes from adjectival (describing Jeeter’s condition) to verbal, indicating the presence of an agent. Whether Jeeter accidentally sticks the knife through his own ribs or Curly sticks him in the ribs with the knife is not clear.

In Scene Six, a brief exchange between Ado Annie and Aunt Eller lends more doubt to the circumstances of Jeeter’s death. Ado Annie asks Aunt Eller, “Did—did Curly kill Jeeter—’th that old knife?” to which the latter replies, “Naw! ’Course not! Jeeter fell on his old knife—and died” (Cherokee 89). Aunt Eller’s denial is sufficiently vehement to blur the distinction between whether her response represents the truth or merely her desire to convince herself that it is the truth. These uncertainties, coupled with the rapidity with which Cord Elam suggests to Curly at the end of Scene Five that he ought to turn himself in, precludes Curly’s innocence beyond a reasonable doubt. This doubt is exacerbated by the play’s open-ended conclusion: we never learn the outcome of Curly’s trial.

The apparently accidental death of Jeeter during the ritual’s “dangerous” second stage is what precipitates the ritual’s third stage, the “public play” or “re-enactment of the censured conduct, with a mock judgement [sic] and sentence” (Alford 506). In traditional European charivaris, this third stage achieves resolution when the couple agrees to make “reparations” for their conduct, often in the form of a “treat” for the
participants consisting of money or refreshments (Greenhill 114). In Riggs’s play, Jeeter’s presumably accidental death forecloses on the possibility of such a tidy resolution; instead, the potential for resolution in this play is held out by Curly’s agreement to turn himself in to the authorities. In Rodgers and Hammerstein’s script for Oklahoma!, a kangaroo court convenes in Laurey’s kitchen to exonerate Curly of any responsibility for Jud’s death, preventing the newlywed couple’s honeymoon from being delayed (62). However, Riggs’s play not only complicates its own dramatic resolution but also the prescribed resolution of the very folk tradition it uses to imbue its final two scenes with conflict and drama. The inability of Riggs’s shivoree to resolve its own potentially divisive nature by purging the community of its resentments and aspersions suggests, ultimately, the limitations and failure of folk law, and it challenges the ability of institutionalized law and order to govern society in the first place. With one of the principal justifications for Indian Territory statehood being the curbing of lawlessness and crime, the lack of resolution in Riggs’s play represents another of the playwright’s subtly coded indictments of American politics at work in the Nations: one form of crime is suffered to persist into the twentieth century (namely, an extralegal Anglo-American custom, the democratic motivation behind which was to maintain “reciprocity” between members of a community [Greenhill 19]) at the expense of justice.

Significantly, Scene Five—the only outdoor scene in the play—transpires in “the hayfield.” It is, therefore, the farmer’s space; more specifically, it is the space of Jeeter, the Williams’ hired hand, and of most of the shivoree’s participants, one of whom is explicitly identified as a “Young Farmer.” In the early twentieth-century, agriculture ascends as the territory’s primary industry; its ascendance increasingly alters the landscape of Indian Territory, forcing those like Curly to abandon the freedom of the cowboy’s saddle for the drudgery of the plough. In fact, large-scale agricultural operations so altered the Indian Territory/Oklahoma landscape that when the Hollywood production of Oklahoma! was filmed in 1955 it had to be shot in Arizona because the real Oklahoma was, by then, so heavily farmed and dotted with oil wells that it was well-

12 Rodgers and Hammerstein changed Fry’s first name from “Jeeter” to “Jud,” perhaps in an effort to make it more lyrical. However, Aikin chillingly points out that in German, “Jud” means “Jew,” and that the villain’s identification as Jewish would “certainly go a long way toward accounting for his behavior—and for the way he is treated” (qtd. in Borowitz 157, n. 3).
nigh impossible to recreate the highly rural and “undeveloped” Indian Territory of just half-a-century before (Zinnemann 138). Scene Three makes clear that Jeeter is a farmer and Curly is a cowboy. Curly admits that he could not tell a peach tree from a cornstalk, and Jeeter verbally self-identifies as a farmer (CN 41, 48). The farmer is a murderer; the cowboy is a hero. The farmer is the future of the state; the cowboy is “vanishing.” Riggs establishes a dichotomy that does not bode well for the future of Indian Territory.

In the same way that the newlyweds must submit themselves to the torment of the shivoree, they must also accept the changes coming to that land. Curly only grasps this reality and submits himself to it after being subjected to the humiliation and violence of the shivoree, proclaiming to Laurey in Scene Six: “I got to learn to be a farmer, I see that! . . . [T]hings is changin’ right and left! Buy up mowin’ machines, cut down the prairies! Shoe yer horses, drag them plows under the sod! They gonna make a state outa this, they gonna put it in the Union! Country a-changin’, got to change with it!” (CN 100). The fact that this avowal (or perhaps one might construe it as a coerced surrender) comes after the shivoree’s consequences have unfolded suggests that the process of statehood was not one of progress and opportunity, but rather one characterized by violence and effected by extralegal means. Moreover, even though Riggs’s play is set in the period before single statehood with Oklahoma became a foregone conclusion (and thus the possibility still existed for Indian Territory to become a separate Indigenous homeland), Riggs’s characteristic pessimism and the benefit of hindsight imbue Curly’s avowal and the play’s conclusion with a pervasive sense of doom. The shivoree is effectively the means by which Riggs gestures toward the future destruction that will be wrought upon the Cherokees by statehood.

Johnson concludes her comparative study of the European charivari and American shivoree traditions with the suggestion that the tradition’s translation from Old World to New World altered its original function from punitive to inclusive:

Formal [American] institutions such as churches, political parties, and voluntary associations helped to integrate, organize, and control community diversity by channeling social conflict. Shivarees reached even deeper into the community and, in an unofficial and unorganized way, created a community identification for the common people. . . .

By altering the function of shivarees, immigrants to the United States were able to adapt them to the needs of the American frontier. . . . They were
transformed into unifying rituals rather than punitive ones; their function was to integrate immigrants into a unified American culture rather than to protect communities from outside influences. (386-7)

In *Make the Night Hideous*, a study of the charivari’s manifestation in English Canada, Pauline Greenhill similarly delineates the tradition’s apparent transformation from a ritual of exclusion to a ritual of inclusion. While recognizing the ritual’s nefarious origins, both of these scholars nonetheless attempt to recuperate the transformed charivari as an expression of North American democratic values in a manner uncomfortably akin to Will Kennicott’s defense of extralegal practices as a legitimate means of defending “Americanism” in Sinclair Lewis’s *Main Street* (see n. 11 above).

Riggs is not so optimistic about the shivoree’s benevolently transformative role in American culture. His shivoree “unifies” the residents of the Cherokee Nation, all right, but it does so under the terms and conditions of the “new” *American* (namely settler) order whose gradual encroachment threatens to engulf Cherokee citizens entirely. Precisely because the charivari “can act both to reinforce order and to suggest alternatives to the existing order” (Davis 123), the shivoree to which Laurey and Curly are violently subjected suggests that the existing order prevalent in the Cherokee Nation is already in the process of changing into a “furrin” country: the United States of America.

More significantly, however, the hostility directed at the union between, presumably, a Cherokee citizen and a white woman by this group of anonymous men, most of whom, at least, are farmers, suggests that there is also an economic motivation behind these men’s assault of the newlywed couple. According to Littlefield, “the lure of economic gain to be extracted from ‘undeveloped’ Indian land and resources made the Indian Territory appealing to thousands of whites and blacks. By 1897, nearly 300,000 were there” (20), a number that had tripled in the seven years since 1890 while the Indigenous population, far surpassed by the presence of white settlers, remained static.

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13 Riggs’s 1929 typescript of *Green Grow the Lilacs* describes the mob’s composition as consisting of “a great many farm people, all men” (*GG* 5.1); therefore, it stands to reason that the mob in the revised version of the play is similarly constituted. It’s possible that this mob is racially mixed and that hostility toward the union is expressed from both the white and Cherokee communities in the same way that the Taos Pueblo and white Americans were hostile toward the marriage of Tony Lujan and Mabel Dodge (see n. 9 above).
Thus I arrive at yet another significant issue in this play: on what ground (literally) lies the Williams’ claim to their farm? Given that *Green Grow the Lilacs* is set in the Cherokee Nation in 1900, it stands to reason that the Williams farm is not the sole possession of either Laurey Williams or her Aunt Eller. If the Williamses took up farming in the Cherokee Nation any time before the implementation of the Curtis Act in 1898, then there were only a few possible means of settling on Cherokee land available to them: intermarriage into the tribe, illegal squatting, the renting or sharecropping of land, or the purchase of structural “improvements” and the farming of the land on which they sat. Because Laurey was ineligible for schooling in Indian Territory, it is unlikely that either one of her parents was of Cherokee descent, so the first possibility is moot. Moreover, because Laurey and Aunt Eller appear to be relatively financially secure, it is also unlikely that they are sharecroppers on someone else’s land. Therefore, the most likely options are that the women are squatting illegally on Cherokee land, they are renting the land, or they have purchased someone else’s improvements and consequently have some legal title to their farm. A cynical reading of the play might suggest, then, that although Laurey has affection for Curly and might even love him, her marriage to him, if he is of Cherokee descent, is as practical as it is romantic. Her marriage to Curly would not only help to prevent further unwanted advances from Jeeter Fry, but it would also provide her with automatic citizenship in the Cherokee Nation, entitled to all of its rights and privileges, which at this time meant an allotment of one hundred and sixty acres.

Comments made by the shivoree participants in Scene Five obfuscate the nature of the Williams family’s status in the territory. During the shivoree, one participant exclaims, “Wish’t I uz in [Curly’s] shoes.” Another observes, “He shore got him sump’n there!” (*CN 78*). At first one might think these men are referring to Curly’s luck in his marriage to Laurey, but the ensuing exclamations of the other men indicate otherwise: “Couple of sections!” “Grazin’ and timber and plowed land!” “Money!” “Scads of it in the bank, and more comin’!” Finally, one of the men chimes in with, “And God! She’s a purty un, too!” It’s possible that the men’s envy of Curly’s acquisition of Laurey’s farm through marriage is an error on Riggs’s part (even if both Curly and Laurey are white, the politics of ownership remain murky). However, if the men who participate in the shivoree are predominantly white farmers, as the name “Young Farmer,” and the men’s
envy of the Williams’ wealth suggest, then the violence of the ensuing scene and its bloody climax are subtly indicative of the threat that the increase in U. S. settlers in Indian Territory posed to the well-being and survival of tribal citizens, their intermarried partners, and their children.

Raymond Knapp characterizes Riggs’s shivoree as “little more than good-natured hijinks, which effectively isolates [the playwright’s] ‘shifting fringe of dark’ in the lone figure of [Jeeter] Fry” (81). Although my reading of the shivoree scene challenges this assessment, I nonetheless do not dispute Knapp’s point that, by setting Jud/Jeeter to music in Oklahoma!, Rodgers and Hammerstein “vividly underscore how similar he is to the rest of the men and they to him. . . . [H]e wants the same things they want, and he, like them, finds relief in looking at pornographic pictures; moreover, he is frugal and a hard-worker, and feels entitled, like all aspiring Americans, to what he feels he has earned” (81-2). Even without being set to music in Riggs’s play, Jeeter is not so fundamentally different from the shivoree’s participants—who do and say enough lewd and lascivious things during the ritual to leave Laurey visibly shaken by the experience—that he is completely unsympathetic. What does matter, however, is that the acquisitive energy motivating the Protestant work ethic by which Jeeter and the other farmers conduct their activities (and which supports a capitalist system of consumption, ownership, and private property—those values elevated by the Dawes Commission over the communal values of the Indian Territory Nations) is that to which Curly realizes he will have to submit if he has any hope of surviving the looming transition into statehood.

Indeed, the conclusion to Scene Three blurs the distinctions between Curly and Jeeter that the former takes such pains to establish earlier in the scene. Scene Three dramatizes Curly’s visit to Jeeter’s smokehouse after he learns of Laurey’s plans to go to Old Man Peck’s dance with her hired man. Under the pretense of playing a game of “pitch,” Curly engages in light banter with Jeeter in an effort to size up his rival. Alone in the dank atmosphere of Jeeter’s lair the two men play cards, examine pornography, buy weapons from the Syrian peddler, and fire pistols as a means of venting their sexual frustrations and staking their respective romantic claims to Laurey’s affections (throughout all of which Laurey herself is absent). After Jeeter regales Curly with two stomach-turning anecdotes about men he “knowed” who murdered young women (and
the suggestion that Jeeter himself was the perpetrator of these crimes is not entirely absent from his subtext), Curly throws down the gauntlet, so to speak, and threatens to reveal the villain’s true nature to Laurey. “I know you, Jeeter,” Curly acidly remarks, “I’ve knowed you fer a long time,” elaborating:

The country’s full of people like you! ... In this country, they’s two things you c’n do if you’re a man. Live out of doors is one. Live in a hole is the other. I’ve set by my horse in the bresh some’eres and heared a rattlesnake many a time. Rattle, rattle, rattle!—he’d go, skeered to death. Skeered—and dangerous! Somebody comin’ close to his hole! Somebody gonna step on him! Git his old fangs ready, full of pizen! Curl up and wait! Fer as long’s you live in a hole, you’re skeered, you got to have protection. (CN 50)

Curly’s criticism of Jeeter explicitly articulates the schismatic composition of the Indian Territory populace in terms that consciously separate the likes of himself from the likes of Fry.

After the hubbub over the “shooting contest” has subsided and the women have left the men alone again, the Syrian peddler breaks out his “little purties, private knickknacks . . . [s]pecial for the men folks,” including sexy French postcards, jackknives, frogstickers (a type of dagger), and brass knuckles. While Jeeter inquires after the price of the frogsticker, Curly expresses an interest in buying the brass knuckles (53). The scene ends as he reaches over and picks them up off the table, having realized that Jeeter is not the only man who needs “protection” in the changing territory.

In Scenes Five and Six, Riggs ventriloquiizes his coded criticism of the American takeover of Indian Territory through his plausibly mixed-race cowboy. At the beginning of Scene Five, before any of the shivoree participants reveals himself, Curly and Laurey take a moment to envelop themselves in the secure knowledge that they are “Married—and purt’ nigh home” (76). Briefly, they can afford to wax romantic. Accordingly, Curly observes:

Look at the way the hay field lays out purty in the moonlight. Next it’s the pasture, and over yander’s the wheat and the corn, and the cane patch next, nen the truck garden and the timber. Everthing laid out fine and jim dandy! The country all around it—all Indian Territory—plumb to the Rio Grande, and north to Kansas, and ’way over east to Arkansaw, the same way, with the moon onto it. (76-7)
There is some very tricky syntax at work in this passage, namely in Curly’s reference to “all Indian Territory,” enclosed as it is between two em-dashes. Possibly, his meaning is straightforward: he takes comfort in the democratic function of the moon that spreads its light equally over all of Indian Territory, the same as it does elsewhere. On the other hand, Curly may be suggesting that the country surrounding him and Laurey—inclusive of the land beyond the arbitrarily defined geographic borders of the Indian Territory—is, in fact, all Indian land. This claim is further borne out by Curly’s evocation of the four journey directions in the references he makes to the Rio Grande (south and west), Kansas (north), and Arkansas (east). This subtle claim is compounded in the play’s final scene after Curly absconds from the Claremore jail. He tells Laurey and Aunt Eller about his time spent in jail so far, and notes, “Don’t know whut’s got into Indian Territory nohow! They’s puttin’ everbody in jail—women and all!” (99). Something has fundamentally changed—for the worse—in the structure of crime and punishment in the Indian Territory of 1900, two years after the abolishment of the tribal courts, and Curly knows it.

**Married to the Mob**

*Green Grow the Lilacs* debuted on the Broadway stage on January 26, 1931. Produced by the New York Theatre Guild and starring June Walker and Franchot Tone in the leading roles, the play’s sixty-four performances received mixed, but mostly favourable reviews, and its success helped to provide Riggs with a degree of financial security he had never known (Braunlich 96). In a review contemporary with the play’s production, Francis Fergusson acknowledges it as “Mr. Riggs’s most successful effort” to date (294). Fergusson is critical, however, of the production’s handling of Riggs’s fifth scene, observing, “The problem here would have been to see what the cowboy saw in it: to heighten its details into a kind of Rabelaisian legend. That might have made it fit into Mr. Riggs’s dramatized ballad. Instead of this [the set designer] gave us correct but lifeless properties, and [the director] offended our ears with the meaningless loudness of his mob.” Although Fergusson does not appear to be familiar with the folk custom, referring to it as “the so-called ‘shivoree,’” and “the hazing of the newly-weds,” he is
nevertheless aware of the fifth scene’s potential for sharp, pointed satire in its depiction of that crude tradition.

What, then, is the target of Riggs’s satire? The mob’s mockery of Laurey and Curly’s union and the manner of Jeeter’s death during the shivoree suggest that it is institutionalized marriage. Moreover, it also suggests an implied critique of the marriage metaphor as an apt analogy for the relationship between the government and the governed because of the homogenizing effects entailed by such a reduction.

Nancy F. Cott has traced the expression of this parallel in American culture and history from the time of the Revolution to the Clinton administration. At the time of the nation’s founding, she notes, monogamous marriage was still a concept that required justification even though Christians in Britain, Europe, and the new United States considered it superior to other forms of domestic union. In Europe, political theory “had long noted that legal monogamy benefited social order, by harnessing the vagaries of sexual desire and by supplying predictable care and support for the young and the dependent” (10). The republican theory undergirding the construction of the United States at the end of the eighteenth century not only incorporated this kind of utilitarian thinking into its advocacy of monogamous heterosexual marriage, but also exceeded it by “giv[ing] marriage a political reason for being.” Inspired by the French Enlightenment thinker, the Baron de Montesquieu, “the founders learned to think of marriage and the form of government as mirroring each other.” Consequently, the founders’ Montesquieuian thinking “tied the institution of a Christian-modeled monogamy to the kind of polity they envisioned; as a voluntary union based on consent, marriage paralleled the new government.”

The metaphorical relationship between the institution of marriage and the national compact did not crest with the Revolution. As Wald notes, “By the 1830s, the trope of the family commonly represents the Union” (84). In fact, institutionalized marriage and heterosexual monogamy continued to play crucial roles throughout the nineteenth century in rendering outposts of the nation, namely frontier communities, suitable for statehood because “prevailing marriage patterns,” witnessed from state to state, “were seen as evidence of national character” (Cott 28). For example, in 1890, the Mormon church “issued a manifesto acceding to the federal prohibition of polygamy. . . . Plural
marriages continued to take place secretly for a decade, but in public the Mormons realigned themselves with the rest of the nation, paving the way for Utah’s statehood in 1896” (120).

It was more than a decade before the Indian Territory’s road to statehood was similarly paved. Not coincidentally, when Oklahoma formally entered the Union on November 16, 1907, the public festivities in at least four different towns took the form of a mock wedding ceremony uniting “Mr. Oklahoma Territory” and “Miss Indian Territory” in sacred compact. Ensuing decades witnessed the persistent reenactment of these mock nuptials during Statehood Day celebrations. The 2007 centennial celebrations in Oklahoma actually reproduced the Guthrie “ceremony” as accurately as historically possible: the attire of the participants was recreated from extant photographs of the 1907 event and a “script” was developed from contemporary newspaper accounts (Bennett 34). This “script,” Malia K. Bennett notes, “reflects how folk drama is transformed into a retelling of the history of the Twin Territories.” These performances, Bennett adds, “were a means of creating a narrative about the events that made Oklahoma statehood possible . . . . They put forth stories that belied the truth, ignored the loss felt by Native Americans, and celebrated circumstances that many members of the Five Tribes did not wish to accept” (38). Indeed, these mock ceremonies, whether in 1907 or 2007, were “more than entertainment;” they “represented the dominant culture’s version of events, assigning roles based on gender and race which affirmed the superior place of white males, with Native Americans portrayed as subservient, yet willing, partners.” I would go further and say that it is, in fact, an act of coercive wish fulfillment. In the old Cherokee Nation, “there were no laws against multiple marriages,” and that tradition continued to find occasional expression in the territory where “it was a time-honored Cherokee tradition for a prosperous, hardworking man to have more than one wife” (Conley, Zeke 12).

Perhaps because of the limited role that federal and state legislation could exercise in Indian Territory, those who desired statehood for the Twin Territories made further attempts to “civilize” the region’s Indigenous residents, which meant “instituting faithful monogamous households, turning Indian men into farmers motivated by the [Protestant] work ethic, and urging Indian women toward norms of modesty and
domesticity” (Cott 121). The 1880s witnessed an increased concern at the federal level for a uniformly monogamous Indigenous population, which would mean that male heads of household could become citizens (and, thus, no longer be financial burdens on the federal government). According to Cott, the Dawes Severalty Act of 1887 was motivated, at least in part, by these imperatives:

> For decades, successive treaties between the United States and different Indian groups had included offers of land and citizenship to those heads of household who were willing to leave native culture. The 1887 act . . . made this approach general. . . . The act . . . established procedures for conferring U.S. citizenship upon the household heads who accepted allotments. (122)

Citizenship, then, was dependent on the Native man’s adoption of monogamy “as ‘the law of social life’” to become a citizen; consequently, Cott notes, “In the moral scheme of the national polity, formal monogamy was the approved channel for sexual desire” (123).14

Riggs’s destabilization of comedic conventions through the disruption occasioned by the outlaw ritual and the inability of the traditional marriage plot to resolve dramatic tensions complicate the “nation-as-marriage” metaphor, and, by extension, challenge the narrative of orderly statehood established by the mock wedding ceremony in 1907. The perverse courtship that precedes Laurey’s and Curly’s union is, perhaps, a more realistic rendering of the processes behind Oklahoma statehood than the staged performances of the twin territories’ felicitous union during the 1907 celebrations. If we return to Blok’s invocation of the German Wüstung—or “destruction”—to characterize the charivari and its extralegal use by dominant authorities to expunge a community of “undesirable” persons, then the outlaw ritual in Riggs’s play can be understood as the extralegal destruction of one domestic space and its “undesirable” inhabitants in order to facilitate the accession of another. In Green Grow the Lilacs, the forced integration of Indigenous Nations into the United States is not rhetorically construed as the joyous union of consenting parties (i.e. as a marriage); rather, it is the result of willful “destruction” in order to maintain and extend the authoritative control of a ruling class.

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14 I would emend Cott’s statement to suggest formal monogamy was merely the approved channel for sexual expression, as desire resists containment and cannot effectively be policed.
There are indications throughout Riggs’s play that the union of its romantic leads will not be unproblematically felicitous. By cloaking *Green Grow the Lilacs* in the conventions of romantic comedy, Riggs is able to effect a covert sleight of hand by means of which he challenges both the normativity of heterosexual marriage, and the consensual nature of the parallel contractual relationship between husband/wife and citizen/government. *Green Grow the Lilacs* remains Riggs’s most famous play largely thanks to the popular success of *Oklahoma!* However, apart from its connection to the Broadway musical and its nomination in 1931 for a Pulitzer Prize, it is puzzling that, of Riggs’s twenty-one full-length plays, this should be the one that is remembered best. Indeed, the fragile optimism of the marriage plot in *Green Grow the Lilacs* is an exception to the predominantly tragic and naturalistic themes that characterize most of Riggs’s *oeuvre*. Womack quips, “The surest way for a character to get shot, stabbed, burned alive, brained with a rock, drowned in a river, and any other number of violent deaths in a Lynn Riggs play, is by entering into a romantic relationship with a person of the opposite sex. Riggs problematizes every single heterosexual relationship in his plays in ways that far exceed the normal traumas of straight marriage” (“Rev.” 118). *Green Grow the Lilacs* is no exception to this rule. And, indeed, why should the future be any rosier for Laurey and Curly just because their context is laced through with the ditties and ballads of a bygone era? Womack notes the “number of really weird tensions” that exist in *Green Grow the Lilacs* that “might challenge the innocence critics, and even Lynn Riggs himself, ascribe to it” (*Art* 117). As Womack points out, the newlywed couple “barely escapes a crowd that wants to burn them alive,” and Curly is locked up in jail, from which he escapes and is pursued once again by a mob.

The advantage of hindsight enables an even greater moment of significance to emerge from Curly’s courtship of Laurey during Old Man Peck’s dance. Scene Four—an episode of gaiety marred only by the heated exchange between Laurey and Jeeter, which culminates in the termination of his employment—foreshadows the chaos of the shivoree and establishes an uncomfortable rationale behind Curly’s offer of marriage and Laurey’s acceptance. The marital contract between the two young people is motivated by fear and, possibly, illicit desire. As the rest of the party heads to Old Man Peck’s smokehouse for ice cream, Laurey manages to keep Curly behind, gaining some privacy for the two of
them. She grabs him, crying, and admits, “Curly—I’m ’fraid, ’fraid of my life—!” (Riggs, *CN* 68). “In a flurry of surprise and delight,” the stage directions note, Curly hugs Laurey to himself, muttering “Great Lord!” and “Great Godamighty!” while Laurey begs him, “Don’t you leave me. . . . I don’t know whut to do!” Laurey’s fear and confusion have their source in the conclusion to her encounter with Jeeter upon their arrival at the party. Jeeter threatens Laurey after she fires him for his aggressively sexual behaviour: “Said yer say. Brought it on yerself. . . . Cain’t he’p it, I tell you! . . . Cain’t never rest. Cain’t be easy. That’s the way it is. Ay, I told you the way it was! You wouldn’t listen” (60). Curly’s response to Laurey’s legitimate fears is to kiss her over and over again. From Laurey’s admission of terror, the couple proceeds, inexplicably, to engage in an awkwardly playful courtship ritual, during which Laurey voices her apprehension that “They ain’t no tellin’ whut [Jeeter]’ll do now!” (69). Failing to take Laurey’s anxiety seriously, Curly’s nonchalant response concludes with a similarly nonchalant proposal of marriage: “Well, then! That’s all they is to it! He won’t do nuthin’! Tomorrow, I’ll git you a new h’ard hand. I’ll stay on the place myself tonight, ’f you’re nervous about that hound dog. . . . That’s the end of Jeeter, and about time. Now quit yer worryin’ about it, er I’ll spank you. Hey, while I think of it—how—how ’bout marryin’ me?” (70). “Touched,” Laurey agrees, “[W]hy, I’ll marry you—’f you want me to.” Laurey’s agreement to contract herself in marriage to Curly comes under conditions of duress: the protection afforded by a husband and the presence of a man on the farm mitigates Jeeter’s threat. Once again, the motivations behind Laurey’s decision to marry Curly are as practical and self-serving as they are romantic.

The motivating factors spurring Curly’s proposal are similarly called into question by the couple’s problematic triangulation with Jeeter. Scene Four enlarges the potential homoerotic desire between Jeeter and Curly that was initiated in Scene Three. During their parley in the smokehouse in the third scene, Jeeter produces a pair of pistols, “Good uns. Colt 45,” with which he “Shoot[s] things” (44). After Curly delivers his disparaging remarks about Jeeter’s character and warns him, “You’ll die of yer own pizen,” Jeeter “seizes a gun in a kind of reflex, a kind of desperate frenzy, and pulls the trigger” (50). His wild shot harmlessly splinters the wall on the opposite side of the room. Curly convinces Jeeter to hand one of the pistols over to him, and apparently tries
to defuse the situation by turning it into a shooting contest. He tells Jeeter he wants to see whether he can hit a knothole in the opposite wall. He aims, fires, and “turns in triumph,” exclaiming, “Didn’t make a splinter! Bullet right through the knothole, ’thout tetchin’, slick as a whistle” (51). The motivation behind Curly’s actions is unclear, but this scene participates in a long tradition of pistol envy in the Western genre where “the gun is obviously a symbol for the penis” (Tompkins, *West* 33). Both Rodgers and Hammerstein’s script for *Oklahoma!* and Fred Zinnemann’s 1955 cinematic adaptation of the musical heighten the erotic tension inherent in Riggs’s third scene. In their script, Rodgers and Hammerstein reproduce most of Riggs’s original stage directions that set the scene, but they make one crucial alteration: Jeeter is in the midst of polishing his pistol when Curly arrives (Rodgers and Hammerstein 28), a detail replicated in Zinnemann’s film.

The latent desires expressed in Scene Three culminate in the manner of Jeeter’s death at the end of the fifth scene, but in the intervening period a more complex suggestion is put forth that bodes ill for Laurey’s and Curly’s happy heterosexual future together. Following their decision to wed in Scene Four, Curly nourishes himself and Laurey with two tall, cold glasses of fresh cream that he pulls up out of Old Man Peck’s well. In 1940, almost a dozen years after Riggs wrote *Green Grow the Lilacs*, he once again drew upon this old rural custom, wherein perishable items were commonly stored in the cool depths of a well, as the title for a new play, *The Cream in the Well*. Far from the cream in the well’s apparent function as a libation in honour of the couple’s stable heteronormativity in *Green Grow the Lilacs*, in *The Cream in the Well* it becomes the play’s central metaphor for “doubly tabooed desires”: homosexuality, and incest between siblings (Womack, *Art* 125). Mr. Sawters, the full-blood Cherokee patriarch of the mixed-blood family at the centre of the play, quietly recollects to his white renter the first place he and his family lived when they came to Verdigris Switch (just southwest of Claremore):

> When we first come here to Verdigris, this was long before the gover’ment allotted us Indian land—we was all set to buy the Lowry Place we had rented. It suited us ever’ way—’cept one. They had a well there—a big old stone well with the clearest coldest water in the section. It was shore a treat to dip ’er up on a hot day and guzzle ’er down. But we’d hang the milk and butter and things down in it—the way you do to keep it cool—and ever’ time the blame stuff’d spoil. . . .
Why the butter ’d get so rancid you couldn’t stay in the same room with it. Good fresh cream and eggs we’d put down there—and ever’time the same dadburned thing. We never knewed what could be the cause. . . . We shore let that place go like a hot potato, and found us another’n. (Riggs, *Four* 193)

The well in this instance is certainly a metaphor for the Sawters family, which, notwithstanding its affluence and education of its members, is nonetheless destined for destruction—no matter where it puts down its roots. At the same time, the connotative value of the well—a dark, narrow aperture in the earth’s surface that culminates in a pool of wetness—is sexually suggestive not merely, in this case, of female genitalia, but also of the rectum if only because the well that Mr. Sawters describes does not perform the function it is commonly intended to perform and it is non-generative. Like Riggs himself, siblings Clabe and Julie Sawters discover, to their miserable surprise, that they cannot simply displace themselves or each other from the locus of their emotional and sexual sufferings.

In *Green Grow the Lilacs*, the custom of storing dairy products in the well appears to sanction Curly and Laurey’s heteronormative courtship ritual in which, immediately after Laurey agrees to be his wife, Curly expresses concern for her comfort and well-being, and provides her with the nourishment and support that will supposedly characterize their future together. In *The Cream in the Well*, it is a metaphor for sexual deviance and queer identity, which for Riggs, as Womack suggests, is tantamount to “the ultimate form of banishment” (*Art* 124).15 The fact that the same custom is employed in these two very different plays suggests that Riggs put little faith in the nationally stabilizing function of monogamous heterosexual marriage.16 It also suggests Riggs’s skepticism, or downright criticism, of the use of the marriage metaphor to unify the Indian and Oklahoma Territories during the statehood ceremonies in 1907. The ominous

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15 The more obvious representations of queer identity and queer desire in Riggs’s plays and poems are not depicted in positive terms. Daniel Justice points to Riggs’s historical context to help account for the overwhelming misery suffered by his “queerer” characters: “He was . . . a largely isolated gay man in the first part of the [twentieth] century, a time of brutal criminal and social sanctions against homosexuality, particularly during the height of his career in the 1930s and 1940s” *(Our* 94).

16 By the time of the Civil War, Cott suggests, “A rhetorical relation had been set up between the institution of marriage and the success of the national compact so that what undermined one put the other at risk” (77). Perhaps the sheer dysfunction of heterosexual attachments in Riggs’s tragedies that take place on the eve of statehood (*Big Lake, The Cherokee Night*, and *The Cream in the Well*) are indicative of the dubious success of both Oklahoma statehood and the United States more generally in achieving Constitutionality.
foreshadowing of Laurey’s and Curly’s union in these terms predicts, similarly, an unhappy outcome for the union of “Miss Indian Territory” and “Mr. Oklahoma Territory.”

The denouement of *Green Grow the Lilacs*’s fourth scene consists of the interruption of the lovers’ tête-à-tête by the return of the boisterous crowd of partiers to Old Man Peck’s kitchen, including a drunken, jealous Jeeter. The crowd defuses the escalation of a fight between the two rivals by forming a circle around Laurey and Curly. They all sing “Skip to My Lou” as they raise Laurey and Curly onto chairs above the crowd, eerily presaging the following scene’s shivoree, in which Laurey and Curly are forced to mount the haystack. In a manner consistent with the conclusions of the two preceding scenes, this scene’s denouement foreshadows the events yet to come.

Womack has commented on the “truly bizarre” nature of Riggs’s writing; in particular, he singles out the playwright’s inability to depict same-sex desire in an uninhibited manner. Consequently, Womack suggests, “[Riggs] ends up on a lot of diversionary paths where he substitutes manifestations of violence for naming the closeted condition of the frustrated men and women who people his landscape” (*Art* 122). The shivoree scene in *Green Grow the Lilacs* certainly represents one of these diversionary paths. The men’s violent mockery of the couple’s anticipated consummation overshadows the queerness of Jeeter’s manner of death. On his wedding night, when Curly ought to be “sticking it to” his new wife, he is instead “sticking it th’ough” Jeeter’s ribs, using what is presumably the same dagger-like frogsticker in which Jeeter expresses an interest at the end of the play’s sexually charged third scene, and thus bringing full-circle the violently latent queer desire between Curly and Jeeter.

Lynching and charivari witnessed the release of social tension through spectacle; both of these practices are circumscribed by an understanding of how far their practitioners may go (Wyatt-Brown 437). However, the collective recognition of these limits only applies to a homogeneous culture, which is absent in Riggs’s play and was—and continues to be—absent in Indian Territory/Oklahoma. Consequently, in *Green Grow the Lilacs* the shivoree spirals out of control and the social tensions that the ritual was perhaps designed to alleviate remain not simply unresolved but exacerbated. In the play’s final scene, which takes place three nights after the shivoree, Laurey expresses her
fears and anxieties to Aunt Eller while they wait to learn Curly’s fate (he has been in the jail at Claremore ever since their wedding night). If there are any lingering doubts about the intensity of the shivoree’s violent malevolence, they are laid to rest by Laurey’s obviously shaken reaction to the events, even three days after they transpired. She asks, “Why’d they have to th’ow Curly in jail? Anyone could see how it happened—.” Aunt Eller interrupts her niece’s complaint to explain, “Shore they could, honey. But you know the way everbody feels about shivoreein’. They got a right to it somehow. And a thing like this a-happenin’ in the middle of a shivoree—why, it looks bad, that’s all. . . . Why, it won’t be no time now, till it’s all over with—and forgot” (CN 91). Laurey’s perplexing response to her aunt’s reassurances recalls “with horror” the events of her wedding night, in a manner that, as Knapp points out, is suggestive of rape (81). “No,” Laurey vehemently protests, “not over with, not forgot. You didn’t see. Other things. Things you cain’t git outa yer mind. . . . Over and over! The way them men done. The things they said” (91). The “things” to which Laurey refers remain obscure, but a passage in the typescript that was omitted from the published version of the play sheds some light on Laurey’s vehement rejection of Aunt Eller’s reassurances, and it renders the future of her marriage to Curly even more uncertain. Old Man Peck delivers a sustained speech in Scene Five of the typescript in which he criticizes the shivoree tradition for “[m]akin sump’n ugly and nasty outa bein alive” and for “makin [newlyweds] feel dirty” (GG 5.4). In a kind of soliloquy before the shivoree gets under way, Peck recalls an earlier manifestation of the ritual in the territory:

Onct they uz a young feller, strappin and full of life. He married him a . . . frail-like girl, . . . good as a angel. On their weddin night, a shivoreein party come, a gang of hoodlums. They said sicch things and done sicch things ’fore this innocent girl, it made her sick in her mind. After that night, ’f her husband even ’s much ’s kissed her er teched her hand, she’d turn pale and trembly, and commence to cry, and run away from him, ashamed. Ashamed of herself, ashamed of the way God made her! Shore fine fer her! Fine fer her husband, too! Never did have her in his arms, even! She tuck sick, and died in six months. Mebbe that was a blessin, fer he married again—a heartier kind of woman this time . . . . But the first un was so

17 Aunt Eller’s counseling of her distraught niece is informed by her own experience with the “primitive violence” of Indian Territory, which Riggs described as “always apt to break out at any moment” (“When” 39). She reveals to Laurey that her own husband was senselessly murdered during a dispute with a neighbour who had sold him a pack of choleric pigs. She found his body huddled in a corner of the worm fence, “all bloody from a gunshot” (CN 93).
damn sweet and purty, he never could seem to git her outen his mind. (5.5)

In the published play, Old Man Peck doesn’t appear in the fifth scene at all; instead his speech is uttered by an anonymous “Old Man” who stumbles onto the scene only long enough to repeat a single line from the original speech (about an owl hooting and a coyote howling) before exiting the scene (CN 80).

Riggs begins the preface to his revised, published version of the play with a pensive disclaimer: “This reading version of Green Grow the Lilacs is a little fuller, a little more complete, especially in Scenes Five and Six, than the version so admirably produced by the Theatre Guild” (CN 4). Excepting the omission of Old Man Peck’s aforementioned soliloquy, some of these revisions are relatively minor, such as the chronological rearrangement of some events and the reduction of some characters’ roles. Crucially, the most conscious revision Riggs made to his typescript is to the circumstances governing Curly’s reappearance at the Williams farm in Scene Six when he was supposed to be in the Claremore jail. In the 1929 version of the play—the one that was produced on Broadway by the Theatre Guild—Curly does not break out of jail. In a move sanctioned by the legal authorities in Claremore, Old Man Peck actively brings Curly back to the farmhouse, laughing amiably as he does so, just so that Curly might see his bride before his trial in the morning (GG 6.12-13). Aunt Eller convinces him to let Curly stay the night, and the play concludes as the newlyweds disappear into Laurey’s bedroom, and with flirtatious banter between the two older folks, enabling the play to conclude with the suggestion of a stable tetrad of heterosexuality (6.21-22). 18

In contrast, the “reading” version of the play concludes neither with Curly’s legally sanctioned absence from the local jail, nor with his acquittal for the death of Jeeter Fry, à la Rodgers and Hammerstein’s conclusion to Oklahoma! The published version of Green Grow the Lilacs concludes far less optimistically than either of its other iterations with Curly’s solitary escape from jail and his agreement to turn himself in to the authorities (again) when confronted by the posse of deputized men led by Old Man Peck that arrives at the house to take him back to jail. Whereas, in the typescript, Old

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18 The conclusion of Oklahoma! depicts a similarly stable tetrad in the coupling of Laurey and Curly, and Ado Annie and Will Parker.
Man Peck is deputized by the local sheriff to bring Curly to Laurey and back again, in the reading version of the play, he is only deputized in order to apprehend him. The posse agrees to allow Curly to spend the night with Laurey if he will allow himself to be returned to the jail the next morning, giving himself and Laurey a night’s reprieve in which to consummate their recent nuptials. These alterations necessitate a conscious shift in tone between the typescript and the reading version of the play: from the playful tone of Aunt Eller’s pleas for Curly to stay the night in the former, to her vocal criticism of the posse members—including Peck—as “furriners” working on behalf of the U.S. government in the latter (CN 103). The members of the posse express their belief that Curly will “git off” on the charges against him, but ultimately the cowboy’s fate remains hanging in the balance as the curtains close upon the final scene.

Other Intimations of Violence

The optimistic uncertainty in the Indian Territory of 1900 that characterizes the conclusion of *Green Grow the Lilacs* anticipates the tone of three of Riggs’s more violent tragedies, *Big Lake*, *The Cherokee Night*, and *The Cream in the Well*, which are all set, partly or entirely, just six years later in 1906 on the cusp of statehood. If the cautious optimism of Riggs’s most famous play leaves any room for doubt about his feelings on the loss of an Indigenous homeland to the Americanizing influence of statehood, these plays offer a somber but resolute affirmation. Significantly, this affirmation is often communicated through representations of outlaw characters and outlawed or tabooed practices. The thematic pairing of these outlaw representations with their temporal settings buttresses the rhetorical implications of the shivoree in *Green Grow the Lilacs* as the symbolic reenactment of the extralegal processes responsible for bringing the Indigenous Nations of the Indian Territory under the auspices of the U. S. nation-state.

*Big Lake* (1925) is set in “[t]he woods adjoining the Big Lake, near Verdigree Switch, Indian Territory” in the spring of 1906 (Riggs, Big 3). *Big Lake* depicts the tragic fates of Betty and Lloyd, two “babes in the woods” whose innocent naïveté is ultimately destroyed by the murderous scheming of a white outlaw, but not before it is compromised by the corrupting influence of “polite” society. Idealists at heart, the two
teens arrive at the lake ahead of schedule for a school picnic so that they may watch the sun rise over the water and enjoy a few moments of youthful freedom apart from the practical concerns of their parents and the probing eyes of their peers.

When Betty expresses an irrational fear of the “dark woods,” the pair seeks shelter in a cabin inhabited by Butch, a white bootlegger and murderer on the lam from the law, and Elly, his lover and accomplice. Not long after Betty and Lloyd leave the cabin, the local sheriff arrives with some questions for Butch and Elly about a murder recently committed by Butch; the lovers seize the opportunity to frame Lloyd for the murder. In the meantime, the rest of the school children and their teacher arrive at Big Lake for the picnic. A latecomer to the party discovers Betty and Lloyd as they are about to set off onto the lake in a rowboat; he wrongly infers that their secrecy is sexually motivated and hastens to apprise their teacher, Miss Meredith, of the pair’s perceived immorality. Lloyd is confident Miss Meredith will “know it’s all right,” and that no immoral behaviour was intended or enacted (71). However, as the stage directions note, Miss Meredith enters the scene “hastily, out of breath, venomous” (71), and questions their motivation to arrive at the lake, alone, before sun-up. She accuses them of wrongdoing and threatens to report them to the school board (73–4). Sorely disillusioned by the aspersions heaped upon their entirely innocent reputations by those they thought they could trust, Betty and Lloyd seek refuge on the water. Believing Lloyd to be the killer he seeks, the sheriff arrives on the scene and orders the boy to row back to shore; when he refuses, the sheriff fires his pistol, killing Lloyd (77). Seeing no other alternative, Betty jumps in the lake and drowns herself. Full of remorse, Elly confesses Butch’s guilt to the sheriff.

As this summary may suggest, the plot of Big Lake is overwrought and somewhat trite. What is significant, however, is its participation in a temporal and platial pattern of senseless, inexplicable violence in many of Riggs’s plays committed on the eve of, or in the wake of, Indian Territory statehood. Although the cast and plot of Big Lake are

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19 Punning on “spatiality,” Una Chaudhuri coined the neologism “platiality” to name the “recognition of the signifying power and political potential of specific places” in modern and contemporary drama (5). As Christy Stanlake points out, Chaudhuri’s theory focuses “predominantly on the realm of the metaphor of home” (Stanlake 41). Stanlake capitalizes upon the potential of Chaudhuri’s theory for the discursive analysis of Indigenous drama, suggesting, “[T]he relationship between place and a person’s existence in
restricted in scope to ostensibly white characters and their concerns, the invisibility of Indigenous characters in the play and Riggs’s deliberate choice of setting nonetheless reveal a political preoccupation with the demoralizing effects of statehood upon all of the territory’s inhabitants. The only direct reference in the play to those populations that gave the territory its name is in Elly’s rant against the prohibition of liquor, which turned Butch into a criminal: “[I]t ain’t right. You ain’t done nuthin’ wrong. It’s jist a law. . . . Why’n’t it agin the law everwhur else to sell whiskey? . . . Oh, yes! I know. Perfec’tin’ the Indians! . . . Hell! Indians! I ain’t saw two Indians since I come to Indian Territory” (15). The play’s setting in “Verdigris Switch” (now Verdigris, Rogers County, Oklahoma) places it squarely in the heart of the Cherokee Nation. The perceived paucity of “Indians,” as expressed by Elly and replicated in the play’s cast of characters, could be read as an iteration of the trope of the Vanishing Indian in Riggs’s play. An equally plausible reading, however, is that Elly’s observation and the absence of Indigenous characters in the play are sardonic references to the rapid increase in white settlement in the territory during the allotment years, and especially the dissolution of the Cherokee tribal government, which took place in the springtime of 1906—the exact time of the play’s setting. The absence of a tangible Indigenous presence in Big Lake is not necessarily indicative of Riggs’s subscription to the trope of the Vanishing Indian. The sequence of violence set in motion by a white outlaw’s presence in the territory and the general sense of despair that pervades the play’s conclusion construe the loss of tribal sovereignty and the dawn of statehood as an extralegal process enacted through violence, both physical and legislative. Identifying Riggs as a “writer of survivance” (Notes 316), Weaver suggests that Riggs not only understood Oklahomans—“how they talked and how they thought”—“more than that,” he argues, “[Riggs] understood what the process of colonization had

Native American literature extends the metaphor of home into a very literal understanding of place, specifically land” (41).

20 Even prior to allotment, the railroad towns that sprang up throughout the Nations as a consequence of the terms of the Treaty of 1866 were host to a large influx of white settlers, merchants, and railroad employees. Railroad towns like Vinita, Muskogee, and, yes, Verdigris (hence the “Switch” part of its earlier moniker) hosted significant populations of white non-citizens. Angie Debo has commented on how, prior to Removal, intermarriage with whites was fairly common amongst the members of the Five Tribes in the southeast. For a period of time after resettlement in Indian Territory, she notes, “white influence almost disappeared,” that is, only until just after the Civil War (And 11). The construction of the railroads after the war witnessed the resurgence of white immigration and intermarriage in the Indian Territory Nations.
done to them, its deleterious effects. He dramatized the larger crime of theft of Native land in terms of interpersonal violence and individual crimes” (328). Drawing upon Anishinaabe scholar Gerald Vizenor’s theory of “survivance,”21 Weaver makes a case for the perduration of Native presence in story even where it appears to be absent; “that presence,” he insists, “can—paradoxically—occur in absence, in the story of a lost allotment or in an abandoned homestead where whites play out family violence” (328). In *Big Lake*, that presence occurs in the very absence of Indigenous characters in a landscape haunted by their presence.

This reading of *Big Lake* might carry less weight were it not bolstered by the presence of a similar setting and similarly demoralizing themes in Riggs’s 1940 drama, *The Cream in the Well*. Shocking contemporary audiences when it opened on Broadway in January, 1941, Riggs’s play about jealousy and incestuous desire between siblings was promptly “[d]enounced for its unsavory content,” and closed after just twenty-four performances (Weaver, “Riggs” xix). Like *Big Lake*, *The Cream in the Well* is set on the shores of Big Lake, near Verdigris Switch, in the Indian Territory. Act One takes place over a period of two days in the springtime of 1906; Act Two unfolds on Thanksgiving Day of the same year. The most substantial difference between this play’s setting and cast and *Big Lake*’s is its focus on the affluent Sawters family, whose racial background consists of both white and Cherokee ancestry.

Unlike *Big Lake*, or even *Green Grow the Lilacs*, for that matter, *The Cream in the Well* is very obviously about Cherokees. As Womack summarizes:

> The family identifies themselves as Cherokees in the play, talks about their Cherokee allotments, discusses their daughter’s education at the Cherokee Female Seminary in Tahlequah, debates the statehood frenzy with all its hype about progress and modernity, and faces racism as Cherokees from non-Indian territory residents. In other words, this is a Cherokee-authored play about Cherokee subject matter and should meet just about anybody’s criteria concerning what constitutes Native drama. (*Art* 116)

Absence haunts the margins of this play, too, except this time in the form of the Sawters’ son, Clabe, who is absent from the entire first act because he is on active duty with the U.

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21 Like Chaudhuri’s “platiality,” “survivance” is Vizenor’s neologism consisting of “survival” and “endurance,” but its meaning represents more than the sum of these two words. Vizenor has suggested that native survivance “is more than survival, more than endurance or mere response; the stories of survivance are an active presence” (15).
S. navy, having been encouraged to leave home by his sister, Julie. The first act is oriented around a dinner party hosted by the Sawters, who have invited Gard and Opal Dunham, their white renters from across the lake, to dine with them. Opal is Clabe Sawters’s former girlfriend, a role evidently held against her by the jealous and fickle Julie. Gard was similarly smitten with Julie prior to marrying Opal. These stillborn romances are mere red herrings for the play’s primary preoccupation with taboo sexual subjects, namely Julie and Clabe’s incestuous desire for each other, which may, in turn, be Riggs’s backhanded means of broaching the subject of same-sex desire.

With a storm raging over Big Lake, Gard and Opal are obliged to spend the night in the Sawters home. During a private conversation, Julie convinces Opal that mental insanity—the condition that necessitated the institutionalization of Opal’s mother—is hereditary. Mad with doubt, Opal runs from the house and into the storm; in her attempt to get into the boat that would take her back across the lake, she falls and drowns. While sitting up with his wife’s body in the final scene of Act One, Gard reveals to Julie his knowledge of her desire for her own brother and threatens to make this knowledge public unless she agrees to marry him. She consents to his terms because, as she says, “I don’t care what I do now . . . Just so it’s filthy and disgusting” (Riggs, Four 196).

Heterosexual marriage in this play is a series of coercions and extortions. Act Two begins on Thanksgiving Day in 1906. Julie is married to Gard; Clabe returns home intending to stay and help his father with the farm. In another private conversation, Clabe reveals to Julie that he was discharged from the naval service for “Bad Conduct” (216). His conduct, he insists, was deliberate, confessing, “I tried every way I could think of to blacken my name, and ruin my character! There are plenty of reasons for my disgrace.” When Julie asks whether Clabe made his money “off of women”—including the money he used to buy her an ornate silver brooch—he replies, “No. Not women. All sorts of creatures hang around the ports on the look-out for whatever they can find. They’re lonesome and they’re desperate. But some of them have money—and are glad to pay for their pleasures. I didn’t care one way or the other” (217). Unable to follow Clabe’s impassioned advice to “Give in to what you are” (218), Julie leaves the house and, judging from the scant details provided by the stage directions, drowns herself in the lake (which may have been Clabe’s intended outcome, after all).
The Cream in the Well is a complex psychological drama that resists analysis at every turn. Womack makes a suggestion for reading this play, however, that applies equally well to Riggs’s other dramatic representations of Indian Territory/Oklahoma. Wisely skeptical of biographical explanations, Womack suggests that another way to read Riggs’s tragedies “involves looking at the less obvious—even the unlikely—factors behind the characters’ malaise” (Art 129). He points to the cynicism bred in Clabe Sawters by his recent experiences overseas in the naval corps. Upon his return, Clabe admits to his family that he was discharged from the navy (neglecting to reveal to all of them the nature of his discharge), and declares, “The navy’ll have to get along without me. They can sail their gun-boats into whatever harbor they like. They can take over the little yellow people or the little brown people for the good of their heathen souls—but they can do it without me. I’ve seen too much. I’ve had enough” (Riggs, Four 208). It is difficult to characterize Clabe’s tone with any precision, but I am inclined to agree with Womack’s astute assessment: “[W]hat [Clabe] has seen of U.S. domination overseas has caused him to re-evaluate all the hype about the benefits of Oklahoma statehood” (Art 129). Clabe’s re-evaluation of statehood boosterism comes in the form of a similarly satirical comment he makes in response to his mother’s gentle query, “Is anything wrong?” when she observes his agitated state: “Wrong?,” he replies, “In this best of possible worlds, what could be? Haven’t you heard it yet—it’s the Millennium? The country’s on fire with progress. Indian Territory’s on the high road to statehood. Everybody’s going to be rich and the old U.S.A.’s about to become heaven on earth. It must be so—because T.R. [Theodore Roosevelt] says it’s so” (Riggs, Four 206). Clabe’s implied critique of U. S. imperialism—both domestically and abroad—and the general sense of despair undergirding this play (like Big Lake) is especially significant given its setting in the springtime of 1906, when the Cherokee tribal governments were on the verge of being legally dismantled, and at Thanksgiving of the same year, when the dismantling was already a done deal. Of course, the Thanksgiving holiday carries its own heavy symbolism in the history of U.S.-Indigenous relations. I suspect that Riggs’s decision to unleash the revelations and critiques implicit in the second act on Thanksgiving Day was anything but arbitrary.
It’s also no accident that what is arguably the most violent, disturbing scene of the play Riggs hoped—and believed—could be his best, *The Cherokee Night*, is set in the summer of 1906. The *Cherokee Night* consists of seven achronological scenes ranging in setting from as early as 1895 to 1931, the same year the play was completed. As its title may suggest, Scene Four, “The Place Where the Nigger Was Found,” has frequently been singled out by critics as the most violent representation of gender, sexuality, and race in a play replete with scenes of violent aggression. Jaye Darby identifies Scene Four as “perhaps the most difficult scene in the play and a major reason why it is not currently produced” (16). Qwo-Li Driskill (Cherokee) names Scene Four as a particularly apt example of his observation that “[s]everal moments in the play simply would not work as scripted for contemporary audiences” (191). Both Justice and Womack have offered queer readings of this scene, suggesting that a homoerotic current is responsible for its enhanced electric qualities. Justice describes the scene as “disturbing,” and observes that although the scene “clearly reflects an erotic attraction to Blackness, it’s an attraction inextricably interwoven with racism, violence, and denial” (*Our* 106). In her dismissive reading of *The Cherokee Night*, Julie Little Thunder suggests that Riggs’s belief in “an innate ‘Cherokee bloodlust’” (one of the “noxious stereotypes” that, she argues, informs the play’s structure and plot) “assumes its most disturbing dimensions” in Scene Four (356, 363).

Boasting a large cast, *The Cherokee Night* focuses on the fates of six principal Cherokee characters, possessing varying degrees of blood quantum, at different times in their lives. Scene Four takes place in the summer of 1906 and witnesses the childish quest of three of these characters, the youthful Gar, Hutch, and Art, to locate the place in the woods outside of Claremore where an African American man had been beaten to death the night before. When the boys discover some relics from the previous night’s activities—a playing card, a tin cup—they begin to recount their second-hand knowledge, overheard from older siblings, of what transpired there. Soon, their imaginations assume control of their behaviour, and the boys’ blood-tinged fantasies spiral into a truly terrifying spectacle, in which Art’s “ecstatic fantasy of murdering

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22 I should also note that Riggs began work on *The Cherokee Night* as he was finishing *Green Grow the Lilacs*. As such, it is not implausible to conceive of their being paired, Gemini-like, in Riggs’s mental architecture.
Black men” (Driskill 191) finds macabre expression in a chant taken up by all of the boys: “‘F I seen a nigger, I’d hack him!” (Riggs, CN 164). The violence of this perverse reverie is made all the more horrifying by our foreknowledge of Art’s fate: Scene Two is set in 1927 after Art has murdered his “Indian” wife by “hacking” her skull with a hatchet. The boys’ maddened chanting and whooping only cease once Art, who has been “feverishly” tearing apart the leaves on the ground, notices streaks of blood on the palms of his hands. Stricken with terror, the boys flee the scene. The scene concludes with a dual haunting: the spectre of “a giant Negro, naked to the waist,” rises up from the underbrush and calmly observes the boys’ retreat, while in the distance on the summit of Claremore Mound, the “slim, aristocratic” form of “an Indian” appears silhouetted against the sky (164-5).

In his recuperative reading of The Cherokee Night, Driskill uses the traditional Cherokee Booger Dance as a rhetorical apparatus to illustrate an infrequently articulated interpretation of the play as a potentially helpful means of protecting and healing Cherokee communities. “The Booger Dance,” he says, “compels its audience-participants to grapple with forces that threaten the Cherokee community, and, through dancing with the Boogers, participants can subdue them and send them back into the night. Likewise, The Cherokee Night forces us to dance with and subdue colonial forces that endanger the Cherokee community” (182). I would add that Riggs’s decision to yoke his play’s most disturbing scene of racially (and perhaps sexually) motivated violence to the loss of Cherokee tribal sovereignty and the eve of statehood by setting that scene in the summer of 1906 represents a direct confrontation of the colonial forces that endangered his Cherokee community both at the time of statehood and at the time of the play’s material production, poised as it was on the verge of complete economic disaster.

With the creation of Oklahoma Territory in 1890 and the passage of the Curtis Act in 1898, statehood for Indian Territory became inevitable; consequently, the question was no longer whether it would become a state, but whether it would be a separate state unto itself or would be combined with Oklahoma Territory to form a single new state with a unified state government. Although many Indian Territory residents vehemently

23 “The Booger Dance is a Cherokee ceremony that caricatures invading forces that threaten to disrupt Cherokee nationhood” (Driskill 181).
supported single statehood, there was also a strong contingent of Indigenous supporters behind the separate statehood movement. Following the Curtis Act and the looming reality of statehood for Indian Territory, “many Indian leaders [such as Creek chief Pleasant Porter] believed the United States had promised the Indians a separate state and envisioned one whose political destiny would be controlled by Indians” (Littlefield in Posey 57). The single statehood movement received most of its support from white settlers, thoroughly Americanized mixed-blood tribal citizens, and eastern parties with financial interests in the outcome of the decision (i.e. railroad companies).

At the end of 1902, Alexander Posey, a Creek poet, journalist, and politician, began to orient some of his satirical Fus Fixico Letters around the topic of impending statehood. The possibility of an independent Indigenous state must have begun circulating shortly after—or even before—the passage of the Curtis Act, as it was sufficiently evident for Posey to take it up in his letters and for his audience to be able to recognize and understand his satirical purpose. In his critical remarks on the effacement of Indians from Oklahoma!, Weaver warns, “[I]t must be remembered that by 1900 some in Indian Territory were already lobbying for separate statehood as an Indian state, leading to the Sequoyah convention, of which Posey was secretary” (That 99). Therefore, it is reasonable that Riggs’s 1900 setting for Green Grow the Lilacs represents a space in which the possibility that the Indian Territory would become an independent Indigenous state was still very real indeed: this is a space as yet undefined as either Oklahoma or Sequoyah. As such, it is highly significant that he sets this play—his most enduring and beloved (and, possibly, his most optimistic)—during the lead-up to the Sequoyah Convention in 1905, whereas some of his most tragic and nihilistic plays (Big Lake, The Cherokee Night, and The Cream in the Well) are set entirely or partially in the immediate aftermath of the convention’s failure, and immediately after the Cherokee tribal government was dismantled in 1906. It is also significant, then, that Oklahoma!’s setting is moved up six years to 1906, a move that befits its steamrolling of racial diversity into the homogeneous optimism of white settlement.

This apparently arbitrary alteration to Riggs’s original script is not so innocuous as it may, at first, appear. Not only does Rodgers and Hammerstein’s creative alteration increase the immediacy of Oklahoma statehood and its implications in their adaptation of
Riggs’s play, but it also contributes to Weaver’s suggestion that the Broadway musical’s evacuation of all things Indian from Indian Territory perpetuates the logic of Manifest Destiny and validates the rhetoric of terra nullius (That 99). Knapp notes that this particular alteration is a consequence of the “radically different public mood” of the World War Two-era United States as compared to an America teetering on the brink of economic disaster when Riggs wrote the play in 1929. Knapp suggests that the musical’s “shamelessly patriotic” representation of life in the Territories on the eve of Oklahoma statehood is one of the “fundamental changes” made to Riggs’s script that “greatly altered the themes of the original” (79). Rodgers and Hammerstein move the setting of their play to Summer 1906, roughly six months after the constitution for the Indian state of Sequoyah failed to gain the necessary approval of the U.S. Congress, a period contemporaneous with President Theodore Roosevelt’s signing on June 16, 1906, of the amended statehood bill H. R. 12707 that made Oklahoma and Indian Territories a single state, thus “end[ing] all hope for a separate state for Indian Territory” (Maxwell 330).

The obliteration of the proposed state of Sequoyah by a few strokes of the presidential pen sealed the fate of Indian Territory’s future as part of the domestic United States, subject to the laws, jurisdiction, and sovereignty of the federal government in Washington, D.C. and the new state government of Oklahoma.

The earlier setting of Green Grow the Lilacs, as compared to Riggs’s Indian Territory tragedies, may be responsible for its more cautiously optimistic tone, but its removal in time from the moment of statehood is also strategic: it gives Riggs the necessary distance with which to challenge the perceived legitimacy of Oklahoma statehood. Notably, Riggs’s outlaw device, the shivoree, is the vehicle of his critique. Riggs’s shivoree draws a parallel between the ritual’s historic connotations and the implications of statehood for the Indigenous Nations of the Indian Territory. In the same way that the practice of shivoree was designed to facilitate a “change of social order” (Johnson 379), and repress undesirable persons through Wüstung, or “destruction” (Blok 103), the outlaw ritual in Green Grow the Lilacs metaphorizes the imposition of statehood on the Indian Territory as the result of an illegitimate, coercive, and “destructive” change of social order enforced by the homogenizing will of a dominant group. Moreover, the play’s inconclusive denouement concerning Curly and Laurey’s
happy heterosexual future together as a married couple re-casts the Statehood Day celebration of the union of Mr. Oklahoma Territory and Miss Indian Territory in a far more ambivalent and dubious light.
CHAPTER FOUR

The Indigenous Repoliticization of Ned Christie

Upon approaching the entrance to the Cherokee Heritage Center’s modern indoor exhibits in Park Hill, Oklahoma, one encounters three red brick columns constructed in the neoclassical style surrounded by a reflecting pool. These columns are the only structures that remain of the first Cherokee Female Seminary, which was opened in 1851 and run by the Cherokee Nation for the education of its young female citizens.

On Easter Sunday in 1887, the seminary burned to the ground. It is believed the conflagration was started by embers discarded from the pipe of a man who was visiting the institution, a “fanatical” would-be preacher, who desired to take the girls into the woods where he might ply them with his sermons (Mihesuah, Cultivating 56). Other unsubstantiated rumours exist, however, that the fire was started intentionally by traditionalist Keetoowah Cherokees who were unimpressed with the institution’s “whitewashed” curriculum (LaRue 13). Not only is the seminary notable for being one of the first institutions of higher learning available to women west of the Mississippi River, but the site has also been distinguished by the National Park Service as the interpretive locus for the western terminus of the Trail of Tears. Although the history of the first Cherokee Female Seminary is worthy of discussion in its own right, it is relevant to the present discussion because of the sequence of events its burning set into motion, and how its destruction played a role in determining the fate of Ned Christie (Nede Wade, 115 GS), the so-called “Wolf of the Cookson Hills.”

For the last hundred years, Ned Christie has been fashioned in U. S. media as “the most dreaded desperado” ever to roam the former Indian Territory (Harman 552), popularly accused of committing all manners of crime, from murder, to robbery, to rape. Indeed, the nickname that has most often been applied to Christie by non-Indigenous authors, “the Wolf of the Cookson Hills,” not only connotes isolation and animality, but

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1 I have chosen to refer to Ned Christie by his Anglicized name for two primary reasons: 1) I wish to maintain consistency with its use in all of the narrative accounts of his life that I examine in this chapter; and 2) I use this moniker to distinguish “Ned Christie,” the legend, from Nede Wade, the man. Like most accounts of Christie’s life, my discussion is invested in what he represents, rather than who he actually was. Notwithstanding my interest in the legend, I hope to pay respect to the man by not invoking his real name in the service of ideology.
also banishment; moreover, it recalls the rhetoric of ancient Anglo-Saxon penal codes that were later revived in eighteenth- and nineteenth-century American legal definitions of outlawry and banditry. In old English law, an outlawed felon was banished from his community and declared “caput lupinum,” meaning “having a wolf’s head;” the liminal identity of this individual as neither fully man nor fully beast permitted anyone to kill him without committing homicide (Black 170). Giorgio Agamben has argued that it is through this “state of exception”—the willful suspension of the rule of law—that sovereign powers “create and guarantee the situation that the law needs for its own validity” (17). In other words, the outlaw is an indispensable element in the construction and maintenance of the nation-state’s sovereign authority, which it derives from the monopoly on violence it reserves for itself through the state of exception. Almost without exception, it is in this capacity that Ned Christie has been wielded by Eurowestern authors since his death in 1892. Although Agamben’s critique of liberalism departs from the conventions and expectations of standard doctrinal and empirical research, his experimental reconstruction of sovereignty is nonetheless parallel with and thus theoretically conducive to the goal of this project, which is to think the nation differently from the perspective of marginalized populations distilled in the figure of the outlaw.

Most mainstream biographies of Christie have construed him as an obstacle in the United States’ seemingly inevitable takeover of Native America and as a necessary casualty of the transition between the chaotic space of postbellum Indian Territory and the organized state of Oklahoma. This standard narrative perpetuates attempts by the nation-state to subsume Indigenous identities into its own constitutional system of governance, and perpetuates the reduction of the tribal citizen into what Beth Piatote identifies as the “domestic subject,” who paradoxically resides within the settler nation, but is not of it (7-8). As “domestic subjects” of the U. S. settler state, Indigenous residents of the Indian Territory were not U. S. citizens, and, in fact, were “positioned in

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As domestic subjects, Indigenous peoples “were legal wards of the nation: living within and under U. S. control but lacking representation and full rights as individuals.” In the same way that Indigenous peoples did not explicitly consent to being made wards of the U. S. government, their exclusion from U. S. citizenship (at least until the passage of birthright citizenship in 1924) precluded their ability to consent actively to the U. S. government’s monopoly on violence and the social contract from which the former derives its authority. The liberal theories governing law in the United States did not apply equally to the Indian Territory. The social contract operates upon the liberal self’s consent to grant a monopoly on violence to the state in exchange for protection from crime or conquest. By declaring Indigenous peoples “wards” of the government, the U. S. “create[d] and guarantee[d]” a state of exception in which the liberal terms of the social contract either did not or could not apply.

Moreover, the Indian Territory itself almost literally represents a “state of exception”: it is neither a domestic state nor is it composed of legally foreign nations. The presence in the Indian Territory of competing legal jurisdictions and the loopholes their dual existence created—enabling the late nineteenth-century proliferation of outlaws within the territory—contributed to its status as an exceptional space within both the United States and Indian Country.

Piatote further observes that the settler state has typically exerted its force through the Indian home to gain control over domestic subjects (i.e. by regulating marriage, divorce, child rearing, and even kinship via the blood quantum criteria established by the

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3 See my discussion of Cherokee Nation v. Georgia in Chapter Two; cf. also Wald.
4 The liberal theory undergirding U. S. law, being derived from the social contract, makes the “state of exception” unnecessary, but only for those recognized by the state as liberal subjects, and for those subjects who accept the authority of the state. Outlawry, as a legal practice, was in effect during the colonial era in the U. S.; specifically, it was invoked in the regulation of slavery for the apprehension of fugitive slaves. These laws enabled law enforcement to issue public proclamations against runaway slaves “to be published on a Sunday at the door of all the churches in the county” (Morris 286). If a runaway slave refused to honour the terms of the proclamation he or she was declared an outlaw “and could be killed by anyone.” Although outlawry in name was no longer in effect during the nineteenth century, nevertheless, Morris says, “All of the process remained, in sum” (286-7). Indeed, there are at least two recorded nineteenth-century legal cases from the state of Virginia in which the process of outlawry was invoked, but ultimately overruled by tort law (cf. The Commonwealth vs. Bailey Hagerman and The Commonwealth vs. John Anderson). In her Key to Uncle Tom’s Cabin (1853), Harriet Beecher Stowe demonstrates an awareness of the continued use of outlawry proclamations in the antebellum United States. Stowe states not once, but twice that there is “sufficient proof” that outlawry “has not been a dead letter” in nineteenth-century American legal practice (84, 85).
Dawes Commission). However, she suggests, the Indigenous home/land is also “the locus through which Indian families and nations have expressed resistance” (9). Ned Christie’s five years of “war” against the United States government is perhaps one of the clearest examples of the dual function of the Indigenous home/land as tool of assimilation and hotbed of resistance. After all, Christie evaded arrest for five years without ever leaving his community and defended his liberty from the safety of his own home. Significantly, in the Christie context, the so-called outlaw becomes the linchpin of Piatote’s domestic construction.

The aim of this chapter is not to dwell on those narrative accounts that function in the service of U. S. nationalism. Instead, this chapter identifies several accounts of Christie’s life that challenge conventional evaluations of the man’s outlaw reputation, while simultaneously problematizing romantic narratives of Indian Territory settlement and statehood by making visible the resilience of the Indigenous home/homeland against imperial violence and the foreign influence of U. S. national domestication (Piatote 4). I suggest that these authors’ re-presentations of Christie’s life and legacy are informed by the interrelated concerns of peoplehood, kinship, and decolonization, all of which enable the reestablishment of Christie’s specific tribal-national context. Between 1926 and 2010, at least five such accounts of Christie’s life have been published: John Milton Oskison’s *Black Jack Davy* (1926), Robert J. Conley’s *Ned Christie’s War* (1990), Roy J. Hamilton’s *Ned Christie, Cherokee Patriot* (2004), Robby McMurtry’s *Native Heart* (2009), and Lisa C. LaRue’s *He Was a Brave Man* (2010). For the sake of brevity, this chapter will only engage critically with the three more “fictive” texts produced by Conley, McMurtry, and Oskison, although some reference will be made to Hamilton’s and LaRue’s texts as necessary. Each of these Christie-inspired narratives implements—to greater and lesser degrees—elements of Indigenous peoplehood. I suggest that outlaw

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5 As one of Ned Christie’s great-great nephews, Hamilton designs his account as a family history. As a Keetoowah Cherokee historian, LaRue methodically examines archival documents to support her theory that Christie’s vilification and death were the intended consequences of an elaborate political conspiracy designed to silence his opposition to “progressive” policies in the Cherokee Nation. In her suggestion that Christie was perceived as a “threat” by “the progressive and assimilated Cherokees [who] were aching for statehood, wanting to sell land, and be part of the non-Indian world”—proposals rejected by Christie and his fellow conservative Keetoowahs—LaRue implies that Christie’s death was an elaborate frame-up, which may have been partially engineered by progressive-minded Cherokees within the Nation itself (iv-v).
narratives written from a perspective grounded in the peoplehood model are remarkably capable of staging critical interventions into state-authored identities imposed on Indigenous peoples by colonial governments. These outlaw narratives represent perhaps the strongest evidence in support of my claim that the outlaw has the potential to function as an agent of anticolonial critique as much as a justification for imperial conquest and the application of administrative violence. In their repoliticization of the Indigenous outlaw, Conley, McMurtry, and Oskison radically reimagine nationhood and its geopolitical contours in a manner conducive to protecting the interests and serving the needs of the Cherokee Nation.

“Peoplehood” is a disciplinary model for Indigenous studies based on information generated from within the discipline itself as well as the Indigenous ontologies from which the discipline draws. In their influential 2003 article in the Wičazo Šā Review, Tom Holm, J. Diane Pearson, and Ben Chavis identify the “academic catch-22” affecting Indigenous studies in which the inherently interdisciplinary nature of the field distinguishes it from other disciplines in the sense that it does not have a central paradigm or set of “core assumptions” (8). At the same time that the interdisciplinary structure of Indigenous studies is able to draw upon the rich bodies of theory comprising the fields of history, law, anthropology, ethnography, economics, literature, art, political science, etc., the field of Indigenous studies “presumably cannot stand alone as a discipline.” In order to address this perceived lack of “disciplinary validity” and reconsider the “tributary” status of Indigenous studies, Holm, Pearson, and Chavis advocate the peoplehood model as “the primary theoretical underpinning of indigenous peoples studies” (10, 12).

“Peoplehood” is comprised of four equally interdependent and mutually constitutive elements: language, land/place, ceremonial cycle, and sacred history, the combination of which supports a group’s distinctive identity (13). The authors argue that

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6 Holm, Pearson, and Chavis primarily build on the 1980s work of Cherokee anthropologist Robert K. Thomas, whose concept of peoplehood was founded upon Edward H. Spicer’s definition of cultural enclaves, or what the latter referred to as “enduring peoples” (Holm, Pearson, and Chavis 11). To articulate his notion of peoplehood, Thomas proposed the addition of a fourth element, “sacred history,” to language, religion, and territory, the three factors Spicer had already identified as the distinguishing traits of “enduring peoples.” Thomas’s understanding of peoplehood, the authors note, transcended traditional categories of group identity, such as statehood, nationality, gender, sectarianism, ethnicity, etc. The aim of their essay, Holm et. al. claim, is to “refine and illustrate Thomas’s modification of Spicer’s original idea.
a people united by these elements “necessarily possesses inherent sovereignty” because, while nation-states may come and go, “peoples maintain identity even when undergoing profound cultural change” (17). The peoplehood matrix “reflect[s] a much more accurate picture of the ways in which Native Americans act, react, pass along knowledge, and connect with the ordinary as well as the supernatural worlds” (15). Holm, Pearson, and Chavis advocate peoplehood as a methodological framework because of its ability to “reflec[t] Native American knowledge and philosophies,” which are “based largely on the understanding of relationships—the interrelationship between human beings, animals, plants, societies, the cosmos, the spirit world, and the function of other natural, even catastrophic occurrences” (17-18).

Consequently, this model has the power to offset the tendency in scholarship and writing that deals with Indigenous concerns “to neglect or even seriously misrepresent important aspects of Native epistemology and culture in deference to theoretical perspectives emanating from Western paradigms” (Stratton and Washburn 51). In addition to respecting the specificity of Indigenous epistemologies, the peoplehood model differs substantially from those Western national paradigms that may appear to be very similar—such as Johann Gottfried Herder’s notion of “volk” nationalism—in the sense that peoplehood transcends notions of “race or blood.” Holm, Pearson, and Chavis are adamant in their stance that peoplehood “goes beyond the notion of race and propose that it be utilized as the core assumption of American Indian studies” (11-12). The authors further modify Thomas’s original paradigm by replacing the term “religion” with “ceremonial cycle.”

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“This was done,” they explain, “primarily to demonstrate how a group’s religion is inseparably linked to language, sacred history, and a particular environment” (14).

Herder, known as the ‘father’ of cultural romantic nationalism, believed that “ethnonationalism brings out the genius in every people, as long as the people remain in their natural habitat, retaining the mythical link between blood and soil” (Prizel 24). In his essay “The Bent Twig,” Isaiah Berlin characterizes the emergence of nationalism in the Middle Ages as a defensive response to the encroachment of foreign powers, such as Roman law and the Papacy (15). In Berlin’s estimation, as in Herder’s, nationalism is a response to external interference, especially interference that inflicts a “wound,” often in the form of humiliation, condescension, contempt, or patronization (17), thus the “bent twig” model of nationalism: it is a springing back, or lashing out at those who attempt to assert their own superiority over another’s perceived inferiority (18). Resentment, then, breeds nationalism in the sense that the inferior party “turn[s] to real or imaginary triumphs and glories in its past, or enviable attributes of its own national or cultural character” with which to “seek comfort and strength in the notion of the free and creative life of the spirit within them,” that is, their “volksgeist” (18). Peoplehood and related methodologies like Indigenous literary nationalism are not offensive mechanisms but defensive strategies for perseverance and continuance. Race and blood rarely figure in these disciplinary models; kinship is relational, rather than exclusively blood-based. As Jace Weaver suggests, “Ultimately, racially based definitions [of community and belonging] are insufficient; what matters is one’s social and cultural milieu, one’s way of life” (That 6).
nationality,” providing the example of numerous Indigenous peoples’ historical practice of adopting captives of various races: “Adoption meant that the captive, regardless of race, became a member of a kin group . . . . Race [or blood], to Native Americans, was not a factor of group identity or peoplehood” (16). Within the more specifically Cherokee context, Circe Sturm has established how, at the local level, Cherokee identity “is a more inclusive political category that can include anyone who has an acknowledged political identity as a Cherokee Nation citizen—from those with ‘pure blood’ and ‘full culture’ to those who are phenotypically and culturally white” (109).8 The similarities between Herderian nationalism and Indigenous nationalism, at least as the latter has been envisioned by Holm et. al and influential scholars in the field of Indigenous literary nationalism, are nominally superficial. Although it occasionally risks sounding like an exercise in essentialism, Indigenous literary nationalism is, as Tol Foster (Creek) suggests, the practice of placing “Native concerns back in the realm of political rather than racialist concerns” (571).

In the decade since the publication of Holm, Pearson, and Chavis’s article, the peoplehood model has undergone further refinement and expansion. Building on the interrelated elements of peoplehood, Taiaiake Alfred (Kahnawake Mohawk) and Jeff Corntassel (Cherokee) have proposed the centrality of kinship networks in the expression of Indigenous identity, advocating the maintenance of respectful relationships in these networks (609). Daniel Heath Justice has similarly construed peoplehood as a relational system contingent upon the balance between social rights and responsibilities (“Go Away” 152). Christina Gish Hill argues that the peoplehood model alone insufficiently distinguishes Native nations from each other; she suggests that kinship networks are what ultimately make these markers of peoplehood accessible, and are what maintain a Native nation’s collective identity (86). In other words, kinship is what holds the components of the peoplehood model together in the first place, and represents the first and best recourse to revitalize and restore any lost or broken connections in the interrelationships between language, land/place, ceremony, and sacred history. Not every element of the peoplehood matrix is necessarily foregrounded or evenly applied in each

8 Sturm does, however, concede, “[T]he local definition of a Cherokee slips back and forth from a nonracial category to a racial category as it articulates with blood hegemony” (109).
of the three accounts of Ned Christie’s life that I examine in this chapter. However, when these texts are brought into conversation with each other, they express Cherokee peoplehood from within a place of Indigenous knowledge, and specifically from the vantage point of the Indian home/land.

The rest of this chapter will proceed as follows. First, I briefly summarize Ned Christie’s life and the circumstances that led to his death in 1892. Second, I provide a concise survey of Christie’s representation in some of the more widely available and frequently cited accounts of Christie’s life authored by Eurowestern writers. I provide this overview in order to illustrate the contrast between the standard representation of Christie in popular media and his representation in the texts by Indigenous authors that I examine in the ensuing sections of the chapter. The analyses in the last three sections of this chapter draw upon peoplehood and kinship methodologies in order to reveal the counterintuitive potential of the Indigenous outlaw to affirm Indigenous peoplehood and express rhetorical sovereignty. First, I provide a reading of Cherokee Nation citizen and author Robert J. Conley’s 1990 novel, *Ned Christie’s War*, as an expression of rhetorical sovereignty. Scott Lyons (Leech Lake Ojibwe) defines rhetorical sovereignty as a people’s right to control its own meaning and to “assert [it]self renewed—in the presence of others” (457). Conceding the traditionally contested nature of the term “sovereignty” in Indigenous discourse, Lyons nonetheless argues for its value as “the general strategy by which we aim to best recover our losses from the ravages of colonization: our lands, our languages, our cultures, our self-respect. For indigenous people everywhere, sovereignty is an ideal principle, the beacon by which we seek the paths to agency and power and community renewal” (449). Rhetorical sovereignty, then, “is the inherent right and ability of peoples to determine their own communicative needs and desires in this pursuit, to decide for themselves the goals, modes, styles, and languages of public discourse” (449-50).

In the second section, I trace the expression of rhetorical sovereignty in the complex interplay between the visual and textual signifiers in Robby McMurtry’s 2009 graphic novel, *Native Heart: The Life and Times of Ned Christie, Cherokee Patriot and Renegade*. This discussion teases out the contribution of outlaw rhetorics—both visual and textual—to the expression of rhetorical sovereignty. I conclude the chapter with an
in-depth study of John Milton Oskison’s *Black Jack Davy* (1926), a novel that subverts the conventions of the western and romantic genres in the subtle attention the author pays to the perceived subplot involving an outlaw figure who was almost certainly inspired by Ned Christie. Concluding this chapter with a discussion of Oskison’s novel disrupts the orderly linear chronology established by the two previous sections. This disruption is deliberate: the open-endedness of Oskison’s novel and the alternative future for Cherokee and U. S. citizens alike toward which it gestures represent, perhaps, the most provocative vision of alternative nationhood in all of the texts under examination here. It is these kinds of open-ended alternatives symbolized by outlaws and outlaw texts that I am most anxious to communicate in this project.

**Ned Christie: A Sketch**

In the early morning hours of November 2, 1892, a posse of at least sixteen deputized U. S. marshals, equipped with thousands of rounds of ammunition and a field-cannon on loan from a Kansas army post, opened fire on a double-walled log home nestled in the rocky hill-country of the Cherokee Nation in the northeastern corner of the former Indian Territory. Inside the cabin were Ned Christie, a traditionalist Keetoowah Cherokee, and two young men, usually identified as Arch Wolf (or Wolfe) and Charles Hair (or Hare). These three men took up their weapons and their now-familiar positions at the gun-ports in the cabin’s walls, and settled in for another lengthy battle.

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9 Drago suggests that this was the largest concentration of U. S. marshals in the history of Fort Smith (189). With the exception of an African American cook, this posse appears to have consisted exclusively of non-Indigenous men (Speer 111-13). However, Speer identifies the posse’s guide in the territory as Ben Knight, a “full blood” Cherokee sheriff “who did not condone Christie’s increasingly violent activities” (109). It was Knight’s job to guide the posse over the rough terrain of the Flint District in the dark (113), and to translate into Cherokee the deputies’ commands for Christie to surrender (115). Notably, Knight does not appear in any of the extant photographs that were taken of the posse either before or after Christie’s death, which suggests he was not an “official” member of the posse. Speer also cites a revealing comment made in an interview by Wiley Wolf, perhaps a descendant of Arch Wolf (see n. 12 below), in which he claimed that Christie came face-to-face with Ben Knight as he fled his burning cabin, but before he was fatally shot by the deputies: “For a moment, he and Ben Knight gazed at each other without firing, then Christie ‘veered away’” into the other deputies’ path (121).

10 The Keetoowahs were mostly traditional full-blood Cherokees “who held tightly to their traditions as a matter of honor and deep conviction,” and who deeply resented and vehemently resisted the assimilative policies that the U. S. federal government increasingly began to impose on the Cherokees and other Indian Territory Nations after the Civil War (Hendrix 7). For more information on the Keetoowahs, see Appendix B.
By 1892 attempts by U. S. marshals, bounty hunters, and reckless vigilantes to apprehend Christie were nothing new. He had been the target of their efforts ever since May 4, 1887, when deputy U. S. marshal Dan Maples was shot and killed in Tahlequah, the capital of the Cherokee Nation, by an unknown assailant. Ned Christie was in town on official Cherokee National Council business to attend an emergency council meeting to address the recent burning of the Female Seminary and to discuss the institution’s future. Christie’s fierce advocacy of a sovereign Cherokee Nation in the face of increasing external pressures from the federal government and eastern financial interests, and internal pressures from many assimilated mixed-blood Cherokees and intermarried whites, resulted in his election to the Cherokee National Council in 1885 where, for two years, he represented the interests of Cherokees in the Goingsnake and Flint Districts (Hamilton 19).

On the night of Maples’s death, Christie was drinking whiskey with an acquaintance, John Parris, near the site of the shooting and, suffering the effects of too much alcohol, passed out in the woods until morning (Steele 84-5, Hendrix 38, Speer 33, Hamilton 36, La Rue 19). In addition to Christie and Parris, at least three other men—all plausible suspects—were witnessed in the vicinity of the shooting shortly before it took place (Speer 42). Nonetheless, when suspicion fell on Parris during the investigation into Maples’s death, he claimed that Christie was the killer. When he learned of the allegations against him, Christie proclaimed his innocence, but fled to his home in Wauhilla because he doubted the fairness of a federal trial in Fort Smith. Federal investigators identified Christie as their prime suspect based on little more than Parris’s testimony, circumstantial evidence tying Christie to the vicinity of the crime, and Christie’s refusal to come in for questioning (a decision encouraged by his friends and family).

Christie would spend the next five years alternating between his quotidian Cherokee life—earning his living as a skilled blacksmith, attending Stomp Dances, playing fiddle at community events, even remarrying—and periodically defending himself from would-be captors. However, the daylong battle that began in early November 1892 would be Christie’s last. It was after midnight on November 3 when the deputies abandoned their repeatedly unsuccessful attempts to compromise Christie’s
stronghold with ammunition and cannon-fire, and finally succeeded in using dynamite and flame to force their quarry from the safety of his home.\textsuperscript{11} Christie had no choice but to flee the blazing ruins of his former cabin, and in his flight to reach the sanctuary offered by the nearby woods he was struck in the back of his head (or in his back, depending on the account) by a deputy’s bullet (Steele 103, Hendrix 46, Speer 121, Hamilton 69, La Rue 38).

The deputies strapped Christie’s still-warm body to a door salvaged from the charred remains of his cabin and transported him by wagon and train back to Judge Isaac Parker’s court because, in order to collect the bounty for Christie’s arrest, the deputies had to present his body at the Fort Smith jail (Speer 123). In Fort Smith, Parker personally commended each member of the posse, and a photographer arrived to take “souvenir” photos of the outlaw’s corpse (Steele, \textit{Last} 104). Christie’s body remained on public display at the courthouse for the rest of the afternoon until it was put on a train back to Fort Gibson, where it was finally claimed by Christie’s grieving father.\textsuperscript{12}

This might be the end of the story were it not for the fact that in 1918 an African American man named Richard Humphrey (or Humphries) came forward with new details related to Dan Maples’s murder. Humphrey claimed to have witnessed the shooting, and alleged that a mixed-blood Cherokee, Bub (or Bud) Trainor, was the real killer. He claimed to have kept his silence for so long out of fear of retaliation from Trainor’s family and friends (Speer 126, Hamilton 80). Notwithstanding Humphrey’s confession, numerous twentieth-century media have persisted in representing Christie as “a man who was maniacal in killing and robbing sprees” (La Rue iv).

\textsuperscript{11} Estimates suggest that as many as two thousand rounds of ammunition were fired at the cabin with no visible effect, and that thirty-eight rounds were fired from the cannon (the last of which was fired with a double-charge of powder, splitting the muzzle and rendering the weapon useless) without achieving any significant damage to Christie’s cabin (Hendrix 45).

\textsuperscript{12} Charles Hair was badly burned in the conflagration, and was arrested in his attempt to escape (Speer 123, Hamilton 69); he was sentenced in 1893 to three years’ hard labour. Speer identifies Arch Wolf as Christie’s sister’s son (83); however, Christie’s great-great-nephew, Roy Hamilton, warns that her book contains “many genealogical mistakes and should not be referred to for that information” (82). According to most accounts, Arch Wolf escaped the burning cabin and fled to Chicago, where he was arrested in a hotel lobby later that month (Steele 104, Speer 126, Hamilton 70). He was found guilty in a federal court and sentenced to two years’ hard labour, plus three years for two counts of bootlegging (Speer 127). In prison, Wolf developed “extreme melancholy” and was admitted to a psychiatric facility in 1895. Speer suggests he was finally released from the asylum in 1903, having served more than double his original sentence (127); Hamilton suggests he was never released and that he died there in 1912 (70).
The White Man’s Wolf

C. H. McKennon’s Iron Men (1967), a book otherwise devoted to chronicling the exploits of the deputy marshals who rode for Parker in the Indian Territory, is the first account of which I’m aware that refers to Christie as “‘the wolf of the Cookson Hills’” (124). However, McKennon’s placement of quotation marks around this lupine appellation suggests he is not the first to use this sobriquet, and that it likely had some currency in the ephemeral “sixgun histories” of the early twentieth century. McKennon’s rendering of Maples’s murder does not articulate a definitive opinion on whether John Parris or Ned Christie was the shooter; it merely reproduces Parris’s allegation that Christie was the murderer. Notwithstanding these uncertainties, McKennon frames Christie not simply as a frontier outlaw, but as an outlaw out of antiquity—as a “man with the head of a wolf,” as his book’s aptly titled eleventh chapter, “To the Wolf’s Lair” (referring to Christie’s home), testifies.

This dehumanization of Christie is not unique to McKennon’s narrative; in fact, it achieved its most inimical form in the hours following Christie’s death when the Fort Smith photographer shot Christie’s body for the second time that day, this time with a camera. Two photographs of Christie’s dead body were taken on the steps of the Fort Smith courthouse: one of the body on its own, and another of the body surrounded by the deputies who were responsible for Christie’s death. This latter image, which is less frequently reproduced than the former, is eerily similar to countless images of proud human hunters grinning as they hold up the heads of their formerly coveted, now inert, animal prey.

Grainy nineteenth-century images of dead outlaws are abundant—one thinks, for example, of the photograph taken of the dead bodies of Bill Power, Bob and Grat Dalton, and Dick Broadwell after their gang’s failed and fatal attempt in 1892 to rob the First National Bank in Coffeyville, Kansas. Few, however, feature the outlaw’s dead matter surrounded by a virtual wall of captors within intimate proximity of a foreign government’s legal institution. McKennon appears to be aware of the potential discomfort the indecorous display of the outlaw’s dead body may produce in readers or viewers and makes conscious attempts to mitigate the actions of the lawmen after Christie’s death. He claims that Paden Tolbert, one of the posse’s leaders, “politely but
firmly” refused to display Christie’s body at the train station in Fayetteville, Arkansas, and he invents the notion that the marshals only agreed to display the body in Fort Smith as a cautionary tale for schoolchildren (162, 163). The nobility and restraint of McKennon’s possemen stand in stark contrast to Bonnie Stahlman Speer’s archival reconstruction of the aftermath of Christie’s death in which the men “threw [Christie’s body] out on the sidewalk” in Fayetteville for all to see, and theatrically staged his body in Fort Smith by wiring a rifle into his death-stiffened arms in order to enhance his outlaw image (124-5).

Notwithstanding her archival approach to reconstructing the Ned Christie narrative, the title and cover design of Speer’s 1990 account, The Killing of Ned Christie, Cherokee Outlaw, collapse the significance of Christie’s life into textual and visual signifiers that emphasize the fetishistic preoccupation with his death demonstrated in most of the accounts authored by Eurowestern writers. The cover of Speer’s book reproduces the photographic image of Christie frozen in death, strapped to the door of his own cabin and holding another man’s rifle on the steps of the Fort Smith courthouse. As LaRue observes in her introduction, most authors have focused on the killing of Ned Christie—a phrase that appears in the title of Speer’s book. The word “killing” functions on two gerundive registers. In the first, it draws our attention to the manner of Christie’s death and develops an almost impatient anticipation for it. In this sense, the entire foregoing narrative is oriented around the revelation of the moment of Christie’s death, much like the punch line of a joke. In the second, “the killing of Ned Christie” refers to the concerted and concentrated efforts that were made over a period of five years to achieve the man’s death. In this sense, the “killing” is not a singular act, but a calculated process. The “killing” of Ned Christie began the moment that the deputy marshals investigating the death of Dan Maples in May 1887 latched onto him as a culprit.

As recently as 2009, Christie appeared as a minor character in Loren D. Estleman’s The Branch and the Scaffold: A Novel of Judge Parker. Part Two of Estleman’s novel, “A Prayer for Ned Christie,” perpetuates the work begun by previous authors—namely Speer—to reduce Christie to the level of bare life. Estleman concludes his Christie narrative with a description of the dead outlaw’s corpse being transported by wagon the hundred miles to Fort Smith “like a trophy bear” (100). Estleman expresses an
awareness of the deputies’ treatment of Christie as a beast, but it is impossible to determine from his tone whether or not he approves of their actions. Notably, none of the authors whose work I discuss in the following sections reproduces the image of Christie frozen in death.

I. Rhetorical Sovereignty in Robert J. Conley’s *Ned Christie’s War*

Despite his prolific literary career consisting of over eighty published titles, author and Cherokee Nation citizen Robert J. Conley’s work has attracted remarkably little scholarly attention. What scholarship does exist tends to focus on his Real People series of historical novels, which consists of a dozen titles chronicling significant moments in Cherokee history from the pre-Columbian period through Removal. Curiously, the one novel in his oeuvre that Conley returns to over and over again in interviews and meditations on his own work is not technically part of this series. However, given its focus and significance, and its structural and stylistic similarities to the Real People novels, it could be considered an extension of the series. In a 2001 interview with Conley, Sean Teuton (Cherokee) suggests that this novel, *Ned Christie’s War* (1990), represents the author’s “strongest statement on Cherokee national sovereignty” (“Writing Home” 117).

Conley has publicly acknowledged that his career in creative writing was precipitated by the anger he experienced when he was first confronted by “standard” Eurowestern narratives of Christie’s life in popular publications (“Writing Home” 123-4, “Backtracking” 330). However, even this motivation and Conley’s fascination with Christie have their origins in a far more familiar, but no less political, source: the Cherokee Nation itself, or, to be more specific to Conley’s context, *home*. Conley once mused in an interview, “I think one of the reasons I started writing seriously . . . was because I was stuck in DeKalb, Illinois, and I hated it. I was thinking about home. I’m naturally a romantic, so when I’m not home, I think about home a hundred years ago” (“Writing Home” 115-6). Thinking about the Indian Territory of the late 1880s and that

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chapter of Cherokee history convinced Conley that Christie’s story had been “purposely perverted” by “sixgun histories” in order to serve a settler-national agenda (“More Realistic” 108). This realization led Conley to the decision to fight fire with fire by voicing his dissatisfaction with popular portrayals of Ned Christie in his own mass-market publication.

I read *Ned Christie’s War* as a conscious manifestation of what Conley identifies as “tribally specific historical fiction,” which, he says, “is written from a point of view that comes from within the specific tribal culture. . . . To say that something is written from a tribal point of view is to say . . . that it is written from a point of view that totally accepts that tribal belief system” (*Cherokee Thoughts* 169). More specifically, Conley adds,

> Without [the tribally specific perspective], we may be writing historical fiction, but we’re not writing what I would call tribal historical fiction. The writer has to believe that there is a Sky Vault over us all, that the Sun crawls along the top at night and across the bottom in the daytime, [or] that a medicine person really does divine from a crystal that was obtained from the forehead of the ukitena. (172)

Conley is careful not to reduce tribal historical fiction to the mere act of “telling the other side of the story,” so to speak; he declares, “[I]t’s *more* than shifting sides and saying, ‘I’m going to take the point of view of the Cherokees here, and these white Americans are the enemy.’ It involves writing from the cultural perspective of the tribe involved . . . and seeing the world in terms of that tribal worldview” (“Backtracking” 332-3). Conley’s brand of tribal historical fiction, especially as it manifests in *Ned Christie’s War*, responds to Jeff Corntassel’s call for “everyday acts of resurgence” to combat the ongoing colonization of Indigenous peoples (88).

What *Ned Christie’s War* lacks in formal innovation it more than compensates for in the important cultural and political work it achieves *vis-à-vis* Ned Christie’s outlaw reputation. Conley’s novel represents the first sustained attempt to turn Christie into a multi-dimensional literary character, to “show how and why a Cherokee in those days might have been called an outlaw and pursued as such” (Conley, *Cherokee Thoughts* 146). Moreover, Conley constructs Christie as a “real human being,” not only in the sense that he reclaims him from the wolfish banishment to which he was consigned by
many literary antecedents, but, more importantly, as Aniyunwiya, that is, a representative of the Real Human Beings, the Original People: the Cherokees. The invocation of key Cherokee concepts at crucial moments in its development becomes the means by which Ned Christie’s War affirms Cherokee peoplehood and asserts rhetorical sovereignty. As such, Conley’s novel uses genre and language (both English and Cherokee) to re-appropriate the Indigenous outlaw in the service of Indigenous political and cultural concerns.

Ned Christie’s War paradoxically operates within the conventions of the western, a genre that has contributed in no small part to the consolidation of national identity in the U. S. However, as Kirby Brown has convincingly established for the context of Oskison’s Black Jack Davy, Cherokee writing in English that strategically navigates issues of sovereignty and peoplehood from within the very forms that have historically contributed to the oppression of Indigenous peoples is capable of “indigeniz[ing] the form from colonial alibi . . . to a . . . declaration of Cherokee independence and a popular case for Indian sovereignty” (“Citizenship” 81). As Brown notes, conventional westerns “go to great lengths to appropriate Indians into, or write them out of, a US national romance” (80). On the contrary, in Ned Christie’s War the hero is neither white nor anyone’s kemo sabe, and his errand is diametrically opposed to the “manifest destiny” the western genre typically promotes.

Although much of Conley’s work focuses on Cherokee traditionalism, he himself did not “pretend to be a traditional Cherokee,” and was not conversant in the language (Conley, “More Realistic” 109). Consequently, like many modern Cherokees, the only way Conley can imagine Cherokeeess is through the English language that the majority of Cherokees share. However, even a shared sense of the colonizer’s language and its function in the service of repoliticizing Indigenous history can be understood as an affirmation of peoplehood. As Billy Stratton and Frances Washburn suggest, “American Indian writers insist upon the power of words and the efficacy of language within the body of the text even though the works may be written in English” (59). In the same way that Conley works within the conventions of the western to subvert its imperial motivations, Conley’s English-language novel nonetheless uses a tongue familiar to most
readers to illustrate a different model of nationhood focalized through the experience of a so-called outlaw.

Conley’s infrequent, but strategic, invocations of the Cherokee language in *Ned Christie’s War* similarly present readers with an “alternate way of knowing.” As Stratton and Washburn note, “[M]any Native writers integrate bits of their Indigenous language, sometimes only a word here and there, sometimes entire phrases. . . . Very often these are not translated, making the inclusion of such words a subversive move, one that challenges readers to confront alternate ways of knowing” (59, emphasis added). Although these rare invocations are not exempt from accusations of tokenism, their sporadic appearances in the text nonetheless remind readers that the context of this western novel is *not* the United States, but rather the Cherokee Nation. Some of these reminders are communicated through a descriptive vocabulary denoting time and place according to the Cherokee worldview. For example, Chapter Seventeen, which sets the narrative’s slow march to the climax into motion, begins with the invocation of numerous Cherokee words denoting Cherokee understandings of place, time, and history. It describes a scene at the *gatiyuo-i*, the stomp ground, in *nuhdadewi*, “the big trading month,” corresponding to the cold month of November during which Christie was killed in 1892 (*NCW* 187). The narrator further describes how the stomp dancers had danced all night in counter-clockwise circles around the sacred fire, “the fire that was said to have been kept perpetually burning, that had been carried west over the Trail of Tears, over *digejiluhstanuh,*” which, roughly translated, means “they way they were herded . . . away from where they wanted to be” (187-8).

One particularly notable episode of defamiliarization in *Ned Christie’s War* invokes the Cherokee concept of *gadugi* to rewrite the aftermath of Christie’s first significant (and nearly fatal) confrontation with U. S. marshals in 1889. During this encounter, Christie was shot in the face by a deputy marshal. The bullet smashed the bridge of his nose and badly damaged his left eye; he eventually recovered from these extensive injuries, but never regained the full use of that eye (Speer 82, Hamilton 51, La Rue 30).¹⁴ Christie received this shot not because he recklessly exposed himself to the

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¹⁴ Earlier accounts suggest it was Christie’s right eye that sustained extensive damage (McKennon 95, Steele 90).
posse’s rifle fire; rather, like his final standoff in 1892, he was shot when he was forced to flee the safety of his home after the deputies set his blacksmith shop ablaze and the flames spread to his house. Not only was Christie critically wounded, but he and his family were also effectively homeless. Christie’s community in Wauhillau, consisting of an extended kinship network of relatives, neighbours, and friends, created a safe-haven in which the family could recuperate following this attack; moreover this community was integral in rebuilding the family’s new, doubly fortified log cabin once Christie was sufficiently recovered (Speer 89, Hamilton 52, La Rue 30). In many non-Indigenous accounts of Christie’s life, the network of community support that enabled him to defy the U. S. for as long as he did was popularly construed as “The Cabin Gang,” which Phillip Steele describes as “a band of outlaws” that “surrounded Christie and his fort” to prevent posses from taking their leader unawares at home (Last 92). In his account, McKennon constructs Christie’s resistance as aberrant and frowned-upon even by his fellow Cherokees, suggesting that the “civic-minded Cherokees in the capital town took a dim view of the latest Christie developments, and of the actions of the ’cabin gang.’ . . . Generally, the proud Cherokee people looked with dismay upon the growing reputation of Ned Christie” (99). During Christie’s five years of defiance, any unexplained crimes that occurred in the Cherokee Nation were attributed to the nefarious activities of this “Cabin Gang,” a label which, I would add, diminishes and disparages the united front of resistance against federal encroachment that Christie’s community demonstrated in its support of him.

Conley’s redefinition of “the Cabin Gang” from a group of criminals to a supportive community network united in its effort to prevent the overreach of a foreign government emerges from a strategic invocation of the Cherokee language. This redefinition challenges racialized notions of “savagery vs. civilization,” and characterizes the support Christie received from his community as an expression of political resistance, rather than criminal opportunism. Specifically, the narrator characterizes the community’s expression of support as an incarnation of gadugi: “Ned and his family no longer had to live in the cave. There was furniture to be built . . . and a new shop needed so that Ned’s business could be resumed. And the workers returned day after day. The shop walls went up, and the basic furniture was made. At last Ned called a halt to the
gadugi, the cooperative labor group formed to help a neighbor in need” (NCW 125). Conley consciously calls attention to the collaborative effort of Ned’s community to restore the Christie family to its former standard of living.

Conley’s representation of the Cherokee home and community consciously refutes the popular demonization of Christie’s domestic life, a contrast that the author produces through his representation of language and its relationship to community and sacred history. Conley’s emphasis on the Cherokee community’s active participation in restoring Christie’s home confronts readers with the kind of “alternate way of knowing” Stratton and Washburn describe by invoking the specific notion of gadugi. Originating in the Cherokees’ ancestral lands in the southeast, both the term and the practice of gadugi denote community activism, or what Jace Weaver might call “communitism.”

Wilma Dunaway conceptualizes the Cherokee gadugi as a kind of “labor gang,” consisting of both men and women, “that tended the fields and garden lots of elderly or infirm members of the village” (165). Although Dunaway’s definition refers to the years before the Cherokees were forcibly removed to the Indian Territory in the late 1830s, she concedes that the gender-integrated gadugi persisted until at least 1910 (182). As recently as 2011, Chad Smith, then-Principal Chief of the Cherokee Nation, defined the term as “an ancient Cherokee concept” that means “working together for the common good” (Smith n.pag.). Smith advocates gadugi as a means for the Cherokees to regain control of their collective future. Similarly, Jeff Corntassel has commented on the inherently political nature of this practice, suggesting, “[O]ne practices Cherokee governance through gadugi, which is a spirit of community camaraderie where no one person is left alone to climb out of a life endeavor” (90). Conley’s strategic use of the word gadugi collapses various elements of the peoplehood matrix—namely language,

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15 Formed by combining the words “community” and “activism,” communitism is the literary expression of a “proactive commitment to Native community,” including “the ‘wider community’ of Creation itself” (Weaver, That xiii). Further, the promotion of communitist (not to be confused with communist) values in literature “means to participate in the healing of the grief and sense of exile felt by Native communities and the pained individuals in them.” Daniel Justice suggests that “Cherokee nationhood” is “communitism in action,” being “embedded in the dynamic and adaptive significance of all that it means to be Cherokee” (Our 205).

16 In her discussion of Cherokee women’s resistance to the “cult of domesticity” engendered by the advent of agrarian capitalism in the old southeastern Nation prior to Removal, Dunaway posits their continued participation in the gadugi as one of several effective strategies by which Cherokee women resisted “the cultural, economic, and political changes that threatened their matrilineal powers and rights” (155-6).
sacred history, and community/kinship—into a single linguistic unit in a manner that reclaims Christie from the wolfish banishment and isolation he suffered for decades at the hands of Eurowestern writers. Moreover, Conley’s inclusion of this explicitly community-oriented practice professes the paramount role of the community in Christie’s “war” against the federal government. The possessive construction in the title of Conley’s novel, *Ned Christie’s War*, is not, then, merely indicative of a solitary individual’s conflict; rather, it is synecdochic, declaring, in Weaver’s terms, “I am We,” and waged so “that the People might live” (*That* 39).

Another strategic invocation of the Cherokee language in *Ned Christie’s War* firmly embeds his “war” in the Cherokee worldview and unlatches Christie’s story from the architecture of American ideological structures, such as individualism. This rhetorical move resists the “bourgeois ideologies of the individual” upon which post-Enlightenment notions of sovereignty in the West were partly contingent, supplanting the logic of a nation-of-individuals with “the logic of a nation-people, which takes as its supreme charge the sovereignty of the group through a privileging of its traditions and culture and continuity” (Lyons 453, 455). Significantly, Conley channels these rhetorical moves through the bellicose motivations of Ned Christie, a so-called “outlaw”:

[H]e realized that this war he was waging, this futile, one-man war with the United States deputy marshals, was personal on one level, yes, but it was much more than that. It had to do with what was right and what was wrong. It had to do with things like jurisdiction and sovereignty, and it had to do with the schemes of the United States government regarding the future of the Cherokee Nation. It was all about *duyukduh*, the Truth, the great spiritual laws of the universe, the immutable and irrefutable laws of God and man and decent behavior. (*NCW* 154)

Christopher Teuton (Cherokee) defines *duyukduh* (*alt.* *duyukta*) as the “concept of balance between opposing forces,” and emphasizes its role as a foundational principle in Cherokee culture drawn from Cherokee cosmology “in which the universe is structured by tensions between a Sky World and an Under World, with the world humans live on caught in the middle” (*Deep* 196, 198). Duyukduh expresses the notion of living one’s life “the right way,” or the balanced way, by balancing one’s individual interests with the interests of the larger community. It emphasizes interrelatedness, respect, and justice, or “rightness.” The striving for balance advocated by duyukduh “structures every part of traditional Cherokee culture” (198). In this sense, gadugi and duyukduh are intimately
connected to one another, both expressing the balancing of individual interests with the public good.

Although the Ned Christie story does not appear to achieve the kind of balance that duyukduh demands, Conley’s framing of the narrative from within a tribal perspective and his development of an alternate theory to explain Christie’s popular vilification represent an effort to achieve that balance. Conley has suggested that as a Nighthawk Keetoowah, Christie was politically and personally invested in actively resisting the movement for allotment and statehood, which began to gain momentum in the late 1880s. The dismantling of the Indigenous Nations of the Indian Territory was necessary in order for the statehood movement to succeed. The allotment of tribal lands in severalty was one of the primary means of dismantling those Nations and creating individualist U. S. citizens through the dissolution of those nations. As an elected representative of the Cherokee National Council, Christie had the power to voice his and others’ opposition to these “progressive” proposals, which he frequently did in the fiery speeches he made on the Council house floor (Hendrix 36). Conley does not hesitate to suggest that Christie, like several other Nighthawk Keetoowahs, was “conveniently” labeled an outlaw by the U.S. government and “hunted down” in order to silence his opposition and eliminate his interference with the fulfillment of what the U. S. government viewed as its manifest destiny (*Cherokee Thoughts* 62-5). 17 Similarly, the other four narratives about Ned Christie that I mentioned at the beginning of this chapter likewise contribute to this exercise in balancing what Kirby Brown calls the “collective historical amnesia” generated by cultural narratives and histories that affirm the settler state (“Citizenship” 82) against Indigenous “acts of remembrance,” which Corntassel notes are necessarily acts of resurgence (91). In the epilogue to *Native Heart: The Life and Times of Ned Christie*, Robby McMurtry clarifies,

There is no evidence—only speculation by some historians—that there was a conspiracy against Christie for his vocal opposition to federal authority and interference. That said, it was precisely during the time that Ned was a fugitive

17 Other Nighthawk Keetoowahs identified by Conley as being singled out by the U. S. government for various forms of persecution include Zeke Proctor, Mose Miller, Wili Woyi (Bill Pigeon), and brothers Charley, John, and Tom Wickliffe. Cf. *Cherokee Thoughts*, pp. 61-5. Lisa LaRue not so subtly implies that “progressivist” Cherokees and media, such as the *Cherokee Advocate*, were also keen on silencing Christie’s vehement opposition to assimilationist policies and the growing agitation for statehood (iv-v, 24).
that some of the most egregious political acts were perpetrated by the United States against the Cherokee Nation, and within a year of his death the six-million-acre Cherokee Outlet was opened to homesteading. (98-9)

McMurtry balances this speculative observation with a comment on the equally speculative nature of Christie’s role in the murder of Dan Maples. McMurtry concludes: “In the final analysis it seems fitting that any retelling of Ned’s story must be based on conjecture, supposition, and human remembrance” (99). LaRue echoes McMurtry’s epilogue in her observation that the time Christie spent evading authorities and not representing his people in Council was detrimental to the future of the Cherokee Nation: “During Christie’s hiatus from public service, many things were happening that he wished he could help prevent. The Keetoowahs were seeing more and more of their land stolen, intruders reached proportions close to 10,000, and statehood and allotment were all the talk” (33). Each of these authors locates his or her narrative of Christie’s life within a very specific Cherokee context and reflects Christie’s attempt to live in a “particular way” within a particular Indigenous community (Weaver, That 163). In Conley’s novel, this groundedness is most evident in his use of the western genre and language—both English and Cherokee. In its refutation of U. S. narratives of domination and domestication, the novel’s reorientation of the outlaw from “wolf” to “real human being” asserts the endurance of Indigenous peoples despite centuries’-worth of attempts to crush, assimilate, or legislate them out of existence.

II. Visuality and Textuality in the Outlaw Rhetorics of Robby McMurtry’s Native Heart (2009)

In addition to teaching art at a high school near Okmulgee, Oklahoma, Robby McMurtry (Comanche/Cajun/Irish) also authored of a series of graphic novels that were thematically oriented around what he envisioned as “The Underground History of Indian Territory” (Murg, n. pag.). One of these novels, Native Heart: The Life and Times of Ned Christie, Cherokee Patriot and Renegade (2009), thoughtfully and carefully renders the Christie legend in black-and-white ink drawings accompanied by a minimalist script. Despite the fact that McMurtry is not Cherokee, his novel’s delicate pairing of image with text nonetheless confronts readers with a forceful representation of persistent
Cherokee peoplehood, one that finds its fullest expression within the paired contexts of the Indigenous outlaw and the Indigenous home/land. Like the other authors represented in this chapter, McMurtry is not concerned with the process of killing Ned Christie, but with the elements of his life that enabled his prolonged resistance against the U. S. government, namely his family, spirituality, and home, all of which are organized within the context of Cherokee cosmology and frequently communicated in the Cherokee language. Like Conley’s, McMurtry’s account of Christie’s life is all about perspective—both tribal and visual.

*Native Heart* appears to have been heavily influenced by McMurtry’s time as a member of “Team Gadugi.” Team Gadugi consisted of seven Oklahoma artists and cultural interpreters who were contracted in 2003 by the city council of Chattanooga, Tennessee, to develop a permanent interactive art installation for the city’s downtown riverfront.18 Called “The Passage,” the installation provides a link for pedestrians between the downtown and the Tennessee River at the former site of Ross’s Landing. This site was the point of departure for those Cherokees who were forcibly removed along the water route of the Trail of Tears. As such, the grand-scale installation functions as both a memorial to this devastating passage in the history of the Cherokee people and, according to Bill Glass, Jr., one of the artists involved in the project, “a physical celebration of our Cherokee culture” (Agent n.pag.). A stone wall adjacent to the installation’s waterfall staircase features seven six-foot ceramic medallions, each of which depicts original artwork “inspired by designs on ancient objects found in excavated mounds in Tennessee” (Agent n. pag.). McMurtry’s primary contributions to the project were fourteen stainless steel sculptures, seven depicting stickball players in action, and seven depicting the Seven Sisters constellation, which are located on the north wall of the installation facing the Tennessee River.

At various points throughout his graphic novel, McMurtry integrates many of the images and stories that the members of Team Gadugi either incorporated into their installation or perhaps encountered during their research and preparation for the project. Alongside his textual description of the Keetoowah Cherokees, for example, McMurtry

18 Team Gadugi originally consisted of Bill Glass, Jr., his son Demos Glass, Robby McMurtry, Gary Allen, Wade Bennett, Ken Foster, and Knokovtee Scott.
explicitly reproduces the “coiled serpent” icon that is featured on one of the ceramic medallions designed by Bill Glass, Jr. for “The Passage” (R. McMurtry 24). In his description, McMurtry comments on the obscure origins of the word “Keetoowah,” adding, “[I]n ancient times [it] seems to have referred to a priestly clan, the keepers of the sacred fire and guardians of tradition” (24). The speculative nature of this verbal description is implicitly substantiated by the artistic reproduction of an image whose cultural and ceremonial significance is literally grounded in Cherokee antiquity. Here, the image grants substance to text.

McMurtry’s integration of ancient artistic traditions and sacred Cherokee history and ceremony into his novel performs three important functions: it represents the history of the Cherokees in the southeast and the history of Cherokees in Indian Territory/Oklahoma as an unbroken continuum; more specifically, it situates Ned Christie and his struggle within this continuum, connecting it to the people’s sacred history; and finally, it firmly grounds the Christie story within the Cherokee worldview not only by means of text, but also by means of image. Similarly, McMurtry’s rendering of the Ned Christie story in a visual-textual medium expresses the narrative’s continuing cultural relevance in its use of the fairly recent and very current graphic novel genre. Moreover, it insists upon the vitality and strengths of aesthetic media in Indigenous contexts to communicate the retention—the persistence—of culture in spite of past obstacles. Finally, I suggest that Native Heart models Christopher Teuton’s theory of Indigenous signification in which textual, oral, and visual means of recording knowledge are equally present without privileging one form over another (Deep xvi).

Frequently interrupting the flow of his Christie narrative with historical asides and poetic interludes, McMurtry seamlessly combines elements of the Cherokees’ sacred history and ceremonial complex with Ned Christie’s story by balancing image with text, each of which informs and elaborates upon the other. This strategy is foregrounded in the novel’s Prologue. The Prologue’s text is enveloped at the top of the page by a herpetomorphic Mississippian-style illustration (R. McMurtry 1). Like many of the southeastern tribes who were forcibly removed to the Indian Territory, the Cherokees’

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19 McMurtry also reproduces Ken Foster’s “Four Journey Directions” on one of his “historical aside” pages describing the conflict between “Federal Marshals,” visually depicted by the five-point star badge, and “Tribal Law,” visually depicted by the four journey directions icon (R. McMurtry 31).
“cosmosocial matrix” has its roots in “Mississippianism” or the Mississippian Ideological Interaction Sphere [MIIS] (Justice, “Notes” 217). The MIIS, Justice argues, “offers a rich iconographic archive that extends across time, space, and cultures,” its significance lying in “both its generality (being a rather broad interpretive category) and its specificity (having quite specific ties to both historical and contemporary communities” (217). In Cherokee cosmology, the universe is organized as a tripartite structure consisting of an Above World (a place of order), a Below World (a place of chaos), and a Middle World (the world that humans inhabit) (218). Serpents, like the one McMurtry depicts in his Prologue, are traditional denizens of the Below World. Birds, because of their flight, were associated with the Above World and epitomized by the eagle. Four-footed creatures, epitomized by the deer, were Middle World creatures (Hudson 128). Although these worlds are “generally separated by virtue of their various distinctive oppositional qualities and features,” they are nonetheless permeable (Justice, “Notes” 218).

McMurtry acknowledges the permeability of the Cherokee cosmos in his depiction of the serpent in his Prologue. The right eye of his serpent is surrounded by a black forked eye motif overlapping a white forked eye motif. Derived from the eye markings of falcons, the forked eye motif in MIIS iconography frequently appears in artistic representations of the “Birdman” (J. Brown 90). The Birdman was traditionally “a great warrior associated with the Above or Sky World who fights battles in supernatural realms on behalf of people. He is also associated with the power of reincarnation and generally with the triumph of life over death and day over night” (A. King 131). Although the Middle World is permeable to beings from the other worlds, and vice versa, the Above World and Below World are opposed to one another (Hudson 136). Consequently, “the Southeastern Indians believed that if a person mixed things from the opposed categories, the result was sure to be some form of chaos” (148). Not only does McMurtry’s illustration of the serpent encompass the two worlds between which the human realm is suspended, but it also symbolizes the mythic extremes by which Ned Christie has been interpreted by different cultures. On the one hand, he is an outlaw, a carrier of vice and harbinger of social instability; on the other, he is a Cherokee patriot who fought to maintain tribal sovereignty on behalf of his people.
McMurtry’s drawing of the Mississippian serpent surrounds a concise textual overview of the cultural and political history of the Cherokees from their moundbuilding past in the southeast to the period following the Civil War. In other words, a visual signifier representing elements of both the Above and Below Worlds encapsulates—or attempts to encapsulate—a written record of the Cherokees’ experience in the Middle World. This pairing of image and text not only brings all three principal elements of the Cherokee cosmovision into conversation with each other, but it also provides a visual cue that this cosmovision, at the time of the novel’s events, is critically out of balance. McMurtry’s drawing of the serpent protectively curves around the history of the Cherokee people, but only up to the point of contact with European invaders. The chaos and harm inflicted upon the Cherokees (and other southeastern tribes) by settler-colonialism and Removal is reflected in McMurtry’s correspondingly chaotic and asymmetric placement of blocks of text on the page, which extend beyond the reach of the cosmic serpent.

The coalescence of Above World/Middle World/Below World in the Prologue sets the tone for the rest of the novel, which suggests that, like *Ned Christie’s War*, McMurtry’s narrative is an attempt to balance Christie’s historical reputation as an outlaw with an Indigenous perspective on his motivations, fears, and joys. As McMurtry professes in his author’s note, “This is the story, the way it was or the way it should have been” (iii, emphasis added). The Prologue’s verso features a map of the Cherokee Nation as it appeared in 1865; the recto page consists of the first panel of the narrative proper. Like the Prologue, the interaction between text and image in this first panel brings several elements of the peoplehood matrix to bear on each other in a manner that differentiates the Indian home/land from the starkly linear and delimited boundaries represented by the colonial map reproduced on the opposing page. As Benedict Anderson has observed, the map, like the census and the museum, “profoundly shaped the way the colonial state imagined its dominion” (163-4). Hill adds, “Empires incorporated outsiders by creating documents like censuses and maps to legitimize their presence and to place both people and space under surveillance,” tactics which the U. S. used “to impose the order of the state onto Native peoples” (77). As if consciously to refute the United States’ “imagined dominion,” the first panel of McMurtry’s narrative-proper brings together
place, sacred history, language, ceremony, and kinship structures to represent the
materiality of Cherokee peoplehood. From the arbitrary boundaries drawn around the
Cherokee Nation of Indian Territory by the U. S. federal government, McMurtry’s
narrative zooms in to a bird’s-eye view of the rocky hills and streams of the Cherokee
Nation’s Flint District, and then zooms in further to ground level where a boy hunts a
deer through the region’s notoriously thick and non-navigable underbrush.20

The representational strategy McMurtry uses to establish the novel’s setting
deviates from the tradition of Eurowestern comics. Here as elsewhere in his narrative,
McMurtry employs what comics theorist Scott McCloud calls “aspect-to-aspect” panel
transitions, which privilege the notion of place (or mood) over time (McCloud 72). The
“aspect-to-aspect” transition is “rarely seen in the west,” but has been “an integral part of
Japanese mainstream comics almost from the very beginning” (78-9). McCloud suggests
that “[t]raditional western art and literature don’t wander much. On the whole we’re a
pretty goal-oriented culture. But in the east, there’s a rich tradition of cyclical and
labyrinthine works of art. Japanese comics may be heirs to this tradition, in the way they
so often emphasize being there over getting there” (81). While there are numerous
notable examples of wandering in western literature, there are evidently fewer examples
in the comics tradition; similarly, the pacing of most Ned Christie narratives is oriented
around the revelation of his spectacular death (emphasizing getting there over being
there). In his frequent use of the aspect-to-aspect panel transition, McMurtry disrupts
both of these trends. McMurtry’s conscious use of the aspect-to-aspect panel transition,
especially in the expository pages of his novel, takes advantage of the strategy’s ability to
convey “a sense of place” (McCloud 79). Place, then, takes precedence over the linear
progression of Ned Christie’s story privileged in so many Eurowestern accounts of his
life. In fact, there are comparatively few “action-to-action” panel transitions in
McMurtry’s novel, which is striking given the emphasis on action-to-action storytelling
in western graphic narratives (McCloud 75). As Lyons has suggested, rhetorical
sovereignty is “an empowering device for all forms of community” largely because it is

20 Because of its rough terrain and thick underbrush, the region that included Wauhillau was aptly
nicknamed “Rabbit Trap.” Unfortunately, this unique topography also meant that this area was a favourite
hiding place for white criminals who fled into Indian Territory from bordering states to escape arrest by U.
S. law enforcement.
committed to place, because of its “adamant refusal to disassociate culture, identity and power from the land” (457).

The content of these panels similarly contributes to McMurtry’s careful establishment of his narrative’s setting, which indicates the privileging of place in his account of Christie’s life. The bird that soars above the novel’s setting in the first panel not only represents the coexistence of the Above World and the Middle World (not to mention the continuance of this cosmovision in the Cherokees’ new Indian Territory homeland), but it also represents a neat synecdoche of other elements of the Cherokees’ sacred history and ceremonial cycle. Because of their ability to traverse earth and sky, birds are seen by the Cherokees as messengers between heaven and earth and are frequently associated with the Above World (“Cherokee Clans” n.pag.). Moreover, the bird in this panel is no ordinary bird; it is undoubtedly an eagle. Like many other Indigenous peoples in North America, the eagle is the “great sacred bird of the Cherokee,” and it “figures prominently in their ceremonial ritual” (Mooney 281). It is significant, too, that this eagle soars above Ned Christie’s corner of the world both because he lived in a community called “Wauhillau”—Cherokee for “eagle”—and because he was descended through his mother from the Anitsisqua or Bird Clan (Hamilton 13). The deer’s presence on the page also invokes the presence of another of the seven Cherokee clans, the Deer Clan (Aniawi).

The text on the page similarly grounds the setting in a specifically Cherokee place in a manner distinctly juxtaposed to the facing page’s Eurocentric means of establishing time and place. The facing page’s map of the Cherokee Nation represents the place’s geographical limits specifically as they were laid out in 1865. The first panel of the narrative proper establishes time and setting using seasonal indicators. The story begins in “[e]arly autumn,” the time when “old skin slides from snakes and women gather corn and wild plums” (R. McMurtry 3). A thirteen-year-old Ned hunts a deer that he encourages in the Cherokee language to come within range of his rifle. His exhortation, “Come to me, brother deer,” is represented on the page primarily in Cherokee syllabics, but is translated below the image in English.

McMurtry remains faithful throughout the novel to the setting he establishes in the Prologue and this first panel; namely, he maintains a consistent focus on the
centrality of Christie’s home in Wauhilla and on the Cherokee worldview. Nowhere is this focus more apparent than in the juxtaposition between the narrative’s lyrical passages that provide a glimpse into Christie’s domestic life and the historical asides that interrupt and irrevocably alter that life. Perhaps drawing from his experience working on the Seven Sisters sculpture for “The Passage” installation, McMurtry briefly recounts the Cherokee origin story involving that constellation in one of the most visually stimulating panels in his novel (9). This story identifies the Seven Sisters constellation as the original home of the Cherokees where they were the slaves of the Seven Sisters. One of the sisters regretted the treatment of “the brown-skinned people,” so she spirited them away to earth, where they have lived ever since (Teuton, Cherokee 24). The others punished their sister’s transgression by hiding her behind a veil and calling her “the Dark One,” which is why to this day only six of the “sisters” are ever visible to the naked eye (24).

Not only does this panel “recas[t] in written form narratives that have existed orally for as long as can be remembered” (Teuton, Deep 194), but it also renders the oral tale in a visual medium with a written accompaniment. The permeability between the Above World and the Middle World is evident in both the content of the story itself and in the way McMurtry illustrates its telling. The full-page illustration portrays a group of men, women, and children arranged around a fire listening as the legend-keeper recounts the story. At the top and left side of the illustration is a fanciful rendering of the stars in the constellation and the rogue sister’s defiant act of transferring the enslaved Cherokees to earth, represented by a cascade of disembodied heads. There are no visual barriers (i.e. rectangular panels) separating the artistic rendering of the myth from the legend-keeper’s telling of it in the present. As McCloud observes, “The panel acts as a sort of general indicator that time or space is being divided” (99). The lack of panel divisions suggests that “mythic time” and “real time” are co-present and simultaneous. As such, the representation of the story of the Seven Sisters blends seamlessly with the representation of the present moment as the illustration of the myth essentially spirals into the circle of listeners around the fire. There is an unbroken continuum here between the Cherokees’ sacred history and their presence in Indian Territory.

McMurtry frequently recalibrates his novel’s perspective whenever the influence of foreign economies threatens to supplant the Cherokee perspective he has painstakingly
established. A panel describing the illegal whiskey trade in the Indian Territory and the futile efforts of the Indian Police and U. S. Marshals to ebb the tide of spirituous liquors flowing into the dry Nations represents one of these historical interruptions of the narrative (14). The historical and legal content of this panel directly juxtaposes the lyrical passage that appears on the facing page (15). The facing panel consists of six frames, each depicting seemingly unconnected images of quotidian life in the Cherokee Nation. The text reads, “Now and then / everyone gets lost in the darkness— / even here, / in the center of the world… / …and some learn to travel by the stars / and to care about a world they cannot see!” (15). This panel has a collage-like structure, promoting a sense of simultaneity, interconnectedness, and destiny. This strategy spills over to the next page, which repeats, “Here, in the very center of the world, / beautiful things are all around— / children laughing— / clear, running water— / a quail, turning slowly at the end of a song, / eyes soft as black molasses” (16). These panels emphasize the difference between Cherokee and secularized Eurowestern worldviews.

The Cherokees’ physical world is imbued with spiritual elements, a notion that McMurtry gestures toward over and over again in his novel with the refrain he develops in his characterization of Ned’s home as “the very center of the world.” This phrase, or variants thereon, reappear elsewhere in the narrative as a means of reconnecting events to the Cherokee cosmovision, imbuing them with a sense of both generality and specificity. The text accompanying McMurtry’s depiction of Ned’s desperate ride home after learning he is the primary suspect in Maples’s murder reads, “Life turns on small things— / a man can take a different path, / and the days ahead hold nothing but confrontation— / Now, here, in the center of the world, / beautiful things are all around— / meadowlark, locust, black bear, squirrel, mockingbird, blue jay, woodpecker, old women, grandfathers, water, ghosts—boys shouting, ‘Warriors! Come out and play!’” (44-5). Ned’s solitary ride away from the U. S. authorities’ vilification of him in Tahlequah is balanced by the abundance of life and community—both human and animal—that awaits him in Wauhillau.

Wauhillau is the centre of Ned’s specific world, but it is also more generally the Middle World, a fact made all the more plain in the final two iterations of the novel’s refrain in which Wauhillau becomes “the middle of the world” (59, 80, emphasis added).
Each of these iterations appears within the context of Christie’s two most devastating encounters with white law enforcement (in 1889 and 1892), both of which witnessed the physical destruction of his home and the second of which concluded with Christie’s death. These repeated characterizations of Christie’s home as the “center” or “middle” of the world refer in a broad sense to the Cherokee cosmovision, to the notion that human life and existence take place in the Middle World. Indeed, many of the illustrations that accompany the articulation of this refrain represent elements from each of the three planes comprising the Cherokee cosmovision. In the narrative proper’s first panel, the eagle soars above Wauhillau and the text refers to the shedding of snakeskin (3). Another iteration of the refrain simultaneously depicts birds soaring above the human activities—playing, talking, churning butter, cooking—taking place in Wauhillau while a snake suns itself on some rocks (45). McMurtry’s authorship and artistry do not merely shift the perspective of the standard outlaw narrative of Christie’s life from colonial margin to imperial centre; they actively reorient the very definition of that centre to reflect Christie’s story from within a Cherokee worldview.

McMurtry also capitalizes on the value of the image as a silent challenge to the historical record. Unlike other narratives that reveal the possibility that someone else was guilty of Dan Maples’s death only after recounting Christie’s saga, McMurtry’s medium enables him to illustrate the simultaneity of possible events that textual narratives alone cannot achieve without risking their cohesiveness. McMurtry relies on the image to fill in the blanks in the Christie case: he depicts Dan Maples talking to Ben Knight, chief of the Cherokee Lighthorse Police, and telling him he needs to get a list of names of suspected whiskey dealers to Judge Parker in Fort Smith in order to obtain arrest warrants (34). Knight tells Maples there is a telephone in the post office. In the next panel, an unidentified man sits on horseback, clearly eavesdropping on the conversation between the two lawmen. The ensuing frames then take us to the home of a whiskey dealer where Bub Trainor is present, and where Ned and John Parris buy their whiskey. The lack of narrative and graphic space between the time of the exchange on the street between Knight and Maples, overheard by the eavesdropper, and the whiskey transaction implies a connection between these events. McMurtry does not explicitly make this connection
for his readers; indeed, it is such a brief moment in the novel that one must return to reexamine it later in order to make greater sense of the ensuing action.

McMurtry’s implied sequence of events points a finger at the litany of historical erasures in textual representations of Christie’s life. Like the panels featuring the eavesdropper, the last panel on the facing page depicts an unidentified man who watches as Ned and his companion exit the bootlegger’s house (35). In the same way that the eavesdropper’s role soon becomes evident when he arrives at the whiskey dealer’s to warn Bub Trainor that a U. S. marshal has a warrant for his arrest (36), the identity of the other unidentified man is soon revealed to be Richard Humphrey (“Uncle Dick”), the witness who came forward in 1918 to exculpate Christie of the crime of murder (41). In the interim between the eavesdropper’s warning and the discovery of Maples’s murder, McMurtry provides three panels depicting an alternate sequence of events that possibly led to Maples’s death: Christie loses consciousness from the effects of alcohol, and Trainor steals Christie’s jacket from his inert form and hides in the shadows to await Maples’s return to the nearby camp; when the deputy appears, Trainor shoots him from the cover of the shadows (37-9). Notably, each of these panels is almost completely devoid of text or dialogue. Instead, McMurtry uses visual cues to fill in the spaces left vacant by language and to depict circumstances that have rarely been used to record the Christie story.

Similarly, McMurtry’s use of a visual medium to tell this story encourages readers’ identification with Christie, rather than their rejection of him on account of his “criminality.” McCloud acknowledges reader-protagonist identification as the universal goal of storytellers in all media, but he distinguishes “viewer-identification” as a “specialty of cartooning;” consequently, he asserts, “[C]artoons have historically held an advantage in breaking into world popular culture,” because they “allo[w] readers to mask themselves in a character and safely enter a sensually stimulating world” (42-3). McMurtry maintains his readers’ identification with Christie up to and including the conclusion of his novel where the reader’s perspective is not that of the U. S. deputy marshals gazing down upon the prone figure of their deceased quarry, but of Christie himself, gazing up at the circle of lawmen who surround him after death (R. McMurtry 96). For the first time in the novel, the reader’s perspective is Christie’s. This shift in
perspective gestures toward a Birdman-like reincarnation wherein Christie’s fight for Cherokee sovereignty is passed, torch-like, to future generations.

From beginning to end, *Native Heart* maintains the integrity of its narratological and aesthetic departures from the form and content of so many other accounts of Christie’s life (including Conley’s). McMurtry’s rendering does not conclude with the static image of Christie’s corpse displayed on the steps of the Fort Smith courthouse or with the epitaph adorning his gravestone. Instead, the final illustration in the novel is of Christie, crouched and ready to strike, with a pistol raised in his left hand (99). In his postscript, McMurtry declares, “Most writers of that era condemn [Christie] as a murderous outlaw, attributing as many as eleven killings to him, but to his own people he was—and remains—a heroic freedom fighter, a champion of Cherokee sovereignty” (98). This final pairing of image and text, both of which denote the survivance of Christie and his symbolism in the present moment, asserts the so-called outlaw’s central role in the continuance of Cherokee peoplehood and sovereignty. Rather than delimiting the acme and nadir of national belonging, to which role the outlaw has typically been consigned in U. S. cultural productions, both McMurtry and Conley restore duyukduh by placing Christie in the “middle of the world,” maintaining structural tension between the world Cherokees inhabit, the Above world (the acme), and the Below World (the nadir). As such, in these accounts, Christie is neither lycanthropized nor apotheosized, but reclaimed as Aniyunwiya.

### III. Suspicioning Sovereignty in John Milton Oskison’s *Black Jack Davy* (1926)

John Milton Oskison’s *Black Jack Davy* is the earliest revision of the Ned Christie story of which I’m aware. Published in 1926, a century after James Fenimore Cooper’s Uncas dies for his mixed-blood lady love, and after Catherine Maria Sedgwick’s Magawisca and Lydia Maria Child’s Hobomok voluntarily absent themselves from their

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21 These devices are commonly the means with which earlier accounts of Christie’s life conclude. See, for example: Harman, *Hell on the Border*, p. 556; Steele, *The Last Cherokee Warriors*, p. 107; Conley, *NCW*, p. 229; and Loren D. Estleman, *The Branch and the Scaffold*, p. 100.

22 For Oskison’s biographical details, publishing history, and scholarly reception, see my discussion of “The Greater Appeal” in Chapter Two.
lovers’ lives in favour of apparently more “appropriate” white suitors, Black Jack Davy provides readers with a revisionist history of 1890s Indian Territory in which the principal Indigenous character, Ned Warrior, not only remains on his land at the novel’s conclusion, but also exercises personal and national (i.e. Cherokee) sovereignty in no uncertain terms.

I read Black Jack Davy as an historical revision of Ned Christie’s life, and as a political indictment of the sale and settlement of the Cherokee Outlet between 1893 and 1894—the time of the novel’s setting, and a moment in Cherokee history that at least one commentator has singled out as “the beginning of the end of Indian autonomy” (Milam 273). The implied causal connection between Ned Christie’s death and the opening of the Cherokee Outlet to homesteading less than a year afterward, raised by Robby McMurtry in his postscript, also bears repeating here (R. McMurtry 99). By setting his otherwise mundane western romance during a period marked by seismic and controversial change in the Cherokee Nation, Oskison invokes a series of issues related to land tenure upon which Cherokee sovereignty and cultural integrity had, by the 1890s, come to rest. Daniel Justice has commented on the “primacy of Cherokee nationhood and political self-determination” in Oskison’s prolific body of work, and suggests that his texts invoke “the Beloved Path” in their “affirmation of a real [Cherokee] social and political presence” (Our 110, 112). In Justice’s reckoning, there are two predominant principles undergirding Cherokee literary and cultural expressions: “the ‘Beloved Path’ of accommodation and cooperation, and the ‘Chickamauga consciousness’ of physical and/or rhetorical defiance” (16). Black Jack Davy integrates elements of both of these principles in its vision of an elastic nation, capable of incorporating others into its body politic, and in its representation of Cherokee rhetorical and physical defiance of those who seek to undermine the Nation’s sovereignty.

The conclusion of Black Jack Davy adopts a speculative and, I suggest, empowering stance in its representation of what the Cherokee Nation (and even the rest of Indian Territory) might have looked like had its Ned Christies survived. The speculative nature of Oskison’s vision and the slippery nature of many of the novel’s

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23 Cf. Cooper, The Last of the Mohicans (1826); Sedgwick, Hope Leslie, or Early Times in the Massachusetts (1827); and Child, Hobomok, a Tale of Early Times (1824).
half-veiled historical allusions consequently necessitate a “suspicioning” approach to dissecting the novel’s half-revealed commentary on the appropriation of Indian lands in the years preceding allotment. In his examination of same-sex desire in the work of Creek poet Joy Harjo, Craig Womack treats “suspicioning” as “an action, full of desire for concrete resolution, a certainty it never achieves, an absence of closure that simply intensifies a hunger for verities” ("Suspicioning" 133). “One suspicions,” Womack clarifies, “when tackling subjects one feels unsure of, but risks a statement anyway.” Suspicioning “dreams of resolution even when there is none to be found,” and contests the excision of subjectivity from scholarship; perhaps, Womack suggests, the “things we feel least certain about make some of the best analytic claims” (135).

James Cox’s observation that Oskison’s literary politics are notoriously “unpredictable and inconsistent” similarly bears repeating here ("Learn" 408). It is difficult to reconcile Oskison’s tendency to promote “Cherokee political autonomy, rather than static cultural or religious tradition” as the nation’s linchpin, with his “cautiously optimistic view of the transformation of Indian Territory by Oklahoma statehood” (Cox, Red 54, 203). Given the shifting currents of Oskison’s politics and the small pool of previous critics from which to draw support, my reading of Black Jack Davy embraces the usefully tentative potential that “suspicioning” presents, particularly at those moments where I stake my analysis solely on the confluence of historical circumstance and narrative detail.

My reading of Black Jack Davy builds upon some of these recent scholarly treatments of Oskison’s work in an effort to position the Indigenous outlaw as an effective means by which an Indigenous author may not only assert the limits of U. S. nationalism, but also challenge its foundational mythological structures. Like Justice, I locate Oskison within a specifically Cherokee literary tradition, one that draws upon the relationship between place and kinship in order to articulate, through subtle means, the inherent sovereignty of the Cherokees. This is not to say that Oskison’s vision of Cherokee nationhood is somehow more legitimate or less questionable than U. S. nationalism. The aim of the present discussion, as in the rest of this project, is to demonstrate how the outlaw’s elastic characteristics are remarkably conducive to
envisioning a more flexible, permeable understanding of nationhood that is capable of entertaining numerous models without compromising their respective integrity.

Whereas Justice’s reading of Oskison is more guarded and ambivalent regarding his work’s politically transformative potential, mine is more closely aligned with that of Timothy B. Powell and Melinda Smith Mullikin, who argue for the presence of a subversive tendency in Oskison’s later novels, and of Kirby Brown, whose discussion of “constitutional criticism” in Black Jack Davy influenced my own thinking about the novel. However, where Powell and Mullikin’s enthusiastic revision of Oskison’s politics in The Singing Bird occasionally threatens to trespass into the realm of implausibility, I temper my own revisionist reading of Black Jack Davy with the understanding that not all of its author’s creative decisions can be mapped neatly onto my own theories. Indeed, as Kirby Brown points out, Oskison’s vision “of what a renewed Cherokee Nation might look like” is nonetheless “an imperfect vision,” one that “clearly conceives of its ideal citizen in strictly racialized and gendered terms” (“Citizenship” 101). 24 Like Brown, I do not have room in the present discussion to give voice to these issues, but I would like to acknowledge their ripeness for further scholarly exploration in the hope that future generations of critics may undertake this important work.

Whereas Kirby Brown’s evaluation of Black Jack Davy is explicitly future-oriented, being read from within the context of 1920s-era Indian policy reform, 25 I approach Oskison’s politics from within the context of the novel’s setting. This is not to say that the setting’s politics are not brought to bear on the contemporary market in which the novel first emerged, but rather that Oskison’s deliberate shattering and redistribution of historical events and figures and his similarly deliberate and very specific choice of setting are as expressive of rhetorical sovereignty as the presence in the novel of “tribally specific constitutional traditions” and their bearing on the present (K.

24 Brown is precisely correct when he specifies, “[The novel’s] restrictive positioning of women as either idealized subjects of Christian virtue or racially coded objects of male sexual desire and its almost total erasure of significant African descendant characters and communities present significant problems for any contemporary reading of the novel” (“Citizenship” 101).

25 Brown argues that Black Jack Davy’s vision of “a functioning . . . , sovereign, and multicultural” Cherokee Nation in the years prior to allotment and statehood represents “an invitation . . . to a new generation of federal lawmakers to forge a different path than their predecessors chose” (“Citizenship” 100-101).
Brown 79). I suggest that Oskison achieves this expression of sovereignty via two different but nonetheless related means: his reanimation in print of Ned Christie in his outlaw character, Ned Warrior, and the text’s subtle indictment of the United States’ and white settlers’ criminality in their coercion of the sale of Cherokee lands in the years immediately preceding allotment and statehood. The contrast between the “outlaw” Warrior and his land-hungry white neighbour, Jerry Boyd, acknowledges the former’s misdeeds, but suggests that they pale in comparison with the legislative crimes committed by would-be settlers and their supporters. Moreover, it suggests that Warrior’s criminality is only the natural response to a much more rampant and insidious threat: the appropriation of Indian lands by the U. S. government and its citizens, whether by “legitimate” or illegitimate means.

Published by D. Appleton & Co. in 1926, Black Jack Davy consists of a dizzying mash-up of genres, histories, and competing plotlines. As the following summary may suggest, there is, at times, more going on in the novel than Oskison seemed prepared to handle. The rapid unfolding of the novel’s events takes place over a startlingly brief period of roughly nine months between the early spring and early winter of 1894 (more on the significance of this setting later). The Dawes family, consisting of Jim, Mirabelle, and their adopted son, Davy—the novel’s eponymous hero—emigrate from Arkansas to the Indian Territory to take up farming on land adjacent to that of Mirabelle’s brother, J. A. Keene. The Dawes and Keene families lease their land from a Cherokee family, Ned and Rose Warrior, who, along with an infant son, also live on the same section of land east of Horsepen Creek and west of the Six Bulls River. The novel’s primary romantic plot between Davy and his adoptive cousin Mary (May) Keene is complicated by Rose Warrior’s desire for and sexual advances toward Davy, and Ned’s concomitant jealousy and suspicion of his young renter. These romantic hang-ups and the Daweses’ farming venture are further complicated by the greedy and violent machinations of Jerry Boyd, their ranch-owning neighbour and the novel’s unapologetic villain. Unlike the Daweses and Keenes, Boyd is not a lessee; his status as a white intermarried citizen of the Cherokee Nation grants him free use of the land on which his home and improvements are located, and access to as much land as he can use provided that it is not already inhabited by others. Boyd’s animosity toward his neighbours is motivated by his desire
to appropriate the Warriors’ lands for his own use, a goal he attempts to achieve by any means possible, including arson, a media campaign against Ned Warrior that results in the Cherokee’s arrest and imprisonment, and a violent assault on the Daweses’ home. The novel’s climax witnesses Boyd and his gang of hired killers’ assault on the Dawes home, which, unbeknownst to anyone but the narrator and reader, is only repelled by the intervention of Ned Warrior. The novel achieves resolution during this climax when a posse of armed neighbours arrives just in time to apprehend the fleeing attackers, and when Warrior shoots and injures Jerry Boyd and kills his mixed-blood son, Cale. The novel concludes with the secure knowledge that Davy, backed by financial support from his biological mother and safely married to May Keene, will partner with Ned Warrior in a promising new ranching enterprise.

Before I proceed any further, it is necessary to establish a plausible case for my assertion that Oskison deliberately modeled Ned Warrior on Ned Christie. Conley has made a similar suggestion, arguing, “Black Jack Davy has a character in a subplot who seems to have been suggested by Ned Christie” (Cherokee Thoughts 149). Conley provides little evidence to support this claim, but adds, “[W]hen I first read the novel, I felt that Oskison really wanted to write about Ned Warrior,” but “because of the demand of his publishers,” the closest Oskison could come to writing openly about Cherokees was to populate the Cherokee Nation depicted in his novels and stories with white settlers and mixed-bloods “who were more white than Indian” (149). Although I am inclined to support Conley’s speculation about the early twentieth-century’s restrictive publishing industry in which Oskison was immersed, I want to increase the stakes of his argument to suggest that Ned Warrior does not seem to be suggested by Ned Christie, but was, in fact, explicitly modeled on him. Moreover, I argue that the plot concerning Ned Warrior, in which Christie’s fate is radically re-envisioned as a successful, if temporary, coup of white imperialism, is not a “subplot,” but rather the novel’s primary concern.

The likeness between Ned Christie and Ned Warrior does not end with their given names. The conversation between the Daweses and Jerry Boyd in the novel’s first chapter reveals that Warrior is wanted by the federal court in Tarko, presided over by Judge Pease, “the hangin’ judge” (thinly veiled references to Fort Smith and Isaac Parker), for illegal bootlegging and the shooting of a white deputy U. S. marshal (BJD
Christie, of course, was accused of the murder of Dan Maples, a white deputy U. S. marshal; moreover, Hamilton suggests that Christie took up bootlegging to support his family in order to supplement his significantly reduced income after he was effectively declared an outlaw in 1887 (46). In Oskison’s novel, Ned Warrior is not wanted for murder, but rather for injuring Pat Burke, a white deputy U. S. marshal, who, after an encounter with Warrior, was “shot . . . all to pieces” and left “with a game leg an’ a lop-shoulder” (BJD 4). During the 1889 shootout with deputy marshals that left Christie blind in his right eye, the “outlaw” succeeded in shooting one of his attackers, L. P. Isbell of Vinita, in the shoulder. Isbell’s injuries were such that the other deputies had no choice but to abandon their assault and seek medical treatment for their wounded associate (Speer 80). Like Christie, Isbell survived the 1889 confrontation, but the severity of his injuries “crippled him for life” and necessitated his early retirement from the U. S. marshals service (134). Oskison’s awareness of the dramatic 1889 shootout is also evident in his narrator’s description of Ned Warrior as Rose’s “maimed partner” following the attack on his home that concludes with his arrest (BJD 255). This description also bespeaks Oskison’s deep knowledge of the Christie story, and that knowledge’s rootedness in a distinctly Cherokee perspective.

The attack on Ned Warrior’s home in Oskison’s novel is too much like the final attack on Christie’s home in 1892 not to have been inspired by it. It witnesses a posse of deputy marshals laying siege to Warrior’s cabin in an effort to arrest him for his assault on Burke. The leader of this posse is “Captain Black,” “a gray-mustached, squinting veteran” (BJD 67), who orders the use of a cannon against Warrior, and whose plan to lay a bundle of dynamite beneath the cabin’s foundation while protected by heavy rifle fire from the other deputies successfully blasts the cabin open and enables Warrior’s capture (109, 115). In the melee, Warrior suffers burns and a broken leg, but is otherwise unharmed, and convalesces while serving his sentence in the Fort Smith jail. In the novel’s timeline, these events take place in the late spring of 1894. As previously mentioned, in November 1892, the posse that was deputized to secure the capture of Christie, “dead or alive,” employed a cannon in its assault on Christie’s cabin. Although the cannon proved ineffective as a means of ferreting Christie out of his home, the deputies finally managed to blow his cabin off its foundation when one of the possemen
succeeded in laying a bundle of dynamite beneath a corner—a feat made possible by the protection of his associates’ heavy rifle fire (Steele, Last 102-3). Incidentally, one of the leaders of this posse was deputy marshal Gideon “Cap” White, a veteran captain of the Union Cavalry, whose “stylish clothes and enormous gray mustache added to his smart appearance” (Speer 111), a description that recalls the narrator’s characterization of Captain Black in Black Jack Davy.

Oskison also demonstrates an awareness of the stock characteristics of the Christie story as they were developed in the accounts of his life published in the decades after his death. Oskison’s Ned Warrior heralds the approach of enemies with “a low, throaty warning [cry], grotesquely like the gobble of a turkey cock” (BJD 244). In addition to Christie’s avowal never to speak English again after the near-fatal attempt on his life in 1889, a common refrain in popular accounts of his life is his legendary gobbling war cry. Speer insists, “The Cherokee gobble was peculiarly Indian. An unearthly sound, it was described as being something between the howl of a coyote and the gobble of a turkey. The Indians used it in defiance against an antagonist,” and when raised by a warring Cherokee, it “meant sudden death to any and all in his path” (66).

Evidently, Oskison was sufficiently familiar with the details of the popular Christie story not only to reproduce them at will in his complex characterization of an apparently “minor” character, but also to bend the limits of that perceived reality and thus enable the emergence of alternate possibilities by evenly distributing the “outlaw history” of Indian Territory throughout his narrative. Indeed, Oskison demonstrates his familiarity with the Christie saga in both overt and subtle ways. Moreover, he demonstrates an awareness of other aspects of Oklahoma’s outlaw history; he is clearly aware of these histories and uses them to achieve a thought-provoking revision of Indian Territory history and politics.

In addition to its revision of the Ned Christie story, Black Jack Davy also rewrites the Belle Starr narrative in interesting ways. Undoubtedly, Mirabelle Dawes is Belle Starr writ small, so to speak. In fact, both Mirabelle and Jim Dawes represent thinly veiled makeovers of Belle Starr (née Myra Belle Shirley) and her first husband, Jim Reed. In his youth, the narrator reveals, Jim Dawes was “the youngest member of the ‘wild bunch’ that inherited a thirst for outlaw adventures from Quantrell’s [sic] Guerillas,
and [Mirabelle] ran away from home to meet Jim at sunset and go through the marriage ceremony. Bob Younger, wanted for bank robbery, held her restless horse while the kidnapped and frightened young preacher read the lines” (BJD 58-9). This description of the young lovers’ marriage reproduces many elements of the legendary elopement and “horseback-wedding” ceremony that supposedly joined Myra Belle Shirley and Jim Reed in matrimony.26 In most versions of that story, some famous outlaw holds the reins of Myra’s horse while another outlaw, not ordained, reads the vows. As I have already established, Oskison was clearly familiar with Belle Starr’s legendary reputation.27

In the same way that Oskison appears to demonstrate his knowledge of the Christie story only to refract it along startling, new trajectories at will, he also alters the Starr narrative in interesting and possibly very problematic ways. The narrator reveals how Mirabelle fell from her horse when she and Jim rode home after their clandestine marriage in the woods. As she fell, she hit a tree with such violent force that the impact irreparably crushed her hips, permanently rendering her paraplegic; as she often reminds her son and husband, “I ain’t been but half a woman sence” (59). This catastrophe compels Jim to leave his outlaw occupation behind and take up tenant farming in Arkansas, “build[ing] for himself a new character” (59). The alterations Oskison makes to Belle Starr’s life by repackaging her as Mirabelle Dawes essentially strips her of the outlaw agency she appeared to wield while she was alive. These alterations and Oskison’s portrayal of chaste May Keene and flighty Rose Warrior are consistent with his general erasure and deprecation of women in his work. However, like the drastically altered conclusion to Ned Christie’s life that he envisions in Ned Warrior’s victory at the end of Black Jack Davy, Oskison’s truncation of Starr’s career contributes to what Kirby Brown eloquently describes as the novel’s commitment to “recasting the events that led up to and eventually culminated in allotment and the dissolution of tribal governments from the inevitable climax of a grand moral drama of racial progress to a result of self-

26 Cf. Bella Starr 6; De Varigny 172; Harman 563; Rogers 122-3; Horan 209-10; Wellman 132. Jim Reed reputedly rode with William Quantrill’s Confederate guerilla “Bushwhackers” during the Civil War.
27 See Chapter Two’s discussion of Oskison’s “The Greater Appeal.”
interested human action amenable to revision by better people in a better time”
(“Citizenship” 100).\(^{28}\)

Oskison’s historical revisionism suggests a more favourable role for the outlaw in envisioning an alternate future for Indian Territory, one in which Cherokee sovereignty was not disrupted by the influence of allotment and statehood. One might argue, moreover, that the narrator’s physical description of Ned Warrior renders dubious my claim that he is based on Ned Christie, especially given the overwhelming focus on Christie’s physical appearance in popular narratives of his life. The first description of Warrior in *Black Jack Davy* characterizes him as “a small, dark man” (8). Davy Dawes initially perceives him as “the thinnest man he had ever seen—short, cat-like in his movements, retaining at middle age the physical alertness of twenty. The dark taut-drawn skin, the sparse coarse mustache and coarse black hair in front of his ears showed him to be an Indian” (8). As almost any account of Ned Christie’s life immediately establishes, Christie was, in fact, very lean, but he was also extraordinarily *tall*, standing approximately six feet, four inches (Steele, *Last* 74). Moreover, Ned Christie is clean-shaven in all of the extant photographs taken of him while he was alive. Although Oskison’s description of Ned Warrior seems inexplicable given his apparent familiarity with the Christie legend, I suspicion that his alterations are purposeful, achieving a more encompassing representation of Indian Territory’s outlaw politics, rewriting that history in a manner that uses the individual (the specific) to comment upon the collective (the general). Oskison achieves this complicated rhetorical strategy—evident in his reimagining of both Ned Christie and Belle Starr—by fragmenting different elements of Oklahoma’s outlaw past and reconstituting them in altered forms. Not only does this strategy attempt to redistribute the outlaw element more evenly over the general

\(^{28}\)More pointedly, Brown’s comment is motivated by Oskison’s deliberate choice of the surname “Dawes” in this novel. He suggests, “The symbolic irony of a man named Dawes entering the Cherokee Nation not for the purposes of dispossession but to ‘submit to the constitution and laws of the Cherokee Nation’ for which he ultimately gives his life,” referring to Jim Dawes’s death during the novel’s climax, “gives lie to the Dawes Act’s central presumption of Indian absorption and disappearance” (100). In the same way that *Black Jack Davy* offers a vision of what the Cherokee Nation might have looked like had its Ned Christies survived, it imagines a world in which the name “Dawes” does not connote territorial dispossession and cultural alienation for Indigenous peoples, but rather a respect for the inherent sovereignty of Indigenous peoplehood.
population—making it a shared legacy—but it also actively confronts the alternately idolatrous and opprobrious treatment of “classes” of outlaws in Eurowestern culture.

Black Jack Davy’s physical description of Ned Warrior recalls the appearance of another Cherokee “outlaw,” Zeke Proctor, the validity of whose stand against the encroachment of the U. S. federal government into Cherokee jurisdiction is less frequently challenged by biographers and historians than Christie’s. Oskison strengthens the heroic qualities of his Cherokee character by imbuing him with some of Proctor’s qualities, even if they are only physical. This subtle rhetorical strategy appeals to those possessing knowledge of this place and its people. In addition, it simultaneously invokes the Indian Territory’s reputation as an “outlaw nation” at the same time that it undercuts our understanding of the outlaw’s role in a given community. For example, when Mirabelle Dawes expresses some consternation upon learning that her family’s new lessor is an “outlaw,” she asks her informant, the unscrupulous Jerry Boyd, “An’ they just let him alone now? Is ever’body afraid o’ him?” (BJD 4). Arrogantly anticipating Mirabelle’s affirmative opinion, Boyd replies, “Well . . . the fact is, Ned Warrior’s got too many friends around here. Ain’t that queer, Miz Dawes?” Contrary to the rancher’s expectations, Mirabelle retorts, “Queer? . . . No, it ain’t queer. Maybe he’s a good neighbor even if he’s a God-a’mighty bad man!” Both Boyd’s and Mirabelle’s

29 On an application for a Civil War pension, Zeke Proctor gave his own height as five feet, seven inches, and described himself as having a dark complexion, dark eyes, and dark hair (Steele, Last 26). Photographs of Proctor from different periods in his life all depict a man of small stature with a neatly trimmed mustache and goatee, and long dark hair tucked behind his ears. Proctor’s months-long standoff with the U. S. government in 1872 was precipitated by the jurisdictional confusion generated by the co-existence of the Cherokee tribal courts and the U. S. federal court at Fort Smith, the limited reach of each, and the trespass of the latter. When the attempt by U. S. authorities to arrest Proctor for a crime properly within the jurisdiction of the Cherokee courts resulted in the shooting deaths of eleven men in a melee at a schoolhouse-turned-courtroom (known to history as the “Goingsnake Massacre” or the “Goingsnake Tragedy”), Proctor went into hiding and surrounded himself with a like-minded and heavily armed retinue of supporters. “The mission of the group,” Steele asserts, “was not only to protect . . . Proctor from possible capture by United States marshals but also to discourage the U. S. federal court from exercising any authority within the Indian nation” (49). The non-violent standoff continued until U. S. President Grant issued a general amnesty for Proctor and his followers “in order to restore peace between the United States and the Indian nation” (54). Notwithstanding the general nature of this amnesty, Proctor is frequently singled out by historians and biographers as the only individual with whom the U. S. has made a peace treaty; this “rhetoric of novelty” is mirrored in the enthusiasm with which many historians and biographers note the singularity of the posse’s use of a cannon against Ned Christie in 1892. Also like Christie, “[t]oo many writers have painted [Proctor] as a ‘bad man,’ murderer, and outlaw, when actually, the records show that he was a successful farmer and rancher and lawman of some note” (Littlefield and Underhill 307). For more on Zeke Proctor, cf. Steele, The Last Cherokee Warriors; Conley, Zeke Proctor; Littlefield and Underhill; and Virgil Berry, “Uncle Sam’s Treaty with One Man” (Chronicles of Oklahoma 32.2 [1954]: 227-9).
comments gesture toward the reciprocal nature of Ned Warrior’s Cherokee community, the likes of which we witness much more explicitly in Conley’s *Ned Christie’s War*.

Notwithstanding Oskison’s tinkering with Ned Warrior’s appearance, Ned Christie’s striking physical characteristics and abilities—his height, his handsome features, and his reputation as a crack shot—are not lost within the pages of the novel. Instead, many of these qualities are transferred to the novel’s primary focus, Davy Dawes himself. In many ways, Davy’s appearance is coded in stereotypically “Indian” terms: he has “thick black hair,” “big, liquid-black eyes,” and “strong, firm-set white teeth” (5,6). More pointedly, like Christie, he is extraordinarily tall, lean, and good-looking, and he is an expert shot with a pistol (5-6, 31-2).

Oskison’s decision to rest his narrative’s moral centre squarely on the broad shoulders of his young white settler-protagonist is undeniably discomfiting for an analysis that would delineate an implicit critique of settler-nationalism within the novel’s pages. In their introduction to Oskison’s *The Singing Bird* (a novel that employs a representational strategy similar to *Black Jack Davy*’s), Powell and Mullikin concede the irregularity of a Cherokee author’s decision to write about Cherokee history and themes from the perspective of white protagonists. However, they add, “[I]t can be argued that this narrative technique . . . is part of a sophisticated strategy that allows Oskison to comment poignantly on both white and Cherokee culture at a critically important moment in their tangled histories” (xxii). Although this strategy is not as sophisticated in *Black Jack Davy* as it appears to be in *The Singing Bird*—at least in Powell and Mullikin’s estimation—both texts nonetheless challenge the “deeply entrenched assumptions about the inherent superiority of Western society,” most evident in the nineteenth-century master narrative “that human history marches in a rigidly linear fashion from savagery to civilization” (xxix). Powell and Mullikin argue that *The Singing Bird* “effectively subverts the racial hierarchy that supports the master narrative of white ‘civilization’” (xxxii). This subversion, they suggest, comes in the form of the evolution of Oskison’s white characters “from romantic racialism to political empathy for the

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30 It is also entirely possible that the narrative technique of both novels is a marketing strategy, designed to appeal to the widest possible audience. Moreover, for many Cherokee nationalists, Cherokee identity was *national* rather than *racial*; as such, the focalization of these novels through a Eurowestern perspective is not necessarily problematic given the significant number of intermarried whites who were nevertheless Cherokee citizens, many of them quite contentedly so.
Cherokees” (xxx). Moreover, this transformation “creates a unique literary environment in which the most devastating critiques of U. S. federal policy come from the white characters.”

Powell and Mullikin characterize *The Singing Bird* as Oskison’s “most historically interesting novel,” and trace the critical neglect of his work to the fact that this novel was not published until long after his death (xix). Although the historical contours of nineteenth-century Indian Territory are perhaps more palpable in *The Singing Bird*, a novel that spans several decades rather than a few seasons, I hesitate to concede that they are more “interesting” than *Black Jack Davy’s*. In fact, I argue that this radical subversion to which Powell and Mullikin refer is even more impressive in Oskison’s earlier novel where it is not the white but the Cherokee characters that level critiques and actively militate against U. S. federal Indian policy and its far-reaching consequences. These critiques are not mediated by white characters who develop respect and appreciation for the complexity of Cherokee cultural and political structures, but rather are articulated by the same people whose lives are ineluctably invested in those structures—the Cherokees themselves.

Chapter XII, “Kindling,” reveals some of the novel’s most important, indicting, and, appropriately, incendiary commentary on the territory’s political atmosphere in the period immediately preceding the allotment of Cherokee lands in severality. This commentary, subtle though it may be, subverts the racial hierarchies supporting Western notions of progress and civilization and revises popular tropes used to illustrate those notions by literally making the settlers the outlaws. The chapter begins with the narrator’s characteristic third-person narration focalized through Davy’s experience: “In this Indian Territory, only a few months after the great Chicago fair advertising four hundred years of western progress, [Davy] had re-enacted the old rôle of the pioneer fighting off torch-bearing savages to save his home!” (167). 31 Significantly, the Indian-

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31 These “torch-bearing savages” are Jerry and Cale Boyd, and two of their white renters, Ben Stannard and Sam Price. One might argue that Oskison’s use of the term “savage” to characterize Cale, a mixed-blood Cherokee who “show[ed] the strain of Indian blood inherited from his mother” (BJD 30), perpetuates the association of Indigenous peoples with savagery. And indeed, Oskison’s narrator is wont to remind readers of Cale’s mixed-race heritage when the young man’s vicious tendencies are most prominent, such as during his attempted rape of May Keene when Davy intervenes and “fl[ings] the quarter-blood viciously aside” (263, emphasis added). However, Cale is not the only mixed-blood Cherokee who makes an appearance in the novel. Oskison’s representation of Cale Boyd differs markedly from that of other mixed-
coded Davy’s “savage” attackers are white men intent on obtaining possession of Ned Warrior’s lands by coercive and illegal means. By the novel’s conclusion, these “torch-bearing savages” are firmly routed by Ned Warrior himself. The variables in the old equation of “settler vs. savage” are not merely inverted, but generate an entirely different outcome for the future of Indian Territory—one that may still be future-oriented toward statehood, but what kind of state it will be remains to be seen at the novel’s conclusion.32

The information contained in the opening pages of Chapter XII also establishes a cluster of interrelated contexts influencing the novel’s conflicts and politics. Although the novel’s temporal setting is never explicitly noted in the text, this chapter provides several important clues that establish the story’s timeframe. This setting contributes to the novel’s commitment to asserting the Cherokees’ right to “determine their own communicative needs and desires in the pursuit of self-determination” (Lyons 462). The information contained in the first paragraph of Chapter XII indicates that the novel’s events take place “only a few months after the great Chicago fair advertising four hundred years of western progress” (BJD 167). The World’s Columbian Exposition of 1893 opened in Chicago on May 1 and closed on October 30; therefore, based on the Daweses’ eagerness to get their new fields ploughed and sown, we can surmise that they arrive in Indian Territory in the early spring of 1894. More specifically, Chapter XII unfolds in Big Grove “on the opening day of the Indian Payment” (168). In the summer of 1894, the Cherokee Nation began issuing per capita payments to its citizens as blood Cherokees like Rose Warrior and Henry Bear, a member of the posse who arrives to help subdue Boyd’s gang at the end of the novel. He frequently achieves this distinction through language. While Cale speaks using the same informal English pronunciations as the novel’s other white characters, Rose Warrior and Henry Bear share the English dialect of the Cherokee full-bloods, which consists of “[a]bbreviated statements, mixtures of English and Cherokee, the expletive ‘maybe so’ and the use of appositives after pronouns” (Littlefield and Parins 33). Even though Rose Warrior was raised by a white mother, she still speaks in a manner common amongst the traditionalist Cherokees.

32 Tellingly, in Black Jack Davy the term “savage” is almost exclusively invoked to refer to white characters and their actions. Early in the novel, Jerry Boyd formulates “a savage resolution” to wrest the three farms on the Warriors’ land away from their inhabitants by violent means (58). In addition to the “torch-bearing savages” who make the first failed attempt to force the Keenes off their land using violence, Rose Warrior’s “Methody white” mother is also characterized in similar terms. Rose’s mother rejected her when she went to live with Ned Warrior without the “legitimizing” approval of a Christian wedding. When Davy brings the unfaithful Rose, who dallied with Cale Boyd during Ned’s stint in prison, to her mother’s house as a preventive measure against Ned’s potential wrath, they are initially met with a strong verbal reproof from Rose’s mother, spoken “[i]n a tone of savage exultation” (239-40, emphasis added). The only other invocation of the word “savage” in the novel is in reference to a “low, savage wail” uttered by a grief-stricken “Dad” Martin, the proprietor of a bawdy house in Big Grove and a man of indeterminate racial background (253).
monetary compensation for the sale of the Cherokee Outlet to the U. S. government in 1893. The sale of these lands enabled the largest land run in U. S. history, and, indeed, in the history of the world, to take place on September 16, 1893. The novel’s events, then, take place in the aftermath of the Land Run of 1893 and the Chicago World’s Fair, and in the immediate context of the Indian Payment Days in the Cherokee Nation that were spread out over the summer of 1894. All three of these events and their significance are brought to bear on the private lives of the novel’s main characters.

These contexts are significant because they indicate that the frontiers at stake in Black Jack Davy, are not American, but rather Cherokee. It was during an address to the American Historical Association, convened in 1893 at the Chicago World’s Fair, that Frederick Jackson Turner announced the vanishing of the frontier as a distinguishable space within the territorial limits of the United States. This speech epitomized the “four hundred years of western progress” that the World’s Fair celebrated, and that the narrator of Black Jack Davy similarly appears to laud. However, the fact that the novel’s climax takes place after Turner’s brash public announcement of this closure both demonstrates that the skirmishes over land and territory were not over, and illuminates the limits of the American frontier. The frontier violence perpetrated against the Warrior-Dawes-Keene faction by the predominantly white Boyd-Kitchin faction directly refutes Turner’s famous pronouncement in 1893 at the Chicago World’s Fair that the frontier had ceased to exist. Perhaps the notion of the frontier as Turner envisioned it had ceased to exist, but Black Jack Davy makes plain that another kind of frontier persisted beyond Turner’s proclamation, a frontier few outside of Indian Territory were perhaps aware of or cared to acknowledge: the perpetual and ongoing assault on Indigenous peoples and their allies by land-hungry Eurowestern Americans. As the narrator of Black Jack Davy clearly indicates, this frontier is populated by “pioneers” and “savages,” but not the types familiar to most U. S. citizens.

Throughout Chapter XII, the narrator’s tone rapidly shifts registers in its appraisal of “Western” civilization from cautious praise, to blatant criticism, to subtle sarcasm.

33 Kirby Brown suggests the story’s geographic setting is in the vicinity of Vinita and Grove in the Delaware District of the Cherokee Nation (86). However, based on the designation of Big Grove as the first town to dole out the per capita Indian Payments, I suggest that it is actually a cipher for Tahlequah, the Cherokee national capital, and the town in which the first payments for the Cherokee Outlet were issued in 1894.
Just two pages after appearing to praise the Americas’ “four hundred years of western progress,” Oskison devotes three entire paragraphs—a lengthy monologue for this novel—to a “proclamation of warning” issued by Ross Murray, the novel’s fictionalized “half-blood tribal chief, prosperous cattleman and graduate of the University of Missouri,” on the first day of the Indian Payments in June 1894 (169).\textsuperscript{34} The Indian Payments were per capita compensations for the sale of the Cherokee Outlet, which was approved by the U. S. Congress in March 1893.\textsuperscript{35} Once the proceeds of the sale were divided, each Cherokee citizen (regardless of age) was entitled to receive $265.70 (Hendrix 48). Murray reminds those receiving their share of the sale of the Cherokee Outlet,

Never before in the long history of our Indian Nation have we had to deal with such a horde of adventurers, tricksters and sharpers. . . .

It is said that the history of a nation is the history of its wars, but in our case it is rather the history of forced cessions of land. That process is now ended, we can cede no more, and the course of our history must change. We must become builders. Put the money you get into the development of good farms. Avoid the pitfalls set by the gamblers, let drink alone. Your own future, and that of your families, demands it. (BJD 169-70)

These fictional comments reflect the ugly historical reality of the Indian Payment days, during which “[a]ll manner of schemes and amusements to separate the Cherokee from his money sprang up around the capitol grounds,” including “a circus and an opera

\textsuperscript{34} Ross Murray is a thinly fictionalized version of William Potter Ross, Principal Chief of the Cherokee Nation from 1866-1867, and again from 1872-1875. Like his uncle, the late Chief John Ross, Will Ross was of mixed Cherokee and Scottish descent. He graduated first in his class from Princeton University and was groomed by his uncle for the role of Principal Chief (Conley, \textit{Cherokee Nation} 183). W. P. Ross was chief during the tense months following the end of the Civil War and the passage of the Treaty of 1866. Ross perceived a threat to his people’s autonomy in one of the “most troublesome” of the treaty’s articles: the U. S. federal government’s granting of railroad rights-of-way through the Indian Territory. The railroads, he prophesied, “would bring large numbers of white people, and they would bring in their wake large numbers of undesirables: the gamblers, prostitutes, whiskey peddlers, and general troublemakers that always seemed to follow the railroads.” Conley adds, “He was right, of course.”

\textsuperscript{35} At the time of Removal in the 1830s, the Cherokees’ land in Indian Territory consisted of their territory in the northeast and an over six-million-acre parcel of land adjacent to their eastern territory, running from the ninety-sixth meridian to the eastern edge of the Oklahoma Panhandle (then known as “No Man’s Land”), bordered on the north by the southern boundary of Kansas, and on the south by the Creek Nation (and, later, Oklahoma Territory). This parcel of land was originally intended as an “outlet” to hunting grounds in the west and as an area for further Cherokee settlement, but it remained largely unoccupied by them because it “had very little attraction for the Cherokees, who could still find farm sites in the eastern portion of their nation and were not inclined to abandon their family and clan ties to pioneer in the Outlet” (Hagan 8). For a more detailed history of the Cherokee Outlet and the circumstances that led to the Indian Payments, see Appendix C.
troupe” (Hendrix 48). These three paragraphs are Murray’s only spoken role in the novel, but they are fierce in their condemnation of the U. S. government’s failure to fulfill the terms of its treaties with the Cherokees, and advocate not assimilation, but rather gadugi, that is, self-sufficiency and self-determination by working together as a national family toward a common goal. Moreover, Murray has no qualms about characterizing the sale of the Cherokee Outlet (and all of the other “transactions” and treaties with the U. S. concerning the Indigenous land base) as “forced cessions of land,” driven by the same kind of “plain, devourin’ greed, the kind that don’t stop at anything” that Cap. Black attributes to Jerry Boyd’s malicious motivations (BJD 91).

Immediately following Murray’s proclamation, the narrator delivers Chapter XII’s final rhetorical blow to the façade of humanitarianism and “progress” beneath which these forced cessions of land, including the sale of the Outlet, were justified and validated. In a move uncharacteristic of the narrative’s fairly uniform focalization through Davy’s experience, the narrator seizes the opportunity presented by the flurry of activity on Big Grove’s main street on the first day of the Indian Payment to comment more generally on the failure of the U. S. government’s Indian policies and the greed of white would-be settlers. In reference to the festive mood in Big Grove on the first day of the Payment, the narrator observes,

This riotous jumble of sound and color, this cheap jack show was the accompaniment to the final scene of an epic drama that had begun two-thirds of a century before with the wholesale removal of the tribe from lands in Georgia and Tennessee coveted by the whites; now, at Big Grove and other payment sites, nearly seven million dollars was being paid by the Government for the six million and more acres of land granted to the tribe in 1835 as a perpetual outlet to the buffalo country! In sixty years what a change! Land which then, in the judgment of those wise men at Washington who had ridden to the Capital in stage coaches, would remain unsettled forever, was now looked upon as a rich prize by covetous homesteaders. For years Congress had been negotiating with the tribe to recover that “Strip” for clamorous whites. Last year the bargain had been concluded and the “Strip” thrown open to settlement. (170-1)

I suspicion that Oskison’s treatment of “those wise men at Washington” and their sound judgment is more than a little tongue-in-cheek, especially if we take into account the rarity of this kind of outburst on the part of the narrator, whose perspective is mostly limited to Davy’s experiences throughout the novel.
The loudest supporters of the bid to open the Cherokee Outlet to U. S. settlement were national media outlets (Milam 276). In late February 1889, *The Washington Post* published two editorials supporting the passage of the Oklahoma Bill. The Oklahoma Bill provided for the opening of the Unassigned Lands to homesteading and the formation of Oklahoma Territory. It also proposed to cancel the existing lease agreement between the Cherokee Nation and the Cherokee Strip Livestock Association in order that the U. S. government might begin to negotiate with the Cherokees for the purchase of the Outlet (Painter 1; cf. also Appendix C). Both editorials intimated that violence and bloodshed—between settlers and the military, or between settlers and ranchers—were the only logical conclusion to the situation if the government refused to permit U. S. occupation of the Outlet. Perhaps in the spirit of journalistic neutrality, on February 28 the *Washington Post* published a response to these editorials, which was co-authored by Joel B. Mayes, Dennis W. Bushyhead, and C. J. Harris—current, former, and future Principal Chiefs of the Cherokee Nation—and two Chickasaw delegates, G. W. Harkins and J. D. Collins. Their letter rebukes the *Post’s* editorials for communicating “a covert threat that unless our property is surrendered upon the terms of the bill it will be taken by force and bloodshed,” further admonishing the *Post’s* readers, “It will be a disagreeable day when the United States, with all the prowess of its arms, acquired during the past century, shall be compelled to surrender to the Pawnee Bills and their boomers. We do not expect that legislation involving the honor of the United States in respect to treaty obligations can ever be induced by the threats of this lawless element of society” (Mayes et al. 4). Perhaps more seriously, they imply, the proposed appropriation of the Cherokee Outlet would represent a failure by the U. S. to fulfill its treaty obligations, which guaranteed “that ‘never in all future time should [the Outlet] be included in any [U. S.] State or Territory.’”

This editorial exchange exemplifies the influence of print media on the settler-colonial invasion of Indian Territory. Oskison consciously reproduces this influence in *Black Jack Davy* through the invocation of the same rhetoric employed by supporters of

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36 Properly known as the Springer Bill, the Oklahoma Bill was not initially enacted by Congress in 1888 when it was first brought under scrutiny, but it was passed by the Senate in 1889 as an amendment (the Springer Amendment) to the Indian Appropriations Act of that year (Everett n. pag.). Cf. “The Oklahoma Bill,” *Washington Post* 25 Feb. 1889: 4, and 27 Feb. 1889: 4.
the Oklahoma Bill, but for altered purposes, and through allegory. The Post editorials’ repeated and conspicuous use of the word “occupy” to refer to the settlers’ desired presence on the land finds purchase within the same context in Oskison’s novel. In Chapter XII, Davy reflects on witnessing the “flow of the land-hungry towards the west” during the year that preceded his own family’s westward migration (BJD 171).

Channeling Davy’s hearsay memories, the narrator summarizes the events of the day on which the Outlet was opened to homesteading in September 1893:

At twelve o’clock the bugles sounded and the rush began: men and women in buggies, wagons, buckboards, on horseback—even on foot—racing madly, crazy to get to quarter sections they had either sneaked in to look over beforehand or located on platted maps. By Sunday night there were towns of tents, with stores, restaurants, hotels, drinking and gambling joints. The land was occupied, every claim taken. (171-2, emphasis added)

Although the primary definition of the verb “occupy”—“to employ, make use of”—has longstanding associations with the justifications undergirding settler-colonialism (and, indeed, this appears to be the sense in which the Post editorials employ the term), I nonetheless suspicion that Oskison’s use of the word in this context carries a double valence. Namely, there is a negative connotation attached to his characterization of the land as “occupied” in the sense of a violent and coercive military takeover of another country, which would not be an inaccurate interpretation of the sale and settlement of the Cherokee Outlet.

It is significant, too, that the letter written by Mayes et. al. specifically names the “Pawnee Bills” who were largely responsible for spreading the rumours that settlers were willing to appropriate the Cherokees’ lands by any means necessary, including violent insurrection. Of all the “clamorous whites” eager to open the lands for settlement, none was louder or more dogged than Gordon William Lillie—also known as “Pawnee Bill”—who “wrote more stories and sent more publicity east than any other man,” all in order to convince Congress “that the Outlet was worth the expense of opening, or that anybody wanted it opened” (Milam 276). Lillie had also agitated for the opening of the Unassigned Lands, succeeding David Payne as the leader of the Boomer Movement in 1886. On April 22, 1889, Lillie led four thousand people into the centre of present Kingfisher County, Oklahoma. His involvement in the 1889 Land Run brought national
attention to and significantly improved the financial outlook of his previously struggling travelling Wild West show (E. Brown n.pag.).

In the same way that Oskison lightly braids together the histories of some of the Indian Territory’s most notorious erstwhile citizens, I suggest that Jerry Boyd is his distillation of the “Pawnee Bills” to whom Mayes et al. refer. Chapter VI of Black Jack Davy, “The Power of the Press,” takes place after Boyd’s first attempt to burn the Keenes out of their home, and relates his relentless—and ultimately successful—one-man media campaign urging the U. S. to take action against Warrior. Boyd kicks off his campaign with a letter to the editor of Big Grove’s weekly newspaper, the Eagle, “pointing out the neglect of Cap. Black and his deputies to arrest Ned Warrior” (89). The letter derides Warrior’s “cool defiance of the law,” and concludes,

Mr. Editor, is this ignorant, murderous Indian stronger than the law? Don’t deputy Burke’s fellow officers ever propose to make a move against the man that crippled him? Don’t the United States court at Tarko care? What about Judge Pease’s boast that he’s going to make this Indian Territory as safe for honest men as any community in the country?

How long, oh, Lord, how long must we tolerate the crying scandal of Ned Warrior in our community? (89-90)

Boyd mails copies of the paper with his “indignant words” circled in pencil to Judge Pease, the U. S. Attorney General, and newspaper offices in other parts of the territory and its bordering states. Boyd relies upon the editors in Kansas, Missouri, Arkansas, and Texas, whom he knew “grew indignant over the lawlessness prevailing in the Indian country,” to reprint his piece and write editorials of their own calling on Judge Pease to “remove the blight of Ned Warrior” from the territory and to send similarly marked copies of their papers to the judge (91). These letters and Boyd’s series of anonymous editorials published in the Eagle over several weeks finally catch the attention of the higher-ups, and “[a]t length, the remote machinery of the Department of Justice ground out a tickler to Judge Pease” ordering the apprehension of Ned Warrior (92). Consequently, the next chapter witnesses the deputy marshals’ relentless assault on the Warrior home and their successful capture of a man whose outlaw reputation, the narrator notes, was hardly believed by most of the people in his community (29).

Indeed, the central tension in the novel’s Warrior plot arises from the lack of agreement between Ned’s outlaw reputation and the evidence of his commitment to
fulfilling his fairly mundane domestic responsibilities. Despite Jerry Boyd’s attempt to prejudice the Daweses against Ned before they meet him, their first introduction to the “outlaw” immediately establishes his good-neighbourliness: he is waiting for them upon their arrival, having already started a fire on their hearth and asking, “Maybe so, we do something else?” for the new renters before leaving them to get settled (9). Rose Warrior becomes a frequent visitor to the Dawes home, mostly, as the narrator insinuates, because of her increasing admiration of Davy’s “young virile strength,” and her fascination with “his deliberate, competent movements, the deep, unhurried chest notes of his voice” (29). Perhaps aware of his wife’s burgeoning lust for Davy, or perhaps merely solicitous of her safety, Ned Warrior arrives every night to escort Rose back to their home, “tak[ing] the baby on his left arm—carrying the rifle on his right” (29).

Whatever Ned’s motivations for his behaviour, the novel’s first chapters establish his reputation not as an outlaw, but as a thoughtful neighbour, affectionate father, and considerate partner.

Oskison’s depiction of Ned’s schizophrenic domestic situation—allegorized by the child on his left arm and a weapon on his right—does not imbue his novel with mere dramatic effect, but represents a distinctively Cherokee approach to the administration of criminal justice and the maintenance of social harmony prevalent in the Indian Territory prior to statehood. Rose Stremlau provides a concise description of the contours of this local economy of justice:

The localized nature of Cherokee society fostered Cherokees’ familiarity, and their political system reinforced local authority. . . . Since people equated the administration of justice with the restoration of social harmony in their small, interconnected communities, local officials treated suspected or convicted Cherokees with familiarity and dignity.

This familiarity among local officials and neighborhood lawbreakers created a distinctively personal criminal justice system. . . . Advocates of allotment considered the Cherokee criminal justice system to be lax and devoid of impartiality because of such familiarity, but relationships between officials and the accused fostered social harmony in Cherokee communities. (97-8)

Ned Warrior’s ability to maintain the respect and friendship of his neighbours even after he becomes a wanted man (BJD 4), and the willingness of lawmen like Cap. Black to allow Ned to turn himself in on his own time (69) are indicative of these prevailing
attitudes toward justice in the old Cherokee Nation before allotment and statehood brought an end to such locally sanctioned practices.

When Jerry Boyd confronts Cap. Black for not having made any serious attempts to arrest Ned Warrior, the latter explains,

He’s livin’ peaceable an’ straight with his woman an’ that little baby. . . . Maybe some day we’ll have to bring [him] in for a trial. . . . If you like, you might help us there, Jerry. You’re a neighbour of his. You might get holt of Ned an’ argue him into givin’ up an’ standin’ trial—when him an’ his wife an’ kid get their money from the Payment, so’s her an’ the baby’ll be fixed to live while he’s in jail. (69)

The rationale behind Cap. Black’s patient strategy respects Ned’s familial obligations, demonstrating how Cherokee notions of justice were designed to facilitate the demands of kinship, rather than the other way around. Cap. Black prioritizes Ned’s need to safeguard his family’s security over the punishment demanded by the law for his crime.

One might argue that this prioritization has less to do with fulfilling the Cherokee demand for social harmony and more to do with fulfilling patriarchal notions of a man’s duty to “provide” for his family. However, the extended kinship networks of Cherokee families, before they were denied by allotment, were originally designed to prevent the suffering of women and children in the absence of men. Because of the matrilineal and matrilocal arrangement of Cherokee clans and homes, “male leadership was not essential to the day-to-day operation of Cherokee households;” instead, these households “were the centers of women’s authority” (Stremlau 24). In the case of Rose Warrior, however, who has a religiously fundamentalist white mother and a deceased Cherokee father, these supportive kinship structures are evidently far from her grasp, thus necessitating her reliance on Ned—and other men, for that matter—for support and security. Ned Warrior is also cognizant of the threat his arrest poses to the security of his family. When Davy attempts to convince Ned to turn himself in to authorities before the cannon-driven shootout at the latter’s home, he is met only with Ned’s questioning response, “S’pose I give up, what I do about my woman an’ baby?” (93). Davy’s response to Ned’s question—that the Daweses were prepared to look after Rose and the baby during his absence—is met only with Ned’s contained skepticism, bred by Boyd’s earlier insinuation that Davy has sexual designs upon Rose (63–4).
 Appropriately, then, the attacks levied by the U. S. government and the Boyd outfit on Ned and his renters take place in the intimate space of the home. Oskison frames the federal government’s politically motivated and Jerry Boyd’s personally motivated attacks on Warrior as concomitant political and personal attacks on the health and security of the Cherokee family. Before attacking Ned at the level of a national media campaign, Jerry Boyd strikes at the heart of Ned’s domestic arrangement. Boyd first attempts to weaken the alliance between the Warrior-Dawes-Keene faction by attacking the security of Ned’s family and calling his masculinity into question. When Ned refuses for the umpteenth time to sell his improvements to Boyd, Boyd lies to Ned, telling him that the Dawes family does not have his family’s best interests at heart, and warning him to “watch that young fellow [Davy] mighty close” (63). Pressed by Ned for further information, Boyd lies, painting Davy as a “loose an’ unprincipled” playboy. Having sown the germ of doubt in Ned’s mind, Boyd prepares to leave, but not before making a final appeal to Ned’s apparently fragile sense of his own masculinity: “[S]hucks, Ned, I don’t need to tell you want kind of a buck [Davy] is; you’ve seen enough of him to know—an’ I reckon you can look after Rose without any hints from me” (64).

Similarly, Oskison recognizes the strain put on the Cherokee family by the encroachment of non-Cherokee legal and political institutions when Ned is carted off to the Fort Smith jail after the marshals apprehend him at his home. Ned’s absence unleashes Rose Warrior’s apparently latent promiscuity as she goes first after Davy, who almost succumbs to her charms, and then falls prey to Cale Boyd’s lustful and avariciously motivated sexual advances. It is during the Indian Payment that Cale exploits Rose both sexually and financially in the sense that he seduces her and appropriates her share of the Payment for himself (175). Ned’s absence during the Indian Payment and the abuse of Rose by predatory parties allegorizes the damage wrought upon Cherokee families by allotment-era policies. As Stremlau notes, land privatization was intimately connected “with the regulation of Indian sexuality and reproduction, especially that of women;” moreover, “a precursor to privatizing tribal land was robbing Indians of their extended families” (128). With Ned temporarily out of the way, Jerry
Boyd turns his sights on Rose Warrior as a means of acquiring the family’s coveted land on Horsepen Creek.

Once Ned Warrior has been forcibly removed from his own home and taken to prison, Jerry Boyd sends his Cherokee wife, who is “kind o’ distantly related to Rose,” to convince her to come and stay with them while her husband is incarcerated (148). Boyd takes advantage of his wife’s claim of kinship with Rose in order to vacate the Warrior home of all Warriors in order that he might install one of his own white renters there and then buy Rose out. This blatant abuse of the obligations attendant upon kinship, which is compounded by Cale’s sexual exploitation of Rose’s vulnerability during her stay with them, bodes ill for all of the Boyds. Indeed, Cale loses his life and his parents lose their son in the novel’s dramatic conclusion when Cale is shot and killed by Ned.

Paradoxically, the novel’s revisionist politics are, at once, most evident and most indirect during this spectacular, if melodramatic, climax. During this scene, Jerry and Cale Boyd, along with nine other men including Jack Kitchin and his gang of white outlaws, use physical violence in an attempt to force the Daweses and Keenes to abandon their homes. The Boyd-Kitchin faction lays siege to the Dawes home, from which the Dawes and Keene families and three male supporters fire back at their attackers. As the night wears on the Boyd-Kitchin gang gains ground and is poised to storm the house. Realizing the families’ precarious situation, May Keene seizes an opportunity to slip out of the cabin and ride for help. Her pleas are answered by the formation of a posse of neighbours led by Tom Winger, a white man. Unbeknownst to the party in the cabin, Ned Warrior has been lying in wait in the cornfield waiting for the right moment to set his own plan into motion. Just as Boyd and his men are poised to storm the cabin, Warrior ignites several trails of gunpowder leading to strategically located clumps of hay. The light from the furiously burning wads of hay leaves the attackers exposed to rifle fire, and Warrior seizes his chance to mow down the two men whose continued residence in his neighbourhood poses the greatest threat to the future stability and well being of his family. With two separate shots from his rifle, Warrior kills Cale, and incapacitates the senior Boyd with a bone-shattering hit to the leg (294). Winger’s hastily assembled posse arrives just in time to overhear the reports from Warrior’s rifle, and to apprehend those members of the Boyd-Kitchin gang who escaped injury during the siege.
In a manner akin to Conley’s strategy in *Ned Christie’s War*, this sequence of events stages resistance against an unscrupulous government’s use of an individual as a nationally legitimizing mouthpiece at two levels of literary production: at the level of plot, and in Oskison’s act of writing this novel in this way. My synopsis elides the complexity of the tripartite structure undergirding Oskison’s careful rendering of this scene. Indeed, this sequence is not as straightforward as it may seem. In his earlier, but still enormously influential, reading of Oskison’s *oeuvre*, Charles Larson overlooks—and misreads—the vital role played by Warrior in this scene. Although it acknowledges Warrior’s vanquishing of the Boyds, Larson’s estimation of the novel’s climax credits Winger’s posse with the victory: “[The Keenes and Daweses] manage to hold out against the attackers until a posse . . . comes to their rescue. In a sense, Tom Winger becomes the deus ex machina, saving the Daweses and the Keenes from the evil embodied by Jerry Boyd” (49). Throughout the siege, Ned’s self-imposed isolation from the battle being waged in his lessees’ cabin strategically prevents the left hand from knowing what the right hand is doing. The posse’s arrival at the battle’s conclusion effaces any remaining trace of Warrior’s contribution to its outcome. No one besides Warrior, the narrator, and the reader is aware of his role in the victory, the irony of which is voiced by Henry Bear upon Ned’s sudden appearance after the battle is over: “Ned, what you doin’ here!” (299). The deep dramatic irony of this statement is compounded by its incognizance of the fact that Warrior would have the most to lose if the Boyds’ attempted takeover were successful, and therefore his interest in its outcome—and his presence on his own land—is self-explanatory. Indeed, Oskison’s deliberate use of dramatic irony throughout this scene indicates his conscious manipulation of a trite plot and stock characters as blinds behind which he may level his scathing criticism of allotment-era politics. This use of dramatic irony walks a fine line between meeting the expectations of publishers and general audiences and subtly communicating a political agenda to those readers who might not only be perceptive enough to note its presence in the text, but also receptive to it.

Ned Warrior reserves his revenge for those who pose the greatest threat to his family—not only his nuclear arrangement, but also its national counterpart. Contrary to the “traditional” role of “good” Indians in American culture, Warrior’s private revenge
against Jerry and Cale Boyd is notably not motivated by a noble desire to help his white friends (the Daweses and Keenes) succeed, but by his own sovereign interests: to maintain Cherokee title to Cherokee land and to avenge Cale’s sexual and emotional abuse of Rose. Even Warrior’s decision to go into the ranching business with Jim and Davy Dawes at the novel’s conclusion is an expression of Cherokee sovereignty, rather than a sign of acquiescence to the assimilative forces of foreign economies. It may seem counterintuitive for the Cherokees to attempt to maintain sovereignty by endorsing such partnerships between Cherokee citizens and settlers from neighbouring states; however, as Kirby Brown has demonstrated, these relationships were not only an effective means of addressing labour shortages following the Civil War, but also “a strategy to cultivate political relationships in order to stave off US pressure to absorb Indian Territory into the US territorial structure” (“Citizenship” 90). The cattle industry, in particular, was closely regulated by the Cherokee National Council, which “explicitly forb[ade] the employment of noncitizens” in said industry (90). Ned Warrior is not merely the Daweses’ partner at the novel’s conclusion; he is effectively their boss. It is significant, then, that they choose to become ranchers instead of farmers. As H. Craig Miner suggests, “There was no love lost between ranchers and farmers on the American frontier generally, and it was certain that ranching produced fewer outsiders and was more easily either done directly by or controlled by tribal citizens than a plethora of small farmers” (127). The Daweses’ decision to submit themselves to Ned’s authority as the overseer of their ranching operation indicates their “respect for Cherokee immigration, labor, and property law,” an attitude that is “tremendously significant as an endorsement of the Cherokee Nation’s territorial authority and sovereignty and their voluntary and willful submission to its laws and jurisdiction” (K. Brown, “Citizenship” 91).

The politics influencing the resolution of the novel’s Warrior arc are simultaneously problematic and generative in terms of envisioning an alternate future for the Cherokee Nation. The felicitous future held out for Ned Warrior rests upon two mutually supportive pillars: first, Ned’s decision to go into the ranching business with Davy and Jim Dawes, and second, “making an honest woman” out of Rose by marrying her in a Christian ceremony. These, the narrator claims, are the two conditions with which “Ned proposed to write a story of quiet happiness” (BJD 305). These proposals
also subscribe to the script of marriage as a national means of consolidation. These propositions are potentially problematic, but because this marriage is between two Cherokees, and Ned, as a Cherokee, possesses the power in his partnership with the Daweses, Oskison’s resolution nonetheless envisions a distinctly sovereign Cherokee Nation controlled by prosperous and settled Cherokees.

*Ned Christie’s War, Native Heart,* and *Black Jack Davy* all substantially revise the Ned Christie legend. These revisions are meaningful not only because of their insistence upon Christie’s value as a “real human being,” but also because of their sustained expression of rhetorical sovereignty. Significantly, the central rhetorical device of this expression is the so-called outlaw, the same figure that has been invoked in the service of justifying administrative violence against marginalized populations to expand both the territorial and imaginative limits of the United States. The rhetorical invocation in the service of Cherokee sovereignty of one of the same individuals who had formerly been made to function as a validation for the forced integration of the Indian Territory into the Union demonstrates the inherent permeability and fluidity of nationhood. Although this idea is modeled most explicitly in *Black Jack Davy,* all three of this chapter’s primary texts mobilize the free-wheeling signifying potential of outlaws and outlaw practices to imagine the nation otherwise.

Indeed, all of the primary texts discussed in this project mobilize this free-wheeling potential; the Christie narratives differ principally in the sense that they are firmly entrenched in an Indigenous context. My practice of reading the Christie narratives as not simply the expression of a particular people, but also a particular place might similarly be applied to the texts at the heart of the three previous chapters. The land-based politics undergirding my tracing of the peoplehood matrix in these Christie narratives offer some guidelines for revisiting the accounts analyzed earlier. To conceive of *True Grit,* or Oskison’s “The Greater Appeal,” or *Green Grow the Lilacs* and Riggs’s other Oklahoma plays not exclusively as the expression of an individual author or people(s), but rather the expression of land-based communities not only acknowledges the instability of outlaw discourse, but also the necessarily fraught intellectual and cultural permeability of local, land-based logics.
Upon obtaining my copy of Robby McMurtry’s *The Road to Medicine Lodge: Jesse Chisholm in the Indian Nations* in 2014, I excitedly flipped through the pages, careless of any text, when a singular image arrested my roving eyes. In the drawing’s foreground were several Cherokee men, crouched with weapons in their hands and their backs turned to the viewer, their gaze fixed upon an object in the background (18). That object was a low and uneven hillock, which I recognized in an instant as Claremore Mound. Being unaware of the context in which this image appeared, and never having seen the landmark depicted visually before, I wondered whether I might be mistaken.

It took me two attempts to locate Claremore Mound during a trip to Oklahoma in 2013, and when my GPS coordinates finally got me there, I discovered, to my chagrin, that it is now someone else’s private property. However, the barbed wire fence and “no trespassing” signs couldn’t prevent me from taking as many long-distance photographs of the site as I pleased. To confirm my identification of the place depicted in McMurtry’s
novel, I consulted the digital files stored on my desktop. The perspective in my photograph differs slightly from the drawing in McMurtry’s book [see Fig. 2], but the two wheel ruts worn into the earth by generations of farm vehicles are plainly evident in his image, reinterpreted as a single trail winding through the grass to the mound in the distance. I have no doubt that Mr. McMurtry and I once stood upon roughly the same spot, rooted to the ground by the same inscrutable impulse that inspired Lynn Riggs to make the Claremore Mound an omnipresent feature of each of the seven scenes comprising *The Cherokee Night*, his most accomplished and complex play.

The drawing of Claremore Mound in *The Road to Medicine Lodge* is part of a sequence depicting a bloody conflict between the Western Cherokees and Osages that took place upon the mound in 1817, known alternately as the Battle of Claremore Mound or the Battle of the Strawberry Moon. The Battle of Claremore Mound is often cited as one of the decisive conflicts in a series of violent clashes between the Western or Old Settler Cherokees and the Osages beginning in approximately 1811 and ending with the signing of a peace treaty in 1822 (Thoburn and Wright 114). In what may have been an act of retaliation in response to a deadly Osage attack on a small band of Cherokees, the latter raided the village of Osage Chief Clermont (near the present site of Sageeyah in Rogers County) in October 1817. Because most of the Osage men were away on a hunting expedition at the time of the attack, the Cherokee victory was total, and the casualties mostly consisted of Osage women, children, and elders. This particular battle and the larger series of conflicts in which it was involved are not simply the violent manifestations of what Cherokee historian Rachel Caroline Eaton described in 1930 as “a long-standing feud between . . . two tribes of different stock and cultural background” (369). Rather, in its efforts to remove the Cherokees from the southeast to lands west of the Mississippi River—lands already occupied by other Indigenous nations, including the Osages—the U. S. federal government created and guaranteed the ensuing “Indian-on-Indian violence” that led to much bitterness and loss of life (K. Brown, “Stoking” 177). I won’t speculate on whether or not this was an intended consequence of federal removal policies in the early national period.

Kirby Brown identifies the mound’s presence in *The Cherokee Night* as a metonymy for this conflict that was “largely the result of removal policies of the
nineteenth century which forced Indian peoples into territorial conflict over ever-shrinking lands and resources” (“Stoking” 176). As such, he adds, the Battle of Claremore Mound “serves as the central historical mooring of the play, pointing at once to the event, the site on which it took place, and the historical forces ultimately responsible for engendering the conflict in the first place.”

Claremore Mound literally grounds *The Cherokee Night*’s action and setting within a specific spatial and historical landscape. As a signifier of “international, interracial, intertribal, tribal-national, and familial conflicts,” the mound and its alternately central and spectral presence in the play function as a persistent reminder of the “material consequences of larger intersecting histories of imperial violence” (K. Brown, “It’s our dead”). On a smaller scale, those histories of imperial violence played themselves out within the “battleground” of the Indigenous home and family (Piatote 4). What both Brown and Piatote allude to in their observations are the ways in which exclusive nationalist policies and politics have traditionally operated by undermining the interrelationships between space, place, and family (whether in the tribal-national or intimate-domestic sense). However, those same spaces, places, and families have just as persistently resisted those attacks.

Indian Territory outlaws and their contemporary iterations in the present are similarly part of an ongoing contact zone between imperial struggles over land, culture, and local autonomy, and resistance to those forms of appropriation. The present conflicts, such as the Andrea Smith and Baby Veronica controversies (the former oriented around the appropriation of Cherokee identity, and the latter around the rights of Indigenous children to be raised in their home communities), and the ongoing conflict between the Cherokee Nation of Oklahoma and the United Keetoowah Band over issues of jurisdiction and land, are borne out of historical policies enforced by a foreign administration (the U. S.), including Indian Removal, Reconstruction-era treaties, allotment, and Oklahoma statehood.

The same policies and rhetorics that were responsible for the Indian Territory’s late nineteenth-century reputation as the “outlaw nation” continue to be invoked in efforts to alienate, to exile—to outlaw—“undesirable” persons from the modern political landscape of Oklahoma and the Cherokee Nation. Since at least the 1970s, there has been
a creeping perpetuation of the settler-colonial logic of outlawry in the Cherokee Nation’s increasingly racialized qualifications for citizenship, that is, for being considered both in and of the nation. These increasingly stringent and exclusionary qualifications have had the most profound effects upon the Cherokee freedmen, who not only continue to be one of the most marginalized groups in the United States, but also within the Cherokee Nation. The Cherokee freedmen are the “phenotypically black descendants of Cherokee slave-owners and their African slaves” (Sturm 168). Part of the terms of the Treaty of 1866 (to which I refer frequently throughout the previous chapters) required the Cherokee Nation to extend tribal citizenship and all of its rights and privileges to the freedmen and their descendants. The freedmen were later included in the final Dawes Rolls, albeit in a category unto themselves.\(^{37}\)

Throughout the 1970s and 1980s, the Cherokee Nation increasingly enacted blood legislation that made identifiable lineal descent from an original “Cherokee by Blood” enrollee a requisite for citizenship within the Nation (179). Therefore, despite the terms of the Treaty of 1866 and the freedmen’s inclusion on the Dawes Rolls, Circe Sturm maintains that the freedmen “were never fully accepted as citizens of the Cherokee Nation, and Cherokees to this day remain divided over the political status of their former slaves” (171).\(^{38}\) The book in which Sturm’s comments appear was published in 2002, and thus are eerily prescient of the movement led by Principal Chief Chad “Corntassel” Smith’s administration in 2006 and 2007 to revoke and deny the citizenship of the freedmen and their descendants. The majority of those who participated in a referendum held in March 2007 voted in favour of an amendment to the Cherokee constitution that officially stripped the freedmen of their citizenship. The controversy remains unresolved at the time of this writing with the freedmen seeking the re-establishment of their citizenship in the Cherokee Nation, and the Cherokee Nation continuing to deny them recognition. The freedmen controversy touches on a number of issues related to

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\(^{37}\) The Dawes Rolls, which determined tribal enrollment and thus the distribution of allotments, were divided into three racial categories: Cherokees by blood, intermarried whites, and freedmen. These divisions were implemented despite the fact that many freedmen did, in fact, have Cherokee ancestry (Sturm 186).

\(^{38}\) Sturm’s comments are insufficiently representative in the sense that the freedmen were not universally rejected by all Cherokees, and were accepted in some areas more than others. Indeed, the very fact, as Sturm notes, that Cherokees “remain divided” over the freedmen’s status should indicate that some level of support does, in fact, exist.
sovereignty, including the Cherokee Nation’s right to determine its own membership. However, by drawing upon the blood rhetorics of the Dawes Rolls in order to determine that membership, the Cherokee Nation perpetuates some of the same settler-colonial legislation that contributed to the destruction of Cherokee lifeways at the turn of the nineteenth century.39

Another controversy erupted in 2004 over tribal recognition of same-sex marriages between citizens of the Cherokee Nation. In response to an application submitted by a lesbian couple, the Cherokee Tribal Council voted to outlaw same-sex marriage by legally defining the institution of marriage as the union of one man and one woman. This decision followed the example set by the state of Oklahoma earlier that year, which denied the legality of same-sex marriage in a constitutional amendment approved by referendum vote. Daniel Justice reads this decision as the Cherokee Nation’s “surrendering” of its sovereignty on this issue “to the authority of the state of Oklahoma,” and characterizes it as “a troubling move, given Oklahoma’s historical and continuing hostility to Native sovereignty and geopolitical autonomy” (“Notes” 210). During the deliberations that preceded the vote, the Cherokee Nation communications officer, Mike Miller, blatantly disregarded the tribal citizenship of the applicants and argued that the case was the result of the LGBTQ rights movement seizing “the power of [Cherokee] sovereignty” to promote its own agenda (qtd. in Justice, “Notes” 211). Miller’s comments effectively “locat[ed] the couple outside the body politic explicitly because of their sexuality and relationship” (211). These comments and the homophobic legislation to which they contributed replicate the related logics underpinning rhetorical constructions of outlawry and the legal status of Indigenous peoples within the United States as “within but not of the settler nation” (Piatote 8).

The status of those affected by these contemporary controversies is intimately akin to that of the outlaw as in but not of the nation. In the same way that the tri-racial

39 There are those, too, who suggest that the Cherokee Nation’s failure to fulfill the terms of the Treaty of 1866 by denying the freedmen their citizenship rights actually represents a failure to protect its jurisdiction by failing to fulfill treaty obligations, rather than an assertion of its sovereign right to determine its own membership (Sturm 195). Moreover, there is an inherent danger in the Cherokees’ practice of granting citizenship exclusively on the basis of race or blood lineage. As Sturm points out, “The potential exists for the Cherokee Nation to lose over half its citizens if the federal government imposes a more conservative definition of Indianness according to blood quantum.” From this perspective, recognition of the freedmen’s citizenship rights could be integral to the preservation of the Cherokee Nation in the future.
system of classification imposed upon the Cherokee Nation by the Dawes Commission at the end of the nineteenth century “pushed individuals [such as the freedmen] into categories that did not reflect their personal experiences or their familial connections” (Sturm 187), so too were Belle Starr and Ned Christie severed from their intimate-domestic and tribal-national contexts in the interest of serving the settler-national agenda. Perhaps the alternate visions of nationhood and belonging offered by John Oskison, Robert Conley, and Robby McMurtry can contribute to the ongoing efforts to think beyond blood as the arbiter of kinship. Similarly, the dubious legitimacy of the outlaw ritual at the heart of *Green Grow the Lilacs*—a ritual that performs a dominant group’s surveillance of sex and marriage regardless of consequences—finds an eerie parallel in the Cherokee Nation’s mimicry of the state of Oklahoma’s legislation against same-sex marriage.

Inasmuch as the outlaws and outlaw narratives covered by this study have been invoked in the service of legitimating imperial violence—emblematized, for example, in the alterations made to *True Grit* in its cinematic adaptations, or the erasure of Indigenous people and the mitigation of Curly’s culpability in Rodgers and Hammerstein’s *Oklahoma!*—they have also challenged that perceived legitimacy in provocative and ultimately hopeful ways. Like Riggs’s *Green Grow the Lilacs* and *The Cherokee Night*, John Oskison’s outlaw narratives “The Greater Appeal” and *Black Jack Davy* anticipate twenty-first century conversations about the ongoing deleterious effects of settler-colonialism on Indigenous peoples. The outlaws in Riggs’s and Oskison’s texts enact their visions of a sovereign Cherokee Nation conceived not as a loose configuration of individuals who can all prove lineal descent from Cherokee ancestors, but as a “confederation of families,” wherein “family” is understood as “flexible, responsive, historically informed, and experiential” (K. Brown, “It’s our dead”). This understanding of “the nation” and the outlaw’s contribution to shaping it bring me back to the definition of nationhood with which I began this project, that is, Lisa Brooks’s concept of the nation as “the multifaceted, lived experience of families who gather in particular places” (244).

The ways a nation represents its outlaws—or the kinds of outlaws it chooses to represent—speak volumes about how that nation perceives itself and the way it wishes to
be perceived by others. The way these outlaws are represented in print and visual media can elicit or efface important questions about the state’s relationship to its citizens and its outcasts, broadly construed. The Cherokee Nation’s ban on same-sex marriage and revocation of the freedmen’s citizenship not only point to the power of the state to determine who is and isn’t part of the national family, but also subscribe to the settler-colonial model of nation-making, that is, a model of nationhood based on exclusion rather than inclusion. In these transmuted declarations of outlawry, the Cherokee Nation capitulates to an increasingly narrow understanding of nationhood, defined not by virtue of all that it is (the good, the bad, and the ugly), but by virtue of what it isn’t.

In turn, outlaw rhetorics can open up new possibilities for thinking the nation differently—for imagining the nation otherwise—whether along the lines of Oskison’s thought-provoking historical revisionism and imagining of alternate Indigenous futures, or through easing the rigid boundaries defining nationhood by imagining permeable subjectivities like Mattie Ross’s and Belle Starr’s female masculinity, or Robby McMurry’s visual focus on the state of being there rather than the process of getting there. The outlaw’s permeable subjectivities and compound liminalities have ensured his or her appeal in the popular imaginary; those qualities are also responsible for the outlaw’s ability to attract different popular energies. That broad appeal and the manifold ways outlaws can signify for different populations suggests that there is a yearning for, nay, there is room for, a much more elastic understanding of who represents the nation and who belongs within it. It’s time for the productive potential of outlaw rhetorics (the political expression of marginalized realities and competing visions of nationhood) to be brought to bear on the kinds of race- and sex-based rhetoric undergirding these contemporary political issues in the Cherokee Nation (and elsewhere) in order to promote a richer social fabric that avoids replicating exclusive models of nation-making.

Since at least the nineteenth century, popular and official discourses have associated outlaws with Indigenous peoples. By the end of the nineteenth century, the overlapping jurisdictions of the Indian Territory’s tribal courts and the U. S. federal district court in Arkansas had created and guaranteed the territory’s dubious reputation as the “outlaw nation.” That reputation was then used to justify the increasing clamour for Oklahoma statehood in the 1890s and its eventual realization in 1907. The assassinations
of Belle Starr and Ned Christie in 1889 and 1892 were contemporaneous with the implementation of the 1887 Dawes Act and the Land Runs of 1889 and 1893. As I noted in Chapter Two, I cannot support a direct causal relationship between these land grabs and the deaths of these outlaws, but the coincidence is nonetheless symbolic of the way in which the spectacular and widely publicized demise of Indian Territory outlaws (its Indigenous ones in particular) contributed to the systematic dismantling of Indigenous nationhood and sovereignty in the territory in the two decades before Oklahoma statehood.

The historical association of indigeneity with outlawry continues to find sinister expression in our contemporary moment. In May 2011, the U. S. Central Intelligence Agency appropriated the name of the prominent nineteenth-century Bedonkohe Apache leader and freedom-fighter, Geronimo, as the codename for Osama Bin Laden during its successful mission to locate and kill the notorious leader of al-Qaeda. These historical and contemporary associations suggest that the use of outlaw representations in the service of federal initiatives to legitimize state-sponsored violence (whether physical or legislative) has had real, tangible consequences for Indigenous nationhood, sovereignty, and land claims.

As Chapter Four demonstrated, Indigenous outlaws are a particularly productive means of thinking the nation differently. A new understanding of outlaws, but particularly Indigenous outlaws, as indices of the permeability of land-based logics can help foster a more inclusive, flexible understanding of nationhood and belonging. A study that explicitly brings together a selection of Indigenous outlaws, such as Ned Christie, Zeke Proctor, Wili Woyi, the Wycliff brothers, Henry Starr, or the Apache Kid may help to unsettle the exclusive terrain of U. S. nationhood. In an academic environment increasingly committed to global, transatlantic, and hemispheric studies, it is critically important to work toward broadening our understanding of the limits and possibilities of nationhood by challenging the claims standard outlaw narratives have made for far too long.

As this study contends, the local, land-based nature of outlaw rhetorics enables the political expression of marginalized realities and competing visions of nationhood. Outlaw narratives reveal a specific textual, geographic, and ideological landscape in
which the “family ties” between the citizens of a nation and its outcasts emerge in a kind of bas-relief. The acknowledgment of these ties provides opportunities to reconsider, renew, and cultivate intra- and transnational relationships in the interest of fostering a stronger, more loving world.
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Appendix A

[The following selection is excerpted from the Fort Smith Weekly Elevator’s February 15, 1889, obituary notice of Belle Starr’s death. For the full text of this obituary, cf. Gaddy 67-73]

After a more adventurous life than generally falls to the lot of woman, I settled permanently in the Indian Territory, selecting a place of picturesque beauty on the Canadian River. There, far from society, I hope to pass the remainder of my life in peace and quietude. So long had I been estranged from the society of women (whom I thoroughly detest) that I thought I would find it irksome to live in their midst. So I selected a place that but few have ever had the gratification of gossiping around. For a short time I lived very happily in the society of my little girl and husband, a Cherokee Indian, a son of the noted Tom Starr. But it soon became noised around that I was a woman of some notoriety from Texas, and from that time on my home and actions have been severely criticized. My home became famous as an outlaws’ ranch long before I was visited by any of the boys who were friends of mine. Indeed, I never corresponded with any of my old associates and was desirous my whereabouts should be unknown to them. Through rumor they learned of it. Jesse James first came in, and remained several weeks. He was unknown to my husband, and he never knew until long afterwards that our home had been honored by Jessie’s [sic] presence. I introduced Jessie [sic] as one Mr. Williams, from Texas. But few outlaws have visited my home, notwithstanding so much has been said. The best people in the country are friends of mine. I have considerable ignorance to cope with, consequently my troubles originate mostly in that quarter. Surrounded by a low down class of shoddy whites who have made the Indian country their home to evade paying tax on their land, and who I will not permit to come on my premises. I am the constant theme of their abusive tongues. In all the world there is no woman more persecuted than I am. (72)

Appendix B

The Keetoowah Cherokees

There is some debate as to the origins of the Keetoowah Cherokees. The Keetoowah Society to which Ned Christie and his father, Watt, belonged was officially organized in the Goingsnake District in 1859 by the Reverend Evan Jones in response to the growing rumours of civil war and as a means of rallying around the abolitionist cause (Hendrix 5). Some think that 1859 represents the earliest beginnings of this religious and political group of Cherokees; basing their beliefs on Cherokee oral tradition, others believe the Keetoowahs have far more ancient roots, dating back long before European contact.
(Hendrix 6). Whatever the society’s actual origins might be, the name most likely comes from “Kituhwa,” the name of one of the old Cherokee towns in the Southeast. Because of its location on the northernmost edge of Cherokee country, Janey B. Hendrix explains, the town was significant as a strategic defense against invading tribes from the north; thus it became synonymous with national defense, especially in the Cherokees’ attempts to stem the tide of white invaders from the northern colonies. In turn, “[t]he word Kituhwa came to be used by the northern tribes as one that was interchangeable with the word Cherokee” (7). Because of the initially disorganized structure of the new Nation in Indian Territory, Hendrix adds, “it is not likely that there was any sort of structured Keetoowah organization” in the years immediately following Removal. “[J]ust the same,” she says, Keetoowahs were still present: “They knew who they were and they knew each other.” Like the rest of the Oklahoma Cherokees, the Keetoowahs made the difficult transition into statehood, and have succeeded in maintaining their own legal and cultural tribal definition. The United Keetoowah Band of Cherokees (UKB; ᎨᏣᎳᎩ ᎨᏣᏩᏯ or Anigiduwagi Anitsalagi) achieved federal recognition in 1950 under the Oklahoma Indian Welfare Act and remains a sizable population in northeastern Oklahoma today.

Lingering tensions between the Cherokee Nation and the UKB persist today, namely pertaining to legal jurisdictions and land claims. In the 1990s, for example, the UKB took the Cherokee Nation to court over the latter’s monopoly on the right to license and tax tobacco products sold on Cherokee land. Notwithstanding the UKB’s status as a federally recognized Indian tribe, however, “the courts determined that . . . it does not have jurisdiction over any ‘Indian land’” (Conley, Cherokee Nation 224). In 2011, the Bureau of Indian Affairs approved an appeal by the UKB to take seventy-six acres of land in northeastern Oklahoma into trust on behalf of the band; as such, the UKB is no longer landless.

### Appendix C

**The Cherokee Outlet and the Indian Payments**

The fraught financial and political history of the Cherokee Outlet dates back to the Reconstruction treaties the U. S. government forced the Indigenous Nations of the Indian
Territory to accept after the Civil War. After 1866, if any Cherokees had desired to use the Outlet as it was originally intended their aspirations would have been complicated by the presence of a number of other Indian Nations. The provisions of Article 16 of the treaty of July 19, 1866, granted the U. S. government the right to relocate “any civilized Indians, friendly with the Cherokees and adjacent tribes” to “unoccupied [Cherokee] lands west of 96°” (qtd. in Hagan 8). Under the provisions of this article, between 1866 and 1889, the U. S. government relocated the Osage, Kaw, Pawnee, Ponca, Otoe-Missouri, and Tonkawa Nations to reservations on the easternmost edge of this western extension of the Cherokee Nation. This gradual fulfillment of Article 16 severed the Cherokees geographically and politically from their western territory. Adaptive and enterprising as ever, the Cherokee Nation devised a means of extracting revenue from its estranged territory, which it invested in improving the education and security of its citizens.

Since the end of the Civil War, ranchers in Kansas had begun grazing their cattle on the Outlet’s Cherokee grass, and “without any right whatever, they constituted it their range and established boundaries among themselves” (Milam 269). As the herds continued to increase, and as the Kansas and Texas cattle owners rapidly depleted the Outlet’s already scarce timber resources to build illegal fences and pastures, the Cherokees began to levy a tax on cattle being driven across the Outlet from Texas to the shipping depots in Kansas. This tax proved difficult to enforce, and by 1882 roughly half of the cattle owners using the Outlet were still successfully evading payment. The cattle owners also faced problems of their own, namely theft and destructive forces like wolves and fire (Milam 270). Moreover, the fenced areas many of them had erected were at risk of being confiscated by the army under the orders of the Interior Department. In the interests of self-preservation, the ranchers formed the Kansas-based Cherokee Strip Livestock Association in March 1883. The formation of this association was “not an

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40 A total of sixty-two Cherokee citizens, including Dennis Wolfe Bushyhead (Principal Chief of the Cherokee Nation from 1879 to 1887), were granted patent title to allotments in the Outlet in the weeks before the area was thrown open to settlement in September 1893. The political motivations and legislation behind the creation of these allotments is complex and fraught with unknown variables. I mention them here in order to demonstrate that some Cherokees did live on and attempt to farm the Outlet in an effort to retain title to the lands therein. For more information on the Outlet’s Cherokee allotments, cf. B. B. Chapman, “Cherokee Allotments in the Outlet” (The Chronicles of Oklahoma 59.2 (1981): 401-21.
unwelcome development for the Cherokee officials,” who “found the new group a vehicle for simplifying the taxing problem by permitting them to deal with a single entity, and one with an incentive to cooperate” (Hagan 9). Just four months after the inaugural meeting of the Cherokee Strip Livestock Association, the Cherokee Nation negotiated a five-year lease agreement with its members that would provide guaranteed revenue of one hundred thousand dollars each year (Milam 271). As the lease’s expiry date neared, other parties interested in purchasing the Outlet in its entirety approached the Cherokee Nation with offers, but officials could not sell the land without the consent of the U. S. federal government. One syndicate offered the Cherokees eighteen million dollars for title to the land, but the U. S. Congress refused to approve the sale (272). In 1888, the Cherokee Nation advertised the new lease contract, available to the highest bidder, in the bordering states’ local news media. Ultimately, a new five-year lease was signed with the Cherokee Strip Livestock Association, which guaranteed the Cherokees an increased annual revenue of two hundred thousand dollars (273). 41 This mutually beneficial arrangement may have continued for many years were it not for the eruption of the Land Run of 1889 into the so-called Unassigned Lands. Not content with the settlement opportunities afforded by the 1889 land run, would-be settlers “wanted an opportunity to settle on other lands including the [Cherokee] Outlet. Railroads, border towns, wholesaling centers and the press were all ‘talking it up’ and urging an immediate opening” (Milam 273).

41 The Keetoowahs, especially those on the Cherokee National Council (including Ned Christie) did not support these leases (La Rue 6).