ABOUT YOUR VISIT

The park is located on Rogers Avenue between Second and Third Streets in downtown Fort Smith. It can be reached from Garrison Avenue (U.S. 64) by turning one block south to Rogers Avenue. A temporary visitor center is in the old Barracks Building, which also served as Judge Parker’s courtroom. This building is open from 8:30 a.m. to 5 p.m. daily except December 25 and January 1. Special tours are available to groups if advance arrangements are made with the superintendent.
Here for nearly four score years soldiers, lawmen, and citizens struggled to bring order to the frontier.

I never open a term of court that I am not impressed again and again with the greatness of this government of ours. Its greatness consists of the fact that all of its power is in the hands of those who are to be benefitted or injured by the execution or the neglect to execute that great power—in the hands of the people themselves. There is not a step taken in the execution of these laws enacted by this government that is not taken by the people. . . . Now, what I have said is based upon the fact that laws are worthless to protect the rights of the people unless they are executed. Society cannot live, it cannot exist, it degenerates into anarchy, into riot, into bloodshed, and into that condition which brings about destruction of all order and of all peace, unless these rules of government called the law are executed promptly and vigorously for the protection of every right that belongs to the citizen.

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It is not the severity of punishment but the certainty of it that checks crime nowadays.

With these words, spoken to a grand jury at Fort Smith on August 5, 1895, Judge Isaac C. Parker summed up his philosophy of law and government, a philosophy formed by 20 years of service as a judge on America’s last frontier. It was the climax of his career; little more than a year later he died.

FORT SMITH: FRONTIER BUFFER

Parker’s death marked the end of an era that began in 1808 when a delegation of Cherokee from Tennessee visited Washington to ask for territory west of the Mississippi River. The U.S. Government agreed and secured land from the Osage in today’s Arkansas and Missouri. The Cherokee began moving west. By 1813 a number of them had emigrated and settled on the Arkansas and White Rivers. Almost immediately the Cherokee, who in large measure had adopted the white man’s ways, clashed with the Osage, a tribe that had been in contact with the whites for 100 years but had steadfastly clung to its ancient ways. To complicate matters, white hunters and squatters moved in. The Cherokee first called for help from the Federal Government, but no help came. In January 1817 the western Cherokee held a council and prepared for war, asking the eastern Cherokee for reinforcements. They responded by sending several boatloads of braves down the Tennessee River to join the Arkansas Cherokee.

Finally the Government acted, ordering, on September 15, 1817, Bvt. Maj. William Bradford to move a company of the U.S. Rifle Regiment up the Arkansas River, establish a post, and stop the war. Before Bradford’s Company reached the mouth of the Arkansas in mid-October, the western Cherokee had marched against the Osage.

On Christmas Day, 1817, Bradford landed at Belle Point and put his men to work building Fort Smith. Within a week he had his men under shelter, “together with a hospital for the sick, a Store house for the Public, a Provision house for the contractor,” and “a hut for myself.”

Bradford also learned of the progress of the war. The Cherokee had attacked and destroyed the most important Osage village while most of the warriors were on a hunting expedition. The Cherokee, believing they could break the Osage, were not happy to see the troops arrive, because they sensed that Bradford would try to prevent further bloodshed. He did just that, calling a council of the two tribes and telling them that the Government desired peace.

While the soldiers struggled to build the fort, named for Bradford’s commanding officer, Bvt. Brig. Gen. Thomas A. Smith, the major struggled to keep the uneasy peace on the frontier. The job was obviously too much for a garrison that never numbered more than 64 men, and was most of that time considerably less. Consequently, in February 1822, Col. Matthew Arbuckle arrived with a battalion of the 7th Infantry. When he relieved Major Bradford, Arbuckle could count only 139 effectives including himself. The new men worked to complete the fort while Arbuckle turned his attention to Indian affairs.

He learned from Bradford that the greatest source of friction came from the Cherokee passing near Osage settlements on their way to the hunting grounds. Inevitably, clashes occurred, each in turn bringing reprisal.

Arbuckle worked closely with Gov. James Miller of Arkansas Territory in bringing peace to the frontier. Together they talked to both tribes, and then called councils. They found wrong on both sides, but the Osage had a telling argument. Acutely aware of frontier economics, they complained that the Cherokee slaughtered the game for hides and oil. The Osage reminded Miller and Arbuckle that they were a hunting tribe dependent upon game for food, clothing, and shelter. The Cherokee and intruding whites were robbing them of their means of livelihood, precisely the same as if the Osage were to invade Cherokee country killing cattle and hogs, and reaping the crops. They pointed out that the Cherokee could live well by their farming; the Osage could not.

Although he was also Superintendent of Indian Affairs, Governor Miller could not abrogate the treaty giving hunting rights to the Cherokee, but he did have Arbuckle expel the white squatters and hunters. The efforts of Miller and Arbuckle brought about the August 9, 1822, Treaty of Fort Smith between the Cherokee and the Osage. There would still be friction, but at least he ended open warfare.

Even as Arbuckle and Miller were arranging the treaty of Fort Smith, more eastern Indians moved into southern Missouri: Kickapoo, Shawnee, Delaware, Piankashaw, Potowatamie, Seneca, and, perhaps most significant of all, though only an advance guard, the Choctaw, a tribe that boasted it had never shed white blood. By preference the Choctaw were farmers. They had been allies, in turn, of the French, British, and Americans, and had learned to be consumate diplomats. But when diplomacy failed, they could fight.

All of these tribes could be expected to side with the Cherokee; indeed, the first Choctaw hardly arrived before they began fighting the Osage. Further, and most important to local settlers, an Osage attack upon the Welborn-Barraque party, a group of hunters trespassing upon Osage land, alarmed the frontier. Consequently, in 1824, the garrison received orders to move westward. Arbuckle pushed his men 80 miles up the Arkansas River and established Fort Gibson. The army abandoned Fort Smith, but occasional transient troops continued to use the old post as temporary quarters.

Arbuckle’s move to Fort Gibson did not end Fort Smith’s involvement with the frontier; it was the end of only one scene of a drama that was to last another 72 years.
DEPOT ON THE ARKANSAS

More Indians arrived. For some time the U.S. Government had been encouraging eastern Indians to move west. When Andrew Johnson, a former president, who had unilaterally commanded that anyone convicted of capital offenses and 160 were sentenced to death. The Seminole War eventually broke their power. This enforced movement of the eastern tribes had different meanings for different people. To coastal settlers moving westward, it meant new land; to Andrew Jackson's Secretary of War Lewis Cass, it was "the Great Experiment;" to the Indians, it was "the Trail of Tears." Not only did they lose their homes, but thousands died on the march west.

The five eastern tribes who came to the Territory were for many years the most troublesome of the tribes. They built villages, cotton gins, and schools, and began transplanting their civilization to the wildernes. In 1834 the Choctaw assemblage near present Tuskahoma, Okla., to adopt their new constitution, patterned on that of the United States. They also adopted a new flag, to mark it as an independent nation. They were soon followed by the others who now became known as the Five Civilized Tribes, complete with their own parliaments (one a deposed mountebank), and all the other departments necessary to functioning nations. Indeed, they were self-governing and independent of the U.S. government. The treaties with the United States their courts could impose the death penalty in capital cases involving Indians. In cases involving non-Indians, the criminals were to be turned over to the U.S. District Court for Western Arkansas. Thus two distinct types of courts were charged with preserving law on the frontier.

While the Five Civilized Tribes were strengthening their government, the Indians moved into the area. Alleged by the increasing migration and by a growing feud among the tribes, the U.S. Marshals at Fort Smith.

JUDGE PARKER'S COURT

The end of the threats of Indian raids did not bring peace to the Indian Territory. Now there were other threats. Lawless bands rode through the Territory which by now was curiously inhabited by the Nation's expansion. The rugged terrain and the legal entanglements caused by the Indian's treaty rights created a vacuum in law enforcement. Only the Western District Court at Fort Smith had jurisdiction over the crimes involving persons not subject to the tribal courts. Into this vacuum swarmed hordes of horse thieves, bandits, and fugitives from justice. A handful of U.S. deputy marshals and the tribal Light Horse struggled to keep order.

This was the situation when Judge Isaac C. Parker arrived at Fort Smith in 1875. His predecessor had resigned under a cloud. Parker, a Republican and an outsider, and the youngest member of the Federal judicial bench, found little welcome in Fort Smith. But he brought to the Western District Court personal dedication, inexperience, and a love for the Indian. In 1828, the Government reigned under a cloud. Parker, a Republican and an outsider, and the youngest member of the Federal judicial bench, found little welcome in Fort Smith. But he brought to the Western District Court personal dedication, inexperience, and a love for the Indian. In 1828, the Government thought it was more important to preserve Indian life than to assert U.S. authority. But the renegade Cherokees and Chocow were moved in. They began to appreciate the severity of the punishment the Cheyenne and Arapaho were brought to Fort Smith. But he brought to the Western District Court personal dedication, inexperience, and a love for the Indian. In 1828, the Government thought it was more important to preserve Indian life than to assert U.S. authority. But the renegade Cherokees and Chocow were moved in. They began to appreciate the severity of the punishment the Cheyenne and Arapaho were brought to Fort Smith. But he brought to the Western District Court personal dedication, inexperience, and a love for the Indian. In 1828, the Government thought it was more important to preserve Indian life than to assert U.S. authority. But the renegade Cherokees and Chocow were moved in. They began to appreciate the severity of the punishment the Cheyenne and Arapaho were brought to Fort Smith.