

Judge Isaac C. Parker Myths and Legends Aside

Time will have little effect on the legacy of Judge Isaac Charles Parker. The man and the myth loom over Fort Smith and, indeed, much of Oklahoma, and his influence upon their destinies still can be felt today. As with many great men, the image does not quite fit the man. The people of today owe much to newspapers of the 1880's and 1890's, for in these newspapers can be found the day-to-day realities of a man often called the most powerful judge in American judicial history.

Isaac Parker was a legitimate federal judge duly appointed by President Ulysses S. Grant. In fact, it was the president who approached Parker to take the position. One popular misconception is that Parker was some variety of self-appointed official who decided to take up residence at Fort Smith because he saw a great potential to hang people.

This is pure myth. As events would prove, it was Parker's judicial legitimacy coupled with his personal honor, integrity and devotion to duty that stemmed the tides of crime and exploitation in the Indian Country.

In 1882 at Washington, D.C., certain factions wanting to increase their own gains through exploitation of the Indian tribes and their lands west of Fort Smith constantly besieged legislative ears at the nation's Capitol. The message was always the same: "There are too many hangings in Fort Smith. This proves there is too little civilization in the Indian Country. If this area was made an organized territory, the problem would be solved."

Simplistically, there were two flaws in this reasoning.

The first flaw was that the word "civilization" had different meanings to different people. To those living in the Indian Country, "civilization" meant further encroachment by outsiders upon lands guaranteed by treaty to the Five Civilized Tribes. To land speculators and others, the term "civilization" was the excuse needed to gain entrance to the riches within Indian Country—land, minerals and timber—wealth that was protected by treaties and laws enforced only by the Federal Court for the Western District of Arkansas.

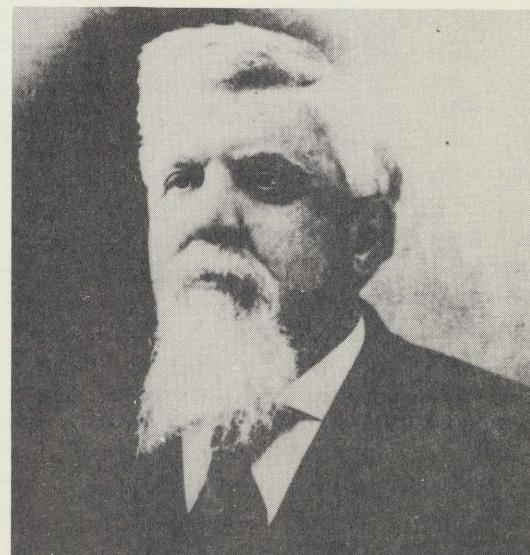
The second flaw was that those voicing the need for territorialization never really got around to explaining how long-standing problems, particularly crime, in Indian Country would be solved by a lone act of Congress.

Newspapers across the country, many with direct ties to railroads, land speculators or other similar interests, took up the cause of territorialization and decried Parker's "violent" court and the court's officers, portraying them as bloodthirsty and cruel.

There were even hints that residents of Indian Country needed some form of protection from the gallows. The answer, as these newspapers were quick to note, was congressional legislation making Indian Country an organized territory. Once the territory was established, other courts with other judges could be created to take over the duties of the Federal Court for the Western District of Arkansas.

Privately, it was believed that once in place these new judges could be easily persuaded to ignore the precedents set by Judge Parker's rulings and side with outside interests.

Parker realized that he and his court were being used as propaganda vehicles for those wishing to exploit the Indian lands. However, what really concerned him was what was taking place in Congress. Legislators looking west from their vantage point in Washington saw only the gallows on the horizon and not the political foundation upon which it stood—a foundation based entirely upon solemn treaties ratified by Congress. These treaties and the other federal laws of the land were being enforced in Indian Country by Parker's court. And it was by enforcement of these treaties and laws that exploitation was slowed.



Judge Isaac C. Parker shortly before his death in 1896.

Parker was not a fool. He knew the tide of civilization would eventually flood Indian Country. What he wanted to do most by upholding the law was slow the inevitable and thereby ease the Indian's transition into "modern" civilization.

Judge Parker addressed this situation in 1895 in an appearance before the Committee on the Judiciary of the United States House of Representatives:

"Now, what is the solution of this problem (of advancing civilization)? In my judgment it is to give them (Indians) protection, give them security, give them that administration of the law of the United States. They are working out their own destination, and they are on the road to a final solution of the problem, where instead of having territorial government it will be Statehood of the Five Tribes. They will come under the flag as a state in this nation. They are not ready for it yet, but they are working toward it. They have every element which is involved in civilization, and they are using those elements from the neighbors and friends of the good people of the surrounding states. They have the confidence and the respect of the people, and I say, 'Let them alone.' "

Returning to Fort Smith, Judge Parker summarized his stand:

"I have ever had the single aim of justice in view. No judge who is influenced by any other consideration is fit for the bench. Do equal and exact justice has been my motto."

It was this "equal and exact justice" that certain factions wanted removed from Indian Country. In the midst of legislative denouncements and journalistic tirades against him, Judge Parker stood firm—the focal point of a struggle that stretched across the entire "civilized" country.

Throughout 21 years of judicial service at Fort Smith, his personal integrity and devotion to duty enabled him to continue shouldering the responsibilities of his jurisdiction. A lesser man might have wilted under the pressure and resigned or allowed himself to be swayed by public opinion or political forces.

However, Parker stood for the law. For years, his was the lone voice of justice heard on the western frontier. He would not surrender to the inevitable simply because it was inevitable.

It was from this stand for justice that a legend grew. How the legend was viewed depended upon how a person interpreted the words "equal and exact justice."

Much has been written of Isaac C. Parker the judge. Much less has been written of Isaac C. Parker the family man and community leader. Far from being obsessed with his work as judge, Parker had another side which both balanced and complemented his official responsibilities.

Parker's private life gives the present day researcher a glimpse of his status apart from the courtroom. For example, one Fort Smith newspaper reporter wrote in 1896:

"There was a social side to Parker as well. Jovial and full of wit and humor, he enjoyed a joke and was adept at telling a good story. An earnest listener, he was particularly fond of listening to his deputy marshals recount their exploits as they battled criminals in Indian Territory."

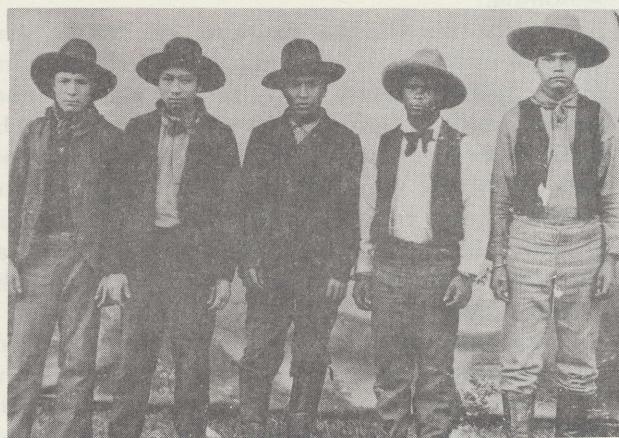
Far from aloof, Judge Parker was so well known for his friendliness that local newspapers could not help but comment upon the fact and contrast him with other public officials:

"He is very sociable and has a pleasant smile and a kind word for everyone. Even people to whom some public men would not think of speaking, Judge Parker stops and chats with in a friendly way."

A particular example drew that paper's attention:

"One incident touching upon the great jurist's courtesy happened during the term of the federal court in this city a year or so ago. A short recess had been taken at the noon hour and before he could leave the courtroom, the judge was for some time detained by some attorneys. He finally started down the hall where one of the toughest looking specimens of humanity rushed up to him in a familiar way and began questioning him about a case. Judge Parker, forgetting it was nearly an hour past his dinner time and that he had a large amount of business, stopped and placed his hand on the man's shoulder, answered the latter's questions and talked with him fully five minutes, as if he had been a highly honored citizen."

Parker's influence was seen in the day-to-day affairs of the city. Because of his two children, Charles and James, he took a profound interest in the Fort Smith school system, serving as school board member for several years.



The Rufus Buck Gang paid for their crimes by hanging together at Fort Smith.

So deep was his involvement in local education that one newspaper reporter was moved to write: "His work in this connection, if he had done nothing else at all, was sufficient to entitle him to lasting recognition at the hands of the people of Fort Smith."

Parker's interest in schools also stemmed from cases tried in his court:

"Most of the men sent to prison in my court are young men or boys whose character was yet unformed, whose moral traits had not yet become sufficiently strong to dominate the mind. These men are largely criminals from surrounding circumstances. Hold out to them an inducement to reform, recognize them as human beings, and there are but few of them who will not avail themselves of such an opportunity and at least make an effort in the right direction. The want of proper training, ignorance, bad associates and bad advice, in my experience with these kind of people, have more to do with making them criminals than natural wickedness and inherited depravity."

Young men whom Judge Parker had sentenced to reform schools would often drop by Fort Smith on their way home to thank him for sending them where they could serve their time learning a trade. Each such thank you touched Parker's heart, and he would often assist these men with letters of recommendation to prospective employers.

Education was only one part of reform. The cornerstone of mankind's reform, according to Judge Parker, was found in the Bible.

Although he was not inclined toward any particular denomination, the Bible's influence can easily be found in all aspects of his life. Parker's jury charges are laced with biblical references, and some of his sentencing statements to the condemned brought comments that he seemed more interested in saving the soul than passing judgment. Many of Parker's statements from the bench stand alone in both meaning and eloquence:

"May God, whose laws you have broken and before whose tribunal you must then appear, have mercy upon your soul."

"And the Lord said unto Cain, where is Abel, thy brother? And he said, I know not. Am I my brother's keeper? And He said, what has thou done? The voice of thy brother's blood crieth unto me from the ground. Am I my brother's keeper? From that day to the time when professor Webster (the defendant) murdered his associate and concealed his remains, this concealment of the evidence of crime has been regarded by the law as a proper fact to be taken into consideration as evidence of guilt."

"Your crime leaves no ground for the extension of sympathy. You can expect no more sympathy than lovers of virtue and haters of vice can extend to men guilty of one of the most brutal, wicked, repulsive and dastardly crimes known in the annals of crime. Your duty now is to make an honest effort to receive from a just God that mercy and forgiveness you so much need.

We are taught that His mercy will wipe out even this horrible crime; but He is just, and His justice decrees punishment unless you are able to make atonement for the revolting crime against His law and against human law that you have committed. This horrible crime now rests upon your souls. Remove it if you can so the good God of all will extend to you His forgiveness and His mercy."

Several local organizations claimed a portion of Judge Parker's spare time. In 1887, St. John's Hospital, the forerunner of the present day Sparks Regional Medical Center, was founded. A nine-member board of trustees was formed to supervise its operation. The board's first president was Isaac C. Parker.

The Grand Army of the Republic claimed Parker as a member because of his service during the Civil War in the Union militia of Missouri. Through he did not fight in any major battles, Parker did take part in several minor skirmishes. The Order of Odd Fellows and the Knights of Honor also listed Judge Parker as a member in good standing.

In early 1896, the St. Louis Republic sent its famous woman reporter, Ada Patterson, to Fort Smith to interview the judge. She had been told that Parker was stern and cruel, and she dreaded the meeting. She arranged an interview and found:

"He is the gentlest of men, this alleged sternest of judges. He is courtly of manner and kind of voice and face, the man who has passed the death sentence upon more criminals than has any other judge in the land. The features that have in them the horror of the Medusa to desperados are benevolent to all other humankind."



Belle Starr "The Outlaw Queen" and Blue Duck. Belle Starr was murdered and Blue Duck died of tuberculosis after spending time in prison.

The conversation eventually turned to capital punishment. At her insistence, Parker talked of his image in the federal court system:

"Cruel they have said I am, but they forget the utterly hardened character of the men I dealt with. They forget that in my court jurisdiction alone 65 deputy marshals were murdered in the discharge of their duty. The good ladies who carry flowers and jellies to criminals mean well. There is no doubt of that. But what mistaken goodness. Back of the sentimentality are the motives of sincere pity and charity, sadly misdirected. They see the convict alone, perhaps chained in his cell. They forget the crime he perpetrated and the family he made husbandless and fatherless by his assassin work."

Before returning to St. Louis, Patterson visited with several leading members of the Fort Smith Bar Association, most of whom had tried a number of cases before the judge. After a number of stories concerning Judge Parker had been told, one of the lawyers remarked:

"Judge Parker's was a court in which there was a certainty of arrest and a surety of punishment. It was what saved Indian Territory from its threatened fate of becoming a barron waste. He was a man of unimpeachable integrity. No judge was ever more revered by the bar."

"Judge Parker is learned in the law," a prominent member of the bar told Patterson. "All I could say of him for days would be summed up in this: he is a good man." Patterson concluded her story:

"I am glad I have the honor of knowing this alleged cruel judge. It is darkly indeed the press and people view him through the glass of distance. He is a 20th Century hero, worthy of fame of the most just of Romans. More than all, as the old lawyer said to me, 'He is a good man.'"

Shortly after this interview, on Sept. 1, 1896, a Congressional Act established three federal courts inside the Indian Country. These courts assumed complete jurisdiction over all federal matters. As such, the Federal Court for the Western District of Arkansas lost the jurisdiction it had held for over half a century.

Two months after his court lost jurisdiction, Judge Parker lost his battle with death. For many months, the judge had been aware he was dying of Bright's Disease, or dropsy, as it was often called. True to character, he refused to surrender to the inevitable.

Judge Parker's death in November 1896 triggered a long overdue event. The press and the public as a whole began reflecting upon what had taken place in Indian Country over the preceding 21 years. Local citizens paused to reminisce. Representatives of the Five Civilized Tribes took stock of their situation and prepared for another unchecked onslaught of outsiders into Indian Country.

But, ironically, it was the press that sang the loudest praises. Editors who has once been some of Parker's greatest detractors rushed to grasp in print the enormity of the federal court's accomplishments:

"The part that Judge Parker has played in the development and advancement of the Southwest will be appreciated more, perhaps, by future chroniclers than by us today. Perspective often adds correctness to the (view) of such heroic characters as those of men like Judge Parker, and the future historian will not fail to (recognize) the bold and fearless stand taken by this magnificent specimen of the man and jurist, when Crime stalked red-handed and relentlessly through the country over which he had judicial sway."

"Of his work in suppressing crime in Indian Territory, little need be said here. Everyone knows this story, and everyone appreciates the extent and success of his labors in this direction. More than any other man, or any other factor, he advanced civilization in the Indian Territory—and history will not forget this."

Tributes came not only from Fort Smith, but Indian Country as well. By chance, representatives of the Five Civilized Tribes were in Fort Smith on the day of Judge Parker's death to meet with the Dawes Commission concerning land allotments.

To a man, the representatives expressed sorrow over Parker's death. Gov. McCurtain of the Choctaw Nation said the Indians regarded Judge Parker as a friend and his death would be greatly deplored by all the tribes. Another representative echoed those feelings:

"There will be no people regret the death of Judge Parker more than the Indians. I can talk for the Choctaws, and I am sure that their sentiments also voice those of the Creeks, Chickasaws, Cherokees and Seminoles. Judge Isaac C. Parker was always the Indians' friend."

But perhaps the most moving tribute was rendered in an editorial by A. J. Kendrick of Fort Smith. More than anything, it reflected the feelings of those who had lived helpless and unprotected in the Indian Country save for "equal and exact justice" in its purest form:

"There is but one (summation) that need be pronounced upon this remarkable man. Sweet and simple, it comes ringing down the age... 'Well done, thou good and faithful servant.'

On June 28, 1898, a Congressional Act pushed the Five Civilized Tribes closer to modern civilization. All major aspects of tribal life automatically were brought under the complete control of the federal government. Not only did this act take away all tribal judicial processes, but it also voided all the tribal laws upon which that judicial system stood. In the eyes of Congress, the Five Civilized Tribes as tribes no longer officially existed.

Since they no longer existed, the tribes had no voice in their destiny. In one stroke, Congress negated the sovereignty of the entire Indian Country and its inhabitants.

But the end result was not territorialization. It was statehood.

—Prepared by Guy Nichols, park technician; Leo Allison, park technician; and Thomas Crowson, park ranger, Fort Smith.