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by

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TREASONOUS TENANT FARMERS AND SEDITIOUS SHARECROPPERS: THE 1917 GREEN CORN REBELLION TRIALS

NIGEL ANTHONY SELLARS*

I.

In August 2, 1917, war broke out in the former Creek and Seminole Nations lands along the South Canadian River.¹ Searching for draft resisters, the Seminole County sheriff and his deputy were ambushed near the Little River.² The attackers were African-American tenant

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1. See *Class Union Members Make up Outlaw Mob*, TULSA DAILY WORLD, Aug. 4, 1917, at 1; *Whole Region Aflame Following the Attempted Assassination of Sheriff Gaul and Deputy Cross*, SHAWNEE DAILY NEWS-HERALD, Aug. 3, 1917, at 1; "War" Breaks Out in Seminole County: *W.C.U.'s Get Naughty and Take to Warpath; But they are Wiser Now*; WEWOKA CAPITAL-DEMOCRAT, Aug. 9, 1917, at 1. *400 Draft-Defiers Form Mob Near Ada; State Rushes Help*, THE DAILY OKLAHOMAN, Aug. 4, 1917, at 1. Narrative account can be found in Charles C. Bush, *The Green Corn Rebellion* 23 (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College). A more specialized and analytical account of newspaper treatment of the uprising can be found in Virginia Pope, *The Green Corn Rebellion: A Case Study in Newspaper Self Censorship* 4 (1936) (unpublished M.A. thesis, Oklahoma Agricultural and Mechanical College) (on file with Oklahoma State University Library). See also, Sherry Harrod Warrick, *Antiwar Reaction in the Southwest During World War I*, (1973) (unpublished Master's thesis, University of Oklahoma) (on file with the University of Oklahoma); Quincy R. Lehr, *Radicalism and Resistance in the Oklahoma Backwoods: Unraveling the Green Corn Rebellion of 1917* (1998) (unpublished senior thesis, University of Texas) (on file with the author). NORMAN TRANSCRIPT, Aug. 4, 1917, at 1.

2. See *Alleged Draft Resisters Take The War Path*, MCALESTER NEWS-CAPITAL, Aug. 3, 1917, at 1; *Death Penalty Asked For The W.C.U. Leaders*, MCALESTER NEWS-CAPITAL, Aug. 6, 1917, at 1; *Revolution's Clans Now Scattering*, OKLAHOMA NEWS, Aug. 4, 1917, at 1; *Whole Region Aflame Following the Attempted Assassination of Sheriff Gaul and Deputy Cross*, SHAWNEE DAILY NEWS-HERALD, Aug. 3, 1917, at 1; "War" Breaks Out in Seminole County: *W.C.U.'s Get Naughty and Take to Warpath; But They*

farmers, members of a multi-racial tenant farmers' group called the Working Class Union (WCU).³ Only hours later, WCU raiding parties began cutting telegraph and telephone lines, burning railroad bridges, and attempting to dynamite oil pipelines near Healdton.⁴ Other WCU members gathered on the farm of John Spears, near Sasakwa in Seminole County, and prepared for a campaign they believed would culminate with a march on Washington that would force President Woodrow Wilson to end the Great War.⁵

Are Wiser Now; WEWOKA CAPITAL-DEMOCRAT, Aug. 9, 1917, at 1; Narrative accounts can be found in John Womack, Jr., *Oklahoma's Green Corn Rebellion: The Importance of Fools 101* (1961) (unpublished senior thesis, Harvard University) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Harvard University); Charles C. Bush, *The Green Corn Rebellion 22* (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College).

3. See "*War*" *Breaks Out in Seminole County: W.C.U.'s Get Naughty and Take to Warpath; But they are Wiser Now*; WEWOKA CAPITAL-DEMOCRAT, Aug. 9, 1917, at 1. Narrative account can be found in Charles C. Bush, *The Green Corn Rebellion 22* (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma).

4. See *Alleged Draft Resisters Take The War Path*, MCALESTER NEWS-CAPITAL, Aug. 3, 1917, at 1; *Class Union Members Make Up Outlaw Mobs*, TULSA DAILY WORLD, Aug. 3, 1917, at 1; *Revolution's Clans Now Scattering*, OKLAHOMA NEWS, Aug. 4, 1917, at 1; *R.R. Bridge Is Burned By Draft Mob*, OKLAHOMA NEWS, HOME EDITION, Aug. 3, 1917, at 1; *Telephone Wires Are All Cut*, MCALESTER NEWS-CAPITAL, Aug. 4, 1917, at 1; *Ten Of Gang Have Been Captured*, THE DAILY OKLAHOMAN, Aug. 4, 1917, at 1; "*War*" *Breaks Out in Seminole County: W.C.U.'s Get Naughty and Take to Warpath; But They Are Wiser Now*; WEWOKA CAPITAL-DEMOCRAT, Aug. 9, 1917, at 1; *War Department Watching Anti-Draft Agitation*, MCALESTER NEWS-CAPITAL, Aug. 4, 1917, at 1; *Whole Region Aflame Following the Attempted Assassination of Sheriff Gaul and Deputy Cross*, SHAWNEE DAILY NEWS-HERALD, Aug. 3, 1917, at 1. Narrative accounts can be found in Charles C. Bush, *The Green Corn Rebellion 24* (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College); John Womack, Jr., *Oklahoma's Green Corn Rebellion: The Importance of Fools 102* (1961) (unpublished senior thesis, Harvard University) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Harvard University). A more specialized analytical account of newspaper treatment of the uprising can be found in Virginia Pope, *The Green Corn Rebellion: A Case Study in Newspaper Self Censorship 5* (1936) (unpublished M.A. thesis, Oklahoma Agricultural and Mechanical College) (on file with Oklahoma State University Library).

5. See "*War*" *Breaks out in Seminole County: W.C.U.'s Get Naughty and Take to Warpath; But They Are Wiser Now*, WEWOKA CAPITAL-DEMOCRAT, Aug. 9, 1917, at 1; *Revolution's Clans Now Scattering*, OKLAHOMA NEWS, Aug. 4, 1917, at 1; *War Department Watching Anti-Draft Agitation*, MCALESTER NEWS-CAPITAL, Aug. 4, 1917, at 1. See also narrative accounts which can be found in Charles C. Bush, *The Green Corn*

The revolt proved short-lived.⁶ Hastily organized posses commandeered trains, set up roadblocks, and marched on the rebels' encampment.⁷ Many rebels simply threw down their arms, especially when they saw friends and neighbors in the posses and not the federal troops they had expected to engage.⁸ In the aftermath of the uprising, four men were dead and 450 others jailed for allegedly taking part in or supporting the rebellion.⁹ About a third eventually served state and federal prison sentences.¹⁰ In the wake of the rebellion, Oklahoma

Rebellion 25 (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College); John Womack, Jr., *Oklahoma's Green Corn Rebellion: The Importance of Fools* 101 (1961) (unpublished senior thesis, Harvard University) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Harvard University). A more specialized analytical account of newspaper treatment of the uprising can be found in Virginia Pope, *The Green Corn Rebellion: A Case Study in Newspaper Self Censorship* 4 (1936) (unpublished M.A. thesis, Oklahoma Agricultural and Mechanical College) (on file with Oklahoma State University Library).

6. See *Death Penalty Asked For The W.C.U. Leaders*, MCALESTER NEWS-CAPITAL, Aug. 6, 1917, at 1; Charles C. Bush, *The Green Corn Rebellion* 34, 51 (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College).

7. See Charles C. Bush, *The Green Corn Rebellion* 36-39 (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College).

8. See *Death Penalty Asked For The W.C.U. Leaders*, MCALESTER NEWS-CAPITAL, Aug. 6, 1917, at 1; Charles C. Bush, *The Green Corn Rebellion* 36-39 (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College); John Womack, Jr., *Oklahoma's Green Corn Rebellion: The Importance of Fools* 107-108 (1961) (unpublished senior thesis, Harvard University) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Harvard University).

9. See *Death Penalty Asked For The W.C.U. Leaders*, MCALESTER NEWS-CAPITAL, Aug. 6, 1917, at 1; Charles C. Bush, *The Green Corn Rebellion* 50 (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College); John Womack, Jr., *Oklahoma's Green Corn Rebellion: The Importance of Fools* 120 (1961) (unpublished senior thesis, Harvard University) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Harvard University).

10. See Charles C. Bush, *The Green Corn Rebellion* 68 (1932) (unpublished M.A. thesis, University of Oklahoma) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Library of Congress, Lafayette College); John Womack, Jr., *Oklahoma's Green Corn Rebellion: The Importance of Fools* 136-37 (1961) (unpublished senior thesis, Harvard University) (on file with The University of Oklahoma, Oklahoma Department of Libraries, Harvard University).

Socialists, radicals, pacifist religious groups, and other WCU members, such as "The Jones Family," would face similar fates.¹¹

On the surface, the Green Corn Rebellion seems a solitary, isolated event, something out of the American mainstream.¹² In fact, the rebellion was the largest of several anti-conscription incidents both during and after the war. More important, the uprising represents a significant chapter in a series of agrarian, Native American, Hispanic and labor conflicts against the "incorporators," the commercial, industrial, and financial forces that were consolidating America under a conservative capitalist and nationalist authority in the late nineteenth and early twentieth centuries.¹³

Incorporators saw themselves as dignified, moral, respectable men who were bringing about progress through business and large-scale economic enterprises.¹⁴ These men—for the most part wealthy and of old British-American stock—believed that the traditional market system was inefficient and irrational because of its small size and its generally chaotic state.¹⁵ For incorporators, the role of government was to create a favorable social and legal environment in which businesses could operate both without restraint and without the chaos of a pure free market.¹⁶ In most cases, the incorporators achieved their goals through legislation, administration, and the courts as well as the impersonal forces of the marketplace.¹⁷ While the majority of the incorporators' effects were often unintentionally destructive of communities, the environment and cultures, as well as anti-democratic and anti-social, others were deliberately so. If, for example, anyone stood in the way of a

11. See *Alleged Draft Resisters Take The War Path*, MCALESTER NEWS-CAPITAL, Aug. 3, 1917, at 1; *Maximum Penalty For 'Jones Family,'* THE DAILY OKLAHOMAN, Oct. 7., 1917, at 1; *War Department Watching Anti-Draft Agitation*, MCALESTER NEWS-CAPITAL, Aug. 4, 1917, at 1.

12. See Richard Maxwell Brown, *Law and Order on the American Frontier: The Western Civil war of Incorporations*, in LAW FOR THE ELEPHANT, LAW FOR THE BEAVER: ESSAYS IN THE LEGAL HISTORY OF THE NORTH AMERICAN WEST 74-76 (John McLaren, Hamar Foster & Chet Orloff eds., 1992 [hereinafter BROWN, LAW AND ORDER]); ALAN TRACHTENBERG, *THE INCORPORATION OF AMERICA: CULTURE AND SOCIETY IN THE GILDED AGE* 7 (Eric Foner ed., 1982).

13. See BROWN, LAW AND ORDER, *supra* note 12, at 74-76; TRACHTENBERG, *supra* note 12, at 3-4.

14. Richard Maxwell Brown, *Western Violence: Structures, Values, Myth*, 25 WESTERN HISTORICAL QUARTERLY 6, 17 (1993).

15. *Id.*

16. *Id.*

17. *Id.*

corporation's needs, then some incorporators saw nothing wrong in pushing farmers off the land making them pay heavily for staying, or in forcibly deporting, incarcerating, brutalizing, and even at times killing striking workers.¹⁸ In Oklahoma, it was the urban "business Progressives" in both Democratic and Republican parties who generally represented the incorporating ethic and often pushed it despite the anti-business and populist beliefs of many rural members of their parties.¹⁹ For the business progressive, the existing social and economic order was essentially just and equitable. They believed the support of public morality and economic growth would solve any temporary social problems therefore, bringing progress.²⁰

But in opposition to the incorporators were the resisters. The resisters viewed incorporation as a threat to the traditional values of the producer, the individual who worked with his own hands and reaped the profit of his own toils.²¹ As a result, they sought to protect and reform the social, economic, and political rights of both producers and their communities.²² Theirs was in fact a moral economy based on the social norms and societal obligations of people within the community, and their grievances grew from what the community viewed as illegitimate economic practices.²³ To protect those rights and obligations against the incorporators' exceeding the bounds of acceptable economic and political behavior, the resisters were more than willing to use the political process and the courts.²⁴ If thwarted, however, they would quickly turn to traditional agrarian, generally Southern, forms of extralegal opposition to oppressive authority: night riding, barn burning, bank and train robbing, and, if necessary, murder and rebellion.²⁵

18. See BROWN, LAW AND ORDER, *supra* note 12, at 76; Brown, *supra* note 14, at 17.

19. See JAMES R. SCALES & DANNEY GOBLE, OKLAHOMA POLITICS: A HISTORY 52 (1982); Brown, *supra* note 14, at 6, 17.

20. See SCALES & GOBLE, *supra* note 19, at 52; Brown *supra* note 14, at 6, 17.

21. See E.P. Thompson, *The Moral Economy of the English Crowd in the Eighteenth Century*, 51 PAST AND PRESENT, Jan. 1971, 76, 78-79 (1971).

22. See *id.*

23. See *id.* at 79.

24. See *id.* at 78-79.

25. See *id.*

II.

Extralegal violence in the American past has generally taken two forms: vigilantism or resistance. Vigilantism, which began with the western South Carolina Regulators in 1763, mostly involved more conservative forces seeking either to restore order in their communities or create order in a previously lawless region.²⁶ In the nineteenth century American West, vigilantism served as a sort of paramilitary for incorporating forces, especially in labor and land disputes. With the exception of Ku Klux Klan-style vigilantism to maintain racial separatism, vigilantism in the long run tended to move away from extralegal actions toward more accepted practices. For example, the South Carolina Regulators received legitimacy from the colonial government, which then created courts and sheriffs for the area, allowing the Regulators to disband.²⁷ Similarly, posses in territories such as Montana and Wyoming eventually moved away from kangaroo courts and lynchings and merely became deputized bands that arrested outlaws and brought them to town for trial.²⁸

Resistance, on the other hand, generally involved a region, community, or group's grievances over perceived lost rights or privileges, the actions of allegedly corrupt or greedy officials and landowners, or over the lack of interest in these problems shown by legislatures.²⁹ Uprisings against unfair or excessive taxes, economic abuses, and judicial and political injustices, date back to the colonial era and nearly all show class-based resentments.³⁰ The 1676 Bacon's Rebellion in Virginia and the 1763 Paxton Boys movement in Pennsylvania saw planters, tenants, and laborers in western parts of those colonies taking extralegal action, including violence against eastern-dominated provincial governments that showed little interest in dealing with attacks on settlements by Native Americans.³¹

26. See Richard Maxwell Brown, *The American Vigilante Tradition*, in *VIOLENCE IN AMERICA: HISTORICAL AND COMPARATIVE PERSPECTIVES* 153, 154-55 (Hugh Davis Graham & Ted Robert Gurr eds., 1979).

27. See *id.* at 155.

28. See *id.*

29. See John A. Garraty, *Rebellions*, in *THE READER'S COMPANION TO AMERICAN HISTORY* 915 (Eric Foner & John A. Garraty eds., 1991).

30. See *id.*

31. See *id.*

Heavy taxes, burdensome rents, the domination of land by small elites and corrupt local officials produced other rebellions.³² In 1766 tenants in upstate New York rose up against oppressive rent increases which they either had to pay or be forced to leave the farm after making improvements.³³ But the uprising quickly fizzled, and many of the tenants were tried for theft and even murder before juries composed entirely of landlords.³⁴ A few years earlier, in the late 1740s, small farmers in New Jersey rebelled against that colony's elite East New Jersey proprietors in a dispute over land claims.³⁵ Acting under the authority of the Duke of York, an earlier governor had made conflicting land grants to both groups, but the farmers also claimed title through direct purchase from Native Americans.³⁶

More serious, however, was North Carolina's Regulator War of 1771. As before, small farmers from the western half of the colony—many of them tenants on land granted to English nobles—protested high levels of taxation, corrupt and extortionate actions of sheriffs and court officials, and legislative domination by wealthier, slave-holding planters on the Atlantic coast.³⁷ Although they called themselves "Regulators," they were not vigilantes as were their South Carolina namesakes.³⁸ These Regulators first used petitions and elected representatives to plead their cases, turning to violence only after the governor, the upper house of the legislature, and the courts prevented them from securing relief.³⁹ But the violent takeovers of courthouses and the intimidation of judges and other officials caused sympathetic large landholders and the local clergy to break with the movement.⁴⁰ In 1771, colonial militia defeated two thousand Regulators at the Battle of the Alamance.⁴¹ The provincial government then executed the movement's leaders.⁴² Many Regulators

32. Edward Countryman, *Out of the Bounds of the Law, Northern Land Rioters in the Eighteenth Century*, in *THE AMERICAN REVOLUTION: EXPLORATIONS IN THE HISTORY OF AMERICAN RADICALISM* 43, 45 (Alfred Young ed., 1976).

33. *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. CATHERINE MCNICOL STOCK, *RURAL RADICALS: RIGHTEOUS RAGE IN THE AMERICAN GRAIN* 30 (Cornell University Press 1996).

38. *See id.*

39. *See id.*

40. *See id.*

41. *See id.* at 31.

42. *See id.*

moved westward into what became Tennessee and, later, Arkansas.⁴³ Their descendants were the settlers who became the bulk of Indian Territory's tenant farmers.⁴⁴

Even after the Revolution, economic abuses of strict foreclosure laws and disproportionate tax burdens led to further agrarian revolts, the best known being Shays' Rebellion of 1786-87.⁴⁵ Daniel Shays' followers, many of them veterans of the Revolutionary War, used force to halt foreclosures and also demanded the wholesale printing of paper money to ease the farmers' debts.⁴⁶ Although the rebellion collapsed under the threat of military action, it frightened the conservative forces in every state and led to the Constitutional Convention.⁴⁷

Once the new federal government was in place, its leaders acted quickly to show the new government's power when other revolts arose.⁴⁸ This time the new government, claiming it drew its authority from the sovereignty of the people, could declare extralegal activities as unlawful.⁴⁹ Therefore, anyone who rebelled against the people's government—including the people themselves—were somehow guilty of treason.⁵⁰

Farmers on the western Pennsylvania frontier became the first protesters to experience the Federal government's powers when in 1794 they opposed a new excise tax on whiskey.⁵¹ The farmers distilled much of their marketable corn and rye into whiskey because, as liquor, it was easier to transport and it brought a higher price.⁵² Hard hit by the excise, many farmers attacked the tax collectors.⁵³ In response to this "Whiskey Rebellion," President George Washington called out the militia and the regular army.⁵⁴ The rebels scattered when faced with a military force

43. See DAVID HACKETT FISCHER, *ALBION'S SEED: FOUR BRITISH FOLKWAYS IN AMERICA* 759-60 (Oxford University Press 1989).

44. JONATHAN DANIELS, *THE DEVIL'S BACK BONE: THE STORY OF THE NATCHEZ TRACE* 9-11 (Pelican Publishing Co. 1992) (1962).

45. The history of the uprising is covered in DAVID P. SZATMARY, *SHAYS' REBELLION: THE MAKING OF AN AGRARIAN INSURRECTION* 94 (1980).

46. See *id.* at 95.

47. See *id.* at 120.

48. See GARRATY, *supra* note 29, at 915-17.

49. See *id.*

50. See *id.*

51. A complete discussion of the uprising can be found in THOMAS P. SLAUGHTER, *THE WHISKEY REBELLION: FRONTIER EPILOGUE TO THE AMERICAN REVOLUTION* (1986).

52. See *id.*

53. See *id.*

54. See *id.*

larger than the Continental Army and Washington commanded during the Revolution.⁵⁵

Just five years later another federal tax, this time on property, led other Pennsylvania farmers to chase assessors from Bucks County.⁵⁶ Ironically, John Fries, who led the protests, had been a militia captain aiding Washington during the Whiskey Rebellion. Federal troops quickly ended "Fries Rebellion," capturing Fries himself. Tried and convicted for treason, Fries received a death sentence; but President John Adams pardoned him.⁵⁷

Federal troops were not used in the 1839-46 Anti-Rent War in New York's Hudson Valley, but state authorities acted similarly to curb the violent protests.⁵⁸ The trigger in this case was the death in 1839 of Stephen Van Rensselaer, owner of the 720,000-acre Rensselaerswyck estate and landlord to between 60,000 and 100,000 tenants.⁵⁹ Shortly afterward, Van Rensselaer's heirs attempted to collect \$400,000 in quitrents which those farmers allegedly owed.⁶⁰ Feudal-like obligations which included providing firewood and labor for the main estate as well as cash rent, the quitrents grew out of a seventeenth-century charter that Van Rensselaer's great-great-grandfather had received from the Dutch.⁶¹ The farmers, seeing themselves as freeholders and not tenants, refused to pay, causing the heirs to initiate foreclosure proceedings.⁶² Resistance soon spread throughout the landed estates of the Hudson River Valley.⁶³ Tenants, often disguised as Native Americans, regularly attacked the sheriff's posses and agents sent to evict them.⁶⁴ In 1845, the militia were summoned after a deputy sheriff was killed.⁶⁵ The anti-renters, still holding onto their lands, then turned to politics and elected a reformist governor and legislature, which in 1846 wrote a new state

55. *See id.*

56. *See* Paul Douglas Newman, *Fries' Rebellion and American Political Culture, 1798-1800*, PENNSYLVANIA MAGAZINE OF HISTORY AND BIOGRAPHY, Jan./Apr. 1995, at 37-73.

57. *See id.*

58. *See* Stewart H. Holbrook, *Rebellions on the Manors*, in *DREAMERS OF THE AMERICAN DREAM* 131, 134-45 (Lewis Gannett ed., 1957).

59. *See id.*

60. *See id.* at 139.

61. *See id.* at 135.

62. *See id.* at 139.

63. *See id.* at 138.

64. *See id.* at 138-43.

65. *See id.* at 143.

constitution outlawing long-term leases and quitrents.⁶⁶ The result was a rare victory for agrarian insurgents.⁶⁷

Closer in time to the Green Corn Rebellion was the Black Patch War of Kentucky from 1906 to 1911.⁶⁸ Planters and small farmers of the Planters Protective Association took to "night riding" after tobacco buyers formed a trust called the American Tobacco Company which controlled the market and kept prices so low that many farmers failed to make a living.⁶⁹ The night riders, usually wearing hoods, at first forced independent farmers to join the association by sending threatening letters burning barns and destroying plant beds.⁷⁰ They later turned to burning warehouses belonging to the buyers, which led to the stationing of militia to guard the tobacco.⁷¹ For a number of reasons, including better law enforcement, night riding declined by 1910.⁷² The leader of the night riders was arrested and tried in March, 1911, but acquitted by the jury.⁷³

While uprisings in defense of community and rights have long histories in the United States, anti-conscription riots and rebellions did not emerge until the Civil War, when in 1862 both the Union and Confederacy instituted drafts.⁷⁴ In general, the draft laws hit hardest at the rural and urban lower classes because the middle-class and the wealthy could buy their way out of the system for \$300.⁷⁵ In the North, many skilled industrial workers were specifically exempted because they were vital for the war effort, while in the South, owners of twenty or more slaves held that privilege for essentially similar reasons.⁷⁶

The best known anti-draft rebellion occurred in New York City in July, 1863 among Irish laborers, but attacks on conscription officers were not uncommon in the South, especially in central Texas, the Ozarks,

66. See *id.* at 143-44.

67. See *id.* at 144.

68. See CHRISTOPHER WALDREP, NIGHT RIDERS: DEFENDING COMMUNITY IN THE BLACK PATCH 1890-1915, at 45-46 (1993).

69. See TRACY CAMPBELL, THE POLITICS OF DESPAIR 77-97 (1993); WALDREP, *supra* note 68, at 45-46, 76.

70. See CAMPBELL, *supra* note 69, at 77-97; WALDREP, *supra* note 68, at 82-83.

71. See CAMPBELL, *supra* note 69, at 77-97; WALDREP, *supra* note 68, at 83-88.

72. See CAMPBELL, *supra* note 69, at 96; WALDREP, *supra* note 68, at 161.

73. See WALDREP, *supra* note 68, at 180.

74. See Robin Brooks, *Domestic Violence and America's Wars: An Historical Interpretation*, in VIOLENCE IN AMERICA 307, 311-12 (Hugh Davis Graham & Ted Robert Gurr eds., 1979).

75. See *id.*

76. See Brooks, *supra* note 74, at 311-12.

eastern Tennessee, and western North Carolina.⁷⁷ In December, 1862, German-Americans near Austin attacked a Confederate conscription officer and drove him off.⁷⁸ Almost simultaneously members of a Peace Society in northern Alabama's Randolph County not only obstructed the draft but led a mob to the county jail where they freed soldiers arrested for desertion.⁷⁹ The North also witnessed anti-draft riots in Wisconsin, Illinois, Indiana, Connecticut, and the Pennsylvania anthracite coalfields.⁸⁰

The memory of the Civil War had not faded when World War I began.⁸¹ Several of the rebels were old enough to have fought on either side in the Civil War, and most of the others heard Civil War tales from older relatives or neighbors.⁸² Those from Arkansas brought with them other things: a set of signs and countersigns used by anti-draft groups for secrecy and an initiation ritual of swearing an oath on the Bible and a pistol.⁸³ The passwords included simple words like "beans," used at both the Brown and Milton WCU locals, as well as the phrase "On the Road," used to identify fellow members.⁸⁴ The oath-swearing ritual had Masonic and old trade guild origins and dates back at least to early nineteenth century England where unions and labor groups called it "taisez vous," or "Be silent."⁸⁵

III.

Then came the Green Corn Rebellion. This rebellion is one of a long line of class-based agrarian uprisings in America, and it also has causes specifically rooted in the origins, evolution, and economics of tenant farming in Indian Territory. Cotton tenant farming began in the 1880s among the Five Nations of Indian Territory.⁸⁶ This arose as more and

77. See *id.*; GEORGIA LEE TATUM, *DISLOYALTY IN THE CONFEDERACY* 36-46, 143-49 (1934).

78. See Brooks, *supra* note 74, at 311.

79. See TATUM, *supra* note 77, at 54-72.

80. See Brooks, *supra* note 74, at 311-12.

81. Trial Notes for Case 1552, *United States v. Isenhour*, unpaginated handwritten legal sheets, Box 36, Folder 2, Redmond S. Cole Collection, Univ. of Oklahoma (Western History Collections) [hereinafter Cole Collection, WHC, OU].

82. *Id.*

83. *Id.*

84. *Id.*

85. See E.P. THOMPSON, *THE MAKING OF THE ENGLISH WORKING CLASS* 510-11 (1966).

86. See THOMPSON, *supra* note 85, at 510-11.

more mixed-heritage and intermarried white citizens developed tribal land for large-scale agricultural production.⁸⁷ Although Indian laws forbade the direct leasing of a nation's lands to whites, wealthier Indian citizens circumvented the laws by having the tenants sign labor contracts defining them as "agricultural workers," which allowed them to work in Indian Territory under permit.⁸⁸ Under the contracts, the tenants received a portion of the crop as wages, like the sharecropping system in the lower South; although, it was not uncommon for tenants to live rent-free for up to five years if they made improvements on the property.⁸⁹

The practice of using tenant labor proved extremely auspicious. By 1886, the Chickasaw Nation had essentially converted the Washita River Valley into a single, fifty-mile-long farm.⁹⁰ Tenants, mostly white, and former Chickasaw slaves ran the farms for the benefit of a small elite of Chickasaw landlords.⁹¹ By 1896, just twenty families controlled ninety percent of Chickasaw land.⁹² Similarly, about one hundred Cherokee citizens controlled more than a half of their nation's best lands.⁹³ The use of tenants allowed the Cherokee landlords to control access to market centers for the crops.⁹⁴ The remainder of the nation had to content themselves with poorer land, often far from needed markets.⁹⁵ In the Creek Nation, where the Green Corn Rebellion broke out, a mere sixty-one intermarried and mixed-heritage citizens controlled the land, such as Anglo-Creek entrepreneurs F. B. Severs and George Perryman who

87. SOUTHWESTERN BELL TELEPHONE COMPANY, ECONOMIC SURVEY OF OKLAHOMA 102 (1929).

88. See Donald Kenneth Pickins, *The Principles and Program of Oklahoma Socialism, 1900-1918* 25-26 (1957) (unpublished M.A. thesis, The University of Oklahoma Graduate College) (on file with the University of Oklahoma Library).

89. See Donald Kenneth Pickins, *The Principles and Program of Oklahoma Socialism, 1900-1918* 25-26 (1957) (unpublished M.A. thesis, The University of Oklahoma Graduate College) (on file with The University of Oklahoma Library).

90. John Womack, Jr., *The Green Corn Rebellion: The Importance of Fools* 38 (1961) (unpublished senior thesis, Harvard University) (on file with the University of Oklahoma Library).

91. *Id.*

92. See DAVID BAIRD & DANNEY GOBLE, *THE STORY OF OKLAHOMA* 282 (University of Oklahoma Press 1994).

93. ROBERT L. OWEN, *FIVE CIVILIZED TRIBES, REPORT OF THE COMMISSIONER OF INDIAN AFFAIRS FOR 1886*, 146-61 (1886); John Womack, Jr., *The Green Corn Rebellion: The Importance of Fools* 38 (1961) (unpublished senior thesis, Harvard University) (on file with the University of Oklahoma Library).

94. OWEN, *supra* note 93, at 146-61.

95. *Id.*

owned farms that covered one million acres.⁹⁶ Each tract they controlled ranged from 2,000 to 20,000 acres.⁹⁷

While 1890 census records show only sixty-five tenant-run farms out of 8,826 total in Oklahoma and Indian Territory, the number was likely much higher.⁹⁸ Large numbers of whites from northern Texas and Arkansas, as well as smaller numbers of African-Americans, moved into Indian Territory after 1890.⁹⁹ Many of these immigrants, both with legal permits and without, willingly worked as tenants because they expected to claim homesteads when the Five Nations' lands were allotted.¹⁰⁰ But the 1898 Curtis Act dashed their hopes.¹⁰¹ The commission chosen to make the allotments used a different method than the land runs and lotteries used to open Oklahoma Territory. Instead, tribal citizens— included intermarried whites and African-American freedman and their descendants—received allotments, leaving almost no surplus land to be sold.¹⁰²

It wasn't long though before a large percentage of the allotted land came under the control of whites and mixed-heritage citizens who used a wide array of techniques, including outright fraud, to obtain the land.¹⁰³ One popular technique, used by Oklahoma U.S. Senator Robert L. Owen, was to adopt several Native American orphans and oversee the land as the children's guardian.¹⁰⁴ Frequently the guardians either sold the land or held it for speculation, often diverting profits to themselves.¹⁰⁵ In other cases, real estate agents forged the names of tribal enrollees who had died before receiving their allotments and then obtained the heirs'

96. BAIRD & GOBLE, *supra* note 92, at 282.

97. *See id.*

98. *See* SOUTHWESTERN BELL TELEPHONE COMPANY, ECONOMIC SURVEY OF OKLAHOMA 104 (1929). *See, e.g.,* BUREAU OF THE CENSUS, THIRTEENTH CENSUS OF THE UNITED STATES: AGRICULTURE, at 352 (1910) [hereinafter THIRTEENTH CENSUS].

99. *See* SOUTHWESTERN BELL TELEPHONE COMPANY, ECONOMIC SURVEY OF OKLAHOMA 104-05 (1929); *See, e.g.,* THIRTEENTH CENSUS, *supra* note 98, at 352.

100. SOUTHWESTERN BELL TELEPHONE COMPANY, ECONOMIC SURVEY OF OKLAHOMA 106 (1929). *See, e.g.,* THIRTEENTH CENSUS, *supra* note 98, at 352.

101. *See* BAIRD & GOBLE, *supra* note 92. *See e.g.,* ARRELL M. GIBSON, CHRONICLES OF OKLAHOMA: THE CENTENNIAL LEGACY OF THE GENERAL ALLOTMENT ACT 239-40 (1987).

102. *See* BAIRD & GOBLE, *supra* note 92, at 312-14. *See, e.g.,* ARRELL M. GIBSON, CHRONICLES OF OKLAHOMA: THE CENTENNIAL LEGACY OF THE GENERAL ALLOTMENT ACT 239-40 (1987).

103. ANGIE DEBO, AND STILL THE WATERS RUN: THE BETRAYAL OF THE FIVE CIVILIZED TRIBES 53-58 (1984).

104. *Id.* at 104-06.

105. *Id.* at 106-11.

consent to name an 'administrator.' Using a series of court maneuvers, the real estate agent and 'administrator' eventually acquired the deed to allotted land.¹⁰⁶

Land speculation often proved more valuable than the crops grown on it. Between 1900 and 1910 Oklahoma land values rose by 246 percent, from \$6.50 an acre in 1900 to \$22.49 in 1910.¹⁰⁷ While profitable for land owners, the rising prices meant land ownership was now beyond the means of the formerly hopeful land seekers, leaving them trapped as tenants.¹⁰⁸ Even some of those tenants who did obtain land often found themselves forced back into tenantry after they failed to pay off their mortgages.¹⁰⁹ From 1900 to 1910 tenantry grew at a startling rate, especially after many local banks collapsed and farmers defaulted on loans during the Panic of 1907.¹¹⁰ In 1900, tenants operated 47,250 out of 108,000 farms.¹¹¹ Ten years later renters ran 104,137 out of 190,192 farms.¹¹² Of the owner-operated farms, 36,036 were heavily mortgaged, nearly half of all such farms in the state.¹¹³ That compared to a national average of one-third. Yet the mortgage numbers climbed to three-fifths of owner-operated farms over the next decade.¹¹⁴ Only the large number of owner-operated farms in western Oklahoma kept the state from having the nation's highest tenancy rate.¹¹⁵

Rates of tenancy varied from county to county, but the heaviest percentages lay in the southeastern quarter of the state.¹¹⁶ Tenants ran

106. *Id.* at 113.

107. See WILLIAM BENNETT BIZZELL, *FARM TENANTRY IN THE UNITED STATES: A STUDY OF THE HISTORICAL DEVELOPMENT OF FARM TENANTRY AND ITS ECONOMIC AND SOCIAL CONSEQUENCES ON RURAL WELFARE WITH SPECIAL REFERENCE TO CONDITIONS IN THE SOUTH AND SOUTHWEST* 156-57 (1921).

108. See *id.* at 159; WILLIAM SPILLMAN & E.A. GOLDENWEISER, *Farm Tenantry in the United States*, in *YEARBOOK OF THE UNITED STATES DEPARTMENT OF AGRICULTURE* 337 (1917).

109. SPILLMAN & GOLDENWEISER, *supra* note 108, at 337.

110. *Id.*

111. See *id.*

112. See *id.*

113. See *id.*

114. See *id.*

115. See E.A. GOLDENWEISER & LEON TRUESDELL, *FARM TENANCY IN THE UNITED STATES: AN ANALYSIS OF THE RESULTS OF THE 1920 CENSUS RELATIVE TO FARMS CLASSIFIED BY TENURE SUPPLEMENTED BY PERTINENT DATA FROM OTHER SOURCES* 148-49 (1924).

116. BIZZELL, *supra* note 107, at 118-19, 159; E.A. GOLDENWEISER & LEON E. TRUESDELL, *Farm Tenancy in the United States*, *CENSUS MONOGRAPH IV* 148-49 (1924) [hereinafter *CENSUS MONOGRAPH IV*]; THIRTEENTH CENSUS, *supra* note 98, at 375.

fifty percent of all Pottawatomie county farms by 1910.¹¹⁷ The counties of the Rebellion—Hughes, Seminole, and Pontotoc—had rates of sixty percent.¹¹⁸ Higher still were Okfuskee, Pittsburg, Coal, McIntosh and McClain counties, with rates of 75 to 80 percent.¹¹⁹

Most Oklahoma tenants were quite young, and few would ever own their own farms. Of all the state's farmers, seventy-six percent of those under age 25 were tenants, while fifty-five percent of those between the ages of 25 and 33 rent land.¹²⁰ While the majority of Southern sharecroppers and tenants were also white, the percent of white Oklahoma tenants was much higher.¹²¹ Most tenants, both black and white, had migrated from western Arkansas and northern Texas.¹²²

Although often referred to as sharecroppers, the Oklahoma tenants were nothing of the kind. Sharecropping, common in the deep South, usually involved larger farming operations, with former plantations, divided into a series of lots.¹²³ Each sharecropper and his family worked their own lot and, as determined by a labor contract, received a portion of the proceeds from the crop, minus the cost of housing, supplies, advances on earnings, and interest charges.¹²⁴ Usually the landlord provided all of these and paid what was left over—if any—as wages.¹²⁵ The sharecropper quite often ended up with nothing or actually owing the landlord.¹²⁶

But the plantation system did not exist in Oklahoma.¹²⁷ Instead tenants paid rent on the land either in cash or in kind, which was usually a portion of the crop.¹²⁸ In Oklahoma, these share tenants paid one quarter of the cotton crop or one third of the corn crop, but sometimes more.¹²⁹ The rent payments, which were a hardship for renters, amounted to a form of surplus value. That is the portion of the value of a

117. *Id.* at 377.

118. *Id.*

119. CENSUS MONOGRAPH IV, *supra* note 116, at 238.

120. *See* BIZZELL, *supra* note 107, at 156-57.

121. *See id.*

122. *See* JAMES GREEN, GRASS ROOTS SOCIALISM: RADICAL MOVEMENT IN THE SOUTHWEST 1895-1943 6 (1978).

123. Edwin R. Embree, *Southern Farm Tenancy: The Way out of its Evils*, SURV. GRAPHIC, Mar. 1936, at 149, available at <http://newdeal.feri.org/survey/36149.htm>.

124. *Id.*

125. *Id.*

126. *Id.*

127. *See* GOLDENWEISER & TRUESDELL, *supra* note 115, at 19.

128. *See id.* at 15.

129. *See id.*

product above the actual cost of production which does not go to the producer—the tenant, in this case—but another person, the property owner, who only provided the land and the house on it.¹³⁰ For many landlords, the profit from their share barely covered their taxes. For them, land speculation was the real money-maker, especially because the tenants were responsible for any capital improvements on the property, and those improvements remained on the land after the tenants left.¹³¹ In fact, one of the provisions of the Socialist Party's platform was to make landlords pay tenants for all improvements if the tenants had to leave the property.¹³²

To survive, the tenants relied on credit from town merchants—often called “furnishing merchants”—and loans from banks either under the crop lien system in which the farmer used his portion of a crop as collateral or by mortgaging his livestock and what little equipment he possessed.¹³³ Theoretically, this gave the tenant more economic flexibility than a sharecropper, but in fact tenants suffered under interest rates on the loans that were just short of criminal.¹³⁴ Rates proved especially high in the rebellion area. Personal security loans ran at twenty percent interest while a chattel mortgage went from 20 to 200 percent.¹³⁵ A few banks charged 2,000 percent interest.¹³⁶ By 1915, tenants in Hughes, Seminole, and Pontotoc counties paid higher interest rates than anywhere else in the nation.¹³⁷ The creditors' practice of usury meant tenants could never scratch together enough capital to free themselves of debt.¹³⁸ Tenants became less and less independent

130. *See id.*

131. *See id.*

132. OKLAHOMA PIONEER, Mar. 2, 1910; OSCAR AMERINGER, IF YOU DON'T WEAKEN: THE AUTOBIOGRAPHY OF OSCAR AMERINGER 230 (Henry Holt & Co. 1940); Patrick Nagle, Socialist Party Platform (undated manuscript, on file in Oklahoma Historical Society Library, Oklahoma City).

133. JIM BISSETT, AGRARIAN SOCIALISM IN AMERICA: MARX, JEFFERSON, AND JESUS IN THE OKLAHOMA COUNTRYSIDE, 1904-1920, at 13-14 (University of Oklahoma Press 1999).

134. *See* C.A. THOMPSON, UNITED STATES DEPARTMENT OF AGRICULTURE, FACTORS AFFECTING INTEREST RATES AND OTHER CHARGES ON SHORT TERM FARM LOANS, BULLETIN NO. 409 at 2 (1916).

135. *See id.*

136. JOHN THOMPSON, CLOSING THE FRONTIER: RADICAL RESPONSE IN OKLAHOMA 103-04 (University of Oklahoma Press 1986).

137. C.A. Thompson, *Factors Affecting Interest Rates and Other Charges by Short Term Farm Loans*, in 409 UNITED STATES DEPARTMENT OF AGRICULTURE BULLETIN, 2 (Government Printing Office 1916).

138. BIZZELL, *supra* note 107, at 156-57.

economic actors and more and more agricultural laborers whose earnings amounted to subsistence wages.¹³⁹

Although the state legislature approved an anti-usury law in 1910 and amended in 1916, the law was regularly violated and of no practical value to tenants.¹⁴⁰ The set interest rates at six percent without a contract and at no more than ten percent with one for state chartered banks, but did not apply to nationally chartered ones.¹⁴¹ Offending banks were to pay the borrower twice the amount of interest already paid.¹⁴² The tenant had to make the demand in writing and take legal action within two years of the contract's maturation date and pay his own attorney's fees.¹⁴³ But few farmers could spare the time and money to leave their farms for long periods and attend court. Most tenants also knew that if they tried to sue their bank all other banks in the state would blacklist them. So the tenants, needing the loans, swallowed hard and accepted the interest rate, no matter how high and unlawful.¹⁴⁴

Yet, had interest rates been reasonable, they would have done little to improve the poor quality of the southeastern Oklahoma soil for cotton production when compared to rest of the South. Oklahoma tenants spent from fourteen to eighteen man-hours per acre—twice the rate of Mississippi or Louisiana sharecroppers—to compensate for lower yields.¹⁴⁵ Even then, Mississippi cash and share rented farms averaged just 22.7 and 18.4 acres and, because of richer soil, still produced a better yield than the Oklahoma farms, which were more than twice that size at 50.9 and 40.5 acres average.¹⁴⁶ All members of a tenant's family labored in the fields from spring to fall, meaning children had little time for school.¹⁴⁷ Even then, husbands and oldest sons had to work the wheat

139. BIZZELL, *supra* note 107, at 260.

140. Revised Laws of Oklahoma 1910, Vol 1, No. 1004 at 269. 1916 OKLA. SESS. LAWS Bill No. 3.

141. Revised Laws of Oklahoma 1910, Vol. 1, No. 1004 at 269.

142. *Id.*

143. *Id.*

144. Donald Kenneth Pickens, *The Principles and Programs of Oklahoma Socialism, 1900-1918* 32 (1957) (unpublished masters thesis, University of Oklahoma) (on file with Bizzell Memorial Library, University of Oklahoma).

145. Ellen Rosen, *Peasant Socialism in America?: The Socialist Party in Oklahoma before the First World War* 153 (1975) (unpublished doctoral dissertation, City University of New York).

146. *Id.*

147. See Edward N. Clopper, Ph.D., National Child Labor Committee, *Causes of Absence From Rural Schools in Oklahoma* 17 (1917).

harvest in western Oklahoma and Kansas or take seasonal oil field or mining jobs to make ends meet.¹⁴⁸

It was small wonder then that many tenants saw socialism as their only hope.¹⁴⁹ The Oklahoma Socialist Party's programs called for expanding the public domain for tenants' use, a graduated land tax to end cut-throat land speculation, and a cooperative marketing plan.¹⁵⁰ With the tenants support, the Socialists saw enormous electoral gains to 1912, especially in counties with high rates of tenancy.¹⁵¹

In the three counties of the rebellion, the Socialist vote remained high in 1916 even after landlords evicted Socialist tenants and many people voted for Woodrow Wilson from fear the Republican, Charles Evans Hughes, would lead the country into war.¹⁵² For example, Hughes County, with 80 percent tenancy, gave the Socialists twelve percent of the vote in 1912, thirty-one percent in 1914, and nineteen percent in 1916.¹⁵³ Similarly, for Seminole County, with 83 percent tenancy, had SP voting percentages of 16, 35, 28, and Pontotoc County, at 79 percent tenants, gave the SP 17, 35, 22 percent over those three elections.¹⁵⁴ Only Pottawatomie County, with 53 percent of its population tenants, gave the party lower vote percentage totals of 12, 21, 17 percent respectively.¹⁵⁵

Socialists also went to great lengths to aid tenants in creating self-help organizations. In September, 1909, Sam and Luke Spencer, two McClain County Socialists, founded the Oklahoma Renters' Union.¹⁵⁶ The union's preamble, written by Oscar Ameringer, sought, besides the regular SP demands, "three-room tenant houses with glass windows and wooden floors, two-room school houses with six month terms," and "payment for the improvements made on the landlord's property in case of surrender or eviction."¹⁵⁷ They also sought the right for landless

148. *See id.*; Oran Buck, *From a Cotton Picker*, 14(11) INT'L. SOCIALIST REVIEW 690 (1914); DAN MORGAN, *RISING IN THE WEST; THE TRUE STORY OF AN "OKIE" FAMILY FROM THE GREAT DEPRESSION THROUGH THE REAGAN YEARS*, 15 (Knopf 1992).

149. GREEN, *supra* note 122, at 244-48, 291.

150. *Id.*

151. *See id.* at 244-48, 291.

152. *See id.* at 245.

153. *See* Donald Kenneth Pickins, *The Principles and Program of Oklahoma Socialism, 1900-1918*, at 106 (1957) (unpublished M.A. thesis, The University of Oklahoma Graduate College) (on file with The University of Oklahoma Library).

154. *See id.*

155. CENSUS MONOGRAPH IV, *supra* note 116, 148-49.

156. *See* GREEN, *supra* note 122, at 80-81.

157. OKLAHOMA PIONEER, Mar. 2, 1910.

farmers to settle on state-owned land.¹⁵⁸ Unfortunately, landlords in several counties, once they learned a tenant belonged to the Renters' Union, either evicted the union member or refused to renew the lease.¹⁵⁹ In addition, the Renters' Union also refused to let African-Americans join, putting it at odds with the SP leadership. Therefore, by 1914, the Renters' Union was largely ineffective.¹⁶⁰

The Renters' Union's failure, however, did not discourage tenants and the SP from forming other organizations. In Choctaw County, tenants formed a Growers' Protective Association and hired Socialist attorney W. T. Banks to sue banks violating the 1910 usury law.¹⁶¹ "Red," or revolutionary, SP members in Pittsburg County formed the Farmers' Emancipation League.¹⁶² Like the Protective Association, it planned to use the usury law to challenge banks, but the league also hoped to force rent reductions from landlords who demanded more than their usual share.¹⁶³ The group's long range goals included the abolition of rents, interest, and profit-taking.¹⁶⁴ Both organizations recruited thousands of new members following the 1914 election.¹⁶⁵

But when both the Protective Association and the Emancipation League's lawsuits failed in 1915, a sizeable number of tenants, frustrated with failure at the ballot box and in the courts, moved toward direct action and even violent confrontation to secure political change.¹⁶⁶ As early as 1912 a few farmers became familiar with the Industrial Workers of the World (IWW), a syndicalist labor organization founded in Chicago in June, 1905.¹⁶⁷ Most had encountered the IWWs through its Agricultural Workers Organization during the wheat harvest or by

158. *Id.*

159. AMERINGER, *supra* note 132, at 230.

160. *Id.*

161. *See supra* note 149, at 301-02.

162. *See id.* at 302, 324.

163. *See id.* at 301.

164. *See id.*

165. *See id.*

166. *See* MELVYN DUBOFSKY, *WE SHALL BE ALL: A HISTORY OF THE INDUSTRIAL WORKERS OF THE WORLD* 81-87 (2d ed. 1988); GREEN, *supra* note 122, at 302, 324.

167. *See* COVINGTON HALL, *LABOR STRUGGLES IN THE DEEP SOUTH & OTHER WRITINGS* 186 (David Roediger ed., 1999). *See also* DUBOFSKY, *supra* note 166, at 81-87; PHILIP S. FONER, *HISTORY OF THE LABOR MOVEMENT IN THE UNITED STATES: VOLUME IV: THE INDUSTRIAL WORKERS OF THE WORLD, 1905-1917*, at 29-31 (1965); Stuart Jamieson, *Labor Unionism in American Agriculture*, U.S. Department of Labor Bill. No. 836, 263 (1945).

meeting individual IWW members in the oil fields.¹⁶⁸ Others learned about the Wobblies, as they were nicknamed, through IWW's members like fellow Oklahoman Frank Little who spoke at local Socialist meetings.¹⁶⁹ More than a few saw much to relate to in the IWW belief that no commonality of interest existed between employer and employee, its embracement of radical socialism, and its extension of membership to all wage-workers regardless of race, creed, color or sex.¹⁷⁰

Though revolutionary in its rhetoric, the IWW was more pragmatic in practice, seeking higher pay and better working conditions. Generally, like the more conservative AFL, the IWW used the strike as its primary weapon, but it also advocated direct action, often in the form of sabotage, when necessary.¹⁷¹ This led the public to view the Wobblies as violent and destructive, but in fact the IWWs meant sabotage to include anything that "hit the employer where it hurt: in the pocketbook."¹⁷² This included tactics such as slowing down work or following orders to the letter by running machines until they seized up, telling consumers what poor quality the goods were, or simply acting stupid or uncomprehending when ordered to do something.¹⁷³ The tactics were common in the United States and used regularly by nearly all industrial workers.¹⁷⁴ All the IWW did was openly advocate their use.¹⁷⁵

Oklahoma tenants, many of whom also had first hand experience in oil fields and mines, found the IWW rhetoric and tactics appealing for a number of reasons, including its almost "evangelical" image of revolution through a general strike of all workers.¹⁷⁶ The idea of sabotage also coincided with traditional agrarian tactics of night riding,

168. COVING HALL, LABOR STRUGGLES IN THE DEEP SOUTH AND OTHER WRITINGS, 186-87 (David R. Roediger ed., 2000).

169. *Id.*

170. See DONALD E. WINTERS, JR., THE SOUL OF THE WOBBLIES: THE I.W.W., RELIGION, AND AMERICAN CULTURE IN THE PROGRESSIVE ERA, 1905-1917, at 24 (Robert H. Walker ed., 1985). *Preamble to the Constitution of the Industrial Workers of the World*, in ENCYCLOPEDIA OF THE AMERICAN LEFT 355-56 (Mari Jo Buhle et al. eds., 1990).

171. STANLEY B. MATHEWSON, RESTRICTION OF OUTPUT AMONG UNORGANIZED WORKERS 6 n.6 (1931).

172. WALKER C. SMITH, SABOTAGE-ITS HISTORY, PHILOSOPHY AND FUNCTION 8 (1913).

173. See Grover H. Perry, *Sabotage*, SOLIDARITY, Feb. 1, 1913.

174. See WALKER, *supra* note 172, at 8.

175. *Id.*; Grover H. Perry, *Sabotage*, SOLIDARITY, Feb. 1, 1913.

176. HALL, *supra* note 167, at 187; DAVID SAPOSS, LEFT WING UNIONISM: A STUDY OF RADICAL POLICIES AND TACTICS 167 (1926).

and strong-arm resistance. As one tenant told IWW's organizer Frank Little, "We have never been able to conceive how a Co-Operative Commonwealth could be administered by politicians; but now, hearing you explain the principles and plan of organization of the IWW, we are certain we can organize and administer a Co-Operative Commonwealth. It cannot be operated through the machinery of the state—of that we are certain."¹⁷⁷

Many tenants wanted to join the IWW, but there was just one problem: the Wobblies allowed only wage-workers in the union.¹⁷⁸ While the IWW sympathized with tenants' lot and might recruit them when they worked oil field, harvest or mining jobs, it also saw tenants as the last vestiges of feudalism in America.¹⁷⁹ Other Wobblies argued farmers hired workers themselves and so were no different from other employers.¹⁸⁰ Only when capitalism consolidated farms into large industrial enterprises and the farmers became full-time wage earners would the tenant problem be solved.¹⁸¹

IV.

After the IWW national headquarters prevented the affiliated Brotherhood of Timber Workers in western Louisiana and eastern Texas from recruiting tenants and sharecroppers, some BTW leaders elected to create a new organization: the Working Class Union.¹⁸² Founded in Louisiana, its charter first appeared in Covington Hall's magazine, *Rebellion*, and later appeared on WCU membership cards.¹⁸³ The charter declared the members were loyal to their class in the struggle against capitalism, would work toward the one big union, and would promise never to scab—that is, act as a strikebreaker—or criticize any other working man or woman.¹⁸⁴ "We will do all in our power to help every worker to win his demands for a better living."¹⁸⁵ It then listed demands

177. HALL, *supra* note 167, at 187.

178. *See id.*; William Mead, *Keep Out the Farmer*, SOLIDARITY, Jan. 11, 1913.

179. *See* HALL, *supra* note 167, at 187.

180. *See id.*

181. *See id.*

182. *See id.*

183. *See id.*

184. Printed on WCU membership card, in Box 46 Folder 2, at Redmond S. Cole Collection, Western History Collections, University of Oklahoma.

185. *See id.*

not all that different from those of the Socialist Party or the IWW.¹⁸⁶ But while the SP and IWW eschewed violence, the WCU did not, rejecting the Wobblies' "mighty power of folded arms."¹⁸⁷ The WCU did, however, agree that a "scab has no rights an honest working man is bound to respect."¹⁸⁸ More important, unlike the other organizations, the Working Class Union was to be a secret society, with its local branches operating autonomously and deciding its own course of action.¹⁸⁹

When it was unable to secure support in Louisiana, the WCU sent John E. "Hobo" Wiggins, a Wobbly and BTW member, to southeastern Oklahoma and western Arkansas sometime in 1913 to find recruits.¹⁹⁰ For unknown reasons, Wiggins left for the Pacific Northwest a short time later and eventually became involved with IWW lumberjack organizing.¹⁹¹ Instead, it was Dr. Wells LeFevre, an Arkansas Socialist, who set up the national headquarters in 1914 at "Hobo Hollow," near Van Buren, Arkansas.¹⁹² LeFevre soon had chartered WCU locals in Arkansas, Kansas, Texas, and even Nebraska.¹⁹³ But the largest growth occurred in southeastern Oklahoma, especially along the banks of the South Canadian River.¹⁹⁴ Eventually LeFevre claimed a membership of 35,000, with 20,000 in Oklahoma alone, though the numbers were undoubtedly much smaller.¹⁹⁵

The collapse of cotton prices as World War I broke out helped the WCU's recruiting efforts. With the European markets closed off, cotton lint fell from almost twelve cents a pound to just under seven cents.¹⁹⁶ Worse still, this price fall came when the local price was only half the estimated production cost.¹⁹⁷ Farmers were unable to make personal loan

186. *See id.*

187. HALL, *supra* note 167, at 188.

188. *See id.*

189. GREEN, *supra* note 122, at 302.

190. *See* HALL, *supra* note 167, at 188.

191. *See id.*

192. *See W.C.U Organizer Denies Rioting*, THE DAILY OKLAHOMAN, Aug. 8, 1917, at 4.

193. *See* HALL, *supra* note 167, at 188; *General Uprising Planned by W.C.U. Suddenly Halted*, THE DAILY OKLAHOMAN, Aug. 8, 1914 at 1.

194. GREEN, *supra* note 122, at 324-25 n.20.

195. *General Uprising Planned by W.C.U. Suddenly Halted*, THE DAILY OKLAHOMAN, Aug. 8, 1914, at 1.

196. BIZZELL, *supra* note 107, at 153; JAMES R. SCALES & DANNEY GOBLES, OKLAHOMA POLITICS: A HISTORY 80-81 (University of Oklahoma Press 1982).

197. *Id.*

and chattel mortgage payments so foreclosures increased.¹⁹⁸ Land values also dipped, and, to cover their losses, landlords now demanded a greater share of the crop value, pushing tenants closer to disaster.¹⁹⁹

Many soon viewed the WCU as their best hope and the organization quickly became the vehicle for the tenants' frustrations. Initially the organization operated like the defunct Oklahoma Renters' Union, seeking the abolition of rents, labor reforms such as insisting on an eight-hour day and a workers' compensation program, old age pensions, child labor laws, and free school textbooks.²⁰⁰

Unlike the IWW, the WCU was willing to use the ballot box when it could. In Sequoyah County, the organization helped elect popular attorney L.C. McNabb to a county judgeship.²⁰¹ McNabb later resigned to become the WCU's attorney and sued several local banks under the usury law.²⁰² When he began having success with the lawsuits, local officials and businessmen accused McNabb of fraud and embezzlement and tried to have him disbarred.²⁰³ To show their support for McNabb, WCU members, wearing red shirts, marched in the streets of Sallisaw during the disbarment hearings in February, 1916.²⁰⁴

The WCU also moved toward more traditional forms of extralegal action such as nightriding, blacklisting, boycotting lands of those who opposed them, and beating and whipping tenants who refused to support the WCU's actions.²⁰⁵ Some members even turned to social banditry of a Robin Hood-like form by robbing banks.²⁰⁶ In fact, bank robberies increased four-fold in the period, although most were actually committed by professional criminals like Henry Starr.²⁰⁷

More serious were barn-burnings and the dynamiting of cattle-dipping vats following an outbreak of deadly bovine Texas fever among

198. See SCALES & GOBLES, *supra* note 196, at 80-81; HARLOW'S WEEKLY, Oct. 30, 1915.

199. BIZZELL, *supra* note 107, at 153; SPILLMAN & GOLDENWEISER, *supra* note 108, at 337.

200. WCU Pamphlet, *supra* note 184, at 105.

201. *Red Shirt Brigade in Open Defiance*, HARLOW'S WEEKLY, Feb. 26, 1916, at 3; Mar. 11, 1916, at 11.

202. SEQUOYAH COUNTY DEMOCRAT, Nov. 12, 1915.

203. *Red Shirt Brigade in Open Defiance*, HARLOW'S WEEKLY, Feb. 26, 1916, at 3; Mar. 11, 1916, at 11.

204. See *id.*

205. *Working Class Union Mobs a Tenant*, HARLOW'S WEEKLY, Jan. 1, 1916, at 4-5.

206. HARLOW'S WEEKLY, Jan. 21, 1916; EUFALA INDIAN J., Jan. 21, 1916.

207. GREEN, *supra* note 122, at 339.

state herds in 1915.²⁰⁸ Under federal regulations, the state agriculture department ordered a dipping program to eradicate the ticks that carried the disease and ordered county sheriffs to seize the livestock of farmers who refused to cooperate.²⁰⁹ Angry small farmers and tenants, however, blamed the herds of large-scale ranching operations for spreading the disease.²¹⁰ Additionally, they argued the arsenic-based dip was often mixed improperly and killed the cattle.²¹¹ For tenants especially, the loss of one cow out of two or three meant economic disaster.²¹² When authorities enforced the program in September, 1915, night riders—many, but not all, of them WCU members—began dynamiting dipping tanks in Pontotoc, Sequoyah and Muskogee counties, burning the barns of county commissioners who approved the program, and terrorizing those tenants renting from blacklisted landlords.²¹³ The night riding was known as “sending the Jones Boys,” apparently after a group of nineteenth century Missouri stagecoach robbers.²¹⁴ The authorities and the state press later attached a version of this name—the “Jones Family”—to a Pottawatomie County WCU local from near Tecumseh and incorrectly assumed it was a separate organization.²¹⁵ Ironically the local, from the community of Brown, never engaged in any violent activity, let alone night riding, at all.²¹⁶

Despite the fact that night riding had occurred in Oklahoma, in Idabel in 1908, and in McClain County in 1910, the WCU campaign convinced many contemporary observers that the WCU had IWW connections.²¹⁷ Part of this resulted from lurid news accounts, often based on unfounded rumors or complete fabrications, of Wobblies

208. See *Night Riders Try to Kill Pontotoc County Attorney*, MUSKOGEE DAILY PHOENIX, Jan. 6, 1916, at 1; HARLOW'S WEEKLY, Sept. 25, 1915; See also J. Stanley Clark, *Texas Fever in Oklahoma 24(4)*, CHRON. OF OKLAHOMA, 429-43 (Winter 1951-52).

209. OKLAHOMA LABOR UNIT, Nov. 6, 1915.

210. HARLOW'S WEEKLY, Sept. 25, 1915, at 252.

211. THOMPSON, *supra* note 21, at 182.

212. *Id.*

213. HARLOW'S WEEKLY, Sept. 25, 1915, at 252; Dec. 15, 1915.

214. Quincy Lehr, *Radicalism and Resistance*, at pt. I n.1.

215. Michael Morton, *No Time to Quibble; The Jones Conspiracy Trial of 1917*, 59 CHRON. OF OKLAHOMA, 224-36 (1981).

216. Lehr, *supra* note 214, at 39; See also ENID NEWS, Sept. 25, 1917; Transcript of Record at 390-92, *Isenhour v. United States*, Case No. 5170 (8th Cir. 1918).

217. LEXINGTON LENDER, Nov. 27, 1908; INDUSTRIAL DEMOCRAT, Oct. 22, 1910; see also Testimony of Patrick S. Nagle, 9 U.S. COMMISSION ON INDUSTRIAL REL.—FINAL REP. AND TESTIMONY, 9076-77 (1916).

burning wheat crops or driving iron spikes into trees to sawmills.²¹⁸ The fact the IWW never used night riding, or any of the other forms of agrarian resistance, did not matter.²¹⁹ Nor did it matter that the night riding tenants who murdered a number of merchants and landlords during 1915 near New Madrid, Missouri happened to be mostly Democrats.²²⁰ Rumor, lies and innuendo proved more appealing than the truth, and undoubtedly sold more papers.²²¹ Indeed, after the rebellion, several urban Oklahoma newspapers claimed the WCU and the IWW were the same, with some editors openly calling for lynch mobs to deal with the “traitorous” Wobblies.²²² In any case, the night riding had at least one positive effect: it encouraged the Oklahoma legislature to amend and strengthen the existing anti-usury law.²²³ After it went into effect, night riding and extralegal violence declined dramatically.²²⁴

V.

The movement toward open rebellion began not just with the resolution of war in April, but with President Wilson’s signing of the Selective Service Act on May 18, 1917.²²⁵ Many Oklahomans, not just tenant farmers, felt betrayed by the action. One Oklahoma City man told Senator Thomas Gore—himself a conscription opponent—that “I am a [D]emocrat and voted for Wilson because he kept us out of War. He has rewarded us by conscripting our sons.” Gore also noted a circular letter

218. For reports on such charges, see Robert Bruere, *The Industrial Workers of the World: An Interpretation*, 137 (818), HARPER’S MONTHLY 256 (Sept. 1918) and HARLOW’S WEEKLY, Sept. 26, 1917, at 6.

219. On night riding, see Richard Maxwell Brown, *Historical Patterns of Violence, VIOLENCE IN AMERICA*, 38-39 and Smith, *supra* note 172, at 8.

220. THE DAILY OKLAHOMAN, Dec. 9, 1915.

221. For some examples, see THE DAILY OKLAHOMAN, June 2, 1917; June 6, 1917; June 13, 1917.

222. See MCALESTER NEWS CAPITAL, Aug. 26, 1917. The most famous pieces calling for lynching appeared in the TULSA DAILY WORLD. See Aug. 6, 1917; Aug. 7, 1917; Aug. 9, 1917; and especially Nov. 10, 1917 editions.

223. *An Act Relating to the Lend of Money: Amending Section 1003 of the Revised Laws of Oklahoma*, 1910, STATE OF OKLAHOMA SESSIONS LAWS OF 1916, EXTRAORDINARY SESSION, FIFTH LEGISLATURE 24-28 (Co-Operative Publishing Co. 1916).

224. GREEN, *supra* note 122, at 338.

225. NEW YORK TIMES, May 19, 1917.

he had sent to his constituents before the war resolution indicated four to one opposition to American involvement.²²⁶

But there were strong incorporationist and nationalist forces who had wanted conscription even before war was declared. These politicians—mostly of old British American stock—called for military preparedness and believed the United States should establish *universal* military service as part of it. These new militarists contended universal service would teach the young disciplined, Americanized immigrant, and break down class and regional differences. The ultimate goal was a single, monocultural, national society that would accept the permanence of economic inequality, yet would be run rationally.²²⁷

Universal conscription, however, would have proven both unwieldy and expensive, but the patrician supports of the draft were actually pleased with the system that emerged. All men between the ages of 21 and 30 had to register at their local voting precinct on June 5th—often declared “Liberty Day” by state governors— and a lottery would determine who would be inducted. The legislation created county and district draft boards whose sole power was to determine who received exemptions. The new law also gave the president sweeping powers over other military concerns, such as the presence of liquor and prostitutes near military camps. In addition, the president could establish federal agencies to run the war effort, which might survive the war to achieve further nationalizing and incorporating goals, while the Councils of Defense created for each state would foster a single national environment to support the war effort.²²⁸

Problems with enforcing the act quickly became apparent. While the law could punish a person trying to obstruct the draft, it had no authority over individuals who encouraged others not to *enlist* or obstructed the military in other non-violent ways. Additionally, authorities expected to use the treason laws from the 1790s and conspiracy statutes from the Civil War against offenders, but they soon realized that an individual acting alone would not fall under the conspiracy laws and the treason

226. Selective Service Act (1917), 40 *US Statutes at Large* 76; Senator Thomas P. Gore to Redmond S. Cole, Aug. 16, 1917, Box 6, Folder 1, Cole Collection, WHC/OU.

227. JOHN WHITECLAY CHAMBERS II, *TO RAISE AN ARMY: THE DRAFT COMES TO MODERN AMERICA 173-77* (The Free Press 1987).

228. Selective Service Act (1917), 40 *US Statutes at Large* 1, *passim*; O. A. Hilton, *The Oklahoma Council of Defense and the First World War*, *CHRONICLES OF OKLAHOMA* 20 (Spring 1942), at 18-24.

statute had doubtful application to mere utterances. Other legislation was clearly needed.²²⁹

On June 15, 1917, President Wilson signed the Espionage Act. While most of the act dealt with actual spying and the protection of military secrets, Section Three of Title I made crimes of: 1) conveying false information that would impede the military; 2) causing insubordination, mutiny, or disloyalty in the military; and 3) obstructing the recruitment or enlistment of the military. Section Four provided punishment for conspiring to violate Section Three if any one member of the conspiracy acted to carry it out. These provisions would become the basis for trying the members of the Working Class Union, including those who took no part in the Green Corn Rebellion. Still, Attorney General Thomas Gregory did not believe it went far enough. He frankly wanted legislation that would make people “keep their mouths shut and obey the law.”²³⁰

Despite having all the legislation in place and having a Committee on Public Information to provide positive propaganda about the war, the Wilson Administration was surprised by the degree of negative reaction to conscription, especially in rural areas and particularly the states of the Upper Midwest and of the Southern highlands running from Virginia west to Oklahoma. For some, the Civil War with all its horrors remained fresh in their minds and, indeed, a number of WCU members were old enough to have fought in the war or seen its aftermath. The Green Corn rebels held the same beliefs as a large number of Americans—if not a majority—in both North and South—who opposed the drafted because it would force them to support a war they believed “irrelevant at best, dubious at worst.”²³¹

VI.

Most rural whites in the United States viewed the war as a “Rich man’s war; poor man’s fight” waged for powerful economic groups.

229. ZECHARIAH CHAFEE, JR., *FREE SPEECH IN THE UNITED STATES* 37 (New York: Atheneum, 1969).

230. Espionage Act (1917), 40 *United States Statutes at Large* 217; PAUL L. MURPHY, *WORLD WAR I AND THE ORIGIN OF CIVIL LIBERTIES IN THE UNITED STATES* 79 (New York: W. W. Norton, 1979); HORACE PETERSON & GILBERT FITE, *OPONENTS OF WAR, 1917-1918*, at 115 (Madison: University of Wisconsin Press 1957).

231. Jeanette Keith, *The Politics of Southern Draft Resistance, 1917-1918; Class, Race, and Conscription in the Rural South*, 87 *JOURNAL OF AMERICAN HISTORY* 1338, 1341 (2001).

African-Americans and Native-Americans shared that belief and were reluctant to support a nation that treated them as second-class citizens. They also distrusted the entire set-up of the draft system. Small town elites, such as bankers and merchants, dominated the local draft boards which ran selective service and granted exemptions. The boards displayed open class and racial biases that favored middle class whites. Farmers contended, with much justification, that the boards took their sons while exempting shop clerks, bank tellers and the sons of prominent men. Even if rich men's sons were drafted, they often maneuvered for assignments far from the front.²³²

While the law exempted industrial labor, it was unclear regarding farm labor. Those engaged in "essential" farm labor received exemptions, which in practice meant prosperous land owners could hope to receive them. Landless tenants had no hope of exemption based on their ability to produce for the market. Nor could many expect exemption because they were married. Exemptions were instead based on dependency. If a tenant had relatives or in-laws who could take care of his wife and children, he would not earn an exemption. Neither could a man whose wife could rent land to produce income nor a man whose army pay could support his family. Overall, a common rule developed that if a married man earned less than \$30 a month, he failed to earn an exemption. Given that tenant farms in Oklahoma earned nowhere near that much, it became clear few could even ask for a deferment.²³³

Clearly opposition to conscription was a cause the WCU could use to further its main objectives. All the organization needed was an organizer who could articulate the tenants' anger. It found him in a former lead and zinc miner and farm from Seneca, Missouri, named Henry H. "Rube" Munson. Previous accounts of the Green Corn Rebellion have accepted that Munson was a member of the IWW fleeing a criminal indictment in Chicago, but this is untrue. Munson, whose family remained in Seneca, had organized for the WCU for two years by 1917. As the IWW did not begin organizing in the Tri-State mining region until the early 1920s, Munson probably had little contact with the IWW. He was indeed named, along with 160 others, in a massive federal indictment in 1917 that accused the IWW of conspiring to hinder the draft. Those indicted included not only Wobblies but members of the Socialist Party and other organizations. In addition, those charges were dropped against Munson. Federal authorities also conceded that Munson

232. *Id.* at 1342, 1349, 1352.

233. *Id.* at 1343-44.

was not a Wobbly and that he alone had conceived of converting the WCU to active draft resistance. Finally, in its 1920 report on conditions at the Leavenworth, Kansas, federal prison where the WCU leaders were held, the Federated Council of the Churches of Christ pointed out that no WCU members belonged to the IWW.²³⁴

Munson had apparently tried to contact the IWW through a branch of its Agricultural Worker Industrial Union (AWIU) in Tulsa. But the IWW rebuffed him. In fact, at its 1917 spring convention held in May at Kansas City, the AWIU pointedly refused to affiliate with the WCU because it included tenants, small farmers and even sympathetic doctors, lawyers and merchants. The IWW was also worried about increased assaults on its own members, growing federal surveillance, and nearly frenzied hate-mongering in the nation's press. The labor organization had taken a neutral stance on conscription and wanted no part of a group like the WCU known for opposing the draft and for using violence.²³⁵

What Munson was, on the other hand, was a persuasive speaker with an innate ability to communicate with the uneducated. He often used Biblical verses to make his points and occasionally brought his children along to sing labor song's such as the "The Man with Patch on His Pants" or IWW member Joe Hill's "Preacher and the Slave." One government witness described Munson as "just like a preacher." But Mary Langthorpe, who met Munson when she was twelve and living at a socialist colony at Milton in LeFlore County, knew something else about him. "He might have been able to hide the fact from most of his followers, [but] he really was a 'rube,' too—almost totally illiterate."²³⁶

234. For a list of IWW members indicted and jailed in Oklahoma and elsewhere, see "Indictments, 1918-1919" carbon-copy typescript Box 135, Folder 4, in the Industrial Workers of the World Collection, Archives of Labor and Urban Affairs, Wayne State University [Hereinafter ALUA/WSU]; THE DAILY OKLAHOMAN, Oct. 31, Nov. 1, 1917; GARIN BURBANK, WHEN FARMERS VOTED RED: THE GOSPEL OF SOCIALISM IN THE OKLAHOMA COUNTRYSIDE, 1910-1924, at 146 (Greenwood Press, 1976); Bush, *supra* note 3, at 10, 12, 17; Womack, *supra* note 2, at 1, 87; PATRICK RENSCHAW, THE WOBBLIES: THE STORY OF SYNDICALISM IN THE UNITED STATES 156 (Garden City, N. Y.: Doubleday 1968); GREEN, *supra* note 122, at 357-58, 392; Redmond S. Cole to F. H. Duehay, president of U. S. Board of Parole, December 18, 1918, Box 30, Folder 1, Cole Collection, WHC, OU; The church council's report is quoted in INDUSTRIAL SOLIDARITY (Chicago), Mar. 25, 1922.

235. SOLIDARITY (Chicago), June 9, 1917.

236. Norma Jane Bumgarner, "The Milton Colony" *From Utopia to Ghost Town, 1913-1916*; CHRONICLES OF OKLAHOMA 74-75 (Spring 2000); "Cross-Examination of Tobe Simmons," Trial Notes, "Jones Family," Box 36, Folder 2, Correspondence Binder 1-216, 94, Cole Collection WHC, OU.

Even without the IWW's support, Munson plunged on ahead. Being in late April or early May, Munson and his lieutenant Homer Spence, addressed WCU local meetings about the draft. The two men warned that all able-bodied men would likely be drafted and sent to Europe, and that the old men, women and children would end up working on large corporate farmers to benefit the war effort. During the trials, former WCU members testified that Munson had said forty-eight organizations, including the IWW, would join to end the war. Spence said two million Wobblies would join with the WCU and the Farmers' and Laborers' Protective Association of Texas to capture "Kaiser Wilson." At the same time, members in Germany would capture Kaiser Wilhelm and end the war. While each local made its own plans, they all agreed to stockpile weapons and dynamite and to congregate at a single point, initially in late July, from where they would forcibly recruit other farmers, march toward Washington, D.C., join up with other groups from across the upper South, and force President Wilson from office.²³⁷

But as the summer wore on, the situation worsened for the WCU. The government successfully planted informers in several locals, and evidence suggests they knew the original and rescheduled dates of the uprisings, as well as details of activities within each local. On June 7th, two days after registration day, Seminole County authorities arrested five men on draft resistance charges and implicated the WCU. Just a week later, Holdenville police arrested Charles March, a local WCU leader, after he distributed anti-draft literature. More arrests occurred after a gas explosion at Kusa, in Okmulgee County, a sewer main explosion at Henryetta (both probably natural events), and the June 7th dynamiting of a water storage tank at Dewar. At Dewar, the sheriff and his deputies found a man named C. H. Baker lying stunned near the explosion site. Hanging him from a tree, the men forced a confession from Baker that implicated twelve other men, all allegedly WCU members. That same day federal authorities arrest both Munson and Spence and took them to

237. WEWOKA CAPITAL-DEMOCRAT, May 31; Aug. 9, 1917; SEMINOLE COUNTY CAPITAL (Wewoka), May 31, 1917; ADA WEEKLY NEWS, May 31; Aug. 16, 1917; SHAWNEE DAILY NEWS HERALD, Aug. 5; Sept. 25, 1917; MCALESTER NEWS CAPITAL, Aug. 18, 1917; DAILY ARDMOREITE, Oct. 31, 1917; THE DAILY OKLAHOMAN, Sept. 25, 1917; "Testimony of William Hoobler," in Transcript of Record, Clure Isenhour v. United States, No. 5170 (8th Cir. June 1, 1918) 413. Copy in Manuscript and Archives Division, Oklahoma Historical Society, Oklahoma City. [Hereinafter Isenhour Transcript]; "Direct testimony of George Ingraham, Konowah," Case No. 1553, United States v. Isenhour *et al* Trial Notes, Box 36, Folder 2, Correspondence Binder 1-216, 55, Cole Collection WHC, OU.

Muskogee where they were charged with conspiracy to obstruct the draft. By now the press was reporting that, among other depredations, armed draft resisters, aided by the IWW, had set up camps in the Osage Hills and were robbing railroad box cars for supplies.²³⁸

While Munson and Spence were later released on bond, federal authorities kept them under surveillance and rearrested Munson in late July at about the same time they arrested eight members of the Brown local in Pottawatomie County. This group, which came to be called the "Jones Family," had elected not to join in an armed revolt but instead chose to help twenty-seven draft resisters hide out. They were indicted on July 31st, just days before the Green Corn Rebellion broke out, and they would be the first WCU members to go to trial.²³⁹

July also witnessed further arrests and growing tension nationwide, which made authorities increasingly paranoid. Reports of unrest came from Enid, Coalgate, Tishimingo, as well as from Shawnee, Wewoka, Holdenville and much of Pontotoc County. On July 26th, authorities in Konowa arrested two more WCU members, Homer Long and Logan Drury, on draft resistance charges. Strikes and violent confrontations were reported in Bisbee and Douglas, Arizona, among members of the Farmer and Laborers' Protective Association in Texas, as well as in Washington state, Pennsylvania, and California. In Butte, Montana,

238. THE DAILY OKLAHOMAN, May 30; June 4, 1917; SHAWNEE DAILY NEWS-HERALD, Aug. 5, 1917; WEWOKA CAPITAL-DEMOCRAT, June 7, 1917; HOLDENVILLE DEMOCRAT, June 14, 1917; NORMAN TRANSCRIPT, June 7, 1917; NORMAN DEMOCRAT-TOPIC, June 22, 1917; ENID DAILY EAGLE, Sept. 24, 1917; KANSAS CITY (Missouri) TIMES, Sept. 25, 1917; NEW SOLIDARITY (Chicago), Apr. 26, 1919; Reports of Bureau of Investigation agent T. F. Weiss, Oklahoma City/McAlester, dated Sept. 18, 24, 27, 1917, in Randolph Boehm, editor, *United States Military Intelligence Reports: Surveillance of Radicals in the United States, 1917-1941*, (University Publications of America, 1984), reel 6, frames 279-83. This microfilm edition includes material from National Archives Record Group 165, File Series 10110 and 10058; "Federal Arrest Warrant for H. H. Monson, Alias Rube and H. C. Spence, Sallisaw, Case No. 435, May 28, 1917," in Record Group 21, United States District Courts: Eastern District of Oklahoma, Criminal Case Files Nos. 2633, 2650, 2651, 2652, Box 125, in National Archives and Record Administration, Southwest Branch, Fort Worth, Texas [hereinafter NARA/SW].

239. "Indictment against Clure Isenhour, Obe Isenhour, Daniel Isenhour, J. L. Bohannon, Tobe Simons, John Shirey, Walter Phillips, French (alias "Daddy") Henry, Frank Banning, J. R. Sparkman, C. W. Morris, Earl Whitten, Clarence Roberts, William Ellis, and John Snyder, Defendants, for Violation of Sections 4 and 6 of the Federal Penal Code, July 31, 1917," in Record Group 21, United States District Courts: Western District of Oklahoma, Criminal Case Files 1553, Box 79, Folder 1, in NARA/SW; SHAWNEE DAILY NEWS-HERALD, July 22, 1917; NORMAN TRANSCRIPT, Aug. 1, 1917; CLEVELAND COUNTY ENTERPRISE (Norman), Aug. 2, 1917; NORMAN DEMOCRAT-TOPIC, Aug. 3, 1917.

vigilantes, allegedly tied to the copper mining companies, lynched IWW organizer Frank Little, who had grown up in Oklahoma and was known to many WCU members. Homer Spence traveled from local to local in late July telling the members to be ready, but he apparently never gave the order for the rebellion. Who did remains unknown.²⁴⁰

Regardless of who gave the order, on July 27th a farmer and local Socialist named John "Old Man" Spears raised handmade red Socialist and American flags over his property near Sasakwa along the Little River. This was the signal that his property was where the WCU members were to gather. Shortly after midnight on August 3rd, the revolt began. Gathering at Spears' farm, the men foraged green corn—giving the rebellion its name—and stole and slaughtered a yearling to roast. Other men set out to dynamite and burn railroad trestles and bridges and oil pipe and cut telegraph wires. But they had few guns stockpiled, and many realized they were no match for posses armed with weapons from the National Guard armories. After firing at best a handful of shots, the rebels fled, their uprising a shambles only hours after it began. Three rebels died in shoot-outs and several posse men, including some sheriffs and deputies, were wounded. A schoolteacher from Okemah, who had nothing to do with the revolt, died from gun shot wounds when he tried to run a roadblock set up near Holdenville by the local Home Guard.²⁴¹

In the following days, the posses arrested anyone—especially Socialists such as former Seminole County commissioner Albert Huckleberry and former county under-sheriff W. P. Snider and sitting justice of the peace J. H. Snider—whom they suspected had even the remotest connection to the uprising. Eventually the authorities arrested 458 men, of whom 266 would be released because of insufficient evidence. The remaining 192 would face trial.²⁴²

240. WEWOKA CAPITAL DEMOCRAT, July 26, 1917; DAILY OKLAHOMAN, Aug. 12, 1917; ADA WEEKLY NEWS, Aug. 2, 1917; DAILY ARDMOREITE, Oct. 31, 1917.

241. OKLAHOMA NEWS (Oklahoma City), Aug. 3-9, 1917; MCALESTER NEWS CAPITAL, Oct. 31, 1917; SHAWNEE DAILY NEWS-HERALD, Aug. 6, 1917; WEWOKA CAPITAL-DEMOCRAT, Aug. 9, 1917; ADA WEEKLY NEWS, Aug. 9, 1917; HOLDENVILLE DEMOCRAT, Aug. 10, 1917.

242. SHAWNEE DAILY NEWS-HERALD, Aug. 6, 1917; WEWOKA CAPITAL-DEMOCRAT, Aug. 9, 1917; ADA WEEKLY NEWS, Aug. 9, 1917.

VII.

Initially, W. P. McGinnis, the US Attorney for Oklahoma's Eastern District, announced he would try the men for treason and seek the death penalty if the facts warranted it. Judges arraigning the rebels also set bail so high as to insure the prisoners would remain jailed until their trials. Bond generally ran \$10,000 for major leaders, \$5,000 to \$7,500 for lesser leaders, and from \$500 to \$5,000 for other participants. Most of the rebels, however, were so poor that \$500 was as effective as \$10,000 in holding the men in custody. In one group of about fifty prisoners, only three made bail. But Justice Department officials in Washington soon convinced McGinnis that treason was too strong a charge and might hinder other prosecutions, especially those which the Department of Justice sought against the IWW. It also seems likely that the Federal authorities hoped to test the prosecutorial viability of the Espionage Act with both the "Jones Family" and rebellion trials. "Success with these trials under the new law undoubtedly would have made prosecuting similar cases, such as those involving the Socialists and the IWW, that much easier."²⁴³

By August 10th, Federal commissioners at McAlester and Holdenville had obtained thirty-two full confessions from prisoners, who talked freely about the uprising's leaders and about their plans. Perhaps fearing imprisonment, many seemed eager to cooperate with the authorities. Believing most of the rebels were duped and misled, McGinnis concluded the majority of the men were harmless and recommended most be paroled and allowed to return to their homes.²⁴⁴

Federal and state officials quickly complied with McGinnis' recommendation. By the end of August, only 257 prisoners remained at

243. MCALESTER NEWS-CAPITAL, Aug. 3, 18, 1917; THE DAILY OKLAHOMAN, Aug. 4; Aug. 22; Sept. 26; Oct. 23; Oct. 25-28; Oct. 31; Nov. 1-2, 1917; ADA WEEKLY NEWS, Aug. 9, 1917; NORMAN TRANSCRIPT, Aug. 9, 1917; Wyatt Smith to Rep. Tom McKeown, Fourth District, Sept. 25, 1917; McKeown to U.S. Attorney W. McGinnis, Sept. 29, 1917; McGinnis to William L. Frierson, Oct. 4; 9, 1917; Frierson to McGinnis, Oct. 4; 11; 17, 1917; Assistant U.S. Attorney General Marvin Underwood to McGinnis, Aug. 29, 1917; Unsigned postcard to McGinnis, Aug. 6, 1917, in Melvyn Dubofsky, ed., *United States Department of Justice Investigative Files, Part I: The Industrial Workers of the World*, (Bethesda, Md.: University Publications of America, 1989), reel 5, frames 65-77, 79, 81-2, 84, 99. This microfilm edition includes material from National Archives Record Group 60, Casefiles 186701 and 189152 of the Bureau of Investigation, and Record Group 204, Casefile 39-242 of the U.S. Pardon Attorney office.

244. MCALESTER NEWS-CAPITAL, Aug. 10, 1917; ADA WEEKLY NEWS, Aug. 16, 1917.

McAlester. Authorities benefited somewhat from a reduction in the initial press hysteria and from the desire of local furnishing merchants and landowners to have the tenants back on the farms working their mortgaged crops. Judges reduced the bail in many cases, and in several cases landowners posted bond for their tenants. Because of the reduced bonds and the desperate need for labor, only thirty-eight rebels—mostly the principal leaders—remained in prison by mid-October.²⁴⁵

Testimony from preliminary hearings also proved a means to identify both the leaders who would face trial and the participants who would receive parole. In order to avoid jail many men clearly told the authorities exactly what they wanted to hear. For example, the press—in both joking and racist fashion—reported the testimony of one African-American defendant who told Assistant District Attorney W. J. Turnbull, “When we started out to raise hell we was all sayin’ that this is Rock’fellah’s country. But now it’s Mah Country ‘Tis of Thee.” When Turnbull asked the man if he would rejoin the WCU if released, the prisoner—obviously frightened and demoralized—replied, “No sah, boss. If yo’all lemme go home, Ah won’t even jine a chu’ch.”²⁴⁶

Spearman Dalby found an easier way to avoid imprisonment. Although Dalby had registered for the draft on June 5th, he still took part in the uprising. While imprisoned, he learned his draft number had come up. Allowed to appear before a draft exemption board, Dalby choose to accept no exemption and said he would willingly serve in the army if all charges against him were dropped. The authorities agreed.²⁴⁷

Prison officers also began what amounted to a political reeducation program with the rebels. Guards handled the men politely and with a high degree of kindness. Officials addressed each prisoner as “Mister” rather than just using the men’s first names, as was done with most inmates. In addition, the authorities encouraged the prisoners to talk openly and communicate their opinions, while at the same time providing the men with instruction in basic American history and politics. Although these actions undoubtedly provided the government with additional information for its case, they also suggest that at least some prison officials recognized the essential humanity of the rebels and

245. MCALESTER NEWS-CAPITAL, Aug. 24, Oct. 20, 1917; HOLDENVILLE DEMOCRAT, Aug. 24, 1917; THE DAILY OKLAHOMAN, Oct. 20, 1917.

246. THE DAILY OKLAHOMAN, Aug. 10, 1917; MCALESTER NEWS-CAPITAL, Aug. 10, 1917.

247. MCALESTER NEWS-CAPITAL, Aug. 22, 1917.

realized these men were not at all like the regular run of inmates. The humane treatment, however, would not extend into the court house.²⁴⁸

VIII.

In the last week of September, while McGinnis and his associates sorted through the case they would bring to the grand jury, John Fain—the US Attorney for Oklahoma’s Western District—began the prosecution in Enid of another group of WCU members. Commonly, but incorrectly, known as the “Jones Family” the defendants, from Pottawatomie and Cleveland counties, mostly belonged to the Brown local and were already in custody when the rebellion began. Unlike their Seminole, Hughes, and Pontotoc county counterparts, these men chose not to take up arms against the government. Instead they were accused of helping draft-age men avoid conscription and of organizing resistance to the Conscription Act.²⁴⁹

The trial, with over eighty witnesses, was marked by the bitter and spiteful behavior of Fain, his assistant Redmond Cole, and Judge John Hazelton Cotteral. Both Fain and Cole made clear their position as patriots, especially Cole, who served on the Pawnee, Oklahoma, draft board. Cole apparently also believed that a major conspiracy of labor groups against the war existed. In one case, after Fain had browbeaten witness Scott Mitchell during a several hour long cross-examination, the US attorney then had the man arrested for perjury when Mitchell, apparently tired and confused, gave minor details which conflicted with his original statements.²⁵⁰

The trial nearly failed to begin when one government witness, J. C. Harrod, attempted suicide by cutting his throat in order to avoid testifying against the defendants. The sixty-year-old Harrod, a tenant farmer and a WCU member, later explained his odd and desperate action, saying “Rather than give away anything that would hurt my neighbors, I

248. MCALESTER NEWS-CAPITAL, Sept. 29, 1917.

249. “Indictment, Clure Isenhour, et al,” *ibid*; Defendant John Snyder suffered a mental collapse before the trial and was held at the asylum in Norman. Consequently, his case was severed from the others. See “Motion of Severance of Trial as to John Snyder, Sept. 19, 1917,” in Record Group 21, Western District of Oklahoma, Criminal Case No. 1553, Box 79, Folder 2, NARA/SW.

250. WOMACK, *supra* note 2, at 128; THE DAILY OKLAHOMAN, Oct. 5, 1917.

would rather do what I did. Perhaps I think too much of my neighbors."²⁵¹

The prosecution quickly pressed with its case, despite Harrod's action. Starting with their first witness, Fain and Cole set out to demonstrate that a conspiracy to oppose the draft law existed and that the defendants were willing to use violence to force other tenants to join the WCU. Twenty-nine-year-old farmer J. O. Holmes, who was also a government informer, testified that the men participated in the planning of the Green Corn Rebellion and then described the penalties for those who double crossed the WCU. For a first offense, he said, the penalty was thirty lashes with a wet rope across the offender's bare back, while a second offense brought sixty lashes. For a third offense, Holmes testified, "[T]he Jones Boys would come and get you and G.D. we do not know what will become of you."²⁵²

But it was clearly not enough for the prosecution to prove the defendants had conspired among themselves to oppose the draft. Fain and Cole—perhaps at the behest of Washington—also tried to connect the men to the IWW in order to demonstrate the existence of a larger anti-war plot. Oddly, although Judge Cotteral clearly favored the prosecution, he cut off this line of argument when he sustained an objection from defense attorneys Patrick Nagle and John Carney, two prominent Oklahoma Socialists. The two lawyers cited the prosecution's total lack of evidence to make such assertions.²⁵³

On the other hand, Cotteral allowed, over the defense's objections, Fain and Cole to imply a connection with the introduction of several letters of dubious provenance. The letters, allegedly from the defendants, threatened two local policemen to either join the WCU or "leave the country," and were signed "I.W.W." The prosecution obviously intended the letters to inflame the jury. Fain and Cole must have realized that no one acting rationally would sign his own name to a letter threatening a law officer. Nor could they prove that any of the defendants had written the letters. Any letter—even possibly forged ones—would automatically loom large if attributed to the IWW, given the union's well-known, but completely undeserved, reputation for

251. ENID DAILY NEWS, Sept. 29, 1917; "Abstract of Evidence for Government," in Case No. 1553, U.S. v. Isenhour et al trial notes, Cole Collection, Box 36, Folder 2.

252. *Testimony of J.O. Holmes*, trial notes for Case No. 1553, U.S. v. Isenhour, in Cole Collection, Box 36, Folder 2.

253. ENID NEWS, Sept. 25, 1917; THE DAILY OKLAHOMAN, Sept. 23, 1917; *Transcript*, U.S. v. Isenhour, 390-392.

violence. Working against the letters was the testimony of three defendants—Clure Isenhour, Obe Isenhour, and John Shirey—all of whom denied they were members of the IWW. In addition, the trio said they had never heard of the IWW and had no idea what it believed.²⁵⁴

The defense, which was comprised of Ben Williams for Bohannon and Banning and Carney, Nagle and Roscoe Arrington for the other nine, took a different tack, arguing the WCU locals in question were primarily fraternal organizations and, when they had opposed the war, had done so peacefully. Instead, the defense focused on the actions of the two federal informers, Holmes and D. O. Barton, who had infiltrated the locals. It was Barton and Holmes, not the men on trial, who had proposed active draft resistance, the defense claimed.²⁵⁵

On the other hand, anti-war opinion within the locals did exist and varied considerably. Some members clearly believed the war was wrong, no matter the justification. J. L. Bohannon, the only landowner among the defendants and a former Texas sheriff, questioned Britain's reasons for participating although he characterized himself as pro-French. The prosecution contended that the differences of opinion focused more on starting immediate local resistance or waiting until the area's draft age men had begun receiving military training and could then better defend themselves. Neither defense nor prosecution scenarios, however, proved internally consistent and both lacked hard evidence to support their strongest contentions. On that basis alone, the men should have been acquitted.²⁵⁶

Indeed, the few facts not in dispute were that the Brown local, if it had planned resistance, intended only to hide draft age men and not engage in open revolt. Most important, the members of the Brown local had not even begun organizing such a plan when they were arrested. In the case of Bohannon, he had sent his draft age son to Mexico to manage the family properties there before passage of the conscription act. The prosecution had to argue the authorities had arrested the defendants just before they were to set their plans in motion, and to do that required a rather convoluted "proof" of a conspiracy. That proof, as presented by Cole in his summation, rested on several points, including that the locals

254. SHAWNEE DAILY NEWS-HERALD, Sept. 26, 1917; *Transcript*, U.S. v. Isenhour, 945, 1007, 1021.

255. *Opening Statement of Roscoe Arrington*, in trial notes for Case No. 1553, U.S. v. Isenhour, Cole Collection, Box 36, Folder 2.

256. *Testimony of J. L. Bohannon*, in trial notes for Case No. 1553, U.S. v. Isenhour, Cole Collection, Box 36, Folder 2.

met behind closed doors during the summer and armed young boys to act as guards, and asked all new members if they were spies. The prosecution also noted that neighbors said the WCU locals were anti-war and anti-conscription groups, and that the defendants themselves admitted strong anti-war sentiment existed in the area and that they had run out of petitions calling for the repeal of the Selective Service Act.²⁵⁷

But such evidence was at best circumstantial, and, for the most part, irrelevant. Certainly the WCU was a secret society and met behind closed doors, but so did equally secretive fraternal organizations, like the Masonic lodges, and the violent and racist Ku Klux Klan. Given the repression tenants' organizations—the WCU in particular—had previously encountered, the locals' decision to post guards seems a rational behavior. Speaking out against the draft and circulating petitions calling for its repeal could hardly be viewed as illegal, though perhaps risky given the vagaries of the Espionage Act and rising tide of jingoism in the state and nation.

All of this mattered little. The patriotic mood of the time undoubtedly gave the prosecution the edge it required. The jury convicted eight of the eleven men on the conspiracy charges. Still, the jury also found the eight not guilty on the rest of the indictment and completely acquitted the three remaining defendants, though each for reasons hardly connected to the charges. They acquitted Daniel Isenhour because he was elderly and in poor health, 19-year-old Frank Banning because of his youth, and J. L. Bohannon, mostly because of his status within Cleveland County, his former position as a lawman, and his generally tenuous contact with the WCU. The convicted men each received six-year sentences in the federal penitentiary at Leavenworth, Kansas, and \$5,000 fines from Judge Cotteral. They would later appeal the verdict, but the appeals court would sustain the ruling.²⁵⁸

257. *Requests of J. L. Bohannon for Court to Charge Jury re absence of Emmett Bohannon*, 5-page undated typescript, 4-5, in Record Groups 21, Eastern District of Oklahoma, Criminal Case No. 1553, Box 79, Folder 3; *Evidences of Criminal Character of Meetings*, in trial notes for Case No. 1553, U.S. v. Isenhour, Cole Collection, Box 36, Folder 2.

258. *Finding of the Jury*, U.S. v. Isenhour, two-paper mimeograph copy, and *Commitment, October 8, 1917*, U.S. v. Isenhour, two-paper mimeograph copy, in Record Groups 21, Eastern District of Oklahoma, Criminal Case No. 1553, Box 79, Folder 3.

IX.

As for the main body of the rebels, the preliminary hearings for the nearly five hundred men lasted close to two months and included extensive testimony from the rebels, their friends and neighbors, county sheriffs, posse members, and federal marshals. So thorough were the hearings that the federal grand jury, which met in McAlester in late September, essentially only had to prepare indictments. The grand jury presented those indictments on October 1, 1917, returning 220 "true bills" and "no-billings" fifty-two.²⁵⁹

The defendants were scheduled to appear before Federal Judge Ralph E. Campbell on October 3rd, but the hearing was delayed until October 5th. The authorities and spectators expected the men to plead guilty, but, to their surprise, 152 men took the advice of their attorneys and pled "not guilty." When the hearings ended on October 6th, all but ten men had pleaded "not guilty," and they had failed to make pleas only because no one had notified them of the hearings. Judge Campbell set the trial for October 22nd in Federal Court in Ardmore and allowed those men released on bond to go home and tend to their farms.²⁶⁰

As the trial date neared the defendants, with a few exceptions, dutifully arrived in Ardmore. A few, who could afford it, came by train, but the majority traveled in covered wagons, the only means of transportation they had. Most of the men brought their families and a few personal belongings that generally constituted their entire personal wealth. Unable to afford lodgings, the families lived in the wagons. During the day the women and children sought jobs in the nearby cotton fields, while the men clustered in small groups around campfires to discuss the trials and the possible prison terms they faced.²⁶¹

Judge Campbell presided over the trial when it began on October 28th, with US Assistant Attorney W. J. Turnbull handling the prosecution. The defense attorneys once again included Patrick Nagle and John J. Carney, as well as W. P. Snider and J. E. Snider, the two Konowa Socialist former county officials initially arrested for complicity in the rebellion. In addition, Archibald McKennon, one of three members

259. MCALESTER NEWS-CAPITAL, Oct. 1, 1917; *Indictment*, U.S. v. Neely Adams, Criminal Case No. 2650, Conspiracy, Sept. 29, 1917, 10-page document, Record Group 21, Eastern District of Oklahoma, Criminal Case Files 2650, Box 126, in NARA/SW.

260. MCALESTER NEWS-CAPITAL, Oct. 3, Oct. 5-6, 1917.

261. MCALESTER NEWS-CAPITAL, Oct. 20, 1917.

of the 1893 Dawes Commission to the Five Nations, joined the defense team.²⁶²

Jury selection took up the trial's first two days, with both prosecution and defense questioning prospective jurors on their politics, religion, and personal prejudices. Each side also freely used their preemptory challenges. The prosecution objected to H. A. Kember, the only Socialist called, while the defense took great pains, because of Roy Crane's bigotry, to keep Catholics off the jury. When selected on October 24th, the jury included seven Democrats, four Republicans, and one independent. Of those, there were three Presbyterians, two Baptists, one Methodist, and one Episcopalian—the remainder claimed no church affiliation. Their occupations ran from farmers (six), oil man (two), carpenter, blacksmith, real estate agent, and coal merchant. All but one were married.²⁶³

As the trial began, however, the defense learned the prosecutors had classified the defendants into three categories: officers of the WCU, actual participants in the uprising, and mere sympathizers, abettors and minor disturbers. Under this classification, most defendants only faced draft resistance charges, although eight WCU leaders also faced sedition charges under the Espionage Act. Seeing that this might allow some of the their clients to either have charges dismissed or change their pleas and ask for leniency from the court, the defense team requested a delay so they could sort things out. Judge Campbell granted the request.²⁶⁴

On October 26th, Campbell dismissed charges against fourteen men, while thirty-seven changed their pleas to guilty. Campbell set a November 30th sentencing date. By this point it had become clear to the defense that the prosecution's case against the actual participants would prove difficult to counter. Meeting with their clients, the attorneys advised most of the defendants to change their pleas. On October 27th, 117 men did just that. The prosecution also agreed to drop charges against another thirty-eight men. Sixteen men who had jumped bail remained at large. Among those pleading guilty were local WCU leaders such as John "Old Man" Spears and W. L. "Bill" Benefield, the self-styled military captain of the revolt. Finally, just sixteen men—including Munson, Spence, and Crane—were left to be tried.²⁶⁵

262. DAILY ARDMOREITE, Oct. 23, 1917; Womack, "Oklahoma's Green Corn Rebellion," 154 n.19.

263. DAILY ARDMOREITE, Oct. 24, 1917.

264. DAILY ARDMOREITE, Oct. 25, 1917.

265. DAILY ARDMOREITE, Oct. 26-27, 1917; THE DAILY OKLAHOMAN, Oct. 31, 1917.

The defense strategy became clear when the trial resumed on October 29th. The prosecution began by carefully tracing the activities of Munson, Spence, and Crane, and was prepared to call a number of witnesses—including some former participants—to provide the main details of the revolt. The defense, in cross examination, pointed out that several of the men had not taken part in the rebellion. Munson and Spence, they noted, had been incarcerated in the federal jail in Muskogee. Spence had also counseled obedience to the law and had never urged armed revolt, while Crane had never even joined the WCU. All of the officers were miles away from the events they supposedly led.²⁶⁶

But the defense had a difficult time overcoming the testimony of the man who ended up as the trial's sole witness. A.M. Mainard, a 52-year-old farmer, had been a WCU sub-leader in charge of dynamiting bridges and pipelines, and his testimony proved particularly damaging. Starting at noon on October 30th and still on the stand the next day, Mainard outlined various meetings Munson and Spence attended where the two had said the townsmen would defile their wives and daughters after the young men were drafted and where armed resistance was discussed. He noted that only one WCU member had defended the draft and voted against taking action. Mainard described in detail the August 2nd midnight meeting on a sandbar in the South Canadian River in Hughes County from which the raiding parties were dispersed, the events at Spears' farm, and the panicked retreat when the posse arrived. Despite their best efforts, the defense could not shake Mainard from his story. Realizing their chances of acquittal were nil at best, the remaining defendants changed their pleas to guilty.²⁶⁷

After pleading guilty, Homer Spence told the court he was "through" with the WCU and that authorities had broken it in the area. He told the judge that WCU had no funds and that many of the men did not have guns during the revolt. The leaders had urged them to fight with stones and clubs and take weapons from the posse men. Most of them were illiterate, he said, and he asked Judge Campbell to be lenient. For himself, he requested only that he be allowed to return to his home in Tate where he would wait peacefully until it was time for him to go to prison.

266. DAILY ARDMOREITE, Oct. 30, 1917.

267. DAILY ARDMOREITE, Oct. 31, 1917; TULSA WORLD, Nov. 1, 1917; THE DAILY OKLAHOMAN, Oct. 31; Nov. 1, 1917.

Judge Campbell sentenced twenty-nine men on November 1st. Munson, Spence, and Benefield each received ten-year sentences at Leavenworth, while Crane faced a six-year term. Anthony Eberlie, who had dynamited a bridge, was sentenced to four years, while Spurgeon Estes, who failed to burn his bridge, was burdened with three years. Ira Hardy, a black WCU member who had ambushed Sheriff Grall and Deputy Cross, received just a two year sentence along with five other WCU members. Six men—including John Spears' son Walter—were to spend a year and a day in Leavenworth. The remaining eleven defendants sentenced that day earned terms ranging from sixty days to just under year in the federal jail in Muskogee. Campbell, aware of the men's poverty, chose not to fine them.²⁶⁸

After sentencing, Munson, Spence, Crane and the others in that group were almost immediately readied for transportation to Leavenworth. Campbell ordered the remaining defendants released on condition they appear in court at Muskogee on November 30th for final sentencing. That evening a strange wagon train of dispirited tenants left Ardmore, headed home to the South Canadian River valley.²⁶⁹

When November 30th arrived eighty-six men who pleaded guilty in Ardmore stood before Judge Campbell to learn their fates. Most local WCU leaders and members, the men received generally light sentences compared to Munson and Spence. John Spears learned he would spend two years in Leavenworth with his sons, A. L. and Walter. Spears' son-in-law, H. C. Boggs, received an 18-month sentence. C. C. Brewer, who had been the tenant of the slain Wallace Cargill, received a two year sentence, but tearfully asked for leniency for his 18-year-old son Dave. The elder Brewer told Judge Campbell that he blamed himself for involving Dave and cursing him to face prison.²⁷⁰

The judge, moved by Brewer's request, sentenced Dave Brewer to ninety days in jail. "It is unfortunate, very unfortunate, that these young men have been drawn into such a crime," Campbell said. Left alone, he added, they might have remained law-abiding and offered great service to the nation. Surprisingly, Campbell, unlike many other judges of the time, made no patriotic statement when he completed the sentencing.²⁷¹

268. DAILY ARDMOREITE, Nov. 1, 1917; TULSA WORLD, Nov. 2, 1917; THE DAILY OKLAHOMAN, Nov. 2, 1917.

269. DAILY ARDMOREITE, Nov. 1, 1917.

270. MUSKOGEE TIMES-DEMOCRAT, Nov. 30, Dec. 1, 1917.

271. MUSKOGEE TIMES-DEMOCRAT, Nov. 30, 1917.

Eventually twenty-eight men served time in Leavenworth. Twenty-three went to the federal jail in Vinita, one to the federal jail in Muskogee, and thirty-four, all with short sentences, served their sentences in the state penitentiary at McAlester. As they left the court, one report described the last of the rebels as "haggard and broken" men. The punishment would not end there. In early December, landlords in the Sasakwa area announced they would no longer lease to tenants who took part in or sympathized with the rebellion or the WCU and would force them to leave that part of the state. Several landlords added they did not want anyone who opposed the government's war effort living near them. At least some of the tenants, including the state's key witnesses A. M. Mainard and Will Hoobler, eventually moved to western Arkansas. In Mainard and Hoobler's case, it was probably to escape both hostile landlords and those former WCU members who saw the pair as traitors.²⁷²

With the trials over, the pro-war forces now controlled the field, both legally and extra-legally. The Federal government soon used the now trial-tested Espionage Act against other groups, such as the IWW and the Socialist Party. In trials at Chicago, Wichita and Sacramento, the government successfully gain convictions against the Wobblies. Individual socialists, such as Rose Pastor Stokes, Kate Richards O'Hare, Eugene Debs, and Victor Berger, the Socialist congressman from Milwaukee, found themselves tried for opposing the war and all but Berger went to prison. When some judges questioned the veracity of the 1917 act, Congress amended it in May, 1918 with the Sedition Act (which made any anti-war comment a crime), and the Sabotage Act. Overall, the federal authorities prosecuted 2,168 individuals, convicting 1,055. In addition, numbers of publications, mostly left-wing such as *The Masses* and the socialist *Milwaukee Leader*, lost their mailing privileges and thus were effectively suppressed.²⁷³

States soon passed laws of their own to suppress not just anti-war dissent but dissent in general. In 1919, Oklahoma became one of twenty-

272. MUSKOGEE TIMES-DEMOCRAT, Dec. 1, 1917; NORMAN TRANSCRIPT, Dec. 7, 1917; "Subpoena to testify dated February 4, 1919, Muskogee Federal Court for A. M. Mainard, Ione, Arkansas," and "Subpoena to testify, dated April 15, 1919, Tulsa Federal Court, for Will Hoobler, DeQueen, Arkansas," both re *U.S. v. J. E. "Hobo" Wiggins*, Criminal Case 2652, in Record Group 21, Eastern District of Oklahoma, Box 126, NARA/SW.

273. ARTHUR S. LINK & WILLIAM B. CATTON, *AMERICAN EPOCH: A HISTORY OF THE UNITED STATES SINCE THE 1890'S*, at 210-12 (3d ed., New York: Alfred A. Knopf, Publishers, 1967).

nine states to approve criminal syndicalism legislation, which made it a crime to advocate the use of violence for political goals and, duplicitously, made membership in organizations such as the IWW *prima facie* evidence that a person indeed advocated violence. The author of the legislation was state senator Luther Harrison, publisher-editor of the *Wewoka Capital-Democrat* and member of the anti-WCU posses in 1917. The state also banned the flying of red flags, a socialist symbol, although it accidentally banned the first state flag as well, a white star with a red "46" on a red background.²⁷⁴

But the laws were probably nowhere near as effective as the organized vigilantism that followed the Green Corn Rebellion. A black-robed and hooded mob called the Knights of Liberty whipped, tarred, and feathered sixteen IWW members on November 9, 1917. Pacifist minister William Madison Hicks received a similar treatment in Elk City. So too did the Ku Klux Klan find war-time patriotism suitable for reviving its fortunes. By the spring of 1918 even the murder of dissenters became acceptable in Oklahoma. On March 24, 1918, a policeman in Hickory gunned down a Bulgarian immigrant who had said "something seditious" and had "fired first." A jury acquitted the officer. A Tulsa jury also acquitted S. L. Miller, a Council of Defense "operative," who, also on March 24, shot and killed Joe Spring, a restaurant waiter who supposedly made a pro-German remark. The *Tulsa World* declared the acquittal a victory for patriotism, while the county Council of Defense warned persons who "utter disloyal or unpatriotic statements do so at their own risk" and could not expect protection from the authorities.²⁷⁵

But Oklahoma was not alone. The repression of dissent occurred across the nation throughout the war and even after, with the infamous Palmer Raids named after the new attorney general, A. Mitchell Palmer. Additionally, President Wilson refused to grant an amnesty to any political prisoners even though France and Britain had already done so. While some prisoners with short terms were released by 1921, others remained in prison until President Harding order their release in 1923.²⁷⁶

274. Oklahoma S. B. 242, chap. 70, *Acts of the Seventh Legislature*, 110-112; Governor J. B. A. Robertson to Luther Harrison, February 14, 1919, Box 24, Folder 10, Robertson Papers, Oklahoma State Archives, State Department of Libraries, Oklahoma City.

275. TULSA WORLD, Mar. 24, Mar. 26, Mar. 27, Apr. 14, 1918.

276. WILLIAM PRESTON, ALIENS AND DISSIDENTS, FEDERAL SUPPRESSION OF RADICALS, 1903-1933, at 263-64 (New York: Harper Torchbooks 1966).

Of the Oklahoma rebels, most served out their short sentences and then went home to live in obscurity or to leave for other parts to start all over again. Anthony Eberle, who dynamited a bridge, returned to Sasakwa after 37 months and became a farmer. C. C. Brewer became a Sunday school superintendent when he came home to Konawa. Clure and Obe Isenhour returned to their father's farm in Pottawatomie County, with Clure fighting for, and receiving, a full pardon. By January, 1923, only Bill Benefield, Rube Munson, Roy Crane, J. M. Danley, and B.F. Bryant remained in jail. Bryant's sentence was commuted shortly afterward and, along with Crane and Danley, he seems to have disappeared into obscurity. Munson, forever the hobo, returned to the road and eventually went to Mena, Arkansas, where a socialist colony and a school, Commonwealth College, were located. At Commonwealth, Munson met Oklahoma writer William Cunningham, who later wrote a novel, *The Green Corn Rebellion*, about the uprising. More tragic was the fate of Bill Benefield. Obsessed by the rebellion and its aftermath, the former WCU captain ended his life at age forty-six by taking poison. He left behind a wife and eight children.²⁷⁷

While peace eventually returned to the region, anger, resentment, and bitter memories remained. For at least one person, those emotions led to a final act of vengeance. On January 1, 1924, Tom Ragland, a member of the Seminole County draft board, died from gunshots fired from ambush as he walked along a lonely country road. A note was found pinned to his body, declaring "that never again would he send men to war." His killers were never found. A small stone marker stands near the spot where Ragland fell—the last victim of the Green Corn Rebellion.²⁷⁸

277. TULSA WORLD, Oct. 1, 1939; *List of Pardons, Commutations, and Respites Granted by the President During the Fiscal Year 1923*, in ANNUAL REPORT OF THE ATTORNEY GENERAL OF THE UNITED STATES FOR 1923, at 373, 411 (Washington: Government Printing Office 1923); *Industrial Solidarity* (Chicago-IWW), Feb. 11, 1923; AGNES "SIS" CUNNINGHAM AND GORDON FRIESEN, RED DUST AND BROADSIDES: A JOINT AUTOBIOGRAPHY, 131 (Ronald D. Cohen ED., Amherst, Mass.: University of Massachusetts Press 1999); WILLIAM CUNNINGHAM, THE GREEN CORN REBELLION, (New York: Vanguard Press 1935); RICHARD G. BENEFIELD, "RELIGIOUS SUICIDE," available at <members.tripod.com/~ANTIRELIGION/.

278. TULSA WORLD, Oct. 1, 1939.