

## **FIREWATER!!!**

It was late in October of 1881 when Sheriff Sam Sixkiller and a deputy approached a plain log house, a grocery store ten miles northeast of Muskogee. Even though no evidence had previously been found, he was convinced the owners, two ladies named Cunningham and Annie, were selling bootleg whiskey. Sixkiller, whose family name originated with a Cherokee warrior who had killed six hostile Creek warriors in battle nearly a century before, was both feared by criminals and revered by honest citizens. A former captain of a Lighthorse Company, he was now employed by the town of Muskogee to protect its 500 citizens from the vagaries of criminals. The sheriff's job was not an enviable one, ever since the end of the Civil War, desperados guilty of all sorts of crimes had converged on Indian Territory because of a flaw in the laws governing white settlers and Indians. The dangers of law enforcement in the region were underscored by the fact that later research indicated, during the frontier era, more lawmen were killed within a fifty mile radius of Muskogee than anywhere west of the Mississippi.

Indian Territory had become a destination for bootleggers because of the concentration in numbers of Native Americans after their final removal in 1838. The sale of liquor to Indians was illegal, but the demand was worth the risk. The Indian Trade and Intercourse Act of 1790 had outlawed the use of liquor in the fur trade and later was amended to restrict sale anywhere under any circumstance. The belief at the time was that the Indian's weakness for alcohol made them more susceptible to traders enabling them to take advantage during sales negotiations. Interestingly, years later, both President Andrew Jackson in 1829 and then General Phil Sheridan after the Civil War, believed the abuse of liquor by sales to tribesmen would be a suitable way to encourage removal.

The leadership among the civilized tribes was aware of the problem and developed plans to address it. After removal, laws in Indian Territory denying possession of any alcoholic beverage, not only whiskey and beer but also hard cider and ginger, were strictly enforced. If liquor was found, lawmen were authorized to destroy it. But the laws had little impact since anyone could cross the porous borders of Indian Territory, legally procure liquor, and then sneak back with it and sell their wares at exorbitant prices. By the 1870s, bootleg whiskey was selling for four dollars a gallon, netting the owner a small fortune in those days. And, of course the sale of liquor had a domino effect in crimes that were committed. For example, in order to obtain it in quantities, outlaws frequently rustled cattle and horses and traded them to obtain barrels of whiskey or to purchase stills and manufacture it themselves. And, as a result of sales, any number of crimes could be traced to drunkenness, so obliterating the source was a continual objective. Possibly the most notable example involving victimization of alcohol was typified by the case of Ned Christie, a folk hero and legend among the Cherokees. An activist for Cherokee rights and customs, he made numerous enemies for his outspoken stance. Ned was found passed out near the scene of a crime involving the murder of U.S Marshall Dan Maples. Accused of the crime and later subjected to an incredible manhunt lasting nearly five years, Christie finally was killed by a posse in 1887. Ironically, in 1918, an eyewitness to the crime came forward and exonerated him.

But now in 1881, Sam Sixkiller and his deputy were only concerned with the two women who operated a general store and suspected of selling liquor. He knew offenders were continually refining schemes to hide their liquor from the law. Arriving at the store, the

officers first asked the women to sell them liquor, but both denied having it. Persistent, the lawman thoroughly searched the place for the next three hours to no avail while the women jeered at their efforts. About to give up, they finally decided to check the cabin's logs. Upon close examination, they found a camouflaged plug in two logs that had been hollowed out and lined with copper tubing. Tracing the hidden tubing extending from the logs they found the source, whiskey buried in barrels outside. Moonshiners were forever getting more creative in this game of cat and mouse, a game that would become increasingly sophisticated and continue for the next fifty years.

Although intentions were commendable when the Indian Intercourse Act was approved, proponents finally admitted it was unenforceable and it was dissolved in 1847. Later, throughout the country, numerous attempts to prohibit the sale of "hard liquor," regardless of race, were initiated but eventually discarded beginning with the repeal of prohibition in 1933. Sam Sixkiller died in 1886, a victim of two assassins. Were he reincarnated today, and given his commitment to uphold the law, undoubtedly Sixkiller would be among those lawmen attempting to eradicate a much greater threat to society than alcohol...illegal drugs.

