THE BOARD OF INDIAN COMMISSIONERS AND THE DELEGATES OF THE FIVE TRIBES

By Francis Paul Prucha[*]

The goal of the United States government after the Civil War was to establish in the Indian Territory a new political arrangement, looking toward a confederation of the Indian nations into a single territorial government that would eventually become a state of the Union. The plan was explicitly proposed to the representatives of the tribes who met with United States commissioners at Fort Smith in September, 1865, to reestablish the old relationships that had been severed by the Indians' adherence to the Confederacy. In addition to giving up western lands and emancipating their slaves, the Five Civilized Tribes were asked to agree to the formation of "one consolidated government."[1] Although the Indian representatives rejected this proposal at Fort Smith, the treaties signed with the Seminoles, Choctaws and Chickasaws, Creeks and Cherokees the next year all made elaborate provision for a general legislative council composed of representatives from the Indian nations in the Indian Territory.[2]

These provisions fell short of a full territorial organization, but they indicated the direction in which the federal government intended to move. These intentions were explicitly set forth in the statements of Ely S. Parker, one of the United States commissioners at Fort Smith, who was appointed commissioner of Indian affairs by President Ulysses S. Grant in 1869. Parker urged that action be taken to organize the general council spoken of in the treaties. "The accomplishment of this much-desired object," he said, "will give the Indians a feeling of security in the permanent possession of their homes, and tend greatly to advance them in all the respects that constitute the character of an enlightened and civilized people. The next progressive step would be a territorial form of government, followed by their admission into the Union as a State."[3] Bills to organize the Indian

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[1] There are accounts of the Fort Smith conference in Roy Gittinger, *The Formation of the State of Oklahoma, 1803–1906* (Norman: University of Oklahoma Press, 1939), pp. 71–78, and Annie Heloise Abel, *The American Indian under Reconstruction* (Cleveland: Arthur H. Clark Company, 1925), pp. 173–218. The report of Dennis N. Cooley, president of the treaty commission, is printed in *House Executive Document No. 1*, 39th Congress, 1st session, serial 1248, pp. 482–83.

[2] Charles J. Kappler, *Indian Affairs: Laws and Treaties*, 2 vols. (Washington: Government Printing Office, 1904), Vol. II, pp. 913–914, 921–922, 935–936 and 945–946.

[3] "Report of the Commission of Indian Affairs, 1869," United States House of Representatives, 41st Congress, 2d session, *Document 1* (Washington: Government Printing Office, 1870), pp. 450–451.

Territory as a regular territory of the United States were repeatedly introduced in Congress.[4]

The Indians, it is true, made feints in the direction of the general council indicated in the treaties of 1866. They met at Okmulgee in 1867 and in 1870 drew up a constitution, which provided for some confederated action. It seemed to the federal administration that this document signaled implementation of the government's policy, and President Grant sent it to the United States Congress with the remark: "This is the first indication of the aboriginees desiring to adopt our form of government, and it is highly desirable that they become self-sustaining, self-relying, Christianized, and civilized. If successful in this their first attempt at territorial government, we may hope for a gradual concentration of other Indians in the new Territory."[5] Grant, however, wanted some changes that would give the federal government more control over the territory, and the Indians themselves ultimately did not support the consolidation. The Okmulgee Council continued to meet, but it accomplished little, and the United States government continued its drive to provide a territorial government for the Indian Territory by congressional action.[6]

The autonomy of the Five Tribes was severely threatened by these moves, and the Indians fought valiantly and for some decades effectively against them. As an important means to this end, the Cherokees, Creeks, Chickasaws, Choctaws and Seminoles, following a long-established custom, appointed important men as "delegates" to lobby in Washington for tribal interests. These men, astute and knowledgeable in the white man's world, made a significant impression on Washington officialdom. They missed no opportunity to present their position and argued it well on legal and moral grounds. They drew up and circulated memorials directed against specific territorial bills in Congress, appeared at committee hearings and sought aid from Indian reform organizations.[7]

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[4] A list of the principal bills introduced between 1865 and 1879 to organize the Indian Territory or otherwise to extend federal jurisdiction over the area appears in Gittinger, *Formation of the State of Oklahoma*, pp. 221–223.

[5] Letter of Grant, January 30, 1871, United States Senate, 41st Congress, 3d session, *Document 26* (Washington: Government Printing Office, 1871), p. 1.

[6] For a discussion of the Okmulgee Constitution and its failure, see Allen G. Applen, "An Attempted Indian State Government: The Okmulgee Constitution in Indian Territory, 1870–1876," *Kansas Quarterly* Vol. III, No. 3 (Fall 1971), pp. 89–99.

[7] The work of the delegates can be traced in the archives of the Five Civilized Tribes in the Oklahoma Historical Society and in the delegates' numerous printed memorials and statements, a great many of which are listed in Lester Hargrett, comp., *The Gilcrease-Hargrett Catalogue of Imprints* (Norman: University of Oklahoma Press, 1972). An informative study of the Cherokee delegates is Thomas M. Holm, "The Cherokee Delegates and the Opposition to the Allotment of Indian Lands," Master of Arts Thesis, University of Oklahoma, Norman, Oklahoma, 1974.

The delegates were encouraged at the beginning of Grant's administration by the inauguration of the new president's "peace policy"—an earnest attempt to bring integrity to the Indian service and, by removing fraud and corruption, to promote peaceful relations with the Indian tribes of the plains and mountains. One element of this new policy was the Board of Indian Commissioners, a semi-official body of humanitarian and philanthropic men, created by Congress in April, 1869, to serve without pay in supervising the expenditure of Indian appropriations and in general to share in the administration of Indian affairs. The men who made up the first Board of Indian Commissioners were wealthy businessmen, most of whom had served with the Christian Commission during the Civil War, and who were motivated, indeed driven, by a sincere Christian philanthropic zeal. Chaired by Felix R. Brunot, who wrote their public reports, the Board vigorously condemned past injustices and promoted a program that it believed would lead to the civilization and Christianization of the Indians and their ultimate absorption into the body politic of the nation.[8]

It was to be expected that the delegates from the Five Tribes, ever alert to sources of aid for their cause, would not ignore the Board of Indian Commissioners. In fact, as early as January 17, 1870, Cherokee and Choctaw delegates appeared before a meeting of the board. The Cherokee spokesman, William P. Adair, indicated their happiness in meeting the board and their desire to invoke its aid in securing justice from the government. He discussed "with marked ability" pending treaties, proposed congressional actions, and the matter of territorial legislation. He was followed by Peter Pitchlynn, a Choctaw delegate, who asked for support for schools in his nation. Schools, he argued, "were the basis of civilization, and the gospel followed the path of the schools." The Indians were not an abandoned race, he insisted, for there were too many Christians among them to admit such an idea.[9]

More important to the delegates, however, than the formal business meetings of the board were the conferences it sponsored each winter in Washington. One function of the board was to act as liaison between the government and the missionary boards of the various churches who, at Grant's request, had agreed to provide agents and other personnel to manage the

[8] The composition and work of the board is described in Francis Paul Prucha, *American Indian Policy in Crisis: Christian Reformers and the Indian, 1865–1900* (Norman: University of Oklahoma Press, 1976), pp. 30–46.

[9] Minutes of the Board of Indian Commissioners, January 17, 1870, typed transcript in Newberry Library, Chicago, pp. 23–24. The original minutes are in Records of the Board of Indian Commissioners, Record Group 75, National Archives, Washington, D.C. A full discussion of Pitchlynn's activities as delegate is found in W. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972).

One of the many delegations of the Five Civilized Tribes sent to Washington, D.C. to lobby for tribal interest after the Civil War. In this instance it is a Cherokee delegation consisting of (left to right) Elias C. Boudinot, Saladin Watie, John Rollin Ridge, Richard Fields and William P. Adair

Indian reservations. In order to promote this cooperation and to provide a forum for discussion on Indian affairs, the board held a meeting each January, to which it invited the secretaries of the mission boards to report on their work, and at which also the commissioner of Indian Affairs and other government officials appeared. These annual meetings offered an important platform for the delegates of the Five Tribes.[10]

The Indians were right on hand for the first conference in January, 1872,

[10] The reports of the conferences, with the exception of the second one, are printed in the annual reports of the Board of Indian Commissioners. The report of the second conference was published separately as *Journal of the Second Annual Conference of the Board of Indian Commissioners with the Representatives of the Religious Societies Cooperating with the Government, and Reports of Their Work among the Indians* (Washington: Government Printing Office, 1873). These missionary conferences, held in January, were included in the annual report for the previous year; thus the January, 1872, meeting was reported in the annual report for 1871.

and addressed the assembled philanthropists and missionary leaders. William P. Ross, a Cherokee delegate, presented a brief history of the Cherokees, emphasizing their progress in education and in Christianization. Then he spoke about the attempts of designing whites and their railroad interests to open the Indian Territory and spoke against the changes made by Congress in the Okmulgee Constitution, which entirely changed its character, he said, and made it "simply a territorial government of the United States." He also pointed to the good work being done by the Five Tribes to promote peace and civilization among the "wild brethren of the plains." Ross was followed by Samuel Checote, principal chief of the Creek Nation, speaking through an interpreter, who told of the progress of the Creeks in civilization and Christianity and who condemned the attempts in Congress to organize a territorial government for his country. Such an action, he said, would let in a large class of bad white men with whom the Creeks could not cope, and a territorial government would be considered "as a great judgment sent to afflict his people." But he expressed his confidence in the religious men present. Finally, the meeting heard Peter Pitchlynn, who touched the hearts of his audience by a recital of the good work of missionaries among the Choctaws, with special emphasis on work for temperance. "It is the politicians who ruin us," he said. "I shall always remember with gratitude the 'American Board' and the 'Presbyterian Board'; they saved me."[11]

The Indian delegates were well received, in large part no doubt because most of them had been trained by missionaries of the churches represented at the conference. They spoke in favor of schools and other civilizing and Christianizing forces in terms that were understood and applauded by the assembled missionaries and public officials. At any rate, their plea was heard in 1872 by the Board of Indian Commissioners. In its official report to the president of the United States in November, 1872, the board declared: "The convictions of the Board that it is the imperative duty of the Government to adhere to its treaty stipulations with the civilized tribes of the Indian Territory, and to protect them against the attempts being made upon their country for the settlement of the whites, have undergone no change." The board denied that "a barbarous, aboriginal race may shut out from the occupancy of civilization vast regions of country over which they may roam simply because they were first on the soil," but it argued that this principle did not apply to Indian reservations in general and especially not to the Indian Territory, where the lands were not held by aboriginal title but by a firm title conveyed by the United States by treaty. "If national honor

[11] *Report of the Board of Indian Commissioners, 1871*, pp. 170–72.

requires the observance of national obligations entered into with the strong, how much more with the weak," the board declared.

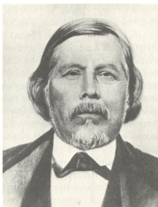
> To repudiate, either directly or by any indirection, our solemn treaty obligations with this feeble people, would be dishonor, meriting the scorn of the civilized world. The passage of any law for the organization of a territorial government not acceptable to the civilized tribes, (which have long since ably demonstrated their capacity for self-government,) and which would indirectly open their country for the ingress of the whites, would, in the opinion of the Board, be such an infraction of our obligations.

The board went out of its way to counter the arguments of proponents of territorial organization that the Indians in the Indian Territory were "a horde of savage nomads standing in the way of civilization" by supplying detailed statistics comparing the Indian Territory, most favorably, with other United States territories in population, schools, crop production and the like.[12]

The Indian delegates knew that they could not relax their vigilance, and they continued to attend the January meetings of the board in Washington. In 1873, when the secretary of the American Baptist Home Missionary Association suggested that the Indians in the Indian Territory had more land than they needed and that the territory should be opened to whites, William P. Ross immediately arose to counter those views with a well-reasoned and effective speech. Ross emphasized the rights of the Cherokees to the land in fee simple and argued that there could be no justification for limiting the amount of land any individual Indian could hold. And he noted again that the nations had been guaranteed the right of self-government when they were induced to move west in the 1830s.[13]

As the agitation in Congress for territorial organization increased, the Indian delegates became more outspoken. At the 1874 conference, Ross and Adair of the Cherokees and Pleasant Porter of the Creeks made explicit pleas for the support of the board. They reiterated their descriptions of the civilized status of their people and insisted that they wanted to be left alone to develop along their own lines, according to the treaty stipulations for self-government under which they had left their homes east of the Mississippi. The extension of territorial government over the Indian Territory, Porter declared, was the most dangerous experiment that could be conceived. "You may think the Indians love their country," he said, "which they do; but they love self-government. Love to control themselves according to their own notions is far greater than anything else. They will give up their homes. They have done so since the first time the white man

[12] *Report of the Board of Indian Commissioners, 1872*, pp. 11-13.
[13] *Journal of the Second Annual Conference*, pp. 57-60.



Samuel Checote, the Principal Chief of the Creek Nation, who condemned the efforts of the United States Congress to organize a territorial government in Indian Territory

met the Indians—have gone westward, westward. Why? To govern themselves. That is the first idea of an Indian."[14]

Adair was even more forceful and plain-spoken, as he rose to support Porter's remarks:

> ... the great question with us Indians is—as it is with everybody else under similar circumstances—that of existence; the question of our salvation. I feel a great deal like my friend Colonel Porter. These other questions are good to talk about; they are essential; but the great question with us is, whether we shall be permitted to exist, or whether we shall be rubbed from the face of existence. This question is now involved here, is pending before this Congress, and we would like to have the help of this commission.

He thanked the members for past help, for reporting in the previous year against territorial measures and for their praise of Indian education and improvement. The Indians' situation had improved still more, he noted, and he wanted the board again to support their position.[15]

Adair praised the peace policy and its success. "It is based upon philanthropic ideas," he said, "upon ideas of justice. I know it has been assailed, but its assailants have been those opposed to the principles which lie at the foundation of the policy. A great many would like to see the policy abandoned, because they would like to see the Indians destroyed." After reciting

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[14] *Report of the Board of Indian Commissioners, 1873*, pp. 211–212.
[15] *Ibid.*, pp. 213–214.

the facts of their removal from the East and the guarantees given of protection of their rights, he indicated clearly what territorial organization would mean. "You all know, gentlemen, that the very moment that country is made a Territory of the United States instead of being, as now, a confederation of Indian tribes, at that very moment Congress will turn its inhabitants into citizens of the United States. That would be the logical result. I do not see how it could be any other way." Because the Constitution declared that citizens of any state or territory had equal rights in all, he argued, as a regular territory the Indian Territory would necessarily be open to all. He ridiculed the provisions inserted into some of the bills in Congress which purported to protect the Indians' rights. "It is a bait, a deception, a myth," he said; "it means nothing in view of the Constitution."[16]

The Indian delegates won again in this assembly. The conference voted to reaffirm its former action in support of the "sacredness of the rights of the Indians to the territory they enjoy." The formal report of the Board of Indian Commissioners, dated January 20, 1874, strongly reconfirmed the position taken a year earlier.[17]

It was the delegates' last victory with the Board of Indian Commissioners, for the year 1874 brought a striking change in the composition of the board and with it a reversal of the board's official position on the question of territorial government for the Indian Territory. The first members of the Board of Indian Commissioners had begun their work with great enthusiasm and an optimism that looked for a rapid and successful elimination of fraud and corruption. They expected to have—and to a large extent at first did have—a strong voice in the spending of money for the purchase of Indian goods and the supplying of the agencies and in the general management of Indian affairs. But their goodness and their Christian outlook proved in the long run to be no match for unscrupulous politicians and spoilsmen in the Indian service. Little by little their recommendations and prescriptions were ignored; until in 1874, they gave up in disgust and resigned en masse. The board was not destroyed, for new members, with Clinton B. Fisk as chairman, were appointed to fill the posts vacated, but the new board seemed to lack the purpose and the strength of the old. Although ostensibly the replacements were similar men of Christian motivation and philanthropic spirit, they lacked the willingness or the ability to stand up to the currents of Indian policy that dominated much of the executive branch and the Congress. The new board was a more pliant

[16] *Ibid.*, pp. 214–215.
[17] *Ibid.*, pp. 4–5, 215.

group, considerably less heedful of the views of the Indian delegates from the Five Tribes, and willing to accept the arguments of the commissioner of Indian Affairs and the secretary of the interior that the Indian Territory was badly governed by the Indians.

At its meeting in November, 1874, the board appointed a committee of its members to travel to the Indian Territory, in order to confer with the leaders of the Five Tribes and to investigate firsthand the conditions in the territory about which the advocates of territorial government and their Indian opponents were so much at odds. Assembling at St. Louis, Missouri, on December 9, 1874, the committee, led by Fisk, journeyed as a body to Muskogee, Indian Territory, to confer with the delegates from the Indian nations "touching the condition of the Territory, and such legislation in behalf thereof as might be deemed necessary to give better security to persons and property therein."[18] The committee members did not go as neutral observers, however, for they had already endorsed the views of the commissioner of Indian affairs and the secretary of the interior in their recent annual reports, which stressed the state of lawlessness in the Indian Territory. "The efforts of the Indians to organize a government which will enforce law and give security to persons and property," Secretary Delano had declared, "have thus far totally failed, and the lawlessness and violence that prevail in that Territory call for immediate legislation." He recommended a territorial government or if that was impossible, federal courts within the territory. It was a view, the committee noted, endorsed by President Grant in his annual message of December 7, 1874.[19]

After discussion and deliberation, the Indian delegations of the Cherokees, Creeks, Chickasaws and Seminoles who were present issued a joint response to the committee. They expressed their thanks and appreciation to the members of the Board of Indian Commissioners and to President Grant "for his benign Indian policy, and their admiration for his views on the Indian question, and their gratitude for his steady adherence to the same." But with these polite conventions out of the way, they flatly rejected the recommendations that had been presented to them. They reaffirmed "their adherence to the stipulations of their treaties with the United States," and asked that they "be fully carried out in good faith." They declared their unwillingness "to take the initiative or to participate in any movement that may lead to a change in their national condition or of their relations

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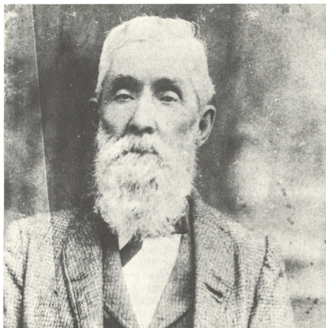
[18] *Report of the Board of Indian Commissioners, 1874*, p. 97.

[19] Secretary Delano's report is in United States House of Representatives, 43d Congress, 2d session, *Document 1*, pp. xiv–xv; Grant's endorsement is in United States House of Representatives, 43d Congress, 2d session, *Document 1* (Washington: Government Printing Office, 1875), p. xviii.



William P. Ross, a Cherokee, reminded the secretary of the American Baptist Home Missionary Association that the Indians had been guaranteed the right of self-government when they moved to the West in the 1830s

with the United States." Then they listed a series of grievances for which they sought redress "without endangering any rights now guaranteed to them, either in soil or self-government." Among the grievances were delays in paying moneys due to tribes, contingent grants of lands in the Indian Territory made to railroads by Congress, failure of the government to protect the Indians from intrusion and trespass on their lands, and the "injury done the people of this Territory by the constant agitation of measures in Congress, including bills to organize the Indian country into a Territory of the United States, which threaten the infraction of rights guaranteed to them, and which thus keep them unsettled as to their future, and which

entail upon them large and ruinous expense in the defense of their interests."[20]

This was an uncompromising stand, reaffirming the position taken by the official delegates of the tribes from the beginning of the agitation for territorial organization, but it was seriously weakened in the eyes of Fisk and his committee by the presentation at the conference of a minority report by a group of Cherokees, led by Elias Cornelius Boudinot. Boudinot, member of a distinguished Cherokee family, had opted for the territorial organization of the Indian Territory, for opening surplus lands there to whites, for United States citizenship for the Indians and in general for the incorporation of the territory and its inhabitants into the United States. He took it upon himself to publicly counter the arguments proposed by the official representatives of the nations. In a forceful statement Boudinot supported land in severalty, a territorial government, establishment of United States courts in the Indian Territory and a delegate from the territory in Congress. And he said, "We are so well satisfied that a majority of our people would indorse the propositions herein made, that we challenge those who oppose our views to consent that they shall be submitted to a fair vote of the people, under the authority and direction of the United States Government."[21]

The committee of the Board of Indian Commissioners came down firmly on the side of Boudinot. They recommended legislation that would provide a territorial government with an executive appointed by the President and a legislature elected by the people, establishment of United States courts in the territory and a delegate in Congress. Such action by Congress, they asserted "would receive the hearty indorsement of a great majority of the inhabitants of the Territory, and the applause of their constituency, who desire that these remnants of a once powerful people shall be accorded all the protection and benefits of a Christian civilization." The full board accepted the report of the committee and made the three-fold recommendation its own. It added the words "not inconsistent with existing treaties" to their proposal for a territorial government.[22]

The question of existing treaty obligations, of course, was the crux of the matter. The Indian delegates stressed the guarantees of self-government and exclusion from any state or territory, as well as the fee simple patent to the land provided by the removal treaties of the 1830s. The territorial advocates emphasized the protection that the federal government had promised and

[20] *Report of the Board of Indian Commissioners, 1874*, pp. 97–98.

[21] *Ibid.*, pp. 98–99. Boudinot thus continued a sharp division within the Cherokee Nation between Ross and Ridge-Watie-Boudinot factions, which had their origin in removal from Georgia and were renewed and exacerbated during the Civil War.

[22] *Report of the Board of Indian Commissioners, 1874*, pp. 13, 100.

the indication of a move toward territorial organization in the treaties of 1866. But it is hard to see how the recommendation of the Board of Indian Commissioners for establishment of a territorial government consistent with existing treaty rights was anything but internally inconsistent.

The Chickasaw and Creek delegates responded quickly to the Board's report with memorials to Congress refuting the assertion that a majority of the inhabitants of the Indian Territory were in favor of the advocated changes.[23] And delegates continued to attend the conferences of the board to fight for support of their rights. At the meeting of January 13–14, 1875, Cherokee, Creek and Choctaw spokesmen renewed their opposition to territorial government, but Boudinot was also on hand to speak in favor of the move.[24] The board relented a little in the stand it had taken in its official report, for it instructed its acting chairman to write to the House Committee on Indian Affairs, "explaining the intention of the Board in the views expressed in their annual report relative to the Indian Territory, as opposed to the establishment of any government for said territory which does not fully protect the Indians against the introduction of white persons and alienation of the lands; also expressing the wish of the Board that legislation for the establishment of courts be not endangered by connection with any other measure."[25]

The Board of Indian Commissioners had been well briefed by both sides, and in its 1875 report it included an admirable summary of the two positions. "In this radical conflict of views among the civilized Indians," it noted, "the path of duty may not seem entirely plain; but looking to the greatest good of the greatest number, this board would recommend the establishment of a territorial government *not inconsistent with existing treaties*, and that the lands be surveyed and allotted in severalty . . . , provided, however, that Congress repeal all railroad grants of land within said Territory, and forever annul such rights." In the following year it restated this recommendation in substantially the same terms.[26]

The question of territorial government faded somewhat in the face of the growing interest of the Board of Indian Commissioners and other reformers in the allotment of land in severalty to the Indians as a civilizing

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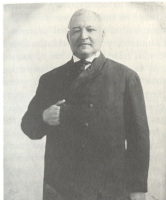
[23] "Chickasaw Memorial," January 15, 1875, in United States Senate, 43rd Congress, 2d session, *Document 34* (Washington: Government Printing Office, 1875); "Creek Memorial," January 26, 1875, United States Senate, 43d Congress, 2d session, *Document 71* (Washington: Government Printing Office, 1875).

[24] "Minutes of the Board of Indian Commissioners," January 13–14, 1875, typed transcript, pp. 103–105; *Report of the Board of Indian Commissioners, 1874*, p. 122.

[25] Minutes of the Board of Indian Commissioners," January 15, 1875, typed transcript, p. 108.

[26] *Report of the Board of Indian Commissioners, 1875*, p. 14 (italics in original); "Minutes of the Board of Indian Commissioners," January 20, 1876, typed transcript, p. 128.



Pleasant Porter, Principal Chief of the Creeks, who in the 1880s declared that "Whether or not the Indian is to be preserved, depends upon what you do with his land."

panacea.[27] Although there had been severalty provisions in particular laws and treaties for many years, the year 1879 marked the beginning of a drive for a general allotment law that could be applied to all Indians, and the allotment of lands among the Five Tribes became a new crusade. Although the humanitarian reformers promoted allotment on the basis of principle—they saw no possibility of universal civilization of the Indians without individual ownership of land—it was also clear that allotment of limited parcels of land to individuals would open up considerable "surplus" land for whites. Allotment in the Indian Territory, furthermore, would break up land monopolies that the reformers saw developing there.

The Indian delegates were as quick to condemn allotment in severalty as they were to fight territorial organization, realizing the effect it would

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[27] For a brief history of the movement for allotment, see Prucha, *American Indian Policy in Crisis*, pp. 227–257. There is a detailed account of the board's agitation for severalty in Henry E. Fritz, "The Board of Indian Commissioners and Ethnocentric Reform, 1878–1893," in Jane F. Smith and Robert V. Kvasnicka, eds., *Indian-White Relations: A Persistent Paradox* (Washington: Howard University Press, 1976), pp. 57–78.

have on the traditional arrangements in the Indian Territory, and they continued to use the meetings of the Board of Indian Commissioners as one forum in which to advance their cause and to protect their interests.

At the January, 1879, meeting of the missionary boards with the Board of Indian Commissioners, the committee of missionary leaders appointed to draw up the platform of resolutions for the conference presented a comprehensive statement reaffirming their "common convictions on several points deemed by them important to the progress of . . . [the] civilization [of the Indians]." These included opposition to transfer of the Indian Bureau to the War Department, extension of a system of law over the Indians and the establishment by the federal government of an adequate common-school system for Indian children. The second in the list of points called for allotment of land in severalty, with a title in fee and with temporary safeguards against alienation, as "indispensable to the progress of civilization." The Cherokee delegate, William P. Adair, immediately objected. The manner of alloting lands, he told the meeting, was left to the Indians in their treaties. He was willing to accept the rest of the resolutions. "But if the second proposition is to apply to our people," he insisted, "we shall interpose an objection and ask that our treaties be carried out." The resolutions committee weakly replied that their report was not intended to apply to cases where provision was made by treaty.[28]

Indian attendance at the January meetings dropped off in the early 1880s, as the Board of Indian Commissioners continued its strong advocacy of territorial government and allotment of lands in severalty. The secretary of the board, Eliphalet Whittlesey, made a special investigating tour of the Indian Territory in December, 1882, and returned with a report that strengthened the views of the board.[29] The board once again reaffirmed its belief in the necessity of more effective government for the territory. It repeated its recommendations of 1874 and added: "Such a measure [for territorial government] would contemplate the ultimate abolition of present tribal relations, the giving of lands in severalty to Indian citizens, and the sale for their benefit of the lands which they will never need and can never use. Under wise legislation the Indian Territory may soon become prosperous, and be admitted a strong and wealthy State into the American Union."[30]

The Board of Indian Commissioners, together with the voluntary organizations devoted to Indian reform that sprang up about 1880, was a firm supporter of the Dawes bill, legislation introduced by Senator Henry L.

[28] *Report of the Board of Indian Commissioners, 1878*, pp. 127–128.
[29] *Report of the Board of Indian Commissioners, 1882*, pp. 26–36.
[30] *Ibid.*, pp. 8–9.

Dawes of Massachusetts as the last in a series of bills that authorized the president to survey reservations and allot the land in severalty to the Indians. The Senate bill, after long delay, was finally passed by the House of Representatives on December 16, 1886, and sent to the conference committee to iron out amendments.[31] The board at its meeting of January 6, 1887, made the Dawes bill one of its important pieces of business. The key resolution proposed by the business committee of the conference was this:[32]

> *Resolved*, That we hail with much hope and pleasure the passage by the House of Representatives of the Senate bill providing for the allotment of lands in severalty under wise restrictions, the extension of the laws of the States and Territories over the Indians, giving the protection, rights, and immunities of citizens. That this conference memorialize the President with reference to the importance of making this bill a law by signing it after it has been amended so as to secure in the best way possible these ends. . . .

The severalty legislation was opposed by a small but articulate group at the conference. These were members of the National Indian Defense Association, founded in 1885 by Dr. Thomas A. Bland, editor of *The Council Fire*. Bland and members of his group were on hand to put forth their views, and they were accorded a place on the committee that drew up the resolutions. The Indian Defense Association relied heavily on the Indians from the Indian Territory for membership and for financial support, and the minority report of the resolutions committee was presented by the Creek delegate, Pleasant Porter. While accepting the other resolutions, Porter disagreed with the one on severalty. "I regard this last resolution as relating to the material question," he said. "Whether or not the Indian is to be preserved, depends upon what you do with his land; what laws you establish for his government." He gave a long and eloquent speech against imposing severalty upon the Indians, noting that where it had been tried, it had uniformly failed, and he submitted to the conference an alternate resolution, which read as follows:[33]

> *Resolved*, That the first thing necessary in the solution of the Indian question is to secure their confidence by fulfilling our treaty stipulations with them; second, to educate them mainly on their reservations in our literature and industrial arts; third, to respect their rights to hold their lands in their own way until we can teach them that our plan is better than theirs, and that full citizenship in the United States is better than membership in a tribe; fourth, to recommend that all bills to open Indian lands to white settlement be laid aside until a commission shall have visited the various

[31] See *Report of the Board of Indian Commissioners, 1884*, pp. 10–11; *Report of the Board of Indian Commissioners, 1886*, p. 9; *Report of the Board of Indian Commissioners, 1889*, p. 9.
[32] *Report of the Board of Indian Commissioners, 1886*, p. 134.
[33] *Ibid.*

Members of one of the several Choctaw delegations to Washington, D.C. (left to right) Alan Wright, Basil LeFlore, John Page, James Riley and Alfred Wade

tribes, and reported to the Government what reservations can be reduced with safety to the Indians and with their consent.

In the discussion and vote that followed, Porter and his friends lost out. His resolution was overwhelmingly defeated by a vote of forty-seven to thirteen. Then the committee's resolutions were agreed to "by a large majority."[34]

The Board of Indian Commissioners in the next decade moved completely away from the position of the Indian delegates, and the missionary

[34] *Ibid.*, p. 136.

conference in 1895 listened complacently as Charles H. Mansur, former Congressman from Missouri, castigated the delegates from the Five Tribes as "white Indians" and asserted that "the whiter the Indian the more intolerant he was in his argument" and that "the thinner and more diluted the Indian blood, the more capable they become of deceit."[35] The board accepted the evidence and arguments presented by the commission to the Five Civilized Tribes—Dawes Commission—which was authorized by Congress in 1893 to negotiate with the tribes for allotment of land and establishment of a territorial government, that the territory was lawless and that the United States government had an obligation to step in.[36] The proviso of the board's 1874 proposal, "consistent with existing treaties," had disappeared, and the treaties on which the Indian delegates had rested their case were no longer a bulwark. The board expressed its views without reservation in early 1896:[37]

> The time has come when the United States must see to it that law, education, and possibilities of justice for white men, as well as black men and red men, shall be firmly established and maintained in that Territory. The Indians of the Five Civilized Tribes, under the influence of a few shrewd and selfish leading men, seem to oppose any change in their condition, and claim the right, under treaties with the United States, to be let alone and to manage their own affairs. But our clear conviction is that they have not faithfully observed the purpose and intent of those treaties. The language in which the original grant of the Indian Territory was made to the Five Civilized Tribes, as well as that by which they made subgrants to other tribes, provides plainly and emphatically that the lands "shall be secured to the whole people for their common use and benefit." That this has not been done is well known. A few enterprising and wealthy Indians have managed to occupy and use large tracts of fertile land, while the poor and ignorant have been pushed away into rough and almost barren corners. We believe it to be the duty of the United States Government to maintain its supreme sovereignty over every foot of land within the boundaries of our country, and that no treaties can rightfully alienate its legislative authority, and that it is under a sacred obligation to exercise its sovereignty by extending over all the inhabitants of the Indian Territory the same protection and restraints of government which other parts of our country enjoy.

[35] *Report of the Board of Indian Commissioners, 1894*, p. 65.

[36] See the *Annual Report of the Commission to the Five Civilized Tribes, 1894*. Similar criticisms of the conditions in the Indian Territory were contained in the report of a Senate Committee headed by Henry M. Teller, in United States Senate, 53d Congress, 2d session, *Report 377* (Washington: Government Printing Office, 1894), and in Charles F. Meserve, *The Dawes Commission and the Five Civilized Tribes of Indian Territory* (Philadelphia: Indian Rights Association, 1896).

[37] *Report of the Board of Indian Commissioners, 1895*, p. 6.

When the Five Tribes, seeing that further resistance was futile, signed agreements with the Dawes Commission and when Congress in 1897 provided for courts and in 1898 destroyed the tribal governments by the Curtis Act, the board rejoiced. These actions, it said, "must work a complete revolution in the affairs of the Territory and place it practically under the Government of the United States."[38] And so it was. The "drift of civilization," accepted and encouraged by the Board of Indian Commissioners, proved too strong for the Indian nations and their leaders.[39]

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[38] *Report of the Board of Indian Commissioners, 1898*, pp. 5–6.

[39] The quoted phrase is from *Report of the Board of Indian Commissioners, 1897*, p. 6.