

RECONSTRUCTION IN THE CREEK NATION

The close of the Civil War found the Creek Nation rent in twain by factions. The Creeks were nearly equally divided in the fratricidal strife, and probably nowhere in the United States did the conflict leave such bitterness.

After two attempts at making peace had failed in 1865, the Creeks sent representatives to Washington and an agreement was arrived at on June 14, 1866, which provided for perpetual friendship between the Creeks and the United States; peace with other tribes; general amnesty for past offenses, against the United States and against the Creek government; the granting of citizenship to the emancipated slaves; the cession of the western half of the Creek lands for the settlement of wild tribes and freedmen;¹ the survey of the western boundary and the building of a new agency at the expense of the United States Government; the granting of a right of way to any railroad company authorized by the Government to build a line through the Indian Territory; the establishment of a territorial government and an inter-tribal council; and the renewal of the annuities provided for in previous treaties.²

The commissioners on the part of the United States found considerable difficulty in attempting to harmonize the differences between the two factions in the tribe, and this was the occasion for so much delay in securing the final agreement for the new treaty.³

To say that chaotic conditions existed in the Creek Nation at the end of the Civil War would be stating it too mildly. Farms had been completely abandoned, buildings had been destroyed and stock run off or confiscated by contending forces. Churches and schools had practically ceased to exist, and social and business conditions were generally demoralized. Added to this was the presence and activity of a lawless element which knew no feeling of respect for

¹The Creeks were to receive thirty cents an acre for this land.

²For the full text of this treaty see Senate Document 452, pp. 714-719. Charles J. Kappler, *Indian Affairs, Laws and Treaties*.

³This treaty was concluded June 14, 1866; ratification advised with amendment, July 19, amendment accepted July 23, and proclaimed on August 11, 1866. Rep. Com. Ind. Aff., 1866, p. 10.

any authority. The Civil War was an event of more than passing notice in the history of the Creek people.¹

In 1860 the Creek Nation was a scene of prosperity. Wealthy Creek farmers with slaves doing their labor, were not uncommon on every hand.² In 1865 we have another picture. The country was in waste, almost unparalleled in its desolation. Tools were gone, slaves were free and intermarrying with some of the tribesmen of their former masters. The Union Creeks were crowded about Fort Gibson and were quarreling among themselves. The Southern Creeks remained in their camps along Red River because it was not safe to return and face the uncompromising hostility of the Union faction.³

The Department of Interior indeed faced a gigantic task. This department was to guide and direct these people back into the paths of peace and happiness.

The old War feud broke out again when Spokokogeeyohola, Opotheyohola's successor, and some three hundred and seventy Union Creeks repudiated the treaty of 1866. They refused to accept any money due under its provisions. Also, they denied any reconciliation between the Union and the Southern factions of the Creeks and continued to live in the Cherokee country where they had been sent by the Government in 1865.⁴ The Union Creeks who did return to their own homes were very much provoked by the assumption of such an attitude and contended that the disaffected band, alleged to be composed of the most ignorant and superstitious people, had no authority to speak for the loyal Indians who had followed Opotheyohola and should forfeit all privileges arising from their former loyalty.⁵ There can be no doubt that these differences continued to exist for several years. Congress, however, decided against

¹Rep. Com. Ind. Aff., 1865, pp. 32-42.

²Ibid., 1855, p. 133. Ibid., 1856, p. 145. Also, Abel, *Slaveholding Indians*, Vol. I. pp. 20, 23, 42, and 166-167.

³John Ross and the Cherokee Indians, by Eaton, pp. 196-197. Rep. Com. Ind. Aff., 1865, p. 255, and Ibid., 1871, p. 575.

⁴Rep. Com. Ind. Aff., 1864, p. 304. See letter from Geo. A. Cutler, Creek Agent, Ibid., 1864, p. 312.

⁵Ibid., 1867, pp. 320-321.

a forcible removal and the insurrectionists remained in the Cherokee country for some time.⁴

By the end of the year 1866 the Southern Creeks had all returned to their homes⁵ and most of the loyal Indians had gone back to their respective tribes. After the ratification of the treaty of peace the inhabitants of the Creek Nation were able to turn their attention to the restoration of their devastated country. Short crops the first two years were caused by insect pests and droughts. Rebuilding was hindered on account of the scarcity of lumber and mechanics, but houses, schools and churches were rebuilt at a comparatively rapid rate.⁶

A constitution was adopted in 1867 as a result of agitation for a new code of law and a better government.⁷ Under the existing conditions the attempted administration of justice required about four times the number of officers needed under a good code. In 1868 a general council of the Creeks voted to build a capitol at Okmulgee.⁸ The Creeks in control of the government were progressive and they found themselves handicapped by the existence of a minority, composed of those who were dissatisfied with the reconstruction treaty, the encroachment of the whites, and the change in the political system. They were opposed to the new constitution apparently because it did not provide enough offices to accommodate all the office seekers. They persistently refused to support those in power.⁹ These changes in the governmental system are given such scant mention at this particular point because a previous article by this writer was devoted to a study of the government of the Creeks.

The first railway to enter the Creek Nation was the Missouri, Kansas & Texas. On June 6, 1870 this company began laying its track southward from the Kansas boundary in the valley of the Neosho River. The construction was

⁴Mention is made of the removal of part of the Creeks in the Report of the Commissioner of Indian Affairs for 1870, p. 298; but no mention can be found of how long the others stayed.

⁵Rep. Com. Ind. Aff., 1866, p. 10.

⁶Ibid., 1867, p. 321, and Ibid., 1871, pp. 575-576.

⁷Rep. Com. Ind. Aff., 1868, p. 283.

⁸Hattie Seale Joplin, *A History of the Creek Indians*, Thesis, Library of University of Oklahoma, Note 18 p. 285. Rep. Com. Ind. Aff., 1868, p. 264.

⁹Ibid., 1867, pp. 320-321, 1868, 283, and 1871, 576.

rapidly pushed southward and southwestward, across the Cherokee, Creek, and Choctaw Nations in the fall of 1871, and thence across the Red River into Texas by 1872.⁴

There was generally a settlement of tents or shanties at the end of the railroad where track laying was in progress. The vicious element of the frontier country congregated in these settlements.⁵ On account of the fact that these railroad "towns" were not permanent, however, this particular element caused very little trouble of a serious nature.

However, the coming of the first railroad did more than all else to settle and build the Indian Territory according to the white man's customs, liking, and ideas. Along with the railroad came the white man to operate it. Stations were established along the way. Towns sprang up along the railroad and hardly before the Indians were aware, hundreds of white families were living within their borders. When they once located in the Indian Territory, there was no chance ever to get rid of them.¹ The beginning of a new era dawned as will be shown in the following pages.

As partial atonement for the disloyalty of the Southern faction during the Civil War, the Creek treaty-makers in 1866 were compelled to assent to the organization of an inter-tribal territorial government. Although circumstances rather forced a ratification of this treaty, the Nation as a whole had never approved of either this provision or the territorial bills subsequently introduced into Congress.²

The last effort on the part of the United States to create an Indian state out of what is now Oklahoma was made December 5-11, 1870 at Okmulgee. The continued agitation in Congress concerning the proposed organization of the Indian Territory prompted the Indians to call a meeting of a general inter-tribal council. This council met at Okmulgee in the Creek Nation September 27, 1870. At this council the Cherokee, Creeks, Eastern Shawnees, Sena-

⁴Thoburn, *History of Oklahoma*, Vol. 1, p. 435.

⁵Hill, *History of Oklahoma*, Vol. I, p. 160. Also, *Rep. Com. Ind. Aff.*, 1872, p. 76.

¹Gideon, *History of Indian Territory*, p. 36.

²H. Misc. Doc., 42 Cong. 2 sess., Vol. III, No. 166. For list of bills see Gittinger, *Formation of the State of Oklahoma*, Appendix E.

cas, Quapaws, Ottawas, Sacs and Foxes, Wyandottes, Peorias, and Absentee Shawnees¹ were represented by delegates. Committees were appointed on all general subjects of interest to the Indian government. A resolution was passed asking other tribes to attend the next meeting.

On December 5, 1870 the second meeting of this nature was held and the number of represented tribes had increased to include the Chickasaws, Choctaws, Seminoles, and Osages. On December 10th, Campbell LeFlore, a Choctaw, made a report for the committee on permanent organization. He reported that the Indians deplored any territorial organization but deemed it expedient to form a government of their own choice. He said it must be republican in form; have a constitution for the Indian Territory conforming to all treaties with the United States; and have Legislative, Executive, and Judicial departments. Sovereignty of each nation was to be protected. The general government would have only the powers given it.

After serious deliberation, it was almost unanimously voted to appoint a committee of twelve for the purpose of drafting a constitution for a confederation of the tribes of the Indian Territory. William P. Ross of the Cherokee Nation was appointed chairman of this committee. The constitution was written and accepted by the general council. It had a preamble and six articles divided into forty-six sections and a bill of rights of thirteen sections. It was modeled after the state constitutions. The completed instrument, which was republican in form and not in conflict with the existing treaties with the general government was promptly submitted to the several tribes for consideration.²

The Chickasaw Legislature, which was the first to take action, rejected the proposed constitution because it provided for proportional representation instead of equal rep-

¹These Absentee Shawnees had separated from the main body of the tribe in Kansas in 1842. In 1872 they numbered 663. Rep. Com. Ind. Aff. 1872, p. 39 and 89.

²Report of the Board of Indian Commissioners to the Secretary of the Interior for submission to the President, 1870, pp. 114-136.

³Rep. Com. Ind. Aff., 1871, p. 571. See also, Messages and Papers of the Presidents, Vol. VII, p. 119. President Grant in 1871, thought the tribes should be encouraged in their efforts to form a government but objected to the Okmulgee Constitution on the ground that it did not give Congress power to pass upon the legislative acts.

resentation in the inter-tribal legislature council.' This unexpected opposition had the effect of checking interest and support among the other tribes.

The "Okmulgee Constitution," as it was called, did not give the United States Government a share in the proposed Indian Government. Hence it did not meet the approval of Congress nor of many of the tribes.²

An examination of the general histories covering the period of reconstruction in the Indian Territory reveals the fact that among the Five Civilized Tribes there were three parties or factions. First, there was a small party of radicals who favored the opening of the country to white settlement. The largest faction was composed of those who favored the "Okmulgee Constitution" but not white settlement. The third group was made up of ultra-conservatives who wanted no change at all.³

Another inter-tribal council of interest was held at Okmulgee in March, 1871. At this council it was decided to ask the Kiowas, who were on the warpath, to join in a peace council.⁴ After some delays, this gathering was held at the Wichita agency (Anadarko) on May 1, 1871. All the tribes represented seemed interested except the Kiowas, therefore nothing was accomplished.⁵

In June, 1872, the Five Civilized Tribes held another council at Okmulgee. From this council a delegation was selected to meet with the wild tribes of the plains Indians in another peace council. In July, 1872 this council was held at Fort Cobb. Despite the advice of the representatives of the Creeks, Choctaws, Seminoles, Chickasaws, and Cherokees, the Kiowas could not be persuaded to "turn into the bright path of peace."⁶

²Report of the Secretary of the Interior for 1874, H. Ex. Docs., 43d Cong. 2nd Sess., Vol. I, p. 32.

³Benedict, Gideon, Thoburn, and Abel.

⁴Rep. Com. Ind. Aff., 1871, p. 466.

⁵Thoburn, *History of Oklahoma*, Vol. II, p. 125. n. "The tribes represented at the peace council were the Cherokee, Creeks, Chickasaw, Seminole, Delaware, Shawnee, Caddo, Wichita, Comanche, Kiowa, Apache of the Plains, Cheyenne and Arapaho. The pipe of peace was smoked, and many of the chiefs addressed the council. Several of the prominent Kiowa chiefs were conspicuous by their absence."

⁶Full report of Daniel H. Ross, Commissioner and Secretary of Indian Peace Commission, in Rep. Com. Ind. Aff., 1872, pp. 195-198.

L. N. Robinson, Superintendent of Southern Superintendency, says,

The Board of Indian Commissioners in making its report to the President for the year 1870, says:

“The Creeks”

“This tribe numbers 14,000, the females outnumbering the males about 1,500. Ten years ago the population reached 21,000. They own nearly 4,000,000 acres of land, and the United States Government holds in trusts for them \$1,519,000.” Also, “The Creeks have their annual dance, and are given to ball playing and similar polite arts.”

Although the Indian Intercourse Act of 1834 forbade unauthorized entrance of any reservation, the white population of Indian Territory continually increased by “silent immigration.” Congress indirectly destroyed another barrier against the white man’s advance in 1871. On March 3, a bill was passed providing that “No Indian nation as a tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe or power with whom the United States may contract by

“During the past summer my attention was called to a former practice of the government of negotiating with these wild tribes through the agency of the civilized or friendly Indians. Great success attended all such efforts, and peace was maintained with less expense than could be secured by any other course. War should be avoided if possible; and an exterminating war is but an outgrowth of a bloody imagination, which can not nor ought to be made a reality. It is cheaper and vastly more humane to feed than to fight these plains Indians, and the government should exhaust all peaceful means before resorting to arms.

It is believed by most intelligent men conversant with Indian character, that these wild Indians would have more regard for a compact entered into by them with the civilized tribes, than for any treaty made with the government at the bayonet’s point.

While hoping for the best results from the military surveillance now placed over the wild tribes, I cannot but regard it as a mistaken policy of the government, the evil effects of which will be experienced by the army and the Indians alike. It is unfortunately true, that social demoralization exists in the immediate neighborhood of military posts; and the extent of that demoralization is measured only by the civilization, intelligence, and religious sentiment prevailing in that community.” Rep. Com. Ind. Aff., 1868, pp. 277-278.

¹Second Annual Report of the Board of Indian Commissioners to the Secretary of the Interior, 1870, p. 138.

treaty.” History shows that the violation of treaty pledges had characterized forever intercourse between the Indians and the Government, but the legalization of such a policy of refusing to recognize the independence of the tribes proved quite a significant factor in future developments. The abandonment of the earlier system of negotiating with the red men greatly simplified the situation and was, in reality, a weapon in the hands of the men so persistently endeavoring to secure the opening of the Indian lands.

In two previous articles the history of the Creeks has been briefly reviewed from about 1540 to 1870. We found the Creeks living under a loose confederacy, and existing in a most primitive sort of society. By 1870, they were a compact nation. They had survived several wars, the ordeal of removal, and the conflict between the states.

In this study of the political history of the Creek Indians since the Civil War it was found necessary and practicable to go back to the early records and bring the story up to the period treated. In the introduction we began with the records of De Soto's expedition in 1540. These records present the earliest written accounts of this tribe. Any statement regarding their condition prior to that time must be based largely on legends. From these legends we conclude that the Creeks once lived in the northwest part of Mexico.

A brief discussion of primitive customs together with a few facts of early history also found a place in the introduction. A rapid survey of events from 1811 to 1866 concluded the article. In this article a study of the Creek Nation during the period in which those in charge of the tribal government were attempting to carry out the provisions of the treaty of 1866 was made. It was during this period that the factional wars began anew.

Since 1907, the counties, state, and nation have carried on all the government of the Creeks, but the tribe still has a principal chief and the tribesmen are still called

¹Sen. Doc. 319, Ind. Aff., Vol. I, p. 17. "Silent immigration," said John C. Calhoun over sixty years ago, would save Oregon for the American Union. It had saved Texas to the Union, as Calhoun knew. "Silent immigration" has been the instrument of the "manifest destiny" of a large part of the Union, and it was the silent immigration of the "White Intruders" of Indian Territory that promoted the failure of the original plans for the Indian asylum. Hill, *History of Oklahoma*, Vol. I, p. 150.

together at intervals to discuss matters affecting their welfare. Since the adoption of the constitution in 1867 there have been but ten chiefs of the Creek Nation. They were Sam Checote, Lochus Harjo, Ward Couchman, J. M. Perryman, L. C. Perryman, Isparhecher, Pleasant Porter, Moty Tiger, G. W. Grayson, and Washington Grayson. The first eight of these were elected by the tribe and the last two were appointed by President Wilson.¹

Many of the tribal customs of the Creeks continued until a comparatively recent date. In the Introduction mention was made of the fact that, from the earliest records, it seems that the medical needs of the Creeks were attended to by female practitioners. Nevertheless, all subsequent accounts speak of medicine men. Evidently, some time in the early history of this tribe the female practitioner was relegated to the ranks.

The Creek warrior has made it a point to be in every fight possible. During the Spanish American War the noted "Rough Riders" of Troop L gained an enviable military record. Troop L was enlisted from the Creek and Cherokee nations. During the World War two of the outstanding heroes were Richard Bland and Marty Beaver, Creek Indians from Oklahoma.²

Of the 11,952 Creeks in Oklahoma, one is safe in saying that fully ninety-five per cent are engaged in productive work and making useful citizens. They are to be found in nearly all lines of pursuit. They are merged in the body politic as workers in factories, shops, and on the farms. Some are in business occupations, others are in professions as lawyers, doctors, teachers, and nurses. Many of the Creeks own large farms and some have been considerably enriched by the recent oil developments in Oklahoma.

OHLAND MORTON, Eastern Oklahoma College,
Wilburton, Oklahoma.

¹G. W. Grayson was appointed to succeed Moty Tiger who died in 1917. Washington Grayson was appointed to succeed his father February 22, 1921. This is the only instance of son succeeding father to the chieftaincy in the history of the Creeks.

²Department of Interior, Indian Affairs, Bulletin 15, (1927) p. 1.