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# Petition of Delegates of the Cherokee, Creek and Choctaw Indians, protesting against the passage of the bill to restore the Bureau of Indian Affairs to the Department of War

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P E T I T I O N

OF

DELEGATES OF THE CHEROKEE, CREEK AND  
CHOCTAW INDIANS,

PROTESTING

*Against the passage of the bill to restore the Bureau of Indian Affairs to  
the Department of War.*

JANUARY 14, 1869.—Referred to the Committee on Indian Affairs and ordered to be printed.

WASHINGTON, D. C., December 28, 1868.

SIR: The undersigned, for themselves, and in behalf of the Cherokee, Creek, Seminole, Choctaw, and Chickasaw Indians, offer this their respectful protest against the act already passed by one branch of Congress, entitled "An act to restore the Bureau of Indian Affairs to the Department of War."

We do not propose to enter into a lengthy argument against the proposed transfer of the Indian Bureau; that has been abler and better done, by yourself and others, than we could do; but the civilized nations we represent are more directly interested in the matter than anybody else, and we therefore do not hesitate to raise our voice, feeble and impotent though it be, against a measure fraught with incalculable mischief to the Indian race.

We assert the following as facts, which the history and experience of the country prove:

1st. The Indian wars, from 1835 to the present time, which have cost the government more than \$300,000,000, are directly traceable to the rash, cruel, unjust, and not unfrequently treacherous conduct of the military authorities of the United States. Is that department, which is thus responsible for the Seminole war of 1835, the Sioux war of 1862, the Navajo war of a later date, the Arapaho and Cheyenne war of 1864, and the war now apparently inevitable in the spring, the most fit to solve the great Indian problem? We do not believe it.

2d. The history of this country shows no instance where an Indian tribe or nation has been bayoneted into civilization. After a bloody and expensive war of many years with 500 Seminole warriors, in which the folly of extermination is most apparent, the military authority was obliged to abandon the solution of the Seminole question to the civil department.

3d. Wherever a fair and humane experiment has been made towards the civilization of any Indian people, by the civil department of the government, it has been successful; but *never* under the direction and exclusive control of the War Department.

We refer to the Cherokee, Creek, Seminole, Choctaw, and Chickasaw nations as confirmation of this statement. Some of these nations have now as good a system of public schools as any State in the Union, and as great a proportion of their people are able to read and write as the people of any of the States. This advancement has been accomplished through the *peace* department.

We are satisfied that in the estimation of the great mass of the Indian people, the proposed transfer is regarded as an act of hostility by the United States government, whether so intended or not.

But, sir, if there is any good reason why the supervision of the nomadic bands should be placed in the hands of the Department of War, does the same reason apply to the civilized nations? That such a course will seriously derange our relations with the government, and be a long step backward in the march of progress, we do not doubt.

The eighth article of the Choctaw and Chickasaw treaty of 1866, the tenth article of the Creek treaty, the twelfth article of the Cherokee treaty, and the seventh article of the Seminole treaty, all of the same year, provide for a general council of delegates from each of these nations, to be convened once a year, and to possess certain legislative powers. These articles of the treaties make it the *duty* of the Secretary of the Interior, and the Superintendent of Indian Affairs for the southern superintendency, to appoint important officials in this new government, and take particular supervision and direction of the same.

The delegates to this "general council" are already elected, and are ready to meet whenever called together by the superintendent.

The second section of the act in question in effect *supersedes* the superintendent of Indian affairs, and substitutes for him "an officer of the army;" that is to say, the act authorizes the Secretary of War, not only to perform duties specially assigned by five treaties to the Secretary of the Interior, but authorizes him to designate an officer of the army to do what such treaties say shall be done by the superintendent of Indian affairs.

We respectfully protest, then, in behalf of all the Indians, against the "Act to restore the Bureau of Indian Affairs to the Department of War," for the reasons above mentioned; but more especially in the name of the five civilized nations before named, because said act is not in conformity to the treaties with those nations.

Very respectfully, your obedient servants,

H. D. REESE, *Chairman,*  
 ARCHIE SCRAPER,  
 JAMES P. DAVIS,  
 ELIAS C. BOUDINOT,  
 RICHARD FIELDS,  
*Cherokee Delegates.*  
 GEORGE STIDHAM,  
 S. W. PERRYMAN,  
*Creek Delegates.*