

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

1-22-1874

Protest of the General Indian Council of the Indian Territory, organized under the treaties of 1866, to the President and Congress of the United States, protesting against a territorial government being established over the Indians without their consent

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Misc. Doc. No. 88, 43d Cong., 1st Sess. (1874)

This House Miscellaneous Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

PROTEST AGAINST INDIAN TERRITORIAL GOVERNMENT.

PROTEST

OF THE

GENERAL INDIAN COUNCIL OF THE INDIAN TERRITORY,

ORGANIZED

Under the treaties of 1866, to the President and Congress of the United States, protesting against a territorial government being established over the Indians without their consent.

JANUARY 22, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed.

OKMULGEE, C. N., December 6, 1873.

To his Excellency the President and the Congress of the United States:

We, your memorialists, representing the eighteen (18) nations and tribes assembled in this general council of the confederated tribes and nations of the Indian Territory, would respectfully represent that the lands comprised in what is known as the Indian Territory were purchased from the United States, paid for in other lands, and *patents* covering the greater part of said lands issued to the Indians owning them; that, in addition to the patents which have been decided by the Supreme Court of the United States in a recent case of *Joy vs. Holden* to be valid *fee-simple* titles, the United States have given, repeatedly, the most solemn guarantees that the political rights of said nations should never be impaired, but that they should be protected forever in their rights of self-government. In conveying to the Cherokees the lands upon which they now reside, the United States gave a *pledge* that said lands should be to them "a permanent home, * * which shall, under the most solemn guarantees of the United States, be and remain theirs forever; a home that shall never, in all future time, be embarrassed by having extended around it the lines or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension, in any way, of any of the limits of any existing Territory or State." (*See preamble and article 1st, Cherokee treaty, ratified May 28, 1828.*) Again: "The United States do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the gov-

ernment of the Creek, or Seminole tribes of Indians, and that no portion of either of the tracts of country, defined in the first and second articles of this agreement, shall ever be embraced or included within, or annexed to, any Territory or State; nor shall either, or any part of either, ever be erected into a Territory, without the full and free consent, of the legislative authority of the tribe owning the same." (See Creek treaty, August 7, 1856. U. S. Stat, page 700; see also Choctaw and Chickasaw treaty of June 22, 1855.) These guarantees, of the right of nationality; are as important to these Indian nations as the title to their lands. The failure of either would be equally fatal to them. It has been well said, *there is no good government but self-government.* Self-government is a question of great interest to all people and nations; but to the Indians all experience demonstrates it to be a question of *existence.* The unrestrained commingling of Indians and whites, in the same community and under the same laws, has always been followed by one *unvarying* result, that of the rapid degradation and extermination of the Indians. While this has been the testimony of the great mass of the Indian population in the United States, and they have wasted away tens of thousands per year, the Cherokees, Creeks, Choctaws, Chickasaws and Seminoles, when not decimated by great national misfortunes such as the forced removal from the East to the west of the Mississippi River, accompanied with the devastating ravages of small-pox and other contagious diseases, and by the ravages of the late war, have advanced in population and civilization as rapidly as any white race ever did under any circumstances. All of our tribes and nations here represented, as we learn from the various reports just received, are at peace with all men and are increasing in prosperity, and are all improving in farming and stock raising and the other habits of civilized life; and without exception, all are making efforts to educate their children. No change in their government or relations with the United States is required, by any Indian interests, but their most important interests forbid it. The sacred obligations of the United States forbid it. Territorial government is demanded only by the interests of railroad corporations and by those who have been misled by the sophistry and misrepresentations of those thus interested, and cannot be effected without bad faith and the infliction of a great wrong, the beginning of a near end to the Indians. But these corporations, and those working in their interests, assert that several of the nations concerned agreed to a territorial government by terms of treaties made in 1866. Such is not the fact. They agreed to an international "council" and government; but they never intended that it should be any other than an Indian government. In all the treaties agreeing to the establishment of this council there are provisions wherein the United States stipulate to keep white persons out of the country—a rather strange territory of the United States, certain, into which her own citizens are forbid to go or remain, both by treaties and acts of Congress, save by express permission of the Government or its agents. The council provided for by the treaties has been established and in operation about four years, and is, under said treaties, invested with power ample to develop and maintain a government of Indians, sufficient for the interests of the confederated tribes and nations.

Your memorialists are the members of this "general council" representing the nations confederated in said government. The United States have recognized this government for four years past, by making, annually, appropriations to defray the expenses thereof, in accordance with the treaties of 1866, above referred to. This government can soon be developed into all that is required by Indian interests if permitted.

There would have been much more progress had it not been from the continual dread of congressional interference. This council has already been the means of saving a hundred times its cost to the Government by its influence in preserving peace on the plains, and we are confident of its ability for great usefulness in the same field in the future. All of our tribes are competent and are willing to control and govern their their own citizens, and this council is well fitted to harmonize and regulate all international affairs. But we are told there is no adequate means of punishing white desperadoes, who take refuge in this country. This difficulty is already provided for by the treaties, in authorizing the establishment by the United States of a court or courts in this territory to enforce the "Indian-intercourse laws," and any other laws of Congress in force here. That such courts do not exist, is *not the fault of the Indians*. We are told continually that throughout the West and at Washington the cry of the corporations interested, as it were, fills the heavens with demands that a territorial government be placed over us, and that the United States Government certainly will give way before the pressure, and that already many good men express a desire that Congress should yield to these demands. We cannot believe it will be done. We hope we commit no offense and are not in error when we place unreserved confidence in the honor and the integrity of the American Congress and Government. A free republican government should be a fair representation of the aggregate honesty and moral sentiment of the whole people, and is properly looked to as an index of standard of morality among the masses. A great national crime therefore reacts directly upon the nation.

C