

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

4-1-1870

Memorial of a committee on behalf of the colored people of the Choctaw and Chickasaw tribes of Indians, representing their grievances, and praying the adoption of such measures as will secure to them equal rights and privileges with white citizens.

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



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

Recommended Citation

S. Misc. Doc. No. 106, 41st Cong., 2nd Sess. (1870)

This Senate 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.

MEMORIAL

OF

A COMMITTEE ON BEHALF OF THE COLORED PEOPLE OF THE CHOCTAW AND CHICKASAW TRIBES OF INDIANS,

REPRESENTING

Their grievances, and praying the adoption of such measures as will secure to them equal rights and privileges with white citizens.

MARCH 16, 1870.—Referred to the Committee on Indian Affairs.
APRIL 1, 1870.—Ordered to be printed.

To the Senate and House of Representatives in Congress assembled :

The undersigned, a committee on behalf of the colored people of the Choctaw and Cherokee tribes of Indians, appointed at a convention held by said colored people near Scullyville, Indian Territory, on the 15th of January, 1870, would respectfully represent to your honorable bodies—

That, although freed from slavery by the result of the late war, we enjoy few, if any, of the benefits of freedom.

Being deprived as yet of every political right, we are still wholly in the power of our late masters, who were almost a unit on the side of the rebellion against the government, and who, from having been compelled to relinquish their ownership in us, regard our presence among them with no favorable eye.

That we, under these circumstances and in our helpless condition, have suffered, and still do suffer, many ills and outrages, even to the loss of many a life, may be readily surmised, and is a notorious fact.

By the treaty held at Fort Smith, Arkansas, in September, 1865, the following stipulations were enacted in our behalf, viz:

ART. 3. The Choctaws and Chickasaws, in consideration of the sum of \$300,000, hereby cede to the United States the territory west of the 98° west longitude, known as the leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than five per cent., in trust for the said nations, until the legislatures of the Choctaw and Chickasaw nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens, of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum of \$300,000 shall be paid to the said Choctaw and Chickasaw nations in the pro-

portion of three-fourths to the former and one-fourth to the latter, less such sum, at the rate of one hundred dollars *per capita*, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of \$300,000 shall cease to be held in trust for the said Choctaw and Chickasaw nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said territory in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of \$300,000, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

ART. 4. The said nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration on reasonable and equitable contracts for their labor, which the law should aid them to enforce. And they agree, on the part of their respective nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness and be protected against injury; and they further agree, that while the said freedmen now in the Choctaw and Chickasaw nations remain in said nations, respectively, they shall be entitled to as much land as they may cultivate for the support of themselves and families, in cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of the occupant, it being understood that in the event of the making of the laws, rules, and regulations aforesaid, the forty acres aforesaid shall stand in place of the land cultivated as last aforesaid.

But thus far none of the conditions contained in the above articles has been fulfilled, and the time set for their fulfillment has long since expired.

We sought to bring our grievances to the notice of your honorable bodies at the last session of Congress, and for this purpose held a mass meeting on the 16th of February, 1869, but before we could perfect arrangements to send our petition by a trusty messenger, Congress had adjourned.

On the 25th of September, 1869, the colored people residing in the eastern portion of the Choctaw and Chickasaw country held a convention at Scullyville, near the western boundary of Arkansas, to take in consideration their condition, and there passed the following resolutions:

Resolutions adopted by the colored people of the Choctaw and Chickasaw nations, in convention assembled, at Scullyville, September 25, 1869.

Whereas the Choctaws and Chickasaws utterly failed and wilfully neglected to fulfill the stipulations of the treaty made with the government of the United States, and approved July, 1866, in regard to the colored people of said nations; therefore be it

Resolved, That we do no longer consider those stipulations in relation to us as of any force whatever.

Resolved, That we consider ourselves full citizens of those nations, and fully entitled to all the rights, privileges, and benefits as such, the same as any citizen of Indian extraction.

Resolved, That as we can claim no other country as ours except this Territory, we desire to continue to live in it in peace and harmony with all others living therein.

Resolved, That we are in favor of having this Indian country sectionized and a certain amount of land allotted to each inhabitant as his own.

Resolved, That we are in favor of opening this territory to white immigration, and of selling to them, for the benefit of the whole people of these nations, our surplus lands.

Resolved, That this convention elect three trusty men to act for us as delegates, whenever our interest demands it.

A convention to be held by the colored people of the western portion of the Territory, to take similar action in relation to their condition, was frustrated by the Indians, who threatened the life of any colored man attempting to meet at the appointed place and time, tore down and destroyed the printed posters giving notice of the proposed convention, and had a leading colored man, on his way to the place of meeting, arrested through the United States agent.

Upon this, another meeting of the colored people was held on the 15th of January last, at Scullyville, Indian Territory, at which they reaffirmed the resolutions of September 25, 1869, and passed the following additional resolutions, viz :

Whereas the colored people of the Choctaw and Chickasaw nations were, by force, intimidation, and threats against their lives, prevented from holding a peaceable convention in which to deliberate upon an amelioration of their deplorable condition, and bring it to the notice of the government ;

Resolved, That we regard the action of those engaged in preventing us from exercising the right of assembling peaceably as unwarranted, unjust, and tyrannical.

Resolved, That we regard the arrest of Richard Brashears, while on his way to the proposed Armstrong Academy convention, at the instigation of the United States agent and by the United States marshal, as a most outrageous and flagrant violation of our rights as freemen, and a disgrace to the government.

Resolved, That we are less than ever inclined to leave our native country, and more than ever claim protection from the government, equal rights with the Indians, and a speedy throwing open of the Territory to white settlement.

And whereas not a single stipulation of the treaty of Fort Smith concerning us has been kept by our late masters; and whereas, by a most insidious clause in said treaty, a large number of our brethren, who at the time were either still in the Union army or had not ventured to return to their country, are debarred from again becoming residents of their native country ;

Resolved, That we earnestly entreat the national government not to permit so cruel an outrage to be inflicted on its own defenders, and not to allow rebels to punish loyal men for their loyalty.

Resolved, That James Ladd, Richard Brashears, and N. C. Coleman be, and are hereby, authorized to act as delegates for us, the colored people of the Choctaw and Chickasaw nations, to lay this our petition for relief before Congress, and in case they are unable to proceed thither, to authorize Hon. V. Dell, of Fort Smith, Arkansas, to be our representative at Washington.

Believing, as we do, that your honorable bodies have the power and the will to redress our grievances as well as the *right*, notwithstanding all "treaties," so called, of which so much only is kept by our late masters as suits their convenience, we trustfully turn to you to afford us the desired relief, and to secure to us those rights to which we claim to be entitled as men, as citizens of these United States, and natives of the Indian Territory.

And as in duty bound we will ever pray.

JAMES LADD,
RICHARD BRASHEARS,
N. C. COLEMAN,

*Committee on the part of the Colored People
of the Choctaw and Chickasaw Nations.*

DEAR SIR: I have the honor to lay before you the following statement in relation to the condition and situation of the colored people of the Indian Territory, so called, especially of those living in the Choctaw and Chickasaw countries. Liberated from the bondage in which they had been held by their dusky masters, by the results of the late war, they have occupied ever since that the dangerous position of having neither the shadow of a political right to protect themselves, nor the sympathy springing from self-interest of their former masters, to shield them from injustice and cruelty.

Thus, it inevitably results that the lot of these unfortunate people is an extremely

trying one, and if, as was once the case, the negroes of the Southern States enjoy no rights a white man was bound to respect, the same holds true, to a far intenser degree, of the relations between the semi-barbarous Indian and his former slave. As consequence, the outrages upon that unhappy people were great and numerous, as the killing of them, though at the present day less indulged in, was a frequent occurrence little thought of by the semi-savage perpetrators.

Thus matters stood until the treaty held at Fort Smith, in September, 1865, and ratified July, 1866, by which the Choctaws and Chickasaws agreed to give forty acres of land to each colored family to cultivate as their own, or, in case they should choose to lease the Indian country, one hundred dollars out of a certain fund belonging to the tribes, and held by the United States government. By a very unjust stipulation of the treaty, all negroes claiming former residence with the tribe, but not living at the time, September, 1865, in the Territory, were to be excluded from the benefits of the above conditions, and forbidden to return to their own country. The effect of this clause was directed, unaware, it is to be hoped, to the Commissioner, against the large number of Indio-Africans, who, true to their loyal instincts, had made their way into the Union lines, and were then still either serving in colored or loyal Indian regiments. Thus the government to which those men had remained true, and had fought to maintain, was made unwillingly a party to confer a premium upon treason, and inflict great hardships and injustice upon its own friends. But the Indians, actuated by a feeling of deep hatred toward their former slaves, as indeed might have been expected from a class of beings the majority of whom are little removed from barbarism, were loth to carry out even those meager provisions of the treaty granting to the colored man but a very small piece of land in a vast and fertile region, made valuable wherever cultivated by his industry and labor alone, or the alternative of leaving his native country forever; and to this day the colored citizen of that country can neither acquire a home, nor does he possess any rights an "Indian is bound to respect."

That the colored people, under these circumstances, felt discouraged and greatly apprehensive in regard to their future, was but natural. They knew not what to do, and continued to suffer as they had done before the treaty was made. They had no one to protect or advise them.

In the beginning of the past year leading colored men from different parts of the Indian Territory came to the writer, at Fort Smith, and, relating their grievances, asked for advice. This was given to the effect that they should, if possible, hold a convention or mass meeting at some convenient place, and declare, in view of the non-compliance of the Indians with the stipulation of the treaty of 1866, that they did no longer feel bound by its provisions, and that they regarded them as null and void. Also to take higher grounds, and claim citizenship of their native country and equal political rights with the Indians, and an equal share in all the benefits of citizenship, including annuities, educational facilities, etc.; furthermore to protest against the injustice of the treaty in excluding a large number of their brethren from the Territory on account of their loyalty to the government during the war; to declare themselves in favor of sectionizing the country and opening it to general immigration, and finally to appeal to the government of the United States for protection.

This advice was acted upon, and in February, 1869, a numerously attended meeting took place near Scullyville, Choctaw Nation, at which resolutions in accordance with the above points were enthusiastically adopted, an executive committee of three members elected, with power to proceed to the seat of government, or send some one there, to present a petition, numerously signed, to Congress for relief. The committee, too poor to defray the expenses of a journey to and stay at the Capital, addressed themselves to the writer to perform that duty for them; but being a member of the Arkansas State senate, and the legislature being in session at the time, he found himself unable to comply with their wishes. When he was at liberty to do so Congress had adjourned.

The agitation among the colored people of the Choctaw and Chickasaw tribes in relation to their unhappy condition was kept up throughout the past year, and in the fall they concluded to have another convention to reiterate their grievances and endeavor to bring them to notice of the government. It was accordingly arranged to hold two conventions; one in the eastern portion of the Territory, near Scullyville, and the other at Armstrong Academy in the western portion. The one at Scullyville came off on the 25th of September, 1869.

The following resolutions were passed:

Whereas the Choctaws and Chickasaws utterly failed and wilfully neglected to fulfill the treaty made with the government of the United States, and approved July, 1866, in regard to the colored people of said nations: Therefore, be it

Resolved, That we do no longer consider those stipulation in relations to us as of any force whatever.

Resolved, That we consider ourselves full citizens of those nations, and fully entitled to all the rights, privileges, and benefits as such, the same as any citizen of Indian extraction.

Resolved, That we can claim no other country as ours except this Territory; we desire to continue to live in it in peace and harmony with all others living therein.

Resolved, That we are in favor of having this Indian country sectionized, and a certain amount of land allotted to each inhabitant as his own.

Resolved, That we are in favor of opening this Territory to white immigration, and of selling to them, for the benefit of the whole people of these nations, our surplus lands.

Resolved, That the convention elect three trusty men to act for us as delegates, whenever our interest demands it.

The convention at Armstrong Academy was to have been held soon after, but, from various causes, was postponed till December 16, 1869. But in the meantime, the Indians, having taken alarm at the claims set up by their former slaves, determined to prevent the assembling of the convention, and crush out by force, if necessary, any attempt of the colored people to even peacefully deliberate upon their sad condition. For this purpose they sent out parties to tear down posters stuck up to call the convention, and throughout the country told the negroes that it was against the laws of the United States and their own country for them to hold conventions, and that any one venturing upon it would be killed. As was to have been expected the intimidation practiced was complete, and no convention was held. Nay, more than this, a leading colored man from the eastern portion of the Territory, on his way to attend the Armstrong Academy convention, was arrested by a deputy United States marshal, at the instance of the United States agent, who himself has always been working in opposition to the claims and interests of the colored people. The following is the writ of arrest:

“UNITED STATES OF AMERICA, *Western District of Arkansas*:

“I do solemnly swear and believe, from reliable information received from the agent of the Chickasaw and Choctaw Indians, that James Ladd and Richard Brashears, negroes, did, in the month of November, 1869, send messages, circulars, and letters to individuals in the Indian country with intent to disturb the peace and tranquillity of the United States, contrary to the ninth and tenth sections of act of July 30, 1834, and I pray that warrants be issued for their arrest.

“A. H. CARSON.

“Sworn to and subscribed before me this 7th day of December, 1869.

“JAMES O. CHURCHILL,

“*United States Commissioner.*”

The following letter was ostensibly made the immediate grounds of arrest:

“FORT SMITH, ARKANSAS, *November 27, 1869.*

“DEAR SIR: As you are aware, the colored people of the Chickasaw and Choctaw nations must have a convention to take measures to obtain their rights as men and citizens of the nations and lay their grievances before Congress.

“We have agreed to meet at Armstrong Academy on Thursday, December 16th, and hope that you will immediately send word to all the colored people of your section to meet there on the day named.

“Explain as much as possible the reason of the meeting, and see that there be a full attendance. Now is the time for action. If we do not work for ourselves, who will?

“Yours, truly,

“JAMES LADD.

“RICHARD BRASHEARS.

“Per V. DELL.

“MR. LEMON BUTLER,

“*Armstrong Academy Post office, Choctaw Nation.*”

“P. S. We expect to be on hand on the day named with many friends. By next mail we will send you printed circulars.”

It will thus be seen that upon the hapless colored people, in the power of a vindictive semi-barbarous race, are visited ills and wrongs practiced in the border-ruffian times in Kansas preceding the great rebellion, and as there frequently, so also in this instance, is the power of the government used by unscrupulous agents to oppress its friends and supporters. Both the Choctaw and Chickasaw nations were almost a unit during the rebellion, and kept their whole force of fighting men in arms against the government. Richard Brashears, the colored man arrested by the United States marshal, was taken, with another colored man, a tedious journey of one hundred and fifty miles to Van Buren, Arkansas, before the United States commissioner. On his way thither he called upon the writer for help and advice. Being greatly distressed and astonished at his arrest, the writer immediately went with him before the commissioner at Van Buren, and demanded by what right Brashears had been arrested. The commissioner, James O. Churchill, held that there were no grounds whatever justifying the arrest of Brashears,

and promptly ordered his release. Nothing daunted by the unlooked for opposition countered, the executive committee of the colored people of the Choctaw and Chickasaw nations determined to have another convention called to give expression to their sentiments, and consequently issued a call for a meeting near Scullyville, in the eastern portion of the Territory, as follows:

"Attention, Colored Men of the Choctaw and Chickasaw Nations!"

"The contemplated convention to be held at Armstrong Academy on the 16th of December, 1869, having been frustrated by the intimidation of the colored people of the Choctaw and Chickasaw nations by ex-rebels and persons claiming to be United States officials in sympathy with them, and who arrested a member of the committee calling said convention, a convention, therefore, is again called, to be held at the old camp meeting ground, near Scullyville, Chickasaw Nation, on Saturday, January 15, 1870, to assert our rights as citizens of our native country, and our claim upon the United States government for protection therein.

"WM. EDWARDS,
"THOS. BLACKWATER,
"R. BRASHEARS,
"J. KEARNEY,
"JAMES LADD,
"Committee."

The convention was held at the time and place designated. The attendance was pretty good, yet not what it would have been, had the previous intimidation not been practiced. The resolutions adopted on September 25, 1869, were adopted with the following additions:

Whereas the colored people of the Choctaw and Chickasaw nations were, by force and intimidation and threats against their lives, prevented from holding a peaceable convention in which to deliberate upon an amelioration of their deplorable condition, and bring it to the notice of the government:

Resolved, That we regard the actions of those engaged in preventing us from exercising the right of assembling peaceably as unwarranted, unjust, and tyrannical.

Resolved, That we regard the arrest of Richard Brashears, while on his way to the proposed Armstrong Academy convention, at the instigation of the United States agent, and by the United States marshal, as a most outrageous and flagrant violation of our rights as freemen, and a disgrace to the government.

Resolved, That we respectfully ask the removal of Captain Olmstead, United States agent of Choctaws and Chickasaws, for his inability to do us justice and his sympathy with the rebel element.

Resolved, That we are less than ever inclined to leave our native country, and more than ever claim protection from the government, equal rights with the Indians, and a speedy throwing open of the Territory to white settlements.

Whereas not a single stipulation of the treaty of Fort Smith, concerning us, has been kept by our late masters; and

Whereas by a most insidious clause in said treaty a large number of our brethren, who, at the time of making the treaty, (September, 1865,) were either still in the Union army or had not ventured to return to their country, are debarred from again becoming residents of their native country:

Resolved, That we earnestly entreat the national government not to permit so cruel an outrage to be inflicted on its own defenders, and not to allow rebels to punish loyal men for their loyalty.

Resolved, That James Ladd, Richard Brashears, and N. C. Coleman be, and are herewith, authorized to act as delegates of the colored people of the Choctaw and Chickasaw nations, to lay our petition for relief before Congress, and, in case they are unable to proceed, to authorize Hon. V. Dell, of Fort Smith, Arkansas, to be our representative.

The following letter, addressed to the writer of this by Ely S. Mitchell, one of the most intelligent and influential citizens of the Indian Territory, clearly and truthfully pictures the feeling prevailing among the Indians toward the colored people. It is well worth a careful and attentive perusal. Mr. Mitchell himself is in favor of a removal of the colored people, and his admission as to the hostility of the Indians toward the former, and the latter's helpless condition is significant:

"BOGGY DEPOT, C. N., December 12, 1869.

"DEAR SIR: I see that the freedmen of the Choctaw and Chickasaw nations have called a convention at Armstrong Academy on 16th instant. I am of this opinion, that they will not be able to get many together by that time on account of high water and the shortness of the time given in the notice for the convention, but if they will extend the time they may get enough together to give an expression of the majority of freedmen in this country. I have been watching with a good deal of interest the question

of the freedmen of the Choctaw and Chickasaw nations. The freedmen themselves are very much divided in their notions about their wants, but I believe the universal opinion is that they cannot live in the Choctaw and Chickasaw nations under the Choctaw and Chickasaw laws, and there is one class of them that was absent from the nation at the treaty of peace made at Fort Smith, September, 1865, all of which was excluded by that treaty of '66, and would not be able to get land if the treaty is carried out. Now, I would suggest that if the freedmen would ask the government to set apart for them a country in the leased district which was set apart for that purpose according to the treaty of '66, and have an agent appointed for them, and also ask the government to move them to the country set apart for them, and give them rations for one year, which would enable them to get a start; also ask for farming implements, and have the \$300,000 to remain in the hands of the government as a permanent investment, the interest to be used for the support of the government of the freedmen after they are moved to their new homes; in this move the freedmen would have the united assistance of the Choctaws and Chickasaws in everything except the turning over the \$300,000 to the freedmen; and I am of the opinion that the Choctaws and Chickasaws would sooner give up the money, particularly if the United States government would demand it, than to give the freedmen the forty acres of land, which is not enough no how for them; and another advantage would be that any freedmen could go to the colony that he wanted to; and they would soon have a flourishing community; and I am of the opinion that the government would favor this policy of colonizing the freedmen remaining among the Indian tribes. Numbers of freedmen would like to remain in the Choctaw and Chickasaw nations if they could have the protection of the United States government; but if the Choctaws and Chickasaws give them land, they also make them citizens; they come under their law, and I know that if the freedmen were put under the Choctaw and Chickasaw law *they would have no chance at all*, and there are very few of them that could remain in the country long; they would have no chance in the Choctaw and Chickasaw courts. If this course was adopted it would not compel those that wished to remain in the Choctaw and Chickasaw country, as they are now; some of them would remain but the majority would go. There have been a good many of their leading men that have come to me for advice, and they invariably say that they cannot think of remaining in the Choctaw and Chickasaw country and come under the Choctaw and Chickasaw laws, and, as a remedy that will work well with both freedmen and Indians, I suggest the colonization of the freedmen, either in the leased district or in the country purchased of the Seminoles north of Canadian River; and as an inducement for the government to adopt this plan, it could be said that the freedmen would raise plenty of corn for their military posts on the frontier. Knowing that you could be of advantage to any plan for the settlement of the freedmen question in the Choctaw and Chickasaw nations, if you would use your influence, and I think I have controlling influence with those in this part of the country, I would willingly co-operate with you in any plan that you may suggest. If my plan does not suit, I would like to see the freedmen settled somewhere so they could go to work and make a living.

" Hoping to hear from you, I am, yours, truly,

" E. S. MITCHELL.

" V. DELL, Esq."

The question naturally arises, shall these rebel Indians have their own way, be permitted to break treaties that don't suit them, and compel a faithful, suffering race, true to the government, to leave their native homes which their labor principally reeemed from being an unbroken wilderness; or shall the government interpose its strong arm, render justice to all, give to both Indian and negro a sufficient portion of land, and open the remainder to general settlement, thus giving to civilization a most beautiful and fertile region, large enough to form two respectable States, but which does not now contain a population equal to that of a ward in one of our first-class cities?

Very respectfully,

V. DELL,
Editor New Era, Fort Smith, Arkansas.

General O. O. HOWARD,
Commissioner of Bureau F, R., and A. L., Washington, D. C.