

The General Allotment Act was passed in 1887. The Five Civilized Tribes, including the Cherokee Nation, vigorously opposed the allotment policy and maintained a standing lobby in Washington in the 1880s and 1890s costing the Cherokee Nation up to \$20,000 per year. The Cherokee Nation was successful securing exclusion from the provisions of the General Allotment Act.

In 1890, the Cherokee Nation had two major tracts of land. The first was 7 million acres it held patent title from the Treaties of 1828, 1835 and 1846. The second was the 7 million acres referred to as the Cherokee Outlet secured by the same treaties. The Cherokee Outlet is often referred to as the Cherokee Strip. By 1890, the Cherokee Outlet was functionally separated from the Cherokee Nation by the introduction and allocation of land to several other tribes of Indians. The value of the Cherokee Outlet was the revenue raised from agricultural grazing permits and taxes. This revenue supported the Cherokee Nation's government, schools, Male and Female Seminaries, Colored High School, Orphanages, Insane Asylum, and bi-lingual newspaper.

Because of the American hysteria for "westward expansion," the Cherokee Outlet was in great demand by the homesteaders, the cattle industry and railroads. After the Cherokee Nation resisted sale of the Cherokee Outlet, the President of the United States proclaimed in 1890:

...that whatever the right or title of said Cherokee Nation or of the United States to or in said lands may be, no right exists in said Cherokee Nation under the Statutes of the United States to make such leases or grazing contracts, and that such contracts are wholly illegal and void;...⁸

In response, the President of the United States, in an administrative action, annulled the value of the Cherokee Outlet which coerced the Cherokee Nation to sell it to the federal government. A number of bills were introduced in Congress at this time to condemn the Cherokee Outlet if the Cherokee Nation would not sell at the price of \$1.25 per acre without the consent of the Cherokee Nation. Cherokees at this time were not citizens of the United States and the Cherokee Nation could not sue the federal government. It should be noted that the sales price was 1/3 the fair market value and that after federal lawsuit, the Cherokee Nation received payment in 1962 for the additional 2/3 value without interest.