

“Regardful of the rights of others, we contend only that we have that protection guaranteed by the solemn treaty obligations of the Government.”—From Address of Governors.

THE
ATOKA CONVENTION
OF
Choctaw and Chickasaw Indians

"Regardful of the rights of others, we contend only that we have that protection guaranteed by the solemn treaty obligations of the Government."—From Address of Governors.

THE
ATOKA CONVENTION
OF
Choctaw and Chickasaw Indians.

PRESS OF
THE SOUTH McALESTER CAPITAL.
South McAlester, I. T.

PROCEEDINGS.

Responding to a call of the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, the citizens of the Choctaw and Chickasaw Nations met in convention, at Atoka, Choctaw Nation, Indian Territory, on Thursday, April 5, 1900.

There were present delegates from every county in the two Nations, and several hundred visitors, including the prominent Indians of both Tribes.

The convention was called to order by Hon. Green McCurtain, Principal Chief of the Choctaw Nation, who stated the object of the convention, in both the English and Indian languages.

Hon. Palmer S. Mosely, ex-Governor of the Chickasaw Nation, was elected temporary chairman, and Solomon J. Homer, temporary secretary.

After report of committee on credentials, the convention proceeded to permanent organization.

Hon. T. W. Hunter was elected permanent chairman and Ben H. Colbert was elected permanent secretary.

The following address of the Principal Chief of the Choctaw Nation and the Governor of the Chickasaw Nation, was presented, and read to the convention in the English language

by the chairman, and interpreted in the Indian tongue by Hon. Palmer S. Mosely:

ADDRESS OF THE GOVERNORS.

To the Choctaw-Chickasaw Convention:

Having called this convention of Choctaw and Chickasaw citizens to consider matters affecting their common welfare, we deem it not improper to suggest to the delegates assembled the exigences that demand the earnest consideration of our people at this time.

Since the ratification of the Atoka Agreement, the Choctaw and Chickasaw people, confident of its strict observance have relied upon its obligations, and are proceeding to so arrange their tribal affairs, as that their governments may be safely discontinued at the end of the eight years, as therein provided. Scarcely two years have elapsed, yet there are those who are industriously and selfishly generating a sentiment having for its object the setting aside of the obligations of the government as therein expressed.

As is well known the non-citizens of the Indian Territory recently held a convention, and adopted resolutions that are in many respects, not only inimical to the interests of the Choctaws and Chickasaws, but misleading to the authorities at Washington. By deception and great adroitness the attempt has been made to have it appear that the membership of the said convention was composed of both Indians and whites, and that the resolutions borne and submitted by its delegates are expressions of both the Indian and the white people of the Indian Territory.

The Choctaw and Chickasaw people were in no wise represented in said convention. While they are not opposed to all the resolutions adopted, they are certainly opposed to the spirit of hostility to the Indian that prevailed there; and to the end that the citizens of the Choctaw and Chickasaw Nations may have an opportunity of protesting against these claims, in plain and certain terms, and that they may join in a united expression of their views upon the many questions affecting their common interests, and their desires relative thereto, we have called the convention now assembled.

The convention above referred to, while it protested its desire not to violate any of the rights of the Indians, adopted many resolutions in direct violation of the Atoka Agreement, and involved itself in contradictions and inconsistencies that can lead those with impulses of fairness to but one conclusion: it was an unseemly exhibition of a spirit of uncompromising hostility to the Indian, and an attempt without regard to consequences or the obligations of the government to deprive the Indian of the few rights left him by the Atoka Agreement, to wind up the affairs of his estate and prepare for tribal extinction. They asked that the Creek and Cherokee treaties be ratified and in the same breath passed resolution after resolutions asking for the violation of the Atoka Agreement.

It is well known that the Choctaw and Chickasaw people are desirous that the allotment of lands, and the laying out of townsites, proceed as speedily as possible, consistent with a strict observance of the terms of the Atoka Agreement. To that end, and with only this condition we recommend that this convention ask, by appropriate resolution that the Dawes Commission, and the other representatives of the government, be given liberal appropriations for the prosecution of the work now in progress. We only ask that in the prosecution of such

work, the terms of the Atoka Agreement be adhered to in spirit and in letter.

The non-citizens asked the abolishment of tribal taxes and the repeal of the intercourse laws. This would result in throwing the Indian country open to invasion by non-citizens to use the public domain, and to avail themselves of the many benefits and privileges which they enjoy, without any compensation to the Indian whatever. The payment of this tax is the condition imposed by the tribes, under the intercourse laws, upon the compliance with which non-citizens may enter the Indian country with their property, and remain and do business therein. The tax which the Indian-citizens pay is, that the interest upon their invested fund goes, not to them individually, but to public uses. To abolish the tribal tax imposed upon non-citizens would not only violate the Atoka Agreement, but would confer upon them rights and privileges not enjoyed by citizens. We are guaranteed the continuation of our governments for eight years from March 4, 1898, with full power and jurisdiction except as specifically modified, so that we may so shape our tribal affairs that our governments may be abolished at the time agreed upon, without damage to our interests. Relying upon these promises we are proceeding with that end in view, and are taking such steps as will, in our judgment, best protect the interests of our people when tribal dissolution shall come. To impair our governments at this time would leave us stranded in the midst of hostility, and wholly unable to protect our interests. We therefore recommend that this convention appeal to Congress and the Department by appropriate resolution, for a strict observance of the spirit and letter of the Atoka Agreement, and for the administration of the intercourse laws as heretofore, during the life of our governments.

We observe that the convention of non-citizens, throughout both its published and unpublished proceedings, evinced a desire, not only to violate the rights of Indians, but to tear up and disarrange the governmental machinery for the administration of our affairs. It is our opinion that the satisfaction of our people with the provisions of the Atoka Agreement, and their confidence heretofore reposed in the representatives of the government proceeding in accordance therewith should be reiterated by a proper resolution of this convention; and that in like manner, the attempt of the non-citizens' convention to disrupt and disarrange the work of the government, should be deplored.

The United States Courts have admitted to Choctaw and Chickasaw citizenship several thousand persons, upon appeal from judgments of rejection by the Dawes Commission, under the law of 1896. The methods employed, and the fraud and perjury practiced to procure these judgments are, in our opinion, without parallel in the history of the world. Investigations of the past few months have brought to light many shocking instances of fraud, perjury, and like impositions. To state this is but to state a fact known to all, and conceded by all except those directly interested. Aside from the moral consideration that these judgments are shockingly wrong and should not stand, the Choctaw and Chickasaw people contend that they are void in that the applicants sued only one nation, and took judgment against only one Nation; and seek thereby to acquire allotments of land belonging jointly to the two tribes; and that, being void, such judgments should be held void wherever presented, and disregarded wherever sought to be enforced. This contention involves millions of dollars of Choctaw and Chickasaw property, and the obligation of the government to its helpless wards that whatever it does shall not only

be legal, but right. We recommend, therefore, that your convention earnestly request that provision be made for the judicial determination of this contention before the final enrollment of such persons and allotment to them of tribal property.

Since the Chickasaws have never adopted their Freedmen, they contend that they are not entitled to any rights in the Chickasaw Nation. The Atoka Agreement, while it does not confer upon them any rights, directs the Dawes Commission to place them in possession of forty acres of land pending the determination of their status, in such manner as may be provided by Congress. We therefore, recommend that you request Congress, by proper resolution, to provide as promised by said Agreement, a competent tribunal at the earliest possible time, wherein may be judicially determined what rights, if any, the Chickasaw Freedmen are entitled to under the treaty of 1866.

The Atoka Agreement provides:

"The United States shall put each allottee in the possession of his allotment, and remove all persons therefrom objectionable to the allottee."

Notwithstanding the rapid approach of actual allotment there are, within the Choctaw and Chickasaw Nations, many non-citizens holding lands of the tribes without legal right and in defiance of law. We therefore recommend that you request Congress and the Department, by proper resolution, to take such prompt and effective steps, by legislation and otherwise, as will carry out this provision of the Agreement, and secure to the allottees the possession of their allotments.

As the Chief Executives of the Choctaw and Chickasaw Nations, we acknowledge with deepest obligations, the services of the Dawes Commission, under the Atoka Agreement. Their acts have shown a desire to observe the treaty obligations of the government, and to that extent the interests of the Choctaws

and Chickasaws have been protected. We also acknowledge the services of the Honorable J. Blair Shoenfelt, United States Indian Agent for the Union Agency, for the prompt and effective administration of the intercourse laws, and such other matters as have come under his immediate control, affecting the interests of the Choctaws and Chickasaws.

So far as we have been able to observe, the acts of the Choctaw and Chickasaw Townsite Commissions have been in accordance with the terms of the Atoka Agreement, and satisfactory to the Choctaw and Chickasaw people.

These conclusions have been arrived at in the discharge of our official duties on behalf of our respective Nations and we lay them before the convention for consideration and such action as it may deem proper.

The exigencies that now confront the Choctaw and Chickasaw people are the gravest that have ever arisen, and in conclusion we would counsel the delegates assembled to consider them firmly, yet wisely; and in that spirit of intelligent conservatism that must not only command respectful consideration from those engaged in the administration of our affairs, but will convince Congress and the Department that we, regardless of the rights of others, contend only that we have that protection guaranteed by the solemn treaty obligations of the government, and that will show to the country and the world that the Choctaws and Chickasaws are an intelligent, progressive and Christian people, and in every way worthy of that degree of consideration in all matters touching their interests, that should, in equity and justice, be accorded them by the great government of the United States.

GREEN McCURTAIN,
Principal Chief Choctaw Nation.
D. H. JOHNSTON,
Governor Chickasaw Nation.

A committee on resolutions, composed of eight Choctaws and eight Chickasaws, was appointed as follows:

Choctaws—G. W. Dukes, D. C. McCurtain, E. R. Cheadle, E. A. Moore, S. J. Homer, Simon E. Lewis, Wesley Anderson and John Taylor.

Chickasaws—R. M. Harris, Ed B. Johnson, M. V. Cheadle, Palmer S. Mosely, William M. Guy, Isaac O. Lewis, M. C. Murray and Holmes Willis.

Upon motion Chief Green McCurtain of the Choctaw Nation and Governor D. H. Johnston of the Chickasaw Nation, were added to the committee on resolutions, as honorary members.

The committee on resolutions retired, and the convention adjourned to await their report.

Upon the reassembling of the convention, the committee on resolutions submitted the following report, which was adopted:

REPORT OF COMMITTEE.

We, your committee on resolutions, beg leave to report the following resolutions, which were adopted after due consideration, as a proper expression of the sentiments of the Choctaw and Chickasaw people, upon the many questions affecting their interests.

R. M. HARRIS, Chairman.

D. C. MCCURTAIN, Secretary.

RESOLUTIONS.

Pursuant to call, we, the members of the Choctaw and Chickasaw Nations, have, by authorized representation, met in mass convention at Atoka, Choctaw Nation, Indian Territory, for the purpose of considering matters gravely affecting our common interests, and of taking such steps as will best secure us protection in our lawful rights. We desire it understood that we feel impelled to this action by the pressure of events brought to bear by domestic influences of a selfish and unfriendly nature, and not by a wavering of faith in the representatives of the government, properly informed. Sensible to the dangers of misrepresentation, we feel it incumbent upon us to offer the counterpart of the convention of non-citizens recently held, and to join in a united expression, upon all questions affecting Choctaw and Chickasaw interests, for the information of Congress and the department; therefore,

Be it resolved:

First.

That we disclaim representation in the convention referred to, and deny, by solemn affirmation, that tribal interests were shown consideration therein, or that the expressions thereof voice the sentiments of the Choctaw and Chickasaw people. The sentiment that prevailed was that of hostility to the Indian, and in violation of the Atoka Agreement, and former treaties and existing laws:

Second.

That we deplore the movement inaugurated by said convention urging, not only a violation by the government of the obligations of the Atoka Agreement, but a tearing up

and disarrangement of the governmental machinery erected thereunder for the administration of our affairs.

Third.

That we are unalterably opposed to the abolishment of our tribal taxes for the following reasons:

(a.) The Atoka Agreement guarantees the continuation of our government for eight years from March 4, 1898, with full power and jurisdiction, except as therein modified. Our governments and public institutions are dependent almost wholly upon these revenues for support, and their sudden withdrawal would result in violent disruption and dissolution, and thus defeat the purposes for which our governments were continued, namely: to gradually prepare for tribal extinction, without damage to our interests, and to carry out the provisions of the Agreement. A lapse in our transition state would render nugatory all past efforts at reformation, defeat the many plans now under way for the protection of our estates, and result disastrously to public and private interests.

(b.) The tax imposed upon Indian citizens is that the interest upon their invested funds, goes not to them individually, but to public uses. To abolish the tribal tax imposed upon non-citizens, and allow them to invade the public domain and avail themselves of the many benefits which they enjoy, without compensation to the Indians, would confer upon them rights and privileges not enjoyed by citizens.

(c.) To abolish the tribal taxes at this time in violation of the spirit and letter of the Atoka agreement would be a breach of faith and abuse of confidence that could but engender distrust among the Indian people, and thereby render them less fit for the dignities and responsibilities of American citizenship, which will come to them with tribal extinction. In accepting the

Atoka agreement they have heeded the advices of the government, and agreed to relinquish every tradition that has characterized them as a race. They now insist upon the reasonable request that its obligations be sacredly observed.

Fourth.

That the Choctaw and Chickasaw people desire that the allotment of lands and the laying out of townsites proceed with all possible speed, consistent with a strict observance of the Atoka agreement. To that end and with only this condition, we endorse the request of the Dawes Commission for an increased appropriation for that purpose, and we request that the Choctaw and Chickasaw Townsite Commissions, be given such an appropriation as will enable them so to increase their working force that the townsite work may keep pace with the work of the Dawes Commission.

Fifth.

That Congress and the Department provide a means whereby the Choctaws and Chickasaws may be protected from frauds and wrongs that threaten them in the citizenship matters. By the Act of Congress, June 10, 1896, the Dawes Commission and the United States Courts were invested, over the protest of the Indians, with jurisdiction to admit to citizenship. Several thousand people applied to the Dawes Commission and after mature consideration, were rejected. Practically all appealed to the United States Courts, and practically all were admitted. The dockets of these courts were overcrowded with regular business. These cases were referred to masters and it was upon their findings of fact and conclusions of law that these judgments were rendered. The most shocking fraud and perjury were practiced, as is now well known to all and conceded by all except those directly interested. The tender, protecting

care, which it is the duty of the government to extend over its helpless wards, was not here present. The cases were decided upon cold rules of law and legal procedure without reference to whether the Indians were represented by counsel or protected by testimony. In addition to these high moral considerations, the Choctaw and Chickasaw people contend that these judgments are void, in that the applicants sued only one Nation, took judgment against only one Nation, and seek thereby to acquire allotments of land belonging jointly to the two Nations. Involving as it does, many millions of dollars in value of the Choctaw and Chickasaw property, and the obligation of the government to its helpless wards that whatever it does shall not only be legal, but right; we ask that provision be made for the judicial determination of this contention before final enrollment and allotment.

Sixth.

That Congress provide, at the earliest possible time in accordance with the Atoka agreement, for the determination by a competent tribunal, of the question as to what rights, if any, the Chicksaw Freedmen are entitled to under the treaty of 1866.

Seventh.

That such prompt and effective steps be taken, by legislation or otherwise, as will carry out that provision of the Atoka agreement as follows:

“The United States shall put each allottee in possession of his allotment, and remove all persons therefrom objectionable to the allottee.”

Eighth.

That we deplore the bill (H. R. 9995), relating to non-citizen schools and the abolishment of our tribal taxes, and the spirit of intolerance and injustice of which this bill is the

culmination. The Choctaws and Chickasaws, ever regardful of the rights of others, do not object to any plan looking to the establishment of non-citizen schools that does not affect this disastrous interference with their tribal schools. The Choctaw and Chicksaw schools are incident to the governments which are continued for eight years from March 4, 1898, and it is their desire that they shall remain intact for the time fixed by the Atoka agreement.

Ninth.

That the Dawes Commission, Honorable J. Blair Shoenfelt, United States Indian Agent, and The Choctaw and Chickasaw Townsite Commissions, be commended for their faithful observance of the Atoka agreement in the discharge of their duties affecting the Choctaws and Chickasaws thereunder.

Tenth.

That we endorse the sentiment expressed by the Governors of the Choctaw and Chickasaw Nations in their address which has been communicated to us, and we adopt the same as part of the proceedings of this convention.

Eleventh.

That the address of the Governors and these resolutions be transmitted to the Choctaw and Chickasaw delegates at Washington, to be presented to Congress and the Department, and that the same be given due publication through the newspapers and otherwise.

DELEGATES.

CHOCTAW NATION.

Scullyville County—

T. J. Overstreet,
Amos Henry,
E. A. Moore.

San Bois County—

J. D. Surratt,
Frank Folsom,
Simon Johnson.

Gains County—

Bud White,
Houston Nelson,
Willie Jones.

Coal County—

D. C. McCurtain,
G. W. Choate,
E. L. Cheadle.

Sugar Loaf County—

Robert Benton,
N. J. Holson,
James Culberson.

Wade County—

W. A. Welch,
G. W. Dukes,
Nelson Coleman.

Wolf County—

John Sanders,
John Taylor,
Jos. Garland.

Boktuklo County—

B. S. Smiser,
T. J. Sexton,
Henry C. Wilson.

Eagle County—

S. E. Lewis,
Green Taylor,
John O. Toole.

Red River County—

John Harrison,
Johnson Ott,
Joe Homer.

Towson County—

Will T. Walker,
Robert Harrison,
Joe McClure.

Kiamitia County—

Geo. Oakes,
J. W. Wood,
Jeff Fulton.

Jackfork County—

Wesley Anderson,
Wm. Rodgers,
G. W. Henderson.

Jackson County—

Willie Leflore,
Watson Belvin.

Atoka County—

J. G. Ralls,
Wm. H. Harrison,
Sam Downing.

Blue County—

T. W. Hunter,
C. H. Jones,
S. J. Homer.

Cedar County—

Noel J. Jones,
Charlie Plummer,
Joe Ward.

T. W. Greenwood,
Jimpson Underwood,
W. B. Anderson,
Tom Waldron,
E. B. Johnson.
Stephen John,
Sewel James.

Tishomingo County---

R. M. Harris,
B. F. Kemp,
Louis Keel,
Thomas Thompson,
Joe Bynum,
George W. Burris,
William M. Guy,
M. V. Cheadle,
Louis Seely,
Joseph S. Maytubbee,
W. T. Ward,
T. B. McLish,
Jake Chatman.