

ROGERS, CHARLES, B.

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Field Worker, Effie S. Jackson,
September 30, 1937.

Interview with Charles B. Rogers,
515 Alexander Bldg.,
Tulsa, Oklahoma.

I was born at Dover Hill, Shoals County, Indiana, January 5, 1870. I received my major law training at the University of Indiana and University of Michigan. I am recognized as an authority on tribal litigation for the Shawnees. I have successfully carried claims for Shawnees from court to court and from congress to congress over a period of almost thirty-five years, and am, I believe, recognized as an authority on tribal litigation for the Shawnees.

I became interested in the legal affairs of the Shawnee Indians even before I came to the Indian Territory in 1902. This interest was aroused by my political and personal association with John C. Cheyney of Indiana. Mr. Cheyney represented Johnson Blackfeather, Principal Chief of the Shawnees, in a tribal suit

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brought into the Court of Claims in the latter 90's. This suit reached the Supreme Court of United States in 1902 and was pending when Cheyney was elected member of Congress from the Second District of Indiana. In April, 1903, a decision was rendered upon the claims of the Shawnees.

This suit was for the recovery of certain spoliation claims for property taken by U. S. Soldiers and loyal citizens from members of the Shawnee tribe. This property was seized and usually used for military purposes during the Civil War. The reservation of the Shawnees at that time was in Northeastern Kansas in the vicinity of what is today Johnson County, Kansas City, etc. The decision rendered by the Supreme Court was against the tribe as a whole, on the grounds that the claims were individual and not tribal.

Cheyney, having become a member of Congress, turned the claims to me with the provision that I was to be acceptable to the business committee of the Shawnee tribe. So I came to Vinita in 1903. Vinita

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was the headquarters for Shawnee tribal affairs, their Kansas lands having been given up by the Treaty of 1866. Their new abode was the Indian Territory where they were incorporated into the citizenship of the Cherokee Nation. Bear in mind that by the decision of the Supreme Court it would be possible to press claims of individual Shawnees who had suffered spoliation. This meant an individual contract with each Indian who had a claim must be made by me if I were to represent him. The first step was for me to be approved by the Business Committee of the Shawnees as their choice to handle this Shawnee litigation. The Business Committee (1903) was composed of William Tooley, Principal Chief of the Shawnees, Cyrus C. Cornatzer, Silas and Henry Bluejacket, William Harvey and, I believe, Jake Longtail.

As soon as I came to Indian Territory I was admitted to practice in the courts of Indian Territory by admission to the Bar in the court of Honorable Joseph A. Gill, one of the judges then presiding in the Northern District. I then opened a law office in the First National Bank

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Building, Vinita. I asked the Business Committee of the Shawnees to convene at my office for a conference in rechoosing me to represent the Shawnee individuals in their respective spoliation claims against the United States. The session lasted two days. Toward the close of the second day, I withdrew from the conference so that the committee could make the decision as to my employment. They finally called me in and said that they preferred to hire a lawyer of Indian blood. A further conference was called and I succeeded in convincing them that they had no one of their blood capable of handling litigation so important. I stressed the need not only of being on the ground personally among the Shawnees but being in Washington when it was necessary to watch after their affairs there. I made a bold suggestion to settle their difficulty, it was for them to adopt me into their tribe. It met with their hearty approval. A resolution was straightway voted to that effect and I was made secretary of the Business Committee. The plan was to make me forthwith a member

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of the tribe in order that I might prepare individual contracts at once and proceed to press their claims.

There was nothing deep or secret about their adoption ceremonies. Their regular harvest dance was held at their "stomping grounds" in the White Oak Hills, ten miles west of Vinita, in October. This was chosen as the occasion. I was provided with a war-bonnet, tomahawk and other regalia in keeping and invited to join them in their "stomp dance" and method of parade. There was no ritual or potent drink -- the only oath was that of old Jim Wolf -- the ugliest full blood I believe I ever saw. He didn't like me and he didn't want me in the tribe, and in his Indian fashion he grunted his oath of dislike for me. Not only that, but as the dance waxed warmer he proceeded physically to show his hatred of me. Every time we passed near each other he waved his tomahawk a little nearer my face -- until it became a torture to me. In fact, the dance slowed down seemingly to give him a better chance to

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brandish the weapon closer to me. I was becoming the butt of amusement -- the pale-face couldn't take it. Maybe it was their plan of putting me "on the spot." I knew I could not cope with him with his own kind of weapon so I appealed to Cyrus Cornatzer, member of the Business Committee, to get me a "butcher knife" of something on that order. He cautioned me, telling me not to go to bat with Jim Wolfe, that he was one of the meanest Indians in the tribe, but I demanded a weapon I could use. I was determined to fill his soul with fear. Cornatzer brought me a huge cutting knife, sort of a cross between a bowie knife and a butcher knife; it was an ugly thing. I ruf led my hair up, adjusted my war bonnet, and made my face as ugly and my eyes as glaring as possible and prepared to meet him on the next round of the dance.

Everybody sensed that this was the show down, the dance almost stopped as we approached each other, even the tom-tom beats slowed down and our feinting and flourishing started. It was a test of fear, which could

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stand it the better. He was larger than I and used his physical power and appearance to frighten me to surrender, not forgetting that close swish-swish of the tomahawk. But I was agile and also had the mental power of creating fear and to him my weapon looked deadly. He stood it as long as he could, then turned tail and ran, his long war bonnet trailing behind. He went some distance away and sat by himself, sulking during the rest of the ceremony. I have always felt that I earned my adoption into the Shawnee tribe.

Sometime later, Jim Wolfe and I became good friends. By some peradventure it seems that Jim and three other Shawnees, Nancy Bluejacket for one, had never been enrolled. By a special act of Congress I got them enrolled and they received their due allotments.

I served as secretary of the Shawnee Tribe Business Committee for twenty years. During that time I made investigation into hundreds of individual claims and got contracts not only with all Loyal Shawnees who had

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claims but also with all Absentee Shawnees and sixty Delawares who were made Shawnee citizens by the Enabling Act. Now to explain some terms. Loyal Shawnees were those who were living on the Shawnee Reservation in Kansas at the time the tribe as a whole was moved by treaty to Indian Territory (north east) in 1867-78. Absentee Shawnees were those who, of their own accord, had moved from the Kansas tribal reservation between 1840-60, and settled in what is now Pottawatomie County, with headquarters at Shawnee. Some of these Absentee Shawnees later returned to their Kansas reservation and had to be re-patriated. These Absentee Shawnees were divided into two branches, the White Turkey and the Big Jim band, about 350 altogether.

There were about 900 members of the Shawnee tribe. I spent two years in council meetings and checking the claims of the Absentee Shawnees. All told there were about 164 separate suits. I have the history of each suit and the original copy of each contract here in

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my files. The total amount involved in these individual spoliation claims totaled about \$540,000; the Shawnee Business Committee had fixed my fee at \$400.00 a case. After twenty-three years of investigation and litigation an Act of Congress, in 1926, gave the individual Absentee Shawnees the money due them according to their claims. In 1929 the Loyal Shawnees were allowed benefit of their individual claims. Some of this has not yet been paid to those claimants. Take the case of Nancy Bluejacket whose enrollment and allotment I got by Special Act of Congress. Her spoliation claim is still in the courts - at the present time in the district court of Craig County on appeal.