

DUNCAN, JAMES W.

KEE-TOO-WAH SOCIETY.

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Grant Foreman,
Director,
S-149.
Jan. 10, 1938.

THE KEE-TOO-WAH SOCIETY.

The Kee-too-wah Society, Incorporated, as designated from the Nighthawk Kee-too-wahs, is purely a business organization incorporated in 1905, under the United States law then in force over the then Indian Territory. Its purpose then, as it still is, was to carry on or transact as best it could the unfinished business of the Cherokee people or nation, as it was then foreseen that the last vestige of the Cherokee laws was about to be taken from them.

The Cherokees at that time had quite a lot of business still to be transacted, but with no laws it could not be handled. The leaders in securing the incorporation at that time were the officers of the Society; Honorable Richard M. Wolf, president, and others with Honorable Frank J. Boudinot, now of Washington, D. C., as attorney and advisor which position he still holds at this time.

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The old original Kee-too-wah Society was organized in 1858 and remained as one society until about 1898, when what was known as the Curtis Bill was passed by Congress abrogating the Cherokee tribes and laws and providing for allotment of their lands, though the law never was enforced because of its being in drastic violation of all treaties with the Cherokees and being impractical to enforce and being bitterly opposed by the masses of the Cherokees who hated Curtis for the passage of this act.

The Kee-too-wah Society remained as one until 1902 when the treaty under which the allotments were made was to be voted on. One element of the society were so bitterly opposed to the proposed act that they would not vote on it and in their then secret meetings held at night, they took the name of "Nighthawks" and later the name of "Nighthawk Kee-too-wahs". So to this date the old Society, now incorporated, and the Nighthawks remain two organizations though they are perfectly friendly and cooperate with each other in any business transaction that may come up in which both are concerned.

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One of the uppermost objects of the society during the last year has been, whenever the Government of the United States or Congress or individuals undertook to do anything in violation of its treaties or contracts with the Cherokees, the society took occasion to file written protests against such acts, thus saving its exceptions, so called in legal phraseology, to such acts in violation of treaties, agreements, encroachments on property by filing three written copies of every such protest, one with the Indian office in Muskogee, one with the Commissioner of Indian affairs and one with the then President of the United States. So this society is thus on record in numerous instances before these three departments of the Government. For example when the Curtis Bill passed Congress in 1898, which act was a direct violation of all the Government treaties with the Cherokees, the society convened in special session and passed a written protest against its provisions and three copies of which were sent to the above mentioned departments; and so on along the years the society thus, as best it

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could, transacted the unfinished business of the Cherokee Nation, deprived of its laws to act in its own behalf.

In 1914, the society, acting in this capacity, gave a contract to Honorable Frank J. Boudinot, for the collection of all the claims, about a dozen in number, that the Cherokees had against the Government. Honorable W. G. Rogers, then Chief of the Cherokee Nation, though its laws had been taken away from it, approved this contract.

The next thing to do was to get an act passed by Congress to sue on the claims which the society was ten years in getting accomplished, the act being passed in 1924.

Honorable W. W. Hastings, then Congressman, deserves the greatest credit for his untiring and efficient service in securing the passage of this act, under which a new contract had to be made by delegates elected, one from each of the nine old Cherokee Districts but this Society deserves unstinted praise for working at this the ten years until this was brought about.

Mr. Boudinot has spent the last twenty-two years digging up the records in Washington, in some ten or twelve cases some of them for a hundred years back and

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filing briefs and petitions in these cases: No other man would have ever continued at it under the trying and adverse circumstances under which he has worked. The cases are all made up and ready to be heard as soon as the court of claims can get to them. Two of them, the Emigrant and the Old Settlers, are now before the Supreme Court. Thus the Kee-too-wah Society, Incorporated, in collaboration with and under the advice of their attorney Honorable Frank J. Boudinot, together with the assistance of Honorable W. W. Hastings in securing Congressional action, is acting as a business organization, transacting as best it can the unfinished business of the whole Cherokee people or nation.

Signed

James W. Duncan

Secretary, Keetoowah Society,
Incorporated.

Since 1914.