

THE INDIAN CITIZEN

Atoka, I. T.,
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S. Smiser,)
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MESSAGE OF ISPARHECHER

Okmulgee, M. N.,

Aug. 24, '97.

To the National Council of the Muskogee Nation:

Gentlemen:-

I have convened you in extraordinary session at this time for the purpose of submitting to you for your consideration, the question of allotment of our lands.

At your last annual session in Oct., 1896, you constituted a commission with authority to negotiate a treaty with the Dawes commission. The two commissions have met and conferred with each other several times during the interim without effecting any negotiation. In the meantime mass meetings have been held throughout our Nation, and the question of

allotment fully discussed by our citizens, resulting, as I am informed, in an almost unanimous opposition to allotment. I deemed it, therefore, important to convene you in extraordinary session in order that I might submit to you these facts before any further efforts are made by our commissioners to negotiate with the Dawes commission. The situation must be regarded by all as a very grave one, involving, as it does, the consideration of questions entirely foreign to our laws, usages and customs which have existed from time immemorial to the present time.

In the long line of treaties heretofore made, never before have we been asked to surrender our tribal government; but in all of them we have been assured the right of self-government by the most solemn sanction known to Christian civilization. Never before have we been asked to allot our lands and thereby transform the title thereto from a tribal to an individual ownership. We can consider these questions only from the lights afforded us by history and experience. From history we learn that allotments of lands have resulted in making many tribes homeless; in the correlling of the remaining tribes within circumscribed limits by military force, and by subjecting

to restrictions, no less galling to human liberty than existed in the days of slavery. From experience we learn that we have peacefully, happily and prosperously occupied this country for over sixty years, under existing treaties, exercising the right of self-government and holding our lands as a mutual home for all our citizens. During that time we have made great progress in Christian civilization, afforded protection for the life and property to our citizens without rendering a single one of them homeless. I am aware that we have permitted some irregularities to exist in our Nation respecting grazing privileges and the occupation of our lands by non-citizens, but both of these can and will be rectified without the means of a new treaty. It is only necessary that we shall act within the authority conferred by existing treaties to protect our best interests. If existing treaties fail to give such protection, we certainly cannot look for it from a subsequent one. I am apprised that congress has recently enacted a law to supersede our tribal jurisdiction on the first of January, next. When that date arrives, the question of constitutional law will of necessity come up for

final decision by the supreme court of the United States. And in the event of an adverse decision by that court, the question would properly come up for settlement by arbitration, in a manner pursued by the U. S. government in settling the troubles on the little island of Hawaii. Our political identity and individuality have been fully established by repeated decisions of the supreme court and our treaties have been construed to be subsisting contracts between the United States government and the Indian tribes, and that the government is held as fully bound by her contracts as an individual. If these decisions are not reversible, then it follows that congress cannot abrogate treaties, and that the late law referred to is a nullity and cannot be enforced. It is not my intention, however, to be understood to mean any disrespect to the congress of the United States, or to exhibit any spirit of defiance to the rightful authority of that great body of law makers. I do not question the honesty of their motives, but I do question their source of information respecting my people. I do not question their sense of justice, but I do question the correctness of their method for

securing my people in the exercise of their lawful rights. I have ever honored the United States government as my great, good Father, I have faced the bullets of her enemies in defense of the stars and strips, and I trust in the sear and yellow leaf of life, I shall not be dommed to see a sacrifice of this loyalty by breaking up the homes of myself and my people.

I have briefly presented to you my views of the situation, from which you are advised but I am opposed to negotiation at this time. I therefore recommend that you amend the instructions to your ~~commissioners~~ by eliminating their authority to negotiate a treaty for the allotment of our lands. I would also suggest that you will consider and provide proper means for securing competent counsel to represent our nation before the supreme court of the United States.

In conclusion, I will express the hope that your session will be harmonious, that your labors will be characterized by dispatch and wise legislation, and express the desire that you will be able to not prolong your session longer than five days, nor

consider any matter not submitted to you by me.

Your obedient servant,

ISPARHECHER,

Principal Chief, M. N.