


THE
SEQUOYAH CONSTITUTIONAL CONVENTION

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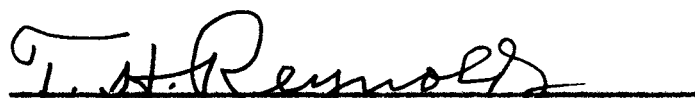
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PREFACE

The Sequoyah Constitutional Convention was held in Muskogee, Indian Territory, in the summer of 1905. It was the culminating event of a series of colorful occasions in the history of the Five Civilized Tribes. It was there that the descendants of those who made the trek west seventy-five years earlier sat with white men to write a charter for a new state. They wrote a constitution, but it was never used as a charter for a State of Sequoyah.

This work, which is primarily a study of that convention and the reasons for its being called and its results, was undertaken at the suggestion of my father, Harold K. Maxwell, in August, 1948. It has been carried to a conclusion through the aid of a number of persons, chief among them being my wife, Betty Jo Maxwell. The need for this study is a paramount one. Other than copies of the Muskogee Phoenix, there are no known records of the convention. Because much of the proceedings were in one or more Indian tongues there are some gaps in the study other than those due to the lack of records, which has been caused by the only set of minutes kept being accidentally destroyed in a fire during the first few years after the convention. Thus this study, the first on the convention since 1912, has been completed by the author in an attempt to salvage many of the views and happenings of that day and much of the attitude of those men who took

part in it. Few of the men who served as delegates in that convention are still living, but of those remaining, none had a greater part in it than the Honorable William H. Murray who has been so kind as to aid the author in both personal interviews and letters concerning the convention.

The nature of the subject and the events leading up to and following the Sequoyah Constitutional Convention lend themselves with ease to the editorializing on public and political morals. It was with effort that the writer attempted to refrain from moralizing and drawing lessons for the reader. The reader, I am sure, will excuse any such tendency that is noticeable with the knowledge that a few things should not be left unsaid.

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CHAPTER I
INTRODUCTION

The events of a span of forty years, from 1865 to 1905, directly influenced the calling of the Sequoyah Constitutional Convention. This being true, it is essential to an understanding of the convention to have a background for it. This chapter furnishes such a background.

The efforts of our national political leaders to create a state or territory from Indian Territory after the Civil War can be roughly grouped into the following chronological divisions: the first, from 1865 to 1880 when Indian Territory served a dual purpose, being both an exclusively Indian area and a region to be exploited by a group of railroads holding land grants conditional upon it being created either a state or a territory; the second, from 1880 to 1890 when Indian Territory was considered principally as an exclusively Indian area; and the third, from 1890 to 1905 when severalty and statehood with or without Oklahoma were the two primary issues concerning Indian Territory, both in Washington, D. C., and in Indian Territory.¹

At the time of the removal of the Five Civilized Tribes westward into the area known as Indian Territory, each of the tribes

¹ Each of these periods overlaps to some extent, but the dates given fit the periods and do show the prevalent attitudes.

signed treaties with the United States which guaranteed to the Indians that their lands would never be included in any state or territory without their consent.² This provision in the removal treaties was later to be cited time and again in arguments for and against territorial and statehood status for Indian Territory.

During the spring and summer of 1866 each of the Five Civilized Tribes sent representatives to Washington, D. C., to negotiate peace treaties with the United States. The Seminole treaty, signed on March 21, 1866, served as a model for the other three treaties completed with the Choctaws and Chickasaws, the Creeks, and the Cherokees within the next four months.³ These treaties were similar in most respects, and all called for the abolition of slavery and the building of railroads across the Indian Territory. Only the Cherokee Nation, in its treaty ratified by Congress on July 27, 1866, was exempt from having to cede a part of its land to the United States for the purpose of settling other Indians on such land; the Cherokee and Creek Nations had been the only ones of the Five Civilized Tribes to send troops to join the Union Armies, and of the two, the Cherokees had been the most active.

The same day that Congress ratified the Cherokee peace treaty it also chartered the Atlantic and Pacific Railroad; on the two preceding days, July 25 and July 26, Congress granted

² Charles J. Kappler, compiler, Indian Affairs, Laws and Treaties, II, 311, 442-443, 758.

³ Ibid., 910-915, 918-931, 931-937, 942-950.

lands to aid in the construction of the Kansas and Neosho Railroad and the Union Pacific Railroad. In chartering the Atlantic and Pacific and in making the above grants, Congress gave huge grants of land in Indian Territory to these railroads on the condition that the land grants would be inoperative in the event the land was not declared a part of the public land of the United States and the railroads were not built within ten years.⁴ Thus, at the same time that it was ratifying the final peace treaties with the Indians and reaffirming their ownership of the land in fee-simple, Congress was making conditional grants of that land to corporate interests, and some of the charter members of the railroads were then or later members of Congress and influential in Indian legislation.

In the passage of these acts Congress gave the railroads an incentive to publicly and privately advocate territorial or statehood status for the Indian Territory, for the lands conditionally granted to the railroads could not be classed as public lands unless the area came into the Union as a state or a territory. That no bills were introduced in Congress providing for a change in the status of Indian Territory for several years is an indication that these railroads were not yet ready to cross Indian Territory.

On March 17, 1870, Senator Benjamin F. Rice of Arkansas introduced a bill to create the Territory of Ok-la-ho-ma out of

⁴ U. S. Statutes at Large, XIV, 236-239, 289-291, 292-299.

the Indian Territory.⁵ Within less than six weeks the Committee on Territories recommended its passage

. . . as a matter of economy to the government and the Indian nations, as a simple act of justice and fair-play to the Indian, and to carry out in good faith the stipulations of the treaties of 1866⁶

This report of the committee was soon followed by several memorials from delegates of the Cherokee, Choctaw, and Creek Nations protesting against its passage.⁷ One memorial in particular illustrates the feeling of the civilized Indians against the territorial movement. An excerpt from this memorial follows:

It is folly to tell us that those who are engaged in these schemes [urging territorial status for Indian Territory] are our friends, seeking to promote our welfare. They mean no such thing as friendship--friends never act as they do. They believe with and act upon the principle . . . that 'the only good Indians are the dead Indians', and we would be deluding ourselves, and false to our people, if we did not proclaim the fact now and here.⁸

The memorials in themselves did not, of course, dictate the failure of that early bill, but they at least gave Congress the knowledge that territorial status was unwanted in Indian Territory.

In President Ulysses S. Grant's third and fourth annual messages to Congress, he recommended creating a territorial form

⁵ Congressional Globe, 41 Cong., 2 sess., 2014, hereafter this bill, S. 679, will be referred to as the Rice bill.

⁶ Senate Reports, No. 131, 41 Cong., 2 sess., ss. 1409. This is the favorable committee report on the Rice bill.

⁷ Senate Mis. Docs., Nos. 76, 90, 92, and 143, 41 Cong., 2 sess., ss. 1408.

⁸ Ibid., No. 143.

of government over Indian Territory.⁹ While there is no evidence that President Grant was considering anything but the safety of the whites in the western and southwestern parts of the United States, he was by these recommendations allying himself directly with the railroads in an attempt to open Indian Territory for their exploitation.

During 1874 the feeling in Congress for creation of a territory from Indian Territory reached the point that it was deemed necessary to send a commission, under the chairmanship of J. D. Land, to Indian Territory to determine if the region and its inhabitants were ready for territorial status. The final recommendation was that such a government should be created. This caused a greater outburst of oratory and memorials by the Indians than any succeeding act of Congress in relation to Indian Territory during the next twenty years.

On January 20, 1875, a convention of Cherokees signed a memorial protesting against the recommendations of the commission. This memorial, with over four thousand signatures, accused Chairman J. D. Land of being the treasurer of the Atlantic and Pacific Railroad.¹⁰ The Chickasaws had made a similar accusation in their memorial two weeks earlier; it was signed by each senator and representative of the Chickasaw legislature. These accusations, since quoted by at least one eminent historian and hereby inferring their truth, were false. Chairman Land was not an officer in the Atlantic and

⁹ James D. Richardson, compiler, A Compilation of the Messages and Papers of the Presidents, VI, 4106, 4154.

¹⁰ Senate Mis. Docs., No. 66, 43 Cong., 2 sess., ss. 1630.

Pacific Railroad.¹¹ While errors in the memorials may or may not have been deliberate, they have for seventy-five years unjustifiably cast Land in the role of one attempting to swindle the Indians of lands to aid a company with which he was supposedly affiliated.

The Osage Nation, which by that time was located in Indian Territory, sent a memorial with twenty-nine signatures accusing the white man of bad faith in his eagerness to place the Indian under a territorial form of government. The Osages charged, with no doubt a great deal of truthfulness:

We know that those who want a territorial government over the Indians pretend to say, as an excuse for such a government, that . . . bad characters cannot be reached and punished except by a territorial government. But you will see at a glance that that kind of talk is 'too thin' to have any weight with sensible men. A great many of your deputy marshals, when they come into our country, look more after the quality of lands than they do after criminals, and they go smelling around hunting whiskey. At present you know we are not embraced in any 'Territory of the United States'; and the object of the grantees of our lands seems; therefore, to be to create our country into a territorial government in order to have their land-grants fulfilled.¹²

These memorials had some effect in Congress, for nothing was done, and with the expiration of the conditional land grants in 1878 there was a decided lessening for a number of years of the effort to create a territory from Indian Territory.

During the decade of the 1880's there was considerably less effort to create either a state or a territory from Indian Terri-

¹¹ Officers of the railroad may be determined by reading Henry V. Poor's Manual of the Railroads of the United States. A true extract copy from the volumes covering the years 1870 to 1880 pertaining to the Atlantic and Pacific Railroad is in the author's possession.

¹² Senate Mis. Docs., No. 72, 43 Cong., 2 sess., ss. 1630.

tory than was the case in either the decade preceding or succeeding it. This was due to the following causes: first, while railroads were crossing Indian Territory, and being financed through the floating of bond issues in adjoining states, the valuable land grants promised them had expired; and second, there was no influx of settlers into the region until after the opening of the Unassigned Lands in 1889. President Chester A. Arthur in his first annual message to Congress on December 6, 1881, did recommend extending the laws of Arkansas over all Indian Territory not occupied by the Five Civilized Tribes, but this did not in any way mean immediate territorial status for the Five Civilized Tribes.¹³ During 1887 the Dawes Act was passed providing for allotment of Indian lands, but neither did it pertain exclusively to the area of the Five Civilized Tribes. Thus during most of this decade the attitude toward the region occupied by the Five Civilized Tribes was one of considering it as an exclusively Indian area. Primary evidence of this attitude is the fact that only the unoccupied area belonging to the Five Civilized Tribes and those areas occupied by the Plains Indians in Indian Territory were ever opened to settlement as Oklahoma Territory.

From 1890 until 1905 there were a number of conventions, both large and small, held in Indian Territory to agitate statehood of one form or another, but during the first ten years the efforts of non-Indian residents were directed more at breaking up the large land holdings of the Indians by severalty than at statehood. A cause for this may be seen in the first census taken by

¹³ Richardson, op. cit., VI, 4643.

the Census Bureau in Indian Territory when, in 1890, it was recorded that there were 109,393 whites not on military reservations out of a total population of 180,182.¹⁴ Not a single one of those whites could legally hold any real property in Indian Territory; they had no representation in Congress, and it may well have been these whites as well as the Five Civilized Tribes, whom President Benjamin Harrison had in mind when he wrote in his third annual message to Congress on December 9, 1891, "These Indians should have opportunity to present their claims and grievances upon the floor rather than, as now, in the lobby."¹⁵ It is noteworthy that less than a month before President Harrison sent the above message to Congress, a convention had been held in Muskogee advocating single statehood for Indian Territory and Oklahoma Territory,¹⁶ and that even earlier that same year, T. J. Morgan, Commissioner of Indian Affairs, in his annual report dated October 1, 1891, suggested the early passage of an enabling act for the creation of either a territory or a state from Indian Territory.¹⁷

During 1892 two bills were introduced into Congress pertaining to the government of Indian Territory. One of them was introduced by Congressman Samuel W. Peel of Arkansas and provided

¹⁴ Eleventh Census of the United States, 1890, X, 254.

¹⁵ Richardson, op. cit., VII, 5637.

¹⁶ Grant Foreman, A History of Oklahoma, pp. 310-311.

¹⁷ From the Sixtieth Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior, 1891, Part I, 37. Hereafter these annual reports will be referred to as Indian Affairs, with the year of the report following.

for the admission of Indian Territory as a separate state.¹⁸ The other, introduced by Senator Bishop W. Perkins of Kansas, provided for a single state formed of Oklahoma and Indian Territory.¹⁹ The introduction of these two bills represent the beginning of two distinct political party views toward the admission of those territories to statehood--neither considering particularly the wishes of the inhabitants, but national political conditions of the day. In view of the Indians' close relationship to the South and the large proportion of the white population of Indian Territory coming from Arkansas and Texas, the Republicans could only view the admission of Indian Territory as the admission of another Democratic state; this they felt could possibly be averted by the admission of Oklahoma and Indian Territory as one state.

On March 3, 1893, the last day of the Fifty-second Congress, was passed an Indian Appropriation Act. Included in the act was a provision providing for the creation of a Commission to the Five Civilized Tribes to arrange for allotting their lands. Section sixteen of the act specified the aim toward which the severalty program was directed when it stated as to the duties of the Commissioners:

. . . said Commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a Territory of the United

¹⁸ H. R. 5994, Congressional Record, 52 Cong., 1 sess., XXIII, 1164.

¹⁹ S. 3656, ibid., 52 Cong., 2 sess., XXIV, 290.

States with a view to the admission of the same as a State in the Union.²⁰

By this act Congress was stating in unmistakable language its intention of making a separate state from Indian Territory. The Congress writing this act was predominately Democratic in membership. This act was understood as written by not only the Indians but by the Indian Agents as well, for in the annual reports that summer, T. J. Moore, U. S. Indian Agent to the Quapaws, stated that upon completion of the allotment of their lands the Quapaws wanted to be admitted into statehood with Indian Territory.²¹

Of the allotment program, Union Agent Dew M. Wisdom wrote:

I dismiss the subject with one remark or suggestion, and that is, in my opinion, the Indians would prefer first statehood, with their system of land tenure to remain undisturbed, and that the complicated question of allotment be worked out as the exigencies of the future may demand, and in the time and mode most satisfactory to the Indians themselves.²²

In the spring and summer of 1894 the Dawes Commission, as the Commission to the Five Civilized Tribes was known, submitted to each of the Five Civilized Tribes a list of ten proposals upon which the allotment program should be based. Proposal number eight was a promise that if allotment was agreed to, Congress could establish a territorial form of government over Indian Territory.²³ This proposal, suggested to the Indians primarily

²⁰ U. S. Stat. at Large, XXVII, 646.

²¹ Indian Affairs, 1893, 141.

²² Ibid., 148-149.

²³ Report of the Commission to the Five Civilized Tribes, November 20, 1894, Senate Mis. Docs., No. 24, 53 Cong., 3 sess., ss. 3281, 2-6. A very descriptive account of life in the Indian Territory in 1894 may be found in pages 7-12.

to improve the government in Indian Territory, was not at the time agreed to, but was later used by the Indians to substantiate their claims for statehood.

The next year the Commission recommended that legislation be enacted providing:

A Territorial government over the Five Civilized Tribes, adapted to their peculiarly anomalous conditions, so framed as to secure all rights of residents in the same, and without impairing the vested rights of the citizen Indian or other person not an intruder.²⁴

In 1896 and 1897 Union Agent Dew M. Wisdom recommended authorizing a delegate to Congress from Indian Territory. His recommendation of September 10, 1896, was without equivocation:

Notoriously, much of the legislation in behalf of the Indian country has been controlled by Members of Congress from the States on its borders, and it is not saying too much to state that selfish interests have swayed some of the Members

Continuing further, he wrote:

. . . it is an anomalous condition of affairs that 300,000 people should live in a republican Government without representation in our national forum. [Electing a Delegate will] lift it from its semi-barbaric condition into full standing as one of the mighty brotherhood of States.²⁵

That year, George E. Nelson was sent as a delegate to Congress from Indian Territory, but Congress refused to take any action

²⁴ Report of the Commission to the Five Civilized Tribes, November 18, 1895, Senate Docs., No. 182, 54 Cong., 1 sess., ss. 3353, 4. This report covered some eighteen pages and discussed the almost complete lack of any organized government in the Indian Territory at the time and built up to a climax giving as the practical solution to the problem: first, instituting Territorial government, and second, extending the jurisdiction of the U. S. Courts in Indian Territory.

²⁵ Indian Affairs, 1896, 154-155.

when he presented himself for seating.²⁶

Finally, on June 28, 1898, the agreements between the Choctaw and Chickasaw Nations and the Dawes Commission, signed the preceding year in Atoka, Indian Territory, were ratified in the passage of the Curtis Act. One of the clauses in that act read as follows:

This stipulation [that the tribal governments were to continue until March 4, 1906] is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress be prepared for admission as a State to the Union.²⁷

This act, with the above clause, passed by a Republican Congress, guaranteed to the Five Civilized Tribes that they would be made a separate state. In debates during the next eight years this act was referred to time and again by proponents of separate statehood, and more than once the leaders of the Republican Party probably regretted ratifying the Atoka Agreement, with the above clause, as part of the Curtis Act.

Early the next year, on January 14, 1899, the Dawes Commission signed an agreement with the Cherokees which included the guarantee that the Cherokees would never be made a part of any state or territory without their consent; or that if made a part of a state or territory without such consent the state or territory would include only the lands of the Five Civilized Tribes.²⁸ Such an agreement could have but one effect, that being to solidify all

²⁶ Ibid., 1897, 139-143.

²⁷ U. S. Stat. at Large, XXX, 512.

²⁸ From the Cherokee Agreement, January 14, 1899, Appendix No. 2, Report of Commission to the Five Civilized Tribes, Indian Affairs, 1899, 58.

beliefs in Indian Territory in both the whites and the Indians that a separate Indian state so long promised was finally to become a reality. This was not idle or wishful thinking either, for this agreement had been promised in part before, and now it was agreed that after March 4, 1906, an Indian state could and would be made. Surely the white man would not go back on his word again.

Meanwhile, numerous bills had been proposed in Congress pertaining to statehood for the two territories, but from 1894 to 1900 of the bills introduced with the exception of two on December 9, 1895, all called for single statehood for Oklahoma and Indian Territories. Of the two exceptions, one was tabled, and the other died in the Committee on Territories.²⁹ These bills were both introduced by Arkansas Congressmen, James H. Berry of the Senate and John S. Little of the House of Representatives.

There were a number of changes seen in Indian Territory between 1890 and 1900 as recorded by the Census of 1900; the most significant of these is without doubt in the population. In 1890 the whites had outnumbered the Indians slightly over two to one; whereas, by 1900 they outnumbered the Indians almost six to one, the actual figures in 1900 being 302,680 whites and 52,500 Indians.³⁰ The reason this is the most significant statistical change to be seen between 1890 and 1900 in Indian Territory is

²⁹ Congressional Record, 54 Cong., 1 sess., XXVIII, 60, 97. S. 584 was tabled, while H. R. 819 was left in the committee.

³⁰ Twelfth Census of the United States, 1900, I, part I, 47, 487, 537.

evident; these whites who had multiplied so rapidly wanted representation in Congress; they did not like the conditions under which they were living, but they did not find those conditions disagreeable enough to warrant leaving. Most of them wanted a separate state, but if necessary they would compromise in order to have an orderly 'white man's government'. This attitude was to be climaxed in the calling of the Sequoyah and Oklahoma constitutional conventions in 1905 and 1906 respectively.

From 1900 to 1905, with the dividing of the lands of the Five Civilized Tribes progressing as rapidly and as efficiently as could be expected, the primary interest of many of the over three hundred thousand whites in Indian Territory centered on achieving statehood, but the Indians, by and large, considered the settlement of the vexing land problem of greater importance and necessity.³¹

On December 10, 1900, the last single statehood convention to be held in Indian Territory in the nineteenth century met in McAlester and drew up petitions to Congress asking for single statehood for Oklahoma and Indian Territory. Most of the counties in Oklahoma were represented at the convention as well as white delegates from the Chickasaw and Choctaw Nations and one full-blood Indian from Wagoner.³² This convention caused little public response.

The following year Governor William M. Jenkins of Oklahoma Territory continued the policy set by Governor William C. Renfrow

³¹ This view is from the report of Union Agent J. Blair Shoenfelt of August 31, 1900, to be found in Indian Affairs, 1900, 243.

³² Daily Oklahoman, December 11, 1900, p. 1, col. 4.

in 1896 and recommended single statehood for the two territories. But Governor Jenkins' recommendation was qualified: ". . . it seems to me that no reasonable objection can be made to the immediate creation of a state either of Oklahoma alone or of Oklahoma and Indian Territories combined."³³

On November 14, 1901, another single statehood convention was convened in Indian Territory; this one was held in Muskogee. It was led by Charles F. Barrett of Shawnee and Thomas H. Doyle of Perry, both in Oklahoma Territory.³⁴ That same day, taking cognizance of the convention, the Cherokee National Council memorialized the President and Congress to the effect that any protestation for union with Oklahoma Territory purporting to come from Cherokees actually would come from non-citizens of the Nation.³⁵ This action of the National Council was in line with prevailing sentiment among that people, for there was much resentment against the allotting of their lands. It was even reported that agents from Mexico were that year advocating migration of the Cherokees as a colony to that country.³⁶ Less than a month later, the Daily Oklahoman began a front page story on a separate statehood convention held

³³ Miscellaneous Reports of the Department of Interior, 1901, Part II, Governors of Territories, 323.

³⁴ Muskogee Phoenix, November 21, 1901, p. 6, col. 1. The newspaper reported: "The proceedings were entirely harmonious, no dissenter being allowed a voice in the convention."

³⁵ Ibid., p. 4, cols. 2-3.

³⁶ James Mooney, "Myths of the Cherokee", Bureau of American Ethnology, Nineteenth Annual Report, 1900, Part I, 156.

in Muskogee to organize opposition to the union of the two territories with the following by-line:

ONLY SIXTY SUCKERS OF THE OFFICIAL TEAT WERE PRESENT
TO LISTEN TO THE HOT AIR HAMANGUE DELIVERED
BY BUNKO BOB OWENS [SIC] THE HIGH
PRIEST OF MALCONTENT 37

The newspaper went on to quote Robert L. Owen as saying that the Senate would never pass single statehood, even if it had to fillibuster it to death.

During the first session of the Fifty-seventh Congress, which met in the winter of 1901 and the spring of 1902, numerous bills were introduced to change the status of the territory. These bills ranged all the way from dividing Indian Territory into counties and establishing local county government as the only governing power in the entire territory to proposing the unification of Oklahoma and Indian Territories as a single state.³⁸

Slipping by without too much comment in local newspapers was an act passed on February 28, 1902, authorizing construction of the Enid and Anadarko Railroad from Anadarko, Oklahoma Territory, to Fort Smith, Arkansas. This act stipulated that the railroad was to pay \$50.00 per mile to the tribe whose land it crossed, plus an annual rental fee of \$15.00 per mile as long as the land was controlled

³⁷ Daily Oklahoman, December 11, 1901, p. 1, col. 1.

³⁸ Bills introduced concerning government for Indian Territory were: H. R. 279, 8739, and 12268 to make it a separate territory; H. R. 4554 to govern it by county government; H. R. 4570, 9675, and 12543 and S. 3368 to make it a single state in union with Oklahoma; and S. 6161 to authorize a delegate from Indian Territory to Congress. In reference to the introduction of these bills, see Congressional Record, 57 Cong., 1 sess., XXXV, 56, 248, 636, 851, 1108, 2521, 2814, 5142, 6782.

by the Indian tribe. It also stated that any state or territory formed there would have the right of taxation over the railroad.³⁹ The act was a general one and applied to all of Indian Territory. Thus once again the railroads became vitally interested in the statehood question in Indian Territory; only this time it was to their interest to prevent statehood and thereby prevent taxation of their property.

On March 14, 1902, Congressman William S. Knox of Massachusetts, chairman of the House Committee on Territories, introduced an omnibus bill (H. R. 12543) to admit Oklahoma, New Mexico, and Arizona into the Union as separate states. This bill was reported back on April 1, 1902. The following month, after it had come to the top of the calendar and debate had begun, it was amended by Congressman McRae of Arkansas to include the admission of Indian Territory and Oklahoma Territory as one state.⁴⁰ Congress soon adjourned, though, with no action being taken on the statehood question.

After the elections in November of 1902, a sub-committee of the Senate Committee on Territories visited the four territories to determine their readiness for statehood. This group, composed of Senators Burnham of New Hampshire, Dillingham of Vermont, Heitfield of Idaho, and headed by the youthful Republican Albert J. Beveridge of Indiana, arrived in Woodward, Oklahoma Territory, on Saturday, November 22. Sunday afternoon and night the committee

³⁹ U. S. Stat. at Large, XXXIII, 45.

⁴⁰ Congressional Record, 57 Cong., 1 sess., XXXV, 2814, 5142.

toured Indian Territory in their private railroad car, but saw little due to almost continuous rain. When the committee began hearings in the Lee Hotel in Oklahoma City on Monday morning they heard from fourteen persons individually. As a group they were asking for single statehood. Delegations heard from represented single statehood advocates in Purcell, Ardmore, Chickasha, Vinita, Claremore, and Sapulpa in Indian Territory and Norman, Lawton, and Oklahoma City in Oklahoma Territory. That afternoon the committee resumed hearings in Guthrie and heard from nine different persons there, only one of whom was in favor of separate statehood.⁴¹

Spurred into action by the presence of the Senate sub-committee, the Indian Territory Executive Committee on Territorial Legislation met in Holdenville on November 25 at the Scott Hotel. They drew up resolutions opposing the omnibus bill and favoring a gradual change in the status of the unorganized Indian Territory on the order of that provided in the bills introduced by Congressman John W. Moon of Tennessee calling for a territorial form of government over Indian Territory.⁴² Since this organization probably had no official connection with the Five Civilized Tribes these were not necessarily the sentiments held by the tribes.

⁴¹ Information relative to the committee investigation may be found in the Daily Oklahoman, November 25, 1902, p. 1, col. 1; Oklahoma State Capitol, Guthrie, same date and page; and in Senate Docs., No. 36, 57 Cong., 2 sess., ss. 4420, 187-225.

⁴² Holdenville Times, November 29, 1902, p. 8, col. 1. The writer has been unable to find who were members of this committee or how the members were chosen.

With one meeting of this sort begetting another it became necessary for the chiefs and representatives of the Five Civilized Tribes to meet in Eufaula three days later to give voice to their needs and desires as to state government. This group chose as their chairman, Pleasant Porter, principal chief of the Creek Nation, and as secretary, Henry Ainsley. In the resolution adopted and forwarded to Congress from this meeting on November 28, 1902, the chief executives of the Five Civilized Tribes protested against single statehood with Oklahoma Territory and against legislation giving the territory held by the Five Civilized Tribes a territorial form of government. The resolution concluded with the following:

We most earnestly protest against the misrepresentations found in the petitions presented by the people assembling in conventions at different places in the Indian Territory purporting to represent the wishes of the Indian Territory, firmly believing as we do that they represent no part of the white populations of the Indian Territory in so far as they represent the people of the Indian Territory as asking for Territorial form of government or statehood jointly with Oklahoma.⁴³

In writing on the 1902 Eufaula meeting, William H. Murray, who represented the Chickasaw Nation, states that the Five Civilized Tribes "were in great dread of Statehood with Oklahoma Territory on account of the hanging of a band of Seminoles in Pottawatomie County some years before. Many asserted the bodies of the Indians had been burned."⁴⁴ It might also be true that the leaders of

⁴³ Congressional Record, 57 Cong., 2 sess., XXXVI, 93, and also Eufaula Indian Journal, December 5, 1902, p. 6, col. 1.

⁴⁴ William H. Murray, "The Constitutional Convention", The Chronicles of Oklahoma, IX (1931), 126.

the Five Civilized Tribes feared they could possibly be legislated out of their lands several years earlier than the day set back in 1898 for the dissolution of the tribal governments, March 4, 1906.

On December 3, 1902, only two days after Congress convened, Senator Knute Nelson of Minnesota reported the omnibus bill back from the committee with an amendment providing for Oklahoma and Indian Territories to be admitted as a single state.⁴⁵ Henceforth this bill was known as the Nelson Bill, and took precedence as the unfinished business of the day until the end of the session. On December 10, 1902, the committee's minority and majority reports on the bill were presented. Not only did the Democratic minority present a minority report against the Nelson Bill, but Senator Matthew Quay of Pennsylvania, long a leader on the Republican side of the Senate, did also. It was only through Senator Beveridge's mastery of debate that Senator Quay was prevented from having a vote taken which would have defeated the bill; Beveridge, a Republican, had the responsibility of handling the bill for the Republican party. The session ended with nothing accomplished for any of the four territories. The strain of this debate was too much for the older Quay and more than once he told Beveridge that "it was killing him and talked casually of his approaching end."⁴⁶ During 1904 Quay died, and the chief opposition in the

⁴⁵ Congressional Record, 57 Cong., 2 sess., XXXVI, 25.

⁴⁶ Claude G. Bowers, Beveridge and The Progressive Era, 207. It was probably during this session of Congress that Harry C. Bradford lobbied in Washington for single statehood as related in the article by Gilbert Hill, "We Might Have Been Twins", Daily Oklahoman, November 13, 1949, Sunday Magazine, pp. 2-3.

Senate to Beveridge's insistence on uniting Oklahoma and Indian Territory was gone.

Soon after the adjournment of Congress in March of 1903, Principal Chief Green McCurtain, of the Choctaw Nation, called a meeting of the chief executives of the Five Civilized Tribes.⁴⁷ The group met in Eufaula on May 21 through May 23; its final recommendations were that elections be held in each nation to select delegates to an international constitutional convention to be held not later than February 1, 1904. This convention was to draw up a constitution for a separate state to be formed from Indian Territory after March 4, 1906. The chief executives also recommended that the non-citizens of Indian Territory hold a separate convention to ratify the constitution to be written and that any differences between the two groups to be worked out in conferences. Finally it was decided that each of the Five Civilized Tribes should memorialize Congress, church, and temperance organizations to assist in preventing annexation to Oklahoma. While all of the Five Civilized Tribes did memorialize Congress for separate statehood only the Choctaw Nation held an election to decide the feasibility of holding a constitutional convention. The other nations were apprehensive of their authority to appropriate money for such a purpose.⁴⁸ Since only the one nation voted, no convention was held, but this Eufaula meeting of 1903 is significant,

⁴⁷ Eufaula Indian Journal, May 23, 1903, p. 4, col. 4.

⁴⁸ From the Resolutions of the Eufaula Convention, which is a part of Exhibit B to Senate Docs., No. 143, 59 Cong., 1 sess., ss. 4912, 29-30.

for it was the first meeting of the Chief Executives of the Five Civilized Tribes for the single purpose of gaining separate statehood.

On April 4, 1904, close to the end of the second session of the Fifty-eighth Congress, Chairman E. L. Hamilton of the House Committee on Territories introduced a single statehood bill into the House of Representatives.⁴⁹ Congressman Hamilton introduced this bill not unmindful of the opposition against such a measure. Congressman Moon had but recently introduced another bill calling for the creation of the Territory of Jefferson from Indian Territory;⁵⁰ the Women's Christian Temperance Union had begun to memorialize Congress against joining "dry" Indian Territory to "wet" Oklahoma Territory;⁵¹ and another force which Hamilton ignored were the Indians in Indian Territory. Hamilton had only recently received a letter from Chief McCurtain which stated in part:

It must . . . be borne constantly in mind that there is such diversity of opinion in Congress on the question of statehood legislation for Indian Territory that it is impossible for the Indians and noncitizens [sic] here to unite on any plan acceptable to Congress. However, I express the sentiment of the great majority of the Indians of the Five Tribes when I say that we are in favor of any statehood that Congress may provide, so long as it is statehood for Indian Territory alone, independent of Oklahoma.⁵²

⁴⁹ This was H. R. 14749, Congressional Record, 58 Cong., 2 sess., XXXVIII, 4281.

⁵⁰ Ibid., 2902.

⁵¹ Senate Docs., No. 194, 58 Cong., 2 sess., ss. 4591.

⁵² Congressional Record, 58 Cong., 2 sess., XXXVIII, 5097.

Congressman Hamilton must surely have been certain of passage of his bill with little delay to have been willing to oppose not only the Democratic minority, the W. C. T. U., but also the Indians of the Five Civilized Tribes who were speaking through the strong and courageous voice of Green McCurtain and still demanding the fulfillment of their rights pertaining to statehood upon the dissolution of the tribal governments.

The Hamilton Bill was rushed through the committee and within two weeks had been called up for debate by Speaker Joseph G. Cannon. Cannon allowed but three and a half hours debate on the bill before a vote was taken. Under the dictatorial control exercised by Cannon, little restraint on tempers was attempted by Democratic members of that body. Representative James C. Needham of California even accused the Republican party of rushing through the admission of two states from the four territories in order to influence the 1904 Presidential election.⁵³ Congress adjourned the following week with no action on the bill being taken by the Senate.

During the late summer of 1904, while the Presidential campaign was creating news in most of the country's papers, the issue of single or separate statehood was filling the columns of the Indian Territory newspapers. Most of the newspapers favored single statehood, but a few led by the militant South McAlester Weekly Capital were ardent separate state papers. In August, U. S. Russell, editor of the Weekly Capital, accused the Daily Ardmoreite

⁵³ Ibid., 5129.

of Ardmore, Indian Territory, of charging \$14.00 a column for printing news of separate statehood meetings.⁵⁴

Throughout August, 1904, Clarence B. Douglas, editor of the Muskogee Phoenix, wrote many editorials favoring single statehood. On August 26, 1904, Douglas referred to opponents of single statehood having called single statehood the "Ferguson-Douglas scheme."⁵⁵ The phrase was obviously pointed at Governor Thompson B. Ferguson of Oklahoma Territory. Ferguson had long been an advocate of piece-meal annexation of Indian Territory by Oklahoma,⁵⁶ but he was a sound enough politician to recommend only statehood for Oklahoma with no reference to Indian Territory in his annual reports.⁵⁷

The newspapers in Indian Territory, which were predominantly for single statehood with Oklahoma Territory, gave good coverage to the actions of the Fifty-eighth Congress when it began its third session on December 5, 1904. A number of delegations from the two territories journeyed to Washington to lobby for their interests; among those going from Indian Territory were delegations from the following: The Inter-Territorial Press Association, The Farmer's Union, each of the Five Civilized Tribes, and a group from

⁵⁴ South McAlester Weekly Capital, August 18, 1904, p. 2.

⁵⁵ Muskogee Phoenix, August 26, 1904, p. 4, col. 2.

⁵⁶ See the testimony of Ferguson before the Senate subcommittee in Guthrie, November 24, 1902, in Senate Docs., No. 26, 57 Cong., 2 sess., ss. 4420, 211.

⁵⁷ Miscellaneous Reports of the Department of Interior, 1902, 389; 1903, 451; and 1904, 473-474.

the Indian Territory Church Federation for Prohibition Statehood. A delegate was even sent for the general interests of Indian Territory; this was C. E. Foley. Just before Christmas, Clarence B. Douglas, while interviewing President Theodore Roosevelt invited the President to include Muskogee in the itinerary of his Southern trip planned for the coming spring.⁵⁸

On December 15, Senator Berry of Arkansas presented a petition from the Cherokee National Council to allow the Cherokees to elect a delegate to Congress in accordance with the treaty of March 1, 1836.⁵⁹ On Christmas Eve the Cherokee Advocate, official newspaper of that nation, expressed the views of that people in an editorial:

A great deal is being said at this time about statehood, both by the single and double staters, but not one has ever said--let's put the matter to a vote of the Indians. They are the original settlers and owners of the Indian Territory, and they should at least be asked to express their wishes in the matter. No, you haven't heard anyone say this nor you never will, for those pushing the single statehood matter know only too [sic] well that if the Indians of this territory were asked to signify their preference between single and double statehood, that they would say too quick, give us statehood separate from Oklahoma. And, we venture to say, that a great many would say, give us union with Arkansas rather than with Oklahoma. For the past forty years our people have looked forward to the time when we would have an Indian state. Are we to be disappointed?⁶⁰

Clearly, the tone reflected disillusion. The Indian of the Five Civilized Tribes had continually given up his lands, but always with the promise that the land remaining would not be included in the bounds of any state except with his agreement to such an in-

⁵⁸ Muskogee Phoenix, December 22, 1904, p. 1, col. 4.

⁵⁹ Congressional Record, 58 Cong., 3 sess., XXXIX, 294-295.

⁶⁰ Cherokee Advocate, December 24, 1904, p. 2, col. 1.

clusion. More than once after December 24, 1904, Cherokees probably repeated the words of their newspaperman: "Are we to be disappointed?"

On January 3, 1905, the following appeared on the editorial page of the Muskogee Phoenix:

The pure food bill in the Senate is the only measure in the way of giving the statehood bill a clear track. The people of the two Territories would be willing to live on sawdust breakfast food, sanded sugar, oleomargarine, cotton seed olive oil, wooden nutmegs, painted coffee, mock turtle soup, imitation tobasco sauce, china eggs, horse steak, and condensed milk for sixty days if the Senate will run that pure food bill in on a siding until the statehood bill becomes a law.⁶¹

Two days later the newspaper notified its readers that the Pure Food and Drug Bill had been displaced on the regular order of business in the Senate by a vote of thirty-one to seventeen.⁶² The day before, the Hamilton Bill, as introduced in the previous session, was called up for debate.

On February 7, 1905, the Hamilton Bill passed the Senate. But it had been so laden with amendments as to make it unrecognizable. There was a total of forty-seven different amendments to the bill and in such a condition it was rejected by the House of Representatives. The bill was then sent to a conference committee, but was not reported out before Congress adjourned.⁶³

Three days before the Hamilton Bill passed the Senate, Senator Berry of Arkansas gave the Senate a candid and rather accurate

⁶¹ Muskogee Phoenix, January 3, 1905, p. 4, col. 1.

⁶² Ibid., January 5, 1905, p. 1, cols. 3-4.

⁶³ Congressional Record, 58 Cong., 3 sess., XXXIX, 2005, 2062, 2786, 2790.

view of the situation then existing in Indian Territory when he said:

. . . so far as the Indians themselves within the Indian Territory are concerned, the overwhelming majority would prefer two States rather than one Whatever sentiment there is in favor of joint statehood--and a large part of it in the Indian Territory is amongst the whites--has come largely from the fact that they have lost all hope of getting a separate State, and in their anxiety to secure schools and that they may have some settled policy and settled government a great many of them have said they would rather come in now, even joined with Oklahoma, than to have statehood for the Indian Territory postponed, and then ultimately perhaps have that Territory attached to Oklahoma.⁶⁴

This was the condition prevailing in Indian Territory at the time President Roosevelt finished serving the unexpired term of William B. McKinley. Not once in all the years Roosevelt had sat as President had he said one thing to help the Indians in defense of their treaty and statutory rights, but in looking back over the period of forty years since the end of the Civil War President Roosevelt was not alone in this category. These forty years had been a period of trials, struggles, and even hopes for the Indians. The last five years were also a period of trials, struggles and hopes for the whites in Indian Territory. For the Indians there had been: trials in dividing the land in severalty, struggles in attempting to keep their possessions against ruthless and scheming intruders, and hopes for a state which had been promised them and their fathers. For the whites there had been: trials in developing new towns, farms, and schools, struggles to fulfill Manifest

⁶⁴ Ibid., 1835.

Destiny, and hopes for a state which could promise them good government. These were the experiences felt and shared by all, white and Indian, young and old, through the years leading up to 1905.

They knew--those residents of Indian Territory in 1905--that statehood had to come soon. Some believed that the Republican Congress and President Roosevelt would grant the Indians a state in compliance with the treaties and agreements of the past. But all realized that whatever was done could only be done through the cooperation of the Indians and the whites of the territory. This was the spirit of the people of Indian Territory at the time of the inauguration of President Theodore Roosevelt in March, 1905.

CHAPTER II
STATEHOOD AGITATION IN INDIAN TERRITORY FROM
MARCH 4, TO AUGUST 20, 1905

While President Theodore Roosevelt said nothing concerning statehood for the four remaining territories in his inaugural address of March 4, 1905, this date marked another period in the march toward statehood for Oklahoma and Indian Territory. This period went beyond the closing date of this chapter and extended until the admission of Oklahoma and Indian Territory as a single state in 1907; this was a period of active intervention on the part of President Roosevelt for single statehood.

In April of 1905, President Roosevelt began one of his extended hunting trips in the west and southwest. On April 5, he entered Indian Territory on the Missouri, Kansas, and Texas Railroad and spoke in Vinita, Wagoner, Muskogee, and South McAlester; each time advocating single statehood. In Muskogee, with John R. Thomas, Chief Pleasant Porter, Charles N. Haskell, I. N. Ury, and Clarence B. Douglas as the reception committee, Roosevelt stated: "Your Territory, remember, in conjunction with Oklahoma, will soon be one of the greatest states in the Union."¹ To the thousands

¹ Muskogee Phoenix, April 6, 1905, p. 1, col. 2. The names of the reception committee are to be found in the same paper, April 5, 1905, p. 7, col. 3. It is significant that the first three of these men were leaders in the Sequoyah Constitutional Convention of August and September, 1905.

that saw the President and the many more that read the Daily Oklahoman the next morning one thought was probably common. This was expressed by the Daily Oklahoman in red ink above its masthead: "PRESIDENT ROOSEVELT SHOULD NOW BE ABLE TO MAKE SOME STATEHOOD OBSERVATION IN HIS NEXT ANNUAL MESSAGE TO CONGRESS."² That this "statehood observation" would not be agreeable to all, especially the Indians of the Five Civilized Tribes who had agreed to the allotment of their lands upon the promise of statehood, was not mentioned.³ A brief forecast of the role the President intended to play in the statehood question was made by him on April 8 in Frederick, Oklahoma Territory, just before going out to hunt coyotes: "The next time I come to Oklahoma I trust I will come to a state and it won't be my fault if this is not so."⁴ As will be seen in a later chapter, the President meant that statement to mean Oklahoma and Indian Territory as one state, and he meant to keep his word that "it won't be my fault" if they are not made one state.

As if spurred on by the visit of President Roosevelt to the territories, the advocates of both single and separate statehood met on April 14 to further their goals. The latter group met in Muskogee but accomplished little, while exactly the opposite took place in Oklahoma City where the Single Statehood Executive Committee of Oklahoma and Indian Territory met and decided to call

² Daily Oklahoman, April 6, 1905, p. 1.

³ Refers to the Atoka Agreement, see p. 12.

⁴ Daily Oklahoman, April 9, 1905, p. 1, col. 6.

a convention to meet in Oklahoma City on July 12.⁵ The purpose of this single statehood convention was to be two-fold: first, to consolidate the people behind the program, and second, to get Congress to admit the two territories as a state. It was to be attended by one thousand delegates, five hundred from each Territory.⁶ From observations of these two groups, each entirely opposite in purpose, it may be surmised that the President's visit inspired renewed activity in the one and lack of interest in the other.

Single statehood advocates, led by the Single Statehood Executive Committee, were far more industrious in the next few months than in the past. Laying the ground work for a great lobbying drive in the next session of Congress they managed to have resolutions favoring single statehood passed by almost every important convention that assembled in either of the two territories during April, May, and June.⁷ After the convention of the Oklahoma-Indian Territory Bankers Association, which met in Muskogee the last week

⁵ Muskogee Phoenix, April 15, 1905, p. 1, cols. 1 and 4. The separate statehood meeting in Muskogee was attended by but four persons and a newspaper reporter. One of the four was Robert L. Owen. The Single Statehood Executive Committee of Oklahoma and Indian Territory was composed of men from both territories who wanted single statehood. The writer has found no definite information on how the committee was chosen, but it was probably picked at one of the numerous single statehood meetings.

⁶ Ibid., June 6, 1905, p. 5, cols. 3-4.

⁷ Daily Oklahoman, June 10, 1905, p. 1, col. 7. Among the groups passing resolutions favoring single statehood was the National Editorial Association which met in Guthrie, Oklahoma Territory, June 8-9, 1905.

of May, Colonel Clarence B. Douglas, editor of the Muskogee Phoenix, took Delegate Bird S. McGuire, the principal speaker of the Convention, to meet Charles N. Haskell. According to Haskell, ". . . McGuire explained that the effort to get a statehood bill adopted by congress [sic] in the winter of 1904 and 1905 failed because of the Indian element" ⁸ This statement of McGuire's was less than two months later to influence Haskell in the organization of the Sequoyah Constitutional Convention.

On June 17, 1905, William Jennings Bryan stopped over in Muskogee on his Southern speaking tour, but in the fifty minutes Bryan spoke to the five thousand people assembled to hear him there was not one word on the two subjects most of his audience wanted to hear--statehood and the 1908 presidential campaign.⁹ Instead, he gave a general speech on democracy.

Robert L. Williams, the Democratic national committeeman from Indian Territory, visited in Muskogee on July 5 in the interests of the Democratic party and single statehood. The Phoenix, in an editorial the following day wrote of an interview with Williams:

. . . the Democratic party in this territory was for single statehood and that down in his section where enthusiasm and Democracy was rampant large Democratic delegations would be sent to the Oklahoma convention on the 12th and that no man would be put on a delegation who would not pledge himself for single statehood.¹⁰

The Phoenix editorialist, presumably Colonel Douglas, was quite favorable in his treatment of Williams, for while the Phoenix was

⁸ Charles N. Haskell to Clinton M. Allen, April 18, 1911, published as Appendix F to The Sequoyah Movement by Allen.

⁹ Muskogee Phoenix, June 18, 1905, p. 1, cols. 1-2.

¹⁰ Ibid., July 6, 1905, p. 4, col. 1.

a Republican newspaper, it was first a single statehood paper.

On the same day that Williams was in Muskogee aiding in the building of enthusiasm for the Oklahoma City convention, James A. Norman and Chiefs William C. Rogers and Green McCurtain, governors of the Cherokee and Choctaw Nations respectively, issued a call for a constitutional convention to be held in Muskogee on August 21.¹¹ This constitutional convention was to draft a constitution for a separate state to be formed from Indian Territory. Delegates were to be chosen by local conventions on August 7 in each recording town of the twenty-six recording districts of the Indian Territory.¹² These local conventions were to be presided over by the mayors of those twenty-six towns. This call, coming in the middle of the activity to select delegates to the single statehood convention to be held in Oklahoma City exactly one week later, naturally caused a great deal of excitement, except as William H. Murray wrote, ". . . in the west half of the Chickasaw Nation, which selection followed the eternal hammering of Sidney Suggs, Editor of the Ardmoreite, for statehood with Oklahoma Territory."¹³

The day after the Norman call for a separate statehood convention was made, the Muskogee Phoenix began editorializing on the

¹¹ Ibid., p. 7, col. 3. Angie Debo states in And Still the Waters Run, p. 162, that Norman was: ". . . a mixed blood Cherokee living at Muskogee, who issued a pamphlet in the fall of 1904 suggesting the creation of a separate state to be named Sequoyah."

¹² Map of Indian Territory recording districts to be found as Appendix A to this work. District No. 26 was formed from the lower half of District No. 21 but was never shown on any government map.

¹³ William H. Murray, "The Constitutional Convention", The Chronicles of Oklahoma, IX (1931), 127-128.

coming convention. In most of the editorials that newspaper printed (both before, during, and after the convention was held) the Phoenix made a policy of seldom casting any direct slurs upon it. In a few cases the paper was actually friendly toward the convention. In the same issue, July 6, in which the Phoenix published the Norman call the editor wrote: "The outcome of the call will be watched with interest as this move will demonstrate the strength of the double state sentiment in the territory."¹⁴ While obvious to all that the newspaper opposed the separate statehood move, it could not afford to oppose it too strenuously for there was a remote possibility that Congress might create the state, and if such took place Muskogee would of course have a good chance at being the capitol city. On July 11 the Phoenix editor wrote that the convention called for August would ". . . do more toward hastening the passage of a single statehood bill than any single statehood convention has done or will do."¹⁵ This latter thought was repeated by the paper a number of times in the following four months.

Among the twenty-two delegates and twenty-two alternates elected on July 8 from Muskogee to attend the Oklahoma City convention were Charles N. Haskell and John R. Thomas.¹⁶ The election of these two men is significant for they were later two of the most influential men in the separate statehood convention held in Muskogee the next month. The Oklahoma City convention lasted but

¹⁴ Muskogee Phoenix, July 6, 1905, p. 4, col. 1.

¹⁵ Ibid., July 11, 1905, p. 4, col. 2.

¹⁶ Ibid., July 9, 1905, p. 1, cols. 3-4. These men were both chosen as alternates.

one day, Saturday, July 12.¹⁷ It was attended by approximately one thousand persons from the two territories and before adjourning passed a resolution asking for single statehood. This was addressed to the President and to Congress.

Whether Haskell attended the Oklahoma City Single Statehood Convention as an alternate the writer has been unable to determine, but Haskell later stated: ". . . it was natural that the Indian Territory citizens . . . should want a separate state of Indian Territory."¹⁸ Haskell later wrote:

. . . when I saw Mr. Norman's notice in the paper and recalling what Congressman McGuire had said, I felt that Norman was pursuing the best course to secure state government, and, taking the paper in hand, I went to the office of Chief Porter and asked him concerning the proposed convention. Chief Porter said that he had given his consent to the use of his name, but that he was satisfied nothing would come of it because the white people would try to override and ignore the wish of the Indian citizens.¹⁹

Haskell suggested at this meeting with Chief Pleasant Porter that all of the five chiefs of the Five Civilized Tribes should issue an amended call for a constitutional convention. Porter agreed to this, but not until after stating, according to Haskell:

I very much doubt that Congress will keep this agreement [the Atoka Agreement] made to the Indians. However, we insist that the demand be made upon Congress to keep faith with the Indians, and if you (meaning myself [Haskell] and other white citizens) will join with us and put this demand square up to Congress and they

¹⁷ Ibid., July 14, 1905, p. 4, col. 2.

¹⁸ Haskell to Allen, referred to in footnote no. 8 of this chapter.

¹⁹ Ibid.

refuse to make good the promise of the government, then we will thereafter make no objection to combining the two territories in one state.²⁰

Haskell later wired the other four chiefs and a few days later they or their representatives met in Room 511 of the Turner Hotel in Muskogee.

On July 18 Chief Pleasant Porter, Creek Nation, Chief William C. Rogers, Cherokee Nation; Choctaw National Treasurer George W. Scott, representing Chief Green McCurtain; William H. Murray, representing Chief Douglas H. Johnston of the Chickasaw Nation; Charles N. Haskell, and James A. Norman met to discuss amending the Norman call. Chief John F. Brown of the Seminole Nation was not present, but he sent a letter stating he would do all he could to further the separate statehood movement.²¹ During the course of the meeting Haskell stated:

In my opinion Congress will not grant statehood for the territory . . . although personally I feel that the Indians are entitled to separate statehood. I'll go down the line with you fighting for separate statehood. Furthermore, I'll pay all the incidental expenses of the convention and the election if you will agree to approve joint statehood if Congress denies us separate statehood.²²

²⁰ Ibid.

²¹ The meeting in Room 511 of the Turner Hotel has been touched on by four different writers, two of whom were there--Haskell and Murray, yet all four differ as to either whom was there or when the meeting was held. Sources for the names of those present were the Muskogee Phoenix, July 19, 1905, p. 1, col. 2 and Paul Nesbitt, "Governor Haskell Tells of Two Conventions," Chronicles of Oklahoma, XIV (1936), 196-197.

²² Oscar Presley Fowler, The Haskell Regime, The Intimate Life of Charles Nathaniel Haskell, p. 49.

Oscar Presley Fowler states that this agreement was written on the back of a Turner Hotel letterhead and duly signed by all members of the caucus.²³ Before the meeting adjourned an amended call was drawn up with the only appreciable difference between it and the Norman call of July 5 being that the principal chiefs of each of the Five Civilized Tribes were to appoint the presiding officers of the local conventions to be held on August 7 in the recording towns. Under the earlier call the local mayors were to do this. This call was signed by Chiefs Rogers, Porter, Brown, and McCurtain and Choctaw Treasurer Scott. Scott signed as secretary of the group.²⁴ Chief Porter signed for Chief Brown, but there was no explanation as to how McCurtain could sign it when it was reported the day before that he had not attended. Thus by this document it was made official that seven delegates and seven alternates were to be selected from each recording district to attend a separate statehood constitutional convention on August 21 in Muskogee.

In commenting on this action, William H. Murray has stated:

Personally, I cared little whether we had single or double statehood. The point was the Great United States had made the Indians a solemn promise that if they would abandon their homes and establish themselves in the western wilderness, never should Territorial or State Government include their domain without their consent. Sixteen thousand dead lie buried by the wayside, enroute to their western homes, silent sad witnesses to that compact made by our Government. Certainly neither Government, Statesman, or politician should wantonly violate such a pledge.²⁵

²³ Ibid.

²⁴ Muskogee Phoenix, July 20, 1905, p. 3, cols. 1-4.

²⁵ Murray, op. cit., pp. 132-133.

Murray also realized the difficulty of obtaining separate statehood, for he wrote, ". . . the East would become alarmed, and fearing two more western states, [Congress] would push an enabling act for one State."²⁶

Prior to this meeting on July 18 Chief Pleasant Porter had called a conference of twenty-three leading Creek citizens. They met in Muskogee on July 14 and passed a resolution unanimously backing separate statehood and opposing statehood with Oklahoma Territory on any condition. They authorized their chief to further their cause in all possible ways.²⁷ Chief Porter, as has been seen, did not follow their resolution when he signed the agreement with Haskell to support single statehood if separate statehood was rejected by Congress. A few months later this act of Porter's was to cause him loss of support in the Creek National Council.

On July 21 the Phoenix suggested in its editorial columns that in the event Indian Territory was made a state that it should be named the State of Muskogee.²⁸ This editorial caused the Phoenix, Muskogee businessmen, and the leaders of the coming convention no little embarrassment and loss of good will throughout the Territory, for many began to think the convention was called merely to aid Muskogee.

Two days later the same paper published a list of some of the presiding officers for the local conventions in the Creek

²⁶ Ibid., p. 133.

²⁷ Muskogee Phoenix, July 15, 1905, p. 6, col. 3.

²⁸ Ibid., July 21, 1905, p. 4, col. 1.

Nation. All had been appointed recently by Porter; they were: A. E. McKellop, Sapulpa; Samuel Hayes, Okmulgee; Charles N. Haskell, Muskogee; and George W. Grayson of Eufaula. Haskell was the only one who was not an Indian citizen. In that same column it was also reported that George H. Johnston, owner of the Hinton Theatre in Muskogee, had donated the use of his theatre for the convention with only the cost to the convention being the lighting and the janitorial expense.²⁹

By August 7, when the local conventions were to be held in each recording district town to elect the seven delegates and seven alternates, a great deal of opposition to the constitutional convention had developed. This opposition was loud and vociferous, and expressed itself through most of the newspapers of the Indian Territory. The opponents can be grouped roughly into four categories: first, those who were just plain single statehood advocates; second, most of the residents and citizens of the Chickasaw Nation; third, those who called the whole movement an expression of Muskogeeism; and fourth, the railroad interests. Every opponent of the coming convention could not fit arbitrarily into one of those four groups, but most could, and some could fit into all of them. For instance, an employee of a railroad, living in the Chickasaw Nation, could be an ardent "single stater" and yet see in the convention only an open manifestation of Muskogeeism.

²⁹ Ibid., July 23, 1905, p. 1, col. 2.

Expressing the attitude of many Chickasaws and most of the whites in that nation, Chief Douglas H. Johnston stated on July 29: "In my judgement, the time has not arrived for the Indians to say . . . they want statehood, and for this reason I will not officially or personally participate in the proposed convention."³⁰ He was the only one of the five chiefs to oppose the convention. The Daily Ardmoreite, the leading newspaper in the Chickasaw Nation, ran editorials continually against the convention. Such papers as the Vinita Leader and the Durant News, and a number of others, were quoted by the Muskogee Phoenix as accusing the convention of being promoted by Muskogee selfishness and graft.³¹ Among the most effective opposition of all was a force that cannot now be measured due to the fact that it was never out in the open. This latter opposition was that of the railroads and their attorneys and employees. Many of the leading members of the Oklahoma City Convention on July 12 were attorneys of the railroads.³² Both the Republican national committeeman for Indian Territory, P. L. Soper, and the Democratic national committeeman, Robert L. Williams, were employed by railroads; both opposed the Muskogee convention.³³ While it must be emphasized that there is no direct evidence showing these men stood to gain in any way from their employers for opposing statehood for Indian Territory, it is nevertheless true

³⁰ Ibid., July 30, 1905, p. 1, col. 2.

³¹ Ibid., August 5, 1905, p. 4, col. 2.

³² Bartlesville Daily Enterprise, August 11, 1905, p. 4, col. 4.

³³ Ibid.; Muskogee Phoenix, July 2, 1905, p. 1, cols. 3-4.

that the railroads operating in Indian Territory could save considerable money by opposing separate statehood. As already mentioned, the railroads in Indian Territory paid only a yearly rental fee. The railroads realized, as did almost everyone in Indian Territory, that under statehood they would be taxed in proportion to the valuation of their property. This they probably wanted to prevent; the railroads probably felt that if it could not be prevented then legislation regulating them would not be as strict in a state formed of the two territories as it would be in two separate states. Before concluding this paragraph it must be emphasized again that there is no evidence that the attorneys mentioned above, Soper and Williams, were retained by the railroads for the sole purpose of opposing Indian Territory statehood.

On the day set, August 7, in both the Norman call and the amended call by the chiefs to elect the delegates and alternates to the separate statehood constitutional convention, there were meetings held in seventeen of the twenty-six recording districts. In eight of the remaining nine districts conventions were held at a later date and delegates selected. In the first recording district no meeting was held and no delegates were ever selected. In the third, twentieth, and the twenty-sixth recording districts meetings were held and delegations chosen, but there was no record made of those meetings. From the third and twenty-sixth districts the only names found are those who were appointed to committee membership. The seventeenth district was represented, but the date of this meeting was not published. In the twentieth recording district a group was selected, but there was no current report

of such meeting, the only report being published on October 1. A complete list of all the delegates and alternates chosen to attend the convention, whose names were published, will be found in Appendix B.

Of the seventeen conventions held on August 7, seven stand out as distinctive ones; these were the tenth, fourteenth, fifteenth, nineteenth, twenty-second, twenty-third, and twenty-fifth. The tenth district convention held in Muskogee was noteworthy due to the preponderance of influential men who were chosen to represent that district. These included: Pleasant Porter, Charles N. Haskell, S. M. Rutherford, the ex-mayor of Muskogee; Dr. Leo F. Bennett, a U. S. Marshall; Rev. A. Grant Evans, president of Henry Kendall College; and Judge John H. Thomas, who had served for ten years as Congressman from Illinois. There were a number of speeches made, among them one by Pleasant Porter which ended with the statement: "The convention to be held here late this month will live in history. It will live as long as there is American liberty."³⁴ The convention held at Poteau in the fourteenth district was unusual in that it was attended by eighty-two persons, sixty-three of whom were single staters and attempted to take over the meeting. The sixty-three finally became disgusted, left in a body, and met elsewhere and passed resolutions against the other nineteen.³⁵ In the fifteenth district there were thirty-five delegates chosen instead of seven delegates and seven alternates. It was decided

³⁴ Muskogee Phoenix, August 8, 1905, p. 6, cols. 1-4.

³⁵ Ibid., August 10, 1905, p. 7, cols. 3-4.

to give each of the thirty-five a one-fifth vote.³⁶ The meeting in the nineteenth district at Chickasha was remarkable in that it was the only meeting held in the Chickasaw Nation on the date set with the exception of the one at Tishimingo, where William H. Murray resided. Reford Bond, one of those chosen at the Chickasha meeting stated:

I was elected one of the delegates from Chickasha due to my Chickasaw dependency not because of my beliefs on the statehood question. I personally thought single statehood best just as did probably ninety-nine out of every hundred people in Chickasha.³⁷

The twenty-second district meeting was significant due to the election of William H. Murray. Murray became one of the strongest men in the convention. It was he who managed to get delegations elected from the other recording districts in the Chickasaw Nation between August 7 and August 21. As Murray has written:

I personally visited the Marietta District, Ardmore, Ryan, Chickasha, Pauls Valley, and Ada. I personally knew the Indians, Intermarried Citizens, and whites for the movement, that lived in each district. By telephone I called them in each of the several towns, and they elected delegates.³⁸

The meeting held in Atoka in the twenty-third district ended by adopting a set of single statehood resolutions. Among the five resolutions adopted, the second endorsed the Oklahoma City convention of July 12; the third recognized Congress' right to admit Indian Territory with Oklahoma Territory as one state; and the

³⁶ Ibid., August 9, 1905, p. 7, col. 3.

³⁷ Interview with Reford Bond, August 15, 1949.

³⁸ William H. Murray, Memoirs of Governor Murray and True History of Oklahoma, I, 314.

fifth resolved against having a constitution drawn by delegates from only Indian Territory.³⁹ The convention held in the twenty-fifth district was indicative of several to follow, for it was held in Caddo and not in Durant, the seat of that recording district.⁴⁰

The other ten local conventions held August 7 to elect the delegates were generally much the same. With the exception of the men chosen they could just as easily have been held in one district as another. There was usually one man in each of those districts that stood out among the rest; there were seldom over two.

On August 8 a group of delegates were elected from the eighteenth recording district. In commenting on the group chosen, the Purcell Register claimed part of them did not live in the eighteenth district. If the addresses given in the paper were correct, four of those chosen were from the seventeenth recording district.⁴¹ The sixteenth recording district selected its delegates at Ponotoc rather than meeting in Ada. The meeting was held on August 10.⁴² On August 15 a meeting was held in Berwyn, instead of Ardmore, and selected the delegates to represent that district.⁴³ And as the obviously biased Vinita Daily Chieftain

³⁹ South McAlester Capital, August 17, 1905, p. 5, col. 4.

⁴⁰ Blue County Democrat, Durant, August 11, 1905, p. 1, col. 1.

⁴¹ Purcell Register, August 12, 1905, p. 4, cols. 1-2.

⁴² South McAlester Capital, August 17, 1905, p. 4, col. 6.

⁴³ Daily Ardmoreite, August 15, 1905, p. 1, col. 4.

wrote concerning the meeting on August 19 in Vinita, "The separate convention for the Second recording district to select delegates to the Muskogee Convention, held here Saturday was a frost. Less than a score . . . were in attendance."⁴⁴

Thus by Saturday, August 19, only two days before the convention was to convene in Muskogee, the last of all the delegates and alternates were chosen. All of those who had wanted to be elected were not satisfied in this desire--the two most notable ones left out by their neighbors were Chief William C. Rogers and James A. Norman--they had drawn up the first call; yet they were rejected by the local conventions.⁴⁵

By the next day, Sunday, August 20, the first constitutional convention held in Indian Territory since 1870 was about to convene, and the delegates began arriving in Muskogee in preparation for the opening session the next day. The four and one-half months from the adjourning of the Fifty-eighth Congress had been an active period. The Indians who had been promised a state from their territory had seen President Roosevelt come among them advocating statehood with Oklahoma Territory; they had seen about one thousand delegates assemble in Oklahoma City to further the cause of single

⁴⁴ Vinita Daily Chieftain, August 21, 1905, p. 1, col. 4.

⁴⁵ Chief Rogers was not chosen by the fourth recording district in its meeting at Claremore; no reason was given in the report of that meeting in the Claremore Progress. Norman was not chosen in the meeting of the tenth recording district at Muskogee; so it has been reported he then went to Sallisaw and tried to be among those chosen from the eleventh recording district. He was not chosen by any district to represent it at the convention. Muskogee Phoenix, August 22, 1905, p. 5, col. 3.

statehood, and they had seen terrific opposition develop in their own territory when their chiefs issued a call for a constitutional convention to write a constitution for Indian Territory. Now they, these last leaders of a valiant race, were assembling in historic Muskogee to write a constitution for a state of their own and pray that Congress, which had promised them one, and the President would see fit to keep that promise. Many, no doubt bouyed up with the inspiration of meeting others with a similar desire, believed that separate statehood was possible; others were not so confident, but all faced the morrow with a serious and resolute outlook.

CHAPTER III

THE SEQUOYAH CONSTITUTIONAL CONVENTION, AUGUST 21, 1905 TO SEPTEMBER 8, 1905

The separate statehood constitutional convention which opened in Muskogee on August 21, 1905, afterwards called the Sequoyah Constitutional Convention, attracted considerable attention throughout not only Indian Territory, but the Middle West as well. Besides a number of newspapermen from Indian Territory, the managing editors of the Saint Louis Republic and the Kansas City Journal and the Washington writer for the News Enterprise Association, a department of the Scripps-McHea Press Association, were there to cover this unusual convention for their readers.¹ There was good cause for this convention to attract widespread interest, for it was the first time since 1889 that a people had met to draft a constitution for statehood without first having an enabling act passed by Congress authorizing such a convention.

Just prior to the opening of the convention at eleven o'clock Monday morning, August 21, Charles N. Haskell was requested by Green McCurtain and John F. Brown, chiefs of the Choctaw and Seminole Nations, to serve as chairman of the convention. This Haskell declined, stating that Chief Pleasant Porter of the Creek Nation should serve and thereby give it the appearance of Indian leader-

¹ Muskogee Phoenix, August 20, 1905, p. 1, col. 6.

ship. Porter agreed if Haskell would serve as vice-chairman and relieve him of the routine.² Shortly after this meeting the convention opened in the Hinton Theatre. It was reported there were "probably sixty delegates and twice as many spectators, many of them ladies."³

—Immediately after Chief John Rogers of the Cherokee Nation rapped the convention to order Reverend A. Grant Evans, president of Henry Kendall College, offered the invocation. Reverend Evans was followed by Mayor F. B. Fite, who welcomed the delegates to Muskogee, and William H. Murray responded to Fite "eliciting as prolonged applause as any speaker during the session."⁴ Murray's response was followed by George W. Scott of Eufaula proposing that a resolution of the chiefs of the Five Civilized Tribes be accepted. This resolution, nominating temporary officers, was accepted unanimously, and D. C. McCurtain, son of Chief McCurtain, thanked the delegates for electing him temporary chairman.⁵ Shortly after this, on the motion of William H. Murray, a Committee on Permanent Organization, Rules, and Order of Business was appointed.⁶ Upon the appointment of this committee, with one member from each of the

² Fowler, op. cit., p. 51.

³ Muskogee Phoenix, August 22, 1905, p. 1, col. 1.

⁴ Ibid.

⁵ Ibid., cols. 1-2. Names of temporary officers are in Appendix C.

⁶ Ibid., col. 2. Names of this committee's members are in Appendix D; this committee is hereafter referred to as the Committee on Permanent Organization.

Five Civilized Tribes, the convention adjourned until after lunch.

When the afternoon session began that day, the first important business to be considered was a report of the Committee on Permanent Organization. The part of their report, which was a list of nominees for permanent officers, was adopted as read. The officers elected included: Pleasant Porter as chairman, Charles N. Haskell as vice-chairman, and Alexander Posey as secretary; the other officers may be found listed in Appendix C.⁷ The remainder of this committee report consisted of six parts. The first part stated that a quorum should consist of a delegate, or delegates, from fourteen or more districts. Part two recommended the appointment of three committees: a committee on drafting the constitution, a committee on resolutions, and a committee on finance; the first and third of these committees were appointed. Part three recommended that all resolutions be submitted to the proper committee. Part four suggested that all speeches be limited to ten minutes, unless the speaker was granted permission from the convention. This fourth recommendation was not followed. The fifth recommendation was that the convention should convene at nine o'clock and at two o'clock each day.

⁷ Muskogee Phoenix, August 22, p. 1, col. 3. William H. Murray has written that not Alexander Posey, but J. Hampton Tucker was the secretary. The author is in possession of a letter from Tucker, dated February 22, 1949, in which he states that he did not even attend the convention, and thus could not have been the secretary. Several writers have stated that, excepting Pleasant Porter, each of the principal chiefs of the Five Civilized Tribes, with William H. Murray representing Chief Johnston of the Chickasaw Nation, served as vice-chairman of the convention. Newspaper reports of the convention fail to indicate this to have been the case. It is possible there was a silent understanding among all of the officers that those men would be considered as Vice-Chairman to compensate for Chief William C. Rogers not being chosen as a delegate from any district in the Cherokee Nation, even though he had been a signer of the original Norman call.

The last suggestion was that Cushing's Manual on Parliamentary Rules be used in the convention.⁸

After the above report of the Committee on Permanent Organization was adopted, Theodore Potts suggested that since there was no rule on voting that voting should be by districts. Charles N. Haskell then countered with a motion which carried; it was: if a vote was requested by ten delegates then there was to be a roll call of the districts, with each district being allowed seven votes; the seven votes could be cast as a unit or divided as the particular delegations chose.⁹

Later in the afternoon a committee was appointed to investigate the three delegates from the Atoka, or the twenty-third recording district, whom it was claimed were single staters. The three delegates were: William Bassett, D. N. Robb, and Paul B. Smith. The names of the committee appointed to investigate the three may be found in Appendix D. That night the committee asked for and received more time to investigate the delegates in question.¹⁰

During the night session, August 21, A. Grant Evans suggested that the chairman appoint a committee of one delegate from each district to work up sentiment for the ratification of the constitution to be written.¹¹ This committee for campaigning was later

⁸ Ibid., cols. 3-4.

⁹ Ibid., col. 4.

¹⁰ Ibid., cols. 4 and 6.

¹¹ Ibid., col. 5.

created, but with one delegate being chosen by each delegation rather than by the chairman.

S. M. Rutherford read a letter that night which he had received from Silas Armstrong. The letter stated the Quapaw delegation was prevented from attending the convention due to swollen streams.¹²

When the convention convened at nine o'clock, Tuesday morning, August 22, the names of the members of the Committees on Constitution, on Campaign, and on Finance were announced.¹³ The names of all the members of these committees may be found in Appendices E, F, and G respectively.

H. L. Muldrow, who was named as a member of the Finance Committee, wrote this writer:

I may have been a member of the Sequoyah Constitutional Convention but even if so I was not active and Governor Murray was right in telling you that I did not attend the convention in Muskogee. If I was listed as a member of the Finance Committee, I was never advised of it and certainly did not serve. As a matter of fact, I was¹⁴ not in Muskogee while the Convention was in session.

There were probably a number of others named as members of committees who were not present, for on the first day it had been reported, as stated on page forty-eight, there were only about sixty delegates in the convention, yet one hundred and two men had been appointed to these three committees of the three hundred and five delegates and alternates who had been elected. William H. Murray has stated: "I was the only one from the Chickasaw Nation that was at the con-

¹² Ibid.

¹³ Muskogee Phoenix, August 23, 1905, p. 1, col. 1.

¹⁴ H. L. Muldrow to this writer, August 11, 1949.

vention from start to finish."¹⁵ This statement of Murray's is certainly substantiated by an editorial from the Muskogee Phoenix:

We sincerely trust Mr. Murr[a]y will succeed in getting someone here to assist him in representing the Chickasaw Nation. Not that he and the Pauls Valley delegation are not equal to the emergency, but it would be less embarrassing on the roll call if districts 16, 18, 19, 20, 21, 22, and 26 had some one to answer present.¹⁶

Reford Bond, elected as a delegate from the nineteenth district, although a single stater, stated that he did not attend the convention because he was a young man and had a heavy law practice to take care of.¹⁷ Not being in sympathy with the announced aims of the convention, it was only natural for him to refuse to neglect his practice.

On Tuesday morning, August 22, Robert L. Owen moved that James A. Norman, author of the first call for the convention, be elected as an assistant secretary. In viewing Norman's past efforts for separate statehood, it was only fitting that he be given some position in the convention, and a logical place was a seat on the secretariate, for it was headed by Alexander Posey, an Indian newspaperman who had not been elected as a delegate. Owen's motion was approved by the convention.¹⁸

That morning the committee named to investigate the Atoka delegation reported they had nothing to investigate, for the three

¹⁵ Interview with William H. Murray, August 9, 1949.

¹⁶ Muskogee Phoenix, August 23, 1905, p. 4, col. 1.

¹⁷ Interview with Reford Bond, August 15, 1949.

¹⁸ Muskogee Phoenix, loc. cit., p. 1, cols. 2-3.

delegates in question had not been certified by Chief McCurtain. Robert L. Owen, possibly wishing to avoid any open fights in the convention, moved that they be seated as delegates-at-large. This set off a prolonged debate, and several members demanded a statement from Paul B. Smith, only one of the three present. Smith, it was reported, then made a "red hot speech in favor of separate statehood." Leo F. Bennett followed Smith with a motion to seat the entire Atoka delegation, but Joseph M. LaHay opposed this and read the single statehood resolution adopted by that delegation on August 7. John R. Thomas, A. Grant Evans, and others then made speeches in favor of the Bennett motion, and it was carried with only William H. Murray dissenting.¹⁹

The Phoenix, while covering the convention with greater thoroughness than any other paper, could not escape the temptation to cast a few slurs and some compliments to individual members of the convention. Reporting on Robert L. Owen's reading of a memorial, it stated: "He did so, making a masterful address, from his viewpoint, the hour and a half which he consumed never occasioning the least impatience among the delegates."²⁰ The same type of reporting may be seen when it wrote that Solomon J. Homer, whom they stated was a full-blood Choctaw and Harvard graduate, made "One of the best addresses of the entire convention."²¹

¹⁹ Ibid., cols. 1-2.

²⁰ Ibid., col. 3 and p. 5, col. 1.

²¹ Ibid., p. 1, col. 3.

That afternoon, Theodore Potts of the Wagoner district moved the adoption of an oath for all members of the convention. The oath he presented was: "I do solemnly swear that I will support the constitution and laws of the United States and will honestly and faithfully discharge the duties of the office on which I am about to enter." James S. Davenport moved that the words, "and laws" be stricken from the oath. This caused quite a discussion among the members, but the oath was finally adopted as amended by Davenport.²² This refusal of the delegates to include supporting the laws of the United States within their oath later caused some rather caustic editorials in the newspapers of the territory.

In the Tuesday afternoon session before any mention had been made on the floor of the convention for a recess, William H. Murray moved that the chairman appoint a committee of five to select prominent men to address the convention after the recess. This move came as a surprise to many of the convention delegates, but it was unanimously passed.²³ Later that afternoon Murray moved that the convention reassemble, after a recess, in South McAlester. Murray withdrew his motion when U. S. Russell, one of the delegates from South McAlester, cited the lack of hotel facilities in his city.²⁴ Just before five o'clock, Charles N. Haskell proposed that the con-

²² Ibid.

²³ Muskogee Phoenix, August 23, 1905, p. 1, col. 3. Names of the committee members may be found in Appendix D.

²⁴ Ibid., p. 5, cols. 1-2. The paper did not state Murray's reasons for suggesting moving the convention to South McAlester.

vention adjourn for two weeks, leaving the Constitution Committee to draw up the constitution. The convention was then to convene to approve or disapprove the committee's work. At five o'clock, the convention adjourned for two weeks; it was due to reconvene at nine o'clock on September 6.²⁵

That night the Constitution Committee held a meeting in the Commercial Club in Muskogee. In this organizational meeting W. W. Hastings of Tahlequah was elected chairman, John R. Thomas of Muskogee, vice-chairman, and Reverend A. Grant Evans, also of Muskogee, was chosen as secretary. P. A. Byers of Pryor Creek was later made assistant secretary. On the motion of Cheesie McIntosh the chair was authorized to appoint a committee of three to aid the chairman and vice-chairman in recommending the appointment of sub-committees. Those so named were Charles N. Haskell, Robert L. Owen, and David M. Hodge. Before the meeting adjourned, Owen spoke briefly on adopting an Indian name for the state, preferably Sequoyah.²⁶

The other large committees, the Committee on Finance and the Committee on Campaign, met that night, but they adjourned shortly to await results from the Constitution Committee.²⁷ The following day the Finance Committee met again to receive a report from some of its members. This report recommended financing the campaign, election, and other expenses by the issuance of non-interest bearing bonds in denominations of \$1 to \$25 on the condition that the

²⁵ Ibid.

²⁶ Muskogee Phoenix, August 23, 1905, p. 1, col. 4.

²⁷ Ibid.

new state would assume the debt. Connell Rogers of Fort Gibson, a member of a committee appointed from the Constitution Committee to meet with the Finance Committee, was reported to have objected to this report in strong terms. He advocated instead voluntary subscriptions and then put \$25 in cash "in the hands of the Chairman of the Finance Committee."²⁸

In the meeting of the committee to draft the constitution which took place on Wednesday morning, August 23, Chairman Hastings made his appointments to the eleven subcommittees recommended. Pleasant Porter and Charles N. Haskell, chairman and vice-chairman of the constitutional convention, as well as committee chairman Hastings, were made ex-officio members of all the subcommittees. No one of the various sub-committees to draft portions of the constitution was more important than another; they each had important duties, and they were staffed by highly capable men. The eleven sub-committees met daily and nightly from that morning until August 29; they worked hard and fast, meeting in various offices in Muskogee.²⁹ The short amount of time in which they were able to prepare their reports is ample testimony to the fact that there could have been but few prolonged arguments within the sub-committees, most of whom were undoubtedly chairmened by a fairly strong and highly intelligent individual.

Wednesday afternoon the Anti-Horse Thief Detective Association, holding a barbecue in Hyde Park in Muskogee, requested and

²⁸ Ibid., August 24, 1905, p. 7, col. 3.

²⁹ Ibid., col. 4. Names of all members of the sub-committees and where they met may be found in Appendix E.

received two speakers from the Constitutional Committee. The two who went out to speak were Robert L. Owen and Solomon J. Homer.³⁰

After meeting but one day, the Sub-Committee on Suffrage, Election, and Preservation of Purity of Government, headed by Joseph M. LaHay, was reported to be consuming much time in listening to lady callers demanding women's suffrage. A newspaper report stated: "Joe says the chairman realized what he calls 'the eternal fitness of things' when he appointed him chairman of that particular committee."³¹ Just what LaHay meant by "the eternal fitness of things" was left to be assumed by the readers.

On Tuesday, August 29, after a week of sub-committee meetings, the Constitution Committee met again and during the day and night sessions approved the reports of two of the sub-committees. These reports dealt with the preamble, the bill of rights, and the judiciary. Other partial reports were heard with no action being taken on them.³²

The preamble approved contained the name of the proposed state as the State of Sequoyah. This naming the new state, Sequoyah, caused a "hot discussion." Indianola was suggested by Masterson Peyton and Tecumseh by George W. Grayson, but Charles N. Haskell and others made speeches in favor of the reported name. It was finally adopted but without unanimous consent. The name, Sequoyah, according to the Phoenix, was first suggested in a poem by J. S.

³⁰ Ibid., col. 3.

³¹ Muskogee Phoenix, August 25, 1905, p. 8, col. 3.

³² Ibid., August 30, 1905, p. 1, col. 5 and p. 8, cols. 3-4.

Holden, published sometime in 1898 in the Fort Gibson Post.³³

In approving the bill of rights, there was reported debate on but three major items. The first item was over a recommendation that defendants in criminal cases be furnished an abstract of all the evidence to be brought against them. Judge John R. Thomas, A. S. McKennon, and Theodore Potts all objected to this provision, declaring it would be unsafe and cause endless delay. Robert L. Owen, S. M. Rutherford, and James S. Davenport defended the provision, but accepted an amendment by Cheesie McIntosh. The amendment was that defendants be provided with only an abstract of evidence submitted before the grand jury. There was discussion on whether a simple or two-thirds majority of jurors should be required for decisions in civil cases. W. W. Hastings urged final acceptance of the simple majority as used in the Cherokee courts; this was finally adopted. The third provision which aroused debate was a provision allowing any citizen to carry arms to defend his home or property. This was amended in order that one could carry arms for common defense, but it did not justify the carrying of concealed weapons.³⁴

In a night session on Tuesday, August 29, the Sub-Committee on the Judiciary reported. This group recommended that five supreme court justices be provided for in the constitution, but after Cheesie McIntosh, S. M. Rutherford, Solomon J. Homer,

³³ Ibid., August 31, 1905, p. 6, col. 4. The poem mentioned above may be seen in Appendix J.

³⁴ Ibid., August 30, 1905, p. 1, cols. 5-6.

William H. Murray, and Joseph H. LaHay had spoken it was agreed to reduce the number to three. Also adopted was a provision outlawing the acceptance of a railroad pass by any judge of the courts of the state.³⁵

That day the Finance Committee had reported they had already received \$1,200 in contributions to pay the expense of later printing the constitution, ballots, and other miscellaneous expenses. At this time it was seen necessary to appoint an auditing subcommittee to take care of the funds collected and disbursed.³⁶

On Wednesday, August 30, the first really personal clashes of the convention occurred. These arguments were between Charles N. Haskell and S. M. Rutherford, and they were later continued after the convention had reassembled in September. In the morning session a heated argument took place over whether four Congressmen should be elected or one delegate. Haskell held the former should be done, while Rutherford the latter. It was at this time that Haskell stated there were four conditions under which Indian Territory legislation should be considered; these were: "statehood for Indian Territory; territorial form of government; go straight to the devil; or be joined with Oklahoma." He

³⁵ Ibid., col. 3. Louis M. Hacker has stated: "Judges, juries, and state officials were recipients of the largess of the railroads: the pass was the least of the common evils indulged in." Louis M. Hacker and Benjamin B. Kendrick, The United States Since 1865, p. 264. It might also be noted that the Elkins Act of 1903 prohibited variation from published rates but not the granting of passes to public officials.

³⁶ Ibid., col. 4. Names of the members of this sub-committee may be found in Appendix G.

added: "These steps are arranged in order of my preference. We can gain nothing by asking for second choice when we are just as likely to get first choice."³⁷ The Haskell position was upheld by the committee. That afternoon Rutherford moved to have the report of the sub-committee on county boundaries sent back to the committee. He wanted the state divided into thirty-three counties instead of the forty-eight as recommended. At this time Rutherford accused Haskell of supporting the forty-eight county plan for personal and financial reasons and not for the good of the future state. Joseph M. LaHay disagreed with Rutherford and Masterson Peyton took issue with LaHay, but the forty-eight county plan was finally adopted by the group.³⁸

The report of the Sub-Committee on Militia and Minor Administrative Departments was adopted on Wednesday as were several partial reports. Before the committee adjourned, Theodore Potts was selected to draft a provision for the constitution regulating the issuance of charters to corporations by municipal governments.³⁹

On Thursday, August 31, the reports of the Education, the Executive, and the Suffrage Sub-Committees were all accepted, each with some changes in its original form. On this day also a sub-committee was named to redraft and edit all of the reports then, or later, adopted by the full committee.⁴⁰

³⁷ Fowler, *op. cit.*, pp. 55-57 and Muskogee Phoenix, August 31, 1905, p. 1, cols. 1-2.

³⁸ Ibid.

³⁹ Ibid., col. 2.

⁴⁰ Ibid., September 1, 1905, p. 1, col. 5. The names of the members of this sub-committee may be found in Appendix E.

On Friday, September 1, the remainder of the draft of the constitution was adopted. Among some of the provisions adopted were the following: naming the forty-eight counties and outlining their boundaries; setting up twenty-one senatorial districts, eight circuit court districts, and three supreme court districts; the naming of Fort Gibson as temporary capitol of the state for six years; the adoption of a corporation commission modeled on the Virginia commission; and providing for prohibition of intoxicants. That night the committee turned over to the editing sub-committee all of the material approved by the Constitution Committee. This was to be prepared for presentation to the constitutional convention the next week when it convened.⁴¹

The work of drawing up the map of forty-eight counties aroused considerable interest throughout the territory, probably more interest than any other part, or parts, of the convention proceedings. As William H. Murray has written:

It was the especial duty of C. N. Haskell and the writer [Murray] to draw the map of the Counties. I recall many amusing incidents of how we forced prominent lawyers to recognize our Convention, and to visit our Committee. We insisted upon their filing petitions in writing and signed by them. This was often effected by drawing tentative County lines through the center of a town, then making changes when petitions were filed. As the map would appear in the Daily Press from day to day, more petitioners would come to Muskogee.⁴²

In another work, Murray has written that the sub-committee drew a county line through the town of Ardmore and then required a peti-

⁴¹ Ibid., September 2, 1905, p. 1, cols. 3, 4, and 6 and p. 4, cols. 3-4.

⁴² William H. Murray, "The Constitutional Convention", The Chronicles of Oklahoma, IX (1931), 129.

tion from the townspeople stating why it should be changed. The county line was changed to three miles south of Ardmore, but by doing this Murray and Haskell and other leaders of the convention were able to have the convention recognized and respected by its most hearty opponents.⁴³ In verification of Murray's statements on his part in the county boundary question, the Muskogee Phoenix published six different items on its editorial page in one issue referring to the county line situation. One such item read: "It now looks as if Mr. Murry [sic] of the Chickasaw Nation might have a strenuous time with some of his counties when the convention meets Tuesday."⁴⁴

On Tuesday, September 5, the Constitution Committee met to receive the final edited draft of the constitution as prepared by the editing sub-committee. During that day several changes were made and some suggested changes were voted down. After a heated debate on women's suffrage, an amendment providing for it was rejected. A few of the boundaries of counties were changed including the boundary of the county in which Ardmore was located. A petition was presented by George W. Grayson of Eufaula asking that the capitol be located at that town instead of Fort Gibson. The petition from the citizens of Eufaula cited the fact that the town

⁴³ William H. Murray, Memoirs of Governor Murray and True History of Oklahoma, I, 315-316.

⁴⁴ Muskogee Phoenix, September 3, 1905, p. 4, col. 1.

was only three miles from the exact center of the proposed state, and they agreed to furnish all of the buildings and land needed.⁴⁵

On Tuesday, September 5, a proclamation drawn up by Chief Pleasant Porter, and signed by the other cooperating chiefs, was presented to the Constitution Committee. This proclamation was about four hundred words in length and was to be made a part of the campaign literature. It was an eloquent testimonial to the Indian's belief in Christianity and the just American government under which he lived. It ended:

. . . our present governments shall not be annihilated
but transformed into material for a nobly builded state.
'Thus shall we have life not death.'⁴⁶

Along with this proclamation was printed in the Phoenix the next day an address by Reverend A. Grant Evans. The address was about twenty-five hundred words and covered one-half of the page. In general, it dealt with three questions: was separate statehood right; was it desirable; and was it practical? The answer of course was in the affirmative.⁴⁷

General Pleasant Porter, chairman of the Sequoyah Constitutional Convention, called the convention back to order at nine-twenty, Wednesday morning, September 6, in the Hinton Theatre. The stage had been decorated with ferns and flowers and with life-size portraits of prominent Indians. Above the speaker's rostrum

⁴⁵ Ibid., September 6, 1905, p. 1, cols. 3 and 4, and p. 2, cols. 1 and 2.

⁴⁶ Ibid., p. 2, cols. 1-2.

⁴⁷ Ibid., p. 3.

was a huge picture of President Theodore Roosevelt, surrounded on either side by American flags. There was a drawing of the seal of the proposed State of Sequoyah; it was decorated with flowers and fern. As the convention opened, it was reported there were not over forty present, but this number increased later to "probably one hundred." There were a few delegates there who had not previously attended and were administered the oath; two of those were from the Chickasaw Nation. John N. Goat, a full blood Creek, asked to have the proceedings translated into the Creek language, and Chairman Porter translated his request and agreed to have a translator appointed.⁴⁸ Thus the Sequoyah Constitutional Convention was in full and open session for the second time in two weeks.

Almost as soon as the convention opened Wednesday morning, S. M. Rutherford attempted to bring up the county boundary issue. He was immediately declared out of order.⁴⁹ At this time W. W. Hastings, chairman of the Constitution Committee, presented the constitution to the convention and moved it be adopted. He made what was termed "a neat speech" on the labor of his committee.⁵⁰

Following Hastings' motion for adoption of the constitution, A. Grant Evans read the address of the Chiefs and the one he had written, both of which were published in the previous day's newspapers. Following Evans' reading of the addresses, the Financial

⁴⁸ Muskogee Phoenix, September 7, 1905, p. 1, col. 1.

⁴⁹ Ibid.

⁵⁰ Ibid.

Committee read its report. It was stated in the report that the total taxable wealth of Indian Territory was \$418,000,000.⁵¹

Charles N. Haskell gained the floor after the reading of the financial report. He had a poem called "Wahoma", written by Mrs. M. Zoe Duckworth of Claremore, a daughter of John Bullette, a Delaware citizen and member of the convention representing district number four. After being asked to sing the poem, Haskell finally agreed to read it; the poem follows:

Sweet the solemn intonation, sad the chimes so faint so
 low,
 Marking the time for dying nations once supreme, now
 fading so.
 Drop a tear from memories vessel, for the quaint old
 days of yore,
 When our souls were held in common--child and nature's
 at nature's door.
 Soon the lives of many nations, scions of a new world's
 throng--
 Follows down as falls the mighty, hand of God direct,
 control the strong.
 Faithful to the great white father, loyal child
 of council fire,
 Sacred peace pipe, empty quiver, spirit one on high
 enquire--
 Ere we reach the sunset station, Hearts pure song
 of love proclaim.
 All glory to the dying nations to heaven and nature's
 own refrain.⁵²

The convention recessed until afternoon. All afternoon was spent reading the constitution.

In the evening session, Wednesday, September 6, three major events took place. First was the passage of Articles I and II, the bill of rights and the powers of government, respectively;

⁵¹ Ibid.

⁵² Ibid., cols. 1-2.

second, "Wahoma" was sung by a Mr. Ware, accompanied by A. W. Roper; and third, the county boundary fight broke in full force on the floor of the convention. This injection of the county boundary issue came during a discussion on Article III on the legislature. S. M. Rutherford moved to reduce the counties to thirty. Haskell called Rutherford out of order because he was a member of the committee recommending the constitution. Chairman Porter ruled such to be the case. U. S. Russell of South McAlester then moved to send this provision back to the committee. Masterson Peyton seconded Russell's motion. Rutherford then got the floor and spoke on the need for economy, saying the taxable wealth of the new state would be only \$100,000,000, not over \$400,000,000 as reported that morning. Following him, W. W. Hastings and William H. Murray spoke in favor of having forty-eight counties. Walter F. Fears of Eufaula then spoke for recommitting the county map back to the committee. Joseph M. LaHay spoke briefly for the proposed map, and Russell again asked that it be recommitted to the committee. W. H. H. Keltner followed Russell with "a humorous speech which aroused much laughter." Haskell and Cheesie McIntosh then spoke in favor of the forty-eight county map, and Peyton again asked for the map to be sent back to the committee. During this debate it was reported that Rutherford and Haskell "indulged in a few spicy exchanges" Nothing definite was settled at the time, and the convention closed after Mr. Ware sang, "State of Sequoyah" improvised to the tune of "Dixie."⁵³

⁵³ Ibid., cols. 2-3.

Immediately after the invocation on Thursday morning, September 7, Charles N. Haskell and S. M. Rutherford offered their apologies to the convention for their action on the previous day and night. This "was accepted by a rising vote amid great applause."⁵⁴ Throughout the morning the only business transacted by the convention was the reading of, voting on, correcting, amending, and adopting of section after section of the constitution. Only one incident in the entire morning marred the peaceful spirit of the occasion. This developed when it was proposed to change the name of a county from Tume-chi-chee to McIntosh. When the motion was objected to, Cheesie McIntosh, who had made the proposal, withdrew it. A few minutes later McIntosh received the floor "and directed strong remarks at Chief Porter. General Porter replied and McIntosh then retracted his remarks."⁵⁵ There was no statement by the press as to whether the remarks addressed at Porter were on his ruling or some other matter. The remarks of each were probably in the Creek language.

Four Congressional nominees were selected by the convention to be approved or disapproved by the electorate at the election on ratifying the constitution, already set for Tuesday, November 7. The four were: John R. Thomas, Muskogee; C. L. Long, Wewoka; Joseph M. LaHay, Claremore; and D. C. McCurtain, South McAlester. The first two were Republicans and whites, while the latter two were Democrats and Indians.⁵⁶ All four men were unanimously

⁵⁴ Muskogee Phoenix, September 8, 1905, p. 1, col. 1.

⁵⁵ Ibid.

⁵⁶ Charles Evans and Clinton O. Bunn, Oklahoma Civil Government, p. 80.

approved. The first three thanked the convention for the honor bestowed upon them; D. C. McCurtain was absent from the session.⁵⁷

Thursday afternoon, September 7, was devoted entirely to approving various articles of the constitution. During the session the final attempt to cut the number of counties from forty-eight to thirty occurred. During the course of the debate on Article XII on the boundaries and divisions of and within the proposed state, a motion was made by Walter F. Fears to send the article back to the committee and increase this particular sub-committee by the addition of one member from each recording district. Cheesie McIntosh then made a motion to table the Fears' motion and a vote was taken. By a vote of one hundred and forty-seven to six the Fears' motion was tabled, and the attempt to reduce the number of counties to thirty ended.⁵⁸ After this, a few county boundary changes were made before the supper recess.

The Phoenix reported: "The evening session [Thursday, September 7] opened with the opera house well filled all the boxes being occupied by ladies who have begun to take a great interest in the proceedings."⁵⁹ After an hour of reading and adopting various articles a "spirited debate" took place over the naming of the capitol. W. W. Hastings, Cheesie McIntosh, A. S. McKennon, George W. Grayson, Walter F. Fears, William H. Murray, William P. Thompson, and others entered into the debate arguing for the

⁵⁷ Muskogee Phoenix, September 8, 1905, p. 1, col. 1 and p. 5, col. 3.

⁵⁸ Ibid., cols. 3-4.

⁵⁹ Ibid., col. 4.

selection of Fort Gibson, Eufaula, and South McAlester as the capitol city. Fort Gibson was eventually decided upon by "a large majority."⁶⁰ Following this a resolution was introduced by Thomas H. Owen and approved by the convention appointing a committee of six to bear the constitution and the memorial to be prepared to Congress. The committee was composed of Charles N. Haskell, William H. Murray, and the four Congressmen.⁶¹ They would leave for Washington after the November election on the constitution.

Cheesie McIntosh then introduced a resolution which was passed shortly before the convention closed that night. It is reproduced below:

Whereas, Those who are actively working for the cause of single statehood entertain the idea that because the principal chiefs of the Five Civilized Tribes are working assiduously to establish a separate state for Indian Territory, in so doing they are committing themselves to the cause of statehood of some kind and that Congress may construe their actions as warranting the bringing in of the Indian Territory with Oklahoma as a single state and that they would acquiesce in such action, therefore,

Be it Resolved, That the people of the Indian Territory are in good faith demanding separate statehood as a matter of right and not with a view of obstructing any kind of statehood if Congress should see fit to refuse this just demand and join the Indian Territory with Oklahoma and bring it into the Union as a single state with Oklahoma Territory it will do so without the consent of the Indians, as well as other inhabitants and over their most solemn protest.⁶²

This resolution was no doubt brought about to offset the influence of the editorials running in newspapers at that time predicting

⁶⁰ Ibid; and p. 5, col. 3.

⁶¹ Muskogee Phoenix, September 8, 1905, p. 1, col. 1.

⁶² Ibid.

that the Sequoyah Constitutional Convention would further the interests not of separate statehood, but of single statehood. There was feeling also among some that the convention was being held only to prevent any kind of statehood and thus further the control of appointed Federal officials and their friends in the territory. This resolution was intended to put a quietus to such statements. That it did not will be seen in the following chapter.

Immediately prior to the closing of that night session, Thursday, September 7, a form of ballot was approved for the voting in November on the constitution.⁶³ This ballot is reproduced in Appendix I. It will be seen in examining the ballot that it was necessary to vote for ratification before being allowed to cast a vote for a county seat of the particular county in which the elector resided. Since the leaders of the convention realized it would be difficult to get out a vote among the single states and among the Indians who wanted no change in their system of government, they were shrewd in injecting an issue calculated to draw a maximum number of voters to the polls. A number of voters, not knowing whether Congress would approve of statehood for Indian Territory, would very likely want to vote on the county seat question to make certain their town would be chosen if Congress did create the state. This, the leaders knew, would bring out a larger vote, for they couldn't vote on the county seat question until they had voted for ratifying the constitution. As Haskell, a number of years later, stated: "I knew that if we got out a good vote we

⁶³ Muskogee Phoenix, September 8, 1905, p. 5, col. 3.

would have to put some element of personal interest in it, so we injected the county seat question."⁶⁴ After approval of the ballot, the convention closed until the following morning.

On the morning of the last day of the convention, Friday, September 8, an amendment to the constitution was passed which required any future railroad built within any county of the state, which passed within four miles of the county seat, to pass through that county seat unless obstructed by natural objects and provided that the county seat town granted a right of way and furnished grounds for the depot. The vote on this amendment was twenty to eighteen in its favor. During the debate on this provision, W. W. Hastings, Joseph M. LaHay, S. M. Rutherford, and William P. Thompson were opposed to it, while John R. Thomas, A. S. McKennon, and W. H. H. Keltner supported the measure.⁶⁵

Following this debate A. Grant Evans introduced a resolution which was passed, appealing to Congress to purchase the Indian schools in Indian Territory for the use of the State of Sequoyah. This was asked due to the lack of public domain land for school use as in other states.⁶⁶

Another amendment to the constitution was made that morning when it was voted to prohibit foreclosure of a homestead by mortgage.

⁶⁴ Paul Nesbitt, "Governor Haskell Tells of Two Conventions", Chronicles of Oklahoma, XIV (1936), 203.

⁶⁵ Muskogee Phoenix, September 9, 1905, p. 1, col. 1.

⁶⁶ Ibid.

This provision stated that no homestead mortgage would be legal, except for the purchase of the homestead or for improvements thereon.

Just before noon the convention adjourned, but preceding this, W. W. Hastings moved the adoption of the constitution as amended. This was done by a unanimous vote of all present, thirty-five members.⁶⁸ Afterwards, on the motion of S. M. Rutherford, a committee of twenty was appointed to accompany the committee of six to Washington. This committee was to lobby among the members of Congress for the passage of an enabling act.⁶⁹ Finally the convention adjourned, but not until a resolution of thanks had been passed. This resolution thanked the people of Muskogee for their hospitality, Pleasant Porter for his impartiality as presiding officer, Charles N. Haskell and W. W. Hastings for their hard work, and A. Grant Evans and the other officers for their performance of duties. The convention also thanked the press of Muskogee, the railroads, and the Muskogee Commercial Club. With the reading of a poem by James A. Norman, the benediction by Reverend A. Grant Evans, and the singing of "God Be With You Till We Meet Again," the convention adjourned sine die.⁷⁰

As the convention closed that day at high twelve, some of those few who were there until the end and probably many of those who had left on earlier trains remembered a few of the words of

⁶⁸ Ibid., cols. 1-2.

⁶⁹ Ibid., col. 2.

⁷⁰ Ibid.

Pleasant Porter when he had said to them earlier in the convention:

From time immemorial the Indians as a heritage of the original inhabitants have been promised a state, an empire of their own. Driven west by successive invasions the Indians were forced to settle in this territory which is undoubtedly Indian country. They have taken on the dress, the customs, and the religion of the white man and they welcome him as a brother.

The national government must grant us separate statehood or make a confession.⁷¹

Just what the confession referred to was not elaborated on by Porter, but it most probably was understood by those who heard the speech to mean that if separate statehood was not granted, the Federal government would thus show that it had not meant to fulfill the treaties and agreements entered into with the Five Civilized Tribes during the previous seventy-five years, which had promised the Indians that no state would be created including their territory without their permission. This was a sobering thought for any man elated over the results of the convention to carry home with him. It was a thought which might inspire many of the non-Indian delegates to work even harder to get Congress to pass an enabling act for the proposed State of Sequoyah, thereby proving that the United States Government could keep its promises made to the Indians.

⁷¹ Fowler, op. cit., p. 53.

CHAPTER IV

THE RATIFICATION OF THE SEQUOYAH CONSTITUTION BY THE ELECTORATE AND ITS PRESENTATION AND REJECTION BY CONGRESS

On the day the Sequoyah Constitutional Convention adjourned, September 8, the Supreme Election Board, named in Article VI of the constitution, met and elected officers. The four members chose D. N. Robb as chairman; A. B. Cunningham, vice-chairman; and Carl Pursel, secretary. The other member was David M. Hodge. Hodge and Robb were Republicans, while the other two were Democrats.¹ During that meeting of the Supreme Election Board two rules were laid down for the conduct of the coming election. The first of these was that any recognized political party could nominate four candidates for Congress if that political party nominated them at a properly held convention. The second rule issued was that any town aspiring to be a county seat and have its name printed on the ballots must notify the Supreme Election Board by October 1.² From the time these rules were issued the campaign for ratification began in full swing.

During the campaign for ratification, just as during the convention, there was great newspaper opposition. While the convention

¹ Muskogee Phoenix, September 9, 1905, p. 1, col. 2.

² Ibid., cols. 2-3.

had been in session almost every newspaper in the territory had opposed it; only a few had approved. But from the time the convention closed it was cause for notice when the campaign received any favorable publicity.

Highly played up in the newspapers was the rejection of a challenge to a debate on the Sequoyah statehood movement by H. G. Baker, chairman of the Sequoyah Campaign Committee, sent to the Single Statehood Executive Committee of Oklahoma and Indian Territory, holding a meeting in Tulsa on September 19. The challenge was rejected, they said, because it was sent on behalf of a constitutional convention which "was not representative and because of the unfair methods and the proposed way of holding election." The Single Statehood Executive Committee then proposed holding an election in Indian Territory on the issue of uniting with Oklahoma or having a separate state.³ While no such election, as suggested by the single staters, was ever held, if it had been it most likely would have approved the separate state idea. Paul Nesbitt quotes Haskell as saying the Democrats of Indian Territory "accepted . . . single statehood because they knew there was no possible chance of getting any other kind of enabling act."⁴ William H. Murray has written concerning separate statehood:

The movement was unpopular . . . among all the newspapers, and professional men generally, but it was intensely popular with the Indians and farmers, most of whom belonged to the Farmers Union, to the aston-

³ Ibid., September 20, 1905, p. 1, cols. 1-2.

⁴ Paul Nesbitt, "Governor Haskell Tells of Two Conventions", Chronicles of Oklahoma, XIV (1936), 194-195.

ishment of the element that otherwise would be called the 'Leaders of the people.'⁵

Dr. W. W. Groom, at present the secretary of the Scottish Rite Consistory in McAlester, told this writer that during that period when he had been a young medical doctor in Bristow he had favored separate statehood. Doctor Groom said he found most of the whites in Indian Territory favored it also, for most of them came from the South or from border states, and thus they had little or nothing in common with the "short grassers" of Oklahoma Territory, who came from Kansas or other Northern states.⁶ Taking the statements of Haskell, Murray, and Groom as a base, one can assume that most people in Indian Territory did want separate statehood, but it might be charged that those opinions are biased since they come from men definitely favorable to separate statehood. To this charge the answer must be that they were reasonable, well-thought opinions, and each from a different facet of the question and from men well acquainted in the territory. They were not hasty, ill-considered statements made with the purpose of swaying either an audience or a reader to a cause, for each statement was made or written many years after separate statehood, as an issue was dead, and as a possibility in the future was unthinkable.

On September 23 a convention was held in Checotah protesting against the Sequoyah movement. With about three hundred present a six-pointed resolution was approved which opposed the

⁵ William H. Murray, Memoirs of Governor Murray and True History of Oklahoma, I, 317.

⁶ Interview with W. W. Groom, August 9, 1949.

Sequoyah Constitution and pledged the group to single statehood.⁷

H. G. Baker, who had earlier challenged any member of the Single Statehood Executive Committee to a debate on the Sequoyah movement, replied September 24 to the challenge to hold an election just on single or separate statehood. In refusing the challenge he stated: ". . . we assume, of course, that you do not expect us to accept the terms" Baker then stated that a vote of "No" on the Sequoyah Constitution could be considered as meaning the people of Indian Territory favored single statehood.⁸

In mid-September the Independent Statehood Club of Bacone, formed of students from Indian University and Bacone College, challenged the students of the University of Oklahoma to a debate on the question: "Resolved, That Indian Territory should be admitted to the union as a state without the annexation of the Territory of Oklahoma." The Bacone club offered to support the affirmative side.⁹ This challenge was refused.¹⁰

On Thursday, September 28, two conventions were held in Okmulgee, and each of them split over the statehood issue. In the first, the annual convention of the Indian Territory Suffrage League, which was attended by one hundred and nine persons, one

⁷ Muskogee Phoenix, September 24, 1905, p. 3, cols. 2-3.

⁸ Muskogee Phoenix, September 26, 1905, p. 3, cols. 3-4.

⁹ Ibid., September 27, 1905, p. 7, col. 4. The date this challenge was made was not shown in the paper.

¹⁰ Roy Gittinger to this writer, September 12, 1949.

hundred members declared in a resolution for Sequoyah. The other nine members bolted the convention and held a rump convention for single statehood.¹¹ The second convention was a meeting of about eighty Negroes. When the chairman of the group, W. A. Rentie, refused to entertain a motion to pass a resolution favoring single statehood, sixty-two of the group left and reorganized in order to be able to pass such a resolution.¹² The original purpose of the Negro convention was not stated in the newspaper article.

In an editorial on September 29, the Muskogee Phoenix predicted that within two weeks after Congress convened in December that the fight for separate statehood would be dropped. To substantiate their argument they quoted John R. Thomas, one of the Sequoyah Congressional nominees as saying: "What we want is statehood and if we can not get separate statehood then let us be joined to Oklahoma, only let there be no delay."¹³ If the Phoenix did not distort the meaning in the Thomas quotation, then there would be little delay in that next session of Congress in granting single statehood, for separate statehood meant a long, hard, and continuous fight, for Thomas, it can be seen, was pledging himself not to statehood for the proposed State of Sequoyah, but just to statehood. This idea of statehood, single or double, had been the original aim of Charles N. Haskell when he called on Chief Pleasant Porter the preceding July after reading the Norman call; yet as

¹¹ Muskogee Phoenix, September 29, 1905, p. 1, cols. 5-6.

¹² Ibid., cols. 1-2.

¹³ Ibid., p. 4, col. 1.

seen on page 69 the Sequoyah Convention itself passed a resolution on September 7 stating exactly the opposite. The Phoenix, then, if they did not distort the Thomas statement, had been right all along in predicting that the Sequoyah Convention would aid single statehood, for here was one of the Sequoyah nominees urging statehood with Oklahoma, if necessary.

That same day, September 29, the Cherokee National Council passed Joint Resolution No. 11, which opposed union with Oklahoma and resolved that the Cherokee People favored separate statehood for the area of the Five Civilized Tribes and the Quapaw Reservation. The resolution also approved the Sequoyah Constitution.¹⁴

The Phoenix on Sunday, October 1, in an effort to increase the advertising of the paper, boost its circulation, or just simply in the interests of good journalism, published a souvenir edition of twenty-eight pages on the Sequoyah Constitutional Convention. Other than the news and features of the normal eight page paper, this edition contained biographies of nineteen leaders of the convention, the constitution, lists of most of the committees, and pictures of many of the prominent members.¹⁵ The publication of this edition did not indicate that the newspaper was changing its stand on the issue of statehood, for it did not lessen its editorial criticism and slanted stories on the campaign then in

¹⁴ Exhibit F to Senate Docs. No. 143, 59 Cong., 1 sess., ss. 4912, p. 46.

¹⁵ Muskogee Phoenix, October 1, 1905, pp. 9-28.

progress for ratification of the constitution.

The next day Senator Moses E. Clapp of Minnesota, slated to be the chairman of the Senate Indian Affairs Committee in the coming Fifty-ninth Congress, stopped over in Muskogee during his tour of Indian Territory. During an interview, Senator Clapp stated he had reached the conclusion that the people of Muskogee preferred separate statehood.¹⁶ In view of the Senator being a member of the Republican Party this interview was widely quoted and often distorted later.

On October 7, Chairman Pleasant Porter called for all of the delegates to the Sequoyah Constitutional Convention to reconvene in South McAlester on Saturday, October 14, at ten o'clock.¹⁷ This meeting was to be held in order that all of the delegates could sign the constitution.

On October 12 and 13, the Phoenix quoted President Roosevelt and Senator Beveridge, each of whom had given statements favoring single statehood. In an editorial the Phoenix on October 12 quoted the Kansas City Star of October 8, which had quoted the President as saying: "I want you to have statehood . . . but not for Oklahoma alone. I am with you for joint statehood for Oklahoma and Indian Territory, and I would also like to see New Mexico and Arizona come in as one state."¹⁸ The day after the Phoenix quoted the President, a letter was printed on the front page addressed to S. T. Bledsoe of Ardmore and signed by Senator Albert J. Beveridge; two excerpts

¹⁶ Ibid., October 3, 1905, p. 1, col. 5.

¹⁷ Ibid., October 10, 1905, p. 1, col. 1.

¹⁸ Ibid., October 10, 1905, p. 4, col. 1.

from the letter follow:

. . . it is my emphatic opinion that the bill making Oklahoma and Indian Territory one state under the name of Oklahoma will pass both the House and the Senate, and become a law very early in the next session. Certainly no bill making Indian Territory a state has the slightest chance of passage.

Men in public life are not surprised at schemes such as you describe the separate statehood plan in Indian Territory to be. Answering your question as to what effect such manipulation will have on the next Congress: I answer that I think it will have no effect at all. Certainly it would not have the slightest effect on myself. . . .¹⁹

This letter by Beveridge was widely quoted throughout the Indian Territory press in the remaining period before the vote on the Sequoyah Constitution.

In an editorial in the same issue that printed the Beveridge letter, the Phoenix appealed to the delegates of the Sequoyah Convention, scheduled to meet in South McAlester on the next day, to withdraw their constitution and join the group urging single statehood.²⁰ This editorial was addressed to the separate state advocates in Indian Territory. In the edition of the following day, the Phoenix claimed the county seat elections were only being held to draw voters to the polls and that the election of November 7 was not an election on statehood at all. In six different editorial items, the Phoenix then urged the electorate to stay away from the polls.²¹ Of course, the Phoenix was right in its statement that the county seat elections were being held only to draw voters, for had not

¹⁹ Ibid., October 13, 1905, p. 1, cols. 1-2.

²⁰ Ibid., p. 4, col. 2.

²¹ Ibid., October 14, 1905, p. 4, cols. 1-2.

Charles N. Haskell purposefully intended such to be the case?²²

On Saturday, October 14, at ten-thirty, the Sequoyah Constitutional Convention reconvened in the Opera House in South McAlester. One hundred and forty-three delegates were there from twenty-five of the twenty-six recording districts. At this meeting in South McAlester, three major events took place: first, an anti-labor provision in the constitution was stricken; second, the time for towns being allowed to file for county seat was extended from October 1 to October 17; and third, the delegates authorized Chairman Pleasant Porter and Secretary Alexander Posey to sign the constitution for them.²³ This latter was done to avoid the expense of engrossing the entire document of approximately 35,000 words on parchment until they were certain that Congress would pass an enabling act.

On Tuesday morning, October 17, it was reported that E. A. DeMeules, the treasurer of the Finance Committee of the Sequoyah Constitutional Convention, resigned his post.²⁴ There was no statement as to why he resigned. The Phoenix, which had reported the DeMeules resignation also had a column on the requirement of the Supreme Election Board making it mandatory for each town wishing to be listed on the ballot as a candidate for county seat to pay \$100.00 to the Board. This requirement, not previously mentioned in the press, was to aid in the payment of the expenses of the con-

²² See page 70.

²³ Muskogee Phoenix, October 15, 1905, p. 1, cols. 1-3.

²⁴ Ibid., October 17, 1905, p. 1, cols. 1-2.

vention and the printing of the ballots. The paper stating its opinion in the news item: "The surprising thing is that there are not 480 counties on that map and that efforts were not made to get from three to a dozen applications for county seat privileges from each."²⁵ This statement, coupled with the DeMeules resignation under the same heading, left the impression that the leaders of the Sequoyah Convention were only making an effort to swindle the various towns out of their money and that E. A. DeMeules could stand it no longer. This would tend to show the healthy respect held for the chances of the constitution being ratified in the coming election and efforts to swing all possible voters against it.

Two days later the Phoenix reported in a very biased article of the disbandment of the Separate State Club of Coweta and its reorganization into a single state club. According to the paper it occurred on the night of October 17.²⁶

On October 21, the Phoenix published the statehood views of one hundred and five of the newspapers in Indian Territory. Of those, they listed seventy-eight against it, sixteen for it, and only eleven as neutral. Of all the newspapers listed, there was only one listed as neutral from the Chickasaw Nation, and none as for it from that nation. The one neutral paper in the Chickasaw Nation was the Wynnewood New Era.²⁷

A letter from Speaker Joseph Cannon to Delegate Bird S. McGuire was published under a Pawnee, Oklahoma Territory, dateline

²⁵ Ibid.

²⁶ Muskogee Phoenix, October 19, 1905, p. 1, col. 4.

²⁷ Ibid., October 21, 1905, p. 4, cols. 3-5.

of October 24. In part the letter from Cannon read: "I would consider the very best way to defeat statehood entirely, would be to advocate separate statehood."²⁸ This letter was widely quoted throughout the territory with one aim in mind--that of counteracting the influence of the Sequoyah speakers and the Choctaw and Chickasaw National Councils passing resolutions favoring separate statehood. These two bodies had each passed resolutions opposing union with Oklahoma Territory and commending the Sequoyah Constitution to their constituents.²⁹

While the Cherokee, Chickasaw, and Choctaw National Councils had in September and October passed resolutions favoring the Sequoyah movement, the Creek National Council passed, by a vote of forty-six to twenty-six, a lengthy resolution against it. This resolution stated that the Government of the United States had bound itself in "treaty" with the Creek Nation never to form a state or territory from the land they occupied without their consent.³⁰ Thus Pleasant Porter, who had been instructed by the twenty-three tribal leaders on July 14 to oppose any kind of statehood with Oklahoma Territory, yet had signed an agreement with Charles N. Haskell and other Chiefs of the Five Civilized Tribes on July 18 to approve such a union on the failure of Congress to agree to Indian Territory statehood, met with strong opposition in his own

²⁸ Ibid., October 25, 1905, p. 1, cols. 1-2.

²⁹ Exhibits D and E to Senate Docs. No. 143, 59 Cong., 1 sess., ss. 4912, pp. 44-46.

³⁰ Muskogee Phoenix, October 28, 1905, p. 1, cols. 3-4. The treaty referred to is no doubt the Creek and Seminole Treaty of August 4, 1856, previously referred to on p. 2 of this work.

legislature. The resolution, which this opposition group passed, also stated that the Creek Nation was against the Sequoyah movement for if Congress did not approve it then the leaders were to work for passage of a single statehood bill.³¹ This move of the Creek legislature late in October no doubt hurt the campaign but to what extent it is difficult to determine.

On Sunday, October 29, Reverend E. M. Sweet, secretary of the Indian Territory Church Federation For Prohibition Statehood, had a full page article published in the Muskogee Phoenix on the prohibition article in the Sequoyah Constitution. He urged all to vote on the constitution and for those who did not vote on it to write Senator Albert J. Beveridge and Congressman Edward L. Hamilton urging prohibition. The article ended: ". . . the enemy will endeavor to make it appear that all who do not vote for the constitution are against prohibition."³² It can be seen by this that the members of the Constitution Committee had chosen wisely when it was decided to include a modified form of prohibition among the many parts of the lengthy document, for by doing so they were to garner a great number of the 'dry state' votes.

As the campaign for ratification drew to a close a number of newspapers throughout the Territory fought the election bitterly. On Saturday, November 4, the Phoenix reprinted fourteen editorials from different newspapers which were hostile either to separate statehood or the election being held. On the morning of the elec-

³¹ Ibid.

³² Muskogee Phoenix, October 29, 1905, p. 9.

tion this paper climaxed its fight against separate statehood by having four different editorial items urging the people to refrain from going to the polls to vote.³³ These appeals to the citizenry to ignore the election were an attempt to offset speeches made throughout Indian Territory urging everyone to vote, whether they voted for ratification or not, but at least to exercise the freedom of the ballot.

The leaders of the convention did not wait for the Campaign Committee to do all the work in the campaign for ratification. In 1911, almost six years after the campaign, Charles N. Haskell wrote that he remembered speaking at some fifty-two different meetings. He also stated that doubtless other speakers, such as John N. Thomas, W. W. Hastings, William H. Murray, D. C. McCurtain, and Joseph M. LaHay, did as much or more than he.³⁴ In the Chickasaw Nation, William H. Murray took charge of the campaign. It was in that region that the opposition was the strongest, and Murray reports there was "rough stuff" of all kinds except the throwing of eggs. Several times in the Chickasaw Nation the speakers found courtrooms and even streets closed to them.³⁵

The election day, November 7, was a clear day, which aided in bringing out the vote everywhere except in the Chickasaw Nation.

³³ Ibid., November 4, 1905, p. 4, col. 2 and November 7, 1905, p. 4, col. 1.

³⁴ Haskell to Allen, referred to in Chapter II, footnote No. 8.

³⁵ William H. Murray, "The Constitutional Convention", Chronicles of Oklahoma, IX (1931), 131-132.

There the poll books and ballots were often acquired by the opposition and in some cases burned and otherwise destroyed. This was supposed to have occurred at Lindsay, and Murray, on finding out who did it, said to him: "Now you put it into your head that Lindsay will never be a county seat. I will be in whatever convention may be called to frame a constitution, if this fall down."³⁶ It is noteworthy that Lindsay was never made a county seat in Oklahoma.

The following day, the Phoenix, which at that time seldom ever used headlines on its front page, reported the election as "A WATERLOO!" This was in inch type. The entire front page of the newspaper was devoted to returns on the election on ratifying the Sequoyah Constitution. The vote given at the time the paper went to press was 16,189 in favor of ratification, to 3,175 opposed.³⁷ A number of towns were listed as having no votes cast either for or against the constitution. On succeeding days, the Phoenix reported changes in the vote, and by November 14 they reported a total of 20,117 votes had been cast.³⁸ This report showed the vote by individual towns, but did not list any of the rural precincts. Two days later the South McAlester Capital reported by noon that day that the total vote had reached over 49,000 with

³⁶ William H. Murray, Memoirs of Governor Murray and True History of Oklahoma, I, 317.

³⁷ Muskogee Phoenix, November 8, 1905, p. 1.

³⁸ Ibid., November 14, 1905, p. 3, col. 1.

over three hundred precincts yet to report.³⁹ On November 18, the Supreme Election Board issued a statement certifying the final tabulation of the election as 65,352 votes cast. Of this number 56,279 were for ratification and 9,073 were against it. The Phoenix, in publishing this statement, pointed out that no official tabulation of the election returns had been given out by the Supreme Election Board. The paper closed the article as follows: "In the meantime the only tabulated list of votes yet given to the public was that published in the Phoenix, which will hold good until substituted by the 'official' list of places and votes."⁴⁰

The Finance Committee issued its final report on November 13, showing that less than \$9,900 had been spent.⁴¹ Haskell, writing of the expense of the election has stated:

The expense of the campaign, printing, tickets, etc., amounted to some six thousand dollars. About eighteen hundred dollars of this amount was contributed by various towns that were candidates for county seat in the various counties and by numerous contributions over the state about twenty-three hundred and fifty dollars was sent into the committee, and I, myself, contributed a total of eighteen hundred and fifty dollars during the course of the campaign⁴²

The difference between the Committee's figures and Haskell's estimate was probably due to the lapse of some six years between the two reports.

Although a greater vote had been cast than was expected by either backers or opponents of the proposed State of Sequoyah,

³⁹ South McAlester Capital, November 16, 1905, p. 2, col. 1.

⁴⁰ Muskogee Phoenix, November 19, 1905, p. 1, col. 6.

⁴¹ South McAlester Capital, November 16, 1905, p. 6, col. 4.

⁴² Haskell to Allen, referred to in footnote no. 34.

there was little to encourage any hopes for such a state, for on November 16, President Roosevelt was again quoted as favoring single statehood for the two territories.⁴³

On the first day of the Fifty-ninth Congress, four statehood bills affecting Oklahoma and Indian Territory were introduced into the House of Representatives. Only the one introduced by Congressman Arthur P. Murphy of Missouri provided for statehood for Sequoyah.⁴⁴

The next day was received the President's fifth annual message. Pertaining to statehood for the four remaining territories, he said:

I recommend that Indian Territory and Oklahoma be admitted as one State and that New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to Statehood. Nothing has taken up more time in the Congress during the past four years than the question as to the Statehood to be granted to the four Territories above mentioned, and after careful consideration of all that has been developed in the discussions of the question, I recommend that they be immediately admitted as two States.⁴⁵

This recommendation of single statehood for the territories was in line with the President's earlier commitments and the policy of his party. It was no doubt a blow to Sequoyah adherents, for it not only ignored the expressed wishes of most of the people in

⁴³ Muskogee Phoenix, November 16, 1905, p. 1, col. 1.

⁴⁴ Congressional Record, 59 Cong., 1 sess., XL, 45, 47, 49, and 54. The bills introduced were H. R. 1 by Delegate Bird S. McGuire of Oklahoma Territory, H. R. 79 by Congressman Murphy, H. R. 183 by Congressman Frank Clark of Florida, and H. R. 441 by Congressman John H. Stephens of Texas.

⁴⁵ Richardson, op. cit., X, 7400.

Indian Territory but recommended violation of the Atoka Agreement, which had been enacted into law in 1898, and the earlier treaties with the Five Civilized Tribes.

During the next few days several events took place in Washington which attracted a good deal of attention in Indian Territory. Congressman Hamilton introduced three omnibus bills for single statehood for Oklahoma and Indian Territory and for Arizona and New Mexico. One of these bills was later amended and passed as an enabling act for Oklahoma and Indian Territory to form a state. Senator Beveridge also introduced an omnibus bill to grant statehood to two states formed from the four territories.⁴⁶ But attracting far more attention than the introduction of bills was the special train carrying at least two hundred single staters from Oklahoma City and one razor-back hog that was picked up along the way to create publicity. The hog, placarded "STATEHOOD",⁴⁷ was photographed widely in Washington, and probably didn't hurt the cause of single statehood for Oklahoma and Indian Territory; because many groups had gone to Washington for one thing or another, but never one with a hog for publicity; attention was thus focused on this group and its desires.

On December 23, Pleasant Porter returned from Washington to Muskogee and made the statement that a single statehood bill would pass during that session of Congress after a hard fight.⁴⁸ A few

⁴⁶ Congressional Record, 59 Cong., 1 sess., XL, 116, 222, 778, and 1407. The bills introduced by Hamilton were H. R. 3186, 10719, and 12707; the bill by Beveridge was S. 1158.

⁴⁷ South McAlester Capital, December 14, 1905, p. 4, col. 6, and p. 6, cols. 5-6.

⁴⁸ Muskogee Phoenix, December 24, 1905, p. 4, col. 4.

days later Congressman Murphy of Missouri was visiting his wife's parents in Muskogee and complained because there were no advocates of Sequoyah in Washington to aid him in gaining support in the two houses of Congress for such a state.⁴⁹ The newspaper, in commenting on Murphy's statement, asked what had become of the committee of twenty appointed to lobby in Congress for the proposed state, the four Congressmen elected, and the others who were working for such a bill.

Just exactly what did happen to these committees is shrouded in mystery. It is known that on the last day of the Sequoyah Constitutional Convention two committees were appointed to go to Washington; this is recorded in the report of the day's session in the Muskogee Phoenix of September 9, 1905. One of those committees as stated on page 69 of this work was composed of the four Congressional nominees and Charles N. Haskell and William H. Murray. David M. Hodge, who was not a member of either committee, left his home in Broken Arrow on December 3 to join a group in Muskogee, leaving for Washington to lobby for the proposed state.⁵⁰ It is probable that Hodge represented the Supreme Election Board and went along to certify the election figures. The writer has not been able to determine who was among the group that went or when they left Muskogee and when they returned. Oscar Presley Fowler has written of the meeting of the group with President Roosevelt in the White House, and Roosevelt's telling the group that it was

⁴⁹ Ibid., December 31, 1905, p. 4, col. 2.

⁵⁰ Tulsa Democrat, December 8, 1905, p. 1, col. 6.

against party policy to form separate states from Oklahoma and Indian Territory. Fowler then relates the shock felt by Hodge upon hearing the President tell them it was not expedient to form the State of Sequoyah, and then that Hodge was so disgusted that he walked out of the White House with Roosevelt calling for him to come back and talk things over. It is said he caught the next train west for Indian Territory and changed that day from a life-long Republican to an active Democrat.⁵¹ William H. Murray has written that C. L. Long, one of the Republican Congressmen elected in the Sequoyah election, was the only one who stayed in Washington and actively lobbied for passage of a Sequoyah enabling act.⁵² Murray also stated that he and Haskell had been appointed on the committee of six with the four Congressmen because it was intended that the first legislature of the proposed State would elect them as U. S. Senators, but that neither he nor Haskell went with the group to Washington to aid in urging passage of an enabling act. Why neither he nor Haskell went, he did not relate.⁵³

On January 8, 1906, the first Jackson Day dinner of the Democratic Party of Oklahoma and Indian Territory was held in Oklahoma City. S. M. Rutherford served as toastmaster, and Haskell, who was one of the principal speakers, called for unity in the party organization for the two territories. The fact that

⁵¹ Oscar Presley Fowler, The Haskell Regime, The Intimate Life of Charles Nathaniel Haskell, pp. 58-59.

⁵² William H. Murray to this writer, September 4, 1949.

⁵³ Ibid.

these two men had been two of the hardest workers in the Sequoyah Convention, and Haskell had even been vice-chairman, was pointed out in an editorial in the Muskogee Phoenix two days later.⁵⁴ It could hardly be forgotten by the paper's readers that only nine days before, Congressman Murphy was complaining because of lack of support of Sequoyah lobbyists. Although it is difficult to set the date for the change from a live to a dead political issue, it is no doubt true that on the night Haskell called for a unified Democratic Party in Oklahoma and Indian Territories, the Sequoyah issue was dead.

Eight days after the Jackson Day dinner referred to above, Senator Joseph B. Foraker, a Republican from Ohio, presented to the Senate the memorial and constitution prepared by the Sequoyah Constitutional Convention. It was referred to the Committee on Printing, and when printed, the memorial was twenty-seven pages long, its six exhibits twenty pages long, and the constitution was forty pages long; a colored county map of the proposed state was attached.⁵⁵ The memorial lists eight major reasons why Sequoyah should be admitted as a state; they are as follows: first, this reason was broken down into eleven different items such as area, population, etc.; second, under the laws and treaties of the United States; third, under precedents used in interpreting the

⁵⁴ Muskogee Phoenix, January 10, 1906, p. 4, col. 2. It should be remembered that Haskell had been chosen as an alternate to the Oklahoma City Single Statehood Convention on July 12, 1905, and was reported to have agreed to pay certain expenses of the Sequoyah Constitutional Convention if the Indian chiefs would agree to single statehood if Congress rejected separate statehood.

⁵⁵ Senate Docs. No. 143, 59 Cong., 1 sess., ss. 4912.

constitution; fourth, in the consideration of the welfare and "true interests" of the country; fifth, political party pledges; sixth, the welfare of the Mississippi valley; the seventh and eighth reasons are quoted in full:

- Seventh: (a) Joint statehood with Oklahoma would violate the treaties of the United States and its contracts as to statehood and as to prohibition.
- (b) Would do violence to the wishes of the people of Sequoyah.
- (c) Would be contrary to the wishes of the people of Oklahoma.
- (d) Would be against the interests, sentiments, and ideas of both communities.
- (e) Would violate every precedent in the admission of States, as Congress never in the history of the country have compelled the merger of two States or of two Territories.

Eighth: The constitution herewith submitted represents the will of the people of the State of Sequoyah; the wishes of a people who have been grossly misrepresented by a propaganda advocating a union with Oklahoma, in the promotion of selfish interest, on behalf of the railroads, the liquor traffic, ambitious town promoters, and professional politicians.⁵⁶

This introduction of the memorial with these eight reasons covered but two pages; they were elaborated upon in the twenty-five pages of the memorial which followed. The memorial was signed by Pleasant Porter and Alexander Posey.⁵⁷

The six exhibits were lettered from A to F. Exhibit A was a protest from the Creek National Council to Congress against single statehood, dated December 15, 1903. Exhibit B contained

⁵⁶ Ibid., p. 2.

⁵⁷ Ibid., pp. 3-26.

the resolutions of the Eufaula Convention of May 21, 1903; a memorial from the Cherokee Nation against single statehood, dated November 14, 1901; a letter to Congressman Edward L. Hamilton from Principal Chief Green McCurtain, a memorial to Congress from the Choctaw Nation against single statehood, both of the latter without a date but from the context it may be assumed they were written in October of 1903; and a letter to the Republican members of Congress from the Republican Territorial Committee of Oklahoma Territory against single statehood, dated July 8, 1903. Exhibit C was a report of the Creek conference of July 14, 1905, held in Muskogee and authorizing Pleasant Porter to work for separate statehood and expressly opposing "any scheme of alliance with the present citizens and Territory of Oklahoma" Exhibit D was a resolution by the Choctaw National Council approving the Sequoyah Constitution. Exhibit E was a resolution by the Chickasaw National Council approving the Sequoyah Constitution. Exhibit F was a resolution by the Cherokee National Council approving the Sequoyah Constitution.⁵⁸

The Sequoyah Constitution is a very lengthy document, being approximately thirty-five thousand words and second only in size to the constitution adopted by Oklahoma in 1907. It is made up of eighteen articles and two hundred and seventy sections. William H. Murray has written that soon after he moved to Indian Territory he decided that the Populist theories were largely correct.⁵⁹

⁵⁸ Ibid., pp. 27-46.

⁵⁹ William H. Murray, Memoirs of Governor Murray and True History of Oklahoma, p. 308.

Others of the committee that wrote the constitution no doubt were influenced just as strongly by Populism, for their work is largely Populist doctrine. The entire Sequoyah Constitution shows a lack of faith in the legislative branch of the state its writers were attempting to form. W. Brooke Graves has written that the decline in prestige of legislatures "has been due largely to the failure of the legislatures to respond to the trust imposed in them" ⁶⁰ Nowhere is this distrust exhibited more clearly than in Articles III and XII, containing descriptions of the legislative branch and all of the divisions and boundaries of the state respectively. Much that was included in Article III could have been left for enactment as statutes or as rules by the legislature. Article XII, which contained almost six thousand words, described the boundaries of every county, senatorial, and circuit court district of the state besides a number of other provisions; only a very minor amount of what was in this article needed to have been included within the constitution. The county boundaries were without doubt included with the thought in mind of bringing out the vote by having a fight over the county seat in each locality. In general the Sequoyah Constitution followed the trend of that decade: it was long, detailed, harnessed and double-checked the legislature, and embodied much Populist doctrine.

Among the many similarities between the Sequoyah Constitution and the Oklahoma Constitution adopted in 1907, none stand out more clearly than the sections describing the official seal and the

⁶⁰ W. Brooke Graves, American State Government, p. 57.

county boundaries. Although Oklahoma was the forty-sixth state admitted to the Union, its constitution varied little from other state constitutions, except for the description of county boundaries.⁶¹ The resemblance of the official seals described in the two constitutions is so close that it clearly shows the same person designed them. Reverend A. Grant Evans, in designing the Great Seal of the State of Sequoyah placed a five pointed star in the center with one point at the bottom; each of the five points contained the symbol from the seal of one of the Five Civilized Tribes. The upper left hand point contained the symbol from the Cherokee seal; the upper right hand point contained the symbol from the Creek seal; the lower left hand point the symbol from the Choctaw seal; the lower right hand point the symbol from the Seminole seal; and the lowest point contained the symbol from the seal of the Chickasaw Nation. Between the two upper points was the figure of Sequoyah containing a tablet with the letters "A J J Q C", meaning "We are Brethern." Between the points of the star were forty-five other stars representing the other forty-five states of the Union.⁶² The seal itself was designed by Evans and drawn by C. H. Sawyer. Of its presentation it was said: "The original drawing when submitted to the committee was greeted with great enthusiasm and both Mr. Evans and Mr. Sawyer were highly complimented on their work."⁶³

⁶¹ Frederick W. Blachly and Miriam E. Catman, Government of Oklahoma, p. 19.

⁶² Senate Docs. No. 143, 59 Cong., 1 sess., ss. 4912, p. 82, Sequoyah Constitution, Art. XVI, Sec. 1. An enlarged copy of the seal is attached as Appendix L.

⁶³ Muskogee Phoenix, September 6, 1905, p. 4, cols. 1-2.

In but one major policy did the Sequoyah Constitution differ from the Oklahoma Constitution; this was on the prohibition issue. Prohibition was to be the state law, but it was a modified form of prohibition. It provided for the operation of a whiskey dispensary in each county of the state to dispense liquor for medicinal purposes only. It was also provided that the possession of a federal liquor dealer's permit should be prima facie evidence of intention to violate the regulation.⁶⁴ Although violation of this article was to be punishable by a fine of from \$50 to \$1,000 and by imprisonment of from sixty days to one year and one day, such violation was not to be considered under any condition a felony nor could such a violation ever prohibit one from holding an office of trust in the state.⁶⁵ Such a prohibition article is hardly worthy of commendation, for it merely invited violation.

In a thorough study of the constitution, Senator Foraker presented to the Senate on January 16, 1906, one finds four major views expressed. The four are: first, the agency theory, or, that the government of the state is merely the agent for a sovereign people; second, the doctrine of separation of powers; third, the doctrine of checks and balances; and fourth, the doctrine of natural rights. The first and fourth of these doctrines are reiterated throughout the entire constitution.

⁶⁴ Senate Docs. No. 143, 59 Cong., 1 sess., ss. 4912, pp. 81-82, Sequoyah Constitution, Art. XV, Sec. 2.

⁶⁵ Ibid., p. 49, Art. III, Sec. 9.

Seven days after Foraker's presentation of the Sequoyah memorial and constitution the majority and minority reports on H. R. 12707 were issued. This bill was an omnibus bill providing for statehood for two states composed of Oklahoma and Indian Territories and Arizona and New Mexico Territories. The portion of the minority report dealing with the first two territories stated in part:

Oklahoma and Indian Territory are entitled to separate statehood, and we prefer that each should be admitted as a State, but being convinced that the people of the Indian Territory prefer one State with Oklahoma, rather than no State, the minority reluctantly consent to vote for the measure⁶⁶

The following day the Muskogee Phoenix quoted an editorial from the Saint Louis Republic; part of it read as follows:

It has long been apparent that this Republican Congress will give no heed to the promises of separate statehood by which the Indians of the Five Tribes were induced to surrender their tribal governments. But the Indians are powerless to enforce the bargains which Congress made with them, and organized government is absolutely necessary to the whites who have gone, and are still fast going into the Territory.⁶⁷

On January 25, Senator Porter J. McCumber of North Dakota, introduced a bill providing for the admission of the State of Sequoyah.⁶⁸ His bill had come too late though, for it was already recognized by the minority report of the House of Representatives on H. R. 12707 that such a bill had no chance of passage.

⁶⁶ House Report No. 496, 59 Cong., 1 sess., ss. 4906, p. 17.

⁶⁷ Muskogee Phoenix, January 24, 1906, p. 4, col. 2.

⁶⁸ Congressional Record, 59 Cong., 1 sess., XL, 1527.

Within less than five months, on June 16, 1906, President Roosevelt signed the amended H. R. 12707 making Oklahoma and Indian Territories a single state.⁶⁹ Beveridge's biographer, in writing of the signing of the enabling act, has quoted the Indianapolis Star of June 17, 1906:

When Roosevelt signed the statehood bill, he reached across the table to grasp Beveridge's hand and say: 'Senator Beveridge, the congratulations are due you, and now with all my heart I congratulate you upon the great work finished and a great battle splendidly fought.'⁷⁰

The fight referred to was not over Oklahoma and Indian Territories, but over Beveridge's attempt to also form a state from Arizona and New Mexico. The latter provision had been deleted from the bill before its passage. Thus ended all hope for a separate state for Indian Territory.

⁶⁹ Ibid., 8743.

⁷⁰ Claude G. Bowers, Beveridge and the Progressive Era, pp. 234-235.

CHAPTER V

CONCLUSION

With the signing by President Roosevelt of the enabling act on June 16, 1906, all opposition to a union of the two territories was effectively silenced. Since almost every writer on this phase of Oklahoma's history has credited the Sequoyah Constitutional Convention with aiding the passage of that single statehood act, it is well that one should determine how far this is true, and if so, why. In concluding this study, it should be shown why a separate statehood bill failed of passage by Congress and also other results of the Convention.

The Sequoyah Constitutional Convention did show to Congress that the Indians of Indian Territory were capable of organizing a state government; at least it showed they could write a charter for such a government. While most of the constitution was not written by full-bloods, much of it was written by men of Indian blood. Members of Congress could have recognized this ability of the Indians prior to this time, if they had chosen, but since they did not, the Sequoyah Constitutional Convention dramatized this native Indian trait. This one convention proved to those Congressmen who had doubted this Indian ability that their doubts were unfounded.

In another and even more important way did the Sequoyah Constitutional Convention aid in bringing single statehood. A number

of the leaders of the convention had agreed that if Congress would not grant statehood to Sequoyah then they would agree to union with Oklahoma Territory. Three of the principal Chiefs of the Five Civilized Tribes had signed such an agreement with Charles N. Haskell in Muskogee on July 18, 1905. To most Indians, and more especially to such a tower of strength as Chief Pleasant Porter, such an agreement could not honorably be broken. Thus when Porter saw the hopelessness of such a state as promised by Congress being formed, he acquiesced in silence. Haskell and William H. Murray had no doubt seen the same future for the proposed state even earlier than Chief Porter, for they did not even bother to go to Washington to help lobby for the object of their labors of several months.

Regardless of all the promises Congress might make, either in treaty form or as statutes, Congress itself is the final judge as to whether it shall keep those promises. If the promise made is with an equal power, it more than likely will keep it, but if the promise is made with a weak and helpless people, the chances are that it will be kept only if it is politically expedient. In the case of promises made to the Five Civilized Tribes in both treaty and statute form relating to their right to forming a state, they were not kept because it was not expedient to do so. Angelo C. Scott has stated the issue very concisely when he wrote that the Republicans

. . . felt that a state created out of Indian Territory would always be Democratic and that Oklahoma would be at best doubtful, and didn't want always two and generally

four Democratic United States senators from this section of the country.¹

The Democratic senators could have filibustered the question and prevented Indian Territory from being joined with Oklahoma Territory, but they would not have been able to bring a bill for Sequoyah out of the committee headed by Senator Albert J. Beveridge, for had not Senator Beveridge written, "Certainly no bill making Indian Territory a state has the slightest chance of passage."² Such a bill would have had to wait several years, but the conditions in Indian Territory demanded immediate action. Thus all chance for a separate statehood bill failed because the Republicans feared it would mean four Democratic senators and because the Democrats realized that the chaotic conditions in Indian Territory demanded a state government, even if it was in union with Oklahoma Territory.

What were the other results of the Sequoyah Constitutional Convention, both direct and indirect. There were three main results of that convention which have not been related here. They were: first, it formed the nucleus of a group that remained strong in Oklahoma politics for over thirty years after the convention adjourned; second, it prepared a model constitution for use by the Oklahoma Constitutional Convention held in Guthrie; and third, it succeeded, through the refusal of Congress to grant statehood to Sequoyah, in breaking down the strong vocal opposition of

¹ Angelo C. Scott, The Story of Oklahoma City, p. 126.

² Albert J. Beveridge to S. T. Bledsoe, Muskogee Phoenix, October 13, 1905, p. 1, cols. 1-2. See Chapter IV, footnote No. 19.

the Indians to union with Oklahoma Territory. Each of these will be discussed separately.

The leaders of the Sequoyah Constitutional Convention controlled to a great extent the Oklahoma Constitutional Convention held soon after the passage of the enabling act. As for the state's first elected officials, it is common knowledge that Charles N. Haskell, Robert L. Owen, and William H. Murray received three of the four highest political positions in the new state. W. W. Hastings was later elected as Congressman from the Second Congressional District and served in that capacity for a number of years. William H. Murray later served as a Congressman and as Governor of Oklahoma from 1931 to 1935. Even at the present time he is a force to deal with in the political campaigns of this state. Numerous other leaders in the Sequoyah Constitutional Convention held minor offices in the state.

The constitution written in Muskogee between August 21 and September 8, 1905, was no doubt of great aid to the framers of the Oklahoma Constitution. The similarities between the two documents are numerous. As already mentioned in Chapter IV, the great seal and the description of the counties are almost identical in form. Other similarities which may be found by comparing the two constitutions are: many of the county names in eastern Oklahoma are as shown in the Sequoyah Constitution; the bill of rights in the two closely resemble each other; the requirement of teaching agriculture and domestic science in the public schools may be found in each; the article forming the Corporation Commission is quite similar in the two constitutions; and finally, and most important

of all, is the Populist spirit of distrusting the elected officials which is embodied in both the Sequoyah and Oklahoma Constitutions.

Effective Indian opposition to union with Oklahoma Territory died out after Congress refused to grant the admission of Sequoyah. More than one writer has heralded this as a feat of which to boast, but it was in reality anything but that. Excepting the highly intelligent, vocal, and politically ambitious Indian of the Five Civilized Tribes, the Indian became apathetic over his condition. Added evidence was given the Indian to confirm his opinion that the white man would not keep his word even when written in laws and treaties. While it is true that some of the Indians became very active participants in the new state government, it is also true that more of them would probably have taken a greater part in a government formed exclusively over Indian Territory. There is reason to believe that an Indian state might have protected the Indians to a greater degree from the land sharks who preyed upon them during the first years of the State of Oklahoma's existence.

Thus the Sequoyah Constitutional Convention, as a chapter in the history of Oklahoma, was an important event. It marked the final culmination, in a spectacular form, of a tableau of broken treaties with a weak minority group in this country by the United States Government. There is a physical law that when a vessel is too small to contain the water within it, that the water will overflow and seek its own level; likewise, there is a natural law among men and nations that when one nation or people is stronger than its neighbor the stronger will overwhelm the weaker. This

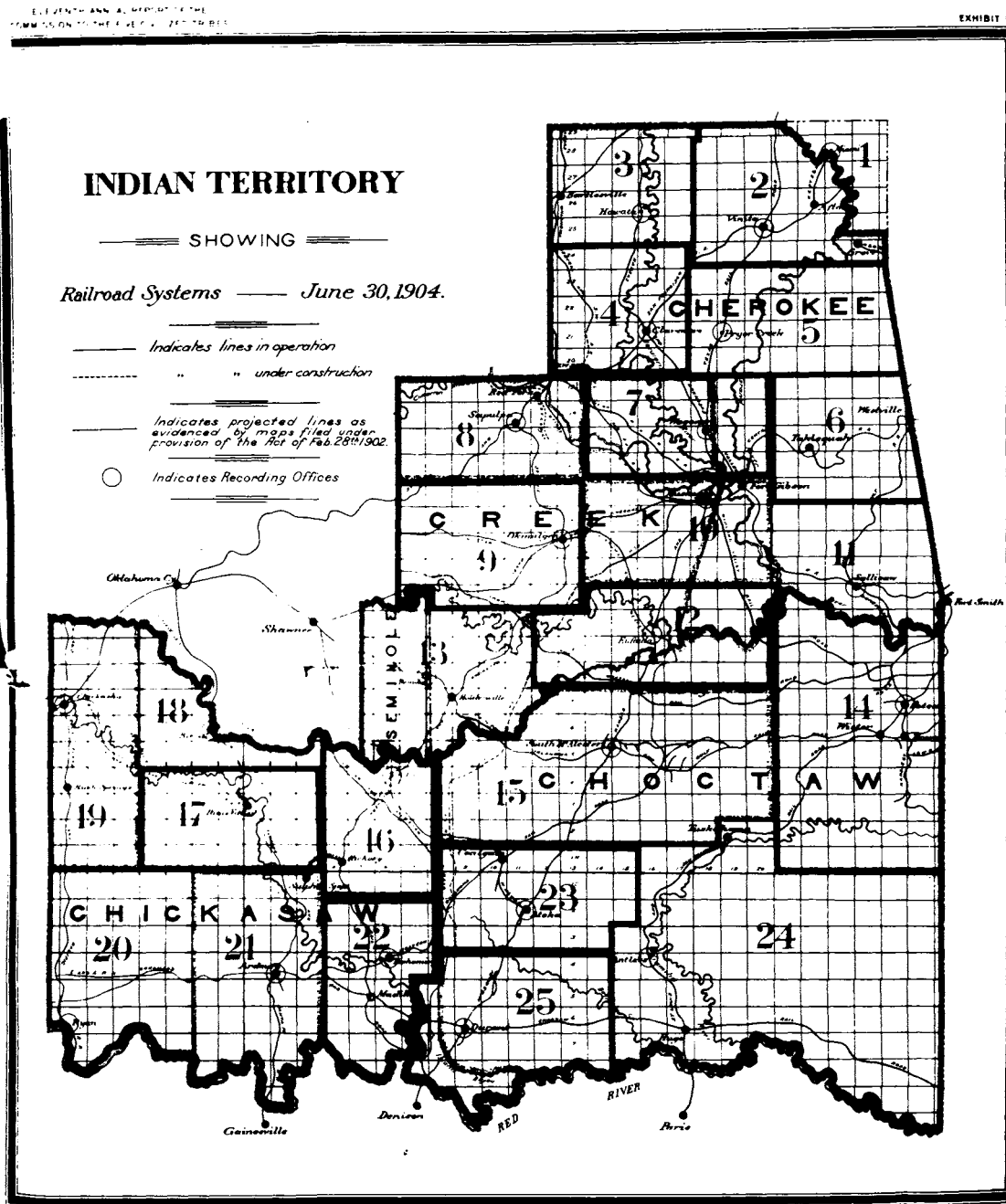
natural law which ignores all treaties was exemplified by Congress when it rejected the bid for statehood for the proposed State of Sequoyah.

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APPENDIX A

MAP OF RECORDING DISTRICTS IN INDIAN TERRITORY¹

¹ A true photostatic copy of map attached to page 198, Annual Reports of the Department of the Interior, 1904, Indian Affairs, Part II. District No. 26 was formed from the lower half of District No. 21, but was never shown on any published government map.

APPENDIX B

LIST OF DELEGATES TO SEQUOYAH CONVENTION
AS REPORTED BY NEWSPAPERS OF INDIAN TERRITORY²

District	Delegates	Alternates
1	No delegates elected	
2	L. B. Bell William P. Thompson Johnson Falling Webb Buffington James Yost Sam F. Parks Davis Hill	James S. Davenport Freeman Nidiffer William Howell D. W. C. Duncan J. J. Spencer W. H. Curtis Ben Hilderbrand
3	Only known delegates: Robert L. Owen J. H. Bartles J. A. Tilotson	
4	Dr. Emmett Starr Rev. W. Shanks Joe M. LaHay D. W. Lipe Dr. J. C. Bushyhead W. A. Musgrove W. E. Sanders	Rev. J. P. Keller Rev. C. F. Mitchell Vann Chambers E. C. Alberty John Bullette E. W. Eaton J. F. Ryan

² The names of the aforementioned delegates were found in various Indian Territory newspapers published in 1905. In all of the newspapers the name of the town in which the paper was published is a part of the name of the paper except in the case of the Blue County Democrat, which was published in Durant, Indian Territory. The newspapers in which are the names of the elected delegates are as follows: Blue County Democrat, August 11, p. 1, col. 1; Chickasha Daily Express, August 7, p. 4, col. 4; Claremore Progress, August 12, Supplement; Daily Ardmoreite, August 15, p. 1, col. 4; Muskogee Phoenix, August 8, p. 6, cols. 1-4; August 9, p. 7, cols. 3-4; August 10, p. 1, col. 1; August 10, p. 7, col. 3; and October 1, p. 28, cols. 2-3; Okmulgee Chieftain, August 10, p. 2, col. 4; Pauls Valley Enterprise, August 24, p. 6, col. 4; Pryor Creek Clipper, August 11, p. 1, col. 3; Purcell Register, August 12, p. 4, cols. 1-2; South McAlester Capital, August 17, p. 4, col. 6; and Vinita Daily Chieftain, August 21, p. 1, col. 4.

APPENDIX B

<u>District</u>	<u>Delegates</u>	<u>Alternates</u>
5	Dr. W. T. Tilly S. H. Mayes A. L. Battenfield P. A. Byers Soggy Sanders J. C. Hogan James M. Keyes	G. W. Mayes Dr. G. W. Tilly R. L. Bledsoe W. B. Johnson Simon McKenzie E. Wright Drift Hummingbird
6	W. W. Hastings George W. Benge E. W. Buffington B. H. Whittaker K. G. Comfort A. S. Wylly A. E. Cunningham	D. B. Cullom Thomas J. Welch J. W. Duncan George M. Hughes W. H. Parris J. W. Reed L. B. Gritts
7	David M. Hodge Benjamin F. Marshall Theodore Potts G. D. Sleeper T. A. Parkinson Guy Bowman Thomas Everett	Charles Drew Howard Willison R. S. Plumlee Alex Cobb Joe Ford Tom Bevert W. I. Nicholson
8	Harry Campbell F. R. Brennan J. G. Davis W. W. Holder William A. Sapulpa N. G. Gregory Joseph Bruner	Jesse Allen A. E. McKellop Dump Berryhill W. C. Collins Charles Whittaker W. L. Cheatham L. Berryman
9	Samuel J. Haynes Charles E. Myers J. A. Roper (Negro) Moty Tiger Richard Hill (Negro) W. O. Hoyt John Phillips	T. E. Proctor Alex Davis George Harveson R. S. Brown C. J. Shields Rev. J. A. Angerson (Negro) Morris Rentie (Negro)
10	General Pleasant Porter S. M. Rutherford A. P. McKellop Cheesie McIntosh Leo F. Bennett Rev. A. Grant Evans Charles N. Haskell	Connell Rogers Masterson Peyton J. P. Davidson (Negro) F. E. Butin Thomas H. Owen John R. Thomas E. A. DeMeules

APPENDIX B

<u>District</u>	<u>Delegates</u>	<u>Alternates</u>
11	D. M. Faulkner John R. Rogers J. G. McCombs J. H. Kulmer S. K. Cordon Thomas Proctor R. B. Choate	John Gunter U. S. Riley C. C. Martin Thomas J. Carlyle W. H. Fanan F. Cornelius J. F. Shackelford
12	George W. Grayson Cub McIntosh George W. Scott Sam Grayson Walter F. Fears J. Burdet J. B. Couch	Edward Julian Louis McGilbray Daniel Scott Joe Smith J. C. Smock J. T. Primrose J. C. Belt
13	Only six delegates and five alternates found.	
	Gov. John F. Brown G. A. Alexander John Goat J. Kinkehee Johnson Tiger Alexander Richmond	Jackson Brown Joe Smith Jim Alexander Coody Johnson Jeff Canard
14	Only seven delegates and six alternates found.	
	J. E. Reynolds W. H. Harrison W. A. Welch, Jr. H. J. Fowler W. A. Welch, Sr. Peter Conser John J. Thomas	James A. Smith R. S. Bridgman John W. Frederick C. C. Mathis D. Thomas A. P. Harrison
15	Thirty-five delegates were elected with no alternates being named from this district.	
	Gov. Green McCurtain H. B. Rowley George Riddle John Savage Dudley B. Buell D. M. Hailey J. Henry Shepherd H. L. Haynes W. G. D. Hinds W. G. Weimer E. P. Hill	

APPENDIX B

District	Delegates	Alternates
15, continued	Ira L. Eubanks Jack Flaherty P. A. Vance Press S. Lester A. S. McKennon W. L. Woolsey J. H. Godfrey Henry P. Ward John Simson W. R. Woodward E. H. Doyle R. B. Coleman D. C. McCurtain George A. Mansfield B. F. Jobe U. S. Russell Preslie B. Cole Hampton Tucker Tony Kincannon G. E. Hartshorne A. B. Johnson Sol. H. Mackey W. D. Paxson Solomon J. Homer	
16	R. H. Vaughtner G. C. Cunningham R. H. Bennett T. C. Walker Cent Walker Richard Floyd W. H. Lancaster	A. B. Swanson J. S. Kiser G. W. McClure W. James Will Barnes John Sharp W. H. L. Campbell
17	R. T. Jones Charles Baggs E. M. Moore W. H. Paul R. L. Nichols J. D. Murray Milas Lasater	No alternates found.
18	Joe Colbert A. L. Rice Ryan Turnbull Jack Barnett Ben Lillard	No alternates found.

It cannot be determined which of the following were selected as delegates

APPENDIX B

<u>District</u>	<u>Delegates</u>	<u>Alternates</u>
	and as alternates from the 18th District:	
	Emmett Victor James Budd Lawrence Ratka N. E. Johnson James Tuttle	
19	Reford Bond H. B. Johnson Benjamin J. Vaughan R. M. Johnson C. B. Campbell George Beeler Ben Hampton	No alternates found.
20	Frank O. Smith William Gilbert George Trent Will Ray Sam Ray Joel Nail Walter Ryan	No alternates found.
21	J. W. Johnson Andy Hutchings J. W. Massey G. W. Young William Warren Charles D. Carter Charles Hare	John Thomas C. W. Henderson Fred Schoeppe J. H. Ward John Criner John Hutchins Mr. Cornish (no first name given)
22	H. L. Muldrow T. K. Whitthorn George W. Dudley Dr. Skillean (no first name given) M. V. Cheadle J. Hamp Willis William H. Murray	Leonard Johnson George W. Burris P. S. Moseley J. W. Parker John P. Young Dr. A. G. Cramfield William Rennie
23	Henry Bond J. S. Fulton Charles LaFlore Paul B. Smith William Bassett D. N. Robb A. T. West	J. D. Catlin Joe Self R. W. Harrison Calvin Allison C. A. Skeen Boone Williams George T. Ralls

APPENDIX B

District	Delegates	Alternates
24	J. B. Jeter A. J. Arnote W. W. Wilson P. J. Hudson J. A. Lovett W. Y. Webb Barney Noel	John Laracy W. H. Isherwood Lem W. Oakes L. W. Cobb J. W. Baird John Cooke William Ellis
25	J. M. Webb Tom Hunter Sam W. Maytubbee James Culberson Eli Perry Solomon J. Homer ³ J. R. Rappolee	C. A. Bilbo W. D. Kiersey A. B. McCoy Clarence Walden S. T. Bentley W. G. Ward W. J. Killion
26	Only known delegates: W. H. H. Keltner T. D. Talliferro J. T. Case	

³ Solomon J. Homer was listed according to current newspapers as representing both the 15th and the 25th Districts.

APPENDIX C
OFFICERS OF THE SEQUOYAH CONSTITUTIONAL
CONVENTION⁴

Temporary Officers

Chairman D. C. McCurtain
Secretary Alexander Posey
Reporter J. G. Bennett
Stenographer D. J. Dickey

Permanent Officers

Chairman General Pleasant Porter
Vice-Chairman Charles N. Haskell
Secretary Alexander Posey
Assistant Secretaries William H. Paul
James Culberson
A. B. Cunningham
James A. Norman
Sergeant at Arms Robert Nichols
Assistant Sergeant
at Arms Fred Wiswell
Official Reporter ... E. H. Doyle
Official Stenographer D. J. Dickey

⁴ Muskogee Phoenix, August 22, 1905, p. 1, cols. 1-3.

APPENDIX D

COMMITTEES APPOINTED, OTHER THAN CONSTITUTION,
CAMPAIGN, AND FINANCE COMMITTEES⁵

Committee on Credentials	General Pleasant Porter, Chief of the Creek Nation Green McCurtain, Chief of the Choctaw Nation John F. Brown, Chief of the Seminole Nation William C. Rogers, Chief of the Chero- kee Nation
Committee on Permanent Organization, Rules, and Order of Business	Charles Baggs, Chickasaw Nation U. S. Russell, Choctaw Nation Alexander Richmond, Seminole Nation S. M. Rutherford, Creek Nation J. C. Bushyhead, Cherokee Nation Joe M. LaHay, Quapaw Reservation
Committee on Investigation of Atoka Delegation	G. A. Melton Joe M. LaHay Charles LaFlore
Committee to Select Speakers to Address the Convention	Charles N. Haskell, Chairman Joe M. LaHay William H. Murray U. S. Russell W. W. Hastings
Committee to Work for Passage of Enabling Act	D. M. Hailey George W. Benge W. W. Hastings William P. Thompson S. H. Mayes W. A. Welch

⁵ Muskogee Phoenix, August 22, 1905, p. 1, cols. 2, 4-6;
August 23, 1905, p. 1, col. 3; August 24, p. 7, col. 4; September
8, 1905, p. 1, col. 1; September 9, 1905, p. 1, col. 2; and October
1, 1905, p. 25, col. 1.

APPENDIX D

Committee to Work for
Passage of Enabling
Act, continued

Cheesie McIntosh
Solomon J. Homer
D. M. Faulkner
J. G. McCombs
H. C. Nash
J. Henry Shepherd
F. R. Brennan
Leo F. Bennett
Rev. A. Grant Evans
Charles Baggs
G. D. Sleeper
Silas Armstrong
Theodore Potts
George W. Scott

Committee to Bear the
Memorial and Constitu-
tion to Congress

Charles N. Haskell
William H. Murray
John R. Thomas
D. C. McCurtain
Joe M. LaHay
C. L. Long

Committee to Nominate the
Four Congressmen

John Bullette, Chairman
Members were not listed.

APPENDIX E

COMMITTEE ON CONSTITUTION, ITS OFFICERS, AND
ITS SUBCOMMITTEES⁶

Chairman.....W. W. Hastings
 Vice-Chairman.....John R. Thomas
 Secretary.....A. Grant Evans
 Assistant Secretary.....P. A. Byers

MEMBERS

Appointed by District Delegations

1. No delegation
2. James S. Davenport
3. Robert L. Owen
4. John Bullette
5. W. T. Tilly
6. W. W. Hastings
7. Theodore Potts
8. F. R. Brennan
9. George Harveson
10. John R. Thomas
11. J. G. McCombs
12. George W. Grayson
13. John F. Brown
14. W. A. Welch
15. R. B. Coleman
16. T. C. Walker
17. E. M. Moore
18. Joe Colbert
19. Benjamin J. Vaughan
20. Frank O. Smith
21. Andy Hutchings
22. William H. Murray
23. D. N. Robb
24. P. J. Hudson
25. Solomon J. Homer
26. W. H. H. Keltner

Appointed by Chairman Porter

Cheesie McIntosh
 David M. Hodge
 Joe M. LaHay
 William P. Thompson
 L. B. Bell
 George W. Bengé
 Thomas J. Carlyle
 George W. Scott
 J. M. Webb
 Charles Baggs
 J. Hamp Willis
 J. Henry Shepherd
 Masterson Peyton
 Leo F. Bennett
 Connell Rogers
 Thomas H. Owen
 S. M. Rutherford
 A. S. McKennon
 D. C. McCurtain
 D. M. Hailey
 William A. Sapulpa
 B. H. Whittaker
 Richard Hill
 Guy Bowman
 R. W. Harrison
 P. A. Byers

P. A. Byers was appointed to fill vacancy created by illness of J. Hamp Willis.

⁶ Muskogee Phoenix, August 23, 1905, p. 1, col. 4; p. 5, cols. 1-2; August 24, 1905, p. 7, cols. 3-4; and September 1, 1905, p. 1, col. 5.

APPENDIX E

Subcommittee to Recommend Appointment of Subcommittees

Charles N. Haskell
Robert L. Owen
David M. Hodge

Subcommittee to meet with the Finance Committee

Cheesie McIntosh
Connell Rogers
William H. Murray

SUBCOMMITTEES FOR DRAFTING THE CONSTITUTION AND THEIR MEETING PLACES IN MUSKOGEE

<u>Committee</u>	<u>Chairman</u>	<u>Members</u>	<u>Meeting Place</u>
Preamble, Declaration of Rights and Powers of Government	Robert L. Owen	George W. Grayson Solomon J. Homer E. M. Moore Guy Bowman	2d Room of Commercial Club
County Boundaries, County Seats, and Enumeration of Population	Leo F. Bennett	D. C. McCurtain George W. Bengé William H. Murray Joe M. LaHay	3d Room of Commercial Club
Legislative and Executive Department	Thomas H. Owen	Theodore Potts George W. Scott Joe Colbert John R. Thomas	Office of Bailey & Owen, English Block
Judicial Department	John R. Thomas	William P. Thompson Charles Baggs Masterson Peyton S. M. Rutherford	Office of Thomas & Foreman, Turner Hardware Building

APPENDIX E

<u>Committee</u>	<u>Chairman</u>	<u>Members</u>	<u>Meeting Place</u>
Education	J. Henry Shepherd	Cheesie McIntosh Benjamin J. Vaughan R. B. Coleman J. M. Webb	Prohibition State- hood Office, Iowa Building
Militia and Minor Administrative Departments	D. M. Hailey	Connell Rogers John Bullette F. R. Brennan Frank O. Smith	Office of Peyton, Harrison, & Blair, Masonic Building
Corporations	James S. Davenport	Thomas H. Owen J. G. McCombs Andy Hutchings Richard Hill	Office of Bailey & Owen, English Block
Suffrage, Election and Preservation of Purity of Government	Joe M. LaHay	David M. Hodge W. A. Welch B. H. Whittaker P. J. Hudson	Office of Hutchings & Murphy, Indianola Building
Rights and Exemptions of Property	John F. Brown	S. M. Rutherford L. B. Bell W. T. Tilly T. C. Walker	Office of Cravens, Rutherford & Cravens, English Block
Finance and Revenue	David M. Hodge	John F. Brown Thomas J. Carlyle W. H. H. Keltner R. W. Harrison	Rock Island Trust Office, Iowa Build- ing
Miscellaneous Provisions Including Constitutional Amendments and Prohibition	A. S. McKennon	D. N. Robb George Harveson P. A. Byers W. A. Sapulpa	Thomas Sanson's Office, Masonic Building

APPENDIX E

Subcommittee on Redrafting and Editing Constitution After Subcommittee Reports Were Made

Charles N. Haskell
John R. Thomas
William H. Murray
Rev. A. Grant Evans
Solomon J. Homer

Five members served on two subcommittees; they were: John F. Brown, David M. Hodge, Joe M. LaHay, Thomas H. Owen, and John R. Thomas.

APPENDIX F
COMMITTEE ON CAMPAIGN⁷

Chairman.....H. G. Baker
Vice-Chairman...John R. Thomas
Secretary.....James G. Bennett

One member was chosen by each recording district delegation:

District	Member
1	No delegation
2	William P. Thompson
3	J. A. Tilotson
4	J. C. Bushyhead
5	S. H. Mayes
6	A. S. wily
7	Guy Bowman
8	W. W. Holder
9	J. A. Roper
10	Rev. A. Grant Evans
11	J. F. Shackelford
12	J. B. Couch
13	G. A. Alexander
14	John W. Frederick
15	D. C. McCurtain
16	W. H. Campbell
17	Milas Lasater
18	Ben Lillard
19	H. B. Johnson
20	William Gilbert
21	William Warren
22	T. K. Whitthorn
23	Paul B. Smith
24	Lem W. Oaks
25	Sam W. Maytubbee
26	T. D. Talliferro

Advisory Board

U. S. Russell William H. Murray
George W. Scott J. B. Couch
J. F. Shackelford Benjamin F. Marshall

Chairman Baker and Secretary Bennett were not members of the convention.

⁷ Muskogee Phoenix, August 23, 1905, p. 5, cols. 2-3; and October 1, 1905, p. 25, col. 6.

APPENDIX G
COMMITTEE ON FINANCE⁸

ChairmanS. K. Cordon
Secretary.....C. E. Myers
Treasurer.....E. A. DeMeules

One member was chosen by each recording district delegation:

District	Member
1	No delegation
2	Sam F. Parks
3	J.H. Bartles
4	W. E. Sanders
5	J. C. Hogan
6	E. W. Buffington
7	G. D. Sleeper
8	Joseph Bruner
9	Charles E. Myers
10	E. A. DeMeules
11	S. K. Cordon
12	J. Burdet
13	Johnson Tiger
14	J. E. Reynolds
15	Henry P. Ward
16	R. H. Vaughter
17	J. D. Murray
18	E. Burfield
19	R. M. Johnson
20	George Trent
21	G. W. Young
22	H. L. Muldrow
23	Charles LaFlore
24	W. W. Wilson
25	J. M. Webb
26	J. T. Case

Auditing Subcommittee

J. Burdet
E. W. Buffington
G. D. Sleeper

⁸ Muskogee Phoenix, August 23, 1905, p. 5, col. 2; August 24, p. 7, col. 3; and August 30, p. 8, col. 4.

APPENDIX H

SUPREME ELECTION BOARD⁹

Chairman D. N. Robb
Vice-Chairman A. B. Cunningham
Secretary Carl Pursel
Member David M. Hodge

D. N. Robb and David M. Hodge were Republicans, while
A. B. Cunningham and Carl Pursel were Democrats.

⁹ Muskogee Phoenix, September 9, 1905, p. 1, col. 2.

APPENDIX I
 FORM OF BALLOT¹⁰

Indian Territory, Proposed State of Sequoyah
 For Ratification of Constitution

Yes

No

For County Seat of County

.

For Congressman at Large to represent the State
 of Sequoyah in the 59th Congress of the United
 States, from the date of admission of this State:

.

(Note--The voter, on the ratification or rejection of the Constitution, will vote either "yes" or "no", distinctly erasing the other. If, the voter votes "no", that is, for the rejection of the whole Constitution, he will ignore the remainder of the ticket. If the elector votes "yes" on the ratification of the Constitution, he may vote for the town of his choice for county seat of the county designated, and for four representatives of his choice for Congressmen, in all cases erasing all words and names for which he does not desire to vote.)

¹⁰ Muskogee Phoenix, September 8, 1905, p. 5, col. 3. This form of the ballot used is an exact reproduction as to form and spelling.

APPENDIX J

SEQUOYAH¹¹

by J. S. Holden

The Cadmus of his race--
A man without a peer;
He stood alone--his genius shone
Throughout the Hemisphere.
Untutored, yet so great;
Grand and alone his fame--
Yes, grand and great--the future state
Should bear Sequoyah's name.
In ages yet to come,
When his Nation has a place,
His name shall live in history's page,
The grandest of his race.

¹¹ Muskogee Phoenix, August 31, 1905, p. 6, col. 4.

MISSOURI

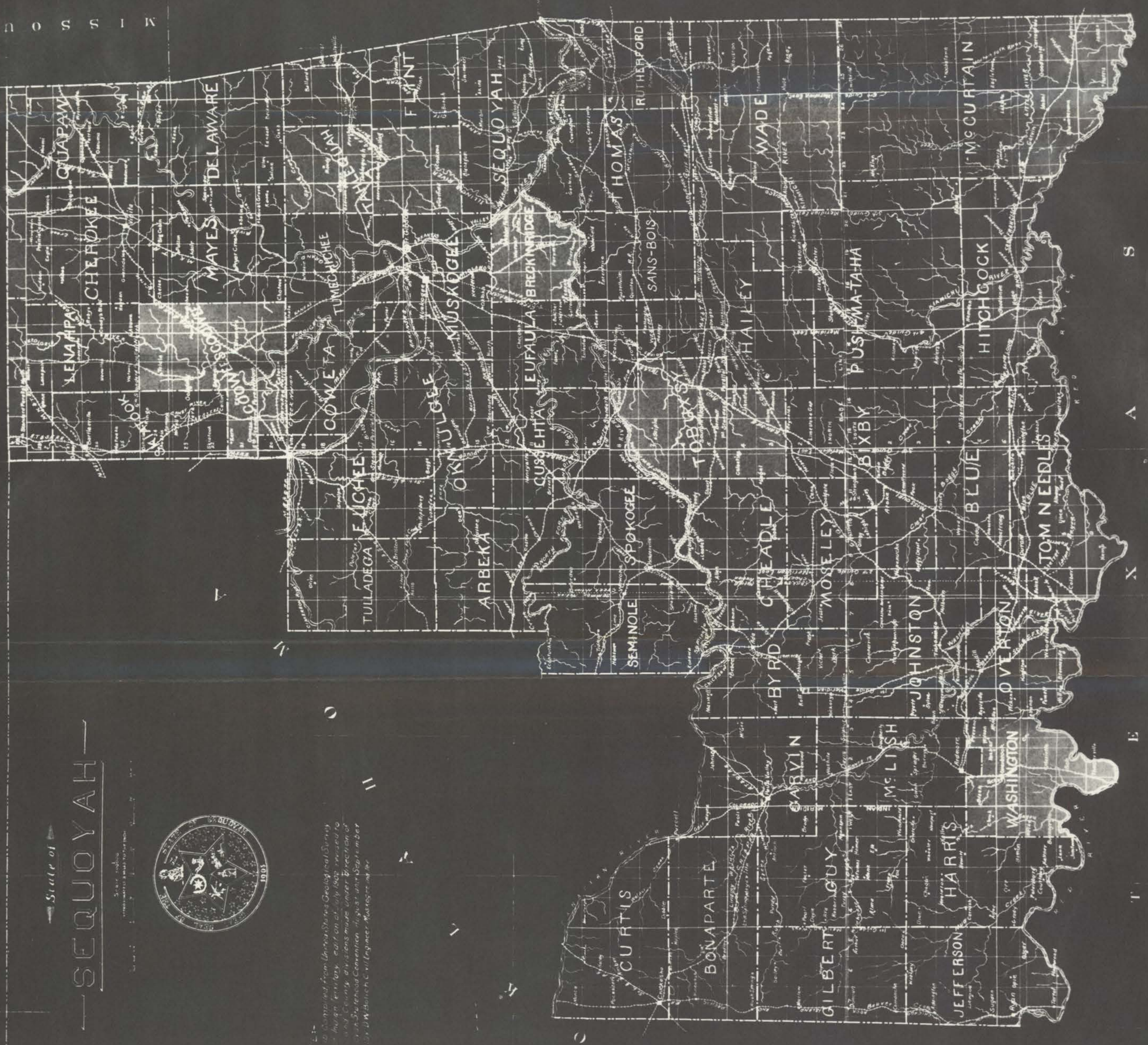
K A N S A S

—SEQUOYAH—

State of



Map compiled from United States Geological Survey
topographic maps, and from actual topographic
and county divisions made under direction of
the State Geologist, Charles D. Walcott, member
of the United States Geological Survey.



APPENDIX L¹²

¹² This is an enlarged photostatic copy of the seal shown on the map of the proposed State of Sequoyah attached to the constitution of the proposed state, Senate Docs. no. 143, 59 Cong. 1 sess., ss. 4912. The map was a colored county map, and an exact-size photostatic copy is attached as Appendix K.

BIBLIOGRAPHY

BIBLIOGRAPHY

Bibliographical Note

The major portion of the material used in preparation of this thesis was from two sources: United States Government Documents and local newspapers. All of the documents used were on file in the Oklahoma Agricultural and Mechanical College Library, and all of the newspapers used were on file in the Newspaper Collection, Oklahoma Historical Society.

Since the reader has of course already observed that there is considerable use of bibliographical footnotes throughout the work, it has been deemed wise to omit annotating each entry throughout the bibliography. The writer has included in this bibliography the subject of each Senate or House Document used, the name and year of each case cited from the U. S. Reports, the use made of most of the other government documents cited, and has separated the important secondary works from the others and finally it should be noted that he has called attention to particular items included which seem to him to be worthy of especial note.

The form followed in this bibliography is that used in the following works:

Gittinger, Roy, The Formation of The State of Oklahoma, 1803-1906. Norman, Oklahoma: The University of Oklahoma Press, 1939.

Hockett, Homer Carey, Introduction To Research In American History. 2 edition. New York: The Macmillan Company, 1948.

Pomeroy, Earl S., The Territories of the United States, 1861-1890. Published by the American Historical Association as the prize-winning study of Albert J. Beveridge Foundation Fund and copyrighted by the Association in 1947. Philadelphia: The University of Pennsylvania Press, 1947.

Chapman, B. B., The Founding of Stillwater, A Case Study in Oklahoma History. Copyrighted by the Research Foundation, Oklahoma Agricultural and Mechanical College, 1948. Oklahoma City: Times Journal Publishing Company, 1948.

As Professor Hockett has written on page 126 of his Introduction to Research in American History, cited above, "Probably no two bibliographies can be classified on exactly the same plan, because the character of the materials and their grouping varies with the subject and purpose." It has been with that thought in mind that the writer has followed the forms of the bibliographies of the above four works. Professor Gittinger's work has been followed, for it has been a standard reference for over thirty years; Professor Hockett's, for it is the textbook on Historiography used in the History Department at this institution; Professor Pomeroy's prize-winning study, for it was published by the American Historical Association, the highest authority on form for the historian in the United States; and Professor Chapman's work was followed, for it is the only study in Oklahoma History which has been published by the Research Foundation of this institution.

The bibliography of sources used in preparing this thesis follows:

UNITED STATES RECORDS

Congressional Documents

House Documents, 58 Cong. 2 sess., no. 101, ss. 4671:

"Memorial of General Council of Choctaw Nation in relation to statehood for Indian Territory." December 14, 1903.

House Miscellaneous Documents, 45 Cong. 2 sess., no. 32, ss. 1815:

"Memorial from an Indian Delegation protesting against passage of the bill, or any kindred measure, providing for a Delegate in Congress to represent the Indian Territory." February 25, 1878.

49 Cong. 1 sess., no. 15, part 2, ss. 2432:

"Annual Report of the Board of Regents of the Smithsonian Institution to July, 1885." Used only that part of the Appendix to the Report which covered Indian Territory conditions, or pages 853-879.

House Reports, 57 Cong. 1 sess., no. 956, ss. 4402:

"Report from Committee on Territories, favoring H. 12268, to create Territory of Jefferson out of Indian Territory." March 14, 1902.

58 Cong. 2 sess., no. 2335, ss. 4583:

"Report from Committee on Territories, favoring H. 14749, to enable Oklahoma and Indian Territory and New Mexico and Arizona to be admitted into the Union; with views of the minority." April 8, 1904.

59 Cong. 1 sess., no. 496, ss. 4906:

"Report from Committee on Territories, favoring H. 12707, to enable Oklahoma and Indian Territory and New Mexico and Arizona to be admitted into the Union; with views of minority." January 23, 1906.

Senate Documents, 54 Cong. 1 sess., no. 182, ss. 3353:

"Argument by Judge A. S. McKennon before House Committee on Indian Affairs, relative to affairs in Territory, with other papers, and Senate document 12, Report of Dawes Commission." March 24, 1896.

54 Cong. 2 sess., no. 94, ss. 3469:

"Agreement between Choctaw Nation and Five Civilized Tribes Commission." January 27, 1897.

55 Cong. 1 sess., no. 93, ss. 3562:

"Agreements between Choctaw and Chickasaw Nations and Five Civilized Tribes Commission." May 19, 1897.

55 Cong. 2 sess, no. 78, ss. 3593:

"Agreements between Creek and Seminole Nations and Five Civilized Tribes Commission." January 21, 1898.

55 Cong. 2 sess., no. 88, ss. 3593:

"Agreement between Cherokee Nation and Five Civilized Tribes Commission." January 28, 1899.

57 Cong. 2 sess., no. 36, ss. 4420:

"New statehood bill, hearings before subcommittee of the Senate Territories Committee on November 12-24, 1902, and before committee, June 28 and 30 and December 4, 1902, on H. 12543, to enable Oklahoma, Arizona, and New Mexico to be admitted to the Union." December 10, 1902.

58 Cong. 2 sess., no. 194, ss. 4591:

"Memorial of Women's Christian Temperance Union of United States against S. 3625 and H. 10010, having for their purpose admission of Indian Territory and Oklahoma as one State, unless sale of intoxicants therein is prohibited." March 9, 1904.

59 Cong. sp sess of Senate, no. 5, ss. 4910:

"Brief statement of reasons why prohibition of liquor traffic should be continued policy in Territory after inauguration of statehood." March 15, 1905.

59 Cong. 1 sess., no. 143, ss. 4912:

"Memorial from citizens of Indian Territory, praying for admission into the Union and presenting form of constitution for proposed State, to be known as State of Sequoyah." January 16, 1906.

Senate Executive Documents, 41 Cong. 3 sess., no. 26, ss. 1440:

"The proceedings of the council of Indian tribes held at Ocmulgee in December, 1870." January 30, 1871.

41 Cong. 3 sess., no. 39, ss. 1440:

"The second annual report of the Board of Indian Commissioners as to the condition of the Indians." February 10, 1871.

Senate Miscellaneous Documents, 41 Cong. 2 sess., no. 76, ss. 1408:

"Remonstrance by Creek Nation against the organization of a territorial form of government for the Indian Territory." March 8, 1870.

41 Cong. 2 sess., no. 90, ss. 1408:

"Remonstrance by Choctaw Nation against passage of certain bills concerning the Indian tribes." March 18, 1870.

41 Cong. 2 sess., no. 92, ss. 1408:

"Protesting against passage of the bill 'To provide for carrying into effect the provisions of a treaty concluded between

the United States and the Cherokee Nation of Indians, July 19, 1866." March 21, 1870.

41 Cong. 2 sess., no. 143, ss. 1408:

"A memorial remonstrating against the passage of the bill to organize the Territory of Oklahoma, consolidate the Indian tribes under a territorial government, and carry out the provisions of the treaties of 1866 with certain Indian tribes." May 23, 1870.

42 Cong. 2 sess., no. 52, ss. 1481:

"Memorial by Choctaw Nation of Indians against establishment of a territorial government over their country." January 31, 1872.

42 Cong. 2 sess., no. 87, ss. 1482:

"Resolution by Rhode Island Legislature requesting their Senators and Representatives to use their influence against passage of any law which will interfere with the present occupancy of the Indian Territory by its inhabitants." February 23, 1872.

42 Cong. 2 sess., no. 110, ss. 1482:

"Resolution by Maine Legislature in favor of faithful observance of treaties made with the Indian Tribes." March 8, 1872.

43 Cong. 2 sess., no. 34, ss. 1630:

"Memorial of Choctaw citizens against establishment of a Territorial government for the Indian Territory." January 15, 1875.

43 Cong. 2 sess., no. 66, ss. 1630:

"Memorial of Cherokee citizens against establishment of a Territorial government over them." February 2, 1875.

43 Cong. 2 sess., no. 72, ss. 1630:

"Memorial of Osage Indians against establishment of a Territorial government of the United States over the Indian Nations." February 9, 1875.

45 Cong. 2 sess., no. 8, ss. 1785:

"Memorial of Choctaw Indians against passage of Senate bill to enable Indians to become citizens." December 10, 1877.

45 Cong. 2 sess., no. 18, ss. 1785:

"Memorial of Seminole and Creek citizens against passage of Senate bill 107, to enable Indians to become citizens of the United States." January 14, 1873.

46 Cong. 2 sess., no. 41, ss. 1890:

"Memorial by Indian delegates against the passage of an act providing for the organization of a United States Territorial government over the Indian country." February 16, 1880.

53 Cong. 3 sess., no. 24, ss. 3281:

"Report of Dawes Commission to Five Civilized Tribes."
December 10, 1894.

Senate Reports, 41 Cong. 2 sess., no. 131, ss. 1409:

"Report recommending consolidation of certain Indian tribes under a territorial government, with the name of the territory of Oklahoma." April 27, 1870.

41 Cong. 3 sess., no. 336, ss. 1443:

"Report favorable to the adoption of a government for the Indian Territory similar in most respects to that of the other Territories." February 1, 1871.

42 Cong. 3 sess., no. 471, ss. 1550:

"Report favorable to the organization of the Territory of Oklahoma." February 20, 1873.

57 Cong. 2 sess., no. 2206, ss. 4410:

"Report of the Committee on Territories, the minority report of that committee and a special report of M. S. Quay, as a member of the Committee on Territories, on H. 12543, to enable Oklahoma, Arizona, and New Mexico to be admitted into the Union." December 10, 1902.

Congressional Records

Congressional Globe, containing the debates and Proceedings. 108 volumes. Washington, 1834-1873. Used volumes XLII and XLIII.

Congressional Record, containing the Proceedings and Debates. 95 volumes, (to 1949). Washington, 1873-1949. Used the following volumes: XIX, XXIII, XXIV, XXVI, XXVIII, XXX, XXXI, XXXIII, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XL.

Laws of the United States

United States Statutes at Large. 63 volumes. Boston: Little, Brown, and Company, and Washington: Government Printing Office, 1845-1949. Used volumes XIV, XVI, XXIV, XXV, XXVI, XXVII, XXIX, XXX, XXXI, XXXII, and XXXIII.

Reports of Judicial Proceedings

United States Reports, Cases in the Supreme Court as shown, The Kansas Indians, 5 Wallace 756 (1867), Stephens v. Cherokee Nation, 174 US 486 (1899), Fleming v. McCurtain, 215 US 57 (1909), and Missouri, Kansas, and Texas Railway Company v. United States, 235 US 37 (1914).

Census Reports

The following Census Reports were used to show the extent of population, number of towns, and amount of business in Indian Territory from 1890 to 1900:

Abstract of the Eleventh Census, 1890, 2 Edition. Washington: Government Printing Office, 1896.

Eleventh Census of the United States, 1890, Volume X, Report on Indians Taxed and Indians Not Taxed in the United States. Washington: Government Printing Office, 1894.

Twelfth Census of the United States, 1900, Volume I, Population, Part I. Washington: United States Census Office, 1901.

Twelfth Census of the United States, 1900, Volume II, Population, Part II. Washington: United States Census Office, 1902.

Twelfth Census of the United States, 1900, Volume VIII, Manufactures, Part II. Washington: United States Census Office, 1902.

Indian Affairs Reports

Annual Reports of the Commissioner of Indian Affairs to the Secretary of the Interior. 101 volumes. Washington: 1849-1949. Used in particular the Reports for the following years: 1891, 1892, 1893, 1896, 1897, 1898, 1899, 1900, and 1902.

Kappler, Charles J., compiler and editor, Indian Affairs, Laws and Treaties, 2 Edition, 2 volumes., Senate Documents, 58 Cong. 2 sess., no. 319, ss. 4623 and 4624. Referred to post-Civil War treaties between United States and Five Civilized Tribes.

Territorial Governor's Reports

Annual Reports of the Secretary of the Interior. 101 volumes. Washington: 1849-1949. Used in particular the volumes showing the reports of the Governor of Oklahoma Territory in 1896, 1897, 1898, 1901, 1902, 1903, and 1904 as they may pertain to Indian Territory.

Papers of the Presidents

Richardson, James D., compiler, A Compilation of the Messages and Papers of the Presidents. 11 volumes. Washington: Bureau of National Literature, 1913. Used volumes VI-XI for messages of Presidents Grant, Hayes, Garfield, Arthur, Cleveland, Harrison,

McKinley, and Theodore Roosevelt which may pertain to Indian Territory.

Miscellaneous Government Publications

Abel, Annie H., "Proposals For An Indian State, 1778-1878." Annual Report of the American Historical Association, 1907. 2 volumes, Volume I. Washington: Government Printing Office, 1908.

Biographical Directory Of The American Congress, 1774-1927. Washington: Government Printing Office, 1928.

Mooney, James, "Myths of the Cherokee." Bureau of American Ethnology, Nineteenth Annual Report, 1897-1898, 2 Parts, Part I. Washington: Government Printing Office, 1900.

Gannett, Henry, "A Gazetteer of Indian Territory." United States Geological Survey Bulletin No. 48. Washington: Government Printing Office, 1905.

MEMOIRS

Doyle, Thomas H., "Single Versus Double Statehood." Chronicles of Oklahoma, V (March, June, and September, 1927), 18-41, 117-148, and 266-286.

Murray, William H., "The Constitutional Convention." Chronicles of Oklahoma, IX (June, 1931), 126-138.

Murray, William H., Memoirs of Governor Murray and True History of Oklahoma. 3 volumes, Volume I. Boston: Meador Publishing Company, 1945.

Nesbitt, Paul, "Governor Haskell Tells of Two Conventions." Chronicles of Oklahoma, XIV (June, 1936), 187-217.

Of the above four works the greatest benefit has been derived from the three volume work of Governor Murray. Least helpful has been the series of articles by the late Judge Doyle. All four of these works cited above are quite biased in one form or another and considerable care must be exercised by the individual in using them.

SECONDARY MATERIAL

Books

Of all the secondary works used the following five have been the most helpful to the writer in the preparation of this study; they are listed in order of the amount of benefit derived:

Gittinger, Roy, The Formation of The State of Oklahoma, 1803-1906. Norman, Oklahoma: University of Oklahoma Press, 1939.

Thoburn, Joseph B., A Standard History of Oklahoma. 5 volumes. Chicago: The American Historical Society, 1916.

Fowler, Oscar Presley, The Haskell Regime, The Intimate Life of Charles Nathaniel Haskell. Oklahoma City: The Boles Publishing Company, 1933.

Debo, Angie, And Still The Waters Run. Princeton: Princeton University Press, 1940.

Allen, Clinton M., The Sequoyah Movement. Oklahoma City: Harlow Publishing Company, 1925.

Other Books Used

Blachly, Frederick F. and Catman, Miriam E., Government of Oklahoma. 2 edition. Oklahoma City: Harlow Publishing Company, 1929.

Bowers, Claude G., Beveridge and The Progressive Era. Cambridge: The Riverside Press, 1932.

Evans, Charles and Bunn, Clinton O., Oklahoma Civil Government. Ardmore, Oklahoma: Bunn Brothers, 1908.

Foreman, Grant, A History of Oklahoma, 2 edition. Norman, Oklahoma: University of Oklahoma Press, 1945.

Foreman, Grant, Muskogee, The Biography of An Oklahoma Town. Norman, Oklahoma: University of Oklahoma Press, 1943.

Graves, W. Brooke, American State Government. 3 edition. Boston: D. C. Heath and Company, 1946.

Hacker, Louis M. and Kendrick, Benjamin B., The United States Since 1865. 3 edition. New York: F. S. Crofts and Company, 1946.

Keso, Edward Elmer, The Senatorial Career of Robert Latham Owen. Nashville: George Peabody College for Teachers, 1938.

O'Rourke, Vernon A. and Campbell, Douglas W., Constitution-Making in a Democracy. Baltimore: The Johns Hopkins Press, 1943.

Scott, Angelo C., The Story of Oklahoma City. Oklahoma City: Times-Journal Publishing Company, 1939.

Smith, William Robert Lee, The Story of the Cherokee. Cleveland, Tennessee: The Church of God Publishing House, 1928.

Magazine Articles

Harger, Charles Moreau, "Oklahoma and The Indian Territory As They Are Today." The American Monthly Review of Reviews, XXV (February, 1902), 177-181.

Yancey, David W., "Need of Better Government In The Indian Territory." Forum, XXVIII (February, 1900), 737-740.

Newspapers

A number of newspapers were used in this study, but none was of greater aid than the Muskogee Phoenix; that paper was the only one that covered the Sequoyah Constitutional Convention completely. A list of newspapers used in this study, all of which were published in Indian Territory unless otherwise specified, follows with the years used shown by each; numerous other newspapers were also used but to a lesser degree:

Bartlesville Daily Enterprise, Bartlesville, 1905.

Blue County Democrat, Durant, 1905.

Cherokee Advocate, Tahlequah, 1904 and 1905.

Chickasha Daily Express, Chickasha, 1905.

Chickasha Star, Chickasha, 1905.

Claremore Progress, Claremore, 1905.

Daily Ardmoreite, Ardmore, 1904 and 1905.

Daily Oklahoman, Oklahoma City, Oklahoma Territory, 1900, 1901, 1902, 1903, 1904, 1905, and 1906.

Duncan Daily Banner, Duncan, 1905.

Eufaula Indian Journal, Eufaula, 1902 and 1903.

Holdenville Times, Holdenville, 1902.

Muskogee Phoenix, Muskogee, 1901, 1902, 1903, 1904, 1905, and 1906.

Okmulgee Chieftain, Okmulgee, 1905

Okemah Independent, Okemah, 1904.

Oklahoma State Capitol, Guthrie, Oklahoma Territory, 1902.

Pauls Valley Enterprise, Pauls Valley, 1905.

Pryor Creek Clipper, Pryor Creek, 1905.

Purcell Register, Purcell, 1905.

South McAlester News, South McAlester, 1905.

South McAlester Weekly Capital, South McAlester, 1904, 1905, and 1906.

Tulsa Democrat, Tulsa, 1905.

Vinita Daily Chieftain, Vinita, 1905.

INTERVIEWS

Doctor W. W. Groom, McAlester, Oklahoma, August 9, 1949.
 Honorable William H. Murray, former Governor of Oklahoma,
 Tishimingo, Oklahoma, August 9, 1949.
 Honorable Reford Bond, Chairman, Oklahoma Corporation Commis-
 sion, Oklahoma City, Oklahoma, August 15, 1949.

LETTERS

Honorable William H. Murray, former Governor of Oklahoma,
 Tishimingo, Oklahoma, November 14, 1948, and September 4, 1949.
 Hampton Tucker, Mining Trustee for the Choctaw and Chickasaw
 Nations, McAlester, Oklahoma, February 22, 1949.
 H. L. Muldrow, Norman, Oklahoma, August 11, 1949.
 Roy Gittinger, Regents Professor of History, University of
 Oklahoma, Norman, Oklahoma, September 12, 1949.

TRUE EXTRACT COPY

A true extract copy of Poor's Manual of Railroads, for the years 1870 to 1879, inclusive, showing the officers of the Atlantic and Pacific Railroad during those years. This information was furnished and certified to by Marvin A. Miller, Director of Libraries, University of Arkansas, Fayetteville, Arkansas.

MAP SHOWING RECORDING DISTRICT 26

A map was furnished by John H. Ady, Chief of Publications, United States Department of Interior, and through the assistance of Honorable Elmer Thomas, United States Senator from Oklahoma. The map shows the exact location of Recording District 26 which was created by the Act of March 7, 1904. There had never been a map drawn showing it in connection with the other recording districts of Indian Territory, but simply a written description of the district as found in 33 U. S. Statutes at Large 60. The recording town of this district was Marietta. It was formed from the south half of Recording District 21, which had as its recording town Ardmore, the second largest town in Indian Territory.

Typist: Betty Jo Maxwell