THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

PLEASANT PORTER, TRIBAL STATESMAN

A THESIS

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

degree of

MASTER OF ARTS

BY

RALPH WILLIAM GOODWIN

Norman, Oklahoma

1953

PLEASANT PORTER, TRIBAL STATESMAN

A THESIS

APPROVED FOR THE DEPARTMENT OF HISTORY

BY

[redacted]

TABLE OF CONTENTS

ACKNOWLEDGMENT

The author wishes particularly to thank the director of this thesis, Dr. M. L. Wardell, David Ross Boyd Professor of History, whose patience and encouragement have made it possible to complete the work after returning to the university from military service. He would like also to express his appreciation to Dr. E. E. Dale, Research Professor Emeritus of History, who suggested the subject and made available much valuable material in the Frank Phillips Collection, to Dr. Edwin C. McReynolds, Assistant Professor of History, for his friendly interest and advice, and to Mr. C. C. Bush, Jr., Assistant Professor of History, whose lectures in Oklahoma history first introduced an absorbing story.

PLEASANT PORTER, TRIBAL STATESMAN

CHAPTER I

EARLY YEARS

The year 1838 marked the close of a tragic period in the history of the Creek Indians. Few tribes had resisted the pressure of the white frontier more stubbornly than had this proud, independent people. Only after a long struggle had they been forced to abandon their beloved homeland and travel the "trail of tears." By 1838, however, the removal to the new Indian Territory had been virtually completed. Weakened and divided among themselves, the survivors had been settled in an unfamiliar prairie country beyond the Arkansas frontier and left to begin the work of reconstruction with the solemn promise that this was to be their land forever.[1]

At the time of the founding of Jamestown, the Muskogee or Creek Indians had controlled a strategic area covering most of present-day Georgia and Alabama. Already well advanced in culture over most of the other Indian peoples of

---

[1] Edward Everett Dale and Morris L. Wardell, History of Oklahoma (New York, 1948), 120-121. Grant Foreman, Indian Removal: The Emigration of the Five Civilized Tribes of Indians (Norman, 1939), 177, 190.

North America, they early benefited from contacts with the European settlements in Florida, at New Orleans, and along the Atlantic coast. By the time of the American Revolution they had begun to adopt many of the ways of civilization and were a powerful and prosperous people.[2]

It was not long until the English frontier had pushed to the Creek country. Prospective white settlers and land speculators began to look greedily at the Indian lands, and the struggle to maintain tribal independence became a serious one. Under the terms of the Georgia Compact of 1802, the State of Georgia had agreed to cede its western claims to the federal government only on condition that the Indian title to lands within her borders be extinguished as soon as possible.[3] In accordance with a congressional act of March 26, 1804, President Thomas Jefferson sent agents among the Indians to negotiate for their removal beyond the frontier. The Creeks politely but firmly declined the government's proposal.[4]

Feelings of hostility between the Indians and the white frontiersmen became so intense that a formidable faction of Creek "red sticks" fought against the United States during the War of 1812. After being defeated at Horseshoe Bend on

---

[2]Angie Debo, The Road to Disappearance (Norman, 1941), 3-36.

[3]Foreman, Indian Removal, 19.

[4]Dale and Wardell, History of Oklahoma, 116. Muriel H. Wright, A Guide to the Indian Tribes of Oklahoma (Norman, 1951), 11.

March 24, 1814, by the forces of Andrew Jackson, the tribe was compelled to cede to the United States a considerable portion of its land. This only strengthened the determination to hold fast to what remained.[5]

Strongly bound to their home country by ties of tradition and sentiment, the Creeks reached a stage of development not far different from that of their frontier neighbors. Among their leaders were men who had established well-stocked farms and plantations and who lived in a style comparable to that of the Southern planter class. The majority of the full-bloods engaged in subsistence agriculture and wanted nothing better than to be left alone. With the instinctive conservatism of all primitive people they clung stubbornly to their old customs.[6]

Time after time attempts were made to persuade, and then to force, the Creeks to cede their remaining lands and move west. The pressure of the frontier was relentless. Intruders openly violated their boundaries, and outlaws pillaged them at will. It was even hoped that the Indians would be provoked to armed resistance so that they could be crushed completely.[7]

---

[5] Ibid., 113. Debo, Road to Disappearance, 80-83. Charles J. Kappler (comp.), Indian Affairs: Laws and Treaties (Washington, 1904), II, 107-110.

[6] Wright, Indian Tribes of Oklahoma, 13. Debo, Road to Disappearance, 68-71.

[7] Foreman, Indian Removal, 107-109.

With remarkable patience the Creeks bore all this as long as they could. Realizing the hopelessness of their position, the more progressive leaders began to feel that it would be advisable to yield to the pressure and make the most of a bad situation. They pointed out that in the West the tribe would be free to continue its independent existence unhindered.[8] But the conservative fullbloods were strongly opposed to this proposal, declaring that they would rather "die in the corners of their fields" than leave their native land.[9] The natural antipathy of the fullbloods for their more prosperous mixed-blood fellow tribesmen thus ripened into bitter factionalism. At a time when unity was of first importance, the tribe was torn with internal strife.

By deceit and trickery, government agents negotiated the Treaty of Indian Springs on February 12, 1825, providing for the exchange of Creek lands in Georgia and Alabama for a large western tract beyond the frontier. This brought the intratribal conflict to a violent crisis and resulted in the execution of the mixed-blood chief William McIntosh for treason.[10] Finally, on January 24, 1826, an official Creek delegation headed by Opothleyahola signed the Treaty of Washington by which the tribe ceded a large share of its eastern land

---

[8] Dale and Wardell, History of Oklahoma, 118.

[9] Debo, Road to Disappearance, 90.

[10] Foreman, Indian Removal, 20. Kappler, Laws and Treaties, II, 214-217.

for an extensive tract north of the Canadian River in what is now Oklahoma. Under the terms of this treaty, individual Indian families were to be free to migrate to the new country at government expense.[11]

A number of Creek progressives led by Roley McIntosh, half-brother of the executed chief, moved to the new lands in the Indian Territory and began the work of building homes and preparing the soil for cultivation.[12] The tribe itself, however, held out against the wishes of the government until March 24, 1832, when a final treaty of removal was negotiated. This time, the western lands were guaranteed in perpetuity to the tribe, and provision was made for the removal at government expense of all Indians who did not take up individual allotments in the East. Also, twenty sections of Eastern land were reserved for the benefit of Creek orphan children. The Creeks were promised that no state or territory would ever be permitted to extend its jurisdiction over them without their consent and that they should have the right to govern themselves "so far as may be compatible with the general jurisdiction which Congress may think proper to exercise over them."[13]

Under the circumstances, the terms of this treaty

---

[11] Ibid., 264-268.

[12] Wright, Indian Tribes of Oklahoma, 134. Debo, Road to Disappearance, 95, 101. Grant Foreman, Pioneer Days in the Early Southwest (Cleveland, 1926), 210.

[13] Kappler, Laws and Treaties, II, 341-343.

could have been considered equitable. At least, had the agreement been carried out in good faith, the removal of the Creeks would not have become the tragedy that it was. As it developed, however, little actual protection was afforded the Creeks. Unhampered by any effective restrictions, hordes of white adventurers swarmed into the Creek country to exploit and dispossess the bewildered Indians.[14] The removal was a disgusting example of inefficiency and corruption on the part of the federal government. Those tribesmen who made the journey peacefully were forced to endure hardships and indignities of the worst sort, and those who resisted were rounded up by soldiers and brought to the West in chains.[15]

By the close of 1837 the last reluctant stragglers had been brought west and the removal was completed. The Creeks were left, seething with resentment, to begin the task of transforming this raw frontier country into a suitable home for themselves and their descendents. The problems of readjustment continued to be complicated by the intense factionalism which had been engendered during the removal experience.[16] The old loose tribal organization, including the traditional division into upper and lower towns, was continued

---

[14] Wright, Indian Tribes in Oklahoma, 134-135. Foreman, Indian Removal, 112-125, 129-139.

[15] Ibid., 152-190.

[16] Ibid., 190. Grant Foreman, The Five Civilized Tribes (Norman, 1934), 163.

in the new country. The group led by Roley McIntosh had moved early into the Indian Territory, bringing with them their slaves, stock, farm equipment, and household goods. Settling along the Arkansas and Verdigris rivers, they began to establish comfortable farms and ranches. They were joined by others of the progressive element as the removal continued, and a council of the Arkansas or lower division of the tribe was established with McIntosh as head chief. The conservative full-bloods tended to settle in the more remote districts in the south along the Canadian and North Fork rivers. Here they organized the Canadian or upper division under the chieftainship of Opothleyahola, who had led in the last bitter struggle against removal.[17]

The two settlements remained virtually independent of each other until 1840 when a general council was held at Wekiwa Hulwe or High Spring near present-day Council Hill, Oklahoma, at which both chiefs presided sitting side by side. Here a plan for a loose tribal union was worked out.[18] This general council continued to meet annually down to the time of the Civil War. In 1859 a short written constitution was adopted which briefly described the customary arrangement already in

---

[17] Ibid., 149-153, 166-167. Debo, Road to Disappearance, 95, 101, 110-111, 123-124.

[18] Ibid., 123-124. Foreman, Five Civilized Tribes, 167. Frances McIntosh, "Social and Economic Conditions of the Creek Indians" (Unpublished Master's thesis, Department of Social Work, University of Oklahoma, 1943), 13. Hereafter cited as McIntosh, "Social and Economic Conditions."

operation. The councils of both districts sitting together composed the National Council. There was a principal chief and a second chief for each district and one "national speaker" appointed by both principal chiefs. On ceremonial occasions the chief of the Arkansas district was generally accorded precedence as national leader.[19]

The two decades following 1840 were neither quiet nor peaceful in Creek history. As in most frontier regions there was little organized law enforcement, and life was often crude and rough. Factional hostility continued to smoulder ominously, and there was constant danger of personal attack or reprisal.[20] An attempt to reunite the Creek and Seminole tribes under the provisions of the Treaty of Fort Gibson, March 28, 1833, became the cause of much friction. Finally, on August 7, 1856, the Creeks ceded to the Seminoles a separate tract of land between the North and South Canadian rivers west of their own settlements.[21]

Another source of constant trouble throughout this period was the hostility of the plains Indians toward these strangers who had moved in to occupy their traditional ranges

---

[19] Grant Foreman, A Traveller in the Indian Territory: The Journal of Ethan Allen Hitchcock, Late Major-General in the United States Army (Cedar Rapids, 1930), 111. Wright, Indian Tribes of Oklahoma, 135-136. Debo, Road to Disappearance, 124-125.

[20] Ibid., 122, 136-137.

[21] Ibid., 129-130. Roy Gittinger, The Formation of the State of Oklahoma (Norman, 1939), 63, 65. Kappler, Laws and Treaties, II, 757.

and hunting grounds. Under the circumstances clashes became inevitable, and the Creeks regained their reputation as warriors. Taking advantage of their skill in diplomacy, they led in the calling of intertribal councils to discuss common problems and were finally able to effect a sort of balance of power among the wild tribes that did much to check the danger of frontier raids.[22]

In the face of many difficulties, the Creek people set about the tasks of settlement with industry and purpose. Under the tribal system of communal land tenure, each citizen had the right to occupy as much land as he could efficiently utilize.[23] Gradually the old common-field system of agriculture was abandoned, and each tribesman began to cultivate his own patch of corn, garden vegetables, and cotton. It was not long until small farm plots and rude log cabins dotted the region. Allowing their livestock free range of the open countryside, the Creeks continued to depend on hunting for much of their meat, and regular expeditions were made to the buffalo ranges in the west. Unlike their "progressive" fellow tribesmen who had adopted the white man's standard of living, the fullbloods clung tenaciously to their tribal traditions

---

[22] Ibid., 435-439, 489-491. Tahlequah Compact, July 3, 1843, Papers of the Five Civilized Tribes, Oklahoma Historical Society Indian Archives, 30489. Hereafter cited as Indian Archives. Grant Foreman, A History of Oklahoma (Norman, 1942), 47-53. Foreman, Five Civilized Tribes, 203.

[23] Debo, Road to Disappearance, 19-20, 68.

and ways of life.[24]

One of the most prominent citizens of the Arkansas district was an intermarried white planter and rancher, Benjamin Edward Porter, who held an extensive tract along the Arkansas River near present-day Clarksville, Oklahoma. He was the son of John Snodgrass Porter, a Tennessee militiaman who had settled among the Creeks after the "red stick" war of 1815 and had been adopted into the tribe. Shortly after the signing of the Treaty of 1826, John Snodgrass Porter had moved to the West with his family and joined the McIntosh settlement in the Arkansas district. Little else is known about him except that around 1832 he moved away from the Creek country leaving several children to be brought up by the Indians. Family tradition says that he went into Texas with Sam Houston.[25]

Apparently, the children had been left in good hands

---

[24]Ibid., 110-112. Luther B. Hill, History of the State of Oklahoma (Chicago, 1909), II, 316-317. McIntosh, "Social and Economic Conditions," 13. Pleasant Porter, November 17, 1906, 59 Cong., 2 sess., Sen. Rep. 5013, I, 624-625.

[25]Nothing definite is known about the wife of John S. Porter, though she seems to have been a white woman. It is most reasonable to assume that she died some time before his departure from the Indian Territory. Pleasant Porter to Henry E. Porter, May 31, 1900, Indian Archives, Union Agency Press Book, General Letters by Principal Chief (Creek Nation). Hereafter cited as General Letters. John B. Meserve, "Chief Pleasant Porter," Chronicles of Oklahoma, IX (September, 1931), 321-322. Joseph Schafer (ed.), "Jeremiah Curtin in Indian Territory," Chronicles of Oklahoma, XXVI (September, 1948, 353. William Adair Porter, January 7, 1938, Indian-Pioneer Papers (Phillips Collection), LXXII, 215-216.

and were well cared for. By the close of the removal period, the eldest son, Ben, had married Phoebe Perryman, granddaughter of the great Creek chief Benjamin Perryman, and was well established as the master of a prosperous Arkansas valley farm.[26] The Porters were typical members of the Creek slaveholding aristocracy. From their large, well furnished home, probably one of the typical double log houses with spreading veranda, they offered a generous hospitality to their neighbors and occasional passing travellers. An efficiently managed, well stocked farm produced a surplus of corn, cotton, and cattle to be shipped down the river to market. The work was done by slaves under the direct supervision of their master, whose Indian wife was kept busy managing the household. A man of considerable local importance, Benjamin E. Porter was active in tribal affairs and served as a member of the National Council for some time.[27]

The Porters' third son was born on September 26, 1840. Named after one of his father's close friends, Pleasant Berryhill, the boy was for many years a frail child, easily

---

[26] Ibid., 216-217. H. F. and E. S. O'Beirne, The Indian Territory (St. Louis, 1892), 161-164. Frederick W. Hodge, Handbook of American Indians North of Mexico (Washington, 1910), II, 287. D. C. Gideon, Indian Territory (Chicago, 1910), 203-206.

[27] Ibid. Hill, History of the State of Oklahoma, II, 316-317. Debo, Road to Disappearance, 110. Meserve, "Chief Pleasant Porter," 321. Charles L. Reed, "The Greatest Living Indian," Sturm's Oklahoma Magazine, III (January, 1907), 11. Foreman, A Traveller in the Indian Territory, 116.

susceptible to sickness and injury. Unable to participate on equal terms in the games of his brothers and sisters, he spent much time by himself fishing and playing along the banks of the Arkansas.[28] On one occasion, he and two of his cousins were poisoned from eating wild berries. One of the boys died, a nd young Porter himself survived only after an extended illness.[29]

At the age of ten he entered the Coweta Mission, a boarding school for Indian children which had been established in the Creek Nation about 1843 by the Presbyterian Mission Board.[30] In 1850 two young missionary couples, the Reverend and Mrs. Hamilton Ballentine and the Reverend and Mrs. J. Ross Ramsay, were stationed here teaching the "fundamentals" to some forty Indian children of all ages.[31] Years later, in her reminiscences about the early days at Coweta, Mary Ann Lilley made this comment about her classmate, "Pleasant Porter

---

[28] Porter's tribal name, Talof Harjo or Crazy Bear, was used only in ceremonies. Reed, "Greatest Living Indian," 11-12. Joseph B. Thoburn and Muriel H. Wright, Oklahoma: A History of the State and Its People (New York, 1929), II, 628.

[29] Meserve, "Chief Pleasant Porter," 232. William Adair Porter, January 7, 1938, Indian-Pioneer Papers, LXXII, 217. Reed, "Greatest Living Indian," 11-12.

[30] Ibid. Augusta Robertson Moore, December 14, 1933, Indian Archives, 24677d.

[31] Wright, Indian Tribes of Oklahoma, 137. Debo, Road to Disappearance, 119. Joan Roberts, "Missions and Missionary Activities Among the Creek Indians, 1832-1900" (Unpublished Master's thesis, Department of History, University of Oklahoma, 1939), 32-33. Charles Barnett to "My Dear Young Friends," March 5, 1850, Indian Archives, 36108a.

[was] a poor sickly little fellow, who was thought would never live . . . ."[32]

Poor health may well have been one of the reasons why Porter's parents enrolled him in nearby Tullahassee Mission the next year.[33] This mission had been opened in 1850 as a second Presbyterian boarding school accomodating some eighty pupils. The Reverend Robert M. Loughridge was superintendent, and William S. Robertson, who had recently married Ann Eliza Worcester, daughter of the noted missionary to the Cherokees, Samuel Austin Worcester, was the principal teacher. Eight other young missionary teachers composed the staff.[34]

Loughridge was convinced that the manual labor school best met the educational needs of the Creeks, and the program at Tullahassee was carefully planned to include practical work in farming, gardening, stock management, handicrafts, and dairying for the boys and such homemaking activities as sewing, knitting, cooking, and laundering for the girls. Three hours

---

[32] "Autobiography of Mary Ann Lilley," 30, Indian Archives, 39544.

[33] Hill, History of the State of Oklahoma, II, 316-317. Ella M. Robinson, "Life and Experiences of a Creek Indian Woman, Mrs. Mary Lewis Herrod," Grant Foreman Collection of Indian and Pioneer History (Indian Archives), XII, 132. Hereafter cited as Foreman Collection. Reed, "Greatest Living Indian," 11-12.

[34] J. H. Beadle, The Undeveloped West (Philadelphia, 1873), 380. "Alice Mary Robertson of Oklahoma" (pamphlet, file X, drawer 2, Phillips Collection), 3. Eliza Worcester Robertson, "Rev. William S. Robertson" (typewritten manuscript, ibid.). Commissioner of Indian Affairs, Annual Reports (Phillips Collection), 1850-1853, 395-396.

of every school day were devoted to these activities under the personal direction of the missionaries. Most of the students lived at the school and could be closely supervised.[35]

After enrollment the children were first taught to read their own Creek language and to speak, read, and write English. The school offered instruction in "mental and practical" arithmetic, geography, grammar, spelling, composition, history, and declamation as well as algebra, "natural philosophy," and even Latin for the more advanced students. Daily religious instruction was emphasized, and the missionaries worked conscientiously to win the children to the Christian faith and to inspire in them a desire to "spread the gospel" among their brethren. As would be expected in such a coeducational mission school, the sexes were rigidly separated and never permitted to mix except at meals and at closely chaperoned social gatherings. "Suitable and healthful" games and outdoor activities were encouraged, and group singing was part of the daily routine.[36]

---

[35] Ibid., 1850-1853, 392, 395-396; 1858, 150; 1859, 181. Robert M. Loughridge, "History of Mission Work Among the Creek Indians" (manuscript) cited by Roberts, "Missionary Activities Among the Creek Indians," 58. Ibid., 62-63. Robertson, "Rev. William S. Robertson." "Alice Mary Robertson," 8-16. O'Beirne, Indian Territory, 479.

[36] Ibid. Augustus Ward Loomis, Scenes in the Indian Country (Philadelphia, 1859), 41. Samuel W. Robertson, "Story of My Times" (typewritten manuscript, file X, drawer 2, Phillips Collection). Roberts, "Missionary Activities Among the Creek Indians," 59, 64, 71-72. Beadle, Undeveloped West, 381-385. Commissioner of Indian Affairs, Annual Reports, 1850-1853, 392-393, 396; 1854, 155; 1855, 467; 1858, 150; 1860, 125-126.

Under such a benevolent but firm regime, the children learned rapidly. Attendance often depended on little more than the whims of the pupils or their indulgent parents, and there appears to have been no prescribed course of study leading to a certificate or diploma. However, the normal period of attendance was from three to five years, in which time the students usually acquired a basic education superior in some respects to that made possible in present-day elementary and lower secondary schools.[37]

The high quality of instruction at Tullahassee was indeed unusual for such an isolated frontier school. For young "Plez" Porter and most of his classmates the training received there completed their formal education, yet many of them became persons of intellectual achievement in later life. The list of students read like a roll call of future tribal leaders and included the names of Joseph M. Perryman, David M. Hodge, Thomas W. Perryman, James R. Gregory, William McIntosh, and Legus C. Perryman.[38] David Hodge was Porter's special friend, and the two continued to be close associates throughout the remainder of their lives.[39]

---

[37] Ibid., 1855, 466; 1859, 181. Loomis, Scenes in the Indian Country, 40.

[38] Debo, Road to Disappearance, 120. Mrs. W. S. Robertson to Mrs. T. W. Perryman, February, 1888, Foreman Collection, XXXIX, 474. Charles Barnett to "My Dear Young Friends," March 5, 1850, Indian Archives, 36108a. Pleasant Porter, May 25, 1885, 49 Cong., 1 sess., Sen. Rep. 1278, 206.

[39] Augusta Robertson Moore, n.d., Oklahoma Historical

After he entered Tullahassee Pleasant Porter began to overcome his poor health. Within a few years he had developed into a robust young Indian aristocrat. Free from the necessity to perform tedious farm chores at home, he could spend many hours at swimming, fishing, hunting on the open prairies, riding his father's horses, and testing his skill and daring in rugged Indian games with his schoolmates.[40] In school he became restless and uncontrollable, a leader in mischief and a "bad influence" upon the others. He was the object of a considerable amount of concern from the Robertsons who were worried over the decline of school discipline. It was discovered that groups of boys were slipping out after dark to roam the countryside, and too many of them were paying forbidden visits to the girls' yard. On November 22, 1855, Mrs. Robertson discussed the situation in a letter to her brother John Worcester. "I do hope & pray that Pleasant [Porter] & Lewis Miller may soon come out on the right side. I think them both talented boys, & very interesting in spite of their faults."[41]

In 1855 Pleasant left Tullahassee and returned to work

Society Library, Alice Robertson Letters. Hereafter cited as Robertson Letters.

[40] Reed, "Greatest Living Indian," 11-12.

[41] Ann Worcester Robertson to John Worcester, November 12, 1855 , Robertson Letters. Augusta Robertson Moore, n.d., Robertson Letters; December 14, 1933, Indian Archives, 24677d.

on his father's farm.[42] In spite of his early lapses in school discipline, he had developed a taste for learning which was to mean much to him in coming years. Throughout his life he continued to read widely and by his own efforts acquired a broad education.[43]

Despite the prosperity of some of the more industrious "progressives" like Benjamin E. Porter, life in the Indian Territory was still pretty rough in the early years. Frontier society placed few restraints on adventurous young men. Little is known of Pleasant Porter during this period, but statements by old friends and associates indicate that he may have become involved in some rather wild escapades. One story has it that he was for a time "hunted by avengers of blood for a crime committed by another man." His two elder brothers, John and Daniel, were killed in a shooting fray not long before the outbreak of the Civil War, and he himself was said to have been involved in a number of frontier skirmishes.[44]

---

[42] O'Beirne, Indian Territory, 161-164. Ann Worcester Robertson to John Worcester, n.d., Robertson Letters. Meserve, "Chief Pleasant Porter," 322.

[43] Ibid., 333. St. Louis (Missouri) Post-Dispatch, September 17, 1899. South McAlester (Choctaw Nation) Capital, July 13, 1899. Kate Williams Jackson, August 26, 1937, Indian-Pioneer Papers, XLVII, 100. Porter, May 25, 1885, 49 Cong., 1 sess., Sen. Rep. 1278, 206. Augusta Robertson Moore, December 14, 1933, Indian Archives, 24677d.

[44] Ibid. Tony Carolina, September 15, 1937, Foreman Collection, XVIII, 319. Clarence W. Turner, "Events Among the Muskogees During Sixty Years," Chronicles of Oklahoma, X (March, 1932), 26. Meserve, "Chief Pleasant Porter," 322. William Adair Porter, January 7, 1938, Indian-Pioneer Papers, LXXII, 217-219.

The Civil War brought new tragedy to the Indian Territory. After the secession of the Southern states in 1861, the Indian nations were left in a very difficult position. The federal government had withdrawn its garrisons at Fort Washita, Fort Arbuckle, and Fort Cobb for service elsewhere, leaving the Indians unprotected from either Confederate influence or the depredations of the savage plains tribes. To the east and south lay the Confederate states of Arkansas and Texas, anxious to secure all possible support for their cause. Federal officials, unwilling to risk the possibility that any money should fall into Confederate hands, stopped payment of tribal annuities. Moreover, the tribes were bitterly divided within themselves. The conservative fullbloods tended to place implicit faith in the treaties with the United States and did not wish to see any further change in federal Indian policy, while the sympathies of the slaveholding progressives lay with the Confederacy.[45]

The bitter factionalism inherited from removal days was many times confounded by the new issues. In no tribe was the situation more critical than among the Creeks. The negotiation of the Treaty of July 10, 1861, with the Confederate agent Albert Pike created a division which destroyed the last vestiges of tribal unity.[46] Protesting the legality of this

---

[45] Gittinger, Formation of the State of Oklahoma, 68-69. Dale and Wardell, History of Oklahoma, 160-162.

[46] Foreman, History of Oklahoma, 103. Treaty with the

treaty signed without their consent, the "Loyal" Creek leaders called a special council of their own in August at which they declared the constitutional government deposed and came out openly in support of the United States.[47] Under the leadership of the revered old chief Opothleyahola, the Loyal Indians from all tribes began to assemble for mutual protection near the junction of the Deep and North Forks of the Canadian River.[48]

Meantime, the Confederate party, greatly encouraged by the early Southern successes in the war, had been able to muster several Indian fighting units. The Cherokees organized two regiments of mounted troops under Colonels John Drew and Stand Watie, and the agent to the Chickasaws and Choctaws, Colonel Douglas H. Cooper, had assumed command of a regiment of those Indians.[49] In August of 1861 Colonel Daniel N. McIntosh joined together a number of independent Creek companies and troops into the First Regiment, Creek Mounted Volunteers. At about the same time, an independent Creek battalion was organized by his brother, Lieutenant Colonel Chilly

---

Creeks, July 10, 1861, in Robert N. Scott (ed.), The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (Washington, 1883), series IV, volume I, 426-442. Hereafter cited as Official Records of the Rebellion. Annie Heloise Abel, The American Indian as Slaveholder and Secessionist (Cleveland, 1915), 193-194.

[47] Debo, Road to Disappearance, 147.

[48] Foreman, History of Oklahoma, 105.

[49] Dale and Wardell, History of Oklahoma, 165.

McIntosh.[50] Within a year this unit had been reorganized as the Second Regiment, Creek Mounted Volunteers.[51] These units were recognized by the Confederate government and placed under the command of General Ben McCulloch of Arkansas.[52]

To many a shallow young hotblood the outbreak of hostilities must have seemed a splendid opportunity for adventure. Whatever may have been his feelings, Pleasant Porter, then only twenty, was among the first volunteers for Confederate service. On August 19, 1861, he enlisted in McIntosh's First Creek Regiment.[53] After a short period of training and organization, the regiment was sent to join the brigade of Colonel Douglas H. Cooper in pursuit of the Loyal Indians under Opothleyahola who were retreating toward Union ground in Kansas.[54]

---

[50] Annie Heloise Abel, The American Indian as Participant in the Civil War (Cleveland, 1919), 25. Douglas H. Cooper to J. P. Benjamin, January 20, 1862, Official Records of the Rebellion, series I, volume VIII, 3. Debo, Road to Disappearance, 150.

[51] Ibid., 155. Grant Foreman (comp.), "History of the Service and List of Individuals of the Five Civilized Tribes in the Confederate Army," I, "Indian Regiments of the Confederate States Army" (Typewritten copies of original documents compiled from the Confederate Records in the Office of the Adjutant General, War Department, Washington, D.C., 1928), Indian Archives. Hereafter cited as Foreman, "Confederate Indian Regiments." S. S. Scott to James A. Seddon, December 12, 1863, Official Records of the Rebellion, series I, volume XXII, part 2, 1095.

[52] Abel, American Indian as Slaveholder and Secessionist, 120.

[53] Foreman, "Confederate Indian Regiments." Turner, "Events Among the Muskogees During Sixty Years," 26.

[54] Abel, American Indian as Slaveholder and Secessionist,

At the battle of Round Mountain fought north of the Cimarron River near its junction with the Arkansas on November 19, 1861, the Indian troops received their "baptism of fire." Even before the battle began, a number of Creek soldiers had refused to fight against members of their own tribe. These deserted the Confederate army, but Porter and most of the mixed-bloods remained steadfast. The engagement itself was indecisive. The Loyal Indians drove back the outnumbered Confederate force but continued their withdrawal into the Cherokee country.[55]

Colonel Cooper was unable to press his advantage of better trained and equipped soldiers until December 9 when he again engaged the forces of Opothleyahola at Chusto-Talasah or Caving Bank on Bird Creek. Despite the wholesale desertion of four companies of Drew's Cherokee Regiment, the Southern Creeks this time held fast and acquitted themselves well in the fighting. Again, however, the Loyal Indians were successful and withdrew to the north in good order.[56] Pleasant Porter,

---

254-255. Cooper to Benjamin, January 20, 1862, Official Records of the Rebellion, series I, volume VIII, 5.

[55] Ibid., 5-6. Abel, American Indian as Slaveholder and Secessionist, 255.

[56] Albert Pike to Dennis N. Cooley, February 17, 1866, cited by Abel, American Indian Indian as Slaveholder and Secessionist, 138. Cooper to James McIntosh, December 11, 1861, Official Records of the Rebellion, series I, volume VIII, 709. John B. Meserve, "Chief Opothleyaholah," Chronicles of Oklahoma, IX (December, 1931), 448. Stephen R. Lewis, July 9, 1931, Indian-Pioneer Papers, LIII, 505.

who had been wounded at Chusto-Talasah, was withdrawn from active service for a time.[57] Although he did not participate further in the pursuit of Opothleyahola, he was back with his regiment when it moved into Arkansas and took part in the fighting at the battle of Pea Ridge early in March of 1862.[58]

Following the withdrawal of the Indian regiments from Arkansas, the war in the Indian Territory became largely a matter of skirmishes and guerrilla action. Establishing his headquarters in the south, the Confederate commander for Indian Territory, General Albert Pike, stationed each regiment in its own national area with instructions to check and harass any Union attempts to invade from the north.[59] These were terrible years for the Indian people. The invasion and withdrawal of the Loyal Indian Expedition in the spring of 1862 left the whole territory completely demoralized. The Northern Indians suffered severely through the winter in miserable camps along the Kansas border, while the Southern sympathizers fared little better. People lived in constant fear of military foraging parties and the bands of independent marauders

---

[57] Ibid. Tony Carolina, September 15, 1937, Foreman Collection, XVIII, 319. Augusta Robertson Moore, December 14, 1933, Indian Archives, 24677d. St. Louis Post-Dispatch, September 17, 1899. Tulsa (Creek Nation) Democrat, June 7, 1901.

[58] (Atoka, Choctaw Nation) Indian Citizen, October 17, 1901. Meserve, "Chief Pleasant Porter," 323. Abel, American Indian as Participant in the Civil War, 25-36.

[59] Ibid., 36, 95. Dale and Wardell, History of Oklahoma, 167.

that infested the region. Although the people clamored for the protection promised them in the treaties with the Confederate government, the South was fighting for survival in its own territory and could not comply.[60]

The spring of 1863 brought another invasion of federal troops from Kansas. The forces of Colonel William A. Phillips moved through the Cherokee country and captured Fort Gibson. As the Loyal Indians cautiously reentered the territory, the Confederates were forced south to camps along the Red River where they endured great hardships, especially during the winters of 1863-64 and 1864-65. From their Fort Gibson headquarters the federals raided and devastated the Confederate territory, and the Southern forces retaliated with similar raids on loyal settlements and supply trains.[61]

Throughout this whole period, Pleasant Porter remained active in the Confederate forces. He served for some time as quartermaster sergeant for the First Creek Regiment and participated in many "moonlight requisition" parties into enemy territory. Later he was promoted to the rank of first lieutenant and transferred to company A of the Second Creek Regiment.[62] In his memoirs George W. Grayson gives an account of

---

[60] Gittinger, Formation of the State of Oklahoma, 76, 79-80, 154-157. Abel, American Indian as Participant in the Civil War, 79, 241. Debo, Road to Disappearance, 141-154.

[61] Ibid., 154-159. Abel, American Indian as Participant in the Civil War, 243-274.

[62] F. G. Alex, March 10, 1937, Indian-Pioneer Papers,

a typical Confederate raid in which he and Porter played prominent parts.

> . . . we marched on north in quest of the original object of our expedition, and in two days thereafter as I now recall we reached the encampment of the enemy with his train of wagons loaded with goods . . . .
>
> After some minutes waiting when it began to be light enough to see what it was we had butted up against . . . we observed some two or three houses in a stockaded inclosure garrisoned but how strongly we could not be quite certain. A large number of new wagons with the teams of mules that drew them standing by were all arranged in a circle about them. There began some desultory firing now by the enemy and by our own men. . . . the work . . . of endeavoring to beat the enemy and capture a big and valuable booty went bravely on. Our attack all along the line was brisk and well sustained, and soon our artillery was brought to bear upon the enemy. . . . The early morning atmosphere was quite cool and light, and soon became so charged with the heavier smoke of battle as to . . . obscure our vision of the enemy . . . . We had advanced and fallen back once or twice . . . when a charge was ordered. I joined the Texans in the charge going on without serious interruption up to and within the stockades. Pleasant Porter, who was in a different part of the field but in the charge, has always said to me afterwards speaking of that affair that being with those who reached the stockade first he looked about him and seeing no other Creek soldier beside himself was just experiencing a pang of regret that the Creeks did not have a greater representation in this crowning act of actual victory than himself, when looking over a few steps from where he stood he saw me, the only other Creek Indian, and experienced a degree of relief . . . . Unable to resist our charge, the enemy took to their heels and the brush that was nearby . . . . In their flight they left everything of value, while our men engaged in taking and appropriating such portable articles of value, horses, mules, guns, trunks of goods, and whatever else came in their way that they could carry . . . . The wagons approximately one hundred and fifty in number all freighted with valuable merchandise of all kinds, with mule teams in the finest condition, now after so much fighting and confusion, a little untractable, were quickly put in the care of drivers who soon

---

II, 4. Foreman, "Confederate Indian Regiments," 268. Meserve, "Chief Pleasant Porter," 323. Tahlequah (Cherokee Nation) Arrow, September 7, 1907. George W. Grayson, "Red Paths and White: The Autobiography of Captain G. W. Grayson" (typewritten manuscript edited by Edward Everett Dale, Phillips Collection, 1950), 135.

were heading for "away down south in Dixie" escorted this time by the boys in gray. We proceeded on our return only . . . some three or four miles from the field of battle when we were met by a small [Union] force from Fort Gibson with some artillery which from an elevation near the route we proposed travelling took a number of long distance shots at our moving columns but without effect.[63]

Porter was involved in a good share of the fighting, and there are many stories of his Civil War experiences.[64] On one occasion, while participating in a raiding expedition, he was said to have disregarded orders for silence by letting out a loud war whoop. The noise disclosed his position, and he became an easy target for an enemy "bushwhacker" who opened fire, wounding him slightly.[65] In her reminiscences Augusta Robertson Moore tells of another incident. ". . . he [Porter] was scouting and rode up on top of Fern Mountain [near Muskogee] and he looked up and a fellow had a gun drawn on him and Porter hollered [sic] 'Good morning' in Creek, and the fellow was so surprised he dropped his gun and that saved Porter's life."[66]

The close of the Civil War brought no immediate cessation of hostilities in the Indian Territory. For more than two months after Lee's surrender at Appomattox the fighting continued. Even after June 23, 1865, when General Stand Watie

---

[63] Ibid., 128.

[64] Augusta Robertson Moore, December 14, 1933, Indian Archives, 24677d. Tony Carolina, September 15, 1937, Indian-Pioneer Papers, XVIII, 319. F. G. Alex, March 10, 1937, ibid., II, 4. Stephen R. Lewis, February 20, 1937, ibid., LIII, 424.

[65] Manley Butler, July 13, 1937, ibid., XIV, 120.

[66] Augusta Robertson Moore, December 14, 1933, Indian Archives, 24677d.

at last laid down his arms, conditions remained much the same as during the war. Only hatred and desolation were left in the wake of the fighting. Once productive fields were lying waste. Everywhere there was ruin. The people were destitute, and their homes had been destroyed. The brutalities of war had only sharpened the bitterness of the factional divisions within the Creek Nation. Bands of outlaws and deserters continued to raid unchecked by any law-enforcing authority.[67]

The problems of reconstruction were complicated by the policy of the federal government toward the defeated tribes. Since the regular governments of all the Five Civilized Tribes had originally allied themselves with the Confederacy, it was decided that the Indians should be forced to cede large portions of their lands as the price for any peace settlement. Accordingly, an act of Congress, passed on July 5, 1862, authorized the President to suspend all treaties with any tribe in revolt against the United States government.[68] This policy was made the basis of the peace for the Indian Territory negotiated at Fort Smith, Arkansas, in September of 1865. At this council Colonel Daniel N. McIntosh and Captain James M. C. Smith accompanied by their young military aide,

---

[67] Commissioner of Indian Affairs, Annual Report, 1865, 37. Alice M. Robertson, "Incidents of the Civil War" (typewritten manuscript, n.d.), Indian Archives, Dale and Wardell, History of Oklahoma, 176-177.

[68] Ibid., 175. United States Statutes at Large, XII, 528. Hereafter cited as Statutes.

Lieutenant Pleasant Porter, represented the Southern Creek faction. Here they reached a working agreement with Oktarharsars Harjo or Sands, Micco Hutke, Lochar Harjo, Cotchoche, Sanford W. Perryman, David M. Hodge, and other Northern leaders of the tribe. Together the two groups signed a preliminary peace treaty on September 13 and withdrew from the council as a body.[69] On the basis of this agreement, the leaders of the two Creek factions held a council on November 5 at which they agreed to establish one tribal government. Sands was recognized as principal chief, and resolutions were passed calling for a renewal of peaceful relations within the tribe and inviting all refugee groups to return to their homes.[70]

Now a war-hardened young man of twenty-five, Pleasant Porter returned from Fort Smith in 1865 fully appreciative of the plight of his people. The war had brought nothing but tragedy to him and his family. He was left with the responsibility of caring for his widowed mother, two small sisters, and a young brother, Benjamin Edward, Jr.[71] Their former

---

[69] Commissioner of Indian Affairs, Annual Report, 1865, 313, 330-331. Turner, "Events Among the Muskogees During Sixty Years," 26. Tahlequah (Cherokee Nation) Arrow, September 7, 1907. Kappler, Laws and Treaties, II, 1050-1051. Debo, Road to Disappearance, 166-169.

[70] Ibid., 169. "Record Book of Chief Sam Checote in Early Sixties . . . ." (Typewritten manuscript, n.d.), 36-38, Indian Archives, 32467a. Hereafter cited as Checote Manuscript.

[71] Benjamin E. Porter, Sr., died either shortly before the outbreak of the Civil War or during its early stages. The details surrounding his death are unknown. Meserve, "Chief Pleasant Porter," 321. William Adair Porter, January 7, 1938, Indian-Pioneer Papers, LXXII, 218.

home had been burned to the ground, and their farm was in ruins. The district was already settled by Negro freedmen who had taken over the lands of their former masters, so Porter moved farther up the Arkansas and established a new farm in a fertile bend of the river near Wealaka not far from present-day Leonard, Oklahoma. Here he built a log house and began the work of cultivation.[72]

The final terms of peace with the Five Civilized Tribes were presented to Indian delegations in Washington, D.C., the following spring and summer. After months of tiresome negotiation, the Creek delegation at last agreed to accept the demands of the government, and a treaty of "cession and indemnity" was signed on June 14, 1866. This treaty provided for the continued payment of tribal annuities and reinstated the guarantees of all treaties previously negotiated. It provided also for the extension of federal court jurisdiction over Creek territory and granted rights of way for the construction of one north-south and one east-west railway through the nation. All former slaves were to be granted tribal citizenship, and the Creeks were forced to sell the entire western half of their domain, some 3,250,560 acres, to the federal government at the price of thirty cents an acre. This ceded land was to be set aside as a home for other Indian

---

[72] Ibid. Reed, "Greatest Living Indian," 11-12. Gideon, Indian Territory, 203-206. St. Louis Post-Dispatch, September 17, 1899. Muskogee (Creek Nation) Phoenix, June 7, 1905.

tribes to be resettled there by the government.[73]

In return for these concessions, the Creeks were again assured of the perpetual ownership of their remaining lands. They were to receive a compensation of $915,168 under the following stipulations. Two hundred thousand dollars were to be received in cash and distributed per capita among the members of the tribe. An extra $100,000 was to be distributed among the Loyal Creeks and Negroes in proportion to their wartime losses, $275,168 was to be deposited in the United States Treasury at five per cent annual interest, and the remaining $400,000 became a debt from the federal government drawing five per cent interest until paid from the moneys collected in the sale of the ceded lands.[74]

The post-war years constituted a period of new beginnings for the Indian Territory. The Creeks undertook the tasks of reconstruction with energy and determination. Within a few years the schools had been rebuilt, new farms established, herds increased, and the land became productive once again. But these achievements made the region only the more attractive to prospective white settlers. After the war the American people again turned to the conquest of the continent. As the neighboring areas became more thickly populated, the

---

[73] Annie Heloise Abel, The American Indian under Reconstruction (Cleveland, 1925), 338-343. Kappler, Laws and Treaties, II, 931-937. Statutes, XIV, Treaties, 101-103.

[74] Ibid., 103-106.

pressure for the opening of the Indian Territory to white settlement was renewed. Again, the old cries against the Indian governments were sounded. With new vigor speculators and agitators, as well as sincere but misguided friends of the Indian, took up the call for allotment of tribal lands in severalty and the formation of a regular territorial government looking toward statehood.[75]

Under the terms of the Treaty of 1866 the rights of way for the proposed railroads were not to be more than six miles wide along the tracks. The franchises actually granted, however, gave the railroads much more extensive tentative grants contingent upon the extinguishment of the Indian title. Thus, the railroads were virtually invited to intrigue for the dissolution of the tribal governments, and a powerful lobby was joined to that of the land schemers in pressuring Congress for the opening of the Indian Territory for settlement.[76]

Despite its confiscatory nature, the Treaty of 1866 became a landmark in Creek history. As long as they existed as a separate nation, the Creek people remained under its provisions. Pleasant Porter was to have a major role in the coming struggle to maintain tribal independence.

---

[75] Wright, Indian Tribes of Oklahoma, 14, 138-139. Debo, Road to Disappearance, 189-199.

[76] Ibid., 175. Gittinger, Formation of the State of Oklahoma, 100. Statutes, XIV, Public Laws, 39th Congress, 238, 291, 294, Treaties, 103.

CHAPTER II

RISE TO PROMINENCE

The scars of war were slow to heal. None of the basic issues dividing the Creek people had been resolved by the conflict, and the long smouldering factionalism within the tribe had only been intensified. The problem of restoring tribal unity was to continue to plague the Creeks for years to come. Again and again, internal disaffection would flare into actual conflict, disrupting all efforts to establish an orderly constitutional government.

Almost immediately after his return from Fort Smith, Pleasant Porter began to take an active part in tribal affairs. His literacy, in itself, was an asset of great importance, and his services as a clerk were in constant demand. Throughout these early turbulent years he attended many important tribal councils where he learned valuable lessons in politics and diplomacy.[1]

During the post-war years the Northern and Southern factions sought earnestly to reconcile their differences.

---

[1] Samuel Checote, warrant to Porter, December 1, 1869, Indian Archives, 32473. Checote to Amanda Davis, February 2, 1891, ibid., 37619. Grayson, "Red Paths and White," 159.

In 1867 the Creek agent, Major James W. Dunn, reported that the whole nation was holding "one continuous council" in an attempt to evolve a workable scheme of union.[2] Finally, in February of 1867 a joint council of both factions was held at Black Jack Grove, a council square south of the Deep Fork River near present-day Dighton, Oklahoma. Pleasant Porter was elected clerk of this council and was present throughout its discussions. After heated debate, Oktarharsars Harjo or Sands, chief of the Northern Creeks, and Samuel Checote, chief of the Southern Creeks, reached an agreement that there was to be "no North and no South among the Muscogee people but peace and friendship." A resolution was then passed providing for the election of one principal chief and one national council.[3] In March the same joint council reconvened and passed further resolutions anticipating the resumption of the tribal annuities and providing for the reopening of the neighborhood schools, the restoration of all property to its legal owners, and the establishment of ten blacksmith shops at widely scattered spots throughout the nation to assist in the work of reconstruction.[4]

---

[2]Commissioner of Indian Affairs, Annual Report, 1867, 319-320. Debo, Road to Disappearance, 177.

[3]Ibid., 179-180. Robertson, "Incidents of the Civil War." Checote Manuscript, 36-37.

[4]Ibid., 37-38. Debo, Road to Disappearance, 180. Samuel J. Haynes, May 27, 1937, Indian-Pioneer Papers, XL, 316; February 18, 1938, ibid., 330.

On the surface it appeared that the major difficulties between the two factions had been ironed out. In accordance with the agreements arrived at in February and March, a joint committee was appointed to draw up a new constitution and code of laws for the nation. In October this committee submitted its work to a third full tribal council at Black Jack Grove. Here, after several days of discussion, the new organic law was adopted on October 12, 1867, and the Muskogee Nation was once again legally reunited.[5]

The Creek government, as established by the Constitution of 1867, was based on an adaptation of old tribal customs to fit a federal scheme copied from the United States government. There was a bicameral legislature, the National Council, consisting of a House of Kings and a House of Warriors. The organization of the National Council was similar to that of any state legislature. Each Creek town was entitled to at least one representative in the House of Warriors, plus an additional representative for every two hundred people in its population. The House of Kings was the upper chamber and was composed of one member from each town. Each house elected its own presiding officer--the Speaker of the House of Warriors and the President of the House of Kings. The chief executive of the nation was the Principal Chief, whose duties corresponded roughly to those of the governor of an

---

[5] Ibid. O'Beirne, Indian Territory, 35. Ohland Morton, "The Government of the Creek Indians," Chronicles of Oklahoma, VII (March, 1930), 49.

American state. He was assisted by an elected Second Chief, who succeeded him in case of death, resignation, or removal, and by a personally appointed private secretary. The members of the National Council, the Principal and Second Chiefs, the Treasurer, Interpreter, and other national officers were to be elected every four years by a majority vote of the male citizens over the age of eighteen.[6]

Under the provisions of the new constitution, the first national election was held in November of 1867. The two candidates for principal chief were, of course, the two former chiefs, Sands and Checote. Despite their apparent acquiescence in the restoration of tribal unity, most of the fullbloods had only a vague understanding of the workings of the new government. Disregarding the local elections, they naively awaited the calling of the time honored tribal council at which they would form lines behind their candidates in the customary way. Under the circumstances, Checote easily received the majority of the votes counted and was proclaimed Principal Chief. The National Council was also safely in the hands of the progressives.[7] Micco Hutke, Sands' chief lieutenant, was elected Second Chief in an attempt to conciliate the astonished fullbloods, but to no avail. Declaring that they had been tricked into accepting the "white man's law,"

---

[6]Albert P. McKellop (comp.), Constitution and Laws of the Muskogee Nation (Muskogee, 1893), 13-17.

[7]Debo, Road to Disappearance, 124, 182-183.

many fullbloods of both factions refused to accept the results of the election and retired to the back districts to organize their own government under the chieftainship of a disgruntled Sands.[8]

The attempt to form a constitutional government had been premature, and the cleavage that resulted was to become the greatest single obstacle to the progress of the Creeks for years to come. Despite the disaffection of the fullbloods, however, the progressives moved to put the new governmental machinery into operation. In January of 1868 Chief Checote called a special session of the National Council to administer the 1867 annuities from the federal government amounting to some fifty-three thousand dollars. The Council used this money to discharge the legitimate obligations of the old divided administration. Other appropriations were made for the salaries of the new tribal officers, for the construction of a council house, and for the establishment of a school system. Pleasant Porter, then a young member of the House of Warriors, was elected national superintendent of schools and shops. When the Council adjourned, it selected the first Tuesday in October as the day for the convening of its initial regular session.[9]

---

[8] Ibid., 183. Commissioner of Indian Affairs, Annual Report, 1868, 283-284. Turner, "Events Among the Muskogees During Sixty Years," 28.

[9] Debo, Road to Disappearance, 184-185. McKellop, Constitution and Laws of the Muskogee Nation, 95. Act, Creek

Meanwhile, Porter had begun to establish himself among the prominent men of the tribe. For a time he operated a small general store at Hillabee on the Canadian River near what is now Hanna, Oklahoma, and later at Okmulgee until 1869 when he sold it and returned to Wealaka. The family farm soon provided a comfortable living for his mother, brother, and sisters. Here, Porter built up a small herd of cattle which he grazed on the unused tribal domain. With the caution of a good businessman he gradually expanded his economic operations, and within a few years his Wealaka farm had become the headquarters for an extensive and profitable ranching enterprise.[10]

Porter's mother lived with him at Wealaka until her death on June 6, 1883. He became almost a second father to his younger brother and sisters, sending them all to the Tullahassee Mission School that he had attended. Both of his sisters, Nancy and Matilda, were honor students at Tullahassee and later married sons of prominent Creek families. Porter sent his young brother Benjamin for even further education at Cane Hill College, a small school maintained by the Presbyterian Church near Fayetteville, Arkansas, and later

---

National Council, November 13, 1868, Indian Archives, 38431. Tahlequah Arrow, September 7, 1907.

[10] Reed, "Greatest Living Indian," 12. (New Boggy, Choctaw Nation) Vindicator, May 31, 1873, Indian Archives, International Council File. Gideon, Indian Territory, 203-206.

helped him establish a general store at Okmulgee.[11]

The first regular session of the National Council convened in October of 1868 in the new council house, a large two story log building erected at Okmulgee.[12] As a member of the House of Warriors, Pleasant Porter drafted and supported the passage of a new school code providing for the financial support of neighborhood schools in every Creek community.[13] Throughout his term as national superintendent of schools, he worked to make available sound educational opportunities to as many Creek children as possible. The Tullahassee and Asbury boarding schools, each accomodating some eighty Indian students, were rebuilt and reopened in 1868. These schools were operated in cooperation with the mission boards of the Presbyterian and Methodist churches respectively. The churches appointed and paid the teachers, and the tribe provided the buildings and equipment and paid the living expenses of the children.[14] By 1870, when Joseph M. Perryman took over

---

[11] Meserve, "Chief Pleasant Porter," 321. William Adair Porter, January 7, 1938, Indian-Pioneer Papers, LXXII, 217-218. Samuel J. Haynes, February 18, 1938, ibid., XL, 329. Augusta Robertson Moore, December 14, 1933, Indian Archives, 24677d, 119; n.d., Robertson Letters.

[12] Samuel J. Haynes, February 18, 1938, Indian-Pioneer Papers, XL, 332-333. Debo, Road to Disappearance, 187.

[13] Ibid., 186. Tahlequah Arrow, September 7, 1907. Meserve, "Chief Pleasant Porter," 323. Reed, "Greatest Living Indian," 12.

[14] Porter, May 25, 1885, 49 Cong., 1 sess., Sen. Rep. 1278, part 2, 200. Ibid., appendix, 227. Porter, January 14,

the superintendency of schools, the number of neighborhood schools had been increased to thirty.[15] Because of his early accomplishments as national superintendent and his continued interest in education Pleasant Porter came to be recognized as the "father of the Creek school system."[16]

In addition to his personal business activities and his official duties as tribal councilman and superintendent of schools, Porter found time for other public service. There are records of his employment as national auditor and as private secretary to Chief Samuel Checote in 1869.[17] He also assisted Judge A. D. Lowe of the Muskogee district as acting clerk of the September, 1869, court session and in 1871 was appointed national collector of a tax on the grazing of stock in transit through the Creek Nation.[18] There can be little doubt that he early had come to be considered one of the most promising young men of the constitutional faction.

1874, Board of Indian Commissioners, Annual Report, 1873, 190-191. Commissioner of Indian Affairs, Annual Report, 1867, 329-330; 1869, 80, 415-416.

[15] Ibid., 187, 299-300.

[16] Morton, "Government of the Creek Indians," 60-61. Muskogee Phoenix, January 7, 1905. Tahlequah Arrow, September 7, 1907.

[17] Checote, warrant to Porter, October 13, 1871, Indian Archives, 24623. Checote to Davis, February 2, 1891, ibid., 37619.

[18] A. D. Lowe, warrant to Porter, September 24, 1869, ibid., 26182. Porter, circular, March 20, 1871, ibid., 34741.

By 1869 the hostility between the fullbloods and the progressives had become critical. In an attempt to avoid a crisis, the government even offered to compromise by amending its hard won constitution, but Sands and his followers were unable to understand the need for changing the old tribal customs at all and refused to cooperate.[19] When the Council convened in October the two houses met in joint session to hear speeches by Captain F. A. Field, the new Creek agent, by Chief Checote, Sands, and Cotchoche, another fullblood leader. After much tiresome discussion, however, no workable agreement could be reached, and the fullbloods retired to their homes to await the election of 1871 when they would have another chance to reestablish the old system of government.[20] The remaining work of the Council was little more than the passage of routine legislation. Again, Pleasant Porter took part in the discussions in the House of Warriors and served as clerk of the finance committee.[21]

Feeling that the Indian people could best resist the "adventurous spirit of the white man" by united effort, the Creeks were quick to regain their prewar leadership in inter-tribal affairs. In spite of their internal difficulties at

---

[19] Commissioner of Indian Affairs, Annual Report, 1869, 398-399, 413. Debo, Road to Disappearance, 190.

[20] Ibid., 190-191. Commissioner of Indian Affairs, Annual Report, 1869, 414.

[21] Checote, warrant to Porter, December 1, 1869, Indian Archives, 32473.

this time, they were able to achieve a bipartisan "foreign policy." In June of 1870 Chief Checote called an intertribal council to meet at the council house in Okmulgee.[22] Although the Choctaw and Chickasaw nations held aloof, delegates from four tribes--Creek, Seminole, Osage, and Cherokee--were present to participate in the discussions. The Creek delegation was evenly representative of both the conservative and progressive factions and included Pleasant Porter, John R. Moore, Nocus Yahola, Yarkinhar Micco, Lawyer Gibbon, Micco Hutke, Chilly McIntosh, James M. C. Smith, and Joseph M. Perryman. Under the chairmanship of William P. Ross of the Cherokee Nation, the delegates discussed the problems of intertribal union.[23] On June 4 they adopted a resolution addressed to the "President, Congress, and People of the United States" in which they denounced all attempts to alter the treaties of 1866 and stated, "We do not wish Any material Changes in our relations with the Government, but we do wish quiet and Security."[24] Other resolutions of this council authorized

---

[22] Checote to Allen Wright, April 14, 1870, ibid., 17712. Checote Manuscript, 43-47. (Tahlequah, Cherokee Nation) Cherokee Advocate, June 18, 1870. Debo, Road to Disappearance, 205.

[23] Ibid. Ira G. Clark, "Attempts to Form an Indian Confederation in Oklahoma, 1860-1890" (Unpublished Master's thesis, Department of History, University of Oklahoma, 1937), 97-99. 49 Cong., 1 sess., Sen. Rep. 1278, part 2, appendix, 239-240.

[24] Resolution, International Council at Okmulgee, June 4, 1870, Indian Archives, International Council File.

the principal chief of any member nation to call further intertribal councils whenever he should deem it necessary.[25]

The treaties of 1866 between the various Indian Territory tribes and the United States had contained elaborate provisions for the establishment of a permanent intertribal council under the supervision of the federal government.[26] Accordingly, Secretary of the Interior Jacob D. Cox called the first session of this council to meet at Okmulgee on September 27, 1870.[27] Since it was hoped that a regular territorial government for the Indian Territory might develop from this organization, Congress provided for the pay of the delegates. Superintendent Enoch Hoag of the Central Superintendency of Indian Affairs served as president of the council, and Israel G. Vore, prominent local cattleman, acted as secretary. Pleasant Porter was a member of the Creek delegation which also included George W. Stidham, John R. Moore, Legus C. Perryman, George W. Grayson, Joseph M. Perryman, Sanford W. Perryman, James M. C. Smith, and even the fullblood leaders Sands and Cotchoche. Only a few delegates from the other tribes were present at the first meeting.[28] Since it was

---

[25] 49 Cong., 1 sess., Sen. Rep. 1278, part 2, appendix, 239-240.

[26] Kappler, Laws and Treaties, II, 921-923, 935-936, 945-946.

[27] 41 Cong., 2 sess., Sen. Ex. Doc. 36.

[28] 41 Cong., 3 sess., Sen. Ex. Doc. 26. 42 Cong., 2 sess., H. R. Doc. 157. Carolyn Thomas Foreman, "Israel G.

felt that little could be accomplished without the full cooperation of all the Indian nations, the convention waited four days for the other delegations to appear. Finally, on September 30 a resolution was sent to the Choctaw and Chickasaw nations inviting them to send delegations and stating that as signatories to the treaties establishing the council they would be bound by its actions whether they participated or not.[29] Sands was commissioned to deliver invitations to the Comanche, Kiowa, Arapahoe, Cheyenne, Caddo, Wichita, and other plains tribes, and the council adjourned to meet again the following December.[30]

The adjourned session of the first Okmulgee Council met on December 6, 1870. This time there were delegations from all the Five Civilized Tribes as well as the Osage, Ottawa, Sac and Fox, Seneca, Peoria, and Quapaw tribes. Although the wild Indians had ignored the invitation to attend, the council immediately passed a resolution expressing sympathy with the grievances of the Indians of the plains and offering to mediate peace between them and the United States.[31] Pleasant Porter remained in constant attendance throughout the December session and took an active part in the discussions and work of the council. He served on the organization com-

---

[29] Ibid., September 30, 1870.

[30] Ibid.

[31] Ibid., December 12, 1870. 41 Cong., 3 sess., Sen. Ex. Doc. 26, 21.

mittee and, as a member of the committee on international relations, assisted with the drafting of the council's memorial to Congress protesting against any territorial plan forced on the Indians without their consent. Porter also worked to secure the adoption of a constitution for an intertribal union which was finally passed by the council on December 20 by a vote of fifty-two to three. That same day the council completed its other unfinished business and adjourned to meet again in June of 1871.[32]

The proposed constitution as drawn up by the Okmulgee Council would have established a federal union of the tribes of the Indian Territory. Under its provisions there was to be a governor elected by all qualified voters of the various tribes, a general assembly, composed of a senate and a house of representatives, and a system of territorial courts with judges appointed by the governor and the territorial senate.[33] This plan for an independent Indian government was disapproved by President Ulysses S. Grant who recommended that Congress amend the Okmulgee Constitution to give the federal government a veto over all the acts of the proposed general assembly as well as the right to appoint the executive and judicial officers.[34] The Indians were so thoroughly frightened by an at-

---

[32] Ibid., 22-23. Proceedings, First Okmulgee Council, December 12, 20, 1870.

[33] 41 Cong., 3 sess., Sen. Ex. Doc. 26, 8-12.

[34] Ibid., 1. Vindicator, March 16, 1872.

tempt of Senator James Harlan of Iowa to pass this amended version of the constitution into law that most of the tribes refused to ratify it even in the original form. Despite the insistence of Porter and other progressives that an independent union could be kept free from federal interference, only the Creek, Choctaw, and a few of the smaller tribes approved it at all.[35]

The next two sessions of the Okmulgee Intertribal Council were held in the summers of 1871 and 1872. Despite the critical nature of their own internal affairs, the Creeks continued to send delegations representative of both factions, and the fullblood leaders Sands and Cotchoche served side by side with such young mixed-blood progressives as Pleasant Porter and George W. Grayson. The usual memorials upholding the treaties of 1866 and protesting against various schemes to establish regular territorial government over the tribes were sent to the federal and state governments, but the delegates concerned themselves primarily with the problem of relations with the plains Indians. Colorful delegations of chiefs and warriors from the Cheyennes, Arapahoes, and other savage tribes attended many of the sessions. Solemn speeches and pledges of friendship were made, and the wild Indians seemed much impressed with the progress and comfort of their more

---

[35] Ibid., June 3-18, 1872.

civilized brethren.[36] It was during this period that the dread Kiowa chieftain Satanta was terrorizing the Southwestern frontier. Even after Satanta himself had been captured and imprisoned in Texas the outraged Kiowas continued to burn and murder without mercy. As late as 1873, however, the government saw fit to ignore a memorial from the Okmulgee Council offering its services in the mediation of peace and requesting the release of Satanta.[37]

During the years following 1867 the political situation in the Creek Nation grew very tense. Although Sands and his chief lieutenants cooperated with their opponents in the conduct of "international relations," the fullblood faction remained sullen and hostile. Styling himself "Chief of the Creeks" Sands attempted to obstruct the workings of the constitutional government whenever possible. On one occasion he even made a special trip to Washington, D.C., and succeeded in preventing the ratification of a very liberal new treaty negotiated by the regular government. By 1869 internal disorder was rapidly increasing. The constant threat of armed skirmishes between lawless elements of both factions made life

---

[36] Clark, "Attempts to Form an Indian Confederation in Oklahoma, 1860-1890," 127-132. 45 Cong., 3 sess., Sen. Rep. 744, 378-381. Proceedings, Third Okmulgee Council, June 3-18, 1872; Fourth Okmulgee Council, May 5-15, 1873, Indian Archives, International Council File.

[37] Ibid., June 3-18, 1872. Clark, "Attempts to Form an Indian Confederation in Oklahoma, 1860-1890," 132.

and property unsafe.[38] In August an attempt of Sands to seize the council house and depose the administration was thwarted only by the threat of intervention by the commandant of Fort Gibson. After that, the district judges were authorized to call out the militia whenever rebellion threatened, and the nation nervously waited for open fighting to break out.[39]

As the time for the election of 1871 approached, tension mounted. Still lacking any understanding of legal election procedure, the conservatives planned to defeat the progressives and restore the old system of government. This time, they chose Cotchoche as their candidate for principal chief and Futchalike for second chief. The progressives renominated Samuel Checote for principal chief and, after offering the nomination to Cotchoche, again chose Micco Hutke for second chief.[40] A compromise was worked out between Sands and Checote that would have permitted the fullbloods to vote in their accustomed way. This was, however, vetoed by the Creek agent, Major Franklin S. Lyon, who declared that the United States would not recognize any tribal official chosen

---

[38] Commissioner of Indian Affairs, Annual Report, 1869, 413; 1870, 299-300; 1871, 573-574. Debo, Road to Disappearance, 190.

[39] Ibid.

[40] Ibid., 191-192. Commissioner of Indian Affairs, Annual Report, 1871, 574.

in that manner.[41]

In accordance with the instructions of Agent Lyon, the election was held on the first Monday in September. Again, the fullbloods boycotted the regular election and assembled a council of their own at Okmulgee at which they formed lines and elected their candidates in the traditional way. Although Cotchoche was named "principal chief," the real leadership of the faction remained with Sands who assumed the old title of "national speaker." They then informed the agent that their newly elected "national council" would convene on October 2 to inaugurate a conservative administration. Since the regular Council was scheduled to meet on October 3, a clash became inevitable.[42]

On September 30 the conservatives began to pitch their camp just outside of Okmulgee, and early in the morning of October 2 they moved in with a force of about six hundred men and took possession of the council house.[43] In the meantime, Chief Checote had called out the constitutional militia and placed it under the command of Pleasant Porter who was given the title of brigadier general.[44] Porter quickly or-

---

[41] 42 Cong., 2 sess., H. R. Ex. Doc. 1, part 5, 990. Debo, Road to Disappearance, 192-193.

[42] Ibid., 193. Commissioner of Indian Affairs, Annual Report, 1871, 574-575.

[43] Ibid., 574. Debo, Road to Disappearance, 194.

[44] For the rest of his life, Porter was accorded the courtesy title of "general." His constant service as command-

ganized a force of some seven hundred men and moved into Okmulgee later that same morning.[45] The opposing leaders held a short conference in the middle of the main street shortly before noon. When Sands refused to vacate the council house, Porter rode back to his troops and ordered all stores to close, the streets to be cleared, and women, children, and other noncombatants to withdraw from the town. He then organized his men into three divisions and made ready to attack. This display of force caused the insurgents to fall back from the council house to their camp where they too made preparations for a fight.[46]

The situation was very tense when Agent Lyon arrived on the scene after a hard ride from Muskogee. He immediately visited the opposing camps and exacted a pledge from both Porter and Sands that neither side would fire the first shot. This gave them a chance to cool down and a battle was avoided.[47] The next day, the regular Council met as planned, and Lyon arranged a conference between the opposing leaders.

---

er of militia leads to the conclusion that he had inherited the traditional office of tustenukke or war chief from his maternal grandfather. O'Beirne, Indian Territory, 20. Hodge, Handbook of American Indians North of Mexico, II, 287.

[45] Debo, Road to Disappearance, 193-194. Commissioner of Indian Affairs, Annual Report, 1871, 574.

[46] Turner, "Events Among the Muskogees During Sixty Years," 28-29. Debo, Road to Disappearance, 193-194.

[47] Ibid., 194. Cherokee Advocate, October 21, 1871. Commissioner of Indian Affairs, Annual Report, 1871, 574-575.

Finally, on October 5 Sands and Checote reached a mutual agreement to abide by the constitution and laws of the nation. Under the terms of this compromise the fullbloods were to be allowed to record their votes, which would then be counted in the election. A joint committee, consisting of six members from each house of the National Council, was appointed to judge these returns. James McHenry of the House of Kings served as chairman of this committee, and Pleasant Porter of the House of Warriors was elected clerk.[48]

During the actual counting a committee of six observers appointed by Sands was present to see that the work was done fairly, and Agent Lyon represented the United States government. The irregular returns submitted by the Sands faction made the work of the committee very difficult. Whenever it seemed that the correct roll of a town had been tampered with, the committee decided to allow only one vote for every five persons in that town. Under the circumstances, the announced results were far from an accurate reflection of the popular will. However, the Sands representatives certified that the count had been made as fairly as possible, and Samuel Checote and Micco Hutke were accordingly declared reelected by substantial majorities.[49]

---

[48] Ibid. Debo, Road to Disappearance, 194-195. Records, Creek National Election, 1871-1872, Indian Archives, 29327a. Porter, July 27, 1872, ibid., 105-106.

[49] Ibid. 42 Cong., 2 sess., H. R. Ex. Doc. 1, part 5, 991. Commissioner of Indian Affairs, Annual Report, 1871, 575.

The National Council continued the work of reorganizing the administration. Appropriations were made to pay for the supplies consumed by the constitutional forces and to reward each militiaman for his services. As commander of militia Pleasant Porter received forty-four dollars, while his commissary, David M. Hodge, was paid forty dollars.[50]

With simple Indian integrity the fullbloods kept their agreement to accept the new constitution and the Checote government. However, during the next few years new issues arose to complicate the internal problems of the Creeks. With the construction of the Missouri, Kansas, and Texas Railroad through the nation under the provisions of the 1866 treaty, a host of white construction workers and irresponsible adventurers poured into Creek territory. During 1871 and 1872 the attention of the Council was again focused on the intruder problem. Many new laws were passed restricting the activities of these unwanted residents.[51] Cattlemen wishing to graze their herds on the tribal domain near the railroad were charged fifty cents a head for the privilege. Pleasant Porter was commissioned by the Council to supervise the col-

---

[50] Checote, warrant to Porter, warrant to Hodge, October 14, 1871, Indian Archives, 34108, 34107. Porter, warrant to James Adking, October 10, 1872, ibid., 34143. Debo, Road to Disappearance, 195.

[51] Ibid., 197-198. Roland Hinds, "White Intruders in the Creek Nation" (Unpublished Master's thesis, Department of History, University of Oklahoma, 1936), 44-46.

lection of this tax.[52] Other laws forbade the employment of non-citizens of the tribe without the securing of special permits signed by the Principal Chief. Only traders and merchants licensed by the tribal authorities were permitted to do business in the Creek Nation.[53]

The building of the railroad intensified the greed of every predatory interest that was watching the Indian Territory. The validation of the princely land grants, the gains to be made in townsite speculation, the thrill of turning over the rich sod--all these things were worth promoting. Congress was flooded with "territorial bills" designed to break down the Indian governments, confirm the bribe to the railroads, and give the rest of the Indian land to settlers.[54]

The Creeks maintained a firm opposition to all attempts to organize the tribe under a regular territorial government. To offset the powerful propaganda of the territorial schemers, the National Council sent a special delegation to Washington in December of 1871. The delegates, Pleasant Porter, John R. Moore, and Sanford W. Perryman, worked to prevent the passage of any unfavorable legislation.[55] Meanwhile, the white intruders continued to interfere in tribal

---

[52]Porter, circular, March 20, 1871, Indian Archives, 34741.

[53]F. A. Walker to J. S. Atkinson, February 9, 1872, ibid., 39118b. W. F. Crabtree to Checote, February 14, 1880, ibid., 39132. John Q. Tufts to Checote, September 1, 1881, ibid., 39143a. Porter et al. to Checote, September 1, 1881, ibid., 39160.

[54]Debo, Road to Disappearance, 199.

[55]Checote, warrants to Porter, S. W. Perryman and Moore, December 20, 1871, Indian Archives, 29694, 29695, 29696. 42 Cong., 3 sess., H. R. Ex. Doc. 1, part 5, 623. Board of Indian Commissioners, Annual Report, 1871, 161, 173-175.

affairs. Particularly active in this respect were George A. Reynolds, former Seminole agent then in the employ of the Missouri, Kansas, and Texas Railroad, Dr. J. B. G. Dixon, a British subject with a rather obscure background, and Charles Wheaton, a Kansas attorney. These men, characterized by Agent Lyon as "thoroughly irresponsible and unreliable," conspired to revive the Sands insurrection in order to discredit the Creek government. They hoped that a renewal of hostilities within the Creek Nation would cause Congress to reconsider the establishment of a territorial government.[56]

The death of Sands and of Cotchoche early in 1872 left the leadership of the conservative faction in the hands of another honest old fullblood, Lochar Harjo. Dixon and Wheaton held a series of secret councils at which they persuaded the credulous fullbloods that they had been tricked by the progressives and the agent. Feeling themselves no longer bound by their pledge to support the constitution, the conservatives once again organized a rival government, this time with Lochar Harjo as "Chief of the Creeks." They continued to hold secret councils and were joined by bands of horse thieves and others who saw a chance to profit.[57]

Dixon, Wheaton, and Reynolds then began to bombard the Indian Office with letters and complaints against Chief

---

[56] Debo, Road to Disappearance, 199-201.

[57] Ibid., 200-201. 42 Cong., 3 sess., H. R. Ex. Doc. 1, part 5, 623.

Checote and the other progressive Creek leaders. A petition signed by an impressive number of fullbloods and endorsed by Senator Samuel C. Pomeroy of Kansas was presented protesting the "election fraud" of 1871.[58] Commissioner of Indian Affairs Francis A. Walker ordered an investigation of these charges. In accordance with Walker's instructions, Superintendent Enoch Hoag held a formal investigation of the whole matter at Muskogee in July. Pleasant Porter, who had returned from Washington, was present to testify at this investigation and took an active part in the questioning of other witnesses.[59] Superintendent Hoag prepared his report on the basis of the evidence presented. However, it took two years for the Department of the Interior to render a decision in the matter. When the decision did come, in June of 1873, the Checote government was completely vindicated.[60]

Although ordered to leave the Indian Territory, Dixon and Wheaton continued to intrigue among the disaffected party. As the situation became more and more critical, lawlessness increased and there were sporadic armed skirmishes. Finally, Chief Checote called out the militia early in September

---

[58] Ibid. Debo, Road to Disappearance, 199-201.

[59] Porter, July 27, 1872, Indian Archives, 29327a, 105-106. J. B. G. Dixon, July 27, 1872, ibid., 71-91. William McIntosh, July 27, 1872, ibid., 78-82.

[60] Commissioner of Indian Affairs, Annual Report, 1873, 210. Board of Indian Commissioners, Annual Report, 1883, 14. Debo, Road to Disappearance, 201.

and prepared to restore law and order. Porter again assumed command of about eight hundred lighthorsemen and moved out against the forces of Lochar Harjo camped near Muskogee. Only the timely interference of Colonel Benjamin H. Grierson, commander of the federal garrison at Fort Gibson, prevented an actual battle. Grierson arranged a truce between the two leaders and their "armies" were disbanded.[61] This swift demonstration of force led by Porter served to quiet the insurrection, and the fullbloods sullenly returned to their homes to await their next chance to take over the government.

After 1871 it became necessary for the Creek government to maintain an official delegation in Washington during each session of Congress to look after tribal interests and to work with delegations from the other Civilized Tribes to prevent the passage of legislation harmful to the Indian interests. Next to the principal chieftainship itself the office of tribal delegate was considered the most important position in the government. Each year the National Council elected a new delegation of from three to five members. Pleasant Porter's influence and his ability to meet with federal officials on equal terms were so highly regarded that he continued to be elected to the delegation year after year.

---

[61] Ibid. Board of Indian Commissioners, Annual Report, 1883, 26. 42 Cong., 3 sess., H. R. Ex. Doc. 1, part 5, 424. Israel G. Vore to Enoch Hoag, September 12, 1872, Indian Archives, 29327a, 20. Carolyn Thomas Foreman, "General Benjamin Henry Grierson," Chronicles of Oklahoma, XXIV (Summer, 1946), 214.

Throughout the remainder of the nineteenth century he was in attendance in Washington at practically every session of Congress, working diligently to press tribal claims and grievances. Among his fellow delegates at different times were such prominent Creeks as Daniel N. McIntosh, John R. Moore, David M. Hodge, Ward Coachman, George W. Stidham, and Sanford W. Perryman. For many years these men were able successfully to outmanuever the powerful railroad and speculator lobbies working for the dissolution of the autonomous tribal governments.[62]

In addition to his regular duties as delegate to Washington Pleasant Porter continued to take part in the deliberations of the House of Warriors and served on the board of trustees of the Tullahassee Mission and as a member of the

---

[62] F. A. Walker to Moore, D. N. McIntosh, and Porter, March 11, 1872, Indian Archives, 35722. Checote, warrants to Porter, August 29, September 19, 1872; October 29, November 1, 1873; November 2, 1874, ibid., 29699, 29700, 29708, 29709, 29715. Checote, warrant to D. N. McIntosh, Porter, and S. W. Perryman, October 17, 1872, ibid., 29705. Board of Indian Commissioners, Annual Report, 1873, 173, 190-191, 211-212. 42 Cong., 3 sess., H. R. Rep. 98, 149, 325, 337-339, 694. 43 Cong., 2 sess., Sen. Misc. Doc. 71. 47 Cong., 2 sess., H. R. Misc. Doc. 18. 51 Cong., 2 sess., H. R. Misc. Doc. 104. 54 Cong., 1 sess., Sen. Doc. 190. Memorial from the Cherokee and Creek Delegations to the House of Representatives Committee on the Pacific Railroad (Washington, January 1, 1877), Phillips Collection, 6883. Appeal of the Delegations of the Chickasaw, Creek, and Cherokee Nations to the President of the United States (n.p., n.d.), ibid., 6958. Protest of the Cherokee and Creek Delegates Against H. R. Bill No. 6061 to Incorporate the Cherokee and Arkansas River Railroad Company (Washington, May 18, 1880), ibid., 6817-1. Message of the Cherokee and Creek Delegates to the Congress of the United States (Washington, February 8, 1884), ibid., 2744-49.

Okmulgee school board.[63] He also attended the annual sessions of the Okmulgee Intertribal Council with the official Creek delegation. Here he was active in promoting friendship and cooperation among the various tribes. Keenly aware that the time for united action against the forces that would destroy all tribal independence was growing short, Porter worked to lay the groundwork for a permanent intertribal union free from federal control. Due in good measure to his leadership, the council became an effective sounding board for Indian grievances. None of its sessions failed to address at least one memorial to the President or to Congress demanding the better protection of Indian rights and protesting against the constant pressure of territorial schemes. Many resolutions were passed stating the Indian position in firm, dignified language, and each year representatives from more tribes attended its sessions to share advice and sympathy and to learn the lessons of cooperation.[64]

Throughout its sessions of 1873 and 1874 Pleasant Porter was active in the work of the Okmulgee Council. He supported a resolution favoring the establishment of an "international literary and industrial college" and served as

---

[63] Roll of officers, Creek Tribal Government, November 23, 1872, Indian Archives, 29327a, 64-67. 49 Cong., 1 sess., Sen. Rep. 1278, part 2, appendix, 227-230.

[64] Debo, Road to Disappearance, 209. 45 Cong., 3 sess., Sen. Rep. 744, 379-382. Vindicator, May 31, 1873. Proceedings, Fourth Okmulgee Council, May 5-15, 1873, Indian Archives, International Council File.

chairman of a special committee investigating the "exhorbitant [sic] and discriminatory charges for transportation imposed by the M. K. & T. R. R. Company upon the people of the Indian Territory."[65] Although neither of these proposals had any positive result, they serve as evidence of Porter's continued interest in education and in the protection of Indian rights. He also was active in the work of intertribal diplomacy and supported the sending of peace delegations to the Indians of the plains.[66]

In December of 1874 members of the Board of Indian Commissioners--Clinton B. Fisk, John D. Land, B. Rush Roberts, and Charles G. Hammond--made a brief visit to the Indian Territory for the purpose of "consulting the Indians concerning their real wishes in the matter of territorial legislation." They arrived at Muskogee on December 10 and were met by a representative Creek delegation including Pleasant Porter, the Reverend William S. Robertson of Tullahassee Mission, and both Lochar Harjo and Chief Samuel Checote. In a frank statement of their grievances, the Creek delegates reaffirmed their willingness to adhere in good faith to the terms of the Treaty of 1866 and earnestly protested against such things as the extension of federal court jurisdiction over their territory, delay in the payment of tribal moneys due from the federal

---

[65] Ibid., 20, 22-23.

[66] Ibid., 10, 18, 23-24, 28-29.

government, unjust discrimination in railroad rates, inadequacy of protection against white intruders, and the constant threat of territorial legislation in Congress.[67] Each with his own interest in tribal dissolution, however, the commissioners listened with deaf ears and then prepared a report condemning the Indian governments and urging Congress to establish a territorial government "not inconsistent with existing treaties."[68]

On May 5, 1875, Pleasant Porter was again present at the opening meeting of the sixth session of the Okmulgee Council. Some twenty-nine tribes were represented including, at last, delegations from the proud Comanches and Kiowas. The representatives of the plains Indians, resplendent in eagle feathers and other savage trappings, met on equal footing with their brethren of the Civilized Tribes. The pipe of peace was smoked and other appropriate ceremonies performed. It was indeed a colorful and memorable occasion.[69]

---

[67] Checote Manuscript, 44-46. E. C. Boudinot and E. P. Harris to G. W. Ingalls, October 25, 1875, Indian Archives, 34077a. 45 Cong., 3 sess., Sen. Rep. 744, 644-645. Board of Indian Commissioners, Annual Report, 1874, 97-100. The Board of Indian Commissioners was created on April 10, 1869, as an advisory committee to secure a better administration of Indian affairs. It was to be composed of distinguished citizens who served without pay. Statutes, XVI, 40. Hodge, Handbook of American Indians North of Mexico, II, 869.

[68] Board of Indian Commissioners, Annual Report, 1874, 13. 43 Cong., 2 sess., Sen. Misc. Doc. 71, 1.

[69] A. M. Williams, "The Grand Council at Okmulgee," Lippincott's Magazine, XXIV (September, 1879), 371-375. Proceedings, Sixth Okmulgee Council, May 3-15, 1875, 4, Indian Archives, International Council File.

Superintendent Enoch Hoag continued to serve as president and George W. Grayson was elected secretary. As usual, Porter served on the organization committee and was appointed chairman of the committee on relations with the United States.[70] Almost immediately he launched a campaign to secure the adoption of a permanent intertribal federation. The proposal met with the instant opposition of conservative leaders who felt that the council should be extremely careful not to take any step likely to be useful to the white land grabbers in promoting tribal dissolution. The earlier attempt of Congress to amend the Okmulgee Constitution in such a way as to give the federal government complete control over the proposed federation had thoroughly frightened the Indians. Porter and a small group of progressives worked to overcome this opposition, and much heated debate ensued.[71] With an acute sense of impending tragedy the progressives fought to strengthen the bonds of intertribal unity. Their position was summed up by Pleasant Porter in an impassioned speech on May 11.

> When gathering storms arise, and seem in their anger to shake the earth, what do animals do? They congregate and go to some place for protection. We call that instinct, and we, feeling in our hearts the gigantic storm that is approaching and about to burst over us, are gathered together by a higher power than instinct--by the divine gift of reason. . . . . The Government of the United States seeing the great pressure that would be brought to bear on us, standing singly, has provided for us the means to unite. The Government in its wisdom has seen that there are elements calcu-

---

[70] Ibid., 9.

[71] Ibid., 56-58. Clark, "Attempts to Form an Indian Confederation in Oklahoma, 1860-1890," 106-107.

lated to destroy us, while standing singly, and in order to protect us she has given us these means and from year to year she has asked us to accept them. Now, my friends, will we accept of them? . . . . Will we trust each other? . . . . And if we don't trust each other, who will we trust? If the treaties have not been carried out, what is the cause? It is because we are isolated from each other and cannot command the moral force to cause them to be fulfilled. . . . We must risk something in every transaction we undertake in life. If we stand still we risk the storm. Let us go forward and avail ourselves of the shelter, while there is yet time.[72]

The next day, a resolution favoring the establishment of a "purely Indian government" was passed by a vote of fifty-four to twenty-nine, and a special committee was appointed to draft a new constitution. As the foremost proponent of inter-tribal union, Pleasant Porter was made a member of this large representative committee.[73] He also participated in the other work of the council, serving as member of a commission in charge of the International Fair of the Indian Territory held at Okmulgee the following September under the auspices of the council.[74] As chairman of the committee on relations with the United States he presented the usual memorials stating the grievances of the Indians including a fiery resolution demanding punishment for the perpetrators of the massacre of Medicine Lodge.

. . . the report of the Osage delegates to this Council appears to state facts not to be easily controverted or denied which require the immediate action of the general

---

[72]Proceedings, Sixth Okmulgee Council, May 3-15, 1875, 56-58, Indian Archives, International Council File.

[73]Ibid., 70-71.

[74]Ibid., 17-18.

Government . . . to redress the wrongs done the Osages . . . and to punish those men who butchered them, without cause or shadow of excuse, when peaceably engaged in getting buffalo meat within the limits of the country in which Indians had a right by treaty to hunt. . . . the President of the United States is respectfully but earnestly requested to take such steps . . . as shall mete out justice to . . . the Kansas murderers of said Osages . . . .[75]

On May 15 the council recessed to meet again the following September 1 to begin consideration of the report of the constitutional committee.[76] The committee met throughout the summer at Okmulgee. Meanwhile, in August a small group of agitators led by Elias C. Boudinot, prominent mixed-blood Cherokee allegedly in the pay of the railroads, held a convention at Caddo, Choctaw Nation. Setting themselves up as spokesmen for "true Indian sentiment," these men adopted a set of resolutions favoring the allotment of tribal lands in severalty and the formation by Congress of a single territorial government.[77]

When the Intertribal Council reconvened in September it adopted a strong resolution unanimously repudiating the so-called Caddo Resolutions and denouncing Boudinot as a

---

[75] Ibid., 81-82. On August 7, 1874, a party of Osages engaged in a buffalo hunt near Medicine Lodge, Kansas, was attacked by an armed band of whites. Four warriors were murdered in cold blood and their bodies mutilated. News of the incident greatly incensed the Indians, and fear of Osage retaliation menaced Southern Kansas for some time. Commissioner of Indian Affairs, Annual Report, 1874, 226-227.

[76] Proceedings, Sixth Okmulgee Council, May 3-15, 1875, 82, 88, Indian Archives, International Council File.

[77] Debo, Road to Disappearance, 210-211. Proceedings, Adjourned Session, Sixth Okmulgee Council, September 1-9, 1875, 3-5, Indian Archives, International Council File.

territorial schemer in league with land speculators.[78] The constitutional committee then presented its report recommending the adoption of a constitution containing all the major provisions of the earlier Okmulgee Constitution. The debate that followed was inconclusive. Actually, only the Creek delegation was still seriously interested in establishing an intertribal federation. On September 9, 1875, Porter, seeing the futility of further argument, moved that the council adjourn. The motion was adopted and the sixth session of the Okmulgee Council was concluded.[79]

At the next session, held early in May of 1876, the constitution was again introduced, but it received only half-hearted support. Realizing that the Intertribal Council would never evolve an acceptable scheme of territorial government, Congress ceased appropriating money for its support, and after 1876 it never met again.[80] Despite its failure to found an Indian federation, the Okmulgee Council had established an important precedent for intertribal cooperation. At its sessions Pleasant Porter had had a chance to view the Indian problem in broad perspective. He did not cease to advocate

---

[78] Ibid., 40. Vindicator, September 18, 1875.

[79] 45 Cong., 3 sess., Sen. Rep. 744, 620-627. Proceedings, Adjourned Session, Sixth Okmulgee Council, September 1-9, 1875, 30, Indian Archives, International Council File.

[80] Ibid. Vindicator, April 26, 1876. Clark, "Attempts to Form an Indian Confederation in Oklahoma, 1860-1890," 144. Debo, Road to Disappearance, 210.

united action against encroachment.[81]

Porter continued to devote much time to tribal affairs, but he did not neglect his personal interests. Between annual trips to Washington as tribal delegate and the sessions of the national and international councils, he managed to find time to improve his farm and to expand his ranching operations. His holdings at Wealaka were steadily increased until at last he controlled some four thousand acres of rich pasture land along the Arkansas.[82] He also established a ferry across the river at Wealaka from which he was able to obtain an extra income.[83]

During his term as superintendent of schools he had become acquainted with Mary Ellen Keys, daughter of Riley Keys, Chief Justice of the Cherokee Nation. She was the teacher of the Euchee neighborhood school about five miles south of Wealaka. After a friendship of several years, the two made a trip to St. Louis in 1872 and were married there on November 25.[84] They returned to the Indian Territory and established a home at Wealaka. Three children were born to

---

[81] Porter, May 25, 1885, 49 Cong., 1 sess., Sen. Rep. 1278, 205.

[82] Tulsa (Creek Nation) Democrat, June 21, 1901. William Adair Porter, January 7, 1938, Indian-Pioneer Papers, LXXII, 224. O'Beirne, Indian Territory, 164.

[83] Alex Blackston, October 14, 1937, Indian-Pioneer Papers, VIII, 300. Willie Fox, May 14, 1937, ibid., XXXI, 405-406.

[84] William Adair Porter, January 7, 1938, ibid., LXXII, 218-219. Gideon, Indian Territory, 203-206.

them--William Adair, Pleasant, Jr., and Mary Annetta.[85] During the following years the family spent much of its time in Washington while Porter was serving as tribal delegate. Between sessions of Congress, however, they usually returned to their ranch on the Arkansas. At Wealaka they built a large, comfortable house and became well known for their friendliness and hospitality. Passing travelers were almost certain to receive an invitation to spend a few days in their home, and the Porter barbeques had a wide reputation.[86] Exhibiting remarkable business acumen, Porter was able to take full advantage of the lax tribal land and pasturage laws to become very prosperous. Now looked to as one of the first of the progressives, he lost none of his sympathetic understanding of the fullbloods.

---

[85] O'Beirne, Indian Territory, 161. Tahlequah Arrow, September 7, 1907. William Adair Porter, January 7, 1938, Indian-Pioneer Papers, LXXII, 219.

[86] Ibid., 220. Joe M. Grayson, September 24, 1937, ibid., XXXV, 419-422. Kate Williams Jackson, August 26, 1937, ibid., XLVII, 100. Lilah Denton Lindsey, March 16, 1938, ibid., LIV, 225. Garrick Mallery to Porter, September 19, 1880, Indian Archives, 29816.

CHAPTER III

THE CONSTITUTIONAL STRUGGLE

The uneasy peace that followed the Sands uprising made possible an orderly tribal election in 1875 for the first time since the Civil War. The conservative candidates, Lochar Harjo and Ward Coachman, were elected by substantial majorities and assumed office on December 6 without incident. It soon became apparent, however, that all would not be well within the new administration. The Chief, illiterate and unfamiliar with constitutional practices, leaned heavily upon white and mixed-blood advisers who found it easy to profit from his confidence, and the National Council shortly grew independent of the executive leadership.[1]

Pleasant Porter, newly elected to the House of Kings, was in Washington with the other tribal delegates, Daniel N. McIntosh and David M. Hodge, when the National Council met that December. Since 1869, when a federal commission had established the legitimate claim of the Loyal Creeks for their Civil War sacrifices at $1,836,830, the Creek government had pressed for its payment. Although the delegation had been

---

[1]Debo, Road to Disappearance, 214-215.

authorized by the previous Council to settle this claim, the Chief saw fit to grant extra-legal recognition to Dr. J. B. G. Dixon as representative of the Loyal Creeks.[2] In their first report of December 27 the regular delegates protested against the usurpation of their authority and requested more definite instructions. When Dixon arrived in Washington early the following January, he presented credentials from Lochar Harjo made out by one James Williams as private secretary. But the Department of the Interior refused to recognize Dixon, and the regular delegates obtained a statement from the Chief to the Indian Office made out by William Harvison, private secretary, stating that Dixon's credentials were forged.[3] It was apparent that the bewildered old Chief had become little more than a pawn in the hands of his advisers. Despite Dixon's failure to achieve recognition, the position of the regular delegates had been considerably weakened.

The increasingly evident ineptitude of the Chief as a constitutional executive and the growing rift between him and the National Council reached a crisis late in 1876. Again, the situation involved Dr. Dixon. When the Council passed a resolution directing the Chief to report Dixon to the agent

---

[2] Ibid., 217. Pay roll, Creek National Council, October, 1877, Indian Archives, 32563. Checote to D. N. McIntosh, Porter, and Hodge, December 1, 1875, ibid., 29721. 47 Cong., 1 sess., Sen. Rep. 1278, part 2, appendix, 229-230.

[3] Porter, Hodge, and D. N. McIntosh to Lochar Harjo, December 27, 1875, Indian Archives, 29722. Debo, Road to Disappearance, 217.

as an intruder for removal, Lochar Harjo vetoed it. The measure was passed over his veto, but still the Chief refused to carry it out. The House of Warriors then initiated impeachment proceedings, and the charges were sustained by the House of Kings on December 5 by a vote of twenty-eight to twelve. Pleasant Porter was present and voted for conviction.[4]

During the remaining three years of the term Ward Coachman, an honest and capable administrator, served as Principal Chief.[5] On December 9, 1876, Pleasant Porter, Yarteka Harjo, and Samuel Grayson were elected delegates to Washington with instructions to press all Creek claims against the federal government, to work for an acceptable intruder law, and to negotiate, if possible, a settlement of the Seminole land question.[6] In Washington, the delegations of all the Civilized Tribes worked closely together to further their common interests and became known as the "Indian lobby." Their primary interest was to hold the line against any attempt to alter the status quo in the Indian Territory and to continually urge the government to fulfil its treaty obligations with the various tribes.[7]

---

[4] Ibid., 221-222.

[5] O'Beirne, Indian Territory, 342. Alice M. Robertson, "The Creek Indian Council in Session," Chronicles of Oklahoma, XI (September, 1933), 897.

[6] Ward Coachman to Creek National Council, December 8, 1876, Indian Archives, 29728. Coachman to Porter, Yarliker Harjo, and Samuel Grayson, December 9, 1876, ibid., 29729.

[7] John R. Moore et al. to Creek National Council,

Lochar Harjo, refusing to recognize his removal from office, indignantly retired to the back districts where he reorganized his "government" and rallied the fullbloods and Negroes to his support. The disaffected party began to barrage the Indian Office with illiterate protests charging that a "rebell" minority had seized control of the tribal government by fraud and that the delegation in Washington was composed of members of a "corrupt ring." In a letter to Chief Coachman dated December 30, 1876, the delegates reported, "We are informed that Locher Harjo has written several Communications here setting forth his grievances, but thus far they have given us no trouble. We will however keep an eye in that direction."[8]

It was well that the delegates were on the alert, for the cause of the deposed chief was soon to be championed by a formidable combination of railroad interests and land-grabbers. Using the internal disorders of the Creek Nation as proof of the corruptness of the Indian governments, these men sought to force the opening of the Indian lands to white settlement and urged the creation of a regular territorial government. In June of 1877 Daniel C. Finn, a Coffeyville, Kansas, attorney, arrived at Muskogee and was soon in contact with Lochar Harjo. Within only a short time thereafter a number of well

---

October 12, 1878, Indian Archives, 29755. Debo, Road to Disappearance, 312.

[8] Ibid., 223, 225. Porter, Zateker Harjo, and Samuel Grayson to Coachman, December 30, 1876, Indian Archives, 29730.

written letters and protests signed by Lochar Harjo as "Chief of the Creeks" were received by the Indian Office.[9] A bill was then introduced in Congress by Senator John J. Ingalls of Kansas which would have provided for the creation of a territorial government, allotment of Indian lands in severalty, and the opening of the territory to white settlement. To support Ingalls' arguments Finn prepared petitions with full-blood and Negro signatures asking for a division of the tribal funds and the creation of separate loyal and rebel Creek governments.[10] The old feud was again agitated and for a time it looked as if another insurrection was in the making. Fortunately, the influence of the delegates was sufficient to forstall the passage of the Ingalls bill, and on December 17, 1877, Secretary of the Interior Carl Schurz rendered a decision sustaining the impeachment of Lochar Harjo, disapproving the plan for dividing the tribe, and authorizing the removal of Finn from the Indian Territory.[11]

In December of 1877 John R. Moore joined the Creek delegation bringing with him instructions for continued opposition to any changes in tribal status.[12] The pressure for

---

[9]Debo, Road to Disappearance, 223.

[10]Ibid. Commissioner of Indian Affairs, Annual Report, 1876, xi-xiii.

[11]Debo, Road to Disappearance, 224-225.

[12]Statement of services, Creek delegation to 45th Congress, n.d., Indian Archives, 30403. 45 Cong., 3 sess., Sen. Rep. 744, 207.

the abolition of the Indian governments and the settlement of the territory by whites had by this time grown so powerful that it was necessary for the delegates to exert all their diplomatic skill and to muster all possible support to maintain their position. On several occasions Pleasant Porter privately expressed his growing apprehension. His patience was exhausted and he confessed himself too much inclined toward rash statements and impulsive action.[13] Only time and experience could teach him the patience and caution that were to be so important in future negotiations.

Early in 1878 a subcommittee of the Senate Committee on Territories with Senator John J. Patterson of North Carolina as chairman began an investigation of corruption within the Indian governments and of the possibilities for the creation of a territorial government.[14] In March Porter returned to Okmulgee to discuss the situation with Chief Coachman and leading members of the National Council.[15] While there, he attended a public lecture on the Modoc War, then a subject of great interest throughout the entire territory. After the

---

[13] Memorial from the Cherokee and Creek Delegations to the House of Representatives Committee on the Pacific Railroad (Washington, January 1, 1877), Phillips Collection, 6883. Porter to Rev. and Mrs. W. S. Robertson, March 28, 1874, Robertson Letters.

[14] 45 Cong., 3 sess., Sen. Rep. 744. 46 Cong., 2 sess., Sen. Doc. 124.

[15] Porter, Hodge, and Yarliker Harjo to Coachman, March 31, 1878, Indian Archives, 29744.

lecture he became involved in a heated discussion during which he was heard to exclaim, "Give me an army of a hundred thousand Indians and I could defy one million whites!"[16] This statement made its way to Washington and became the basis for considerable editorial comment about the dangers of an uprising in the Indian Territory. Elias C. Boudinot, the mixed-blood Cherokee who was now one of the foremost agitators for territorial government, made a mocking reply, "Porter and [William P.] Adair [prominent Cherokee] . . . are the only fighting Indians in the Territory, and if there is to be any war with the United States, these bellicose delegates will have to furnish all the blood that will be spilled."[17]

Although the Indian delegations were constantly in attendance upon the sessions of the Patterson inquiry, "booster" agitators, especially Boudinot, were the main witnesses. Following the recess of Congress, the chairman of the subcommittee accompanied by Senator Lafayette F. Grover of Oregon traveled to Muskogee to continue the investigation. Learning that Lochar Harjo's party planned to present its grievances before this committee, Chief Coachman called a special session of the National Council, and a truce between the factions was negotiated in return for the restoration of political privileges to the insurgent leaders. Porter, Hodge, and George W.

---

[16] (McAlester, Choctaw Nation) Star-Vindicator, March 23, 1878, Indian Archives, Gaston Litton (comp.), Cherokee Papers 1874-1882, 264.

[17] Ibid.

Stidham were appointed to represent the tribe before the visiting senators.[18]

When the Muskogee hearings began that November, Boudinot himself was on hand to present an elaborate argument to prove that the Indians really desired territorial government. The Creek representatives supported by William P. Adair, D. W. C. Duncan, William P. Ross, and Daniel H. Ross of the Cherokee Nation steadfastly reiterated their adherence to the treaties, their opposition to allotment, and their conviction that they should retain possession of their lands.[19] There was nothing in any of the testimony presented to refute the essential integrity of the Creek government. In spite of this evidence, however, the report of the subcommittee recommended that the Indians should be made United States citizens, that an official delegate from the Okmulgee Council be seated in Congress, and that the full jurisdiction of the federal courts should be extended over the territory. It did not recommend territorial organization for the time being. A bill incorporating these provisions was concurrently introduced.[20]

---

[18] Coachman to Creek National Council, October 2, 24, 1878, Indian Archives, 29756, 29758. Porter, Hodge, and Stidham to Creek National Council, December, 1879, ibid., 30393. 45 Cong., 3 sess., Sen. Rep. 744, 1-446.

[19] Ibid., 446-734. Proceedings, Senatorial Investigating Committee, Vinita, Cherokee Nation, November 15, 1878; Muskogee, Creek Nation, November 18, 1878, Indian Archives, 29760.

[20] Ibid. 45 Cong., 3 sess., Sen. Rep. 744, v.

The death of Lochar Harjo the following February tended to quiet the internal disaffection, and in his annual report of 1878 Commissioner of Indian Affairs E. A. Hayt pointed out the connection between the territorial schemes and land speculation and protested against the proposed "spoliation of the Indian."[21] The delegates worked feverishly during the 1878-1879 session of Congress invoking support from all sections of the country. When Congress adjourned they reported effective opposition to the territorial bills, a bill to make the Indians United States citizens, a bill to transfer the Indian Office to the War Department, a bill to give the Five Civilized Tribes representation in Congress, a bill to create a judicial district in the Indian Territory, and a bill to enable Indians to sue in the United States Court of Claims. They also reported that progress had been made in the settlement of the Creek orphan and Loyal Creek claims.[22]

The initial rumblings of a new territorial scheme were heard late in 1878. On December 23 the delegates reported, "It is rumored that a part of their plan is to throw ten thousand adventurers into the Territory and incite a conflict,

---

[21] Commissioner of Indian Affairs, Annual Report, 1878, xxxviii.

[22] Porter, Hodge, and Stidham to Creek National Council, December, 1879, Indian Archives, 30393. Porter and Hodge to Samuel Bradley, November 29, 1879, ibid., 29761. Stidham et al. to E. A. Hayt, February 1, 1879, ibid., 30948. 49 Cong., 1 sess., Sen. Rep. 1278, part 2, appendix, 72.

in the hope of bringing about the opening of the Territory in a manner similar to the Black Hills outrage; this is only a rumor--we hope it has no foundation, but it will be well to be on the alert."[23]

On February 17, 1879, Elias C. Boudinot published an article in the Chicago Times in which he made the claim that nearly all of the lands ceded by the Creeks, Seminoles, Choctaws, and Chickasaws in 1866 upon which other tribes had not been located were rightfully open to the public for occupation under the federal homestead laws. This article was reprinted extensively by other newspapers and soon a formidable "boomer" movement for the settlement of these "unassigned lands" was under way. Under the leadership of C. C. Carpenter, preparations were made on the border of Kansas for an invasion in force.[24] The Indians became greatly alarmed and petitioned the government to prevent the impending encroachment. In Washington the delegations worked anxiously to induce the government to move.[25] Excited rumors flew back and forth. Word reached Okmulgee that Pleasant Porter had become so overwrought in an argument over the matter that he had struck one

---

[23] Stidham, Porter, and Hodge to Coachman, December 23, 1878, Indian Archives, 29763.

[24] 46 Cong., 1 sess., Sen. Ex. Doc. 20, 4-5, 7-10, 16-21. 49 Cong., 1 sess., Sen. Rep. 1278, part 2, appendix, 77.

[25] Ibid., 77-78. 46 Cong., 1 sess., Sen. Ex. Doc. 20, 3, 5, 12-13. Carl Coke Rister, Land Hunger: David L. Payne and the Oklahoma Boomers (Norman, 1942), 47.

of the Indian commissioners.[26] On April 26 President Rutherford B. Hayes issued a proclamation warning all persons that the Indian lands were not open for settlement and stating that the Indian intercourse laws would be strictly enforced.[27] Shortly afterwards, a small group of "boomers" attempted to enter the Indian Territory from Kansas and were turned back by the military.[28]

At the call of Chief Charles Thompson of the Cherokees a special intertribal council met at Eufaula on May 27, 1879, to consider steps that should be taken in the face of this new threat to the Indian nations. Delegates of the Five Tribes and of the Sac and Fox were present.[29] As leader of the Creek delegation Pleasant Porter helped frame a resolution denouncing the "boomers"in scathing language.

> Doubtless the miserable conspiracy recently developed to seize the so called "ceded lands" was undertaken with the expectation that the Indians of the Territory would be awed into submission or provoked to such acts of resistance as would make imperative the interference of both the civil and military branches of the government. The movement was to be but the initial step in overrunning and seizing by fraud or

---

[26] Hayt to Stidham, Porter, and Hodge, February 1, 1879, Indian Archives, 30948. Stidham, Porter, and Hodge to Coachman, February 15, 1879, ibid., 29767. Moore et al. to J. J. Patterson, March 29, 1879, ibid., 17666. Coachman to W. W. Lang, March 7, 1879, ibid., 29768.

[27] 46 Cong., 1 sess., Sen. Ex. Doc. 20, 1-2.

[28] Ibid., 22-34. Porter, Hodge, and Stidham to Creek National Council, December 1879, Indian Archives, 30393. 49 Cong., 1 sess., Sen. Rep. 1278, part 2, appendix, 32.

[29] Debo, Road to Disappearance, 241. Proceedings, Eufaula Intertribal Council, May, 1879, Indian Archives, 30811a.

violence the entire Territory. Instigated by the worst class of adventurers, accepted by ignorant dupes and sprung suddenly upon the people of the Territory, this "invation" [sic] of the country threatened consequences of the most serious and far reaching character and which were averted from guilty and innocent alike, by the decided and prompt action of the Executive Department of the government.[30]

The convention further petitioned Congress to prescribe effective penalties against any further invasions of the Indian country.[31] A second council was held the following July 1 at Eufaula at which it was decided to create a permanent intertribal council with annual meetings.[32] Convinced that, for the time being at least, the federal government intended to uphold its treaty obligations in the enforcement of the intercourse laws, the Creeks made preparations for a last ditch stand against the ever growing pressure of the homesteaders and land speculators.

With the beginning of the "boomer" crusade, the problem of intrusion within Creek national boundaries became serious. With little to hinder them, unwelcome settlers moved in to establish farm and ranch "homesteads" on Creek land. White traders, postal employees, railroad men, and others lawfully resident within the Creek Nation also began to overstep the bounds of their residence permits to engage openly in real estate transactions and to graze cattle upon the tribal domain. The unhampered exploitation of Creek timber resources by intruding whites as well as an almost unrestricted bootleg whisky

---

[30] Ibid.

[31] Ibid.

[32] Proceedings, Eufaula Intertribal Council, July, 1879,

traffic caused much concern. The Creeks continued to resist white immigration, but under the existing intercourse laws the federal government was alone responsible for the removal of intruders. All the Creek authorities could do was to report the names of unauthorized residents to the agent, and the actual process of removal was so cumbersome that it was completely ineffective in practice.[33]

The election of 1879 was a very close race between Chief Coachman, who had been nominated for reelection by the conservative Muskogee Party, and the former chief Samuel Checote, the candidate of the progressive National Constitutional Party. Since neither candidate received a majority of the popular vote, the election was decided by the National Council in favor of Checote. Accordingly, on December 6, 1879, Samuel Checote once again assumed the leadership of the people he had served so ably in the past. Pleasant Porter was elected President of the House of Kings and was chosen, once again, to serve on the delegation to Washington.[34] Though indignant over what he believed to be an "unfair count," Ward Coachman

---

Indian Archives, 30811a.

[33] Hayt to Stidham, Porter, and Hodge, February 1, 1879, ibid., 30948. Porter and Hodge to Samuel Bradley, November 29, 1879, ibid., 29761. Cherokee Advocate, July 11, 1884. Commissioner of Indian Affairs, Annual Report, 1880, 95; 1881, 104; 1882, 88-91; 1883, 88-98; 1885, 106, 108; 1886, 157-158.

[34] Acts, Creek National Council, December 17, 1879, Indian Archives, 29787, 29785, 29788. Debo, Road to Disappearance, 246-248.

accepted his defeat and continued to serve the constitutional government as a member of the tribal delegation.[35]

Unlike their candidate, the diehard conservatives retired once again to the back districts to form an opposition government under the chieftainship of Isparhecher who had assumed the leadership of this faction upon the death of Lochar Harjo. Although the secret fullblood councils held during the succeeding months at Nuyaka Square, a council ground across the Deep Fork River west of Okmulgee near the present town of Nuyaka, and the constant rumors of an approaching insurrection boded ill for the future, the new administration started off smoothly. Pleasant Porter with the other delegates, Daniel N. McIntosh and David M. Hodge, proceeded to Washington with instructions to press all tribal claims and to resist all attempts to alter the existing tenure in the Indian Territory. Chief Checote was particularly interested in securing closer federal cooperation in the removal of intruders both in the Creek Nation and in the ceded lands to the west.[36]

Early in 1880 word that a new attempt to invade the Indian Territory was being organized in Southern Kansas reached Washington, and the alarmed delegates reported to the

---

[35] Ibid., 248. Porter, Coachman, and Hodge to Checote, January 7, 1881, Indian Archives, 29824.

[36] Debo, Road to Disappearance, 268, 270. John B. Meserve, "Chief Isparhecher," Chronicles of Oklahoma, X (March, 1932), 57-58. Acts, Creek National Council, December 17, 1879, Indian Archives, 29786, 29787. Checote to Porter, Hodge, and D. N. McIntosh, December 31, 1879, ibid., 39130.

Chief, "The greatest danger which appears to present itself is the repitition [sic] of an invasion of unauthorized persons similar to the occurance last Spring. There seems to be preperation [sic] now on foot to make another decent [sic] upon our country from Kansas. Should this occur . . . we would be lost."[37] The combined tribal delegations called upon the government to prevent the proposed mass intrusion, and on February 12 President Hayes issued a second proclamation prohibiting the settlement of any lands within the Indian Territory.[38] By prompt action in the removal of "boomer" parties the government managed to forstall any major invasion of the Indian Territory for the time being, but the organized pressures for the opening of the territory grew stronger month by month.[39]

Meantime, new bills for the creation of a regular territorial government, to transfer the Indian Office to the War Department, to allot tribal lands in severalty, and to extend the criminal and civil jurisdiction of the United States courts over the Indian Territory were constantly being brought forward in Congress. With skill and vigor the tribal

---

[37] Porter and Hodge to Checote, January 13, 1880, ibid., 29795.

[38] Commissioner of Indian Affairs, Annual Report, 1880, xx-xxi. Gittinger, Formation of the State of Oklahoma, 115-117, 124-125, 147-156, 162-168. 49 Cong., 1 sess., Sen. Rep. 1278, part 2, appendix, 60-68.

[39] Ibid., 33-34.

delegations manuevered to prevent the passage of these measures.[40] At the suggestion of Delegate Porter, the Creek Chief called a special council of the tribal executives at Okmulgee on March 18, 1880. Here the assembled chiefs expressed unaltered opposition to the emigration conspiracy "of marauding border citizens of the United States . . . inspired by certain evil land corporations and land-pirates." This resolution was forwarded to the delegates who in turn presented it to the President and to Congress.[41]

Seeing a possible change in the temper of Congress toward the Indian claims, Delegates Porter and Hodge returned to Okmulgee in March to confer with Chief Checote.[42] Porter, however, was skeptical of the new turn of events.

> The effort to open up the Indian Country to settlement heretofore has been made without regard to the interests and voice of the possessors of the soil, by securing congressional legislation manifestly in the interest of Railroad land grants, the Commercial agrandizment [sic] of western business cities, and the political and speculation schemes of a few unprincipled adventures [sic]. This has become so thoroughly known to the public and the moral sentiment of the country so unanimous against it that its continuance will hardly be hazarded by any. The [new] plan of opperations [sic] it is thought . . . will be to make friends of the Indians, and by catering to their cupidity and vanity, in plainer words, by the use of cash and lavish promises of business and political possibilities, secure their assent to coopperate [sic] . . .

---

[40] Porter and Hodge to Checote, January 14, February 14, 19, 20, 1880, Indian Archives, 29795, 29799, 29800, 29801. Hodge to Checote, February 27, 1880, ibid., 29804. W. P. Adair et al. to Checote, March 15, 1880, ibid., 30816.

[41] Ibid.

[42] Porter and Hodge to Checote, March 21, May 9, 1880, ibid., 29806, 29810.

in opening up the Indian Territory and perfecting the land grants. This plan would contemplate securing the control of the several Indian Councils and Legislatures. You can well understand the effect, should J. Gould succeed in . . . solving the Indian Territory problem with the apparent suport [sic] and assent of all the parties in interest. This may be regarded as an impossibility, yet the lessons of the past warn us not to let our vigilance sleep thus assured.[43]

Detained at Wealaka by the illness of his wife, Porter traveled back to Washington early in the summer of 1880.[44] Before returning to Okmulgee that July the delegates worked unsuccessfully to secure the passage of measures invalidating the conditional railroad grants in the Indian Territory and prohibiting the settlement of any more tribes upon the ceded lands.[45]

The following October Porter and Hodge were reelected to represent the tribe in Washington, and former chief Ward Coachman was chosen to complete the delegation.[46] Arriving at Washington on December 7 the delegates joined with the representatives of the other Civilized Tribes in an attempt to invalidate the land grant of the Atlantic and Pacific Railroad which was at that time preparing to begin construction from Vinita across the Cherokee border to a point near Edwards

---

[43] Porter and Hodge to Checote, May 9, 1880, ibid., 29811.

[44] Hodge to Checote, June 5, 1880, ibid., 29812.

[45] Porter and Hodge to Creek National Council, October 9, 1880, ibid., 29819.

[46] Checote to Creek National Council, October 19, 1880, ibid., 29821. Act, Creek National Council, October, 1880, ibid., 29825.

Landing on the Canadian River in the extreme southwestern corner of the Creek Nation and thence on to Albuquerque.[47]

That same month the delegates received word that the Tullahassee Mission had been destroyed by fire.[48] With the assistance of Alice M. Robertson, then an employee of the Indian Office, they secured from Congress an appropriation of five thousand dollars to aid in rebuilding the school.[49] Later that year a convention was called by Chief Checote at which it was decided to rebuild the school not at Tullahassee, then in the heart of the Negro district, but in an Indian neighborhood.[50] Accordingly, the new school was constructed near the Porter home at Wealaka at a cost of some twenty-five thousand dollars, and the Tullahassee school was reconstructed as a boarding school for Negro children.[51]

A government survey in 1871 had revealed that after the Civil War a large number of Seminoles had been settled on

---

[47] D. W. Bushyhead et al. to the Congress of the United States, January 26, 1881, Foreman Collection, LXXXVIII, 436. Foreman, History of Oklahoma, 174-180, 231-232.

[48] Porter, Hodge, and Coachman to Checote, January 7, 1881, Indian Archives, 29824.

[49] Coachman, Porter, and Hodge to Checote, February 14, 1881, ibid., 30646. Porter to Mrs. A. A. Craig, February 17, 1881, Robertson Letters. Debo, Road to Disappearance, 255, 249.

[50] Porter and Coachman to Checote, December 17, 1881, Indian Archives, 29838.

[51] L. C. Perryman and G. W. Grayson to Checote, January 15, 1882, ibid., 29844. Ruth Myers Rulison, n.d., Foreman Collection, VII, 379. Porter to Mrs. W. S. Robertson, February 11, 1882, Robertson Letters. Debo, Road to Disappearance, 249-250.

Creek land. At first the Creeks had refused to cede or sell the strip in question although the Seminoles continued to live there under their own government. Later, the Creeks demanded compensation for the lost territory. In compliance with an act of the National Council, October 19, 1880, the delegates negotiated an agreement, signed on February 14, 1881, by which the federal government undertook to pay the tribe for one hundred and seventy-five thousand acres of land at the rate of one dollar an acre.[52] Though Congress refused to ratify this agreement, the Commissioner of Indian Affairs declared his intention of resubmitting it the following term.[53] The delegates successfully opposed a measure to allot the lands of the Utes and Peorias in severalty and worked to settle the Seminole land controversy and to secure payment of the old Creek orphan claim. The proceeds from the sale of the Eastern lands reserved for the tribal orphans by the Treaty of 1832 had been diverted to other purposes by the government, and the demand of these "orphans" and their descendents for restitution was a major objective of the tribal delegation.[54]

---

[52] Seminole Land Agreement, February 14, 1881, Indian Archives, 29825. Coachman, Porter, and Hodge to Checote, February 14, 1881, ibid., 30646. H. Price to Coachman and Porter, December 23, 1881, ibid., 30663. Commissioner of Indian Affairs, Annual Report, 1882, 59.

[53] Price to Checote, July 29, 1881, Indian Archives, 29829. Porter, Coachman, and W. O. Tuggle to Price, December 8, 1881, ibid., 29836.

[54] Porter, Coachman, and Hodge to Creek National Council, October 12, 1881, ibid., 29835.

When the National Council reconvened in October of 1881 Porter and Coachman were again chosen delegates for the next session of Congress. They were instructed to work particularly for the ratification of the Seminole land agreement of February 14, 1881, and, if possible, to prevent the proposed construction of the Atlantic and Pacific Railroad across the Creek country.[55] In presenting their protest the delegates claimed that since the proposed railroad would cross the northern Creek boundary it could not be construed to be the east-west line authorized by the Treaty of 1866. This view was endorsed by the delegations of the other Civilized Tribes in a joint declaration, but in March of 1882 Secretary of the Interior S. J. Kirkwood ruled that the Atlantic and Pacific extension would be considered the east-west railroad under the terms of the treaty.[56]

In an attempt to control the great Texas cattle drives which were moving across their country during that period, the National Council passed on October 27, 1881, a tax of ten cents a head on all cattle driven through the Creek Nation.[57]

---

[55] Checote to Coachman and Porter, November 24, December 28, 1881, ibid., 29836, 29839. Coachman and Porter to Checote, January 19, 1882, ibid., 29845.

[56] Porter and Coachman to S. J. Kirkwood, January 23, 1882, ibid., 35732. Porter to Checcte, March 31, 1882, ibid., 29862. Checote to Porter, April 8, 1882, ibid., 29868. D. H. Ross et al. to the Congress of the United States, April 6, 1882, Foreman Collection, LXXXVIII, 440-441. Debo, Road to Disappearance, 260.

[57] Porter to Price, May 27, 1882, Indian Archives, 34773.

The attempts of the Creek tax collectors to enforce this law, however, had been overrulled by Union Agent John Q. Tufts on the grounds that the Indian governments did not have the authority to levy such a tax.[58] In Washington Pleasant Porter was able to obtain a favorable ruling from Commissioner of Indian Affairs H. Price who wrote the agent on June 9, 1882, instructing him to require all drovers to conform to the Creek law.[59] This ruling was later invalidated by a decision of Judge Isaac C. Parker of Fort Smith, Arkansas, on the grounds that only Congress had the power to regulate interstate commerce.[60]

By March the prospects for the settlement of the Seminole land and Creek orphan claims were so favorable that Ward Coachman saw fit to return to the Indian Territory to attend to personal business.[61] A delegation from the Isparhecher faction arrived in Washington later that month to

---

[58] Debo, Road to Disappearance, 262. Price to Porter, April 5, 1882, Indian Archives, 31027. In 1874 the separate agencies to the Five Civilized Tribes were abolished and a single Union Agent with headquarters at Muskogee was appointed. The Union Agency continued to exist until 1914 when it was superseded by the Office of the Commissioner to the Five Civilized Tribes. Lawrence F. Schmeckebier, The Office of Indian Affairs: Its History, Activities and Organization (Baltimore, 1927), 291.

[59] Price to Tufts, June 9, 1882, Indian Archives, 34774.

[60] Debo, Road to Disappearance, 262. Norman A. Graebner, "History of Cattle Ranching in Eastern Oklahoma," Chronicles of Oklahoma, XXI (September, 1943), 305.

[61] Coachman and Porter to Checote, March 4, 1882, Indian Archives, 29856.

present its own case to the federal government. Commissioner Price gave them no recognition, however, and refused to pay their expenses from Creek funds without the approval of the regular tribal government. The fullbloods, Hotulke Fixico and David McQueen, were stranded until Pleasant Porter came to their rescue. He paid their expenses from his own pocket upon their promise to repay him after their return to the territory.[62]

Porter remained in Washington throughout the summer. By August he had succeeded in securing the ratification of the Seminole land agreement of February 14, 1881, by Congress. Accordingly, one hundred and seventy-five thousand dollars were placed to the credit of the tribe in the United States Treasury under the stipulation that one-third of it was to be forever set aside for educational purposes. The remaining two-thirds was to bear interest at the rate of five per cent a year until spent by the Creek Council.[63] Porter was also able to negotiate the payment of the old Creek orphan claim dating from removal days. Early that same month Congress appropriated $338,904.39 to be distributed among the original claimants and their heirs by share.[64]

---

[62]W. W. Wilsher to Isparhecher, March 31, 1882, ibid., 29831.

[63]Porter to Checote, March 31, August 1, 1882, ibid., 29862, 29881. Price to Coachman and Porter, December 23, 1881, ibid., 30663. Checote to Porter, April 8, 1882, ibid., 29870.

[64]Porter to Checote, January 5, August 6, 1882, ibid.,

In the fall of 1882 Porter returned home to find a serious constitutional crisis in the making. The growing hostility between the regular government and the disaffected party of Isparhecher had already resulted in disorder and some bloodshed. The news of the Seminole land settlement had been regarded by the conservatives as proof of the perfidy and corruption of their opponents who had thereby accepted payment for an illegal cession of Creek lands. As early as July there had occurred an armed clash between the regular law enforcement officers of Wewoka district and a band of "loyal" Isparhecher lighthorsemen. When Chief Checote moved to punish the insurgents, Isparhecher had organized a force of about three hundred armed men and prepared to resist. The Chief then called out the militia, placing it under the command of William Robison, a former Confederate officer.[65] During July and August Robison with a force of some one thousand militiamen had waged a campaign against the insurgents, finally defeating them and forcing their leaders to flee to the Cherokee and Seminole nations. The raiding of the orchards

---

29840, 29882. Joseph M. Perryman to Checote, August 11, 1882, ibid., 29883. Porter to the Town Kings and Principal Men of the Muskogee Nation, September 5, 1882, ibid., 34772. Commissioner of Indian Affairs, Annual Report, 1884, 212-213. Statutes, XXII, 301-302.

[65] Will R. Robison, February 24, 1937, Indian-Pioneer Papers, LXXVII, 244. Turner, "Events Among the Muskogees During Sixty Years," 29. Coachman and Porter to Checote, January 19, 1882, Indian Archives, 29845. Porter to Checote, January 5, 1882, ibid., 29840. Board of Indian Commissioners, Annual Report, 1883, 14. O'Beirne, Indian Territory, 257-258.

at Pecan Creek by the constitutional "soldiers" had given the conflict a name--the Green Peach War.[66]

Isparhecher himself sought refuge in the Cherokee Nation and remained in hiding throughout the summer, but the Creek government did capture eleven members of the party that had attacked the Wewoka lighthorsemen and tried them for murder. After the confusion had subsided, Chief Checote issued an appeal to all citizens to return to their homes and attend to the gathering of their crops.[67] When the National Council convened the following October the Principal Chief reported that "the late excitement" had "happily terminated" and that the constitutional government had been upheld. A resolution was passed granting amnesty to all political offender who would take an oath of allegiance, and Checote personally wrote to Isparhecher inviting him to return with this guarantee. But the exiled leader held aloof and refused to return.[68] The rumor that Isparhecher intended to return in force and renew the war had already spread into the Creek country, and the tension mounted. Pleasant Porter declined a nomination to the

---

[66] Samuel J. Haynes, May 27, 1937, Indian-Pioneer Papers, XL, 317-319. Meserve, "Chief Isparhecher," 63. Board of Indian Commissioners, Annual Report, 1883, 14, 22-23. Commissioner of Indian Affairs, Annual Report, 1882, 90. Debo, Road to Disappearance, 272.

[67] Ibid., 272-273. Board of Indian Commissioners, Annual Report, 1883, 14-15, 24.

[68] Ibid., 15, 24. Act, Creek National Council, October 16, 1882, cited by Meserve, "Chief Isparhecher," 63. Debo, Road to Disappearance, 273-274.

tribal delegation and did not return to Washington as usual.[69]

On December 16 Chief Checote again called the militia into service, and constitutional volunteers from the various settlements began to assemble at Okmulgee.[70] Finally, on December 24 Isparhecher with fifty warriors re-entered the Creek country, and the following day, Christmas, a band of insurgents led by Tuckabatchee Harjo met and defeated a small force of constitutional volunteers in a skirmish fought about twenty miles southwest of Okmulgee.[71] In the meantime, Agent Tufts, greatly alarmed, had called upon the commander of Fort Gibson for assistance. The following day Tufts arrived in Okmulgee with a force of fifty United States troopers. He then arranged an armistice and proposed an arbitration tribunal to be chosen by a committee of five from each side. On January 1, 1883, Checote accepted this plan and appointed his committee with Joseph M. Perryman as chairman.[72] The constitutional forces were again disbanded, and the federal soldiers

---

[69] Tufts to Checote, December 21, 1882, Indian Archives, 34258. Checote to Creek National Council, October 16, 1882, ibid., 29889, 29890. G. W. Grayson and L. C. Perryman to Checote, January 11, 1882, ibid., 29842. Meserve, "Chief Isparhecher," 59-60.

[70] Debo, Road to Disappearance, 274.

[71] Ibid., 275. Meserve, "Chief Isparhecher," 64. Board of Indian Commissioners, Annual Report, 1883, 15, 24.

[72] Ibid., 15. J. M. Perryman to Checote, January 1, 1883, Indian Archives, 34263. Proceedings, Perryman Committee, January 1, 1883, ibid., 34264. Debo, Road to Disappearance, 275-276.

returned to Fort Gibson. On January 6 Isparhecher with a bodyguard of twenty-five armed men paid the agent a visit at Muskogee and agreed to accept the peace plan. Instead of naming his committee, however, he returned to his stronghold at Nuyaka Square and continued to committ depredations upon his unwary opponents.[73]

An interesting and typically Indian sidelight to the conflict was the payment of the Creek orphan money which had arrived in Okmulgee under armed guard on January 24. Since a large number of the claimants were on the Isparhecher side of the rebellion, a halt in the fighting was called. Under a flag of truce Agent Tufts, Chief Checote, Pleasant Porter, George W. Grayson, and Clarence W. Turner made their way to Nuyaka and distributed the money. The two leaders held a conference during the payment, but Isparhecher refused to appoint his committee.[74]

His patience exhausted, Checote returned and announced his intention to crush the insurrection by force. Tufts then wrote Commissioner Price in Washington that he believed the Creek government should be allowed a free hand to defeat Isparhecher and he suggested that the federal agents of the surrounding reservations be notified to arrest all insurgents

---

[73] Ibid., 276.

[74] Turner, "Events Among the Muskogees During Sixty Years," 29-30. Arminta Exon Henry, February 24, 1937, Indian-Pioneer Papers, XLI, 210. 48 Cong., 1 sess., H. R. Ex. Doc. 1, part 2, 20, 147. Board of Indian Commissioners, Annual Report, 1883, 15.

that might seek refuge within their boundaries and turn them over to the Creek authorities.[75] Checote once again raised a force of about seven hundred men placing Pleasant Porter in command. Porter quickly organized his "army" and by February 11 was on the march for Nuyaka. Seeing himself outnumbered, Isparhecher withdrew without a fight into the Sac and Fox reservation, but Porter followed and surrounded his camp.[76] The events that ensued were described in a letter of the Sac and Fox agent to Commissioner Price.

> . . . soon after the General crossed the line, a little in advance of his general forces, he was fired upon by the fleeing party. Gen. Porter returned the fire as he fell back and brought up his men . . . and formed them in line ready for battle while the Ispiechie's [the forces of Isparhecher] took refuge in a deep rocky ravine and also made ready for battle, at which time I appeared at the Scene of Action. I was courteously received by Gen. Porter whereupon I asked him if there was not some way to settle the matter without the spilling of blood on my reservation, he said he would gladly give me an opportunity to make an effort, which I readily accepted and he seemed willing to withhold till I would visit the other party with a request that they surrender; as quickly as possible I passed over to the other line and arrangements were made for me to see their head men, after telling my business I delivered the message from Gen. Porter, which they declined to accept. I then insisted that they would send proposals back, they made some proposals which I agreed to carry back; and it then being about night, they agreed to meet me at the same place in the morning provided I would request Gen. Porter to fall back across the line for the night. In the morning I drove out to the place appointed and they failed to put in an appearance having left

---

[75] Ibid. Tufts to Price, February 6, 1883, Indian Archives, 34283.

[76] Ibid., 276-277. W. R. Robison, February 24, 1937, Foreman Collection, VIII, 53 4; Turner, "Events Among the Muskogees During Sixty Years," 29. Meserve, "Chief Isparhecher," 60-64. Porter, May 25, 1885, 49 Cong., 1 sess., Sen. Rep. 1279, part 2, 207.

in the direction of Kickapoo during the night.[77]

Realizing the futility of further pursuit, Porter left a small force to guard the border and returned to Muskogee where he surprised about forty Creek insurgents who had fled to the Cherokee Nation and now came to present Isparhecher's case to the agent. Two of the insurgent leaders, Sleeping Rabbit and Heneha Chupco, were killed. The rest were taken prisoner, but they were set free unharmed after taking the oath of allegiance.[78]

In the meantime, Isparhecher and his followers had taken refuge among the Comanches and with the Comanche chief Asahabbee were planning an invasion of the Creek country the following spring.[79] Learning of their intentions, Porter decided to disregard tribal boundaries and capture Isparhecher in a surprise move. He raised another army of some seven hundred men in March and started for the Sac and Fox country but, upon hearing that the War Department intended to act to prevent further bloodshed, returned to Okmulgee and disbanded his force.[80] Soon afterward, Major John C. Bates with four

---

[77] Jacob V. Carter to Price, February 15, 1883, Indian Archives, Sac and Fox Papers, IX, 223-225.

[78] Checote to G. W. Grayson and L. C. Perryman, February 26, 1883, Indian Archives, 34289. Board of Indian Commissioners, Annual Report, 1883, 24-25. Debo, Road to Disappearance, 277-278.

[79] Ibid., 278. Commissioner of Indian Affairs, Annual Report, 1883, 72.

[80] (Eufaula, Creek Nation) Indian Journal, March 15, 1883. Debo, Road to Disappearance, 278.

troops of cavalry from Fort Gibson and Fort Sill came upon the Creek insurgents camped about nine miles east of the Wichita agency. Taken by surprise, the insurgents surrendered without resistance and were escorted to Fort Gibson.[81] Although the fighting was over for the time being, little progress in settling the dispute was made during the summer. Fearing that his followers would be exposed to reprisals if they returned to their homes unarmed, Isparhecher requested military protection. Establishing a temporary camp near Fort Gibson, troops kept them under guard until they gradually dispersed to their homes. Returning to Nuyaka, Isparhecher quietly reorganized his forces. On July 16 a "national delegate convention" of the "Northern" Creeks issued a declaration of independence from the regular tribal government.[82]

Throughout the summer months the situation remained at a standstill with neither side making a major move. However, the general lawlessness and disorder incident to the insurrection continued to result in bloodshed and property damage. In June Pleasant Porter suffered a serious personal loss in the murder of his brother, Benjamin Edward Porter, who for several years had been serving as private secretary to Chief Checote. The murderer, who was not a member of

---

[81] Ibid. Meserve, "Chief Isparhecher," 64. 48 Cong., 1 sess., H. R. Ex. Doc. 1, part 5, 130. Commissioner of Indian Affairs, Annual Report, 1883, 72. Board of Indian Commissioners, Annual Report, 1883, 16.

[82] Ibid., 10, 16, 25.

Isparhecher's faction, was apprehended, tried by an Indian court, and sentenced to death.[83]

At the request of Pleasant Porter, the chairman and secretary of the Board of Indian Commissioners, Clinton B. Fisk and Eliphelet Whittlesey, came to Muskogee on August 6, 1883, and held a conference with the leaders of both parties. Representing the Creek government at this council were Chief Checote, Porter, Coweta Micco, Legus C. Perryman, and George W. Grayson. Isparhecher and Tuckabatchee Harjo headed the "Loyal" Creek delegation which also included Hotulke Fixico, Concharte Micco, David McQueen, Efa Emarthla, and William McIntosh. Each group submitted a written statement of its position. Then the commissioners gave all the delegates an opportunity to express themselves freely. The commissioners steadfastly rejected Isparhecher's demand that the Creek Nation should be divided north and south between the two factions and insisted that the Seminole cession should be recognized.[84] After several days of negotiation, an agreement of peace was signed by the members of both delegations. By the terms of this agreement both parties obligated themselves to abide by the constitution, the National Council was authorized to appoint a

---

[83] Debo, Road to Disappearance, 279. (Vinita, Cherokee Nation) Indian Chieftain, January 31, 1884. Indian Journal January 24, 1884.

[84] C. Brownell to Checote, September 19, 1883, Indian Archives, 34311. Meserve, "Chief Isparhecher," 68. Debo, Road to Disappearance, 279. Commissioner of Indian Affairs, Annual Report, 1883, 88. Board of Indian Commissioners, Annual Report, 1883, 8-30.

commission of representatives of both parties to audit the claims of those whose property had been destroyed during the disturbance, a general amnesty was granted for all offenses growing out of the insurrection, and all agreed to participate in the coming election and abide by the result.[85]

With the signing of this peace agreement the full-bloods at last recognized the legitimacy of the regular government, and the long constitutional struggle that had divided the Creek Nation since before the Civil War was at an end. The cause of the conservatives, though quixotic, had not been dishonorable. On May 25, 1885, Porter himself explained and defended their position before a senatorial committee which investigated the rebellion.

> . . . under their primitive institutions there was no question as to the ends through which justice was to be reached or difficulties settled. Everybody understood that. At that time each town governed its own citizens. Now it is general, and everything goes before the courts; and they have lawyers before the courts who, instead of furthering the ends of Justice, render it less effective . . . . The older class of citizens . . . still look back to the time when there was less difficulty in governing themselves. They felt a reluctance in giving up their old system, and that same feeling exists today, and they will die in the same opinion.[86]

---

[85] Ibid., 30-31. 48 Cong., 1 sess., H. R. Ex. Doc. 1, part 5, 39-41. D. N. McIntosh to Tufts, December 4, 1883, Indian Archives, 34321.

[86] Porter, May 25, 1885, 49 Cong., 1 sess., Sen. Rep. 1278, part 2, 208.

CHAPTER IV

MUSKOGEE POLITICS

With the approach of the election of 1883 the attention of conservatives and progressives alike was turned to the problem of who should control the next administration. Three parties entered the race. The Loyal Party nominated Isparhecher and James Fife, the Muskogee Party chose Joseph M. Perryman and Samuel W. Brown, while the National Constitutional Party renominated Samuel Checote, choosing Coweta Micco as his running mate. The election was held on September 3, and when the National Council convened the following October to count the votes Perryman was declared Principal Chief-elect by a vote of 641 over 608 for Checote and 486 for Isparhecher. Coweta Micco, who had received 765 votes over 440 for Brown and 539 for Fife, was elected Second Chief. Though Checote conceded the election to Perryman, Isparhecher immediately protested against what he regarded as irregular returns and demanded a recount of the vote. Later, the two defeated candidates held a secret council and agreed to join forces to secure a new election.[1]

---

[1]Debo, Road to Disappearance, 281-284.

The outgoing National Council made an attempt to conciliate all factions by appointing Isparhecher, Checote, Hodge, and Grayson to the new Washington delegation. The newly elected Council, which convened on December 5, was dominated by conservative elements. On December 17 a new count was taken and Isparhecher was declared elected. Though Perryman had already delivered his inaugural address, Isparhecher was inducted into office by the new Council. The deposed Chief-elect indignantly appealed to the Indian Office. For a month and a half Isparhecher actually served as Principal Chief, approving acts of the Council and issuing executive orders. Finally, on February 27 the Secretary of the Interior ruled that Joseph M. Perryman was the rightfully elected Chief. Again, Perryman quietly took charge of the administration, magnanimously reappointing his adversary to the tribal delegation.[2]

For the first time since the close of the Civil War Pleasant Porter had declined to run for the National Council in 1883.[3] Retiring from active public service for a time, he became primarily interested in extending his ranching operations. In 1884 he formed a partnership with Clarence W. Turner, a white intermarried Cherokee, and the two together

---

[2]Ibid., 284. Isparhecher to Creek National Council, n.d., Indian Journal, January 3, 1884. Commissioner of Indian Affairs, Annual Report, 1884, 99.

[3]Porter, May 25, 1885, 49 Cong., 1 sess., Sen. Rep. 1278, part 2, 200.

established the Three Bar Ranch near the northern border of the Creek Nation.[4] The following autumn, along with H. B. Spaulding, Frederick B. Severs, Bluford Miller, S. B. Callahan, N. P. Blackstone, and other local cattlemen, they formed the Muskogee and Seminole Live Stock Association, of which Porter was elected president. This association divided the Creek Nation into eleven roundup districts and appointed a captain for each, placed inspectors at the railroad terminals to watch the brands of the cattle and hides offered for shipment, and obtained the cooperation of the butchers and hide dealers in the recording of brands.[5] In 1885 Blackstone, Severs, Porter, and Turner attended the first National Cattle Growers' Convention at St. Louis, Missouri, as delegates of this association.[6] By freely utilizing the rich grazing resources of the upland prairies, upon which there was no limit to citizens under the Creek laws, Porter along with other mixed-bloods became very prosperous.[7]

As one of the most prominent men of the tribe, Pleasant

---

[4]Andrew Jackson Berryhill, July 9, 1937, Indian-Pioneer Papers, VII, 395. John Thompson, August 20, 1937, ibid., XC, 356. Tookah Turner Bagg, January 20, 1938, ibid., IV, 31. William Adair Porter, January 7, 1938, ibid., LXXII, 224. Debo, Road to Disappearance, 286.

[5]Ibid.

[6]Ella B. Wilson, "Opening Session of the First Cattle Growers' Convention," Parsons' Memorial and Historical Library Magazine (St. Louis, 1885), 312.

[7]Graebner, "History of Cattle Ranching in Eastern Oklahoma," 308, 310. O'Beirne, Indian Territory, 164. Foreman, History of Oklahoma, 290.

Porter continued to be active in the social and civic activities of the mixed-blood aristocracy. In 1878 he had become a member of the Eufaula lodge of the Masonic fraternity. Throughout the remainder of his life he participated in many Masonic activities, receiving in 1886 the thirty-second degree from the widely respected fraternal leader Albert Pike of Fort Smith, Arkansas.[8] Porter was later awarded the thirty-third degree of Masonry and achieved membership in the Knights Templar, Elks, and Odd Fellows organizations.[9] A devoted member of the Presbyterian Church, he maintained a constant interest in promoting the educational and cultural development of his people. For many years he served, along with David M. Hodge and Legus C. Perryman, on the board of trustees of the Tullahassee and Wealaka mission schools and also of the Levering Manual Labor School, a Baptist mission.[10] Together with Clarence W. Turner, his ranching partner, he donated thirteen acres of land in Muskogee for the construction of Alice Robertson's Minerva School for Girls which became the

---

[8] Cherokee Advocate, April 16, 1904. "Notes and Documents," Chronicles of Oklahoma, XXII (Summer, 1944), 213.

[9] (Atoka, Choctaw Nation) Indian Citizen, October 17, 1907. Augusta Robertson Moore, December 14, 1932, Indian Archives, 24677d. Meserve, "Chief Pleasant Porter," 333.

[10] Indian Citizen, October 17, 1907. W. S. Robertson to Creek National Council, October 1876, Indian Archives, 36817. J. P. Whitehand, $10,000 bond, ibid., 37052. Resolution, Board of Trustees, Wealaka Manual Labor School, October 8, 1885, ibid., 37051. Porter and Ins-hars Harjo to Checote, November 22, 1882, ibid., 37037. P. J. Byrne to Porter, J. C. Perryman, and Its-hars Harjo, November 22, 1882, ibid., 37038.

coeducational Henry Kendall College. This institution, later moved to Tulsa, is today the University of Tulsa.[11]

From their comfortable home at Wealaka the Porters offered a generous hospitality, often entertaining government officials, army officers, and other visitors to the Indian Territory and inviting their neighbors and the students of the nearby Wealaka school to barbeques and receptions.[12] The journal of Jeremiah Curtin, the botanist and explorer, contains an interesting description of a visit to Wealaka in 1884.

> On my arrival in Wealaka, Mr. Porter . . . said if I would spend a few days at his house, he would read Creek with me and explain, as well as he could, its grammatical construction. This I was glad to do. Porter owned a large tract of land. While I was at his house, he set fire to the dry grass. I think that he and I enjoyed that burning as much as we would had we been boys. One evening we set fire to the grass around a belt of timber which he wished to fell. It was a fine sight to watch the fire creep to the top of the trees, to see it blaze, and to hear it crackle . . . .[13]

The death of Mrs. Porter in 1886 brought to a close the happy days at Wealaka. In 1887 Porter again married and

---

[11] Grant Foreman, "Clarence W. Turner," Chronicles of Oklahoma, X (March, 1932), 19. John D. Benedict, Muskogee and Northeastern Oklahoma (Chicago, 1922), I, 452. Tookah Turner Bagg, January 20, 1938, Indian-Pioneer Papers, IV, 32-33.

[12] Kate Williams Jackson, August 26, 1937, ibid., XLVII, 100. Lilah Denton Lindsey, March 16, 1938, ibid., LIV, 225. Garrick Mallery to Porter, September 29, 1880, Indian Archives, 29816.

[13] "Jeremiah Curtin in Indian Territory" from The Memoirs of Jeremiah Curtin, Joseph Schafer (ed.), annotated by Carolyn Thomas Foreman, Chronicles of Oklahoma, XXVI (Autumn, 1948), 353.

with his new wife, Martha Lenora Bertholf, daughter of the Cherokee missionary Marcus A. Bertholf, established a home in Muskogee. On July 10, 1892, his second wife died leaving him a small daughter, Lenora Elizabeth. Death by violence, which had brought him so much tragedy, struck again on August 29, 1895, when his son Pleasant, Jr., was shot and killed in an argument.[14]

It was not long until Porter was again drawn back into Creek politics. As early as October, 1884, he had accepted an appointment to the commission which negotiated an agreement on the rights of Cherokee citizens living within the Creek Nation.[15] The next year he served on another committee which met with Senator Henry L. Dawes of Massachusetts and other members of the Senate Committee on Indian Affairs who visited the Indian Territory.[16] In 1886 Porter again accepted an appointment to serve on the tribal delegation in Washington.[17]

---

[14] L. J. Hanley, January 3, 1938, Indian-Pioneer Papers, XXXVIII, 149. Fred Madden, March 11, 1938, ibid., LX, 67. Ella B. Robinson, "History of the First Presbyterian Church of Muskogee, Oklahoma" (typewritten manuscript, n.d.), Foreman Collection, VIII, 503. O'Beirne, Indian Territory, 161. Meserve, "Chief Pleasant Porter," 324. Muskogee Phoenix, November 1, 1888; July 14, 1892; August 24, 1895. Indian Chieftain, July 19, 1892.

[15] Supplemental Provisions to the Tahlequah Compact (July 3, 1843), October 8, 1884, Indian Archives, 30498.

[16] 49 Cong., 1 sess., Sen. Rep. 1278, part 2, 200.

[17] J. M. Perryman to Porter and G. W. Grayson, December 6, 1886, Indian Archives, 29957. Objections of the Delegates

Though greatly respected by the wealthy mixed-bloods, Chief Joseph M. Perryman proved himself an ineffectual constitutional executive. Throughout his term of office, the fullblood dominated Council greatly discredited the tribal government by succumbing to the trickery and bribery of their white enemies. No effective measures were taken to check the growing pressure of the intruders, the increase of crime throughout the nation, or the financial abandon of the Council. Pleasant Porter, Taylor Postoak, and other substantial citizens strove to exert a stable influence upon the government but with little success. Despite their repeated warnings that such mismanagement could only result in "national bankruptcy and consequent collapse of the Muskogee Government," the tribal debt grew alarmingly. Large sums continued to be appropriated in payment of padded expense warrants and other fraudulent claims.[18]

During the administration of the succeeding Chief, Legus C. Perryman, who was elected in 1887, tribal politics became increasingly venal. The integrity of the Chief himself was not above question. Pleasant Porter, though not

---

of the Chickasaw, Cherokee, and Creek Nations to the Bill (S. 54) entitled "An Act for the Allotment of Lands in Severalty to Indians on the various Reservations . . ." now pending in the Senate . . . (Washington, 1887, Phillips Collection, 6959).

[18] Harpitchcha Fixico to Creek National Council, October 5, 1886, Indian Archives, 34395. Samuel Tyler to Creek National Council, October 21, 1884, ibid., 34324. Debo, Road to Disappearance, 315, 349.

involved personally in the scandals, continued to profit from the laxity of the tribal pasturage laws. Many other wealthy cattlemen did become involved in corrupt "understandings" with the administration.[19] The Turner and Porter partnership had proven to be especially profitable. In addition to their Three Bar Ranch, on which Porter grazed nearly two thousand cattle, the pair fenced off in the fall of 1888 a tremendous pasture extending west from the Missouri, Kansas, and Texas Railroad tracks along the northern border to Inola. This they rented to Texas cattlemen.[20] The following year, the National Council levied an annual tax of five cents an acre on all pastures larger than one square mile. At this time the Turner and Porter firm was reputed to be receiving some sixteen thousand dollars annually in pasturage rentals alone.[21] On November 3, 1892, the Council placed further restrictions on cattle operations. Under the provisions of a new law the large pastures were restricted to a region within ten miles of the borders of the Creek Nation and a further tax of two dollars a head was levied on all cattle brought into the nation.[22] But cattlemen continued to flock to the Creek country.

---

[19] Ibid., 315-317, 326, 336-343. Commissioner of Indian Affairs, Annual Report, 1896, 155.

[20] Turner, "Events Among the Muskogees During Sixty Years," 32. O'Beirne, Indian Territory, 164.

[21] Angie Debo, And Still the Waters Run (Princeton, 1940), 15-16. 54 Cong., 1 sess., Sen. Doc. 182, 30. McKellop, Constitution and Laws, 117.

[22] Ibid., 117-220.

Expanding their operations, Turner and Porter in January of 1893 opened up a new pasture containing more than fifty-six thousand acres and reaching west from the tracks of the Kansas and Arkansas Valley Railroad to the Verdigris River.[23] On April 20, 1894, Porter made a personal contract for a 3,240 acre pasture along the eastern border.[24] In 1896 it was estimated that one-third of the entire Creek domain, or over one million acres of land, had been enclosed and was controlled by sixty-one individuals and partnerships. At that time the Porter Pasturage Company was credited with 31,232 acres.[25] Although many cattlemen completely evaded the Creek pasturage laws, Porter scrupulously paid the tax in full.[26] He also had some eight hundred acres in cultivation at his Wealaka farm and owned a considerable amount of property in and around Muskogee.[27]

Throughout the period of the Perryman administrations there was widespread public clamor in the United States for the opening of Indian lands to white settlement. Despite seemingly overwhelming odds, the Creek representatives in Washington fought doggedly and skillfully to maintain the

---

[23] Lease Contract, Muskogee Nation with P. Porter and Company, January 24, 1893, Indian Archives, 34932.

[24] Lease Contract, Pleasant Porter with the Muskogee Nation, April 20, 1894, ibid., 35091.

[25] 54 Cong., 1 sess., Sen. Doc. 182, 27-29.

[26] Debo, Road to Disappearance, 343.

[27] O'Beirne, Indian Territory, 161.

integrity of their government.[28] During these unstable years Pleasant Porter, as official delegate and as an influential citizen, had steadfastly upheld the tribal independence guaranteed by the Treaty of 1866. Speaking before the Board of Indian Commissioners on January 6, 1887, he made a fervent rebuttal to a proposal by Senator Dawes that the tribal lands be allotted in severalty and a regular territorial government created for the Indians.

> Whether or not the Indian is to be preserved, depends on what you do with his land, what laws you establish for his government. . . . I am opposed to the allotment of lands in severalty to any individuals, or the extension of the laws of any State or country over any Indians at present. . . . A law is perfectly worthless if it is not backed up by the moral sense of the people that enact it. The idea of lands in severalty has been for the past fifty years a pet scheme for the solution of the question as to the civilization and Christianization of Indians. It has been repeated and failed many times without number . . . . While [George W. Manypenny] was Commissioner of Indian Affairs, there were not less than fifteen or twenty tribes that took lands in severalty, with the option of becoming citizens. Where are those tribes today? Reduced in numbers, reduced in morals, without spirit, they have been cast into Indian Territory and given small reservations there . . . .
>
> Gentlemen, let me tell you and the American people, "Don't of your own motion repeat this miscievous and dangerous mode of trying to solve the Indian question!" . . . . You cannot civilize a people in a day; you cannot grow a nation in a day. . . . If you do not wish your posterity to reflect upon a spectacle of an Indian people extinguished by your benevolence, by your efforts to lift him, false misguided efforts; if you do not expect posterity to regret your acts in years to come, let the Indian alone . . . . I warn you not to pass such a bill or you will regret it. The time will come . . . when you can, no doubt, but don't be in a hurry. Wait for the Indian. . . . . Carry out the laws you have; enforce the treaties you have. If any individual has too much land--that is what all this means--tell him so. . . . tell him: "You have got too much land. The advances of civilization do not allow

---

[28] Gittinger, Formation of the State of Oklahoma, 162-179.

your occupying so much . . . it must be used." Tell him the truth. Don't tell him that you are going to lift him up to citizenship, give him land in severalty, and make him a Christian gentleman. You cannot do it. He has got to do it himself.[29]

Under the terms of the Treaty of 1866 the western lands ceded by the Creeks were to be used for the express purpose of resettling other Indian tribes. A large portion of this region situated in the very heart of the Indian Territory and known as the "Oklahoma lands" had not yet been settled by any tribe. The "boomers" soon began to press for its opening to white settlement. As early as March 3, 1885, Congress had passed a law authorizing the absolute purchase of this district from the Creeks, but the tribe had steadfastly refused to consider any change in the status of the ceded lands.[30] In 1885 the Creek delegates, Efa Emarthla and Legus C. Perryman, had made an unauthorized contract with Samuel J. Crawford of Kansas to represent them in these negotiations as attorney, but this contract had been repudiated by the Creek government.[31]

On February 8, 1887, the much dreaded Dawes Severalty Act became law. Although the Five Civilized Tribes were expressly excluded from its provisions, this act gave the

---

[29]Board of Indian Commissioners, Annual Report, 1886, 134-135.

[30]Statutes, XXIII, 384. Commissioner of Indian Affairs, Annual Report, 1886, 158-160.

[31]Debo, Road to Disappearance, 316.

President the authority to allot in severalty the lands of any other Indian tribes whenever he thought that such allotment would be for their benefit. The act also bestowed United States citizenship upon all Indians who accepted such allotments.[32] The passage of this measure caused great alarm among all the tribes of the Indian Territory. In June of 1887 at Anadarko and in June of 1888 at Fort Gibson, great inter-tribal councils were held at which the desperate Indians of the plains at last agreed to unite with their civilized brethren from the East. On June 19, 1888, Pleasant Porter made one last plea for federation.

> In a policy looking to the unification of the Indian people of the Indian Territory, the aim would look only to political union. The question of lands and funds would not be touched. Should it be that our interests be in unification, let us try it; let us begin today in this age of advancement in the United States. One thing seems clear, we can not lose by it. If we fail we can not help it. If we neglect our opportunities we shall fail. Now, if we can find that this thing is reasonable let us adopt the policy of unification and take up the line of march like men and do it. Let us know not the Creek, the Cherokee, the Chickasaw, nor the Choctaw, but the Indian only; not one tribe, but all.[33]

At the Anadarko council of 1887 a memorial entreating the President to stay the execution of the severalty law was signed by delegations of all tribes present, and at Fort Gibson in 1888 a resolution for the creation of a unified Indian government , presented by Pleasant Porter, was

---

[32] Kappler, Laws and Treaties, I, 33-36.

[33] Commissioner of Indian Affairs, Annual Report, 1888, 126.

unanimously adopted. A committee was chosen to draft a constitution for an "Indian Territorial Government." This constitution was to be submitted to another great council which was called for 1889 at Purcell.[34]

When Congress met for its short session in December, 1888, it was apparent that a strong attempt would be made to enact a law opening the Oklahoma district. Chief Legus C. Perryman succeeded in persuading the National Council to authorize an absolute cession of the area, and the delegates, Pleasant Porter, David M. Hodge, and Isparhecher, arrived in Washington early the following January with instructions to complete the negotiations. As soon as they undertook the claim, however, the delegates found it necessary to revive the old unauthorized contract with Samuel C. Crawford and to agree to pay a repudiated note for supposed legal services at one-half face value, or $42,198. Since this was considered necessary in order to purchase the required political favor, the Creek National Council was induced to accept the obligations involved. Finally, on January 19, 1889, an agreement was signed by the Creek delegates and Secretary of the Interior William F. Vilas whereby the Creeks gave up all claim to the ceded lands in return for a payment of $2,280,857. This amount was enough to increase the payment for the entire area ceded

---

[34] Ibid., 344. Commissioner of Indian Affairs, Annual Report, 1887, 116-118. Debo, Road to Disappearance, 322, 434-344.

in 1866 to $1.25 an acre. The agreement was approved by the Council on January 31 and signed by President Grover Cleveland on March 1, 1889. Under its terms, two million dollars of the purchase money was to be deposited in the United States Treasury as a permanent educational fund drawing interest at the rate of five per cent a year.[35]

The news of the Oklahoma cession aroused many protests among the Creek people. Angry meetings were held in towns and villages all over the nation at which the Creek officials involved were dencunced in bitter resolutions. It became known that the approval of the National Council had been obtained only by the bribing of some of its members, and charges were circulated that Crawford had divided his fee with the delegates and the Chief. A motion to censure the delegates for paying the Crawford fee failed in the House of Kings by a small vote, and there was serious talk of impeaching the Chief. Daniel N. McIntosh instituted proceedings in the district court at Fort Smith charging Crawford, Hodge, Porter, Isparhecher, and Clarence W. Turner with collusion and fraud. Nothing could actually be proven, and the charges were soon dropped. Nevertheless, his implication in this "Oklahoma land scandal" remained an unexplained blot on Pleasant Porter's record.[36]

---

[35] Ibid., 344, 348. Kappler, Laws and Treaties, I, 321-323. 50 Cong., 2 sess., Sen. Ex. Doc. 98.

[36] William A. Sapulpa, January 20, 1938, Indian-Pioneer

On April 22, 1889, the ceded Oklahoma district was opened to white settlement. The formation of this alien colony in the very heart of the Indian Territory forever dispelled all hope for the creation of an effective Indian union. The Purcell intertribal council, which met the following June, was attended only by the Cherokee and Creek delegations.[37] In 1889 Congress passed another law limiting even more the powers of the Indian governments. A new Indian Territory court was created with jurisdiction over civil and minor criminal cases involving United States citizens and such cases between citizens of different tribes. Liquor and larceny cases were still to be reserved to the Fort Smith court.[38] This act was later amended in 1895 by the creation of three judicial districts within the territory and the abolition of the criminal jurisdiction of the Fort Smith court.[39]

Only with great reluctance did Pleasant Porter come to realize that surrender in the matter of allotment of lands was unavoidable. Once convinced, however, that the interests of his people could not be furthered by longer resistance, he devoted his attention to the negotiation of an acceptable

---

Papers, LXXX, 353. Debo, Road to Disappearance, 348-350. Commissioner of Indian Affairs, Annual Report, 1889, 209. Indian Journal, May 23, 1889. Muskogee Phoenix, January 19, 1919.

[37] Statutes, XXV, 1004. Indian Journal, June 6, 1889. Commissioner of Indian Affairs, Annual Report, 1890, 416-418.

[38] Kappler, Laws and Treaties, I, 39-44.

[39] Ibid., 70-76.

compromise. In reaching such an agreement it would first be necessary to overcome the stubborn convictions of the Creeks themselves. His changing views on the matter of allotment were indicated in a public letter to Isparhecher in which he argued that the political interests of the Creek Nation were being rapidly absorbed by the federal government and that the tribe would soon be completely powerless. Under the existing system a few citizens were quietly possessing themselves of the lion's share of the common property.

> As you know, I am one of those using a large portion of our public domain which has been and is a matter of great profit to me, yet because our law allows it and others practice it, I do not feel that it is right or just that this profit should continue to me at the risk and expense of the whole people.[40]

Despite his conversion to this view, Pleasant Porter, disturbed at the weakness and corruptness of the progressive administration, cast his vote against the National Constitutional candidate Legus C. Perryman and for the die-hard conservative Isparhecher in the general election of September 1, 1891. Perryman was, however, reelected and conditions continued from bad to worse.[41] Following the election, Porter, David M. Hodge, and young Albert P. McKellop were chosen to represent the tribe in Washington.[42] During the winter of

---

[40]Porter to Isparhecher, June 13, 1891, in the Purcell (Chickasaw Nation) Register, June 26, 1891.

[41]Returns, Creek General Election, September 1, 1891, Indian Archives, 29498. Debo, Road to Disappearance, 325.

[42]Muskogee Phoenix, November 10, 1892.

1892-93 it became increasingly apparent to the delegates that a concerted attempt would soon be launched to abrogate the treaties and to abolish the Indian governments preparatory to regular territorial organization. On February 9, 1893, Porter and McKellop published a circular to be distributed among the Creek people warning them of the approaching danger.

> . . . now that the public lands are becoming pretty well occupied by white settlers, the Congress is now pretty generally of the opinion that all U. S. Indians must be made citizens and must change their land tenure from that of tribal ownership to that of individual ownership. This has been the "unwavering" policy of the national government for the past twenty-five years. None of the treaty rights are denied but they say that the Indians are now ready for citizenship with all its "rights, privileges, and immunities" and they intend for the Indians to change and accept them.[43]

The following March 3 Congress established a commission to negotiate the dissolution of the tribal governments, as well as the allotment of their lands in severalty. The chairman of this, the so-called Dawes Commission, was former senator Henry L. Dawes of Massachusetts.[44] Soon after the commissioners arrived in the Indian Territory to begin their task, an intertribal council was held at Checotah. Among the tribal delegations were the leading men of the territory. The Creeks sent representatives of all factions including Isparhecher, Hotulke Emarthla, Ellis B. Childers, Pleasant Porter, Daniel N. McIntosh, George W. Grayson, and Efa Emarthla.

---

[43]Porter and Albert P. McKellop to the Muskogee Nation, February 9, 1893, in the Purcell Register, February 16, 1893.

[44]Statutes, XXVII, 645. Gittinger, Formation of the State of Oklahoma, 225.

The members of the Commission were present to address the delegates but were unable to alter their determination to resist any proposed changes. On February 21, 1894, a solemn memorial calling upon the United States to observe its treaties and agreements was adopted and signed by the delegates.[45]

On April 3, 1894, a great outdoor council of the Creek Nation was held at Okmulgee to consider the Dawes Commission's proposals. Again, the commissioners stated in clear terms that the United States was determined to abolish the tribal governments, divide the communal property, and create a territory. If the Indians would negotiate, they might obtain favorable terms. If not, Congress would liquidate their institutions without consulting them. In answer to the threat, the assembled Creeks by an overwhelming vote decided not to accept the Commission's offer.[46] A few days later Pleasant Porter made this comment upon the incident.

> I think the Dawes Commission went at their work wrong to accomplish anything with the Indians. They at the outset attacked and asked the Indians to surrender those things that they guard most jealously--their autonomy and their land tenure. If they had pointed out to them the good of progress and development and education and had commended them for the progress they have made, it would have had a fair show of success on any reasonable request, and on the lines I have mentioned I believe they would have reasonable success; but they will never on the basis of the Commission's address.[47]

---

[45] Statement to the President and Congress of the United States, Checotah Intertribal Council, February 21, 1894, Indian Archives, International Council File. 54 Cong., 1 sess., Sen. Doc. 182, 3. Debo, Road to Disappearance, 346.

[46] Ibid., 346-347.

[47] Muskogee Phoenix, April 19, 1894.

The fundamental issue before the Creeks in the election of 1895 was the acceptance or rejection of the Dawes proposals for negotiation. Chief Legus C. Perryman's financial mismanagement had finally resulted in his impeachment and conviction on November 25, 1895. For the remaining nine days of his term, Second Chief Hotulke Emarthla assumed the office of Principal Chief.[48] Among the candidates in 1895 were Ellis B. Childers and David Anderson of the Union Party, Thomas W. Perryman and John R. Goat of a Union Party faction, Pleasant Porter and Oche Harjo of a new National Union Party, and Isparhecher and Roley McIntosh of the Muskogee Party.[49] Porter's platform promised governmental reform, opposition to allotment, removal of the great pastures by lawful means, destruction of the "land monopoly," and the encouragement of education and of economic development.[50] His personal views on the possibility of working out an acceptable compromise with the Dawes Commission were, however, widely known.[51] Seeking leaders who would be absolutely uncompromising in their resistance to the federal government's demands, the Creeks elected the conservatives Isparhecher and McIntosh by

---

[48] Debo, Road to Disappearance, 355-360.

[49] Ibid., 361. Muskogee Phoenix, August 15, 1895.

[50] Platform, National Union Party, June 14, 1895, Indian Archives, 35611.

[51] Debo, And Still the Waters Run, 32. Muskogee Phoenix, April 19, 1894. Porter to Isparhecher, June 13, 1891, in the Purcell Register, June 26, 1891. Ibid., July 7, 1893.

large majorities.[52]

After a lifetime of opposition to the constitutional government, Isparhecher became its chief executive in December of 1895. It is indeed ironic that, by the end of his term, the last vestiges of tribal independence would be swept away and the long dreaded allotment of lands begun. Though the stubborn old Chief made a valiant effort to reform the administration and to destroy the power of the white intruders, the problems of his office were too complex for an illiterate fullblood. From the Council, from the Indian Office, and even from the United States courts he received only evasive promises of support and no real cooperation. His protests against the incorporation of independent municipalities within the Creek Nation were overrulled by Judge William M. Springer of the Northern District Court who continued to grant municipal charters under the laws of Arkansas.[53] When the Chief appealed to the Union Agent to remove unwanted intruders, he was requested to compile statistics pending an "investigation" which never seemed to get under way.[54] An organization of "progressive" citizens managed to obstruct the operation of his new laws forbidding the employment of non-citizen laborers and eventually obtained a Creek High Court decision declaring

---

[52]Debo, Road to Disappearance, 361.

[53]Ibid., 364-365.

[54]Commissioner of Indian Affairs, Annual Report, 1897, 77.

it unconstitutional.[55] In desperation, the Chief personally employed a firm of white attorneys on his own responsibility and instituted suits in the federal courts against a number of intruding cattlemen, but the machinery of the law became very cumbersome and the suits were still pending at the time of his death in 1902.[56]

One by one, the remaining tribal defenses were removed by act of Congress. Under the law of 1895 the Creek lands were surveyed preparatory to allotment.[57] The following year Congress directed the Dawes Commission to make the rolls of the tribes and gave rejected applicants for tribal citizenship the right to appeal to the federal courts.[58] Determined to resist to the bitter end, Isparhecher called a new inter-tribal council which met at Eufaula in July of 1896. Returning from Washington where he was serving as tribal delegate, Pleasant Porter attended this council.[59] Convinced that further resistance against the federal policy was futile, he advised the delegates to treat with the Dawes Commission.

---

[55] Debo, Road to Disappearance, 363-364.

[56] Ibid., 368. Hinds, "White Intruders in the Creek Nation," 62. Porter to J. M. Givens, January 9, 1900, Indian Archives, "Executive Office, Muskogee Nation, General Letters, January 1, 1900, to April 19, 1901," 5-6. Hereafter cited as General Letters

[57] Kappler, Laws and Treaties, I, 79.

[58] Ibid., 80.

[59] Debo, Road to Disappearance, 369.

The inevitable is at hand and all intelligent Indians recognize it. It remains for us to march gracefully to the new order of things or be driven forcibly. We are getting ready to march. No one longer gets mad when you preach the advisability of treating with the Dawes Commission and accepting allotment. The only thing that now troubles the Indian is the manner in which the changes urged and needed are to be brought about. What is the plan of the greatest security? The question is no longer of political interest to the Indian. It has passed from the phase of politics to one of national and individual interest. Congress without having any knowledge of the condition of affairs in the five nations, would likely unintentionally do the Indian great wrong if left to settle the matter without the intervention, advice and consent of the Indians. Therefore, the Indians must and they will help, by treaty and counsel, shape the new order of things for the safety and welfare and advancement of their own people.[60]

The following August the Creek National Council convened at Okmulgee, and Porter again tried to persuade the members to negotiate before it would be too late. But the fullbloods refused to listen to the "pleasant platitudes" of Pleasant Porter until Isparhecher himself recommended negotiation. Then only did the Council create a delegation of five to meet with the Dawes Commission. Porter was elected chairman of this delegation, and both fullbloods and mixed-bloods were among its members.[61] In November, 1896, this delegation met with similar representatives of the other Civilized Tribes at South McAlester, where under the chairmanship of Chief Green McCurtain of the Choctaws they formulated a set of conditions as the basis for any negotiation with the federal commissioners.

---

[60]Claremore (Cherokee Nation) Progress, September 5, 1896.

[61]Debo, Road to Disappearance, 369. Meserve, "Chief Isparhecher," 73-74. Muskogee Phoenix, November 26, 1896.

These demands, including proposals for financial indemnity and limitations upon future statehood, were rejected by the Dawes Commission.[62] The Choctaw Nation succumbed to the threat of coercion and concluded the first agreement with the Commission the following December 18 at Atoka.[63] But Chief Isparhecher expressed his determination to "continue the fight" and decided to have "nothing more whatever to do with the government's agents."[64] Finally, on June 7, 1897, Congress passed a law placing the Indians under the sole jurisdiction of the federal courts and providing that all tribal legislation except resolutions for adjournment and acts relating to negotiations with the Dawes Commission should be subject to approval by the President. This law was to become effective on January 1, 1898.[65]

In August of 1897 Isparhecher advised a special session of the National Council to abolish the delegation headed by Pleasant Porter, but the Council voted over his veto to continue negotiations.[66] Finally, on September 27, 1897, an

---

[62] William A. Sapulpa, September 3, 1937, Indian-Pioneer Papers, XLIII, 338-340. Act, Creek National Council, November 10, 1896, Indian Archives, 30869. Claremore Progress, June 27, 1896. South McAlester Capital, May 13, 1897.

[63] Commissioner of Indian Affairs, Annual Report, 1897, 39.

[64] Debo, Road to Disappearance, 371.

[65] Kappler, Laws and Treaties, I, 87-88.

[66] Muskogee Phoenix, September 2, 1897. Debo, Road to Disappearance, 372.

agreement with the Dawes Commission was drawn up which would have provided for the division of the tribal lands in one hundred sixty acre allotments to the unrestricted possession of all Creek citizens. This agreement was rejected almost unanimously by the National Council in its regular session the following October.[67] No further action was taken, and at the close of the year the Council's right of independent action was lost.

On January 1, 1898, Pleasant Porter, who continued to serve as regular tribal delegate during the Isparhecher administration, arrived in Washington accompanied by his fellow delegates, Second Chief Roley McIntosh and Cub McIntosh.[68] A bill designed to give authority for the destruction of the tribal governments in the Indian Territory had already been introduced by Senator Charles Curtis of Kansas. Seeing that it would be impossible to prevent the passage of this measure, the delegates concentrated on an attempt to obtain the most favorable possible terms. In testifying before the various congressional committees they expressed their points of view on many matters. "Their object was to impress one common harmonious idea . . . and to ask that . . . it be incorporated in the bill then being prepared."[69] Porter was particularly

---

[67] Ibid., Commissioner of Indian Affairs, Annual Report, 1898, 443-448. Kappler, Laws and Treaties, I, 656-662.

[68] G. W. Benge et al. to Samuel J. Crawford, February 20, 1897.

[69] Claremore Progress, January 22, 1898.

interested in securing restrictions that would prevent the fullbloods from alienating their allotted lands and in provisions whereby the entire tribal domain would be evenly divided on the basis of valuation among all Creek citizens. He was strongly opposed on these matters by delegations of land speculators who sought to block his proposal that the townsite lands should be included in the general allotment at minimum and maximum valuations of twenty-five to threeehundred dollars per acre.[70] Convinced that he had done everything possible, Porter returned to Muskogee on May 16, 1898. In an interview with a Claremore Progress reperter he expressed the opinion that Congress would soon pass the long dreaded measure "with amendments to make it more acceptable to the residents of the Indian Territory."[71]

True to Porter's prediction, the Curtis Act was passed early that summer, receiving the President's signature on June 28, 1898. The terms of the law were not, however, as favorable to the Indians as he had anticipated. Under its provisions every tribal citizen was to receive a one hundred sixty acre allotment in fee simple and the townsite and remaining lands were to be sold. The financial administration and control of tribal schools was given over to the Secretary of the Interior. All pasturage and agricultural leases were

---

[70] Ibid. "The Five Tribes in Congress," Claremore Progress, February 5, 1898.

[71] Ibid., May 21, 1898.

annulled and the tribal courts abolished. The act further provided that the federal courts might compel tribal officials to surrender their rolls and require citizens to register for allotment.[72]

The passage of the Curtis Act marked the beginning of the end. From that time on there was little alternative but to accept whatever terms the government saw fit to impose. Isparhecher, now old and sick, became a pitiable figure as he helplessly denounced the perfidy of the government.

> The United States government has by its late acts of congress abrogated the treaties heretofore made with the Indians of the Indian Territory, disregarding their wishes and ignoring their treaty rights. . . . this is an assumption of power unauthorized by the organic laws of the American Union . . . which would be resisted as such if such treatment were attempted against the similar rights of any other nation than the weak, defenseless tribes of the Indian Territory. . . . it is a challange of power without offering the Indian any weapon of defense. The Indian is simply a target to stand up and be shot down. This is not fair . . . . It has ever been the boast of Americans that, above all other things, they love fair play--equal rights to the humblest of her citizens at all times--but I ask in all candor, is such the fact regarding the Indians at this time? Is it fair that the Creeks shall be denied the use of their money to use as they please? Are they not free born, and entitled to the exercise of the rights guaranteed to a free people? Yet we, the Creeks are denied the use of the means necessary to protect our rights in the courts of the United States. The great president of a free people says we can't have the money to test our constitutional rights in the courts. Thus it seems that we, the Creeks, have no rights of self-control, and are to be dealt with as little children only.[73]

It was against this background of national dispair

---

[72]Kappler, Laws and Treaties, I, 92-100.

[73]Isparhecher to John McGilbray, February 15, 1898, Foreman Collection, LXXVIII, 448-449.

that the election of 1899 was conducted. Still unable to comprehend the necessity for change and embittered by the failure of their revered leader, the fullbloods withdrew again to the back districts where they felt they could carry on their ancient customs and government. Few fullbloods participated in the election which evolved into a contest among three tickets. Pleasant Porter and Moty Tiger were nominated on July 5, 1899, for the principal and second chieftainships by a convention of the "progressive element" held at Okmulgee.[74] In an attempt to regain his prestige, Legus C. Perryman presented himself again as a candidate for principal chief, choosing as his running mate George W. Grayson, while the conservative candidates were Roley McIntosh and William McCombs.[75] Since a large number of the fullbloods abstained from voting in protest over the Curtis Act, the real contest was between Perryman and Porter. The vote was held on September 5, 1899, and resulted in the election of Pleasant Porter and Moty Tiger "by a small yet safe majority." Isparhecher then issued a proclamation declaring them "duly and legally elected to the offices of Principal and Second Chief respectively."[76]

---

[74] South McAlester Capital, July 13, 1899. Muskogee Phoenix, July 20, 1899.

[75] Returns, Creek National Election, Alabama Town, September 5, 1899, Indian Archives, 29646.

[76] Ibid. Muskogee Phoenix, September 7, 1899, Isparhecher, Proclamation, October 19, 1899, Indian Archives, 35655.

On December 5, 1899, Pleasant Porter officially assumed the Principal Chieftainship of the Muskogee Nation. His duty was now to guide an unwilling people through the destruction of their own institutions to the acceptance of United States citizenship. His administration was to witness a great transition.

CHAPTER V

TRIBAL LEADERSHIP

The opening of the twentieth century witnessed the beginning of a new and final phase in the history of the Creek Nation. The long and bitter struggle for tribal independence was over. Under the provisions of the Curtis Act the pattern of dissolution had already been determined by Congress. The Creek government had been stripped of its remaining powers, the tribal laws had been abolished, and the Dawes Commission had been authorized to proceed with the work of allotment.[1] The task ahead for the incoming administration would be to guide the Creeks to an acceptance of the new order and to protect them from the men who sought to despoil their heritage.

In his inaugural address to the National Council on December 6, 1899, Pleasant Porter denounced the Curtis Act for its "radical changes, penal exactions . . . and inconsistencies." Reasoning that what had been done would not be undone, however, he outlined a program of cooperation and

---

[1] Department of the Interior, Annual Reports, 1899, part 2, 18-21, 32.

strongly recommended the negotiation of a new agreement with the federal government, since the Curtis Act had gone into effect without Creek approval. He suggested that an agreement ratified by the National Council would remove some of the measure's most objectionable features. To prevent the Dawes Commission from establishing its own criteria of tribal membership, he further recommended the passage of acts defining Creek citizenship and providing for the taking of a national census.[2] These suggestions were enacted by the Council and a delegation to negotiate an acceptable agreement was appointed with the Chief as ex-officio chairman and George A. Alexander, David M. Hodge, Albert P. McKellop, Cub McIntosh, and former chief Isparhecher as members.[3]

President William McKinley shortly disapproved these acts on the grounds that the Dawes Commission was authorized by federal law to determine tribal citizenship and that any changes in the terms of the Curtis Act deemed necessary could be attended to without a delegation.[4] Hoping to convince the government of the need for a new agreement, Porter made a special trip to Washington in January of 1900 and succeeded in persuading Secretary of the Interior Ethan A. Hitchcock

---

[2] Porter to Creek National Council, December 6, 1899, General Letters, 267.

[3] Ohland Morton, "The Political History of the Creek Indians Since the Civil War" (Unpublished Master's thesis, Department of History, University of Oklahoma, 1929), 82.

[4] South McAlester Capital, January 18, 1900.

to invite the delegation to discuss the terms of an acceptable agreement. On February 1 the Chief returned to Muskogee, and, after consulting an informal council of leading citizens on the essential points of an acceptable agreement, traveled back to Washington at the head of the delegation.[5]

Accepting the fundamental provisions of the Curtis Act for allotment and tribal dissolution, the Creeks were particularly anxious for the tribal government to retain some measure of control over the public schools and to secure renewed recognition of the tribal courts. Porter argued that concessions in these matters would amount to a confession of the incompetency of their government and a reflection upon the integrity of tribal officials, but Commissioner of Indian Affairs W. A. Jones declared that he would never agree to such terms. Only after Commissioner Jones had suggested that the negotiations be discontinued did the Creeks give in to a compromise providing for "Indian control" of the schools under federal "supervision."[6]

On March 8, 1900, the New or Original Creek Agreement was signed in Washington. Although there were some concessions to the Creek point of view, the provisions of this agreement

---

[5] Ibid. Porter to Moty Tiger, January 1, 1900, General Letters, 391-392. Porter to Daniel Starr, February 17, 1900, ibid., 13-14.

[6] Porter to William M. Springer, May 25, 1900, ibid., 99. South McAlester Capital, March 8, 1900. Porter to Creek National Council, May 7, 1901, Indian Journal, May 10, 1901.

did not differ fundamentally from those of the Curtis Act. Its terms included the fee simple allotment of Creek lands in one hundred sixty acre tracts. All lands were to be appraised on the basis of a valuation of $6.50 an acre for the best lands, and the differences in valuation were then to be "equalized" from a capitalization of the annuities and other funds of the tribe. For the protection of the fullbloods, it was provided that each allotment would include a forty acre "homestead" which should be inalienable for a period of twenty-one years. All townsites were to be reserved from the general allotment and sold at valuations appraised by committees appointed by the Creek Chief. Persons occupying town lots at the time of the signing of the agreement were to be privileged to buy them at fifty per cent of valuation, and those having the legal right of occupancy of town lands in excess of four acres were to have the right to purchase one-fourth of all lots into which that land would be divided at two-thirds of the appraised value. One hundred and sixty acre allotments were also to be made to churches, schools, and recognized charitable institutions.[7]

In addition to the allotment provisions, the Original Agreement contained an authorization for the submission of all remaining claims to the Senate or to the United States Court of Claims within two years. There was a clear statement

---

[7]Original Creek Agreement, March 8, 1900, Indian Archives, 35667. Kappler, Laws and Treaties, I, 729-733.

that the federal courts were to have complete jurisdiction in the Creek Nation and that the statutes of Arkansas were to be applied therein. The United States agreed to recognize the tribal government only as a representative association and financial corporation until all the Creek lands had been allotted and the tribal funds divided equally. The tribal government was to be dissolved on March 4, 1906.[8]

Returning to Muskogee on April 12 Porter expressed confidence that the agreement would be ratified.[9] As authorized by the Curtis Act, the Dawes Commission had already begun the work of allotment on April 1, 1899, and was now progressing rapidly. In a circular letter to the town chiefs dated June 19, 1900, Chief Porter reported that some ten thousand Creek citizens had taken their allotments and that fewer than four thousand remained to make selections.[10] Everywhere could be seen the signs of "progress." The newly chartered municipalities--Muskogee, Okmulgee, Tulsa, Wagoner, Eufaula, Sapulpa, Holdenville, Checotah, and Wetumka--had formed their governments and were busy with plans for civic improvement.[11] With the destruction of tribal authority, the railroads began to

---

[8] Ibid.

[9] Muskogee Phoenix, April 12, 1900.

[10] Porter, circular letter, June 19, 1900, General Letters, 133-139.

[11] Porter to Creek National Council, October 9, 1901, Indian Archives, 35668. Debo, And Still the Waters Run, 76.

extend their lines and the real estate speculators redoubled their efforts to swindle the fullblood.[12]

Throughout the summer and fall of 1900 the ratification negotiations proceeded slowly, and Porter remained in Muskogee. Here he worked to protect the interests of his people and to influence them to cooperate with the Dawes Commission in selecting allotments. Meanwhile, the profound social and economic changes wrought by the forced transition were having a serious impact upon the irreconcilables. Convinced that their troubles stemmed from the surrender of the old laws and customs, they again withdrew to form a tribal organization that would truly represent them. As early as May, 1900, a secret council was held at Brush Hill where the fullblood grievances were discussed and the evil times decried. A special delegation was here elected to go to Washington to state these grievances to the government.[13] That same month, the delegation, consisting of Chitto Harjo or Crazy Snake, Fotulkee Yahola, Hotulke Fixico, and Sandy Johnson, arrived in Washington to confer with the Commissioner of Indian Affairs. Uncertain as to whether or not this delegation was to be

---

[12] Ibid., 92-98. Foreman, History of Oklahoma, 336-338.

[13] Porter to Springer, May 7, May 25, 1900, General Letters, 84-86, 99. Porter to Hodge, April 27, 1900, ibid., 78. Porter to James K. Jones, May 9, 1900, ibid., 80. Porter to J. Blair Shoenfelt, June 29, 1900, ibid., 152-156. Porter to Wesley Smith, September 3, 1900, Indian Archives, 38991. Muskogee Phoenix, April 26, June 21, 26, 1900.

considered official, Acting Commissioner A. C. Tonner telegraphed Chief Porter, who replied that they should not be recognized.[14] The fullblood delegates had made the trip to Washington expecting the government to assume their expenses and were now stranded. Pooling their resources they sent their leader, Chitto Harjo, back to the Indian Territory where he circulated the news that he was able to defeat the pending Creek Agreement and had persuaded the government to recognize a new Creek Nation.[15]

Learning that Chitto Harjo had called another secret council and intended to establish a rival fullblood government, Porter wrote to the Union Agent, J. Blair Shoenfelt, at Muskogee that the remaining members of the fullblood delegation in Washington should be carefully explained the existing situation and advised to take up their allotments and cooperate with the government. He further suggested that they be detained in Washington until the adjournment of the forthcoming fullblood council and authorized their return to Muskogee then at Creek expense.[16] Porter's sympathy for the fullblood position is evident in his words of advice to Yarteka Harjo.

Our lands are being allotted without any agreement on the part of the Creeks, but by a law of Congress. It is

---

[14] Porter to Shoenfelt, May 4, 1900, General Letters, 83.

[15] Porter to Shoenfelt, June 29, 1900, ibid., 152-156.

[16] Ibid.

not right for the Government to make these changes compelling our people to take their land in severalty and break up their time honored custom of holding their lands in common. But the Government of the United States is very powerful and in the exercise of its power has determined to do it, and we, the Creeks have no power to resist the will of the United States.[17]

But the stubborn fullbloods refused to accept the counsel of surrender. The denial of tribal funds did not stop them from presenting their case to the authorities in Washington. They joined the irreconcilables of the other Civilized Tribes in the formation of the secret "Four Mothers Society." Its work supported by monthly dues from its membership, this secret order established its own delegation in Washington pledged to secure the restoration of the old tribal ways and for a time even employed a white attorney to secure needed legislation.[18] As the months passed, the fullblood disaffection became more and more ominous. Chitto Harjo or Crazy Snake, an able and determined fullblood, became the acknowledged leader of the faction and his followers were known as the "Snake" Indians. Secret councils were held continuously in the back districts, and rumors of a new insurrection began to fly. Already attempts to enforce the old tribal laws against intrusion and the employment of non-citizens had resulted in several midnight whippings and armed skirmishes. Fearing that the next session of the National Council might

---

[17] Porter to Yarteka Harjo, July 13, 1900, Indian Archives, 31156.

[18] Debo, And Still the Waters Run, 54.

result in widespread disorder, Chief Porter appealed to Agent Shoenfelt for a police guard at Okmulgee during the sitting of the Council.[19] Unaware of the real seriousness of the situation, however, the agent merely promised protection from intimidation and took no positive steps to prevent an open disturbance.[20]

The Council met in its annual session on October 4, 1900.[21] In his opening message Chief Porter gave a detailed outline of the Creek negotiations with the government and of the progress of allotment. In discussing the outlook for the future he was completely realistic.

> The effort to resuscitate and reestablish a government administered by ourselves thus far has proved futile, and the outlook is extremely unfavorable to the success in ever again recovering even the most limited form of tribal government.
>
> Assuming this to be true, it behooves us to cast about and find what is best for us to do. In determining this question it would be best for us to note the immediate conditions and environments and what is transpiring today. Government over us is administered by the United States; our lands patented to us as a tribe or nation are being allotted to the individual members of the tribe under authority of a law of Congress. It is true that it is admitted that the title to the lands can not be segregated without an agreement with us so to do. The lands of the tribe were patented to the nation in fulfillment of treaties mutually agreed upon by and between the United States and the Creek nation, and their partition can not be lawfully made except by mutual consent of the contracting parties, therefore a treaty or agreement

---

[19] A. C. Tonner to Amos McIntosh, John R. Goat, and Thomas W. Perryman, January 12, 1901, Indian Archives, 34546. Porter to Shoenfelt, September 27, 1900, General Letters, 232-233.

[20] Indian Journal, January 25, 1901.

[21] Muskogee Phoenix, October 4, 1900.

in the lawful and usual manner will be seen to be of the highest importance.[22]

Acting in accordance with the Chief's suggestions, the Council voted to continue the negotiations for congressional ratification of the Creek Agreement. A delegation consisting of Amos McIntosh, John R. Goat, and Thomas W. Perryman was elected to represent the tribe in Washington during the coming session of Congress and instructed to work particularly for the ratification of the Agreement of March 8 as signed except for two changes--a provision to make the entire allotment, instead of only forty acres, inalienable for twenty-one years and another to give the tribal government the right to appeal the decisions of the Dawes Commission to the federal courts.[23]

Meanwhile, in October of 1900, while the regular Council was still in session, the fullbloods held their own council at the "Old Hickory Stomp Ground," a traditional ceremonial square about six miles southeast of Henryetta. Here, they chose Chitto Harjo as their "principal chief" and established their own tribal government with a bicameral legislature and a national court. Reenacting the old laws, they appointed lighthorsemen to enforce them, especially against

---

[22] Ibid. Porter to Creek National Council, October 4, 1900, Indian Archives, 35664.

[23] Porter to A. McIntosh, T. W. Perryman, and Goat, December 10, 1900, General Letters, 309. A. McIntosh, Goat, and T. W. Perryman to the Citizens of the Muskogee Nation, January 29, 1901, Indian Archives, 30269.

those members of the tribe who had accepted allotments.[24] Knowing full well that the Snakes intended to carry out the punishments they had enacted, the members of the National Council became greatly alarmed. On November 2, 1900, Pleasant Porter again appealed to Agent Shoenfelt for protection.

> The Snake faction has adjourned their convention of council, but are calling little meetings in their towns for the purpose of notifying their faction of the laws they have made, which they intend to enforce; among others, is a law to punish by whipping and fine any person that has a white man hired. Another is, whipping without trial persons charged with stealing--they intend to follow the person, catch him, tie him to a tree wherever they find him, whip him and cut off his ears, and other punishments.
>
> I write you this that you may know why there is a feeling of dread among members of our council on going home. This council will adjourn Monday, and some of them have been notified that they are summened [sic] before their council to hear the Snake law read. Your not coming back has given encouragement to those here that are partly in sympathy with the Snake faction, and either you or Inspector J. George Wright should come here without fail and tell our people that the Snake faction with their laws will not be permitted to interfere the people. If you do not do this there will be trouble, perhaps bloodshed within the next two or three weeks, which it will be very much to be regretted.
>
> If you are not going to suppress these people, notify me and we will establish our own courts and subject them to rule.[25]

This appeal was answered the following day by a proclamation from the United States marshal at Muskogee, Leo E. Bennett, who warned the Snakes to disband.[26] The threat of

---

[24] Tonner to A. McIntosh, Goat, and T. W. Perryman, January 12, 1901, Indian Archives, 34546. Indian Journal, January 25, 1901. Wright, Indian Tribes of Oklahoma, 132, 144. Debo, And Still the Waters Run, 55.

[25] Porter to Shoenfelt, November 2, 1900, General Letters, 297.

[26] Leo E. Bennett, Proclamation, November 3, 1900, Indian Archives, 34545.

federal intervention resulted in an uneasy peace, and the members of the Council returned to their homes undisturbed. On December 17 Porter wrote to the delegates in Washington, "The country is quiet, not affected by rumors. It is looking with deepest interest towards you to effect for them as favorable a treaty as possible, and at as early date as practicable."[27] But the false atmosphere of security was misleading. The fullbloods stubbornly refused to countenance an agreement that would confirm the changes that were being forced upon them, and there were men in the territory who hoped that a full scale Snake uprising would completely discredit the tribal government and place the Indians at the mercy of Congress and the grafter lobby.[28] As the new century was ushered in, the threat of insurrection again hung like a dark cloud over the Creek country.

Early in January of 1901 Pleasant Porter again traveled to Washington to be present during the ratification negotiations.[29] The delegates had already secured the striking out of a hotly contested clause which would have given sole control of oil and other mineral leases to the Department of the Interior. However, a group of territorial "boosters"

---

[27]Porter to Goat, A. McIntosh, and T. W. Perryman, December 17, 1900, General Letters, 334.

[28]Tulsa Democrat, February 1, 1901.

[29]Porter to A. McIntosh, December 30, 1900, General Letters, 384-385. Muskogee Phoenix, January 17, 1901.

led by Thomas R. Smith of Muskogee were already lobbying to prevent a supplementary agreement and had been successful in defeating a provision greatly desired by the Creeks for federal supervision of agricultural leases of allotted lands.[30] The following month, final terms were at last agreed upon and passed by Congress. The Original Creek Agreement, as signed by President McKinley on March 1, 1901, contained the same terms with regard to allotment as the agreement negotiated the previous year with a few new provisions. It was not to become effective unless ratified by the Creek Council within three months. The allotment rolls were to be closed on the date of ratification by the Council, and no children born after July 1, 1900, were to be eligible for allotments. The sale of any allotted lands without the approval of the Secretary of the Interior was forbidden for a period of five years, but the twenty-one year alienation restriction on the forty acre homestead was made applicable to fullbloods only. The terms of the compromise on school control were further clarified by the provision that the Creek school fund should be administered by the Secretary of the Interior and the Creek schools placed under the direct supervision of the Creek school superintendent and a federal supervisor from the Department of the Interior. The question of whether or not the long fought railroad land grants would become valid upon the

---

[30] Ibid. Porter to H. M. Harjo, April 25, 1900, General Letters, 71-73. Debo, And Still the Waters Run, 101, 135.

extinction of tribal title was answered explicitly within section twenty-three, which read, "The transfer of the title of the Creek tribe to individual allottees and to other persons . . . shall not inure to the benefit of any railroad company, nor vest in any railroad company, any right, title, or interest in or to any of the lands of the Creek Nation."[31] Shortly after ratifying the Creek Agreement, Congress passed another important act on March 3, 1901, declaring that all Indians in the Indian Territory were citizens of the United States.[32]

Deeply concerned over the impending agreement with Congress which would destroy the tribe, the Snakes reconvened their council at Hickory Ground in January of 1901 and again prepared to enforce their "laws" restoring the tribal regime. Copies of these laws were posted throughout the nation warning all Creeks not to take allotments nor rent land to non-citizens or to employ white labor in any capacity.[33] A curt declaration of independence was sent to Washington.

---

[31] Porter to Creek National Council, October 9, May 9, 1901, Indian Archives, 35668, 35667. Kappler, Laws and Treaties, I, 729-739.

[32] Ibid., 35, 114. Porter to Springer, March 8, 1901, General Letters, 411-412.

[33] Tonner to A. McIntosh, Goat, and T. W. Perryman, January 12, 1901, Indian Archives, 34546. Debo, And Still the Waters Run, 55. Indian Journal, January 25, 1901.

Hickerytown, Creek Capital

To President McKinley
Washington, D. C.

Sir:

I have already informed you of the matter concerning the execution of the Creek laws. I am now executing my laws, as I told you I would.

LAPTEH MEKKO
Principal Chief[34]

Soon afterward, the Snake lighthorsemen arrested and whipped several persons who had violated their laws. This caused widespread alarm throughout the entire Indian Territory. Chief Porter, who was still in Washington at the time of the outbreak, was informed of the condition of affairs at home by telegraph and returned to Muskogee immediately.[35] Marshal Bennett and Agent Shoenfelt had already called for a troop of cavalry to restore order to the territory.[36] With a posse of about thirty men, Bennett ventured out into the Snake country and came upon a small group of armed warriors camped on the South Canadian River. He warned the insurgents to disband and returned to Muskogee on the following day. When the federal soldiers arrived, the marshal succeeded in rounding up some ninety-four Snake warriors, sixty-seven of whom,

---

[34] Ibid. The name Lapte Micco was most probably a composite personification of the entire Snake faction, though it may have been a traditional title of Chitto Harjo, who also had an English name, Wilson Jones.

[35] Ibid., January 5, 25, February 1, 1901. Statement of Expenses, Executive Office, Muskogee Nation, December 5, 1900, to December 4, 1901, Indian Archives, 35671.

[36] Indian Journal, January 25, 1901.

including Chitto Harjo himself, were arrested and placed in jail at Muskogee. They were tried before Judge John R. Thomas and sentenced to long terms in prison. At the request of Chief Porter, the judge, who sympathized with the fullbloods himself, lectured them and set them free upon the promise to stop their opposition.[37] After personally interviewing the men in the Muskogee jail and advising them to enroll with the Dawes Commission and take up their allotments as the "best evidence of their intention to be good," Porter issued a proclamation of amnesty on March 4 calling upon all Creek citizens to extend to the insurgents "the right hand of fellowship."[38]

Hoping to give the Dawes Commission as much time as possible to finish the work of allotment, Porter delayed in calling the National Council to ratify the agreement until the ninety day period of grace was almost up.[39] In the meantime, he worked to persuade the remaining members of the tribe to come in and take their allotments before it would be too late. On May 7, 1901, the National Council convened at Okmulgee in special session to consider the ratification of the

---

[37] Debo, And Still the Waters Run, 55-56. Muskogee Phoenix, February 26, 1901.

[38] Porter, Proclamation, March 4, 1901, General Letters, 404. Indian Journal, March 8, 1901.

[39] Ibid. Porter, Proclamation, March 9, 1901, Indian Archives, 35667. Porter to W. A. Jones, March 11, 1901, General Letters, 426.

agreement. More time was needed for the Dawes Commission to complete the enrollment, and the tribal legislators worked diligently to register their constituents before the deadline. The Council delayed until May 22 before passing the measure. Finally, on May 25 Chief Porter signed the ratification bill, and the Original Creek Agreement became federal law.[40] Aware that in so doing he had signed the instrument of tribal dissolution, Porter declared, "I was conscious that I was compelled to sign the paper now that I know took the lifeblood of my people."[41] The tribe had thus acknowledged the legality of its own destruction.

Pointing out a number of "faults and inconsistencies" in the agreement, the Chief recommended that a new delegation be appointed to negotiate a supplemental agreement with the government. The Council acted favorably on this suggestion. The members of this new delegation were Thomas W. Perryman, March Thompson, Roley McIntosh, Alexander Davis, and Lawyer Deere with Chief Porter again serving as ex-officio chairman.[42]

---

[40] Porter to Springer, March 8, 1901, ibid., 411-412. Porter to Creek National Council, May 7, October 9, 1901, Indian Archives, 35667, 35668. Porter to the Kings and Warriors of the Muskogee Nation, April 30, 1901, Muskogee Phoenix, May 2, 1901. Indian Journal, March 15, May 10, 1901.

[41] 59 Cong., 2 sess., Sen. Rep. 5013, part 1, 649.

[42] Porter to Creek National Council, October 9, 1901, Indian Archives, 35668. Porter to I. W. Singleton, August 20, 1901, Holdenville (Creek Nation) Times, August 29, 1901. J. G. Wright to Porter, December 30, 1901, Indian Archives, "Letters and Acts Signed by Pleasant Porter" (Typewritten copies of manuscripts in the Office of the Superintendent for the Five

The delegates met together at Muskogee on August 25 to plan strategy and began talks with the Dawes Commission the following month. Although a general understanding as to the necessity for such a supplemental agreement was reached with the commissioners, it was decided that the approval of the Secretary of the Interior would be needed to effect any of the proposed changes.[43]

In spite of every safeguard contained in the Original Agreement, the land-grabbers were still able to secure control of allotted lands by negotiating leases with terms amounting almost to theft. In many cases these leases were accompanied by powers of attorney to receive the actual deeds when they should be issued.[44] The discovery of valuable oil deposits under Creek lands in the spring of 1901 brought the question of mineral leases squarely to the front. To protect the Indians from the new schemes to defraud them through leases, Porter secured a ruling from the Secretary of the Interior on August 13, 1901, which prohibited the leasing of mineral rights on Creek lands until the expiration of the five year

---

Civilized Tribes, Muskogee, n.d.), 49. Hereafter cited as Letters and Acts.

[43] Holdenville Times, January 18, 1902. Porter to the Town Kings of the Creek Nation, August 20, 1901, Indian Archives, 35658.

[44] 59 Cong., 2 sess., Sen. Rep. 5013, part 1, 650-671. Department of the Interior, Annual Reports, 1902, I, 201-202; 1903, I, 176-177. Holdenville Times, January 18, 1902. Muskogee Phoenix, January 7, 1905. Debo, And Still the Waters Run, 100-102.

sale restriction period without the approval of the Department of the Interior and forbidding the leasing of allotments for agricultural purposes for periods in excess of one year until such time as the deeds of fee simple ownership had been issued.[45] Despite a general impatience at the slowness of the allotment process, Chief Porter decided to hold back in the issuance of deeds until a supplemental agreement with terms protecting the fullbloods from the "lease grafters" could be concluded.[46]

In the meantime, under the liberal provisions of the Original Agreement, Porter, Clarence W. Turner, David M. Hodge, William A. Sapulpa, Frederick B. Severs, and other substantial citizens busied themselves in the purchase of valuable town lots at bargain prices. Turner and Porter had held a large pasture within the limits of Muskogee and, thus, were able to purchase outright a considerable amount of land. They also bought up a number of other lots at one-half appraised value using friends and relatives as proxy purchasers.[47] Porter,

---

[45] Department of the Interior, Annual Reports, 1901, II, 180. Holdenville Times, August 29, 1901. Porter to Wright, September 24, 1901, Indian Archives, 35698. Wright, circular letter, August 13, 1901, ibid., 35668. Debo, And Still the Waters Run, 86-87.

[46] Holdenville Times, November 21, 1901, March 22, 1902. J. A. Williams to Porter, May 19, 1902, Indian Archives, 31185.

[47] Porter to Wright, August 21, 1903, Letters and Acts, 124-131. Shoenfelt to Porter, January 31, 1901, Indian Archives, 39004, February 5, 1901, ibid., 39012. Tulsa Democrat, August 16, 1901. Debo, And Still the Waters Run, 121-123.

who had taken his own allotment to include his country home at Wealaka, was estimated to own about one hundred thousand dollars worth of real estate at the time of his death.[48]

The race question had never been the source of any trouble among the tolerant and hospitable Creeks, but the influx of a large white population now made necessary many social readjustments. Growing hostility between whites and Negroes expressed itself in the passage of "Jim Crow" laws by the newly chartered municipalities. On August 24, 1901, a proclamation of the mayor of Sapulpa for the expulsion of all Negroes not owning property in the town resulted in a small race riot. Only after the arrival of Marshal Bennett and Chief Porter on August 26 with a force of deputies from Muskogee was order again restored.[49] This example of quick and effective action against racial violence prevented similar outbreaks in other Creek towns, but the increasing racial hostility was to present serious problems in years to come.

The regular session of the National Council for 1901 was held the following October. In his opening message, Chief Porter reported that, although every possible effort had been made to complete the tribal rolls before the ratification of the Creek Agreement, almost three thousand citizens, for one

---

[48]William Adair Porter, January 7, 1938, Indian-Pioneer Papers, LXXII, 220. Vinita (Cherokee Nation) Leader, September 5, 1907.

[49]Holdenville Times, August 29, 1901.

reason or another, had not been included. Unless some provision were made for them in a supplemental agreement, these people would not receive their rightful share of the common property. He stated that the tribal rolls as then compiled included the names of some twelve thousand citizens. After a review of the negotiations for a supplemental agreement up to that time, he expressed the hope that a more equitable settlement might be reached early the following year.[50]

Throughout most of its 1901 session the Council occupied itself with routine business, but on October 12 a measure was passed for a per capita distribution of the two hundred thousand dollars which had been placed to the credit of the Muskogee Nation in the United States Treasury under the terms of the Act of March 1, 1899. Porter's effective veto of this measure, which would have seriously depleted Creek national funds, was regarded as a daring political move. While applauding the soundness of the Chief's decision, the opponents of distribution expressed concern that the veto may have seriously affected his chances for reelection in 1903.[51]

The refusal of Secretary of the Interior Hitchcock to consent to the negotiation of a supplemental agreement sent Pleasant Porter back again to Washington early in

---

[50]Porter to Creek National Council, October 9, 1901, Indian Archives, 35668.

[51]Indian Journal, October 18, 25, 1901.

February of 1902 to consult with the Secretary personally.[52] Porter argued that the widespread abuses of the lease and rental provisions of the old agreement made necessary closer control by some responsible agency. He further stated that the constant changes in actual land values made necessary a revision of the method of allotment and that some provision for the enrollment of those citizens who had failed to register as well as for Creek children born after July 1, 1900, but prior to the closing of the rolls on May 26, 1901, was necessary.[53] Secretary Hitchcock at last consented to the continuation of negotiations and called Tams Bixby, acting chairman of the Dawes Commission, to Washington to treat with the Creek delegates.[54] While waiting for the arrival of the Creek delegation, Porter conferred with Commissioner of Indian Affairs Jones and secured a ruling that all leases affecting Creek lands for periods exceeding one year were completely invalid--"not worth the paper upon which they are written."[55]

The negotiations for a supplemental agreement were carried out in Washington through March and early April. Accepting many of the Creek demands, the federal commissioners

---

[52]Porter to Creek National Council, September 17, 1902, Indian Archives, 35673. Tulsa Democrat, February 7, 1902.

[53]Ibid., February 21, 1902. Claremore Progress, February 14, 1902.

[54]Holdenville Times, February 15, 1902.

[55]Claremore Progress, February 14, 1902.

held out on the matter of allotment "equalization," insisting that all lands in excess of those necessary to allot each citizen his one hundred sixty acre share should be sold by the government and the proceeds used to equalize the values of the allotments. On the other hand, the Creeks insisted that not one acre of their soil should be sold to non-citizens. The deadlock was broken by a compromise providing for the distribution of the surplus lands to give each citizen an allotment in actual land equivalent to a one hundred sixty acre allotment of the best lands valued at $6.50 an acre. The residue lands were then to be sold and the proceeds divided evenly among the Creeks by a per capita distribution.[56] The proposed supplemental agreement was at last agreed to and submitted to Congress on March 25, 1902, by Secretary Hitchcock.[57]

In April Porter returned to Muskogee and announced that he was confident that the pending agreement would be ratified and that it would safeguard the Creek people from "the wholesale absorption of lands contemplated with rapacious individuals who hope to obtain . . . immense profits . . . ."[58] Instructing the Creek delegates to keep him

---

[56] Tulsa Democrat, February 21, 1902. Holdenville Times, March 22, 1902. Kappler, Laws and Treaties, I, 761-766.

[57] Ibid., 761.

[58] Holdenville Times, April 12, 1902.

informed of all steps of the ratification proceedings, he remained in Muskogee to expedite the work of allotment and to protect his people from the "grafters."[59]

The Supplemental Agreement as signed was ratified by Congress with few significant changes and approved by President Theodore Roosevelt on June 30, 1902. According to its terms, it was not to become effective unless further ratified by the Creek Council before September 1, 1902.[60] Though it was widely advocated that Chief Porter should present the first signed deed to Isparhecher at a great national celebration on July 4, the Chief declined to sign a single deed until after the Supplemental Agreement should become law.[61] He was greatly interested in seeing that the lease and rental safeguards of the new agreement should be in effect before any deeds were issued.[62]

The National Council met in extra session on July 17, 1902, and after many days of critical discussion the Supplemental Agreement was ratified on July 26. In addition to the "equalization" compromise, already discussed, the

---

[59] Porter to T. W. Perryman and Hodge, May 2, 1902, Letters and Acts, 103. Porter to Hodge, May 23, 1902, ibid., 120. Tulsa Democrat, May 16, 23, June 13, 1902.

[60] Gittinger, Formation of the State of Oklahoma, 324. Kappler, Laws and Treaties, I, 761.

[61] C. R. Breckinridge to Porter, May 31, 1902, Indian Archives, 31186. Holdenville Times, May 17, 24, June 7, 1902.

[62] Ibid., January 28, 1902. Porter to Creek National

agreement contained provisions for the laying out of roadways and authorized the Dawes Commission to set apart lands for new townsites wherever necessary. Also, the Commission was authorized to reopen the rolls to complete the registration of citizens born prior to May 26, 1901. Only mineral leases approved by the Secretary of the Interior were to be permitted, and all unallotted lands were to be administered by the Department of the Interior until sold. Probably the most important provision was that which prohibited the alienation of allotted lands without the approval of the Secretary of the Interior for a period of five years after the ratification of the agreement, regardless of whether or not fee simple title had been issued. A further restriction limited grazing leases to one year and agricultural leases and rentals to five year periods during the remainder of the tribal regime.[63]

Emphasizing the need for close federal supervision of leases, Porter wrote to President Roosevelt on August 2.

> It will require the utmost vigilance on the part of the Government to prevent the Indians from being overreached by the incoming home-seekers from the surrounding states. The policy of change as set down by the Government was to give to each citizen of the Nation an equal share in the lands patented to them in common, and to throw around them the protecting arm of the government so that as individual

---

Council, September 17, 1902, Indian Archives, 35673. Porter quoted by Indian Journal, May 2, 1902.

[63]Resolution, Creek National Council, October 23, 1902, Indian Archives, 31199. Porter to Creek National Council, July 17, 1902, in Muskogee Phoenix, July 17, 1902. Kappler, Laws and Treaties, I, 761-766.

citizens of the United States, as they are now declared to be, they might be enabled to put their lands to the highest productive use without endangering its ownership, and as circumstances seem to justify, with the approval of the Secretary of the Interior, they may part with portions of their lands. But the policy was not intended to provide a means of divesting the Indians of their lands, but to individualize them and protect them in the ownership of them and afford them an opportunity through which they might develop them by a system of rentals.[64]

Only when certain that the leasing provisions were effective and after insisting that great care be exercised by the Department of the Interior in approving sales and leases did Pleasant Porter begin the work of issuing deeds.[65] The day was widely heralded by the territorial press.

John Adams and Miss Leonora Porter, daughter of Chief Pleasant Porter of the Creek nation, were yesterday, during the entire day, busy stamping the dates "Muskoge" and "August 20th" on a part of 1,000 allotment and homestead deeds, which tomorrow will be signed by Chief Pleasant Porter of the Creek nation. Chief Porter will write his name 1,000 times and thus will represent 500 allotment deeds and 500 homestead deeds. After these deeds have been signed, they will be sent to the secretary of the interior. He will approve each deed and will send them back to the Dawes Commission. They will then be recorded and then given to Chief Porter; Chief Porter will then deliver to each allottee in person, his or her deed and those deeds will be the first ever given to an allottee in the Indian Territory.[66]

Throughout the remainder of 1902 and 1903 Pleasant Porter continued the issuance of deeds of title to the allotted lands. But without the vigilant supervision of the

---

[64] Porter to the President of the United States, August 2, 1902, Letters and Acts, 142-143.

[65] Porter to Shoenfelt, August 26, 1902, ibid., 145. Indian Journal, May 2, 1902.

[66] (Tulsa, Creek Nation) Indian Republican, August 22, 1902.

Department of the Interior, the lease and rental safeguards of the Supplemental Agreement were valueless. The failure of federal officials to fulfill their responsibilities made possible almost unbelievable land frauds. The whole story is a long and sordid one. Despite Pleasant Porter's repeated protests and entreaties, the unsuspecting Creeks were cheated of their valuable lands and mineral rights, and their defenceless children were deprived of inheritances by unprincipled "guardians." Time and again, Porter tried to secure amendments to the agreements or legislation by Congress providing for supervision by the tribe or by the government to curb the grafters, but the acts of the Council were vetoed by the President and the memorials and recommendations ignored by the Department of the Interior.[67]

The forces of "progress" continued to push relentlessly. The bustling little Creek towns were being rapidly transformed into commercial centers, new railroads were constructed, and everywhere the once unbroken pasturelands were being divided into individual farms.[68] Proud of this growth and prosperity, the "booster" element was anxious to display its achievements

---

[67] Porter quoted by Checotah (Creek Nation) Inquirer, August 2, 8, 1902. Tulsa Democrat, February 14, December 26, 1902. Porter to Tams Bixby, October 24, 1901, in Holdenville Times, November 7, 1901. Act, Creek National Council, December 3, 1902, Letters and Acts, 628-629. Debo, And Still the Waters Run, 101-115.

[68] Porter to Creek National Council, October 7, 1903, in Holdenville Times, October 10, 1903. Debo, And Still the Waters Run, 76, 92-98. Foreman, History of Oklahoma, 336-338.

to the world. The grand opportunity presented itself in the World's Fair of 1904 which was to be held at St. Louis, Missouri. As early as September of 1901 the Okmulgee chamber of commerce had called a meeting of the leading men of the Indian Territory to discuss the possibilities of a territorial exhibit at the exposition. Pleasant Porter was here chosen as chairman of the temporary territorial world's fair executive committee.[69] This committee met at Muskogee on September 25 and decided to call a general Indian Territory world's fair convention at Holdenville on October 28.[70] At the Holdenville convention it was decided to sponsor one great exhibit for the entire Indian Territory. The arrangements were to be made by a permanent territorial world's fair commission consisting of one member from each Indian nation.[71] The commercial interests, in particular, were determined that the territory should have a creditable exhibit and contributed time and money generously to the financial campaign.

By 1902 the issue of statehood was already becoming important. The Indian "progressives" had long looked forward to the eventual creation of an Indian state, and the approaching destruction of the tribal regime on March 4, 1906, under

---

[69] Muskogee Phoenix, August 29, 1901. Holdenville Times, September 5, 1901. South McAlester Capital, September 12, 1901.

[70] Porter, October 12, 1901, in Tulsa Democrat, October 18, 1901.

[71] Creek National Council to Congress, December 15, 1903, Letters and Acts, 567.

the provisions of the Original Creek Agreement, brought the question of a future government for the territory squarely to the front. Though the Indians themselves had been primarily interested in the land problem throughout the decade of the 1890's, the white residents of both Indian Territory and Oklahoma Territory had focused their attention upon the achievement of statehood. The sentiment of Oklahoma Territory was largely for the creation of a single state by the joining of both territories. Though many whites in the Indian Territory favored this "single statehood" plan, the Indians themselves were overwhelmingly opposed to any plan to annex them to Oklahoma. Feeling that their interests would be completely submerged in any proposed joint state, the Indian leaders determined to counter the single statehood pressure with a proposal for "separate statehood" for both territories.[72]

Greatly hampered by a deep rooted fullblood sentiment against any plan which would recognize the loss of tribal independence, they realized that the only way to remain apart from Oklahoma would be to establish a separate state. Though the Curtis Act had included a guarantee to the Five Civilized Tribes that they would be made a separate state, the sentiment in Congress as well as in the territory was already growing

---

[72]Muskogee Phoenix, August 11, 1898. Holdenville Times, October 11, 1902, January 31, 1903. South McAlester Capital, September 11, 1902. Porter to Thomas M. Buffington, July 16, 1903, Letters and Acts, 250-251. Gittinger, Formation of the State of Oklahoma, 236-241.

strong for single statehood.[73] On December 10, 1900, at McAlester and later on November 14, 1901, at Muskogee, single statehood conventions had been held under the leadership of white delegates from Oklahoma Territory.[74] On March 14, 1902, an omnibus bill for the admission of Oklahoma Territory, New Mexico, and Arizona into the Union as separate states had been introduced by Representative William S. Knox of Massachusetts.[75] This measure, later amended to provide for the admission of Indian Territory and Oklahoma Territory as one state, was pending in the Senate when on September 15, 1902, Pleasant Porter issued a call for a meeting of the chiefs of the Five Tribes at South McAlester on September 26. When it was learned that it would be impossible for Chief Thomas M. Buffington of the Cherokees and Chief Gilbert W. Dukes of the Choctaws to attend such a council in September, the meeting was postponed until October 15 and the call amended to include other official representatives of the tribes.[76]

---

[73] Ibid. Kappler, Laws and Treaties, I, 654.

[74] 59 Cong., 1 sess., Sen. Doc. 143, 30. Amos D. Maxwell, "The Sequoyah Convention," Chronicles of Oklahoma, XXVIII (Summer, Autumn, 1950), 169-170.

[75] Ibid., 171. Gittinger, Formation of the State of Oklahoma, 242-243.

[76] Porter to Roley McIntosh, September 22, 1902, Letters and Acts, 171. Porter and Hulbutter Micco to Buffington, September 29, 1902, ibid. Hulputta Micco to Porter, September 24, 1902, Indian Archives, 30880. Tahlequah Arrow, October 18,

When the Creek Council met in its regular session early in October, resolutions were passed favoring separate statehood and authorizing Albert P. McKellop, Roley McIntosh, Alexander Perryman, and John R. Goat to accompany Chief Porter as delegates to the McAlester convention.[77] Finally, on October 15 the convention met, but because of poor attendance adjourned without accomplishing anything. At the call of Chief Green McCurtain of the Choctaws, they were to meet again as a convention "more fully representative of the Indian governments and Indian people."[78]

Upon the return of the Creek delegates to Okmulgee, the National Council elected three two-man delegations to confer with the chiefs of the Choctaw, Chickasaw, and Cherokee nations on the urgent necessity for an effective separate statehood convention.[79] The next intertribal convention, as called by Chief McCurtain, met at Eufaula on November 28, 1902.

1902, in Gaston Litton (comp.), "Creek Papers, 1870-1930" (typewritten copies of newspaper articles, Indian Archives, n.d.), 193-194. South McAlester Capital, September 18, October 2, 1902.

[77]Resolution, Creek National Council, October 9, 1902, Letters and Acts, 665. Tahlequah Arrow, October 18, 1902, in Litton, "Creek Papers, 1870-1930," 193-194. Porter to Creek National Council, October 7, 1903, Holdenville Times, October 10, 1903.

[78]Ibid., October 18, 1902. Indian Journal, October 24, 1902, in Litton, "Creek Papers, 1870-1930," 192-193.

[79]Resolution, Creek National Council, October 22, 1902, Letters and Acts, 363. Record of vote, October 23, 1902, ibid., 639. Resolution, Creek National Council, October 24, 1902, ibid., 359.

Pleasant Porter was elected chairman. The sentiment of the convention was strongly against single statehood with Oklahoma Territory and against any legislation that would give the domain of the Five Civilized Tribes a regular territorial government.[80] A resolution denouncing the previous single statehood conventions as misrepresentations of Indian sentiment were adopted and sent to Congress.

> We . . . protest against any legislation by Congress that contemplates the annexation of the Indian Territory or any part thereof to the Territory of Oklahoma, or any state and we insist upon our tribal governments continuing in tact [sic] and our tribal conditions remaining unchanged until March 4, 1906, at which time should Congress deem it wise to change the present form of government in the Indian Territory, we ask that a state be formed out of the territory composing Indian Territory without the preliminary steps of a territorial form of government.[81]

At Porter's request, a special delegation was sent to deliver this memorial to Senator Matthew S. Quay of Pennsylvania, the chief Republican opponent of "single statehood" in Congress.[82] During the following session of Congress, the statehood measure was effectively opposed, though not defeated,

---

[80] 59 Cong., 1 sess., Sen. Rep. 143, 27, 34. Porter to Green McCurtain, November 1, 1902, Letters and Acts, 185. Joint Resolution, Cherokee Senate and Council, November 10, 1902, ibid., 512-513. Porter to Creek National Council, November 24, 1902, ibid., 557-558. Memorial, Creek National Council, December 5, 1903, ibid., 563-564. Gittinger, Formation of the State of Oklahoma, 245.

[81] Sallisaw (Cherokee Nation) Star, December 5, 1902, in Litton, "Creek Papers, 1870-1930," 204-208.

[82] Porter to Henry Ainsley, December 6, 1902, Letters and Acts, 203. Resolution, Creek National Council, December 3, 1902, ibid., 634. Gittinger, Formation of the State of Oklahoma, 244.

in the Senate and Congress adjourned in March having accomplished nothing further toward statehood.[83]

Taking advantage of the provision of the Original Creek Agreement which permitted the submission of claims, the Creek Council on December 3, 1902, authorized Isparhecher and David M. Hodge to present the unpaid Loyal Creek claim to Congress.[84] This old claim, arising from the failure of the federal government to compensate the Loyal Creeks for their losses during the Civil War, had long been pending. The death of Isparhecher on December 22, 1902, left the burden of the negotiation on Hodge. Chief Porter and John R. Coat joined him in Washington where they succeeded in securing Senatorial approval for a payment of $1,236,830 to the Loyal Creeks specified in the Treaty of June 14, 1866, and their descendents. This sum was reduced later to $600,000 by the House of Representatives and passed as part of the general Indian Appropriation Act of March 3, 1903, with the stipulation that it be accepted as full payment of the Loyal claim. A further provision required the payment of ten per cent of the appropriated sum to Samuel W. Peel, a former representative from Arkansas, for attorney fees and a similar five per cent to Hodge.[85] This provision and a visit of

---

[83] Ibid. Maxwell, "Sequoyah Convention," 173.

[84] 57 Cong., 1 sess., Sen. Doc. 420. Resolution, Creek National Council, December 3, 1902, Letters and Acts, 634.

[85] Porter to Hodge, January 19, 1903, ibid., 229. Porter to S. W. Brown, January 21, 1903, ibid., 231. Meserve,

Porter and Goat to the White House received comment from Fus Fixico, the Creek "Mr. Dooley."[86]

Well, so Chief Porter and Johnny Goat was go see President Rooster Feather in the White House same as Booker D. Washingtub and talk about Royal Creek claim and statehood and things like that. They was stay long time and wait for dinner like Booker D. Washingtub, but President Rooster Feather was not say "hombux," like he was rather eat with nigger than fullblood Injins. So Chief Porter and Johnny was had to go to National Hotel and drink soup instead a wine. And Johnny Goat he was tell Chief Porter he wish he was in Choska bottom or Cane Creek. They was stay in Washington about a month maybe, but they aint do no good like but have good time. Congress was cut the Royal Creek claim down to nothing, same as Spain. But the Creek treaty was not read that way. Guess so somebody was make big steal. But maybe so that was all right, 'cause anybody do it anyhow that was had a chance.[87]

To fulfill the terms of the appropriation act, Porter called a special convention of the town chiefs and Loyal Creeks at Okmulgee on March 27, 1903. Here, resolutions were passed accepting the sum of $600,000 as full payment of the claim and at the same time expressing the hope that Congress would recognize later the equity of paying the full amount originally allowed by the Senate.[88] Porter then

---

"Chief Isparhecher," 75. Porter to Creek National Council, May 19, 1903, Indian Archives, 35677. Kappler, Laws and Treaties, III, 13-15.

[86] Fus Fixico was a creation of the Creek poet and editor Alexander L. Posey for the "Fus Fixico Letters," a feature column in the Eufaula Indian Journal.

[87] Indian Journal, March 20, 1903.

[88] Tulsa Democrat, November 3, 1905. Resolution, Okmulgee Convention of Loyal Creeks, March 27, 1903, Letters and Acts, 240.

called an extra session of the National Council which convened on May 19, 1903, to accept officially the money on behalf of the Creek Nation and to provide for its distribution among the Loyal Creeks and their heirs. This was done by a direct proportionate payment on the basis of the original list of claimants.[89]

Early in March Chief Green McCurtain of the Choctaws issued a new call for a meeting of the chief executives of the Five Civilized Tribes. This meeting was held in Eufaula on May 21 through May 24. Here, the chiefs created the Five Civilized Tribes Executive Committee to work for separate statehood. W. H. Ainsley of South McAlester was appointed chairman of this committee, and Alexander L. Posey was appointed by Porter as member for the Creek Nation. Resolutions were adopted reciting the guarantees in the various removal treaties that no territorial or state government would be placed over the Indains without their consent and recommending that elections be held in each nation to select delegates to an international constitutional convention to be held not later than February 1, 1904. The tribal legislatures were further advised to petition Congress for separate statehood by March 4, 1906, and to address memorials to various religious and temperance organizations throughout the United

---

[89] Porter to the President of the House of Kings and the Speaker of the House of Warriors, May 5, 1903, ibid., 243. Porter to Creek National Council, May 19, 1903, Indian Archives, 35677. Debo, Road to Disappearance, 376.

States for assistance in combatting union with Oklahoma Territory and its legal liquor traffic. The executive committee was authorized an active educational campaign to acquaint the citizens of the various tribes with the importance of the election. Non-citizens of the Indian nations were invited to hold separate conventions to make recommendations for the constitution which would be written.[90]

In accordance with the recommendations of the Eufaula convention, the Creeks and other tribes memorialized Congress for separate statehood. However, only the Choctaw Nation held the election to decide the feasibility of a constitutional convention. Though the proposed convention was never held, the Eufaula meeting of 1903 is significant as the first formal attempt to organize sentiment in favor of separate statehood.[91]

Pleasant Porter's personal successes, his skill as a politician, his influence in Washington, and his devotion to the best interests of his people had by 1903 combined to place him in a unique position in the Indian Territory. Everywhere

---

[90] Porter to Buffington, July 16, 1903, Letters and Acts, 250-251. Porter to Creek National Council, November 24, 1903, ibid., 506-507. Tulsa Democrat, October 16, 1903.

[91] 59 Cong., 1 sess., Sen. Doc. 143, 27-36. Memorial, Creek National Council, December 15, 1903, Letters and Acts, 250-251. Porter to Creek National Council, December 11, 1903, ibid., 453. Porter to Creek National Council, October 7, 1903, in Holdenville Times, October 10, 1903. Debo, And Still the Waters Run, 161.

[92] Gittinger, Formation of the State of Oklahoma, 247-249. Maxwell, "Sequoyah Convention," 174.

respected for his integrity and administrative ability, he was recognized by many as the "greatest living Indian."[93] In a larger sense, he had become one of the last great spokesmen of his race. The closing words of his first annual message to the Creek National Council will long be remembered as a classic statement of the Indian position in American history.

> The vitality of our race still persists. We have not lived for naught. We are the original discoverers of this continent, and the conquerors of it from the animal kingdom, and on it first taught the arts of peace and war, and first planted the institutions of virtue, truth, and liberty. The European nations found us here and were made aware that it was possible for men to exist and subsist here. We have given to the European people on this continent our thought forces--the best blood of our ancestors having intermingled with their best statesmen and leading citizens. We have made ourselves an indestructable element in their national history. We have shown that what they believed were arid and desert places were habitable and capable of sustaining millions of people. We have led in the vanguard of civilization in our conflicts with them for tribal existence from ocean to ocean. The race that has rendered this service to the other nations of mankind cannot utterly perish.[94]

---

[93] St. Louis Post-Dispatch, September 17, 1899. South McAlester Capital, November 9, 1899. Reed, "Greatest Living Indian."

[94] Porter to Creek National Council, October 2, 1900, Indian Archives, 35664.

CHAPTER VI

DISSOLUTION OF A NATION

The social, economic, and political changes wrought during Pleasant Porter's first term as Principal Chief had a serious impact upon the Creek people. Silently resisting with the only weapon left to them--civil disobedience--the fullbloods became only further intrenched in their conservatism and were firmly convinced that any change would be only for the worse. On the other hand, many "progressives," dazzled by the prospects of statehood, joined openly with the "booster" element. Land frauds and corruption in the federal agencies also had their effect upon tribal leaders, many of whom succumbed to the temptations of graft and collusion.[1]

On June 27, 1903, charges of corruption were submitted to the Department of the Interior by Creek attorney Albert P. Murphy without Chief Porter's approval which resulted in the dismissal of a prominent Creek citizen, Clarence B. Douglas, from a position in the land sale department of the Union Indian Agency. The following August, national interest was focused on charges of S. M. Brosius, agent of the Indian

---

[1]Debo, And Still the Waters Run, 53, 91-125.

Rights Association, that members and employees of the Dawes Commission and other federal agencies in the Indian Territory were speculating in Indian land.[2] As a result of these charges an investigation was conducted in the fall of 1903 by Charles J. Bonaparte, member of the Board of Indian Commissioners. While exonerating Douglas, the Bonaparte report revealed that almost all federal officials in the territory were heavy investors in land companies, many of them being listed as officers and directors.[3] Murphy's unauthorized denunciation of Douglas was later investigated by Chief Porter and resulted in his dismissal as Creek national attorney on March 21, 1904. Murphy countered by bringing suit against Porter for violation of contract and defamation of character.[4]

The results of all these changes were reflected in the tribal election of 1903. In addition to Porter and Second Chief Moty Tiger, who both sought reelection, the candidates in 1903 were former chief Legus C. Perryman and John A. Jacobs,

---

[2] 58 Cong., 2 sess., Sen. Doc. 189, 5-17. The Indian Rights Association, founded in 1882, was a nonpolitical, nonsectarian association of private citizens interested in promoting legislation beneficial to the Indians. Unlike the Board of Indian Commissioners, the association had no official connection though it did maintain agents in Washington. Hodge, Handbook of American Indians North of Mexico, I, 608.

[3] 58 Cong., 2 sess., Sen. Doc. 189, 5-40. Porter to Arthur P. Murphy, Letters and Acts, 268-269.

[4] Ibid. Porter to W. Scott Smith, April 6, 1904, ibid., 275. South McAlester Capital, June 30, September 8, 1904.

representing the extreme "boosters," James R. Gregory and James Bird, representing the moderate conservatives, and Charles Gibson with Chitto Harjo representing the fullbloods.[5] In the minds of some, Chief Porter himself had become associated with the prevailing corruption. Others felt that he was chiefly responsible for an unwarranted surrender to the Dawes Commission in the matters of allotment and tribal dissolution. On the other hand, the "booster" element deplored his inconsistency in demanding that the fullbloods who opposed him be protected. Throughout a long and heated campaign the shrewd comments of Fus Fixico added humor and color.

> Well, I like to know who we going to had for next chief. I see in Journal Roley McIntosh say he was tired a running for chief and was going to work. Maybe so he was just say that. Porter was not say nothing yet, but I think he was had his eye on it like buzzard on dead cow in winter time. But I was druther had somebody else for chief. Porter was stay too much in Muskogee and St. Louis and Washington and places like that to make good chief. Injins was not like that. Porter he was send deed by express like he was not want Injins to had it; or, maybe so, he make you come after it to Muskogee. Injins was not like that neither. It was cost too much hotel bill to get deeds that way.[6]
>
> Well, so they was not much talk about next chief, and it was look like Creek Injins was lost they grip and they suspenders couldn't hold up they breeches. If Chief Porter was not talk good, maybe so he was had a black filly run over him like at a horse round-up. If I was vote for him next time maybe so he was had to give big barbeque and make me superintendent public destruction like Alice Robertson. Maybe

---

[5] G. W. Hill and H. M. Harjo to Porter, August 12, 1903, Indian Archives, 35687. Returns, Creek National Election, September 1, 1903, ibid., 35680. Recapitulation of vote, Creek National Election, September 1, 1903, ibid., 29658. Indian Journal, May 8, 1903.

[6] Ibid., February 20, 1903.

I was make big stride with schools, too, and learn Injin boys how to play base ball.[7]

Well, so I see in the newspapers they was lots a candidates for Creek chief 'sides Pleas Porter and Charley Gibson and Legus Perryman and Yaha Tustnuggee. But I think it was laid between Yaha and Charley 'cause they get all the Injin votes and was left nothing for Pleas and Legus but niggers to vote for them and maybe so a few half breeds that was hungry for pie.[8]

A typical campaign visit of Pleasant Porter was described in the Holdenville Times on August 1, 1903.

Chief Pleasant Porter arrived in the city Wednesday at 7:30 p.m., the guest of his many friends. . . . After a few minutes' rest lunch was served at the Bachelors' hall. After lunch many friends of the General greeted him and all enjoyed a social discussion of current events, particularly relating to the Creek nation.

Being asked about the Wetumka rally, the chief said: "It was the largest political meeting I have ever seen in the Creek nation; there were also many white people present. I think the red man expressed more interest in his tribal affairs than ever before. I did not make a real political address; I simply gave my fellowmen an outline of the progress and work accomplished since I have occupied the executive chair; of the present status of affairs among the Five Civilized Tribes and of our anticipations in the future, telling them that I wanted them to discuss matters freely among themselves."

"General, it has been intimated that perhaps a change has been made in the last ruling of the secretary regarding Creek lands. Do you know anything about it?" was asked.

"I do not know; I have been away from my office twenty-four hours, so there has been time for a change."

"What do you think will be the final outcome of these rulings?" was further asked.

"I am neither a prophet nor the son of a prophet." was the reply.

But in continuing a general discussion the chief seemed in the best of spirit regarding the final dissolution of tribal affairs. He said: "Of course one may muddy a stream by throwing dirt into it, but if the spring at its source continues to empty clear water, the mud will soon disappear; so it is the progress of a great country might be continually retarded, but where there is a concourse of intelligent and determined people laboring for its upbuilding, success is sure."

---

[7] Ibid., March 20, 1933. [8] Ibid., June 26, 1903.

The election, held on September 1, 1903, resulted in both victory and defeat for Pleasant Porter. Though he and Moty Tiger were both reelected by substantial plurality votes, the new National Council was largely conservative in membership.[9] By reelecting Porter the Creeks had expressed their confidence in his integrity and administrative ability, but in electing a conservative Council they expressed their opposition to the changes that were being brought down upon them. Even in the "lame duck" session which met in October, hostility toward the "administration" made it difficult for the Chief to secure support for his program. However, resolutions were passed protesting against the appointment of a federal supervisor of schools, the formation of any government for Indian Territory prior to March 4, 1906, and any plan for the annexation of the Five Civilized Tribes as a whole or in part to Oklahoma Territory. Acts were passed making parents legal as well as natural guardians of their minor children and appropriating seventy-five thousand dollars to pay all outstanding warrants against the Creek Nation. Chief Porter, Albert P. McKellop, Roley McIntosh, James R. Gregory, and John A. Jacobs were elected delegates to take up the settlement of remaining Creek claims and other business still

---

[9] Claremore (Cherokee Nation) Messenger, September 4, 1903. Returns, Creek National Election, September 1, 1903, Indian Archives, 35680. Recapitulation of vote, Creek National Election, September 1, 1903, ibid., 29685.

pending.[10] These measures were all disapproved by President Roosevelt making it impossible for the Creeks to negotiate further with the government without being invited to do so.[11]

The newly elected National Council met early in December. Although another memorial favoring separate statehood only after March 4, 1906, was passed and sent to Congress, no important actions were taken in the matter. The officers elected for the coming term were James Smith, President of the House of Kings, and Alexander Davis, Speaker of the House of Warriors, both political opponents of Porter.[12]

Early in January of 1904 the "booster" element led by the Muskogee chamber of commerce undertook to influence Congress to remove all restrictions on the sale and leasing of allotted lands except homesteads. The leaders of this movement were men prominent among the Creeks--Albert P. McKellop, Charles N. Haskell, former agents Robert L. Owen and Dew M. Wisdom, Alexander L. Posey, and the Reverend A. Grant Evans, president of Henry Kendall College. A general convention was held at Okmulgee on January 19, 1904, and resolutions were adopted calling for the removal of restrictions

---

[10] Vinita (Cherokee Nation) Republican, October 23, 1903. Tulsa Democrat, December 11, 25, 1903.

[11] Collinsville (Creek Nation) News, February 11, 1904.

[12] Porter to Creek National Council, December 8, 1903, Indian Archives, 35681. Act, Creek National Council, October 12, 1904, in Muskogee (Creek Nation) Democrat, October 27, 1904. Tulsa Democrat, December 11, 1903.

upon the sale and leasing of Indian lands and the release of the unallotted surplus lands for sale. Evans was appointed to proceed to Washington and lobby for the desired legislation.[13] Supported by similar resolutions and memorials from the chambers of commerce, town councils, and commercial clubs of some twenty-one Indian Territory towns, he succeeded in securing the passage of an act on April 21, 1904, removing all restrictions from the allotted lands of adult white and Negro tribal citizens and authorizing the Department of the Interior to pass upon individual applications from Indians. This act also provided that surplus Creek lands should be sold by the Dawes Commission in one hundred sixty acre lots as soon as the allotments should be completed.[14] On March 26 Chief Porter had written to the Secretary of the Interior protesting against the proposed measure as a violation of the Creek Agreement of March 1, 1901, but his influence was insufficient to prevent its passage.[15] The carnival of land transactions that followed resulted in the transfer of thousands of acres of rich land, especially in the Arkansas valley where the freedmen predominated to the very speculators who had promoted

---

[13] 59 Cong., 2 sess., Sen. Rep. 5013, part 2, 1894-1896. Debo, And Still the Waters Run, 137-138.

[14] Ibid., 138-139. 59 Cong., 2 sess., Sen. Rep. 5013, part 1, 582-583, part 2, 1931-1942. Kappler, Laws and Treaties, III, 50-51.

[15] Porter to the Secretary of the Interior, March 26, 1904, Vinita Leader, April 7, 1904.

the scheme.[16] Secretary Hitchcock had specified September 1, 1904, as the date for the final closing of the tribal rolls in order to permit the Dawes Commission to complete its work of allotment by the time for tribal dissolution.[17] On September 22, 1903, Chief Porter announced that he would seek to prevent by injunction, if necessary, an attempt of the government to sell the residue lands before all allotments had been equalized under the terms of the Supplemental Creek Agreement.[18]

Despite President Roosevelt's disapproval of the appropriation for an official Creek delegation, Porter made a trip to Washington at private expense during February, 1904, to oppose pending single statehood legislation. Before leaving he issued a circular letter to the members of the National Council urging great caution in land transactions.

> I would earnestly warn the people through you, against signing any papers or making any contract of whatever kind respecting their lands, either lease, rent or sale, unless they are fully conscious of its contents. It would be infinently better for our people to retain their land even if not so much profit accrues to them, until they become better acquainted with the laws governing the use of their land. It may be admissable in some instances for our people to make a sale of their land, but as a rule the policy of retaining it is by far the safest course to pursue.[19]

---

[16] Debo, And Still the Waters Run, 90, 114.

[17] Porter to Creek National Council, October 4, 1904, Muskogee Phoenix, October 4, 1904.

[18] Holdenville (Creek Nation) Tribune, September 22, 1904.

[19] (Chickasha, Chickasaw Nation) Chickasaw Express, February 12, 1904.

The Chief spent a good deal of time at the St. Louis Exposition during the spring and summer of 1904. So much time, in fact, that it became widely rumored throughout the territory that he was planning to marry the daughter of a St. Louis businessman. An announcement of an engagement, apparently stemming from false information, was made in the territorial newspapers.[20] When questioned by a reporter, Porter laughingly denied any intention to remarry, but Fus Fixico found the rumor worth a pointed comment on the helplessness of the Creek government. "Well, so . . . Chief Porter go to St. Louis and get married and Secretary Its Cocked was approved the matrimony . . . ."[21] Another report from St. Louis described a streetcar accident in which Porter was rather seriously injured.[22] October 1, 1904, had been designated Territory Day at the Exposition. At the head of a large Indian Territory delegation, Chief Porter joined with Governor Thompson B. Ferguson of Oklahoma Territory in delivering the principal addresses of the day. Afterwards, an elaborate reception was held at the Indian Territory pavilion.[23]

---

[20] Cherokee Advocate, April 30, 1904. Holdenville Times, April 29, 1904.

[21] South McAlester Capital, May 5, 1904.

[22] Holdenville Times, July 1, 1904.

[23] Porter to the Chiefs of the Five Civilized Tribes, August 13, 1904, Letters and Acts, 283. Porter, October 1, 1904, Pryor Creek (Cherokee Nation) Clipper, October 8, 1904. Cherokee Advocate, October 8, 1904.

Porter's appearance at this reception dressed in tribal regalia received considerable criticism in the "booster" newspapers anxious to discredit him. Describing the incident as "shameful and disgraceful," an editorial in the Wapanucka Press warned, "such an uncivilized spectacle will do the Indian Territory no good . . . ."[24] In similar vein, the editor of the Okmulgee Democrat deplored the Chief's "appearance in barbaric costume . . . instead of civilized garb" and stated that "such a costume was more fitted for the Phillippine exhibition than for a representative of a proposed state."[25]

The National Council met in its annual session on October 4, 1904, at Okmulgee. In his opening message, delivered the following day, Pleasant Porter briefly reviewed the events of the previous year and outlined a program of proposed legislation for the prosecution of persons illegally holding allotments, for the opening of public roads along section lines, for the enclosure of all livestock, and for the appointment of a tribal delegation to treat with the government for adjustment of all interests of the Creek people then pending. He also strongly recommended the adoption of a memorial calling upon Congress to fulfill the promise of separate statehood for Indian Territory.[26]

---

[24] Wapanucka (Choctaw Nation) Press, October 27, 1904.

[25] Ibid.

[26] Porter to Creek National Council, October 4, 1904, Muskogee Phoenix, October 4, 1904.

Despite its opposition to Porter, the Council passed an emphatic separate statehood resolution and elected Alexander Davis, James Smith, and Roley McIntosh to the Washington delegation with instructions to work for an amendment to the Creek Agreement which would provide for the allotment of the surplus lands to Creek children born prior to March 4, 1906.[27] Another measure was passed appropriating five thousand dollars for the prosecution of persons who had enrolled for Creek allotments by fraud. The Council also set aside six thousand dollars to be used in sending a delegation to Washington to secure the speedy settlement of the remaining property affairs of the nation.[28] The prevailing opposition to Porter was expressed in a resolution calling upon the Secretary of the Interior for an investigation of the manner of sale of town lots in the Creek Nation.[29] It being well known that Porter and other substantial "progressives" had taken full advantage of the liberal townsite provisions of the Creek Agreement even to the extent of purchasing lots by proxy through friends and relatives, this measure was regarded as a direct slap at

---

[27] Ibid. Resolution, Creek National Council, October 20, 1904, Letters and Acts, 670. Holdenville Times, November 11, 1904.

[28] Muskogee Phoenix, October 4, 1905. Wapanucka Press, November 3, 1904.

[29] Act, Creek National Council, October 12, 1904, in Muskogee Democrat, October 12, 1904. Holdenville Times, October 21, 1904.

the Chief.[30] Porter's veto of the resolution was overridden by a vote of seventeen to nine in the House of Kings and sixty-six to nothing in the House of Warriors.[31] Dutifully forwarded by the Chief to Indian Inspector J. George Wright for transmittal to Secretary Hitchcock, the measure was disregarded by the Department of the Interior. The proposed investigation was never held.[32]

In accordance with the acts of Council, Porter instructed M. L. Mott, who had succeeded Arthur P. Murphy as national attorney, to prosecute all persons illegally holding allotments, to insist upon the full performance of the terms of the agreements regarding equalization of allotments, and to work for an amendment that would provide for the continued allotment of surplus lands to children born during the tribal regime.[33] Greatly concerned over the prospects of the Hamilton bill, a single statehood measure then pending in the Senate, the Chief again traveled to Washington, this time accompanied by Roley McIntosh, a prominent fullblood representative. Appearing before several congressional committees, they

---

[30] Debo, And Still the Waters Run, 121-123. South McAlester Capital, October 27, 1904.

[31] Porter to Creek National Council, October 16, 1904, in Muskogee Democrat, October 27, 1904.

[32] Tulsa Democrat, November 10, 1905. Porter to Wright, October 21, 1904, in Muskogee Democrat, October 27, 1904.

[33] Porter to M. L. Mott, December 9, 1904, Letters and Acts, 292-294. Muskogee Democrat, January 23, 1905.

succeeded in securing amendments to the bill which would have rendered it more satisfactory to the Indians.[34] Passed by the Senate as amended on February 7, 1905, the Hamilton bill was then rejected by the House of Representatives. It was sent to a conference committee, but was not reported out before Congress adjourned.[35] While in Washington, Porter also succeeded in securing amendments to the Indian Appropriation Act of March 3, 1905, providing for the allotment of surplus lands to Indian children born on or before March 4, 1906, in the Creek, Chickasaw, and Choctaw nations and for the use of any remaining lands to bring up to standard allotments appraised at less than the maximum valuation.[36] He and McIntosh returned to Muskogee on March 9 following the adjournment of Congress. The next day, in an article entitled "Some Effective Work Done by Chief Porter" the Muskogee Democrat paid tribute to his success.

> . . . there is little doubt, but what Chief Porter put in some quiet, effective work against the statehood bill. If he did so, it was done without the blare of trumpets or other outward sign, to attract much attention.
>
> Chief Porter has spent much time in Washington for many years past and he has had the confidence and esteem of the leading public men in both political parties, so he knows

---

[34] Porter to Creek National Council, October 4, 1904, Muskogee Phoenix, October 4, 1904. Ibid., October 3, 1905, October 4, 1905.

[35] Gittinger, Formation of the State of Oklahoma, 248-249.

[36] Kappler, Laws and Treaties, III, 148-149. Muskogee Democrat, March 10, 1905.

just how and where to reach those able to influence legislation. They believe Chief Porter to be sincere in his work in behalf of the Indians and as a consequence, give more regard to what he advocates than is the usual representation made by those claiming to represent the people of the Indian Territory.[37]

A visit of President Roosevelt to the Indian Territory on one of his extended hunting trips in the spring of 1905 brought the question of statehood again to the front. On April 5 the President passed through Muskogee and was met by a reception committee which included Chief Porter, Judge Thomas, Charles N. Haskell, I. N. Ury, and Clarence B. Douglas.[38] In a brief address Roosevelt declared, "Your Territory, remember, in conjunction with Oklahoma, will soon be one of the greatest states in the Union."[39] This statement, indicating that the President had decided to support openly the admission of the two territories as a single state, aroused great alarm among the Indians. As if spurred on by these words, the proponents of both single and separate statehood doubled their efforts to secure the legislation they desired. On April 14, 1905, in Oklahoma City the Single Statehood Executive Committee of Oklahoma and Indian Territory met and decided to call a convention to meet at the same place on July 12.[40]

During the months that followed the single statehood

---

[37] Ibid.

[38] Ibid., April 5, 1905. Muskogee Phoenix, April 5, 1905.

[39] Ibid., April 6, 1905.

[40] Ibid., April 15, 1905.

advocates worked to lay the groundwork for a great lobbying drive in the next session of Congress. Nearly every important convention that met in either of the two territories during April, May, and June of 1905 passed resolutions favoring single statehood.[41] In the meantime, the separate statehood advocates were not idle. On July 5, 1905, Chief William C. Rogers of the Cherokees, Chief Green McCurtain of the Choctaws, and James A. Norman of Muskogee issued a call for a convention to be held in Muskogee on August 21 to draft a constitution for a separate state to be formed from the Indian Territory.[42] Nine days later, an informal convention of leading Creek citizens met in Muskogee and authorized Chief Porter to work for separate statehood and to oppose "any scheme of alliance with the present citizens and Territory of Oklahoma."[43]

Feeling that the plan for a convention was "the best course to secure state government," Charles N. Haskell paid a visit to Porter's office in Muskogee to persuade him to support the movement. Porter agreed to call a meeting of the chiefs of the Five Tribes for the purpose of issuing an amended call for the proposed convention.[44] "The time has

---

[41] Maxwell, "Sequoyah Convention," 178-179.

[42] 59 Cong., 1 sess., Sen. Doc. 143, 24. William H. Murray, "The Constitutional Convention," Chronicles of Oklahoma, IX (June, 1936), 180.

[43] 59 Cong., 1 sess., Sen. Doc. 143, 43.

[44] Charles N. Haskell, "Governor Haskell Tells of Two

come to shoulder the musket and fight," he told the Muskogee Commercial Club on August 2, "this is not a contest of blood but one of brains and it is now up to the government to make a separate state of Indian Territory in accordance with pledges or else make a confession."[45] Earlier, on July 13, he had issued a terse statement to the press defining his views on statehood.

> Oklahoma is endeavoring to dominate the new state and is seeking admission to joint statehood with Indian Territory. The Indians resent this which explains the calling of the constitutional convention . . . . We want statehood, and if Oklahoma must be admitted as a part in our state, it is our purpose to let that Territory come in under a constitution framed by Indian Territory representatives.[46]

On July 18 the meeting of the chiefs was held in the Turner Hotel at Muskogee. Among those present were Haskell, Porter, Norman, Chief Rogers of the Cherokees, George W. Scott representing Chief McCurtain of the Choctaws, and William H. Murray representing Chief Douglas H. Johnston of the Chickasaws. Chief John F. Brown of the Seminoles did not attend but sent a letter stating he would do what he could to further the separate statehood movement. At this meeting, Haskell pledged his support to whatever program the chiefs would adopt but persuaded them to support single statehood if separate statehood should fail. This agreement, written on the back of a Turner Hotel letterhead, was signed by all present. A new

---

Conventions," Chronicles of Oklahoma, XIV (June, 1936), 196-197.

[45]Muskogee Democrat, August 3, 1905.

[46]Tishomingo (Chickasaw Nation) News, July 19, 1905.

call for a constitutional convention was then drawn up and issued in the name of the five chiefs. This call provided for the holding of preliminary conventions in each of the territorial recording districts to elect delegates to the convention itself.[47]

On August 7 the convention for the tenth recording district was held at Muskogee. The delegates here selected were Pleasant Porter, Charles N. Haskell, S. M. Rutherford, a former mayor of Muskogee, the Reverend A. Grant Evans, U.S. Marshal Leo E. Bennett, and Judge John R. Thomas.[48] The list of delegates elected to the convention from other districts included such names as Robert L. Owen, Emmett Starr, Joseph M. LaHay, George W. Benge, David M. Hodge, William A. Sapulpa, Moty Tiger, George W. Grayson, Cub McIntosh, George W. Scott, Walter F. Fears, Chief John F. Brown, George A. Alexander, John R. Goat, Chief Green McCurtain, Solomon J. Homer, Reford Bond, H. L. Muldrow, and William H. Murray.[49]

In accordance with the calls of July 5 and July 18, the constitutional convention convened on August 21, 1905, in the Hinton Theater at Muskogee. At the suggestion of Haskell that one of the tribal chiefs be made presiding officer of

---

[47] 59 Cong., 1 sess., Sen. Doc. 143, 25. Murray, "Constitutional Convention," 127-128. Haskell, "Two Conventions," 198.

[48] Ibid. Muskogee Phoenix, August 8, 1905.

[49] Maxwell, "Sequoyah Convention," 185-187.

the convention to emphasize the fact of Indian leadership, the convention elected Pleasant Porter as permanent chairman. Haskell himself was chosen vice-chairman at Porter's insistence, and Alexander L. Posey, not a delegate, was made secretary of the convention.[50] In outlining the work that was before them, Porter told the delegates:

> We all want to see the business of this convention conducted harmoniously, and in such a way that it will reflect credit upon this country, and will assist us in gaining recognition from Congress. We have no great time left before the dissolution of tribal governments in March, 1906, and we must be up and doing.
>
> These five nations have thrived these many years, and have demonstrated that the Indians of this territory are eminently capable of self-government. In the strength of our manhood, even though our natural life is dying, we want to announce to the world that we are still capable of self-government. In our last hours as Indian governments we are very desirous of having something to say about the law that shall govern us when we are full fledged American citizens.
>
> I hope that during this convention we will keep that one end in view. We want to build a state ship that will carry us over any sea. We want a construction that will be better than any that was ever made before. I am convinced that we can produce a greater state where the dying force of Indians exists. We will carve out a greater commonwealth than any that has been formed preceeding us.[51]

The convention organized itself into three central committees on constitution, finance, and campaign and adjourned the next day for a period of two weeks. During these two weeks the committees met and prepared reports for the consideration of the convention as a whole. The large fifty member

---

[50] Ibid., 299-300, 302. Haskell, "Two Conventions," 201. Doris Challocombe, "Alexander Lawrence Posey," Chronicles of Oklahoma, XI (December, 1933), 1016. Muskogee Phoenix, August 20, 22, 1905.

[51] Eufaula (Creek Nation) Republican, September 13, 1907.

constitution committee divided itself into twelve subcommittees to deliberate on various sections of the fundamental document.[52] As chairman and vice-chairman, Porter and Haskell were ex-officio members of all committees and subcommittees and participated actively in the deliberations.[53] The committees tackled their jobs with vigor, meeting daily and nightly to prepare their reports. At last, on September 6 the convention reconvened in the Hinton Theater to pass on the work done. The debates were conducted with dignity and a scrupulous adherence to parliamentary procedure.

The constitution as drafted by the committee and amended by the convention was adopted on September 8 by a unanimous vote of all present, thirty-five delegates. It provided for the creation of a state of Sequoyah from the nations and tribes of the Indian Territory. A well planned instrument of government, it embodied many of the advanced political ideas of the day. The executive officers of the proposed state--governor, secretary of state, attorney general, treasurer, auditor, and superintendent of public instruction--were all to be elected for four year terms and ineligible to succeed themselves. A bicameral general assembly would have consisted of a senate of twenty-one members and a house of representatives of from forty-eight to seventy-five members.

---

[52] Muskogee Phoenix, August 22, 23, 1905. Holdenville (Creek Nation) Tribune, August 31, 1905.

[53] Maxwell, "Sequoyah Convention," 304-309.

The judiciary was to be headed by a three to five member supreme court and was to include circuit and county courts and such other courts as might be established by law. Provision was made for a strong interlapping system of checks and balances, and many small matters more fitted to statutory regulation were covered by its articles.[54]

After appointing a committee to lobby among the members of Congress for the passage of an enabling act, the Sequoyah Convention adjourned at noon of September 8, 1905.[55] Though bitterly opposed by the railroads, the political leaders of Oklahoma Territory, and by most of the territorial newspapers, the leaders of the convention launched a vigorous campaign for the ratification of the Sequoyah constitution. In general, the people of the Indian Territory--whites and Negroes as well as Indians--favored the separate statehood plan.[56] However, on October 27, 1905, the highly conservative members of the Creek Council, incensed at Chief Porter's agreement to support single statehood if the Sequoyah movement should fail, passed a strong resolution declaring themselves opposed to any kind of statehood whatever.[57] The proposed constitution was submitted to the people of the Indian Territory in an election

---

[54] 59 Cong., 2 sess., Sen. Doc. 143.

[55] Muskogee Phoenix, September 9, 1905.

[56] Maxwell, "Sequoyah Convention," 314-322.

[57] Muskogee Phoenix, October 28, 1905. Holdenville Tribune, October 19, 1905.

held November 7, 1905, and was approved by a vote of 56,279 to 9,073. Though the vote was scattered and the margin of approval must be considered in the light of the fact that many fullbloods expressed their disapproval by ignoring the election, the results were a clear demonstration of the majority preference for separate statehood.[58] As authorized by the Sequoyah Convention, Chairman Porter and Secretary Posey then prepared and submitted an elaborate memorial to Congress calling for the passage of an enabling act.[59] Porter also wrote a strongly worded open letter to Senator Albert J. Beveridge of Indiana urging separate statehood under the Sequoyah constitution.[60]

Within a few days following the election, the Creek Council brought to a close a busy session. Since March 4, 1906, was to be the day for the termination of the tribal government, an attempt was made to close all remaining business. Acts were passed providing for the prosecution of persons illegally holding allotments, again calling for an investigation of the sale of townsite lots, favoring the extension of existing restrictions on the sale and leasing of unallotted lands, and authorizing Chief Porter, George W. Grayson, and Roley McIntosh to confer with the federal government regarding the closure

---

[58] 59 Cong., 1 sess., Sen. Doc. 143, 25.

[59] Ibid., 1-27.

[60] Muskogee Phoenix, December 5, 1905.

of tribal affairs.[61] Called to Washington late in November at the request of Secretary Hitchcock, the delegates set to work both to promote statehood for Sequoyah and to complete tribal business.[62]

On the first day of the Fifty-ninth Congress, a bill providing for statehood for Sequoyah was introduced in the House by Arthur P. Murphy, then a Representative from Missouri. However, President Roosevelt's fifth annual message, received the following day, contained a single statehood recommendation for Oklahoma and Indian Territory. Within a few days, three single statehood bills were introduced in the House of Representatives by Edward L. Hamilton of Michigan and a similar measure was presented in the Senate by Albert J. Beveridge.[63] It became apparent that the Sequoyah proposal was not to be considered. On December 23, Porter returned to Muskogee where he declared that the passage of a single statehood enabling act during that session of Congress was almost a certainty.[64] There was not the slightest chance that a Republican administration would consent to the admission of two western, probably Democratic states when they could just as easily be admitted as one. Following the defeat of the Sequoyah movement, Porter

---

[61] Ibid., October 4, 1905. Weleetka (Creek Nation) American, November 24, 1905.

[62] Ibid.

[63] Gittinger, Formation of the State of Oklahoma, 253.

[64] Muskogee Phoenix, December 24, 1905.

remained true to his promise to Haskell and announced his approval of single statehood, but he withdrew from any active support of the program.[65]

Early in January of 1906 Pleasant Porter returned to Washington to continue negotiations for the closing of tribal affairs. Appearing before several congressional committees, Porter and the other Indian delegates succeeded in getting approval for the continuation of the tribal governments as representative associations after March 4 and extending the restrictions on the sale and leasing of allotments.[66] These provisions were incorporated into the Five Tribes Act of April 26, 1906. Its terms placed the administration of Indian schools and school lands in the hands of the Secretary of the Interior and provided for the continuance of the tribal governments with the stipulation that all their acts and resolutions should be subject to the approval of the President.[67] The adoption of an amendment to the act offered by Senator Porter J. McCumber of North Dakota extended the inalienability of the entire fullblood allotment for twenty-five years after the date of passage and provided that these restrictions could be removed only by act of Congress. Further, all leases and rentals on these lands were to be placed under the

---

[65] Maxwell, "Sequoyah Convention," 331.

[66] Muskogee Phoenix, September 9, 1905. Muskogee (Creek Nation) Times-Democrat, February 23, 1906.

[67] Kappler, Laws and Treaties, III, 169-181.

administration of the Secretary of the Interior. Though denounced as unconstitutional by many "progressives" who had hoped to profit from the removal of restrictions on fullblood lands, the McCumber Amendment was regarded as a significant victory for the Indians.[68] Hoping to strengthen its influence, Chief Porter called a special session of the National Council to secure an endorsement of the new law. To the surprise of many observers, the Snake members voted almost solidly for it, and it was approved by a vote of twenty-two to seven in the House of Kings and fifty-five to twenty-one in the House of Warriors.[69]

True to Porter's prediction of December 23, Congress did pass the long fought enabling act which was to join Oklahoma and Indian Territory in a single state, and the measure became law with the signature of President Roosevelt on June 16, 1906.[70] This act provided that a constitutional convention for the new state was to meet at Guthrie on November 20, 1906. When a constitution had been written, it was to be submitted to the people of the proposed state for ratification. Accordingly, an election was called for

---

[68] Ibid., 176-177. Debo, And Still the Waters Run, 90, 98, 102-103, 115, 141, 148-149.

[69] Ibid., 170. Muskogee Phoenix, July 30, August 3, 1907. Porter to the President of the House of Kings and the Speaker of the House of Warriors, March 6, 1906, Okmulgee Democrat, March 8, 1906.

[70] Kappler, Laws and Treaties, III, 186-192.

November 6, 1906, to choose delegates to the convention.[71]

Throughout the summer and fall of 1906 the Indian Territory hummed with political activity as preparations were made for the constitutional convention. There was widespread speculation about the formation of an Indian bloc in the Democratic Party led by Porter and Robert L. Owen which might wield a balance of power in the convention.[72] There was also much talk that the Creek Chief would be either the first governor of the new state or one of its first senators.[73] But most of the conservatives withdrew in passive disapproval from a movement in which they felt they had no part, and the expected Indian support did not develop. In the election, white and mixed-blood "boosters" virtually monopolized the entire Indian Territory delegation.[74] Expressing his disappointment in the results of the election, Pleasant Porter phrased a laconic summary: "The white element and the element that it can control is in the saddle, and in the ordering of things the Indian has neither place nor part."[75] On

---

[71] Gittinger, Formation of the State of Oklahoma, 257.

[72] Muskogee Times-Democrat, October 27, 1906. Vinita Leader, August 30, 1906. Claremore (Cherokee Nation) Messenger, April 13, 1906.

[73] Ibid., November 3, 1906. Okmulgee Chieftain, November 1, 1906. Sapulpa (Creek Nation) Democrat, August 9, 1906.

[74] Claremore Messenger, November 2, 1906. 59 Cong., 2 sess., Sen. Rep. 5013, part 1, 639, 681, 687, 956-960. Debo, And Still the Waters Run, 167.

[75] Ibid.

November 22, 1906, the Okmulgee Chieftain announced Porter's denial of intention to run for office in the new state.

"I will not be a candidate for governor of the new state, nor for any other office," said Chief Porter in an interview in Muskogee yesterday. "I am getting too old and politics is too costly a game for an Indian like me."

Porter has been chief of the Creek nation for a good many years. He is a man in whom is combined the natural philosophical mind of the Indian and the education of the white man. He sees that the day of the Indian is passed. He was a power in Indian politics, but he has passed the new government over to the new people.

General Porter has been widely talked of as an "Indian candidate" for the United States Senate. But he will never be. His statement made yesterday indicates that his mind is made up and that he has chosen a business career rather than politics.

The Guthrie convention met on November 20, 1906, and its deliberations continued until July 16, 1907, when the organic law for the new State of Oklahoma was completed. An election to ratify the new constitution and to choose the state and county officers was called for September 17, 1907.[76] Though not participating actively in the pre-statehood campaigns, Porter announced his support of Charles N. Haskell for governor.[77] In the meantime, he continued to work to prepare his own people for the coming changes in their status and to secure an equitable distribution of tribal resources. The National Council met again in October of 1906 and authorized the Chief, George W. Grayson, and Samuel J. Haynes to go to Washington and continue negotiations for a final

---

[76] Gittinger, Formation of the State of Oklahoma, 257.

[77] Porter to Haskell, May 10, 1907, in Muskogee Times-Democrat, May 11, 1907.

settlement of national property.[78]

By 1906 an organized campaign sparked by such prominent "boosters" as Robert L. Owen, Tams Bixby, and J. Blair Shoenfelt was already under way to induce Congress to remove all restrictions on Indian lands.[79] In November a special committee of the Senate visited the territory to hold hearings on the subject. Determined to formulate a definite policy of opposition to the removal of restrictions, the Creek Council elected an official delegation to attend the hearings of the senatorial committee. Headed by Chief Porter, this delegation consisted of the President and two members of the House of Kings and the Speaker and two other members of the House of Warriors.[80] Attempting to view the problems of his people objectively, Pleasant Porter summarized his own career in an eloquent speech to the senators.

> I have taken almost every side of this matter that anybody else has taken for the past seven or eight years--I have been on all sides of it--and I have been so sure so often that I was right only to come to the conclusion that I was wrong that I hardly know what to say. . . . It was all new to me when it commenced. I did not know anything about allotting lands, excepting that I saw the history of the allotments that were made for the past forty or fifty years,

---

[78] Porter to Creek People, June 9, 1906, in Indian Journal, June 15, 1906. Porter to Creek National Council, October, 1906, in (Muskogee, Creek Nation) New State Tribune, October 18, 1906. Moty Tiger to Creek National Council, October 1, 1907, in Muskogee Phoenix, October 1, 1907.

[79] Debo, And Still the Waters Run, 141.

[80] Ibid. Muskogee Phoenix, November 11, 1906. 59 Cong., 2 sess., Sen. Rep. 5013, parts 1 and 2.

and I saw that each of them proved to be a complete failure, as far as securing the Indian a home and making him a carpenter or a farmer. . . . I am satisfied that the Government of the United States from the time of its organization has tried in good faith to protect the Indians. . . . I have no fault to find. I have made mistakes myself, and . . . have been for things which I honestly believed were for the good of my race, but that plan when put in operation has proved by its results to have been a bad thing; so how could I blame the Government for doing things that I advocated which turned out badly. It is a complex problem, gentlemen. It is something that never has been tried before, this trying to educate a people up to a form of government and conditions alien to all their habits of thought and action. . . .

. . . it is not so much a question of capacity as it is of time. . . . You are the evolution of thousands of years, and we are the evolution of thousands of years, perhaps . . . . We both probably started at the same time, but our paths diverged and the influences to which we were subjected varied, and we see the result. Who can say but that we would finally have reached a stage of civilization toward which we were progressing slowly, but none the less surely, which would have suited our life better than the civilization which has been so violently and suddenly thrust upon us--a civilization which in the matter of the care and disposition of property would have suited us far better than the cumbrous and intricate problems which you have of adjusting property interests amongst you.

. . . . In conclusion I would say that I would like to see this country become a great and prosperous State . . . and see the day when all these questions which so vex us now would be settled in such a manner as to show that the designs of Providence are always good, though at times inscrutable. Above all things, I would like to live to see the day when, in the great State that will inevitably be here, I would see my people and the white man living side by side . . . on terms of perfect intellectual and political equality, and each doing his share toward the maintenance and support of that state . . . but I don't want to rush it at such a rate that the Indian would be lost in the transformation.[81]

Other official and unofficial witnesses, some even representing such fullblood groups as the Four Mothers Society and the Keetoowah Society, testified their opposition to the

---

[81] Ibid., part 1, 626-628.

removal of restrictions.[82] But the senators were openly sympathetic toward "booster" aspirations and refused to listen to the pleas of the Indians. Following the hearing, they reported to Congress that the McCumber Amendment was "unwise, injurious to the Indians, and of no validity" and predicted that if permitted to stand it would be a "fruitful source of dishonest transactions." They recommended the removal of all restrictions from whites and Negroes and from all but the fullblood homesteads.[83] Though bills were introduced to that purpose, Congress adjourned in the spring without taking action.[84] In backing the campaign against the repeal of the McCumber Amendment, Porter called another special session of the Creek Council on July 30, 1907, to secure an endorsement of the measure. Again, the Council overwhelmingly approved it.[85]

In the summer of 1907 Secretary of the Interior James R. Garfield stopped through Muskogee on a trip to investigate conditions in the Indian Territory. He was entertained by Pleasant Porter. The Chief discussed the restriction problem with Garfield and described the wholesale land frauds that were being perpetrated upon the helpless Indians. On August 22,

---

[82] Ibid., 425-444.

[83] Ibid., v-vi.

[84] Muskogee Phoenix, January 25, 1907. Debo, And Still the Waters Run, 157.

[85] Ibid., 170. Muskogee Phoenix, July 30, August 3, 1907.

the Secretary addressed a "general convention" of the Creek Nation at Okmulgee, advising the Indians in general terms to accept the ways of civilization and support the new state that was to be formed.[86] On his return to Washington Garfield sponsored legislation for the cancellation of fraudulent leases and conveyances made contrary to existing regulations.[87] On August 8, 1907, the restrictions on lands of the mixed-bloods in the Creek Nation were removed as provided by the Creek Agreement, but the fullbloods were still protected by the McCumber Amendment.[88]

During his term as Principal Chief, Porter continued to serve his people in unofficial as well as official ways. Generous with his sympathy and help for the dispossessed, he worked hard to persuade as many citizens as possible to accept their allotments and establish their own small farms. He was anxious that Creek children in particular should have educational opportunities equal to those in any other state and was said to have sponsored personally several promising young Indians in eastern schools.[89] He also became very much

---

[86] Joe M. Grayson, September 24, 1937, Indian-Pioneer Papers, XXXV, 419-422. Porter to Creek National Council in Muskogee Phoenix, July 30, 1907.

[87] Debo, And Still the Waters Run, 177.

[88] Ibid., 115. Muskogee Phoenix, August 9, 1907.

[89] John Moore, September 23, 1937, Indian-Pioneer Papers, LXIV, 318. Lon R. Stansbury, n.d., ibid., LXXXVI, 496. Muskogee Democrat, December 15, 1905. Mounds (Creek Nation) Enterprise, September 6, 1901.

interested in securing appointments from the Indian Territory to the military and naval acadamies at West Point and Annapolis.[90] Active in the civic and social affairs of Muskogee, he was for many years an elder of the First Presbyterian Church and attended the General Assembly of the Presbyterian Church as delegate from the Indian Territory.[91] On October 5, 1906, he had been elected president of the newly chartered Indian Central Railroad. This proposed line, capitalized at fifteen million dollars, was to extend from Ponca City, Oklahoma, to Paris, Texas, with a spurr across to Oklahoma City. Construction plans were under way in 1907.[92]

The suit for defamation of character brought by former Creek attorney Murphy was still pending. On September 2, 1907, Pleasant Porter, accompanied by John R. Thomas and M. L. Mott, boarded a train at Muskogee for Crocker, Missouri, where the trial was to be held. Shortly afterward, the Chief collapsed on the train. He was taken off at Vinita and placed under a doctor's care at the Cobb Hotel. Early the next morning, after regaining consciousness for a short while, he died of a cerebral hemorrage.[93]

---

[90] Holdenville Times, December 28, 1901. William Adair Porter, January 7, 1938, Indian-Pioneer Papers, LXXII, 217.

[91] Indian Citizen, October 17, 1907.

[92] Ibid. Muskogee Times-Democrat, October 15, 1906. Okmulgee Chieftain, November 1, 22, 1906. Claremore Messenger, November 2, 1906.

[93] Meserve, "Chief Pleasant Porter," 334. Vinita Leader,

The funeral was held on September 5, 1907. Businesses were closed for the afternoon as the entire city of Muskogee joined in mourning the dead Chief who had been its foremost citizen. The services were conducted by the Reverend A. Grant Evans in the First Presbyterian Church and were attended by a large number of personal and official mourners, including the entire National Council, officials of the Union Agency, many mixed and fullblood friends and associates, as well as others who were to have prominent places in the new state--future senator Robert L. Owen, future governor Charles N. Haskell, and future congresswoman Alice M. Robertson. After the ceremony, a solemn Masonic procession accompanied the funeral party to a special train which carried them to Porter's country home at Wealaka.[94] The newspaper account of the interment at Wealaka reflects the deep sense of loss felt by the Creeks at the passing of their Chief.

> When the special train reached its destination the sun had already sunk very low in the west, and by the time the funeral procession had been formed and was gone two miles to the place of interment, the sun was set behind the mountains which threw vast shadows over the silent hundreds who surrounded the open grave. A minister was requested to say the final prayer, and an aged fullblood Creek preacher stepped out of the crowd already merging with the dusky shadows. White men had until then managed all the details of the funeral, but when the time came to say the last words over the last chief of the Creeks, it was an old man of that tribe who spoke. The prayer was delivered in the Creek language, and though clearly and distinctly spoken had in it so much sorrow, so

---

[94]Meserve, "Chief Pleasant Porter," 334. Augusta Robertson Moore, December 14, 1933, Indian Archives, 24677d. Tahlequah Arrow, September 7, 1907. Muskogee Times-Democrat, September 5, 6, 1907.

much pathos, and fitted in so perfectly with the dying day . . . that when he had ceased, for several moments the crowd stood perfectly still with lowered heads and glistening eyes.[95]

The life of Pleasant Porter embraced the period of the American Indian's last stand against encroachment. At the time of his birth in 1840 powerful tribes still ruled large areas of the West unchallanged, and the Creeks were yet an independent people, proud of their traditions and of their sovereignty. By 1907 at the time of his death they were a defeated and dependent people.

Throughout this period, Pleasant Porter played a key role as tribal leader and spokesman. In one sense, his life may seem to have been a succession of failures. He fought on the losing side of the Civil War, he failed in his attempts to establish an intertribal federation, he was never able to reconcile the differences dividing his own tribe and was eventually defeated in his attempts to preserve tribal independence, he failed to secure the creation of an Indian state, and he was unable effectively to protect his people from dispossession. Yet to call his career a failure would be to discount his greatest contributions. Porter worked against insurmountable odds. His was a vision of an intertribal union strong enough to command respect and of an Indian government constitutional in form and democratic in practice. He was himself a living example of what the Indian could in

---

[95] Ibid., September 6, 1907.

time become. A man of strong but very human personality--generous, intelligent, and courageous, possessing a natural dignity, though at times overbearing and even quick-tempered--he served his backward people with rare devotion and tenacity. By so working to prepare them for integration into an alien civilization, he succeeded in softening the impact of that inevitable transition.

BIBLIOGRAPHY

SOURCE MATERIALS

Manuscript Collections

General Letters from January 1, 1901, to April 19, 1901. Executive Office, Muskogee Nation. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

International Council File. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Letters and Acts of Pleasant Porter. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Papers of the Five Civilized Tribes. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Samuel Worcester Robertson Papers. File X, Drawer 2, Frank Phillips Collection, University of Oklahoma, Norman, Oklahoma.

Official Documents

Board of Indian Commissioners. Annual Reports. Washington: Government Printing Office, 1871-1907.

Commission and Commissioner to the Five Civilized Tribes. The Final Rolls of Citizens and Freedmen of the Five Civilized Tribes in Indian Territory. Washington: Government Printing Office, 1907.

Commission to the Five Civilized Tribes. Annual Reports. Washington: Government Printing Office, 1894-1905.

Commissioner of Indian Affairs. Annual Reports. Washington: Government Printing Office, 1850-1907.

Commissioner to the Five Civilized Tribes. Annual Report, 1907. Washington: Government Printing Office, 1907.

Kappler, Charles J. (comp.). Indian Affairs: Laws and Treaties. 4 vols. (57 Cong., 1 sess., Sen. Doc. 452; 62 Cong., 2 sess., Sen. Doc. 719; 70 Cong., 1 sess., Sen. Doc. 53), Washington: Government Printing Office, 1903-1929.

Sells, Cato (comp.). Laws Relating to the Five Civilized Tribes in Oklahoma, 1890 to 1914. Washington: Government Printing Office, 1915.

Scott, Robert N. (comp.). The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies. Series I, Volume VIII. Series IV, Volume I. Washington: Government Printing Office, 1883.

Statutes at Large of the United States . . . . Boston: Little, Brown, and Company, 1845-1873. Washington: Government Printing Office, 1875-1907.

United States, Bureau of the Census. The Five Civilized Tribes in Indian Territory. Washington: Government Printing Office, 1894.

United States Congress. House of Representatives Document No. 157, 42 Cong., 2 sess.

United States Congress. House of Representatives Executive Documents: 42 Cong., 2 sess., No. 1; 42 Cong., 3 sess., No. 1; 43 Cong., 2 sess., No. 90; 48 Cong., 1 sess., No. 1; 51 Cong., 2 sess., No. 238.

United States Congress. House of Representatives Miscellanious Documents: 47 Cong., 2 sess., No. 18; 51 Cong., 2 sess., No. 104.

United States Congress. House of Representatives Report No. 98, 42 Cong., 3 sess.

United States Congress. Senate Documents: 54 Cong., 1 sess., Nos. 182 and 190; 57 Cong., 1 sess., Nos. 274 and 420; 58 Cong., 2 sess., Nos. 189 and 260; 59 Cong., 1 sess., No. 143.

United States Congress. Senate Executive Documents: 41 Cong., 2 sess., No. 36; 41 Cong., 3 sess., No. 26; 46 Cong., 1 sess., No. 20; 50 Cong., 2 sess., No. 98.

United States Congress. Senate Miscellanious Document No. 71, 53 Cong., 2 sess.

United States Congress. Senate Reports: 45 Cong., 3 sess., No. 744; 49 Cong., 1 sess., No. 1278; 59 Cong., 2 sess., No. 5013.

United States Congress. Testimony Taken Before the Subcommittee of the Committee on Territories of the United States Senate, March 22-April 5, 1878. Washington: Government Printing Office, 1878.

Books and Pamphlets

Appeal of the Delegates of the Chickasaw, Creek, and Cherokee Nations to the President of the United States. N.p., n.d. Phillips Collection, 6958.

Armstrong, S. C. Report on a Trip Made on Behalf of the Indian Rights Association to Some Indian Reservations of the Southwest. Philadelphia: Office of the Indian Rights

Choctaw-Chickasaw Agreement and Creek Agreement as Amended by Act of Congress of June 28, 1898. N.p., n.d. Phillips Collection, 2755-119.

Constitution of the State of Sequoyah. Muskogee: Phoenix Printing Company, n.d.

De Semalle, Rene. Considerations on the Establishment in the Indian Territory of a New State of the American Union. Versailles, France: E. Aubert, 1876.

Finn, Daniel C. Argument of Daniel C. Finn, of Arkansas, on House Resolution 1132, a Bill Repealing Acts and Parts of Acts Granting Lands and Certain Privileges to Railroad Companies. Washington: Powell, Ginck, and Company, 1872.

"From the Cherokee and Creek Delegations to the Hon. Committee on the Pacific Railroad, in Regard to Amendment in the 'Nature of a Substitute' an Act 'Granting Lands in Aid to the Construction of a Railroad and Telegraph Line from the States of Missouri and Arkansas to the Pacific Ocean.'" Washington, January 1, 1877. Phillips Collection, 6883.

Journal of the Fourth Annual Session of the General Council of the Indian Territory . . . . N.p., n.d.

Journal of the Fifth Annual Session of the General Council of the Indian Territory . . . . Lawrence, Kansas: Journal Steam Book and Job Printing House, 1874.

Journal of the Adjourned Session of the Sixth Annual General Council of the Indian Territory . . . . Lawrence, Kansas: Journal Steam Book and Job Printing House, 1875.

McKellop, Albert Pike (comp.). Constitution and Laws of the Muskogee Nation. Muskogee: F. C. Hubbard, 1893.

Memorial of the Indian Delegates from the Indian Country, Protesting Against the Passage by Congress of the Bill "Providing for the Establishment of a United States Court in the Indian Territory and for Other Purposes." N.p., n.d. Phillips Collection, 6827-2.

"Message of the Cherokee and Creek Delegations to the Congress of the United States." Washington, February 8, 1884. Phillips Collection, 2755-49.

Muskogee, Indian Territory: The Industrial Prodigy of the New Southwest. Muskogee: John H. N. Tindall Company, n.d.

Objections of the Delegates of the Chickasaw, Cherokee, and Creek Nations to the Bill (S. 54) Entitled "An Act for the Allotment of Lands in Severalty to Indians on the Various Reservations and to Extend the Protection of the Laws of the United States and of the Territories Over the Indians and for Other Purposes," Now Pending in the Senate of the United States. Washington: Gibson Brothers, 1887.

Otis, Elwell S. The Indian Question. New York: Sheldon and Company, 1878.

Painter, C. C. The Condition of Affairs in the Indian Territory and California. Philadelphia: Indian Rights Association, 1888.

Painter, C. C. The Proposed Removal of Indians to Oklahoma. Philadelphia: Indian Rights Association, n.d.

Perryman, Legus Choteau (comp.). Constitution and Laws of the Muskogee Nation. Muskogee: Phoenix Printing Company, 1890.

Protest by the Lawful Delegates of the Civilized Tribes of Indians of the Indian Territory (Herein Named) on Their Behalf and on Behalf of the Indian Race Against the Passage of a Law by Congress Transferring Them and Their Property to Military Control, March 27, 1876. Washington: Gibson Brothers, 1876.

Protest of the Cherokee and Creek Delegates Against H. R. Bill

No. 6061, to Incorporate the Cherokee and Arkansas River Railroad Company. Washington, May 18, 1880. Phillips Collection, 6817-1.

Revised Regulations (March 20, 1905, with Amendments) Governing the Sale and Leasing of Lands in the Creek Nation, Indian Territory. Washington: Government Printing Office, 1906.

Rules of the House of Warriors. Okmulgee: Chieftain Printing House, 1903.

Walker, Francis A. The Indian Question. Boston: James R. Osgood and Company, 1874.

Newspapers

(Atoka, Choctaw Nation) Indian Citizen. October 17, 1901.

Checotah (Creek Nation) Inquirer. August 1, 1902.

Chickasha (Chickasaw Nation) Express. February 12, 1904.

Claremore (Cherokee Nation) Messenger. September 4, 1903; April 13, November 2, 1906.

Claremore (Cherokee Nation) Progress. June 27, September 5, 1896; January 22, February 5, May 21, 1898; September 14, 1902.

Collinsville (Cherokee Nation) News. February 11, 1904.

(Eufaula, Creek Nation) Indian Journal. January 3, 1884; May 23, June 6, 1889; January 25, March 8, 15, May 10, October 18, 25, 1901; May 2, October 24, 1902; February 20, March 20, June 26, 1903; June 15, 1906.

Eufaula (Creek Nation) Republican. September 13, 1907.

Holdenville (Creek Nation) Times. August 29, September 5, November 21, December 7, 28, 1901; January 18, February 15, March 22, April 12, May 17, 24, June 7, October 11, 18, 1902; October 10, 1903; April 24, July 1, October 12, November 11, 1904.

Holdenville (Creek Nation) Tribune. September 22, 1904; August 31, October 19, 1905.

(McAlester, Choctaw Nation) Star-Vindicator. March 23, 1878.

Mounds (Creek Nation) Enterprise. September 6, 1907.

Muskogee (Creek Nation) Evening Times. April 11, 1901.

Muskogee (Creek Nation) Democrat. December 11, 1903; October 12, 27, 1904; January 23, March 10, August 3, December 5, 1905.

(Muskogee, Creek Nation) New State Tribune. October 18, 1906.

Muskogee (Creek Nation) Phoenix. November 1, 1888; July 14, 1892; April 19, 1894; August 15, 24, 1895; November 26, 1896; September 2, 1897; August 11, 1898; September 7, 1899; April 12, 26, June 21, 26, 1900; January 17, 25, May 2, August 29, 1901; July 17, 1902; October 4, 1904; January 7, April 5, 6, 15, June 7, August 20, 22, 23, September 5, 9, October 4, 28, December 24, 1905; November 11, 1906; January 25, July 30, August 3, October 1, 1907.

Muskogee (Creek Nation) Times-Democrat. February 23, October 15, 27, 1906; May 11, September 5, 6, 1907; July 9, 1909.

(New Boggy, Choctaw Nation) Vindicator. March 16, 1872; May 31, 1873; September 18, 1875; April 26, 1876.

(Okmulgee, Creek Nation) Creek Chieftain. November 1, 22, 1906.

Okmulgee (Creek Nation) Democrat. March 8, 1906.

Pryor Creek (Cherokee Nation) Clipper. October 8, 1904.

Purcell (Chickasaw Nation) Register. June 26, 1891; February 16, July 7, 1893.

St. Louis (Missouri) Post-Dispatch. September 17, 1899.

Sallisaw (Cherokee Nation) Star. December 5, 1902.

Sapulpa (Creek Nation) Democrat. August 9, 1906.

South McAlester (Choctaw Nation) Capital. May 13, 1897; July 13, November 9, 1899; January 18, March 8, 1900; September 12, 1901; September 11, 18, October 2, 1902; May 5, June 30, September 8, October 27, 1904.

Tahlequah (Cherokee Nation) Arrow. October 18, 1902; September 7, 1907.

(Tahlequah, Cherokee Nation) Cherokee Advocate. July 18, 1870; July 11, 1884; April 30, 1904.

Tishomingo (Chickasaw Nation) News. July 19, 1905.

Tulsa (Creek Nation) Democrat. February 1, June 7, 21, August 16, October 18, 1901; February 7, 14, 21, May 16, 23, June 13, December 26, 1902; October 16, December 11, 25, 1903; November 2, 10, 1905.

(Tulsa, Creek Nation) Indian Republican. August 22, 1902.

(Vinita, Cherokee Nation) Indian Chieftain. January 24, 1884.

Vinita (Cherokee Nation) Leader. April 7, 1904; August 30, 1906; September 5, 1907.

Vinita (Cherokee Nation) Republican. October 23, 1903.

Wapanucka (Choctaw Nation) Press. October 27, November 3, 1904.

Weleetka (Creek Nation) American. November 24, 1905.

Other Sources

Alice Robertson Letters. Typewritten copies of manuscripts in the Tulsa University Library, compiled by Grant Foreman. Library, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Cherokee Papers, 1874-1889. Typewritten copies of newspaper articles, compiled by Gaston Litton. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Creek Papers, 1870-1930. Typewritten copies of newspaper articles, compiled by Gaston Litton. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Grant Foreman Collection of Indian and Pioneer History. Interviews, brief biographies, and special papers (typewritten). Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Grayson, George Washington. "Red Paths and White: The Autobiography of Captain G. W. Grayson." Typewritten manuscript, edited by Edward Everett Dale. Frank Phillips Collection, University of Oklahoma, Norman, Oklahoma.

History of the Service and List of Individuals of the Five Civilized Tribes in the Confederate Army. Typewritten copies of documents compiled from the Confederate records in the office of the Adjutant General, War Department,

Washington, D.C., by Grant Foreman, 1928. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Indian Miscellany (Individuals). Typewritten copies of newspaper articles. File IX, drawer 2, Frank Phillips Collection, University of Oklahoma, Norman, Oklahoma.

Indian-Pioneer Papers. Reminiscences of early day residents of Oklahoma and Indian Territories (typewritten). Frank Phillips Collection, University of Oklahoma, Norman, Oklahoma.

Journals of the Okmulgee Intertribal Councils, 1870-1875. Typewritten copies. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Messages, Papers, Editorials, News Items, Interviews, and Biographical Sketches of Creek Chiefs. Typewritten copies of newspaper articles. File VIII, drawers 1 and 2, Frank Phillips Collection, University of Oklahoma, Norman, Oklahoma.

Newspaper Files. Library, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Proceedings of the International Territorial Convention (Eufaula, Creek Nation, January 15-16, 1885). Typewritten copy. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Record Book of Chief Sam Checote in Early Sixties . . . Including Miscellanious Documents Up to 1874. Typewritten manuscript. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma. Frank Phillips Collection, University of Oklahoma, Norman, Oklahoma.

Robertson, Alice Mary. "Incidents of the Civil War." Typewritten manuscript. Indian Archives, Oklahoma Historical Society, Oklahoma City, Oklahoma.

SECONDARY MATERIAL

Books

Abel, Annie Heloise. The American Indian as Participant in the Civil War. Cleveland: Arthur H. Clark Company, 1919.

Abel, Annie Heloise. The American Indian as Slaveholder and Secessionist. Cleveland: Arthur H. Clark Company, 1915.

Abel, Annie Heloise. The American Indian Under Reconstruction. Cleveland: Arthur H. Clark Company, 1925.

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

Beadle, J. H. The Undeveloped West; or, Five Years in the Territories: Being a Complete History of That Vast Region Between the Mississippi and the Pacific, Its Resources, Climate, Inhabitants, Natural Curiosities, Etc., Etc., Life and Adventures on Prairies, Mountains, and the Pacific Coast. Philadelphia: National Publishing Company, 1873.

Benedict, John D. Muskogee and Northeastern Oklahoma Including the Counties of Muskogee, McIntosh, Wagoner, Cherokee, Sequoyah, Adair, Delaware, Mayes, Rogers, Washington, Nowata, Craig, and Ottawa. 3 vols., Chicago: S. J. Clarke Publishing Company, 1922.

Dale, Edward Everett, and Morris L. Wardell. History of Oklahoma. New York: Prentice-Hall, 1948.

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

Debo, Angie. The Rise and Fall of the Choctaw Republic. Norman: University of Oklahoma Press, 1934.

Debo, Angie. The Road to Disappearance. Norman: University of Oklahoma Press, 1941.

Douglas, Clarence B. The History of Tulsa, Oklahoma: A City With a Personality. 3 vols., Chicago: S. J. Clarke Publishing Company, 1921.

Foreman, Caroline Thomas. Oklahoma Imprints 1835-1907: A History of Printing in Oklahoma Before Statehood. Norman: University of Oklahoma Press, 1936.

Foreman, Grant. The Five Civilized Tribes. Norman: University of Oklahoma Press, 1934.

Foreman, Grant. A History of Oklahoma. Norman: University of Oklahoma Press, 1942.

Foreman, Grant. Indian Removal: The Emigration of the Five Civilized Tribes of Indians. Norman, University of Oklahoma Press, 1932.

Foreman, Grant. Indians & Pioneers: The Story of the American Southwest Before 1830. New Haven: Yale University Press, 1930.

Foreman, Grant. The Last Trek of the Indians. Chicago: University of Chicago Press, 1946.

Foreman, Grant. Pioneer Days in the Early Southwest. Cleveland: Arthur H. Clark Company, 1926.

Foreman, Grant. A Traveller in Indian Territory: The Journal of Ethan Allen Hitchcock, Late Major-General in the United States Army. Cedar Rapids, Iowa: Torch Press, 1930.

Gideon, D. C. Indian Territory: Descriptive Biographical and Geneological Including the Landed Estates, County Seats, Etc., Etc., with a General History of the Territory. Chicago: Lewis Publishing Company, 1901.

Gittinger, Roy. The Formation of the State of Oklahoma. Berkeley: University of California Press, 1917. Norman: University of Oklahoma Press, 1939.

Hargrett, Lester. A Bibliography of the Constitutions and Laws of the American Indians. Cambridge: Harvard University Press, 1947.

Hargrett, Lester. Oklahoma Imprints. New York: R. R. Bowker Company, 1951.

Hill, Luther B. A History of Oklahoma. 2 vols., Chicago: Lewis Publishing Company, 1909-1910.

Hodge, Frederick Webb (ed.). Handbook of American Indians North of Mexico. Smithsonian Institution, Bureau of American Ethnology, Bulletin 30. 2 vols., Washington: Government Printing Office, 1907-1910.

Loomis, Augustus Ward. Scenes in the Indian Country. Philadelphia: Presbyterian Board of Publication, 1859.

Masterson, Vincent Victor. The Katy Railroad and the Last Frontier. Norman: University of Oklahoma Press, 1952.

O'Beirne, H. F. and E. S. The Indian Territory: Its Chiefs, Legislators, and Leading Men. St. Louis: C. B. Woodward Company, 1892.

Pilling, James Constantine. Bibliography of the Muskhogean Languages. Smithsonian Institution, Bureau of Ethnology. Washington: Government Printing Office, 1889.

Ray, Grace Ernestine. Early Oklahoma Newspapers: History and Description of Publications from Earliest Beginnings to 1889. Norman: University of Oklahoma Press, 1928.

Rister, Carl Coke. Land Hunger: David L. Payne and the Oklahoma Boomers. Norman: University of Oklahoma Press, 1942.

Schmeckebier, Lawrence F. The Office of Indian Affairs: Its History, Activities and Organization. Institute for Government Research, Service Monographs of the United States, No. 48. Baltimore: Johns Hopkins Press, 1927.

Swanton, John R. Early History of the Creek Indians and Their Neighbors. Smithsonian Institution, Bureau of American Ethnology, Bulletin 73. Washington: Government Printing Office, 1922.

Thoburn, Joseph B. A Standard History of Oklahoma: An Authentic Narrative of Its Development from the Date of the First European Exploration Down to the Present Time, Including Accounts of the Indian Tribes Both Civilized and Wild, of the Cattle Range, of the Land Openings, and the Achievements of the Most Recent Period. 5 vols., Chicago: American Historical Society, 1916.

Thoburn, Joseph B., and Isaac M. Holcomb. A History of Oklahoma. San Francisco: Doub and Company, 1908.

Thoburn, Joseph B., and Muriel H. Wright. Oklahoma: A History of the State and Its People. New York: Lewis Historical Publishing Company, 1929.

Wardell, Morris L. A Political History of the Cherokee Nation, 1838-1907. Norman: University of Oklahoma Press, 1938.

Warrior, E. G. Eastman Richard: The Master Mind of an Indian Child of Territorial Days. N.p., 1917.

Wright, Muriel H. A Guide to the Indian Tribes of Oklahoma. Norman: University of Oklahoma Press, 1951.

Articles

Abel, Annie Heloise. "The History of Events Resulting in Indian Consolidation West of the Mississippi." Annual Report of the American Historical Association for the Year 1906 (2 vols., Washington: Government Printing Office, 1908), I, 233-254.

Abel, Annie Heloise. "Indians in the Civil War." American Historical Review, XV (July, 1910), 9-26.

Abel, Annie Heloise. "Proposals for an Indian State, 1778-1878." Annual Report of the American Historical Association for the Year 1907 (2 vols., Washington: Government Printing Office, 1908), I, 89-101.

Allhands, James L. "History of the Construction of the Frisco Railway Lines in Oklahoma." Chronicles of Oklahoma, III (September, 1925), 229-239.

Brown, Loren N. "The Dawes Commission." Chronicles of Oklahoma, IX (March 1931), 71-105.

Brown, Loren N. "The Establishment of the Dawes Commission for Indian Territory." Chronicles of Oklahoma, XVIII (June, 1940), 171-181.

Bryce, J. Y. "From Reports of the Board of Indian Commissioners, Appendix 37, Second Annual Report, 1870, Fort Gibson, Indian Territory, December 16, 1870." Chronicles of Oklahoma, V (March, 1927), 79-94.

Challacombe, Doris. "Alexander Lawrence Posey." Chronicles of Oklahoma, XI (December, 1933), 1011-1018.

"Chief Pleasant Porter, A Good Indian." Saturday Evening Post, CLXXV (November 3, 1900), 9.

Cunningham, Hugh T. "A History of the Cherokee Indians." Chronicles of Oklahoma, VIII (September, December, 1930), 291-314, 407-440.

Curtin, Jeremiah. "Jeremiah Curtin in Indian Territory." Edited by Joseph Schafer, annotated by Carolyn Thomas Foreman. Chronicles of Oklahoma, XXVI (September, 1948), 350-361.

Daily, Harry P. "Judge Isaac C. Parker." Chronicles of Oklahoma, XI (March, 1933), 673-690.

Dawes, Anna Laurens. "An Unknown Nation." Harper's Magazine, LXXVI (March, 1888), 598-605.

Debo, Angie. "The Site of the Battle of Round Mountain." Chronicles of Oklahoma, XXVII (Summer, 1949), 187-206.

Doyle, Thomas H. "Single Versus Double Statehood." Chronicles of Oklahoma, V (March, June, September, 1929), 18-41, 117-148, 266-286.

Eggleston, George Carey. "The Historical Status of the Indian Territory." Magazine of American History, IX (June, 1883), 440-441.

Foreman, Carolyn Thomas. "Augusta Robertson Moore." Chronicles of Oklahoma, XIII (December, 1935), 377-389.

Foreman, Carolyn Thomas. "Aunt Eliza of Tahlequah." Chronicles of Oklahoma, IX (March, 1931), 43-55.

Foreman, Carolyn Thomas. "General Benjamin Henry Grierson." Chronicles of Oklahoma, XXIV (June, 1946), 195-218.

Foreman, Carolyn Thomas. "Gen. James M. Shackelford." Chronicles of Oklahoma, XII (March, 1934), 103-111.

Foreman, Carolyn Thomas. "Israel G. Vore and Levering Manual Labor School." Chronicles of Oklahoma, XXV (September, 1947), 198-217.

Foreman, Grant. "Clarence W. Turner." Chronicles of Oklahoma, X (March, 1932), 18-20.

Foreman, Grant. "The Hon. Alice M. Robertson." Chronicles of Oklahoma, X (March, 1932), 13-17.

Foreman, Grant. "Oklahoma and Indian Territory." Outlook, LXXXII (March 10, 1906), 550-552.

Foreman, Grant. "Sources of Oklahoma History." Chronicles of Oklahoma, V (March, 1929), 42-57.

Freeman, Charles R. "Rev. Thomas Bertholf." Chronicles of Oklahoma, XI (December, 1933), 1019-1024.

Gardner, James H. "One Hundred Years Ago in the Region of Tulsa." Chronicles of Oklahoma, XI (June, 1933), 765-785.

Graebner, Norman Arthur. "History of Cattle Ranching in Eastern Oklahoma." Chronicles of Oklahoma, XXI (September, 1943), 300-311.

Hall, George Riley. "The Old Council House." Chronicles of Oklahoma, XIII (June, 1935), 133-138.

Harger, Charles Moreau. "The Next Commonwealth: Oklahoma." Outlook, LXVII (February, 1901), 280.

Haskell, Charles N. "Governor Haskell Tells of Two Conventions." Edited by Paul Nesbitt. Chronicles of Oklahoma, XIV (June, 1936), 189-217.

Hill, Gilbert. "We Might Have Been Twins." Daily Oklahoman, November 13, 1949, Sunday Magazine, 2-3.

Hinton, Richard J. "The Indian Territory--Its Status, Development, and Future." American Review of Reviews, XXIII (April, 1901), 451-458.

"Journal of the General Council of the Indian Territory." Chronicles of Oklahoma, III (March, June, 1926), 33-44, 120-140.

King, Henry. "The Indian Country." Century Magazine, August, 1885, 599-606.

Lambert, O. A. "Historical Sketch of Col. Samuel Checote, Once Chief of the Creek Nation." Chronicles of Oklahoma, IV (September, 1926), 275-280.

McAdam, Relin W. "An Indian Commonwealth." Harper's Magazine, LXXVII (November, 1893), 892.

Maxwell, Amos. "The Sequoyah Convention." Chronicles of Oklahoma, XXVII (Summer, Autumn, 1950), 161-192, 299-340.

Meserve, John Bartlett. "Chief Isparhecher." Chronicles of Oklahoma, X (March, 1932), 52-76.

Meserve, John Bartlett. "Chief Opothleyaholah." Chronicles of Oklahoma, IX (December, 1931), 439-453.

Meserve, John Bartlett. "Chief Pleasant Porter." Chronicles of Oklahoma, IX (September, 1931), 318-334.

Meserve, John Bartlett. "Chief Samuel Checote, with Sketches of Chief Lochar Harjo and Ward Coachman." Chronicles of Oklahoma, XVI (December, 1938), 401-409.

Meserve, John Bartlett. "The Perrymans." Chronicles of Oklahoma, XV (June, 1937), 166-184.

Meserve, John Bartlett. "The Plea of Crazy Snake (Chitto Harjo)." Chronicles of Oklahoma, XI (September, 1933), 899-911.

Morton, Ohland. "Early History of the Creek Indians." Chronicles of Oklahoma, IX (March, 1931), 17-26.

Morton, Ohland. "The Government of the Creek Indians." Chronicles of Oklahoma, VIII (March, June, 1930), 42-64, 189-225.

Morton, Ohland. "Reconstruction in the Creek Nation." Chronicles of Oklahoma, IX (June, 1931), 171-179.

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

Nichols, G. W. "The Indian: What Should We Do With Him?" Harper's Magazine, XL (April, 1870), 732-739.

"Okmulgee Constitution." Chronicles of Oklahoma, III (September, 1925), 216-228.

Ralph, Julian. "The Unique Plight of the Five Nations." Harper's Weekly, XL (January 4, 1896), 10.

Reed, Charles LeRoy. "The Greatest Living Indian." Sturm's Oklahoma Magazine, III (January, 1907), 11-26.

Robertson, Alice Mary. "The Creek Indian Council in Session." Chronicles of Oklahoma, XI (September, 1933), 895-98.

Trickett, Dean. "The Civil War in the Indian Territory." Chronicles of Oklahoma, XIX (March, December, 1941), 55-69, 381-396.

Turner, Clarence William. "Events Among the Muskogees During Sixty Years." Chronicles of Oklahoma, X (March, 1932), 21-34.

Welsh, H. "The Indian Question Past and Present." New England Magazine, III (October, 1890), 257-266.

Williams, A. M. "A Grand Council at Okmulgee." Lippincott's Magazine, XXIV (September, 1879), 371-375.

Williams, Robert L. "Tams Bixby, 1855-1922." Chronicles of Oklahoma, XIX (September, 1941), 205-212.

Wilson, Ella B. "Opening Session of the First Cattle Growers' Convention." Parsons' Memorial and Historical Library Magazine (St. Louis: Becktold and Company, 1885), 290-318.

Unpublished Theses

Baum, Laura Edna. "Agriculture Among the Five Civilized Tribes." Master's thesis, Department of History, University of Oklahoma, 1940.

Bridges, Cora Belle. "The Struggle of Oklahoma for Statehood." Master's thesis, Department of History, University of Oklahoma, 1932.

Brooks, Marion Stuart. "The History of the Indian Territory During the Civil War." Master's thesis, Department of History, University of Oklahoma, 1917.

Clark, Ira D. "Attempts to Form an Indian Confederation in Oklahoma, 1860-1890." Master's thesis, Department of History, University of Oklahoma, 1937.

Drain, Maud. "The History of the Education of the Creek Indians." Master's thesis, Department of History, University of Oklahoma, 1928.

Flood, Edith Lyle. "Alexander Posey in Oklahoma History." Master's thesis, Department of History, University of Oklahoma, 1938.

Harris, Otis Roscoe. "The Dawes Commission to the Five Civilized Tribes." Master's thesis, Department of History, University of Oklahoma, 1929.

Hinds, Roland. "White Intruders in the Creek Nation, 1830-1907." Master's thesis, Department of History, University of Oklahoma, 1936.

McIntosh, Frances. "Social and Economic Conditions of the Creek Indians." Master's thesis, Department of Social Work, University of Oklahoma, 1943.

Morton, Ohland. "The Political History of the Creek Indians Since the Civil War." Master's thesis, Department of History, University of Oklahoma, 1929.

Roberts, Joan. "Missions and Missionary Activities Among the Creek Indians, 1832-1900." Master's thesis, Department of History, University of Oklahoma, 1939.

Sameth, Sigmund. "Creek Negroes: A Study in Race Relations." Master's thesis, Departments of Anthropology and Sociology, University of Oklahoma, 1940.

Stewart, Franklin L. "The Administration and Control of Education Among the Five Civilized Tribes in Oklahoma." Master's thesis, School of Education, University of Oklahoma, 1939.