

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING,

In response to Senate resolution of February 20, 1889, information relative to the alleged bribery of the Cherokee council.

FEBRUARY 27, 1889.—Laid upon the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, February 26, 1889.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate, adopted February 25, 1889, in the following words:

Resolved, That the Secretary of the Interior be directed to furnish the Senate, without delay, any information in his Department touching the bribery of the Cherokee council by cattlemen and their agents, for the purpose of obtaining leases and renewal of leases of lands of the Cherokee Nation; and especially to transmit to the Senate a copy of the report of Special Agent Owens touching such alleged bribery.

In response thereto, I transmit a copy of a communication of this date from the Commissioner of Indian Affairs and accompanying papers.

These papers, the Commissioner reports, contain all the information on file in his office upon the subject of the resolution.

Very respectfully,

WM. F. VILAS,
Secretary.

The PRESIDENT PRO TEMPORE OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 26, 1889.

SIR: I have the honor to acknowledge the receipt, by the Department reference of this date, for immediate report, of a Senate resolution calling upon the Secretary of the Interior to furnish that body "without delay, any information in his Department touching the bribery of the Cherokee council, by cattlemen or their agents, for the purpose of obtaining leases and renewal of leases of lands of the Cherokee Nation; and especially to transmit to the Senate a copy of the report of Special Agent Owens touching such alleged bribery."

In reply, I have the honor to transmit herewith copies of the following documents:

- (1) The official report of Agent R. L. Owen upon the matter, dated April 29, 1887, with the inclosures belonging thereto.
- (2) The letter of this office to the Department inclosing the report of Agent Owen above referred to, with suggestions as to the proper action to be taken thereon.
- (3) The communication of the Secretary of the Interior submitting the matter to the Attorney-General.
- (4) The letter of the Department to this office authorizing the removal of certain persons from the Indian Territory.

The foregoing documents embrace all the information on file in this office upon the subject of the resolution above mentioned.

Very respectfully, your obedient servant,

JNO. H. OBERLY,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, June 11, 1887.

SIR: I have the honor to inclose herewith a letter from Agent Owen, Union Agency, Ind. T., dated the 29th day of April last, in relation to the manner in which the representatives of the Cherokee Strip Live Stock Association acted in attempting to negotiate for a renewal of the lease of the Cherokee Outlet lands last fall.

It appears that on November 1, 1886, the Cherokee council met and organized for their annual session, and on the same day the representatives of the Cherokee Strip Live Stock Association established their headquarters in the National Hotel at Tahlequah, Ind. T.

The association was represented by Thomas Hutton, Charles Eldred, and John F. Lyons, esqs., all United States citizens, the last named being also an adopted citizen of the Cherokee Nation by intermarriage; his wife, however, being now dead.

They came to the council for the avowed purpose of re-leasing the Cherokee strip (or outlet lands), although their existing lease does not expire until the spring of 1888.

Their methods are illustrated by the affidavits of John Holland, Stephen Techee and John Miller (therewith inclosed), showing that they were introducing large quantities of whisky into their room for the purpose of corrupting the Indians, and effecting the lease at a fraction of its real value.

November 26, 1886, they were defeated by a decisive vote.

According to Agent Owen's statement there appears to be no doubt of the fact that a lavish use was made both of liquor and money, for the purpose of securing the franchise.

It is suggested that upon the case presented the persons named have made themselves liable to exclusion from the Indian Territory, and to a criminal prosecution in the United States courts for violation of section 2139, Revised Statutes, relating to the liquor traffic with Indians.

Instructions in the matter are respectfully requested.

Very respectfully, your obedient servant,

J. D. C. ATKINS,
Commissioner

The SECRETARY OF THE INTERIOR.

[Strictly confidential.]

UNITED STATES INDIAN SERVICE,
Union Agency, Muscogee, Ind. T., April 29, 1887.

SIR: In accordance with your direction I have the honor to reduce to writing the manner in which the representatives of the Cherokee Strip Live Stock Association acted in attempting to negotiate a re-lease of the Cherokee strip during the last council.

On November 1, 1886, the Cherokee council met and organized for their annual session, and on this day the representatives of the Cherokee Strip Live Stock Associ

ation established their headquarters in the best room of the National Hotel. The association was represented by Thomas Hutton, esq., Charles Eldred, esq., and John F. Lyons, esq., all United States citizens, the latter also an adopted citizen of the Cherokee Nation by intermarriage, his wife, however, being now dead.

They came to the council for the avowed purpose of re-leasing the Cherokee strip, although their lease does not expire until the spring of 1888. Their methods are illustrated by the affidavits of John Holland, Stephen Techee, and John Miller, which show very plainly that they were introducing large quantities of whisky into their room for the purpose of corrupting the Indians, and effecting the lease at a fraction of its real value. On November 26, 1886, they were defeated by a decisive vote, and hearing at Muscogee how they had been using whisky I went over and got there late that night and made the inquiries, whose results are submitted.

Mrs. Eliza Alberty, hostess of the National Hotel, told me that these men were trying in every way to induce the council to re-lease them the Cherokee Strip, and that they were evidently introducing large quantities of whisky for the purpose of affecting and influencing the members. She told me that she had seen a 2-gallon demijohn, three 2-gallon jugs, and one 1-gallon jug, and forty quart-bottles in their room or brought out of it; that she knew of George Sanders, Soghee, Richard Wolf, Albion Spears, and John Gritts being drunk in their room; that the Indians had been working like bees in their room; that it had been notorious; that John F. Lyons told Blue Alberty, esq., that Charles Starr, esq., high sheriff, had obligated himself not to search this room. Mrs. Alberty further told me that on account of the disgraceful tramping into this room all night long, and the bad odor it was bringing upon the house, that she told them it would have to stop or they would have to leave her house. Mrs. Alberty I know well. She is a truthful and a good woman, and is a sister of Dennis Bushyhead, principal chief of the Cherokee Nation. She is corroborated by numbers of other people.

The affidavit of John Harland shows that he personally knew of 13 gallons of whisky going into his room, and he mentioned seventeen Indians to whom he saw these men give whisky, besides others not named. Charley Fry, a young Cherokee of some prominence, told me, and I made at the time, November 17, 1886, a memorandum, that he saw them give whisky to Jake Lipe, Bullett Foreman, Dick Dennenberg, Dick Wolf, John Schrimmscher, Soghee, Bill Young, Mage Lipe, Billy Howell, George Downing, George Lewis, Robert Hanks, Dick Glenn, and Jim Keys; that Dick Wolf had three 2-gallon kegs of whisky in his room when he was there; that he heard Dick say that he had spent \$125 for whisky.

I do not think there is any doubt about the fact that these men and their workers made a lavish use of money and whisky for the purpose of securing this franchise. Gus Ivey told me that they paid him \$500 for an old claim he had against some individual out there for a private lease. This was not an obligation of the association, and they were under no obligations to pay it. They paid it to Ivey really to silence his opposition; and Ivey told me that when they had made this payment apparently on an old claim they at once solicited his good offices in securing them the renewal of the lease. This he declined to do. Ivey informed me that they paid various other men of influence, and one of them, a senator, a similar claim.

These claims, if paid at all by this association, should have been paid three and one-half years ago, when this association had a surplus in their treasury; and I believe the real purpose in paying this money, at this time and in this manner, was to buy the friendship and influence of these men, who would thus with more or less unconsciousness, be receiving a bribe. It might be proper to say, in explanation of these claims, they arise in the following manner:

Certain citizens of the Cherokee Nation went out on the strip and made contract with certain stockmen by which the United States citizen was to put up a wire fence, covering such pasturage as he saw fit, and call it the pasture of the Cherokee citizen, and pay him a certain royalty for this use of his name and rights.

When this lease was made these private agreements were set aside and ignored by the Cherokee council, the individual stockmen, and the Cherokee Strip Live Stock Association.

These so-called claims are the ones now referred to as being paid by the association in a sudden spirit of generous virtue. In view of the conduct of these men, I would recommend that neither they nor their representatives be allowed to lobby the council in their behalf, but that they be required, if they wish to make any proposition, to make the same in writing, subject to the supervision of your office, or some similar method pursued, by which the Cherokees can consider it without being subject to any undue and improper pressure.

The land is very valuable for grazing purposes, being probably worth \$300,000 a year. The Cherokees need this money, or such revenues as they may derive from it, for the advancement of their schools and the perfection of their government, and growth of internal improvements. You know of the destruction of their splendid female seminary by fire.

I am of the opinion that it would be best that these lands should be released in whole or in part to the men who now occupy it, provided they are willing to give its fair market value, and I would be pleased to assist the Cherokee Nation in securing the market value by negotiating with Texas cattle men for the occupation of such portion of this range as the present occupants are unwilling to pay the market value for.

I beg you to give this your immediate consideration and advise me in the premises, because on the 9th of May the Cherokee national council meets in relation to the burning of their seminary, and these men in all human likelihood will be on hand to utilize the occasion.

Please regard this communication, in so far as it is proper to do so, as strictly confidential, and do not for the present place the evidence submitted to you in the files of the Indian Office, but return it to my office for preservation and possible use before the Federal court.

I have the honor to be, your obedient servant,

ROBT. L. OWEN,
United States Indian Agent.

Hon. J. D. C. ATKINS,
Commissioner of Indian Affairs, Washington, D. C.

TAHLEQUAH, IND. TER., November 27, 1889.

John Harland, duly sworn, deposes and says:

I am an adopted citizen of the Cherokee Nation, and am nineteen years old November 18, 1886. I work at National House. On the first Monday of council John F. Lyons, Thomas Hutton, and William Eldred came to the National House and occupied the lower front room on the west together. On Sunday morning I got a 2-gallon jug of whisky for Mr. John F. Lyons, under his direction; he gave me a dram of it. The next Sunday, November 14, he got a back, with Mr. Hutton and Mr. Eldred and another man, and went off. They came back that night, and Mr. Lyons sent me over in the square to get three 2-gallon jugs of whisky. Mr. Lyons said: "John Henry, go and get them things by the fence inside the square. There are three; go get them." They contained whisky, for I got a drink of it. The next Saturday I heard Mr. Lyons tell Bill Ross (colored), out by the National House gate, that I would get it. They called me, and told me to go and tell a fellow by Catcher Teehee's that he should bring "that stuff." I went and saw him. He had a 5-gallon keg; and I told him. He said he was afraid, and I then went back and told Bill Ross, and me and Bill went back together, and Bill and the fellow, whose name I don't know, came up this way with the keg and we parted, and about an hour and a half Bill came in my room behind the hotel and told me he had made it. I asked him, "Bill, did you make it?" and he said, "Yes."

To-day a week a 5-gallon keg left here and a demijohn (2-gallon) in Mr. Alberty's wagon, bound for Mr. Quarles's house. I saw two other jugs and one other demijohn. I guess I got about 7-quart and 2-pint bottles out of the room named, and when Loghi George Landers was drunk I got 5 bottles out of the parlor where he and Mr. Lyons had been together with other men. I saw these men, Mr. Lyons, Hutton, and Eldred, give numbers of the Indians whisky; for instance, Jake Lipe, Major Lipe, George Landers, Joel Bryant, Mr. George Lewis, Mr. Robert Hanks, Mr. Dick Wolf, Mr. Houston Benge, Pomo Brown [n], Bill Ross [n], Dick Glenn, Frank Adair, Caleb Starr; and lots of others, *i. e.*, Dick Halfbreed, Hooly Bell, Jim Keys, John Schrimsher.

JOHN HOLLAND.

Duly sworn and subscribed to before me November 29, 1886.

ROBT. L. OWEN,
United States Commissioner.

TAHLEQUAH, IND. T., November 27, 1886.

This day personally appeared before me Stephen Teehee, who being duly sworn, says:

I have held many offices in the Cherokee Nation; since the war, except two years, I have been an officer; lastly, circuit judge over Going Shake, Flint, Illinois, and Senoyah districts. I am now a senator in the Cherokee national council. On Tuesday or Wednesday morning before Thanksgiving day, Richard Wolf came to me at Lacy Hawkin's house, and John Tee hee was with me. Richard Wolf called me off to one side and told me he was attorney for the cattle men.

He said the Cherokee Nation could not get more than \$500,000 for the land; but at the same time individuals ought to make something off of it; that I ought to make something off of it. He said he was authorized to get that bill through council and was authorized to use money in getting it passed; that he had a big pile of money in his charge; that he would give me \$500 in case it became a law; that if that was insufficient and I called for even more he might do so. I told him that was against my will; that he knew me what kind of a man I was. (I did not name it, but I alluded to his having offered me \$100 last year for my vote to him as Delegate, and my having declined to accept it.) He then gave me a long explanation in regard to that land west of 96 degrees; that the value of it had gone down by the grass and timber having been used off of it; that if we did not release it the new council to be elected next council might not agree to lease it, but might sell it, and he was opposed to selling the land; I told him I was no land seller either, but I did not come here to make money for myself.

I got tired of it, talking to him, and I said, "I'll see about it;" he said to name the time I'd answer. I said, "Next Monday." He said that was too long, he wanted to know by 12 o'clock that day. I said that was too short a time. He asked me if I'd be ready by sundown. I said, "I will."

Then I went and told my best friends of this offer; I told Gus Ivey, and not to tell; I've got plan to find out what all they were doing. And I told William Holt, and John Teehee and others. Since then Richard Wolf don't see me, and don't say a word to me. Somebody must have told him. When having the conversation above-named Richard Wolf told me he had Hooly Bee and John Gritts all right, but I did not believe that. I thought he was trying to mislead me into accepting the offer. He said he just wanted one or two more votes in the Senate. He said he had the lower house all right, that he had a majority there. He talked a heap, but these are the main points.

STEPHEN TEEHEE.

Sworn and subscribed to by and before me on this the 27th November, 1886.

ROBT. L. OWEN,
United States Commissioner.

TAHLEQUAH, IND. T., November 27, 1886.

John M. Miller, duly sworn, says:

I am a member of the council, branch of Cherokee national council, and from Delaware district. On Friday morning Mr. Wolf Coon introduced a bill to release to the Cherokee Strip Live Stock Association the Cherokee strip for same rate as before, to wit, \$100,000.

It was immediately referred to the committee of which Dick Drunenberg, chairman, Dickin Waters, George Downing (Tah), Bill Howell, and myself were members. The chairman proposed we should vote upon it at once, but by insisting it was too important to act on hastily I got the vote put off till 2 p. m. Then it was voted on.

George Downing proposed to amend it to \$120,000 a year. I proposed \$300,000 a year, but they overruled me and put it at \$120,000 a year. I then proposed to make a minority report. Dick Drunenberg said I had no right to do so, as it was not customary to do so. I insisted on it, and my report was accepted by a vote of 23 to 13, I believe, when presented to the house. It was then Wolf Coon tried to withdraw it. That was not permitted, and then he proposed to suspend the rules and put the bill on its passage without the amendment adopted. It was tabled till this morning and this morning it was tabled till next fall by simple motion without vote.

JOHN MILLER.

Sworn and subscribed to by and before me on this the 27th day of November, 1886.

ROBT. L. OWEN,
United States Commissioner.

DEPARTMENT OF THE INTERIOR,
Washington, June 13, 1887.

SIR: Inclosed herewith is a copy of Department letter of 13th instant addressed to the honorable Attorney-General upon the subject of reported violation of section 2139 of the Revised Statutes of the United States by Thomas Hutton, Charles Eldred, and John F. Lyons, at Tahlequah, Indian Territory, last fall, as representatives of the Cherokee Strip Live-Stock Association, in furnishing liquor to Indians who visited their rooms at the National Hotel in Tahlequah, to influence their action in the national council in favor of the releasing of the Cherokee outlet lands to said association, which was the subject of your report of the 11th instant, the inclosures of which are herewith returned.

Agent Owen should be instructed that if he is satisfied the statements as to violations of the law referred to by the parties named are true and well founded, to remove them from that portion of the Indian Territory within the jurisdiction of his agency whenever they may be found there without permit from proper authority.

Very respectfully,

L. Q. C. LAMAR,
Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

DEPARTMENT OF THE INTERIOR,
Washington, June 13, 1887.

SIR: It has been brought to the attention of this Department that Thomas Hutton, Charles Eldred, and John F. Lyons, citizens of the United States,—the last named being also an adopted citizen of the Cherokee Nation by intermarriage, his wife however being dead—representing the Cherokee Strip Live-Stock Association, in attempting to negotiate for a renewal of the lease of the Cherokee Outlet lands last fall, were guilty of a violation of section 2139 of the Revised Statutes of the United States, by introducing large quantities of liquors into their rooms at the National Hotel at Tahlequah, Indian Territory, and giving it to the Indians for the purpose of influencing their action in the Cherokee national council in favor of the said association.

The Commissioner of Indian Affairs recommends that the proper United States attorney be instructed to investigate this subject with the view to such action as may be found to be right and proper in the matter.

I concur in the Commissioner's recommendation.

I have the honor to be, very respectfully,

L. Q. C. LAMAR,
Secretary.

The ATTORNEY-GENERAL.

NOTE.—The Attorney-General, by letter of June 17, 1887, informed this Department that he has referred the matter of the introduction of liquor into the Indian Territory by the Cherokee Live-Stock Association to the United States attorney, western district of Arkansas.

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