

## TERRITORY OF OKLAHOMA.

MAY 27, 1872.—Ordered to be printed and recommitted to the Committee on the Territories.

Mr. McKEE, from the Committee of Claims, made the following

## REPORT:

[To accompany bill H. R. 2635.]

*In behalf of the minority of the Committee on the Territories, Hon. George C. McKee submits the following report:*

The undersigned, members of the Committee on the Territories, to whom has been submitted the various bills which propose to establish the Indian Territory of Oklahoma, respectfully report that they do not think any such Territory should be organized, because they do not believe such action would be nationally just or honorable, wise or expedient. It is neither just or honorable because the faith of the nation has been pledged many times over against the legislation contemplated by these bills. Fifty solemn treaties made with these Indian tribes guarantee them their rights over and over again. We quote but from two of them bearing directly upon the question of territorializing these tribes.

The treaty of Washington City, May 6, 1828, made with the Cherokees, guarantees them "a permanent home, and which shall, under the most solemn guarantee of the United States, be and remain theirs forever; a home that shall never, in all future time, be embarrassed by having extended around it the lines or placed over it the jurisdiction of a Territory or State, nor be pressed upon by the extension in any way of the limits of any existing Territory or State."

The fourth article of the treaty of Washington of August 7, 1856, with the Creeks and Seminoles, provides that—

The United States do hereby solemnly agree and bind themselves that no State or Territory shall ever pass laws for the government of the Creek or Seminole tribes of Indians, and that no portion of either of the tracts of country defined in the first and second articles of this agreement shall ever be embraced or included within or annexed to any Territory or State, nor shall either, or any part of either, ever be erected into a Territory without the full and free consent of the legislative authority of the tribe owning the same.

The twelfth article of the treaty of June 14, 1866, specially confirms all previous treaty obligations not inconsistent with that one, and as the above-quoted article is in no way inconsistent, it then and there received a new sanction.

These, and similar treaties of like import, are in force and binding today. If there is any binding force in solemn guarantee and written covenant, in plighted faith and national honor, then we cannot, must

not, establish this Territory. But the force of these treaties is attempted to be broken by the assertion that the treaties of 1866 provide for a certain kind of territorial government. They do nothing of the kind. They do provide that the Indians may hold an international council or confederation of the tribes, carefully preserving their tribal relations. And all this has been done for four years. The council meets annually. It was established by the Executive Department, and has been indorsed by Congress every year since, by annual appropriations to pay its expenses. The treaties themselves are the organic act of this council.

The proposed legislation is neither wise or expedient, because it proposes to blend, against their will, twenty tribes, with different laws, languages, customs, and interests, into one heterogeneous mass, bound together only by the arbitrary will of Congress.

The Indians do not desire it. They know their own interests. They are not wild, untutored savages. The five large tribes are well advanced in civilization. They have their laws and constitutions, courts and sheriffs, judges and jurors, schools and churches, bibles and newspapers. Under their present form and system of government they are rapidly increasing in wealth, population, and civilization; and this can be said of no other Indians, and no other system of Indian government. All over this broad continent the history of the Indian for two centuries is a history of barbarism and rapid decay, with this one exception. And we are asked now to strike down the last and only hope for the Indian on this continent. Not for the good of the Indians, but for the interest of the whites. Is not this country broad enough for all? Does not the "boundless West" still invite the emigrant? And the Middle States are not even yet half filled. Is the Indian to have no resting place for his weary feet? Must he be pushed to hurried destruction?

The real root of this movement springs from the fact that Congress, in an unwise moment, granted many millions of acres belonging to these Indians to railroad corporations, contingent on the extinction of the Indian title. And now these soulless corporations hover like greedy cormorants over this Territory, and incite Congress to remove all restraint, and allow them to swoop down and swallow over twenty-three millions acres of the land of this Territory, destroying alike the last hope of the Indian and the honor of the Government. For if this bill is passed then the result will be, as every one knows, that the tribes will be broken up, the railroad companies will obtain most of the valuable lands of the Territory, and the Indians will be crushed and overwhelmed by the tide of rude pioneer populations that will pour in upon them. And why must we do this? In order that corporations may be enriched and railroad stocks advanced in Wall street? or is it, as has been urged, in order to "aid the progress of civilization," that we are called upon to break solemn compact and treaty stipulations? Surely we are not the apostles of any such civilization which seeks progress through a breach of faith, which even barbarians abhor.

The Indian title which these railroad companies seek to destroy is not the ordinary "Indian title." The five large tribes hold their lands in "fee simple," so expressed in their deeds. These lands were bought and paid for, or exchanged for, with the Government of the United States, and they hold the same patent for their lands that any white man holds for lands he may have purchased from the United States. Their title is not a grant of an undefined scope of territory. It is a deed describing the lands accurately, even to the  $\frac{1}{100}$  part of an acre.

It cannot be denied that this measure is only sought by those with

whom the security of Indian rights and the improvement of the Indian race is but a secondary consideration, if considered at all.

Under the circumstances, it is evident that a radical change in the political system of these Indians is not at present called for. It is certain that they, through their proper representatives, are opposed to it, and regard such measures as aggressive in their character, and dangerous to their interests and prosperity. The most that a judicious policy would at present seem to indicate would be the creation of a court, such as is contemplated by their treaties, and the judicious encouragement of the present intertribal government, until it can be able to gather these conflicting elements into one homogeneous mass.