45. INDIAN TERRITORY, 1866–1889

Essay by *Michael D. Green*

On June 23, 1865, General Stand Watie surrendered all Confederate military forces in Indian Territory. Shortly thereafter a Federal peace commission convened a grand council of tribal representatives at Fort Smith, but the final negotiations and treaty signings took place in Washington in 1866. The Federal position was that the Confederate treaties had erased more than a century of treaty relations and obligations between the United States and the tribes. There had to be a new beginning.

While the effects were staggering, the terms were few and simple. The nations rescinded their Confederate treaties and made peace with the United States, they emancipated their slaves and agreed to extend to the freedpersons full and equal rights of citizenship, and they agreed to grant rights-of-way to railroads, accept the jurisdiction of federal district courts in cases involving non-Indians, work toward the establishment of a unified government for Indian Territory, and sell to the United States large blocks of land to be distributed to the tribes previously removed to Kansas and to the tribes of the southern plains. The United States agreed to reinstate relations with the nations. The details differed from treaty to treaty, but the pattern applied to all.

In their combined treaty, the Choctaws and Chickasaws ceded their jointly owned Leased District. By 1870 the United States had designated portions of it as the Cheyenne and Arapaho Reservation; the Comanche, Kiowa, and Apache Reservation; and the Wichita and Caddo Reservation. The Seminoles ceded their entire nation, part of which was included in the Cheyenne and Arapaho Reservation, while another part became the Pottawatomie and Shawnee Reservation. The Seminoles then purchased a new nation carved out of the Creek cession. The Creeks gave up the western half of their nation, into which the government moved the Iowas, Sacs and Foxes, and Kickapoos, as well as the Seminoles. The Cherokees agreed to sell the Neutral Lands and the Cherokee Strip, both of which were in Kansas, and accepted the government's plan to move the Osages, Tonkawas, Poncas, Otos and Missouris, Kaws (Kansas), and Pawnees into the eastern half of the Cherokee Outlet. The government retained as "Unassigned Lands" a large block in the Creek cession that was never designated as reservation land.

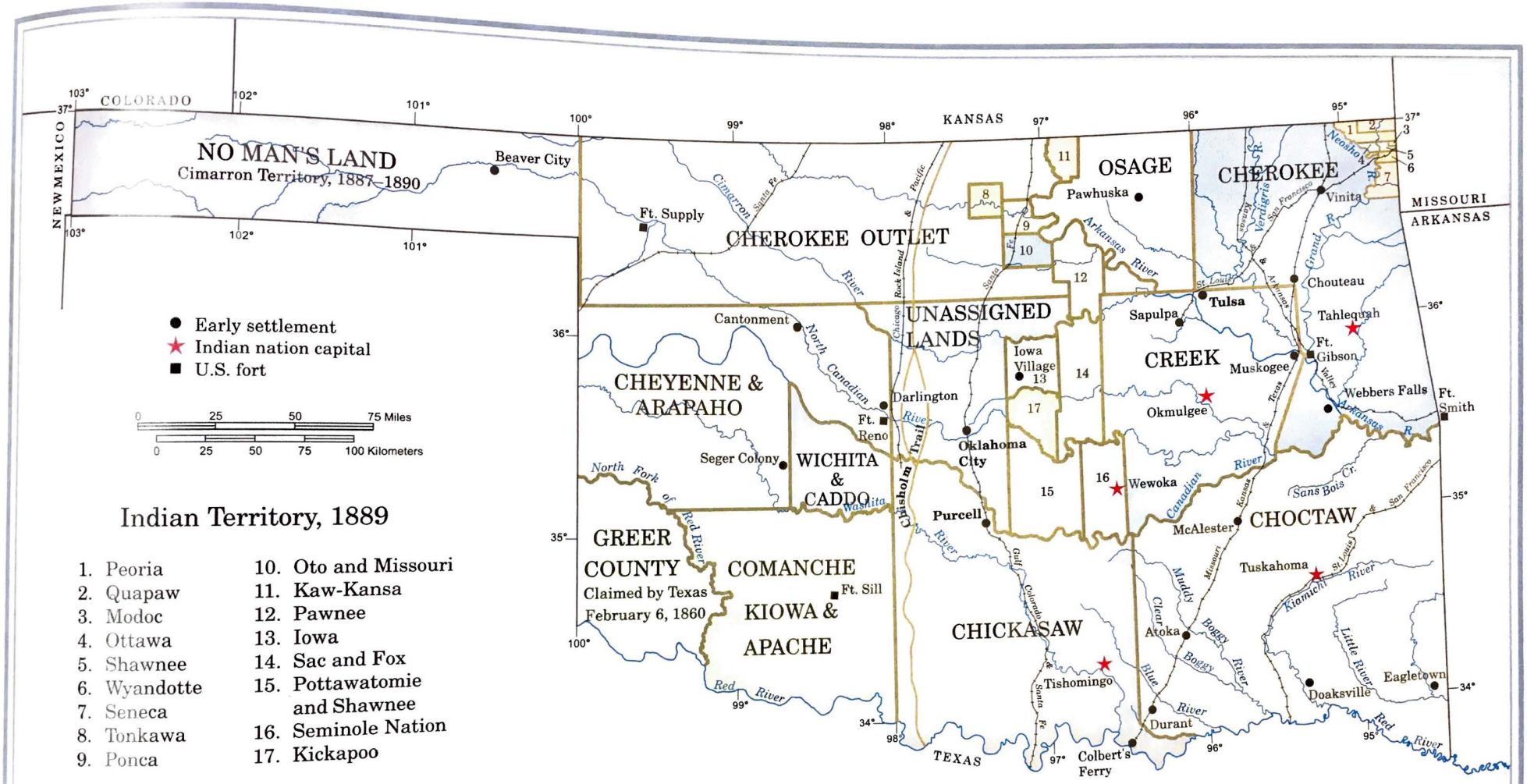
During the late 1860s and 1870s, the government completed the process of moving these and other tribes into Indian Territory. It also attempted to organize the region with a territorial government under a governor appointed by the president and a legislature representing the tribes. The Creeks periodically hosted international councils at Okmulgee to discuss matters of interest to the tribes of Indian Territory, but none desired to subject its sovereignty to a territorial government, and all efforts by officials in Washington to achieve such a thing failed.

By far the most portentous provision included in each of the 1866 treaties was the requirement that the Five Nations grant right-of-ways to railroad companies. The U.S. government assumed originally that there should be two lines, one running north–south, the other east–west. Between 1870 and 1873, the Missouri, Kansas, and Texas (MK&T) constructed a line from the Kansas-Cherokee border south, generally following the route of the Texas Road, through the Cherokee, Creek, and Choctaw nations to Colbert's Ferry on the Red River in the Chickasaw Nation. In 1871 the Atlantic and Pacific (later renamed the St. Louis and San Francisco) built its line westward from Missouri and crossed the MK&T at Vinita in the Cherokee Nation; a decade later, it pressed southwest and in 1882 entered the Creek Nation at Tulsa. But railroad companies were not satisfied with these two lines authorized by the treaties of 1866 and demanded that Congress approve more, regardless of the wishes of the Indian governments. Without consulting the tribes, Congress chartered eleven additional railroads between 1882 and 1888.

The tribal governments had little control over the corporations operating in Indian Territory, which imported workers, built towns, and exploited Indian-owned resources. The nations (after the initial agreement contained in the 1866 treaties) were bitterly divided over further economic development but generally preferred to limit and restrict the corporate penetration of their territories. Their efforts at restraint and regulation usually failed in the face of concerted corporate economic and political power, however. Congress tended to charter railroads despite the efforts of the Indian national governments to block or delay them. Thus did Congress erode the sovereign power of Indian Territory's governments. All this corporate activity had two significant effects: the move to break up the Indian nations, and the introduction of large numbers of non-Indian workers.

The corporations were more powerful than the Indian governments, but the existence of those governments (with laws, regulations, and responsibilities for protecting the commonly owned lands) complicated and in some cases hindered business. Except for the narrow strip of land needed for a right-of-way, for example, railroads could not acquire property. Neither could any other corporation or individual. With some exceptions, the corporations concluded that they would be better off if the Indian governments were dissolved, the nations disbanded, and the land made available to non-Indians. This view was widely disseminated during the late nineteenth century and won powerful allies in government. Despite the treaties that guaranteed their sovereign independence, the Five Nations of Indian Territory found themselves constantly fighting to survive.

Corporate penetration of Indian Territory brought with it large numbers of non-Indians. Many worked on the railroads or in the coal mines, lumber camps, or oil fields. Business and professional people settled in Vinita, Muskogee, McAlester, Bartlesville, and the countless other railroad, coal, and oil towns. These people resented their status as foreigners in the Indian nations and loudly demanded their "rights," claiming that their numbers (110,000 in a total population of 180,000 for Indian Territory in 1890) justi-



Indian Territory, 1889

1. Peoria
2. Quapaw
3. Modoc
4. Ottawa
5. Shawnee
6. Wyandotte
7. Seneca
8. Tonkawa
9. Ponca
10. Oto and Missouri
11. Kaw-Kansa
12. Pawnee
13. Iowa
14. Sac and Fox
15. Pottawatomie and Shawnee
16. Seminole Nation
17. Kickapoo

fied their demands. While sometimes at odds with the corporations, they agreed that the nations should be disbanded.

For most tribes in the United States, the Dawes General Allotment Act of 1887 made such sentiments policy. The Dawes Act called for breaking up tribal social and political organizations, distributing reservation lands to individual members of the tribes, and selling the rest of the lands for homesteading. The law specifically exempted the Five Nations of eastern Indian Territory but applied to the rest. Legislation in 1893 and 1895 extended the provisions of the Dawes Act to the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles.

Events began to move very rapidly after 1887. The U.S. government opened the Unassigned Lands for settlement in 1889. The next year, federal officials organized that region, plus "No Man's Land" (the Panhandle), as Oklahoma Territory. Then, in the early 1890s, the United States added to Oklahoma Territory the newly allotted reservations. Oklahoma Territory joined the corporations and white residents of Indian Territory in the call to break up the nations, disband their governments, allot their lands, and unite the two territories into a new state of Oklahoma.