

Key Vocabulary

Plessy v. Ferguson

Unassigned Lands

Edward P. ("E. P.") McCabe

David L. Payne

Cherokee Outlet

Organic Act

Dawes Act

Curtis Act

Crazy Snake Rebellion

Learning Outcomes:

The learner will be able to...

- Identify the factors that led to increased Black emigration to Indian Territory after the Civil War.
- Describe the efforts of Edward McCabe to create an all-Black state.
- Identify the motivations of the Boomer movement.
- Explain how the idea of Manifest Destiny contributed to opening the Unassigned Lands and Cherokee Outlet to white settlement.
- Evaluate the impact of the Dawes and Curtis acts on tribal landownership and tribal sovereignty.
- Identify how and why Tribal nations resisted the allotment system.

Compelling Question:

- What were the consequences of Manifest Destiny in Indian Territory?

Chapter Overview

The Civil War had a lasting effect on tribal sovereignty, land, and citizenship in Indian Territory. The Reconstruction Treaties of 1866 granted Freedpeople access to land ownership through citizenship in Native nations. What took place in Oklahoma did not take place in other parts of the United States. The land distribution in Oklahoma following the Civil War invites us to think about the missed opportunities of landownership for formerly enslaved people outside of Indian Territory.

Fig. 5.1: McAlester and Coalgate were the prominent coal-producing areas in southeastern Oklahoma. This photo shows the Old No. 9 Mine, which was established in the 1870s in McAlester, Indian Territory. James J. McAlester (also known as J. J. McAlester), who once served in the Confederate army, came to the Choctaw Nation at age twenty-four in search of coal. He married Rebecca Burney, a citizen of Chickasaw Nation, and McAlester as a result received citizenship in the Choctaw and Chickasaw Nations. Citizenship entitled him to stake a claim to coal deposits within a one-mile radius from point of discovery. With the arrival of the railroad, coal production grew and McAlester prospered in mining, banking, ranching, and other businesses.

Courtesy of the Oklahoma Historical Society.



Growth of All-Black Towns

UNIT 2

In this chapter we examine the expanding population of Oklahoma in the decades following the Civil War. New questions arise during this period. Is Oklahoma a homeland for Native nations? A Black promised land? A white homesteading land? Within a short period of time lands held in common by Native nations or held in trust by the federal government were redistributed to individuals either as allotments to tribal citizens and homesteads to non-Native citizens. In addition, large parcels of land were distributed to railroad companies. In many ways, the federal government helped facilitate the peopling of Oklahoma, most notably by forcibly removing Native nations to Indian Territory, authorizing the Homestead Act, offering land as payment to railroad companies to facilitate the creation of railroad systems, organizing the allotment system, and coordinating the opening of “surplus lands” to Black and white people.



Fig. 5.2: Pictured here are the teachers and students of Spring Creek Settlement School in Depew, Oklahoma, around 1920. Located in the Muscogee (Creek) Nation, the town of Depew was founded in 1901, and was a stop on the railway line between Sapulpa and Oklahoma City. When oil was discovered near the town in 1911, the Sapulpa and Oil Field Railroad constructed a line from Depew to Shamrock, Texas, connecting the oil-boom towns.

Courtesy of the Oklahoma Historical Society.



Fig. 5.3: Timber was scarce on the Great Plains, so homesteaders in Oklahoma Territory often made their first homes out of thick sod blocks. The interior walls were finished with plaster. Here is a family outside their sod house in Oklahoma Territory around 1900. You can visit the Sod House Museum in Alfalfa County to learn more.

Courtesy of the Oklahoma Historical Society.

From 1865 to 1915, Black people from the South emigrated, or moved, because they desired freedom and land ownership in new towns and new communities in free places. Some left the United States and went to Canada, Mexico, or West Africa. Others remained within the United States, moving to such places as Arkansas, Kansas, Texas, Indian Territory, and Oklahoma Territory. Beginning in 1879, about 40,000 Black migrants settled in Kansas and founded All-Black towns, including Nicodemus, the oldest Black settlement west of the Mississippi River. Black emigration from the South to Oklahoma was significantly larger, with more than 100,000 Black people moving to the future state.

Fig. 5.4: When Federal Western District judge Isaac C. Parker was appointed to the court in Fort Smith, Arkansas, in 1875, he hired two hundred deputy US marshals to enforce the law in Indian Territory. Amos Maytubby (far left) was a Choctaw lighthorseman. The lighthorsemen were a mounted police force who served and protected Choctaw citizens. Next to Maytubby are (left to right) Zeke Miller, Neely Factor, and Robert L. Fortune, who were three Black US deputy marshals in Indian Territory. Miller tracked outlaws in the Central District of Indian Territory and tried to encourage young outlaws to read, become educated, and improve their lives overall. Factor was known for his ability to observe outlaw gangs and wait patiently for hours before capturing them. Fortune kept law and order in the Oklahoma mining town of Wilburton and then became a lawyer in Chickasha.

Courtesy of the Oklahoma Historical Society.



Rentiesville

An interesting pattern emerged in town formation (the ways towns were established and developed) in Indian Territory. Due to allotment, the lands often belonged to Native Freedpeople including young women and girls. In 1903, William Rentie and Phoebe McIntosh, both Muscogee (Creek) Freedpeople, contributed 20 acres each from their allotments to provide lots for Rentiesville, an All-Black town 70 miles southeast of Tulsa. It sat five miles north of Checotah in what became McIntosh County, and it was a flag stop along the MK&T railway. Located about a quarter mile from Honey Springs in Indian Territory, Rentiesville was founded by Native Freedpeople and veterans of the Battle of Honey Springs. Most of the All-Black towns were located in Indian Territory, with the majority of them in Muscogee Nation.



Fig. 5.5: Following the 1921 Tulsa Race Massacre, attorney B. C. Franklin (right) and his law partner I. H. Spears (left) set up their law office in a tent, working to prevent dispossession of Greenwood residents.

Courtesy of the National Museum for African American History and Culture.



Fig. 5.6: Dr. John Hope Franklin, by Everett Raymond Kinstler, 2012. Historian John Hope Franklin, the son of B. C. Franklin, graduated from Booker T. Washington High School in Tulsa. He received the PhD in history from Harvard University and served as professor at Howard University and Duke University among other schools. *From Slavery to Freedom* (1947) is his best-known book. Franklin received the Presidential Medal of Freedom in 1995 for his work as historian and civil rights advocate. Visit the John Hope Franklin Reconciliation Park in Tulsa to learn more about his efforts to “establish history as a powerful force for good.”

Courtesy of the Capitol Art Collection, Oklahoma Arts Council.

Attorney B. C. Franklin and Historian John Hope Franklin

Historian John Hope Franklin grew up in Rentiesville, an All-Black town southeast of Tulsa, in the late 1910s. His father, Buck Colbert (“B. C.”) Franklin, was an attorney and had just opened his new law office in the Greenwood District in Tulsa a few months before the 1921 Tulsa Race Massacre. He did this with plans for his family to join him after his children’s school year finished. John Hope Franklin was only six years old at the time of the massacre, but he was very aware of the events surrounding the tragedy because his family had to wait several days before learning that their father had survived the massacre. B. C. Franklin worked for four years to fight ordinances, or city regulations, designed to prevent the rebuilding of Greenwood. The rest of the Franklin family, including son John, moved to Tulsa in 1925. John Hope Franklin attended public schools in Tulsa and graduated from Booker T. Washington High School. He received the PhD in history from Harvard University and had a distinguished career as a historian for more than sixty years, publishing books about Black history in the United States, racial politics, and civil rights.

Two Waves of Black Emigration to Indian Territory

Black emigration to Oklahoma before statehood came in two waves. The first wave included enslaved Blacks of the Five Tribes who were forcibly removed to Indian Territory from the southeastern United States during the 1820s and 1830s. Following the Civil War, Freedpeople of the Five Tribes “accepted” individual land allotments and they created farming towns. Tullahassee, for example, located in Wagoner County five miles northwest of Muskogee, is the oldest All-Black town in Indian Territory. When the Muscogee Nation opened a school there in 1850, and following the Civil War and Reconstruction Treaties of 1866, the population of Freedpeople increased in the town. By the early 1870s, the MK&T railway ran through Tullahassee, and the town’s population continued to grow.



Fig. 5.7: Freedpeople camping at Fort Gibson before enrollment through the Dawes Commission and following passage of the Curtis Act in 1898. When the Five Tribes were forcibly removed from their homelands in the 1830s–40s, Black people enslaved by the tribes also made the long journey to Indian Territory. By 1861, thousands of Black people were enslaved throughout Indian Territory. They gained freedom after the Civil War.

Courtesy of the Oklahoma Historical Society.



Fig. 5.8: Tullahassee Manual Labor School, 1891. By 1883, this institution was a boarding school for Muscogee (Creek) Freedpeople and was funded by the Muscogee Nation in partnership with the Baptist Home Mission Society. For many years Tullahassee was the only school in Indian Territory for Native Freedpeople beyond elementary school. It continued as a school for Black students until 1924.

Courtesy of the Oklahoma Historical Society.

And by 1870, some six thousand African Americans called Indian Territory home.

The second wave of Black emigration to Oklahoma occurred when the federal government opened Native lands to homesteading in the late 1880s. For African American settlers from the South, land to the west in Indian Territory represented a “promised land” where they could establish themselves as free people and forge new identities. Black newspapers and church meetings promoted the All-Black towns. The towns were filled with Black leaders, businesses, schools, and cultural institutions. Town leaders recruited new residents with assurances of land ownership, economic prosperity, racial pride, and community. In 1896, the US Supreme Court case *Plessy v. Ferguson* established the “separate but equal” doctrine, or legal segregation by race. Therefore, the founders of All-Black towns wanted to create safe communities apart from white communities.



Between 1890 and 1907, the Black population of Indian Territory (including both Native Freedpeople and African Americans) increased from 19,000 to over 80,000. The Native population remained at about 61,000. The white population increased from some 109,000 to over 538,000 as a result of the Homestead Act and the opening of the **Unassigned Lands**.

Fig. 5.9: Originally from Tennessee, George Napier Perkins was a veteran of the US Army, lawyer, newspaper publisher, and civil rights activist who grew up in Arkansas before moving to Oklahoma in 1890. Perkins used his legal training and his *Oklahoma Guide* newspaper in Guthrie to appeal to whites for repeal of the grandfather clause and to mobilize Black leaders to contest it in the courts and fight against disenfranchisement.

Courtesy of the Oklahoma Historical Society.

Black Town Formation

Between 1886 and 1920, there were as many as 50 Black towns and settlements in Indian and Oklahoma Territories, more than in any other territory or state in the United States. In 1905 Booker T. Washington traveled for the first time to Indian Territory and Oklahoma Territory to visit these new towns. Today 13 historic All-Black towns remain in Oklahoma, including Boley, Langston, Rentiesville, and Tullahassee.



Promised Land

The twin territories of Oklahoma Territory and Indian Territory captured the imagination and hope of people from a range of backgrounds. Edward P. ("E. P.") McCabe was one of those people.

Born in 1850 in Troy, New York, McCabe moved to Topeka, Kansas, along with many African Americans who moved west. A lawyer and politician, he built a name for himself as a leading Black Republican and served as state auditor twice in Kansas. With the creation of Oklahoma Territory, McCabe left Kansas to establish a Black town in Oklahoma. Not only did he actively recruit African Americans from all over the country to move to this new "promised land," but he tried to get himself appointed as the governor of the territory.

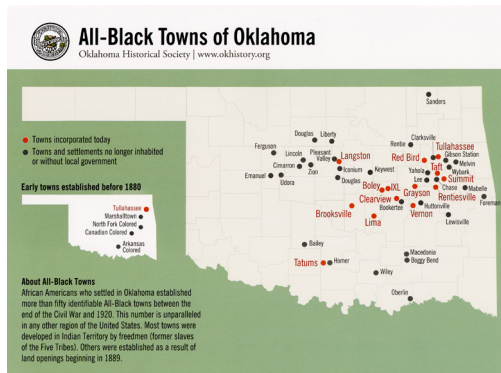
Fig. 5.10: *Edward P. McCabe, 1850–1923*, by Simmie Knox, 2005. E. P. McCabe was an influential African American lawyer and politician who wanted to establish Oklahoma Territory as a Black state. He helped found Langston, Oklahoma, the first All-Black town in the territory, and campaigned for other African Americans to move to Oklahoma. McCabe is best known today for his promotion of Black settlement in Oklahoma.

Courtesy of the Capitol Art Collection, Oklahoma Arts Council.

Section 1

Growth of All-Black Towns

UNIT 2



Map 5.1: All-Black towns. Between 1886 and 1920 there were as many as fifty Black towns and settlements in Indian and Oklahoma Territories, more than in any other US territory or state. Today thirteen historic All-Black towns remain in Oklahoma, including Boley, Langston, Rentiesville, and Tulahassee.

Courtesy of the Oklahoma Historical Society.

E. P. McCabe supported Republican Benjamin Harrison's bid for the US presidency in 1888, and he hoped that his loyalty to Harrison and the Republican Party might help his later effort to become governor of Oklahoma Territory. McCabe believed that if President Harrison appointed him governor, even more Black people would want to move to Oklahoma (something upon which both supporters and opponents of this idea agreed). Beyond that goal, McCabe envisioned the territory, heavily populated by successful African Americans, as a future Black state of the Union. McCabe's ambitions for a governorship and a Black state met with fierce opposition, and neither of these goals came to pass. McCabe and other Black leaders did, however, succeed in attracting thousands of African Americans to settle in Oklahoma's thriving Black towns and communities. Ultimately, though, the rate of Black migration, substantial though it was, could not keep up with the number of southern whites and immigrants who poured into Oklahoma.

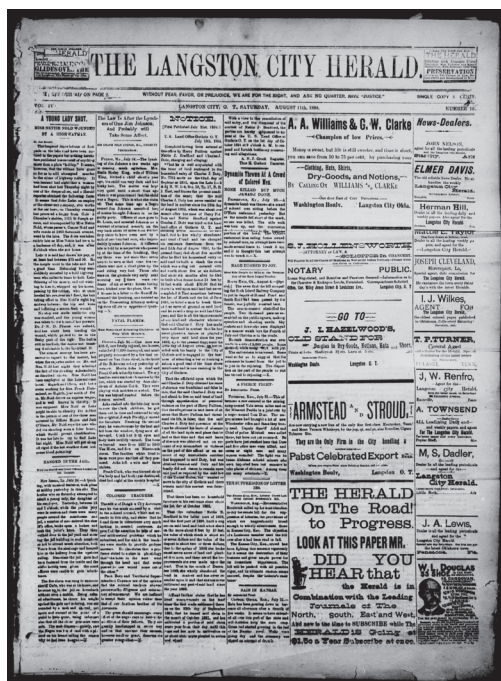


Fig. 5.11: Front page of the *Langston City Herald*, August 11, 1894. Founded by Edward P. McCabe in 1891, the *Herald* was Oklahoma Territory's first weekly African American newspaper and was continually published until 1902. Its tagline read, "Without fear, favor, or prejudice, we are for the right, and ask no quarter, save justice."

Courtesy of the Oklahoma Historical Society.



Fig. 5.12: Tullahassee Manual Labor School, 1891. By 1883, this institution was a boarding school for Muscogee (Creek) Freedpeople and was funded by the Muscogee Nation in partnership with the Baptist Home Mission Society. For many years Tullahassee was the only school in Indian Territory for Native Freedpeople beyond elementary school. It continued as a school for Black students until 1924.

Courtesy of the Oklahoma Historical Society.

In 1890, McCabe and others founded Langston, the first Black town in Oklahoma Territory, after purchasing 320 acres near Guthrie. In his campaign to attract Black settlers to Oklahoma Territory, McCabe described Oklahoma Territory in his newspaper the *Langston City Herald* as the “paradise of Eden and the garden of the Gods.” Using the newspaper to promote settlement, McCabe recruited Black settlers to Oklahoma Territory from Kansas, Arkansas, Texas, Louisiana, Missouri, and Tennessee. Langston University, Oklahoma Territory’s only Historically Black College and University (HBCU), was founded in 1897. Langston became one of about a dozen Black towns founded in Oklahoma Territory in the 1890s. The Black population in Oklahoma Territory went from 3,000 in 1890, a year after the first land run, to almost 19,000 in 1900.

Boley, the Largest All-Black Town

Boley was founded in 1903 in the Muscogee (Creek) Nation, Indian Territory, on the allotment land of Abigail Barnett, the seven-year-old daughter of Muscogee Freedman James Barnett. Like other Black towns, Boley attracted African Americans from the South who were seeking freedom, safety, and security. Boley sits at the crossroads of the southern and western portions of Indian Territory. Settlers in Boley viewed Indian Territory as a western place, but their town was established on land originally owned by Muscogees and Muscogee Freedpeople, formerly enslaved people and the descendants of those enslaved by the Muscogee (Creek) Nation.



Fig. 5.13: This is the historical marker for Boley, one of thirteen remaining All-Black towns in Oklahoma. The Boley Rodeo, first held in 1903, is possibly the oldest Black rodeo in the United States. Today the rodeo is held annually during Memorial Day weekend and includes bull riding, barrel racing, and team roping.

Courtesy of the Oklahoma Historical Society.

Section 1

Growth of All-Black Towns

UNIT 2

Thomas M. Haynes from East Texas cofounded and managed the new town of Boley. He had lived in Oklahoma City for a time before moving his family to Creek Nation in Indian Territory. Like other Black parents, Haynes was looking for a good place to raise his children. Haynes actively recruited settlers to Boley, noting the promise of fertile land and the ideal location of the town as a stop on the Fort Smith and Western Railway. Boley became a prosperous town with a bank, a pharmacy, schools, hotels, restaurants, grocery stores, clothing stores, and doctor's offices. Just as the Langston newspaper recruited Black settlers to Oklahoma Territory, the Boley Progress newspaper actively encouraged southern Blacks to move to Boley.

California M. Taylor arrived in Boley from Texas in 1904. Along with other Black women, she began fashioning her identity and defining what it meant to be a Black middle-class woman in a prosperous All-Black town. She worked as a federally commissioned notary public in town and later became a pharmacist and drugstore manager. She served as secretary of the Boley branch of the NAACP.

By the early 1910s, with a population of over four thousand, Boley became the largest Black town not only in Oklahoma but in the United States. The high school was one of five public high schools for African Americans in Oklahoma. Boley and other Black towns in Oklahoma would serve as centers of Black activism in the early civil rights movement. However, by the 1920s and 1930s, the population of Boley and other Black towns began to decline. Children and grandchildren of the founders moved north to places like Chicago and west to places like Los Angeles. Boley cofounder Thomas M. Haynes moved to Los Angeles in the late 1920s and continued to work in real estate.

The Boomer Movement and David Payne's Illegal Invasions

Following the Civil War, the federal government made new treaties with Native nations who had supported the Confederacy, contending that they had forfeited their rights and land claims under the old treaties when they joined the Confederacy. As a result, the Unassigned Lands, around 2 million acres in the center of Indian Territory, were removed from all Native nations. In February 1879, Cherokee politician Elias Boudinot published a letter in the *Chicago Times* promoting the Unassigned Lands as open to settlement. Inspired by Boudinot's message, many squatters and would-be settlers believed that the Homestead Act entitled each of them to 160 acres of land. When federal officials confirmed that Boudinot's letter was inaccurate, the majority of squatters left. However, some squatters based in Kansas continued to enter the territory and establish boomer colonies before the lands were officially opened to settlement.

The following are helpful working definitions of key terms in the Boomer movement:

Land runs were organized federal government openings of Indigenous land in Indian Territory to American settlement.

Boomers were associated with David Payne and his colony in Wichita, Kansas, from 1880 to 1885. They attempted to access land in the Unassigned Lands and in the Cherokee Outlet before they were officially opened to settlement.

Sooners were squatters during the first of five land runs. They were people who entered the Unassigned Lands before the designated time and who identified choice parcels of land, thereby gaining an unfair advantage.



Fig. 5.14: This photo depicts families settled at a Boomer camp near Arkansas City, Kansas, around the 1880s

Courtesy of the Oklahoma Historical Society.

David L. Payne and William Couch and others established the largest of the boomer colonies. It comprised some 14,000 colonists and was located in Wichita, Kansas. Most of the participants were white US citizens from Kansas, Arkansas, and Texas. Their movement focused on the Unassigned Lands and later the **Cherokee Outlet**. They embraced populist impulses but assumed that the federal government would open lands to non-Native homesteading. Payne and other boomer leaders invaded the Unassigned Lands several times and established illegal settlements. They were arrested by US soldiers multiple times and taken to Fort Reno for squatting on land illegally near what would become Oklahoma City.

Section 2

Growth of All-Black Towns

UNIT 2

Couch led four intrusions, including one in midwinter 1884 to the site of present-day Stillwater. Once again, the US Army arrested the boomers and drove them back to Kansas.

In the summer of 1884, Payne and the boomers established a settlement at Rock Falls in the Cherokee Outlet, just four miles south of Kansas in present-day Kay County. Their large squatter camp consisted of some two thousand people. They planned to establish a town at the site, only to have federal troops burn their camp down.

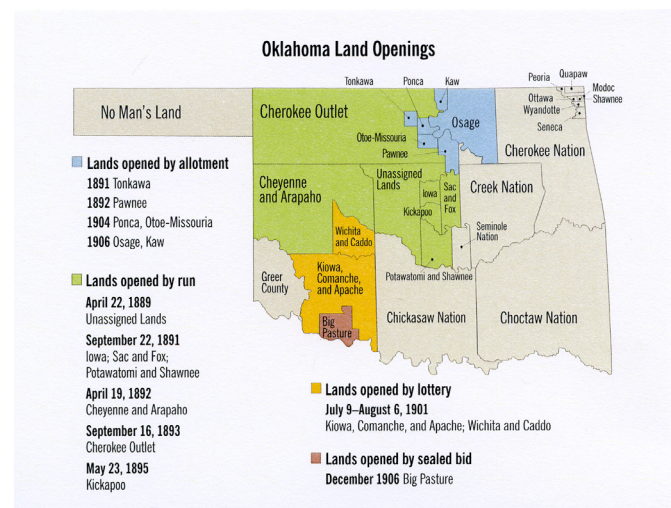
Some boomer colonies were successful, however. Among them were the South Canadian Colony, a strip of the South Canadian River Valley farmed by African Americans between 1886 and 1889, the Navajoe colony in southwestern Indian Territory, and the Mountain View colony, which was established as a town by 1895 and located between the Kiowa-Comanche-Apache and the Cheyenne and Arapaho Reservations.

What is the connection between the boomer movement and Manifest Destiny? If anything, Payne and the boomers viewed the federal lands in the Unassigned Lands and the Cherokee Outlet as public lands subject to the Homestead Act and therefore available to squatters and homesteaders. In 1890, Congress created Oklahoma Territory from the western portion of Indian Territory. In the spirit of Manifest Destiny, the Oklahoma territorial government gained expanded authority over the people and the land. In this sense, Manifest Destiny (see chapter 4), the belief that the United States had a God-given right to expand its influence and reach throughout the American West, including Indian Territory, chipped away at tribal sovereignty. For Native peoples in the territory, this meant the steady loss of tribal sovereignty. For boomers, the new policies meant that the federal lands should be released to squatters and homesteaders.

The Homestead Act and Land Openings

The campaign to open lands in Indian Territory to non-Natives began in the 1870s and 1880s, and resulted in the land run of 1889. As noted earlier, the central part of Indian Territory was known as the Unassigned Lands. These had been lands held by the Muscogee Nation and Seminole Nation from the early 1830s until the Reconstruction Treaties of 1866. The Homestead Act of 1862 first became active in Oklahoma when the federal government opened the Unassigned Lands for settlement on April 22, 1889. A series of land runs continued in the western part of Oklahoma until 1895. By 1905 all “surplus” Native land holdings had been placed in the public domain, meaning that they belonged to the federal government and were open to settlement.

Government policies such as the Homestead Act encouraged Black and white migration to Indian Territory and to other places in the American West. Settlers—men and women over the age of 21—could now claim their 160 acres across wider areas. Public domain lands were also granted to railroads or purchased for speculative purposes.



Map 5.2: Oklahoma land openings, 1891–1906. Land openings in Oklahoma Territory took place between 1889 and 1906. In the land runs, individuals competed for land claims and had to register and improve the land in order to own and retain the property. Other lands were opened by lottery or sealed bid.

Courtesy of the Oklahoma Historical Society.

Unassigned Lands

Three weeks into his presidency, President Benjamin Harrison issued a proclamation declaring that the Unassigned Lands as public lands would be open to settlement beginning April 22, 1889.



Fig. 5.15: On March 23, 1889, President Benjamin Harrison signed a proclamation declaring that 2 million acres in present-day Oklahoma were open for settlement. Earlier in 1889, when Congress met, Illinois representative William M. Springer had amended the Indian Appropriations Bill, authorizing the president to proclaim the “Unassigned Lands” open to non-Native settlement. The president’s proclamation led to the Land Run of 1889 less than one month later. This photo depicts people waiting for the land opening at Buffalo Springs.

Courtesy of the Oklahoma Historical Society.

Railroad companies and hopeful homesteaders supported the opening of the Unassigned Lands. In contrast, many government leaders of the Five Tribes as well as large-scale cattle ranchers opposed it. The federal government organized two districts with land offices, one in Kingfisher and one in Guthrie, to handle land claims. In addition, the town sites of Norman and Oklahoma (future Oklahoma City) were created. Cavalry patrolled the boundaries of the lands and arrested many “sooners” who illegally entered the area ahead of time.

For three days prior to the declared opening, prospective homesteaders gathered along the north, south, and west borders of the Unassigned Lands. At noon on April 22 they waited for the signal to stake their claims. Those making the run crossed into the Unassigned Lands looking for boundary markers made by government surveyors that identified specific locations by name. They took the information from the markers to the land office and completed the required paperwork under the Homestead Act.

Oklahoma Territory

In May 1890, Congress passed the **Organic Act**, which established what had been the western portion of Indian Territory as Oklahoma Territory. The town of Guthrie became the capital of Oklahoma Territory. President Harrison appointed a governor, secretary, three federal judges, and a marshal for Oklahoma Territory. Elections were held for the territorial legislature, and Republicans held a thin majority over Democrats, with some Populists, in both the council (Senate) and the assembly (House of Representatives). Populists were a third party during this time period with strong agricultural support and a reform-minded platform. Oklahoma Territory held political and economic opportunities for Blacks and whites. At the same time, racial segregation and other forms of social control were intensifying in the 1890s. In 1897, public schools, which had previously taught all students, were segregated, meaning children attended either all-Black or all-white schools. Many Native American children in Oklahoma Territory attended boarding schools.

To accommodate territorial growth, the Organic Act provided that all reservations in western Indian Territory, including Osage, Kaw, Ponca, Pawnee, Wichita-Caddo, Kiowa-Comanche-Apache, and Cheyenne-Arapaho reservations, would automatically become part of Oklahoma Territory. The act also authorized the president to appoint commissioners to negotiate with western tribes to open their surplus lands for non-Native settlement. The negotiators as a group became known as the Jerome Commission, and for five years they negotiated with tribal leaders to assign allotments to every man, woman, and child on official tribal rolls. The federal government purchased surplus land and opened it to homesteading through land runs and lotteries. As a result, over the next seventeen years, the population of Oklahoma Territory increased from roughly 60,400 in 1890 to 722,400 in 1907. Indian Territory to the east remained under a combination of federal and tribal authority until 1907, when it joined Oklahoma Territory to become the state of Oklahoma.

Cherokee Outlet

Four more land runs took place in Oklahoma Territory in the early 1890s, including the rush for land in the Cherokee Outlet, the fourth and largest land run. On September 16, 1893, 100,000 people lined its borders, many who lived in the boomer camps in Kansas, ready to stake a claim. The Cherokee Outlet, 6 million acres of land located along the border with Kansas in northern Indian Territory, had remained Cherokee property long after the Reconstruction Treaties of 1866.

The land was not easy to access. The federal government placed other tribes along the Arkansas River, creating distance between the Outlet and the Cherokee Nation. By the late 1870s, enterprising Cherokees were cashing in on the burgeoning cattle trade by assessing taxes in the form of grazing fees. Tribal members formed the Cherokee Strip Live Stock Association in 1883 to protect themselves, to assist one another in roundups and brandings, and to inspect cattle. And the organization became very powerful. For example, in the summer of 1884 the association closed cattle trails between Texas and Kansas with wire fences and had armed cowboys keep intruders off its members' leased lands.

President Harrison proclaimed that the Cherokee Nation had no legal right to lease Cherokee Outlet lands and declared their agreement with the livestock association to be null and void. Harrison ordered all livestock removed from the Outlet.



Fig. 5.16: Land run participants in 1893 waiting for the start of the Cherokee Outlet Opening, the fourth and largest land run.

Courtesy of the Oklahoma Historical Society.



Fig. 5.17: A general store in Taloga, Oklahoma Territory, around 1903. During the first days of settlement in Taloga, members of the Dalton Gang and other outlaws are rumored to have filed land claims, using fictitious names. Farming, ranching, and oil and gas production have remained important economic drivers in western Oklahoma to the present day.

Courtesy of the Oklahoma Historical Society.

Just six months earlier, the Cherokee National Council had agreed to lease the Cherokee Outlet to the Cherokee Strip Live Stock Association for another five years, a lucrative deal with the cattle ranchers paying \$200,000 annually for grazing rights. Yet by the end of 1891, under pressure from the federal government, the Cherokee Nation agreed to cede the Outlet to the United States for \$1.40 an acre. Cherokee leaders had a clause in the cession agreement stipulating that the federal government would assist the tribe in removing trespassers, or unauthorized non-Native people, from Cherokee Nation land. The federal government did not uphold this commitment, however. Some seventy years later, in 1961, the Indian Claims Commission awarded \$14 million to the Cherokee Nation in a suit against the United States. The commission found that President Harrison had no legal right to void the Cherokee Outlet lease and that Cherokee Nation citizens involved in the negotiations in the early 1890s had done so under duress.

Allotment: The Dawes Act and the Curtis Act

The **Dawes Act** in 1887 and the **Curtis Act** in 1898 challenged tribal sovereignty. The Dawes Act, also called the General Allotment Act, called for the dissolution of tribal land held in common and instead the parceling out of individual allotments of 160 acres to individual Native American men, women and children. According to the law, the land would be held in trust by the federal government for twenty-five years. All allottees would be granted US citizenship and would be subject to the laws of their state and local governments. “Surplus” lands—the tribal land remaining following allotment—would be purchased by the federal government and sold or redistributed to non-Native citizens. The Curtis Act called for the dissolution, or breaking up, of all tribal governments in Indian Territory by 1906.

In the United States, the Dawes Act remained at the center of federal Indian policy for the next fifty years, until it was replaced by the Indian Reorganization Act of 1934. It dissolved tribal governments and land holdings and integrated Native Americans as individuals rather than as members of their communities. It resulted in massive transfers of land from communal tribal holdings to individual Native holdings and individual non-Native holdings. Between 1881 and 1934, Indigenous land holdings in the United States declined by two-thirds, or more than 100 million acres.

In Oklahoma, the Dawes Act did not pertain to the Five Tribes. Instead, the Dawes Commission established its headquarters in Muskogee, Indian Territory, and negotiated agreements with each of the Five Tribes. Under the Curtis Act of 1898, the commission enrolled more than 250,000 people who applied to have their names placed on the Dawes Rolls and to be allotted land. Following allotment, the remaining lands were deemed surplus and opened to homesteading. The Unassigned Lands, for example, were opened to homesteading under the Homestead Act, resulting in the land runs that followed.

Chitto Harjo (Muscogee Creek) and Crazy Snake Rebellion



Fig. 5.18: Founded in 1868, the Creek Council House in Okmulgee, Muscogee (Creek) Nation, included the government offices of the principal chief, Supreme Court, and the National Council. The Muscogee Nation was forced to vacate the Council House when Oklahoma became a state in 1907, and the Council House was eventually sold as federal government property to the city of Okmulgee in 1919. The Muscogee Nation regained the Council House in 2010.

Courtesy of the Oklahoma Historical Society.

Creek Council House

The people of the Muscogee (Creek) Nation originally lived in present-day Georgia and Alabama. Muscogee towns were located as far north as the Tallapoosa River in northwest Georgia, where the people were known as the Upper Creeks. And Muscogee towns were located as far south as the Chattahoochee River in southeast Alabama, where the people were known as the Lower Creeks. After the United States passed the Indian Removal Act in 1830, the Muscogee (Creek) Nation had to move to the new Indian Territory, in what is now Oklahoma. The old Creek Confederacy, a coalition of towns, agreed to form a new government for both Lower Creek and Upper Creek people in 1840. This worked until the Civil War threatened to shatter their unity.

The Civil War left the Muscogee (Creek) people politically and socially torn. Some supported the Union. Others fought for the Confederacy. Some wanted to divide into two distinct nations because of opposing viewpoints. But determined tribal leaders decided a constitution would help unify the Muscogee (Creek) people. They built schools, churches, and public houses.

The Creek Council House, located in the town of Okmulgee, was the Muscogee Nation's seat of government in Indian Territory from 1878 until Oklahoma statehood in 1907. The Council House included the government offices of the principal chief (the executive branch of government), the Supreme Court (the judicial branch of government), and the National Council (the legislative branch of government). The Council House was an important symbol of tribal sovereignty and unity. When Oklahoma became a state, the federal government abolished the Muscogee Nation's sovereignty and banned the nation from using the Council House for government purposes.

In 1919, the federal government sold the Creek Council House to the city of Okmulgee. The Creek Indian Memorial Association made it a museum in 1923. The building was added to the National Register of Historic Places in 1966. The Muscogee Nation gained ownership of the Creek Council House and museum in 2010 and renovated the building in 2018. Today the Muscogee (Creek) Nation Cultural Center & Archives manages the Creek Council House, also known as the Creek National Capitol.



Fig. 5.19: Chitto Harjo, also known as Crazy Snake, led a rebellion against the allotment of Muscogee land in an attempt to protect tribal unity and sovereignty. He refused to file for an allotment himself. Beginning in 1900 he used different means to halt the allotment process, including a visit to Washington, DC, to lobby President Theodore Roosevelt.

Courtesy of the Oklahoma Historical Society.

In the decades leading to Oklahoma statehood, resistance to allotment persisted among portions of tribal members in Indian Territory. Some Native individuals took action to resist allotment in Indian Territory. The Crazy Snake Rebellion is an example of a movement whose purpose was to resist allotment. Harjo, also called Crazy Snake, did not want the federal government to dissolve Native nations and require their members to accept allotments. Chitto Harjo and others rejected both the established Muscogee (Creek) Nation and American government authority. They also resisted allotment and, later, they resisted statehood. Harjo and others refused to document their Muscogee (Creek) Nation citizenship through enrollment with the Dawes Commission.

In 1901, Harjo proposed a new Muscogee government with a new capital in the town of Hickory Ground.

Harjo formed a separate government with its own laws. These laws prohibited tribal members from accepting allotments, employing white laborers, or renting land to non-Muscogees. Some estimates indicate that at least 5,000 Muscogee (Creek) people participated in the movement, or about a third of the population of the Muscogee Creek Nation, including Muscogee Freedpeople. At a time when Jim Crow segregation and violence were on the rise in the South, the Muscogee Creek Nation was a place where Black people held positions of political authority, could vote, and govern their own towns.

Among the Muscogee Creeks, resistance turned into violence as the uprising became more militant. On January 25, 1901, a US marshal arrested Harjo and almost one hundred others for their armed rebellion. The Crazy Snake Rebellion was short-lived but significant because it represented a large, interracial movement opposing allotment in eastern Oklahoma. In 1906, Harjo traveled to Washington, DC, to meet with President Theodore Roosevelt to try to persuade him to uphold the 1832 treaty the federal government had made with the Muscogee Creek Nation. Although he did get to meet with President Roosevelt, his efforts were unsuccessful.

Guardianship and Graft



Fig. 5.20: *Dr. Angie Debo*, by Charles Banks Wilson, 1985. This portrait of the acclaimed Oklahoma historian hangs in the Oklahoma State Capitol. Historian Angie Debo wrote nine books and many articles on Oklahoma history, Native American history, and the history of the American West.

Courtesy of the Capitol Art Collection, Oklahoma Arts Council.

Historian Angie Debo

Angie Debo was a notable Oklahoma historian. She wrote nine books and many articles on Oklahoma history, Native American history, and the history of the American West. Her family moved from Kansas to Marshall, Oklahoma Territory, when she was almost nine. She taught in one-room schoolhouses starting at the age of sixteen while she waited for the high school to open in Marshall, where she graduated with the first class at the age of twenty-three.

Debo received the PhD in history from the University of Oklahoma. Her dissertation on the history of the Choctaw Nation became a prize-winning book. That book, *And Still the Waters Run* (1940), describes how graft and guardianship were used to cheat Native people out of their land. Debo also details how federal policies worked to dissolve tribal governments prior to Oklahoma statehood.

Debo was a scholar-activist, who through her writings stood for social justice. Her manuscript collection can be viewed online or by making an appointment to visit the Angie Debo Collection in the Archives of the Oklahoma State University Library in Stillwater. Her portrait hangs in the Oklahoma State Capitol.

Allotment regulations often removed Indigenous people's authority over their own land. From the federal government's perspective, most full blood Native Americans were "incompetent" and required court-appointed guardians to sell or buy land. Fullbloods were restricted from selling their lands for twenty-five years from the date of their allotment, unless they could obtain special permission from Congress. In addition, the law required guardians for Native children until they turned eighteen. These guardians often profited from the allotments of children in their care by leasing the allotments. Some guardians supervised the allotments of several hundred children. Guardians, both Native and non-Native, were supposed to be respected citizens of the community, often lawyers, missionaries, bankers. And yet they participated in one of the most corrupt wealth transfers in US history.

The restrictions meant to protect Native Americans and their property may have made graft, or acquiring and leasing Native American allotments, possible. White speculators known as "grafters" were stealing the land from Indigenous people. Restricted land allotments could not be sold for a period of years, but they could be leased for as long as ninety-nine years. So grafters might lease restricted lands for \$10 per year and compile several hundred leases. In 1902, Muscogee (Creek) chief Pleasant Porter determined that grafters had already leased more than 1 million acres of Muscogee land. Although the US Senate launched an investigation and filed a two-volume report, the federal government did little to redress the confusion, corruption, and land redistribution resulting from allotment.

Conclusion

The federal government orchestrated the peopling of Oklahoma.



Fig. 5.21: *Non-Indian Settlement, 1870–1906*, by Charles Banks Wilson. This painting illustrates the flurry of activity of non-Native settlement in Oklahoma Territory. A rider on horseback holds a banner reading “Go Forth and Possess The Promised Land.” The train is overflowing with would-be land run participants, who sought a parcel of land to call their own.

Courtesy of the Capitol Art Collection, Oklahoma Arts Council.

It would be a homeland for Native nations. It would be a Black promised land. It would be a white homesteading land. Within a short period of time lands held in common by Native nations or held in trust by the federal government were redistributed as allotments to tribal citizens. The remaining surplus land became available to non-Native citizens as homesteads. Black people established new All-Black towns, with the majority located in Indian Territory.

Some tribal members such as Chitto Harjo and his followers refused to accept allotment. Eventually Native nations lost half of their land to the United States. Although allotment was supposed to benefit individual Native people, the process of guardianship combined with lucrative oil leases on properties ended up enriching white guardians rather than Native landowners. The Homestead Act of 1862 provided a way for Indigenous land to be redistributed. This in turn led to the opening of land for settlement in 1889. Land-hungry newcomers raced to claim tracts of government land during a series of land runs.

Growth of All-Black Towns

UNIT 2



Fig. 5.22: Bill Pickett on horseback, early 1900s. Pickett is best known as the inventor of bulldogging, or wrestling a steer to the ground. A popular rodeo performer, in 1905 Pickett joined the Miller Brothers 101 Ranch Wild West Show, based in Ponca City.

Courtesy of the Oklahoma Historical Society.



Fig. 5.23: Lucille Mulhall is known as America's first cowgirl. Born in 1885, she grew up on her family's ranch in Mulhall, Oklahoma. Mulhall was among the first women to compete against men in roping and riding rodeo events, and earned such titles as "Champion Lady Steer Roper of the World." She performed for future president Theodore Roosevelt and thousands of others at a Rough Riders Reunion in Oklahoma City in 1900.

Courtesy of the Oklahoma Historical Society.

The period between 1890 and 1907 was a time of struggle for equality in Oklahoma. Education that had previously been available to all became segregated. Though the Black population boomed and All-Black towns flourished, voting rights came under challenge. As opportunities began to lessen for Black people in Oklahoma, some Black residents considered leaving Oklahoma.

The next chapter examines the discussions and decisions surrounding statehood in Oklahoma. Would Indian Territory and Oklahoma Territory join the United States as two states or would they come together as one state? What rights did the state constitution provide its citizens? Were all citizens included?

Short Answer Questions

- 1 List two factors that led to increased Black emigration to Indian Territory.
- 2 What vision did E. P. McCabe have for Oklahoma Territory?
- 3 What were the goals of David Payne and the Boomers? How did they try to achieve their goals?
- 4 What did the Organic Act create? What did it authorize the US President to do?
- 5 The Dawes Act established the process of allotments. Describe the process for receiving an allotment.

Short Response Questions

- 1 Describe the attempts to create an All-Black state in Indian Territory. In your response be sure to include information about the Homestead Act, E. P. McCabe, and the settlement of All-Black towns.
- 2 Explain why and how the Dawes Act and the creation of Tribal Rolls for land allotments were resisted by tribal leaders. In your response, be sure to include information about Chitto Harjo and the Crazy Snake Rebellion.