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The indigenous international diplomacy of Indian Territory

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The University of Arizona, 1991
THE INDIGENOUS INTERNATIONAL DIPLOMACY
OF INDIAN TERRITORY

by
Phyllis Anne Deery

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A Thesis Submitted to the Faculty of the
COMMITTEE ON AMERICAN INDIAN STUDIES (GRADUATE)
In Partial Fulfillment of the Requirements
For the Degree of
MASTER OF ARTS
In the Graduate College
THE UNIVERSITY OF ARIZONA

1991
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ACKNOWLEDGMENTS

I would, first, like to thank each of the members of my committee. Without the knowledge, understanding, and expertise of Robert K. Thomas, the encouragement and advise of Tom Holm, the challenging and provocative criticisms of Dave Wilkins, and the cooperation and consideration of Octaviana Trujillo this thesis would never have been finished. I would also to thank the University of Arizona Minority Graduate Research Development Fund which allocated the money that allowed me to travel to Oklahoma to gather my data.

My relatives, friends, professors, and fellow classmates also provided a great deal of encouragement and support for which I am very thankful. Finally, I owe a great debt to my husband Kevin Stanton, who has not only encouraged me and supported through this entire ordeal, but most importantly has put up with me. Without the help of all of these people, this paper would never have been completed.
DEDICATION

This thesis is dedicated
to the memory of
Robert K. Thomas.

May the
knowledge, wisdom, and understanding
that he shared with everyone
whose lives he so memorably touched
live on forever.
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TABLE ONE

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ABSTRACT

Because of the removal policy of the American government, Indian Territory was made the new home of over thirty Indian nations, including the Five Civilized Tribes of the Southeast. In an effort to stabilize and maintain peaceful and helpful relations between these immigrant nations over fifty international councils were called throughout the history of this territory. During the 1870's, the delegates of the nations attending the Okmulgee Council also attempted to form a confederacy. These circumstances provide an excellent microcosm of Native American internationalism, and by analyzing the nature of the diplomacy that occurred among these nations this thesis will propose a model that will hopefully be useful in understanding the international relations that occurred between the indigenous nations of this continent.
INTRODUCTION

For most Americans, "international" is a word that connotes a sense of worldly communication and exchange. International diplomacy has therefore been recognized as the political and/or economic exchange between two or more nations of the world. The United Nations, for instance, and multi-national peace treaties such as the 1919 Treaty of Versailles, or the 1955 Warsaw Treaty of Friendship and Alliance (better known as the Warsaw Pact) are some of the images of international diplomacy that may come to mind. What is not often recognized is the fact that Native American tribes have also engaged in these types of internationalism for centuries. This oversight has, in turn, contributed to - a huge void in the analytical research that has been done on the indigenous peoples of this continent.

One of the goals of this thesis is to expand the recognized meaning of international diplomacy to include the diplomacy that has occurred amongst the Native American nations of this continent. Many of these indigenous tribes have also engaged in these types of internationalism for centuries. This oversight has, in turn, contributed to - a huge void in the analytical research that has been done on the indigenous peoples of this continent.

Throughout this paper, the term "internationalism" is used as a synonym for the phrase "international diplomacy."
sovereignties* met in international councils similar to the United Nations long before Europeans or Americans ever conceived of that form of diplomacy. The delegates (or ambassadors) attending these Indian councils discussed, among other things, the establishment of peace between their nations and developed laws that would maintain and regulate this peace. Most often these laws were included in some form of international treaty or compact. Occasionally these international negotiations also resulted in the development of a confederacy of nations in which individual tribes agreed to unite under one central form of government. Thus the phrases "indigenous international diplomacy" and "Indian internationalism" will be used synonymously to signify this international diplomacy that occurred exclusively between Native American tribes.

* According to the Solicitor's Opinion 55 I.D. 14 of October, 25, 1934, "The Indian tribes were originally regarded as enjoying full powers of sovereignty, internal and external." However, he also argues that "Conquest has terminated the external powers of sovereignty of the Indian tribes." - If and/or when did this "conquest" occur that terminated their external power to negotiate with other tribes and with the United States? In Indian Territory, the tribes who were forcibly removed to these lands maintained both their internal and external powers of sovereignty even after the 1871 U.S. Congressional decision to end the policy of making treaties with Indian nations. The numerous international councils that were held by these tribes is another important example of these tribes' recognized sovereignty.
Because most research generally does not recognize the international diplomacy of the Indian nations of this country, it is important to discuss briefly the two manifestations of this indigenous international diplomacy. The most frequent manifestation of Indian internationalism employed by the indigenous nations of this continent was the above mentioned international councils. These international councils were the most common forum in which nations discussed international diplomacy. Although hundreds of these international meetings were called, very little has ever been written about these coalitions. No comprehensive analysis of these councils has been published that answers why and how were the nations called together. What was discussed at these important meetings? How were the proceedings conducted? What were their end results?

The other manifestation of indigenous international diplomacy that occurred among the nations of this continent was Indian confederacies. The Iroquois Confederacy, for instance, is probably recognizable to many people familiar with the history of the United States. This one confederacy, made up of six Indian nations, including the Mohawk, Seneca, Oneida, Cayuga, Onondaga, and the Tuscarora, is, however, only one of many important examples of the indigenous international diplomacy that has taken this form. The
Narragansett, the Powhatan, and the Creek Confederacies are other notable examples of this type of Indian Internationalism.

Despite the number, importance, and significance of these types of federations, again, little analysis has been done on the internal relationships that existed among the tribes belonging to these unions. How and why were these nations brought together? In what way did these confederations negotiate with other Indian nations or confederacies? How did these confederations influence other tribes? Answers to these questions are difficult to find in any of the research that has been done on Native Americans.

This paper, however, will attempt to answer these questions by looking specifically at the indigenous international diplomacy that occurred in Indian Territory, the area now known as Oklahoma, and especially the Okmulgee Council. While this project will not provide a complete and comprehensive analysis of all of Indian Internationalism, it is hoped that the narrowed focus of this thesis will establish the necessary foundation for continued research on this important topic.

Because of the removal policy of the American government, Indian Territory was made the new home of over thirty Indian nations, including the Five Civilized Tribes of the
Southeast. In an effort to stabilize and maintain peaceful and helpful relations between these immigrant nations over fifty international councils were called throughout the history of this territory. The nations of this territory also attempted to form a confederacy. These circumstances provide an excellent microcosm of Native American internationalism, and by analyzing the nature of the external diplomacy that occurred among these nations this thesis will propose a model that will hopefully be useful in understanding the international relations that occurred between the indigenous nations of this continent.

To accomplish this goal, this thesis begins by looking at the dynamics of the Iroquois Confederacy that greatly influenced the indigenous international diplomacy that occurred in Indian Territory. This first chapter will look specifically at the internal diplomacy, "mythology," and symbology that governed the relations between the Six Nations. This chapter will also analyze one very important and influential diplomatic exchange that took place between the Iroquois and the Cherokee before the Cherokee removal to Indian Territory. By taking this focus, the first chapter establishes the analytical framework for understanding the dynamics and development of the indigenous international diplomacy that occurred in Indian Territory.
Having established this foundation, the second chapter then analyzes the development of Indian Territory internationalism. In this chapter, a model is established defining the three significant components of indigenous international diplomacy as they appeared among the nations of Indian Territory; the establishment of international peace, the development of international law, and the use of international protest. The changing level of importance that is placed on each of these three components are the variables that are used to gage the development of Indian Territory internationalism.

The third chapter of this thesis will establish the historical context in which the General Council of Indian Territory evolved. This council, more commonly known as the Okmulgee Council, met semi-annually during the years 1870-1875, and was one of the many international councils that met in Indian Territory. It is also one of the best documented. Representatives from more than thirty Indian nations participated in its proceedings, deliberating on law, peace, and protest. These delegates also made efforts to create a confederacy of nations. Consequently, these circumstances make the Okmulgee Council an important and pivotal example of indigenous international diplomacy. It is for these reasons that it is singled out for analysis.
The final chapter of this thesis uses both the indigenous international diplomacy model established in chapter two and the historical context described in the third chapter to comprehensively analyze the efforts of the Okmulgee Council. Another reason for looking specifically at this council is explored in these last chapters as well. Because most scholars have not recognized the history of Indian internationalism that strongly influenced the structure and efforts of the Okmulgee Council, they seem to have misunderstood the importance of this coalition. The alternative model that is examined in this thesis will illustrate the importance of the history of indigenous international diplomacy that has occurred on this continent, as well as point out the discrepancies that academics have neglected for too long now.

As a result, it is hoped that this thesis will provide a foundation for understanding this important and seemingly forgotten element of the history of the Native peoples of America. If nothing else, the following pages will shed a very important light on the history of the nations that inhabited the Indian Territory, and give the readers of this thesis a more comprehensive understanding of the dynamics of indigenous diplomacy that has been used by these tribes.
CHAPTER ONE
THE IROquoIS CONFEDERATION:
A LOOK AT THE FOUNDATIONS OF
INDIAN TERRITORY INTERNATIONALISM

Indian Internationalism may be a new and confusing concept for some readers because it is so rarely addressed in the research that has been done on Native Americans. This chapter, therefore, will provide an illuminating description of one of the most familiar and most important examples of indigenous international diplomacy that has occurred on this continent: the Iroquois Confederacy. Readers, hopefully, will already be cognizant of the numerous dynamics that shape this league of nations, and this familiarity will help provide a basis for understanding the new analysis that is presented.

Unlike most of the studies done on the Iroquois, this chapter will focus primarily on the international relations that occurred between the Six Nations and also on the diplomacy that they employed with Indian nations outside the league. The purpose of this chapter is not to give a complete and comprehensive analysis of the Iroquois Confederacy, but simply to recognize the dynamics of indigenous international diplomacy that this league employed. Looking at the internal as well as the external international relations of the League of Peace, as it is sometimes called,
will consequently provide readers with the necessary foundation for understanding the international diplomacy that occurred in Indian Territory. To begin this discussion, it is necessary to look back to the creation of the Iroquois Confederacy which has been placed as early as 1390 A.D. (Wallace, 1946, p. 30.) The incidents surrounding the establishment of this confederation illuminate many of the important dynamics of the international relations that have occurred between the native peoples of this continent. Accounts of the circumstances that led to the foundation of the confederacy have been maintained primarily in the oral traditions of the Iroquois peoples. The following overview of these events is based on Paul A. Wallace's book *The White Roots of Peace* in which he synthesizes three somewhat contemporary versions of these accounts.

According to this synthesis, a Huron man, adopted by the

* The actual date of the beginning of this confederation has been debated in many circles. More information regarding this discussion can be found in Volume Fifteen of *The Handbook of North American Indians*, page 418. A more recent (1991) interview with Oren Lyons of the Onondaga Nation was also referenced.

** These versions include the "Newhouse version," gathered by Seth Newhouse, a Canadian Mohawk, and revised by Albert Cusick, a New York Onondaga-Tuscarora; the "Chiefs' Version," compiled by the chiefs of the Six Nations in 1900; and the "Gibson version" which was dictated by Chief John Arthur Gibson in 1899 (Wallace, 1946, p. vii.)
Mohawk nation, was born into this world with the destiny to bring the "Good News of Peace and Power" to the war ravaged Iroquois peoples (Wallace, 1946, p. 11.) On his legendary pilgrimage, this man, Deganawidah, travelled first to the Onondaga nation where he met with one of that tribe. There, Deganawidah explained his purpose and solicited the help of this Onondagan. He asked this man to carry his message of peace to the cruel chief of that tribe, Atotarho, who was said to have "a twisted body and a twisted mind, and his hair was a mass of tangled snakes. (Wallace, 1946, p. 16.) Deganawidah gave this Onondaga messenger the name Hiawatha; that is "He Who Combs" ... the snakes out of Atotarho's hair (Wallace, p. 17.)

Deganawidah then left Hiawatha to this task and travelled to the other four nations, the Cayuga, the Oneida, the Mohawk, and the Seneca, proclaiming his message of Peace and Power. When he had solicited their support he returned to the Onondaga nation with delegates from each of these tribes. Meanwhile Hiawatha had tried several times to negotiate with Atotarho but the twisted man had been angered by these overtures and refused to listen. As a result of these efforts, the wife and children of Hiawatha had become victims of the wrath of Atotarho, and Hiawatha consequently left the nation in mourning. In his sorrowful wanderings he had
gathered shells from the bottom of a lake and threaded them in several strings as a symbol of his grief. At night he would sit by his fire and recite the following words:

This would I do if I found anyone burdened with grief even as I am. I would take these shell strings in my hand and console them. The strings would become words and lift away the darkness with which they are covered. Holding these in my hand, my words would be true. (Wallace, p. 20)

Hiawatha wandered aimlessly for many days, and although people knew his whereabouts, no one was able to console him in his grief. When Deganawidah became aware of this he sought out Hiawatha. As he approached his camp he overheard Hiawatha repeat his nightly recitation. Therefore, when he entered the camp he took up the strings of wampum along with others he had made and consoled Hiawatha with the words that the shells represented.

With this gesture Hiawatha was comforted in his grief, and he was finally able to return to the task that he had been requested to perform. It was at this time that Deganawidah and Hiawatha established "the laws of the Great Peace (Wallace, p. 22.)" For each element of the "Great Law" they created a representative string or belt of the symbolic wampum. When they were finished they carried these words of peace to each of the nations where they were offered and accepted by everyone but Atotarho of the Onondagas.

The approval of this last chief was necessary for the
ultimate success of the confederacy and so the efforts of
Deganawidah and Hiawatha were now focused on this task.
First, the two addressed Atotarho explaining the message of
the wampum belts that represented the Great Law that would
govern the Great Peace. When Atotarho questioned this
message, Deganawidah explained,

The Words we bring constitute the New Mind, which is
the will of...the Holder of the Heavens. There shall
be Righteousness when men desire justice, Health when
men obey reason, Power when men accept the Great Law.
These things shall be given form in the
Longhouse...where five nations shall live in quiet
as one family. At this very place...I shall plant the
Great Tree of Peace, and its roots shall extend to
far places of the earth so that all mankind may have
the shelter of the Great Law. (Wallace, p. 24)

Atotarho, however, continued to contest their arguments for
peace by challenging their power to bring these changes
about. To answer this attack, Deganawidah brought forth all
of the chiefs of the five Iroquois nations including the
other chiefs of the Onondaga nation saying,

Here is Power. These are the Five Nations. Their
strength is greater than thy strength. But their
voice shall be thy voice when thou speakest in
council, and all men shall hear thee. This shall be
thy strength in future: the will of a united people.
(Wallace, p. 25)

With this show of fortitude and strength "the mind of
Atotarho was finally made straight (Wallace, p. 25,)" and
having accomplished this, the confederacy was then
established.
This abbreviated account illustrates the two important elements of indigenous international diplomacy as it was employed by the Iroquois; the establishment of international peace among nations and the development of international law that will maintain that peace. As explained above, the incentive for this cooperation was found not only in the cessation of bloodshed between the participating nations, but also in the added strength of unification. These aspects of Indian Internationalism also played an important role in the indigenous diplomacy that occurred in Indian Territory. Therefore, time will be taken to explain the symbology that is connected with these elements.

For the Iroquois, peace is said to be "inseparable from the life of man (Wallace, 1946, p. 7.)" There is no separate word for peace in their language. Instead, peace is discussed in terms of its fundamental parts: health & reason, law, and authority (Wallace, 1946, p. 7.) Health and reason, for the Iroquois means soundness of mind and body and the peace that promotes and accompanies that condition (Wallace, 1946, p. 7.) Law refers to the justice practiced between men and between nations, and authority is the power that law finds not only in the customs and traditions of the people, but also in the unification of the people and the sacred sanction given to each of these aspects (Wallace, 1946, p.
The symbol for this Peace among the Iroquois Nations is the Great Tree of Peace "whose roots stretch to the four corners of the earth, signifying the extension of the Law, the Peace, to embrace all mankind (Wallace, 1946, p. 6.)" This symbolic tree embodies the many aspects of the sacred law which was given to the Iroquois at the creation of their confederacy. It was explained at this creation that the time had come for the Iroquois nations to throw away their weapons and begin, instead, to settle their problems diplomatically (Lyons, 1991.) To replace the physical strength of these weapons, they were given a spiritual strength which was represented by a sacred tobacco (Lyons, 1991.) As explained above, the use of wampum belts were also introduced at this time as a means for delivering a sincere message (Wallace, 1946, p. 20-22.) These belts were used to symbolize the peace that existed between the Six Nations because "wampum gave words authority. Without wampum, a message had no validity. To accept wampum was to accept the word, the message it conveyed (Wallace, 1946, p. 36.)" Other important organizing elements were also made a part of the Great Law that governed the confederacy and these too were sanctioned by symbolic wampum belts and given a place of shelter underneath the boughs of the Great Tree of Peace (Wallace,
The diplomacy conducted with nations outside of the confederacy embodied the same international components of peace and law, and the importance of this internationalism is seen most profoundly in the symbolism given to these efforts. It is no mistake, therefore, that the roots of the Tree of Peace, that is, the foundation of the Confederacy, are white roots of peace that extend outward towards all the nations of this world. These roots of international diplomacy are to be seen as white paths that lead back to the shelter of the Great Peace (Wallace, 1946, p. 6.) As a result, in the external international diplomacy that the nations of the Iroquois Confederacy extended to other tribes, the opening of the white path of peace, the gift of sacred tobacco, and the offering of the message of the wampum belts made up the essential elements of negotiation.

By the removals of the Five Civilized Tribes of the Southeast in the 1830's, the Iroquois' League of Nations had existed for at least four hundred years. Throughout these years this league had a tremendous influence on many of the Indian nations of the East. Because of this international contact over the centuries, the Iroquois' symbols of international confederation and the peace that was to accomplish it had become familiar and important symbols for
many of these nations. In diplomatic dealings with their southern neighbors, the Five Civilized Tribes, this also was the case.

One important example of this external diplomacy is the 1768 Peace that was negotiated between the Seneca and the Cherokee nations. An account of this peace negotiation was given at the 1843 Grand Council that was held in Tahlequah, Indian Territory. Here it was explained that several years prior to 1768 the Seneca had devised a plan to establish peace between themselves and the Cherokee. This plan started first with peace negotiations between the Seneca and the Shawnee, Wyandot, and other of their neighboring tribes. After carrying the message of peace to these nations, the messengers finally arrived in the Cherokee Nation with the sacred tobacco and several wampum belts (Mooney, 1902, p.486-488.) Here they were welcomed and their talk of peace was gladly received. These messengers of the Seneca then said,

We will make a path for you to travel in, and the rising generation may do the same,—we also will keep it swept clean and white, so that the rising generation may travel in peace...They further said, This talk is intended for all the different tribes of our red brothers, and is to last to the end of time...and when you talk it, our voice shall be loud enough to be heard over this island. (Mooney, 1902, p.486-488)

As seen in this account, the Seneca were describing the

* See Appendix A.
opening of a White Path of Peace to connect the Seneca and the Cherokee. By keeping this path "clean and white" they were proposing the end of bloodshed between the nations and the opening of more peaceful contact. This account also illustrates the fact that the international peace established between these two nations was to be incorporated into a larger peace that was started in the north and meant to be spread by all of the nations who accepted it. Over the years the Cherokee made many efforts to spread the message of this peace to many of the different tribes in which they came in contact. Because of the forced removals of the Five Civilized Tribes, they were given many opportunities to promote this international diplomacy within Indian Territory.

As explained earlier, the creation of an international confederacy was not the most utilized manifestation of indigenous diplomacy. This highly structured entity, as explained in this chapter, represents a group of nations that not only maintain their individual sovereignty, but also unite in "one heart, one mind, one law (Tooker, p. 422)" and therefore are part of the much larger confederate power. These confederacies are often internally governed by an intricate amalgam of symbolic relationships. The Iroquois nations, for instance, are internally unified by a sophisticated networking of their clan groups.
International councils, the more common manifestation of indigenous international diplomacy, are not governed by these internal structures. The alliance that occurs at these meetings between sovereign nations is recognized by the establishment of peace and the development of law to regulate and maintain that peace. These external agreements are often consecrated in an international compact or treaty that stipulates these mutual decisions. Because there is no intricate internal structure created to regulate their relations, this diplomacy consequently differs from that of the unified nations of Indian Confederacies. The tribes of Indian Territory, for the most part, employed the use of international councils. The next chapter will look specifically at these efforts of Indian internationalism.
To begin this chapter it is important to give a brief explanation of the establishment of Indian Territory for those readers who may be unfamiliar with this area. Indian Territory as such no longer exists but the land which made up the majority of this province is now known as the state of Oklahoma. It was created in the 1830's as a result of the infamous Removal Policy which was initially enforced to remove all of the major Indian nations west of the Mississippi River. The Five Civilized Tribes of the Southeast were the first victims of this policy. Each of these tribes was forced to exchange their original homelands for lands in this western Indian Territory. In most cases, the eventual relocations were enforced by the United States military.

These removals resulted in many dramatic consequences for the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations. Many people died during their forced migrations. Families, clans, and towns were broken up and, as a result, political and religious structures were disrupted as well (Thomas, 1954.) The nations' status as immigrants in their new lands also left them vulnerable to the attacks of the neighboring tribes that had been forced to cede this land
for the newcomers (Foreman, 1933.)

In an effort to counter these difficulties, the immigrant nations made many efforts to establish a peace among their neighbors such as had recently existed among themselves in the East. International councils were held and wampum belts carrying messages of peace were distributed frequently during the 1830's and 1840's. The United States was responsible for some of the international councils, but the majority were initiated by each of the Five Civilized Tribes (Foreman, 1933.)

The largest and most significant of these early councils was the Grand Council of 1843 held in June in the Cherokee Nation West. This council is perhaps the best documented of the early international councils. The proceedings illustrate the concepts and symbology of international relations sponsored by the Five Civilized Tribes in their new land. It is, therefore, important to look closely at this 1843 gathering of nations to provide an immediate foundation for understanding the internationalism expressed among the tribes of Indian Territory.

The Cherokee Nation, which called the Grand Council of 1843, sent invitations of pipe and tobacco to the thirty-six Indian tribes living on the frontier of Indian Territory (Work Progress Administration (2), p. 1.) Delegations from
twenty-one of these nations arrived in Tahlequah in June (Cherokee Nation Papers (2), 1894, p. 7.) This massive conference of over 4,000 participants met for about five weeks at the Cherokee council grounds (Goode, 1863, p. 68.)

The lengthy deliberations were made up of ceremonies, business, feasting, and dancing (Work Progress Administration (2), p. 3.) Hair Conrad, the head of ceremonies, officially began the council when he addressed the delegates explaining the object of the meeting. His speech has not been published, but John Ross's address given later in the council explains the Cherokee position for calling the council. Ross explains that the purpose of the gathering was "for renewing in the West the ancient talk of our forefathers, and of perpetuating forever the old pipe of peace, and of extending them from nation to nation, and of adopting such international laws as may redress the wrongs done by the people of our respective nations to each other... (Goode, 1863, p. 73-75.)"

Roly McIntosh of the Creek Nation also addressed the participants:

Brothers, we are met together to renew our forefather's talk. It was made in the East. It has been brought to the West...We are trying to make the path of our forefathers, that it may extend from one door to the other; that it may be a white path; that it may be kept clean; that our rising generation may walk in the paths of peace... (Goode, 1863, p. 75)
The "talk of our forefather's" that McIntosh alludes to is the peaceful message of the wampum belts that were brought with the nations when they were removed from the southeast. The path of his forefathers that he wishes to extend from door to door, nation to nation, is the white path of peace that connected the Indian nations of the East before the removals.

This subject of international peace was discussed at length after which arrangements were made for establishing peaceful interchange between the new neighbors. A huge peace pipe was then passed around, and the wampum belts that were in possession of the Cherokee were explained (Sigourney, 1932, p. 557.) Gatunwa'li Hardmush, a Cherokee man who was present at the 1768 treaty with the Iroquois, gave one of the talks concerning the belts. "Holding the belts over his arm while speaking, Hard-mush told of the original treaty with the Iroquois, and explained the meaning of each belt in turn (Mooney, 1902, p. 356.)" Major George Lowrey of the Cherokees then spoke on the tradition of the origin of these wampum belts.*

These talks expressed the importance of establishing international peace between these nations that had been so

* See Appendix A.
recently thrust up against each other. In calling this council, the Cherokee also demonstrated their obligation to extend the peace that had been offered to them in 1768. However, it is not just the talk of peace that reflected the international diplomacy used by the Iroquois.

Just as the older confederacy established a central law which defined the international relations between the Six Nations, the delegates of the 1843 Grand Council also composed a compact of friendship and peace that was drawn up and signed ("1843 Compact", Thomas Files.) In John Ross's 1843 message to the Cherokee Council, he explains:

After the ancient ceremonies of our Fathers, in smoking the pipe of peace and friendship, and of establishing white Paths from tribe to tribe, as emblematical of attachment, intercourse and Brotherhood, were all over, a Covenant was entered into, for the protection of rights and redress of wrongs, whereby the peace and friendship established between us might never to be disturbed. (Cherokee Nation Papers (2), 1894, p. 7)

This "covenant" signed by several of the tribes attending the 1843 Grand Council introduced the international peace that had been negotiated. It also set up the parameters for the international enforcement of this peace by establishing a criminal law. These terms denounced the use of revenge or retaliation between each of the signing nations and allowed each of these nations jurisdiction over crimes committed within their respective boundaries by a citizen of any other
signing nation ("1843 Compact," Thomas Files.)* Meant to regulate the international relations within the territory, this compact would be renewed numerous times in international councils held throughout the next four decades.**

Having presented two very significant examples of indigenous international diplomacy, that is, the Iroquois Confederacy and the 1843 Grand Council of Indian Territory, the reader should recognize the numerous similarities between the two. It is these similarities that will now be used to establish the proposed model of Indian Internationalism as it occurred in Indian Territory.

As explained in the first chapter, the most important elements of indigenous international diplomacy employed by the Iroquois were the establishment of international peace and the development of international law to maintain that peace. The above description of the efforts of the 1843 Grand Council reflects this emphasis as well. When the nations of Indian Territory began to be threatened by the

* See Appendix B.

** According to Robert K. Thomas there has been recent talk of recalling the nations present at this 1843 Grand Council in an effort to again discuss the meanings of the wampum belts so as to reestablish
United States, the importance of unified strength also became an integral aspect of their international diplomacy. Within Indian Territory, this third element was often illustrated in the form of international protests.

Consequently, the model upon which this thesis will proceed is that there are three important components of indigenous international diplomacy as it was manifested within Indian Territory. These are the establishment of international peace, the development of international law, and the use of international protest for protection (see Table 1.) When analyzing the development of Indian Internationalism in Indian Territory, it is important to look at the changing emphasis that is given to these three elements.

From the creation of the territory in the early 1830's to the period just prior to the Civil War of the 1860's, the international diplomacy that occurred in Indian Territory reflected the model portrayed by the 1843 Grand Council described earlier. The international councils called during this period were often elaborate meetings which involved the formalities of smoking the pipe of peace, and the offering of wampum as well as the protracted festivities of the gathering itself. These councils, also, usually concluded with some form of international agreement being made, and on
several occasions this agreement was a renegotiation and renewal of the 1843 Compact (Grant Foreman Collection (3), (4); Musha-La-Tubbee Collection (1); Gibson, 1961, p. 398.)

Table 1.

The importance of establishing peace between nations and especially of developing laws to regulate that peace were the primary goals of this early international diplomacy. It may also be conjectured that the structure of these councils directly reflected the cultural context in which they evolved. As this context began to change, so too did the
indigenous international diplomacy.

Robert K. Thomas, a noted Cherokee anthropologist, has explained that many of the religious institutions of the Five Civilized Tribes did not survive the 1830's removals in tact (Thomas, 1954.) Without their structure much of the official institutions that were created in Indian Territory became increasingly secular over the years. This was not an immediate or abrupt change but rather a gradual one that was shaped by the events that occurred within the territory.

One important and influential event that greatly effected this change was the Civil War of the United States. During this war the development of the nations of Indian Territory came to a virtual standstill. Many of the citizens of each of the Five Civilized Tribes were forced to flee their new homes as refugees. Most of the governmental institutions were also forced to shut down.* However, the war alone was only responsible for some of the damage that was inflicted upon these nations.

The period of reconstruction following the war may, in fact, have been more detrimental. Hostilities between the

* The confederate factions of each of the tribes, however, remained in the nation and continued to hold international councils. Unfortunately very little information is available concerning these meetings (Cherokee Nation Papers (8), (9); Peter Perkins Pitchlynn Collection (3), (4), (5), (6), (7).)
Northern and Southern sympathizers within each nation created many volatile internal situations. External relations between the different nations were also unstable. The United States government, consequently, took advantage of the vulnerability of the Five Civilized Tribes forcing them to sign new treaties which called for cessions of large amounts of land, and railroad rights-of-way. The American government also attempted to include stipulations that would destroy the sovereignty of the nations (Baird, 1972, p. 143; Commissioner of Indian Affairs Report, 1866, Supp. Doc. 146.)

These 1866 treaties represent the beginning of many serious problems for the nations of Indian Territory following the Civil War. They, in many ways, made the nations of the territory more vulnerable to the physical encroachments and political attacks of the American government and its citizens. As a result, the response of the tribes to these threats often came in a political form. More delegates were sent to Washington D.C. to monitor the actions of the United States Congress and to lobby for or against the numerous legislation that this body was generating in regards to Indian Territory and Indian affairs. The response of Indian internationalism also reflected these changing circumstances.

The concerns of the Five Civilized Tribes following the
Civil War necessarily involved the re-establishment of international peace among not only their nations but also with the many nations now being relocated into their territory. These tribes, however, also recognized the need for a unified or confederated strength to provide the necessary protection against the threats being imposed by the United States government and its citizens (The Advocate, June 18, 1870, p. 1, c. 4, 5.) The Okmulgee Council, the first major international council held after the Civil War, very clearly illustrates this changing situation. For the purpose of this chapter it will be discussed only briefly. However, the importance of this council in the understanding of Indian internationalism will be examined presently.

The Okmulgee Council, which first convened in September of 1870, incorporated the importance of peace and international law into its international efforts. Its actions also reflected the need for the added strength of international union. One of the first acts of this council was the creation of a constitution for the confederacy of the nations of Indian Territory. This however, was not successfully accomplished because it was quickly made apparent that the increasingly aggressive actions of the American government provided a very unstable and unsafe environment for this type of coalition (Nolen, 1980, p. 277.)
The delegates of this council, however, continued to deliberate on issues of international law and intercourse as well as international peace. For example, the Okmulgee Council sent several peace commissions to the Western tribes that were being relocated to the recently ceded lands of the Five Civilized Tribes. These commissioners invited these tribes to join the Indian Territory confederacy that was being created. They also discussed the regulation of international trade and even considered the possibility of creating an international college. In addition to all of this, however, the Okmulgee Council also had one very important distinction from the antebellum councils.

The importance of international protest was one element that places the Okmulgee Council at the vertex of change in Indian internationalism. This council did provide a peaceful connection between nations and it did open the exchange of goods and diplomacy among these nations. However, there was an added international necessity to come together to provide protection against the encroachment of the United States and its citizens. This confederacy to counter intrusion was a new element of Indian internationalism for Indian Territory and the importance of this theme increased over the ensuing years.

The final session of the Okmulgee Council was held in
1875. For the first time delegates from almost every nation in the territory attended the proceedings where much of the time was spent listening to testimonials from many of the Western delegates. These men expressed their gratitude for the earlier councils of peace that they had received from the Okmulgee commissioners and they asked to join the council fire. These western delegates also sought the help and guidance of their "Elder Brothers" in dealing with the United States and its increasing encroachments (Journal of the General Council, 1875.) Over the next several years this role of counsellor and negotiator became an important part of the relationship between the Five Civilized Tribes and their western brothers (Debo, 1984, p. 209.)

A coalition of Indian nations, however, was not what the United States had hoped to accomplish when they provided the funds for this General Council of Indian Territory (Debo, 1961, p.216.) Consequently, they refused to appropriate money for any further councils. Arguments from Indian Territory were voiced for the next several years asking not only the American government to continue the funding, but also suggesting that the individual nations take on the financial responsibility (Coleman Cole Collection (1), (2); Creek Nation Papers 30807.)

But, it was not until 1879 that another international
council was finally called. This meeting, as well as all future councils, were financed by the nations themselves (Creek Nation Papers 30807; Coleman Cole Collection (2), 1878; Creek Nation Papers 30811.) This 1879 council and each of the following councils also progressively shifted their focus more exclusively to the development of international protest to prevent intrusions into not only their land and their resources but also their sovereignty (Cherokee Nation Papers (3), 1879.) The beginning of this shift had occurred within the years of the Okmulgee meetings, during which many other significant developments were also taking form. Consequently, the Okmulgee Council should be viewed as the foundation for the second phase of development for Indian internationalism as it occurred in Indian Territory.

In the decade following the 1879 gathering of nations, international councils met in Indian Territory at least once a year. Often these proceedings resembled the 1875 session of the Okmulgee Council because of the dominance of the Western delegates and their testimonies of sufferings and requests for political help against the United States. These requests were often answered in the form of written protests from the international councils to the American government. Although the importance of establishing international peace had lessened dramatically after 1875, the development and
maintenance of international law continued. International compacts and agreements were negotiated and signed throughout this decade, many of which closely resembled the 1843 Compact (Samuel Checote Collection (3); Cherokee Volume 412 (1); Cherokee Volume 83 (1)).

However, by the 1890's, it was overly apparent that the United States was intent on dissolving the sovereignty of all the nations of Indian Territory, including the Five Civilized Tribes. After the 1889 Allotment Act claimed the autonomy of the western tribes, the creation of the Dawes Commission pointed to the same end for the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations. It was at this time that the focus of international diplomacy was directed almost exclusively on International protest. Survival as a nation was the issue now; not development of international law.

Because many religious institutions did not survive removal intact, the structure of the official institutions of the Five Civilized Tribes became increasingly secular over the years. As these organizations began to lose their sanction and authority because of their inability to control the situations that confronted them, the people in many cases turned back to a more traditional lifestyle and began

* See also Appendix D.
to revitalize their ancient cultures (Thomas, 1954.) This shift can be seen most profoundly following the passage of the Curtis Act which ultimately terminated the tribal tenures of the Five Civilized Tribes (Debo, 1980, p. 33.)

This revitalization that occurred in each of the five nations understandably included the "revitalization" of the philosophy and life way of peace which had been such an important element in the cultures of these nations only a few decades earlier. Under these auspices, the Four Mothers' Society developed. This international coalition was made up of the "fullblood" members of each of the Five Civilized Tribes who rejected allotment and ultimately several other changes that had occurred within the preceding two decades. Very little is known about this group despite the fact that they at one point claimed a membership of 24,000 and they continue to meet to this day. According to Robert K. Thomas, this international society "seems to have been on the order of the old inter-tribal councils of the past (Thomas, 1954, p. 142-143.)"

As not all citizens of the Five Civilized Tribes responded to allotment in this way, the more secular international councils continued to meet until 1907. This split in the manifestation of Indian internationalism exists even today. The Okmulgee Council represents the beginning
of this separation and for this reason it is important to review this council in greater detail.

Because the Okmulgee Council occupies such a pivotal point in the development of Indian Territory internationalism, the remainder of this thesis will focus on a more comprehensive analysis of this council. To fully understand the actions and importance of the Okmulgee Council, it is necessary to first provide a more comprehensive historical context than has heretofore been presented. The next chapter provides this framework.
Chapter Three
The Historical Context in which
The Okmulgee Council Evolved

To provide a complete and comprehensive analysis of the Okmulgee Council it is important to understand the circumstances that led to its creation. This requires a look at the relationship that had developed over the years between the United States and the nations of Indian Territory. As mentioned in the last chapter, it is this relationship which influenced the development of the indigenous international diplomacy of Indian Territory most significantly following the Civil War.

The first several decades following the removals of the Five Civilized Tribes to Indian Territory, the United States was only peripherally involved in the politics of the territory. Having promised that removal to these new lands would guarantee the individual sovereignty of each nation, Congress made only a few unsuccessful attempts to legislate otherwise. However, the desire to do so began to increase as more became known about the physical attributes of the territory. It was not long before the same expansionist greed which illegally outlawed their governments and placed state jurisdiction over these nations in Georgia, Mississippi, and Alabama again began to clamor for state control of the new land and resources of these nations. By
1860, any efforts to this end had not been productive. However, within the next several years a number of important circumstances began to change this.

The main catalyst for the renewed attacks on the land and sovereignty of the nations of Indian Territory was primarily the result of increasing corporate interests* in the territory, specifically railroad interests (Miner, 1976.) During the 1850's, the United States began negotiating railroad right-of-ways through the nations of Indian Territory. They also began the policy of issuing large grants of public land to railroad companies to encourage the growth of this industry. When the proposed routes of these railroads crossed Indian lands, the United States also initiated a policy of promising contingent grants of this Indian land."

A bill passed on July 14, 1862 which provided for the construction of the Pacific Railroad, is an example of this. Section two of this act called for the United States to extinguish "as rapidly as may be the Indian titles to all

* These interest include but are not limited to the cattle industry, the oil and mineral industries, and the steel and timber industries, both of which had a vested interest in the rail road industry.

** The ultimate attainment of these types of grants was "contingent" on the extinguishment of the Indian land titles that protected the land in question.
lands falling under the operation of this act and required for the said right of way and grants hereinafter made (Senate Misc. Doc. #108, 37 Cong. 2 Sess.) "The tremendous effect contingent grants such as this eventually had was not overly apparent in the first several years of this congressional policy. However, as more railroad bills were passed with variations of this provision, it became a major influencing factor in the federal government's relation to Indian nations.

Because tribes outside of Indian Territory did not possess fee simple title to their lands, these contingent land grants created a huge incentive for more removals of tribes to Indian Territory. Following the Civil War many nations from Kansas, Arkansas, and Texas were relocated to Indian Territory for this reason. Because the Cherokee, Creek, Choctaw, Chickasaw, and Seminole had insisted that their new lands be secured by fee simple title, they were somewhat protected against any involuntary cession of their lands or further removal. However, these same titles each contained a provision which stipulated that should they ever abandon their land or as individual nations cease to exist, then their lands would revert back to the United States (House Report 89 & 61, 42 Cong. 2 Sess.)

This loophole in the provisions of these fee simple
titles gave the corporate speculators a great deal of
incentive to develop a plan to undermine the sovereignty of
these nations. One of the congressional strategies for
extinguishing these certificates that was encouraged by the
railroads was the attempt to "consolidate" the nations of
Indian Territory and place them under a territorial
government; the idea being that if they were under such a
system, they would relinquish their individual sovereignty
and consequently cease to exist as nations. When that
happened, the lands would then revert to the United States
as stipulated in their national land titles (House Report 89
& 61, 42 Cong. 2 Sess.)

This desire for Territorial government over Indian
Territory did not rest solely with the railroad
conglomerates, although in the years to come they would be
some of the major advocates for these measures. As the
populations in the surrounding states of Kansas, Missouri,
Arkansas, and Texas began to grow, other strong voices
advocating Territorial government were also increasing: land
speculators and impatient settlers. They too became
increasingly anxious to get their hands on the lands and
resources of these nations (Sen. Misc. Doc. 143, 41 Cong. 2
59, 39 Cong. 1 Sess.)
Although the turmoil of the Civil War kept these threats at a minimum, the 1866 treaties signed by the Five Civilized Tribes and the United States Government pointed to a new era of increased American involvement in the affairs of the Indian Nations of Indian Territory. As the Civil War came to an end in 1865, the adversaries of Indian sovereignty must have seen the perfect opportunity to facilitate their expansionist causes. As a result, many attempts were made to advocate Reconstruction policies for Indian Territory that would initiate the process of extinguishing these nations.

United States commissioners sent to Indian Territory in 1865 to negotiate peace presented a list of Reconstruction demands from the federal government. This list included a cession of a large amount of the nations' lands for the settlement of other Indians, and the requirement that they accept some form of territorial government (Baird, 1972, p. 143.) The most significant demand these visiting commissioners emphasized, was that "they (the aforesaid nations and tribes, or bands of Indians, or portions thereof) have made themselves liable to the forfeiture of all rights of every kind, character, and description which had been promised and guaranteed to them by the United States" (Kappler, V.2, p. 1050.) Fortunately, however, during the official treaty negotiations that occurred the following year
in Washington, the attempt to enforce this was successfully challenged. This consequently protected the former treaty rights of these nations (Baird, 1972, p. 147-148.)

Despite specific articles in each of the Removal treaties of the 1830's that explicitly stated that at no time would these nations be put under the jurisdiction of Territorial government, the United States, after the Civil War, made an attempt to ascertain the sentiment for this very abrogation. Commissioner of Indian Affairs D.N. Cooley's report dated March 21, 1866, stated that although the Five Tribes along with the Quapaws and others of the Neosho agency were not in favor of the proposition of territorial government, they were willing to adopt provisions to form a general council for the whole territory. It was also Cooley's conjecture that these provisions "will, doubtless, lead to such a result (Commissioner of Indian Affairs Report, 1866, Supp. Doc. 146.)" which indicated that Indian Territory and the proposed General Council were in for troubled times.

Although provisions for this general council were included in each of the 1866 treaties with the Five Civilized Tribes, they were written in such a way as to make it difficult, if not, in most cases, legally impossible to
manipulate this council into a U.S. Territorial government.* The former treaties of each nation had been reaffirmed in part by Articles fourteen, nine, thirty one, and ten of the Creek, Seminole, Cherokee, and Choctaw and Chickasaw treaties of 1866 respectively. As a result, the former clauses against Territorial government prevailed (14 Stats., 755, 769, 785, 799.) The one treaty that did call for Territorial Government of Indian Territory, the 1866 Choctaw and Chickasaw Treaty, made stipulations for an Indian territorial government more along the lines of a confederation of nations than a U.S. territorial government. Unfortunately this one treaty would be a focal point of territorial government advocates for many years to come (14 Stats., 769.)

Each of these 1866 treaties were signed in Washington by United States Commissioners D. N. Cooley, Ely S. Parker, Elijah Sells, and the commissioners of the respective tribes. Along with the provisions for the general council, each of these documents provided for a right of way to be granted to congressionally approved railroads for a line running North/South and East/West through each of the nations. They

* Although the U.S. envisioned the manipulation of this General Council into a territorial government which would bring statehood to Indian Territory, the delegates of the Five Civilized Tribes successfully worded these provisions to reflect their definition of indigenous international diplomacy.
also included provisions for a cession of land for the use of tribes that were to be removed to Indian Territory (14 Stats., 755, 769, 785, 799.) Most of the treaties also contained provisions for "such legislation as Congress and the President may deem necessary for the better administration of justice and the protection of the people (14 Stats., 769, 785, 755)." Selective parts of each of these provisions were used to facilitate the arguments for territorial government and other threatening legislation. Rarely, however, were these efforts successful, at least for the next twenty years.

Each of these 1866 treaties also provided for the survey and allotment of the lands of each nation to be done only at the request of the individual nation. Within the Choctaw and Chickasaw Nations this possibility was seriously being debated. The argument for allotment centered around the increasing number of threats made to dissolve the nationalities of Indian Territory. Some Choctaw thought that the only way to protect their land against the threat of territorial government was to divide the land in severality, because individual fee simple titles would not include the clause regarding national status. By doing so, it was argued, their lands would remain in their hands. Others, however, were adamantly opposed to this change in the land
tenure (Peter Pitchlynn Papers (1, 2), 1870.)

Two factions developed around this issue. Israel Folsom, in a February 1870 letter to Peter Pitchlynn stated, "Friends separate and relations split up and divide on this (issue of territorial government and sectionalization.)" He also indicated in his letter that this turmoil was reflected in the "mistrust and hatred by the more ignorant against the intelligent natives and whites (Peter Pitchlynn Papers (1), 1871.)" This seems to indicate that the two arguments may have been based on the different level of trust given to the treaties made with the United States, signifying that the "more informed" were willing to accept the fact that the United States would eventually violate the treaties and extinguish the nation's sovereignty. Instead of waiting for this to happen, this faction proposed taking the necessary action to secure their land and resources.

This debate also brought up the possibility of preparing for statehood in the United States. This proposed abandonment of nationality and self-government only added to the hostility expressed between the factions. It also caused great concern among the other tribes who were much more nationalistic (The Advocate, June 18, 1870 p. 2, c. 1.)

By the year 1870, the number of bills advocating the creation of a territorial government for Indian Territory
had progressively increased. During this year, Senator Harlan introduced Senate Bill 679. This bill called for the convening of a General Council of Indian Territory. The senator had based his bill on the provision of the 1866 Choctaw and Chickasaw Treaty that called for the creation of a General Council to govern the Indian Territory. This, however, was the only element of the bill that reflected the 1866 treaty. Harlan's proposed council was to be nothing more than a territorial government of the United States (Sen. Misc. Doc. 90, 41 Cong. 2 Sess.; Sen. Misc. Doc. 143, 41 Cong. 2 Sess.)

Each of the nations of Indian Territory sent numerous memorials to the U.S. Congress protesting the passage of this bill and the others that were introduced at this time. It was at this time, also, that Samuel Checote, chief of the Muskogee Nation, invited the authorities of the several nations of the territory to an international council. In his opening message to the delegates who attended, Checote stated,

It is well known that our fathers before us often met in councils of this kind, for consultation on matters having for their object the general good of the red man. One of the good results of such meetings was, that each nation understood perfectly the relations existing between all of the brother nations, which enabled them to understand and respect each other's rights, producing harmony and peace in our brotherhood. (Samuel Checote Collection (1), 1870)
In an effort to obtain these objectives, the delegates from the Cherokee, Creek, Seminole, and Osage strengthened the 1843 Compact by adding the provision that any member nation had the right to call an intertribal council (Debo, 1984, p.205.) The debate within the Choctaw Nation was an immediate concern for these delegates. By renewing this compact and consequently creating a closer bonding of the nations, it was hoped that no single nation, would therefore "imperil the general political interest without a common understanding" (The Advocate, June 18, 1870 p. 2 c.1.)

A resolution against the territorial bills in Congress was drawn up at this international council. This memorial argued that the advancement of their nations was hindered because of the increasing number of threats on their homes and their nations (Advocate, June 18, 1870, c.5.) This argument would be voiced many times in the next several decades, but the "threatening and aggressive policy of territorial bills and other legislation meant to disrupt the current political status and relations in order to render it practicable to speculate in their lands (The Advocate, June 18, 1870 c. 5)" would continue.

Perhaps this international council prompted the United States to finally call the General Council of Indian Territory as stipulated in the 1866 Treaties. The United
States may also have believed that there was a greater chance of achieving their goal of territorial government by following the treaties, rather than blatantly violating them. Regardless of the reason, an act of Congress dated July 15, 1870 was approved which appropriated $10,000.00 for the General Council's first session (16 Stat., 359.) Secretary Cox then designated Okmulgee, Creek Nation as the sight of the council and selected Superintendent Enoch Hoag of the Central Superintendency to be the president (Grant Foreman Collection (1), 1935.)

The first session of the General Council of Indian Territory met in September of 1870. Several tribes did not participate either because of reluctance to attend or simply because they did not have time to select their delegations (Debo, 1961, p. 214.) Consequently only twelve nations were represented at this first meeting (Nolen, 1980, p. 264.) Because of this, the council adjourned early to meet again in December.

Delegates from the Choctaw and Chickasaw were among the most significant nations missing from this first session. The Choctaw's reluctance to attend the council was based on the elected government's absolute rejection of the division of their land in severalty. Because of the United States involvement, they viewed the General Council as a means to
this undesirable end. Also, both the Choctaw and the Chickasaw, because of their affiliation with the South during the Civil War, were opposed to associating with tribes who had accepted their freedmen (Debo, 1961, p. 214.) To encourage their participation, the delegates who did attend this first session of the Okmulgee Council adopted a resolution requiring "all of the 1866 treaty nations to be bound by the acts of the Okmulgee Council, whether they were present or not (Debo, 1961, p. 214.)" As a result, delegates from each of the Five Civilized Tribes attended the proceedings of the Adjourned First Session of the General Council of Indian Territory held in December of 1870.

The Choctaw and Chickasaw participants at this session had been instructed to leave if they were requested to take an oath of allegiance to the United States or if the general delegation should propose drafting a constitution to form a territorial government of the United States (Debo, 1961, p. 214.) Neither incident occurred, and it soon became apparent to all who participated in this council that the nations of Indian Territory would use this international coalition as a device to help obstruct these very threats.

During this December session a special committee drafted the Okmulgee Constitution which created a confederacy of the nations of Indian Territory. This "Constitution of the
Indian Territory" called for a legislative, an executive, and a judicial branch of government to regulate the international relations between the nations of the territory. It was explicitly stated in this document that this was to be the limit of its power, so as to protect the individual sovereignty of each of the nations (Chronicles of Oklahoma, v. 3, p. 221.)

The initial influence of the United States was not continued in this constitution which called for the election of legislators, the governor, and the judges to be made by the eligible citizens of each of the participating nations. These officials also were required to be citizens of the nations they were representing. At the close of the December session copies of the Okmulgee Constitution were sent to each of the tribes so that 2/3 of the population of Indian Territory could ratify it and bring this proposed confederacy into existence.

Less than a month after the December session adjourned, however, the President of the United States proposed amendments to the Okmulgee Constitution that would have manipulated it into a territorial government. The nations of Indian Territory might have been able to ignore this if it had not been for one very important decision of the Supreme Court that same year. The decision in the Cherokee
Tobacco Case of 1871 allowed legislative acts of the United States Congress to take precedence over the stipulations of earlier treaties. Because Congress now had the power to manipulate treaty agreements in this way, the proposed constitution was not protected against this procedure. As a result, many of the nations refused to ratify it, and the attempt to form a constitutional confederacy was eventually abandoned.

The creation of the proposed confederacy was not the only concern of the international delegates that were sent to Okmulgee. Peace commissions from this council were also sent to the Western tribes of the territory to encourage these nations to stop their depredations and retaliations against the United States and its citizens. They also offered these tribes their expertise in negotiating with the United States, and from the very beginning these Western tribes were encouraged to join the Okmulgee Council (Grant Foreman Collection (1), (2); John Jumper Collection (1).)

In 1875, many of them did finally join the Okmulgee Council. This Sixth Annual Session of the General Council of Indian Territory was attended by an almost complete representation of the nations of Indian Territory. However, the U.S. Congress failed to appropriate further money for its continued proceedings (Debo, 1970, p. 200.) The main reason
for this decision to forcibly close the council was simply that the delegates had failed to create the desired territorial government (Debo, 1984, p. 210.) Hoping for a united Indian state that would eventually allow white settlement of the land and American citizenship for the Indians, the United States finally realized that the General Council of Indian Territory would never have achieved this goal (Debo, 1961, p. 216.)

By 1875, it had been several years since the Okmulgee Constitution had been seriously debated by the delegates. They had instead focused their attention on monitoring the actions of the United States and making unified protests against its encroachments. They had also used their coalition to monitor and maintain the international relations within the territory. The United States claim that the Okmulgee Council had failed to accomplish the desired goal of territorial government for Indian Territory brought an abrupt end to this international council because of the delegates' financial dependence on congressional appropriations. The Okmulgee Council, however, "had not failed," as has often been stated (Debo, 1970, p. 198.)

Scholars who have viewed the Okmulgee Council from an isolated viewpoint have also misunderstood the actions and influences of this council. Having analyzed its efforts from
only the immediate historical and political context, these scholars have generally considered the council, first and foremost, an unsuccessful attempt to create an Indian Confederacy (Nolen, 1980; Applen, 1971.) Although some recognize the council's accomplishments regarding peace and protest, they do not comment on the extension of these accomplishments to further international efforts of the tribes (Debo, 1961, 1970, 1984.) They also do not recognize the council's different efforts in developing other forms of international exchange. By neglecting each of these details, they have failed to understand the true significance of this international council.

From the beginning the Okmulgee Council followed its own agenda and corrected its course as needed to best serve the nations. When the proposed international confederacy was found to be potentially detrimental to the nations, the delegates turned their efforts to other important issues. By not recognizing this shift, scholars have wrongfully assumed the same conclusion that ultimately brought an end to the U.S. congressional support of the General Council of Indian Territory.

Despite the fact that the United States abandoned the council, however, it was not an indication that the Indian nations had abandoned the concept of internationalism.
Although the American government considered the Okmulgee Council a failure to achieve its goal of territorial government, the Council was not equally considered a failure by the Indian Nations. These nations protested to have the Congress reappropriate the funds for the council because it was a treaty obligation of the United States. They also proposed that the different nations renew the council under their shared financial support. Finally in 1879 the first of many international councils to follow the Okmulgee Council was called (Creek Nation Papers 30807; Coleman Cole Collection (2), 1878; Creek Nation Papers 30811.) This council as well as later ones continued within the tradition of Indian internationalism; deliberating on international law, international peace, and especially international protest.

Viewing the Okmulgee Council from the larger and more comprehensive context is the only way to fully understand the actions and influence of the council. The Okmulgee Council should be recognized as a progressive continuation of Indian internationalism as it developed in Indian Territory. Within this context it is impossible to explain away its efforts as simply an attempt to "appease the United States," which is the current academic sentiment regarding this council. The Okmulgee Council was not considered a
failure by the Indian nations because its efforts in international peace, international law and international protest for protection had proven to be the most effective weapon they could use in protecting their territory (Wardell, 1938, p.296.) The continued use of international diplomacy for this purpose illustrates this important fact.
CHAPTER FOUR
THE OKMULGEE COUNCIL

The hypothesis upon which this thesis is based proposes that the indigenous international diplomacy that occurred within Indian Territory had three important components. These include the establishment of international peace, the development of international law, and the use of international protest for protection. In defence of this proposed model, the reader has been asked to consider the influence of the Iroquois Confederacy, the dynamics of the 1843 Grand Council of Indian Territory, and an overview of Indian internationalism as it developed throughout the history of Indian Territory. As it has been indicated so far, the Okmulgee Council of the 1870's occupies a very pivotal place in this development. However, it has also been pointed out that this council has been misunderstood by scholars because of the immediate historical context in which it evolved as well as the significant internal presence of the United States throughout its tenure.

To defend the proposed model of indigenous international diplomacy within Indian Territory, it is therefore necessary to defend the Okmulgee Council's place within this model. The U.S. involvement makes the use of this council problematic when discussing indigenous international
diplomacy. However, by placing the efforts, accomplishments, and influence of this council within the model of Indian internationalism, a whole new level of analysis opens up that can more effectively handle this problem. Also, if the dynamics of this Indian internationalism are able to withstand the circumstances which effected the Okmulgee Council, what better proof could there be of the validity of the model. By defending the Okmulgee Council's place within true indigenous international diplomacy, it is possible to defend not only the model, but also the importance of further studies on Indian internationalism.

This final chapter will therefore analyze the actions and influence of the Okmulgee Council within this model of Indian internationalism. Starting first with the council's efforts at establishing international peace, this chapter will then proceed by looking at the efforts it made to establish international law and finally its use of international protest.

International Peace

To fully understand the Okmulgee Council's endeavors in international peace, it is important to know the events and policies that evolved effecting the Western tribes of Indian
Territory. Much of the Council's efforts involved reactions to these events in the form of peace commissions or resolutions written to the United States on behalf of the Western Tribes.

In 1869, President Ulysses S. Grant implemented his Peace Policy to attempt to bring some order and integrity back into the U.S. government's relations with Indian people. Meant to promote the education and "civilization" of the Plains tribes, this policy involved the restriction of these tribes to large reservations in the western part of Indian Territory which had been ceded by the Five Civilized Tribes for that purpose. These relocations were to be combined with the encouragement to develop agricultural techniques to help promote a sedentary and more confined lifestyle. Also included in this "peaceful" policy was the understanding that the army would be used against those tribes not cooperating with this scheme of the government (Utley, 1953, p. 124-127.)

The initial outcome of this "Peace" Policy resulted primarily in renewed war and bloodshed on the plains (Utley, 1953, p. 121.) Most tribes were unwilling to abandon their way of life to settle in their proposed new homes. This was compounded by the lack of trust most had in the promises made by the American government (Brown, 1972, p. 239.) Consequently, these tribes rightfully questioned the United
State's guarantee of a permanent homeland (Grant Foreman Collection (2).) As a result of the reluctance of several of the tribes to cooperate with this policy, a relentless military campaign was inflicted on these people (Debo, 1970.) Whether from past experience or future reality, each of these tribes had every right to question the government's sincerity. The U.S. military's enforcement of the President's Peace Policy led to numerous disturbances and ultimately war on the South and Central Plains (Debo, 1970.) The Okmulgee Council, from the very first concerned itself with these events. They considered the aggressive acts of the American military and these western tribes to be harmful to the overall security of Indian Territory (Journal of General Council, Sept. 1870; Works Progress Administration (3).)

The Okmulgee delegates were trying to establish the foundation for U.S. recognition of Indian independence. However, the turmoil on the Plains was giving the U.S. an excuse to continue their presence in the territory both politically and militarily. Having been forced to cede the western section of their lands for the relocations of other Indian nations, the tribes of the eastern part of the territory were anxious about the misuse of that land. If the Western tribes would not cooperate with their
relocations, then it was feared that the land would become the public domain of the United States and then be opened for white settlement (Journal of General Council, 1872; Board of Indian Commissioners Report, 1873, p. 211.)

In an effort to help stabilize the whole of Indian Territory, the Okmulgee Council sent delegations to the Western tribes advocating peace on the Plains. Having also historically made similar transitions in their own cultures, these Indian peace commissioners offered their assistance to the Western tribes in conforming to "civilization." Presenting themselves as role models for this change and the advantages that it could bring, the eastern tribes also promoted the advantages of peace and harmony (Journal of General Council..., Dec. 1870, 1872, 1873; Grant Foreman Collection (2).)

Using the imagery and philosophy of international peace that they had carried with them across the Mississippi, they explained that a peaceful, sedentary, and harmonious lifestyle similar to their own would allow these western nations to develop the resources they would need to fight the encroachment of the U.S. more effectively. This advice was also accompanied by the invitation to join the Okmulgee Council which was considered by some to be the most effective weapon for fighting the policies of the United States
Throughout the first several years, some of the western tribes followed their "brothers" advice and accepted their invitation to join the Council. Others, however, proclaimed "the time has not yet come (Debo, 1970, p. 192.)" In the early years of the council, the Kiowa and Comanche, especially, were still very much embroiled with the U.S. Army.

The Kiowa leaders Satank, Satanta, and Big Tree had been arrested by General Sherman in 1871 for attacking a pack train. Their incarceration and eventual sentencing to life imprisonment resulted in numerous retaliation raids (Debo, 1970.) In an effort to facilitate peace, the Okmulgee Council helped negotiate a settlement for the release of the Kiowa leaders (Report of Commissioner of Indian Affair, 1872.) The proposed exchange of peace and the return of several of their white captives was eventually accepted by the United States. Finally in 1873, Satanta and Big Tree returned to their people (Tatum, 1970, p.166,) but not until numerous protests and petitions from the tribe and the Okmulgee Council were directed to the United States.

In 1874, however, the Commissioner of Indian Affairs proclaimed that not all of the ceded lands of the western
part of Indian Territory were needed. He therefore proposed concentrating the western tribes in one area and opening the rest up for white settlement. Many of the surveyors sent into the territory to prepare for this change were killed. Using these deaths as an excuse, General Sheridan began an intensive military campaign against these tribes that lasted throughout the winter of 1874-75. The western tribes of Indian Territory finally surrendered in 1875, "effectively ending the war on the Central and Southern Plains (Debo, 1970, p. 198.)" After their surrender, each of these tribes sent delegates to the Okmulgee Council; some for the very first time (Debo, 1970.)

The formality of the earlier international councils was a significant feature of the peace councils sponsored by the Okmulgee Council. At each of these formal meetings held with the western tribes as well as when any of these tribes traveled to Okmulgee, the pipe of peace was smoked and the formal hand shakes and feasts were given (Grant Foreman Collection (1), (2).) At the peace councils these formalities were followed by explanations of the tradition of the white path of peace that was accompanied by a

* These formalities were significantly absent from the rest of the meetings of the General Council. This seems to indicate the growing secularity of the government institutions among the Five Civilized Tribes.
distribution of the symbolic tobacco and white beads. After these preliminaries, the immediate concerns were then voiced (Tatum, 1970, p. 108-116.)

Peace among the Indian nations was encouraged and to that end the western tribes were invited to join the Okmulgee Council. To deal with the conflicts between these tribes and the United States, the commissioners and delegates of the Okmulgee Council were often requested to advocate the concerns of the western tribes to Washington. These requests were usually honored with written resolutions. The delegates from these western tribes also requested the help of their eastern relatives in dealing with their new living arrangements, especially after the winter of 1874. Therefore, much advice was solicited at this time for help in the development of agriculture and also of education (Journal of the Sixth Annual Session of the General Council..., 1875.)

These two topics played a significant role in the Okmulgee Council's efforts to monitor the international relations that were continuously being established throughout its existence. The next section looks specifically at these attempts to develop international law and regulate international relations.
As explained in the first chapter, the international law that developed among the nations of Indian Territory was often consecrated in an inter-tribal compact. This compact or international treaty generally stipulated an agreement between the signing nations to open international trade, intercourse, and other types of exchange. It also provided for the jurisdiction of criminal law among the nations. The most recognized effort of the Okmulgee Council, "The Constitution Of The Indian Territory," also fits within this tradition.

This inter-tribal compact, drawn up by the delegates of the Okmulgee Council, also embodied these same stipulations. However, in an attempt to protect themselves against the United States' demands for territorial government, this constitution also called for the creation of a confederacy of Indian nations. This attempt to organize a government for the "better protection of their rights (Chronicles of Oklahoma, v. 3 p. 218)" was a logical and appropriate response that is recognizable within the tradition of Indian internationalism.

* Recall the statement of Deganawidah; "This shall be thy strength in future: the will of a united people" (Wallace, 1946, p. 25.) -emphasis added.
The constitution that was written in 1870 set up a government to regulate the international relations between the signing nations. These regulations were similar to those specified in the international compacts signed before the Civil War. The first article of this constitution established the parameters of this proposed government. Like the earlier inter-tribal agreements, this covenant stipulated that "the citizens of each and every...nation shall have the same rights of transit, commerce, trade, or exchange in any of said nations as he has in his own...under such judicial regulations as are hereinafter provided (Chronicles of Oklahoma, v.3, p. 219.)"

The third article of the constitution gave the General Assembly of this government the power to legislate on these matters but explicitly limited the council's jurisdiction to international concerns (Chronicles of Oklahoma, v.3, p. 221.) The Okmulgee Constitution, as it came to be known, also stipulated an election process for the seats in the General Assembly, and for the governor of the territory. These positions were to be elected only by the qualified voters of each of the nations according to their individual laws or customs (Chronicles of Oklahoma, v.3, p. 220). Each of these regulations were meant to uphold the sovereignty of the individual nations as well as completely remove the influence
of the United States.

A committee formed during the first adjourned session of the General Council of Indian Territory was commissioned to inquire into the expediency of creating this permanent organization for the Indian Territory. Their report expounds on their several concerns:

...The large and invaluable interests in lands and money, which belong to the Nations and Tribes,...the provisions of their several Treaties with the United States;...their different languages and diversified conditions, present severally and combined interests not to be too lightly estimated or too hastily disposed of in arranging the terms of any organization, that may be designed to blend in one harmonious system the whole of them at the same time that it preserves a just and impartial regard for their respective rights...(therefore) the organization of the people here represented,...should be a government of their own choice. It should be Republican in form, with its powers clearly defined, and full guarantees given for all the powers, rights and privileges respectively, now reserved to them by their treaties...(Chronicles of Oklahoma, v. 3, p. 126)

Favorable review of this report prompted the creation the "Constitution of Indian Territory" during the December 1870 session of the Okmulgee Council. Following its presentation to the delegates, it was decided that this constitution should be promptly submitted to the different tribes for their ratification (Chronicles of Oklahoma, v. 3, p. 135.)

On January 30, 1871 the President of the United States, Ulysses S. Grant, transmitted a letter to both houses of the U.S. congress. In this message he expressed concern for the
independence established in the Okmulgee Constitution. He recommended that the compact be amended to include the power of the United States congress to approve all legislative action of the territory. He also requested that the President of the United States be given the responsibility of appointing the executive and judicial officers of the territory as well other officials (Sen. Exec. Doc. 26, 41 Cong., 3 Sess., p. 1.) Each of these recommendations would have manipulated the proposed government into a territorial government of the United States (The Advocate, Dec. 20, 1873.)

The immediate attempt to manipulate the Okmulgee Constitution was indicative of the changing policies of the United States regarding their relations with Indian nations. The same year that these amendments were proposed, 1871, the United States congress adopted an act stipulating, "Hereafter no Indian or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contact by treaty (Stats at Large, v.16, 544-571.)" The Supreme Court also handed down its decision in the Cherokee Tobacco Case, ruling that an act of Congress may supersede a prior treaty (Grant Foreman Collection (2).)

Each of these policy changes pointed to the danger of
creating a constitutional confederacy because its permanency and legitimacy was questionable (The Vindicator, June 21, 1873.) With the decision granted in the Cherokee Tobacco Case, the U.S. could legally amend the proposed constitution. By doing so, they could manipulate the confederacy into a territorial government and then gain control over the land, resources, and institutions of the nations of Indian Territory.* There was also speculation that ratification of the Okmulgee Constitution would change the general relationship between the United States and each of the Indian Nations (Board Of Indian Commissioners Report, 1870, p. 119.) The tribes were fearful that ratifying the compact would signify their willingness to take the first step in dissolving the American government's responsibilities to its treaty obligations (The Vindicator, Aug. 28, 1875.)**

Debate of these issues ultimately prevented the ratification of the Okmulgee Constitution by the Indian nations (The Advocate, May 30, 1874.) William P. Ross of the Cherokee Nation explained to the members of the Board of Indian Commissioners that "the Indians, without exception,

* As explained earlier, this was a very familiar threat that was made in an effort to destroy the fee simple titles held by the nations.

** Today's issue of "self-determination" carries much the same concern.
are in favor of maintaining their national existence and the right to self-government" (Board of Indian Commissioners Report, 1870, p. 116.) The majority of most tribes were of the opinion that as long as their existing treaties were honored by the U.S. they could see no reason for the necessity of any territorial federation (The Vindicator, Aug. 28, 1875.) Within each of the Five Civilized Tribes, the questions and concerns surrounding the Okmulgee Constitution generally centered around several different opinions regarding the future of Indian Territory.

The most prominent opinion found among the nations was the commitment to the status quo of the land tenure and the treaty guarantees of sovereignty and self-government. Advocates of this position argued that if their treaties were not strong enough to protect them, then nothing could; including the Okmulgee Constitution. They recognized the threat of U.S. abrogation of their treaties, but argued that they would take no action to break a treaty (John Jumper Collection, 1874.) The fear of Territorial Government and allotment was at the root of this argument.

"In time of peace prepare for war. In time of safety prepare for trouble (Advocate, Aug. 31, 1872, p.2, c.1)" was the premise of those ultimately desiring the ratification of the Okmulgee Constitution. This faction considered it an
inevitability that the United States would place a territorial government over the Indian Territory if the Indian nations did not take their own action in that direction. They therefore considered it in their best interest not to forfeit the chance to establish their own form of government for the territory (The Vindicator, June 21, 1873; May 1, & June 5, 1875.)

This group was not at all in favor of accepting the constitution with President Grant's proposed amendments (The Advocate, Dec. 20, 1873.) Many of these advocates believed that, through a union of their own, the Indian nations could more effectively prevent the hostile and opportunistic take over of their lands and institutions (Debo, 1984, p. 207.) Recognizing the corporate interests invested in contingent land grants within the territory, some advised ratification only if the United States were to revoke these grants (Wardell, 1938, p. 295-296.) It was hoped that this congressional action would then reduce the incentive for destroying the nationalities of Indian Territory and therefore provide the proposed confederacy with more security.

Others, however, felt that the safest course for the nations to take was to first secure all of their land and resources through allotment (The Vindicator, June 21, 1873.)
Then if ratifying the Okmulgee Constitution would call into question their nation status, or if the U.S. would abrogate the treaties, their lands would be fully protected against becoming part of the public domain of the United States. This position on allotment kept this opinion in the minority and consequently helped prevent the ratification of the Okmulgee Constitution. There was also a small minority advocating Territorial Government, presumably for their own personal gain.

By 1873 only the Creek, Choctaws, Sac & Fox, Quapaws, Peorias, Eastern Shawnee, Seneca, Wyandottes, and Ottawas had accepted the Okmulgee Constitution. Needing ratification from two thirds of the population of Indian Territory, the constitution failed acceptance by one third of the necessary votes (Journal of the 4th Annual Adjourned Session of the General Council..., 1873, Appendix B.) An attempt was made to rewrite the compact, but because of the prejudice that had been generated around the original constitution, the nations would never ratify this version either (The Vindicator, Aug. 28, 1875.)

The constitution, however, was not the only aspect of international law on which the Okmulgee Council deliberated. The numerous committees established for the council also dealt with relations to the United States, relations between
other Indian nations, and also with the education and agriculture of Indian Territory. Peace commissions were sent to the tribes in the western part of the territory. The delegates of the council also spent a great deal of time drafting resolutions to the United States government that voiced their united concern for numerous issues. Another significant concern of the council was the international development of agriculture and education. All of these efforts can be defined as attempts to regulate the international relations between the tribes of the territory as well as the international relations between these tribes and the United States.

The Okmulgee Council closely monitored the agricultural pursuits of each nation, regarding the number of acres in cultivation and the amount of stock raised within each nation. The educational efforts within Indian Territory were also observed and recorded. Committees gathered information on the number of schools in each nation and on the number of children attending school. They also recorded other facts, such as the citizenship status of the teaching staffs. They were also concerned with who was paying for and administering the schools, as many of them were financed by the individual nations but several were funded by the missionary society which operated them. They also kept track of the number of
To increase the understanding and proficiency of agricultural techniques through educational means these two concerns were generally combined in one committee. During only one session were these concerns given separate committees (Journal of the General Council..., 1873.) This Agriculture and Education Committee made several recommendations. Among these suggestions were the proposal for increasing the number of technical schools, and the promotion of agricultural societies to encourage competition (Journal of the General Council, 1872.) They also recommended the creation of the International Fair of Indian Territory which was first held in 1874 and continued annually throughout the 19th Century (Journal of the General Council, 1873.) This committee also discussed the creation of an international college for Indian Territory, but nothing ever came of it (Journal of the General Council, 1873.)

The international importance of agriculture and education can be recognized first as important aspects of international trade and commerce. Sharing and developing the different resources of each nation helped to strengthen the stability of Indian Territory. This international information was also
used, however, to defend against American accusations that the resources of the territory were lying idle and being wasted by unuse. Having the statistics to uphold the agricultural and educational development of these nations, delegates to the Okmulgee Council as well as the separate national delegates that were sent to Washington, D.C. used these important tools to defend against aggressive American actions. This information was often used in making international protests against these threats.

**International Protest for Protection**

International protest was an important component of the Okmulgee Council's attempt to voice the Indian nations' concerns for international law and international peace. By writing resolutions to the United States, these nations used the strength of their coalition to advance their common concerns and protect their well being. They actively protested any laws that operated unjustly against Indians. They made numerous protests against U.S. attempts to create a Territorial Government over their lands (Journal of the General Council, 1872, 1873, 1875.) They also memorialized the President of the United States on several occasions asking that he remove his support from the policy of giving
contingent land grants to railroad companies. They even asked for the repeal of the grants already existing in Indian Territory (Journal of the General Council, 1873, 1875.)*

The nations of the Okmulgee Council also actively used their influence and their position as negotiator to advance the concerns of the Plains Tribes (Journal of the General Council, 1872, 1873, 1875.) The sixth annual session of the Okmulgee Council, which met in May of 1875, was taken up mostly with testimonies from these western nations, many of whom were attending for the first time after their surrender to the American military. The advocacy, advice, and encouragement that was given these tribes at this last Okmulgee Council, as well as the earlier meetings, laid the foundation of future international relations between the eastern and western nations of Indian Territory.

Although the Okmulgee Council would not meet again after 1875, the strength these nations had found in the power of international protest would continue to be an important part of Indian internationalism in the future. Because of this, the Okmulgee Council stands at a significant vertex of change in the development of Indian Internationalism. With the United States posing an increasing number of threats to the nations, the delegates of future international councils of

* See Appendix E.
Indian Territory began to concentrate most of their efforts on making unified protests for their common protection. The Okmulgee Council was the first most significant use of Indian internationalism for this protective purpose.  

As has been illustrated in this chapter, the Okmulgee Council does indeed fit within the model of indigenous international diplomacy that is proposed in this thesis. Despite the United States' attempt to manipulate this council for its own benefit, the Okmulgee delegates successfully maneuvered their efforts within the tradition of Indian internationalism.  

These delegates worked within this tradition of establishing international peace and developing international law to promote the welfare of their nations. They also began to seriously develop the strategy of international protest for this same purpose. Viewing the Okmulgee Council from this larger and more comprehensive context is the only way to fully comprehend the actions and influence of the council. This understanding, in turn, promotes a much needed recognition of indigenous international diplomacy. It is hoped that this thesis will be a stepping stone for further research in this area of Native American studies.  

* See Appendix E.
CONCLUSION

The preceding chapters have attempted to address an important but overlooked element in the history of the indigenous peoples of North America. Adding layer upon layer of overlapping information, this thesis provides a solid foundation for establishing the significance of the indigenous international diplomacy that occurred in Indian Territory. This foundation will hopefully be viewed as a secure stepping stone for continued research into this aspect of the history of all indigenous nations.

There is much more to be learned from the international cultural, and political diplomacy that Native American Nations have employed among themselves over the centuries. Looking not only at an individual tribe's interactions with the United States, but also at the international diplomacy that occurred between tribes enhances our understanding of this cultural and political history.

Lawyers and political scientists should look to this indigenous diplomacy to obtain a greater understanding of the political structure of these tribes. Using these international councils and confederacies as evidence, perhaps the definition of "sovereignty" and "self-determination" can also be favorably and effectively reworked. Anthropologists, too, should look to this Indian internationalism to find a
greater understanding of the fundamentals of Native American culture as it was shared at these international gatherings. Analyzing the roles and responsibilities of each of the tribal delegates attending these meetings also provides important insights into the internal as well as external culture of the indigenous nations they represent. Historians also must look to these international endeavors if they are to fully comprehend the actions and influences that affected the history of each of these tribes. A greater understanding of Native American history, in general, is possible when the influence and importance of these councils and confederacies are recognized.

Perhaps, most importantly, the continued analysis of this indigenous international diplomacy will benefit the Indian nations that continue to struggle against internal and external threats to their sovereignty and self-determination. Robert K. Thomas has said, "one of the main deprivations of experience due to the colonial system is the understanding of how we got where we are today." Only by uncovering these important aspects of our histories can Indian people properly assess their present position and effectively move forward.

What we learn from the past has the potential and the responsibility to enhance the future. This thesis has illustrated the fact that there is power in "the united will
of the people." The influence and importance of this ancient tradition of indigenous international diplomacy should not be overlooked.
APPENDIX A

The following is an account of the 1768 Peace between the Seneca and Cherokee Nations as it was presented at the 1843 Grand Council in Tahlequah by Major George Lowrey, second chief of the Cherokee Nation: "You will now hear a talk from our forefathers. You must not think hard if we make a few mistakes in describing our wampum. If we do, we will try and rectify them.

"My brothers, you will now hear what our forefathers said to us.

"In the first place, the Senecas, a great many years ago devised a plan for us to become friends. When the plan was first laid, the Seneca rose up and said, I fear the Cherokee, because the tomahawk is stuck in several parts of his head. The Seneca afterwards remarked, that he saw the tomahawk still sticking in all parts of the Cherokee's head, and heard him whooping and hallooing say [sic] that he was too strong to die. The Seneca further said, Our warriors in old times used to go to war; when they did go, they always went to fight the Cherokee; sometimes one or two would return home—sometimes none. He further said, The Great Spirit must love the Cherokees, and we must be in the wrong, going to war with them. The Seneca then said, Suppose we make friends with the Cherokee, and wash his wounds and cause them to heal up, that
he may grow larger than he was before. The Seneca, after thus speaking, sat down. The Wyandot then rose and said, You have done right, and let it be. I am your youngest brother, and you our oldest. This word was told to the Shawnees; They replied, We are glad, let it be; you are our elder brothers. The Senecas then said, they would go about and pray to the Great Spirit for four years to assist them in making peace, and that they would set aside a vessel of water and cover it, and at the end of every year they would take the cover off, and examine the water, which they did; every time they opened it they found it was changed; at the end of four years they uncovered the vessel and found that the water had changed to a colour that suited them. The Seneca then said, The Great Spirit has had mercy upon us, and the thing has taken place just as we wished it.

"The Shawnee then said, We will make straight paths; but let us make peace among our neighbouring tribes first, before we make this path to those afar off.

"The Seneca then said, Before we make peace, we must give our neighboring tribes some fire; for it will not do to make peace without it,-they might be traveling about, and run against each other, and probably cause them to hurt each other. These three tribes said, before making peace, that this fire which was to be given to them should be kindled in
order that a big light may be raised, so they may see each other at a long distance; this is to last so long as the earth stands; They said further, that this law of peace shall last from generation to generation—so long as there shall be a red man living on this earth: They also said, that the fire shall continue among us and shall never be extinguished as long as one remains. The Seneca further said to the Shawnees, I have put a belt around you, and have tied up the talk in a bundle, and placed it on your backs; we will now make a path on which we will pass to the Sioux. The Seneca said further, You shall continue your path until it shall reach the lodge of the Osage. When the talk was brought to the Sioux, they replied, we feel thankful to you and will take your talk; we can see a light through the path you have made for us.

"When the Shawnees brought the talk to the Osages, they replied, By to-morrow, by the middle of the day, we shall have finished our business. The Osage said further, The Great Spirit has been kind to me. He has brought something to me, I being fatigued hunting for it. When the Shawnees returned to the lodge of the Osages, they were informed that they were to be killed, and they immediately made their escape.

"When the Shawnees returned to their homes whence they
came, they said they had been near being killed.

"The Seneca then said to the Shawnees, that the Osages must be mistaken. The Shawnees went again to see the Osages—they told them their business. The Osages remarked, The Great Spirit has been good to us,—to-morrow by the middle of the day he will give us something without fatigue. When the Shawnees arrived at the lodge, an old man of the Osages told them that they had better make their escape; that if they did not, by the middle of the following day, they were all to be destroyed, and directed them to the nearest point of the woods. The Shawnees made their escape about midday. They discovered the Osages following them, and threw away their packs, reserving the bag their talk was in, and arrived at their camp safe. When the Shawnees arrived home, they said they had come near being killed, and the Osages refused to receive their talk. The Seneca then said, If the Osages will not take our talk, let them remain as they are; and when the rising generation shall become as one, the Osages shall be like a lone cherry-tree, standing in the prairies, where the birds of all kinds shall light upon it at pleasure. The reason this talk was made about the Osages was, that they prided themselves upon their warriors and manhood, and did not wish to make peace.

"The Seneca further said, we have succeeded in making
peace with all the Northern and neighbouring tribes. The Seneca then said to the Shawnees, You must now turn your course to the South: you must take your path to the Cherokees, and even make it into their houses. When the Shawnees started at night they took up their camp and sat up all night, praying to the Great Spirit to enable them to arrive in peace and safety among the Cherokees. The Shawnees still kept their course, until they reached a place called Tah-le-quah, where they arrived in safety, as they wished, and there met the chiefs and warriors of the Cherokees. When they arrived near Tah-le-quah, they went to a house and sent two men to the head chiefs. The chief's daughter was the only person in the house. As soon as she saw them, she went out and met them, and shook them by the hand and asked them into the house to sit down. The men were all in the field at work—the girl's father was with them. She ran and told him that there were two men in the house, and that they were enemies. The chief immediately ran to the house and shook them by the hand, and stood at the door. The Cherokees all assembled around the house and said, Let us kill them, for they are enemies. Some of the men said, No, the chief's daughter has taken them by the hand; so also has our chief. The men then became better satisfied. The chief asked the two men if they were alone. They answered, No; that there
were some more with them. He told them to go after them and bring them to his house. When these two men returned with the rest of their people, the chief asked them what their business was. They then opened this valuable bundle, and told him that it contained a talk for peace. The chief told them, I cannot do business alone; all the chiefs are assembled at a place called Cho-qua-ta [for E-cho-ta], where I will attend to your business in general council. When the messengers of peace arrived at Cho-qua-ta, they were kindly received by the chiefs, who told them they would gladly receive their talk of peace. The messengers of peace then said to the Cherokees, We will make a path for you to travel in, and the rising generation may do the same,—we also will keep it swept clean and white, so that the rising generation may travel in peace. The Shawnee further said, We will keep the doors of our houses open, so that when the rising generation come among us they shall be welcome. He further said, This talk is intended for all the different tribes of our red brothers, and is to last to the end of time. He further said, I have made a fire out of the dry elm—this fire is for all the different tribes to see by. I have put one chunk toward the rising sun, one toward the north, and one toward the south. This fire is not to be extinguished so long as time lasts. I shall stick up a stick close by this
fire, in order that it may frequently be stirred, and raise
a light for the rising generation to see by; if any one
should turn in the dark, you must catch him by the hand, and
lead him to the light, so that he can see that he was wrong.

"I have made you a fire-light, I have stripped some white
hickory bark and set it up against the tree, in order that
when you wish to remove this fire, you can take it and put
it on the bark; when you kindle this fire it will be seen
rising up toward the heavens. I will see it and know it; I
am your oldest brother. The messenger of peace further said,
I have prepared white benches for you, and leaned the white
pipe against them, and when you eat you shall have but one
dish and one spoon. We have done everything that was good,
but our warriors still hold their tomahawks in their hands,
as if they wished to fight each other. We will now take
their tomahawks from them and bury them; we must bury them
deep under the earth where there is water; and there must be
winds, which we wish to blow them so far that our warriors
may never see them again.

"The messenger further said, Where there is blood spilt
I will wipe it up clean—wherever bone have been scattered,
I have taken them and buried them, and covered them with
white hickory bark and a white clothe—there must be no more
blood spilt; our warriors must not recollect it any more.
Our warriors said that the Cherokees were working for the rising generation by themselves; we must take hold and help them.

"The Messenger then said that you Cherokees are placed now under the centre of the sun; this talk I leave with you for the different tribes, and when you talk it, our voice shall be loud enough to be heard over this island. This is all I have to say." (Mooney, p.486-488)
APPENDIX B

Compact of 1843

Whereas the removal of the Indian Tribes, from the home of their Fathers, east of the Mississippi, has there extinguished our ancient Council Fires, and changed our positions in regard to each other, and

Whereas, by the solemn pledge of Treaties, we are assured by the Government of the United States, that the lands we now possess shall be the undisturbed home of ourselves and our posterity forever, therefore,

We, the authorized representations of the several Nations, parties hereunto, assembled round the Great Council Fire, kindled in the West at Tahlequah; in order to preserve the existence of our race, to revive and cultivate just and friendly relations between our several communities, to secure to all their respective rights, and to promote the general welfare, do enter into the following compact.

Sec. 1st. Peace and friendship shall forever be maintained between the Nations, parties to this compact, and between their citizens:

Sec. 2d. Revenge shall not be cherished nor retaliation practiced for offences [sic] committed by individuals.

Sec. 3d. To provide for the improvements of our people in Agriculture, Manufactures and other domestic arts, adapted
to promote the comfort and happiness of our women and children a fixed and permanent location on our lands, is an indispensable condition. In order therefore, to secure these important objects, to prevent future removal, and to transmit to our posterity an unimpaired title to the lands guaranteed to our respective Nations by the United States _We hereby solemnly [sic] pledge ourselves to each other, that no Nation, party to this compact, shall, without the consent of all the other parties, cede, or in any manner alienate, to the United States, any part of their present Territory.

Sec. 4th. If any citizen of one Nation, commits wilful murder, or other crime, within the limits of another Nation, party here to, he shall be subject to the same treatment as if he were a citizen of that Nation.

In cases of property stolen, or taken by force or fraud, the property, if found, shall be restored to the owner; but if not found the convicted person shall pay the full value thereof.

Sec. 5th. If a citizen of any Nation, party to this compact, shall commit murder or other crime, and flee from justice, into the territory of any other Nation, party hereto, such criminal shall, on demand of the Principal Chief of the Nation from which he fled, (accompanied with reasonable proof of his guilt) be delivered up to the
authorities of the Nation having jurisdiction of the crime.

Sec. 6th. We hereby further agree, that if any one of our respective citizens shall commit murder or other crime, upon the person of any such citizen, in any place beyond the limits of our several territories, the person so offending, shall be subject to the same treatment as if the offence had been committed within the limits of his Nation. Sec. 7th. Any citizen of one Nation may be admitted to citizenship in any other Nation, party hereto, by consent of the proper authorities of such Nation.

Sec. 8th. The use of Ardent Spirits, being a fruitful source of crime and misfortune, we recommend its suppression within our respective limits, and agree that no citizen of one Nation, shall introduce it into the territory of any other Nation, party to this compact.

Done in General Council, around the GREAT COUNCIL FIRE, at Tahlequah, Cherokee Nation, this the 3d. day of July, 1843.

REPRESENTATIVES OF THE CHEROKEES

Hair Conrad, his x mark,
Samuel Downing, his x mark,
Turtle Fields, his x mark,
Stop, his x mark, Thomas Foreman,
Tobacco Will, his x mark,
Thomas Woodward, his x mark,
Dutch, his x mark,
Michael Waters,
John Looney, his x mark,
George Lowrey,
J. Vann,
Archibald Campbell, his x mark,
Old Field, his x mark,
Charles Coodey,

REPRESENTATIVES OF THE CREEKS

Tus-ta-nug-gee Mathla, his x mark,
In-ther-nis Harjo, his x mark,
Ho-ler-ter Micco, his x mark,
Ho-tul-ca Harjo, his x mark,
Ufalar Harjo, his x mark,
Chilly McIntosh
Dak-cun Harjo, his x mark,

REPRESENTATIVES OF THE OSAGES

Alexander Chouteau, Osage Int.
Chin-ka-wa-sah or Belvazo, his x mark,
Black Dog, his x mark,
Gron-san-tah, his x mark,
Gra-tam-e-sah, his x mark,

Laws of the Cherokee Nation, 1839-51, pp. 87-89.*

* Work Progress Administration (5).
APPENDIX C

COMPACT OF 1859

"Whereas, The removal of the Indian Tribes from the homes of their Fathers east of the Mississippi River, has there extinguished our ancient council fires and changed our position in regard to each other; and

Whereas, by the solemn pledge of (of) treaties we are assured by the Government of the United States, that the lands we now possess shall be the undisturbed home of ourselves and our posterity forever. Therefore, we, the authorized representatives of the several nations in International Convention assembled, in order to preserve the existence of our race, to revive and cultivate just and friendly relations between our several nations, to secure their respective rights and to promote the general welfare, do enter into the following resolutions--

1. Resolved, That peace and friendship shall forever be maintained between the several nations and between their respective citizens.

2. Resolved, That revenge shall not be cherished, nor retaliation practiced for offences [sic] committed against individuals.

3. Resolved, That to provide for the improvement of our people in agriculture, manufactures and other domestic
arts adapted to promote the comfort of and happiness of our respective citizens, a fixed and permanent location on our lands is an indispensable condition.

4. Resolved, that if any one nation commit wilful murder, or other crime within the limits of any of the nations in convention assembled, he shall be subject to the same treatment as if he were a citizen of that Nation.

5. Resolved, that if any citizen or citizens of any nation in convention assembled, shall commit murder or other crime, and flee from justice to the Territory of any other Nation, such criminal shall on demand of the proper authorities of the nation from which he, she or they may have fled, accompanied with reasonable proof of his, her, or their, be delivered to the nation having jurisdiction of the crime.

6. Resolved, that in case any person or persons committing murder or other crime, and fleeing into any other nation, and being pursued, the pursuer should have the assistance of the officers of the Nation into which he, she or they may have fled.

7. Resolved, that any citizen of the several Nations represented in convention assembled, may be admitted citizenship in any other Nation by the consent of the proper authorities of such Nation.
8. Resolved, that the use of ardent spirits being a fruitful source of crime and misfortune, we recommend its suppression within our respectful limits, and agree that no citizen of one Nation shall introduce it into the territory of any other Nation and in case of any such violation, shall be dealt with according to the law of the Nation in which the offence is committed.

9. Resolved, that whenever the boundary line of any Nation shall be marked by river, the jurisdiction of the several Nations shall extend to the middle of such river.

10. Resolved, that in case any person or persons shall be guilty of harboring or protecting in any manner any runaway negro, such person or persons shall be deemed guilty of high misdemeanor and shall be dealt with according to the law of the Nation in which such offense is committed.

11. Resolved, that in case any officer of any Nation in convention assembled, advertising estray property, shall furnish a copy to the nearest officer of the adjoining Nation of such advertisement.

12. Resolved, that whenever it may be deemed expedient for the several nations represented in this convention to meet in International Convention, any of the nations have the right to call one to meet at some suitable place.

13. Resolved, that the foregoing resolutions shall not
be so construed as to impair in any manner whatever; the
compact already existing between the Creeks, Cherokee, and
Osage.

14. Resolved, that the above resolutions entered into
shall be binding and in full force, from and after the
ratification of the same by the proper authorities of the
several nations in convention assembled.

15. Resolved, that the proper authorities of the several
nations represented in this convention, notify the other
nations of their actions on the above resolutions.

Done in International convention assembled at Asberry
Mission, North Fork, Creek Nation.

Jos. Vann, President

C. Le Flore, Sec'y

- from The Vindicator, December 22, 1875.
APPENDIX D

COMPACT OF MARCH 15, 1886

Whereas, By the solemn pledge of Treaties we are assured by the Government of the United States that the lands we now possess shall be the undisturbed home of ourselves and our posterity forever; therefore, we, the authorized representations of the several Nation parties thereunto assembled in Convention at Eufaula, Indian Territory, in order to establish closer relations between our several Nations, to enable us better promote the general welfare of all the Indians and to preserve our lands and rights intact, do enter into the following Compact:

Sec. 1. Peace and friendship shall forever be maintained between the nations party to this Compact and between their respective citizens.

Sec. 2. Revenge shall not be cherished nor retaliation practiced for offences [sic] committed by individuals.

Sec. 3. To provide for the improvement of our people in agriculture, manufactures and other domestic arts adapted to promote the comfort of and happiness of our women and children, a fixed and permanent location on our lands, is an indispensable condition. In order, therefore, to secure these important objects, to prevent any future removal and to transmit to our posterity an unimpaired title to the lands
guaranteed to our respective Nations by the United States, we hereby solemnly pledge ourselves to each other that no Nation party to this compact shall, without the consent of all the other parties, cede or in any manner alienate to the United States any part of their present Territory.

Sec. 4. If a citizen of one Nation commits wilful murder, or other crime within the limits of another Nation, party hereto, he shall be subject to the same treatment as if he were a citizen of that Nation.

Sec. 5. In cases of property stolen, or taken by force or fraud, the property, if found, shall be restored to the owner; but, if not found, the convicted person shall pay the full value thereof.

Sec. 6. If a citizen of any Nation party to this Compact shall commit murder or any other crime and flee from justice into the Territory of another Nation party thereto, said criminal shall, on demand of the Executive of the Nation from which he fled (accompanied with reasonable proof of guilt), be delivered up to the authorities of the Nation having jurisdiction of the crime.

Sec. 7. We hereby further agree that if any one of our respective citizens, shall commit murder or other crime upon the person of any other citizen of the same Nation, in any place beyond the limits of our several Nations, the person
so offending shall be subject to the same treatment as if the offense had been committed within the limits of his own Nation: Provided, that this section shall not apply to the Choctaws, Cherokees, Creeks, Chickasaws, and Seminoles.

Sec. 8. Any citizen of our Nation may be admitted citizenship in another Nation, party hereto, by the consent of the proper authorities of such Nation.

Sec. 9. The use of ardent spirits being a fruitful source of crime and misfortune, we recommend its suppression within our respective limits, and agree that no citizen of one Nation shall introduce it into the Territory of any other Nation party to this Compact.

Sec. 10. That the remedy at law for the recovery of debts, or the enforcement of any contract, or to secure any right or demand held by the citizen of one Nation against a citizen of the other Nation, or a citizen of the same Nation against another citizen residing in the other Nation, shall be the same in all respects as between citizens within their own Nation: The object of this provision being to open the Courts of the Nations party to this Compact, fully to the citizens of all the other Nations.

Sec. 11. The legislative authorities of the Nations, parties to this Compact, may regulate by law the time, manner and conditions upon which the citizens of the other Nations,
parties to this Compact, may be allowed to reside within its limits, for the purpose of trade, stock raising, farming or other business or pleasure, and certificates signed by the Principle Chief and attested by the seal of the Nation to which the person availing himself of the benefits of any law regulating such privileges, shall be taken as *prima facie* evidence of the citizenship of such person.

Sec. 12. In case of difficulty unfortunately arising between two or more tribes, parties to this Compact, it is agreed that the same shall be refereed for settlement to the Chief or Chiefs of such Nations as the parties differing may mutually agree upon, and the award of such arbitration shall be final and obligatory in character upon the parties.

Sec. 13. This Compact shall be obligatory on parties thereto when approved by the National Council of each Nation.

(Signatures of the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, Caddos, Tonis, Delaware, Kiowas, Comanche, Keechi, Wichitas, Towacanai, and the Interpreters followed.)

Resolved, That this council when it adjourns, do so to meet on the first Monday in June 1887, unless sooner called together by the Executives of the Five Civilized Tribes.

S.H. Benge - President of International Council

Sam Greyson
Clerk

- from Cherokee Nation Papers (7).
APPENDIX E

Resolutions and Memorials of the Okmulgee Council to the United States Government

1st Session of the Okmulgee Council
September 1870
Memorial to U.S. government protesting legislation impairing treaty rights.

1st Adj. Session
December 1870
Efforts focused on confederation of nations; no resolutions sent to Washington, D.C.

2nd Session
June 1871
Memorial to Washington protesting decision in Cherokee Tobacco Case.

3rd Session
June 1872
Memorial against Territorial Government.
Memorial protesting laws that operate unjustly against Indians.
Resolution to urge Washington to secure permanent homes for the Wichita, Caddos, Wacos, To-wa-conies, Keechies, and Absentee Delaware on the lands they now occupy.

4th Session
May 1873
Resolution to look into the MK&T railroad's discriminatory prices.
Memorial for the release of Satanta and Big Tree.

4th Adj. Session
December 1873
Memorial protesting against Railroad land grants in Indian Territory.
Memorial protesting against Indian Territorial Government.
Memorial protesting against decision of the Commissioner's of Indian Affairs decision to punish the Comanches by withholding their
annuities.
Resolution to send delegates from the Okmulgee Council to Washington D.C. to voice the concerns of the people of Indian Territory.

5th Session
No proceedings of the Okmulgee Council could be located for this year.

6th Session
May 1875
Memorial protesting all measures which may come up in U.S. Congress that may injure or impair the treaty guarantee of the nations.
Resolution asking the U.S. for justice in the case of the massacre of Osage who were hunting Buffalo in Kansas under their treaty rights.
Resolution asking for the release of the Cheyenne, Arapahoe, Comanche, and Kiowa who were imprisoned but not guilty.
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2 Message of Samuel Checote, October 5, 1875.
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