

**“The Pen Among Our People”: Strategies of Survivance and Assimilation  
Resistance in Indigenous Rhetoric from Indian Newspapers, Lawsuits, and Society  
Journals, 1870-1924**

---

A thesis  
presented to  
the Faculty of the Graduate School  
at the University of Missouri-Columbia

---

In Partial Fulfilment  
of the Requirements for the Degree  
of Master of Arts

---

by  
SAWYER YOUNG  
Dr. Jeff Pasley, Thesis Supervisor  
JULY 2020

The undersigned, appointed by the dean of the Graduate School, have examined the thesis entitled

“THE PEN AMONG OUR PEOPLE:” STRATEGIES OF SURVIVANCE AND  
ASSIMILATION RESISTANCE IN INDIGENOUS RHETORIC FROM INDIAN  
NEWSPAPERS, LAWSUITS, AND SOCIETY PAPERS, 1870-1924

presented by Sawyer Young,

a candidate for the degree of Master of Arts,

and hereby certify that, in their opinion, it is worthy of acceptance.

---

Dr. Jeffery Pasley

---

Dr. Al Reichardt

---

Dr. Carli Conklin

## **Dedication**

This work is dedicated to my grandfather, the most hard-working and silently strong man I ever knew. To all the people who inspired me, kept me true to myself, and taught me to pursue my passions, thank you.

## Acknowledgements

I would like to acknowledge this work of scholarship was produced within the territory colonially known as “Missouri”, and that these were the historical homelands of the tribal nations of the Chickasaw, Otoe-Missouria, Illini, Osage, Iowa, Quapaw, Shawnee, Potawatomi, Sauk, and Meskwaki.

I would like to thank Dr. Al Reichardt for championing this thesis from its earliest conception. I would not have been able to do any of this without Al’s consistent advice and encouragement. Thank you to the students, staff, and faculty at the Kinder Institute on Constitutional Democracy for the privilege of serving as a Kinder Fellow. Thank you further to Dr. Jeff Pasley, Dr. Carli Conklin, Dr. Catherine Rymph, Dr. John Frymire, Dr. Keona Ervin, Dr. Jaquetta Shade-Johnson, Dr. Mark Boulton, Dr. Cinnamon Brown, Dr. Sam Goodfellow, and Nancy Taube for their unending dedication, inspiration, and support.

## Table of Contents

Acknowledgements.....	ii
List of Figures.....	iv
Abstract.....	v
Introduction.....	1
Chapter 1: “The Junction”.....	20
Chapter 2: “The Plaintiff is an Indian”.....	64
Chapter 3: “The Indian is Human”.....	103
Epilogue.....	129
Bibliography.....	132

## List of Figures

Figure 1. The <i>Oklahoma Chief</i> Indian head logo.....	35
Figure 2. Front Page of the <i>Indian Chieftain</i> , May 12, 1887.....	37
Figure 3. Front page of the <i>Cheyenne Transporter</i> , March 10, 1885.....	38
Figure 4. Front Page of the <i>Cherokee Advocate</i> , September 14, 1887.....	39
Figure 5. Robert L. Owen, circa 1907.....	43
Figure 6. William Potter Ross, circa 1892.....	45
Figure 7. John Lynch Adair, circa 1889.....	47
Figure 8. David M. Marrs, circa 1892.....	55
Figure 9. An advertisement from the <i>Indian Chieftain</i> .....	61
Figure 10. Standing Bear, Ponca Chief.....	76
Figure 11. Map of Ponca Removal from the Niobrara River to Oklahoma.....	79
Figure 12. Thomas Hennery Tibbles.....	82
Figure 13. Bright Eyes (Susette La Flesche Tibbles).....	85
Figure 14. A.J. Poppleton and John Lee Webster.....	86
Figure 15. Seymour’s poem as it appeared in the Spring edition of the <i>AIM</i> .....	120
Figure 16. F. A. McKenzie’s Plan for Indian Legal Status Codification.....	122
Figure 17. Carlos Montezuma, as he appeared in the <i>American Indian Magazine</i> .....	125

## Abstract

In “The Pen Among Our People,” I explore three different strategies that Indigenous peoples utilized from 1870 to 1924 to both ensure their survival and resist systematic oppression. During this period, the malicious transformation of sovereign Indian nations into dependent wards of the United States oriented Indigenous resistance toward ensuring the survival of Indian peoples, lands, and resources. I argue that strategies of survivance—a literary theory describing actions designed to ensure Indian survival and endurance/resistance/persistence—are a useful lens through which historians can re-interpret assimilation. I do so by highlighting the rhetoric of an Indian newspaper, litigation before the U.S. District Court for the District of Nebraska and the United States Supreme Court to secure rights under the law, and the campaign for American citizenship by the first Indian rights organization consisting of all-Indigenous members. My hope is to highlight the many ways Indigenous peoples utilized contemporaneous mediums to challenge the loss of sovereignty, culture, and life.

## Introduction

Everyone laughed at the impossibility of it,  
but also the truth. Because who would believe  
the fantastic and terrible story of all of our survival  
those who were never meant

to survive?

– Joy Harjo

In “*The Pen Among Our People*,” I will illuminate the instances where Indigenous voices subvert contemporaneous assimilation practices. By the closing decades of the nineteenth century, American Indian existence was at a turning point, and the future looked uncertain with the advent of deeply destructive assimilation practices. Allotments, designed to privatize Indian lands, dismantled Indian nations and their institutions. The ill-defined status of American Indians within the United States left some with few resources to combat assimilation tactics, and many were left with nothing.<sup>1</sup> Christianization and boarding schools turned old ways into underground expressions of cultural identity.<sup>2</sup> All the while, the expectation of a civilized Indian weighed many

---

<sup>1</sup> The following engage with Removal and Termination policies within the United States. A tertiary reading of these works will indicate American Indians held a plethora of ill-defined stations within American society and law. I particularly adhere to Prucha’s work, as it focuses on the complexities of the bond between Indian nations and the US government. Nabokov’s work equally highlights the relational experience of Indigenous identity.

Peter Nabokov, ed., *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492–1992* (New York: Viking, 1991); Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, 2 vols. (Lincoln: University of Nebraska Press, 1984); Frederick J. Stefon, “The Irony of Termination: 1943–1958,” *The Indian Historian* 11 (1978); S. Lyman Tyler, *A History of Indian Policy* (Washington: Bureau of Indian Affairs, 1973).

<sup>2</sup> Boarding schools and missions have a rich historiographic body of work that details the hardships, cultural colonialism, and abuses within these institutions. Furthermore, the historical work by Sally McBeth on these subjects that incorporate arguments about ethnicity and identity that are particularly helpful to my own arguments about subverting oppressive environments and shifting identity.

Sally McBeth, “Indian Boarding Schools and Ethnic Identity: An Example From the Southern Plains Tribes of Oklahoma,” *Plains Anthropologist* 28 (May 1983); *Ethnic Identity and the Boarding School Experience of West-Central Oklahoma Indians* (Washington, D.C.: University Press of America, 1983); Devon A. Mihesuah, *Educating the Rosebuds: The Education of Women at the Cherokee Female Seminary, 1851–1909* (Urbana: University of Illinois Press, 1993).

natives down, into a social death and purgatory. The result of measures designed to rid Indians of the lands East just fifty years earlier had dealt a more devastating blow to Indian nations, but the fight for existence and basic rights was far from over after Removal. While assimilation promised to remove Indians from themselves, there are traces of resistance that indicate the reality was anything but an unavoidable wave of civilization.<sup>3</sup> Rather, as we shall see, Indigenous peoples found ingenious ways to utilize the weapons of assimilation against themselves, and subvert the fate of non-existence. Not every strategy used by American Indians was successful, and some left the proponents of Indigenous rights in obscurity. Violent resistance was certainly the most direct way to stage anti-assimilation, but a deeper story exists. Rhetorical resistance was non-violent. It introduced the means to protest the death of the people, the loss of culture, and the right to exist without detection—under the table.

Moreover, as identified by Anishinaabe writer and literary critic, Gerald Vizenor, *survivance* played an important role in the narrative of American Indian intellectual history and experience. Survivance, the conjunction of the words “survival” and “resistance”, is an analytical tool for understanding American Indian responses to colonialism through the assertion that participation in assimilation was a survival measure taken specifically as an act of self-definition and meaningful resistance.<sup>4</sup> “Native survivance,” wrote Vizenor, “is an active sense of presence over absence, deracination,

---

<sup>3</sup> Frederick Jackson Turner’s “Frontier Thesis” has largely been confronted by New Native History, and has been refuted to some extent. However, through this work, I keep in mind Turner’s assertion that civilization drove the American frontier, and hope to meet that assertion with counter examples of subaltern, Indigenous interpretations and manipulation of the civilization theory.

Frederick Jackson Turner, “The Significance of the Frontier in American History, 1893,” *Annual Report of the American Historical Association for the Year 1893* (Washington, D.C., 1894).

<sup>4</sup> Gerald Vizenor, “Aesthetics of Survivance: Literary Theory and Practice,” in *Survivance: Narratives of Native Presence*, edited by Gerald Vizenor, (Lincoln, NE: University of Nebraska Press, 2008), 1.

and oblivion; survivance is the continuation of stories, not a mere reaction, however pertinent.”<sup>5</sup> In other words, Vizenor argued certain accommodation or assimilation tactics should be more accurately understood as an assertion of American Indian existence within oppressive systems.<sup>6</sup> Survivance and particularly the less overt measures to achieve it, I argue, were readily present in the language used by Indigenous peoples who hoped to challenge the status-quo of Indian affairs within the United States, at this most contentious period.

As more than just a literary tool used to assess the presence and promote the continuation of Indigenous culture, the basic principles of survivance can be used by historians to examine the consequences of assimilation. However, I dissent from Vizenor’s definition slightly, as I assert that when applied with a historical perspective, survivance looks more like a series of strategies. Survivance, then, should be understood by historians as any active assertion of self-determination, separate from any mere reaction, with a premeditated appeal to the political and social expectations of assimilation, designed to promote the survival of Indigenous people and institutions. When understood as a process, survivance strategies are inherently political, and extend beyond the cultural origins of Vizenor’s tool. The outcome rather than the process alone is the preservation of Native culture. Assimilation is typically understood as a cultural phenomenon, but by utilizing this framework, it becomes clear that people utilized political and legal strategies to meet and subvert its consequences.

---

<sup>5</sup> Vizenor, 1.

<sup>6</sup> See Lisa Brooks, *Our Beloved Kin: A New History of King Phillip’s War*, (Yale University Press, 2018). Brooks illuminates ways in which Indigenous Peoples of Early America assert existence, and adapt to colonial conflict. The idea of navigating colonial systems through the lens of resistance continues to be a relevant component of Indigenous studies.

In the first chapter, I will investigate Indigenous newspapers published in Indian Territory (Oklahoma) from 1870 to 1890, wherein I will argue that the adaptation to hybrid-texts provided distinct Indigenous voices a political and cultural platform to assert national existence, and relevance in the decades after Indian Removal. I turn to the *Indian Chieftain*, a paper published in the town of Vinita, as a primary example of how Indigenous journalists and newspaper editors from the Cherokee Nation contributed to the conversation of survivance. Their tactics frequently involved campaigning for five nations leaders that embodied their values, condemning the private sale of Indian lands to outsiders, and encouraging Cherokee citizens to claim allotments. This paper also reveals the complexities of surviving under the allotment system, as those who contributed to the *Indian Chieftain* were embroiled in the logic of civilizing. This led to dissonant critiques of other Indian nations across the United States from the *Chieftain*'s editors in an effort to preserve a sense of legitimacy in the eyes of the federal government. If the lands of Indian Territory could be privatized through allotment, the editors of the *Indian Chieftain* made it clear that it should be done to keep US interference and white settlement at bay through their twenty-year run.

The second chapter will illuminate the arguments and convictions of two key court cases: *United States ex. rel. Standing Bear v. Crook* (1879) (hereafter Standing Bear v. Crook), and *Elk v. Wilkins* (1884) (hereafter Elk v. Wilkins). Stemming from the removal of the Ponca Indians from the Niobrara River to Oklahoma and the botched Winnebago removal from the state of Wisconsin, Standing Bear and John Elk sought to protect and define their individual rights under the law. A group of philanthropists and lawyers, known as the Omaha/Ponca Committee, intervened on Standing Bear and Elk's

behalf. The Ponca Committee publicized both cases, making Standing Bear's case a national concern for Indian rights under the law in federal court in the District of Nebraska, and ultimately arguing Elk's case before the United States Supreme Court. After being falsely imprisoned, Standing Bear sought to secure the right to a due legal process for all Indian people, and better define the status of Indians within the United States. Meanwhile, in a divisive bid for Indigenous rights to American citizenship, John Elk sued the United States for the right to vote in US elections, but ultimately lost. In this chapter, I argue that dissenting voices among Indigenous Peoples of the late nineteenth century complicated narratives of identity, citizenship, and sovereignty that would establish the precedent for the Indian American political relationship throughout the twentieth century. Furthermore, I reveal that not every strategy of survivance succeeded in winning Indian peoples the rights and victories they fought for. The story of these two men, Standing Bear and John Elk, reveals the ways in which non-elites traversed the US legal system, and turned the rhetoric of the constitution, Christianity, and assimilation into a sophisticated and nuanced argument for Indigenous rights.

In the third and final chapter of my thesis, I argue the first all-Indigenous rights advocacy organization, known as the Society of American Indians, utilized the rhetoric of civilization, individualism, and racial uplift in their *Quarterly Journal* to subvert what appeared to be a strict assimilationist goal of becoming full US citizens. Rather, these Indigenous elites imagined a new identity within the context of Progressive reform for American Indian legal rights, and found new ways to assert sovereignty. Just as the previous examples demonstrated that the rhetorical adoption of assimilation was a paradoxical and contentious strategy, so too were the writings of the Society of American

Indians. With the dawn of the twentieth century, no doubt many Americans believed the Indian problem had subsided with the Wounded Knee massacre. However, the Society of American Indians demonstrated that the issues facing Indian peoples across the United States were far from over. Forging an inter-tribal consciousness, streamlining the process of sloughing-off dependency, and re-orienting the conversation of Indian rights advocacy to match American progressivism; these were all new strategies that the diverse membership of the Society of American Indians introduced into the repertoire of subverting assimilation.

By asserting existence and subverting assimilation through rhetoric, the Indigenous agents I highlight had to redefine their place within larger American society. As indicated previously, I understand this important act of Indigenous identity formation partially through the literary framework of *survivance*, the willful adoption of assimilation policy as a means to survive and resist colonialism. However, I approach this framework not just from the perspective of self-preservation, but self-determination. By adopting assimilationist language, some American Indians established a façade that allowed them to press for legislation that aided in removing federal agencies from Indian affairs, and more specifically from the regulation of tribal lands. The major themes of self-determination, Indian identity formation, and transformation relate to my broader argument that conceptions of identity were divisive, and integral to understanding Indigenous modes of resistance in the nineteenth and twentieth centuries.

American Indian historical study has undergone a substantial transformation within the last century. From the ethnographic and anthropological accounts of the early twentieth century from such popular and well-remembered scholars as Franz Boas and

James Mooney, to contemporary theory of resistance and adaptation, the story of Indigenous peoples in American history has largely been one of domination, assimilation, or simple non-existence.<sup>7</sup> Scholars of the social sciences and humanities alike have projected a framework upon the histories and stories of Indian peoples that often do not align with the Aboriginal values, morals, or lifeways, and instead were designed to extract information from Indian communities, but never to bring that information back to

---

<sup>7</sup> The transformation of Native American Historical study has largely been one of an incorporation of new methods which are typically aligned in some respect to the kind of study produced in the social sciences. The earliest academic works of Mooney and Boas, for example, reflect a strict anthropological framework for understanding Indigenous peoples, but their work was far from empirical, often written *about* Indian peoples, rather than *with* natives. See, Franz Boas, *Handbook of American Indian Languages* (Cambridge: Cambridge University Press, 1911); "Mythology and folk-tales of the North American Indians," *Journal of American Folklore* 27, 106 (Oct.-Dec. 1914), 374–410; James Mooney, *The Sacred Formulas of the Cherokees*, US Bureau of American Ethnology, 1885-6 Annual Report, 1891; *Siouan tribes of the East*, US Bureau of American Ethnology Bulletin, 1894.

As the ethnographic trend in Native history diminished, the work of Ethnohistorians such as Wauchope. See Robert Wauchope, ed. *Handbook of Middle American Indians*, 16 volumes, (Austin: University of Texas Press, 1976). The goal of early 1970's work on Native history was to incorporate a more pragmatic approach to ethno-studies, by incorporating a more political and social aspect. James Axtell's work is an excellent example of this historiographic period. See James Axtell, *The European and the Indian: Essays in the Ethnohistory of Colonial North America*, (Oxford University Press, 1982); *The Invasion Within: The Contest of Cultures in Colonial North America*, (Oxford University Press, 1986).

After the historiographic shift toward ethnohistory, "New Native Historians" such as Richard White, Cole Harris, and others incorporated geography, power, and cultural dynamics into the historiographic fold. Works such as: Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650-1815*, (Stanford University Press, 1991); Cole Harris, *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia*, (University of British Columbia Press, 2002); Ned Black Hawk, *Violence Over the Land: Indians and Empires in the American West*, (Harvard University Press, 2006). The histories of this period typically defined the relationships between Imperial powers and Indian nations as more complicated than previous generations of scholars had done. Here, resistance as a framework for study really came into its own. While the regional component of these works is indeed crucial to their arguments, I argue their exploration of resistance is far more relevant to contemporary historical study.

Finally, as a rejoinder to the emphasis on resistance, works such as Daniel K. Richter, Michael Witgen, Pekka Hamalainen, and Lisa Brooks offered historians a new platform that focused energy on illuminating Indian identity, culture, and power. See: Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America*, (Harvard University Press, 2006); Michael Witgen, *An Infinity of Nations: How the Native New World Shaped Early America*, (University of Pennsylvania Press, 2013); Pekka Hamalainen, *The Comanche Empire*, (Yale University Press, 2008); and Lisa Brooks, "The Constitution of the White Earth Nation: A New Innovation in a Longstanding Indigenous Literary Tradition," in *Studies in American Indian Literatures* 23.4: 48-76 (Winter 2011). With this current generation, the integration of more interdisciplinary methods is palpable, and the primary aim of this work, is generally to understand how Indian power, culture, and society influenced broader historical events. I argue, that further blending methodological practices will allow historians to develop beyond Early America, and begin applying these new techniques and perspectives to later histories.

the peoples whose knowledge of themselves has been left with deep voids.<sup>8</sup> The trajectory of the study *of* Indian peoples has flourished, and has done so since contact, while the study *with* Indian peoples has only just begun to emerge as a popular model. Often, the most relevant methods go underappreciated, as is the case with Gerald Vizenor's aforementioned, monumentally important redefinition of Indigenous studies in *Narratives of Survivance*.<sup>9</sup> First coined in Vizenor's *Manifest Manners: Narratives of Postindian Survivance*, survivance was understood as a rejection of victimization. In contemporary interdisciplinary study, however, Vizenor's work may seem stale, if not a bit dated. Some literary critics, such as James Mackay, suggested Vizenor's survivance was essentially toothless, and did not fully incorporate a model that represented what truly mattered to Indigenous communities.<sup>10</sup> As a historian, literary analyst, and cultural theorist, Vizenor incorporated a plethora of methodological means to describe survivance. The most prominent and frequently cited, however, was through rhetoric. Vizenor's work inspired a subtle shift in Native American studies toward defining

---

<sup>8</sup> Susan A. Miller and James Riding, eds., *Native Historians Write Back: Decolonizing American Indian History*, (Lubbock: Texas Tech University Press, 2011). Miller and Riding's collection of essays suggest that Indian peoples and Indian perspectives can and should continue to be woven into American history. Still, there are more examples that put European world views or systems onto Indian peoples, such as Hamalainen's *The Comanche Empire*, but it is easy to find newer works that argue for Indian ways of knowing. See, Jean O'Brien, *Firsting and Lasting: Writing Indians Out of Existence in New England*, (University of Minnesota Press, 2010); Daniel Heath Justice, *Our Fire Survives the Storm: A Cherokee Literary History*, (University of Minnesota Press, 2006). Both O'Brien and Heath Justice provide a nuanced, interdisciplinary perspective with an eye toward incorporating new, Indigenous worldviews that are focused on Survival and Existence. These are most valuable to my research, and echo the writings of Vizenor, suggesting these themes are beginning to come into their own within the study.

<sup>9</sup> Vizenor, *Narrative Chance*, 1. Note that Vizenor's literary criticism coincided with the development of "New Native History," and is deeply embroiled in the academic politics of the Cultural Turn in the 1970's.

<sup>10</sup> James Mackay, "Native American Literary Theory." *Journal of American Studies* 41, no. 3 (2007): 675-80. Mackay criticized Vizenor's work while discussing the vague definitions of survivance. Mackay's criticism highlights the shortcomings of survivance, and historians would do well to keep his arguments against the theory in mind.

resistance beyond violence, and into underrepresented channels such as native literature, arts, and expression.

Vizenor's own definition of survivance evolved throughout his academic career, and soon incorporated themes of self-determination, sovereignty, identity, cultural fluidity, and action. All of which, help mold survivance into a loosely defined, interdisciplinary lens through which scholars can revitalize the field of Native American studies. Where Vizenor truly gives survivance some academic "bite" is in his assertion that survivance cannot be dispassionate or passively achieved. Instead, survivance was most effective and evident with action.<sup>11</sup> Since Vizenor's contribution, new methods, new modes of research, and new source-bases. continue to flood into Native American Studies departments and publications. What appears to be burgeoning on the horizon, and is increasingly pertinent, is the decolonization of that knowledge. The study *of* is inherently colonial, while the study *with* opens new opportunities for historical research in particular to reach significance beyond the field itself. With Vizenor's rhetorical lens, it is possible to decolonize archival material and sources, and in doing so, reveal a deeper and more complex history of Indian peoples that has yet to fully surface.

From Vizenor came works such as Frederick Hoxie's *Talking Back to Civilization: Indian Voices from the Progressive Era* (2001), which further cemented the use of anti-assimilation rhetoric as a lens for historical study. Hoxie suggested that the rhetorical aspect of responding to assimilation was far from toothless. Instead, "talking back" to civilization practices re-oriented Indigenous identity, and challenged American

---

<sup>11</sup> Vizenor, *Narrative Chance*, 1.

nationalism.<sup>12</sup> Hoxie's assertion suggested that rhetorical devices such as survivance held water when put into historical perspective, and other historians such as Jason Edward Black continued to root fundamental Indian resistance practices in the field of rhetoric. Black's *American Indians and the Rhetoric of Allotment and Removal* not only illuminated the chronological fluidity of survivance strategies, but illustrated the potential for decolonizing historical epistemology. Citizenship, sovereignty, and racialism each play into Black's assertion that indigenous voices are an expression of identity, and therefore, existence.<sup>13</sup> A predominant question that arises when discussing Indigenous identity in a historical context is one of authenticity. What makes an Indian a true or real Indian as opposed to any other? This is also determined by society at large, as Indians are depicted, and depict themselves to a larger global audience. However, authenticity plays out predominantly in the social politics of Indian nations, as sovereignty, nationhood, citizenship, and self-determination hang just outside the grasp of Indian peoples. Defining citizenship, for example, is one way of declaring authenticity. Distributing tribal affiliation on the grounds of tribal authority and no other is two things: an assertion of what Indians say is authentic, and an assumption of that identity that plays out in social, political, and even economic planes.

---

<sup>12</sup> Frederick E. Hoxie ed., *Talking Back to Civilization: Indian Voices from the Progressive Era*, (Boston, MA: Bedford/St. Martin's, 2001). See also, Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1890–1920* (Lincoln: University of Nebraska Press, 1984). Hoxie's works are deeply influential on the incorporation of rhetoric and assimilation on the historical discipline, inspiring Black's interdisciplinary work.

<sup>13</sup> Jason Edward Black, *American Indians and the Rhetoric of Allotment and Removal*, (Jackson, MS: University of Mississippi Press, 2015). Black comes from the communications discipline, but his work is absolutely relevant to historians for his interpretations of the aftermath of the Black Hawk War, Indian perspectives of major US Indian policies, and active resistance.

It's unrealistic, however, to assert that Indian existence is hinged solely on the formation and definition of an authentic identity. Rather, Indigeneity is an inheritance: a collection of ideas, lifeways, traditions, material, and patterns that seep into the lives of decedents, who choose to engage with that identity on their own terms, or as their circumstances allow them. Moreover, what makes identity formation even more perplexing is the infinitesimal ways in which it is expressed, and the expectations that accompany cultural productions, assertions of existence, wars, and transmissions that are unique from any other experience. American Indian existence has repeatedly been called into question by federal authorities and American society at large, and has been uniquely situated as demanding justification for that identity. As Black proposed, Indian identity in the nineteenth and twentieth century could be understood as relational to the US, complicating the memory of Indian experiences and the expectations to remove, buy, allot, and civilize.

Famously, the source-base for Indigenous studies is frequently laden with inaccuracies, erasures, agendas, and misinterpretation, and in many cases, this was by design. In many cases, the story of American Indian genocide includes the removal of Indigenous institutions, language, and culture from the story of the United States. Many more sources are limited in what they have to offer historians, as autobiographies were generally translated by whites, collections of material culture have been bought and sold for private enterprise, and works of historical scholarship talk around natives, instead framing them as absent, deceased, or vanished.<sup>14</sup> Academics such as Vizenor, Hoxie, and

---

<sup>14</sup> There is a surprising body of autobiographical material by Native Americans, which feature a white translator who has later been shown to embellish or make-up certain experiences within the works. *Black Elk Speaks*, *Mountain Wolf Woman*, *Sister of Crashing Thunder: The Autobiography of a Winnebago Indian*, *Life of Black Hawk*, etc. are some examples.

Black demonstrate the theoretical basis for extending these limits. However, their work only gestures at one another, despite their deep rhetorical framework. Furthermore, little work at all has been done on the specific examples of subversive Indian rhetoric I illuminate, here. The work surrounding Indigenous newspapers has largely been about the linguistic anomaly of bi-lingual Cherokee papers.<sup>15</sup> The work that exists on *Standing Bear v. Crook* does not consider the outcome in relation to its sister, *Elk v. Wilkins*.<sup>16</sup> And contemporary historical study does not fully engage with the writings of the Society of American Indians.<sup>17</sup> And finally, there are no works of historical research that contextualize the three along an evolutionary spectrum of survivance strategies.

Survivance plays out differently in each case study. Instead of the more blunt application of survivance found in Vizenor's work, I argue strategies of survivance not only change over time, but compete, succeed, fail, and most importantly leave a distinct

---

Black Elk, and John Gneisenau Neihardt, *Black Elk Speaks: Being the Life Story of a Holy Man of the Oglala Sioux*, (Lincoln: University of Nebraska Press, 1979); Mountain Wolf Woman, and Nancy Oestreich Lurie, *Mountain Wolf Woman, Sister of Crashing Thunder: The Autobiography of a Winnebago Indian*, (University of Michigan Press, 1961); Black Hawk, and Milo Milton Quaiife, *Life of Black Hawk, Ma-Ka-Tai-Me-She-Kia-Kiak*, (Chicago, IL: The Lakeside Press, 1834).

For a conversation on this issues, see: William Bloodworth, "Varieties of American Indian Autobiography," *MELUS* 5, no. 3 (1978): 67-81. doi:10.2307/467341; Mick McAllister, "Native Sources: American Indian Autobiography," *Western American Literature* 32, no. 1 (1997): 3-23.

<sup>15</sup> Sharon Murphy, "American Indians and the Media: Neglect and Stereotype," *Journalism History* 6 (1979); "Neglected Pioneers, 19<sup>th</sup> Century Native American Newspapers," *Journalism History* 4 (1977). Murphy's work is rooted in the Cultural Turn, and she integrates journalism, Indian expressions, and history into inspiring articles.

Sam G. Riley, "The Cherokee Phoenix: The Short Unhappy Life of the First American Indian Newspaper," *Journalism Quarterly* 59 (1982), 46-51; "Alex Posey: Creek Indian Editor/Humorist/Poet," *American Journalism* 1, no. 2 (1984): 67-76. Following Murphy's work, Riley began interpreting the significance of other Indian newspapers, beyond the *Cherokee Phoenix*.

<sup>16</sup> Stanley Clark, "Ponca Publicity," *Mississippi Historical Review* 29, 4 (1943): 495-516. Clark, while providing a deep analysis of the Ponca Committee and the events surrounding Standing Bear's case, makes no mention of their role in John Elk's case.

<sup>17</sup> Hazel W. Hertzberg, *In Search for an American Indian Identity: Modern Pan-Indian Movements*, (New York: Syracuse University Press, 1971). This is the most comprehensive work on the Society, but does not fully contextualize the Journal's civilization rhetoric. Hertzberg does, however, include an interesting perspective on the origins of the Society, and the implications boarding schools had on Indigenous identity in the twentieth century.

historical record in their path. Scholars can interpret the specific goals, attitudes, and context for each strategy as a means to promote the survival and continuance of Indian ways of life. While innumerable strategies of survivance can be identified throughout the fifty years covered in this work, a general trend in how these strategies are enacted is evident. The trajectory of survivance during these fifty years can be understood as one that began with the goal of preserving the existence of post-removal tribal institutions and governments. When this failed, Natives then quickly transitioned to strategies designed to win legal precedent within the laws of United States that ensure the existence of Indian rights after the dissolution of tribal sovereignty. After legal precedent for personhood was established, Indian elites created strategies which aimed to ensure the survival of individual Indian rights to U.S. citizenship, which ultimately succeeded.

Using the full context of these case studies, I argue that across Indigenous spaces and along the timeline of Indigenous experiences and responses to the United States Indian policy, several instances where Indian agents, organizations, and individuals utilize rhetoric to subvert systems of assimilation – the primary objective of the turn of the twentieth century. This subversion is expressed through rhetoric that feign assimilation as a means to identify major issues that appeal to a variety of inter-tribal experiences. Survivance – and as I argue more particularly, self-determination—was the primary objective and undertone of this subversion. In three individual cases, I examine rhetoric that boasts unique and contemporaneous Indian viewpoints that both appeal to non-Indigenous sensibilities, satisfying the push for civilization, but nevertheless counter the over-arching narrative of submission to one of re-forged Indian identity – new

identities that challenge expectations of native existence both in the laws and conventions of the United States.

A second, but none the less significant narrative within my argument is one that traces the fall of tribal nations and the push for individual assimilation. Within this timeline, I illustrate how specific measures taken by native peoples across the United States complicated, or reoriented laws and policies that protected Indigenous existence. By assessing and analyzing these seemingly discreet examples of Indigenous expression of personal sovereignty, we can also understand the formation of Indian identity as a process, and one that is remarkably adaptable.<sup>18</sup> Themes such as the collective versus the individual, Pan-Indianism versus nationalism and inter-tribalism, as well as survivance, identity, allotment, citizenship, and Indian rights are also readily present within my narrative. The three case studies I provide follow a thematic, logical, and chronological progression. Beginning with the *Indian Chieftain*, it is clear to see Indigenous peoples, newly established in Indian Territory, are struggling with maintaining a national identity, keeping cultural lifeways alive, and combatting encroachment. By the end of the *Chieftain's* run, it is clear that the adoption of allotment fits within a larger story of the survival of individual Cherokees pitted against the success of the Cherokee Nation. The second chapter equally pits the individual against a national system, but instead extrapolates the experience of removal into defining the status of all Indian peoples.

---

<sup>18</sup> Some important works on Indian sovereignty include: David E. Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice*, (University of Texas Press, 1997); William McLoughlin, *After the Trail of Tears: The Cherokee's Struggle for Sovereignty, 1839-1890*, (University of North Carolina Press, 1993); *Cherokee Renaissance in the New Republic*, (Princeton University Press, 1986). These are most relevant to my arguments, as they overlap with Allotment and Supreme Court cases, but far more sources can be found in: Richmond L. Clow and Wade Davies, eds., *American Indian Sovereignty and Law: An Annotated Bibliography*, (Scarecrow Press, 2009).

Finally, we see a collective of Indians of many different backgrounds attempting to attain citizenship, and forge a pan-Indian intellectual alliance.

All the while, the United States at large was reeling from Reconstruction, implemented the allotment system in Indian Territory, “ended” the Indian Wars with the Wounded Knee Massacre, ushered in a new century, entered and exited World War I, then redefined who could be an American Citizen under the Johnson-Reed Act and the Indian Citizenship Act of 1924.<sup>19</sup> This period reflected deep ideological shifts, and the close of one of the most divisive chapters of American history, but also reflected a change in the trajectory of American Indian resistance. With each successive attempt to dismantle Indian lifeways, natives adapted. The allotment system became a means for some natives to retain individual rights over land, free of predatory corporations.

---

<sup>19</sup> For Indians in Reconstruction, see e.g.: Annie H. Abel, *The American Indian Under Reconstruction* (Cleveland, Ohio: Arthur H. Clark Co., 1925); Minnie Thomas Bailey, *Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism* (Port Washington, N.Y.: Kennikat Press, 1972); Angie Debo, *The Road to Disappearance* (Norman: University of Oklahoma Press, 1941); Charles J. Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, 7 vols. (Washington, D.C.: GPO, 1904–1979).

For Allotment, see e.g.: William T. Hagan, *Taking Indian Lands: The Cherokee (Jerome) Commission 1889–1893* (Norman: University of Oklahoma Press, 2003); D. S. Otis, *The Dawes Act and the Allotment of Indian Land*, ed. Francis Paul Prucha (Norman: University of Oklahoma Press, 1973).

For Wounded Knee, see e.g.: Dee Brown, *Bury My Heart at Wounded Knee: An Indian History of the American West*, (New York: Holt, Rinehart, Winston, 1970); Jeffery Olster, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee*, (Cambridge University Press, 2004); David Treuer, *The Heartbeat of Wounded Knee: Native America from 1890 to the Present*, (New York: Riverhead Books, 2019).

For Indians in World War I, see e.g.: Thomas A. Britten, *American Indians in World War I: At War and at Home*, (Albuquerque: University of New Mexico Press, 1997); Susan A. Krouse, *North American Indians in the Great War*, (Lincoln: University of Nebraska Press, 2007); Russel L. Barsh, “American Indians in the Great War,” *American Society for Ethnohistory*, 38, no. 3, (Summer 1991); Frederick Hale, “Going on the Great White Father’s Warpath: Reactions to World War One on the White Earth Reservation,” *European Review of Native American Studies*, 11, no. 1. 1997.

For Indian Citizenship Act, see e.g.: Kevin Bruyneel, “Challenging American Boundaries: Indigenous People and the ‘Gift’ of U.S. Citizenship,” *Studies in American Political Development*, 18 no. 1, (2004): 30–43; Lori Lynn Muntz, “Representing Indians: The Melodrama of Native Citizenship in United States Popular Culture of the 1920s,” (Department of English, University of Iowa, May, 2006); Stephen E. Cornell, *The Return of the Native: American Indian Political Resurgence*, (New York: Oxford University Press, 1988); Hazel Hertzberg, *The Search for an American Indian Identity: Modern Pan-Indian Movements*, (Syracuse, N.Y.: Syracuse University Press, 1971).

Wounded Knee changed how the United States engaged with Indian tribes, and the dissolution of the treaty system forced battles out of the fields and into the courts. World War I and the Johnson-Reed Act had Americans beginning to question their role in global politics, and the Indian Citizenship Act of 1924 incorporated American Indians into that same milieu.

So, why in the midst of fervent political action and violent resistance is survivance, a literary theory, important to historians? When compared to the drama of incidents like the Crazy Snake Rebellion, Wounded Knee, Black Hawk's War, Sand Creek Massacre, and other violent acts of resistance, the design of survivance is simply to endure.<sup>20</sup> By illuminating the instances where resistance is subtle and hidden, I am not rejecting violence as an effective or justified historical model, but have instead indicated where the historical scholarship has fallen short. Survivance, according to its own definition, is designed to continue Indigenous experiences into the future, and reject oppression through hidden or subversive means.<sup>21</sup> Assimilation, accommodation, acculturation, violence, and abstention were all major strategies worth historical study, but survivance is one that is enduring, and is deeply understudied. More than violence, which frequently resulted in the death of Indian peoples, assimilation, which resulted in the loss of culture and memory, and more than accommodation and acculturation, which

---

<sup>20</sup> The following is a list of works that detail the historical background of some of the most violent acts of resistance in the nineteenth century; Leslie Jones, "Chitto Harjo and the Snake Rebellion," *The Chronicles of Oklahoma* 88 (Summer 2010); Mel H. Bolster, *Crazy Snake and the Smoked Meat Rebellion* (Boston: Branden Press, 1976); John W. Hall, *Uncommon Defense: Indian Allies in the Black Hawk War*, (Harvard University Press, 2009); Patrick J. Jung, *The Black Hawk War of 1832*, (Norman, Oklahoma: University of Oklahoma Press, 2007); Roger L. Nichols, *Black Hawk and the Warrior's Path*, (Arlington Heights, Illinois: Harlan Davidson, 1992); Thom Hatch, *Black Kettle: The Cheyenne Chief Who Sought Peace but Found War*, (Hoboken, NJ: John Wiley & Sons, 2004); Gregory F. Michno, *Battle at Sand Creek*, (El Segundo, CA: Upton and Sons, Publishers, 2004).

<sup>21</sup> Vizenor, *Narrative Chance*, 1.

left Indigenous communities with few resources, survivance tactics were inherently designed to perpetuate life, culture, and resources. While not always the most pertinent or successful mode of resistance, survivance afforded any member of the Indigenous population an opportunity to oppose oppression. Therefore, survivance can be found in remarkably surprising places, where educated elites, non-English speaking, hardline assimilationist, and hardcore traditionalists alike could participate, and historians must expand their sources, and understand what those sources say about the Indigenous voices and influences imbedded within them.

Within each chapter, we will see mediums not traditionally used by Indigenous peoples to express cultural and political identity. Instead, the *Indian Chieftain*, legal arguments made in courts of law, and the Journal of the Society of American Indians all serve in some aspect as hybrid texts.<sup>22</sup> My sources themselves act as an example of Indigenous adaptation, reflecting how each medium was utilized or manipulated to express complex ideals and values of the native peoples that adopted them. The *Indian Chieftain*, for example, was remarkable for several reasons, one of which was its rhetoric, but another was its place among Indian Territory newspapers. The *Chieftain* boasted a sizable readership of 3,000 people in Northeast Oklahoma, ran weekly and sometimes daily for over thirty years (which was uncommon for Indian papers), and claimed to be the voice of the five civilized tribes. Moreover, *Standing Bear v. Crook* and *Elk v. Wilkins* were remarkable in that they represented a transition in the relationship between Indian peoples and the United States government. Standing Bear and John Elk were the

---

<sup>22</sup> See Daniel Heath Justice, *Why Indigenous Literatures Matter*, Indigenous Studies Series (Wilfrid Laurier University Press 2018). The best example of hybrid texts, however, would be O'Brien's *Firsting and Lasting*.

first Indians to individually sue for protection of their due process rights and recognition of U.S. citizenship, respectively. The two cases represent a surprising appeal toward Americanization that at first seems antithetical to the survival of Indian life, but upon closer inspection reveal the goals of two native men who actively resisted removal. Furthermore, I understand *Elk v. Wilkins* as a failure of survivance rhetoric, as John Elk was not granted the right to American citizenship, which would not be granted for another forty years. Considered together, the cases illuminate the complexities of Indian status within the law, and the imperfect nature of adopting citizenship tactics. Finally, the official Journal of the Society of American Indians was not only published quarterly for almost twenty years, but reflected intense intellectual debate over Indian affairs. The arguments, questions, and ideas expressed in the journals were sometimes passionately for assimilation, and others advocated a return to the old ways. The Society managed to change the course of Indian identity by successfully seeing the Indian Citizenship Act through congress, before disbanding.

These primary source documents reveal the kind of sources available to historians who hope to utilize the theoretical frameworks I have described. They act both as an example of survival and adaptation in themselves, and when read, read as pieces of resistance. After reading many volumes of the *Indian Chieftain* and the Journal of the Society of American Indians, and sifting through the jumbled accounts of *Standing Bear v. Crook* and *Elk v. Wilkins*, and discovering what little secondary literature exists for each case, it is plainly evident that historians and Indigenous scholars have much to gain from looking at these texts. My design and intent with each chapter was to tease as much as possible from each source that illuminated instances where the rhetoric endorsed

assimilation measures, and compare these moments to counterpoints within the same document, or through a related text. But my research only revealed that there was much more work to be done with my sources. Complete historical workups of Indian newspapers and newspaper editors could spring from the information that I gesture to. Ultimately, I hoped to imbue into each section a sense that the rhetoric of survivance had consequences. Indian Territory was broken into allotments. Native legal rights were awarded, then rejected. And the identity of all Indian peoples in the United States was altered. What these few Indigenous actors and writers achieved was not insignificant, and it was due at least in part to their subtle twist on the expectations of their oppressors.

## Chapter 1

### **“The Junction”: Five Nations Inter-Tribal Resistance, Politics, and Sovereignty in the *Indian Chieftain*.**

---

To anyone in the know among the people of the Cherokee Nation, it was simply called, “The Junction.”<sup>23</sup> The small frontier town of Vinita, Oklahoma grew from the ashes of the Civil War, fixed at the crossroads of the Missouri, Kansas, and Texas Railways. As little more than a waystation in 1871, Vinita stood on the outskirts of Cherokee Nation territory. Consequently, the people of Vinita witnessed the limits and contention of Inter-tribal law, sovereignty, citizenship, identity, and rivalry in the last quarter of the nineteenth century.

This anomalous little village, freshly sprung from the roots of the iron railhead, was home to a compelling and deeply political, weekly publication known as the *Indian Chieftain*. For two decades, the *Indian Chieftain* served as one of the most significant and influential newspapers in the Cherokee Nation, running from 1882 until 1902.<sup>24</sup> Featuring the editorial insights of some of the Cherokee Nation’s most prominent leaders such as Augustus “Gus” Ivey, Robert Latham Owen, William Potter Ross, John Lynch Adair, and

---

<sup>23</sup> O.B. Campbell, *Vinita, I.T.: The Story of a Frontier Town of the Cherokee Nation, 1871-1907*, (Oklahoma Publishing Company, 1969). Other works on Vinita include local historical accounts of Craig County:

*The Heritage of Craig County and Cooweescoowee and Delaware Districts, Indian Territory*, Vol. 3 (Vinita, Okla.: Craig County Genealogical Society, 2000); *The Story of Craig County: Its People and Places*, 2 vols. (Vinita, Okla.: Craig County Heritage Association, 1984–1991).

<sup>24</sup> Oklahoma State Historical Society, *Indian Chieftain*, *Chronicling America*, <https://chroniclingamerica.loc.gov/essays/886/>.

Daniel M. Marrs. Each of these men contributed substantially to the unique voice of the *Indian Chieftain* (1881-1913), which made a bold case for itself, featuring the motto, “Devoted to the Interests of the Cherokees, Choctaws, Chickasaws, Seminoles, and Creeks, and Other Indians of the Indian Territory.”<sup>25</sup>

This decidedly inter-tribal perspective sheds an important light on the nature of Indigenous existence within Indian Territory, carrying a distinct and subversive Indigenous voice through both the turn of the twentieth century and the dismantling of independent Indian Nations. By examining the historical trajectory of the *Indian Chieftain* as well as its rhetoric, political goals, and correspondence with other publications, and comparing these elements to the wider historical arch of Cherokee national identity and power, a much more complex understanding of Indigenous political agency and identity can be understood. The *Indian Chieftain*’s forebearers, the *Cherokee Advocate* and the *Indian Progress* enter a larger conversation about the direction of Indigenous agency and citizenship that re-orient the historical understanding of post-removal native existence into a definitively uncertain and inter-tribal context.

In this context, the strategy of survivance utilized by the editors of the *Indian Chieftain* can be seen in the political platform they promote over the lifespan of the paper. The *Chieftain*’s platform can be summarized in three parts. Advocating for the allotment system, vilifying predatory industrial leases, and accentuating Five Tribes civility over other tribal nations are three major themes present within the pages of the *Indian Chieftain*, and generally do not fit with more traditional models of resistance.

---

<sup>25</sup> Oklahoma State Historical Society, *Indian Chieftain*.

These strategies seem antithetical to the purpose of promoting Indigenous sovereignty, when in fact, this was by design. Self-definition and, as I argue, self-determination are the core marks of survivance strategies. By advocating for allotment, the editors of the *Indian Chieftain* (whom we shall learn varied in their methods and principles) hoped to return jurisdictional authority and material land to citizens of the Five Tribes, therein strengthening tribal claims to self-determination and self-sufficiency. Secondly, by introducing the readership of the *Chieftain* to the predatory practices of oil, coal, and land magnates looking to buy allotments out from under Indian people, the editorial staff reinforced the goal of keeping lands under the control of tribal citizens. This proved to be a more challenging goal to achieve in practice, as many allottees were left with little choice but to sell their lands in order to survive.<sup>26</sup> Finally, by distinguishing the civilizing measures already taken by members of the Five Tribes and contrasting their experience to other tribes such as those in the Dakotas, the editorial staff were cementing a direct vision for civility, making them alluring candidates for tribal sovereignty to the federal government.

Each of these strategies work in conjunction to promote the survival of tribal governance, prove self-determination, resist outside industrial influence, and redefine the

---

<sup>26</sup> By 1891, the Cherokee agreed to sell grazing lands in the “Cherokee Outlet,” totaling to 6,022,754 acres at a sum of \$8,595,736. After the Dawes Commission successfully negotiated for Cherokee general allotment, Cherokee lands were broken into 80-acre allotments, and the surplus lands were sold to the government. Oklahoma State Historical Society, *Allotment*, <https://www.okhistory.org/publications/enc/entry.php?entry=AL011>. See Also, Kent Carter, *The Dawes Commission and the Allotment of the Five Civilized Tribes, 1893–1914* (Orem, Utah: Ancestry.com, 1999); William T. Hagan, *Taking Indian Lands: The Cherokee (Jerome) Commission 1889–1893* (Norman: University of Oklahoma Press, 2003); D. S. Otis, *The Dawes Act and the Allotment of Indian Land*, ed. Francis Paul Prucha (Norman: University of Oklahoma Press, 1973); Carl Coke Rister, *Land Hunger: David Payne and the Oklahoma Boomers* (Norman: University of Oklahoma Press, 1942); Terry P. Wilson, *The Underground Reservation: Osage Oil* (Lincoln: University of Nebraska Press, 1985).

Indigenous experience in post-removal Indian Territory. The historical trajectory of the paper, its editors, and the political voice serve as a unique example of survivance because the strategies displayed within the pages of the *Indian Chieftain* are ultimately aimed at ensuring the survival of Indigenous institutions—the Indian Nations. Far beyond the singular purpose of promoting the continuance of culture, the *Indian Chieftain* sought to maintain the existence of Indian political presence amid a federal project designed to dismantle tribal governments. More than the mere cooptation or adoption of assimilation, the strategy of survivance displayed within the *Indian Chieftain* is one specifically designed to inform regular Indian citizens about the system of allotment, how to prevent compromising sales that undermined tribal existence, and how to adopt an air of civility to authority. Moreover, this strategy is one intended to resist the dissolution of tribal entities by disseminating information and political ideas designed to strengthen the case for Five Tribes sovereignty.

This is first and foremost a story about the editorial voice of the *Indian Chieftain*, and the way in which the predominantly Cherokee editorial staff utilized the guise of citizenship, education, and assimilation to combat government and independent industry from infiltrating and exploiting lands in Indian Territory. Although the paper adopts a tone that pays homage to the “virtues” of education, industry, and agriculture, there is a distinct line of critique that is blatantly evident within the *Chieftain*, that subverts the influence of oil and coal magnates, as well as US government surveys. The editors of the *Chieftain* exhibited various goals, political agendas and platforms that altered the major arguments lodged against the intrusion upon Indian Territory by the US and outside industries. These arguments can best be understood through the theoretical lens of

survivance. Survivance can be understood as the conjunction of two elements of Indigenous experience in the nineteenth and twentieth century, as identified by Gerald Vizenor in his 1994 publication, *Manifest Manners: Narratives on Postindian Survivance*: survival and resistance. According to Vizenor, survivance is an opposition to victimry through the assertion of persistence, presence, existence, and cultural endurance.

The aim of this chapter will be to illuminate the circumstances of Indigenous rhetoric and language as they were published in the *Indian Chieftain* from 1887 to approximately 1900 that exhibit survivance as a reality within post-removal Indian Territory. Immediately, several things are evident based on the primary source material chosen for this chapter. The *Indian Chieftain* was not written in a vacuum. Vinita and the dynamic editorial dynasty that inherited the publication imbued the paper with all the complex, and overlapping instances of contested tribal space in Indian Territory. This period marks a turning point in Indigenous politics, as individual tribal nations took sides in the American Civil War, so too did factions within those nations. The Cherokee Nation, for example, was deeply divided among Unionists and Confederates, resulting in an uneasy political base.<sup>27</sup> Moreover, the Cherokee, Chickasaw, Choctaw, Creek, and Seminole Nations held a unique status within the United States statutes and laws governing Indian affairs. Known as the “Five Civilized Tribes,” these nations (whose jurisdiction extended the majority of West and Southwestern Indian Territory) were originally omitted from the Dawes Severalty and Allotment Act of 1887. The Five Tribes were incorporated through subsequent amendments and the Curtis Act of 1898 which

---

<sup>27</sup> See Clarissa Confer, *The Cherokee Nation in the Civil War*, (Norman, OK: University of Oklahoma Press, 2007), for a more in-depth analysis of the Nation’s role in the war and the sectionalism that occurred.

dismantled the national governments of the Five Tribes, and disbanded communal lands, and a deeply polarized, public debate played out within the pages of the *Chieftain*. The *Indian Chieftain* is remarkable because, as an independent Indian publication, rather than one sponsored by a tribal government, a Christian mission, or trade school, it survived these major political and social upheavals, ceasing circulation in 1913.<sup>28</sup>

The editors and authors of this paper must be understood within the context of their own peoples and perspectives to fully grasp the rhetorical tools they use throughout the *Chieftain*'s run. Post-removal Indian Territory natives had vastly different agendas, worldviews, and imbued these editorials with different meanings. Furthermore, the Indigenous voice in this publication was obscure, monitored, and/or edited, thus making the project of determining Indigenous presence and rhetorical resistance all the more significant. What does this fact mean for the language of each editorial? Where can Indian voices be heard? The *Indian Chieftain* underwent several transformations and shifted many editorial hands during the several decades of its incarnation. The indigenous editorial voice is evident through local histories and Cherokee Nation records that note the instances of Indigenous erasure that accompany the early editions of the paper.

Likewise, the paper addresses the specific concerns of the “Five-Civilized Tribes” throughout, listing the intricacies of Indian affairs as they specifically related to Indian peoples. This paper serves as a census of American Indian affairs, as they most specifically related to the native peoples themselves, serving on the front lines of assimilation, land cessions, and cultural erasure. Therefore, these newspapers provide a

---

<sup>28</sup> The paper was owned and managed by George W. Green until it was sold to M.E. Milford, a newspaper editor from Kansas.

unique and powerful opportunity to subvert such institutions, and read between the lines of assimilation rhetoric, and display instead the more significant existence of Indigenous writers, printers, and publishers and the vast political spectrum that spanned the American Indian experience.

The Indian Appropriations Act of 1871 (IAA) changed how Indigenous peoples existed within the cannon of the United States—no longer were native tribes independent nations. Instead, the IAA set forth the precedent for individualism by dismantling the tribal system within US literature and policy. This trend continued with legislation such as the General Allotment Act of 1887, and the 1898 amendment, known as the Curtis Act. In her article, “The Corporation and the Tribe,” Joanne Barker outlined the consequences of the suspension of treaty-making, and the rise of the General Allotment Act of 1887 (Dawes Act). Barker argued the change in legal status of Indian nations opened the floodgates for corporate exploitation of Indian lands in Oklahoma, and “this emboldened, entitled position— and the surrounding rhetoric of the overburdened regulation and taxation borne by corporations— evaded public and federal accountability for the role of railroad and related companies in the dispossession and genocide of Indigenous peoples.”<sup>29</sup> In other words, the privatization of Indian Territory through successive allotment legislation was *the* defining element to the Indigenous experience at this time, and this is plainly visible through the editorial voice of the *Indian Chieftain*.

By 1887, allotment was declared the new law of Indian lands. By 1898, the federal government’s decision to include the most “assimilated” peoples—the Indian

---

<sup>29</sup> Joanne Barker, “The Corporation and the Tribe,” *American Indian Quarterly* 39, no. 3 (Summer 2015): 243-270, 256.

nations of the Five Civilized Tribes—in the allotment system, dealt a devastating blow. The Curtis Act, passed June 28, 1898, left the Chickasaw, Choctaw, Cherokee, Creek, and Seminole peoples to the divisive system of blood-quantum, and sealed the fate of Indigenous identity and sovereignty for decades. The fleeting definition of “assimilated,” however, was particularly elusive by design. As James Robert Allison III indicates in his 2015 publication, *Sovereignty for Survival: American Energy Development and Indian Self-Determination*, “Indian people seized the skills necessary to protect their sovereignty because sovereignty was crucial to protecting tribal lifeways and land. To accomplish this, energy tribes had to first dismantle a century-old legal regime built on the premise of inherent tribal sovereignty but corrupted with an ideology of Indian inferiority.”<sup>30</sup> James Allison theorizes that in response to the dissolution of tribal authority for “energy tribes”—those that had access to material resources like coal or oil—took on the means to adapt and reclaim that sovereignty.<sup>31</sup>

When sovereignty is jeopardized in this way, it is essential to define a case where Indigenous voices exist at exactly the moment they were antagonistically and systematically removed, even from their own expressions relating to their own politics. What makes the ideas and expressions portrayed in the *Chieftain* so important, however, is that they tell a much more significant story of how Indigenous peoples traversed the

---

<sup>30</sup> James Robert Allison III, *Sovereignty for Survival: American Energy Development and Indian Self-Determination*, (Yale University Press, 2015), 3.

<sup>31</sup> Allison III, 3-4.

The following is a brief survey of historians who wrote on the experience of Cherokee Removal: Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians*, (Norman: University of Oklahoma Press, 1932); Matthew T. Gregg, "Shortchanged: Uncovering the Value of Pre-Removal Cherokee Property," *The Chronicles of Oklahoma* 87 (Fall 2009); Theda Perdue and Michael D. Green, ed., *The Cherokee Removal: A Brief History with Documents*, (Boston: Bedford Books of St. Martin's Press, 1995); Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, (Lincoln: University of Nebraska Press, 1984).

American socio-political landscape after removal and in the dawn of allotments and severalty. This research reveals the answers to several questions: How did they survive? How did participation in the printing of Indian newspapers demonstrate that survival and resistance? How do these outlets respond to the question of self-determination and sovereignty? And finally, how do these publications envision the future of American Indians?<sup>32</sup>

Few examples exist where historians have applied appropriate context to Indigenous newspapers, much less defined the way in which newspapers present a unique opportunity for tracing Indigenous survivance. Much of the work on American Indian newspapers that does exist remains focused on the publication of the *Cherokee Phoenix* and the *Indian Advocate*. This is evidenced by the mountainous volume of historical analysis that pieces together Cherokee discourse through these bi-lingual publications.<sup>33</sup> While these two newspapers are indeed instrumental in the historical understanding of Indigenous media in the nineteenth century, there is a world of literature beyond the *Phoenix* and the *Advocate* that has not been fruitfully explored. The *Indian Chieftain* may be the voice of an anomalous set of geopolitical circumstances, nonetheless, the paper

---

<sup>32</sup> Indian Territory Allotment Bibliography:

William T. Hagan, *Taking Indian Lands: The Cherokee (Jerome) Commission 1889–1893*, (Norman: University of Oklahoma Press, 2003); D. S. Otis, *The Dawes Act and the Allotment of Indian Land*, ed. Francis Paul Prucha (Norman: University of Oklahoma Press, 1973); Carl Coke Rister, *Land Hunger: David Payne and the Oklahoma Boomers*, (Norman: University of Oklahoma Press, 1942).

<sup>33</sup> Some of the older texts on the *Phoenix* include:

Duane H. King, ed., *The Cherokee Indian Nation: A Troubled History* (Knoxville: University of Tennessee Press, 1979); William G. McLoughlin, *Cherokees and Missionaries, 1789–1839* (New Haven, Conn.: Yale University Press, 1984); Robert G. Martin, Jr., "The Cherokee Phoenix: Pioneer of Indian Journalism," *The Chronicles of Oklahoma* 25 (Summer 1947); Theda Perdue, ed., *Cherokee Editor: The Writings of Elias Boudinot* (Knoxville: University of Tennessee Press, 1983).

These are but a few examples of the important texts that analyze the *Cherokee Phoenix*, and a sufficient reading of these materials will note that the *Phoenix* is typically juxtaposed with the formation, removal, and transformation of the Cherokee Nation. Thus, these historians typically align the paper with larger Cherokee Indian identity and history.

was among the most circulated in the Cherokee Nation.<sup>34</sup> By 1912, the *Chieftain* boasted a little over 3,000 subscriptions, before circulation ceased the following year.<sup>35</sup> This fact, along with the *Chieftain's* independent publication suggests that the paper could afford to be openly critical of tribal affairs, figures, and policies. Recent historians who have engaged with American Indians and newspaper media of the nineteenth century have identified the ways in which non-Indigenous papers constructed and perpetuated stereotypes of Indian peoples, rather than what native journalists and editors professed about themselves and their world.

John Coward's *The Newspaper Indian: Native American Identity in the Press, 1820-90*, stands as the preeminent example of how current studies of Indigeneity and newsprint media intertwine in the nineteenth century. However, Coward's analysis is not focused on Indigenous owned or printed papers. Instead, Coward explores American Indian imagery and stereotypes produced by white-owned papers of the frontier West. While his work explores the intricacies and nuances of Indian visual, literary, and rhetorical stereotyping, he does not incorporate the essential perspective of native newspaper editors and contributors. This study hopes to place these disparate historiographical moments in one trajectory.<sup>36</sup> In *The Newspaper Indian*, Coward indicates how non-Indigenous newspapers lifted native identity as a bellwether for progress. Utilizing Coward's assertion, it's clear that progress—and assimilation—were definitive earmarks of non-Indigenous projections of American Indian identity. There is a

---

<sup>34</sup> Harry F. O'Beirne, *The Indian Territory its Chiefs, Legislators, and Leading Men: Illustrated*, (St. Louis, MO: C. B. Woodward Company, 1898), 289.

<sup>35</sup> *Indian Chieftain*, April 12, 1912, pg. 3.

<sup>36</sup> John M. Coward, *Newspaper Indians: Native American Identity in the Press, 1820-90*, (University of Illinois Press, 1999).

less established and thoroughly unexplored body of work that defines the origins, scope, rhetoric, and linguistic achievements of papers printed by Indigenous peoples themselves.

As Sharon M. Murphy asserted in her 1983 article, “Native Print Journalism in the United States: Dreams and Realities,” American Indian journalism is deserving of academic scrutiny, focused on illuminating the distinct characteristics of Indigenous culture and society. “The primary tasks of early native newspapers were educational,” wrote Murphy, “and they furthered survival in a world which was increasingly dominated by non-Indians. A survey of these early newspapers gives the impression that their editors felt that it was only a matter of time before tribal lands would be surrounded and stolen.”<sup>37</sup> Indigenous newspapers served an essential role in the lives of natives forging new lives in Indian Territory: a means to adapt and learn. Before the 1870’s, the United States firmly adopted the reservation system, and was on the cusp of dishing out allotments, and denoting further generations of Indian peoples by blood quantum. In order to combat this, native news outlets, such as the *Indian Chieftain* stood as both an external projection of civility and assimilation, but also managed to keep a vast Oklahoma Indian population abreast of legislation, politics, and national projects that would affect them. That dual purpose of Indigenous newsprint was oriented toward assuring that a larger Indian population had the tools and the guise to survive post-removal life.

As evident by Murphy’s contention that an ever-looming threat served as the driving force for Indigenous journalism, the concern over land and tribal sovereignty was

---

<sup>37</sup> Sharon M. Murphy, “Native Print Journalism in the United States: Dreams and Realities,” *Anthropologica*, New Series, 25, no. 1, *Native North Americans and the Media: Studies in Minority Journalism* (1983), 23-30.

at the heart of native adaptation and survival in Indian Territory. Moreover, Murphy proposed that when circulated beyond Indigenous readers, papers like the *Indian Chieftain* managed to offer non-native people an opportunity to look at an Indian way of life that was counter-stereotypical.<sup>38</sup> Often as house-organs of tribal nations, these publications were deeply political, and displayed an intense intertribal competition through editorials, sponsoring legislators, and campaigning for tribal government officials. While papers such as the *Indian Chieftain* could (and should) be read as documents of the growing infrastructure of Indian nations, they should also be considered a rhetorical challenge to assimilation, allotment, and the decline of self-governance. Moreover, as clearly evident in the earliest days of Vinita, Indian Territory (I.T.), land and tribal citizenship would remain a hotly contested, if not familiar concern for the *Indian Chieftain* and the myriad of editorial regimes that crafted its subversive content.

With land at a premium for railroads, compounded with the intricacies of Cherokee National boundaries and authority, and the allotment system looming in the debates of the Dawes Commission—a committee of Indian Office delegates whose purpose was to persuade the Five Nations to adopt allotment—the *Indian Chieftain* took up the responsibility of ensuring the survival and education of the Cherokee Nation's people. But the rhetoric of the *Indian Chieftain* introduced an interesting, if not wholly unexpected, intertribal perspective. This, perhaps, was the result of Vinita's contested borders; perhaps it was an attempt to tap into a larger non-Indian conception of civility to

---

<sup>38</sup> Murphy, 23.

project assimilation as successful, or perhaps it claimed to be the voice of the Five Civilized Tribes as a means to consolidate Indigenous political opinions.

What makes the *Indian Chieftain* so remarkable in comparison to contemporaneous, mono-tribal newspapers such as the *Cheyenne Transporter* and *Cherokee Advocate*, is the intentional rhetorical adoption of the “voice of the Five Civilized Tribes”.<sup>39</sup> Moreover, the *Indian Chieftain* was predominantly printed, edited, and contributed to by Cherokee Nation citizens. This, added to the primary political issue of sovereignty and tribal jurisdictional boundaries makes the *Chieftain*’s earliest motto unique, inviting a more in-depth historical analysis of the paper’s principles, goals, and rhetoric. As the equivalent of a Cherokee Nation frontier village, Vinita looks vastly different from the strong political hubs of other Cherokee Nation towns such as Tahlequah. Here, Cherokee jurisdiction and hegemony among tribal nations could be called into question, and the inter-tribal rhetoric of the *Indian Chieftain*, Vinita’s principle publication, reflects the un-ease of contested spaces in Indian Territory.

As a frontier paper, the *Chieftain* could afford to be more radical than its contemporaries published by missions, agencies, and tribal governments. This, however, does not mean the paper was devoid of nuance. The *Cheyenne Transporter*, published in Darlington, Oklahoma, and the *Cherokee Advocate* in Tahlequah were both printed and circulated by Indian governments. The *Chieftain* served as a more critical voice than either the *Transporter* or the *Advocate*, precisely because the paper was independent. The *Transporter* was printed and funded by the Cheyenne and Arapahoe Agency, while the

---

<sup>39</sup> *Indian Chieftain*, September 12, 1881, pg. 1.

*Cherokee Advocate* was the official organ of the Cherokee Nation. The editorship of the *Advocate* was an elected position, appointed by the Cherokee National Council. Thus, the language of the *Indian Chieftain* was anything but dispassionate in comparison, and reflected the deeply politicised issues the editorial staff saw in Indian Territory. The three papers, however, share not-insignificant similarities that hint that both the format, and design of the papers were embroiled in the same motifs, if not meant to reflect some air of legitimacy between them. The *Cheyenne Transporter* and the *Indian Chieftain*, for example, feature livestock brand identification predominantly within them. As depicted in Figure 2. and Figure 3., both the *Transporter* and the *Chieftain* displayed an illustrated series of branded livestock, with their origin and ranch information displayed on the first third of the front page. Stylistically and in the way of content, however, the two papers could not have been more different. The *Transporter* typically reprinted material from other major sources, while the *Chieftain* published primarily editorials and opinion, with only a few contributions from other sources.<sup>40</sup> In terms of anatomy and style, the *Indian Chieftain* most resembled the *Cherokee Advocate*. Both featured four pages, the first typically sold to advertisements and featuring major headlines, and the second page cataloguing editorials, and original journalistic material on Indian affairs.<sup>41</sup>

---

<sup>40</sup> Note, for example, the May 14, 1885 issue of the *Indian Chieftain*, and the May 15, 1885 issue of the *Cheyenne Transporter*. Most of the content printed in the *Chieftain* is either reported first-hand, while the *Transporter* primarily fills its editorial page with re-printed columns from other papers such as the *American Agriculturalist*, *New York Mail and Express*, *St. Louis Globe-Democrat*, and others.

<sup>41</sup> A good example of the *Advocate*'s design, compared to the *Chieftain*'s can be seen in both editions printed on September 29, 1882. The *Cherokee Advocate* features tightly-packed columns, blocked classified ads, and telegrams posted to the left of the major headlines. The same layout can be seen in the *Chieftain*'s first (surviving) issue.

*Cherokee Advocate* Historiography:

Stanley W. Hoig, *The Cherokees and Their Chiefs: In the Wake of Empire* (Fayetteville: University of Arkansas Press, 1998); Cullen Joe Holland, "The Cherokee Indian Newspapers, 1828–1906: The Tribal Voice of a People in Transition" (Ph.D. diss., University of Minnesota, 1956); William G. McLoughlin, *After the Trail of Tears: The Cherokees' Struggle for Sovereignty, 1839–1880* (Chapel Hill: University of

These papers intersected in important ways, both regarding the material they covered, and their dissenting opinions regarding the same overarching issues facing Indigenous peoples. In this chapter, the *Cheyenne Transporter* and *Cherokee Advocate* serve as a guideline, or a counter point to the Vinita paper, primarily to show how subversive, challenging, and unique the editorial voice of the *Chieftain* really was.

Until the 1890's, most papers printed in Indian Territory were associated with a tribal council or mission, few explicitly non-Indigenous papers existed. As lands in the Territory privatized, white American papers established themselves in the towns that sprouted along the railways. Thus, the *Transporter*, *Advocate*, and the *Chieftain* could be read in tandem, as if they were in direct conversation with one another, reflecting across a wide spectrum of Indian experience at this time and place. The *Chieftain's* consistent air of assimilation could even be compared to the rhetoric of non-Indigenous papers such as the *Oklahoma Chief*. The ironically named *Oklahoma Chief* was published by a colony of white "sooners" who settled in Oklahoma City. The *Oklahoma Chief* was a paper originally heralding the news of the Oklahoma Colony, established by Daniel L. Payne during his campaign to sweep up Unassigned Lands, beginning its sporadic run in 1884, and ending in 1890.<sup>42</sup> Payne's mission was guided both by oil speculation, and by federal legislation that left Indian lands unprotected.<sup>43</sup> Circulating approximately 2,000 copies,

---

North Carolina Press, 1993); James E. Murphy and Sharon M. Murphy, *Let My People Know: American Indian Journalism, 1828–1978* (Norman: University of Oklahoma Press, 1981).

<sup>42</sup> There is a rich historical record of Payne's enterprises. Some works include:

Stan Hoig, *David L. Payne, The Oklahoma Boomer* (Oklahoma City: Western Heritage Books, 1980); Gaston Litton, *History of Oklahoma at the Golden Anniversary of Statehood* (New York: Lewis Publishing Co., Inc., 1957); Michael W. Lovegrove, "Free Homes: David L. Payne and the Oklahoma Boomer Movement, 1879–1884" (M.A. thesis, University of Oklahoma, 1996); Carl Coke Rister, *Land Hunger: David L. Payne and the Oklahoma Boomers* (Norman: University of Oklahoma Press, 1942).

<sup>43</sup> Russell Cobb, "The Road to Hell in Indian Territory," in *The Great Oklahoma Swindle: Race, Religion, and Lies in America's Weirdest State*, (Lincoln, NE: University of Nebraska Press, 2020); 40-73.

the sooner's paper format was almost identical to the *Chieftain* and *Advocate*.<sup>44</sup>

According to Russell Cobb in his 2020 book, *The Great Oklahoma Swindle*, sooners such as Payne and his followers established hardline anti-Indian tactics which amounted to little more than legal theft, as oil speculators began finding deposits across Indian Territory.<sup>45</sup> Yet, when compared to the *Indian Chieftain*, the *Oklahoma Chief* looks astonishingly similar in editorial composition and political rhetoric of the Indian paper (example).



Figure 1. The *Oklahoma Chief* Indian head logo.<sup>46</sup>

---

<sup>44</sup> Compared to the *Advocate* and *Chieftain* referenced in footnote 18, the July 4, 1884 edition of the *Oklahoma Chief* is an excellent example of the similarities in format. The paper is four pages in total, features a series of tightly-packed editorial columns on the second page, and runs large block advertisements.

<sup>45</sup> Cobb, "The Road to Hell in Indian Territory," 55.

<sup>46</sup> This ironic banner was displayed on the editorial page of the sooner paper. *Oklahoma Chieftain*, January 19, 1890, pg. 1.

This most curious similarity could be attributed to either a standardized newspaper format, or frankly, simple coincidence. However, given a closer examination, the *Oklahoma Chief* reveals much about the politics of Indian Territory, and further exemplifies the subversion of assimilation in the *Indian Chieftain*. In a series of headlines ripped from larger papers such as the *Chicago Tribune* and similar smaller Oklahoma papers such as the *Edmond Sun*, the editors of the *Oklahoma Chief* discussed the necessity for Indian education and the dissolution of the treaty system, while simultaneously boasting the prospects of Oklahoma City agriculture and the possible annexation of Cuba in their first issue of 1890.<sup>47</sup> The arguments posted within the columns of the *Oklahoma Chief* paint a decidedly (but not surprisingly) hostile picture of Indian-affairs within the Territory.

“The duty of the government is plain.” read the stinging final thoughts on Indian education, “Compulsory education, enforced manual labor is the key that will unlock all Indian difficulties and solve the vexed Indian problem. The Indian youth should be corralled in the schools and all compelled to be educated. Then education will become fashionable and popular among the dusky savages.”<sup>48</sup> A blunt and brutal statement, the re-published article was practically devoid of nuance. The *Indian Chieftain*, however, established nearly the same sentiment, but with a deeply subversive and more intricately crafted arguments. Rather than “civilization” serving as a do-or-die institution in the minds of the *Chieftain*’s editorial staff, it was a loaded weapon that could be turned in their favor. As we shall see, the *Indian Chieftain* proposed challenging and seemingly

---

<sup>47</sup> *Oklahoma Chief*, January 19, 1890, pg. 1-2.

<sup>48</sup> *Oklahoma Chief*, January 19, 1890, pg. 1.

antithetical goals of assimilation for the Cherokee Nation and its relatives, but rather than the overtly racist and destructive purpose that rhetoric served in the papers of the Oklahoma Colony, the editorial regime of the *Chieftain* turned these expectations of Christian civility into the means to both retain unshakable rights over land and survive in them.

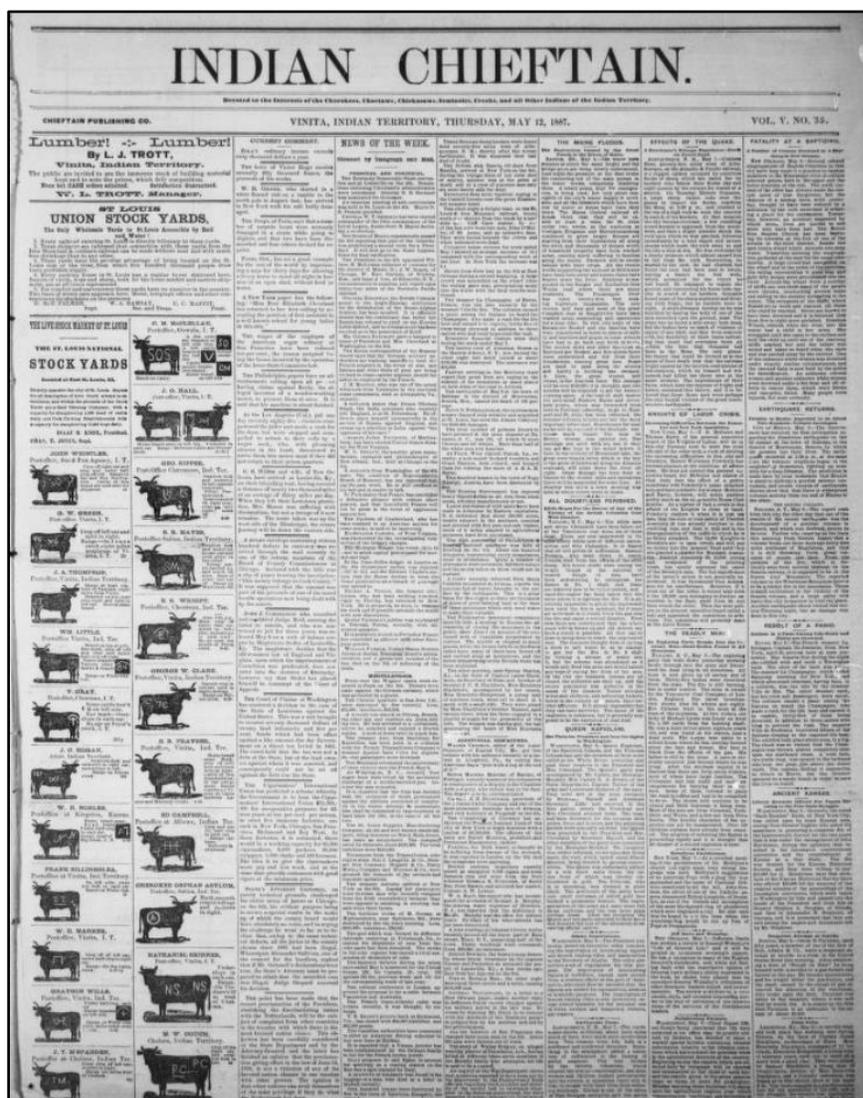


Figure 2. Front Page of the *Indian Chieftain*, May 12, 1887.<sup>49</sup>

<sup>49</sup> Library of Congress, "Indian Chieftain" *Chronicling America*, <https://chroniclingamerica.loc.gov/lccn/sn83025010/1887-05-12/ed-1/seq-1/>

50

# CHEYENNE TRANSPORTER.

Geo. W. MERRY, Proprietor. (ESTABLISHED 1875) LANE MERRY, Local Editor.

VOL. 6 DARLINGTON, INDIAN TERRITORY, MARCH 10, 1885. 11 MO. 11.

**TOWNSEND & FRACKETT.**  
Pastor, One and Two Agency, Indian Territory.



Various cut marks and old brands: range on four records.

**J. H. WATERS.**  
Fort Reno, T. T.



**JAMES H. BOND.**




**HERD OF THE Indian Territory.**



**NEWTON BURNETT.**  
P. O. Okfuskee, T. T.



**W. H. CAMPBELL.**  
C. E. Farmer, manager, Fort Reno, T. T.



**WILLIAM B. COLLIER & SUTHER.**  
Nathan, Indian Territory.



**OWEN HENNESSY.**  
P. O. Reno, T. T.  
Range Comanche river.



**C. D. CAMPBELL.**  
P. O. Fort Reno, T. T.  
Range Comanche river.



**B. F. GARRETTSON.**  
A. J. Moore, manager, Okfuskee, T. T.



**MARK H. HARRISON.**  
P. O. Fort Reno, T. T.



**Overlooking the Rangers.**

Which has been said in regard to our Territory... (text continues)

**On the subject of stock prospects in Montana...**

After all that has been said, or if there is to be a... (text continues)

**The projected parts for the cattle Comanches...**

These three parts of Texas known as the "Old... (text continues)

Figure 3. Front page of the *Cheyenne Transporter*, March 10, 1885.<sup>50</sup>

<sup>50</sup> Library of Congress, "Cheyenne Transporter," *Chronicling America*, <https://chroniclingamerica.loc.gov/lccn/sn83025001/1885-03-10/ed-1/seq-1/>

*J. P. Hendrix*

# The Cherokee Advocate.

TALEQUAH, CHEROKEE NATION, T. T. SEPTEMBER 14 1887

**THE CHEROKEE ADVOCATE,**  
PUBLISHED  
EVERY WEEK BY  
J. P. HENDRIX, PROPRIETOR.

**E. S. BAYBROT, JR., ZIONA,**  
ATTORNEY.

**B. M. WOLFE,**  
ATTORNEY AT LAW,  
TALEQUAH, C. N. T. Y.

**A. R. IVEY,**  
Attorney At Law,  
TALEQUAH, C. N.

**B. H. STONE,**  
Attorney At Law,  
TALEQUAH, T. Y.

**W. A. THOMPSON,**  
Attorney at Law,  
TALEQUAH, C. N.

**R. L. FIFE & BRO.,**  
RECORDERS & SURVEYORS,  
TALEQUAH, C. N.

**National Lumber and Sash**  
Works,  
In Ross Street, TALEQUAH, T. Y.  
J. P. WILSON, Prop.

**TALEQUAH MILLS**  
The public is hereby notified  
that the  
TALEQUAH MILLS  
are being prepared for  
the season's work.

**M. S. STACY, PROPRIETOR.**

**THE CHEROKEE ADVOCATE,**  
PUBLISHED  
EVERY WEEK BY  
J. P. HENDRIX, PROPRIETOR.

**E. S. BAYBROT, JR., ZIONA,**  
ATTORNEY.

**B. M. WOLFE,**  
ATTORNEY AT LAW,  
TALEQUAH, C. N. T. Y.

**A. R. IVEY,**  
Attorney At Law,  
TALEQUAH, C. N.

**B. H. STONE,**  
Attorney At Law,  
TALEQUAH, T. Y.

**W. A. THOMPSON,**  
Attorney at Law,  
TALEQUAH, C. N.

**R. L. FIFE & BRO.,**  
RECORDERS & SURVEYORS,  
TALEQUAH, C. N.

**National Lumber and Sash**  
Works,  
In Ross Street, TALEQUAH, T. Y.  
J. P. WILSON, Prop.

**TALEQUAH MILLS**  
The public is hereby notified  
that the  
TALEQUAH MILLS  
are being prepared for  
the season's work.

**M. S. STACY, PROPRIETOR.**

**THE CHEROKEE ADVOCATE,**  
PUBLISHED  
EVERY WEEK BY  
J. P. HENDRIX, PROPRIETOR.

**E. S. BAYBROT, JR., ZIONA,**  
ATTORNEY.

**B. M. WOLFE,**  
ATTORNEY AT LAW,  
TALEQUAH, C. N. T. Y.

**A. R. IVEY,**  
Attorney At Law,  
TALEQUAH, C. N.

**B. H. STONE,**  
Attorney At Law,  
TALEQUAH, T. Y.

**W. A. THOMPSON,**  
Attorney at Law,  
TALEQUAH, C. N.

**R. L. FIFE & BRO.,**  
RECORDERS & SURVEYORS,  
TALEQUAH, C. N.

**National Lumber and Sash**  
Works,  
In Ross Street, TALEQUAH, T. Y.  
J. P. WILSON, Prop.

**TALEQUAH MILLS**  
The public is hereby notified  
that the  
TALEQUAH MILLS  
are being prepared for  
the season's work.

**M. S. STACY, PROPRIETOR.**

**THE CHEROKEE ADVOCATE,**  
PUBLISHED  
EVERY WEEK BY  
J. P. HENDRIX, PROPRIETOR.

**E. S. BAYBROT, JR., ZIONA,**  
ATTORNEY.

**B. M. WOLFE,**  
ATTORNEY AT LAW,  
TALEQUAH, C. N. T. Y.

**A. R. IVEY,**  
Attorney At Law,  
TALEQUAH, C. N.

**B. H. STONE,**  
Attorney At Law,  
TALEQUAH, T. Y.

**W. A. THOMPSON,**  
Attorney at Law,  
TALEQUAH, C. N.

**R. L. FIFE & BRO.,**  
RECORDERS & SURVEYORS,  
TALEQUAH, C. N.

**National Lumber and Sash**  
Works,  
In Ross Street, TALEQUAH, T. Y.  
J. P. WILSON, Prop.

**TALEQUAH MILLS**  
The public is hereby notified  
that the  
TALEQUAH MILLS  
are being prepared for  
the season's work.

**M. S. STACY, PROPRIETOR.**

**THE CHEROKEE ADVOCATE,**  
PUBLISHED  
EVERY WEEK BY  
J. P. HENDRIX, PROPRIETOR.

**E. S. BAYBROT, JR., ZIONA,**  
ATTORNEY.

**B. M. WOLFE,**  
ATTORNEY AT LAW,  
TALEQUAH, C. N. T. Y.

**A. R. IVEY,**  
Attorney At Law,  
TALEQUAH, C. N.

**B. H. STONE,**  
Attorney At Law,  
TALEQUAH, T. Y.

**W. A. THOMPSON,**  
Attorney at Law,  
TALEQUAH, C. N.

**R. L. FIFE & BRO.,**  
RECORDERS & SURVEYORS,  
TALEQUAH, C. N.

**National Lumber and Sash**  
Works,  
In Ross Street, TALEQUAH, T. Y.  
J. P. WILSON, Prop.

**TALEQUAH MILLS**  
The public is hereby notified  
that the  
TALEQUAH MILLS  
are being prepared for  
the season's work.

**M. S. STACY, PROPRIETOR.**

Figure 4. Front Page of the Cherokee Advocate, September 14, 1887.<sup>51</sup>

<sup>51</sup> Library of Congress, "Cherokee Advocate," *Chronicling America*, <https://www.newspapers.com/image/611431434/>

The *Indian Chieftain* was established in 1881, and printed by the Chieftain Publishing Company. The paper's inaugural issue reached Vinita stands on September 22, 1882. George W. Green, a white merchant living outside Indian Territory, financed the paper until 1884. Green sold the paper to M.E. Milford, former editor of the *Daily Commonwealth*, a paper in Kansas.<sup>52</sup> Neither Green, nor Milford operated the *Chieftain* with any real oversight, and the primary editorial duties were left to the appointed editor and the contributing staff.<sup>53</sup> Green appointed a prominent Cherokee leader, Augustus "Gus" Ivey as the first editor of the paper. A white man, Dr. J. W. Scroggs, served as the local editor alongside Ivey for the first three years of the *Chieftain*'s printing, but his contributions were limited.<sup>54</sup> From 1883-1890, the *Chieftain* passed between three different editorial staffs. Robert Latham Owen succeeded Ivey, who left in January 1883 to become a lawyer in Tahlequah, serving as a council for Cherokee citizenship cases.<sup>55</sup> William Potter Ross, founder and first elected editor of the *Cherokee Advocate* then took over the *Chieftain* after serving as the Principle Chief of Cherokee Nation from 1866-1867, and again 1872-1875. Potter did not stay with the *Chieftain* for long, passing the editorial chair to poet John Lynch Adair after just a few months, following the sale to

---

<sup>52</sup> O'Beirne, *Indian Territory*, 289.

<sup>53</sup> Historians disagree on who has a greater influence on the final editorial voice of newspapers, from the editors themselves, or the ownership and managerial staff. While worthy arguments pose that the primary authority of what is published lies with the intentions and actions of newspaper owners, I and other historians such as Lisa Brooks and Birgit Brander Rasmussen argue that this oversight does not discount or invalidate the presence of Indigenous voice in these primary sources. In Rasmussen's *Queequeg's Coffin*, for example, Indigenous texts, even those monitored and facilitated by missionaries in Early America, were representative of a diverse and relevant Native American literacy with a distinct Indigenous voice. I argue that if historians of Early America can utilize "hybrid texts" to find Indigenous participation and agency in language, so too can historians of the nineteenth and twentieth centuries. Bridget Brander Rasmussen, *Queequeg's Coffin: Indigenous Literacies and Early American Literature*, (Durham, NC: Duke University Press, 2012).

<sup>54</sup> O.B. Campbell, *Vinita, I.T.*, 42.

<sup>55</sup> O.B. Campbell, 116.

Milford. Adair served as editor from 1884-1889. In 1891, David M. Marrs succeeded Adair, and remained the primary editor for the *Indian Chieftain* until its final run in 1913.

Why would an independent paper, predominantly editorialized and contributed to by Cherokee citizens claim to be devoted to the interests of the Five Tribes? The answer lies in the individual agendas of the *Chieftain*'s editors. This is one of the first papers in the nation to advocate for allotment and severalty. This is significant, because it displays the basic principles of resisting federal and industrial control over lands that could not be denied to individuals under the Dawes and Curtis Act. In an editorial salutation on January 5, 1883, Gus Ivey, Robert L. Owen, and Wm. Hollingsworth traded editorial hands, listed under the motto, "For the Cause that Lacks Assistance, For the Wrong that Needs Resistance, For the Future in the Distance, and the Good that We Can Do."<sup>56</sup> These editors aligned themselves with the Downing Party, the predominant political faction in Cherokee Nation—responsible for successfully unifying Confederate and Unionist members of Cherokee Nation during Reconstruction—from the late 1860's until the turn of the century.<sup>57</sup> "It may be our pleasure," wrote Ivey, "in after years to again take up the pen among our people, and as we look into the distant future we almost fancy that time is not far away. But however, our people will always find us in the front, battling for their rights and upholding their nationality—a nationality we are proud of—in fact one we dearly love."<sup>58</sup> This admission of purpose and sentiment serves as a vital key to what the editors of the *Indian Chieftain* hoped to accomplish: a distinguished Cherokee Nation, poised for resistance, guarded, and aimed at the future. In a moment, critical to

---

<sup>56</sup> *Indian Chieftain*, January 5, 1883, pg. 2.

<sup>57</sup> O.B. Campbell, *Vinita I.T.*, 22-23.

<sup>58</sup> Gus Ivey, "Retired," *Indian Chieftain*, 5 January 1883, pg. 2.

the paper's life, the reigns were passed to Owen and Hollingsworth. There, the paper would grow ever more in the favor of illuminating the cause for Indigenous rights, particularly those afforded to Cherokee Nation citizens under allotment.

Born in Texas in 1855, Gus Ivey was a mixed-blood Cherokee who was trained as a printer. Ivey printed, published, distributed and edited the *Indian Chieftain*, and was primarily responsible for the paper's focus and interest in Cherokee National affairs. Ivey initially left to serve on the editorial staff of the *Cherokee Telephone*, which was a paper that covered the happenings of the Cherokee Strip.<sup>59</sup> He then left the newspaper business to practice law in Cherokee Nation citizenship suits, working with Isaac Hitchcock (an early contributor to the *Chieftain*).<sup>60</sup>

Robert Owen, Ivey's successor, appeared to be the perfect choice to take on the political machinations of the *Indian Chieftain*, and promoting Cherokee self-determination. Like Ivey, Owen was a Cherokee born outside Indian Territory in Virginia in 1856. Owen moved with his mother, Narcissa (who's diary, family stories, and knowledge of Cherokee culture was published in her memoir, which received some notoriety), to Indian Territory after attending Washington and Lee University. While living in the Cherokee Nation, Owen practiced law and served on the Board of Education as Secretary.

Owen's career with the *Indian Chieftain* was brief. According to a skeptical reading of his mother's memoirs, which both sensationalized Robert and exaggerated her

---

<sup>59</sup> James W. Perkins, *Literacy and Intellectual Life in the Cherokee Nation, 1820-1906*, (Norman, OK: University of Oklahoma Press, 2013), 138-141.

<sup>60</sup> O.B. Campbell, *Vinita, I.T.*, 60.

family's involvement in Cherokee National affairs, Owen engaged in a lot of political mud-slinging in order to further his own political agenda in Washington.<sup>61</sup> Owen served as an advocate of Indian allotment and severalty, and went on to champion American citizenship and push for Oklahoma statehood under the name, "State of Sequoya," as a US senator in 1907.<sup>62</sup> Under Owen's supervision, the *Chieftain* remained oriented both as a Downing Party support piece, and an advocate of intertribal allotment.



Figure 5. Robert L. Owen, circa 1907.<sup>63</sup>

<sup>61</sup> Rose Strelau, "A Cherokee Woman's America: Memoirs of Narcissa Owen, 1831-1907 (review)," *Studies in American Indian Literatures*, University of Nebraska Press, 20, no. 4, (Winter 2008), 87-89.

<sup>62</sup> Karen L. Kilcup, ed., *A Cherokee Woman's America: Memoirs of Narcissa Owen, 1831-1907*, (Gainesville, FL. University Press of Florida, 2005).

<sup>63</sup> John L. Coffey Collection, OHS, 5275. Note how he is dressed and presented, the air of early twentieth century civility and gentry are quite present in this photograph. Owen's suit and hair dress are especially reminiscent of popular American style.

In a letter of thanks drafted by Dennis W. Bushyhead, Principal Chief of the Cherokee Nation, and addressed to the editorial staff of the paper the political angle of the *Chieftain*'s editorship is blatantly evident. Published on August 31, 1883, Bushyhead wrote, "I accept the congratulations of the CHIEFTAIN on the election to the chieftaincy for the ensuing term, with sincere thanks and an earnest desire to deserve good wishes of all my friends." He went on to write, "Still, after we have done all we can in our official spheres, as servants of the Cherokee people, we have God and the good sense and honor of the American people to trust in to carry us through whatever dangers some of them may combine to expose us to." This confounding appeal to the American people seems dissonant, especially when followed by Bushyhead's conclusion, "After all, I do not consider the future of this Nation by any means gloomy, if Indians will only be true to themselves. But a free people must always expect, and be ready, to pay the price of their prosperity and the promotion of their rights in honesty and vigilance."<sup>64</sup>

Here, we can see the intimate nature between the *Indian Chieftain* and the Cherokee Nation's more divisive political figures resonated with the sentiment that the most secure path to Indigenous rights lied in appealing to the expectations of assimilation. By that same right, the *Cherokee Advocate* received no such confidence from Bushyhead, as the August 31, 1883 edition was devoid of anything but a quote of Bushyhead's oath, and a brief recap of the election results.<sup>65</sup> By all accounts, these men were indeed playing advocate to the American project of assimilation. This game would continue to play out as the *Indian Chieftain* evolved, and the goal of eliminating scrutiny

---

<sup>64</sup> "The Chief's Views," *Indian Chieftain*, August 31, 1883, pg. 2.

<sup>65</sup> "Writ of Election," *Cherokee Advocate*, August 31, 1883, pg. 2.

over Indian lands would further reveal itself. This would be most apparent in the voice of Owen's successors.

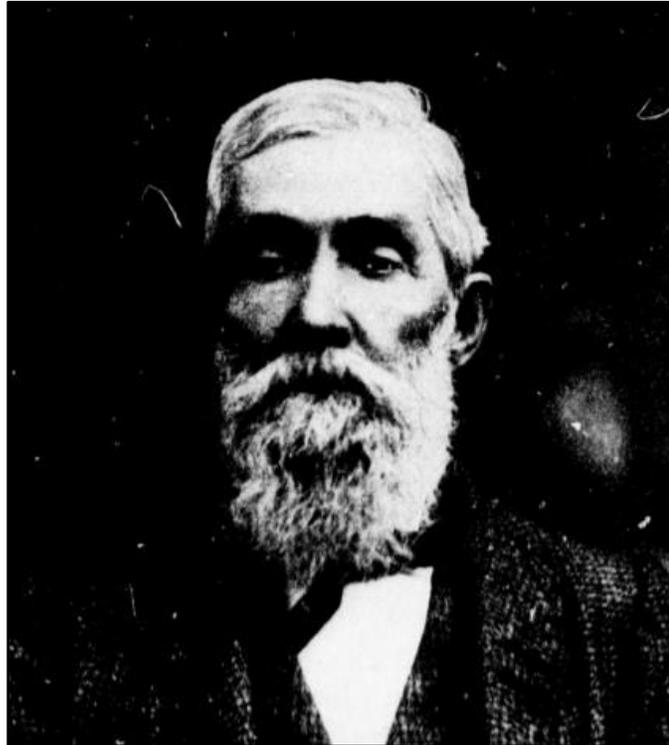


Figure 6. William Potter Ross, circa 1892.<sup>66</sup>

William Potter Ross first served as the editor of the *Cherokee Advocate*, before transferring to the *Chieftain* in 1884, beginning to appear as editor in the winter editions of 1883. Ross's work with the *Advocate* was primarily designed to focus the efforts of the Cherokee Nation to educate the Cherokee population on topics of science, law, and agriculture, but also to transmit "true Indian news" to a broader, presumably white readership.<sup>67</sup> Nephew of John Ross, he served as a predominant figure among Cherokee National politics, and was reported to have drafted major laws and ordinances for the

---

<sup>66</sup> O'Beirne, *Indian Territory*.

<sup>67</sup> O'Beirne, 237.

Cherokee Senate.<sup>68</sup> After serving under the Confederate Army during the Civil War, Ross later became the Cherokee Principle Chief from 1866-67, and again from 1872-75. While his stint with the *Indian Chieftain* was brief, his influence was nonetheless felt, particularly when it came to combating mineral and oil leases. As made evident in the January 24, 1884 edition of the *Chieftain*, an editorial on the logistics of oil leases in Indian Territory are deeply controversial. Ross was noted to have directly opposed the Cherokee Commission's decision to open lands to oil companies, and petitioning the Cherokee Treasury to stop the motion.<sup>69</sup>

John Lynch Adair, a mixed-Blood Cherokee poet, stepped into the editorship position, beginning in April, 1884. Adair was born in Georgia, and soon after removed to Indian Territory with his mother, Rachel Lynch—a Cherokee woman. Upon arriving, Adair was educated by a Moravian Mission, and quickly rose through the ranks of the Downing Party (the most prevalent and powerful political faction in Cherokee National politics) in the Cherokee Nation after serving a stint as a captain for the Confederate Army.<sup>70</sup> As previous editor of the *Cherokee Advocate*, Adair's primary directive under the *Indian Chieftain* was to perpetuate the politics of the Downing Party, essentially inheriting the role Robert L. Owen played in the paper's history, but directing the politics of the party to a different end. By this time, the *Indian Chieftain* had developed a unique editorial voice, and was firmly established as a frontier herald of Cherokee radical idealism. As its newest editor-in-chief, Adair applied his poetic prose to the issues of internal Cherokee Nation politics. At this point, the directive of the small Vinita paper

---

<sup>68</sup> O'Bernie, 237.

<sup>69</sup> "Communications," *Indian Chieftain*, January 24, 1884, pg. 2.

<sup>70</sup> O'Beirne, *Indian Territory*, 466-468.

was well-established: perpetuate the rhetoric of assimilation and allotment. No other editor of the *Chieftain* incorporated such a staunch platform in favor of Downing Party candidates, and under Adair's carefully constructed prose, the dual push for well-assimilated Cherokee leadership and the eradication of American influence over Indian affairs in general.

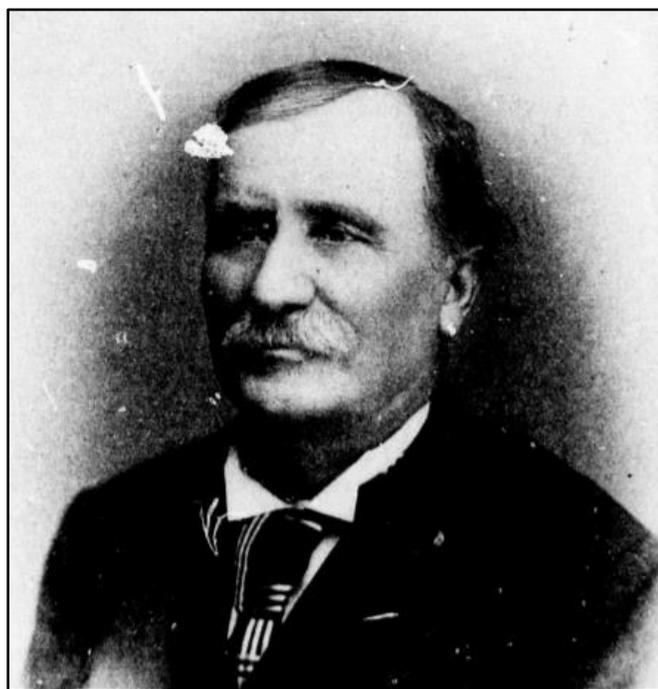


Figure 7. John Lynch Adair, circa 1889.<sup>71</sup>

Rather than objectivity, the goal of Indian journalism in the *Chieftain* under Adair's leadership appeared to favor expressions of opinion, and were uniquely biased toward Downing Party viewpoints that would carry into the next generation of the *Indian Chieftain* management. This bias was frequently evident in the political editorials that endorsed candidates for the Cherokee National council, as is evident in some of the

---

<sup>71</sup> O'Beirne.

earliest volumes of the *Indian Chieftain*. Published February 10, 1887, John Lynch Adair (a mixed-blood Cherokee) listed ten individual and politically divisive reasons that Rabbit Bunch (running against Samuel Smith) should not receive the local Vinita vote for another term as vice-chief of the Cherokee Nation.<sup>72</sup> One need only to examine Adair's opinions to understand the major motivations for Indigenous peoples on the frontlines of tribal sovereignty: "1. The Cherokee People have reached too high a standard of intelligence to cast a stigma upon their boasted civilization by placing in the chieftaincy a man who cannot even speak a word of English. It would be too much like education paying court to ignorance."<sup>73</sup>

This remark is perplexing. There are distinct and challenging references to the "Civilization" of Cherokee people, a jab at Bunch's English illiteracy, and a divisive homage to education. Read one way, this point suggests some measure of success for assimilation principles. Civilization and education have become the major goals of Indian politics. But when placed in the context of constituency, as Adair suggests in his fourth point, Bunch serves as a distasteful candidate because of his drive to alienate the Delaware and Shawnee peoples from the Cherokee National Council: "4. Mr. Bunch is antagonistic to fully one-third of the population—denying their rights as plainly guaranteed by treaty to-wit: The Delawares, Shawnees, negroes and white men."<sup>74</sup>

Under contested grounds, these challenges to Bunch's platforms seem altogether inter-tribal in nature. As editor of the *Indian Chieftain*, Adair seemed to strike a curated

---

<sup>72</sup> Sillex, "The Reasons Bunch Should Be Defeated," *Indian Chieftain*, February 10, 1887, pg. 2; Emmet Starr, *The History of the Cherokee Indians and Their Legends and Folk Lore*, Oklahoma City, OK: The Warden Publishing Company (1921), 264.

<sup>73</sup> *Indian Chieftain*, February 10, 1887, pg. 2.

<sup>74</sup> *Indian Chieftain*, February 10, 1887, pg. 2.

sense of middle ground that reminded readers of the larger constituency networks of the Cherokee Nation. This was, perhaps, a result of Vinita's unique position as "The Junction," not only between commercial railheads, but of Indian nations throughout the territory. Nevertheless, the rhetorical turn of phrase – civilization, education, and rights "as plainly guaranteed by treaty" reflect a deeper, more nuanced experience of life in Indian Territory. An experience marked by contested loyalties, new and old alliances that bid for relevance in the growth and adaptation of Cherokee Nation. The *Indian Chieftain* serves as a modest, but profound example of how inter-tribal networks appear and cast weight in the minds of Oklahoma natives. Bunch was defeated by Smith in the election of 1887, ultimately reflecting the very platform the *Chieftain's* readership and editorial staff tapped into.

The *Chieftain* was also in dialogue with the local people of Vinita and the surrounding territory. Letters to the editor frequently spark discourse over major issues such as allotment and Cherokee citizenship. Two concurrent examples are evident in the February 11<sup>th</sup>, 1886 edition, wherein letters ask, "Why Not We Allot?" and call into question the policies laid forth by the Cherokee Senate regarding citizenship.<sup>75</sup> In the letter written by an anonymous delegate from the "Canadian District," the primary issue of allotment lies in the vulnerability that accompanies the US mandated survey. "It is asserted on authority that if we ask the government to survey and allot our lands it destroys our "Indian title" so called and the railroad companies will have no trouble in fastening their grip on the lands."<sup>76</sup> Clearly, the larger consensus among Cherokee

---

<sup>75</sup> *Indian Chieftain*, February 11, 1886, pg. 2.

<sup>76</sup> "Why Not We Allot," *Indian Chieftain*, February 11, 1886, pg. 2.

citizens remained such that should their government be involved in the allotment process, the floodgates would open for private industries to grab the lands over which the Cherokee Nation then had tribal sovereignty. Moreover, the letter to the editor written by J. H. Beck entitled, "As Native Born Cherokees," many of the same fears are plainly evident. "*Transit Gloria mundi*," punctuates Beck's letter about the integrity of Cherokee citizenship. Beck asserted in his letter that because of the rise in immigration and the growing number of whites taking up residence in Indian Territory, the rights and authority of the Cherokee Nation are destined for an inevitable end.<sup>77</sup> Moreover, Beck wrote in defense of treaties upholding a fiscal and political alliance with the Shawnee, Delaware, and Freedmen who benefited from the Cherokee Senate's decision to uphold per-capita fund distribution in Cherokee Nation.

Beck illuminated the necessity for adhering to US treaties and the treaties of the Cherokee Nation at large, in order to curb the influence and potential for exploitation. "If the Cherokee made a bad bargain with the United States government (which they did) why, as a matter of policy, if for nothing else, should he not adhere all the closer to the treaty? If the Cherokee nation violates the treaty it releases all obligation on part of the other government to keep it. Besides, it establishes a precedent whereby if the other government feels disposed to take advantage, it can do so with impunity."<sup>78</sup> Several things are evident, chiefly among them was Beck's adherence to the Downing Party's platform regarding the secured alliances with the Delawares and Shawnees. Secondly, we can begin to understand the sentiment of Cherokee people like Beck who advocated both

---

<sup>77</sup> "As Native Born Cherokees," *Indian Chieftain*, February 11, 1886, pg. 2.

<sup>78</sup> "As Native Born Cherokees," *Indian Chieftain*.

challenging government and independent business from taking advantage of Cherokee lands in favor of remaining loyal to US treaties.

Other Indian papers, such as the *Cheyenne Transporter*, commented on the looming nature of allotment politics. Citing a comment from President Chester A. Arthur regarding the state of Indian affairs, the *Transporter* represented allotment not as an opportunity to evict the United States from their lands, but instead a chance at federal protection from white settlers. “As the white settlement has crowded the border,” quoted the *Transporter*, “the Indians sometimes contently and sometimes against protest have been transferred to other hunting grounds, from which they have again dislodged whenever their new homes have been desired by advenurous settlers. These removals and frontier collisions by which they have often been preceeded have led to frequent and disasterous conflicts between the races.”<sup>79</sup> Arthur’s words, when reprinted by the *Cheyenne Transporter*, took on an important context. Because the Cheyenne and Arapaho were included in the original General Allotment bill, their perception of it varied wildly from those of the Cherokee, Chickisaw, Choctaw, Creek, and Seminoles. Rather than the scapegoat for securing private tribal lands-as the *Indian Chieftain* portayed allotment, the *Transporter* depicted allotment as a transformed relationship with the US government. “The enactment of a general law permitting the allotment in severalty, at least as such desire it,” continued Arthur’s quotation, “of a reasonable quantity of land secured to them by patent, and for their own protection made inaliabile... There is reason

---

<sup>79</sup> *Cheyenne Transporter*, December 26, 1881, pg. 4.

to believe that the Indians in large numbers would be persuaded to sever their tribal relations and engage at once in agriculture.”<sup>80</sup>

It was not until years leading to the Curtis Act that the *Indian Chieftain* turned a more analytical eye to the Dawes Commission, which was designed to integrate the Cherokees and their relatives into the allotment system. In the January 21, 1897 edition, the editors remark in a special column on the Commission in Washington that for the next several months, the paper would include an in-depth look at the proceedings of the Dawes Commission, and further commented on the provisions of the Curtis Act as they related to the Five Tribes.<sup>81</sup> Moreover, in an editorial piece entitled, “The Five Tribes: Transforming Indian Territory into White Man’s Country. The Geological Survey’s Fine Work—Coal and Oil Fields—The Curious Limestone Ridge—Paradise for Hunters—The Population—Dependent Sovereignities,” the role of industry and resource extraction painted a stark image of the infiltration of Indian lands.<sup>82</sup> The editor remarked, “The Indian Territory ought to have been part and parcel of the United States years ago. The breakup is at hand now, unless all signs fail, but it comes tardily. The affairs of the Five Tribes have been in the hands of the cliques which have long enjoyed a good thing—several good things, in truth from coal leases, pasture leases, and various pickings. These coteries have appeared from representatives out of Washington year after year and pleaded that the poor Indian is not yet fitted for American citizenship.”<sup>83</sup> The overall project described here by the editors, was to eliminate industrial hands in the say of Five Tribes sovereignty. They went on to critique the entire notion of “Dependent

---

<sup>80</sup> *Cheyenne Transporter*, December 26, 1881, pg. 4.

<sup>81</sup> *Indian Chieftain*, January 21, 1897, pg. 1

<sup>82</sup> “Transforming Indian Territory into White Man’s Country...,” *Indian Chieftain*, January 21, 1897, pg. 2.

<sup>83</sup> “Transforming Indian Territory into White Man’s Country...,” *Indian Chieftain*.

Sovereignty” as utterly farcical saying, “The dependent sovereignty racket is played out. It is a burlesque. But it has had a good run.” This staunch critique of the United States policy on Indian Territory, of coal and oil magnates, and of the system of dependent sovereignty, serves as a concrete example of the aspirations and political leanings of the editors. Moreover, it displays a prominent mark of self-determination through American citizenship, both a called for federal civil rights to get Washington representatives and magnates out of Five Tribes affairs, and a challenge to reclaim Indian land sovereignty.

Such sentiments did not exist the same way in other Indian papers of the time. In a mission report, printed by the *Cheyenne Transporter* in Spring of 1883, the Episcopalian minister, J. B. Wicks, noted the rapid development of Indian agricultural economy. “I have just returned from a visit to the Indian farms on the south bank of the Wishita River [sic],” wrote Wicks, “To me the journey was a succession of most agreeable surprises... When it is understood that these Comanches, Kiowas and Apaches only came here four years ago—that in fact this has nearly all been done in the last three years, and that, too, by what are styled ‘blanket Indians’—we must conclude that the Indian is capable of making quite rapid advancement.”<sup>84</sup> While the *Cheyenne Transporter* projected the same attitude of assimilation, their editorial reflections were of a completely different design than those of the *Indian Chieftain*. In an article published in the same issue as Wicks’ agricultural assessment, the Cheyenne and Arapaho Agency reveled in the sale of grass leases to outside ranchers:

---

<sup>84</sup> “Indians Farming,” *Cheyenne Transporter*, May 10, 1883, pg. 1.

“On Monday, the 30<sup>th</sup> ult., was made the first payment on the grass leases made by the Cheyenne and Arapahoes. The payment amounting to \$6,500, was made by Wm. E. Malaley in behalf of the lessees, and was unanimously accepted by the Indians in council... The council was the largest ever held by these tribes—the commissary being crowded and jammed by the Indians in attendance. They signified to be well pleased with the bargain they had made to graze their lands, and made a formal request to the post commander and their Agent to unite in ejecting all intruders or encroaching on the ranges leased, and to give these lessees full possession. It is conceded by men high in Indian circles that these tribes have secured a valuable source of revenue by these leases, which provide them with yearly income of over sixty-thousand dollars.”<sup>85</sup>

These grass leases would have likely been seen as an anathema to the goal of eliminating outside industrial influence in the eyes of the *Chieftain* editors. Rather than appealing to expectations of civility, but rejecting non-Indian industry in the territory, the *Cheyenne Transporter* made no such concern, suggesting that the ideas and views expressed in the pages of the *Indian Chieftain* were unique to the circumstances of the five nations political sphere and the Cherokee frontier. The rhetoric of the *Transporter* stood as an example of how other Indigenous peoples in Indian Territory attempted to utilize their resources for survival; to the Cheyenne and Arapaho Agency, the money from these land leases was a source of stability. When compared to the critical language of the *Chieftain* regarding land and oil leases, the nuance of the survivance tactic becomes apparent. The *Indian Chieftain* was an advocate of assimilation, so long as it meant ridding the five nations of white encroachment.

---

<sup>85</sup> “The Grass Leases,” *Cheyenne Transporter*, May 10, 1883, pg. 4.

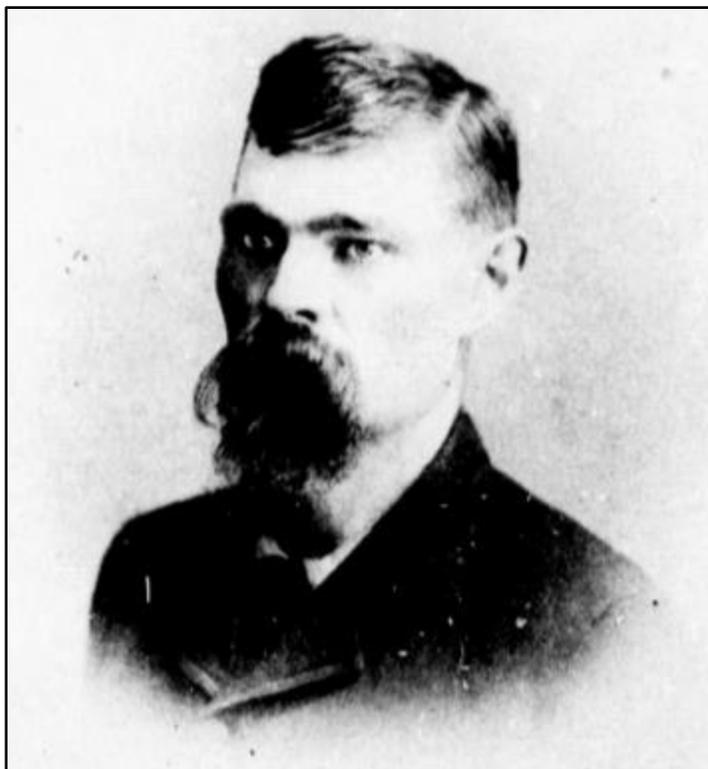


Figure 8. David M. Marrs, circa 1892.<sup>86</sup>

The *Chieftain's* primary perspective did not extend beyond the borders of the five civilized tribes. In fact, the inter-tribalism so evident in the *Chieftain* remained focused on the eastern half of Indian Territory. What is more, is that the editors of the *Chieftain* had a seemingly peculiar idea of who among other Indigenous peoples deserve the rights of land, citizenship, and even personhood. As we shall see, particularly under the editorship of Daniel Marrs, the *Indian Chieftain* and the rhetoric of civilization juxtaposed the efforts of the Five Tribes to accommodate federal authority, resist land and resource acquisitions by outsiders, and deal with the United States government agencies head-on, against the outright rebellion to the North as exhibited by tribes such as

---

<sup>86</sup> O'Beirne, *Indian Territory*.

the Lakota and Pawnee. We must, then, understand this effort to distance the Cherokee and Five Tribes peoples from the narrative of violent resistance and hostility as one of quiet resistance, goading the reflection upon Five Tribes peoples by the US government as assimilated, and thus worthy of sovereignty.<sup>87</sup> The juxtaposition of civility, individualism, and sovereignty versus tribalism, war, and hostility can be plainly read in the *Chieftain*'s first issue after the Wounded Knee Massacre of December 4, 1890. Preceding the condemnation of the Ghost Dancers in the North, the *Chieftain* posted news regarding the specific political alliances within the surrounding areas, before launching into a bizarre critique of Sioux dependence. "Unlike the Sioux Indians, dependent on their oppressors for beef, the Cherokees will continue the dance until the first of next August."<sup>88</sup>

The Ghost Dance among the Lakota Sioux has been understood by historians as a direct form of resistance to both United States hegemony, and a reclamation of tribal identity. Such an expression of outright opposition, at least in the eyes of the editors of the *Indian Chieftain*, was antithetical to the cause of retaining an Indigenous identity, much less securing rights to land or nationhood from the government. The disdain for non-assimilationist tactics was plainly evident in the way the *Indian Chieftain* reported on the massacre, but took a far more politically charged route to retaining air of five nations civility. The Cherokee Ghost Dance, according to historians such as William G. McLoughlin, and anthropologist James Mooney, had much earlier roots than the revitalization movement lead by Paiute prophet, Wovoka, in the Dakotas.<sup>89</sup> According to

---

<sup>87</sup> *Indian Chieftain*, July 23, 1891, pg. 4 – See also January 22, 1891 for report on Wounded Knee

<sup>88</sup> *Indian Chieftain*, January 22, 1891, pg. 2

<sup>89</sup> Ghost Dance Literature:

McLoughlin in his 1979 article on the origins of the Cherokee Ghost Dance movement, “New Angles of Vision on the Cherokee Ghost Dance Movement, 1811-1812,” the Cherokee movement was far from the unified revitalization of Wovoka’s crusade. Instead, the Cherokee Ghost Dance reflected a more nuanced understanding of colonial influence, referred to by McLoughlin as “selective rejection.”<sup>90</sup> The uneasy alliance with the British, beginning in 1776, was deeply contentious among Cherokee, leading some to curse white influences, and others to adopt them.<sup>91</sup> “Concurrently with these political divisions another type of factionalism developed,” wrote McLoughlin, “between those who favored the government's "civilization plan" (to lead the Cherokees into becoming self-subsistent yeoman farmers on individual plots of land) and those who wished to retain as much as possible of their traditional mixed economy-hunting, fishing, gathering, and farming on the basis of communal ownership of the land and water rights.”<sup>92</sup> Thus, at least in the eyes of the Cherokee who sought to retain land rights via feigned assimilation, their Ghost Dance traditions were vastly different from those of the Northern Plains Indians.

By that same effect, the language used in the *Chieftain* to describe the events of the Wounded Knee Massacre under the almost flippant title, “The Brutality of War,” was remarkably devoid of any sense of sympathy beyond the report of the death toll. “The

---

William G. McLoughlin, *The Cherokee Ghost Dance*, (Mercer University Press, 1984); James Mooney, *Myths of the Cherokee*, (Washington, Government Printing Office, 1902); Donald N. Brown, "The Ghost Dance Religion Among the Oklahoma Cheyenne," *The Chronicles of Oklahoma* 30 (Winter 1952–53); Alexander Lesser, *The Pawnee Ghost Dance Hand Game: Ghost Dance Revival and Ethnic Identity* (Madison: University of Wisconsin Press, 1978); Gloria A. Young, "Intertribal Religious Movements," in *Handbook of North American Indians*, Vol. 13, Plains, ed. Raymond J. DeMallie (Washington, D.C.: Smithsonian Institution, 2001).

<sup>90</sup> McLoughlin, William G. "New Angles of Vision on the Cherokee Ghost Dance Movement of 1811-1812." *American Indian Quarterly* 5, no. 4 (1979): 317-45.

<sup>91</sup> McLoughlin, 319.

<sup>92</sup> McLoughlin, 320.

United States,” wrote the editor, “cannot afford to wreck her vengeance on the women and children even of a savage race.”<sup>93</sup> This sense of distance between Indigenous experiences, and even superiority, is exactly the tone that the editors of the *Indian Chieftain*, predominantly David Marrs, hoped to exploit to make the case for Five Tribes’ civility and readiness to adopt American citizenship, and therein gain individual sovereignty (rather than dependent) over lands within Indian Territory. The invocation of “savages” was further proof that this othering tactic was rooted in the question of civility. Other Indian papers such as the *Cherokee Advocate*, reflected on the massacre in a far more sympathetic capacity, let alone the primary actors of resistance in the Northern Plains, such as Sitting Bull, which was so prevalent in Indian affairs.

The *Cherokee Advocate* began detailing Sitting Bull’s saga as he led several bouts of resistance against the US army, beginning in 1883. In September of 1888, a council of Lakota Sioux were invited to Washington to negotiate terms of removal, and the *Advocate* remarked on Sitting Bull’s decision to remain in the Dakotas. “If the chiefs have a conference with President Cleveland,” noted the *Advocate*, “they will in all probability return, willing to sign, and advise their people to do the same. Meantime Sitting Bull, who is not going to Washington, will be marshaling forces and sowing the germs of suspicion among the Indians, and will take advantage of the opportunity to regain supremacy.”<sup>94</sup> The general attitude of the *Advocate*’s remarks was that Sitting Bull was not only making a strong power move, but was ultimately making a wise decision to remain in the Dakotas, as it would ensure Indian supremacy in those territories regardless

---

<sup>93</sup> *Indian Chieftain*, January 22, 1891, pg. 2.

<sup>94</sup> *Cherokee Advocate*, September 26, 1888, pg. 4.

of what the Washington council agreed to. “The Indians,” wrote the editor, “are very much chagrined at the action of their chiefs in consenting to go to Washington at the request of the commission, and old Sitting Bull is taking advantage of this feeling to regain supremacy in the tribes.”<sup>95</sup> This kind of political analysis, portraying non-assimilation as a viable tactic, was completely absent from any of the *Indian Chieftain*’s volumes. This suggested that the editorial voice of the *Chieftain*, particularly toward the closing era of its publication, was uncompromising in its assessment of how Indian survival ought to be ensured.

Furthermore, when compared to the *Advocate*’s remarks on the culmination of Lakota resistance at Wounded Knee, the *Indian Chieftain* again stood as an outlier. In the January 14, 1891 edition of the *Cherokee Advocate*, the editors criticized the role the US government played in the massacre, writing:

“It seems the casualties at Wounded Knee Creek, Dakota, were more serious than first reported. When the dead bodies of the Sioux Indians were gathered for burial it was found that about one hundred and eighty had gone down before the deadly fire of the U. S. soldiers. The newspaper correspondents flippantly style the dead as, ‘bucks, squaws and papooses.’ It would have been in better taste to have said men women and children, if we are to suppose the writers were bred and educated under the refining influences of a Christian civilization. They were certainly human beings and as such, when dead, should have been accorded that recognition instead of referring to them as so many dead animals.

...We see the authorities at Washington have ordered an investigation of this seemingly un-necessary slaughter of Indians which will, in all probability, develop into a wanton destruction of human life by that arm of the Government which should have been their benefactors and protectors instead of their destroyers.

---

<sup>95</sup> *Cherokee Advocate*, September 26, 1888, pg. 4.

...Mankind generally, though enjoying the blessings and benefits of civilization, will become reckless and often desperate when persistently mistreated, pinched by hunger to the verge of starvation, denied that which rightfully belongs to them, which must have been the case with the Sioux if the pathetic portrayal of extreme destitution of these people by Red Cloud is to be believed.”<sup>96</sup>

Marrs and the *Indian Chieftain*, as previously illustrated, made no such concession.

Instead, after the tragedy, an advertisement featuring a “Realistic Wild West” show (see Figure 9), and boasting a presentation of the “Slaughter at Wounded Knee Creek” made its way into the *Indian Chieftain*’s ad block.<sup>97</sup> Marrs represented a critical turn in the *Chieftain*’s editorial voice, as the issues of allotment and severalty remained a pertinent issue within the pages of the Indian paper. Marrs himself served as a peculiar example of personal politics entering into the space of Indigenous news media, as according to Marrs’s entry in the Dawes Rolls, he not only married into Cherokee blood, but was also refused allotment because that marriage to Amanda Olivia Marrs (a Cherokee woman, denoted 1/16 on the Final Dawes Rolls) did not take place before November 1, 1875 as stipulated by the Dawes Act.<sup>98</sup> Marrs’ glib tone toward the Wounded Knee Massacre, as well as his general directive to advocate for allotment, despite not benefiting himself, served as a challenging example of both Cherokee and five nations preservation through exceptionalism. Rather than boasting military victories or attempting to insight an overthrow of United States influence through insurrection, the Cherokees of Vinita opted

---

<sup>96</sup> *Cherokee Advocate*, January 14, 1891, pg. 2.

<sup>97</sup> *Indian Chieftain*, July 23, 1891, pg. 4.

<sup>98</sup> Dawes Final Rolls, Roll no. 24078, Card 3507;

<https://www.okhistory.org/research/dawesresults.php?cardnum=3507&tribe=Cherokee&type=by%20Blood>

to wage war by a very different, but nonetheless impactful means—a subversion of expectations of civility.

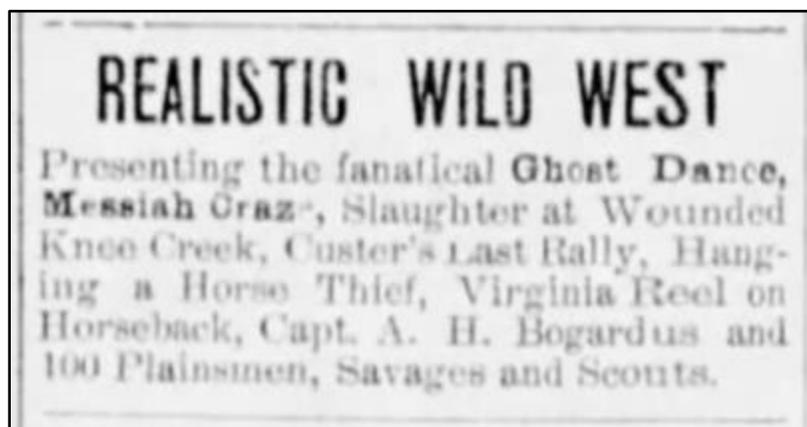


Figure 9. An advertisement from the *Indian Chieftain*.<sup>99</sup>

The response to the Wounded Knee Massacre from the *Indian Chieftain* editorial staff represented a unique Cherokee perspective, and one that differed significantly from the larger political body of the Cherokee Nation. The response from the *Cherokee Advocate* in comparison, represented a more politically neutral, yet sympathetic condemnation of violence against Indians of the plains. The editorial from the *Chieftain* appeared to be othering Indigenous groups that were not explicitly Cherokee, because they are engaged in a campaign for survivance, and one that differed from the *Advocate*. Some may interpret the difference in the rhetorical responses to Wounded Knee between the *Chieftain* and the *Advocate* as the result of Milford's personal agenda manifesting in the editorial voice. Upon closer examination, however, mimicking the attitudes of white government authorities who categorized Indian tribes according to “civilized” and

---

<sup>99</sup> Published in the *Indian Chieftain*, July 23, 1891, just over seven months after the Wounded Knee Massacre.

“uncivilized” standards, the Indigenous editorial staff of the *Chieftain* maintained their strategy of feigning cultural and political assimilation.

The trajectory of the *Indian Chieftain*'s history itself was a grave example of how assimilation worked in contested spaces within Indian Territory. Eventually, the paper dissolved over the course of three decades into a municipal paper, essentially devoid of the politics of the Five Tribes, and thus the unique voice of Indigenous peoples. With each change in editorial staff, the paper evolved. By 1891, for example, what had previously been the “Voice of the Five Nations” was now the “Official Paper of the Industrial Union,” and had dropped all association with the Cherokee frontier by 1907 and the dawn of Oklahoma Statehood.<sup>100</sup> Additionally, with each new editorial regime, many of the *Chieftain*'s retiring editors pursued careers in Cherokee law and politics. The political scene of Vinita throughout the life of the *Indian Chieftain* centered primarily around the establishment and eventual dismantle of the Cherokee Nation. Several men who contributed both to the earliest volumes of the *Indian Chieftain* such as Gus Ivey, later went on to address Cherokee citizenship cases and land disputes. After leaving in 1883, Ivey and Isaac Hitchcock, and early contributor, practiced law within the Cherokee Nation, representing potential Cherokee citizens before the Cherokee National Council.<sup>101</sup> Robert Owen, Ivey's successor, went on to become the head of the United States Union Agency for the Five Civilized Tribes, then later became the first Native American US senator, and campaigned for an Indian Citizenship bill in congress.<sup>102</sup> Ross,

---

<sup>100</sup> *Indian Chieftain*, January 22, 1891; *Indian Chieftain*, September 12, 1907.

<sup>101</sup> O.B. Campbell, *Vinita, I.T.*, 60.

<sup>102</sup> Stephen J. Brandon, "Mother Of U.S. Senator An Indian Queen: Cultural Challenge and Appropriation in The Memoirs of Narcissa Owen, 1831-1907." *Studies in American Indian Literatures* 13, no. 2/3 (2001): 5-22.

of course, had previously served as Principle Chief of the Cherokee Nation before his tenure with the *Chieftain*. Ultimately, the story of the *Indian Chieftain* and the small Cherokee frontier village of Vinita came to represent a moment in Five Tribes history that revealed a struggle to re-forge Indigenous identities, and adapt the rhetorical strategies evident in the *Chieftain* to a larger, national struggle for Indian sovereignty.

In the end, we are left with a complex, and compelling example of the lengths certain Native American communities went to in order to protect their claim to land. This was, however, by no means a project that all Indian peoples adopted or even supported. Feigning assimilation, as we will continue to see, was a messy, politically charged strategy that left some Indigenous peoples with the real and uncertain consequences of allotment and severalty. The process was slow, and by the end of the century, the rhetorical tactics of the *Indian Chieftain* were largely forgotten by many. New tactics, particularly those that took the form of lawsuits to uphold legal rights and citizenship claims, emerged. But the challenge of subverting the rhetorical noose of assimilation and civility evolved to include direct challenges to the legal status of American Indian peoples. With the absorption of the *Indian Chieftain* into the municipal paper of a resettled, predominantly white railway town in Oklahoma, successful survivance looks less clear. In this case at least, it seemed the many complicated men who edited the *Chieftain* survived, and continued to perpetuate subtle resistance measures, but their institutions ultimately did not.

## Chapter 2

### **“The Plaintiff is an Indian”: Indigenous Citizenship and Identity in the Rhetoric of the Courts in *Standing Bear v. Crook*, (1879) and *Elk v. Wilkins*, (1884).**

---

“[A]n Indian is a *person* within the meaning of the laws of the United States [sic]. . . .”<sup>103</sup> “The alien and dependent condition of the members of the Indian tribes could not be put off at their own will, without the action or assent of the United States.”<sup>104</sup>

Thus read two of the most quintessential lines of the United States federal courts *United States ex rel. Standing Bear v. Crook* in 1879 and *Elk v. Wilkins* in 1884, respectfully. In the closing decades of the nineteenth century, these two remarkable court cases forced US officials to clarify, and in some ways, define or redefine the constitutional relationship with Indian Peoples. For over five years, Nebraska served as the backdrop of transformative Indian politics as these two petitions for Indian personhood (*Standing Bear v. Crook*) and suffrage (*Elk v. Wilkins*) garnered unfounded implications for Indian identity leading into the twentieth century. The U.S. District Court for the District of Nebraska redefined Indian Peoples as *persons* under the law in its decision in *Standing Bear*’s case. Just five years later, however, the United States Supreme Court ushered forth the opinion that Indians were *not subject to the rights of citizenship* granted by the Fourteenth and Fifteenth amendments to the US Constitution with its decision in *Elk v. Wilkins*, a case which, like *Standing Bear*, also had its beginnings in federal court in the District of Nebraska.

---

<sup>103</sup> *United States, ex rel. Standing Bear, v. George Crook*, 5 Dil. 453. Emphasis added.

<sup>104</sup> *Elk v. Wilkins*, 112 U.S. 94.

The strategies of survivance, again, looked different than in the three-part platform of the *Indian Chieftain*. Instead of the deliberate dissemination of plans for strategic allotment designed to more concretely display the self-determination of the Five Tribes, these two legal cases utilized different tactics entirely. The survivance strategy displayed within the legal cases in both *Standing Bear, v. Crook* and *Elk v. Wilkins* can be broken down into three essential components. The first goal of this strategy was to assemble a series of legal arguments that presented each man as having sufficiently severed ties with their respective tribes. This was essential to creating a narrative that Standing Bear displayed the potential for civilizing, and was therefore a person under the law. Equally, the argument made for John Elk was one that emphasized both his birth within United States territory, and his voluntary separation from tribal life. These arguments were crafted with the specific goal of painting both men as potentially and successfully civilized under the expectations and laws of the United States.

The second goal was to emphasize Standing Bear's and John Elk's adoption of Christianity. This tactic was intended to both draw national support in favor of the two men's cause, as well as establish a potent legal argument. If, for example, the argument could be made that Standing Bear had adopted the life of a Christian, he would be subject to the same defining laws of humanity that informed the United States Constitution. Moreover, by appealing to Christian philanthropists who saw Standing Bear as a potential convert and as a symbol of God's providence over the weak, his legal representatives could make a stronger argument for his civilizing potential. John Elk's case, however, presented Elk's Christianity as a measure of how successfully he separated from his tribe—an essential step to adopting mainstream American life.

The final component of this strategy was to bring these arguments before federal courts, where Indians could preserve their existence within the laws of the highest corporeal authority. This is the most important element of this survivance strategy because if Standing Bear could be granted *habeas corpus*, it opened the possibility for other native peoples to define themselves as persons under the laws of the United States, providing new opportunities to seek justice. And if John Elk could declare himself an American Citizen, then so too could others looking for legal presence, rights and responsibilities. While the motive behind pursuing each case could be classified as “reactionary” based on the circumstances and facts presented, the specific arguments made on Standing Bear’s and Elk’s behalf were nevertheless carefully situated to appeal to expectations of assimilation. The thoughtful arguments brought before federal courts in these two cases offer historians another way of understanding how American Indian people eked out a legal existence within an antagonistic system. In other words, historians who look at these remarkable examples will see that survivance strategies could be versatile.

What made these two cases particularly remarkable amongst perhaps the most tumultuous period of Indian policy reformation? Not only were the cases litigated by the same lawyers and championed by the same philanthropic society, but both bolstered their arguments under the same premise: these two men, Standing Bear and John Elk, had assimilated. This, however, was not the reality, but merely a subversion of the legal expectation of Indian Peoples within the political zeitgeist. These two cases established the precedent for American Indian legal identity in the closing decades of the nineteenth century, and were largely responsible for recontextualizing the US Indian policy rhetoric

toward the project of severalty and allotment, which was designed to both incrementally dismantle Tribal sovereignty and confer citizenship.<sup>105</sup> But that was not their intent.

Both Standing Bear's and Elk's cases were indeed pivotal in the trajectory of American Indian civil rights, but the success of Standing Bear's argument for *habeas corpus* reveals a great deal more about the way these rights were achieved, especially when placed in juxtaposition to Elk's unsuccessful bid for American citizenship. The success and failure of Indigenous rhetorical arguments suggests that the process of feigning civilization, Christianization, and assimilation was fluid, and did not always guarantee a favorable outcome. When put in proper context, these two cases reveal how Standing Bear and his supporters were able to successfully manipulate public sentiments in order to secure his individual rights to his ancestral homelands, but how that same rhetoric, when grafted onto Elk's circumstances, failed. Elk's case, then, should demonstrate to historians of American Indian civil rights that the rhetoric of survivance, while often powerful, subversive, and meaningful, was not always successful. Because of this dichotomy, Standing Bear's case and his life before and after are better understood and remembered than John Elk's. Elk's life and the circumstances of his involvement in the U.S. Supreme Court hearing are obscured, perhaps because the ambitions of that trial would not come to fruition for another forty years, when another Indian rights advocacy group, the Society of American Indians, championed a successful bid for American Indian citizenship in 1924.

---

<sup>105</sup> *An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, and to Extend the Protection of the Laws of the United States and the Territories over the Indians, and for Other Purposes*, Pub. L. 49- 105., 24 Stat. 387-391.

In the previous chapter, Indigenous journalism, written by English-speaking natives, served as a successful means of critiquing violations of sovereignty in Indian Territory. This chapter identifies a second strategy utilized by non-elite Indigenous peoples that perpetuate survivance. In these two examples, lawyers and philanthropists served as a medium through which non-elites can play into assimilation. When working with the courts, the two plaintiffs had to contort themselves—they look vastly different on paper than on the ground. Instead of perfectly assimilated wards, eager for American life, they remained intimately tied to their families, peoples, and ways. This had to be a complicated game, because it is much different from a small, local paper evidenced in the first chapter. These lawyers and the members of the philanthropic “Ponca Committee” were actors in their own right, but they nevertheless tools of communication that Standing Bear and Elk used to traverse a legal system built upon unjust laws. Here again, in Standing Bear’s example, feigning assimilation was an effective, albeit taxing strategy to achieve justice. It matters what the lawyers said in court and what the philanthropists preached to the nation, but to understand the whole narrative, the Indigenous voice must be heard. When compared to the reality of what Standing Bear’s and Elk’s communities said and did, these court cases not only show us what they really thought, but suggest how some Indian people adapted to and resisted government influence. Therefore, the both lawyers and Indian advocates serve as vessels through which these natives are speaking, and the real story lies beneath their rhetoric. The tension between the strategies the philanthropists and the lawyers utilize to plead these cases reveal the lengths that non-elites had to go to in order to achieve individual/communal rights to survival and sovereignty.

The importance of this litigation is most highlighted when these two cases are placed in proper historical context and in direct contrast with one another. Overarching histories of US-Indian politics typically lump these cases into a sweeping moment of ill-defined parameters of Indian legal status eventually leading to severalty and allotment. Moreover, the particulars of the cases are often obscured by the overarching argument that these two cases were merely a bump in the road of civilization tactics. In Francis Paul Prucha's *The Great Father: The United States Government and the American Indians*, Elk's case serves as a confounding and controversial example of the US government's indecision on the role citizenship would play in civilization. "Was citizenship a reward conferred when an Indian had demonstrated his desire and his competence to live among the whites," wrote Prucha, "or was citizenship to be a means whereby the Indian would advance on the road to civilization?"<sup>106</sup>

While Prucha's argument that *Elk v. Wilkins* cemented the road to Indian civilization as a question of citizenship is correct, there were more insidious intentions behind this new goal of citizenship—intentions that had guided US-Indian relations for over a century: the paternalistic subjugation of Indian peoples, and the annexation of their remaining lands. Both Standing Bear's and Elk's cases reveal that the "Great Father's" new rules to the game of assimilation was to provide legal precedent for the oversight of Indian civilization—the exact opposite aim of the plaintiffs themselves. Meanwhile, an Indian rights organization known as the Ponca Committee drew national attention to these suits. Through speeches and national tours, the Ponca Committee sought to appeal

---

<sup>106</sup> Francis Paul Prucha, *The Great Father: The United States Government and the American Indian*, (Lincoln, NE: University of Nebraska Press, 1986), 231.

to a larger Christian community to rally around Standing Bear's plight, under the auspices of sufficient Christianization. The Ponca Committee and their contributions to the Standing Bear and Elk cases can be seen through the writings of Thomas Tibbles, an Omaha journalist, and his wife, Bright Eyes (Omaha Ponca). Historian Stanley Clark details the Ponca Committee's efforts to have an Indian citizenship case heard by a federal court, and the many lengths the band of lawyers, missionaries, journalists, and philanthropists went to in order to have the two cases heard.<sup>107</sup>

Clark does not remark, however, in his thorough account of the Ponca Committee's efforts entitled, "Ponca Publicity," on John Elk. His emphasis lies instead on the committee's national campaign for Standing Bear. Clark roots his argument in the Christianizing language of the Ponca Committee's most prominent members, Thomas Tibbles and Susette La Flesche. The committee dissolved before the U.S. Supreme Court issued an official decision in the *Elk* case, but their joint effort to have a case heard before a national audience cannot be downplayed. What we come to understand about the committee's efforts, through Clark's account, is how little their narrative and rhetorical repertoire changed from Standing Bear's case to Elk's, just before the organization disbanded. This is even more apparent in Robert Mardock's *The Reformers and the American Indian*. Mardock suggested the Ponca Committee's hand in pushing Elk's case forward, and financially supporting the cause, but did little else to properly situate John Elk's argument in the proper context of the law.<sup>108</sup> The two cases should be understood as interconnected, but have not been put in proper context with one another. The rise and

---

<sup>107</sup> Stanley Clark, "Ponca Publicity," *The Mississippi Valley Historical Review* 29, no. 4 (March 1943), pp. 495-516.

<sup>108</sup> Robert W. Mardock, *The Reformers and the American Indian*, (Columbia, MO: University of Missouri Press, 1971), 217-18.

fall of Indian existence in the legal definitions of the United States in the five years between them suggests a broader trajectory of Indian affairs toward limiting the individual liberties of natives.

This legal backlash is evident in scholarship that does meet the two cases on their own terms, two works of law journalism by John Starita and Bethany Berger. Starita outlined Standing Bear's bid for legal humanity in his work entitled, "*I Am a Man.*" *Chief Standing Bear's Journey for Justice*, while Berger compiled a wealth of new insights into the *Elk v. Wilkins* litigation in her article entitled, "Birthright Citizenship on Trial: *Elk v. Wilkins* and *United States v. Wong Kim Ark.*"<sup>109</sup> Both Starita and Berger made one essential argument, which lies at the heart of these cases: that these two Indians had achieved some degree of severance from their tribes was based entirely in myth. With this assumption in mind, it becomes clearer how the lawyers for Standing Bear and Elk sought to subvert the narrative of civilization. Neither Elk nor Standing Bear had any intention to rebuke their tribal affiliation, nor did they. Both Elk and Standing Bear returned to their tribal communities, one a champion of Indian legal humanity, the other a forgotten footnote among a torrent of civilization measures.

Often, historical scholarship on American Indians points to Indigenous acts of subversion that are either heavily theoretically rooted, or are simply abstracted to accommodate for a lack of material insights.<sup>110</sup> This is an important, essential aspect of

---

<sup>109</sup> Berger, Bethany R. "Birthright Citizenship on Trial: *Elk v. Wilkins* and *United States v. Wong Kim Ark.*" *Cardozo Law Review* 37, no. 4 (April 16, 2016): 1185-1258; Starita, John. "The Case for Standing Bear: Establishing Personhood Under the Law," *Court Review: The Journal of American Judges Association* 45, no. 1-2 (2009): 4-11.

<sup>110</sup> See Gerald Vizenor, *Survivance: Narratives of Native Presence*, (Lincoln, NE: University of Nebraska Press, 2008).

the historical study of Indigenous Peoples, but just as often, there are instances such as Elk's and Standing Bear's cases, which offer a more concrete or oblique example of resistance that are equally under-researched. These two pieces of litigation fall directly at the heart of landmark Indian Affairs policies, the Dawes Act of 1887, and the American Citizenship Act of 1924, both of which were born with one foot in the future of Indian politics, and one firmly rooted in the past. The arguments and rhetoric apparent both in the court opinions and in newspaper coverage of the proceedings across the state of Nebraska, reveal a great deal about the assumptions and motives of lawyers and judges when dealing with the "Indian problem." But more importantly, by examining the historical context surrounding the litigation, we can gain a clearer understanding of how Indigenous agents navigated and ultimately subverted the language of assimilation and progressive civilization to root out federal authorities from tribal communities, in much the same way that the editors of the *Indian Chieftain* did in Indian Territory, just a few years surrounding these cases.

Following the ratification of both the Fourteenth and Fifteenth amendments by 1870, as well as Civil Rights Act of 1866, many formerly subjugated peoples found opportunity to define a new existence in the American legal system.<sup>111</sup> However, the

---

<sup>111</sup> *An Act to Protect All Persons in the United States in their Civil Rights, and furnish the Means of their Vindication*, 14 Stat. 27, (1866). The relevant Constitutional language is as follows:

Amendment XIV

Section 1: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Section 2: "Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of

ambiguous language of the Constitutional Amendments in regard to the status of American Indians laid the legal groundwork for these decisive acts of subversion. The stream of litigation and legislation attempting to define the status of Indigenous Peoples in the United States revealed the instability of the federal government's political and constitutional relationship with Tribal Nations at large.

Furthermore, the facts of both cases and the plaintiffs' arguments revealed the ways in which individual Natives forged a new identity, and imagined existence within the intellectual and logistical space of American citizenship. By looking at federal court opinions, we can gain a better understanding of how the US government understood its relationship with Indian Nations and individuals leading to this decision. In the example of Standing Bear's case, his lawyers argued unequivocally that Indians were persons within the American legal paradigm, citing the Fourteenth amendment and a US Senate report arguing that the dissolution of Tribal-bonds was sufficient grounds for personhood

---

the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state."

#### Amendment XV

Section 1: The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

14 Stat. 27

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1: That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

under the amendment.<sup>112</sup> In *Elk v. Wilkins*, the US Supreme Court cited two individual treaties with Indian Nations and prior litigation over the logistics of Constitutional birthright citizenship. What did these citations reveal about the existing political and legal relationship with Indigenous Peoples? What were the dissenting arguments? What did the discourse and rhetoric of the court reveal about the status of Indians at large in the minds of US officials?

The aim of this chapter is to illuminate and analyze the rhetorical language found in the arguments by and for two American Indian men in federal courts as they helped define the status of Indians at two critical moments in the history of Indigenous Peoples. I will argue that the language of Standing Bear's and Elk's arguments were specifically designed to incorporate as much language of assimilation as possible, while the individual motives of these men differ quite radically from that defense. The arguments utilized and cited by the Ponca Committee and their lawyers can be further understood through the responses by the U.S. District Court for the District of Nebraska and the U.S. Supreme Court, as well as the larger response from Indian Nations and individuals. These cases were undeniably critical in shaping Indian affairs and US Indian Policy moving into the twentieth century. I will further argue that the opinions upon which *Standing Bear v. Crook* and *Elk v. Wilkins* were decided, reveal critical assumptions of Indigeneity made by the US government intended to limit or deny civil liberties and Indigenous self-determination. The premise for these decisions, I argue, went beyond the goal of civilizing Indians and preparing them for American society, and instead provided a platform for depriving these non-citizen dependents of their lands through allotment. This

---

<sup>112</sup> John Sarita, "The Case of Standing Bear," 4-11.

critical interpretation rendered the downfall of the subversion so eagerly anticipated by the litigants.

The two cases are presented here both chronologically and thematically, in order to maintain the proper context for each. Standing Bear's case explores the themes of redefining Indigenous individual identity through the legal system. Elk's case, on the other hand, serves as an example of how individual sovereignty plays into Indigenous rights to American citizenship, but ultimately come up short. The facts of each case reveal how Indian rights advocates, as tools of subversion, played into the expectations of assimilation on behalf of their Indigenous clients. But the stories of Standing Bear and Elk as individuals reveal that the expectation of assimilation and the arguments their legal defense made served as little more than a façade to benefit their own survival.

### **Standing Bear's Case**

“If some man should take you a thousand miles from home, as you did me, and leave you in a strange country without one cent of money, where you did not know the language and could not speak a word, you would never have got home in the world. You don't know enough.”<sup>113</sup> Thus spoke Standing Bear, a principle chief of the Ponca in the Dakota territory to a band of federal troops who had tracked him down to the Ponca Agency. The federal troops—who go unnamed in Standing Bear's account—had abandoned him and seven other prominent Ponca men in Indian Territory the previous autumn.<sup>114</sup> “My people were here and owned this land before there was any Great

---

<sup>113</sup> Thomas Tibbles, *The Ponca Chiefs: An Indian's Attempt to Appeal from the Tomahawk to the Courts*, (Boston, MA: Lockwood, Brooks & Co., 1880), 7.

<sup>114</sup> Tibbles, 4-7.

Father,” continued Standing Bear, “We sold him some land, but we never sold this. This is mine. God gave it to me. When I want to sell it I will let you know. You are a rascal and a liar, and I want you to go off my land.”<sup>115</sup> Standing Bear’s clear protest exemplifies his motive for litigation—to be recognized under the law as a person. With a final jab indicating the hypocrisy of the troops at the agency, “If you were treating: a white man the way you are treating me, he would kill you, and everybody would say he did right. I will not do that. I will harm no white man, but this is my land, and I intend to stay here and make a good living for my wife and children,” Standing Bear spoke his peace with the federal officials.<sup>116</sup> He was promptly arrested.



Figure 10. Standing Bear, Ponca Chief.<sup>117</sup>

<sup>115</sup> Tibbles, 8.

<sup>116</sup> Tibbles, 8.

<sup>117</sup> Thomas-Foreman Home Collection, OHS, 20588.12.B.22R.

The Ponca originally occupied a reserve in Dakota, until their removal in 1877. The decision to remove the Ponca occurred in the back halls of the offices of the Secretary of the Interior, Carol Schurz. Against the advice of the former governor of the Dakota Territory, Newton Edmonds, Schurz ordered the Ponca remove to Nebraska. The decision was handed down to the Ponca by Washington, with absolutely no consensus from the nine bands of the Ponca oligarchy. Standing Bear, second in command of the Ponca, ardently opposed this decision.<sup>118</sup> Before this time, the Ponca occupied the banks of the Niobrara River, branching away from the Mississippi River before European contact. The Ponca first entered treaty with the United States in 1817, and after successive treaties establishing trade, the Ponca signed a treaty in 1858 yielding their lands to the US.<sup>119</sup> As part of this cession, the United States offered protection in whatever lands the Ponca removed, stipulating good behavior on their part.<sup>120</sup>

According to an account of Standing Bear's case by Thomas Tibbles, a journalist, activist, and founder of the Ponca Committee, the Ponca existed quite happily on their lands in the Dakotas. In autumn of 1876, however, the Ponca received news from their local missionary that the US intended to relocate them to Indian Territory.<sup>121</sup> Their removal was pitched as an opportunity to find more easily tillable soil for grain crops, and the Ponca were told that if they did not like the lands in the Indian Territory, that they were free to return to the Dakotas.<sup>122</sup> This was, of course, a ruse. When Standing Bear, along with nine other men who made the journey with him saw the lands south, he

---

<sup>118</sup> Stanley Clark, "Ponca Publicity," 495.

<sup>119</sup> Treaty with the Ponca, 1858, Article 1, *Indian Affairs: Laws and Treaties*, vol 2 (*Treaties*), 772-775.

<sup>120</sup> Treaty with the Ponca, 1858, Article 2. *Indian Affairs: Laws and Treaties*, vol 2 (*Treaties*), 772.

<sup>121</sup> Tibbles, *The Ponca Chiefs*, 1-3.

<sup>122</sup> Tibbles, 1-3.

protested. The officials escorting the Poncas to Indian Territory then revealed that they had no choice but to sell their land in the Dakotas and pick from the reservations they had seen, the Poncas declared they could not support their people on the rocky soil.<sup>123</sup>

"These men then talked entirely different from what they did in Dakota," reflected Standing Bear, "They said, you shall trade your land in Dakota for land here. You can go out there and choose what you want, but you shall trade. Your tribe will be brought down here, and you may as well choose your land now."<sup>124</sup> Standing Bear's party remained adamant that they would not accept this deal from Washington, and they demanded they be brought back to the Dakotas. "Then the men grew very angry," he later recalled, "and said if we did not agree to come they would go off and leave us there to starve. They would not take us back home. We said it would be better for ten of us to die than that the whole tribe, all the women and little children, should be brought there to die, and die we all would, right there, rather than do what they asked."<sup>125</sup>

---

<sup>123</sup> Tibbles, 4.

<sup>124</sup> Tibbles, 4.

<sup>125</sup> Tibbles, 4.



Figure 11. Map of Ponca Removal from the Niobrara River to Oklahoma.<sup>126</sup>

<sup>126</sup> From James H. Howard, *The Ponca tribe / by James H. Howard ; in collaboration with Peter Le Claire, tribal historian, and other members of the tribe*, (Washington : U.S. Govt. Print. Off.; 1965), 2.

After being abandoned by the men from Washington, Standing Bear's party marched to the Omaha Indian Agency in Nebraska, where they made their circumstances public. Several interested parties offered aid to them there, including newspaper editors, and the Omaha themselves, who the Ponca considered cousins.<sup>127</sup> After finally returning to his community several months later, and with the aid of the *Sioux City Journal* editor and several others from the local community, Standing Bear sought justice.<sup>128</sup> That justice, however, was put on hold. The men from Washington had yet again returned to the Ponca, this time to remove Standing Bear to Indian Territory permanently. "When Standing Bear and his brother, Big Snake, tried to incite forcible resistance," wrote historian Stanley Clark, "they were carted away to Fort Randall, Nebraska, where their opposition cooled sufficiently to permit their return in time to join the last group of Ponca Indians headed south for the Quapaw Reservation."<sup>129</sup>

When they reached Indian Territory, a great number of Ponca had died from illness and starvation.<sup>130</sup> One such person was Standing Bear's son, who died near the Arkansas River. This was the catalyst for Standing Bear's march back to Dakota, where he intended not only to bury his son's remains, but to remain eternally. In January of 1879, accompanied by a party of thirty other Ponca, Standing Bear left for the Dakota territory. "Six days passed before the agent learned of their departure," wrote Clark, "Then he sent a frantic appeal to Washington to have the Oto and Omaha agencies in Nebraska notified that if they appeared at either place, they should be arrested

---

<sup>127</sup> Tibbles, *The Ponca Chiefs*, 25.

<sup>128</sup> Tibbles, 7-8.

<sup>129</sup> Clark, "Ponca Publicity," 495.

<sup>130</sup> Tibbles, *The Ponca Chiefs*, 12-13.

immediately and returned by a detail of soldiers to Indian Territory.”<sup>131</sup> This was the critical turn in Standing Bear’s trajectory, and when he and his party reached the Omaha agency in March of that year, they were caught by the Indian Agent in Omaha. After meeting with kinsmen, according to Clark’s account, Standing Bear and the thirty other Ponca in his company were taken by federal troops to Fort Omaha.<sup>132</sup>

In a plea to the Omaha Agent, Standing Bear cited that in order to survive, he and the remaining Ponca moved to new lands north of their designated territory in Oklahoma, under false orders from the “Great Father.”<sup>133</sup> There, the Ponca were arrested by Brigadier General George Crook, and detained at Fort Omaha. Eventually, news of the Poncas arrest reached the editor of the local paper, the *Omaha Daily Herald*, Thomas Henny Tibbles. Tibbles, who would go on to produce a written account of Standing Bear’s robbery, imprisonment and legal petition entitled, *The Ponca Chiefs: An Indian’s Attempt to Appeal from the Tomahawk to the Courts*, found two lawyers willing to draft a writ of *habeas corpus*, and see the writ through the Circuit Courts of Nebraska. John L. Webster and A. J. Poppleton took the case saying, “This is a question of vast importance. A petition for such a writ must be based upon broad constitutional grounds, and the principles involved in it underlie all personal liberty. It is a question of the natural rights of men, such as was discussed by the fathers and founders of this government.”<sup>134</sup>

---

<sup>131</sup> Clark, “Ponca Publicity,” 496.

<sup>132</sup> Clark, 496.

<sup>133</sup> Tibbles, *The Ponca Chiefs*, 14. The Ponca sought refuge with the Omaha in Nebraska, allies they had encountered while attempting their journey home to Dakota. The letter Standing Bear referenced in his account for Tibbles also made it to local news outlets, such as the *Sioux City Journal*, which appeared to be following the details of the Ponca plight carefully.

<sup>134</sup> Tibbles, 39.

The news of Standing Bear's arrest, in part thanks to the publicity stirred by Tibbles, radiated into the Dakota territory, where newspapers that had once advocated for Ponca removal, were now trumpeting his release, and championing for his right to return to his homeland.<sup>135</sup>

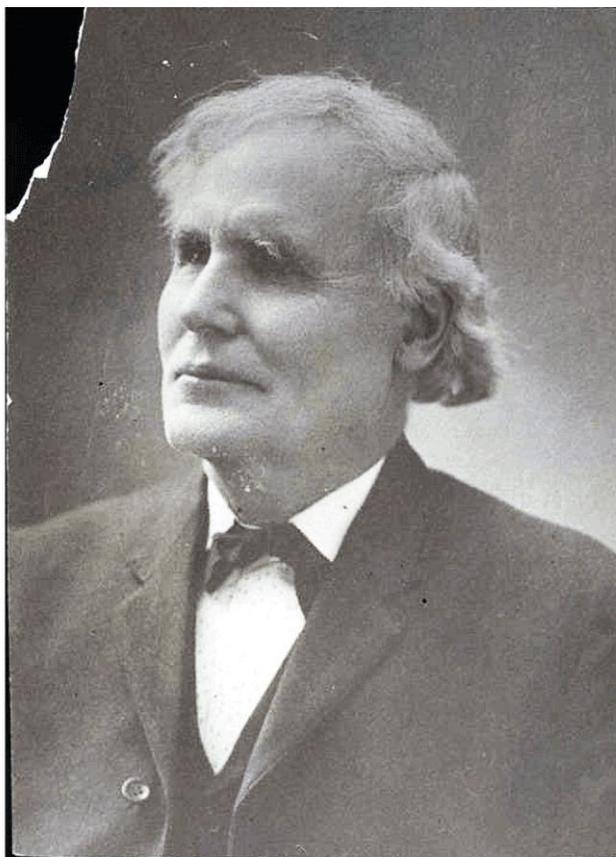


Figure 12. Thomas Hennery Tibbles.<sup>136</sup>

Tibbles' influence with the religious community in Omaha also sparked interest among missionaries, who viewed it their duty to help Standing Bear, a potential fellow Christian, uphold his rights in court. With the support of lawyers, missionaries, journalists, and self-

---

<sup>135</sup> Clark, "Ponca Publicity," 497. Clark cites reports from the *Yankton Daily Press* and the *Daokotaian*.

<sup>136</sup> *Nebraska State Historical Society*, "The Trial of Standing Bear," <http://www.nebraskastudies.org/1875-1899/the-trial-of-standing-bear/the-trial/#lg=1&slide=4>.

declared benefactors of the Ponca, Tibbles formed The Omaha Committee, also known as the Ponca Committee, which spearheaded the efforts to push Standing Bear's Case to the Supreme Court. This effort was led by a Ponca-Omaha woman by the name of Bright Eyes (also known as Susette La Flesche), who spoke English, and deeply sympathized with Standing Bear's plight. The Ponca Committee hoped to embody a sense of Christian duty and moral high ground surrounding Standing Bear, citing his right to *habeas corpus*.

This defense of personhood looked much the same as John Elk's later bid for citizenship, and the litigants made the same case—Indians not only had the capacity to embody civilized life, but could demonstrate full assimilation into American society. The circumstances of the case were made largely available to the public, and the impact thanks to Tibbles. Despite this litigation going somewhat unexamined in historical accounts of Indian policy, plenty of records of Standing Bear's case exist. The case was pled on behalf of Standing Bear by Webster and Poppleton before Judge Elmer S. Dundy of the U.S. District Court in Nebraska. The petition to recognize the writ of *habeas corpus*—and thus, the wrongful detainment at Fort Omaha—was submitted April 8, 1879, and included a carefully worded statement from the Ponca committee, citing, “that for a considerable time before, and at the time of their arrest and imprisonment... they were separated from the Ponca tribe of Indians, and that so many of the said Ponca tribe of Indians as maintain their tribal relations are located in the Indian Territory.”<sup>137</sup>

When Standing Bear was released from Fort Omaha, the Ponca Committee wasted no time utilizing his presence at important functions to garner attention and

---

<sup>137</sup> Tibbles, *The Ponca Chiefs*, 41-44.

sympathy for their cause. “The Omaha committee decided to put Bright Eyes and Standing Bear on the lecture platform,” wrote Clark, “Bright Eyes was to read a prepared message, and interpret the speeches made by the run- away chief. Four interesting topics - the inspection tour of Indian Territory and the desertion in February, 1877, of the delegation by the eight Ponca chiefs, the removal in the months following, the sickness and deaths at Quapaw and at the new agency through 1877-1878, and the flight of Standing Bear in January, 1879 -were chosen to attract the attention of audiences.”<sup>138</sup> Clark’s research also suggested that by that summer, the Ponca population in Indian Territory plummeted, primarily due to the poor conditions in which they were left. Just four hundred, of the original five remained.<sup>139</sup> Standing Bear’s story, along with the news from Indian Territory was fuel for the Ponca Committee’s national campaign. The committee even went to the lengths to dress Standing Bear in stereotypical Indian attire during the speeches, to which he ardently protested and eventually stopped wearing against their wishes.<sup>140</sup> In one particular speech given before an audience of philanthropists and Indian enthusiasts in Boston, it is possible to see the lengths to which Bright Eyes and her committee went to in order to make the case that Standing Bear, and the Ponca, ought to be granted the rights of law. Taking an extemporaneous moment from translating Standing Bear’s story, she said:

---

<sup>138</sup> Clark, “Ponca Publicity,” 499-500.

<sup>139</sup> Clark, 498-501. Notes several times the fall in population, and how that spurred the need to take this to court.

<sup>140</sup> Clark, 507.

"Do you wonder that the Indian feels out- raged by this treatment and retaliates, although it will end in death to himself. I wish I could tell you the whole story as it should be told. Oh! Think, as you return to your happy homes with which God has blessed you, that weary, aching, homeless hearts have turned to you for help in Christ's name, that Christ who wandered over the face of the earth he had made, without a spot on which to lay his head, and as you would have helped your Savior, so help these hapless ones."<sup>141</sup>

Bright Eyes' appeal suggests that Christianity, perhaps even more so than the law, was a powerful tool to win the sympathies of outsiders. But in a more powerful sense, allowed herself to stand as an example of how Ponca peoples could exist as assimilated peoples, and suggesting Standing Bear and his compatriots could do the same, if only given a fair status under the law.



Figure 13. Bright Eyes (Susette La Flesche Tibbles).<sup>142</sup>

---

<sup>141</sup> Clark, 506, from *The Advance*, Nov 6, 1879.

<sup>142</sup> *Nebraska State Historical Society*, "The Trial of Standing Bear," <https://nebraskaeducationonlocation.org/nebraska-notables/susette-la-flesche-tibbles/>.

Thomas Tibbles and Bright Eyes, however, were eventually ousted from the whole affair. The two were married, and went on to serve as proponents of Indian civil rights through philanthropy alone. Their advocacy with the Ponca people and Standing Bear came to an anti-climactic conclusion, when the main body of the tribe refused to leave Indian Territory, citing their pact with the United States government to remain there under threat of violence.<sup>143</sup>

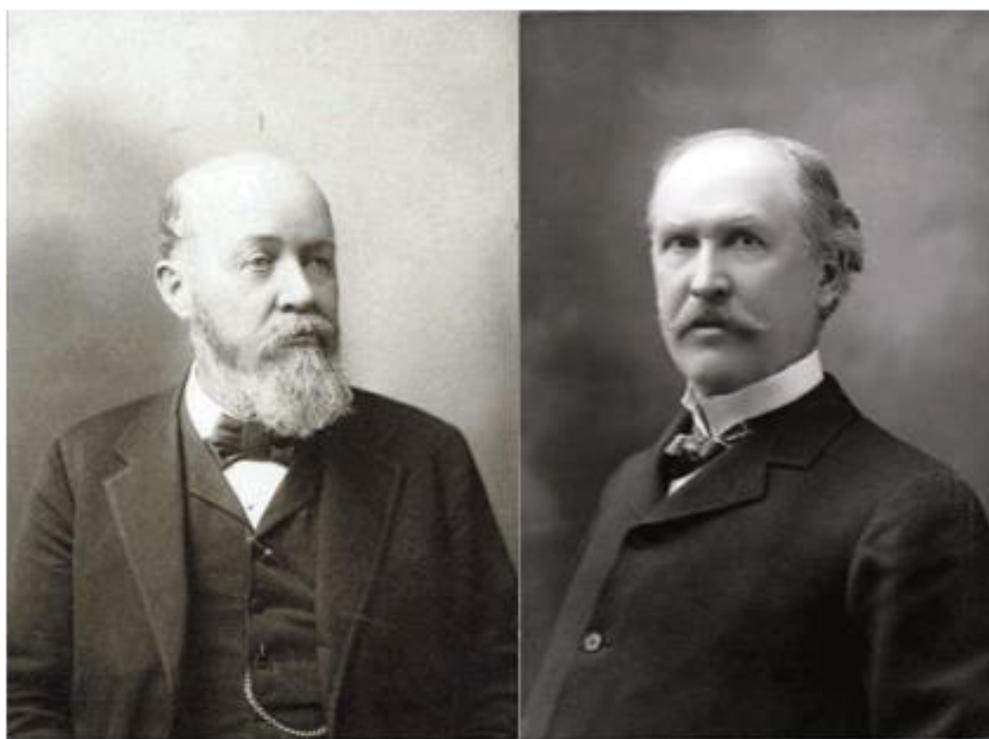


Figure 14. A.J. Poppleton (Left) and John Lee Webster (Right).<sup>144</sup>

---

<sup>143</sup> Clark, "Ponca Publicity," 514-515.

<sup>144</sup> *Nebraska State Historical Society*, "The Trial of Standing Bear," <http://www.nebraskastudies.org/1875-1899/the-trial-of-standing-bear/the-trial/#lg=1&slide=2>; and <http://www.nebraskastudies.org/1875-1899/the-trial-of-standing-bear/thetrial/#lg=1&slide=3>

This assertion of separation from the larger sect of Ponca that remained in Indian Territory was the primary basis for Webster's and Poppleton's argument that Standing Bear had sufficiently measured some degree of *civilization*. As wards of the United States, and under the Fourteenth amendment, argued Standing Bear's lawyers, he was at least *human*. The case against Standing Bear (and the remaining members of his community imprisoned with him at Fort Omaha) was whether or not he had the rights of a *citizen*. G.M. Lambertson, the government's attorney, cited *Dred Scott v. Sandford*, which challenged the status of descendants of African slaves as citizens.<sup>145</sup> According to Lambertson, if the ruling in *Dred Scott v. Sandford* stipulated that the Constitution had no measure of including African slaves as citizens, then surely the Constitution had no measure of including Indians as citizens, either, and, as a result, Standing Bear had no legal precedent to claim habeas corpus.<sup>146</sup> Webster and Poppleton, however, argued that under Section 1 of the Fourteenth amendment to the US Constitution, which stated:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Standing Bear was, argued Poppleton a man, deserved of human liberty.<sup>147</sup> What made these arguments particularly potent in the course of Indian identity formation, was the basic legal premise that they were indeed human beings. What seems clearly obvious to

---

<sup>145</sup> *Dred Scott v. Sandford*. 60 U.S. 393.

<sup>146</sup> Tibbles, *The Ponca Chiefs*, 103-104.

<sup>147</sup> Tibbles, 104.

us today—the humanity of Indigenous Peoples—was uncertain in the eyes of the laws of the United States. It was the duty of Judge Dundy to decide the logistical fate of Indian existence within the US.

That decision was divided in four parts. First, and most resoundingly, “An Indian is a person within the meaning of the *habeas corpus* act...”<sup>148</sup> Dundy asserted that Indians had the unequivocal right to sue when under the authority of the United States, or in the custody of an officer in violation of the law.<sup>149</sup> The court’s opinion then turned to a more essential question, and one that perhaps weighed more heavily in the minds of US officials and the Ponca alike: the question of civilization. Second, stated Dundy, Indians had the “inalienable right” to expatriation—a decidedly assimilative act.<sup>150</sup> Likewise, his third and fourth opinions regarded Indian Removal with skepticism, stating that while US officials had the authority to remove “from an Indian reservation all persons found therein without the authority of law,” it was the duty of those officials to see the safe transport of those Indians being removed.<sup>151</sup>

Thus, it was the opinion of the U.S. District Court that Standing Bear, as an Indian person in the United States, and thus under her jurisdiction, was afforded certain protections under the law. To make this argument, Standing Bear’s lawyers claimed that the question before the court was not about citizenship at all, rather a matter of who under the law had the right to file *habeas corpus*.<sup>152</sup> The law regarding this distinction, argued

---

<sup>148</sup> *United States ex rel. Standing Bear v. George Crook, a Brigadier-General of the Army of the United States*. 5 Dil. 453. [Hereafter referred to as “*Standing Bear v. Crook*”].

<sup>149</sup> *Standing Bear v. Crook*.

<sup>150</sup> *Standing Bear v. Crook*

<sup>151</sup> *Standing Bear v. Crook*

<sup>152</sup> Starita, “The Case of Standing Bear,” 5-6.

Standing Bear's lawyers, contained no stipulation of citizenship, only *personhood*, challenging the court to deny the Ponca were human beings—a challenge that no one sought to meet.

Standing Bear's bid for the Indian humanity was powerfully resonant in the courts, but nevertheless, its true aim skewed the narrative of a Ponca chief, defeated by removal, consigned to live out his days in Indian Territory. Instead, Standing Bear resolved to return to Dakota in order “to save himself and the survivors of his wasted family, and the feeble remnant of his little band of followers, he determined to leave the Indian Territory and return to his old home, where, to use his own language, 'he might live and die in peace, and be buried with his fathers.’”<sup>153</sup> The arguments made in Standing Bear's case held a deep-rooted impact on legislation that would follow in just a few short years. The consequences of legal humanity were quickly realized in the case of *Elk v. Wilkins*.

### **John Elk's Case**

In early April of 1880, John Elk (Winnebago) entered the local registrar's office in Nebraska to register as a voter. Elk claimed that despite his former tribal affiliation, his right to vote was protected under the Fourteenth and Fifteenth Amendments to the US Constitution. Charles Wilkins, the registrar, refused him. In 1884, the case was argued before the US Supreme Court. Their opinion? Citizenship can only be derived from birth or naturalization, and any Indian born in Indian Territory or to a sovereign Indian Nation was as deserved of US citizenship as “the children of subjects of any foreign

---

<sup>153</sup> Tibbles, *The Ponca Chiefs*, 118.

government.”<sup>154</sup> The political implications of this decision, and the arguments, citations, and opinions of the Supreme Court reverberated for decades afterward. The “Great Father” refused to recognize his “children.”

Unfortunately, Elk is largely obscured in this process; little is known about him. This fact stands as an example of how scholars still must use historical imagination, even into the nineteenth century. The Ponca Committee, founded and headed by Tibbles, reportedly had a hand in Elk’s bid for citizenship by submitting the case to the Nebraska Supreme Court.<sup>155</sup> With the decision rendered in *Standing Bear* as a precedent for Indian legal status, the Ponca Committee rallied behind Elk’s case to secure the rights of citizenship. In this way, *Standing Bear vs. Crook* was a test case for the Ponca Committee to more clearly define a path to citizenship for American Indians. Beyond the arguments made in court on his behalf, Elk’s voice is virtually absent, and his life after the case is essentially a mystery. Elk’s case is even more significant, then, when understood as a failure of survivance rhetoric. That failure allows us to better understand the evolving attitudes for and against Indian civilization and assimilation, particularly when (as in Elk’s case) playing into these tropes fails to adequately divert US government aspirations and goals.

The story of Winnebago removal began with an intra-tribal factional divide, much like the Ponca of *Standing Bear*’s case. By 1840, the Winnebago had divided between those that adhered to the conditions of removal, and those that secured lands along the

---

<sup>154</sup> *Elk V. Wilkins*, 112 U.S. 94.

<sup>155</sup> Mardock, *The Reformers and the American Indian*, 217-218.

Wisconsin Dells in order to remain in their ancestral territory.<sup>156</sup> Two years into the removal process, the Winnebago had either scattered into migrant bands who refused to move into the Iowa reservation, or settled along the Mississippi River. Led by a man known as “Dandy,” the band of Winnebago who refused to remove from Wisconsin looked to the United States government for sanctuary from the state authorities who were determined to see the Winnebago removed from the burgeoning white settlements. Despite the efforts of the Wisconsin band, the state legislature dissolved treaty-making in 1870, and passed a resolution to begin formal and final removal of the Winnebago to Nebraska.<sup>157</sup> After delaying as long as possible, and suing the Wisconsin state legislature, the resisting Winnebago faced removal at gunpoint.<sup>158</sup> It took several months and two separate attempts to get the migrant Wisconsin bands to collect in Nebraska, and from there, the Winnebago faced tremendous famine and supply shortages.<sup>159</sup> The removal of the Winnebago was a sloppy, misguided process that ultimately divided the Winnebago peoples themselves. John Elk presumably experienced a myriad of hardships during the transition from Wisconsin to Nebraska, but nonetheless relied upon the strategies that had thus far complicated the removal process by appealing to the United States federal government, as an Indian largely separated from his tribe in Nebraska and eager to assimilate.

Few surviving accounts of Elk v. Wilkins even exist within the literature of Native American historical study. Fewer contemporaneous sources seem to recognize the

---

<sup>156</sup> Lawrence Onsager, “The Removal of the Winnebago Indians from Wisconsin to Nebraska in 1873-1874,” *Faculty Publications*, Andrews University, 1985.

<sup>157</sup> Onsager, 50-135.

<sup>158</sup> Onsager, 208-221.

<sup>159</sup> Onsager, 261.

significance of the precedent established by John Elk's bid for American Citizenship. The facts of the case were simple, yet the implications for Native American civil liberties and legal existence were beyond easy comprehension, perhaps more so than in *Standing Bear v. Crook*. Why has this important segment of the journey for Native American civil rights so widely disregarded or underexamined? What can the few sources that exist reveal about other potential works that have gone unutilized or unread? The story, it seems, is one that presents itself as a subversive bid to get federal authority out of Indian affairs, remove ambiguity about the rights of Indigenous Peoples in the United States, and prevent the annexation of Tribal lands and the dissolution of self-determination. Each of these components were present in *Standing Bear v. Crook* and they remain pertinent throughout the petition for citizenship rights in *Elk v. Wilkins*, which suggests this was the primary mode for challenging state authority over Indian existence in the final twenty-years of the nineteenth century.

Some scholars of birthright citizenship such as Bethany R. Berger suggested that because Elk was a part of a Winnebago Indian community, and may have only been seeking individual freedom from US land annexation. His non-Native lawyers (Webster and Poppleton), however, spun a different angle, just as they had done with *Standing Bear's* case. Elk's lawyers pitched him as an Indian ready to abandon his tribal affiliation and fully assimilate into American civil society.<sup>160</sup> Berger argued that because citizenship, at its core, was a colonial tool to subjugate a populace into the nation, and because the historical aim of the US government's Indian policy to this point had been to

---

<sup>160</sup> Bethany Berger, "Birthright Citizenship on Trial: *Elk v. Wilkins* and *United States v. Wonk Kim Ark*," *Cardozo Law Review* 37, no. 4 (2016): 1185.

assimilate Indian peoples, there is an inherent contradiction in the decision to deny Indian Peoples American citizenship.<sup>161</sup>

This contradiction by the Supreme Court, argued Berger, stemmed from the support of a larger goal of monitoring the assimilation of Indians in order to subtly remove autonomy over lands.<sup>162</sup> By allowing Elk to claim US citizenship as an individual seeking to keep hawkish federal stipulation out of his community, the Supreme Court would be acting against the colonial interest of the colonial bureaucracy. Furthermore, Berger suggested, “John Elk’s Winnebago Tribe found that citizenship did not bring freedom from federal authority but only increased federal coercion,” essentially inadvertently presenting the US government with a tool to ensure Indian citizenship and land would fall in their jurisdiction.<sup>163</sup>

Berger further asserted that in order to understand the bid for citizenship on behalf of John Elk, it is imperative to understand the circumstances of constitutional citizenship through the paradigm of Reconstruction. Within the Reconstruction period, argued Berger, citizenship became a matter of national definition and identity.<sup>164</sup> This was the legal paradigm that allowed Elk the tools to assert citizenship.<sup>165</sup> Moreover, the Friends of the American Indian, an organization of predominantly white activists asserted that this new path to citizenship would be the best chance for the continued survival of Indian Peoples.<sup>166</sup> What remained certain in the minds of activists and government authorities

---

<sup>161</sup> Berger, 1189.

<sup>162</sup> Berger, 1188-89.

<sup>163</sup> Berger, 1190.

<sup>164</sup> Berger, 1194.

<sup>165</sup> Berger, 1194.

<sup>166</sup> Berger, 1207-1208.

alike was that somehow, Indians needed to progress toward civilization in a meaningful, but nevertheless monitored and regulated trajectory. Thus, individual Indians were essentially cast into a legal limbo, until the federal government saw fit to attempt allotment with that individual's tribe as a whole.

Elk's petition for citizenship was one designed as a subversive means to free a Winnebago community of Federal regulation and scrutiny. The language of the petition was assimilative, arguing to the Supreme Court that Elk had made a significant effort to abandon tribal affiliation and adopt an American civilized existence. In accordance with this narrative, the prosecution hinged their arguments on two major rhetorical pillars: Section 1 of the Fourteenth amendment to the US Constitution, and the Civil Rights Act of 1866.<sup>167</sup> The latter of which firmly stated:

That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States... and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.<sup>168</sup>

The primary point of conflict, later referenced in the dissenting opinion of the court given by Harlan Woods, was the question of whether "Indians not taxed" was sufficient

---

<sup>167</sup> Berger, 1208.

<sup>168</sup> An Act to protect all persons in the United States in their Civil Rights, and furnish the Means of their Vindication, 14 Stat. 27, (1866).

grounds for the restriction of civil liberties. Likewise, Elk's petition utilized the implications of birthright citizenship as stated in the Fourteenth amendment:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.<sup>169</sup>

The arguments in favor of granting Elk citizenship seemed hopeful, particularly after Webster's and Poppleton's victory with Standing Bear just five years earlier.

The circumstances of Indian citizenship unto this point, however, were designed to incorporate native lands and peoples into federal jurisdiction. Citizenship was undeniably a means to undermine tribal sovereignty, and the opinion of the court reflected that. The Supreme Court remained adamant in its opinion, delivered on November 3, 1884, that Indian citizenship could only be granted to those Indians who were deemed ready by the United States to adopt American civilized life and ready to denounce their prior tribal affiliation; U.S. birthright citizenship did not extend to the Indian Nations.<sup>170</sup> The language of the court decision remained rooted in the precedent of treaties designed to usher in civilizing practices and land acquisitions on existing tribal entities. By denying birthright citizenship to American Indians on the grounds that the only legitimate means to conduct such a project would be through treaties with recognized Tribes, the Supreme Court re-established the precedent that the Constitutional

---

<sup>169</sup> Fourteenth Amendment, Section 1, US Constitution.

<sup>170</sup> *Elk v. Wilkins*.

provisions that applied to these Indians were those that dealt with how the U.S. interacted with a foreign power. This was, however, an important recognition of Indian tribes as sovereign nations.

In his opinion delivered before the court, Justice Horace Gray cited several major pieces of legislation such as Article 1, Section 2 and Article 2, Section 2 of the US Constitution, which both denied State representation to “Indians not taxed” and granted treaty-making powers to the executive, not the legislative branch of the US government.<sup>171</sup> It was Justice Gray’s opinion that Indian Nations within the United States were not subject to legislative freedoms intended for citizens.<sup>172</sup> Among the citations for this opinion was *Cherokee Nation v. Georgia*, wherein, the Cherokee Nation and like Indian Nations were designated as under US pupilage, but not afforded birthright citizenship. Thus, the Supreme Court’s opinion was three fold: 1) deny legislative authority of Indian Nations unless explicit, as per the right of treaty designated to the executive branch, 2) deny the right of an individual to declare fitness for citizenship in a sovereign power, and 3) deny claims of birthright citizenship for Indians, by declaring

---

<sup>171</sup> Article 1

Section 2: “...Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons....”

Article 2

Section 2: “...He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments....”

<sup>172</sup> *Elk v. Wilkins*, 100.

Indian Nations sovereign “enough” to be akin to foreign powers, but under a state of dependence.

Gray interpreted crucial sections of the Constitution as directly *exclusive* of Indians, as they did not make up a representative body within the United States. In doing so, he drew upon Section 2 of the Fourteenth amendment: “Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed.”<sup>173</sup> “Such Indians, then, not being citizens by birth,” argued Gray, “can only become citizens in the second way mentioned in the Fourteenth Amendment, by being ‘naturalized in the United States,’ by or under some treaty or statute.” To further convolute legislative jurisdiction over Indian Nations, Gray concluded that because of their dependent, but separate state, Indians were subject only to the authority of the executive branch. Cited in his argument that treaties were the primary basis for law between the US and Indian Nations, Gray made particular remark to Article 2, Section 2 of the US Constitution, which stated, “[The President} shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls...”<sup>174</sup>

Gray went on to cite the 1817 Treaty with the Cherokee as an example of the sort of executive power that should be exercised over Indian Nations. According to Article 8 of that treaty, “To each and every head of any 'Indian family residing on the east side of

---

<sup>173</sup> Fourteenth Amendment, Section 2, US Constitution.

<sup>174</sup> Article 2, Section 2, US Constitution.

the Mississippi river, on the lands that are now or may hereafter be surrendered to the United States, who may wish to become citizens of the United States, the United States do agree to give a reservation of six hundred and forty acres of land in a square, to include their improvements...” By examining the language of this treaty, it is abundantly clear that the undertones of Gray’s decision hinged upon the goal of apportioning Indian lands in allotments, which required the “surrender” of lands to the United States.

The State was, however, willing to appropriate citizenship to those Indians that had demonstrated a sufficient level of “civilization” but further stipulated that US was the only power that could definitively say whether or not a Native had achieved civilization, not the Indians themselves.<sup>175</sup> Here, language from *Cherokee Nation v. Georgia*, 1831 which stated:

“The Indians are acknowledged to have an unquestionable, and heretofore an unquestioned right to the lands they occupy, until that right shall be extinguished by a voluntary cession, to our government. It may well be doubted whether, those tribes which reside within the acknowledged boundaries of the United States can with strict accuracy be denominated foreign nations. They may more correctly perhaps be denominated domestic dependent nations. They occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases—meanwhile they are in a state of pupilage. Their relations to the United States resemble that of a ward to his guardian. They look to our government for protection: rely upon its kindness and its power; appeal to it for relief to their wants; and address the President as their great father.”<sup>176</sup>

provided ample means to declare Indian citizenship a questionable enterprise.

Note, however, the opening sentence to this portion of *Cherokee Nation v.*

---

<sup>175</sup> *Elk v. Wilkins*, 106-107.

<sup>176</sup> *Cherokee Nation v. Georgia*, 5 Pet. 1.

*Georgia* is in direct reference to land cession to the United States. Here again, the language utilized and underlying within the Supreme Court's opinion on *Elk v. Wilkins* was heavily influenced by policies designed to whittle away at Indian lands.

The logic of Gray's opinion stipulated that the plaintiff, John Elk, was a member of and was born within the territory of Winnebago Tribe, which was still recognized and existed as a tribe by the United States, and John Elk, therefore, could not be granted birthright citizenship. It was not within the power of an individual to determine their status as duly civilized and subject to the powers and rights of US citizenship. The status as dependents cannot be put off by the Tribes without the assent or action of the US, nor can Indian Peoples ever be deemed US citizens unless explicitly granted through treaty, statute, or authorizing naturalization through a court and thus satisfactorily demonstrating civilization. This trifecta of entanglement was complete damnation for Elk's hope at subverting federal authority for the Winnebagos.

In this critical turn of rhetoric, the court sentenced Indigenous Peoples to double damnation—neither were they under the jurisdiction to the United States, nor were they completely free and sovereign nations. This legal limbo forced immediate scrutiny from the dissenting opinion of the court. In Harlon Woods's estimation, the plaintiff has sufficiently demonstrated that he does not fall into the designation of an "Indian not-taxed," and qualified for a *bona fide* Nebraska residency, and thus met the qualifications of an elector according to the Nebraska State Constitution.<sup>177</sup> The language of the Civil

---

<sup>177</sup> *Elk v. Wilkins*, 10.

Rights Act of 1866 sufficiently extended citizenship rights to any individual born in the territorial limits of the United States, *except* in the case of Indians not-taxed.

Furthermore, because Indian Nations fell within the ultimate jurisdiction of the United States, the introduction of the clause “except Indians not taxed” was ultimately confounding and contradictory.

Woods also submitted a different interpretation of *Cherokee Nation v. Georgia*, which cemented the notion that Indian Nations and Peoples fell within the ultimate jurisdiction of the United States, and therefore were subject to its laws. According to Woods, the most significant and defining feature of that litigation was that:

The Indian Territory is admitted to compose part of the United States. In all our maps, geographical treaties, histories and laws, it is so considered. In all our intercourse with foreign nations, in our commercial regulations, in any attempt at intercourse between Indians, and foreign nations, they are considered as within the jurisdictional limits of the United States, subject to many of those restraints which are imposed upon our own citizens. They acknowledge themselves in their treaties to be under the protection of the United States; they admit that the United States shall have the sole and exclusive right of regulating the trade with them, and managing all their affairs as they think proper...<sup>178</sup>

Regardless, what erupted from the court’s opinion was a manipulative, corrupt policy designed to limit the authority of Tribes, and keep all aspects of Indian life under strict scrutiny and wardship. This manipulation extended into how Indian litigation was initiated, requiring the Bureau of Indian Affairs—a sub-sect of the Department of the Interior—to officially approve of Indian litigants.<sup>179</sup> While the trajectory of John Elk’s life, while details are scant, most likely faced a lifetime of witnessing the first-hand

---

<sup>178</sup> *Cherokee Nation v. Georgia*, 5 Pet. 17.

<sup>179</sup> Berger, “Birthright Citizenship on Trial,” 1210.

effects of Indian Removal. Citing census records and accounts of Winnebago forced migration, she constructed a vision of Elk's life that suggested he and many other Winnebago survived several removals from Wisconsin and throughout the Nebraska territory.<sup>180</sup> Just three years after Indians were declared unfit for birthright citizenship, the undertones of land cessions rampant throughout the litigation proceedings came to light with the passing of the Dawes Severalty and Allotment Act of 1887. As stated in Section 4 of that legislation:

That where any Indian not residing upon a reservation, or for Indians not on whose tribe no reservation has been provided by treaty, act of Congress, reservations, sec, or executive order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she lands. shall be entitled, upon application to the local land-office for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided in this act for Indians residing upon reservations...<sup>181</sup>

In essence, the convolution of Indian legal status(es) resulted in a tangled, overlapping, and incoherent system for tracking allotments, civil claims, and citizenship.<sup>182</sup> Furthermore, with the passing of the Snyder Act in 1924, the issue of defining Indian citizen status was moot. However, this did not universally or even immediately impact suffrage, as many states included further convolutions in order to frustrate Indian voting even into the 1950's.<sup>183</sup> The larger historical trajectory of Indian Policy seems to swing between moments of emphasis on restricting the rights of Tribes in favor of granting greater civil liberties to individual Indians under the auspices of

---

<sup>180</sup> Berger, 1218.

<sup>181</sup> *Dawes Act*, Section 4.

<sup>182</sup> Berger, "Birthright Citizenship on Trial," 1241.

<sup>183</sup> Berger, 1240.

citizenship, and a greater emphasis on granting tribal sovereignty, which complicates the federal protections of Indigenous Peoples as individuals. These unique cases brought forth a new legal paradigm for understanding American Indian identity – Indians were people, but they were not fit for American citizenship—not fit to decide their own fate. As turning points in United States Indian policy, *Standing Bear v. Crook* and *Elk v. Wilkins* exemplified the length to which US authorities were willing to go to prevent self-determination of Indian Peoples. Nevertheless, these cases serve an important example of how non-elites demonstrate survivance by relying on lawyers and philanthropists to argue, on their behalf, that they had properly assimilated, and deserved their right to individual sovereignty, even when they had no intention of foregoing traditional ways or separating from their tribal communities.

## Chapter 3

### **“The Indian is Human”: Survivance in the Intellectual Tradition of American Indians in the Progressive Era**

---

*“Race is an invention, not a noticeable genetic presence, and cultural traits are brute concoctions of the social sciences.”*

- Gerald Vizenor, Anishinaabe

The founding members of the Society of American Indians, sought to take the war for sovereignty out of the battlefields in the Great Plains and onto the front door of the “Great Father’s” council halls.<sup>184</sup> In 1911, a group of well-educated full and mixed-blood Indians, such as archaeologist Arthur Caswell Parker (Seneca), author Charles Arthur Eastman (Santee Dakota), and Reverend Sherman Coolidge (Arapahoe) founded the Society of American Indians, and embarked upon a mission to unify all native peoples in the United States in the most contentious struggle for American Indian civil rights of the age. The all-Indigenous membership body of the Society of American Indians pushed for major government policy reforms concerning the political and social survival of all Indian peoples. By design, this new front of American Indian civil rights incorporated a nebulous, muddled new conception of American Indian identity, one that future observers would call “Pan-Indianism.” These so-called Pan-Indian reformers tapped into the cultural zeitgeist of the Progressive Era to contextualize their bid for political reform, as well as the conception of a new American-Indian identity that subverted the narrative of

---

<sup>184</sup> See Prucha’s *The Great Father*, 1986. Prucha argues when placed in broad scope, political relations between the US government and Indian Nations is distinctly paternalistic. The name “Great Father” is a distinctly nineteenth century recognition of manipulative and paternalistic federal policy regarding Indian affairs.

Indian assimilation by twisting the rhetoric of citizenship and civilization to their own agenda for individual sovereignty.

Pan-Indianism is not a straightforward conception of identity for American Indians. It carries a lot of baggage both among Indigenous Peoples themselves, as well as among scholars. The idea of a single Indian consciousness is murky, and unequivocally an overgeneralization of experiences. Moreover, the very idea of an *Indian* is a European-American misconception of identity, dating to the earliest instances of contact and conflict. Nevertheless, the idea of a common ground and a unified experience of obliteration of the old ways and the people themselves, has long existed between tribal entities. This common ground was the founding precedent for one of the most influential and remarkable organizations for American Indian advocacy and activism, and is blatantly present in Rev. Sherman Coolidge's first presidential address before the Society:

Who is this Indian? What is he? Where does he live? Above all, why is he a problem? If these questions were asked of the average white man, the answers would be both inaccurate and confusing. In our early school-days, the Indian was defined as a savage who lived by hunting and fishing; who lived in a wigwam or tepee. He was a fierce, ferocious, cruel, crafty, treacherous, blood-thirsty red devil! Exterminate him! Exterminate him! Again, he has been described as a dirty, lazy, shiftless loafer, beggar and drunkard. No wonder "the only good Indian is the dead one!" Another, and the best view is that he "is a man and should be treated as such...." The Indian is human. He is God's handiwork, and God has a more beautiful method of solving the "Indian problem" than by the bayonet, the sword and an ignominious extinction.<sup>185</sup>

---

<sup>185</sup> Sherman Coolidge, "The Indian American—His Duty to His Race and to His Country, The United States of America," *Quarterly Journal of the Society of American Indians* 1, no. 1 (April 15, 1913): 20, <http://hdl.handle.net/2027/hvd/32044043578996>.

The historical account of American Indian existence in the twentieth century is frequently laden with responses to colonialism and its many creeping and complicated variables. Historians of the native experience often categorize these responses into three major forms – accommodation, acculturation, and resistance. Together, these components form a singular thread of experience that weaves in and out of the narrative of Indigenous history, and binds the infinite number of ways of life into a complex tapestry of American Indian existence. Historians have only, however, in few instances, looked at the true context of Pan-Indianism. Fewer still have attempted to grapple with and shape our understanding of how this idea changed over time, particularly through the most crucial moments in the twentieth century.

Pan-Indianism, in its original conception, was commonly understood as a philosophy that emphasized important and distinct aspects of Native American shared cultural values that transcended tribal affiliation, and serve to the benefit of all Indigenous Peoples. In 1971, Hazel W. Hertzberg, a historian of American Indians and professor of Education at Columbia University, wrote *The Search for an American Indian Identity: Modern Pan-Indian Movements* amid Red Power activism and the American Indian Movement of the 1960's and 70's. Her work traced the various roots of Pan-Indian existence in the twentieth century, where she argued the turn of the twentieth century brought about three forms of Pan-Indian movements: Reform Pan-Indianism, Religious Pan-Indianism, and Fraternal Pan-Indianism.<sup>186</sup> Here, Hertzberg asserted the two major thrusts of Pan-Indian expression were secular and religious. Although she highlights

---

<sup>186</sup> Hazel W. Hertzberg, *In Search for an American Indian Identity: Modern Pan-Indian Movements*, (New York, NY: Syracuse University Press, 1971), 27.

several disparate movements such as the Society of American Indians, the Peyote Cult, and the Native American Church, her argument cemented the idea that each of these individual movements were in some way assimilative to a broader American social regime. Hertzberg sought to define the earliest cases of twentieth century American Indian activism, and what she ultimately achieved was the establishment of a firm foundation for historians to better understand Pan-Indianism as a complex, evolving conception of American Indian identity. Moreover, Hertzberg's work suggests that Pan-Indianism is specifically an adopted identity for Native Americans, one that affords some platform to address the major social and societal issues that affect Indigenous existence.<sup>187</sup> The *adoption*, rather than the *assignment*, of a Pan-Indian identity is the key distinction to fully understand Indigenous Peoples' agency within the Society of American Indians.

Perhaps the most significant element of Hertzberg's argument, however, was that Reform Pan-Indianism - a form of Pan-Indianism that existed with the intention to resolve social issues and influence government policy, keyed into important cultural aspects of American society to further the political agenda of Indigenous elites. The Society of American Indians stood as the embodiment of reform Pan-Indianism within Hertzberg's narrative. Hertzberg's argument, however, suggested that *education* was the primary stimulus for Pan-Indianism in the twentieth century.<sup>188</sup> This is simply not true, especially due to the oppressive, abusive, and colonial system of education that many

---

<sup>187</sup> Hertzberg, 20. While arguing that education was the primary impetus for Pan-Indian reform, Hertzberg implies that those who immersed from the Indian education system specifically adopted a non-tribally affiliated rhetorical existence. This is largely an overgeneralization of the Society's rhetorical repertoire, and as I argue, lacks acknowledgement of the nuances of the false-assimilative rhetoric.

<sup>188</sup> Hertzberg, 15.

Indigenous Peoples were exposed to in this era. While Indian education was most certainly a platform for native peoples of vastly different cultural experiences to learn a common language and secure rudimentary vocational skills, white education was not the precipitating factor that wove Indigenous minds together, and drove a sense of common existence or goals. More so than a white-education, *sovereignty*, often disguised in the Society of American Indians' nationalist rhetoric as "citizenship", was a far more effective tool at unifying Indigenous leaders and thinkers in accentuating a commonality in "Indian-ness".

Reform Pan-Indianism, therefore, should more accurately be understood as responsible for a rhetorical shift from tribalism toward Indian nationalism to secure individual sovereignty over lands and trusts, as well as codified legal agency. This immerging ideology suggested a larger consciousness of American culture and society within Native American communities, particularly among highly educated elites. When re-examined through the lens of resistance, the rhetoric of the Society mimics larger nationalist, progressive ideals, and is thus more reflective of the continued battle for tribal lands and trusts but through the guise of assimilated "civil" adaptation to American culture. In his 1971 monograph, *The Reformers and the American Indian*, Robert W. Mardock argued that white, Progressive social radicals transitioned fluently from anti-slavery rhetoric to that of Indian civil rights. This move, suggested Mardock, was based primarily upon the goal of deconstructing national institutions through the paradigm of Christian justice. Thus, both white and Indian reformers alike cemented the project of Indian *civilization* as one of individual ownership of land, and balanced this platform

upon the mantra of universal justice, freedom, and humanity.<sup>189</sup> The primary mode of action for white Progressives interested in the expansion of Indian civil rights was Christian and political reform. Mardock argued Christian progressives adopted a duty to ensure utmost justice done to those who professed Christian faith.<sup>190</sup> Indigenous reformers were not deafened to this rhetoric of justice, sovereignty, or freedom from national institutions. On the contrary, they made the most significant attempt to bank their inter-tribal interests upon this Progressive push for Indian rights. They made it their own goal of sovereignty, freedom, and humanity, tangible and palatable to a national audience interested in reform.

Building upon the context provided by Hertzberg and Mardock, it becomes quite clear that so much is left for historians to truly understand about the nature of Indigenous existence and unity in the twentieth century and beyond. Out of centuries of war, comes a distinct and coordinated vision for success and affluence of Indigenous Peoples across the larger continent. The intellectual traditions of American Indians are frequently omitted from the historical narrative that evermore seems to strive toward integrating more unique or experimental methodological perspectives.<sup>191</sup> When the intellectual history of native peoples does appear in historical scholarship, it is frequently rooted in the earliest accounts of colonial interactions. The growing body of literature on American Indian intellectual history has yet to fully grasp with the contention of Indigenous identity at one of the most critical moments in the history of American Indians. The progressive reforms

---

<sup>189</sup> Mardock, *The Reformers and the American Indian*, 1-3.

<sup>190</sup> Mardock, 3.

<sup>191</sup> Matthew Kruer, "Bloody Minds and Peoples Undone: Emotion, Family, and Political Order in the Susquehannock-Virginia War," *The William and Mary Quarterly* 74, no. 3 (2017): 401-36. This work is more or less a good example of the methodological gymnastics authors of Indigenous intellectual and rhetorical history must perform in order to incorporate new source bases.

of the first quarter of the twentieth century had a major impact on both the political and social lives of Native Americans, but influenced the trajectory of Indigenous identity in such a way that made an already complex system of descentance, into one that would become far more enigmatic and muddled.

Vizenor's definition of survivance in "Aesthetics of Survivance: Literary Theory and Practice," suggests self-preservation and self-determination are two symbiotic themes of resistance.<sup>192</sup> This serves as the partial theoretical framework through which I hope to illuminate the paradox of assimilationist agenda of the Society of American Indians. It is through action, that the Society of American Indians determined their own role in the shifting landscape of United States civil and social reformation. However, I approach this framework not just from Vizenor's perspective of self-preservation, but the more subtle component his argument: self-determination. Upon examining the intellectual discourse of the Society of American Indians' house organ, *The Quarterly Journal*, it becomes clear the overwhelming majority of open forums, published papers and speeches attempted to determine a space for natives within the paradigm of progressive American culture—a space for existence and adaptation. In the case of the 1910's and 20's, progressivism represented a collective cultural shift toward addressing larger social issues within the United States. Both white and Indigenous progressives championing for Indigenous civil rights were largely responding to societal ills stemming from industrialization, urbanism, and immigration, and attempted to navigate the "civilization or extinction" dichotomy established by the precedent of nineteenth century Indian

---

<sup>192</sup> Gerald Vizenor, "Aesthetics of Survivance: Literary Theory and Practice," in *Survivance: Narratives of Native Presence*, edited by Gerald Vizenor, (Lincoln, NE: University of Nebraska Press, 2008), 1.

policy.<sup>193</sup> The rhetoric of the *Quarterly Journal's* editors and contributors frequently reflected upon the values most commonly related to those of a broader American contemporary culture: the virtues of labor, education, social sciences, and family. Perhaps the most prevalent among the values relevant to Indigenous reformers was the emphasis attributed to the virtue of American citizenship.

Indigenous citizenship, according to scholars such as Kathy-Ann Tan in her 2015 work entitled, *Reconfiguring Citizenship and National Identity in the North American Literary Imagination*, has always been counter-narrative to an American national identity. Tan suggested citizenship in the Indigenous imagination was and continues to be directly inspired by anti-assimilation and a deeper connection to land and kin.<sup>194</sup> Herein lies the paradox of the Society of American Indians, and the complicated nature of Indian reformers. At its core, the Progressive-era conception of citizenship was one that ultimately seemed to suggest citizenship required a theoretical forfeiture of racial identity, and the adoption of an American national identity.<sup>195</sup> It was through the rhetorical device of “citizenship” that the active members of the Society of American Indians managed to stage an intellectual platform for survivance. However, there is a

---

<sup>193</sup> Mardock, *The Reformers and the American Indian*, 99. In this section, Mardock drew upon an East-West dichotomy, establishing the issue of Indian existence in the minds of nineteenth century reformers as one that needed to meet the needs of Western expansionists, but nevertheless keep Indigenous Peoples from being completely destroyed.

<sup>194</sup> Kathy-Anne Tan, *Reconfiguring Citizenship and National Identity in the North American Literary Imagination*, (Detroit: Wayne State University Press, 2015), 227. Here, Tan was citing the definition of Indigenous nationhood by literary scholar Daniel Heath Justice as derived from community values, histories, and traditions. The work attempts to confront and deconstruct national-based narrative of citizenship in works such as Anderson's *Imagined Communities*, 1983.

<sup>195</sup> Walker Connor, *Ethnonationalism: The Quest for Understanding*, (Princeton, NJ: Princeton University Press, 1994), xi. Connor argues that “Ethnonationalism” does not exist, and instead should simply be understood as Nationalism, based on his definition of “Nation,” which he states is – “a group of people who believe they are ancestrally related.” I use his argument to suggest that Indian “nationalists” key into major elements of American culture in their conception of “citizenship” in their rhetoric.

twist to this narrative of survivance. Vizenor argued that, “Survivance stories are renunciations of dominance, detractions, obtrusions, the unbearable sentiments of tragedy, and the legacy of victimry.”<sup>196</sup> However, this “renunciation” came in the form of a guile use of language and rhetoric presents itself as expressly assimilationist. By keying into the specific language of the legal paradigm in which they existed, the SAI and its petitioning body of inter-tribal members managed to subvert the progressive ideal of American nationalist idea of citizenship, for one that ultimately favored the protection and privatization of Indigenous lands and trusts.

Until this point, the question of Indian citizenship had largely been a question of *tribal* citizenship, or tribal enrollment. In the decades after Indian Removal, the delicate balancing act of determining the status of Indigenous tribes teetered in the margins of Indian agents’ ledgers, and there was no clear consensus as to whether natives occupying Indian territory were citizens of the newly founded Indian nations, or if they were wards of the US government. With the passing of the Dawes Act of 1887, however, the status of American Indians was codified in law. This codification and limits of citizenship is made explicit in Section 6 of the Dawes Severalty Act of 1887:

---

<sup>196</sup> Vizenor, *Survivance*, 1.

And every Indian born within the territorial limits of the United States to whom allotments shall have been made under the provisions of this act, or under any law or treaty, **and** every Indian born within the territorial limits of the United States **who has** voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, **and has** adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.<sup>197</sup>

The Dawes Act was amended three times between 1887 and 1906, in an attempt to both clearly define who was eligible for citizenship, and how it was granted. The first amendment was passed in 1891, stipulating pro-rata distribution of allotments to individuals on reservations which do not have sufficient lands, granting double the apportioned allotment if the land was only good for grazing, outlined criteria for the inheritance of allotments, and excluded the “Cherokee Outlet” from allotment.<sup>198</sup> In 1898, the Curtis Act (as discussed in Chapter 1) extended allotments to the Five Civilized Tribes and granted the Dawes Commission the authority to determine the criteria for tribal membership.<sup>199</sup> Finally, the Dawes Act was amended for the final time in 1906 under the Burke Act, which extended citizenship to allottees on the basis of a competency exam from the Secretary of the Interior, and held Indian lands in trust.<sup>200</sup> A consistent

---

<sup>197</sup> An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes, Pub. L. 49-105, 24 Stat. 387, (1887).

<sup>198</sup> An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, Statutes at Large 26, 794-96, (1891).

<sup>199</sup> An Act For the protection of the people of the Indian Territory, and for other purposes, 30 Stat. 495-519, (1898).

<sup>200</sup> An Act To amend section six of an Act approved February eighth, eighteen hundred and eighty-seven, entitled, “An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,” 34 Stat. 182-183, (1906).

theme through each piece of legislation regarding citizenship and allotment was Indian assimilation. Incapable of considering citizenship without land or assimilation, the United States defined two paths to citizenship: by allotment or by the “adoption of civilized life.” Included in allotment, was the assumption of assimilation.<sup>201</sup>

By examining the language of this legislation, however, two important distinctions arise. The “Dawes Severalty Act of 1887 – An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,” suggests that Indian Affairs would be conducted, 1) with the goal of eliminating tribal affiliation and 2) securing guardianship over the lands of Indians who had not demonstrated effective assimilation.<sup>202</sup> This language is crucial to understanding the political and intellectual platforms by which the members of the Society of American Indians construct their rhetorical resistance. Furthermore, by examining the language of the statute that dictates the limits of citizenship to Indian allottees, several things stand out.

First, the bill stipulates that citizenship can only be extended to those who received allotments, or “every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life....”<sup>203</sup> The

---

<sup>201</sup> Kathleen Washburn, “Dawes Severalty Act: Introduction,” in *Oxford Bibliographies*, <https://www.oxfordbibliographies.com/view/document/obo-9780199827251/obo-9780199827251-0149.xml>

<sup>202</sup> Pub. L. 49-105, 24 Stat. 387, (1887).

<sup>203</sup> Pub. L. 49-105, 24 Stat. 387, (1887). Section 6 stipulates, “Citizenship to be accorded to allottees and Indians adopting civilized life.”

language of *voluntary* residence apart from any tribe within the United States will come to serve as an important distinction and niche for editors of the *Quarterly Journal* to assert agency within the legal paradigm of the Dawes era. Second, the stipulation that an Indian “has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens,” further contextualizes the secondary aim of legislators: assimilation.<sup>204</sup> Once again, the language of assimilation and civility would come to be used as a rhetorical dagger between the ribs of the Dawes Act, as again the *Quarterly Journal* suggests there is a deeper and more subversive element to assimilation than the bill proposes. One that could offer individual Indian people as well as tribal groups a bargaining chip to win assets back from government control.

In 1911, the Society of American Indians proposed a bill to the house which would grant *full* US citizenship to all native peoples.<sup>205</sup> This petition would lead to the development of the American Indian Citizenship Act of 1924, also known as the Snyder Act. The intellectual debates conjured between the pages of the *Quarterly Journal* after this proposition reflected a contentious, challenging, but not wholly one-sided argument in favor of gaining full citizenship rights for all native peoples in the United States. The rationalization for such a bid was not altogether reflective of blind assimilation, as cursory readings of the material would suggest. The nuances of the discussions between these Indigenous scholars, educators, and elite professionals actually suggests the contentious bid for citizenship is one that could ultimately lead to native existence that is

---

<sup>204</sup> Pub. L. 49-105, 24 Stat. 387, (1887).

<sup>205</sup> Arthur C. Parker, “Editorial Comment: Congress and the Indian Problem,” *Quarterly Journal of the Society of American Indians* 1, no. 2 (April-June 1913): 97, <http://hdl.handle.net/2027/hvd/32044043578996>.

completely divorced from the “Great Father” of the United States government, and return practical sovereignty over land allotments and Indian trusts back to the hands of Indigenous Peoples themselves. This clever divorce, however, was (as previously indicated) constructed on the precedent of individual self-sufficiency as stipulated by the Dawes Severalty Act.

Instead of simply suggesting that blanket-citizenship would allow natives the chance to adopt a broader conception of the virtues of civility and patriotism, authors of *the Quarterly Journal* tapped into the rhetoric of the *rights* of citizenship, and further argued that natives on the whole would benefit from the Bureau of Indian Affairs and other such government agencies keeping a watchful, hawkish eye over Indian assets retracting their guardianship over the remaining assets left to American Indians. In his remarks for the inaugural issue of the *Quarterly Journal*, Society President Sherman Coolidge (Arapaho) wrote, “Citizenship for the native ward is the aim of the United States, and he must ultimately assume the duties and responsibilities involved in a Christian nation.”<sup>206</sup> He went on to argue, however, that, “[t]o that end, the existence of the Indian bureau must be terminated and the elimination of the Indian as a national ward must be effected as soon as may be possible.”<sup>207</sup> This is the deep-rooted irony and rhetorical genius that made the *Quarterly Journal* and the Society of American Indians as a whole a significant (if not misleading) organization for Indigenous agency and activism. Coolidge’s message is simultaneously one of submitting to the higher authority

---

<sup>206</sup> Coolidge, “The Indian American,” 20.

<sup>207</sup> Coolidge, 20.

of American culture and civilization, and the elimination of government infrastructure that limits the autonomy of Indigenous Peoples as a whole.

Such a case suggests that the agenda of the editors and contributors to the *Quarterly Journal* was not complete assimilation and cultural annexation into American society. On the contrary, the important nuanced argument consistently turned the conversation of Indian affairs to the question of *individual* sovereignty. Rather than tribal sovereignty, these elites writing about and reflecting on the Indian condition in the *Quarterly Journal* envisioned an altogether new expression of sovereignty within the cultural and political zeitgeist of the age – the elevated sovereignty of a self-sufficient Indian, independent from government guardianship. This was an overt expression of resistance on behalf of the editorial staff of the *Quarterly Journal*, and one that carefully navigated the language of their white counterparts in congress and in the American streets. Furthermore, as Vizenor’s model of active assertion would contend, this intricate navigation of political language is a pure example of Indian existence, and one that is without a doubt clued into a larger national existence. Moreover, sovereignty, according to these elites, would need to shift from the negotiation between Indian nation and the United States, to negotiation between Indian and Nation.

This conception of self-sufficient, individually sovereign Indian-ness plays out in the early issues of the *Quarterly Journal*, primarily as a socio-political platform. While addressing the larger economic concerns of reservation life throughout the US, Chairman Henry Roe Cloud (Winnebago), argued, “In brief, the remedy is our own proficiency in the walks of life. Our status as wards of the nation would cease to-morrow if we showed

ourselves proficient in our economic problems.”<sup>208</sup> Likewise, as pleaded in the editorial comments of the third issue of the *Quarterly Journal*, “Don’t you see, fellow Indian American, that the Honor of the race is all up to YOU? [sic] If you fail to do your full share of duty you not only do your part in bringing the race into disrepute, but actually enlist yourself in the ranks of its enemies.”<sup>209</sup> These assertions of self-sufficiency and self-reliance respectively, demonstrate the transition away from a platform of American Indian politics focused on the *tribe* as the center of agency, to that of the *individual* as the more powerful center of this new ideal.

The *Quarterly Journal’s* contributing authors seemed to perpetuate a uniquely native agenda for sovereignty within the paradigm of progressive American values through all its major publications and addresses. This is significant, as it suggests not only that an American Indigenous intellectual existence persists into the twentieth century, but evolves and is influenced and influences a larger American intellectual and cultural sphere. Moreover, the newly immersing intellectual tradition of these “Red Progressives” is largely reminiscent of other nationalist movements at the turn of the twentieth century. There are several references and workups of immigrant conditions in relation to reservation culture and society. Often, the idea of assimilation is drawn as a connecting variable between the native and immigrant experience. While discussing the need for a “uniform civilization,” the Editor (Arthur C. Parker) proposed, “The immigrant from Italy and the immigrant from Finland each must learn the English tongue

---

<sup>208</sup> Henry Roe Cloud, “Some Social and Economic Aspects of the Reservation,” *The Quarterly Journal of the Society of American Indians* 1, no. 2 (April-June 1913): 154, <http://hdl.handle.net/2027/hvd/32044043578996>.

<sup>209</sup> Arthur C. Parker, “Editorial Comment—Do You Dare to Back Up Your Beliefs?,” *The Quarterly Journal of the Society of American Indians* 1, no. 3 (July-September 1913): 264, <http://hdl.handle.net/2027/hvd/32044043578996>.

and take on the manners of the American.”<sup>210</sup> The editorial went on to propose that success within the paradigm of American civilization demanded some measure of acculturation. “Later, as [the immigrant] became acculturated,” continued Parker, “he might return to a consideration of the ways of his fathers and seek to commemorate them, but purely as a matter of racial pride or patriotic interest, and not as something to be revived and made again an active culture to be lived and followed.”<sup>211</sup> The rhetoric of later issues of the *Quarterly Journal* continued to reflect a larger turn toward “racial pride” in indigeneity rather than the celebration of ethnicity on a tribe-by-tribe basis. This assertion complicated the anachronistic vision of Pan-Indianism, as the Society and its agendas frequently and more often aligned with nationalism, rather than the construct of a unified but nevertheless culturally diverse peoples. Pan-Indianism in its most commonly understood iteration would not immerse for several decades with the advent of Red Power and the American Indian Movement.

The authors of the *Quarterly Journal* also extolled the virtue of military service of Indigenous Peoples by the dawn of American participation in the Great War, primarily because fighting for the nation fell within the value systems of both native peoples and a larger American society. This important intersection of values further articulated a larger connection between a new intellectual tradition of Indigenous elites and the virtue of a good, well-educated individual who was willing to overcome the isolationism of generations previous, and uptake a mantle of war on behalf of the nation. This aspect of

---

<sup>210</sup> Arthur C. Parker, “Editor’s Viewpoint—There Must Be a Uniform Civilization,” *The Quarterly Journal of the Society of American Indians*, 1, no. 2 (April-June 1913): 104, <http://hdl.handle.net/2027/hvd/32044043578996>.

<sup>211</sup> Parker, “Editor’s Viewpoint,” 104. Note, the editor expressly invokes the term, “acculturated.” The language of assimilation was prevalent in the minds of these Indigenous elites, further indicating they had the capability and rhetorical resources to manipulate that language.

the intellectual conversation in the *Quarterly Journal* is the most ardent example of how the Society's purported functions aligns with other nationalist movements throughout the United States in this period. In a poem entitled, "The Indian Soldier," by George Steele Seymour, published in the first issue of volume six of the *American Indian Magazine* (formerly the *Quarterly Journal*), the values and imagery of Indigenous war-time duty and that of patriotic nationalism are intertwined. Stanzas such as, "Like the proud eagle who on dauntless wing Makes his unfettered way across the blue, He knows no law but nature's, and no king But Manitou," conjured a sense of loyalty to a soldier's indigeneity, while "Lord of the mountain and plane he stands, Ready and prompt to take his country's part, Erect, with steadfast eyes and willing hands And loyal heart," suggest a deeper loyalty to nation.<sup>212</sup>

---

<sup>212</sup> George Steele Seymour, "The Indian Soldier," *American Indian Magazine* 6, no. 1 (Spring 1918): 14, <http://hdl.handle.net/2027/osu.32435064036056>.

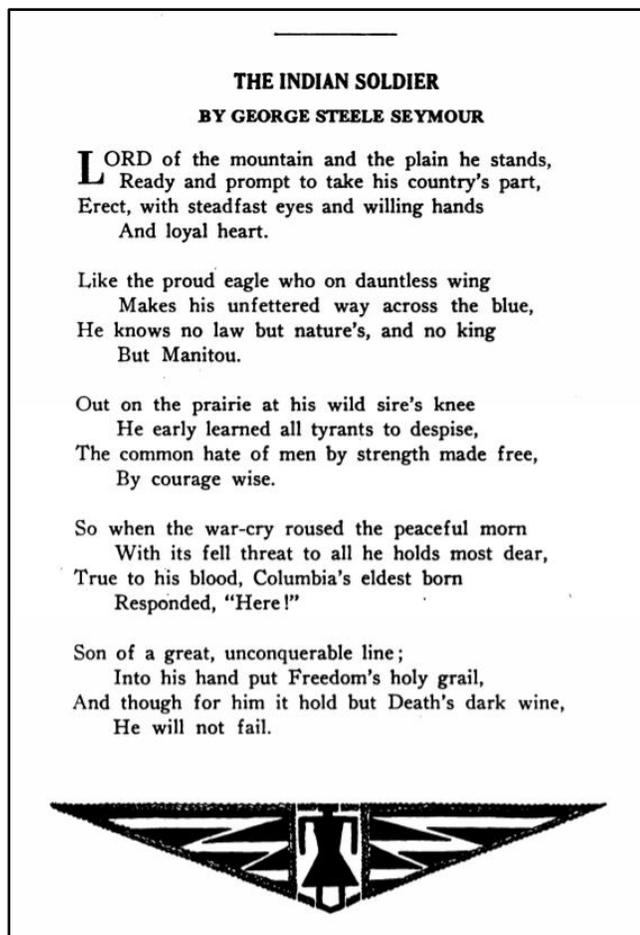


Figure 15. Seymour's poem as it appeared in the Spring edition of the *AIM*.<sup>213</sup>

The *Quarterly Journal* (*AIM*) went through several thematic transitions throughout its seven-year lifespan. Citizenship, and the many ways in which it could be expressed through an Indian nationalist zeitgeist, came to mean different things within successive volumes of the publication. This evolution of rhetoric further suggests that the intellectual discourse of the Society of American Indians stood throughout its run as evidence of survivance. The understanding of an Indigenous person's place as an American citizen developed with the larger political strokes of the nation at large. In

<sup>213</sup> George Steele Seymour, "The Indian Soldier," *American Indian Magazine* 6, no. 1 (Spring 1918): 14, <http://hdl.handle.net/2027/osu.32435064036056>.

other words, these Indigenous agents perpetuated their existence through the decade and a half of the Society's charter.

A secondary, but nevertheless quintessential component of the intellectual rhetoric of the *Quarterly Journal* was the way in which individual authors suggested addressing the overly complicated or outright combative government system of defining (or ill-defining) Indian legal status. Not only did the Society as a whole call for an official legal defense fund to aid in the codification of formal and intuitive legal status for all natives, but some even submitted suggested plans for such a classification method. Authors such as F. A. McKenzie, a non-Indian anthropologist and founding sponsor of the Society, proposed a model for determining Indian citizenship once and for all. This model was not only designed to help natives enter a codified system of legal standing to reclaim individual land rights and dominion over Indian trusts, but was further intended to funnel Indigenous Peoples toward full citizenship. McKenzie's code, previously submitted in a work to *The Journal of Race Development*, was put into the form of a petition for a bill (House Bill 18334), and put before congress as the "Carter Indian Code Bill."<sup>214</sup>

---

<sup>214</sup> Arthur C. Parker, "Report on the Activities of the Second Conference Year—The Carter Indian Code Bill: An Address by the Secretary-Treasurer, Society of American Indians, Before the H. R. Committee, February 1912," *The Quarterly Journal of The Society of American Indians* 1, no. 2 (April-June 1913) 233, <http://hdl.handle.net/2027/hvd/32044043578996>.

LEGAL STATUS	KIND OF WARD	GENERAL SITUATION	GOVERNMENT CONTROL
I. NATIVE	1. Tribal Ward	Communal land	Land and trust funds Agency administration
	2. Allotted Ward	Land in severalty Allotted trust funds	Federal supervision of land contracts and trust fund expenditures
II. CITIZEN	3. Citizen Ward	Land in fee Control of funds Legal standing in Courts	Federal review of contracts prior to signing or within three months thereafter
	4. Full Citizen	All privileges and disabilities of the rank	

Figure 16. F. A. McKenzie's Plan for Indian Legal Status Codification.<sup>215</sup>

McKenzie's codification system was based upon an important framework of Indian people's relationship to the land on which they occupied. According to McKenzie's plan, for example, an individual or tribe under the "Native-Tribal Ward" status would live on communal lands that were administered solely by government agencies.<sup>216</sup> The same principle applied to tribal trust funds of tribal wards. While anyone classified as a "Citizen-Citizen Ward" would have autonomy over private land holdings and funds, have a legal standing in federal court, and only be subject to federal review of contracts of sale. McKenzie imagined this codification as both a classification of the current status of individual Indians, and as progressive stages through which those individuals could pass to achieve full citizenship rights. This distinction and codification

<sup>215</sup> F. A. McKenzie, "The American Indian of Today and To-Morrow," *The Quarterly Journal of The Society of American Indians* 1, no. 4 [October-December 1913]: 392, <http://hdl.handle.net/2027/hvd/32044043578996>.

<sup>216</sup> McKenzie, "The American Indian of Today and To-Morrow," 392.

of Indian peoples served as a concrete measure of an individual's autonomy or self-sufficiency. While the rhetorical angle of both McKenzie and the editorial staff of the *Quarterly Journal* continued to sing of the acculturative and assimilative potential of this new bill, the logic of the code spoke to a different, now familiar agenda – the individual sovereignty over allotted lands and Indian assets.

Several works from the *Quarterly Journal* vetting the Carter Indian Code Bill argued that this measure would end the double-edged sword that was determining “competency” of Indian agents. As in his essay on the bill, the Secretary-Treasurer of the *Quarterly Journal* proposed a plan like McKenzie's stood as an opportunity to supply all natives with a safety-net from the inscrutability of current BIA methods of determining the legal precedent of native individuals.<sup>217</sup> Citing cases of contradictory status reports, failed requests for aid in unjustified or unusual cases, and the general state of uncertainty tied to the metric for measuring Indigenous legal status, the Secretary proposed further that the system under which a majority of native peoples operated was one that was unjustly implemented and unfairly executed. In other words, it was a white, American system that did not allow for a clear course of legal survival for Indigenous individuals across the nation, regardless of tribal affiliation. The Secretary-Treasurer wrote, “Competent men are declared incompetent; an Indian congressman is arrested for selling his own land; an Indian attorney is prevented from buying a cow with his own money, and an educated Indian leaves his children to discover that with all his education and civilization he is declared incompetent to make a will disposing of his property.”<sup>218</sup> The

---

<sup>217</sup> Arthur C. Parker, “The Legal Status of the Indian,” *The Quarterly Journal of the Society of American Indians* 1, no. 2 (April-June 1913): 238 <http://hdl.handle.net/2027/hvd/32044043578996>.

<sup>218</sup> Parker, “The Legal Status of the Indian,” 238.

primary thrust of this argument is rooted in the inability of “civilized” Indigenous People to successfully traverse government systems that systematically declared them incompetent. “They were only incompetent because of out-worn Indian law,” concluded the Secretary.<sup>219</sup>

This conception of codified legal status conflicts largely with the conventional notion of Pan-Indianism. Instead of a measure purely designed to result in the immediate cultural death of all Indigenous Peoples, the ideas and vision accompanying the Carter Indian Code Bill are rooted both in an attempt to understand and redefine Indian identity within the twentieth century, but further codify and articulate the important differences between the status of individuals and tribes. In other words, because the plan included a broad path to citizenship, with many different stages or statuses, the plan for citizenship was more accurately one designed to combat government mismanagement and corrupt systems that kept individuals from advancing efforts to the benefit of their tribal affiliates or even to themselves as singular agents. At the root of these intellectual debates, conceptions of identity within an American legal system, and combating the twisted system of assigning competency, was the quest for just and swift action from the government – but on Indian terms. This is a pure case of survivance within the detailed and calculated rhetoric of the Society members.

But perhaps the most essential component of “true” survivance is the emphasis on *action*.<sup>220</sup> The founding members of the SAI sought to enter the consciousness of the United States government, primarily through submitting bills for consideration, inviting

---

<sup>219</sup> Parker, 238.

<sup>220</sup> See the definition of Survivance on pg. 7.

agents to reflect on the state of Indian Affairs in the *Quarterly Journal* (as already discussed at length), and testifying regularly before House congressional committees. Such was the case for Carlos Montezuma, the “fieriest” advocate for the SAI’s goals, as is evident in his testimony to the Department of the Interior.<sup>221</sup>



Figure 17. Carlos Montezuma, as he appeared in *The American Indian Magazine*.<sup>222</sup>

---

<sup>221</sup> Montezuma was widely considered the most radical among the founding members of the Society, and this is clear through the many sections written by him, as well as the many, many interjections he made during debates recorded in the *Quarterly Journal*.

<sup>222</sup> Carlos Montezuma, “Abolish the Indian Bureau”, *The American Indian Magazine* 7, no. 1 [Spring 1919]: 4, <http://hdl.handle.net/2027/osu.32435065014334>.

During his testimony before the House Expenditures Committee of the Department of the Interior regarding the condition of Indian education and life on the reservations, Montezuma made his case for Indian agency within the United States. When asked if children should be removed from their home on the reservation, Montezuma exclaimed, "...the children or anybody – that is, after they are of age or after they have reached school age, ought to be encouraged, you understand, to stay where they can rub up against the world."<sup>223</sup> He continued, "Do you not see? The idea is to prepare them to combat the world. You know that if I were going to get ahead of you in a horse race or with a lawsuit or anything I would play the same cards. That is the idea in regard to what I want to give the Indian children and to all the Indians, so that they may play the same card as all other races play in America."<sup>224</sup> It is clear through Montezuma's testimony that the primary function of the "assimilation project" was to provide Indigenous People the nation over a means to enter American society with tools to *combat* the systems that oppress them.

What remains imperative to understand when considering the Society's subversion and combative bid for individual sovereignty, was the vocal and nationalized descension from other Indigenous voices. As plainly evident in a letter sent by the Onondaga Tribe of New York on December 30, 1924 to Calvin Coolidge (sitting president), which cited the Treaty between the United States and the Six Nation Indians concluded in March 3, 1792 as grounds for their utter disapproval of the Snyder Act. "We, the Indians have not yet tired of the free use and enjoyment of our rights as Indians

---

<sup>223</sup> *General Indian Investigation Hearings Before the Committee on Expenditures in the Interior Department of the House of Representatives, on H.R. 103, to investigate the expenditures in the Interior Department, 62<sup>nd</sup> Cong. 386 (June 16, 1911) (statement of Carlos Montezuma).*

<sup>224</sup> *General Indian Investigation Hearings, 386.*

living on reservations,” asserted the principal Chiefs of the Onondaga Nation, “For the reason of safeguarding the Indians as a whole against the unscrupulous advances of any element to the detriment of our welfare, present and future, we again and further protest the principal [sic] and aim of the Snyder Bill.”<sup>225</sup> Such protest countered the narrative so carefully woven by the Society of American Indians, and further complicated the notion that their goal was in the best interest of every Indigenous Person, further muddying the question of how to achieve justice.

The contemporary conceptualization of pan-Indianism is simply not present among the intellectual conventions of the *Quarterly Journal*. What is persistent through the collective intellectual narrative, however, is the idea that definitive action be taken to address the social concerns of national systems that affect a disproportionate number of Indigenous Peoples across the nation. Concerns such as poor living conditions on reservations, inconsistent legal statuses, mismanagement of tribal funds and trusts in the hands of BIA agents, the failed or mismanaged sale of allotted lands, and more pressing issues like drug and alcohol addiction in native communities. This is most evident in the descension of other Indigenous groups that eschewed the Society’s mission for individual sovereignty, as in the case of the Onondaga Tribe of the Six Nation Confederacy of New York.

By looking at the newly imagined intellectual sphere of these Indian elites, we gain a better understanding of where glimpses of agency and subversion shine through twentieth

---

<sup>225</sup> Onondaga Nation to Calvin Coolidge, December 30, 1924, <https://www.onondaganation.org/news/2018/the-citizenship-act-of-1924/>. A copy of this letter may exist within the Calvin Coolidge Papers at the Library of Congress, Series 1, Reel 16 (microfilm), and I am attempting to access this source.

century American policy and politics. The standing literature on the Society does not give adequate insights into the lives of the individuals who founded and perpetuated the organization. The discourse between these individuals, as well as the personal records they left behind are a gravely underutilized opportunity for historians to better contextualize the impact the Society had on the lives of Indians, and the larger impact the Society of American Indians had on the nation at large. We are also left with several questions. Much of the rhetoric of single-consciousness and Indian nationalist identity remained just that – rhetoric. The only major proposal to congress from the Society of American Indians that gained any traction with popular opinion was the Snyder Act. Both the Carter Code Indian Bill and the Stephens Indian Claims Court amendment (another major proposal from the SAI) failed to make it to any legislative floor for vote. What does that mean for the efficacy of the rhetoric of the Society? Furthermore, the Society failed to remain in session before the passing of the Snyder Act—why? Perhaps one answer was the inefficiency of their rhetoric, leaving their bid for civil rights unheard by a larger audience. Another answer perhaps is the collapse of internal infrastructure and controversy between dissenting Indigenous perspectives within the Society itself. While the importance Society of American Indians and their rhetoric may have fallen largely unnoticed between the waves of Indigenous Peoples studies and histories, their goal of achieving the rights of sovereignty so long denied them by the federal government continued to exist at the core of Indian advocacy for over a century.

## Epilogue

The memory of assimilation among both Indigenous communities is both painful and fresh. The core motive and consequences of the Indian Citizenship Act was, and continues to be utterly divisive. As we have seen, the Indigenous voices who chose to appeal to assimilation for their survival left a mixed legacy of Indian advocacy. It may seem, with the current state of Indian affairs in the United States, that the rhetorical spin on assimilation is not a worthy avenue of study. Contemporary Indian rights advocacy has taken a vastly different approach since the turn of the twentieth century. The most recent, major demonstration of Indigenous sovereignty, the 2016 protests against the Dakota Access Pipeline at the Standing Rock Indian Reservation, was undeniably an act of direct resistance to industrial encroachment and federal injustice.<sup>226</sup> The historical trajectory of Indigenous resistance in the United States reveals strategies to ensure the survival of the people is not static.

Rather, while the strategies Indigenous peoples utilize in order to combat injustices such as termination, assimilation, and subjugation continuously evolve, encapsulating the time in which they assert their right to live, so to do the mediums through which natives express those strategies. Over the course of fifty years, bridging the turn from the nineteenth to the twentieth century, Indian peoples traversed and survived the dissolution of Indian nations, the systematic denial of civil rights, and violent severance from tradition, and met each one of these challenges (and more) through mediums relevant to a larger national audience: newspapers, public court

---

<sup>226</sup> Nick Estes and Jaskiran Dhillon, eds., *Standing with Standing Rock: Voices from the #NODAPL Movement*, (University of Minnesota Press, 2019).

hearings, and society papers. The short period highlighted in this work saw a remarkable adaptation to new modes of expression, which challenged assimilation through the same channels that those who pressed for the irradiation of Indigenous peoples. Survivance could be ensured, at least to some degree of success, by scrambling the metaphorical airwaves of late nineteenth and early twentieth century American society that called for the extinction of Indians with valid and contradictory expressions of feigned assimilation.

The core virtue of these acts of resistance—sovereignty—was carried into the remaining part of the twentieth century, and can still be heard in the rhetoric of contemporary Indigenous rights movements. The 1969 Occupation of Alcatraz was designed to reclaim forfeited federal lands, and was a defining moment in the Red Power movement of the middle twentieth century. On the 1972 Trail of Broken Treaties march, nearly 200 American Indians of various nations presented demands to President Richard Nixon calling for federal recognition of Indian sovereignty.<sup>227</sup> A stand-off lasting four months at the Pine Ridge Indian Reservation in 1973, known as the Wounded Knee Occupation, was inspired by a major push to get the US federal government to re-establish the treaty system, and allow nation-to-nation relations between Indigenous communities.<sup>228</sup> Occupation, marches, and sit-ins became the major modes of Indigenous rights advocacy during the remaining decades of the twentieth century.

---

<sup>227</sup> See the American Indian Movement's *Trail of Broken Treaties 20-Point Position Paper*, 1972 from Minneapolis, Minnesota, <http://www.aimovement.org/ggc/trailofbrokentreaties.html>.

<sup>228</sup> These are merely a few publications, primarily from "new" native historians that cover the American Indian Movement from the Occupation of Alcatraz to Wounded Knee. Frederick E. Hoxie, ed., "American Indian Movement," *Encyclopedia of North American Indians* (Boston: Houghton Mifflin, 1996); Peter Matthiessen, *In the Spirit of Crazy Horse* (2d ed.; New York: Viking Press, 1991); Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The American Indian Movement from Alcatraz to Wounded Knee* (New York: New Press, 1996).

Historians of the Red Power movement developed techniques for understanding the nuances of each of these demonstrations, and historians will have to continue to develop new ways of understanding Indigenous resistance of the twenty-first century. A practical and underrepresented lens through which historians can both learn from other disciplines and meet the challenge of contextualizing historical moments such as the Standing Rock protests of 2016, the ongoing Missing and Murdered Indigenous Women awareness campaign, and the dissolution of Mashpee Wampanoag reservation trusts.<sup>229</sup> Survivance—the subtle continuance of culture and Indian existence—will undoubtedly become a useful, if not essential, tool for historians who hope to understand the struggle for Indian sovereignty in the United States.

---

<sup>229</sup> Mashpee Wampanoag Tribe, “#StandwithMashpee,” (Mashpee: MA, 2020), <https://mashpeewampanoagtribe-nsn.gov/standwithmashpee>.

## Bibliography

### Primary Source Material:

Jackson, Helen. *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes*. Boston, MA: Roberts Brothers, 1889.

Kilcup, Karen L. ed. *A Cherokee Woman's America: Memoirs of Narcissa Owen, 1831-1907*. Gainesville, FL: University Press of Florida, 2005.

O'Beirne, H. F. *The Indian Territory Its Chiefs, Legislators, and Leading Men: Illustrated*. Saint Louis, MO: C.B. Woodward, 1892.

Tibbles, Thomas. *The Ponca Chiefs: An Indian's Attempt to Appeal from the Tomahawk to the Courts*. Boston, MA: Lockwood, Brooks & Co., 1880.

*The American Indian Magazine*. Washington D.C.: The Society of American Indians, 1916-1920.

*The Quarterly Journal of the Society of American Indians*. Washington D.C.: The Society of American Indians, 1913-1915.

### Autobiographies:

Eastman, Charles A. *From the Deep Woods to Civilization; Chapters in the Autobiography of an Indian by Charles A. Eastman (Ohiyesa)*. Boston, MA: Little, Brown, and Company, 1916.

Zitkala-Sa. *American Indian Stories*. Foreword by Dexter Fisher. Lincoln, NE: University of Nebraska Press, 1921.

Legislation:

*An Act to Protect All Persons in the United States in their Civil Rights, and furnish the Means of their Vindication. U.S. Statutes at Large* 14 (1866): 27-30.

*An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, and to Extend the Protection of the Laws of the United States and the Territories over the Indians, and for Other Purposes. Public Law* 49- 105. *U.S. Statutes at Large* 24 (1887): 387-391.

U.S. Congress. House. *Treaties of 1817 and 1819 with the Cherokee Indians*. May 18, 1860. 36th Cong., 1st sess., 1860. H. Rep. 534.

U.S. Congress. House. Committee on Expenditures in the Interior Department of the House of Representatives. *General Indian Investigation: Hearings Before the Committee on Expenditures in the Interior Department of the House of Representatives, on H.R. 103, to investigate the expenditures in the Interior Department, 62<sup>nd</sup> Cong., 1<sup>st</sup> sess. June 5 to July 17, 1911.*

Litigation:

*Cherokee Nation v. Georgia*. 30 U.S. (5 Pet.) 1 (1831).

*Dred Scott v. Sandford*. 60 U.S. 393 (1856).

*Elk v. Wilkins*. 112 U.S. 94 (1884).

*United States ex rel. Standing Bear v. George Crook, a Brigadier-General of the Army of the United States*. 5 Dil. 453 (8th Cir. 1880)

Correspondence:

Onondaga Nation to Calvin Coolidge. December 30, 1924.

<https://www.onondagation.org/news/2018/the-citizenship-act-of-1924/>

Society of American Indians. *Papers of the Society of American Indians*. 1986.

Archives:

University of Arizona Libraries. *Carlos Montezuma Papers, 1890-1922*.

<http://www.azarchivesonline.org/xtf/view?docId=ead/uoa/UAAZ287.xml>

University of Kansas Libraries. *The Papers of the Society of American Indians*. Editor,

John W. Larnier; consultants, Charles E. Gillette, Hazel W. Hertzberg.

Wilmington, Del., Scholarly Resources, 1987. ISBN: 0842030018,

[http://catalog.lib.ku.edu/cgi-](http://catalog.lib.ku.edu/cgi-bin/Pwebrecon.cgi?DB=local&CNT=25&HIST=1&BOOL1=as+a+phrase&FLD1)

[bin/Pwebrecon.cgi?DB=local&CNT=25&HIST=1&BOOL1=as+a+phrase&FLD1](http://catalog.lib.ku.edu/cgi-bin/Pwebrecon.cgi?DB=local&CNT=25&HIST=1&BOOL1=as+a+phrase&FLD1)  
=ISBN+(ISBN)&SAB1=0842030018.

Newspapers:

*Cherokee Advocate*, (Tahlequah, OK).

*Cheyenne Transporter*, (Darlington, OK).

*Indian Chieftain*, (Vinita, OK).

*Oklahoma Chief*, (Oklahoma City, OK).

*The Inter Ocean*, (Chicago, IL).

*The Nebraska State Journal*, (Lincoln, NE).

*The New York Times*, (New York, NY).

*The Omaha Herald*, (Omaha, NE).

*The Sioux City Journal*, (Sioux City, IA).

**Secondary Source Material:**

Abel, Annie H. *The American Indian Under Reconstruction*. Cleveland, Ohio: Arthur H.

Clark Co., 1925.

Adams, Mikaela M. *Who Belongs? Race, Resources, and Tribal Citizenship in the Native*

*South*. New York: Oxford University Press, 2016.

Allison III, James Robert. *Sovereignty for Survival: American Energy Development and*

*Indian Self-Determination*. New Haven, CN: Yale University Press, 2015.

- Axtell, James. *The European and the Indian: Essays in the Ethnohistory of Colonial North America*. Oxford, England: Oxford University Press, 1982;
- The Invasion Within: The Contest of Cultures in Colonial North America*. Oxford, England: Oxford University Press, 1986.
- Bailey, Minnie Thomas. *Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism*. Port Washington, N.Y.: Kennikat Press, 1972.
- Barker, Joanne. "The Corporation and the Tribe." In *American Indian Quarterly* 39, no. 3, (Summer 2015): 243-270.
- Barsh, Russel L. "American Indians in the Great War." In *American Society for Ethnohistory* 38, no. 3, (Summer 1991).
- Berger, Bethany R. "Birthright Citizenship on Trial: *Elk v. Wilkins* and *United States v. Wong Kim Ark*." *Cardozo Law Review* 37, no. 4 (April 16, 2016): 1185-1258.
- Black, Jason Edward. *American Indians and the Rhetoric of Allotment and Removal*. Jackson, MS: University of Mississippi Press, 2015.
- Black Elk, and John Gneisenau Neihardt. *Black Elk Speaks: Being the Life Story of a Holy Man of the Oglala Sioux*. Lincoln, NE: University of Nebraska Press, 1979.
- Black Hawk, and Milo Milton Quaiife. *Life of Black Hawk, Ma-Ka-Tai-Me-She-Kia-Kiak*. Chicago, IL: The Lakeside Press, 1834.

- Black Hawk, Ned. *Violence Over the Land: Indians and Empires in the American West*.  
Cambridge, MA: Harvard University Press, 2006.
- Bloodworth, William. "Varieties of American Indian Autobiography." *MELUS* 5, no. 3,  
(1978): 67-81.
- Boas, Franz. *Handbook of American Indian Languages*. Cambridge, England: Cambridge  
University Press, 1911; "Mythology and Folk-Tales of the North American  
Indians," *Journal of American Folklore* 27, no. 106 (Oct.-Dec. 1914): 374-410.
- Bolster, Mel H. *Crazy Snake and the Smoked Meat Rebellion*. Boston, MA: Branden  
Press, 1976.
- Brandon, Stephen J. "Mother of U.S. Senator an Indian Queen: Cultural Challenge and  
Appropriation in The Memoirs of Narcissa Owen, 1831-1907." In *Studies in  
American Indian Literatures* 13, no. 2/3 (2001): 5-22.
- Britten, Thomas A. *American Indians in World War I: At War and at Home*.  
Albuquerque, NM: University of New Mexico Press, 1997.
- Brooks, Lisa. "The Constitution of the White Earth Nation: A New Innovation in a  
Longstanding Indigenous Literary Tradition." In *Studies in American Indian  
Literatures* 23, no. 4 (Winter 2011): 48-76
- Brown, Dee. *Bury My Heart at Wounded Knee: An Indian History of the American  
West*. New York, NY: Holt, Rinehart, Winston, 1970.

- Brown, Donald N. "The Ghost Dance Religion Among the Oklahoma Cheyenne." In *The Chronicles of Oklahoma* 30, (Winter 1952–53).
- Bruyneel, Kevin. "Challenging American Boundaries: Indigenous People and the 'Gift' of U.S. Citizenship." In *Studies in American Political Development*, 18 no. 1, (2004): 30–43.
- Campbell, O. B. *Vinita, I.T.: The Story of a Frontier Town of the Cherokee Nation, 1871–1907*. Oklahoma City, OK: Colorgraphics, 1969.  
<https://ohiomemory.org/digital/collection/p16007coll27/id/3268>.
- Capozzola, Christopher. *Uncle Sam Wants You: World War I and the Making of the Modern American Citizen*. New York: Oxford University Press, 2008.
- Clark, Stanley. "Ponca Publicity." In *Mississippi Historical Review* 29, no. 4, (1943): 495-516.
- Clow Richmond L. and Wade Davies, eds. *American Indian Sovereignty and Law: An Annotated Bibliography*. Lanham, MD: Scarecrow Press, 2009.
- Confer, Clarissa. *The Cherokee Nation in the Civil War*. Norman, OK: University of Oklahoma Press, 2007.
- Connor, Walker. *Ethnonationalism: The Quest for Understanding*. Princeton, NJ: Princeton University Press, 1994.

Cornell, Stephen E. *The Return of the Native: American Indian Political Resurgence*.

New York, NY: Oxford University Press, 1988.

Debo, Angie. *The Road to Disappearance*. Norman, OK: University of Oklahoma Press,

1941.

Deloria, Vine Jr., ed. *American Indian Policy in the Twentieth Century*. Norman, OK:

University of Oklahoma Press, 1985.

Fitzgerald, Kathleen J. *Beyond White Ethnicity: Developing a Sociological*

*Understanding of Native American Identity Reclamation*. Lanham, Lexington  
Books, 2007.

Foreman, Grant. *Indian Removal: The Emigration of the Five Civilized Tribes of Indians*.

Norman, OK: University of Oklahoma Press, 1932.

Gerstle, Gary. *American Crucible: Race and Nation in the Twentieth Century*. Princeton,

NJ: Princeton University Press, 2001.

Gregg, Matthew T. "Shortchanged: Uncovering the Value of Pre-Removal Cherokee

Property" In *The Chronicles of Oklahoma* 87, (Fall 2009).

Hagan, William T. *Taking Indian Lands: The Cherokee (Jerome) Commission 1889–*

*1893*. Norman, OK: University of Oklahoma Press, 2003.

Hale, Frederick. "Going on the Great White Father's Warpath: Reactions to World War

One on the White Earth Reservation." In *European Review of Native American Studies* 11, no. 1, (1997).

Hall, John W. *Uncommon Defense: Indian Allies in the Black Hawk War*. Cambridge,

MA: Harvard University Press, 2009.

Hamalainen, Pekka. *The Comanche Empire*. New Haven, CN: Yale University Press,

2008.

Harris, Cole. *Making Native Space: Colonialism, Resistance, and Reserves in British*

*Columbia*. British Columbia, Canada: University of British Columbia Press, 2002.

Hatch, Thom. *Black Kettle: The Cheyenne Chief Who Sought Peace but Found War*.

Hoboken, NJ: John Wiley & Sons, 2004.

Hertzberg, Hazel W. *In Search for an American Indian Identity: Modern Pan-Indian*

*Movements*, New York, NY: Syracuse University Press, 1971.

Holland, Cullen Joe. "The Cherokee Indian Newspapers, 1828–1906: The Tribal Voice of

a People in Transition." PhD diss. University of Minnesota, 1956.

Howard, James H. *The Ponca Tribe by James H. Howard in collaboration with Peter Le*

*Claire, Tribal Historian, and Other Members of the Tribe*. Washington, D.C.:

Government Printing Office, 1965.

Hoxie Frederick E., ed. *Talking Back to Civilization: Indian Voices from the Progressive Era*. Boston, MA: Bedford/St. Martin's Press, 2001;

*A Final Promise: The Campaign to Assimilate the Indians, 1890–1920*. Lincoln, NE: University of Nebraska Press, 1984.

Jacobs, Meg. *Pocketbook Politics: Economic Citizenship in Twentieth-Century America*. Princeton, NJ: Princeton University Press, 2005.

Jones, Leslie. "Chitto Harjo and the Snake Rebellion." In *The Chronicles of Oklahoma* 88, (Summer 2010).

Jung, Patrick J. *The Black Hawk War of 1832*. Norman, OK: University of Oklahoma Press, 2007.

Justice, Daniel Heath. *Our Fire Survives the Storm: A Cherokee Literary History*. Minneapolis, MN: University of Minnesota Press, 2006;

*Why Indigenous Literatures Matter*. Indigenous Studies Series. Waterloo, Ontario: Wilfrid Laurier University Press 2018.

Kappler, Charles J., comp. and ed. *Indian Affairs: Laws and Treaties*. 7 Vols. Washington, D.C.: GPO, 1904–1979.

Karl, Barry D. *The Uneasy State: The United States from 1915 to 1945*. Chicago: University of Chicago Press, 1983.

- Katznelson, Ira. *When Affirmative Action was White: An Untold Story of Racial Inequality in Twentieth-Century America*. New York: W. W. Norton, 2005.
- King, Duane H. ed. *The Cherokee Indian Nation: A Troubled History*. Knoxville, TN: University of Tennessee Press, 1979.
- Krouse, Susan A. *North American Indians in the Great War*. Lincoln, NE: University of Nebraska Press, 2007.
- Lesser, Alexander. *The Pawnee Ghost Dance Hand Game: Ghost Dance Revival and Ethnic Identity*. Madison, WI: University of Wisconsin Press, 1978.
- Mackay, James. "Native American Literary Theory." In *Journal of American Studies* 41, no. 3, (2007): 675-80.
- Mardock, Robert W. *The Reformers and the American Indian*. Columbia, MO: University of Missouri Press, 1971;
- "Standing Bear and the Reformers." In *Indian Leaders: Oklahoma's First Statesmen*. Edited by H. Glenn Jordan and Thomas M. Holm. Oklahoma City, OK: Oklahoma Historical Society, 1979.
- Martin, Jr., Robert G. "The Cherokee Phoenix: Pioneer of Indian Journalism" In *The Chronicles of Oklahoma* 25, (Summer 1947).
- Mathes Valerie Sherer and Richard Lowitt. *The Standing Bear Controversy: Prelude to Indian Reform*. Urbana, IL: University of Illinois Press, 2003.

- McAllister, Mick. "Native Sources: American Indian Autobiography," In *Western American Literature* 32, no. 1, (1997): 3-23.
- McBeth, Sally. "Indian Boarding Schools and Ethnic Identity: An Example from the Southern Plains Tribes of Oklahoma," *Plains Anthropologist*, 28 (May 1983); *Ethnic Identity and the Boarding School Experience of West-Central Oklahoma Indians*. Washington, D.C.: University Press of America, 1983.
- McLoughlin, William. *After the Trail of Tears: The Cherokee's Struggle for Sovereignty, 1839-1890*. Chapel Hill, NC: University of North Carolina Press, 1993; *Cherokee Renaissance in the New Republic*. Princeton, NJ: Princeton University Press, 1986; *Cherokees and Missionaries, 1789-1839*. New Haven, CN: Yale University Press, 1984; *The Cherokee Ghost Dance*. Atlanta, GA: Mercer University Press, 1984; "New Angles of Vision on the Cherokee Ghost Dance Movement of 1811-1812." In *American Indian Quarterly* 5, no. 4, (1979): 317-45.
- Michno, Gregory F. *Battle at Sand Creek*. El Segundo, CA: Upton and Sons, Publishers, 2004.
- Mihesuah, Devon A. *Educating the Rosebuds: The Education of Women at the Cherokee Female Seminary, 1851-1909*. Urbana IL: University of Illinois Press, 1993.

Miller, Susan A. and James Riding, eds. *Native Historians Write Back: Decolonizing American Indian History*. Lubbock, TX: Texas Tech University Press, 2011.

Mooney, James. *The Sacred Formulas of the Cherokees*. U.S. Bureau of American Ethnology, 1885-6 Annual Report, 1891;

*Siouan tribes of the East*. U.S. Bureau of American Ethnology Bulletin, 1894;

*Myths of the Cherokee*. Washington, D.C.: Government Printing Office, 1902.

Mountain Wolf Woman, and Nancy Oestreich Lurie. *Mountain Wolf Woman, Sister of Crashing Thunder: The Autobiography of a Winnebago Indian*. Ann Arbor, MI: University of Michigan Press, 1961.

Muntz, Lori Lynn. "Representing Indians: The Melodrama of Native Citizenship in United States Popular Culture of the 1920s." PhD diss. University of Iowa, 2006.

Murphy, James E. and Sharon M. Murphy. *Let My People Know: American Indian Journalism, 1828–1978*. Norman, OK: University of Oklahoma Press, 1981.

Murphy, Sharon. "American Indians and the Media: Neglect and Stereotype." In *Journalism History* 6, (1979);

"Neglected Pioneers, 19th Century Native American Newspapers." In *Journalism History* 4, (1977).

Nabokov, Peter, ed. *Native American Testimony: A Chronicle of Indian-White Relations from Prophecy to the Present, 1492–1992*. New York, NY: Viking Press, 1991.

- Nichols, Roger L. *Black Hawk and the Warrior's Path*. Arlington Heights, IL: Harlan Davidson, 1992.
- O'Brien, Jean. *Firsting and Lasting: Writing Indians Out of Existence in New England*. Minneapolis, MN: University of Minnesota Press, 2010.
- Olster, Jeffery. *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee*, Cambridge, England: Cambridge University Press, 2004.
- Onsager, Lawrence. "The Removal of the Winnebago Indians from Wisconsin to Nebraska in 1873-1874." PhD diss. Andrews University, 1985.
- Otis, D. S. *The Dawes Act and the Allotment of Indian Land*. Edited by Francis Paul Prucha. Norman, OK: University of Oklahoma Press, 1973.
- Perdue, Theda and Michael D. Green, eds. *The Cherokee Removal: A Brief History with Documents*. Boston, MA: Bedford Books of St. Martin's Press, 1995;
- Cherokee Editor: The Writings of Elias Boudinot*. Knoxville, TN: University of Tennessee Press, 1983.
- Perkins, James W. *Literacy and Intellectual Life in the Cherokee Nation, 1820-1906*. Norman, OK: University of Oklahoma Press, 2013.
- Prucha, Francis Paul. *The Great Father: The United States Government and the American Indians*. Lincoln, NE: University of Nebraska Press, 1984.

Rasmussen, Birgit Brander. *Queequeg's Coffin: Indigenous Literacies and Early American Literature*. Durham, NC: Duke University Press, 2013.

Richter, Daniel K. *Facing East from Indian Country: A Native History of Early America*. Cambridge, MA: Harvard University Press, 2006.

Riley, Sam G. "The Cherokee Phoenix: The Short Unhappy Life of the First American Indian Newspaper." In *Journalism Quarterly* 59, (1982): 46-51;  
"Alex Posey: Creek Indian Editor/Humorist/Poet." In *American Journalism* 1, no. 2 (1984): 67-76.

Rister, Carl Coke. *Land Hunger: David Payne and the Oklahoma Boomers*. Norman, OK: University of Oklahoma Press, 1942.

Smithers, Gregory D. and Brooke N. Newman, eds. *Native Diasporas: Indigenous Identities and the Settler Colonialism in the Americas*. Lincoln: University of Nebraska Press, 2014.

Sollors, Werner. *Beyond Ethnicity: Consent and Descent in American Culture*. New York: Oxford University Press, 1987.

Starita, John. "The Case for Standing Bear: Establishing Personhood Under the Law." *Court Review: The Journal of American Judges Association* 45, no. 1-2 (2009): 4-11.

Starr, Emmet. *History of the Cherokee Indians and Their Legends and Folklore.*

Oklahoma City, OK: Warden Company, 1921.

Stefon, Frederick J. "The Irony of Termination: 1943–1958," *The Indian Historian*, 11

(1978).

Stremlau, Rose. "A Cherokee Woman's America: Memoirs of Narcissa Owen, 1831-1907

(review)." In *Studies in American Indian Literatures* 20, no. 4, (Winter 2008): 87-

89.

Sullivan, Patricia. *Days of Hope: Race and Democracy in the New Deal Era.* Chapel Hill:

University of North Carolina Press, 2000.

Tan, Kathy-Anne. *Reconfiguring Citizenship and National Identity in the North American*

*Literary Imagination.* Detroit, MI: Wayne State University Press, 2015.

*The Heritage of Craig County and Cooweescoowee and Delaware Districts, Indian*

*Territory, Vol. 3.* Vinita, OK: Craig County Genealogical Society, 2000.

*The Story of Craig County: Its People and Places, 2 Vols.* Vinita, OK: Craig County

Heritage Association, 1984–1991.

Treuer, David. *The Heartbeat of Wounded Knee: Native America from 1890 to the*

*Present.* New York, NY: Riverhead Books, 2019.

Turner, Frederick Jackson. "The Significance of the Frontier in American History, 1893,"

*Annual Report of the American Historical Association for the Year 1893.*

Washington, D.C., 1894.

Tyler, S. Lyman. *A History of Indian Policy*. Washington, D.C.: Bureau of Indian Affairs,

1973.

Vizenor, Gerald. "Aesthetics of Survivance: Literary Theory and Practice." In

*Survivance: Narratives of Native Presence*. Edited by Gerald Vizenor, 1-24.

Lincoln, NE: University of Nebraska Press, 2008.

Wauchope, Robert, ed. *Handbook of Middle American Indians*. 16 volumes. Austin, TX:

University of Texas Press, 1976.

White, Richard. *The Middle Ground: Indians, Empires, and Republics in the Great Lakes*

*Region, 1650-1815*. Stanford, CA: Stanford University Press, 1991.

Wilkins, David E. *American Indian Sovereignty and the U.S. Supreme Court: The*

*Masking of Justice*. Austin, TX: University of Texas Press, 1997.

Witgen, Michael. *An Infinity of Nations: How the Native New World Shaped Early*

*America*. Philadelphia, PA: University of Pennsylvania Press, 2013.

Young, Gloria A. "Intertribal Religious Movements." In *Handbook of North American*

*Indians* 13. Edited by Raymond J. DeMallie. Washington, D.C.: Smithsonian

Institution, 2001.