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THE CLAIMANTS VIEW.

Why they Mistrust the Dawes Commission.

Welch, March 31, 1900.

Editor Chieftain—Sir: I am in receipt of a letter which asks me why the claimants and the people who are residing in the Indian Territory seem to be opposing the Dawes commission in its efforts to finally settle the questions which have been the source of contention in your country. And, as the letter is written apparently in the spirit of fairness, I desire to answer the same through the columns of your paper, knowing that public discussion of a proposition of this importance can reasonably do no harm, and may result in a great deal of good to our people.

I am reasonably well informed as to the acts of the Dawes commission, for as a party in interest I have watched them from the day the commission was instituted, not as a critic, but as one who desired to see the Indian Territory all that it should be, both as to the character of its people and the preservation of the rights of those who resided therein.

Without exception the claimants or the non-citizens in all the five civilized tribes welcomed the creation of the Dawes commission. We believe that congress was intending to provide a remedy for wrongs which existed, and we believed that this was the first official recognition of the existence of wrongs which required a legal remedy. The reports of that commission for the year 1895 have now become historical. They set forth the condition of affairs in the Indian nations, a condition without parallel in the history of government in this country. No stronger arraignment of any form has ever been written than this document which resulted in the passage by congress of the Curtis act, and the assumption by the United States, irrespective of treaty stipulations, of the right to provide a means of protection for all of the people within the territory.

After the report of the year 1895 was written the personel of the Dawes commission was changed—that is, its active working personel. Senator Dawes, against whom nothing can be or ever has been alleged, assumed the nominal chairmanship of the commission. He came to the Indian Terriory for a very short time, but if he participated in the active work of the commission I do not know it, and the ordinary claimant for citizenship does not know it.

The work of the commission was divided. Mr. Needles looked after the freemen. Mr. Bigsby attended to the office at Muskogee. This left Mr. McKennon in charge of practically all the work in the field, and the field work is where the Dawes commission came in contact with the people—with those persons whom it is my belief it was the intent of congress to provide a remedy for and to afford protection from the existing conditions which rendered them unable to protect either their personal or property rights.

In the Cherokee nation there were a large number of persons who had no shadow of a just or equitable claim for consideration. This was admitted by the honest claimants and has never been denied by them. But this did not, or should not, prejudice the rights of those who were honest and who did have just and equitable claims for consideration. We believed that the Dawes commission was appointed for the purpose of investigating the rights of the parties. We went before them. We submitted for their consideration the proof of Indian blood or residence in the territory and asked them to adjudge these people, and under the evidence to protect the estate of inheritance which came to them from their forefathers.

We are informed, and I believe correctly, that the Dawes commission, through its active officer, purchased a rubber stamp with the word "rejected" prepared thereon and that instead of having our claims adjudicated, the only consideration we received was the use of that stamp upon each and every case which was presented to them, excepting only a few, who had, prior to the creation of that same commission, been admitted to have been upon the rolls. In other words, the Dawes commission so construed the law that it was not a question as to whether or not a man was entitled to rights in the Cherokee nation, but simply a question of fact whether the person who applied was, prior to the date of his application, upon the rolls of that nation. There was no use for this expensive machinery of government to decide that proposition. Every man knew whether he was upon the rolls or not, and a $40 per month clerk could have settled that by a mere examination. We were misled. It was apparent that the government was not extending relief to us, and if that is a mistake of the law, and we believe that to have been a mistake, we criticize the construction which permitted us to go to the great expense of trying a case only to find we had no forum and no court before which a case could be made.

We were told that we would have a judicial adjudication, and we never received that. The Dawes commission commenced to receive applications in the Cherokee nation on April 10, 1896. The law was mandatory that all applications should be filed within ninety days and all decided within ninety days thereafter. Over 6000 cases, involving the rights of more than 30,000 people, were filed during that time. At the same time this commission was receiving applications for all of the other nations in the Indian Territory, and there were about 1000 applications in the Creeks, and about 3000 applications in the Choctaw and Chickasaw country. When the time came to pass upon these limited by law to ninety days, the commission, or the working force of the commission, left the Territory for a portion of that time. These applications involved questions of geneology, questions of residence; and the application of the tribal laws. They were complicated, yet every one was passed upon, and the average time given to the consideration of these numerous records, if fairly figured, would amount to about ten minutes to every case. From this decision, rendered under circumstances which ought to absolve the commission from any blame, if errors were committed appeals were allowed to the district court. And it has been understood that the commission has seemed to take an active part in efforts to sustain their own decisions. No more ardent advocates of the correctness of their conclusions have ever existed than the members of that commission, while those same decisions were rendered without the possibility of the consideration they merited. These cases went to the district court and were referred to a special master in chancery. In the Cherokee nation Mr. DeGreffenreid and Mr. Gibson have stated both publicly and privately that some of these records came to them with the seals unbroken and the word "rejected" written upon the envelope. This was probably due to the circumstances under which they were decided, but we have the right to object to this kind of consideration, and particularly to object when the judge attempts to defend this consideration and claims that common justice has been done, and that mistakes have not been made and the parties are not entitled to relief.

As this letter does not refer to the district court I shall not attempt to say anything of the judgments made therein. But it was recognized by the claimants that the Dawes commission, or rather members of the Dawes commission, seem to be prejudiced against the claimants and in favor of the rolls of the Indian nations. This course was certain to be popular. It was catering to a majority, and had we not just cause to say it was not right?

We sought the right of appeal upon the questions of fact. Mr. McKennon immediately went to Washington and by reasn of his position and his supposed acquaintance with conditions, his opposition was the strongest thing we had to overcome in securing the right of appeal.

Nor is this all. In the Choctaw and Chickasaw nations the claimants met with the same opposition from the court, which was specially created to pass upon their rights. There were cases in which errors were made. Cases in which by mistake or inadvertance of counsel an entire family was admitted by the court with the son or daughter left off, and wherever those things have been done the Dawes commission have not only refused to enroll, but have apparently been the earnest advocates of the Indian nation as against the claimant.

We do not object to their applying the law as they find it, but when those errors are sought to be corrected in congress we who are out upon these lands in the Indian Territory are, through the public press; advised of members of the Dawes commission being in Washington seeking to prevent just and proper legislation upon our behalf—impuning our motives, misrepresenting our conditions, and performing just the acts that lawyers on the other side should be expected to perform. That is why we have no faith in that commission as it now exists.

In the Choctaw and Chickasaw country I am told there are a large number of Mississippi Choctaws who are entitled to enrollment under the existing law, as that law is construed by the Dawes commission. Some of them I know. They are living upon their lands, and are good citizens. The Dawes commission in its report for 1899, admits the justice of their claims. That same commission went before the senate committee to propose the legislation which was needed in the territory, and they not only omitted to provide a remedy, but they also advocated a bill which would deprive these people of their possessions and turn them out homeless. The commission went further than the attorneys for the nations, and when I say the commission I mean the only one who was heard to speak upon that proposition. In the same legislation offered or suggested was a provision protecting the so-called intruders from the loss of their improvements, yet that contained a clause to the effect that these claimants should pay at the rate of $2 per acre per year for the land they had enclosed and made a home on. It was admitted in discussion that this was an excessive amount, but if that is true why is the price fixed at the extreme limit as against the claimants? Why is every doubt to be resolved against them, rather than against the nation? Judging from these facts, I believe the commission is unfriendly to any one but the nation, and that is another reason why we look with suspicion upon anything which comes from the commission. It must be remembered that this land was appraised at about $2 per acre and, as straws show which way the blows, the ordinary farmer in the

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