Reprinted from the Cherokee Advocate
Sept. 12, 1892

THE ALLOTMENT OF LANDS

Park Hill, C. N.
August 29th, 1892

Section 1, Article 1, of the Constitution provides that "the lands of the Cherokee Nation shall remain common property."

Article 20 of the Treaty of 1866 provides that "Whenever the Cherokee National Council shall request it, the Secretary of the Interior shall cause the country reserved for the Cherokees to be surveyed and allotted among them at the expense of the United States."

The Section 2 amendments to Article 1 of the Constitution provides that "The lands of the Cherokee Nation shall remain common property until the National Council shall request the survey and allotment of the same in accordance with the provision of Article 20, Treaty of July 19, 1866 between the United States and the Cherokee Nation."

With these provisions of treaty and Constitution before me, I said years ago, the day was not far distant when the survey and allotment of our lands would become a leading question in our campaigns for office. That day has already dawned upon the country.

Many of our citizens are this moment insisting on a survey and allotment of our lands. Most of the newspapers published in the country are moving in the same direction, while some of our prominent men are saying that if left to a private vote a majority of the people would today cast their votes in favor of allotment.

Col. Boudinot, in a recent article, appearing in the Cherokee Advocate adverts to the old saying, "Out of the frying pan and into the fire." But I will take as my motto, "Look before you leap."

Just see what enormous power has been vested in the National Council. The [council] has in its power, simply by the adoption of a little resolution compromising not a half dozen lines, to ask the United States to survey and allot our lands and it would be done in short order.

So small a step as this would dash the entire public affairs of the Cherokee people into such a whirlpool of changes as would make men's head swim to contemplate it.

Is it not then, under these circumstances, the duty of every Cherokee to study well the condition of the country and to take great care in the selection of those who may be sent to Council to act for the people?

Has there not been much talk for a number of years about attempts to bribe members of the National Council?

I have always opposed anything like inconsiderate tampering with our lands. I opposed the sale of the "strip" when, several years ago it stood offered to the government at .47-.49 cents per acre and congress had passed an act empowering the President to send a committee out here to make the purchase.

Those lands were not sold at that time for such trifle as we offered to take for them, as good luck would have it. Now we are getting one dollar and a half for them.

I now take up my pen to write in opposition to the "sectionization" of those lands which remained to us after the Strip has gone.

In point of importance, the question of allotment stands next to that of disposing of the Strip.

There are many reasons why the people should not agree to have their country surveyed and allotted. I expect to mention some of those reasons in subsequent papers.

I beg the Cherokee people to read carefully what I shall have to say on the subject. Let us lay aside all politics and talk in a friendly way about the best interest of our country.

W. A. Duncan

Reprinted from the Cherokee Advocate
Oct. 5, 1892

ALLOTMENT 3

Mr. Editor:

The term "allotment" as used among us is simply another word for title in severalty to our lands.

Now I think white people are as smart as Cherokees, and yet there are swarms of them in all the states and among the Indian tribes who do not own a foot of land and, in probability, never will own any.

If the system of owning land in severalty has the effect to exclude so many people among the whites from the enjoyment of a home, it seems to me that the same system among the Cherokees would soon have the effect to render many of them homeless.

Business knows no pity, and cares for justice only when justice is soon to be "better policy." If it had power to control the elements, it would grasp in its iron clutches the waters, sunshine and air and resale them by measure, and at exorbitant prices to the millions of famished men, women and children.

I do not want to see the Cherokee people without homes. The title in common to our lands is the strongest guarantee against the homelessness of many of our people.

Respectfully,
W. A. Duncan

Reprinted from the Cherokee Advocate
Oct. 26, 1892

ALLOTMENT 5

Editor Advocate:

1. The strongest argument in favor of allotment of our lands is derived from the monopolies practiced by some of our citizens. It is said, if we do not allot our lands, the monopolies will soon have them all and there will be none left for the rest of us.

2. Now, if allotment were the only remedy or even the best of several remedies for the evil of monopoly, I would not have another word to say in opposition to it. But various other means of remedying the evil are at hand, and I think they should all be exhausted before we come to allotment. Let allotment be the last resort.

3. But as to monopolies in the public domain, the powers of the National Council are absolute. The constitution makes it so. That body has unlimited power to enact laws for the prevention of monopoly.

4. I do not think the evil of monopoly so formidable as to defy the authority of the National Council. It seems to me the National Council could exercise its power to prevent the evil of monopoly with as great success as it meets with the prevention of any other evil in the country. All that is necessary is the will on the part of the councilors.

5. But I am told the councilors will not do their duty. Well, whose fault is it? How did they get there? Don't we the people make the councilors? Then if unworthy persons get into the National Council, is it not our own fault? Does not the blame lie upon our own shoulders?

6. But I am told we cannot do any better – that we cannot get councilors who will forego their personal advantages and act for the good of the people. But I think we can. It is altogether with us as voters as to what kind of councilors we have. Let us voters act with intelligence and vote conscientiously and the work will be done.

7. Evidently, the Constitutional and proper remedy for the evil of monopoly is in the hands of the people themselves. Let the people put the right kind of men in office and those right kind of men will pass the right kind of laws for the abatement of the huge evil of monopoly.

8. Allotment of lands is only another name for title in severalty to lands. Title in severalty is, at this moment, the landed system of the civilized world. Also at this moment, are the millions of men, women and children throughout the civilized world who do not own one foot of land and will never own any.

In all the countries of Europe, the land, under operation and principle of title in severalty, has drifted into the hands of a few and millions of "pauper laborers" fleeing from poverty are emptied by the shiploads upon the shores of America, where they have come in search of better conditions.

In America the same results are being worked out. Lands are fast accumulating into the hands of the few, while there are ten thousand times ten thousand men, women and children who do not today own an acre of land. Such are the results growing out of title in severalty to lands.

And do you say that the allotment of lands is not an evil where it fills the world with homeless people, doomed to suffer the hardships of poverty as long as existence continues on this earth?

9. Title in severalty would place our lands precisely where the rue monopolist would want them. While it is said by some that those who oppose allotment are playing into the hands of the monopolists, the retort might be made with far more plausibility that the friends of allotment themselves are working in the interest of the monopolists.

For while the title to our lands remains "in common," those of our citizens who are using large bodies of land can acquire no title to their farms and can only enjoy the occupancy and use of them at the discretion of the National Council.

But only allot the lands giving each citizen a severalty title to his share and you at once put it in the power of these same monopolists by employment of the ordinary methods of business and in the exercise of the same energy which they have displayed in their monopolistic schemes to become sure enough monopolists.
Under such change of title it would not be long until the larger portion of our lands would pass into the hands of monopolists, leaving most of our people without land, just as we now find among the whites.

10. You say we anti-allotists are in the interest of the monopolists; but we say, you allotment people are in the interests of the monopolists.

11. Under our present system there can be no monopoly of title to Cherokee lands. The only monopoly that can exist is in the occupancy and use of more land than would fall to one's share were the country divided and this can easily be regulated by the National Council.

12. If the strongest argument in favor of allotment is derived from the monopolists going on in the country, the strongest argument against allotment is derived from the landlessness, homelessness and general poverty of many of the people who live under those systems where title to land is held in severalty.

If myriads of whites under those systems cannot own land, I think it would soon be the same for the Cherokees if placed in similar circumstances.

13. Let me repeat it. I have only three planks in my platform:

1) Hold to our country and government as we now have them:
2) Hold to our title in common of our lands; and,
3) Put good men in office, especially the National Council, as will faithfully administer the functions of office.

W. A. Duncan

Reprinted from the Cherokee Advocate
Dec. 1, 1893

WHAT ARE YOU GOING TO DO ABOUT IT?
To the Chiefs, Head Men and Warriors of the Cherokees

As an assembly of one, I beg once more to place at your feet a humble memorial. As is well known, the world is in arms against us. It is argued that even the Christian civilization of the age demands that the Indian must be destroyed.

See the marshalling of force all along the lines of the enemy.

Conventions are being held by non-citizens al over the territory for the purpose of inducing Congress to erect a territorial government over our country without our consent.

But the boldest move is now being made.

At Muskogee "on the 25th day of November, 1893," a committee is to be selected "to represent the interest of statehood before the Presidential Commission recently appointed."

And yet the Cherokee people, excepting in the late action of the chief appear to be un-earing as to danger.

Gentlemen: In the view of these facts, I pray you to do something to avert the impending storm. You have the authority to act and yours is the responsibility to do so.

In these great matters you are to be the makers of the fortunes of the entire Cherokee people.

I do not want to see the Cherokee people, the fullbloods, as I have seen other Indians, ground to powder under the iron hoofs of statehood, as charming a statehood might be to a white man.

Very Respectfully,
W. A. Duncan

Reprinted from the Cherokee Advocate
July 16, 1898

TREATIES IGNORED

Admission of the Government's Bad Faith With The Cherokee

Moral frailty is a universal defect in human character. There is no magnitude of organization; no sacredness of official function; no weight of responsibility; no species of environment; no possible arrangement among men that can be implicity relied upon as an absolute safeguard against the machinations of selfishness. For one to die for another may be god-like, but it is certainly not man-like. Every man, when subjected to the final test, generally prefers himself to all others. Right, in this world, without the power of self-defense, or the means of enforcing it's own claims, is only food for wrong to feed on.

Such were the thoughts that sprung up spontaneously and dominated our faculties as we sat a few days since in the gallery of the United States senate and gazed down upon the drama that was being played off on the floor below us. The Curtis bill was under consideration. This was a measure which had originated in the lower house and having been contrived (as alleged) by Mr. Curtis of Kansas, it had been very appropriately christened the "Curtis Bill."

It was a proposition asking for the enactment of a law repudiating the treaties which had been negotiated with the five nations of the Indian Territory.

The government of the United States had been, from the beginning of its existence, in the habit of negotiating with these nations, from time to time amicable arrangements which generally required of them the immediate surrender of very valuable considerations – usually an exorbitant cession of territory and that sometimes attended with an obligation on the part of the people to leave their native ground and emigrate to some distant and uncongenial place of abode; while that which came to them in return consisted of the most part of mere guarantees on paper, whose value lay exclusively in the faithfulness of their fulfillment.

These stipulations, however, were seldom (almost never) carried out; when the object for which the deal had been instituted was attained, they were allowed to drop at once into hopeless oblivion and sleep the long years away as dead matter in the archives of the government, while in the meantime, generation after generation of the Indians came and went without ever enjoying the least imaginable benefit from their bargain.

There is nothing that could ever induce the government to bestow upon these sacred obligations the least attention whatever, except when in the course of time, their existence came to be a matter of dread, as a legal obstruction in the way of some new departure in the ever shifting current of public policy.

Even then the consideration accorded to them had reference more to their abatement as nuisances than to their fulfillment as real engagements.

These old nullified promises, however, were known to be standing as a perpetual menace to the good name of all Americans future history: They were besides in the habit of making themselves not a little noisy in their continuous, though unavailing, outcry against this unwarranted neglect of them on part of the government.

Hence, as a preliminary step in the execution of any new design upon the Indians, it was generally deemed to be expedient that all former unfulfilled agreements of every

description should be cleared out of the way, giving the past, up to date, a fair and unexceptional standing on the historic page.

The precautionary work was usually accomplished in one of two ways; either by fulfillment or amicable recision. The latter method, when practicable, was usually adopted, otherwise the former came into play as a last resort.

At such times, in order to meet the emergency, and at the same time inspire the Indians with the needful willingness to treat and trust, the overtures for the new deal were generally accompanied with renewed promises as additional considerations for the early fulfillment of the old, neglected guarantees.

But no sooner had the new treaty been concluded, than it was overtaken by the same untoward fate which had be fallen all of its kind before it; and the new pledges also went into the same grave where moldered the remains of the old promises.

At length, under the teaching of experience, common sense began to assert its legitimate sway over the Indian mind. Conviction rebelled against the authority of volition and the redmen found themselves no longer able to repose in the words of the government that measure of confidence which was essential to the process of amicable negotiation.

In this state of mind the Cherokees were found to be, when that embassy known as the Dawes Commission appeared in their country with propositions inviting them to the negotiations of a new treaty.

It had only been a short time before this that the agreement was concluded which ceded to the government a tract of more than six-million acres of land known as the Cherokee Outlet. This transaction had not been altogether a matter of free choice with the Indians, it was the result of rather certain constraining circumstances.

The United States, as early as 1835, had for valuable considerations undertaken to protect the Cherokees against intrusion. But for fifteen years, this stipulation has been absolutely neglected by the government.

In the meantime, the influx of white people into the Cherokee country had been so exorbitant that their presence had begun much to interfere with the Indians in the enjoyment of their soil. The intruders removal had come to the minds of the Indian as an object of necessity as well as supreme desire.

Hence, it proved that the most enticing consideration which the government could possibly offer for a cessation of the outlet was a cordial renewal of its old promise of 1835. Accordingly, an agreement was easily reached wherein the government covenanted that the intruders should be immediately ejected from the reserved lands of the Cherokees, and that their removal should be regarded as a consideration, in part, for the territory acquired.

After the deal had been completed, however, and the government had got control of the land and disposed of it to white settlers, the Cherokees were notified that the removal of the intruders was, on the account of the greatness of the number of people involved, an undertaking to difficult and expensive to be seriously contemplated.

As a result of this remarkable default on the part of the government lost their lands, a princely domain, and no indemnity has, as yet, been heard of.

This singular ease with which the obligations contracted with an Indian tribe are wont to rest upon the public conscience was subsequently illustrated with much force in the words of the chairman of the Indian committee in the senate.

The Cherokee delegation was insisting, at an interview with the committee, upon the fulfillment of this late double-decked engagement against intrusion, when he replied curtly to their remarks: "Gentlemen, the government has never fulfilled that agreement, and it never intends to do it."

There was no explanation given and the Indians were left to surmise whether or not the whole truth might not have been more completely declared had the honorable senator been pleased to put his verbs in the past instead of the present tense. Can it be that the government never intended to make good that agreement?

At the moment the Dawes Commission waited upon the Cherokees. In the minds of the Cherokees, the very last spark of confidence in the words of the government had been thoroughly extinguished.

The overture of this commission, looking to the stipulation of a new treaty were by them unanimously in the negative.

"What is the use," they said, "Of making any more treaties, while the many we have already made are allowed to lie sleeping in the books forever unfulfilled?"

The Curtis Bill had been prepared with a view to the accomplishment of a two fold purpose. The Cherokees had been duly warned by the Dawes Commission that in case they would fail to treat with them, the incident would be regarded as an offense of sufficient gravity to call down upon them the hot displeasure of congress. Now, while it is not reasonable to imagine that the effects of such a dereliction could really pervade the congressional membership to much extent, it is nevertheless pretty certain that in the Indian committee of the lower house where the bill originated, it proved to be the occasion for giving the measure very clearly something in the nature of a penal sentence in addition to its avowed purpose as a civil regulation.

It had not the moral courage to repudiate in terms all treaties with the Cherokees; it simply proceeded just as if they had never existed, at the same time discriminating severely against the Indians and decidedly in favor of the intruders and all other outside classes that chose to interest themselves with the question.

In the meantime, the senate chamber was well nigh deserted. In the congress of the United States justice and right are not estimated according to their own intrinsic merit, but with reference rather to the circumstances with which they come environed when they knock for a hearing.

America shed rivers of tears over the downfall of Poland. She also wept bitterly over the woes of Hungary and lionized her exiled hero from ocean to ocean. And today her fleets are abroad upon the seas of both hemispheres at the expense of millions per day in defense of the Cubans against Spanish wrong; but right there upon the floor of the American congress, was proceeding to consummation an outrage equal to either of these in enormity while at the same time there were nine-tenths of the members of that body who did not deem it a matter of sufficient importance to merit a single moment of their serious consideration.

The secret of this singular apathy on part of the senate is undoubtedly to be looked for in the sordid times in which we live.

The affair in this case was simply a struggle between right and wrong; a little legislative tragedy in which the amount of men, money and ammunition was too small to make the play entertaining.

But this state of senatorial indifference was not altogether without exception. There were six senators who made a show of some interest in the fate of the bill; five were in favor of its passage and were concerned only in reference to a few amendments which they deemed to be needful and one was opposed to the measure as a whole.

The rest sat in their places and read and faithfully maintained the show of a quorum though apparently unconscious of what was going on.

The management of the legislative work seemed to be left entirely in the hands of the chairman of the Indian committee and the president of the senate.

The former stood for nearly an hour simply announcing amendments and modifications of the bill while the latter took them up in order as they came and in an absent minded way put them to vote and without lifting his eyes from his reading, pronounced them "carried" without a single vote being heard anywhere.

It was an easy going and doubtless an enjoyable affair for the fellows who were after the Indian's scalp, but it was death to the Indian. It is strange that nectar and wormwood should be found growing so near together in this lower world wildwood of mortals.

But the value of a jewel lies largely in the rareness of the mineral of which it consists. It is on this principle that candor and conscience, when discovered, look so charming upon the floors of congress. Every member of congress usually has his own pocket to fill of little jobs in which his soul is so deeply absorbed that he can think of nothing else.

He has no legislative energy to squander on any other cause, no matter how meritorious it may be. Hence, he regards himself generally furloughed from care until the moment comes around in the schedule of time when the legislative mill begins to grind on his own little grist. He is then usually present in the full vigor of life, foaming in a roaring speech, looking after his toll.

But to this unhappy congressional aspect there was at least one grand exception. There was one senator whose moral greatness unquestionably transcended the limits of all these mean measures of right prescribed by power and policy; whose conception of justice and honor rose to the altitude of divinity itself.

He was an old man. His head was as white as an eagle's and sat upon his broad stoop shoulders like a veritable crown of glory. He had listened with patience to the miserable shuffling arguments in justification to the government's bad faith in violating treaties with the Cherokees, when he rose at his place in the senate and in a tone of voice and dignity of manner said:

"Mr. President. I think this bill is wrong. I think it is in violation of all the treaties that have ever been made with these Indians by this government. It overrides moral and legal obligations. The whole thing is wrong. I have the treaties here by me which I could read if necessary, but they have already been read and the case is well understood to be as I state it. I protest against the passage of this bill."

The Cherokees are but a little folk, but when it comes to an exercise in the sentiment of gratitude they are nowhere to be outdone upon the face of the earth. When the Indian problem is "solved," that is to say when the Cherokees as a distinctive community are have been long forgotten and the poor people who once wore the name have long been on the duty assigned them in the walks of poverty and contempt by the merciless decrees of civilization, they will doubtless in their wretchedness, visit the tomb of Senator Bate of Tennessee and dropping a tear of remembrance say, "he was a friend to us in our adversity, when all the world was against us, but he died."

- Too Qua-Stee in Vinita Chieftain