



U.S. HOUSE COMMITTEE ON FINANCIAL SERVICES
– CHAIRWOMAN MAXINE WATERS –
TESTIMONY BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS
WEDNESDAY, JULY 27, 2022

Thank you, Chairman Schatz, Ranking Member Murkowski, and Members of the Committee. Today, I am here to discuss an issue I care very deeply about but has been ignored for too long. Many remain unfamiliar with the history of those who came to be known as the Native American Freedmen, and the ongoing plight of their descendants. The Freedmen were Black individuals who were enslaved by five formerly slave-holding tribal nations and were forced to walk and suffer on the Trail of Tears alongside their slave masters. A year after the Civil War ended, the Fives Tribes agreed to abolish slavery and accept Freedmen and their descendants as full tribal citizens under 1866 treaty agreements they made with the United States government.

Specifically, the 1866 treaties required the Five Tribes to abolish slavery and to agree to treat and accept formerly enslaved individuals and their lineal descendants as equal tribal citizens. For example, the treaty signed by the Cherokee Nation reads, “All native born Cherokee, all Indians, and whites legally members of the Nation by adoption, and all freedmen who have been liberated by voluntary act of their former owners or by law, as well as free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months from the 19th day of July, 1866, and their descendants, who reside within the limits of the Cherokee Nation, shall be taken and deemed to be citizens of the Cherokee Nation.” The four other tribes all signed similar treaties.

Despite the fact that these treaty obligations still exist and are binding on the Five Tribes, beginning in the late 1970s and early 1980s, the tribes began to take formal actions to take away the citizenship rights of descendants of Freedmen. For instance, in 1983, Freedmen were prohibited from voting in Cherokee Nation elections and received letters informing them that their citizenship had been canceled. In 2007, the Cherokee amended their constitution to limit citizenship to only individuals who were “Cherokee by blood.” These actions led to years of litigation that was finally settled in 2017, when a federal district court judge ruled in favor of the Freedmen and their right to citizenship. In his ruling, the judge stated, “In accordance with Article 9 of the 1866 Treaty, the Cherokee Freedmen have a present right to citizenship in the Cherokee Nation that is coextensive with the rights of Native Cherokees.”

Following the court decision, which the Cherokee Nation accepted as binding, the tribe has taken actions to comply with the decision and ensure that descendants of Freedmen are treated as equal citizens. Before my Committee, Cherokee Nation Principal Chief Chuck Hoskin testified that these actions have made the Cherokee Nation a “better nation for having recognized full and equal citizenship of Freedmen descendants.”

Despite the actions of the Cherokee to right the wrong inflicted on its Freedmen, the descendants of Freedmen of the other four tribes continue to be denied tribal citizenship and other basic rights associated with citizenship like equal access to federally funded affordable housing. My Committee even heard testimony last year that Freedmen have even been denied access to life-saving vaccines during the ongoing pandemic. It was this testimony that prompted the Biden administration to designate all Seminole Freedmen as eligible for health care services, including the COVID vaccine, through the Indian Health Service. However, this decision only applies to Seminole Freedmen, and not Freedmen from the other three tribes.

We know that equal access to housing sits at the heart of many of the racial and economic injustices we continue to see across the country today. As Chairwoman of the House Financial Services Committee, I recognize

that Native communities face some of the worst housing conditions in the U.S. It is also important to recognize that the legacy of land and cultural disenfranchisement has created and maintained these circumstances. That is why I proposed providing \$2 billion for affordable housing in tribal communities in my “Housing is Infrastructure Act” and why I am moving to reauthorize NAHASDA with language that ensures that descendants of Freedmen have equal access to these resources, as the 1866 Treaties promised.

When Barney Frank, my predecessor, was Chairman of the House Financial Services Committee, he recognized the plight of the Freedmen and was a staunch advocate for their rights. I worked closely with him on legislation to prevent tribes from disenfranchising their descendants. Then as Ranking Member and now as Chairwoman of the Committee, I continue that fight for justice for the descendants of Freedmen.

Currently, there are tribes that are implementing federally funded programs in a way that actively discriminates against descendants of Freedmen in direct violation of treaty obligations. Congress has every right to ensure that federal funding is implemented in compliance with all relevant obligations.

We must stand by the rights promised to Freedmen and the treaties that guaranteed those rights over a century ago and hold these tribes accountable. I’d like to say how proud I am of the descendants of Native Freedmen, who have never wavered in their fight for human dignity and equal recognition, even when it seemed no one would listen. Even with the growing movement for reparations that recognizes the forced and uncompensated labor that built this country, and the riches amassed because of it, it seems that the fight of the descendants of Freedmen still has never been rightfully acknowledged and affirmed.

This pandemic has made clear that the ongoing discrimination of the Freedmen descendants can literally mean the difference between life and death for descendants of Freedmen who have been denied COVID vaccines. So, I urge the distinguished Members of this Committee: We must honor our word as a nation and uphold, as honorable people, the obligations of these treaties. This is as much true for the U.S. government, which has failed to meet all of its treaty obligations, as it is for the Five Tribes. This work is ongoing, and it is the obligation to the descendants of Freedmen that can’t be left out of that conversation.

I want to again thank Senator Schatz for holding this important hearing and working with me on this issue. And before I conclude, I must highlight the imbalance of today’s hearing panel and the need for improved Congressional and federal government processes to ensure historically marginalized voices are heard. Today’s witnesses include representation from each of the Five Tribes, representation from the Department of the Interior, and Ms. Marilyn Vann, who, it seems is expected to serve as the sole representative of all Native Freedmen. While I’m pleased that the U.S. Senate is finally hearing testimony from a Freedmen descendant, I must state that hearing from more voices—not less—is the key to productive dialogue. It is when we don’t expand our table to hear more from those who have been disenfranchised that injustices and systemic inequities are perpetuated.

So, moving forward, I am convinced that we can work together to not simply uplift the stories of Freedmen, but also to recognize the shared suffering of Native Freedmen and Native Americans forced to walk the Trail of Tears together and the need to honor the treaties of 1866. I do not believe that the documented history of the descendants of Freedmen can be ignored, forgotten, or dismissed any longer.

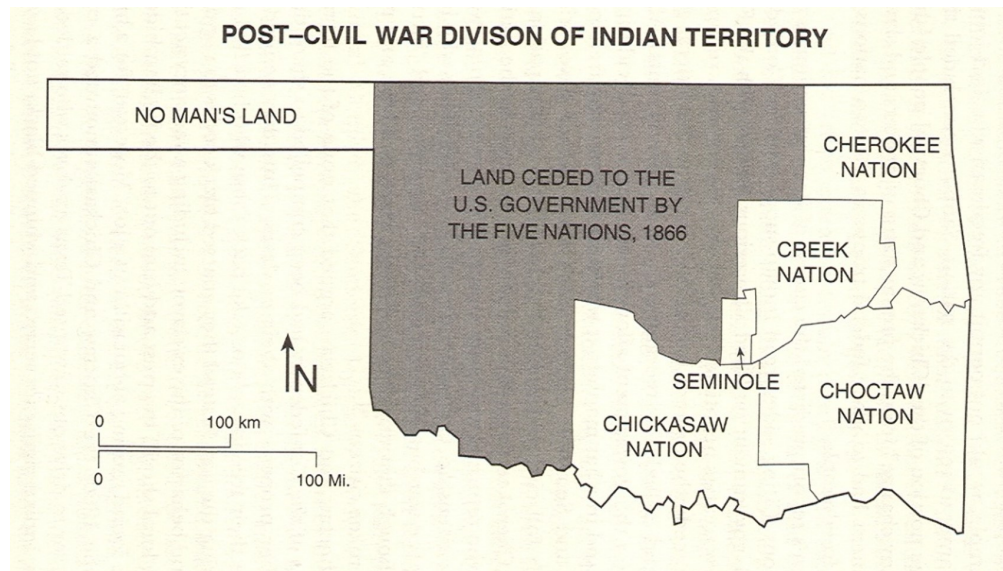
Thank you and I’m happy to take any questions.

Attachments

1. 1866 U.S. Treaty with the Creek Nation
2. 1866 U.S. Treaty with the Cherokee Nation
3. 1866 U.S. Treaty with the Seminole Nation
4. 1866 U.S. Treaty with the Choctaw and Chickasaw Nations

(1866) U.S. TREATY WITH THE CHEROKEE NATION

PRIMARY DOCUMENT



Post-Civil War division of Indian territory, Oklahoma

Image courtesy *In Search of the Racial Frontier* by Quintard Taylor

(Sections Related to the Freedmen)

July 19, 1866. Ratified July 27, 1866. Proclaimed August 11, 1866

ARTICLE 4.

All the Cherokees and freed persons who were formerly slaves to any Cherokee, and all free negroes not having been such slaves, who resided in the Cherokee Nation prior to June first, eighteen hundred and sixty-one, who may within two years elect not to reside northeast of the Arkansas River and southeast of Grand River, shall have the right to settle in and occupy the Canadian district southwest of the Arkansas River, and also all that tract of country lying northwest of Grand River, and bounded on the southeast by Grand River and west by the Creek reservation to the northeast corner thereof; from thence west on the north line of the Creek reservation to the ninety-sixth degree of west longitude; and thence north on said line of longitude so far that a line due east to Grand River will include a quantity of land equal to one hundred and sixty acres for each person who may so elect to reside in the territory above-described in this article: Provided, That that part of said district north of the Arkansas River shall not be set apart until it shall be found that the Canadian district is not sufficiently large to allow one hundred and sixty acres to each person desiring to obtain settlement under the provisions of this article.

ARTICLE 5.

The inhabitants electing to reside in the district described in the preceding article shall have the right to elect all their local officers and judges, and the number of delegates to which by their numbers they may be entitled in any general council to be established in the Indian Territory under the provisions of this treaty, as stated in Article XII, and to control all their local affairs, and to establish all necessary police regulations and rules for the administration of justice in said district, not inconsistent with the constitution of the Cherokee Nation or the laws of the United States; Provided, The Cherokees residing in said district shall enjoy all the rights and privileges of other Cherokees who may elect to settle in said district as hereinbefore provided, and shall hold the same rights and privileges and be subject to the same liabilities as those who elect to settle in said district under the provisions of this treaty; Provided also, That if any such police regulations or rules be adopted which, in the opinion of the President, bear oppressively on any citizen of the nation, he may suspend the same. And all rules or regulations in said district, or in any other district of the nation, discriminating against the citizens of other districts, are prohibited, and shall be void.

ARTICLE 9.

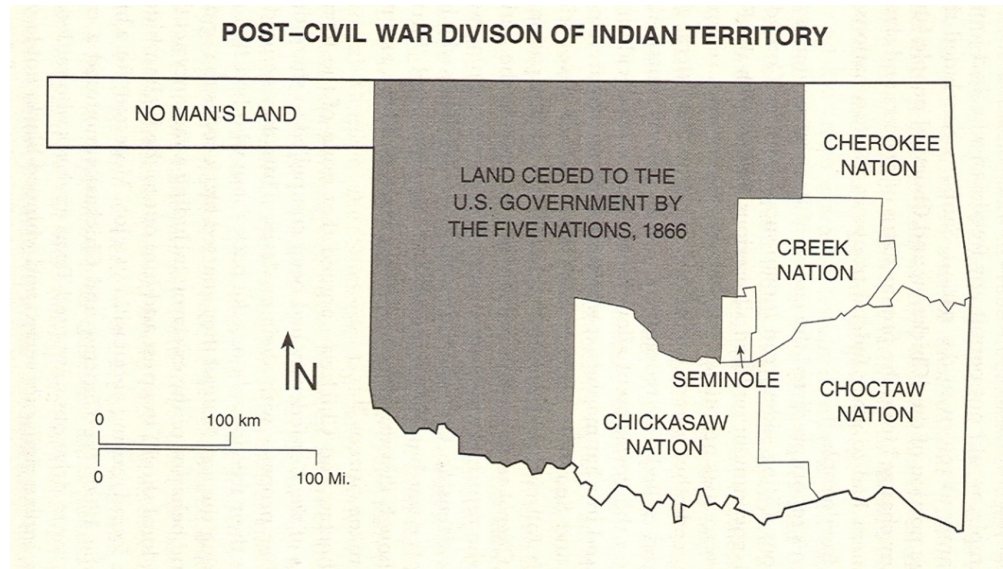
The Cherokee Nation having, voluntarily, in February, eighteen hundred and sixty-three, by an act of the national council, forever abolished slavery, hereby covenant and agree that never hereafter shall either slavery or involuntary servitude exist in their nation otherwise than in the punishment of crime, whereof the party shall have been duly convicted, in accordance with laws applicable to all the members of said tribe alike. They further agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees: Provided, That owners of slaves so emancipated in the Cherokee Nation shall never receive any compensation or pay for the slaves so emancipated.

ARTICLE 10.

Every Cherokee and freed person resident in the Cherokee Nation shall have the right to sell any products of his farm, including his or her live stock, or any merchandise or manufactured products, and to ship and drive the same to market without restraint, paying any tax thereon which is now or may be levied by the United States on the quantity sold outside of the Indian Territory.

(1866) U.S. TREATY WITH THE CREEK NATION

PRIMARY DOCUMENT



Post-Civil War division of Indian territory, Oklahoma

Image courtesy *In Search of the Racial Frontier* by Quintard Taylor

June 14, 1866, Ratified July 19, 1866, Proclaimed Aug. 11, 1866

PREAMBLE

Whereas existing treaties between the United States and the Creek Nation have become insufficient to meet their mutual necessities; and whereas the Creeks made a treaty with the so-called Confederate States, on the tenth of July, one thousand eight hundred and sixty-one, whereby they ignored their allegiance to the United States, and unsettled the treaty relations existing between the Creeks and the United States, and did so render themselves liable to forfeit to the United States all benefits and advantages enjoyed by them in lands, annuities, protection, and immunities, including their lands and other property held by grant or gift from the United States; and whereas in view of said liabilities the United States require of the Creeks a portion of their land whereon to settle other Indians; and whereas a treaty of peace and amity was entered into between the United States and the Creeks and other tribes at Fort Smith, September thirteenth [tenth,] eighteen hundred and sixty-five, whereby the Creeks revoked, cancelled, and repudiated the aforesaid treaty made with the so-called Confederate States; and whereas the United States, through its commissioners, in said treaty of peace and amity, promised to enter into treaty with the Creeks to arrange and settle all questions relating to and growing out of said treaty with the so-called Confederate States: Now, therefore, the United States, by

its commissioners, and the above-named delegates of the Creek Nation, the day and year above mentioned, mutually stipulate and agree, on behalf of the respective parties, as follows, to wit:

ARTICLE 1.

There shall be perpetual peace and friendship between the parties to this treaty, and the Creeks bind themselves to remain firm allies and friends of the United States, and never to take up arms against the United States, but always faithfully to aid in putting down its enemies. They also agree to remain at peace with all other Indian tribes; and, in return, the United States guarantees them quiet possession of their country, and protection against hostilities on the part of other tribes. In the event of hostilities, the United States agree that the tribe commencing and prosecuting the same shall, as far as may be practicable, make just reparation therefor. To insure this protection, the Creeks agree to a military occupation of their country, at any time, by the United States, and the United States agree to station and continue in said country from time to time, at its own expense, such force as may be necessary for that purpose. A general amnesty of all past offenses against the laws of the United States, committed by any member of the Creek Nation, is hereby declared. And the Creeks, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offenses against their government, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who have remained friendly to, or taken up arms against, the United States, but they shall enjoy equal privileges with other members of said tribe, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

ARTICLE 2.

The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens [thereof,] shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

ARTICLE 3.

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain, to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them, shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of said cession of the west half of their lands, estimated to contain three millions two hundred and fifty thousand five hundred and sixty acres, the United States agree to pay the sum of thirty (30) cents per acre, amounting to nine hundred and seventy-five thousand one hundred and sixty-eight dollars, in the manner hereinafter provided, to wit: two hundred thousand dollars shall be paid per capita in money, unless otherwise directed by the President of the United States, upon the ratification of this treaty, to enable the Creeks to occupy, restore, and improve their farms, and to make their nation independent and self-sustaining, and to pay the damages sustained by the mission schools on the North Fork and the Arkansas Rivers, not to exceed two thousand dollars, and to pay the delegates such per diem as the agent and Creek council may agree upon, as a just and fair compensation, all of which shall be distributed for that purpose by the agent, with the advice of the Creek council, under the direction of the Secretary of the Interior. One hundred thousand dollars shall be paid in money and divided to soldiers that enlisted in the Federal Army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses; four hundred thousand dollars be paid in money and divided per capita to said Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of land to other Indians. The United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent. per annum from the date of the ratification of this treaty, on the amount hereinbefore agreed upon for said ceded lands, after deducting the said two hundred thousand dollars; the residue, two hundred and seventy-five thousand one hundred and sixty-eight dollars, shall remain in the Treasury of the United States, and the interest thereon, at the rate of five per centum per annum, be annually paid to said Creeks as above stipulated.

ARTICLE 4.

Immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the Federal Army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the Federal Army, loyal refugee Indians, and freedmen, be made by him. The superintendent of Indian affairs for the Southern superintendency and the agent of the United States for the Creek Nation shall proceed to investigate and determine from said roll the amounts due the respective refugee Indians,

and shall transmit to the Commissioner of Indian affairs for his approval, and that of the Secretary of the Interior, their awards, together with the reasons therefor. In case the awards so made shall be duly approved, said awards shall be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of one hundred thousand (\$100,000) dollars can be raised from the sale of said land to other Indians.

Note: Signers and Witnesses:

In the presence of—

D. N. Cooley, Commissioner Indian Affairs. [SEAL.]

Elijah Sells, Superintendent Indian Affairs. [SEAL.]

Ok-ta-has Harjo, his x mark. [SEAL.]

Cow Mikko, his x mark. [SEAL.]

Cotch-cho-chee, his x mark. [SEAL.]

D. N. McIntosh. [SEAL.]

James M. C. Smith. [SEAL.]

J. W. Dunn, United States Indian agent.

J. Harlan, United States Indian agent.

Charles E. Mix.

J. M. Tebbetts.

Geo. A. Reynolds, United States Indian agent.

John B. Sanborn.

John F. Brown, Seminole delegate.

John Chupco, his x mark.

Fos-har-jo, his x mark.

Cho-cote-huga, his x mark.

R. Fields, Cherokee delegate.

Douglas H. Cooper.

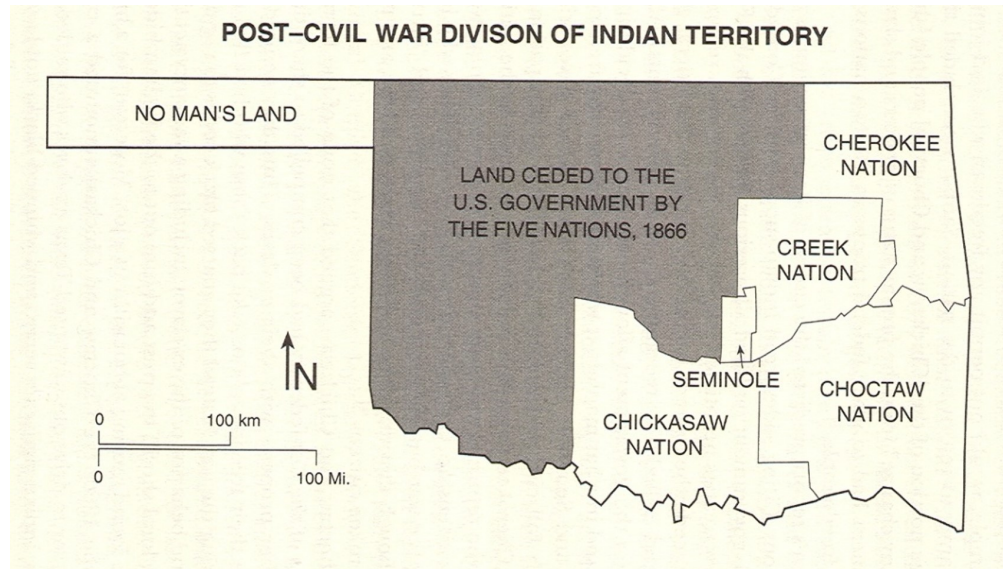
Wm. Penn Adair.

Harry Island, his x mark, United States interpreter, Creek Nation. (Freedman)

Suludin Watie.

(1866) U.S. TREATY WITH THE SEMINOLE NATION

PRIMARY DOCUMENT



Post-Civil War division of Indian territory, Oklahoma

Image courtesy *In Search of the Racial Frontier* by Quintard Taylor

Mar. 21, 1866. Ratified, July 19, 1866. Proclaimed, Aug. 16, 1866.

Whereas existing, treaties between the United States and the Seminole Nation are insufficient to meet their mutual necessities; and

Whereas the Seminole Nation made a treaty with the so-called Confederate States, August 1st, 1861, whereby they threw off their allegiance to the United States, and unsettled their treaty relations with the United States, and thereby incurred the liability of forfeiture of all lands and other property held by grant or gift of the United States; and whereas a treaty of peace and amity was entered into between the United States and the Seminole and other tribes at Fort Smith, September 13 [10,] 1865,^a whereby the Seminoles revoked, canceled, and repudiated the said treaty with the so-called Confederate States; and whereas the United States, through its commissioners, in said treaty of peace promised to enter into treaty with the Seminole Nation to arrange and settle all questions relating to and growing out of said treaty with the so-called Confederate States; and whereas the United States, in view of said treaty of the Seminole Nation with the enemies of the Government of the United States, and the consequent liabilities of said Seminole Nation, and in view of its urgent necessities for more lands in the Indian Territory, requires a cession by said Seminole Nation of part of its present reservation, and is willing to pay therefor a reasonable price, while at the same time providing new and adequate land for them:

Now, therefore, the United States, by its commissioners aforesaid, and the above-named delegates of the Seminole Nation, the day and year above written, mutually stipulate and agree, on behalf of the respective parties, as follows, to wit;

ARTICLE 1. There shall be perpetual peace between the United States and the Seminole Nation, and the Seminoles agree to be and remain firm allies of the United States, and always faithfully aid the Government thereof to suppress insurrection and put down its enemies.

The Seminoles also agree to remain at peace with all other Indian tribes and with themselves. In return for these pledges of peace and friendship, the United States guarantee them quiet possession of their country, and protection against hostilities on the part of other tribes; and, in the event of such hostilities, that the tribe commencing and prosecuting the same shall make just reparation therefor. Therefore the Seminoles agree to a military occupation of their country at the option and expense of the United States.

A general amnesty of all past offences against the laws of the United States, committed by any member of the Seminole Nation, is hereby declared; and the Seminoles, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offenses against their government, and no Indian or Indians shall be proscribed or any act of forfeiture or confiscation passed against those who have remained friendly to or taken up arms against the United States, but they shall enjoy equal privileges with other members of said tribe, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

ARTICLE 2. The Seminole Nation covenant that henceforth in said nation slavery shall not exist, nor involuntary servitude, except for and in punishment of crime, whereof the offending party shall first have been duly convicted in accordance with law, applicable to all the members of said nation. And inasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color, who may be adopted as citizens or members of said tribe.

ARTICLE 3. In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain, being the tract of land ceded to the Seminole Indians by the Creek Nation under the provisions of article first, (1st,) treaty of the United States with the Creeks and Seminoles, made and concluded at Washington, D. C., August 7, 1856. In consideration of said grant and cession of their lands, estimated at two million one hundred and sixty-nine thousand and eighty (2,169,080) acres, the United States agree to pay said

Seminole Nation the sum of three hundred and twenty-five thousand three hundred and sixty-two (\$325,362) dollars, said purchase being at the rate of fifteen cents per acre. The United States having obtained by grant of the Creek Nation the westerly half of their lands, hereby grant to the Seminole Nation the portion thereof hereafter described, which shall constitute the national domain of the Seminole Indians. Said lands so granted by the United States to the Seminole Nation are bounded and described as follows, to wit: Beginning on the Canadian River where the line dividing the Creek lands according to the terms of their sale to the United States by their treaty of February 6, 1866, a following said line due north to where said line crosses the north fork of the Canadian River; thence up said north fork of the Canadian River a distance sufficient to make two hundred thousand acres by running due south to the Canadian River; thence down said Canadian River to the place of beginning. In consideration of said cession of two hundred thousand acres of land described above, the Seminole Nation agrees to pay therefor the price of fifty cents per acre, amounting to the sum of one hundred thousand dollars, which amount shall be deducted from the sum paid by the United States for Seminole lands under the stipulations above written. The balance due the Seminole Nation after making said deduction, amounting to one hundred thousand dollars, the United States agree to pay in the following manner, to wit: Thirty thousand dollars shall be paid to enable the Seminoles to occupy, restore, and improve their farms, and to make their nation independent and self-sustaining, and shall be distributed for that purpose under the direction of the Secretary of the Interior; twenty thousand dollars shall be paid in like manner for the purpose of purchasing agricultural implements, seeds, cows, and other stock; fifteen thousand dollars shall be paid for the erection of a mill suitable to accommodate said nation of Indians; seventy thousand dollars to remain in the United States Treasury, upon which the United States shall pay an annual interest of five per cent.; fifty thousand of said sum of seventy thousand dollars shall be a permanent school-fund, the interest of which shall be paid annually and appropriated to the support of schools; the remainder of the seventy thousand dollars, being twenty thousand dollars, shall remain a permanent fund, the interest of which shall be paid annually for the support of the Seminole government; forty thousand three hundred and sixty-two dollars shall be appropriated and expended for subsisting said Indians, discriminating in favor of the destitute; all of which amounts, excepting the seventy thousand dollars to remain in the Treasury as a permanent fund, shall be paid upon the ratification of said treaty, and disbursed in such manner as the Secretary of the Interior may direct. The balance, fifty thousand dollars, or so much thereof as may be necessary to pay the losses ascertained and awarded as hereinafter provided, shall be paid when said awards shall have been duly made and approved by the Secretary of the Interior. And in case said fifty thousand dollars shall be insufficient to pay all said awards, it shall be distributed pro rata to those whose claims are so allowed; and until said awards shall be thus paid, the United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent. per annum from the date of the ratification of this treaty.

ARTICLE 4. To reimburse such members of the Seminole Nation as shall be duly adjudged to have remained loyal and faithful to their treaty relations to the United States, during the recent rebellion of the so-called Confederate States for the losses actually sustained by them thereby, after the ratification of this treaty, or so soon thereafter as the Secretary of the Interior shall direct, he shall appoint a board of commissioners, not to exceed three in number, who shall proceed to the Seminole country and investigate and determine said losses. Previous to said investigation the agent of the Seminole Nation shall prepare a census or enumeration of said tribe, and make a roll of all Seminoles who did in no manner aid or abet the enemies of the Government, but remained loyal during said rebellion; and no award shall be made by said commissioners for such losses unless the name of the claimant appear on said roll, and no compensation shall be allowed any person for such losses whose name does not appear on said roll, unless said claimant, within six months from the date of the completion of said roll, furnishes proof satisfactory to said board, or to the Commissioner of Indian Affairs, that he has at all times remained loyal to the United States, according to his treaty obligations. All evidence touching said claims shall be taken by said commissioners, or any of them, under oath, and their awards made, together with the evidence, shall be transmitted to the Commissioner of Indian Affairs, for his approval, and that of the Secretary of the Interior. Said commissioners shall be paid by the United States such compensation as the Secretary of the Interior may direct. The provisions of this article shall extend to and embrace the claims for losses sustained by loyal members of said tribe, irrespective of race or color, whether at the time of said losses the claimants shall have been in servitude or not; provided said claimants are made members of said tribe by the stipulations of this treaty.

ARTICLE 5. The Seminole Nation hereby grant a right of way through their lands to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad from any point on their eastern to their western or southern boundary; but said railroad company, together with all its agents and employees, shall be subject to the laws of the United States relating to the intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose. And the Seminoles agree to sell to the United States, or any company duly authorized as aforesaid, such lands, not legally owned or occupied by a member or members of the Seminole Nation lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Seminole Nation and the party or parties building said road—subject to the approval of the President of the United States: Provided, however, That said land thus sold shall not be reconveyed, leased, or rented to, or be occupied by, any one not a citizen of the Seminole Nation, according to its laws and recognized usages: Provided also, That officers, servants, and employés of said railroad necessary to its construction and management shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian-intercourse laws, and such rules and regulations as may be established by the Secretary of the Interior; nor shall any conveyance of said lands be made to the

party building and managing said road, until its completion as a first-class railroad and its acceptance as such by the Secretary of the Interior.

Robert Johnson, his x mark. <----(Freedman)

United States interpreter for Seminole Indians.

Geo. A. Reynolds, United States Indian agent for Seminoles.

Ok-tus-sus-har-jo, his x mark, or Sands.

Cow-e-to-me-ko, his x mark.

Che-chu-chee, his x mark.

Harry Island, his x mark. <----(Freedman)

United States interpreter for Creek Indians.

J. W. Dunn, United States Indian agent for the Creek Nation.

Perry Fuller.

Signed by John F. Brown, special delegate for the Southern Seminoles, in presence of, this June thirtieth, eighteen hundred and sixty-six—

W.R. Irwin.

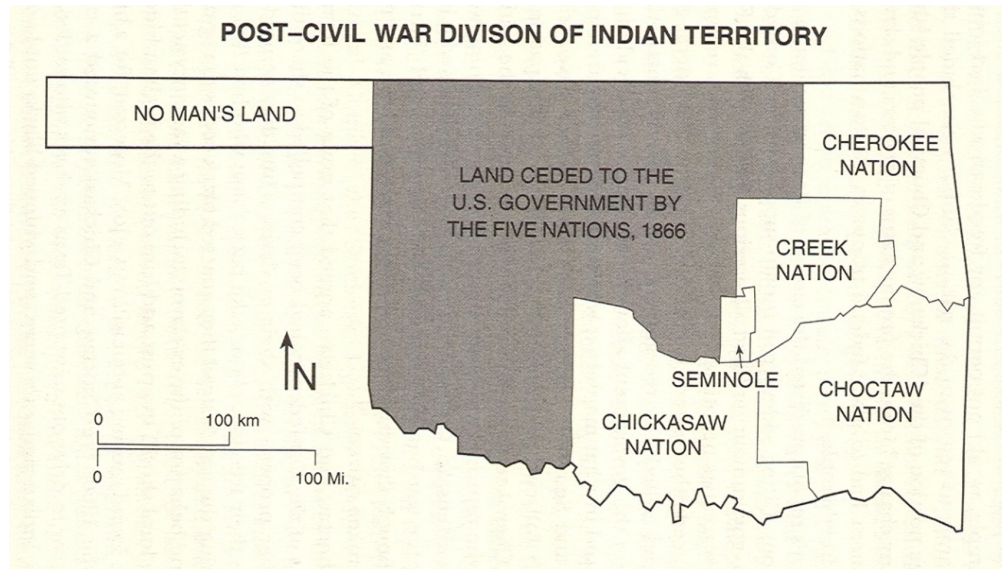
J. M. Tebbetts.

Geo. A. Reynolds, United States Indian agent.

Robert Johnson, his x mark, United States interpreter.

(1866) U.S. TREATY WITH THE CHOCTAW & CHICKASAW NATIONS

PRIMARY DOCUMENT



Post-Civil War division of Indian territory, Oklahoma

Image courtesy *In Search of the Racial Frontier* by Quintard Taylor

Articles of agreement and convention between the United States and the Choctaw and Chickasaw Nations of Indians, made and concluded at the City of Washington the twenty-eighth day of April, in the year eighteen hundred and sixty-six, by Dennis N. Cooley, Elijah Sells, and E S. Parker, special commissioners on the part of the United States, and Alfred Wade, Allen Wright, James Riley, and John Page, commissioners on the part of the Choctaws, and Winchester Colbert, Edmund Pickens, Holmes Colbert, Colbert Carter, and Robert H. Love, commissioners on the part of the Chickasaws.

ARTICLE 1. Permanent peace and friendship are hereby established between the United States and said nations; and the Choctaws and Chickasaws do hereby bind themselves respectively to use their influence and to make every exertion to induce Indians of the plains to maintain peaceful relations with each other, with other Indians, and with the United States.

ARTICLE 2. The Choctaws and Chickasaws hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in punishment of crime whereof the parties shall have been duly convicted, in accordance with laws applicable to all members of the particular nation, shall ever exist in said nations.

ARTICLE 3. The Choctaws and Chickasaws, in consideration of the sum of three hundred thousand dollars, hereby cede to the United States the territory west of the 98 deg. west longitude, known as the

leased district, provided that the said sum shall be invested and held by the United States, at an interest not less than five per cent, in trust for the said nations, until the legislatures of the Choctaw and Chickasaw Nations respectively shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nation at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by, or belonging to, said nations respectively; and also to give to such persons who were residents as aforesaid, and their descendants, forty acres each of the land of said nations on the same terms as the Choctaws and Chickasaws, to be selected on the survey of said land, after the Choctaws and Chickasaws and Kansas Indians have made their selections as herein provided; and immediately on the enactment of such laws, rules, and regulations, the said sum, of three hundred thousand dollars shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter, -less such sum, at the rate of one hundred dollars per capita, as shall be sufficient to pay such persons of African descent before referred to as within ninety days after the passage of such laws, rules, and regulations shall elect to remove and actually remove from the said nations respectively. And should the said laws, rules, and regulations not be made by the legislatures of the said nations respectively, within two years from the ratification of this treaty, then the said sum of three hundred thousand dollars shall cease to be held in trust for the said Choctaw and Chickasaw Nations, and be held for the use and benefit of such of said persons of African descent as the United States shall remove from the said Territory in such manner as the United States shall deem proper, the United States agreeing, within ninety days from the expiration of the said two years, to remove from said nations all such persons of African descent as may be willing to remove; those remaining or returning after having been removed from said nations to have no benefit of said sum of three hundred thousand dollars, or any part thereof, but shall be upon the same footing as other citizens of the United States in the said nations.

ARTICLE 4. The said nations further agree that all negroes, not otherwise disqualified or disabled, shall be competent witnesses in all civil and criminal suits and proceedings in the Choctaw and Chickasaw courts, any law to the contrary notwithstanding; and they fully recognize the right of the freedmen to a fair remuneration-on reasonable and equitable contracts for their labor, which the law should aid them to enforce. And they agree, on the part of their respective nations, that all laws shall be equal in their operation upon Choctaws, Chickasaws, and negroes, and that no distinction affecting the latter shall at any time be made, and that they shall be treated with kindness and be protected against injury; and they further agree, that while the said freedmen, now in the Choctaw and Chickasaw Nations, remain in said nations, respectively, they shall be entitled to as much land as they may cultivate for the support of themselves and families, in cases where they do not support themselves and families by hiring, not interfering with existing improvements without the consent of