



OXFORD JOURNALS
OXFORD UNIVERSITY PRESS

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Source: *The Journal of American History*, Jun., 2003, Vol. 90, No. 1 (Jun., 2003), pp. 106-133

Published by: Oxford University Press on behalf of Organization of American Historians

Stable URL: <https://www.jstor.org/stable/3659793>

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American Indians and Land Monopolies in the Gilded Age

Alexandra Harmon

Sen. Henry L. Dawes objected to the communal ownership of American Indian land because it discouraged “selfishness, which is at the bottom of civilization.” Without titles to private tracts, Indians lacked incentive to work for their own gain, as civilized people did. So said Dawes in 1885, during the annual conference on Indian policy reform at Lake Mohonk, New York. Nine years later, however, Dawes gave the reformers at Lake Mohonk a contrary reason to seek the privatization of tribal land. His target then was land belonging to the so-called Civilized Tribes. The membership of those five tribes—the Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles—included many “keen, able, enterprising business men,” Dawes observed, a few of whom had “appropriated everything for their own benefit,” especially tribal acreage. Dividing the land equally among members would correct this inequity. Apparently, communal ownership had encouraged selfishness after all, and Henry Dawes had lost enthusiasm for selfish Indians.¹

Dawes was not the only American of his time who said contradictory things about acquisitive Indians and the effect of communal landownership on Indian ambition. People at Lake Mohonk heard other speeches stressing the need to stimulate Indians’ appetite for separate land but disparaging those Cherokees, Choctaws, Chickasaws, Creeks, and Seminoles who had already taken big personal helpings of tribal land. Articles in major periodicals made the same points. In 1893 a contributor to *Harper’s New Monthly Magazine* alleged that “intelligent and enterprising elements” in those five tribes were assuming possession of the tribal domain for their private benefit. Allowing the acquisitions to continue “would be a blot upon civilization,” the writer warned, yet he pleaded for allotment of the land to individual Indians on the ground that it would create “a desire to accumulate property.”²

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Thank you to everyone who suggested ways to improve drafts of this essay, including Richard Johnson, Richard Kirkendall, other members of the History Research Group at the University of Washington, Richard White, Emily Greenwald, Brian Dippie, William B. Scott, two anonymous readers, and the editors of the *JAH*.

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¹ “Third Annual Meeting of the Lake Mohonk Conference,” in *Annual Report of the Board of Indian Commissioners* (Washington, 1886), 86–91; *Proceedings of the Twelfth Annual Lake Mohonk Conference of Friends of the Indian, 1894* (Lake Mohonk, 1894), 29–30. Bibliographic entries for these proceedings may begin with “Lake Mohonk.”

² Rezin W. McAdam, “An Indian Commonwealth,” *Harper’s New Monthly Magazine*, 87 (Nov. 1893), 886, 896.

The campaign to privatize the lands of the Civilized Tribes is a notorious episode in a staple story of Indians' relations with the United States. Early U.S. leaders conceived of individual landownership as a way to "civilize" Indians and minimize their territorial claims. After the government had tried the strategy on a case-by-case basis for several decades, Congress made it a blanket policy in the General Allotment Act of 1887, also known as the Dawes Act. Vigorous lobbying won the Civilized Tribes exemption from that legislation, but their reprieve was short-lived. In 1893 Congress instructed a commission headed by Dawes to wrest from those tribes a consent to allot their land. After five more years, during which some tribal officials appeared to think they could withhold consent, the Curtis Act "authorized the commission to proceed with the allotment . . . as soon as" it had compiled membership rolls for the Civilized Tribes.³

When explaining this late-nineteenth-century American crusade for allotment of Indian lands, historians have paid minimal attention to expressions of concern that "enterprising elements" were monopolizing tribal domain. Most histories highlight two other motivations. Eastern humanitarians hoped to bring Indians into U.S. society as yeoman farmers, thereby saving them from annihilation as civilization advanced and affirming the vitality of agrarian ideals in an age of industrialization and urbanization. Western politicians favored allotment because lots would be a specific, modest size and surplus tribal land would go to whites. Antipathy toward individual Indians who hogged tribal land has seemed a comparatively inconsequential motivation, aroused only by circumstances in the Civilized Tribes and inconsistent with reformers' aim of teaching Indians to be more selfish.⁴ In a larger context, however, the invective against Indian land monopolists assumes greater significance. That invective was part of a broad bilateral and intercultural discourse about economic culture, political economy, and race—a discourse that becomes apparent when we break the habit of segregating American intellectual history from American Indians' history.

The subject of landownership and land distribution in the Civilized Tribes prompted tribe members as well as Euro-Americans to expound on more fundamental issues. When Euro-Americans advocated greater Indian selfishness or denounced greedy appropriators of tribal land, they commented not only on "the Indian problem" but also on human nature, racial traits, the causes of wealth and poverty, desirable economic conduct, and the economic foundations of republicanism. Meanwhile, and more important for purposes of this essay, some Indians addressed the same weighty subjects earnestly in their own forums. The Euro-Americans' rhetoric referred to issues that were real and critical for people in the Civilized Tribes. Many of the tribes' citizens were indeed using vast expanses of tribal land to generate

³ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (2 vols., Lincoln, 1984), II, 737–57, esp. 753–54; Angie Debo, *And Still the Waters Run* (Princeton, 1940), 3–33; Angie Debo, *The Road to Disappearance* (Norman, 1941), 319–73; Brad A. Bays, *Townsite Settlement and Dispossession in the Cherokee Nation, 1866–1907* (New York, 1998), 153–60.

⁴ Debo, *And Still the Waters Run*, 24–25; Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy* (Middletown, 1982), 109–11; Prucha, *Great Father*, II, 659–69; Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880–1920* (Lincoln, 1984), 32–39, 71–72, 77.

private wealth, and their conduct raised a host of urgent, homegrown questions: Did such enterprise promote tribal prosperity or threaten tribal security? Could common lands serve simultaneously as capital for enterprising persons and as a guarantee of democracy? What principles did, or should, underlie property relations in the Indian nations?

The tribal discussion of land use and economic philosophy is significant in its own right as a neglected chapter of Indians' intellectual history. It is equally if not more significant that the tribal discussion paralleled and resembled concurrent non-Indian discourse about land distribution and political economy in the United States. During the years when some Indians stood accused of appropriating tribal land in excessive quantities, Euro-Americans noted and lamented that speculators and capitalists had engrossed immense tracts of the U.S. public domain. Nevertheless, few people linked or likened the two controversies at the time, and fewer have done so since. Although American and tribal citizens were grappling publicly with similar issues for similar reasons, most regarded their dilemmas as separate and fundamentally different. Historians have followed suit. But it is time to compare the conversations on both sides of this historical partition and ponder the partition itself. Such an undertaking is more than a worthwhile exercise in comparative history. It is a potent reminder that Indians have an intellectual history whose complex relationship to Euro-Americans' intellectual history deserves further research and thought. Juxtaposing the debates about land monopoly in the United States and in the tribes also compels us to assess the influence of racial ideology on the thinking of everyone involved in those debates.

This essay, therefore, examines the little-known controversy regarding land distribution and property relations within the Civilized Tribes, summarizes Euro-Americans' better-known responses to their contemporaneous land monopoly scandal, and compares the two discourses. Then it appraises the evidence, motives, and effects of efforts to distinguish the Indian and U.S. situations. Because the evidence of public discourse consists in great part of writings and recorded speeches by participants, my analysis centers on the opinions of people in literate elites, as is common in intellectual history. But because such people had disproportionate influence on their governments' policies, and policies were at stake in their discussions of land allocation, that bias requires no apology.

When Indians and non-Indians wrote or spoke about property relations in the Civilized Tribes, the possibility of allotment was usually on their minds, influencing many pronouncements on general questions of political economy. I present those pronouncements, not as transparent professions of political or economic ideology, but as strategic public discourse. The strategic nature of the discourse is what matters here. My purpose is not to dissect people's motives for proposing or opposing allotment nor to ferret out their private economic philosophies. Rather, it is to show how they represented their beliefs about property relations, with particular attention to how ideas about Indians influenced the terms and directions of their arguments.

By considering Indian commentators alongside Euro-Americans, I deviate from a norm in intellectual history, which is to concentrate on non-Indians' ideas about

Indians.⁵ Granted, in this case Indians often voiced precepts of political economy that originated with non-Indians. The voices nonetheless belong to people routinely omitted from histories of ideas. Including them here lets us compare the ways that Indians and Euro-Americans restated and deployed the same precepts when addressing the same quandary—how society could benefit from individuals' self-centered economic ambition while limiting its harmful consequences.

Listening for Indian voices on historical issues not usually associated with Indians, such as economic individualism and monopoly, is far too rare a scholarly activity. The historian James H. Merrell urges his colleagues to work harder at “connecting Natives to broader patterns of American life” by looking at “important correspondences in the histories of Indians and other Americans” and linking Indians' experiences to larger historiographical themes. In this case the effort of looking for correspondences enables us to see that some Indians shared Gilded Age Americans' worry about proliferating monopolies. Exposing this forgotten congruence of Indian and Euro-American concerns also reveals the irony that our amnesia stems from a common and persistent inclination to deny or overlook similarities in Indians' and non-Indians' experiences. As Merrell himself learned in a study of eighteenth-century Pennsylvania, Indians and white Americans have often defined their relationships by emphasizing their differences rather than their kinship. The focus on difference has had significant ramifications in both political and intellectual realms.⁶

During the late nineteenth century, even while U.S. policy makers and leaders of the Civilized Tribes moved in varying ways to reduce the dissimilarities between their societies, they were hypersensitive to remaining distinctions. Although tribe members used Euro-American models for many of their institutions and economic activities, people in each group characterized the other as alien and emphasized the contrast in their economic cultures. Differences between Indians and whites loomed large enough to block people's views of contradictions and hypocrisy at home. Thus, when telling each other that their property systems were very different, tribe members and Euro-Americans downplayed their own systems' failings. But above all and ironically, the notion that Indian and non-Indian property relations were antithetical gave American lawmakers license to override the Indian nations' own remedies for monopolization and to mandate a measure nearly unimaginable in U.S. society—the wholesale redistribution of property. Historians, their vision hampered by an analogous focus on the distinctiveness of Indian history, have missed the irony.

Enterprising Indian Land Users and Their Critics

The first postulate of Henry Dawes's argument for allotting tribal land—his equation of selfishness and private property with civil life and social progress—was a principle

⁵ Notably, Roy Harvey Pearce, *Savagism and Civilization: A Study of the Indian and the American Mind* (Berkeley, 1988); Robert F. Berkhofer Jr., *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York, 1978); Dippie, *Vanishing American*; and Sherry L. Smith, *Reimagining Indians: Native Americans through Anglo Eyes, 1880–1940* (New York, 2000).

⁶ James H. Merrell, “American Nations, Old and New: Reflections on Indians and the Early Republic,” in *Native Americans and the Early Republic*, ed. Frederick E. Hoxie, Ronald Hoffman, and Peter J. Albert (Charlottes-

of American political thought older than the Republic and just as sacred. According to the republican canon, the pursuit and care of private possessions fostered virtues that citizens should have: industry, frugality, and foresight. People in a state of savagery—namely, Indians—lacked those virtues. Thus, George Washington's secretary of war declared that the first step in efforts to civilize Indians would be teaching them "a love for exclusive property." Thereafter, several generations of U.S. agents and missionaries followed this lesson plan. They preached to Indians, as did an early commissioner of Indian affairs, that "common property and civilization cannot co-exist."⁷

Members of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole tribes heard this message from Superintendent Elias Rector of the Southern Indian Agency, among others. In the 1850s Rector complained that "the utter absence of individual title to particular lands" deprived the Indians "of the chief incentive to labor and exertion, the very mainspring on which the prosperity of a people depends." Communal landownership stymied economic and social progress. But if a tribe were to give each member a private homestead and sell the surplus land, it would make "every individual . . . wealthy." Rector admitted, however, that his idea did not appeal to citizens of the tribes in question. Their reluctance to part with their land, he thought, was "played upon by the more intelligent, who [found] it well enough for them to use without price as much land as they want."⁸

Rector's complaint about the intelligent people who selfishly perpetuated tribal landownership undermined his critique of tribal ownership; it implied that Indian land tenure rules had not discouraged quests for wealth but instead had offered economic opportunities that some tribe members knew how to exploit for their private benefit. That implication would not have surprised Rector's superiors in the federal Office of Indian Affairs. Even though collective ownership of the land had long been political doctrine in the tribes Rector referred to, those tribes were neither stagnant nor homogeneous economically. In fact, they had earned the epithet "civilized" because many of their members had adopted Euro-American methods of securing a livelihood, and it was no secret that some members had subsequently prospered much more than others. Furthermore, most of the prospering Indians owed their affluence to private rights in land, a feature of the tribes' legal culture with ancient origins in the practice of growing crops on separate family plots. The legalistic conception of Cherokees or Choctaws as collective owners of a specific territory was a more recent development, a consequence of relations with land-hungry non-Indians. But when the tribes codified that concept of tribal property in the 1800s, they also codified the custom of letting individuals take exclusive possession of selected parcels. By midcentury, in all of the Five Civilized Tribes, any member who occupied a tract of tribal

ville, 1999), 345–46, 349; James H. Merrell, *Into the American Woods: Negotiators on the Pennsylvania Frontier* (New York, 1999), 38.

⁷ James L. Huston, *Securing the Fruits of Labor: The American Concept of Wealth Distribution, 1765–1900* (Baton Rouge, 1998), 361; Peter D. McClelland, *The American Search for Economic Justice* (Cambridge, Mass., 1990), 27–28; William T. Hagan, "Private Property, the Indian's Door to Civilization," *Ethnohistory*, 3 (Spring 1956), 127; *Report of the Commissioner of Indian Affairs*, 25 Cong., 3 sess., Nov. 25, 1838, S. Doc. 1, serial 338, p. 454.

⁸ *Annual Report of the Commissioner of Indian Affairs* (Washington, 1857), 201.

land—marking that occupation with buildings, fences, and cultivated fields—thus acquired a recognized property right, transferable to other tribe members.⁹

The right to enclose a portion of tribal domain did not by itself inspire acquisitiveness in these Indians, who idealized generosity rather than personal enrichment. But trade and other relations with European colonists exposed them to an alternative ethos while undermining the bases of their traditional economy, and changes in economic culture followed. By the 1820s many southern Indians had forsaken semicolonial horticulture and customary mutual support networks for greater family autonomy in economic matters. Virtually all Cherokees, for example, had moved to scattered homesteads. Some made money as commercial farmers. And contrary to their Indian forebears' practice, many in the budding entrepreneurial class accumulated assets, including slaves and improvements on land, which they handed down to offspring.¹⁰

Removal to the Indian Territory in the 1830s was a setback for the richest property holders, but a temporary one because families who took slaves and other valuables west with them had means to develop big estates again. Therefore, while a majority of the emigrant Indians settled on small patches of hilly ground and raised little more than their own food, a well-endowed minority established extensive plantations on bottomlands in the new tribal domains. Most of the large estates and the slave labor that sustained them were casualties of the U.S. Civil War, which engulfed the Civilized Tribes. But the attitudes and habits of the planter class survived, and by the mid-1870s, some tribal citizens had again staked out expanses of land far greater than they needed for subsistence. Events of the next two decades confirmed the implications of allowing that practice. An explosive mix of factors—barbed-wire fencing and railway construction, among others—ignited a ranching boom in the Indian Territory, and before long fences enclosed vast new private spreads. The Choctaw Wilson Jones, for example, had fenced 17,600 acres by the 1880s—enough for more than a thousand typical subsistence farms. In most cases tenants or contract laborers, many of whom were non-Indians, did the work that enabled a tribe member to claim so much land.¹¹

⁹ Claudio Saunt, "Taking Account of Property: Stratification among the Creek Indians in the Early Nineteenth Century," *William and Mary Quarterly*, 57 (Oct. 2000), 759; William G. McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton, 1986), 169; Thurman Wilkins, *Cherokee Tragedy: The Ridge Family and the Decimation of a People* (Norman, 1986), 157; John Phillip Reid, *A Law of Blood: The Primitive Law of the Cherokee Nation* (New York, 1970), 131–33.

¹⁰ D. S. Butrick to John Howard Payne, Jan. 19, 1836, typescript, vol. 4, pp. 105, 150, John Howard Payne Papers, Ayer Ms. 689 (Newberry Library, Chicago, Ill.); William Bartram, "Observations on the Creek and Cherokee Indians, 1789," in *A Creek Source Book*, ed. William C. Sturtevant (New York, 1987), 37; Duane Champagne, *Social Order and Political Change: Constitutional Governments among the Cherokee, the Choctaw, the Chickasaw, and the Creek* (Stanford, 1992), 34, 54, 90–91, 192; McLoughlin, *Cherokee Renaissance in the New Republic*, 12, 25, 66–67; Arrell M. Gibson, *The Chickasaws* (Norman, 1971), 23, 130; Benjamin Hawkins, "A sketch of the Creek country in the years 1798 & 1799," Ayer Ms. 370 (Newberry Library); Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733–1816* (New York, 1999), 1, 43, 158–59; Mary Elizabeth Young, *Redskins, Ruffleshirts, and Rednecks: Indian Allotments in Alabama and Mississippi, 1830–1860* (Norman, 1961), 7.

¹¹ Bays, *Townsite Settlement and Dispossession in the Cherokee Nation*, 32–33; Leslie Hewes, *Occupying the Cherokee Country of Oklahoma* (Lincoln, 1978), 35–38; William G. McLoughlin, *After the Trail of Tears: The Cherokees'*

Acquisitive families in the Civilized Tribes had critics, both Indian and non-Indian, as early as the 1820s, but the volume of disapproving voices swelled during the 1880s, when the size of some Indian Territory landholdings provoked plentiful commentary.¹² An assortment of scandalized white Americans spoke up. The U.S. commissioner of Indian affairs used his annual report for 1886 to attack citizens of the five tribes who ruled “baronial” estates. “In theory,” wrote Commissioner J. D. C. Atkins, “the lands are held in common under the tribal relation, and are equally owned by each member of the tribe, but in point of fact they are simply held in the grasping hands of moneyed monopolists and powerful . . . politicians, who pay no rental to other members.” On a visit to the Creek nation, Atkins had seen a “handsomely managed” plantation whose Indian owner occupied “a costly residence” while workers “hired among his own race” lived nearby “in huts and cabins.” The commissioner professed shock that the farm’s proceeds “swelled the plethoric pockets of the proprietor” while the laborers, in a “condition of semi-slavery,” grew ever “poorer and less able to assert their equal ownership and tribal claim.”¹³

Atkins’s theme resounded in speeches and writings by other Euro-Americans: The Indians’ land tenure system enabled a tiny minority to grow rich and politically powerful while keeping the ignorant, helpless majority of tribesmen in poverty. A report that twelve Creeks had fenced nearly a fourth of their nation’s acreage prompted one writer to charge, “This ‘land in common’ system has proved . . . to be extremely oppressive to the poor man. At an expense of a few hundred dollars for wire fencing, a few men . . . can obtain for their own use thousands of acres of the richest lands of the tribe, and hold them, to the exclusion of the poor man.” Alice Robertson, the daughter of missionaries, said she had seen this injustice. “Holding their land in common as they now do,” she declared at Lake Mohonk, “what should be the equal heritage of all the people has virtually become the spoils of the few.”¹⁴

White Americans had no copyright on criticism of big land claims in the Indian Territory. When Commissioner Atkins took aim at “grasping” Indian “monopolists,” the same people were already under fire from fellow tribesmen, armed with the same facts. At political rallies and in local newspapers, numerous tribe members disparaged people who occupied enormous tracts of land. Cherokees, Creeks, and Choctaws produced the richest records of their views. In 1882 the *Cherokee Advocate* reproached citizens who thought themselves entitled to as much of the tribal domain as they could “manage to grab.” “They behave like spoilt boys at a barbacue,” editors chided.

Struggle for Sovereignty, 1839–1880 (Chapel Hill, 1993), 77; Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman, 1961), 110–11; Norman Arthur Graebner, “The Public Land Policy of the Five Civilized Tribes,” *Chronicles of Oklahoma*, 23 (Summer 1945), 108–10; Champagne, *Social Order and Political Change*, 176, 210–11; Gibson, *Chickasaws*, 255. These changes and stratification were less characteristic of Seminoles. Richard A. Sattler, “Siminole Italwa: Socio-Political Change among the Oklahoma Seminole between Removal and Allotment, 1836–1905” (Ph.D. diss., University of Oklahoma, 1987), 160–61.

¹² McLoughlin, *Cherokee Renascence in the New Republic*, 269, 303; Young, *Redskins, Ruffleshirts, and Rednecks*, 9, 10, 20; Gibson, *Chickasaws*, 136; Champagne, *Social Order and Political Change*, 127; J. H. Moore, *The Political Condition of the Indians and the Resources of the Indian Territory* (St. Louis, 1874).

¹³ *Annual Report of the Commissioner of Indian Affairs* (Washington, 1886), v–vii.

¹⁴ W. D. Crawford, “Oklahoma and the Indian Territory,” *New England Magazine*, 2 (June 1890), 456; Martha D. Adams, ed., *Proceedings of the Tenth Annual Lake Mohonk Conference, 1892* (Lake Mohonk, 1892), 106.

In a later letter to the *Advocate*, C. C. Robards asked “what rule of equity” enabled one man to “hold and appropriate to himself the proceeds” of “several thousand acres, of the very best agricultural lands,” leaving to the bulk of Cherokees the “least acceptable portions of the country.” DeWitt Clinton Duncan, alias Too-Qua-Stee, chose the label “monopolist” for Cherokees who controlled “princely enclosures.”¹⁵

Duncan and other Indian critics of the huge enclosures knew about their Euro-American counterparts. Many of them explicitly addressed the popular Euro-American contention that the remedy for avarice was allotment. Few tribe members endorsed this prescription before the 1890s; most instead advocated stricter tribal regulation. Although a hope of deflecting the drive for allotment motivated some calls for reform, Indian censure of large landholders was not merely a tactic in defense of tribal ownership. It may even be that Euro-American critics took their cue from Indians, who had long warned each other of the potential for monopoly. Word of Indian reform efforts did reach some non-Indians. It is therefore impossible to untangle the reciprocal influences of internal and external criticism. Evidence is abundant, however, that citizens of the tribes carried on a genuine domestic debate about a dilemma largely of their own making.

Indians showed little interest in one argument advanced by Euro-Americans—that treaties with the United States required the tribes to dispense land in equal portions. Instead, Indians cited tribal antimonopoly laws such as the provision in the Cherokee constitution empowering the National Council “to prevent citizens from monopolizing improvements with a view of speculation.”¹⁶ But otherwise, tribe members and outsiders raised the same objections to outsized landholdings. Both condemned the use of tenants, hired hands, and sharecroppers to establish occupancy. “Instances came to our notice of Indians who had as high as 100 tenants,” a Senate committee reported in 1894, and Alice Robertson said grimly, “The educated, well-to-do Indians are becoming a landlord class.” But by then the Cherokee chief Joel B. Mayes had called his national council’s attention to the “unreasonable number of improvements . . . accumulated by . . . leasing,” an “evil” violating “one of the oldest laws in existence among the Cherokees,” and Creeks had held a mass meeting to protest the fencing of public domain in the names of tribe members who merely leased their claims to foreign cattlemen.¹⁷

The other common tack was to impugn the claimants themselves as ersatz Indians. A contributor to *Lippincott’s Monthly Magazine* asserted, “As a rule almost without

¹⁵ “‘Common Property’ and Railroad Materiel,” *Cherokee Advocate* (Tahlequah), June 16, 1882, p. 2; C. C. Robards, *ibid.*, July 27, 1892; “‘Too-Qua-Stee’ on Monopoly,” *Indian Chieftain* (Vinita), Sept. 19, 1895.

¹⁶ First annual message of Hon. Joel B. Mayes, 1891, p. 12, John T. Adair Papers (Oklahoma Historical Society, Oklahoma City). For arguments of Euro-Americans, see Isabel C. Barrows, ed., *Proceedings of the Fourteenth Annual Lake Mohonk Conference, 1896* (Lake Mohonk, 1897), 53–54; W. M. Fishback, “The Failure of Government in the Indian Territory,” *American Magazine of Civics*, 6 (Jan. 1895), 98; Charles F. Meserve, *The Dawes Commission and the Five Civilized Tribes of Indian Territory* (Philadelphia, 1896), 13; and Jonathan T. Morgan to the president, June 11, 1889, box 29, Henry L. Dawes Papers (Manuscript Division, Library of Congress, Washington, D.C.).

¹⁷ Report, 53 Cong., 2 sess., March 29, 1894, S. Rept. 377, serial 3183, p. 12; Isabel C. Barrows, ed., *Proceedings of the Eighth Annual Lake Mohonk Conference, 1890* (Lake Mohonk, 1890), 122; first annual message of Hon. Joel B. Mayes, 12; editorial, *Indian Journal* (Eufaula), July 14, 1892.



Joel B. Mayes, a judge and rancher, won terms as chief of the Cherokee nation in 1887 and 1891. In both bitterly contested elections, land allocation issues dominated debate. Mayes vowed to block the sale of tribal lands and curtail grazing leases but faced charges that he colluded with cattle syndicates. *Reprinted from Robert E. Cunningham, ed., Indian Territory: A Frontier Photographic Record by W. S. Prettyman. Copyright 1957 by University of Oklahoma Press. Reprinted by permission.*

exception, the chief landholders are not full-blood Indians, but are half-breeds, or white men who have acquired a 'head-right' by intermarriage with the Indians." The *Harper's* article of 1893 supplied some sensational particulars, repeating hearsay "that a score of Chickasaw citizens, in whom combined there is hardly enough aboriginal

blood to make a full-blood Indian, control nearly ninety per cent of the arable lands of that nation. A Cherokee squaw man [a Cherokee's non-Indian husband] is said to hold more land than is held by all the full-bloods of the tribe." Allegations that most of the "monopolists" were whites or "mixed-bloods" were frequent in tribal arenas also, as were charges that the biggest Indian landholders colluded with whites. An 1892 *Muskogee Phoenix* editorial alleged, "In all the avenues that are productive of wealth and comfort the whites and half-breeds and intermarried citizens have crowded the full-bloods out." A letter in the same issue, signed simply "An Indian," urged readers to open their eyes and see "arrayed in costly splendor the educated full-blood, the half-breed or intermarried white, and many non-citizens sheltered under the pious wing of some citizen, all, all, 'frying the fat' of the poor man's possessions."¹⁸

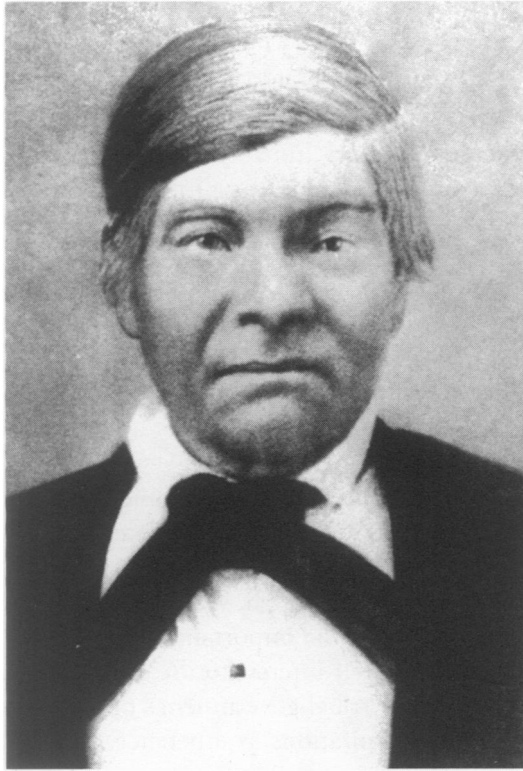
Tribal Discourse on Political Economy

Indian commentary ranged beyond the narrow topic of excessive enclosures into broader philosophical territory. As tribe members contemplated the gargantuan new ranches in their country, many pondered general questions of political economy. Their recorded responses are rarely thorough, well-developed analyses, yet as a group they say a lot about such subjects as the importance and sources of material prosperity, the relationship of individual self-interest to the commonweal, communal land's import for tribal solidarity, and a tribal government's obligation to mediate between people with different economic aspirations, competence, and power. Although few, if any, commentators were oblivious to the implications of their words for the dispute about allotment, many of their recorded opinions addressed other circumstances.

Most of the Indian speakers and writers assumed that material abundance was not only a boon but also a measure of a people's nonmaterial worth. Some said plainly that a yen for wealth marks the civilized state, to which everyone should aspire. "What man of sense [and] intelligence would not desire progression and prosperity [in preference] to retrogression and poverty . . . ?" asked Este Makoke in correspondence to the *Muskogee Phoenix*. Many other tribesmen, eager to display "sense [and] intelligence," agreed that the development of economic resources should be a tribal priority and noted that land was the tribes' greatest resource. Such thinking underlay an 1885 letter to the *Indian Chieftain* protesting that Cherokee nation restrictions on foreign labor frustrated development. "There are hundreds of people in this country without many of the comforts of life and in some cases at times even without its necessities," the writer asserted. "This class is not really poor. They are indeed rich in productive lands, yet land from which they derive little or no benefit. Might not some of this land, now dead capital, making no returns to its owners, be utilized to their benefit?"¹⁹

¹⁸ Allan Hendricks, "The Land of the Five Tribes," *Lippincott's Monthly Magazine*, 58 (Nov. 1896), 673; McAdam, "Indian Commonwealth," 886; editorial, *Muskogee Phoenix*, Oct. 6, 1892; "Two Vital Questions," *ibid*. See also *Eighth Annual Report of the Executive Committee of the Indian Rights Association* (Philadelphia, 1891), 37.

¹⁹ Este Makoke, "The Allotment of Our Land Question," *Muskogee Phoenix*, Nov. 7, 1889; E to editor, *Indian Chieftain* (Vinita), Feb. 5, 1885, p. 2.



Coleman Cole was chief of the Choctaw nation from 1874 to 1878. Elected on the Full Blood or Shaki (buzzard) party ticket, he opposed the sale of tribal assets and worked to prevent intermarried whites from claiming tribal resources. *From John Bartlett Meserve, "Chief Coleman Cole," reprinted from Chronicles of Oklahoma, March 1936. Courtesy Oklahoma Historical Society.*

This writer got to the heart of tribal deliberations about large landholdings. Did individual fortune seeking stimulate general economic growth? Was private enterprise the only, or the best, way to promote tribal prosperity? Specifically, would the success of private, land-based businesses redound to everyone's benefit? Numerous people offered affirmative answers to those questions. The hope of private gain inspired industry, they said, and industry brought collective progress. The Choctaw chief Coleman Cole was one of many who proclaimed faith in the causal link between individual self-interest and general prosperity:

If we ascertain the most effectual means of promoting the welfare of [the] nation, we have to inquire what constitutes the well being of an individual, because so far as we provide well for ourselves, for the ultimate and legitimate promotion of our own personal happiness and position in society, so far we increase the happiness, respectability and the importance in which we live, the prosperity of the nation at large and good to man kind.²⁰

²⁰ Message of Coleman Cole, 1878, OHS 19437, Cole Collection (Western History Collections, University of Oklahoma, Norman). See also editorial, *Indian Journal* (Eufaula), July 14, 1892; and "The Demands of Agricul-

From the same premises, Spencer S. Stephens drew the conclusion that private land-ownership was a public good. His fellow Cherokees would strive to provide well for themselves only if they had the “landed security” that made it possible to “accumulate.” Stephens favored allotment. But even some foes of allotment agreed that tribal prosperity followed from private gain; they just contended that free access to communal land stimulated individual initiative better than private ownership did. For proof, they could cite the many people who *were* making money on a tribe’s national domain.²¹

Not infrequently, a tribal commentator voiced misgivings about an ideology that exalted self-enrichment. If the readiest source of wealth was land, and if land effectively became the possession of the first citizen to occupy it, encouraging individuals to maximize their wealth set the stage for selfish land grabbing. Someone purporting to be a “progressive” and “educated man” derided the values of his class in a mocking, pseudonymous letter to the *Cherokee Advocate*. “I believe in nothing but gold and silver and land,” he announced. More earnestly, Chief Mayes exhorted Cherokees to balance individual and group interests. He told tribal lawmakers, “While it should be the desire and pride of all citizens to see our land covered with good homes, large farms, orchards and vineyards in the possession of every citizen, you must teach the Cherokee people to be charitable with one another, and not let their greed get the best of their good judgment.”²²

But what should be done when preaching did not keep people from taking more than their fair share of land? The diverse answers to this question reflected thoughts on a more fundamental question: how tribal society should accommodate or temper “the everlasting differences in the energy, enterprise, capacity and needs of men.” Many Indian commentators observed that individuals, by nature, have unequal amounts of desire and ability to work for their own economic betterment. Some saw no need for legal action to correct the consequent disparities in personal wealth. Tribal government’s only obligation, they said, was to ensure equal rights under law. Individuals would reap rewards in proportion to their effort, competence, and conformity to civilized mores. Like many others, the Cherokee Robert L. Owen depicted land held in common as the essence of equal opportunity. People who seized the opportunity had a right to the fruits of their labor.²³ Este Makoke opposed allotment on the ground that it would deprive some of fruits their labor had already produced. He wrote:

Because a citizen of these nations has the good sense and foresight to choose a goodly portion of land and spend years of laborious toil and perhaps thousands of hard earned dollars to put it in a condition to keep himself and loved ones from

ture,” *Cherokee Advocate* (Tahlequah), Jan. 6, 1882, p. 2.

²¹ *The Indian Question Discussed by Spencer S. Stevens of the Cherokee Nation*, pamphlet printed by *Titusville Morning Herald*, 1882 (microfilm: roll 38), Cherokee Nation Papers (University of Oklahoma, Norman).

²² Cornsilk, “For Lands in Severalty,” *Cherokee Advocate* (Tahlequah), April 18, 1894; first annual message of Hon. Joel B. Mayes.

²³ W. P. Boudinot, “Monopoly of Improvements,” *Cherokee Advocate* (Tahlequah), Aug. 31, 1892, p. 2; Robert L. Owen, report, in *Annual Report of the Commissioner of Indian Affairs* (Washington, 1887), 111–12; editorial, *Indian Champion* (Atoka), May 17, 1884, p. 3.

want . . . he must run the risk of giving it all to some “worthless cuss” who never would work an hour in his life and never had anything . . . , though his opportunities may have been equal if not superior to the other man’s.

Other Indians maintained that the tribe should aid its weakest members even if that meant restraining the strongest. The tribal government’s duty to safeguard the common land base entailed an obligation to protect every member’s privilege of subsisting on that land. This reasoning appeared in arguments both for and against allotment.²⁴

Scholars of nineteenth-century American economic culture and thought will find much that is familiar in this Indian commentary, from terminology to tenets of political-economic faith. When tribe members ascribed affluence to civic virtues, identified self-enriching individuals as agents of general economic growth, and insisted that legal equality and self-interested enterprise would ensure a relatively fair distribution of property, they sounded like the people who dominated discourse in the States during the same era. Even when challenging the gospel of economic individualism and growth, many Indians employed vocabulary and appealed to principles from Euro-Americans’ repertoire.²⁵

If there is little to mark the published tribal discourse as distinctively Indian, its sources suggest an explanation. Most contributors to the Indian newspapers and more than a few tribal spokesmen were literate in English, partisans of economic progress, and intent on having private property because they wanted to live much as “civilized” whites did. A majority were from families who had incorporated white members and followed their white kin’s lead in many respects. A significant number had attended schools and universities in the States, which presented Lockean individualism as common sense.²⁶ In fact, the debate conducted in Indian Territory papers and pamphlets featured mainly people from different factions of a class that had embraced the prevailing aspirations of middle-class Euro-Americans. The contentions of Cherokee ranchers, for example, often met with dissent from Cherokee farmers, professionals, or would-be town builders who hoped to develop some of the same tribal realty.²⁷

Debate was not confined to those ranks, however. Mass protests and political developments attest to the participation of people less apt to write letters and more apt to espouse their indigenous ancestors’ cooperative, unacquisitive values. Often called “fullbloods,” such Indians held the balance of political power in the tribes, and,

²⁴ Este Makoke, “Allotment of Our Land Question”; S. S. Stephens, “The Cherokee Lands,” *Indian Chieftain* (Vinita), Aug. 26, 1886; Samuel Mayes to editor, *Telephone* (Tahlequah), June 14, 1895, p. 1; D. W. Bushyhead, annual message, *Cherokee Advocate* (Tahlequah), Nov. 3, 1886, p. 1.

²⁵ John G. Cawelti, *Apostles of the Self-Made Man* (Chicago, 1965), 170–73, 187; William B. Scott, *In Pursuit of Happiness: American Conceptions of Property from the Seventeenth to the Twentieth Century* (Bloomington, 1977), 181.

²⁶ Debo, *Road to Disappearance*, 285; W. David Baird, ed., *A Creek Warrior for the Confederacy: The Autobiography of Chief G. W. Grayson* (Norman, 1988), 47, 49, 54.

²⁷ “Monopoly,” *Cherokee Advocate* (Tahlequah), July 6, 1892; Too Qua Stee, “Difficulties Galore,” *Indian Chieftain* (Vinita), Jan. 28, 1897; Robert C. Childers, “Honest Indian Views,” *Muskogee Phoenix*, April 9, 1891, p. 1; C. C. Robards to A. S. McKennon, Feb. 2, 1894, box 51, Dawes Papers; editorial, *Arrow* (Tahlequah), April 5, 1895.

although they had little interest in using land to fatten their wallets, many of them worried and protested as fences blocked their access to pastures.²⁸ Tribal politicians typically cited the fullbloods' concerns when proposing measures to check the monopolization of land, as they did with increasing frequency after the 1870s. Even people who advocated allotment instead of regulatory reform claimed to want justice for the "real Indians" who were losing the race for resources. And during the 1880s and 1890s, each tribal government enacted laws ostensibly intended to keep citizens from abusing their right to engross communal land. With varying effectiveness and longevity, the laws prohibited or limited leasing, established a maximum enclosure size, or restricted the use of noncitizen labor.²⁹

A Comparable American Problem

The historian William McLoughlin characterizes Cherokee efforts to limit private landholdings as populism—a campaign of subsistence farmers and the poor against "rich commercial farmers and businesspeople." But McLoughlin is virtually alone among scholars in equating this Indian campaign and the American Populist movement, perhaps because almost no one did so at the time. As the Civilized Tribes confronted the inequalities resulting from private development of their land, Euro-Americans were acknowledging a comparable problem of their own, but if they saw a parallel, they seldom said so.³⁰

Parallels are not hard to see now. Like the Indian nations, the United States owned extensive real estate. Of course, rather than retaining title to all land within national borders, as the tribes did, the federal government deeded tracts to private parties. But this policy was no better proof against monopolization than communal ownership was, and Congress periodically faced pressure to facilitate broader disbursement of federal land. After the Civil War, the United States was officially committed to making land available for homesites at nominal cost. In particular, backers construed the Homestead Act of 1862 as an affirmation that the national domain was a common heritage meant primarily for ordinary people who would use their shares themselves, preferably for farms. And like the laws of the Civilized Tribes, U.S. homestead and

²⁸ Gideon Morgan, "Mr. Morgan Insists on Allotment," *Cherokee Telephone* (Tahlequah), May 12, 1892, p. 2; "Poor Lo' He Is, Indeed," *Indian Chieftain* (Vinita), Aug. 22, 1895; An Indian, "Taxation and Allotment," *Muskogee Phoenix*, Oct. 20, 1892, p. 1; Span, "Canadian Heard From," *ibid.*, Oct. 13, 1892; Noel Baker interview, transcript, vol. 13, pp. 157–58, "Indian-Pioneer History Collection," comp. Grant Foreman, 1937–1941, Works Progress Administration Project S-149 (Oklahoma Historical Society); Noel Nehka interview, transcript, vol. 81, pp. 191–97, *ibid.*

²⁹ Champagne, *Social Order and Political Change*, 216–27; Graebner, "Public Land Policy of the Five Civilized Tribes," 111, 116; Hewes, *Occupying the Cherokee Country of Oklahoma*, 41; McLoughlin, *After the Trail of Tears*, 348–49; Morris L. Wardell, *A Political History of the Cherokee Nation, 1838–1907* (Norman, 1938), 274–75; *Annual Report of the Commissioner of Indian Affairs* (1887), 111–12; *Annual Report of the Commissioner of Indian Affairs* (Washington, 1896), 155; D. W. Bushyhead, message, Dec. 15, 1882, no. 76, box I, Bushyhead Papers (Western History Collections); D. W. Bushyhead to Dr. M. Frazee, June 2, 1891, no. 157, box III, *ibid.*; John L. Adair, "Versus Monopoly," *Cherokee Advocate* (Tahlequah), Aug. 31, 1892, p. 2; "Proposed Bill on Monopoly by a Member of the Council," *ibid.*, Oct. 26, 1892; Advocate, "We Answer with Pleasure," *Indian Chieftain* (Vinita), Sept. 5, 1895; "An Interview with Pleasant Porter," *Muskogee Phoenix*, April 19, 1894.

³⁰ McLoughlin, *After the Trail of Tears*, 315, 324, 339–41.

preemption laws ostensibly permitted individuals to obtain public land by expending little more than the money and labor necessary to indicate occupation.³¹

In 1869 the General Land Office commissioner exulted that granting modest shares of the national domain to actual settlers had “saved them ‘from the monopoly of speculation.’” But it was soon apparent that no such redemption had occurred. In 1871 Henry George, drawing primarily on data from California, exposed the tendency of public lands to fall into a few hands. By the 1880s that tendency was obvious throughout the West and was the talk of the country. Grover Cleveland’s land commissioner kindled discussion of the problem in 1885 when he released figures showing that “the public domain was being made the prey of unscrupulous speculations and the worst forms of land monopoly through systematic frauds carried on and consummated under the public land laws.”³² Individuals and private businesses had indeed assembled vast estates on or from the public domain using stratagems that residents of the Indian Territory would have recognized. Cattle companies, for example, engaged proxies to occupy contiguous stretches of rangeland. Speculators engrossed thousands of acres each by exploiting loopholes and lax enforcement of the law. Foreigners—analogs of the non-Indians who occupied tribal land—held some of the biggest properties. And as in the tribes, many people who staked claims on public land intended from the start to put tenants there.³³

Publicity about gluttonous land claims and unenforced land laws aroused anxiety in and beyond the halls of Congress, where the jeremiads sounded much like those heard in Cherokee or Creek country. In 1883 congressmen took testimony from Henry George, whose initial suspicion had become certainty that U.S. land laws did not prevent, but instead promoted, “monopoly.” The next year, Rep. Poindexter Dunn of Arkansas pleaded with his colleagues to suppress illegal fencing on public lands, saying, “I know of no life today more inviting or more fascinating and promising to the poor man than to become a cattle-raiser on the great plains of the West, but he is absolutely about to be forced out of it by great associations of wealth now rapidly occupying that whole country.” A sharp increase in tenant farms especially alarmed reform-minded people in the United States. For an issue of the *North American Review* devoted to the “land question,” A. J. Desmond wrote, “An American tenant class doing the drudgery of agriculture, but owning not a foot of American soil, is not a pleasing prospect for those who have at heart the continuance of our social and political equality.”³⁴

³¹ Paul W. Gates, *Landlords and Tenants on the Prairie Frontier: Studies in American Land Policy* (Ithaca, 1973), 142; Paul Wallace Gates, “The Homestead Law in an Incongruous Land System,” in *The Public Lands: Studies in the History of the Public Domain*, ed. Vernon Carstensen (Madison, 1963), 216. Unlike the tribes, the United States limited the size of homesteads from the start. Roy M. Robbins, *Our Landed Heritage: The Public Domain, 1776–1970* (Lincoln, 1976), 206.

³² Gates, *Landlords and Tenants on the Prairie Frontier*, 142. For the statement of Grover Cleveland’s land commissioner, see Gates, “Homestead Law in an Incongruous Land System,” 338. David M. Wrobel, *The End of American Exceptionalism: Frontier Anxiety from the Old West to the New Deal* (Lawrence, 1993), 10–15.

³³ *Message from the President of the United States*, 47 Cong., 2 sess., S. Exec. Doc. 61, Report 47-1-5, Feb. 8, 1883, serial 2076, pp. 2–5; John A. Garraty, *The New Commonwealth, 1877–1890* (New York, 1968), 10, 12; Mary E. Young, “Congress Looks West: Liberal Ideology and Public Land Policy in the Nineteenth Century,” in *The Frontier in American Development: Essays in Honor of Paul Wallace Gates*, ed. David M. Ellis (Ithaca, 1969), 84.

³⁴ Young, “Congress Looks West,” 101–3; Henry George, *Progress and Poverty* (1880; New York, 1955); A. J.

The land question in the States inspired philosophical ruminations comparable to those in the tribes. The *North American Review* was but one venue where the topic of land distribution elicited commentary on such lofty subjects as the inevitability, rationality, and social utility of humans' craving for wealth. Data on landownership patterns also caused Euro-Americans to lament that republican ideals faced a general threat from increasing concentrations of economic power. Demand for remedial government action grew among middle-class voters as well as Populist farmers and eventually resulted in legislation that corresponds to tribal reform laws of the time. Between 1889 and 1891 Congress crafted better safeguards against people with pig-gish appetites for the public domain, quieting but not quelling constituents' fears of "monopoly."³⁵

Thus, the U.S. and tribal land allocation crises occurred in the same period, as acquisitive people engaged in similar practices. The crises also provoked similar reactions from people who perceived discrepancies between those practices and their nations' ideals. When looking for someone to blame, Indians and Euro-Americans spied similar candidates: greedy scofflaws, foreigners, the indolent poor, indifferent voters, and, above all, corrupt politicians. Many observers—tribe members as well as outsiders—depicted tribal officials and lawmakers as self-serving land barons or their puppets. Meanwhile, critic after critic also charged that land barons had commandeered the U.S. legislative domain, where mercenary or spineless legislators abetted their piracy.³⁶ A few people in each population wanted to enforce equality by law, but most eschewed legal measures to prevent or reverse, rather than mitigate, the natural divergence of rich and poor. In both the tribes and the United States, corrective legislation aimed to restore or to ensure equal rights for land seekers, not to dispossess ensconced occupants.³⁷

Those similarities reflect underlying commonalities that gave rise to the parallel land distribution crises. Important as it is, the cardinal distinction between the American and tribal property systems should not blind us to the critical commonality: Uneven land distribution followed from the competitive allocation of private rights

Desmond, "America's Land Question," *North American Review*, 142 (Feb. 1886), 153–54.

³⁵ William Godwin Moody, *Land and Labor in the United States* (New York, 1883); B. W. Williams, "Evils of Land Monopoly," *Arena*, 16 (Sept. 1896), 538–42; Bolton Hall, "The Land Question and Economic Progress," *ibid.*, 24 (Dec. 1900), 645–48; Samuel P. Hays, *The Response to Industrialism, 1885–1914* (Chicago, 1957), 82–83; Thomas C. Cochran and William Miller, *The Age of Enterprise: A Social History of Industrial America* (New York, 1942), 275; Gates, "Homestead Law in an Incongruous Land System," 338–40; Gates, *Landlords and Tenants on the Prairie Frontier*, 293; Frederick Merk, "Foreword," in *Frontier in American Development*, ed. Ellis, xii–xiv; Wrobel, *End of American Exceptionalism*, 42.

³⁶ McLoughlin, *After the Trail of Tears*, 341; Indian, "Taxation and Allotment"; Chief Perryman, message, *Muskogee Phoenix*, Oct. 6, 1892; "Childers Station Items," *Cherokee Advocate* (Tahlequah), March 31, 1882, p. 2; Gates, *Landlords and Tenants on the Prairie Frontier*, 293; Moody, *Land and Labor in the United States*, 106–7; Eltweed Pomeroy, "The Concentration of Wealth," *Arena*, 16 (Dec. 1896), 82; Herman E. Taubeneck, "The Concentration of Wealth, Its Cause and Results," *ibid.*, 18 (Sept. 1897), 300.

³⁷ "Land Monopoly," reprint from *Washington Chronicle. Cherokee Advocate* (Tahlequah), March 28, 1874, p. 1; Moody, *Land and Labor in the United States*, 128; first annual message of Hon. Joel B. Mayes; Henry Strong, "American Landlordism," *North American Review*, 142 (March 1886), 247, 252; Charles S. Ashley, "The Distribution of Wealth," *Popular Science Monthly*, 29 (Oct. 1886), 731; "Bushyhead's Letter of Acceptance," *Cherokee Telephone* (Tahlequah), June 11, 1891, clipping, no. 156, box III, Bushyhead Papers; Bruce Palmer, "Man over Money": *The Southern Populist Critique of American Capitalism* (Chapel Hill, 1980), xvii, 9; Huston, *Securing the Fruits of Labor*, 342; McClelland, *American Search for Economic Justice*, 26.

in both systems. Although the fencers of tribal land could not obtain title to the soil, their enclosures were property in which they had nearly all the other rights that U.S. landowners enjoyed. Citizens of the Civilized Tribes bought, sold, inherited, subdivided, and leased out farms, ranches, and town lots as people in the States did. American-style real estate speculation was routine in the tribes, where the race went to the swift, the well-heeled, and the well-connected self-promoters. In the words of the Creek chief Pleasant Porter, his people had “passed over from a system of communism to that of individualism.”³⁸

Furthermore, in the Civilized Tribes and the States alike, government policy reflected the belief that private enterprise, including private land development, would promote and demonstrate national economic vitality. Tribal politicians, editors, and educators were no less inclined than U.S. leaders to lionize successful businessmen and commercial farmers and to crow about their countrymen’s rising personal fortunes. In a speech to the Indian International Agricultural Society in 1878, the Cherokee William Penn Adair played the classic frontier community booster. He proudly quoted a federal report stating that the Indian Territory “in population, number of acres cultivated, products, wealth, valuation and school statistics [was] equal to any organized territory of the United States, and far ahead of most of them.”³⁹

But if the measure of Cherokee well-being was a multitude of tribe members producing for themselves on private enclaves, distress would surely be the Cherokees’ fate when all tribal lands were occupied and many members could not obtain their own parcels. And this worry, voiced more frequently in the Indian nations as the century waned, was a fraternal twin of the fear gripping U.S. residents that their supply of “free” land was almost gone. Extensive land claims were increasingly hard to justify to people who believed that vacant land was an endangered entity, whether in the States or in tribal territory.⁴⁰

Both Indian and non-Indian reformers feared political disaster as well as economic distress because they associated their respective nations’ democratic traditions with citizens’ access to land. Educated tribe members and Euro-Americans, all schooled in Jeffersonian theory, believed that liberal access to land deterred oligarchy and its companion, destabilizing pauperism.⁴¹ But theory and practice were on a collision course. Tribal and U.S. citizens alike could foresee the disappearance of unoccupied land and the appearance of an embittered landless population. In those circumstances, immoderately large private holdings seemed a threat to democracy, if not proof that democracy had already been subverted. Private property rights and indi-

³⁸ Pleasant Porter to Hon. Isparhecher, typescript from *Purcell Register*, June 26, 1891, box 1, Pleasant Porter Collection (Western History Collections).

³⁹ William Penn Adair, “The Indian Territory in 1878,” *Chronicles of Oklahoma*, 4 (Sept. 1926), 266.

⁴⁰ John L. Adair, “Last Hit at Monopoly,” *Cherokee Advocate* (Tahlequah), Oct. 26, 1892; James W. Duncan, “Our Land-Tenure: The Cherokee Nation’s Vital Question,” *Indian Chieftain* (Vinita), Aug. 25, 1892, p. 2; “Bushyhead’s Letter of Acceptance”; Scott, *In Pursuit of Happiness*, 133.

⁴¹ Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America* (Chapel Hill, 1980), 169. Evidence of Indians’ exposure to Lockean ideology includes Wilkins, *Cherokee Tragedy*, 101; McLoughlin, *After the Trail of Tears*, 369; and V. A. Travis, “Life in the Cherokee Nation a Decade after the Civil War,” *Chronicles of Oklahoma*, 4 (March 1926), 25.

vidual economic initiative had arguably endangered the universal opportunity and political equality they were supposed to ensure, not only in the United States but also in the Civilized Tribes.

Dwelling on Difference

People who were aware that the tribes and the United States faced concurrent land distribution dilemmas compared them very seldom and then selectively. Moreover, those who made the comparison rarely equated the two predicaments or implied that they required equivalent responses. Instead, analysts were eager to distinguish one situation from the other.

Granted, the crusade for allotment did prompt general comparisons of U.S. and Indian property relations. Tribal spokesmen, for instance, parried assertions about the civilizing influence of individual landownership by declaring that they already respected private property as much as other civilized peoples. Hoping to stave off predators who depicted their lands as unclaimed, Cherokees prefaced an 1880 census report to Congress with these words:

The statements made to you that we, or any of the Indians, are communists, and hold property in common, are entirely erroneous. No people are more jealous of the personal right to property than Indians. The improvements on farms may be, and often are, sold; they may descend in families for generations, and so long as occupied cannot be invaded. . . . These farms and lots are practically just as much the property of the individuals as yours are.⁴²

Even when conceding the difference between Indian and U.S. property relations, tribal leaders and a few exceptional non-Indians contended that the tribes' customs served values precious to Americans. In Chief Mayes's estimation, treating the land as common property was not only "the true system of government for the protection of the poor and helpless" and "the best form of government . . . for the Indian in his helpless condition . . . , but the best government for all mankind." Thomas Bland, the non-Indian founder of the National Indian Defense Association, seemed to concur. He praised Indian land policy as consistent with "the Christian idea that the bond between man and man is essentially fraternal."⁴³

As another way of suggesting that Euro-Americans should find Indians' ideology familiar, tribe members occasionally invoked Henry George or his presumed opinion that private landownership conflicted with higher American ideals. It is noteworthy that George did not return the favor by endorsing Indian communal ownership, although he said, "The only remedy for the unjust distribution of wealth is in making land common property." Not that George ignored Indians. In his best-selling

⁴² "Summary of the Census of the Cherokee Nation . . . , in the Year of 1880" (roll 38), Cherokee Nation Papers.

⁴³ First annual message of Hon. Joel B. Mayes; Benjamin Heber Johnson, "Red Populism? T. A. Bland, Agrarian Radicalism, and the Debate over the Dawes Act," in *The Countryside in the Age of the Modern State: Political Histories of Rural America*, ed. Catherine McNicol and Robert D. Johnston (Ithaca, 2001), 32; U.S. Senate Committee on Indian Affairs, *Relations between the United States and the Five Civilized Tribes of Indians*, 52 Cong., 1 sess., May 23, 1892, p. 85.

book, *Progress and Poverty*, he mentioned Indians several times to express disapproval of the “savage” life. Curiously, George’s numerous critics missed a golden opportunity to discredit him by analyzing the situation in the Indian Territory, which suggested that speculation would not end with common ownership of land, as George predicted.⁴⁴

Indians also implicitly professed agreement with American ideals when they observed that the United States came no closer than the tribes to meeting a shared standard of justice. “In America,” one Cherokee stated, “lands are fast accumulating in the hands of the few, while there are ten thousand times ten thousand men, women and children, who do not, to-day own an acre of land.” The Euro-American journalist Julian Ralph, doubting the sincerity of his compatriots’ call for economic justice in the Indian nations, took the same polemical tack. To reports that some Cherokee landholders were wealthy while others lived in “primitive conditions,” Ralph replied, “What part of this is not true of Missouri or Arkansas—or New York?”⁴⁵

However, the purpose of comparing Indian and U.S. property relations was usually to contrast, not equate, the two kinds of societies. Tribal citizens more often defended their land tenure scheme by asserting its moral distinctiveness than by saying that in operation it differed little from the American norm. “The only difference between your land system and ours,” a Cherokee delegation told Congress in 1880, “is that the unoccupied surface of the earth is not a chattel to be sold and speculated in by men who do not use it.” Still, that alleged difference was fundamental and critical; it was the basis for a just Cherokee society. Four years earlier the Cherokee, Creek, Choctaw, and Seminole nations contrasted the U.S. and Indian economies even more sharply. “With us,” they said in a “remonstrance” to Congress, “while but few may attain to great wealth, all may attain to a decent competency, and none need be . . . homeless paupers. With you vast numbers are homeless and objects of charity.” Thomas Bland, spokesman for an interracial organization that opposed allotment, claimed to prefer tribal ownership for the same reason. “Our practice,” he said of the United States, “is to allow the lands . . . by which the coming generations are to be supplied with the means of industry, to be monopolized by the few.” But the “aristocratic Indian, who lives in a mansion and rides in his carriage owns not an acre more land than his neighbor, who lives in a log cabin and rides his Indian pony.”⁴⁶

Euro-Americans who despised tribal landownership saw different but equally glaring contrasts between their own and Indian practices—intolerable contrasts. Congressmen condemned the Indian system as “non-American” and “unreformable.”

⁴⁴ Meserve, *Dawes Commission and the Five Civilized Tribes*, 22–23; George, *Progress and Poverty*, 329. Dawes referred to tribal ownership as Henry George’s system. Debo, *And Still the Waters Run*, 22.

⁴⁵ W. A. Duncan, “Allotment 5,” *Cherokee Advocate* (Tahlequah), Oct. 26, 1892; Julian Ralph, “The Unique Plight of the Five Nations,” *Harper’s Weekly*, Jan. 4, 1896, p. 10. See also L. G. McIntosh, “Allotment,” *Muskogee Phoenix*, Sept. 21, 1893, last page; W. P. Boudinot, “Monopoly of Lands,” *Cherokee Advocate* (Tahlequah), Sept. 21, 1892; D. W. Bushyhead, “A Defense of Cherokee Indians,” *ibid.*, April 13, 1881.

⁴⁶ “Summary of the Census of the Cherokee Nation . . . in the Year of 1880,” 4; *Remonstrance of the Cherokee, Creek, Choctaw and Seminole Delegations against the Organization of the Indian Territory into a Territory of the United States* (Washington, 1876), 10–11 (roll 38), Cherokee Nation Papers; Johnson, “Red Populism?,” 31–32.

Some champions of allotment maintained that common ownership had fostered a monopoly and aristocracy without parallel in the United States. But to the writer (and daughter of Henry Dawes) Anna Laurens Dawes, among others, the tribal system was alien, repugnant “communism.”⁴⁷

This fixation on difference had a complex etiology and served purposes both noble and nefarious. Among Euro-Americans, the animus against communal ownership fused with a belief that democracy was impossible in the tribes. Republican doctrine held that a nation whose government monopolized title to land would inevitably become the fiefdom of an aggressive minority. Congressmen therefore lent willing ears to testimony that the constitutions of the Civilized Tribes—though modeled on the U.S. and state governments—were meaningless. When non-Indians chose the word “baronial” to describe Indian Territory estates, they articulated and perpetuated this association of tribal ownership with aristocracy and despotism, the antithesis of an idealized American republic.⁴⁸

The perception or assertion of radical difference also derived from an assumption that Euro-Americans and Indians shared—the assumption that common landownership was the basis of the tribes’ existence as discrete political, social, and geographical enclaves. Both Indians and non-Indians believed that tribal lands and tribal governments were inseparable sources of Indians’ power to control resources and to live by rules of their own choosing. For people who thrived in the tribal polities or found refuge from race prejudice there, that was a reason to preserve the difference in land laws. Mixed-bloods knew that tribal society afforded them advantages they might not enjoy in racialized U.S. society, including economic opportunity. To the less ambitious so-called fullbloods, communal land represented security above economic opportunity. Because it also symbolized the opposition between their traditions and the American agenda, they had come to regard tribal land as a defining feature of a cherished Indian identity. Chief C. J. Harris spoke for “progressives” and “traditionalists” when he said the Cherokee public domain “means every thing to us—life, self-control and prosperity.” In the judgment of many Euro-Americans, however, the apparent interdependence of tribal self-government and tribal landownership was grounds to abolish tribal ownership. Land allotment was an essential step in the destruction of organizations that could frustrate American hegemony.⁴⁹

⁴⁷ Report, 53 Cong., 2 sess., March 29, 1894, S. Rept. 377, serial 3183, p. 12; *Annual Report of the Commissioner of Indian Affairs* (1886), vii; Anna Laurens Dawes, “An Unknown Nation,” *Harper’s New Monthly Magazine*, 76 (March 1888), 602, 604–5. American critics neglected to note that their government had treated the public grazing lands as a commons. Scott Lehman, *Privatizing Public Lands* (New York, 1995), 60, 118.

⁴⁸ Huston, *Securing the Fruits of Labor*, 3, 6, 21, 33–34; McCoy, *Elusive Republic*, 66, 68; Young, “Congress Looks West,” 105, 110, 112; Scott, *In Pursuit of Happiness*, 181; Hays, *Response to Industrialism*, 83. For tribal government models, see *Constitutions and Laws of the American Indian Tribes* (20 vols., Wilmington, 1973), I–II, V–VIII, XI–XII, XVIII; Prucha, *Great Father*, I, 189; Mary Young, “The Cherokee Nation: Mirror of the Republic,” *American Quarterly*, 33 (Winter 1981), 502–24. Regarding their alleged corruption, see M. H. Kidd to Henry L. Dawes, March 22, 1894, box 51, Dawes Papers; Report, 53 Cong., 2 sess., March 29, 1894, S. Rept. 377, serial 3183, p. 12; Orville H. Platt, “Problems in the Indian Territory,” *North American Review*, 160 (Feb. 1895), 195–202.

⁴⁹ Tom Holm, “Indian Lobbyists: Cherokee Opposition to the Allotment of Tribal Lands,” *American Indian Quarterly*, 5 (June 1979), 115; Principal Chief C. J. Harris, message, *Cherokee Advocate* (Tahlequah), Nov. 11, 1893, pp. 1–2. For Euro-American views, see Hagan, “Private Property,” 128, 130; and Bays, *Townsite Settlement and Dispossession in the Cherokee Nation*, 153.

Tribe members' propensity to emphasize difference also stemmed from disdain for and fear of their Euro-American critics, whom they saw as hypocrites advocating allotment as a means to obtain Indian land. Tribal spokesmen scoffed at the argument that allotment would help Indians keep their precious land by converting the tribes' insecure tenancy into inviolable individual titles; they knew that elsewhere allotment had facilitated white access to Indian lands. The U.S. government "and especially the graspings of this American people after wealth," said a letter in the *Indian Chieftain*, "are opposed to, and . . . enemies to our present land tenure system—that is, all things in common." This perception, which was widespread, triggered a defensive reflex, prompting people with divergent interests to identify with each other as tribe members under white siege. Indians who might otherwise have tried harder to stop their own people from violating the principle of "all things in common" felt compelled to concentrate on fending off grasping Americans. They found themselves in uneasy alliance with some of the greatest land hogs, who took a prominent part in defending tribal ownership.⁵⁰

Proponents of allotment insisted that communal and private land tenure could not coexist.⁵¹ In effect, however, the Civilized Tribes were trying coexistence. The tribes' citizenry included people who zealously guarded private property and frowned on government restriction of gainful activity except to rein in the greediest individuals. But those citizens shared territory and political forums with people who lived by an economic model that included some communal labor and property sharing. Tribal landownership allowed conservative Creek towns, for instance, to maintain common animal herds as late as the 1890s. *Indian Chieftain* editors attested to the existence of the two economies in 1895 when they wrote, "The idea of free land is still dominate among the full-blood Indians, and wherever there is a settlement of that class the system is practically carried out and it is certain that if all the citizens of the tribe were full-bloods there would be no complaint of monopoly and would still be enough land for many generations to come."⁵²

Did coexistence and defensive alliances belie a fatal division within the Civilized Tribes, as the *Chieftain* editorial insinuated? Did unacquisitive Indians have as much to fear from fellow tribe members as from Euro-American champions of allotment? Was there insufficient open land by the 1890s to satisfy fullbloods' modest desires? The answers to those questions undoubtedly vary by tribe. Modern scholars have offered opposing answers, as did tribal citizens at the time.⁵³ But there is evidence that

⁵⁰ Cherokee by Blood, "Allotment," *Indian Chieftain* (Vinita), March 25, 1886; *Kansas City Star*, "Report on the Five Civilized Tribes, 1897," *Chronicles of Oklahoma*, 48 (Winter 1970–1971), 417, 427.

⁵¹ Francis Paul Prucha, *Americanizing the American Indians: Writings by the "Friends of the Indian," 1880–1900* (Cambridge, Mass., 1973), 80, 126. Ironically, the drive to end tribal landownership in the Indian Territory came during the decade when the United States began reserving land from sale to private parties, thus eventually preserving an extensive, federally owned domain. Paul W. Gates, "From Individualism to Collectivism in American Land Policy," in *The Jeffersonian Dream: Studies in the History of American Land Policy and Development*, ed. Allan G. Bogue and Margaret Beattie Bogue (Albuquerque, 1996), 97–120.

⁵² Editorial, *Indian Chieftain* (Vinita), Aug. 29, 1895.

⁵³ Hewes, *Occupying the Cherokee Country of Oklahoma*, 63; Graebner, "Public Land Policy of the Five Civilized Tribes," 117; W. P. Boudinot, "What Is Monopoly?," *Cherokee Advocate* (Tahlequah), July 27, 1892; "Monopoly," *ibid.*, July 6, 1892; "Letter of J. F. Brown," *Muskogee Phoenix*, May 31, 1894, clipping, John F. Brown Collection (Western History Collections); Advocate, "Allotment," *Indian Chieftain* (Vinita), Sept. 5, 1895;

fullbloods had not wholly despaired of their power to meet their needs under the existing tribal governments. At Senate hearings shortly after allotment was complete, several of them spoke resentfully about mixed-bloods who had fenced huge areas. But the speakers then conceded that they wanted very little land themselves and could not use the full acreage allotted to them. Years later, Indians reminiscing about the 1890s described a world where poor families still enjoyed access to ample free grass and cane for their stock, land for crops, and wild foods. Perhaps the clearest sign of the full-bloods' continuing devotion to their tribes' peculiar political economy is the vehemence with which they opposed allotment. Confounding the people who offered to help them reclaim the tribal estate from covetous countrymen, they resisted allotment by the hundreds not only after tribal officials had advised that allotment was inevitable but even after the Curtis Act had established it as federal law.⁵⁴

To explain such resistance to change and conversely to explain "progressive" behavior, people of various persuasions invoked the concept of race. From both sides of the Indian Territory boundary came voices declaring that the contrast in economic cultures reflected inherent or inherited differences between Indians and whites. The *Indian Chieftain* editorial of 1895 was typical in its equation of culture with ancestry, claiming that "full bloods" would not monopolize land because they were "a people . . . never so greedy as those of Anglo-Saxon mixture." Consider also a defense of communal landholding that the five tribes submitted to Congress in 1885: "The present secretary of the interior says, with literal truth . . . , that this system 'is with them a religion, as well as a law of property.' It is based upon peculiarities and necessities of the race, which cannot be ignored, without the gravest perils to the people." Two decades later Congress would hear from a stream of witnesses, both Indian and white, who protested allotment on the ground that "real Indians" did not respond to material incentives. "An Indian is not like a white man," the Cherokee fullblood Richard Glory testified, "I am one of them myself and I know. . . . An Indian don't hardly know what the value of land is. . . . they don't care for anything more than is sufficient to supply their simple needs."⁵⁵

Consequences of Emphasizing Difference

When the editors of the *Indian Chieftain* wrote that monopoly would not be a problem in a tribe composed entirely of unassertive fullbloods, they knew they were imag-

"'Too-Qua-Stee' on Monopoly"; "Message of L. C. Perryman," *Muskogee Phoenix*, April 12, 1894; interview with Pleasant Porter, *ibid.*, April 19, 1894; J. R. Trott to McKennon, July 13, 1895, box 51, Dawes Papers.

⁵⁴ Susan Gregory Powell interview, transcript, vol. 81, pp. 389–97, "Indian-Pioneer History Collection"; Nehka interview, 191–97; Baker interview, 157–58; U.S. Senate, *Five Civilized Tribes*, 59 Cong., 2 sess., Jan. 16, 1907, S. Rept. 5013, serials 5062–5063, pp. 101, 104, 107, 120, 624, 629; Debo, *And Still the Waters Run*, 53–58; C. J. Harris to "Dear Will," May 19, 1897, Thomas Ballenger Papers (Newberry Library); Isparhecher to Muskogee National Council, Aug. 24, 1897, Grayson Family Papers (Western History Collections); Mark K. Megehee, "Creek Nativism since 1865," *Chronicles of Oklahoma*, 56 (Fall 1978), 291. Fullbloods collaborated in the resistance across tribal lines. McKennon to Frank C. Armstrong, Aug. 24, 1897, box 52, Dawes Papers.

⁵⁵ Editorial, *Indian Chieftain* (Vinita), Aug. 29, 1895; *Objections of the Chickasaw, Choctaw, Seminole, Creek, and Cherokee Indians to the Bill for the organization of the Territory of Oklahoma*, (H.R. 315), pending in the House of Representatives of the United States, 1885 (microfiche) (State Historical Society of Wisconsin, Madison); U.S. Senate, *Five Civilized Tribes*, 114, 117, 323, 622, 629, 694.

ining the impossible. By 1895 the populations of the Civilized Tribes were irreversibly heterogeneous, and a potentially disruptive tension had developed between classes with contrasting economic philosophies. Many tribe members saw a need for public debate about their divergent values and about possible ways to resolve the tension. With their minds on the designs of land-hungry outsiders, however, they were more apt to say that the antagonism between Indian and white American principles of political economy was primary.

Most Euro-Americans, too, believed in a sharp dichotomy between Indian and American philosophies. That belief, reinforced by a zeal for private land and a tendency to conflate economic culture and race, was an insurmountable hurdle for the tribal spokesmen and their allies who sought respect for Indian property customs. Even well-intentioned non-Indians were deaf to the argument that the Civilized Tribes could foster economic individualism and democracy while holding land in their distinctive way.⁵⁶

The association of behavior with race also engendered among Euro-Americans a paradoxical attitude toward acquisitive tribe members. People who ostensibly wanted Indians to adopt progressive, enterprising ways were reluctant to say that the enterprise of rich Choctaws or Cherokees represented the desired change. Instead, because they considered private wealth a sign of civilization and Indians uncivilized, many Americans questioned whether enterprising tribal citizens were Indians at all. They often attributed the self-promoting materialism of some tribe members to white ancestry. Rather than confirming that Cherokee, Creek, Choctaw, Chickasaw, or Seminole Indians had earned the label “civilized,” the activities of tribal businessmen seemed to show that foreign elements had infiltrated and corrupted the tribes. (As noted, this reasoning had its counterpart in the tribes, especially among fullbloods and their champions.) Yet the people who nominated themselves to protect true Indians from “nearly white” impostors did not think it was contradictory to hope that true Indians would acquire an attribute supposedly characteristic of whites—a longing for property.

In other words, tribe members were damned if they did not get rich in the tribal system and damned if they did. When they stayed poor, Euro-Americans and some fellow tribe members construed their poverty as proof that they were backward Indians, unable to make the highest use of resources at their disposal. Envious people demanded a chance to exploit the “wasted” resources. But when tribe members did exploit tribal resources, they incurred suspicion and hostility both from Indians and from the Euro-Americans whose methods of economic development they had emulated. Critics cast doubt on their property rights by depicting them as pseudo-Indians who abused the naïveté and passivity of real Indians. This double bind made any tribal land management perilous. If the tribes strictly limited the acreage a person could improve (and if they expelled illegal intruders), some of their land would remain idle for years, which would give the United States a reason to declare it sur-

⁵⁶ Humanitarians were also confounded by enterprising Indians because the leading theory of social evolution posited that a civilized stage of development, with its concomitant individualism and prosperity, was impossible without private landownership. Hoxie, *Final Promise*, 18–29.

plus and assign it to non-Indians. On the other hand, if they let ambitious individuals occupy as much acreage as possible, the resulting “monopolies” would also furnish a rationale for reassigning tribal land.⁵⁷

In sum, by the 1890s Euro-American demands and domestic developments had combined to present a formidable challenge for the men who made economic policy in the Civilized Tribes. They wanted to foster material progress and retain the loyalty of enterprising tribe members by permitting and even promoting private land development, but they also wanted to preserve national solidarity and mollify less acquisitive members by maintaining a communal property system. To their chagrin, the United States did not wait to see whether the tribes could successfully do both. Indian leaders had long hoped that common landownership would ensure the tribes’ existence without precluding individual economic opportunity. In the end, rather than securing the tribes’ autonomy, common ownership doomed the tribal governments and their land. The strong association of common ownership with Indianness afforded American policy makers an excuse to do something they would not do for their own constituents: redistribute property.

Except for the rare radical or utopian, nineteenth-century Euro-Americans of all political stripes shied away from trying to prevent or correct inequities in their own society by reallocating vested property rights. They sharply differentiated equal opportunity to seek land, which was desirable, from enforced partition of the land into equal shares, which would be tyranny. Government could confiscate and reassign property acquired by illegal means; it could also take property for a public purpose if it compensated the owner. But the U.S. government had never seriously contemplated the wholesale reassignment of land titles to achieve economic parity in a non-Indian population.⁵⁸ Even Henry George and William Godwin Moody, often identified as advocates of equalization, denied that they would deprive people of vested property. Affirming the “sacredness of property,” George agreed with the statement of the lawyer David Dudley Field that “to take from one against his will that which he owns, and give it to another, would be a violation of that instinct of justice which God has implanted in the heart of every human being.” “In the complex civilization we have now attained,” George added, “it would be impossible to secure equality by giving to each a separate piece of land, or to maintain that equality even if once secured.” D. C. Duncan agreed; in 1906 he told congressmen that the allotment of Cherokee lands had forced him from an extensive improved tract onto a mere sixty-acre parcel. American citizens would not submit to such confiscation of

⁵⁷ If the tribes’ land management had lost integrity by the 1890s, the United States shares blame because it ignored tribal requests to remove the many American intruders on tribal land. Debo, *And Still the Waters Run*, 12; Debo, *Road to Disappearance*, 318; Debo, *Rise and Fall of the Choctaw Republic*, 182.

⁵⁸ Congress authorized the confiscation of lands in the South during the Civil War, but the president thwarted subsequent proposals to give freedmen and poor whites equitable shares of those lands. The Southern Homestead Act of 1866 did not mandate or achieve a general redistribution of land either. Edward Magdol, *A Right to the Land: Essays on the Freedmen’s Community* (Westport, 1977), 153–61. Beginning in the 1870s, lawmakers required railroad corporations to forfeit some land grants, but this reallocation differs substantially from tribal land allotment. Paul W. Gates, *History of Public Land Law Development* (Washington, 1968), 380–81, 455–57. Even in Oklahoma, where the United States came closest to “using the public lands to provide homes for actual settlers,” it did not divide land equally among applicants but staged a competitive land run. Gilbert C. Fite, *The Farmers’ Frontier, 1865–1900* (New York, 1966), 205, 209.

their property, he said: imagine the reaction if the government sent surveyors into Kansas, Colorado, or Connecticut to mark out sixty acres for each inhabitant.⁵⁹

In principle, as sole landowner, an Indian government was entitled to break up and reassign large holdings. But some tribe members argued that individual property rights were an impediment to redistribution even by the tribe, and arguments that the United States lacked authority to rearrange Indian landholdings were considerably stronger. U.S.-mandated allotment might involve the expropriation of improvements belonging to Indians who had occupied more than their allotted acreage, and it would certainly amount to the unilateral termination of corporate property rights without compensation. In 1885 tribal delegates told Congress, "If the white landowners of the United States should be compelled to surrender their titles in severalty, and to accept an ownership in common, the change would not be more offensive to them, than would be the compulsory substitution of ownership in severalty for ownership in common to these Indian tribes." This argument touched the consciences of senators on the Committee on Indian Affairs. The next year a committee majority wrote, "Legislation . . . that would change the nature or incidents of the title we have conveyed by patent to these Indian tribes, if within our constitutional powers, would not be wise or in accordance with our methods of dealing with our own people."⁶⁰

But to other lawmakers and observers in the United States, Indian property relations, whether they reflected inherent racial proclivities or stubborn habit, were un-American. Changing them by federal fiat was not a departure from hallowed American principles; it was an affirmation of American principles. The Women's National Indian Association, a Pennsylvania-based group of white reformers, conceded in an 1896 newsletter that some property rights would be "disturbed" when the federal government imposed a new legal order on Indian Territory tribes. "But," the authors explained, "the less interests, where a conflict cannot be avoided, must yield to the greater, the rights of the few to the needs of the whole number. . . . Our republic now stands before the world as a government covenanted to give equally to all under it." When Allan Hendricks asked in an 1896 essay, "Have we no right to equalize matters by giving to the poor Indian that of which he has been dispossessed, and taking from the rich that to which he is not entitled?" the question was a rhetorical one. Two years later the U.S. Congress did indeed lay plans to take land from the rich and give it to the poor of the Five Civilized Tribes. That, in essence, was the thrust of the Curtis Act, which authorized the division of the tribes' lands into parcels of equal value for all tribe members.⁶¹

⁵⁹ Henry George and David Dudley Field, "Land and Taxation: A Conversation," *North American Review*, 141 (July 1885), 10, 13; Moody, *Land and Labor in the United States*, 128, 134; U.S. Senate, *Five Civilized Tribes*, 185.

⁶⁰ *Objections of the Chickasaw, Choctaw, [et al.] . . . to the . . . organization of the Territory of Oklahoma*, 11; *Condition of the Indians in the Indian Territory, and other Reservations, etc.*, 49 Cong., 1 sess., June 4, 1886, S. Rept. 1278, serial 2362, p. xx.

⁶¹ *Indian's Friend*, 8 (Aug. 1896), 6; Hendricks, "Land of the Five Tribes"; Curtis Act, 30 Stat. 495–519 (1898). Separate agreements specified terms of allotment in each tribe. Prucha, *Great Father*, II, 754. Many big landholders manipulated the law to gain control of large tracts even after allotment. William E. Curtis, "New Era for Red Man," *Springfield Daily*, 1903, clipping, box 56, Dawes Papers.

Conclusion

The Civilized Tribes would have faced an ideological crisis by the 1890s even if American officials had not badgered them to allot their lands. Differences in tribe members' economic aspirations and competition for increasingly scarce land were key ingredients of the crisis. As any people would in such a situation—indeed, as Euro-Americans themselves did in the same period—Indians responded to their predicament in varied ways. Many crafted responses to suit their selfish economic and political interests. Strategies for personal gain or power mixed with genuine concern for the welfare of Indians whose ethos and experiences put them at a disadvantage vis-à-vis people on the make. But selfishness and hypocrisy did not diminish the importance of the issues Indians grappled with or the seriousness of their efforts to resolve them. Those efforts yielded tribal legislation and regulatory actions that were arguably as legitimate as contemporaneous U.S. government measures to curb the monopolization of the national domain.

Nevertheless, Euro-American leaders denied the legitimacy of the tribal acts. By effectively forcing the tribes to allot their lands, the federal government preempted the tribes' efforts to prevent monopoly on their own. Indians may have helped the United States to justify this preemption, not only by agreeing that their property principles were fundamentally different from American principles but also by suggesting that the difference reflected and catered to persistent Indian characteristics. Tribe members and Euro-Americans emphasized the antagonism between their respective political economies and linked that clash to perceived, elemental differences between Indians and whites. In so doing, they reinforced U.S. lawmakers' belief that Indians would become like other Americans only if subjected to extraordinary legal measures, unlike anything Americans would otherwise employ.

There remains the question whether the Civilized Tribes present a special case. The tribes' spokesmen and chroniclers have usually depicted their history as unique, distinguished especially by tribe members' early, strategic, and fruitful emulation of Euro-American economic and political culture.⁶² But were Cherokees, Choctaws, Creeks, Chickasaws, and Seminoles the only Indians of the Gilded Age who debated the merits of economic individualism and the relationship of property rules to Indian traits? Although space limitations and a paucity of historical studies make a full response impossible, readers deserve a brief answer.

The five tribes' underlying quandary—whether and how to reconcile the economic individualism of some members with the collectivist mores of others—was not unique. In all Indian tribes eventually, and in the majority by the 1880s, a portion of the people embraced economic practices introduced by non-Indians and thereby provoked both controversy with other members and doubts about their Indianness. The Civilized Tribes' ideological discourse is unusual primarily because of their high literacy rate and the consequent copious written record of members' views. Furthermore, Indian Territory was hardly the sole place where land allotment precip-

⁶² W. David Baird, "Are the Five Tribes of Oklahoma 'Real Indians?,'" *Western Historical Quarterly*, 21 (Spring 1990), 5–18.

itated intratribal debate about competing values. The subject begs for more investigation, but a few recent studies of Indians' responses to economic change elsewhere confirm that differing positions on allotment reflected conflicting ideological and cultural orientations. The studies suggest that it would be feasible and valuable to analyze discourse about economic culture even in tribal communities with skimpy written records of their discourse.⁶³

On the other hand, a central point of this essay follows from the feature that has seemed to set the Civilized Tribes apart—the extent to which tribe members emulated and resembled Euro-Americans by the late nineteenth century. Many Cherokees, Chickasaws, and Choctaws, some Creeks, and a few Seminoles were virtually indistinguishable from Euro-Americans on the basis of physical appearance or material, intellectual, and political culture. Yet neither they nor non-Indians inferred that tribal boundaries were unimportant. Rather, the effacement of some racial and cultural boundary markers apparently motivated people on both sides to highlight remaining markers. For tribe members as well as Euro-Americans, principles of political economy took on special importance in that differentiation. Yet even as commitment to the particular principle of communal landownership superseded race as a mark of Indian identity, it also suggested racial identity.

Wherever Indians were rethinking their economic principles in the late nineteenth century, they confronted dilemmas that grew from a tangle of Euro-American and indigenous roots. Large private estates in the Civilized Tribes had such roots. And the ideological soil that nourished those large Indian estates contained elements that also nourished land monopolies in the United States. But the Euro-Americans who regarded tribal landownership as a noxious weed and Indians who were determined to resist its eradication had little interest in testing their soils for common elements. They saw difference on the surface and probed no further. For historical and pragmatic reasons, they attributed paramount importance to one difference in their rules concerning property. They might instead have admitted that neither of them had devised a way to obviate the perils of economic individualism. By declining to admit this, they denied themselves an opportunity to learn from each other's efforts to reduce those perils.

Subsequently, conceptual blinders have limited historians' ability to see the opportunity for comparison that Gilded Age Americans missed. For much of the twentieth century, unwilling or unable to set aside the classification of Indians as exotic "others," non-Indian scholars were as unlikely as their subjects to focus on similarities in Indians' and non-Indians' experiences and concerns. They assumed that Indians' history required separate analysis. Except as necessary to recount non-Indians' conquest of the continent, historians largely left the subject of Indians to ethnologists, who made it their mission to describe exotic societies in a timeless, distant past. Neither ethnologists nor historians showed much interest in Indians whose aboriginal culture

⁶³ Melissa Meyer, *The White Earth Tragedy: Ethnicity and Dispossession at a Minnesota Anishinaabe Reservation, 1889–1920* (Lincoln, 1994); Brian C. Hosmer, *American Indians in the Marketplace: Persistence and Innovation among the Menominees and Metlaktatans, 1870–1921* (Lawrence, 1999); David Rich Lewis, "Reservation Leadership and the Progressive-Traditional Dichotomy," *Ethnohistory*, 28 (Winter 1991), 124–48.

had changed as a result of contact with non-Indians, on the assumption that such change amounted to a loss of Indianness. Although the past fifty years have brought an end to the segregation of ethnology and history, a recognition of Indians' historical agency, and even a few studies that historicize the category "Indian," the notion that Indians are radically other still has academic adherents. One of the best known, the historian Calvin Martin, has accused his colleagues of "colonizing" Indians' minds by disregarding the difference between European and Indian "thought-worlds." The only way to write authentic histories of Indians, Martin argues, is to "get out of history, as we know it." Cogent counterarguments have not deterred efforts by other scholars, including some who are Indian, to redraw intellectual boundaries by asserting Indians' essential difference from non-Indians.⁶⁴

But in an important sense, difference is in the eye of the beholder, and beholders see through lenses shaped by their own societies' histories. It is our task as historians to document and explain the perceptions of people in the past without letting those perceptions define our field of vision. Too often, when deciding whether and how to tell Indians' stories, scholars have unwittingly allowed their subjects' categories to determine their own analytical framework. Instead, we must frame our studies independently and imaginatively, looking from all possible angles for the causes of Indians' separate classification and looking for changes in those causes over time. We must explain how and why people in the past defined differences, not unthinkingly adopt their definitions. To provide such an explanation is to describe a process of comparison and bilateral boundary demarcation. Although we cannot do this for Indians without integrating their stories into a larger, multicultural history (which will unavoidably take a historiographical approach that owes little or nothing to aboriginal traditions), integration is not equivalent to denying Indians' distinct and historically different sensibilities. In fact, as this essay suggests, by looking past the distinctions our subjects drew, and particularly by looking for experiences that Indians and non-Indians shared, we may gain a clearer, fuller view of the reasons that distinctions between Indians and non-Indians have persisted.

⁶⁴ Calvin Martin, *The American Indian and the Problem of History* (New York, 1987), 6, 27; Melissa L. Meyer and Kerwin Lee Klein, "Native American Studies and the End of Ethnohistory," in *Studying Native America: Problems and Prospects*, ed. Russell Thornton (Madison, 1998), 182–216; Richard White, "Using the Past: History and Native American Studies," *ibid.*, 217–43; Joy Porter, "Imagining Indians: Differing Perspectives on Native American History," in *The State of U.S. History*, ed. Melvyn Stokes (Oxford, 2002), 347–66.