Chief Pleasant Porter: Preeminent Mediator of Creek and American Worlds

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ABSTRACT

In a distinguished public service career spanning over 40 years, Pleasant Porter provided adept leadership during a period of immense transformation for the Creek Nation. As a progressive Native American political leader living on the the shifting political sands of the 19th century Indian Territory frontier, Porter's life fits within framework of a cultural broker. A cultural broker is best understood as a leader who bridges the cultural chasm separating two distinct political entities. With a bicultural education and Indian background, Porter spent his time in Creek public service vigorously advocating for the interest of the Creek Nation in their relationship with the U.S. government. Moreover, Porter proactively advocated for a series of unique policy proposals distinct from both the coercive U.S. government and recalcitrant Creek traditionalist faction. After the Dawes Commission continued to strip the sovereignty and citizenship rights from a Creek government wholly rejecting negotiation, Porter launched a successful campaign for Creek Principal Chief in 1899 with the understanding that the Creeks must sign a treaty and protect their rights. During his time as Creek Principal Chief, Porter dealt with the Crazy Snake uprising led by Chitto Harjo threatening his status as Principal Chief and future allotment negotiation efforts. Expanding his political activism efforts, Porter spearheaded the charge for the creation of a state comprising the former lands of the Five Tribes in the wake of the impending divesture of Five Tribes governments by the U.S. government. These efforts culminated in Porter's service as President of the Sequoyah Constitutional Convention, a Native American led statehood convention in 1905. Although the Sequoyah Constitution plan did not receive acceptance in the U.S. Congress, this movement endures as the most significant attempt at proactive Native American statecraft in U.S. History. This thesis seeks to unravel the motivations and significance of Chief Porter's Native American political activism.

On October 2, 1900 newly elected Creek Principal Chief Pleasant Porter concluded his annual address to the Creek National Council with a bold affirmation that "The vitality of our race still persists. We have not lived for naught."[1] In the seminal speech of his distinguished political career, Porter addressed the concerns and path forward of a race, nation, and culture facing an unprecedented crisis at the dawn of the twentieth century. The defining moment of Porter's life, as for so many citizens of the Five Tribes, came in his response to treaty negotiations with the Dawes Commission and erosion of tribal sovereignty under the Curtis Act. While prior Creek leadership forestalled treating with the U.S., Porter asserted that the present situation demanded the Creeks arrange the best possible terms for a treaty. As the leading Creek diplomat in Washington D. C. and a successful Indian Territory businessman, Porter had long sought to understand the ramifications of cultural change by his 1899 election as Creek Principal Chief. While his contemporary political counterpart Chitto Harjo (Crazy Snake) is often remembered as a hero for his leadership of the Snake Rebellion, Pleasant Porter remains either forgotten or characterized as a traitor to the Creek Nation by favoring allotment. Yet this representation of Porter, a two term Principal Chief of the Creek Nation, as a puppet of the U.S. government fails to incorporate his deep, personal struggle to navigate the contours of Creek identity and political power in an evolving landscape.

Alongside his service to the Creek Nation, Chief Porter stands out as the only Native American to serve as president of a prospective state constitutional convention. In his time, Porter was known as the preeminent Native American statesman, eventually spearheading the 1905 Indian led attempt to create the independent State of Sequoyah comprising the Five Tribes

[1] "Message of Pleasant Porter to the Members of the House of Kings and House of Warriors in National Council Assembled," October 2, 1899, *Oklahoma Historical Society* #35664.

land in Eastern Indian Territory. Throughout his life, Porter utilized his bicultural background and fluency with both Creek and U.S. government structures and intentions as a cultural broker on behalf of the Creek Nation. According to historian Margaret Szasz, the notion of a Native American cultural broker defines a character deeply engaged with the friction at the crossroads of two disparate cultures.[2] Moreover, by advocating for a distinct set of policies at odds with both U.S. and traditionalist Creek intentions, this analysis of Chief Porter deepens our understanding of cultural identity and leadership in Native American history. This thesis, based on a wealth of Creek Nation documents and Indian Territory speeches and news articles from Porter's life, serves as one of the only historical inquiries into the motivations of this complex Native American leader. Thus, in his longstanding service as Creek diplomat, Principal Chief, and later President of the Sequoyah Constitutional Convention, Pleasant Porter embodied the evolving identity of a Native American cultural broker through his desire to reshape power relations, allotment terms, and statehood formation to counter the coercive U.S. government.

No leader of any political entity remains alienated from the unique cultural framework and history of their nation. This is certainly true for Pleasant Porter and the Muskogee-Creek Indians.[3] To label the Creeks as a nation at the beginning of the nineteenth century would be a misnomer. In reality, the mostly autonomous town sites and peoples in present day Alabama and Georgia resembled a confederacy more so than a nation. Nevertheless, the Creeks shared a very loose military pact, farming culture, and fertile agricultural production area in the southeastern U.S. Geopolitically, the Creek confederacy divided upon Upper Creek towns in Alabama along the Coosa and Alabama Rivers and Lower Creek towns in Georgia near the Chattahoochee

[2] Margaret Szasz, *Between Indian and White Worlds* (Norman: University of Oklahoma Press, 2001), 6.
[3] Note – In this thesis I primarily utilize the term "Creek" to describe the Muskogee- Creek Nation for the sake of continuity. These two identifying terms are utilized interchangeably by the tribe today.

River.[4] As for language, the Upper and Lower spoke within the Muscogee language family, practicing a variety of different dialects in the various Creek towns. The expansion of the United States into the southeast beginning in the colonial period quickly brought Creek Indians into contact with American traders and settlers. Seeking the friendship as well as personal advancement afforded by positive interactions with the tribe, many American males entered into marriages with Muscogee women. These relationships, especially prominent within the Lower Creek towns, and the subsequent offspring challenged the boundaries of Creek identity to include a broader definition of tribal citizenship.

At the same time, the Creek loss of land combined with U.S. government claims to sovereignty in the early nineteenth century exacerbated sectional divisions between the Northern and Southern factions leading to the Creek War of 1814-15. The Red Stick war left the loosely defined Creek Confederacy in shreds, as the U.S., led by the bellicose war general and future President Andrew Jackson, ceased the power vacuum in the aggressive acquisition of land. John Porter, the paternal grandfather of Pleasant Porter, fought with Andrew Jackson in Jackson's ruthless campaign to exterminate the Creeks in Alabama, but Captain Porter wholeheartedly objected to the violence by Jackson and other bellicose U.S. soldiers. Eventually, Captain Porter succeeded in his efforts to mediate between the two parties with a peaceful cessation of violence between the Creeks and the U.S., earning the eternal friendship of Creek Leaders.[5] The Creeks extended Captain Porter a formal offer of membership to live within the confederacy for his efforts, which he accepted and ultimately spent the rest of his life in Lower Creek society.[6] This

[4] Kathleen Duvall, *Independence Lost: Lives on the Edge of the American Revolution (*New York: Random House, 2015), 25.
[5] John Bartlett Meserve, "Pleasant Porter," *Chronicles of Oklahoma*, Vol 9, No.3, 1931: 320.
[6] Meserve, "Pleasant Porter," 320.

designation of tribal membership provided a powerful tool for the Creeks to reward benevolent Americans loyal to the Creek cause.

While John Porter sought to find the best interest for the Creek Confederacy as a faithful mediator, the U.S. government, spurred on by land hungry settlers, refused to acknowledge the rightful existence of the tribe. After the Red Stick War, the U.S. government pursued a policy for the removal of the Creek Indians, along with the four other southeastern U.S. tribes, from their ancestral homeland in Alabama and Georgia to the American West. As historian Grant Foreman points out in his book *Indian Removal: The Emigration of the Five Civilized Tribes of Indians,* social dissolution among the Creek Indians manifest itself in many different forms in the period after the Red Stick War.[7] Foreman highlights that the Creeks were often "evicted by fraudulent purchasers" or subject to a variety of other forms of chicanery at the hands of scheming U.S. citizens robbing them of their money.[8]

In the process of removal, many of the Lower Creeks reluctantly assented to removal treaties and moved west to what would soon become Indian Territory with the promise of large swaths of land and guarantees from the U.S. such as "Nor shall any State or Territory ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves."[9] Other Creeks, meanwhile, rejected U.S. treaties and violently attacked their fellow tribe members who signed on to them. Thus, roughly two factions of Creeks bitterly, and often violently, divided upon the prominent question defining the political structure of their generation as well as subsequent generations to come. Porter's maternal grandfather Benjamin Perryman, a

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[7] Grant Foreman, *Indian removal: The emigration of the five civilized tribes of Indians* (Vol. 2), (Norman, University of Oklahoma Press, 1953), 141.
[8] Foreman, 141.
[9] Treaty with the Creek Indians, Article 14, 1832. https://americanindian.si.edu/nk360/removal-muscogee/transcription-creek-treaty.html

Lower Creek town leader and diplomat, formed part of the central core of Lower Creeks under famous Creek town leader William Mcintosh that proactively negotiated with the U.S. to move to Indian Territory.[10] Likewise, John Porter, Pleasant Porter's paternal grandfather, moved with the Lower Creeks to Indian Territory settling in the fertile Arkansas River valley in the northeastern part of the new Creek territory.[11] By 1836, the forceful hand of the U.S. government, backed by the Indian Removal Act of 1832, led most of the other Upper Creeks to join the Lower Creeks in Indian Territory.

Pleasant Porter entered the world on September 28, 1840 as the product of a marriage between Benjamin Porter and Phoebe Tustunnuggee.[12] Benjamin Porter, the son of Creek mediator John Porter, moved with his father to Indian Territory and integrated into Creek society. Growing up, the Porter family lived on and operated a plantation in Clarksville, Indian Territory at the heart of the newly reconfigured Lower Creek settlement after removal. This plantation depended on the labor of a small number of African-Americans bound to servitude. In the Creek matrilineal society, Phoebe Porter's status as a Creek citizen and distinguished membership within the Bird Clan conferred a distinguished Creek identity on her son.[13] Phoebe Porter, the daughter of Tahlopee Tustunnuggee and Lydia Perryman, likewise moved to Indian Territory from the former Lower Creek settlement before marrying Benjamin Porter.[14] During his childhood, Porter received the Creek name Talof Harjo, or Crazy Bear, as a mark of status within the Creek Nation.[15] The intersection and acceptance of former Americans into Creek

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[10] Meserve, "Pleasant Porter," 322.
[11] Michael D Green, "Porter, Pleasant (26 September 1840–03 September 1907), Creek Chief," *American National Biography,* 1 Feb. 2000.
[12] Meserve, 322.
[13] Meserve, 322.
[14] Dianna Everett, "Porter, Pleasant," *The Encyclopedia of Oklahoma History and Culture*.
[15] Meserve, 322.

society challenged the notion of Creek identity to include the products of intermarriage such as Pleasant Porter. Moreover, the notion of blood quantum as a prerequisite for tribal membership, a later invention of the Dawes Commission and U.S. Government, held no meaning for the Creek Indians in this time. Rather, tribal membership operated through a socially constructed understanding of acceptance by the tribe.

Through his early education at Tullahassee Presbyterian Mission School, Porter attained a bicultural fluency in U.S. and Creek affairs that prepared him to succeed in the new home for the Creeks in Indian Territory.[16] In 1850, the Creek Council partnered with the Presbyterian Church to build and sponsor the Tullahassee Mission school in Muskogee, Indian Territory as a three story educational facility hosting up to 80 Creek students. Contrary to common historical understanding of Native American mission schools existing to extract Indian identity, the Creek Council sponsored educational institutions such as the Tullahassee Mission in order to unite children under the Muskogee language and prepare them for success in their new home environment.[17] Because of this educational background, Porter could speak and interact within the localized Creek society with its formal traditions and customs while also immersing himself in the broader American political environment and religious doctrine of the Presbyterianism. Porter's educational background from the Tullahassee Mission school served as the bedrock for his distinguished career in public service for the Creek Nation.

After completing his education, Porter became embroiled in the events of the U.S. Civil War. Porter's father John passed away shortly before the commencement of the Civil War, so the young Porter embarked upon a turbulent political time without paternal guidance. The hostilities

[16] Meserve, 322.
[17] Rowan Faye Steineker, "Fully Equal to that of any Children": Experimental Creek Education in the Antebellum Era," *History of Education Quarterly* 56, no. 2 (2016): 273.

between the Union and the Confederacy soon tore open age-old cleavages within Creek society leading to a violent internal four-year struggle ravaging Indian Territory. The pre-removal political factions mainly divided Creek loyalty in the Civil War, as Lower Creeks joined forces with the Confederate Army while Upper Creeks stayed with the Union. Factional differences likewise divided Civil War loyalties for other Indian Territory tribes, as the Choctaws and Chickasaws largely supported the Confederacy while support among the Cherokees and Seminoles split between the North and South. Early in the war, Porter enlisted as a private in the Creek infantry of the Confederate Army. The acceptance of antebellum plantation lifestyle and hostility towards the United States government served as the primary motivating factors for factional support of the Confederacy among the Lower Creek faction in Indian Territory, such as Porter. Confederate Commissioner for Native American affairs Albert Pike further engendered support for the Confederacy by promising enhanced freedoms and protection of land rights in treaty negotiations with the Five Tribes.[18]

On the other hand, Chief Opothleyhola, a slaveholding Creek rejecting the 1861 alliance with the Confederacy, formed a Unionist faction of Creeks, mainly comprised of former Upper Creeks. Opothleyhola's band of over 3,500 Creeks migrated North to Kansas and engaged in several encounters with Confederate Creeks and other Native Americans throughout Indian Territory and Kansas.[19] The Civil War in Indian Territory took on a particularly violent and vengeful tone, as historian John J. Dwyer described the struggle as a "desperate and brutal bloodletting" where longstanding factional grievances motivated the fighting.[20] As the war went on, Porter moved up through the leadership chain to earn the title of 1st Lieutenant in the Creek

[18] John J. Dwyer, *The Oklahomans: The Story of Oklahoma and Its People,* (Norman: Red River Press, 2016), 118.
[19] Dwyer, 123.
[20] Dwyer, 123.

infantry.[21] According to legendary Native American Confederate general Stand Watie, Porter provided adept leadership in the successful capture of seven Union soldiers in the Battle of Flat Rock Creek in 1864.[22] But, by the end of the war the Union Army and the Unionist faction of Creeks prevailed over their Confederate counterparts and the nation set about the difficult process of reconciliation. Porter entered the Civil War as an unknown wide eyed 21-year-old private and emerged with a reputation as a fierce fighter and excellent leader of men by the end of the Civil War.

In the wake of the Confederate loss, the Northern and Southern Creek factions returned home to rebuild the destroyed nation. The U.S. government entered into a peace treaty with the losing Creek faction in 1866 whereby the Creeks ceded over one half of their land in Indian Territory, authorized railroad construction, and conferred citizenship for former slaves.[23] The provision authorizing the construction of railroads in the Creek treaty became the primary vehicle for the intrusion of settlers into Indian Territory. In 1867, the Creeks drafted their first formalized constitution with elected offices of Principal Chief and a bicameral legislature composed of a House of Kings and a House of Warriors.[24] This constitution codified the longstanding Creek belief that acceptance of membership by the tribe constituted citizenship in the requirement that only "acknowledged citizens" could hold public offices.[25] In the next fifty years, Pleasant Porter interacted with nearly every structure and position of government enshrined under the Creek Constitution of 1867. While this constitution went a long way toward

[21] "List of Civil War Officers, June 1862- Oct 13, 1865," Oklahoma Historical Society (OHS) Creek Nation Tribal Records (CRN), roll 6.
[22] Baird, *A Creek Warrior, 134.*
[23] Treaty with the Creek Indians, June 14, 1866 Article II & Article III.
[24] Creek Constitution of 1867, Articles I and II.
[25] A. P. McKellop, *Constitution and Laws of the Creek Nation,* (F. C. Hubbard, Muskogee, Indian Territory, 1893), 14.

uniting the heretofore localized Creek identity into a formalized Creek Nation, the maintenance of this unity proved daunting.

The Creek political landscape during Pleasant Porter's lifetime primarily divided on three factions of Constitutionalist (also known as progressives), anti-Constitutionalist (traditionalist), and the oft maligned status of freedman. Those within the Constitutionalist faction, such as Porter, more frequently came from the product of intermarriages between Creeks and Americans compared to the exclusively Creek marriage structure existing in the traditionalist ranks. But these political divisions extended beyond the mere pale of blood quantum to underlie Creek identities demarcating differences in lifestyle, geographic location, political affiliation, and perspective on what was best for the Creek people.[26] Creek Constitutionalist, the faction known for their support of the 1867 Creek Constitution, advocated for their nation's sovereignty through modernizing institutions and nationalizing political practices to counteract the Anglo-American world.[27]

On the other hand, Creek traditionalists or anti-Constitutionalist, Isparhecher, Chitto Harjo, and others, led the effort to rein in cultural transformation in order to protect an autonomous Creek identity. Freedmen, or Creek freed slaves, stood at the bottom of the social hierarchy, facing both internal and external discrimination in Indian Territory. The division between these progressive and traditionalist Creeks largely reflected pre-removal geographic alliances, with Lower Creek families such as Porter's aligned as progressives and Upper Creek families favoring the traditionalist political affiliation and rebuffing efforts at cultural

[26] Mary Jane Warde, *George Washington Grayson and the Creek Nation 1843-1920,* (Norman, University of Oklahoma Press, 1999), *x.*
[27] Warde, *George Washington Grayson*, 86.

transformation.[28] Creek settlement in Indian Territory generally reflected political and former affiliation in that the Lower Creeks settled along the Canadian River and western portion of Creek territory while the Upper Creeks lived along the Cimarron and Deep Fork Rivers toward the East in more remote areas. These settlement demarcations dividing Creek society continued through Pleasant Porter's lifetime.

While Creek factions and political affiliations largely mirrored the political landscape within the Five Tribes, Creek divisions engendered far more violent efforts to unseat the governing party. After losing the Creek election of 1871 to Constitutionalist Samuel Checote, the longstanding leader of the anti-Constitutionalist known as Sands and his band of traditionalist followers threatened open sedition to the young Creek government. In the 1871 Sands Rebellion, Chief Checote and the Creek government requested Porter's services in commanding the Creek Lighthorse regiment to halt the rebellion. Porter and his Creek Lighthorsemen successfully put down the rebellion without any blood loss.[29] In the next election in 1875, the Creeks elected Lachar Haijo, a traditionalist, but he was soon impeached by the partisan Creek Congress filled with Constitutionalist Checote supporters, including Porter. When Lachar Haijo's followers subsequently threatened to undermine the Creek government, Porter intervened once more on behalf of the Constitutionalist Creeks by commanding the Creek Lighthorse to peacefully quell this attempted uprising. These efforts identified Porter as a polarizing political figure strongly entrenched within the Creek Constitutionalist faction.

In the early 1880s, the Creek traditionalist faction renewed their attempts to unseat progressive Creek leadership. The faction centered on Isparhecher, a staunch traditionalist Creek

[28] David W Baird and Danney Gobble. *Oklahoma: A History. (*Norman, University of Oklahoma Press, 2008), 164.
[29] Creek-Light Horse, Documents 31501-31514, Jan. 9, 1868 - Dec. 12, 1872 OHS CRN roll 37

judge from Nuyaka, Indian Territory who rejected the Creek Constitutional structure of 1867 and openly advocated for the dissolution of progressive Creek governance, as the new leader of the movement. In response to his actions, the Creek legislature accused Isparhecher of "sedition" and removed him from his judicial post. According to early Creek historian John Bartlett Meserve, the galvanizing leader Isparhecher then traveled within the Creek Territory gathering dissidents and providing munitions to prepare for a takeover of Creek government in late 1880.[30] Isparhecher even drew in the Cherokee traditionalist Sleeping Rabbit and other traditionalist Native Americans across Indian Territory in his emerging quasi-government with over 350 followers.[31] In what became known as the Green Peach War, a name denoting that the conflict began during early peach growing season, a faction of dissatisfied Creeks and other Native Americans under Isparhecher attempted to overthrow the existing Creek government.[32] Early in 1881, Chief Samuel Checote called out the Creek Lighthorse to intercept Isparhecher and his followers as they attempted to execute a raid. The revolt turned violent in 1882 when Isparhecher's followers killed two Creek Litehorsemen in response to the imprisonment of one of their members. Soon thereafter, Checote requested that Porter return from his Creek diplomatic service in Washington D.C. to put down this serious rebellion.

In early 1883, Creek Principal Chief Samuel Checote placed Porter in charge of a Creek military force numbering over 700 citizens. The federal government soon mustered a peacekeeping force in Indian Territory to stymie this emerging conflict. Several small skirmishes and battles ensued between the warring factions, as Isparhecher's forces moved throughout

[30] Meserve, "Pleasant Porter," 59.
[31] Jonita Mullins, "Three Rivers History: Growing season gave Green Peach War its name," *Muskogee Phoenix,* Muskogee, Oklahoma, 4 August 2013.
[32]Creek-Light Horse, Documents 31515-32287, Sep. 18, 1871 - Oct. 27, 1900 OHS CRN roll 38.

Indian Territory avoiding capture. Principal Chief Checote mobilized Porter and his forces to pursue the Isparhecher's dissidents into the Sac & Fox Nation in Indian Territory. Porter successfully surrounded Isparhecher's forces, but objections from the Sac & Fox to a war on their soil allowed for them to avoid capture. When Isparhecher, Sleeping Rabbit, and a host of other insurgent leaders later tried to conduct a secret meeting in Muskogee, Porter found out and moved his forces to capture the men. The federal government imprisoned many of Isparhecher's followers at the U.S. Army Indian Territory camp Fort Gibson for their seditious actions while others, such as Sleeping Rabbit, ended up murdered in a period defined by violent retributive justice. Historian Angie Debo, offering the most exhaustive historical account of this conflict, opined that "The disorder had encouraged assassinations and both sides had been guilty of wanton pillage."[33] The federal government entered to mediate an end to the armed conflict in late 1883. However, the disputed results of the ensuing 1883 election between Isparhecher and progressive candidate Joseph Perryman, who eventually served as Creek Principal Chief, offered little hope of long-term reconciliation between the two parties.

After the Green Peach War, Pleasant Porter earned the distinctive of "General," a title that stood next to his name for the rest of his life.[34] Newspapers throughout Indian Territory and the U.S. referred to Porter by the title "Gen" to honor his service in the Green Peach War. Even during his later service as Creek Principal Chief and President of the Sequoyah Constitutional convention, the majority of newspapers demarcated the elevated status of Porter by the title "Gen" and not his other political roles. His efforts at quelling these series of rebellions in the 1870s and 1880 s and holding the nation together, while certainly loathed by the traditionalist

[33] Angie Debo, *The Road to Disappearance,* (Norman, University of Oklahoma Press, 1941), 281.
[34] *The Indian Journal*, Eufaula and Muskogee, Indian Territory, 22 Feb 1883, p.4.

sects, merited considerable acclaim within the ranks of the progressive Creeks. On the other hand, Porter earned a definite political opponent in Isparhecher, whom he would later battle for the Creek Principal Chief role in the 1890s.

To mediate the large scale cultural and linguistic barriers between the Creek and U.S., the Creek government requested the services of their well-educated citizenry for diplomatic roles. Porter took up the call for public service early and often in his career. Porter's contemporary peer G. W. Grayson offered in his autobiography that "Porter and I were worked in this way more than anyone else." [35] Grayson's autobiography, while primarily focused on his services for the Confederacy in the Civil War, offers the most complete piece of biographical information on the life of a late nineteenth century Creek cultural broker. Grayson identified the motivating factor for a lifelong career across a wide array of Creek public service roles (treasurer, diplomatic delegate, translator) as a profound sense of personal duty and loyalty to his nation.[36] These sentiments likewise motivated Porter to enter public service roles where he would help to bridge the divide between Creek and American worlds. Porter's diplomatic service included at least ten stints in which he served as a Creek national delegate in Washington. D.C., advocating for tribal interest.

Back home in the Creek Nation, Porter spent over 15 years of his early career as an elected representative in both the Creek House of Warriors and the House of Kings. Under the 1867 Creek Constitution, each of the forty-seven Creek towns in Indian Territory sent one representative to the House of Kings, or upper house, and between one to three representatives to the House of Warriors, the lower house. Porter's town district consistently elected him as a

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[35] David W. Baird, A *Creek Warrior for the Confederacy: The Autobiography of Chief G.W. Grayson* (Norman: University of Oklahoma Press, 1988), 126.
[36] Baird, *A Creek Warrior,* 155.

faithful public servant for Creek national affairs. Porter presided over the House of Kings as president for the sessions from 1878-1883 while balancing his duties as a national delegate in Washington D.C.[37] In his leadership within the Creek congressional bodies, Porter helped manage the legislative process for a variety of bills regarding annual budgets, allocation of resources, protection of the Creek Nation, cattle grazing rights, and tribal relationship with neighboring tribes as well as the U.S. government. Porter invested his time, talents, and resources in service of the Creek government through these public service roles.

Outside of his active involvement with Creek Government, Pleasant Porter amassed an immense personal fortune through successful cattle ranching and business enterprises. As his first business venture, Porter opened up a general store in Okmulgee where he sold an assortment of goods to Creek citizens. In this venture, he capitalized on the growing demand for outside goods from across the U.S. within the Creek nation. Then, beginning in 1871, the Creek National Council authorized seasonal cattle grazing on the communally shared land within the nation.[38] The grazing fee of five cents per acre provided key revenue for the Creek government, which helped to pay for public works projects such as new sandstone Creek Nation capitol in Okmulgee completed in 1878.[39] Porter quickly took up the profitable cattle grazing enterprise and exploited the Creek common land for cattle grazing before shipping the cattle to market. Creek ranchers, such as Porter, purchased longhorn cattle from Texas in the spring, drove them to Creek Territory, fattened them through the summer on the abundant bluestem grass, and then shipped

[37] Meserve, "Pleasant Porter," *325.*
[38] "A Bill Enacted By the Creek Council to Provide for the Grazing of Texas Cattle in their Nation for this Season," March 20, 1871, OHS CRN 42.
[39]Baird and Gobble, *Oklahoma,* 116.

the cattle on trains for sale in the early fall. In this manner, Porter and other Creek citizens played an integral role in the emerging worldwide beef supply chain.

Throughout the late nineteenth century, thousands of cattle bearing Pleasant Porter's distinct brand with double triangles on the body and a "P" on the ear grazed on the Creek Nation land.[40] Later on in 1892, Porter admitted in an interview that the Creek system of communal land ownership provided him with an unparalleled opportunity to graze his cattle on a chunk of land far outstripping any individual share he would otherwise hold.[41] Porter maintained an unwavering belief in the benefits of cattle grazing, as he helped to form the Muskogee and Seminole Livestock Association in 1884. This association divided the Creek Nation into 11 roundup districts and helped facilitate the transport of cattle to Eastern markets.[42] Porter served as president of the Muskogee and Seminole Livestock Association and traveled to Washington D.C. and St. Louis to lobby on behalf of cattlemen.[43] His active involvement within the cattle industry defies the traditional stereotype of Native Americans alienated from American business operations and lifestyle, yet Porter interacted and succeeded to an unprecedented degree as a Native American cattleman within Indian territory. By the time he passed away in 1907, Porter held an estate worth well over $100,000 (1905 figures), and much of this wealth came from his early cattle enterprise.[44]

While cattle drives afforded some Creek citizens financial opportunity, they likewise precipitated large-scale railroad development and the entrance of land hungry U.S. citizens

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[40] "P. Porter, Brand on both sides, jaw the same," *The Indian Champion,* Atoka, I.T. 12 July 1884, 3.
[41] "Letter of Pleasant Porter to Isparhecher," *The Purcell Register,* Purcell, I.T., 26 June 1891.
[42] Debo, *The Road to Disappearance,* 286.
[43] "Notice!" (Pleasant Porter mentioned as President of Livestock Association), *The Indian Journal,* Eufaula, I.T. 04 March 1886, p.5.
[44] "Porter is Dead," *The Elmore Democrat,* Elmore, Oklahoma Territory, 12 September 1907, p.1.

challenging Creek sovereignty. A confluence of factors precipitated the federal governments large scale intrusion into Native American sovereignty in Indian Territory at the end of the nineteenth century, but the ramifications from railroad development are largely cited by the leading historians as the integral factor to the erosion of tribal sovereignty. The Saint Louis and Pacific Railroad laid tract to a station in the Red Fork district of the Creek territory in the 1880s, which historian Angie Debo labeled as the "most important shipping point in the territory.[45] Other train tracks crisscrossed through the Creek towns of Tulsa, Wagoner, Muskogee, and Eufaula, as white squatters poured in to claim railroad right of way land and financial opportunity. While on Creek diplomatic duties in Washington D. C., G. W. Grayson cites that Creek delegates, which include Porter, spent a large portion of their time defending tribal rights from greedy railroad companies looking to violate federal Indian treaties.[46]

The emerging situation beginning in the late 1880s of illegal settlers taking Creek land differs sharply from the situation that brought Pleasant Porters white ancestors into Creek society in that Porters' ancestors formally entered into Creek society through trade relationships and intermarriage. Meanwhile, the Indian Territory squatters of the 1880s and 1890s had little interest in entering into Creek society and primarily exploited the patchwork federal and tribal sovereignty system in Indian Territory at the larger expense of the tribe. Indian Territory, and specifically the Creek Nation, soon became a haven for outlaws, crooks, and criminals looking to avoid the purview of the federal government. Outlaws such as Belle Starr, Cherokee Bill, the Doolin-Dalton Gang, and the Buck Gang roamed the Indian Territory and Creek Nation landscape. These criminals threatened the stability and sovereignty of the Creek government, as

[45] Debo, *The Road to Disappearance,* 286.
[46] Grayson, *A Creek Warrior,* 158.

they held no respect for the customs and rules of the nation and engaged in pillaging. The federal government utilized the U.S. District Court at Fort Smith, Arkansas to extend the jurisdictional reach of law enforcement into the heart of Indian Territory to combat the rampant spread of lawlessness. Beginning in 1875, federal Judge Isaac Parker managed the criminal activities of Indian Territory with the help of over 200 U.S. Marshalls.[47] Considerable consternation between the jurisdictional reach of the Creek Lighthorse and courts and the federal government complicated the long-term prospect of sovereign governance in the Creek nation.

While the Five Tribes avoided the allotment negotiations of the 1887 Dawes Act, the pressure of increased, often illegal, settlement in Indian Territory conferred an impending desire on behalf of the U.S. government to restructure the Five Tribes land policy. On the sparsely populated western half of Indian Territory occupied by the plain's tribes, the unyielding clamor for available land by whites led to the formation of Oklahoma Territory 1889 and the sale of the part of the unused western creek land by the Creek government. In the negotiating process for the sale, the U.S. government provided little other option for the Creek government to avoid this sale. The call for statehood for both Oklahoma and Indian Territory quickly erupted as the central political issue based on the explosion in non-Indian settlement. According to the 1890 U.S. Census, at least 44% of the population, or 7,918 persons, within Creek territory comprised of "Other races" compared to the 9,999 marked under the classification of "Indian."[48] While divisions over the statehood process and slavery question are often remembered as one of the principal factors leading to the U.S. Civil War, the same type of partisan political debate characterized the statehood process for the American southwest. Further complicating the

[47] Dwyer, *The Oklahomans,* 237.
[48] Department of the Interior U.S. Census Office, *Extra Census Bulletin, The Five Civilized Tribes of the Indian Territory* (Washington D. C., United States Census Printing Office, 1894), 2.

situation, the layered nature Native American sovereignty in Indian Territory created a haven for criminals and outlaws looking to avoid the purview of the U.S. government.

For Pleasant Porter, the longstanding Creek Government policy of "non intercourse with our white brethren" could no longer be maintained. In an 1891 public letter to his political rival, Isparhecher, Porter conveyed the need to directly confront forthcoming problems in Creek society and government, namely the use of 3,075,060 acres of land under Creek control.[49] Historically, the Creek communal land ownership system allowed for the sharing of land resources among the tribe without individual land titles. While Porter readily admitted this communal system had long served the Creek people, he offered that under the approaching situation the Creek Government must consider some restructuring of communal land ownership to defend their land rights.[50] Moreover, he detailed later in the letter that "our title to our land is as yet unquestioned and is our greatest interest."[51] Thus, Porter understood that the Creek Government had a rare, if ephemeral opportunity to maintain the full value of their legitimate landholdings, their greatest asset, before detrimental U.S. action.

On March 3, 1893 Pleasant Porter's inclination of forthcoming aggressive U.S. policy towards the Five Tribes rang true with the provisions of the Indian Office Appropriation Bill. This bill authorized a three person Congressional Commission, later headed by Henry L. Dawes and known as the "Dawes Commission," to negotiate "the allotment of land in severalty not exceeding one hundred and sixty acres" of the Five Tribes land in Indian Territory.[52] The Dawes Commission attempted to transfer up the Five Tribes communally held land to personal title.

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[49] Department of the Interior U.S. Census Office, *Extra Census Bulletin, The Five Civilized Tribes of the Indian Territory* (Washington D. C., United States Census Printing Office, 1894), 2.
[50] "Letter of Pleasant Porter to Isparhecher," *The Purcell Register,* Purcell, I.T., June 26, 1891.
[51] "Letter of Pleasant Porter to Isparhecher," *The Purcell Register,* June 26, 1891.
[52] Indian Office Appropriation Bill, 1893, 52nd Congress, 2nd Session, Chap 209, Section 15.

Porter, as one of the two Creek delegates in Washington D.C. during the passage of the bill, kept tribal leadership abreast of the forceful intentions of the U.S Government to alter longstanding land policy.[53] He acted as cultural broker in this delegate role though translating actions and legislation by the federal government into understandable news for Creek citizens. Leading publications, mainly the *Eufaula Indian Journal*, founded in Muskogee in 1876, published reports and news from Creek delegates to their largely Native American audience.

Compared to other Native American tribes in the U.S. under the 1887 Dawes Act, the Five Tribes land differed in the burgeoning white settlement and sheer swath of valuable territory totaling 19 million acres. While tribal governments all over the U.S. faced the prospect of termination, the Dawes Commission entered into Indian Territory with far more destructive intentions than had typified allotment negotiations so far. From the outset, the Dawes Commission defined success in negotiation as nothing less than the "wiping out of quasi-independent governments within our territorial limits."[54] Importantly, tribal discussions with the Dawes Commission could hardly be classified as negotiation in the traditional understanding, as the Five Tribes governments and Dawes Commission operated with divergent intentions and vastly unequal capabilities of power.

When they entered Indian Territory in 1893, the Dawes Commission promptly demanded that the Five Tribes' governments turn over their most recent census for allotment purposes.[55] However, Creek Principal Chief Legus Perryman and other Five Tribes Chiefs immediately rebuffed any attempt to relinquish census rolls or recognize the commission. According to a

[53] "Letter of P. Porter and A. P. McKellop from Feb 9, 1893," *Muskogee Phoenix,* Muskogee, I.T., Jan 18, 1894.
[54] "General Letter of Instruction," OHS Microfilm DC Roll 72 frame 354.
[55] Kent Carter, "Snakes and Scribes: The Dawes Commission and the Enrollment of the Creeks," *Chronicles of Oklahoma,* Vol 75 No 4. (1997-8), 387.

1894 newspaper interview regarding the Dawes Commission, Pleasant Porter opined that the commission erred from the offset by immediately insisting that the Indians relinquish the things they guard most jealously, namely their autonomy and land tenure.[56] Porter advocated instead for negotiating an alternative "limitation" policy to counter the Dawes Commission's demand for allotment in severalty or cession into individual title. This proposal would limit one Creek to a specific pro-rate share of land tenue without a conversion to individual title. Throughout this interview, Porter assumed the role of a cultural broker by proposing distinct policies for the interest of his nation against U.S. demands. However, a majority of Creeks remained staunchly opposed to even considering alterations to land tenure proposed by Porter or interacting with the loathed Dawes Commission.

In the 1895 election, the Creeks elected the traditionalist and nearly illiterate Isparhecher as Principal Chief on a resolute non-negotiation policy.[57] Isparhecher had previously failed in his two prior bids to be Principal Chief against progressive candidates, but the Creek electorate turned to support his traditionalist message in a time of crisis. According to John Bartlett Meserve, Isparhecher assumed office with a mandate that "nothing within the range of his powers as a chief executive should be omitted to accomplish the defeat of the allotment schemes of the government."[58] Thus, early on in the process the Creek Nation followed the role of their newly elected Principal Chief in opposing efforts that would bring about negotiation with the Dawes Commission. While Porter likewise ran for Principal Chief in 1895 objecting to the

[56] "An Interview with Pleasant Porter," *Muskogee Phoenix,* Muskogee, I.T., 19 April 1894.
[57] Debo, *The Road to Disappearance*, 361.
[58] Meserve, Isparhecher, 73.

methods of the Dawes Commission, his progressive identity and consideration of the impending nature of land reform led to a distant fourth finish.[59]

After over two years of fruitless efforts to attain a treaty with any of the Five Tribes, Henry Dawes demanded additional authority for his commission from Congress in early 1896. Congress assented to Dawes request in the June 10, 1896 Indian Office Appropriations Bill authorizing the Dawes Commission with the power to adjudicate citizenship applications for allotment.[60] This bill conferred incredible power onto the Dawes Commission, as their tribunal, and not the tribes themselves, would now have more of a say on who was or was not a citizen. In order to have a base point for adjudicating citizenship cases, the Dawes Commission requested the final citizenship rolls from the Five Tribes, but the Creeks, at the behest of Principal Chief Isparhecher, repeatedly refused to turn over their rolls to the commission. [61] Nevertheless, the Dawes Commission decided over 250 citizenship disputes throughout 1896-1898, even without the full access to Creek rolls.[62] For Porter, Congresses' forceful demonstration to adjudicate citizenship through the Dawes Commission regardless of Indian consent necessitated the Creek Nation protect their interest and enter into negotiation for allotment.[63] Alongside his progressive counterparts, Porter grappled with the corrosive trajectory of further rejecting the powers of the Dawes Commission backed by the hegemonic U.S government.

While members of the Creek National Council remained adamantly opposed to allotment, they appointed Porter, a longstanding, trusted Creek diplomat, to head a five-man party to

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[59] "Returns for Principal and Second Chief of the Muscogee Nation," September 3, 1895 OHS CRN roll 34; "The Election," *Muskogee Phoenix,* Muskogee, I.T., 05 Sept 1895, p. 5.
[60] *Statues at Large* 29 (1896): 321.
[61] "Letter from Henry Dawes to Creek Principal Chief Isparchecher," July 8, 1896, OHS Microfilm CRN 4.
[62] Carter, "Snakes and Scribes," 390.
[63] Carter, 390.

represent Creek interest with the Dawes Commission in late 1896.[64] This Creek Commission attempted to determine matters such as size and location of allotments, equalization value of land, division of townsites, and surplus land sale for any future allotment agreement. Despite the Creek Commission's best desire to find beneficial allotment terms, both the Dawes Commission in November 1896 and subsequently Chief Isparhecher and the Creek National Council on September 27, 1897 rejected agreements proposed by the Creek Commission. Meanwhile, Congress continued its relentless push to eradicate tribal sovereignty with a series of destructive legislation culminating in the 1898 Curtis Act. This act, widely regarded as the crucial factor in the collective downfall of the Five Tribes' sovereignty, authorized the Dawes Commission to draft all new census rolls and immediately terminated Creek courts if a popular referendum refused an amended version of the September 1897 agreement.[65] Principal Chief Isparhecher, believing that the Creeks could perpetually stave off allotment, delayed the election and instructed the Creeks to reject the public referendum, which they did on November 1, 1898.[66]

Regardless of the Creek rejection of the proposed treaty negotiations, the Dawes Commission proceed to exercise plenary authority and opened up a land office in Muskogee in April 1, 1899 to take all Creek applications for allotment.[67] Thus, the Dawes Commission had effectively proceeded with their duties irrespective of actions or wishes by the recalcitrant Creek leadership under Isparhecher. The Dawes commission decided to rely on Tribal rolls earlier authorized by the U.S. government in 1890 and 1895 to determine Creek citizenship, but these contained numerous inconsistencies and left out some Creeks altogether. In the additional

[64] Debo, *The Road to Disappearance*, 369.
[65] *United States Congressional Record* 31, 5582-88.
[66] Carter, *Snakes and Scribes, 396.*
[67] Carter, 397.

applications for citizenship, the application of an inconsistent "blood quantum" concept by the Dawes Commission presented a host of challenges.[68] Further complicating the process, scheming white settlers attempted to acquire their share of Creek lands through holding themselves out as Native Americans.

The underlying problem in the Native American allotment effort was that an external entity, in this case the U.S. government, attempted to control a centuries' old socially constructed understanding of Creek tribal membership in a rapidly evolving political landscape. Porter expressed his sentiments regarding the difficult task of defining citizenship by U.S. terms for the Creeks in an 1899 letter that "while there has never been in the Creek Nation a statue law upon the subject (citizenship), there have obtained from time immemorial well established rules and customs by which citizenship was determined."[69] Creeks accepted theses informal rules, as referenced by Porter, without any formal blood quantum standard of citizenship. Yet, the Dawes Commission would now play an integral role as the arbiter of facts in determining citizenship to divvy up valuable land assets. Shortly after opening April 1899, land claimants flocked to Muskogee and soon overwhelmed the land office. These claimants included Creeks as well as a bevy of conniving opportunists seeking to acquire valuable individual title to land though deceptive means. Creek Freedmen, or former slaves, had an even more difficult role defending their status of citizenship, as their tribal identity was often disregarded by the Creeks themselves.[70] The Dawes Commission office spent the years trying to sort out the validity of

[68] Carter, 49.
[69] Carter, 51.
[70] Claudio Saunt, *Black White and Indian: Race and the Unmaking of an American Family* (Oxford: Oxford University Press, 2006), 155.

claims while grappling with the foreign concept of tribal identity, which they lacked prior understanding about.

By the end of his term, it was entirely apparent that Isparhecher could not grapple with the immense pressures of the Principal Chief office or allotment negotiations, as the wizened leader continued to struggle with a prior personal illnesses and increased difficulty in effectively governing.[71] With his support largely vanished, he declined to seek a second term, opening the door for a new vision of creek leadership. The April 1, 1899 opening up of the Creek land office in Muskogee, Indian Territory precipitated large scale political change, s the majority of Creeks no longer saw the wholehearted resistance allotment policy advocated by Isparhecher as a viable long-term solution. Thus, the long-feared change had effectively arrived for the Creeks, and they would have to decide how to respond. The federal government's allotment program provided that blood quantum percentages would be the determinative factor in allocating land rights. According to the federal government, those Native Americans held to be "full bloods" would have their land held in trust by the federal government for a period of years while "mixed bloods" had less years and restrictions on the future sale of land. In the highly racialized rationale of the federal government, the amount of blood quantum reflected how much rights you should have to sell the land.

On September 7, 1899, male Creek citizens went to the polls to select a new Principal Chief and in so doing decide how the tribe would respond to the pressures of the Curtis Act and impending allotment negotiations. Pleasant Porter, determined to avenge his failed 1895 election, launched his 1899 progressive campaign with the primary platform of negotiating an allotment

[71] "In the Public Eye," *New York Times*, New York, NY, 11 October 1896, p.9.

agreement for the Creek Nation.[72] Yet this endorsement of negotiation did not identify Porter in full support of U.S. government policy or expanded powers of the Dawes Commission. In fact, Porter's National Party platform rejected the Curtis Bill as a "crude piece of misfit legislation," while maintaining that the Creek Nation must fight for their right to determine citizenship in the allotment process.[73] Creek citizens delivered a ringing endorsement of Porter's platform, as he easily garnered a majority of votes for election as Principal Chief compared to the distant finish from his opponents Roley McIntosh and Legus Perryman.[74] For Porter, his election to the high office of Creek Principal Chief represented the culmination of a distinguished public service efforts for the Creek Nation.

Upon election, Porter faced the unenviable task of uniting a nation bitterly torn by the process and terms of dividing sacred tribal land due to the forced negotiation with the Dawes Commission. An ever-present faction of Creek full bloods outright rejected any notion of allotment and refused to sign up with the Dawes Commission office. Furthermore, the Congressional termination of Creek courts in and requirement of approval from the U.S. President for any tribal legislation complicated the exercise of political sovereignty and rule of law for the Creek Chief. In his first year in office, Porter determined to join the Chickasaw, Choctaw, and Seminole Nations in negotiating the long-forestalled settlement with the U.S. government. Chief Porter's efforts culminated in a March 8, 1900 agreement, which would eventually be adopted by the U.S. Congress and Creek National Council by May 25, 1901. But,

[72] "Platform, The National Party of the Muskogee Nation", *Muskogee Phoenix,* Muskogee, I.T. July 13, 1899, 8.
[73] Ibid
[74] "Porter Principal Chief," *Muskogee Phoenix,* September 7, 1899, 2.

in the ensuing year the social pressure of allotment in Creek Nation would boil over to an unprecedented, violent degree.[75]

Shortly after Porter negotiated the Creek agreement with the U.S. government in March 1900, a minority faction of impoverished Creeks splintered to form an autonomous counter government. The societal duress of unwanted allotment policies by the U.S. government engendered the formation of anti-treaty seditious groups in the early part of 1900 throughout all of Indian Territory, including the Cherokee Kewotahs, alongside Choctaw, Chickasaw, and Seminole traditionalist sects. Yet the Creek group, later known as the Snakes, demarcated itself for their centralization of opposition and burgeoning membership. The membership and organization of the Snakes mirrored the traditionalist faction led by Isparhecher in the 1880s Green Peach War. Initially, the Snakes gathered at the relatively remote location of Hickory Ground in Creek territory and considered Isparhecher as the leader in forming a counter government, yet the former chief declined to lead the movement. Thus, the gathering group of discontented Creek traditionalist at Hickory Ground, a staunchly traditionalist Creek town, looked to the town chief Latah Micco and town orator Chitto Harjo for leadership.

A sudden illness prevented Latah Micco from taking over the movement, so Harjo quickly stepped in to lead the dissatisfied Creeks. Chitto Harjo, also known as Wilson Jones, lived a quiet life as a Creek farmer eschewing public service before becoming town orator in 1899 and then the infamous leader of the Snake movement.[76] Harjo's hometown of Aribka, one of the most western towns in Creek territory far from the central government, was filled with almost exclusively traditionalist Upper Creek families. Harjo and other traditionalist Creeks

[75] Carter, 401.
[76] Warde, *George Washington Grayson, 194.*

living near the Deep Fork River utilized the remote location of Hickory Ground to hold Creek stomp dances, a prominent traditional Creek political and social gathering.[77] The name Chitto roughly translates to Snake in Creek while Harjo denotes brave or crazy, so his translated name became the identifying label of the Crazy Snake movement.[78] Harjo spent the early part of 1900 travelling all over the Creek Nation with a copy of the Treaty of 1832 imploring fellow Creeks to withhold signing up for allotment.[79]

For Harjo and his Snake adherents, the Treaty of 1832 guaranteed the perpetual existence of Creek autonomy, which the Creeks had never relinquished, so there was no need to sign up for allotment or surrender sovereignty. The growing Snake movement posed several problems for Principal Chief Porter, namely the Snakes and Harjo openly questioned his legitimacy as a Creek ruler. Harkening back to the lingering autonomous nature of the Creek Confederacy, the Snakes held that no Chief, especially the progressive Porter, could represent the autonomous group. Furthermore, Harjo's passionate pleas for Creeks to abandon allotment threatened to implode the arduous efforts to negotiate a settlement. The Snakes created a law enforcement division that punished local Creeks with fines and whippings for leasing land to whites, employing them, or participating in the allotment process. Harjo and his Snake counterparts reacted to the allotment upheaval and ongoing loss of sovereignty within the Creek nation by turning to the fleeting notions of autonomous creek towns and absolute noncompliance with federal authorities.

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[77] Kenneth W McIntosh, "Chitto Harjo, the Crazy Snakes and the Birth of Indian Political Activism in the Twentieth Century."*ProQuest Dissertations Publishing*, 1993, 37.
[78] McIntosh, Ken. "Harjo, Chitto (1846–1909?), Creek leader." American National Biography. 1 Feb. 2000; Accessed 24 Mar. 2020.
[79] Carter, 399.

Representatives of the Creek Snake movement travelled to Washington D.C. in the summer of 1900 to take their mission of allotment rejection and restoration of absolute Creek sovereignty to the U.S. government. The Snake delegates, Chitto Harjo, Hotulke Fixico and two others, claimed that they were the legitimate Creek representatives and openly renounced any representatives or treaty from Pleasant Porter and the National Council.[80] Porter responded to these false claims to authority by the Snakes in a May 4, 1900 letter to Indian Agent J. Blair Shoenfelt emphatically stating that the Snake Commission was "wholly without authority whatever, so far as the Creek Nation is concerned."[81] The Snake Commission's attempt to receive recognition or revive the treaties of 1832 proved completely fruitless, yet Chitto Harjo returned to the Creek territory claiming to have successfully "killed" the recent treaty with the Creek Commission and squelched allotment.[82] On the outside, the Creek Snake's organization as a seditious counter government projected deeply fractious divisions within a corroding national framework. Internally, the Snakes provided false hope that the U.S. government would rescind the ongoing erosion of Indian sovereignty in favor of complete restoration of ancient treaty rights.

In truth, Pleasant Porter, alongside most other members of the Five Tribes, would have gladly returned the authority of tribal governments existing prior to the unwarranted actions of the Dawes Commission and U.S. government. However, Porter differed from the Snakes in their respective responses to hegemonic U.S. policies. With a keen perception of U. S. government intentions, Porter maintained a resolute belief that the mediation of Creek interest in the allotment process presented a superior alternative, given the situation, to the outright rejection

[80] "Letter from Pleasant Porter to J. Blair Shoenfelt," Muscogee, I. T., Aug 6, 1900, OHS CRN Roll 22.
[81] "Letter from Pleasant Porter to J. Blair Shoenfelt," Muscogee, I. T., May 4, 1900.
[82] "Letter from Pleasant Porter to J. Blair Shoenfelt," Muscogee, I. T. June 29, 1900, OHS CRN Roll 22.

favored by the Snake faction.[83] Moreover, each and every example of the Five Tribes spurning negotiation with the Dawes Commission, not to mention the overt dissent favored by the Snakes, further calcified the U.S. effort to dictate the division of tribal assets without the input of the tribes themselves.

In Chief Porter's correspondence with fellow Creek citizens, he repeatedly urged them to sign up with the Dawes Commission allotment office as quickly as possible. Porter conveyed the urgency of gathering outstanding signatures and motivating recalcitrant Creek citizens for allotment in his October 2, 1900 annual address to the Creek National Council, equivalent to an American State of the Union address today.[84] The Dawes Commission had the authority to finalize tribal rolls any time, so forestalling signing up for the rolls only produced deleterious effects for the individual Creeks potentially robbed of their rightful landholding. In the latter part of his annual speech, Porter turned to advocate for the National Council to support the recent allotment agreement. Employing both a reassurance that the Creeks would meet and conquer the impending difficulties and a prescience that continual objection to allotment held no material benefit, Porter ardently persuaded the National Council to support the allotment agreement.[85] For the citizens of the Creek Nation, the rapidly eroding cultural and legal system presented many challenges, yet Chief Porter, fulfilling the role of a cultural broker, continued to motivate his people. The lingering phrase from Porter's annual address that "We have not lived for naught" offered a direct affirmation of Creek identity in this period of immense social malaise.[86]

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[83] "Letter from Pleasant Porter to J. Blair Shoenfelt," Muscogee, I. T. June 29, 1900, OHS CRN Roll 22.
[84] "Message of Pleasant Porter to House of Kings and House of Warriors," October 2, 1900. OHS #35664.
[85] "Message of Pleasant Porter to House of Kings and House of Warriors," October 2, 1900. OHS #35664.
[86] "Message of Pleasant Porter to the Members of the House of Kings and House of Warriors in National Council Assembled," October 2, 1899, *Oklahoma Historical Society* #35664.

While Porter avoided mentioning the Snakes in his annual address, his cogent analysis of the situation confronting the Creeks pervaded with undertones objecting to the ideology behind the Snake movement. With the Creek National Council adjourning in the first week of November before the crucial allotment agreement vote in January 1901, the Snakes plotted to harass the statesmen on their way home and undermine the Creek government.[87] Principal Chief Porter, fearful of widespread violence engulfing the nation, demanded that the U.S. government provide extra police support within the boundaries of the Creek territory.[88] Under normal circumstances, Porter would have utilized the Creek Lighthorse, a judicial force he led earlier in his career, to thwart out the influence or threats of the Snakes. Yet the U.S. government deprived Porter of this authority under the provisions of the Curtis Act immediately destroying Creek law enforcement. Thoroughly frustrated with his inability to counteract the Snakes, Porter threatened to violate the provisions of the Curtis Act and resurrect Creek Courts and law enforcement if the U.S. refused to provide further security. [89] After sporadic assaults on Creek Citizens, assassination rumors of Pleasant Porter, and the death of a federal officer in a gun duel, the trepidation of the Snake movement grew to what historian Kent Carter details as an "epidemic proportion" by January 24, 1901.[90]

Only one day after, January 25th, The U.S. government intervened by deploying Troop A of the Eighth Cavalry to arrest Snake leaders and break up the movement. The U.S. government arrested nearly 100 Snakes, including Harjo, and held them in prison in Muskogee on charges of conspiracy, false imprisonment, and assault and battery related to their seditious counter-

[87] "Letter to J. Blair Shoenfelt from Pleasant Porter," November 2, 1900, OHS CRN 4.
[88] "Letter to J. Blair Shoenfelt from Pleasant Porter," September 27, 1900, OHS CRN 4.
[89] "Letter to J. Blair Shoenfelt from Pleasant Porter," November 2, 1900, OHS CRN 4.
[90] Carter, *Snakes and Scribes,* 301.

government activities.[91] Initially, Judge John Thomas doled out a light punishment for Harjo and the Snakes, but they failed to comply with the judge's orders to stop organizing at Hickory Ground and the federal government promptly rearrested nine members of snake leadership in February 1902.[92] Chitto Harjo spent February - November of 1902 at the federal penitentiary in Leavenworth, Kansas as a punishment for his leadership within the seditious group.[93] For Pleasant Porter, the arrest of Creek citizens by the U.S. government presented an unfortunate situation, but their absolute refusal to accept his authority or leadership left little other option. The violent threats from the Snake movement largely abated after this arrest, yet their calcified opposition to Chief Porter highlights the tumultuous and complex political environment in early 20th century Indian territory.

The Creek Principal Chief election of 1903 offered a direct referendum on the leadership of Pleasant Porter as Principal Chief and representative of the progressive treaty wing of Creek society. Indian Territory newspapers at the time labeled the 1903 race as the "last tribal election of the Creek Nation," as this Principal Chief would be responsible for directing tribal affairs before the expiration of Creek government stipulated by the Curtis Bill in 1906.[94] On one hand, Chief Porter accomplished the primary goal set forth in his 1899 campaign of ending the Creek policy of rejecting U.S. treaty efforts by joining the other Indian Territory tribes in signing a formal allotment agreement. Yet, the Creek society that emerged from the allotment process four years later remained deeply fragmented and many within the traditionalist ranks opposed Porter as a ploy of the U.S. government. In launching his re-election bid, Porter set forth the clear goal

[91] *United States vs Chitto Harjo, Crazy Snake*, criminal cases 5581-5584.
[92] "Editorial on Isparhecher and Pleasant Porter," *Tulsa Democrat*, Tulsa, Indian Territory, 21 February 1902.
[93] Ken Mcintosh, "Harjo, Chitto (1846–1909?)."
[94] "Our Candidate for Second Chief," *Holdenville Times,* Holdenville, I.T., 04 July 1903, p.4.

that he wanted to complete the allotment process to ensure as many Creeks could claim their land as possible. The restrictions placed by the U.S. government reduced the officeholder of Creek Principal Chief to a shell of its former power, but Porter maintained that he intended to continue on as the leading figurehead of the nation in spite of these challenges.

Chief Porter drew familiar opponents in the 1903 Creek Principal Chief election in Legus Perryman and Chitto Harjo, the leader of the Crazy Snake rebellion recently released from U.S. custody.[95] Perryman, a long-term rival of Chief Porter and former impeached tribal Chief, stood as the greatest opponent in the race with his base from the last election still remaining. As historian Ken Carter details, there were powerful external factions, including land sharks, who felt that they could better control the Creek allotment process with a new tribal chief and they pushed hard for Legus Perryman.[96] In order to garner support for his re-election bid, Chief Porter canvassed the Creek Nation landscape in a three-day tour with over 2,500 attending his political events.[97] After his release from Leavenworth Penitentiary, Chitto Harjo shifted the objective of the Snake movement from militant resistance to political activism to challenge allotment within formal Creek political structures. But the Snake faction under the control of Harjo did not constitute a significant voting bloc in the electorate, and thus Harjo posed little electoral threat to Porter. On election day, Porter prevailed over fierce opposition from Perryman with a 254-vote majority to earn a second term as Creek Principal Chief.[98]

In his second term, Porter spent a majority of his time arbitrating ongoing allotment claims and motivating hesitant Creeks to sign up for allotment. Under the Creek allotment

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[95] "Porter is Again Chief," *South McCallister News,* McCallister, I.T., 03 Sept 1903, 8.
[96] Carter, *The Dawes Commission,* 60.
[97] "General Porter Makes a Three Day Tour," *Muskogee Phoenix,* Muskogee, I.T., 13 August 1903, 7.
[98] "The Great Chief Easily a Winner," *Muskogee Phoenix,* Muskogee, I.T, 03 September 1903, 1.

agreement signed by Porter, the Dawes Commission would continue to collect signatures for allotment applicants until the Secretary of the Interior agreed to close the rolls. Thus, Pleasant Porter attempted to convey a sense of urgency with Creeks who had not yet signed up. Most prominently, Porter attempted to get the Snakes to come out and sign up for allotment. Even though many Snakes threatened Porter and openly rejected him as a leader, he made every effort to get them on the rolls. Earlier in 1901, Porter mailed out a letter to the Creek National Council encouraging every Creek who had not signed up on the rolls to make an appearance at the Muskogee office between May 7 - 15, 1901. He would continue to write to tribal members across Creek territory looking to compel their membership in his second term. As of 1904, the Dawes Commission still had at least 1,000 pending allotment cases, with many of them representing the Snake faction.

Porter likewise spent a considerable amount of his second term sorting out the complexities of special cases for enrollment. As per the agreement, Creek children born prior to July 1, 1900 could be enrolled to claim a share of allotment that would be in held in a federal trust. Section 28 of the agreement stipulated that the heirs of Creeks who died prior to April 1, 1899 could get their descendents allotment deed.[99] Therefore, determining both birth and death dates became an integral task in the latter portion of Dawes allotment. But Creek citizens did not have formal birth certificates, and thus considerable complexities ensued. On June 13, 1904 the Secretary of the Interior announced that he would close the tribal rolls on September 1, 1904, so Porter and other Creek tribal leaders made one last push to get Creeks to sign up.[100] While after the preliminary September 1904 deadline the Dawes Commission reported a total of 17,710, the

[99] Carter, *The Dawes Commission*, 57
[100] "Closing of Citizenship Rolls of the Muskogee Nation," *Holdenville Times,* Holdenville, I.T., 29 July 1904, p.9.

Creek government successfully advocated for the Dawes Commission to reopen the rolls in 1905 and 1906 to allow recently born Creek children to stake their allotment claim. The Dawes Commission finally closed the Creek rolls on March 4, 1907 after signing up a total of 18,702 Creeks in the eleven-year allotment process.[101]

From the very inception of the Dawes Commission in 1893, the U.S. government intended to eviscerate tribal authority and land for the chief purpose of statehood in Indian Territory. Surrounded by Arkansas, Missouri, Texas, Kansas, and Oklahoma Territory, U.S. citizens poured into Indian Territory in the late 1890s and early 1900s to purchase former Native American land and settle in newly configured towns, which they hoped would one day be part of a state. By 1902, Indian Territory had a total population of 400,000, of which only 75,000 counted as recognized Indians according to the U.S. Census.[102] With the completion of the Creek and Cherokee allotment negotiations, the U.S. Senate Committee on Territories turned to advocate for the incorporation of Indian Territory and Oklahoma Territory into one U.S. state.[103] The salient political question regarding statehood at this time was whether the U.S. would create two states out of Indian Territory and Oklahoma Territory or combine the two into one state. While bills authorizing the creation of statehood for one or both territories regularly appeared in the U.S. Congress in the 1890s, they were largely discarded until the turn of the twentieth century.

In much the same manner as prior U.S. state formations, President Roosevelt and the U.S. Congress took an active interest in the fate of Indian Territory in order to manipulate the future political implications. At the same time, Native American leadership within the Five Tribes

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[101] Carter, "Snakes and Scribes, Part II," *National Archives Prologue Magazine,* Spring 1997, Vol 29, No. 1.
[102] "A Government is Needed Says the Moon Bill Report, *Checotah Enquirer*, Checotah, I.T. 21 March 1902, 3
[103] "On Territories, *Muskogee Daily Phoenix,* 12 December 1902, 1.

coalesced to discuss Native American interest for state formation. Native American statehood discussions and formal political activism within Indian Territory reached back as far as the post-civil war period. In fact, the tribal governments of Indian Territory met annually after the Civil War at the General Council of Indian Territory and ultimately proposed a state constitutional formation in 1870 known as the Okmulgee Constitution. However, lingering divisions among the tribes over shared power and marked reluctance from the U.S. government to cede power or sovereignty to the tribes in the form of a U.S. state forestalled these developments. Yet the tribes continued to meet and draw national attention from their annual conference, as the *New York Times* editorial in 1873 titled "An Aboriginal Convention" highlighted an innate fascination with the prospect of Native American Statehood.[104] These General Council of Indian Territory meetings directed at statehood petered out by the end of the 1870s with the U.S. government growing opposition to Indian led attempts at forming a U.S. State. Nearly 50 years later, descendants of the prior generation of leaders took up the call to unify Native American political efforts in Indian Territory. Rather than leave the fate of Indian Territory to external powers or other residents, the longstanding powerholders of the region, the Principal Chiefs of the Five Tribes, met at a conference in Eufaula on November 28, 1902.

Pleasant Porter vigorously advocated for Native Americans to take an active role in the statehood process for Indian Territory. At the aforementioned November 28 tribal meeting chaired by Pleasant Porter, the Chiefs of the Five Tribes drafted a resolution forwarded to the U.S. Congress resolutely opposing the integration of Indian Territory and Oklahoma Territory into one state.[105] For the tribal leadership, the proposed combined statehood formation greatly

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[104] Robert G. Hayes, (1997) *A Race at Bay: New York Times Editorials on "the Indian Problem," 1860-1900,* (Carbondale, Illinois: Southern Illinois University Press, 182).
[105] *Eufala Indian Journal,* Eufala, I.T., 5 December 1902, 2.

reduced the capability to hold power or control affairs within a new state. Compared to Indian Territory, Oklahoma Territory contained a much smaller Native American populace and held little interest in the land rights or tribal affairs of the Five Tribes. Thus far, statehood discussions had little input from the Five Tribes, but this conference helped activate Native American participation and formulate a solidified opposition to the overwhelming support for a combined state plan. While congressional legislation on statehood plans stalled out in 1903 and 1904, the Five Tribes leadership met each year and drafted proposals to support Indian Territory statehood separate from Oklahoma Territory.[106] Congressional treaties with each of the Five Tribes throughout relocation and territorial development cited the necessity of "consent of such nations or tribes of Indians" for statehood formation plans in Indian Territory, yet Congress had largely ignored its mandate for Native American collaboration.[107] Moreover, the provisions of the 1898 Curtis Act called for the complete abolition of Five Tribes governments after March 4, 1906, so Native Americans likewise attempted to address the uncertain future of tribal governments.

In April 1905, President Theodore Roosevelt traveled to Indian Territory and entered the raucous political debate on statehood by aligning himself as a as a staunch proponent of single, rather than double, statehood. Indian Territory residents, both Native American and white, strongly favored the Democratic party at the time, so the prospect of two senatorial seats combined with at least one House of Representatives seat gifted to the Democratic party posed a political calamity for the Republicans. Thus, President Roosevelt, as the leader of the Republicans, took an active stance against double statehood. President Roosevelt gave four speeches in the Indian Territory cities of Muskogee, Vinita, McCallister, and Wagoner on his

[106] *Eufala Indian Journal,* 23 May 1903, p.4.
[107] U.S. Congress 27 Stats., 645. Section 16.

train tour west. When the President stopped in Muskogee, Pleasant Porter served as the reception committee for the president's speech in which Roosevelt offered that "Your territory, remember in conjunction with Oklahoma, will soon be one of the greatest states in the Union."[108] The specific language of "one state" espoused by Roosevelt denied the plausibility of a two state formation with separate statehood, the favored choice for Chief Porter and other Native Americans. President Roosevelt's statehood tour galvanized both single and separate statehood groups to call for formal conventions in the territories.

On July 6, 1905 Cherokee citizen James A. Norman led the call for a separate statehood convention for Indian Territory with his rousing editorial in the leading newspaper of Indian Territory, the *Muskogee Phoenix*.[109] According to historian Angie Debo, Norman, a common Cherokee citizen, originally suggested the name of Sequoyah, the name of the inventor of the Cherokee alphabet, for a proposed separate state in an earlier 1904 pamphlet.[110] In Norman's call for a state convention, he proposed that each federal recording district in Indian Territory nominate seven delegates for the convention. Leaders from the Five Tribes met on July 18 to amend Norman's call and offer their opinions. Porter offered that "We insist that the demand be made upon Congress to keep faith with the Indians" and told Charles Haskell, a white man identified by the Creeks as a "friend" that the Five Tribes should put separate statehood demands, "square up before Congress."[111] While Porter, alongside Choctaw Chief Green McCurtain and Cherokee Chief William C. Rogers, arranged local conventions and brought up support for the forthcoming Indian Territory convention, Chickasaw Chief Douglas H. Johnson

[108] Amos D. Maxwell, "The Sequoyah Convention," *The Chronicles of Oklahoma* Vol. *28* No 2. (1950): 179.
[109] James A. Norman, "State of Sequoyah," *Muskogee Phoenix,* Muskogee, I.T. 6 July 1905, p.7.
[110] Debo, "And Still the Waters Run," 162.
[111] Maxwell, "Sequoyah," 181.

renounced the statehood convention, as he held that the time had not come for Indians to support statehood of any kind.

In the summer of 1905 leading up to the start of the Sequoyah Connotational Convention, Chief Porter attempted to convey optimism about the prospects of a Native American led state formation with a sobering understanding of the political realities at that time. That summer, he and his fellow tribal chiefs appointed presiding officers for local conventions to select delegates for the forthcoming Sequoyah Convention in August. From his many years of Creek diplomatic service in Washington D.C., Porter held an unrivaled understanding of the legislative process and partisan political activities and the impacts on Native American affairs. In a preliminary statehood meeting with prominent tribal leaders and Indian Territory citizens in July 1905, Pleasant Porter expressed that there was a very narrow chance Congress would accept the forthcoming Native American separate state constitution, but he remained adamant that we "insist that demands be made upon Congress that to keep faith with the Indian."[112] Porter likewise expressed that if this separate statehood movement failed he would eventually consider backing single statehood.

It would seem that Porter's actions prior to the start of the convention present a contradiction in that he undermined Native American efforts by questioning the viability of an Indian led movement he publicly supported. However, Porter's doubts about the long-term viability of the state movement should not detract from his resolute defense that Native Americans had every right to formulate and present statehood demands before the U.S. Congress. In fact, throughout the process, Porter, more than any other figure, publicly

[112] Maxwell, "Sequoyah," 181.

championed the merits of Native American political activism in the form of a state constitutional convention.

In the squelching late summer heat, delegates for the Sequoyah Constitutional Convention gathered at the Hinton Theater in Muskogee, a Creek commercial hub and the largest city in Indian Territory, beginning on August 21, 1905. Official accounts for attendance are unattainable, but newspaper reports point to over 60 delegates present representing 6 out of 7 recording districts, with the Chickasaw Nation territory as the only nonparticipant.[113] All of the leading newspapers in Indian Territory as well as national newspapers such as the *Saint Louis Republic* and *Kansas City Journal* covered the convention with in-depth reporting. The *Muskogee Phoenix* offered the most complete account of the daily proceedings with over 125 news stories on the convention from February-November 1905.[114] For the first act of the convention, the Committee on Permanent Organization proposed the leadership structure for the convention with Porter as president, Charles Haskell as vice-president, and Creek poet Alexander Posey as secretary. The Sequoyah Convention approved the leadership and committee structure for the convention. The selection of Porter, the preeminent political figure in Indian Territory and longstanding political leader of the Creek Nation, as president of the convention offered legitimacy and proven Native American leadership at the center of the movement.[115]

Porter and the Sequoyah Convention delegates wasted no time in arranging the formulative structure for the state. The delegates quickly adopted committees on constitution,

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[113] As mentioned by Amos D. Maxwell, one of the difficulties in conducting research on the Sequoyah Convention is that the primary historical record and notes from the convention were lost in a fire. But Maxwell's exhaustive analysis combined with first person interviews and newspaper periodicals covering the event offers a solid foundation of additional information.

[114] Richard Mize, "Black White and Read: The Muskogee Daily Phoenix's Coverage of the Sequoyah Statehood Convention of 1905," *The Chronicles of Oklahoma*, Vol. 82 No. 2 (2004): 224.

[115] Amos D. Maxwell, "The Sequoyah Convention Part II," *The Chronicles of Oklahoma* Vol. *28* No 3. (1950): 302.

finance, and campaign while deciding to vote on matters by district with a baseline quorum of delegates. The convention adjourned for one week beginning on August 22 so that the constitutional subcommittees could craft their portion of the forthcoming constitution. Porter served as the leading ex officio member of all eleven subcommittees, which worked tirelessly day and night drafting articles. The major powerholders of Indian Territory, most notably Porter, stood to hold prominent leadership positions if the U.S. Congress moved to accept the state, so separate Indian Territory statehood promised unmatched political opportunities.

The proposed state structure that the Sequoyah delegates debated and approved over the following weeks included a bill of rights, provisions for the separation of powers among three branches of government, establishment of 44 counties with a state capital at Fort Gibson, regulation of trade, and prohibition of alcohol.[116] In this manner, the Sequoyah delegates drafted an exhaustive constitutional framework of thirty five thousand words, the longest proposed constitution up to that time, with over 27 articles spelling out the minute levels of future governance. Unlike other Native American statehood efforts in U.S. history, the Sequoyah movement adopted a uniquely geographic argument, all the land and peoples encompassed within the boundaries of Indian Territory, rather than a demographic one, a state comprising exclusively Native people.[117] Thus, other American citizens could live in the State of Sequoyah alongside Native Americans.

The text of the constitution itself is not explicit on the separate status of future tribal governance other than the provision that the U.S. should respect ongoing land agreements with

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[116] David E. Wilkins, "Constitution of the State of Sequoyah (1905)," In *Documents of Native American Political Development 1500s to 1933*, (Oxford: Oxford University Press, 2009), 299-359.
[117] Kathryn Walkiewicz, "Pressing for Sequoyah: Print Culture and the Indian Territory Statehood Movement," *J19: The Journal of Nineteenth-Century Americanists* 6, no. 2 (2018): 338.

the tribes, as the leading Native Americans at the time attempted to propose the most adoptable version of statehood modeled after other U.S. states. Importantly, the text of the Sequoyah Constitution did not attempt to resurrect Native American independent sovereignty, an extremely unlikely activity given the federal governments intentions at the time. Chitto Harjo and his Snake adherents continued to advocate for this policy. But the progressive Native American framers at the Sequoyah convention anticipated the complete obliteration of tribal government in 1906 as stipulated under the Curtis Act, and thus they facilitated the formation of a conventional U.S. state of their own making.[118] The Sequoyah Convention's articles abound regulations limiting the power of businesses and corporations in the future state. These articles reflect the emerging progressive ideology of many within the Five Tribes who supported a powerful state government able to check the intrusion of big railroads and corporations who had long allied against Native American power.

Pleasant Porter's largest written contribution to the Sequoyah Convention came in a proclamation he personally drafted in early September 1905 outlining the importance of the State of Sequoyah for Native Americans. Porter stated that "Our present governments shall not be annihilated but rather transformed into material for a nobly builded state. Thus, we shall have life and not death."[119] Porter's proclamation, a central piece of the future campaign material supporting the state, spoke to the deep crisis of identity for Native Americans at that time, as many held concerns that the formation of any state promised the end of tribal identity. But Porter countered in arguing that that the material infrastructure for the proposed state of Sequoyah (schools, churches, roads, government centers) would be uniquely representative of Five Tribes

[118] Robert L. Tsai, "The Sequoyah Convention,: 1905." In *America's Forgotten Constitutions*, (Cambridge, Massachusetts : Harvard University Press, 2014), 167.
[119] Maxwell, "Sequoyah Part II," 308.

governance. Porter's support for the State of Sequoyah n this proclamation echoed political activism of his earlier life in which he understood ongoing challenges to Native American identity in a time of transformation and favored efforts divergent from both traditionalist Native Americans desiring the unlikely resurrection of tribal sovereignty or white Americans attempting to alienate Native Americans from the state formation process.

On September 6th, Pleasant Porter called the Sequoyah Convention back to order to authorize a formal vote on the articles of the Constitution. The delegates voted unanimously in to approve the constitution and submitted the proposed state formation to a future public vote of Indian Territory citizens. To squelch the ongoing clamor for single statehood, the Sequoyah Convention adopted a resolution rejecting the principles of statehood with Oklahoma territory and declared that Indian Territory deserved statehood "as a matter of right."[120] Before adjourning, the convention nominated John R. Thomas, C. L. Long, Joseph M. LaHay, and D. C. McCurtainto to present the state proposal to Congress contingent on public approval of the state. Two of the nominees were Democrats and the other two were Republicans while they also reflected equal representation of white background and tribal citizenship.[121] Thus, the Sequoyah Convention attempted to display the optics of a bipartisan and bicultural future state to the U.S. Congress.

The public debate on the prospects of separate statehood for Sequoyah began in earnest at the close of the Sequoyah Convention. The press in both Indian Territory and Oklahoma territory decidedly favored single rather than double statehood, and thus they lambasted the Sequoyah Constitution. These newspapers, such as the *Muskogee Phoenix* edited by noted single statehood

[120] "Convention Adjourns Subject to Call," *Muskogee Phoenix,* Muskogee, Indian Territory, 14 September 1905, p.2.
[121] Maxwell, "Sequoyah Part II," 311.

supporter Clarence Douglass, quoted President Roosevelt in his speech that Indian Territory would soon be united with Oklahoma Territory as one state.[122] According to an October 21 editorial from the *Muskogee Phoenix*, of the 105 newspapers in Indian Territory 78 opposed the State of Sequoyah, 17 supported it, and 11 remained neutral.[123] Single statehood supporters across Indian and Oklahoma territory drafted resolutions and called a brief convention for the purpose of denouncing the State of Sequoyah.[124] The opposition to Sequoyah stemmed from a number of reasons, some rejected the idea of Native Americans leading the state formation charge while others had a vested interest in uniting with Oklahoma to form a much larger U.S. state .

In order to counter the negative press surrounding the upcoming, the leaders of the convention canvassed Indian Territory offering speeches on the merits of separate statehood. The Chickasaw, Cherokee, and Choctaw national councils supported these efforts by passing resolutions in favor of the State of Sequoyah. However, the Creek National Council broke from the other members of the Five Tribes in passing a resolution by a 46-26 vote against the inclusion of Creek territory in any state, even the State of Sequoyah.[125] The Creek Nation had the largest contingent of traditionalists in the Five Tribes at the time, and this faction's frustration with coercive U.S. government policies toward the tribes motivated their marked reluctance to enter into any version of U.S. society. This rejection of the Sequoyah statehood obviously upset the Porter, but the resolutions from the other Native American tribes lend credence to the progressive Native American support underlying the Sequoyah movement.

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[122] *Muskogee Phoenix*, Muskogee, Indian Territory, October 13, 1905, p. 1.
[123] *Muskogee Phoenix*, Muskogee, I.T., October 21, 1905, p. 1.
[124] Meserve, "Sequoyah Part II," 316.
[125] Robert L. Tsai, "The Sequoyah Convention," 175.

On election day, November 7th, voters went to the polls to cast their vote for or against the State of Sequoyah while also voting on which cities would be the county seats if Congress accepted the state framework. Over 65,000 Indian Territory residents cast their vote on election day with 56,279 in favor of Sequoyah and 9,073 against.[126] Newspapers angling for single statehood immediately questioned the turnout numbers of the election, representing ½ of the eligible voters in Indian Territory, as evidence to undermine the results of the election. But the electors that did visit the polls on election day, a nonetheless significant amount, voted overwhelmingly in favor of the State of Sequoyah. With the public approval secured through the referendum, Sequoyah leaders submitted their statehood plea to the U.S. Congress.

At the opening session of the 59th Congress in November 1905, Arthur P. Murry introduced a bill providing for statehood for Sequoyah in the U.S. House. President Roosevelt effectively tampered optimism on the prospects for separate statehood for Sequoyah in his opening address to Congress one day later calling for Indian Territory and Oklahoma Territory to be admitted as one state along with New Mexico and Arizona as one state.[127] President Roosevelt threw his political weight behind single statehood knowing that it would be the best outcome for the Republican Party, regardless of the expressed desires of the Native Americans at the Sequoyah Convention. Further diminishing the prospects for separate statehood, single statehood supporters flocked to Washington D. C. that winter to squelch the Sequoyah statehood plan in favor of single statehood. Pleasant Porter spent the early part of the Congressional session in Washington D.C. trying to garner support for the State of Sequoyah, but Porter returned home

[126] "The Sequoyah Vote," *Daily Oklahoman,* Oklahoma City, Oklahoma Territory, 21 November 1905.
[127] Maxwell, "Sequoyah Part II," 323.

on December 23 and confided to fellow Sequoyah supporters that congressional approval for the state appeared unlikely in the current political environment.[128]

The dreams for separate statehood for the state of Sequoyah died on the House floor in January 1906 without a formal vote, ending the most significant Native American effort in U.S. history to establish a state.[129] Charles Haskell and other white Sequoyah proponents called for reconciliation with the single statehood movement in early 1906, but many progressive Native Americans remained reluctant to be as politically active as they had been in support of Sequoyah statehood. One of the most fascinating pieces from the Sequoyah statehood movement is a memorial to the failed state presented to the U.S. Senate by Ohio Senator Charles S. Foraker on January 16th and later submitted to the Congressional Record.[130] The memorial contains an exhaustive piece of campaign material totaling over 25 pages on why Congress should adopt the state with accompanying maps for the state, former treaties with the Five Tribes, and the Sequoyah Constitution signed by Sequoyah Convention President Pleasant Porter and Secretary Alexander Posey.[131]

The historical assessment of the Sequoyah Movement primarily fails to understand the convention's purpose and role of Native Americans such as Pleasant Porter. For noted scholars of Oklahoma history W. David Baird and Danney Gobble, progressive white interest and leadership dominated the Sequoyah Convention in this state formation attempt destined to fail.[132] In their brief discussion on the separate statehood movement in *Oklahoma: A History,* they claim

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[128] *Muskogee Phoenix* 24 December 1905
[129] Debo, *And Still the Waters Run*, 163.
[130] "Ghost of Sequoyah, *Muskogee Phoenix,* Muskogee, I.T., 18 January 1906, p.1.
[131] United States Congressional Serial Set, Volume 4912, "Proposed State of Sequoyah," 59th Congress, 1st Session, Senate Doc. 143, Jan. 16, 1906.
[132] Baird and Gobble, *Oklahoma: A History,* 171.

that William H. Murray and Charles N. Haskell, two white participants and "Friends of the Indian" at the Sequoyah Convention guided the movement to serve their own interest.[133] At no point in their discussion do they mention Pleasant Porter's leadership role as President of the Sequoyah Constitution or preliminary statehood meetings called by Five Tribes leaders. Jeffrey Burton furthers the argument that the movement had little meaningful significance for Native American history in arguing that "The Sequoyah Movement would never have acquired impetus or direction without the sponsorship of leading white politicians in Indian Territory."[134] Neither Burton nor Baird and Gobble address the motivations of Native Americans proposing and supporting the State of Sequoyah, and thus their scholarship reflects a problematic whitewashed interpretation of Oklahoma statehood history.

Such narrow historical analysis of the Sequoyah convention fails to consider the diversity of motivations and wide-ranging nature of Native American activism. Pleasant Porter's action in spearheading statehood talks among Native Americans and his marked leadership as President of the Sequoyah Convention weakens Baird and Gobble's argument that the movement had little meaningful support from Native Americans. The vote record reflects that the Sequoyah proposal had over 80% percent support across Indian Territory. Moreover, the lasting historical record points to Native American leadership through every phase of the Sequoyah Constitutional movement. The Sequoyah Memorial submitted to the U.S. Congress is a testament to the fact that the movement had immense significance for progressive Native Americans from the Five Tribes. However, it would be inaccurate to say that Native Americans from the Five Tribes all supported the Sequoyah movement, as a large majority of traditionalist did not participate in the

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[133] Baird and Gobble, *Oklahoma: A History, 171.*

[134] Jeffrey Burton, *Indian Territory and the United States, 1866-1906: Courts, Government, and the Movement for Oklahoma Statehood* (Norman: University of Oklahoma Press, 1997), 249.

Sequoyah vote. For example, at the same time that Pleasant Porter attempted to draw out Native American support for the Sequoyah Constitution, Chitto Harjo travelled to Washington D.C. and demanded that President Roosevelt restore the treaty of 1832 and fulfill Creek sovereignty. Feeling dismayed by Roosevelt's refusal to take his plea seriously, Harjo and his Snake adherents rejected future affiliation with any U.S. state, including the State of Sequoyah.[135]

Progressive Native American leaders such as Pleasant Porter, Green McCurtain, Alexander Posey, and many others proved to be the dominating faction behind the Sequoyah convention and motivations for separate statehood. Contrary to the historical understanding of passive Native American willingly accepting the unfavorable changes of allotment and statehood, progressive leaders of the Five Tribes, and especially Pleasant Porter, made a concerted effort to counter U.S. intentions with proactive policies and political activism. Native leaders at the Sequoyah Constitutional Convention well understood the narrow chances of approval for the proposed State of Sequoyah. But this did not stop the spirited advocacy in favor of the state plan that best suited personal and tribal goals for future political power. One of Oklahoma's most celebrated historians, Bob Blackburn offers a pointed remark on the legacy of Porter and other Native progressive Native Americans in his assessment that "The Sequoyah Constitution was the voice of the Indians and their desire to have their own state to serve the needs of their own people."[136] In this manner, the 1905 state formation project is a lasting symbol of cultural mediation efforts by progressive Five Tribes Native Americans melding the ongoing evisceration of tribal authority in Indian Territory with a plan to chart a new avenue for political power.

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[135] McIntosh, "Harjo, Chitto."
[136] Dwyer, *The Oklahomans,* 263.

White businessmen and leaders in Indian and Oklahoma territory united and moved forward with the one state plan after the Native-led Sequoyah movement stalled out in the U.S. Congress. In the spring of 1906, Congress conceded to the single statehood plan and moved forward with the Hamilton Bill authorizing a constitutional convention for a unified Indian and Oklahoma territory state. Native American fervor and political activism severely curtailed in the wake of the Sequoyah defeat, as the non-native leaders proceeded with single statehood plans without ascertaining the input of leading Native Americans. But, the efforts of the Native Americans behind the Sequoyah movement did not go in vain, as the Sequoyah Constitution laid the framework for what would become the constitution of the state of Oklahoma.[137] In fact, the Oklahoma Constitution bears an remarkable similarity with the Sequoyah Constitution in copying much of the exhaustive constitutional framework.

While Native American leaders had long feared that the creation of a U.S. state and impending expiration of tribal authority in 1906 as per the Curtis Bill would spell the end for the tribes, the U.S. Congress enacted a resolution allowing for tribal executives to continue in their rolls as they tried to see out the division of property under allotment. This avoidance of termination by Congress did not amount to any sort of peace offering as much as the federal government recognized that the tribal executives themselves would be best able to sort out the remaining details of land allotment by the federal government's coercive allotment process. Chief Porter stood as one of the earliest and most fervent advocates for the continuation of tribal authority past the prior termination date authorized by the U.S., as he communicated with the U.S. Secretary of the Interior in 1905 that he should continue on in the Creek Principal Chief

[137] Tsai, "Sequoyah Convention," 181.

position for at least two further years to help deliver allotment deeds.[138] The federal government terminated Creek control over finances, schools, and government function of the Creek National Council, and so Porter held little more than a ceremonial role in his final years as principal chief. In Porter's final personal business venture, he was selected as President of the Indian Central railroad in 1906 as he attempted to be an effective CEO in an industry that had long disregarded the rights of Native Americans such as himself.[139]

Land grafters and speculators attempted to capitalize on the allotment plan by coercing Native Americans into selling their land title. Graft, corruption, and outright theft abounded as many Creeks lost their precious land title to a variety of schemes in the wake of allotment. Pleasant Porter tempered his early optimism about allotment for Creeks with a later plea to his people in 1906 to avoid selling the land to white speculators.[140] Federal restrictions allowed prevented the sale of Creek land for a number of years depending on "blood quantum" as determined by the Dawes Commission, so when those land restrictions expired the land grafters attempted to gain Native Americans land. The discovery of oil on the Glenpool well in former Creek lands only heightened the grafters desire to get their hands on increasingly profitable land titles. Porter and other Creek leaders were largely powerless to mitigate these later abuses, as the federal government stripped all former vestiges of governmental authority.

Near the end of his life, Pleasant Porter expressed considerable concern for the future of Creek identity at the close of tribal affairs. Before the last Creek National Council convened in 1906, Porter offered the solemn statement that "My Nation is about to disappear." In this whirlwind period of cultural transformation, the former status of the Creek Nation now stood all

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[138] "Would Hold on Two Years," *Marietta Monitor,* Marietta, Oklahoma Territory, 24 November 1905, p.2.
[139] "Indian as President," *The Porter Enterprise,* Porter, Indian Territory, 01 November 1906, p.6.
[140] Warde, *George Washington Grayson,* 206.

but terminated by the powerful forces of the U.S. federal government paving the way for allotment and a new state. While Porter's fatalistic understanding of Native American affairs and future Creek tribal identity became quite bleak at the end of his life, such expressions should be tempered by an understanding that Porter spent the end of his life at the absolute low point for tribal affairs at the dawn of the 20th century.

Despite these cynical expressions, Porter continued to denote his understanding of Creek identity with personal pronouns such as "my nation," reflecting that any identity he possessed as an American paled to his lifetime identification with the Creek Nation. Porter expressed these sentiments beautifully in an interview with the *Kansas City Star* on the future of Native Americans in which the reporter asked him "You are educated, fully civilized, and live as a white man. Are you speaking for yourself or your race?" Porter immediately quipped back that he was offering his personal opinions, but "I am an Indian and I am true to my blood and my race."[141] White reporters and politicians continually failed to comprehend Porter's nuanced understanding of his own Native American identity, but Porter's quotation highlights that he, better than anyone else, grasped his lifelong status as a Creek cultural mediator. Pleasant Porter passed away unexpectedly on September 3, 1907 at the age of 66 after suffering a sudden paralytic stroke. Porter's funeral included a train filled with 150 his family and closest friends that carried his body from the First Presbyterian Church to his final resting place at the family gravesite in Weleaka where hundreds of Creeks offered a fitting goodbye to their devoted Chief.[142]

After Porter's untimely death, only two months before the inauguration of the State of Oklahoma, the *New York Tribune* eulogized the late chief by asserting, "it was his efforts that

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[141] "A Cynical Indian Chief," *The Vinita Leader,* Vinita, Indian Territory, 30 August 1906.
[142] "Pleasant Porter, Statesman and Philosopher Requiescat in Pace: Laid to Rest at His Weleaka Home," *Muskogee Phoenix,* 05 September 1907, p.1.

brought the allotment of land in severalty to the Creeks." This statement, as part of a longstanding revisionist mischaracterization of Native American identity, belies the truth that Porter later admitted after signing the 1901 allotment agreement "I was convinced under the advance of civilization to sign the paper that I know took the lifeblood of my people."[143] Often, historical interpretations attempting to understand the legacy of progressive Native Americans, such as Porter, falter by defining these dynamic characters by their degree of assimilation, a heretofore unmentioned term within the terminology of this thesis. In this case, the notion of assimilation carries the implicit understanding of U.S. policy aimed at the eradication of Native American culture and identity. Thus, well educated, successful, and progressive Native Americans frequently interacting with the U.S. government are remembered as perpetrators and victims of assimilation.

In truth, labeling any Native American by their degree of "assimilation" reflects a problematic Americanized interpretation of our nation's past at the expense of Native American agency and identity. If anything, Porter's life embodies the ongoing effort within American history to unravel the complexity of Native American identity and understand how those with indigenous heritage "shaped and reshaped power relations in the past." Therefore, instead of the term "assimilation," this thesis employed the term of "cultural broker," a nuanced terminology providing insight into the legacy of both Pleasant Porter and interpretations of Native American history. Pleasant Porter embodied the status of a cultural broker through his profound fluency in the worlds of both Creek and U.S. government affairs. Importantly, each time Pleasant Porter interacted with the U.S. government, he did so on behalf of the citizens of the Creek Nation and not the U.S and frequently disagreed with short sided U.S. policy toward the Creek Nation or the

[143] Debo, *And Still the Waters Run,* 34.

Five Tribes. Furthermore, Pleasant Porter fulfilled the cultural broker model through his preemption of United States policy in an evolving Indian Territory landscape.

In both his early advocacy of Creek directed individual land transformation and later Presidency of the Sequoyah Constitutional Convention, Porter held a unique vision for Creek and Indian political power within the most complex land division and state formation in U.S. history. This is not to say that Porter held universally accepted views within Creek or Native American ranks, as his personal success, quest for influence, and progressive worldview placed him staunchly at odds with many Creeks in the traditionalist faction. Yet this diversity of Native American opinion replaces the prior interpretation of a monolithic, reclusive, and static Native American accepting an undesirable fate of allotment and statehood. Instead, Pleasant Porter helped to guide citizens of the Five Tribes and Creek Nation though a dynamic internal and external struggle to actively define tribal identity, future governance, and response to U.S. policy in this critical period. The proud status of the Creek Nation today is a testament to leadership modeled after Porter's lifelong efforts to continually find new ways to mediate Creek interest with the shifting policies of the federal government.

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