

Oklahoman by Blood: Indigenous Land Tenure from Indian Territory to *McGirt*

By

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Abstract

After the *McGirt v. Oklahoma* decision in 2020, Oklahoma's statehood became the subject of intense legal scrutiny regarding the supposed "disestablishment" of American Indian reservations. The State's position follows a playbook all too familiar to citizens of Indian Country, resurfacing antiquated beliefs about what it means to be a tribal citizen and misrepresenting the historical forces that animate Oklahoma's statehood movements. Writing with historians, Indigenous people, and interdisciplinary scholarship, this thesis will incorporate the analytical tools of Critical Indigenous Studies alongside archival and empirical methodologies. This thesis contextualizes Oklahoma's tribal-state governance dynamic as a contest for land, resources, and life made possible by the logic of settler colonialism and white nationalism instrumental in both contemporary and historic struggles for American Indian legal and political recognition. To do this, I look at the contested history of Indigenous land tenure in Oklahoma beginning with Charles Page and the establishment of Sand Springs in chapter two, followed by the enmeshment of blood politics and internalized colonialism in chapter three, and ending with an analysis of three distinct statehood movements preceding Oklahoma's entrance to the United States.

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Introduction: McGirt, Land, and the Politics of Tribal Sovereignty

On March 30, 2022, Oklahoma Governor Kevin Stitt made an appearance on Fox News with far- right pundit Tucker Carlson, in which he opined a “fallout” of criminal prosecution in eastern Oklahoma after the *McGirt v. Oklahoma* (2020) decision. Now nearly two years after Supreme Court’s affirmation of the Muscogee (Creek) Nation Reservation, in a segment ironically titled “Lawlessness in Oklahoma,” Stitt detailed the state’s position, “We have now had a change of rules. The State, if there is an Indian involved, has lost jurisdiction to prosecute those crimes. Our police have lost jurisdiction, and when you think about who’s an Indian - you could be 1/500th, or 1/1000th. I’ve actually got my Indian card, my six children with blonde hair and blue eyes, they all have their Indian card - so our police are having a tough time because you can’t tell who an Indian is and who’s not an Indian in the eastern part of Oklahoma.” Tucker follows this wildly absurd take with his own, asking, “So this is on the basis of race, that depending on what racial category you’re in, you’re treated different by law enforcement, which seems to be what you’re saying?” Stitt responds, “That’s exactly right,” and after a brief one-off example, says, “We have people on death row doing 23-and-me DNA tests to get their convictions overturned, it’s preposterous.”¹ In my mind, Stitt knew exactly what he was saying. By articulating tribal sovereignty as racial preference, Stitt aligned himself with over a century of rhetoric dismissing Tribal Nations of their right to exist independent of foreign disturbance as a radical leftist agenda undermining his authority as governor. Laden with an inaccurate understanding of what it means to be a tribal citizen, Stitt affirms what many in this state believe to be the litmus test for Indigenous national belonging, an ambiguous fractioned volume of blood. While this casual exchange on Tucker Carlson’s show is likely near the bottom of the

¹ Kevin Stitt, “Governor Kevin Stitt discusses the McGirt decision with Tucker Carlson,” YouTube Video, 1:47, March 31, 2022, <https://www.youtube.com/watch?v=Jhdx0AJeWsk>.

laundry-list of exceptionally horrible, dishonest, and inaccurate rants broadcast to millions of people, it was certainly a moment that caught my attention alongside thousands of Oklahomans. The ancestor of Governor Stitt, Francis Dawson, was once accused by Cherokee Nation attorneys and federal authorities of bribing commissioners in 1880, for pretending to be Cherokee for access to land in Indian Territory. There was even a conscious effort to disenroll Francis Dawson and each of the claimants connected to his bribery, yet no process or mechanism exists in Cherokee law to do so.² Faced with the governor's tenuous claim to tribal ancestry and an unfolding effort to dissolve tribal sovereignty, I was dumbfounded. In the middle of my work, writing a thesis and trying my best to connect the issues relevant to *McGirt* to the broader history of Indian Territory and Oklahoma, the governor made everything crystal clear.

To the unknowing reader, the scene that Governor Stitt describes in vague terms is deserving of historical context. Jimmy McGirt, the petitioner, was convicted of three serious sexual offenses by state courts, each offense occurring within the boundaries of the Creek Nation. McGirt, a citizen of the Seminole Nation, argued *unsuccessfully* to state courts that they did not have the necessary jurisdiction to prosecute him given his Seminole ancestry with the crimes occurring in the Creek Nation, which brought his case to the Supreme Court.³ The state argued, above all else, that the crimes did not occur in "Indian Country" because the allotment of Muscogee Creek Nation lands diminished eastern Oklahoma's "Indian character," that the Oklahoma Enabling Act posited state courts as successors to previous territorial courts when Oklahoma became a state, and that population statistics undermined the durational presence of

² Graham Lee Brewer, "The Cherokee Nation once fought to disenroll Gov. Kevin Stitt's ancestors," *High Country News*, February 24, 2020, <https://www.hcn.org/articles/indigenous-affairs-the-chokeee-nation-once-fought-to-disenroll-gov-kevin-stitts-ancestors>.

³ *McGirt V. Oklahoma*, 104 S.Ct. 2452, 2020.

the Muscogee (Creek) Nation.⁴ Failing to convince the court of their arguments against *McGirt*'s claim to postconviction relief, Justice Gorsuch stated, "Today we are asked whether the land these treaties promised remains an Indian reservation for purposes of federal criminal law. Because Congress has not said otherwise, we hold the government to its word."⁵ The government's word, though often broken, held that Congress had to clearly disestablish a reservation or make express intent to do so for those lands to be officially dissolved, or for an Indian reservation to cease in its existence. Interestingly enough, Gorsuch, a Trump appointee, had a highly touted record on tribal law cases that otherwise ran contrary to popular assumptions about his judicial philosophy. Gorsuch had ruled on cases close to *McGirt* in the 10th circuit, which many believed would be a reason he might recuse himself for this case. Fearing a 4-4 split decision and deadlock, Gorsuch remained and delivered an opinion that would reverberate throughout Indian Country and eastern Oklahoma.

In the *Tulsa Law Review*, Mary Kathryn Nagle, a Cherokee Citizen attorney who alongside Sarah Deer filed an amicus brief to the Supreme Court on behalf of National Indigenous Women's Resource Center, stated, "Make no mistake about it, *McGirt* is our *Brown v. Board of Education*."⁶ Recalling the *Brown* decision ending racial segregation in public schools, *McGirt* to many was a foundational affirmation of Muscogee (Creek) sovereignty and persistence. In addition to the Supreme Court ruling in *McGirt*, subsequent lower court decisions affirmed the reservations of each of the other Five Tribes in Oklahoma – the Cherokee Nation, Chickasaw Nation, the Choctaw Nation, and the Seminole Nation, including the Quapaw and Delaware Nations in the far northeastern corner of the state. These decisions culminate in the

⁴ *McGirt V. Oklahoma*, 104 S.Ct. 2452, 2020.

⁵ *McGirt V. Oklahoma*, 104 S.Ct. 2452, 2020.

⁶ Mary Kathryn Nagle, "Introduction," *Tulsa Law Review* Special *McGirt* Issue 56.3 (Spring 2021): 364.

settled claim that much of Oklahoma is Indian Country, that within the former Indian Territory there are several distinct reservations that Congress never disestablished where the state government did not have jurisdiction to prosecute *major crimes*. What were the limits of this ruling then? Would tribes now have legitimate claims in civil jurisdiction? Did the *McGirt* ruling effectively split the state? Prominent lawyers, judges, and citizens of the Five Tribes convened in the *Tulsa Law Review* for a more pointed examination of the ruling's implication. On the issue of taxation, Stacey Leeds (Cherokee) and Lonnie Beard suggest that much of the tax environment prior to *McGirt* would likely be preserved, though the tribes are well-poised to exercise compacted authority with the State on issues of taxation for the benefit of rural economic development, and even have the chance to encourage citizens to apply for exemptions to state income taxes largely resisted by the Oklahoma Tax Commission.⁷ Thus, *McGirt* has very real implications outside criminal jurisdiction that the state fears. While the Supreme Court has delivered its decision in this case, historians are now tasked to unravel what it means for the history of Oklahoma as it has conventionally been told.

This thesis argues that settler colonialism and the expropriation of Indigenous lands in Indian Territory are the foundational basis for Oklahoma's statehood that describe the contemporary politics surrounding the existence of "Indian Country" in Oklahoma. By instituting a faulty blood quantum system in the allotment era, white settlers were able to legitimize the theft of Indigenous lands by manipulating jurisdictional quagmires present in Indian Territory, enabling the creation of the state while maintaining diminished yet durable Native reservations. Chapter One develops an interdisciplinary historiography of Oklahoma and Indigenous land tenure beginning with Angie Debo's famous 1940 work *And Still the Waters Run* and ending

⁷ Lonnie Beard and Stacy Leeds, "A Wealth of Sovereign Choices: Tax Implications of *McGirt v. Oklahoma* and the Promise of Tribal Economic Development," *Tulsa Law Review* Special *McGirt* Issue 56.3 (Spring 2021): 466-469.

with Jodi Byrd's 2011 book *The Transit of Empire*. The central argument here is that recent scholarship on Oklahoma's history is heavily influenced by Critical Indigenous Studies and people-focused histories that center place, agency, and Indigenous identity amidst evident historical erasures of Native people. Chapter Two is a microhistory of my hometown, isolating Charles Page and the Sand Springs Home as evidence of the erasures contemporary historians are illuminating. Here I describe Charles Page in direct contrast to his usual depiction by close friends, beneficiaries of his estate, and local history gatekeepers that often herald him as an icon of the Progressive era driven by care for the poor. Chapter Three explores how marriage, adoption, and the guardianship program became accessible avenues for official corruption and land graft in Indian Territory before Oklahoma became a state. In addition, Chapter Three assesses the effects of the 1839 marriage law on Cherokee Nation citizenship and subsequent laws that organize citizenship determinants around popular racism and racial science. Finally, Chapter Four contends that single-statehood was propelled by a sense of Christian duty to assimilate Natives to white economic and political culture. In addition, chapter four describes how the economy, popular theology, and cultural hegemony were discursively conjoined to deepen the State's legitimacy over the Sequoyah Statehood movement and the All-Black state movement

Chapter One

From the Dawes Act to Statehood and Beyond: The Historiography of Indigenous Land

Tenure in Oklahoma

The study of Indigenous land tenure in Oklahoma from historian Angie Debo in the 1930s and 1940s to contemporary historians like Fay A. Yarbrough, Circe Sturm, and Rose Stremmler, showcases a field in flux. Responding to Critical Indigenous Studies and issues of representation and authenticity in academia as a whole, the lenses through which historians critique and describe Oklahoma's history shift as historical literature adapts to a movement centering authenticity and oral history, where Indigenous scholars are telling Indigenous histories. This push for authenticity and relation within a scholar's expertise on Indigenous issues is in many ways a reification of troubling ideologies like blood citizenship, affirming its role in historically determining Indian lands in Oklahoma and ultimately *who* gets to tell this story. The racial politics of blood citizenship are recast in this change, but much is left to historians regarding their place within the narrative and story. For early historians like Debo, Arrell M. Gibson, and others, scholarly interest and honest work seemed to be the most compelling motivation for their histories. Later historians add more than they subtract from early classics, but the change from empirical method to more interdisciplinary texts in Oklahoma historiography suggests an evolution in both the *kinds of historians* interested in Oklahoma's history, and new analytical *tools* that push the field beyond its roots. This chapter seeks to identify these changes as place, identity, and agency are centered in the writing of Oklahoma history and Indigenous land tenure.

Under the Dawes Act in 1887, "allotment in severalty" carved Indian lands into 160–320-acre plots per family. White settlers were encouraged to purchase lands previously reserved to

tribes removed on the Trail of Tears, and other tribes historically located in the southern plains. Oklahoma's statehood movement, incessant about a one-state solution, disrupted efforts to secure a sovereign Indian-led government in the east, namely the Sequoyah constitutional effort in 1905. Early historians view these watershed moments in strictly historical terms, as singular events within the process of Oklahoma's inevitable creation. Later historians focus on more narrow histories, privileging historical actors and groups whose histories are muddied by romantic historical memory about the West and its associated myths. Both ages of Oklahoma historiography discuss the entanglement of mineral, agricultural, and state interests that secured the dissolution of Indian Territory, but later histories are much more critical about this entanglement, motivated by developing theories in social sciences and cultural studies regarding settler colonialism and racism in historical narrative. Mineral interests were a tremendous concern for Oklahoma's corporations after the *McGirt* decision. Though too recent to affect scholarship, the affirmation of 1886 Muscogee Creek reservation borders illustrated an immense political and economic opposition from private and State interests in Tulsa County, "threatened" by a perceived risk of tribal authority and taxation.⁸ The "marriage" of the Indian and Oklahoma Territories in 1907 is the true beginning of this historic collusion between mineral, agricultural, and state interests attempting to dissolve Indian lands. The stories told about Oklahoma and this period are changing.

The most seminal work on the allotment period comes from Angie Debo. Known widely in the field as one of the more unique and successful voices in the study of Oklahoma and the greater Southwest, Debo's work remains one of the most widely cited items in the field. *And Still the Waters Run* (1940) traces the progression of allotment policy after removal of the five

⁸Stacey Leeds and Lonnie Beard, "A Wealth of Sovereign Choices: Tax Implications of *McGirt v. Oklahoma* and the Promise of Tribal Economic Development," *Tulsa Law Review* 56 (Spring 2021): 436-440.

Tribes to Oklahoma. Debo argues that Oklahoma history is defined by the task of dividing the “spoils” of tribal removal; a history marked by theft, political swindle, and land runs as an ever-present colonial force shifting power to oilmen, speculators, developers, and all-else that an early 20th century lust for greed in the West could get you.⁹ Writing initially in 1939 for the University of Oklahoma Press, Debo’s work was heavily critical of prominent politicians and university donors, blocking any clear route to her publication’s acceptance at the university press. When the editor moved from the University of Oklahoma Press to Princeton University Press, Debo’s manuscript, catalyzed by the force of her work’s historical analysis, argumentative clarity, and reach, found a publisher. Debo’s incredibly detailed breakdown of allotment policy and exposure of various discrepancies in its execution are revealed by letters from Union Agents, federal officials, and Indian resistance leaders like Chitto Harjo (Crazy Snake). It is the first of its kind attempting to wrestle with the early history of Native land tenure in Oklahoma. Debo’s work is widely credited by her contemporaries as an important history of Oklahoma’s tribes, but beyond that, an authoritative account of the entanglement of 20th century capitalism and white settlement in the former Indian Territory.¹⁰ Debo’s work can largely be described as a political and economic history of tribal land-tenure. She uses allotment packets, court and congressional documents, writings from Indian leaders and industry pioneers, legal documents, and anything that would typically be found in a history-book. She is the most noted and lauded historian of the Five Tribes because of her deep attention to classic historical methods. However, she does not provide the kind of social and cultural history that is typical of Oklahoma historiography detailed later in this essay. Debo certainly offers a scathing critique of the treatment of the Five Tribes,

⁹ Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes* (Princeton: Princeton University Press, 1940), ix.

¹⁰ Debo, *And Still the Waters Run*, 65-70.

but she avoids centering herself or her own experience with discrimination as a woman scholar in the early part of the 20th century, where later social historians are interested both in personal narrative and empirical methodology.¹¹

The focus of Oklahoma historiography on the question of tribal land tenure follows a similar path of Debo's ground-breaking work on allotment and eastern Oklahoma's political and economic structure. The scope varies widely, though much of the literature on the state's history with Native reservations concerns the period from allotment in 1887 to Oklahoma's inauguration as the 46th state in November 1907. Arrell M. Gibson's *America's Exiles*, an edited volume written in 1976, showcases the development of historical writing on the subject of Oklahoma's tribes and the push for specificity and originality since Debo. *America's Exiles*, composed entirely by University of Oklahoma staff and graduate doctoral students, differs primarily from Debo's work in structure and form but extends many of the same arguments. A key difference in its structure is evident in each chapter where 'colonization' is abstractly defined for each tribe and is regionally separated. Each chapter is dedicated to a different tribe and their respective land claims and contributed by a different author with unique relation to the subject.¹² In "Creek Colonization" by William W. Savage, Jr., who would later serve as a history professor at OU, Savage addresses Creek removal to Oklahoma in the 19th century, and their early settlement in the Indian Territory. While Savage is less interested in Creek land-tenure after removal, his analysis of Creek factionalism between Upper, Lower, Progressive, and Conservative Creek factions highlights the volume's intent to specify the messiness of federal Indian policy and the

¹¹ Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes* (Princeton: Princeton University Press, 1940). For more analysis on Debo in Oklahoma historiography, see Patricia Loughlin, *Hidden Treasures of the American West: Muriel H. Wright, Angie Debo, and Alice Marriott* (Albuquerque: University of New Mexico Press, 2005), 70.

¹² Arrell M. Gibson, ed., *America's Exiles: Indian Colonization in Oklahoma* (Oklahoma City: Oklahoma Historical Society, 1976), 8.

need for more narrow histories about each tribe's distinct relationship with federal government. Savage even cites Debo as the most authoritative work on Creek history in Oklahoma.¹³ Another key difference from Debo is its timeline of concern. There is little mention of statehood as the nexus point of tribal government dissolution. Though each chapter is most concerned with 19th century incursions by settlers and the removal process, Savage's chapter illustrates the importance of a specified scope adding to Debo's seminal work.¹⁴

Jeffrey Burton's *Indian Territory and the United States, 1866-1906: Courts, Government, and the Movement for Oklahoma Statehood* (1997) lacks the same kind of zeal among contemporaries that Debo's work receives but suggests a moment in the field where the focus on the courts had become a compelling lens to examine how the Five Tribes adapted to new legal and political systems. Much of the battle for retaining or accessing the land from a legal and "protected" position had to be done at the courts, and Indian citizens found themselves in a system with little understanding.¹⁵ Burton's text focuses on the relationship between tribal governments and federal courts, and how the statehood movement minimized and even critiqued Indian governance as a least optimal organizational model for the territories, which were now inundated by white settlers. The reasoning for this positioning is evident in the shifting jurisdictions and asserted responsibilities of the courts at the time. Burton suggests that Indian governance was at odds with the United States as historically oppositional political entities, struggling for the legitimacy of their respective institutions.¹⁶

Though Burton's argument falls short of describing the economic means of declining Indigenous land tenure, like land-theft and mineral speculation, he argues that the Statehood

¹³ Gibson, *America's Exiles*, 42.

¹⁴ Gibson, *America's Exiles*, 34-42.

¹⁵ Jeffrey Burton, *Indian Territory and the United States* (Norman: University of Oklahoma Press, 1997), xiii.

¹⁶ Burton, *Indian Territory and the United States*, xiv.

movement was largely the result of “political expansionism”¹⁷ rather than an interest in extracting surplus value from the tribe. Burton’s work on the role of federal courts is radically different in scope and argument from the previous texts of concern. However, Burton does showcase a comprehensive legal analysis of jurisdiction that added to previous historical writing. One critical difference between Burton and previous authors is his relationship to Oklahoma and Indigenous peoples. A graduate of London University and author of many books about Indian Territory and the West, Burton’s connection to Indigenous peoples is distant and disinterested in Indigenous politics beyond their legal recognition. It seems that his broader interest in the American West falls victim to this distance, as he leans into romantic depictions of the frontier and its “outlaw” character in many of his publications.

Contrasting Burton’s work, William T. Hagan’s *Taking Indian Lands* (2003) explicitly centers the federal government’s efforts to expropriate land through the Jerome (Cherokee) commission, and connects its efforts to procedures like allotment and citizenship enrollment as a method of undermining tribal access to land.¹⁸ The critical difference between Burton’s theses on “political expansionism” and Hagan’s understanding of the enrollment system as an explicit tool of theft, is the nature in which the allotment of lands are understood. Echoing the sentiments of Debo and Gibson respectively, *Taking Indian Lands* places an acute emphasis on the interactions of the commission with corporate and private interests, a combination of “greed and humanitarianism” in the effort to both civilize Indians and ensure the federal government remained the arbiters of the allotment process.¹⁹ In addition to this difference, Hagan’s scope is much narrower and suggests that the efforts of executive authority alone had effectively ensured

¹⁷ Burton, *Indian Territory and the United States*, xii.

¹⁸ William T. Hagan. *Taking Indian Lands: The Cherokee (Jerome) Commission, 1889-1893* (Norman: University of Oklahoma Press, 2011), 150.

¹⁹ Hagan, *Taking Indian Lands*, 5-10.

white settlement in the Indian Territory.²⁰ Burton's text has little interest in historical actors not explicitly serving a judicial function. The commission's job was to ensure that parcels of land outlined in individual allotments were being exercised by those individuals, and if not, returned to the U.S. or made available to white settlement via purchase from the commission.²¹ Hagan, like Debo, is an Oklahoma Hall of Fame historian, and American Indian Studies scholar writing throughout the late 20th century. His most lauded publications come after years of experience in the field and proximity to archives like the Western History Collections at the University of Oklahoma, where his engagement with archival material amidst a push within the field toward critical theory is notably different. Again, Hagan's monograph is much narrower than previous works, explaining the history of the Cherokee Nation's land tenure as one that generally describes Indian land tenure in that area of the state. Representatives of the commission are described as conniving and greedy, where Hagan does not shy away from the commission's uniquely brutal and intentional subversion of Indian rights.²²

From Hagan's work onward, Oklahoma historiography starts to look a lot different. While the field was never short of publications or marred by intellectual disinterest, historians of Oklahoma are now more directly implicated by the push for authentic accounts of Native life in Oklahoma. One of the more telling books within this change is Fay A. Yarbrough's *Race and the Cherokee Nation* (2008). Yarbrough's work situates itself in stark contrast to previous analyses of Indigenous land tenure in Oklahoma by examining the role of internal conceptions of race within the Cherokee citizenship system. Yarbrough's account shifted American Indian historical literature into new terrain by targeting conceptions of race figured into the recognition

²⁰ Hagan, *Taking Indian Lands*, 238–240.

²¹ Hagan, *Taking Indian Lands*, x.

²² Hagan, *Taking Indian lands*, 6, 166.

of Cherokee Freedmen descendants, examining the consequences of racial ideology and the policing of interracial sex by Cherokees after removal to Indian Territory.²³ By directly addressing the essentialist notions of blood quantum (or the percentage of “Indian blood” in one’s ancestry) and its integration with tribal enrollment, Yarbrough imbeds a broad array of social and cultural critique within her empirical examination of Cherokee Freedmen.²⁴ Leveraging the strength of both methods to fully understand how the concept of race is internalized, Yarbrough centers the regulation of interracial-sex as a strategy to defend Cherokee political sovereignty.²⁵ Proximity to Black and white-settler communities in the Indian Territory was a present danger to Cherokee leaders, who wanted to preserve Cherokee identity as a phenotypically distinct community and subsequently crafted racial hierarchies.²⁶ Yarbrough’s work within broader study of Oklahoma, the Cherokee nation, and their relationships to slavery and racial ideology is deeply informative and emblematic of the change in method and narrative-style taking place in Oklahoma historiography. Narratives and writing from Freedmen descendants are at the center of her work, and her ability to see past distortions of Cherokee people in archival sources is telling of this fact. Chapter six of her work titled “Indian Slavery and Memory: Interracial Sex from the Slaves’ Perspective” showcases how social historians in the 21st century are looking at Oklahoma history in radically different terms by centering oral histories of indigenous peoples directly affected by allotment and racial science.²⁷

David Chang’s *The Color of Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (2010) approaches the topic of Indigenous land-tenure in Oklahoma

²³ Fay A. Yarbrough, *Race and the Cherokee Nation: Sovereignty in the 19th Century* (Philadelphia, University of Pennsylvania Press, 2008), 5-6.

²⁴ Yarbrough, *Race and the Cherokee Nation*, 5.

²⁵ Yarbrough, *Race and the Cherokee Nation*, 2-8.

²⁶ Yarbrough, *Race and the Cherokee Nation*, 9.

²⁷ Yarbrough, *Race and the Cherokee Nation*, 112-120.

similarly to Yarbrough. Chang argues the same racial hierarchies Yarbrough stipulates within the Cherokee nation broadly affected the kinds of people who were able to farm and “make use of the land” in the Creek Nation as well. Chang is a historian of race, colonialism and nationalism in North America and Hawaii, and most recently his publications have concerned Native Hawaiian cultural geography and history. In *The Color of Land*, Chang illustrates how Creek “nationhood” is conceived among a handful of Creek families and farms, and how their varied national allegiances were figured by racial attitudes.²⁸ Following changes in land tenure and farm tenancy chronologically, Chang separates the text into three parts: from removal and the Civil War period in part one, the allotment period in part two, and after allotment in part three. Chang’s primary subject of analysis is Creek agricultural tenancy, rather than ‘Oklahoma’ writ-large, with the most notable primary sources centering individual Creek families and the progression of their respective allotments as they move from land-owners to land-tenants.²⁹ Chang’s introduction titled: “Oklahoma as America” hints at the shift in thinking that epitomizes this new class of historians, critiquing foundational assumptions of previous historical narratives that posit Oklahoma and Indigenous people as lost characters in the American story.³⁰ Like Yarbrough, *The Color of Land* describes Creek lands through the lens of race and nation, highlighting the peculiar interplay of black, white, and creek nationalisms. Chang’s work is theoretically astute and includes a myriad of sources beyond what’s conventionally presented in archives or historical accounts. Notably, its focus on Creek slavery and the construction of racial hierarchies within Creek nationalism moves beyond what Debo or Hagan had imagined for Oklahoma history. Compounded broadly by the historiography of race and nationalism that

²⁸ David A. Chang, *The Color of Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (City: Publisher, year), 1.

²⁹ Chang, *The Color of Land*, 74-83.

³⁰ Chang, *The Color of Land*, 1-13.

characterize history writing since the 1980s, these kinds of studies and hyper-specific topics are made possible by the push in social sciences and the study of social and cultural history in the 21st century. The racialized and gendered dynamics of Oklahoma and American Indian history are now more compelling than purely political or economic histories, which dominated in the previous century and define Oklahoma historiography. This push has resulted in more comprehensive and interdisciplinary historical accounts of Oklahoma rather than static reproductions of archival material without ‘real’ interrogations of what those archives hide, an emphasis that Chang and Yarbrough both enumerate through oral histories.

Rose Stremlau’s *Sustaining the Cherokee Family: Kinship and the Allotment of an Indigenous Nation* (2011) echoes Yarbrough and Chang as a dazzling interdisciplinary account of Cherokee families in the allotment period. Stremlau centers oral history and census records to show how Cherokee families adapted to the Allotment system by creating dense, interconnected communities which bridged traditional and communal value systems within expressly individualized and segmented allotments. Stremlau grants agency to Cherokee families who lived through allotment by tracing their writings and narratives across the development of the Cherokee Nation in Oklahoma after the Dawes Act.³¹ Her method exposes the familial dynamics of Cherokee culture and the difficulty of maintaining matrilineal clan-systems through a heavily gendered reality of property-ownership, which privileged male landowners and reoriented the hierarchy of Cherokee families.³² While Stremlau and the use of oral history broadly does not detract from the “old guard” of Oklahoma historiography, it does suggest that new historians of Oklahoma’s Indigenous people are deeply invested in generative histories that place agency,

³¹ Rose Stremlau, *Sustaining the Cherokee Family: Kinship and the Allotment of an Indigenous Nation* (Chapel Hill: University of North Carolina Press, 2011), 3-15.

³² Stremlau, *Sustaining the Cherokee Family*, 38-40.

identity, and place at the heart of the story.³³ Stremlau is an assistant professor of History and American Indian Studies at UNC-Pembroke – a historically Indigenous university in North Carolina. Her proximity to Cherokee families and archives are deep, but beyond that, her engagement with social, cultural, and anthropological theories like settler colonialism, “indigeneity,” and their respective gender dynamics as it relates to the Cherokee family places her work within broader fields of gender history, indigenous studies, and feminist histories that develop in the 90’s and the 2000’s. *Sustaining the Cherokee Family* is a great example of modern historians of Oklahoma leveraging archival information with attention to demands for Indigenous voices and perspectives to be heard. 2011 seemed to be a popular year for these kinds of works, where identity and agency are central in the themes of this new guard of historians.

Circe Sturm’s *Becoming Indian: The Struggle over Cherokee Identity in the 21st Century* (2011) is another book that is heavily influenced by the theory of settler colonialism, or the idea that total elimination of Native people, cultures, and ways of life are at the heart of the settlement project in Oklahoma. “The desire to move from a powerful social position (that of the settler colonial subject) to a seemingly less powerful one (the indigenous subject),” Sturm writes, “is significant because it challenges our theoretical understanding of racial passing as being an effort to move up in the social and political hierarchy.”³⁴ *Becoming Indian* examines the phenomena of “race-shifting,” or “a moment of racial movement in which people who previously identified as descendants of Indians, but not as Indians or tribal citizens, jumped over some imaginary line toward a new level of Native American identity, one that manifested itself in an overtly public way.”³⁵ The nature of this “shifting” is first examined by Sturm in her book “Blood Politics” in

³³ Stremlau, *Sustaining the Cherokee Family*, 1-5.

³⁴ Circe Sturm, *Becoming Indian: The Struggle Over Cherokee Identity in the Twenty First Century* (Santa Fe: School for Advanced Research Press, 2011), 10.

³⁵ Sturm, *Becoming Indian*, 4.

2002, but is fleshed out in this book as a uniquely performative manifestation of Cherokee cultural identity removed from its roots in North Carolina and Oklahoma, but wholly adopting the language of sovereignty to secure its unique identity.³⁶ Speaking prominently about the Tallige Fire community of Ohio's race-shifting, Sturm argues that the politics of racial science has had the dual effect of legitimizing racial shifting, and undermining Cherokee sovereignty and agency. *Becoming Indian* is an ethnohistorical study, assessing census data and the ballooning number of self-identified Cherokees in the 1990s, whose personal genealogical endeavors lend credence to a deeply racialized system of "blood" citizenship. Sturm describes these endeavors as an attempt of self-identified Cherokees to legitimize their blood quantum as the basis of their Cherokee identity, defying historically ascertained kinship systems that depend on proximity to ancestral lands and relation to matrilineal clan systems. Sturm also conducts a variety of interviews and oral histories to explain how race-shifters conceptualize their genealogies and identities. The critical difference between *Becoming Indian* and previous works in this vein is Sturm's discussion about documented tribal ancestry (citizen Cherokees) contrasting a loose *claiming* and *ownership* of an indigenous racial identity (race-shifters). Though the book is essentially an anthropological study, it includes a deep historical account of "race-shifting" in the 20th century which contrasts the idea that it is an exclusively recent phenomenon.

Russell Cobb's *The Great Oklahoma Swindle: Race, Religion, and Lies in America's Weirdest State* (2021) is one of the latest books in Oklahoma historiography and Indigenous land tenure that approaches historical method in a unique and compelling way. Cobb historicizes his family-home, what is now the Sunset Terrace addition of the Maple Ridge neighborhood in Tulsa, formerly a Creek allotment owned by a man named Tuckabache. Cobb is a journalist and

³⁶ Sturm, *Becoming Indian*, 11-14.

assistant professor of Latin American studies at the University of Alberta, but his primary motivation in writing this text was to uncover the Creek history of his hometown and develop a narrative about Oklahoma that addresses the state's inclination to veil its troubled past. Similar to Chang, Cobb's aim in the book is to uncover how Oklahoma's history is broadly reflective of an innately American story, characterized by grift, corporatism, and blatant lies perpetuated in historical memory.³⁷ Cobb's position as a journalist is interesting when considering how contemporary historians of Oklahoma are crafting new narratives with new tools. Cobb deploys historical research methods often and consults historians to inform the research, but presents the information thematically. Race, Religion, and Lies are the three broad categories he develops to understand historical actors like Charles Page, who lead a nationwide kidnapping effort to ensure that Tuckabache's descendants accepted Page's offer to control their estate.³⁸ Cobb consistently uses race, religion and class as focal points to understand the complex interplay of those communities around access to natural resources and property.³⁹ Charles Page's historical memory in the town of Sand Springs is quite gullible. Because Page led the first settlement of Sand Springs by establishing a widow's colony and orphanage, citizens of the town revere him as a protector of children and women rather than the brutal land speculator and capitalist Cobb describes. This highlights how Cobb's deployment of historical narrative is reflective of social and cultural specificity, interrogating his own position in this history growing up on the former allotment and reshaping narratives about figures whose memory veils the reality of early Oklahoma and its assault on native peoples and their land.

³⁷ Russell Cobb, *The Great Oklahoma Swindle: Race, Religion, and Lies in America's Weirdest State* (Lincoln: University of Nebraska Press, 2020), 2.

³⁸ Cobb, *The Great Oklahoma Swindle*, 59-73.

³⁹ Cobb, *The Great Oklahoma Swindle*, 50.

In *Transit of Empire* Jodi Byrd (Chickasaw) offers an interdisciplinary examination of “Indianness” represented in historical, cultural, and literary contexts that suture Native Americans to the establishment of the US settler-colonial nation-state. Byrd defines “Indianness” as a position of liminality that is not static nor rooted, but transitional and trans-motional across time and space, incorporating different relationalities to place, removal, and belonging within the violent process of settler colonialism.⁴⁰ Byrd contends that beginning in 1492, the constructed image of the Indian as a condition of savagery, barbarism, and dereliction became the metonym through which US empire constructed the other. This allowed the US nation-state to project the image of the Indian onto its imperial subjects around the world under the guise of liberal inclusion, multiculturalism, and democratization. At the end of its introduction and in reference to Judith Butler’s “Derealization of the Other,” Byrd states “the Indian is the original combatant who cannot be grieved.”⁴¹ This framework provides a reading of how indigeneity is othered and marked onto imperial subjects as sites of extermination and describes how settler colonial logics are recuperated in international relations, state-building, and national security, which aim to replicate the civilizing mission of Europe within American empire.

The lyrical depth to which Byrd situates this framework is fascinating and holds tremendous explanatory power describing the intentions of American interests in the Middle East and the War on Terror – reifying similar tropes of barbarism, civility, and savagery to describe enemy combatants that are historically situated descriptors of “Indianness.” Byrd contextualizes this through the naming of Osama bin Laden’s execution “Operation Geronimo” and other military rhetoric that posit natives as mythical external threats to American legitimacy. This

⁴⁰ Jodi Byrd, *The Transit of Empire: Indigenous Critiques of Colonialism* (Minneapolis: University of Minnesota Press, 2011), xv, xiii.

⁴¹ Byrd, *The Transit of Empire*, xxvii.

labeling as standard practice within the discursive reality of militarism and liberal nation-state formation suggests the ingrievability of Indianness haunts material representations of the Other, and colonized subjects of American empire around the world. In direct contrast to Timothy Parson's separation of "Empire" and "Colony" as distinct modes of governing new colonial or imperial subjects, Byrd argues that American empire is established through the permanency of "Indianness" as a signifier of external threat which necessitates removal by the American security apparatus.⁴² According to Byrd, "How we have come to know intimacy, kinship, and identity within an empire born out of settler colonialism is predicated upon discourses of indigenous displacements that remain within the present everydayness of settler colonialism."⁴³ Settler colonialism thus is how American Empire is established and continued as a structural process of "greivability" and redress, rather than a single event in 1492 or thereafter. This framing better establishes settler colonialism and imperialism within its discursive practices and enumerates the milieu of ways "Indianness" is reproduced as oppositional to eurocentrism. This reading also allows historians to ground representations of Indianness in scholarly work as a central theme over periphered narratives of 'progress' within the experience of American hegemony. The historical value of *Transit* cannot be understated in our work as students of empire and as observers of imperialism in motion. The attempt by settler historians of all origins to remove American, Australian, and Canadian legacies of genocide from the idea of settler cultural superiority is part of the sanitizing mission of liberal nation-states that reframe themselves as alternatives to empires of the old. The separation of "good, new empires" from "bad, old empires" aides in the active forgetting of settler colonialism in the West and collapses

⁴² Byrd, *The Transit of Empire*, xx.

⁴³ Byrd, *The Transit of Empire*, xviii.

any distinction between “empire” and “colony.”⁴⁴ In this way, colony is distinguished as a single instance of imperial governance, where “empire” is the lasting cultural, extractive, and supremacist project that is made possible through a combination of settled and non-settled colonies.⁴⁵ This definition works to include American empire within historical scholarship rather than leaving its study vulnerable to exceptionalism, which bolsters Byrd’s argument about the cacophony of moral claims that suture liberal narratives of progress and democracy in the globalization of American and European culture.

The Transit of Empire is a critique of postcolonial studies that has real historical value and ought to be considered a natural extension of historical studies of nation-states as social historians attempt to hold states borne out of settler colonialism accountable to their erased histories. The path of change in Oklahoma historiography is difficult to identify if the only guide is to examine works by people with PhDs in history. While many contemporary historians of Oklahoma do have that qualification, the most interesting and compelling theories as of late come from deeply interdisciplinary works. Critical Indigenous Studies, settler colonialism, nationalism, race, and gender are now the most dominant frameworks for reading Oklahoma’s social and cultural history. This method of historical interpretation could largely be the result of broad academic interest in people’s history, entertaining the works of Howard Zinn and Roxanne Dunbar-Ortiz, respectively as the first to illustrate this demand. Yet how and why this change takes place in Oklahoma historiography can only be drawn down to the need for specificity, positionality, and relationship to place, agency, and identity, where older histories of Oklahoma underdeveloped and misrepresented Indigenous politics, ways of life, and strategies of resistance. Speaking of broader fields in historical writing, it’s evident that fields developing in the middle

⁴⁴ Byrd, *The Transit of Empire*, 169.

⁴⁵ Byrd, *The Transit of Empire*, 169.

of the 20th century like Nationalism studies, Area studies, Marxism and Gender histories, Anthropology and a litany of others all had lasting effects on *who* and *what* stories about Oklahoma were legitimate and compelling. The commitment to comparative fields of study in PhD programs incite this need to reach beyond empirical understandings of Oklahoma and grapple with organizing theories like settler colonialism. The nature of historical narrative is rightfully changing to address these holes in historical memory, even those that currently occupy Oklahoma's politics (the *McGirt* decision). There are now more indigenous people authoring this history, with later historians like Sturm, Yarbrough, and Stremlau serving as examples of this demographic change. Even where an author is not Indigenous, like Cobb, the author's position in relation to the narrative is massively important to the legitimacy of the narrative. The nature of historical memory and the legal recognition of tribal lands in Oklahoma will be the subject of the following chapters, using the *McGirt* decision to understand how the borders of the Muscogee Nation took on a fluid nature in the eyes of Oklahoma's politicians and land-grabbers, but also how statehood presented an opportunity to cement the decline of Indigenous landowners.

Chapter Two

Bleeding the Wilderness: Charles Page and Land Graft in Indian Territory

Having graduated in the eventful year of 2016 in Sand Springs, Oklahoma, the possibility of Donald Trump's election was so powerfully close that I, like many kids from the Tulsa area, felt like a small blip in vast sea of uncontrollable chaos. I had serious aspirations to go to college, but really, I felt a tremendous pressure to leave home and stay close, knowing that even in this sea of chaos I might feel more accomplished or at home among like-minded people who hated the idea of someone like Trump running the executive office. So off I went on this meager journey to Edmond, Oklahoma, in the fall of 2016. The situation at Standing Rock had been progressing, and the back-and-forth acceptance of Keystone XL pipeline permits on public lands promulgated a personal interest in environmental and tribal politics. As a Cherokee citizen descendant of intermarried whites, and a high school policy debater ruminating about intellectual buzzwords and "settler colonialism," I focused a lot of my writing in my undergraduate training on Native issues and environmental policy. Having lived and attended elementary school, middle school, and high school in Sand Springs, I felt deeply connected and enmeshed by the Sand Springs community however imagined it may be. I played organized sports for most of my life with some sort of attachment to the town, either a logo emblazoned on my jersey or in youth baseball leagues where games were played just south of the interstate along Wekiwa Road. I was on my high school's debate team and traveled nationally competing under the banner of Charles Page High School. Needless to say, for many years this town was all I really knew, but as my interest in history grew to envelop my distaste for political science as a discipline, I then pursued a graduate degree in history, knowing that I would again focus on the social and cultural history

of Native peoples with and in Oklahoma. I did not know then how eerily close to home this research would take me.

Tucked between Osage, Creek, and Tulsa counties, Sand Springs seems like any median Oklahoma town in appearance. Sitting only 5-10 minutes west of Tulsa along Interstate 244, Sand Springs is an often-forgotten community in the story of Indian Territory. Charles Page, the founder of Sand Springs, was born in Wisconsin in 1861. Page's father was an arborist and worked in the Wisconsin timber industry. When Page was just ten, his father died, and subsequently pushed the young Page into an early adulthood among five siblings and a struggling mother. Page found work at a local railway station in Wisconsin as a security guard, then later the timber industry like his father and other ventures seeking money wherever he could find it. Along the way, Page's experience as railway guard in Wisconsin would lead him to notable positions as a Pinkerton detective and Police chief, and later a colonization agent for the Great Northern Railroad.⁴⁶ His time as miner allowed him a small fortune that he would soon take to Colorado, continuing his mining work, speculating on real estate markets, and began exploratory oil and gas drilling. By 1907, a slew of dry wells in Colorado and the impetus for Oklahoma's statehood brought Page to Indian Territory, where he would then strike oil and fame near Tulsa at the Glenn Pool, now Glenpool, Oklahoma, and in Cushing, Oklahoma.⁴⁷ Having finally found fortune and success in Indian Territory, Page purchased lands west of Tulsa that would soon be home to his dream orphanage and a widow's colony with Page as its sole benefactor. To accompany the needs of the growing orphanage, Page slated the construction of an amusement park, a steel mill, a Glass company, an interurban railway company, and an oil

⁴⁶ Opal Clark, *A Fool's Enterprise: The Life of Charles Page* (Sand Springs: Dexter Publishing, 1988), 19-23.

⁴⁷ Clark, *A Fool's Enterprise*, 22.

company all endowed to the Sand Springs home and orphanage.⁴⁸ Along the way, Page made quite the name for himself as a rough businessman. Having cemented an official presence in the Tulsa community, Page found it pertinent to have his hand in virtually everything. From Indian land cases to securing water sources for the City of Tulsa, Page aimed high and rarely missed.



Image courtesy of the author: Plaque featured at the foot of Charles Page's statue in Sand Springs "Triangle," 102 S. Adams Rd. The plaque's claim that Page "carved a city out of a wilderness" harkens anti-indigenous tropes of savagery, backwardness, and extends the idea that the Adam's settlements were "outside" or "below" white civil society and contemporary industry.

The history of Sand Springs begins far before its official incorporation in 1912. Sand Springs occupies an area of Green Country known for the dominance of textile, petroleum, glass, and steel manufacturing west of Tulsa. "Industrialist" Charles Page had originally purchased the

⁴⁸ Jayme K Landis, *Images of America: Sand Springs, Oklahoma* Charleston: Arcadia Publishing, 1999, 1-2.

160-acre plot that became the town in 1908, formerly occupied by Creek and Cherokee allotments known in the area as early as 1826.⁴⁹ Page is known widely by “Sandites” as the central actor in the birth of Sand Springs, with its early manufacturing and settlements largely attributed to Page as the primary source of capital and investment. By 1908, Page was already exorbitantly wealthy, having deep investments in Tulsa’s oil boom around the turn of the century, and seeking property west of Tulsa to establish an orphanage. The Sand Springs Home, as it is now called, was formally operating and established by 1909, and Page built an amusement park and zoo to accommodate the area’s new settlers. In 1911, the Sand Springs Railway Company was officially born, aiding the burgeoning township’s economy by establishing a passenger rail to Tulsa. The rail was tremendously successful, and the town accompanied its use with the ability to export and import materials to the urban center, Tulsa, east of the town. The population of the Sand Springs nearly tripled in this period, reflecting the importance of Page’s investment in just three years.⁵⁰ By 1918, Page also helped establish a “widow’s colony” near the orphanage, enabling widowed women and their children access to free or reduced-cost housing on the condition they follow the colony’s strict rules and codes of conduct. Among these rules, any child who is “sexually acting out” would be ineligible for stay at the home, and no further information exists publicly as to what that might mean. Children must complete at least their high school or vocational education and be subject to work placement upon completion. Mothers in the colony must be employed or searching for jobs if the home were to provide housing, food, and other necessities. In short, “problem” children are rarely accepted. In addition, widows must be single throughout the duration of their stay, and

⁴⁹ Landis, *Images of America*, 1-2.

⁵⁰ Landis, *Images of America*, 88.

men over the age of 18 are not allowed overnight.⁵¹ The widow’s colony and orphanage are still in operation today and maintain many of the stringent rules authored by Page over a century ago. The Sand Springs Home and colony occupies a large swath of land at the corner of Adams Road and Charles Page Boulevard, where “Adams” is the only reminder of the allotment that predates Page’s construction of the orphanage. Assessing the intent of historical dispossession like this is difficult, but much remains as to why the allotments that once occupied this area get little mention in the Home’s own historical description, on its website and publicly, or why the Adams family had to be cleared for the home to operate initially. Walking along the Sand Springs downtown area, monuments to Page speckle the walls of every corner. Every facet of Sand Springs social life is in some way an homage to Page.



Pictured is Mural along S. Adams Road, Sand Springs, Oklahoma, depicting the Sand Springs Railway Company incorporated soon after the establishment of the city. The railroad dreamscape and pictorial imagery strikes the observer as a prominent figure of the town’s history, yet today, the railroad lies largely empty and underutilized. Image courtesy of the author.

⁵¹ “Charles Page Family Village: Policies, Eligibility, Length of Stay,” *Sand Springs Home*, accessed April 13, 2022, <https://www.sandspringshome.com/charles-page-family-village/>. See also Kirk McCracken, “It Takes a Village: Family Village Offers Hand Up Not Hand Out,” *Tulsa World*, June 20, 2017, https://tulsa-world.com/it-takes-a-village-family-village-offers-hand-up-not-hand-out/article_98ea247b-3f1d-52bf-95a4-9c38c8619e74.html.



Charles Page Monument adorning the side of a downtown building in Sand Springs near 2nd and Main St. At the foot of Page sits a loyal dog, and behind him a large oil derrick and railway car jut out from the brick siding. The art unmistakably focuses rugged individualism with Page as the soaring example. Image courtesy of the author.

This is generally the “meta-story” of Sand Springs. Growing up here, I never thought much of the origin of Sand Springs other than what I could physically see going to school every day. Charles Page High School sits right across the street from the orphanage and widow’s colony, with Page’s name plastered all over the downtown area. Murals and statues of Page adorn the brick and art-deco buildings of the surrounding town, usually depicted with children to his side. Those who have read a bit more about Page’s business practices likely remember less about his ties to the orphanage, and more regarding his deep attachment to the capital, wealth, and accumulation of land. The story of Charles Page is an unabashed microcosm of Oklahoma’s Progressive Era, defined by oil wealth and the accumulation of land and resources at the expense

of previous indigenous inhabitants.⁵² Page was a brutal businessman. Cobb recalls the story of Minnie Atkins and Millie Naharkey, in which Page was found guilty of abridging “full-blood” restrictions by carving up the Naharkey allotment, Page led a nationwide kidnapping effort to become the official guardian of “Tommy Atkins” allotment near Cushing, now the crossroads of transnational oil pipelines.⁵³ The story of Tommy Atkins is detailed in Russell Cobb’s book *The Great Oklahoma Swindle* (2021), appearing in the chapter titled “The Road to Hell in Indian Territory.” While this is certainly an evocative title for a chapter largely about litigious millionaires and swindlers in Indian Territory, the saying “the road to hell is paved with good intentions” seems to fit really well here, and Cobb stops short of suggesting anything positive about Page’s intentions to acquire land and wealth. Within the book, it’s revealed in part that Page’s businesses were also instrumental in fabricating the racial hysteria that became the Tulsa Race Massacre, where the *Tulsa Democrat (Tribune)*, Page’s newspaper opposing the *Tulsa World*, helped feign sentiment for the destruction of the Greenwood district.⁵⁴ This is almost never mentioned in passing conversations about Page in Sand Springs. I grew up with negligible knowledge of this story, the Tulsa Race Massacre, or really anything contrary to the trope of American rugged individualism, and only knew Page to be a *somewhat* reliable historical figure. Further, little is spoken about the Indigenous history of my hometown and the peoples whose lands became prized by oil speculators and industry developers, serving as a stark metonym for

⁵² “RICHEST PEOPLE PER CAPITA ON EARTH GET \$8,290,100 FOR OIL LEASES,” American Periodicals from *Current Opinion* (1913-1925), Jun 1, 1923. See also Henry S. Brown, “The Indians and Oklahoma,” *Outlook* 85.3, January 19, 1907, 115-117.

⁵³ Russell Cobb, *The Great Oklahoma Swindle* (Lincoln: University of Nebraska Press, 2020), 70.

⁵⁴ Cobb, *Swindle*, 64.

the entanglement of American capitalism and settler colonialism that work to distort Chuck Page's historical memory.



From the foot of the bronze memorial of Charles Page at 102 S. Adams Rd. The monument was constructed after wife Lucille Page and daughter Mary established the Page Memorial Library. Image courtesy of the author.



Charles Page sits in the car viewing the infancy of his Oklahoma Power and Water Co. Sand Springs c. 1921. Courtesy of the Oklahoma Historical Society. Page infamously lead an effort to monopolize public water supply for the city of Tulsa by controlling the distribution of water from Shell Creek Lake in Sand Springs. Page was in competition with financiers backing Spavinaw Lake, and would eventually lose this battle. <https://gateway.okhistory.org/ark:/67531/metadc1620683/>.

Prior to the establishment of Sand Springs, the sleepy pasture along the bend of the Arkansas River belonged primarily to Muscogee Creek families. Lieutenant Thomas Adams, a Confederate, Lower-Creek light infantryman in the Civil War, lived with his family and amongst many Creeks in the area Page purchased in 1908. In addition to Adams's allotment, Page also purchased the adjoining allotment owned by Salina (Harjo) Fife and her subsequent heirs, which

accessed spring water for the initial settlement of the orphanage.⁵⁵ The nature of this purchase has gone largely unquestioned by historians and chroniclers of Sand Springs' history. Who Thomas Adams was, beyond brief mention in tertiary sources and the occasional journal entry memorializing Page, has all but died in the memory of Sand Springs. The only markers of his existence are the burial grounds in the Tullahassee Creek Indian Cemetery in the heart of Sand Springs, and the titular Adams Road that connects the cemetery with the high school north of the railroad tracks. Thomas Adams has neatly been erased, like much of the Creek heritage that undergirds the Tulsa community and surrounding municipalities.⁵⁶ Oilmen and grafters like Page successfully cultivated a public image of themselves as keystones of "civilization," carving cities out of the unruly "wilderness." The area, though, wasn't really as described. People lived there, and apparently many people claimed the area long before Page. These lands were to be held in perpetuity by the tribes, to last "As long as grass grows, or waters run."⁵⁷ It was not Page's motivation to maintain tribal interests in the Sand Springs community. To him, Indian lands were merely legal obstacles rather than a promise, or in conveyance of United States treaties. Native peoples continued to live and own land in the community, but Page was now the face of the town. Little is known about the Adam's allotment from local history gatekeepers. The primary accounts from former children at the home often bend toward obvious inflection, so authentic accounts often rely on information passed from generation-to-generation without real reverence for historical context or concern for preservation. If there was a promise to be kept maintaining the history of the Adam's family in Sand Springs, very little is public or widely known.

⁵⁵ Fred S. Clinton, "Tulsa's Water Resources," *Chronicles of Oklahoma* 23.1 (Spring 1945): 61.

⁵⁶ Cobb, *Swindle*, 46-43.

⁵⁷ President Andrew Jackson famously wrote that removal to Indian Territory was to "protect" the Five Tribes, "There, beyond the limits of any State, in possession of land of their own, which they shall possess as long as grass grows, or water runs. I am and will protect them and be their friend and father."



Under the formal supervision of the Daughters of the Confederacy, Tullahassee Creek Indian Cemetery is oddly in the middle of a strip-mall in the heart of Sand Springs. Page's widow's colony and home for orphans is less than a mile north of this cemetery, but it is unknown if the home had any effort in establishing or maintaining the site. The Daughters of the Confederacy likely purchased the site given the Adam's family were notably Confederate Lower Creeks who located in Indian Territory before the Civil War. Image courtesy of the author.

These promises meant little to industrialists like Page. His "vision" for a city simply did not include the Creek peoples who formerly settled the area. When Creeks were included, in the case of Tommy Atkins, it was at the expense of their legal right to the land with Page as its ward. Page manipulated his philanthropic ventures in the public-mind to serve this end, and western Creek County is forever shaped by that decision. Page had his name in everything, and by everything, I mean everything the Progressive Era in Oklahoma sought to tell about itself.

Opportunism, rugged individualism, and the promise of land and capital. “*Think right*”! is as much a suggestion to *forget* as it is to think, and the memory of Adams and Tommy Atkins unearthed serve as reminders.



Portrait of Charles Page. Seemingly photogenic and gracious with photographers, Page certainly wasn't camera-shy given the vast amount of publicly accessible photographs and portraits of him. Courtesy of the Gateway to Oklahoma History. Oklahoma Historical Society. Photograph 2012.201.B0988.0392.
<https://gateway.okhistory.org/ark:/67531/metadc1301673/>



Pictured is the original Sand Springs Home that once housed up to 100 orphans at a time, now replaced by a sprawling campus with office buildings and individual residences. Courtesy of the Oklahoma Historical Society. <https://gateway.okhistory.org/ark:/67531/metadc961477/>

In an oral history interview project with *Voices of Oklahoma*, Opal Clark (Moss) – 103 years old at the time – offered some insight into the story Charles Page told regarding the 160-acre allotment that became Sand Springs. Clark wrote a biography of Page in her late 80s as a student at Tulsa Community College. To this day, her book is proudly heralded as a central authority on Charles Page’s life and memory in the town. Clark was an orphan at the Sand Springs home and came to remember the man fondly for his charity:

Some of the Indians came to him because they had more land than they needed. And what they wanted was money. A lot of the Indians heard that he was wanting to buy land, and so they came to him, and they were around in the area that later became the city of Sand Springs. He bought the land and he wanted people, because people, you know, make the city, and the city brings the people. So, he brought them together by offering a dollar to anybody who come and buy land from him.⁵⁸

⁵⁸ John Erling, “Interview with Opal Moss” by John Erling, *Voices of Oklahoma*, June 30, 2016, <https://www.voicesofoklahoma.com/interview/page-charles/>.

Aside from the suggestion that Page had merely offered to buy land in common from folks who needed money, to then give to other people who needed money; what Clark recounts is very interesting when reading against the grain. Page was infamous for purchasing tracts of land under questionable pretenses. In the Supreme Court of Oklahoma, Page was a defendant in a [case](#) that alleged he paid off an attorney representing the guardian of James Bigpond's estate, a "full-blood" Creek whose only heirs were children at the time of sale, and whose attorney was employed by Page himself prior and during the sale of the Bigpond allotment.⁵⁹ The state ultimately suggested that Page's "innocent purchaser" defense had yet to be evidenced and deferred the case upon his death from influenza that same year. While the Bigpond allotment is not the same tract of land that Clark discusses in the interview, the idea that Page had freely welcomed the previous inhabitants into his small community upon the cession of their land seems quite bizarre. Amidst the storm of well-documented controversies surrounding Page's business dealings, bribing city officials to do his bidding, threatening competitors with legal ruin, and a propensity for fraud Page is lauded by Clark (Moss) as a true reformer.⁶⁰ Now, it's certainly worth mentioning that Clark felt a great debt to Page as he was her legal guardian, but she even goes as far to describe Page's sympathy for victims of the Tulsa Race Massacre, bringing food stuffs and aid to the Greenwood community.⁶¹ This contrasts the story that Cobb details, where Page's paper, then sold and renamed by his close friend and supporter of the Ku Klux Klan, Richard Lloyd Jones, published an [article](#) that was likely "the most proximate cause"

⁵⁹ *Bigpond v. Page* 964 OK S. Ct. 257, 1926, 793, <https://law.justia.com/cases/oklahoma/supreme-court/1926/54284.html>.

⁶⁰ Eugene Lorton, "Charles Page Says He Bribed Two City Commissioners in Purchasing Ball Park," *Tulsa Daily World*, 13.21.1, October 9, 1917.

⁶¹ John Erling, "Interview with Opal Moss" by John Erling, *Voices of Oklahoma*, June 30, 2016, <https://www.voicesofoklahoma.com/interview/page-charles/>

for the mob of white men who descended on Greenwood the evening of May 31, 1921 and into the next day.⁶²



Charles Page Monument and Library, 2012. 201.OVZ001.7003. Courtesy of the Oklahoma Historical Society. <https://gateway.okhistory.org/ark:/67531/metadc1694383/>

While I would be a fool to suggest that Opal Clark had ill intent in her description of Charles Page at the age of 103, much of what we know about Page publicly is clouded by obscurity and withered by time. The way local communities identify themselves within the state's historical imaginary is deeply telling about the stories we choose to elevate, and the stories we chose to hide. The nature of Charles Page as a benefactor of the Oklahoma progressive era, an Okie "Boss" Tweed if you will, is only partially revealed in newspapers,

⁶² Cobb, *Swindle*, 64.

court documents, oral histories, and historical images. The full scope of Charles Page is buried away in the recesses of memory, and we're left with a meager account of who this man is beyond two opposing interpretations that leave more doubt than certainty. Both sides recognize Page as notoriously litigious, which suggests that a fuller image of Page can be drawn through his testimony and behavior in court. Even then, much is left to guessing and speculation. What we do know about this period and individuals like Page broadly, however, undercuts the harmonious and democratic depiction of Page the town of Sand Springs, Charles Page himself, and Opal Clark protected. Having only a short time to touch the mountain of research required to fully undress this history, the *"Think Right!"* motto will continue to give me sleepless nights and stirring reminders that much is left to discover.



Pictured is the headstone of Samuel C. Adams, a descendant of Lieutenant Thomas Adams, whose name dawns the tangent street. The Adam's family burial grounds are the only remaining markers of the Creek peoples who populated Oktahv Uekiwa (Sand Springs). Image courtesy of the author.

Chapter Three

Policing Blood: Guardianship, Marriage, and Adoption in Indian Territory

From 1880 to 1900, Indian Territory experienced a rapid change in demography and political structure. The General Allotment Act helped parse individual plots from communally held Indian lands, and the Organic Act of 1890 enabled the construction of Oklahoma Territory and the extension of Arkansas laws over Indian Territory. Before 1890, white settlers had already moved to Indian Territory in masse, intruders and opportunists looking to exploit the overlap of jurisdiction and precariousness that Oklahoma represented at the time. From 1890 to 1900, both Indian Territory and Oklahoma saw its total white population soar to over 627,000 residents, and then doubled again by statehood in 1907 to over 1.2 million, increasing tenfold from just over 172,000 in the 1890 census. By statehood, nearly three quarters of the total population were, at the very least, *recorded* as white.⁶³ Black settlements migrating away from Jim Crow laws in the South in addition to formerly enslaved Freedmen also saw Indian Territory as an ephemeral opportunity for economic freedom, to own property and advance generational sustainability.⁶⁴ As much as Indian Territory has been credited for “lawlessness,” it was also a happening place of opportunity and promise often forgotten or diminished in historical memory.

Though duly researched in the historical record, intermarriage between non-Native settlers and Natives in Oklahoma presented a troubling challenge for Southeastern tribes still reeling from the graft of Indian Removal. Territorial sovereignty was of the utmost importance,

⁶³ For context on the term “intruder” see Richard Mize, “Intruder,” *The Encyclopedia of Oklahoma History and Culture*, <https://www.okhistory.org/publications/enc/entry?entry=IN036>. While census records documenting the populations of the territories are immensely flawed, it does provide a cursory record of white settlement that is useful for understanding the distribution of white settlers to Natives and Black settlers before official statehood, see U.S. Census Bureau, “Population of Oklahoma and Indian Territory” (Washington: Government Printing Office, 1907), 7, https://www2.census.gov/prod2/decennial/documents/1907pop_OK-IndianTerritory.pdf.

⁶⁴ David Chang, *Color of the Land*, 149-152.

and Indigenous leaders saw intermarriage as a threat to legitimacy as distinct peoples and distinct nations as the allotment process began. In this chapter, I argue that intermarriage and adoption in Indian Territory were intimately connected to the continued process of settler colonialism. By attempting to eliminate and subdue indigenous landownership through a rigid classification of Native identity by phenotype, color, and proximity to whiteness, marriage and adoption served as proximate opportunities for white settlers to graft Native lands.⁶⁵ While in this sense “whiteness” is the social construction of rugged individualism, individual property ownership, and the destruction of communal ways of living and understanding the world in addition as much as it denotes phenotypical appearance; it is also the metric by which land was apportioned to allottees on the basis of “competent” stewardship of natural resources.⁶⁶ Tribal leaders crafted laws and policies preventing miscegenation and made marriage between white men and native women quite challenging. In some cases, white men seeking to marry Indigenous women had to produce certificates of moral character, have the express permission of tribal governments to marry, rescind American citizenship, or face extensive costs to do so.⁶⁷ Orchestrated to protect Indigenous landowners, the impact of these laws saw wealthy white men with the means of affording extensive consultation with tribal governments and the equity necessary to marry or

⁶⁵ Anne F. Hyde, *Born of Lakes and Plains, Mixed-Descent Peoples and the Making of the American West* (New York: W. W. Norton & Company, 2022), 310-315; Fay A. Yarbrough, *Race and the Cherokee Nation*, 54-58.

⁶⁶ Hyde, *Born of Lakes and Plains*, 310; see also U.S. Congress, *Annual Report to the Civilized Tribes Commission* (Washington, DC: GPO, 1902), 31–32. On defining “whiteness” and racial difference among Creeks, Freedpeople, and intermarried whites, see Chang, *Color of Land*, 160-161.

⁶⁷ Interview with S.W. Ross, ID: 12809, by Elizabeth Ross, January 26, 1938, Indian Pioneer Papers, Western History Collections, University of Oklahoma; see also Jonita Mullins, “Three Forks History: Getting Married Was a Challenge in Indian Territory,” *Muskogee Phoenix*, February 10, 2019, https://www.muskogeephoeenix.com/news/three-forks-history-getting-married-was-a-challenge-in-indian-territory/article_dc79be78-04d2-591a-9584-750560b410ce.html.

adopt into Native headrights increase dramatically.⁶⁸ Land cessions were commonplace and marked an era of swindle and grift that Oklahoma loves to forget.

So, what is the point of all this? Many in Indian Territory thought nothing of their marriages to folks of different races. At least for the Cherokee Nation, cohabitation and children born from parents of mixed descendance was fairly normal, even before removal. Nothing of material value provides any distinction between marriages of different races or otherwise, but the Five Tribes in Indian Territory saw marriage and adoption as the new terrain for further U.S. encroachment on their land and sovereignty. In many cases, intermarriage was the only real way to ensure political legitimacy given that mixed-descent peoples dominated the upper echelons of tribal politics, and assimilation to American cultural norms were the only way “in.” John Ross himself, a mixed-descent Cherokee man, married a white woman and altered Cherokee law up to that point to do so. The tribal leaders that eventually convene for the Sequoyah Statehood convention are almost entirely of mixed descent heritage but saw interracial relationships and the specter of citizenship for non-Natives as a deeply assimilationist project. The idea that race was biological and sutured to genetics and bloodlines, made legible by fractionated valuations of ancestral lineage, helped legitimize racial difference between Indigenous allottees and white intruders.⁶⁹ Racial science was the hand that moved laws regarding intermarriage and the acceptance of new tribal citizens, recognizing varied and complex groups of people as individually distinct from dominant white society.⁷⁰ As homesteaders and settlers made their way to Oklahoma, they brought along these dominant assumptions about Black and Native people as biologically inferior. Structural impediments to Black and Native literacy, education, voting, and

⁶⁸ See David Grann, *Killers of the Flower Moon* (New York: Doubleday Publishing, 2017), 171-175; William Dudley Foulke, “Despoiling a Nation”, *Outlook*, 91 (January 1909): 44.

⁶⁹ Hyde, *Born of Lakes and Plains*, 310.

⁷⁰ Sturm, *Blood Politics*, 1-4.

basic human rights were rather justifications for a subordinate racial positioning. As tribes garnered a better sense of governance within the eyes of federal government, the need to police the boundaries of tribal citizenship hinged upon relations with an occupying force.

Cherokee Chief John Ross is a good starting point for understanding intermarriage customs and laws in the Cherokee Nation throughout the nineteenth century. Ross was a staunch opponent of intermarriage between whites and Cherokees before removal, ironic for a milieu of contradictions I'll highlight in the following pages. The death of Ross' first wife during removal is not well documented, but upon his residence in Indian Territory, Ross felt new pressures to further engrain himself in white political society. It was then that Ross courted Mary Brian Stapler, and a few other young white women in Washington elite circles. Ross married Stapler in September 1844, commemorating their marriage with a friendly bouquet sent to them by Dolley Madison, widow of President James Madison.⁷¹ Stapler from Wilmington, Delaware, was well connected to federal politicians and bureaucrats and was particularly struck by Ross. Their courtship is well documented in exchanged letters and correspondence with Stapler and her sister, Ross.⁷² It's likely worth mentioning here that laws and regulatory procedures regarding intermarriage to this point had almost exclusively focused on unions between white men and Indian women, the theory being that wealthy land speculators would marry into a tribal nation for the sole purpose of grafting communally held lands.⁷³ While these laws were explicitly gendered given the context of marriage as process securing property rights, establishing men as the head of estates, and the assumption that Indian women were feebly subject to the capitalist

⁷¹ Ann McGrath, "Making Love-and Nations," *Sapiens*, February 14, 2016, <https://www.sapiens.org/culture/making-love-and-nations/>; Ann McGrath, *Illicit Love: Interracial Sex and Marriage in the United States and Australia* (Lincoln: University of Nebraska Press, 2015), 194-198.

⁷² McGrath, *Illicit Love*, 194, 202-205.

⁷³ McGrath, *Illicit Love*, 153-155.

whims of white intruders, it also confounded the context in which an Indian man marrying a white woman related to the security of property rights.⁷⁴ Before removal and acculturation of the Cherokee Nation to American familial norms, Cherokees followed matrilineal descent and the responsibilities of care, property, and other rights followed clan affiliation given by the mother. Cherokee towns functioned as “autonomous settlements in which households related to each other through ties of kinship and patterns of reciprocal interaction for subsistence, spiritual, and political purposes.”⁷⁵ Ross’s marriage to Stapler meant the Nation had little interest such marriages that did not threaten territorial sovereignty. The landedness of a non-native settler attempting to marry an Indian woman was a central concern that delineated racial hierarchy in the Nation. Cherokee women intermarrying with white men often did so without concern for the particular land to be produced from the marriage and by choice, but many also sought the economic benefits of marrying white men and maintaining matrilineal descent for their children, a means in itself of protecting traditional Cherokee values and kinship systems.⁷⁶ The Cherokee Nation amended its constitution and laws regarding marriage in 1855 with a subsection detailing the rights entitled to intermarried persons on the basis of citizenship, as well as the absence of entitled rights to intermarried persons of African-descent.⁷⁷ Yarbrough demonstrates the purpose of the amendment stating “Cherokees were articulating a system of racialized social identities in which what entitled one to full political, social, and legal rights was not whiteness, but a lack of blackness.”⁷⁸ Whiteness as a positioning of relation to wealth, land, and ‘civility’ harkens racial science in the verification of potential marriages. Intermarriage of Natives with Freedpeople or

⁷⁴ Yarbrough, *Race and the Cherokee Nation*, 83-84.

⁷⁵ Rose Stremmlau, *Sustaining the Cherokee Family*, 23.

⁷⁶ Stremmlau, *Sustaining the Cherokee Family*, 49-51.

⁷⁷ *Constitution and Laws of the Cherokee Nation: Passed at Tahlequah, Cherokee Nation, 1839–1851* (Tahlequah, Cherokee Nation, 1852), 19.

⁷⁸ Yarbrough, *Race and the Cherokee Nation*, 57-58.

descendants of enslaved people embodied all that the Cherokee Nation wanted to avoid, both perceptually to mediate its own relationship with the federal government, and internally as a nod to racial science and the widespread belief of declining Cherokee territorial sovereignty.

An Act to prevent Amalgamation with Colored Persons.

Be it enacted by the National Council, That intermarriage shall not be lawful between a free male or female citizen with any slave or person of color not entitled to the rights of citizenship under the laws of this Nation, and the same is hereby prohibited, under the penalty of such corporeal punishment as the courts may deem it necessary and proper to inflict, and which shall not exceed fifty stripes for every such offence;— but any colored male who may be convicted under this act shall receive one hundred lashes.

Tahlequah, Sept. 19th, 1839.

Approved—JOHN ROSS.

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Ross was immensely challenged in his period of leadership. As he was negotiating the terms of an extralegal Treaty of New Echota and courting Stapler, the Cherokee Nation was forging ahead in the process of removal to Indian Territory. When there, Cherokees sought neutrality when the Civil War encroached on the political situation in Oklahoma but were split among factions led by Ross and the supposed “traditionalists,” who resisted the treaty of New Echota, and General Stand Waite and the “progressives,” who supported removal. Each of the removed Southeastern tribes owned enslaved peoples in some capacity, and both leaders of the factions in the Cherokee Nation owned enslaved peoples themselves. Many Native people saw Black people as inferior, and the realities of anti-Black racism within Native communities in Oklahoma are not implicit or hidden. As recently as 2007, the citizenship status of descendants of Cherokee Freedmen was in full-fledged debate, and many lost access to critical social services

⁷⁹ *Constitution and Laws of the Cherokee Nation*, 1852, 19. Ross’s language beyond its obvious dehumanization of and masculinization of corporeal punishment, suggests an outward defense of racialized blood logic that dominated national perceptions of enslaved peoples and intermarriage. Anti-miscegenation laws were part of a broader American national consciousness that Cherokee government emulated, and internalized.

the Cherokee Nation provided for housing, food, childcare, and even voting rights. Jodi Byrd (Chickasaw) employs an approach to this centennial decision through a critical Indigenous lens that suggests, “The problem for indigenous nations colonized by the United States and in the face of the continual forced migrations and diasporas arising from U.S. capitalistic and militaristic policies abroad is that the world—its problems, complicities, and oppressions—has been brought to our lands.” Byrd continues this articulation by examining the “internalized” colonialism and a steepened politics of recognition that pervaded the Five Tribes’ policing of race, blood, and genealogy to fit a Eurocentric model of “multicultural settler democracy,” which worked to expel peoples who could not trace their ancestry to the 1906 Blood rolls.⁸⁰ The kind of multiculturalism the Cherokee Nation attempted to solidify in 2007 by stripping Freedmen of citizenship coincided with a long-held politic of antiblackness, where the humanity of people in chattel, those who walked the Trail of Tears alongside Cherokees as property, were still in question over a century later. Many Native Freedpeople were certainly citizens by blood, or descendants of the original Black people in Indian Territory as chattel to Indian Nations. The separation of “Blood Rolls” from “Freedman Rolls” enumerated how allotment was structured to racialize plots of land according to the presence of African ancestry, delineated difference between the rights of mixed-descent Indian people and Indian freedpeople.⁸¹ Historian Alaina E. Roberts contends, “Indian freedpeople both benefited and suffered from land allotment. They received land that allowed them to create communities and provided them a measure of stability, but at the same time land allotment would eventually lead to the dissolution of the tribal governments that granted them more freedom and equality than that available to African

⁸⁰ Jodi Byrd, *Transit of Empire*, 125-137.

⁸¹ Alaina E. Roberts, *I’ve Been Here All The While: Black Freedom on Native Land* (Philadelphia: University of Pennsylvania Press, 2021), 90.

Americans in the post-1870s South.”⁸² Such a duality proved difficult to navigate for Indian freedpeople, who stood to lose as much as they gained from drawing allotments. Taking a small allotment in the short-term meant a brief period of freedom and autonomy, but on the precipice of Statehood, all could once again be lost. This ultimately meant many freedpeople did not draw allotments out of distrust for commissioners and a compelling sense of historic dishonesty from federal government, but many did as well, seeing allotment as a small window of opportunity unavailable outside of Indian Territory.



Pictured is Chief John Ross's Cottage at Park Hill, Cherokee Nation showcasing the Cherokee practice of slavery at the homes of political leaders. Enslaved peoples of African descent were displayed prominently in front of the cottage, with an overseer present to their right. The cottage would later be burned by the Confederate Cherokee General Stand Waite in October of 1862, amidst divisions in the Cherokee Nation over the issue of slavery and who to support in the Civil War. The Waite and Ross feud forced Ross and Stapler to shelter in the North during the war. Image courtesy of the Oklahoma Historical Society, Gateway to Oklahoma History <https://gateway.okhistory.org/ark:/67531/metadc1624158/>.

⁸² Roberts, *I've Been Here All The While*, 70.

Though Ross is clearly not the only example of an established mixed-descent Cherokee saving the right of intermarriage for themselves at the expense of other Cherokees intending to marry non-natives, his efforts to prevent unions between Cherokees and white squatters would prove fruitless. Elias C. Boudinot, another prominent Cherokee leader of mixed-descent and signatory of the Treaty of New Echota, also married a white woman during a period of Cherokee nation-building that divested most members of the very same right. The customs of marital union in the Cherokee Nation to that point had not explicitly outlawed polygamy or dual marriages, and Indian Territory was deeply intermingled between disparate groups of removed tribes, between white settlers and Natives, and between Black and Freedmen descendants with Natives and White settlers alike. Census-takers, mostly Indian Agents from the Bureau of Indian Affairs, accompanied mixed-descent interpreters who were tasked with the arduous goal of surveying mixed families living on reservations in Indian Territory. At least once census bulletin published for the 1890 census of the Five Tribes in Indian Territory stated, “In the towns of the Five Nations, even the Indian towns, pure Indians are few and far between. In the country some are met. [Black] Indians, especially in the Creek Nation, can be found in abundance, and some speak only the Creek language. The Indians of the Five Tribes are largely one-half and one-fourth bloods, and resemble white men more than Indians” ... “One constantly hears the remark from travelers in Indian territory “Why, where are the Indians?”⁸³ Instead of reckoning with the obvious drawback of racializing widely varied Indigenous groups, those agents arbitrarily assigned fractional delineations of Indian blood based almost exclusively on phenotype and color.⁸⁴ Dividing 40–80-acre plots per family proved immensely difficult. What defined a

⁸³ U.S. Census Bureau, *The Five Civilized Tribes in Indian Territory: The Cherokee, Chickasaw, Choctaw, Creek, and Seminole Nations*, 11th census, 1890, 8, <https://www2.census.gov/prod2/decennial/documents/1890e1-01.pdf>.

⁸⁴ Sturm, *Blood Politics*, 1-4; Hyde, *Born of Lakes and Plains*, 305, 310-315, 330.

“family” at the advent of the General Allotment Act was radically different for the Five Tribes, with some cohabitating in multi-family homes, some living with unofficial marriages between multiple individuals, or where the norms of family life including childcare, agriculture, work on or off the reservation, and familial hierarchy sharply contrasted the goals of allotment.⁸⁵

Those goals articulated as “Progressive” and necessary to transition Indian families into wage-economies and private property ownership did almost exactly the opposite. Indigenous landownership steadily declined, families documented on the Dawes Rolls saw their allotments carved into even smaller chunks for the opening of oil sites, and millions of acres of indigenous land held in perpetuity to tribes became surplus lands, or adopted by professional guardians through swindle that catalyzed oil barons and settlers looking to Indian Territory for millions of dollars in oil wealth.⁸⁶ The Land Rush of 1889 marked the end of the homesteading period, but it was not the end to the graft of allotments. Beyond the attritional goal of acquiring massive tracks of land to make money, how is marriage involved in this process? In short, to make up for the economic drawbacks of losing vast amounts of land, hunting and fishing grounds, and the means to carry on traditional lifeways; some allottees sold their land to incoming settlers, businessmen, and speculators searching the territory for “untapped” resources. For many attempting to hold onto allotments, the blood metric proved immensely difficult. Allottees with a supposed higher degree of Indian blood had the additional red tape of guardianship or designated incompetency.⁸⁷ The means by which wards of an allotment were declared incompetent varied, but conservatorships for Native kids, heirs to the families of supposed “more than half” Indian blood, became a crucial source of wealth accumulation for local lawyers and professional guardians

⁸⁵ Stremlau, *Sustaining the Cherokee Family*, 19.

⁸⁶ Angie Debo, *And Still The Waters Run*, 286-289.

⁸⁷ Hyde, *Born of Lakes and Plains*, 310-315.

with tremendous sway over decisions in local courts. County probate courts were made the arbiter of land sales of Indian allotments after an act of congress on May 27th, 1908 removed restrictions on the sale and guardianship of “full-blood” estates.⁸⁸ These were the very same restrictions Charles Page violated regarding Millie Naharkey’s Allotment in the previous chapter. Though the Indian Reorganization Act functionally ended the guardianship of allotments by vesting the trust relationship back to the Department of Interior, decades of grift and robbery could not be repatriated.

Tulsa, the anglicized version of the Creek word *Tallasi*, became a hotbed metropolitan area for incoming business leaders and land speculators looking to make a buck off the oil boom.⁸⁹ The influx of settlers and homesteaders to Tulsa completely altered the physical and political dimensions of Eastern Oklahoma. Tulsa opened itself up to business of all kinds and the wealthiest of the homesteaders were looking to build towns and municipalities, serving Tulsa as the urban center. As Tulsa soon became the “Oil Capital of The World,” Indian allotments obfuscated the legal terrain for setting-up shop. Natives, seen as impediments to progress, modernity, and civilization continued as obstacles to white settler society by becoming wards of the County, bending Federal Indian Law to serve the ends of the State government and wealthy individuals under the presumption that a majority white population could exert its political influence over Native lands that had yet to be disestablished. Though *Cherokee Nation v. Georgia* (1831) identified the political status of the Cherokee nation as a “dependent domestic sovereign,” the new State of Oklahoma saw the Cherokee Nation and others as impediments to

⁸⁸ Gertrude Bonnin (Zitkala-Sa), *Oklahoma’s Poor Rich Indians: An Orgy of Graft and Exploitation of the Five Civilized Tribes – Legalized Robbery* (Philadelphia: Indian Rights Association, 1924), 8-11.

⁸⁹ For more on the Muscogee Creek ancestry of Tulsa, see Russell Cobb, *The Great Oklahoma Swindle*, 47; Angie Debo, *Tulsa: From Creek Town to Oil Capital* (Norman: University of Oklahoma Press, 1943), 3-4.

the State's legitimacy.⁹⁰ Tulsa is significant in the story of intermarriage and mixed-descent families in Indian Territory because of the layering of widely varied political allegiances, its position as an epicenter for the Muscogee Nation and many other Indigenous groups, and the success of Black land and business ownership in a sea of white intruders. Unlike most places in the US, Tulsa was intricately cosmopolitan and diverse, in language, appearance, industry, and in overlapping and melded legal authority. In an interview, Minnie Wimberley Hodges recounted this kind of "layering" when speaking about her family's time living near Sand Springs and Shell Creek (or Euchee Creek) within sight of Tulsa, "In addition to the Sunday School, church services were held every two weeks, in a little unoccupied shack near Hodge Creek. A sermon was preached by the Rev. Morris, and services were attended by both whites and Indians. When it came to singing, all joined in the song, the Indians singing in their language while the white people sang in English, but all to the same tune."⁹¹ The "outlaw" character that Burton characterized in *Indian Territory and the Courts* is contrasted thus by Tulsa as a site of postcoloniality and cosmopolitanism. Natives and Whites sang together in church, across different languages, but maintained a proximity however forced that necessarily linked them as coparticipant community members. Differences on the question of slavery and reconstruction, resistance to federal social programs including allotment and assimilation, and the central tension between the "individual" and the broader community were all vested in the complexity of Indian Territory as a site of interplay within Black, settler, and Native relationships to home and place.

Home to white settlers was nearly always transplantable. It entailed an explicit connection to individual property, and the ability to commodify land for economic production,

⁹¹ Interview of Minnie Wimberley Hodge, ID:13131, by Mary D. Dorward, February 18, 1938, Indian-Pioneer Papers, Western History Collections, University of Oklahoma, 19.

but it did not necessitate permanency. For settlers like Charlie Greer, Indian Territory represented opportunity not because of lost ownership or lost dignity elsewhere, but an opportunity for a more “exciting” and “wild” life, “We had read in the papers for about a year of Payne and his followers trying to colonize Oklahoma, and their subsequent rebuffs, until we had all become curious to know more about the territory, that to us seemed full of wild Indians and a land of real adventure.”⁹² For Black homesteaders, home and place were intimately wedded to accessing economic opportunity within vastly oppositional contexts, opportunity in a world dominated by Euro-American conceptions of personhood, respectability, and the “bootstraps” narrative of upward mobility. Black families, and those of mixed descent, sought to reconcile land tenancy and subordination to white planters in the South with the possibility of land ownership in Indian Territory. For Fannie Rentie Chapman, a Creek freedwoman born in Leonard, Indian Territory, in 1856 to parents who were still legal property in service to a Creek Plantation, allotment spelled the end of her sense of ownership however limited, “When the Creek allotments were made I drew my allotment of 160 acres three miles north of Boynton, where I always made my home until 1933, when I was finally swindled out of the property by loan companies, individuals and people in whom I had misplaced confidence.”⁹³ For removed Indigenous groups, the continued settlement of lands in Indian Territory meant a constant refashioning of home and place. A similar kind of “reclamation” that Black homesteaders saw in Indian Territory, but different in the sense that the Five Tribes were attempting to assert the legitimacy of their governance, of their peoples as distinct, while maintaining proximity to other Indigenous nations amidst discernable cultural and historical differences, and varied strategies of

⁹² Interview of Charlie Greer, ID:10408, by Anna R. Barry, March 29, 1938, Indian Pioneer Papers, Western History Collections, University of Oklahoma, 2.

⁹³ Interview of Fannie Rentie Chapman, ID: 5219, by Jas S. Buchanan, April 14, 1937, Indian Pioneer Papers, Western History Collections, University of Oklahoma, 1-3.

resistance to U.S. hegemony. When Cyrus Thornton, a white homesteader, recounted his days in the Choctaw Nation during the Civil War, he mentions his tacit adoption of a Choctaw orphan from a nearby home and having then befriended many Choctaws by taking care of one of their own. Interestingly, he then mentions the rights of intermarried citizens to land, “Many of the white squatters who moved into this country married the younger Choctaw women. If the white man who married the Indian woman would file the correct application and pay what the Department asked, which was not a great amount, he was entitled to what was called an ‘Intermarried Citizen’ and he and all his children that was born to them were allowed to come into possession of this Indian land and of any assistance which the government would pay the tribe.”⁹⁴ Thornton recognized the ease to which white settlers could befriend Choctaws and even marry or adopt into their circumstance therein with access to essential economic assistance and rights to land. Though the validity of Thornton’s claim can only be legitimized in official records, the focus and attention of interviewees recounting the ease to which white settlers could access Indian land through institutions like marriage and adoption suggests. The nature of this interplay and interaction between Black homesteaders, white settlers, and Indigenous groups is often minimized by the immense profit and legacies of white industrialists and businessmen who, frankly, couldn’t care any less about the social and cultural liminality of the territory. These industrialists sought fame, fortune, and the chance to establish themselves as elites while moving local, state, and national policy to suit their dreams.

By establishing concluding remarks and arguments, I hope to avoid mincing words or essentializing legal processes that are deeply engrained in Oklahoma’s cultural lexicon.

Marriage, guardianship, and the adoption of orphans are quintessential elements of an early

⁹⁴ Interview of Cyrus Thornton, ID: 6307, by Bradley Bolinger, June 17, 1937, Indian Pioneer Papers, Western History Collections, University of Oklahoma, 8-9.

Oklahoma plagued by legal ambiguity, the pressures of white supremacy and settler colonialism, and a deepened politics of racial science and eugenicist hysteria that nurture the space in which Native land could be legally swindled. The guardianship and adoption of Native kids into white families sought the deconstruction of Native familial units into neat nuclear families, a colonizing strategy for white homesteaders seeking access to Native lands. Yet not every case of intermarriage or adoption served this purpose. Not every case of marriage between races or children born between different groups of people had to do with accessing land, but the complex arrangement of laws and jurisdiction regarding marriage and adoption in Indian Territory enabled and catalyzed land gifting. The Five Tribes internalized racist legal structures to deal with ongoing assimilation and threats to territorial sovereignty that actively altered conceptions of a communal kinship and national identity. Allotment served a tremendous obstacle to unified anticolonial resistance by fractionating families, fractionating their blood, and dividing their allotments into smaller, and smaller sects, thwarting many hopes of a transnational and wide-reaching venture into an all-Native state. The subsequent chapter concerning the Sequoyah Statehood movement and All-Black towns in Oklahoma seeks to enumerate and remember the historical actors central in the resistance to single-statehood, a movement premised on eliminating Black and Native routes to full political and economic access in Oklahoma by assuaging settler desire for accumulation and land.

Chapter Four

Statehood Movement(s): Nationalism, Racial Capitalism, and Extraction

With oil barons and wildcatters pocking the landscape of Indian Territory, the expanding United States brought even more white settlers to Oklahoma after its official statehood on November 16, 1907. The national economic panic of 1907 saw the economy contracting, and popular distrust in regional banks precipitated tremendous economic pressure to consolidate national resources. Opportunity rang loud for supporters of single-statehood in Guthrie, and all throughout the infant state, whose concerns were shielded by the promise of Indian Territory's natural resources and growing economic foothold. Oklahoma's statehood was brought on by a confluence of political, economic, and social pressures unique to the Progressive Era. The assassination of a sitting president and the ascendance of Theodore Roosevelt in 1901 meant the Progressives took hold of the White House and Congress, and Oklahoma, Arizona and New Mexico's statehood were on the horizon. Economic downturn plagued the territories as it did the rest of the nation, but the discovery of oil, natural gas, and expanded coal mining brought immense pressure for a more liberalized economy in Indian and Oklahoma Territory; connecting national industries to the territorial economy.¹ Black freedpeople built towns within Tribal Nations in Indian Territory after the Civil War, among them, Boley in the Creek Nation. These towns were promulgated by a sense of economic freedom and safe harbor from Jim Crow laws in the broader South. All-black towns prospered in the early 20th century by expropriating Indigenous lands and cultivating a sense of separation and community.² E.P. McCabe, the

¹ Kenny A. Franks, *The Rush Begins: A History of the Red Fork, Cleveland, and Glenn Pool Oil Fields* (Oklahoma City: Western Heritage Books, 1984); Donald Fixico, *The Invasion of Indian Country in the Twentieth Century: American Capitalism and Tribal Natural Resources* (Boulder: University Press of Colorado, 1998), 15-17, 54.

² Kendra Taira Field, *Growing Up with the Country: Family, Race, and Nation after the Civil War* (New Haven and London: Yale University Press, 2018), 93.

founder of Langston and prominent supporter of an “all-Black” state in Oklahoma, called for Black people from all over the country to move to Oklahoma Territory for a more definitive chance at freedom and land ownership.³ Proponents of Native statehood in the eastern half of the state were convening for their own sake, pitching a unified representative government of Tribal Nations as the “State of Sequoyah.” Tribal leaders held a convention in Muskogee in 1905, drafted a constitution, plotted county lines, elected delegates to the national convention, and proposed a state for the tribal nations in the Indian Territory under the presumption the Curtis Act would soon abolish tribal courts and governments.⁴ Tribal leaders grew fearful that without a convention, they would lose representation in the event single-statehood were to mobilize and in turn, lose any chance at self-governance.

Each of these movements for statehood drew support across racial and class lines. Tenant farmers and poor whites in the Indian Territory enjoyed the ambiguity of territorial governance and the promise of surplus lands, but a tightening of the national economy and Indian Territory’s isolation meant those farmers could profit from transnational railways and connections to urban centers in Oklahoma Territory that were largely resisted by tribal governments.⁵ Native landowners were in the precarious position of having to shore up unity and gather resolve amidst tenuous relations with other Tribal Nations and an aggressive federal government at the end of the Civil War. The State of Sequoyah was to some a last-ditch effort at ensuring indigenous territorial sovereignty, preserved culture, and political autonomy; but to others, a chance to separate from Oklahoma territory and better position themselves in the event of joint statehood.

³ Field, *Growing Up with the Country*, 92-95; Charles Wayne Ellinger, “The Drive for Statehood in Oklahoma, 1889–1906,” *The Chronicles of Oklahoma* 41 (Spring 1963): 15-37.

⁴ Richard Mize, “Sequoyah Convention,” *Encyclopedia of Oklahoma History and Culture*, <https://web.archive.org/web/20131016035543/http://digital.library.okstate.edu/encyclopedia/entries/S/SE021.html>.

⁵ Alaina E. Roberts, “Who Belongs in Indian Territory?” *The Journal of the Gilded Age and Progressive Era* vol. 20, no. 2 (April 2021): 335-336.

All-Black towns in Oklahoma also saw division on the statehood question, with supporters hoping that formal statehood would grant those townships more freedom to operate on lands annexed from Tribal Nations in Oklahoma Territory. Opponents maintained that a combined method of governance would bring Oklahoma solidly in line with other Democratically controlled states in the South under Jim Crow, limiting or outright abolishing the very freedoms and shelter they had hoped Indian Territory represented.⁶

All in all, the first decade of the 20th century was a battle between disparate nationalisms within a small territory that could only be resolved by federal mediation. Of course, federal government had a preference. The unification of the territories spelled doom for many residents whose hope for autonomy and self-determination would soon be clouded by a lofty nationalistic effort to save the territory from its lawlessness.⁷ In short, the admission of Oklahoma as a state was an outwardly nationalist movement that emphasized the white patriotic individual cohered around the disenfranchisement of Native and Black landowners. The “marriage” of Oklahoma and Indian territories and attempted abolition of tribal courts and governments signified a long-held policy of extermination characteristic of colonial societies and national ideology. While removal and allotment were the crucial first steps for a new white-Christian state, the disbandment of the Sequoyah statehood movement alongside de jure racial animosity limited the conditions of possibility for successful Native and Black statehood movements. The white-Christian state reserved the full weight of white civil society, self-embellished as the rightful stewards of the economy and the only movement “capable” of mechanizing oil, coal, and gas resources for the betterment of the country. If the general spirit of the phrase “kill the Indian,

⁶ Alaine E. Roberts, *I've Been Here All the While: Black Freedom on Native Land* (Philadelphia: University of Pennsylvania Press, 2021), 87-92.

⁷ Jeffrey Burton, *Indian Territory and the United States: Courts, Government, and the Movement for Oklahoma Statehood* (Norman: University of Oklahoma Press, 1997), 123-32.

save the man” had yet to succeed in boarding school assimilation, single-statehood was the ultimate solution.⁸ Within these competitive claims to nation, identity, and legitimacy is a balance of allegiances readily discussed in Oklahoma historiography, yet an opportunity to characterize the three major statehood movements consistent to scholarship in Critical Indigenous Studies, sociology, and literary criticism remains. My endeavor is to understand early Oklahoma history as a central puzzle piece in the broader path of settler colonialism, resource extraction, and land grabbing that undergird American colonial nationalism.

Entanglement of Race, Capital, and Nation

*History shows that Indian life and Indian institutions have not prevailed against the white man’s civilization and commerce.*⁹ – G.E. Condra

Statehood was especially interesting to geologists and surveyors in Indian Territory tasked to examine the territory for potential natural resource commodities. G.E. Condra, at the time a young geographer and professor at the University of Nebraska, wrote in the attitude of many regarding the potential for the Indian Territory’s economic development. The Arkansas River Valley had already been settled and surveyed for decades, but the first commercial oil well in Bartlesville, Indian Territory showed promise to budding industrialists building towns according to their self-image. Condra writes descriptively in an almost crude and careless tone about the inevitability of white-takeover and the “problems” of the Indian and Black peoples as obstacles. It is clear that Condra links the potential economic development of the territory to

⁸ “Kill the Indian, save the man” was a phrase used by Army General Richard H. Pratt in a speech titled “The Advantages of Mingling Indians with Whites” delivered to the National Conference of Charities and Correction in Denver, Colorado, June 1892. His quote would be infinitely reproduced by scholars to understand the pretense of the assimilation era. For background on the explicit Christian ideology of assimilation, see Brian C. Hosmer, “Rescued from Extinction? The Civilizing Program in Indian Territory,” *The Chronicles of Oklahoma* 48 (Summer 1990):138-153.

⁹ G.E. Condra, “Opening of the Indian Territory: Gathering the Tribes,” *American Periodicals from the Bulletin of the American Geographical Society of New York* (1901-1915) 39.1 (1907): 321.

popular assumptions of Indian incompetency and Black dereliction.¹⁰ Coupling economic development and popular racism, Condra enumerates on the land as an object of exploitation and opportunity preceding white national hegemony. Condra uses blood language to describe the racial and phenotypic appearance of territorial Indians, stating, “As we find them now, not many of the so-called Indians are full-bloods. Most of them evince amalgamation with whites, being three-fourths or less Indian. Persons known as quarter-breeds or less would pass readily as whites in the States. Many of the mixed breeds are large and stately in appearance.”¹¹ The switch in character from purported or “so-called Indians to “large and stately... mixed-breeds”, a distinction only necessary to drive home the linkage of blood to competency and acculturation. This explicit embrace of racialization and racial capitalism helped solidify racial difference among American Indians, whites, and Black freedpeople in the budding new state, whose competency and ability to maximize the economic potential of natural resources serves as the bedrock justification for their extermination. Racial capitalism is defined by Cedric Robinson as the development, organization, and expansion of capitalist society contingent to racial directions, where racial difference is thus classed and ingratiated in the structure of social relations.¹² Such a structure is evident in the Oklahoma statehood movement. Applied to the post-Reconstruction South, Melanie Benson Taylor argues that Southern and Native culture operate under a paradox where “the ability to survive and thrive as communities depends on the same economic paradigms and principles that destroyed indigenous nations and regional prosperity in the first place.”¹³ When used as a lens to read the underlying sentiments that pervaded the statehood issue

¹⁰ Condra, “Opening of the Indian Territory,” 323-324.

¹¹ Condra, “Opening of the Indian Territory,” 323.

¹² Cedric Robinson, *Black Marxism: the Making of the Black Radical Tradition* (London: Zed Press, 1983), 2.

¹³ Melanie Benson Taylor, *Reconstructing the Native South: American Indian Literature and the Lost Cause* (Athens: University of Georgia Press, 2011), 5.

in Oklahoma, the nature of Condra's linkage of territorial social conditions with an 'inevitable' white capitalist expansion foments the underlying ideology of American Indians and freedpeople as an 'alterity' or Othered class, where Black and Indigenous landownership defied then conventional social hierarchy. Taylor's argument about internalized racial capitalism as a strategy of survival echoes the call for settlement from McCabe, where freedpeople sought free movement, autonomy, and ownership in Indian Territory as a harbor from the continued racial ideologies of the Civil War and post-reconstruction South.¹⁴ Her argument is notable when framing the statehood movement as fiercely competitive, where a seemingly broad and lofty political goal was in reality an essential building block for the country and all of its prescriptive ideological goals. Condra's send-off at the end of the geography bulletin makes evident the kind of social conditions present in the statehood movement that would likely continue. "From this cosmopolitan body the crucible of civilization is to reduce a citizenship. Graft, now prevalent, is to be supplanted by substantial credit and commercial honor. The white man is to rule, and the problem of the Indian is largely solved in his amalgamation. He has given his blood and a few strong traits to the new civilization. This was and is his destiny. The 'negro' is to remain a problem in social, educational, and industrial matters."¹⁵ The positioning of the Indian "problem" as one solved by intermarriage and miscegenation with whites further solidifies the physical and cultural terrain of assimilation policies and their reproduction in the rhetoric of academics and politicians. Condra defines Indian identity by proximity to whiteness, but mixing between Indians, whites, and freedpeople muddied the distinction between Black and white that structures early 20th century racial ideology. The contention that Black people would continue as "problems" to white and Indian society explains the process of internalized racial hierarchy as a

¹⁴ Taylor, *Reconstructing the Native South*, 9.

¹⁵ Condra, "Opening of the Indian Territory," 340.

survival strategy, seeking distance from Black homesteaders that mixed-descent leaders presumed would damage Indigenous territorial sovereignty. While Condra is writing in 1907 amidst an economic panic and an already authorized unification of the territories, the context to which he links race, land, resources, and Indigenous sovereignty together is important for historical understanding of the statehood movement as a much deeper ideological project.

While genocide is traditionally understood as the extermination or mass murder of minority ethnic groups by an external nation or dominant group, more concealed methods of extermination through cultural, economic, and political violence are omitted and periphered in academic definitions. Many scholars recognize the Indigenous boarding school experience, allotment, and assimilation as “genocidal” acts, yet too often sidestep cultural manifestations of genocide by highlighting the perseverance and continuance of Native peoples, traditions, and culture in the 21st century. While it is certainly true that Native and Black peoples in the United States have resisted settler colonialism and its deeply genocidal mission, the suggestion that physical survival amidst endemic structural violence that placates contemporary native communities is merely a consequence of failed economic competition is deeply problematic and erases the violent legacy of cultural hegemony that birthed Oklahoma. Patrick Wolfe endeavored a distinction between genocide and settler colonialism in 2004 worth noting here. While Wolfe argues that settler colonialism depends on the “logic of elimination,” a turn of phrase he adopts to understand “invasion” as a structural process rather than an event, he contends settler colonialism does not *require* “frontier homicide,” but often does.¹⁶ As such, boarding schools, officially encouraged miscegenation with whites, child abduction, religious conversion, and

¹⁶ Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8.2 (December 2006): 387-388.

other strategies of settler colonialism detract from traditional definitions of genocide.¹⁷

Extending from Wolfe, Damien Short complicates his distinction by describing the ecological consequence of expanded natural resource extraction and its detriments to the biological and social integrity of first nations in settler colonies.¹⁸ Short enumerates on contemporary indigenous resistance to resource extraction, employing the term genocide as a descriptor for official energy policies and their effects on the physical and cultural existence of Natives.¹⁹

Though hardly new, too many of these resistant voices are derided by the abstraction of traditional definitions that denote physical killing as genocide's exclusive terrain. Short, thus, argues that Native peoples experienced a genocide that moved beyond physical mass-killing. Rather, Short argues that genocide entails a kind of social death or cultural genocide wherein the icons, symbols, traditions, knowledge, and lands of indigenous people experience rapid and coercive decline.²⁰ If Indigenous identity and culture are intimately wedded to land, it's expropriation and destruction is as well an untenable damage upon Indigenous identity, culture, and traditions. In Wolfe's words, "Land is life—or, at least, land is necessary for life. Thus, contests for land can be— indeed, often are—contests for life."²¹ Is it then problematic to suggest single-statehood, an attempted expropriation of indigenous lands precipitated by official removal from ancestral lands, a genocidal act?

Perhaps a deeper examination of Indigenous nationhood is necessary. Literary representations of Cherokee nationalism during the statehood period fill the gaps in historical understanding of tribal statehood efforts that are often difficult to parse from government

¹⁷ Wolfe, "Settler Colonialism," 388.

¹⁸ Damien Short, *Redefining Genocide: Settler Colonialism, Social Death, and Ecocide* (London: Zed Books, 2016), 6.

¹⁹ Short, *Redefining Genocide*, 6; Dina Gilio-Whitaker, *As Long As Grass Grows: The Indigenous Fight for Environmental Justice From Colonization to Standing Rock* (Santa Fe: Beacon Press, 2019), 35-52.

²⁰ Short, *Redefining Genocide*, 25.

²¹ Wolfe, "Settler Colonialism," 387.

documents or oral histories. In Kirby Brown's *Stoking the Fire* (2018), Brown connects Lynn Riggs' *The Cherokee Night* (1936) regarding race, blood, and belonging within the context of "post allotment, post statehood Cherokee life"²² to the way Cherokees understood family, nation, and kinship shortly after 1907. The play opens with Cherokees picnicking near the Claremore Mound in 1915, marking the same year of expanded global conflict in World War 1. Juxtaposing these two events, Brown contends: "In the dramaturgical political economy of *The Cherokee Night*, Oklahoma statehood was as much an act of war and an assault on the basic principles of nationhood and sovereignty as the German invasion of France was."²³ Furthermore, to disrupt narratives of Native absence and dispossession that relegate traditionalist indigenous lifeways to the past, Brown argues *The Cherokee Night* "is a story about the power of discourse itself to undo families, destroy communities, and undermine reconciliation and renewal."²⁴ The primary source of tension in the play is division among elder and young Cherokees regarding role of blood-discourse in national belonging, where the elder character, Talbert, chastises youthful Cherokees for "forgetting their ancestors" and rejecting "traditional" Cherokee customs, to which Talbert likens to reaching into the past and digging up arrowheads as a mythic remembrance of indigenous heroism, masculinity, and the progression of linear time.²⁵ The young Cherokees by contrast characterize Talbert as "quintessentially self-loathing," refusing to embark on any kind of intergenerational healing or cultural transformation by instead embracing a full repudiation of the mixed-descent youth. Brown argues, "Neither Talbert nor the children are able to see through the discursive haze of blood discourse and its attendant concepts of racial

²² Kirby Brown, *Stoking the Fire: Nationhood in Cherokee Writing, 1907-1970* (Norman: University of Oklahoma Press, 2018), 118.

²³ Brown, *Stoking the Fire*, 129.

²⁴ Brown, *Stoking the Fire*, 131.

²⁵ Brown, *Stoking the Fire*, 135.

purity and cultural authenticity that set them in irrevocable opposition.”²⁶ The play’s discursive manipulation of time therein follows the function of blood logic and its attendance to changing indigenous identity, where federal and legal recognitions of indigenous nations, borders, and citizens dramatically altered social relations between elders and future generations. Post-statehood Cherokee nationalism is then a struggle between disparate generations of Cherokees articulating their sense of place through internalized, neocolonial blood logic that is explicitly racialized, aged, and gendered. While literary representations offer a glimpse into the future for characters struggling to make sense of their national identities, mixed-descent leaders convening for the State of Sequoyah’s admittance to the United States offers a more traditional example of complex transnational and ideological tensions.

In a letter submitted to the Senate on January 16, 1906, the leading proponents of the Sequoyah convention that included Cherokee Principal Chief W.C. Rogers, Muscogee (Creek) Nation Chief Pleasant Porter, Choctaw Nation Chief Green McCurtain, and Seminole Nation Chief John F. Brown echoed the alignment of tribal and American national identities in appeasement of federal legislators. “The people of Sequoyah have a natural right to self-government which is undeniable, and which should not be questioned by anyone. We comprise three-quarters of a million of educated, industrious, thrifty, law-abiding citizens, people of pure American stock.”²⁷ Such an argument encompasses the sort of allegiances that characterize the State of Sequoyah as a fashioning of Indigenous self-government to prevailing ideas of American national sovereignty and citizenship that focuses industry, education, and the law. The sentiment that tribal statesmen were of “pure American stock” rhetorically positions the State of

²⁶ Brown, *Stoking the Fire*, 135 – 136.

²⁷ U.S. Congress, Senate, *Memorial from Citizens of Indian Territory for Admission into the Union and Presenting a Constitution for the Proposed State, to Be Known as the State of Sequoyah*, January 16, 1906, 6.

Sequoyah as an extension of the American national character. Joint-statehood is characterized as “a propaganda advocating a union with Oklahoma, in the promotion of selfish interest, on behalf of the railroads, the liquor traffic, ambitious town promoters, and professional politicians.”²⁸

Further, the group contends, “We are entitled to these rights by numbers. We are entitled because of our citizenship and the constitutional right attaching thereto of equality with other citizens in the matter of self-government. We are entitled on account of our industry, thrift, and our material and moral worth. We are entitled to it by virtue of the magnificent territory we occupy. We are entitled to it by the immense resources of our Territory, developed and undeveloped.”²⁹ It is certainly easy to imagine how a rhetorical strategy such as this could be so willfully ignored by the federal government. Although the Sequoyah leaders were intentionally grounding their sense of belonging in Indian Territory as a matter of treaty obligations, as rightful stewards of the land and with empathy for the Christian temperance movement, their arguments concur with the assertion that the conditions of possibility for Native statehood were subsumed by a broader motivation to strip the territory of its indigeneity. What if then, were the successes and failures of the Sequoyah movement if reservations were never actually disestablished?

Legal historian and renowned Cherokee scholar Stacy Leeds argued in the *Tulsa Law Review* in 2007 that the failure of the Sequoyah Statehood movement was *essential* to prevent the *real* abolition of tribal courts and governments, which were never disestablished by Congress and, rather, affirmed by the Five Tribes Act of 1906 and the Oklahoma constitution.³⁰ The Sequoyah movement she argues “was never intended to create a confederation of Indian Nations, and it was not a covert or tactical attempt to preserve tribal laws and institutions under a different

²⁸ U.S. Congress, Senate, *Memorial from Citizens of Indian Territory*, 2.

²⁹ U.S. Congress, Senate, *Memorial from Citizens of Indian Territory*, 6.

³⁰ Stacy Leeds, "Defeat or Mixed Blessing - Tribal Sovereignty and the State of Sequoyah," *Tulsa Law Review* 43, no. 1 (Fall 2007): 5-16.

name. To the contrary, the new state would have produced an abrupt transition from tribal governance based on tribal law to a new state government.”³¹ This distinction is crucial. Part of the necessity for the Sequoyah movement was to encumber support for separate statehood, but leaders knew the federal government would ignore their call. While the Sequoyah movement was not successful at establishing an Indian state, it was successful in creating the conditions necessary to preserve tribal governments by conferring federal support and narrowly missing the deadline stipulated by the Curtis Act.³² Indian nations continued to see their borders inundated by boomers and white settlers, but for now they continued to exist under distinct tribal laws rather than subsumed by federal law, which would undoubtedly result in the dissolution of the Five Tribes governance. While the legal consequence of the Sequoyah Movement would not create a confederation of the five tribes, the push to assert the federal government as the supreme law of the land in Sequoyah would undue much of its work to preserve tribal sovereignty.³³ While Leeds argues that the five tribes could never have predicted the Act of Congress in 1906 that affirmed their existence in perpetuity, the language of the Sequoyah constitution aligns with the kind of Christian nationalism present within the boomer movement. However crudely and nominal, the concessions made within the Sequoyah movement were closely aligned to a coercive American ideal and sought political autonomy with the United States as its source of authority rather than a self-determined governance of the tribes. It was, in essence, a last-ditch concession to American hegemony that never really came to fruition.

The all-Black statehood movement had its own perplexing structure and sentiments worthy of contending with other claims to statehood. E.P. McCabe, sometimes found as both

³¹ Leeds, “Defeat or Mixed Blessing,” 12-13.

³² Leeds, “Defeat or Mixed Blessing,” 11.

³³ Leeds, “Defeat or Mixed Blessing,” 8.

“Edwin” or “Edward” P. McCabe, was a prominent Black politician in Kansas who served two terms as the Kansas State Auditor. McCabe’s eyes were set on Indian Territory as a potential space for Black nationhood and belonging. McCabe ran for governor before the establishment of Oklahoma Territory in 1890, and the *New York Times* wrote a scathing and inciteful column on the deepening tensions between white boomers and Black settlers like McCabe seeking land in the interior of the territory. McCabe was described in the article as the “Washington agent” of the Oklahoma Immigration Association, and a central figure of the *First Grand Independent Brotherhood*, which pushed the all-Black state cause to freedpeople and Black communities across the South with letters and “printed circulars” in Arkansas, Mississippi, the Carolinas, and Georgia.³⁴ As early as November of 1892, McCabe was in Guthrie writing to readers of the *Langston City Herald* saying “Freedom – Peace, Happiness, and Prosperity - Do you Want all These? Then Cast your Lot with Us And Make Your Home in Langston City.”³⁵ McCabe later states: “Real estate is the basis for all wealth” wherein property affords Black settlers “absolute political liberty and the enjoyment of every right and privilege every other man enjoys under the constitution of the country. What more do you want?”³⁶ Black freedpeople had already populated much of the Indian Territory after the abolition of slavery and the enactment of the freedmen decision in 1866, extending tribal citizenship to freedpeople who could document their mixed-descendancy prior to the end of the Civil War.³⁷ McCabe’s focus shifted to building townships insulated from the territorial dispute after realizing the all-Black State movement was being forcefully resisted. So resisted, that the anonymous *New York Times* reporter suggested McCabe

³⁴ “To Make a Negro State: Western Black Men Organizing In Oklahoma. They Propose To Control That Territory — Equality Demanded — A Race War Threatened,” *New York Times*, February 28, 1890, 1.

³⁵ E.P. McCabe, “Freedom – Peace, Happiness, and Prosperity - Do you Want all These? Then Cast your Lot with Us And Make Your Home in Langston City,” *Langston City Herald*, 2, no. 29, ed. 1, November 17, 1892, 3.

³⁶ McCabe, “Freedom,” 3.

³⁷ Field, *Growing Up with the Country*, 93-94.

would be assassinated if President Harrison appointed him governor.³⁸ Real estate, land, and ownership thus were the underpinning motivations for Black migrations to the Indian Territory and a sense of Black space in which “real freedom for Americans of African descent had become increasingly dependent upon—if not inseparable from—the development of racialized kinship”³⁹ Alaina E. Roberts argues further that “Black Americans used the settler colonial process both in attempts to demonstrate their desire to be a part of the American citizenry” where “Land claims in Indian Territory came to represent each settler group’s ideal of national belonging and citizenship.”⁴⁰ Black nationalism was thus split among Indian freedpeople and Black Americans emigrating away from the Jim Crow South, the former having mixed opinions about the arrival of the Black colonization movement in Oklahoma on the fear it would disturb the legitimacy of their allotment claims.⁴¹ The idea that land itself was the fundamental basis for Black Americans developing a distinct American national identity further entrenches the Boomer movement in its rapacious racial and religious nationalism. Religious components of the movement featured the most vocal supporters of single-statehood in Oklahoma, who suggested “The red man did not accept the white-man’s way readily. He would not have even accepted Christianity if it had not been forced upon him. If Congress hoped to civilize the Indian, it must give him immediate statehood with Oklahoma territory.”⁴² This was the line of thinking that Bird McGuire, Oklahoma territory delegate to Washington, aligning the statehood issue with historic efforts toward religions conversion and American cultural supremacy. His voice was hugely influential in the Boomer movement, where forcing cohabitation between whites, Indian freedpeople, and

³⁸ “To Make a Negro State,” 1; Field, *Growing Up with the Country*, 92.

³⁹ Field, *Growing Up with the Country*, 106.

⁴⁰ Roberts, *I’ve Been Here All The While*, 73.

⁴¹ Roberts, *I’ve Been Here All the While*, 71.

⁴² Charles Wayne Ellinger, “Congressional Viewpoint Toward the Admission of Oklahoma As a State: 1902–1906,” *Chronicles of Oklahoma* 58 (Fall 1980): 288–294.

Black settlers regardless of the spaces they had carved out for themselves was an important assimilationist goal. In turn, Congress showed little compromise when abrogating treaties to enable single-statehood with the sole exception of prohibition.⁴³ The exception of liquor traffic continued the paternalist and hegemonic mission of settler colonialism, where settlers could exert their influence in sheer numbers while reservations became inundated with a product gleaming with potential to destroy the social fabric of tribal nations. White settlers in Indian Territory at this point had already numbered around 200,000.⁴⁴ Subsequently, the adoption of liquor laws by the Sequoyah movement suggests an attempt of the delegation to align themselves within Christian religious ideology natural to many Native people in the territory, who shared a disdain for the effect of alcohol traffic in their communities as a cause of white settlement.⁴⁵

To close, there is much left to discover about the deep ideological motivations for single-statehood that I have surely omitted or under-covered. A dramatic shift in Indian-white relations and their collective distancing from Black and Indian freedpeople is evident in the post-Civil War era of settlement in Oklahoma. Indigenous and Black land tenure were obstacles to a realized white-Christian state, evident in the language of military officials, congressional delegates, and core support for each of the various statehood movements. While the new state of Oklahoma had not wholly rendered Natives in Oklahoma to social death, much of the cultural landscape for Native and Black national identity was subsumed by the “mighty pulverizing engine” of Americanization.⁴⁶ This is evident in the deployment of white nationalist language, the use of settler colonial land expropriation, and a dependence on access to land and life that

⁴³ Ellinger, “Congressional Viewpoint,” 290-91.

⁴⁴ United States, “Report of the Commissioner of Indian Affairs,” in *Annual Report of the Commissioner of Indian Affairs*, 1900, 1899–1900, 116.

⁴⁵ U.S. Congress, Senate, *Memorial from Citizens of Indian Territory*, 2, 6, 15-16.

⁴⁶ Anne Hyde, *Born of Lakes and Plains*, 310.

required ideological and practical concessions. Statehood brought an entirely new set of social relations that were explicitly racialized by allotment, blood discourse, factionalism, and competition unique to territorial Oklahoma. It is my hope then that future scholarship can look to this work to understand the character and nature of Oklahoma statehood alongside secondary scholarship that deepens our understanding of its racist, capitalist, and nationalist motivations.

Conclusion

Oklahoma and the Path of Settler Colonialism

While the current situation for tribal sovereignty in Oklahoma is promising, we have yet to fully eclipse the ideology of white nationalism and blood politics that undergird the state's sentiment in reaching for legal jurisdiction in Indian Country. This is the path of elimination that we must all collectively respond to, understand, and deconstruct as Oklahomans, as Native citizens, and as proponents of justice and equity. The *McGirt* decision did not "return" Native land to Native people. In fact, *McGirt* had almost nothing to do with land title, or the patchwork ownership of Native land by non-Native citizens. *McGirt* did nothing outside of the court's *reaffirmation* and *recognition* of Tribal National borders, which the state had largely tried to dissolve by theft, corruption, and greed a century and more ago.¹ The tensions that culminate in the boomer movement and Oklahoma's statehood are still palpable today. Talking heads are espousing racialized assumptions about Indigenous national belonging, Tribal reservations are still bled dry of meaningful authority by the state's resistance to compacts, and the national conversation about Indigenous rights are still wrapped in dogmatic racial science. What should we do?

I fundamentally *do not* believe the path to successful decolonization begins at the ballot box. Voting is structurally limited by the ideologies that undergird both national parties, especially in regard to Tribal sovereignty. The United States, like Oklahoma, is deeply invested in settler colonialism. Their foundations are concomitantly built by clearing Indigenous lands, lives, and sanitizing the realities of colonial genocide. The election of Roosevelt in 1901 brought many hopes to Indian Country on the promise of a more progressive, people-focused politics, but

¹ Mary Kathryn Nagle, "Introduction," *Tulsa Law Review* Special McGirt Issue 56.3 (Spring 2021): 364.

even Roosevelt promised dutifully to “recognize the Indian as an individual, and not as a member of a tribe.”² While this issue is as much fundamentally political as it is racialized, economic, and cultural, national politics are simply behind the ball. State legislatures and courts in Oklahoma are largely dominated by reactionary right-wing politicians that still wholly believe in the promise of a white-Christian state.

I also fundamentally *do not* believe a successful decolonial project in Oklahoma means stripping white and non-Native landowners of title on Indian reservations. While violence is an inevitable tool of settler colonialism and many Native landowners faced such violence, *McGirt* does not accomplish this reality and no legal mechanism exists for Tribal Nations to do such a thing. Simply, ignore the hot-takes that conveniently place white landowners as the victims of legal “fallout” as the result of strengthening Tribal Nations and their territorial sovereignty. I *do* believe we are now pressed to consider what the future of eastern Oklahoma will look like as Tribal Nations test the boundaries of their sovereign political status. White Native citizens may now be inclined, or at the very least primed to learn about the Indigenous origins of their hometowns or the role of their families in dispossessing Oklahoma’s Indigenous history, the burden of discovery is now on us. I am personally invested in that kind of work as a white Native citizen, but I have much left to uncover, understand, and reckon with. If anything, this ought to be the goal of any Oklahoman who knows very little about their extended families. I also believe we are in a moment of deep transition post-*McGirt* that can strengthen our resolve and understanding about the legacies of those we herald in our own communities. The goal of allotment and statehood was to replace the ‘community’ with the ‘individual’, and this is evident by the politics of single-statehood supporters, Charles Page and the “Think Right” blueprint of

² Theodore Roosevelt, “First Annual Message to Congress,” December 3, 1901, <https://www.presidency.ucsb.edu/documents/first-annual-message-16>.

white-saviors, and the tightening of Native families into neat, nuclear units. We can resist these strategies in our current moment by fostering collective solidarity, returning to the promise of cross-cultural and transnational community and kinship that once showed promise in Indian Territory. No, this does not mean a utopian ideal of a world before racial capitalism, colonialism, and white supremacy, but a concerted effort to address these tensions as they present themselves in the post-*McGirt* future.

Unfortunately, the post-*McGirt* future is already showing its grip at the Supreme Court. The decision in *Oklahoma v Castro-Huerta* in June of 2022 might severely upend *McGirt*'s promise of a clear affirmation of Native reservations in eastern Oklahoma. The overwhelming conservative majority voted 6-3 to establish *concurrent* jurisdiction in criminal prosecution with federal and state authorities, killing over 100 years of established precedent that prevented the state from intervening in tribal criminal matters.³ The court pulls "concurrent" jurisdiction out of thin-air, saying "Indian country is part of the State, not separate from the State", eroding the decision in *Worcester* decided well over 100 years ago that gave tribal nations special sovereign status.⁴ Amidst similar upheavals of established precedent in reproductive rights, privacy, and the rights of the accused (*Miranda*), the current trajectory of a rogue judiciary is frankly frightening and disconcerting. While Congress could legislate many of these issues to defy the unelected Court's betrayal, the political muster simply doesn't exist. The rights of the accused, access to safe abortion and reproductive healthcare, and the sovereignty of tribal nations are on the backburner. This is the playbook of white-Christian nationalism, and in the specific case of

³ Matthew Fletcher, "In 5-4 ruling, court dramatically expands the power of states to prosecute crimes on reservations", *SCOTUSBlog*, June 29, 2022. <https://www.scotusblog.com/2022/06/in-5-4-ruling-court-dramatically-expands-the-power-of-states-to-prosecute-crimes-on-reservations/>

⁴ *Oklahoma v. Castro-Huerta*, 597 U.S. 4.

tribal sovereignty, we have seen this before and will continue to see this reality unfold with little recourse. So, what should we, or you do?

I can't pretend to know any easy solution to the structure of American governance and its vice-grip on our daily lives. I cannot be certain that in twenty years, we won't be having this conversation again. What we should take comfort in, if anything, is that we have the evidence at our disposal to understand where all this political back-and-forth comes from. The rhetoric of states' rights politics is deeply entrenched in social regression and a broader effort to wield the power of government against the interests of the people. It is the same recursive logic that enabled Oklahoma's statehood, embellished the death of Native reservations, and sought the preservation of slavery at the end of the Civil War. The Supreme Court, showing its teeth, has equally shown its willingness to overturn established precedent preventing states from usurping constitutional rights. We must mobilize, organize, and detract from the kind of liberal democracy that places power in unelected and unpopular officials. This reality is violent, and the expectation that the broader public will remain unscathed has to end. If your community is mobilizing and you find shared values, join and give everything you can to it. I hope to see you there.

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