Historians have tended to miss the central economic role of women on the Great Plains using a rhetoric that viewed Indigenous people as hunters—not also gatherers and horticulturalists—and homesteading as a failed program of making family farms rather than a successful program of commodifying the land and parcelling it out to private owners. They have also, in general, treated 1885 and 1890 as if they represented the defeat of the Indians and the end of the Indian way of life instead of the switchover point from public and military ways of dispossessing Native people to private and bureaucratic ways of dispossessing Native people. By 1934, when the United States repealed the Dawes Act allotting land in severalty, Native people had lost all but 47 million of the 138 million acres of land guaranteed to them by treaties at the end of the Indian Wars. They would lose another 3 million acres, including some of the most valuable remaining timber lands, to “Termination” in the 1950s and 1960s.¹

On the Canadian Plains, Indigenous people would see—and barely survive—a considerable effort to disallow and undercut virtually all
subsistence activities, both traditional and innovative, that they attempted. Like Native Americans, Canadian Natives would continue to hemorrhage land to nearby municipalities, for highways and reservoirs, for bomb testing, and for energy development. Only in the early 1990s would they begin to get it back, especially in Saskatchewan and Manitoba, through the Treaty Land Entitlement process. The original Prairie treaties had allowed for reserves with a requirement of a certain number of acres, usually 120, per person. Miscounts, late adhesions, and subsequent births resulted in reserves that were substantially too small for the people—without even considering land that had been taken from the reserves after the treaties. Treaty Land Entitlement agreements allowed the First Nations entities to recalculate the land owed to them and to receive either Crown lands or special funds to buy lands on a willing seller basis. Lands that had been ceded back to non-Native governments or individuals after the original establishment of the reserve could also be counted as part of the calculation of land owing to the First Nation.²

In both countries during the late nineteenth and most of the twentieth century, Indigenous people faced monomaniacal government onslaughts on their culture and religion, their families, and their economies. The idea that only through Christianity and private property could Indians join the North American market society was demonstrably untrue, but both countries insisted upon enforcing it, even to the extent of barring Indigenous Canadian farmers from using the equipment that was absolutely required to harvest crops during the short growing season and liquidating Indian horse and cattle herds in both countries during World War I.³ Both governments banned essential religious ceremonies—particularly, on the Great Plains, the Sun Dance, or Thirst Dance, and the giveaways. Most demoralizing of all was the deformation of the idea of “education” to become an excuse for removing half or more of all Indigenous children from their families of origin and their nations from the 1870s through the 1950s or even beyond.⁴ Yet when dealing with this period of several generations of displacement and devastation, historians mostly ignore Native people in their histories of the Great Plains, and, except for the Dirty Thirties, the Plains drop almost completely out of national histories of this period, especially in the United States.
Until recently, although Canadian historians did not necessarily share the popular perception that Canadian Indian policy was kinder and gentler than that of the United States, they also did not particularly challenge it. The equanimity with which Canadian policy makers and implementers accepted starvation as normal among Indians certainly contradicts usual notions of kindness. The first complete critique of the bureaucratic dispossession of Indigenous Canadians came with Sarah Carter’s *Lost Harvests* in 1980, fifty years after the first such critique, Angie Debo’s *And Still the Waters Run*, was published in the United States. It is not, perhaps, surprising that both books should have been written by women who were the granddaughter and daughter, respectively, of Prairie pioneers and who both introduced their own work with their sense of disjunction between their pride in their family stories of pioneering and their later discovery of the genocidal treatment of Native peoples that had been part of the framework—but not the rhetoric—of pioneering. In a sense, the twentieth-century narrative of Native people is “deficient” because it is part of the history of colonization. The people “should” have been uplifted by Christianity and civilization, and “should” have assimilated gratefully into whitestream society. Instead, they stubbornly maintained a separate identity despite (and perhaps because of) abusive policies and actions intended to force them into conformity. Isaiah Berlin was not talking about residential schools in the following excerpt, but he described their pathology perfectly:

> If the facts—that is, the behavior of living human beings—are recalcitrant to such an experiment, the experimenter becomes annoyed and tries to alter the facts to fit the theory, which, in practice, means a kind of vivisection of societies until they become what the theory originally declared that the experiment should have caused them to be.

Angie Debo finished her dissertation during the 1930s, a time when there were still relatively many women in academe (though usually without the PhD), but a time in which almost no women were being hired for tenure-track university positions, a state of affairs that would continue into the 1970s and longer in Canadian Prairie universities. Unable to get the position to which her credentials and achievements should have
entitled her, Debo found herself able, instead, to undertake extensive research projects such as that which resulted in *And Still the Waters Run*, which required the intensive mining of virtually every county courthouse and archive in the old Indian Territory. What she amassed was such a devastating portrait of the corruption used for the mass dispossession of the Five Southeastern Tribes that the University of Oklahoma Press turned it down for fear that the press would be sued or even shut down by the powerful interests of the state—who had acquired their power by their graft against the Indians. The editor soon moved to Princeton University Press, where he was finally able to publish the book in 1940, following a positive review by John Joseph Mathews and the strategic removal of the names of some politicians.\(^7\)

In general, the record of the bureaucratic displacement and mistreatment that started before the ink was dry on the treaties is so ridiculous that it would be funny if not for the generations of human suffering that it produced. Contemporary Canadian political advisors and politicians such as Thomas Flanagan see the increasing recognition of Indigenous legal rights during the 1990s as perverse and counterproductive; they call for the nineteenth-century solutions of assimilation and a decent cloak of charity to cover whitestream society’s continued acquisition of land and continued repudiation of treaty obligations. Twenty-first-century American politicians such as George W. Bush have been able to ignore Indigenous peoples and their legal rights altogether. Both strains of politicians see both Indigenous peoples and revisionist scholars as leftover hippie-pinko bleeding hearts who need to grow up and embrace competition. The rhetoric of freedom during and after World War I helped bring about voting and other citizenship rights for women and, in the United States, for Indigenous people. Revulsion at genocide in the aftermath of World War II helped open North America to Jewish refugees and brought about the recognition of human and civil rights of North Americans of Asian and African descent. Similarly, the rhetoric of justice and the right to defend one’s borders in the aftermath of 9/11 ought to prompt countries like Canada and the United States to live up to their treaties with domestic Indigenous people or else to acknowledge frankly that violence, as the terrorists argue by their actions, is the only real arbiter of justice.
The story that Debo told about Oklahoma was certainly one of the efficacy of violence and the state power employed by law makers and courts. How did the people she described, who were pleasant family men, not psychopaths, justify the bureaucratic dispossession of Indians? As we saw in our discussion of Custer and Riel, it was necessary for both governments to demonize Native peoples in order to rally public opinion to support wars or other policies of eradication. But in order to convince citizens that they were being “humane, just, and Christian,” both governments had to have some policy that was not explicitly genocidal. As Jill St. Germaine points out, in its treaties, the United States was very explicit about its “civilizing” mission, while in Canada, it was Indigenous peoples themselves who demanded agricultural assistance and education in Euro–North American wage-earning skills.\(^8\) Canadian and American Indigenous peoples were often curious about and even drawn to Christianity, but none of them ever consented to deculturation or, except for a few who had been completely converted by their schooling, the criminalization of their religious observances and marriage customs, or the proscription of their languages. Although individual leaders, such as Joseph La Flesche of the Omahas, supported the allotment of land, that was mainly because both whitestream popular opinion and bureaucracy so favoured private property that it seemed a hopeful tool for holding onto at least some of the Omahas’ land.\(^9\)

From the point of view of the Cree in Saskatchewan in the 1880s and 1890s, Hayter Reed and his policies must have made no practical sense at all. As Sarah Carter has so painstakingly pointed out, the government forced the Cree to adopt farming methods that were completely and deliberately anachronistic and that were bound to fail. The Canadian prairies were converted to large-scale agriculture only in the context of technological, capital-intensive world market conditions. Before the development of Marquis wheat in 1911, the short growing season meant that even experienced wheat farmers with access to the newest time- (and labour-) saving machinery often failed to harvest a wheat crop before it had been damaged by frost. The farm instructors who were supposed to help the Cree were rarely experienced farmers, and none had prairie experience. Reed and Scott believed in an anthropological theory quite as baseless and far-fetched as the rain-follows-the-plough theory: Indians would have to pass
from “savagery” to “civilization” by way of an intermediate stage of “barbarism,” in which they would perform all agricultural tasks by hand—even if that meant the custom manufacture of such implements as flails and scythes that were no longer used by Euro–North American farmers. The Blackfoot were told to make their own harnesses, hay rakes, and so forth. If Indigenous people, through their own initiative, were able somehow to purchase or obtain the use of up-to-date machinery, they were not to be allowed to use it on the reserves. They were also prohibited from selling their crops commercially. Unlike the homesteaders and the purchasers of railway and other land, Indian farmers could not mortgage their land to gain capital. Nor did the diminutive reserves contain enough land to support farming into the children’s generation if the large families, needed to make any kind of success of such labour-intensive farming, were to grow up. Should, by any chance, any Crees or Blackfoot somehow manage to persevere, the Department of Indian Affairs frequently failed to provide seed in time for planting, thus dooming the entire year’s effort. In areas including almost all of the Treaty 7 reserves, where herding was a more reasonable use of the land than row crop agriculture, people were discouraged from cattle raising by the requirement that all animals must wear the DI government brand.

As short-sighted and counterproductive as these policies were, they did have certain advantages to the government. It was easier and much cheaper for Ottawa to insist that Indians make their own harnesses than to provide them access to capital to buy up-to-date machinery. If they were hampered in growing grain and forbidden to sell any product commercially, they did not compete with the homesteaders whom the government so dearly wished to settle on the Great Plains. Given that Canada was still an agrarian nation and given that both the government and enthusiastic promoters praised the fertility and ease of farming the land, central Canadians were willing to believe the government line that crop failures were the Indians’ own fault because they were careless, lazy, incompetent louts who refused to do an honest day’s work. Similarly, if rates of disease and child mortality were high on the reserves, central Canadians were willing to believe the government’s assertions that Indigenous women were filthy and incompetent housekeepers, not that chronic malnutrition and
the insistent refrain that everything Indian was wrong created sickness, death, and despair.

These attitudes had, of course, begun in Europe long before Europeans had ever dreamed of the Americas and had been practiced against Judaism and Islam since the codification of Christianity and the rise of the prophet Mohammed. When the *Mayflower* arrived at Plymouth Rock, its Pilgrims were ready to praise their God for having sent the smallpox to the Indians, leaving cleared fields and caches of dried maize that enabled the Anglos to gain a foothold on the shores of what they called New England. The Pequot War and King Phillip's War finished the effective depopulation of Indigenous New England, though survivors with great tenacity and courage have managed to remain to the present day. Throughout colonial and revolutionary times, the French, the English, the Dutch, and the other European powers that settled North America from the East were fairly straightforward in their treatment of Native peoples. They were partners in the fur trade, and each European nationality cultivated Indigenous allies against other European powers on the continent. Despite individual exceptions on both sides, Euro–North Americans interested in permanent agrarian settlements mostly saw Indigenous people as vermin to be exterminated, and Native people, who had at first welcomed and traded with the Europeans, fought back with arms, by acquiring the supernatural powers of their own priests and incoming missionaries, and by accommodating their economic systems to those of the newcomers. Of all the various Indigenous peoples, those of the southeast United States were most successful in accommodating commercial agriculture, private property, and European political traditions into an Indigenous world view. But their very success told against them. The discovery of gold in Georgia lit the spark, but it was quite clear by the 1820s that Euro–North Americans would no more accept a rich planter class of mostly mixed-blood Cherokees and Choctaws, Creeks and Chickasaws than they would accept Indians living in traditional subsistence patterns or the Seminoles who formed alliances with the daring Maroons, people of African descent who had escaped from slavery. The removals that became known as the Trail of Tears, especially for the Cherokees, were based firmly on the principle that whatever the Anglo-Saxon wants, the Anglo-Saxon takes, a tradition Mark Twain
noted with disgust at the time of the Spanish-American War, and part of the Age of Empire that underlay Victoria’s reign around the globe.\textsuperscript{11}

Despite the blood feuds that had divided Cherokees and to some extent the other tribes between Treaty Party and non-Treaty Party factions, after removal the southeastern peoples deliberately discontinued the feuds to build successful mixed-farming method, mixed economies in Indian Territory. Traditional usufruct rights allowed anyone who cultivated land the right to hold that land as long as cultivation continued. Former rich planters, using the labour of enslaved and freed African-Americans, rebuilt their holdings, while traditionalists hunted and cultivated small gardens. No one was hungry. The American Civil War, however, once more split the Nations, more or less along the old treaty/anti-treaty lines. Although tribal governments supported the Union, the Confederate factions were prominent enough that after the war, the federal government levied heavy land cessions against the Nations and forced the enfranchisement and citizenship of all the formerly enslaved persons—something that of course did not happen in communities of Euro-American slaveholders. With infinite patience, the Nations rebuilt for the third time in three generations, again developing a distinctive blend of commercial and subsistence living with a vibrant political tradition that combined European and North American attitudes and institutions—though unfortunately one of the European elements was the disfranchisement of women.\textsuperscript{12}

But the Five Nations of Indian Territory did not live in a vacuum, and what was happening to other Indigenous peoples of the Great Plains affected them. The western part of what would become the state of Oklahoma, then called Oklahoma Territory, along with western Dakota Territory, was to become the home of the remaining “savage” Plains tribes. The Five Nations hoped that this concentration could develop into the state of Sequoyah, named after the inventor/popularizer of the Cherokee syllabic alphabet, but this was not to be.\textsuperscript{13} If the Five Nations had survived removal and the disruption of the American Civil War largely because of the strength of their system for internal conciliation and the flexibility of their land-use patterns, the Euro–North American system of allotment in severalty would prove to be the trickster device that disabled the regenerative powers of the people.
Allotment was first tried out among the Omahas in 1885. Joseph La Flesche, Iron Eyes, a mixed-blood of Ponca origins (though fixed tribal identity in the European sense was probably not a feature of Plains life before US annexation in 1803) was chief of the Omahas and a progressive, a leader of the “Make-Believe-White Man’s Village.” He had witnessed the removal of both the Pawnees and the Poncas from Nebraska to Indian Territory, and he feared that the Omahas, located not far upstream from the large newcomer settlement that had, ironically, been named after the tribe, would be next. Although the southeastern removals had proven that Euro–North Americans would not necessarily respect private property rights held by Indians, La Flesche and his advisors listened to the preachers of private property and determined that their strong rhetoric, whether or not it was useful or relevant, was the strongest defence against removal. Two years later, in 1887, Congress passed the Dawes Allotment Act, which applied to all reservation land outside Oklahoma. Henry Dawes, the Senator who designed allotment and worked it skilfully through Congress; Alice Fletcher, the anthropologist who befriended the Omahas and tried to move them “forward” through allotment; and other members of the society they called “Friends of the Indian” maintained that once each Indian family was settled on its own homestead and “surplus” reservation land had been distributed to incoming homesteaders so that no “unimproved” land would remain for hunting and gathering, all Indians would have to settle down and become Christian American farmers, earning their bread by the sweat of their brow.14

It seems likely that the reformers were sincere and believed their own rhetoric. Like the Ontario annexationists, whose experience and point of view were so narrow that they literally could not imagine that the Red River Métis and the various Indigenous nations of the North West would not rejoice in slipping the yoke of the Hudson’s Bay Company to become a colony of the free and democratic Dominion of Canada, the Friends of the Indian had never questioned their belief in Christianity and private property. Such questioning, of course, was not widespread in whitestream North American society, but it was not entirely unknown. By the 1880s, Dostoevsky and Tolstoy were starting to become known to Americans, and Tolstoy’s pacifism and collectivism offered an alternative model to
Manifest Destiny. Edward Bellamy’s *Looking Backward* (1888) was published only a year after the *General Allotment Act* had been passed, and it suggested a complete turn away from private property. It became one of the bibles of the Social Gospel movement on the Prairies. Intellectual Christianity itself was undergoing a marked change in the larger society. French scholar Ernest Renan had published his *Vie de Jesus* in 1863, a biography of a remarkable but thoroughly human man that was translated into many languages and that, along with archaeology of the “Holy Land,” served as one of the intellectual anchors of late nineteenth-century rethinking of Christianity. In 1902, William James published *On the Varieties of Religious Experience*, which served as psychological validation of religious experience as “real,” but also moved it beyond anything remotely resembling orthodox North American Christianity. While the ideas of both of these books certainly affected the academic understanding of Christianity and had a trickle-down effect at least in those parishes with intellectually inclined pastors, a far more popular book was Charles Sheldon’s 1896 *In His Steps*. Written by a Topeka pastor who had been raised in Dakota Territory, this still-influential bestseller asks its readers to follow a “what would Jesus do” model that involves solidarity with working-class and unemployed people and African-American civil and economic rights.15

As Charles Eastman noted during his period as a YMCA preacher, the Christian gospel’s message of sharing sounded more like traditional Indigenous belief and custom than like the hard-edged, profit-oriented, bureaucratically administered system of private property that dominated those Euro-American settlement societies in contact with Native peoples. He recorded the response of one older Native man to his teaching about the life of Jesus:

I have come to the conclusion that this Jesus was an Indian. He was opposed to material acquirement and to great possession. He was inclined to peace. He was as unpractical as any Indian and set no price upon his labour of love. These are not the principles upon which the white man has founded his civilization. It is strange that he could not rise to these simple principles which were commonly observed among our people.16
The intellectual countetrends in their own society seem to have been truly invisible to the Dawesites and the more pragmatic questers after Indian land—just as they are to many of today’s Christian right that holds that Native people should not be entitled to any community rights or citizenship status in North America.

Just as the doctrine of barbarism and handmade hay rakes, however, was a great deal cheaper for the Canadian government than making sure the intending Cree, Assiniboine, Blackfoot, and other Indigenous Prairie farmers had, as the treaties seemed to promise, well-watered, fertile land and state-of-the-art equipment and seed, allotment was politically palatable in the United States. Western senators and representatives, particularly, liked the idea of “surplus” land that could then be distributed to enfranchised homesteaders—or to railroads and other large-scale landholders. As with the various Homestead Acts, general allotment paid vigorous attention to individual private property but served to commodify and capitalize the land. However earnest and sincere Dawes, Fletcher, and their fellow reformers may have been, the actual vote for allotment did not come out of concern for Indians but concern for non-Indians, especially rich and influential ones, who would have a better chance to acquire Indian land.17

And acquire they did. The declaration of land as “surplus” was only the beginning. Although allotted land was supposed to be inalienable for twenty-five years after allotment, unscrupulous land speculators, mostly non-Indians and mixed-bloods, put pressure on allottees to sell. Often allottees themselves wished to sell the land to raise money because they were forced to live in a cash economy. Since they could neither mortgage nor sell their land, it was difficult for many allottees to raise the capital to “improve” the allotment. They could not buy farm equipment, stock, or seed. Many poverty-stricken allottees needed money for food, since commons land for hunting and gathering was no longer available. Since most traditional healers were prohibited by government and church from working for the people—and in any case, introduced diseases did not respond well to traditional medicine—allottees often needed money for doctor’s fees. Thus, there was a strong pressure, both licit and illicit, on the Bureau of Indian Affairs to allow allottees to sell or lease their land. The first relaxation was
to let widows and orphans lease their land, on the ground that they had no one to work it for them. In many cases, land had already been leased to non-Indians before allotment, often for ninety-nine years—which seemed like perpetuity at a time when the reigning mythology was that Indians would die out as a distinguishable group within a generation or two. Once the land of the widows and the orphans was out of the hands of original allottees, the next group to be “emancipated” were the mixed-bloods of less than half Indigenous descent, who were often determined to be “competent” to patent and sell their land.\textsuperscript{18}

The whole issue of “competence” derives from racial and gender stereotypes. Widows were certainly “competent” to manage their land, especially if they came from nations where horticulture was the responsibility of the women. While “blood quantum” could be a marker of assimilation and access to Euro–North American education, it was no marker of intellectual competence. Native persons who were not familiar with Euro–North American traditions of private property and market economies might have been naive about what the conventions allowed, but they were not stupid. Despite the “help” of the governments, some northern Plains peoples were succeeding in ranching and even farming before World War I, and the example of the Five Southeastern Nations demonstrates both individuals and social/cultural structures that were intelligent and adaptable, pioneering highly effective alternatives to the simple and often rapacious and wasteful market system of the late nineteenth and early twentieth centuries. As we shall see, the authoritarian squelching of land use in diverse and complex patterns of polycropping and wild land in favour of technological monocropping had been pioneered in Europe and would be repeated in the Soviet Union and Africa in the twentieth century. In those cases, everyone was equally dispossessed, but in Oklahoma, patronizing “competence” commissions of various sorts not only marked some people as “competent” and thus to be relieved of legal restrictions on the sale, lease, or mortgage of their land, but also marked others as “incompetent”—and thus to be subjected to trustees. Again, the process began with orphans. In some cases, all full-blood Aboriginal people were deemed legally incompetent. Trustees could then lease, mortgage, or even sell their allotments and pocket most or all of the profits.
Allotment was only extended to Indian Territory in 1906 (though western Oklahoma had been allotted earlier) to phase out reservations and the Indigenous governments guaranteed by treaty in order to clear the ground for Oklahoma statehood. The Five Southeastern Nations and the Osages, who in 1871 had purchased part of their old territory from the Cherokees with the proceeds from selling their Kansas reservation, had all developed workable land-use patterns in the context of the reservation. Allotment of more recently settled reservation peoples was the final act of a continuum of violence and destruction. For the Five Nations and the Osages, allotment was the third and most destructive of the US assaults on the successful blending by settled and prosperous peoples of Indigenous and newcomer economic, political, and cultural traditions. As Angie Debo wrote, “the general effect of allotment was an orgy of plunder and exploitation probably unparalleled in American history. . . . Personal greed and public spirit were almost inextricably joined. If they could . . . create a great state by destroying the Indian, they would destroy him in the name of all that was selfish and all that was holy.” Debo’s *And Still the Waters Run*, the title of which refers ironically to the terms of the treaties, is a blow-by-blow description of that “orgy of plunder and exploitation,” particularly as it affected the “Five Civilized Tribes.” 19

It is not surprising that Euro–North Americans continued to “plunder and exploit” Indigenous people until there was nothing more that they wanted to steal. It is not surprising that prominent Oklahomans tried to squelch Debo’s book and delayed its publication by four years. It is not surprising that Canadians had to wait more than fifty more years before a comparable study of bureaucratic dispossession was published, given Canada’s belief that its Indian policy was humane and far preferable to that of the United States. It is surprising that the United States and Oklahoma were gifted with a historian as able, patient, and honest as Angie Debo. On the other hand, it is surprising and disheartening that neither the Osage Reign of Terror nor the “Still the Waters Run” saga make it into the general histories of the Great Plains. The decision of Richard Maxwell Brown and the editors of *The Oxford History of the American West* to omit all discussion of the Osage Reign of Terror from their chapter on violence is at best peculiar. The usual omission of all mention of Indians in most US texts for the
period between Wounded Knee and John Collier and the Indian New Deal in 1934 considerably distorts the history of the Great Plains by implying that the end of the Indian Wars was the end of dispossession, and that brave cavalrymen defeated brave warriors in honourable battle to clear the way for brave pioneers eager to feed a hungry world. Even revisionist historians who know that Wounded Knee was a massacre and that the Homestead Acts did not—and could not—create a heartland full of yeoman farmers still skip over the disruption, loss, and general infamy that was allotment.

Debo sets the scene by quoting Senator Henry Dawes and his apparently schizophrenic approach to Indian landholding. Speaking in 1883 to the Friends of the Indians meeting at Lake Mohonk, he described the Cherokees in glowing terms: “The head chief told us that there was not a family in that whole nation that had not a home of its own. There was not a pauper in that nation, and the nation did not owe a dollar. It built its own capitol, in which we had this examination, and it built its schools and its hospitals.” Instead of concluding that the Cherokee nation was a society that the mainstream should endeavor to study and emulate, Dawes maintained that the Cherokee system was defective because “there is no selfishness, which is at the bottom of civilization. Till this people will consent to give up their lands, and divide them among their citizens so that each can own the land he cultivates, they will not make much more progress.” A lot, of course, depends on one’s definition of “progress.” As we have seen, “progress” included the commodification of land by ownership in severalty through purchase, homestead, or allotment, and the establishment of capital-intensive, commercial, monocrop agriculture. We have also seen that this economy is inherently unstable on the Plains because extremes of climate mean that sufficient water for crops—or even, in some cases, for cattle—cannot be anticipated and because most production is for an export market that flourishes only during international catastrophes or with support from the American or Canadian government. The scene described by Pleasant Porter, last executive officer of the Creeks before the United States unilaterally abolished the Five Nations’ governments in Oklahoma in 1904, is certainly not progress in Dawes’s terms; rather, it is an image of biodiversity that may be more crucial for the environmental health of the region. (Ironically, it is what The Nature Conservancy has established—without the people—on a large
section of what was once the Osage Reservation—not without the resentment of some Osages.)

If we had our own way we would be living with lands in common, and we would have bands of deer that would jump up from the head of every hollow, and flocks of turkeys running up every hillside, and every stream would be full of sun perch. . . . That is what we would have; and not so much corn and wheat growing and things of that kind.

Porter believed that many of the Creeks would die off for “the want of hope” because their institutions were being destroyed too fast for them to make the transition to American individualism. Too much had been destroyed for the Creeks to regain their own ways, he believed, so the transformation had to proceed quickly to reach the stability of the other side. But there would be no stability until the remnants of land, timber, and minerals left to the Indians were worth too little for the grafters to continue with the trouble of drowning out the voices of those who opposed allotment and graft.

Not surprisingly, the Indians with the most valuable properties were most in danger of the grafters. The luck of timing, the astute political sensibilities of the leaders, and the skill of their lawyers enabled the Osages to purchase both their land and its associated mineral rights in Oklahoma. (The people of almost all American reservations retained the rights only to the surface of the land, not to the minerals, including petroleum, underground. Canadian reserve peoples have been more successful in maintaining claims to subsurface rights.) When allotment was forced upon the Osages, they had to parcel the land out equally among all tribal members, but they did not have to give up the “surplus” land. And they were able to keep the mineral rights in common for the tribe, with any profits divided up among all living members of the Osage Nation in 1906 with an addition of babies born in 1907. These “headrights” were inheritable, a circumstance that would bring a wave of murders to Osage country. Oil was found under the Osage lands during the 1910s, and as it was brought into production in the early 1920s, thousands of dollars per year fell into the laps of headright holders. Although most Osages tried to live as normally as possible in the midst of the boom, many died under mysterious circumstances, murdered
by or at the behest of non-Natives who, through marriage, insurance policies, fraudulent wills, or other devices, stood to benefit from the deaths. One particular rancher and his nephew systematically murdered an entire extended Osage family to funnel the headrights down to the young woman who had the misfortune of being married to the nephew. Most estimates of the murders put the death toll at about sixty—out of a total population of about 2,400—but the number may be higher.22 Ironically, had the Canadian Indian Act been law in the United States, the women murdered by their husbands or in-laws would not have been in danger—for they would have been dispossessed of all Indian claims for marrying a non-Indian.

Nor were the Osages the only people who suffered fraud, kidnapping, and murder, particularly if their allotments included or were thought to include surface rights to oil wells. Freedmen were at particular risk. Since the victorious Union government had required that the Five Nations adopt their freedmen as tribal citizens after the Civil War, the freedmen had been allotted on the same terms as Indigenous tribal citizens. According to Oklahoma’s unusual social construction of race, however, all Oklahomans who were not of African descent, including Indigenous full-bloods, were “white,” while all who were of African descent, in whatever mixture and whether or not considered by the Five Nations as citizens by blood and descent, were “black.” Oklahoma courts were not at all efficient at protecting Indians, but they were particularly loathe to prosecute “whites” (in the ordinary understanding) who had defrauded “blacks” (by any understanding). Some freedmen were able to swindle the swindlers, but others were less successful. “Some spectacular crimes occurred, such as the dynamiting of two Negro children as they slept, in order that the conspirators might secure title to their Glenn Pool property by forged deeds,” and other apparent murders, kidnappings, and other crimes were never solved. Some wealthy allottees were forced to flee the state for self-protection. While Debo found that most federal Indian officials were guilty of “general inertia and indifference” rather than “downright dishonesty,” those who were dismissed for dishonesty tended to become grafters themselves.23

Although murder, kidnapping, extortion, embezzlement, and other crimes against allottees were rarely prosecuted successfully, legal ways of fleecing Indians were more popular and even less risky. The problems had
begun with allotment. Dawes and other Friends of the Indian had long complained that innocent full-bloods who clung to subsistence homesteads in the hills where they could hunt needed to be protected from the elite and usually mixed-blood fellow tribal citizens who had established large cattle operations in the grassy valleys. (In this, the Friends sounded a good deal like the Ontario annexationists who had promised to deliver the Métis and Crees from the iron hand of the Hudson's Bay Company in the North West, but they also sounded like the AIM members who would arrive on Pine Ridge in the early 1970s to protect traditional families from the mixed-blood elite of the elected tribal government.) When it came time for allotment, however, the traditional hill dwellers were concerned to protect their homesteads and not concerned about the bottomlands assigned to them by the Dawes committee, who were excellent at the mechanical division of acreage, if less perceptive about the actual needs and wants of the Five Nations people. Speculators easily relieved traditional hill families of this “surplus” land through leases that automatically turned to sales when the federal rules ended restrictions on the alienation of “surplus” holdings. Lessors also managed to control timber lands and to strip them of trees before letting them go back to original allottees. (The same sorts of problems had plagued the Métis who received land scrip in Manitoba. Although the procedures were scrupulously “fair” in their operation, they were set up in such a way that it was almost impossible for the people to secure the lands they most wanted and needed.) The extremely high level of personal honesty among the Indians made them particularly vulnerable to fraud at the hands of unscrupulous or self-deluded speculators, but when the Nations did attempt to protect their citizens, the Indian office and the president disallowed it. “The Choctaw government made repeated attempts to deal with the whole allotment problem in a statesmanlike and constructive manner,” asking that a commission with maps and field notes visit each township to help Choctaw citizens select their land. President Theodore Roosevelt vetoed two versions of the commission. “It is difficult to see why this intelligent plan was not adopted,” writes Debo. Creek attempts at gaining protection also met with vetoes.25

“The most revolting phase of the grafter’s activities,” notes Debo, “was his plundering of children.” Since allotments were made to each citizen of the Nations, young children often became owners of land that had great value
to the grafters—especially if the land sat over oil. Because parents, expected to compete in a materialistic economic system, often knew no more about using and protecting their children’s land than their own, legal guardianships at first could have served some useful purpose. Instead, they soon degenerated into a very lucrative process of farming children, particularly orphans, to gain the use of their property. Courts turned the guardianship over to grafters who were under no contract to insure a fair accounting or to abstain from swallowing up all their ward’s profits. According to Debo, virtually all Indian children in the Territory could have been supported by the lease of their allotments, but hundreds received nothing at all, and many resided, destitute, in orphans’ homes. During the territorial period, actual title did remain with the child; statehood, however, allowed alienation, and children whose parents died or who were otherwise deposed from guardianship—by being placed in a “state institution for the feeble minded,” for instance—quickly had their land sold from under them.25

Not all Euro-Americans supported the grafters, nor did all Indians suffer. Those Indians who had already accepted Euro-American landholding customs and economic ways usually continued to prosper and were accounted founders of the state of Oklahoma and even elected to office. Guardianship laws had been genuinely intended to protect children and non-English speakers who were threatened by the grafters, and some Indian Affairs and court officials tried honestly and sometimes effectively to protect the people they were supposed to protect—even as other judges fattened their campaign finances by selling guardianships. For the most part the newspapers favoured the settlement of Oklahoma by Euro–North Americans by any means possible. A notable exception was the Wevoka Democrat, under the editorship of Dan Lawhead, who fought a pitched battle with the other two Seminole County papers in 1908, opposing the dispossession of Seminoles and Seminole freedmen. Within a year, however, Lawhead was silenced, apparently when one of the land dealers who “held a note” against Lawhead managed to have the Democrat plant repossessioned by the sheriff and the paper began coming out under a “custodian.” Whatever had sparked Lawhead’s objections to the land transactions, it was not catching, and apparently nothing came of grand jury indictments of the Seminole County grafters.26
According to Debo, “The only serious attempt upon the part of the state to correct the situation came through the efforts of a remarkable woman, Miss Kate Barnard of Oklahoma City.” The story shows the intersection between maternal feminism (though Barnard herself was not a mother) and Manifest Destiny—and the willingness of even the grafters to allow a little window dressing of piety and philanthropy to interrupt the manly business of fleecing Indians. Barnard, an active philanthropist, and the women’s organizations that supported her successfully lobbied for the creation of a “Commissioner of Charities and Corrections,” and when it was established, Barnard easily won election to the post. According to Debo, “The Constitutional Convention seems to have created the office as a gallant gesture that might please the women and would do no particular harm.” The office had little money and little power, although as something of an afterthought (apparently), the first legislature authorized the commissioner as “next friend” to appear with minor, institutionalized orphans before the probate court. Barnard herself was not even aware of the exploitation of the Five Nations peoples, but as soon as she began to meet the dispossessed children, she took up the cause and worked with a will with the meagre instruments at her disposal. Co-operative judges allowed her interventions to succeed, though the attorney who served as her assistant was often high-handed and antagonistic. Many guardianship abuses were completely out of her control, and although Oklahoma congressmen boasted that the state was protecting the helpless, huge numbers of children were still being robbed.27

Exploitation of the Osages and the Five Nations of the old Indian Territory did not stop until the rich pickings were exhausted. When the murderers of Osage County finally struck a prominent white attorney who had been investigating the murders and the Osages themselves paid the FBI to investigate, the reign of terror came to an end.28 Most of the Osage oil discoveries had been leased and were beginning to play out, so head-rights were no longer as valuable. The Osages had already been swindled out of their “surplus” land, as well as of some of the homesteads, when they had become alienable after statehood. Similarly, by the mid-1920s, the Creeks, Choctaws, Cherokees, Chickasaws, and Seminoles had already lost most of their timber, oil, and “surplus” land. The orphans who had
received original allotments had already come of age and were of no further use to their “guardians.”

And so the plunder stopped, not because of the courageous opposition of people like Dan Lawhead and Kate Barnard, or the incorruptibility of the justice system, or the sense of fair play of the American people. In thirty years, the people of the six Indigenous nations had lost their schools, their government, their land, and sometimes their lives. The people had had a comfortable and vibrant existence with a mixed economy and political and social institutions that were not only assimilating to whitestream culture on their own terms but even pioneering land-use and social-structure models that might have been more advantageous to the Ozark Plateau and the Great Plains than the mandatory commercial agriculture and petroleum industries that did grow up. And all of that was systematically destroyed. That many people became demoralized and impoverished, and that others left to develop lives where they would no longer be stigmatized as Indians is not surprising. That most did manage to survive and to pass on some type of Indigenous identity is almost miraculous and speaks volumes for the personal and cultural tenacity of the people. While the grafters themselves in some cases laid the foundation for subsequent Oklahoma fortunes and political dynasties, they left behind them a tradition of public corruption and land titles that were entangled in contested claims. Not surprisingly, they did not openly celebrate that part of their heritage. Debo points out that at the establishment of statehood, all Oklahomans adopted Pushmataha and the Trail of Tears as their cultural heritage, and Oklahoma state license plates still proudly sport feathers and the slogan “Native America.” In 2000, the Oklahoma Humanities Commission proclaimed Angie Debo as the writer they wanted to represent their state. Newspaper stories of the 1920s talked about how oil-rich Indians squandered their wealth—but not about how they were murdered for it. A little pamphlet entitled Oklahoma’s Poor Rich Indians, written by Matthew K. Sniffen, Gertrude Bonnin, and Charles H. Fabens, caused a furor when it was published in February 1924. But its fame was not long-lived, and although it contributed to the winding down of graft, it had little institutional impact. The myth of the frontier completely trumped the myth of American fair play. And so Custer remains in the history books—and Kate Barnard does not.