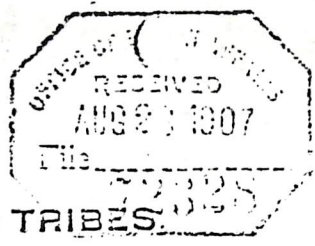


REFER IN REPLY TO THE FOLLOWING:



DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 23, 1907.

CA 74-189

Hon. George W. Woodruff,
Assistant Attorney General,
Washington, D. C.

FILED
APR 1 1976

JAMES F. DAVEY, Clerk

Dear Sir:-

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Recently the Department expressed the opinion that the Creeks should hold an election in September. The Commissioner has resubmitted the matter in a letter initialed by me, but I deem it due to you and myself to make further explanation.

In the case of the Choctaws, Chickasaws, Cherokees and Seminoles the Department refused to express an opinion as to the necessity of holding an election after the act of April 26, 1906. The question as to the proper construction of Section 28 of that Act was submitted to the Department, and I prepared an opinion holding that the effect of of that section was to continue the form of tribal government and not the personnel. After a consultation with Senator Curtis the Secretary revoked his approval of that opinion and it was never promulgated. I do not know that the action of the Department in respect to the other nations was brought to your attention when the question submitted by the Chief of the Creek Nation was before you. I am convinced it would be detrimental to the interests of the Creek people to have an election at this time, and, therefore, strong-

-2-

ly recommend that the letter of the Department, in effect advising the holding of such an election, be recalled, and that Governor Porter be advised that the Department cannot offer any suggestions in the premises, or, perhaps better still, that there seems to be no necessity for such an election.

I am induced to write this, in part at least, because of the receipt of a letter from Washington from which I inferred you were not fully advised when this matter was before you. I had a short talk with Secretary Garfield about this, and he seemed of the opinion that no election should be held.

Truly yours,

W. P. Lick

Assistant Attorney.

HITBIT #3

CA 74-189

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049 TELEGRAM



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Muskogee .I.T.September 3 1907

Commissioner Indian Affairs

Washington DC
(Pleasant)

READ BY COME
Special
055
Creek
FILED
APR 1 1907

Anticipating effect death Chief Porter may have upon Snake faction of

other ^{recalcitrant} ~~recalcitrant~~ Indians suggest importance department promptly

appointing or recognizing his successor without specifically recognizing

Creek law of succession same result would be accomplished by President

appointing present second chief under section six Curtis act thereby

continuing present satisfactory administration which action we believe

ore expedient than a new election which would undoubtedly give strength

to Snake movement.

Kelsey

Agent Pollock Acting Commissioner.

OFFICE OF INDIAN AFFAIRS
RECEIVED
SEP 4 1907
File 055
73676

SPECIAL

Relative to election
of Principal Chief and
holding of Creek Council
meeting.

SEP 25 1912

FILED

APR 1 1976

JAMES F. DAVEY, Clerk

FOR FILE

Mr. Cheasie McIntosh,
Tulsa, Oklahoma.

Sir:

The Office has received your letter of September 3, 1912, requesting information as to whether the Department has decided to have the Creek Indians hold an election for the purpose of electing a Chief to succeed Motey Tiger, the present incumbent.

The Act of Congress of April 26, 1906 (34 Stat. L., 137), continued the present tribal government until otherwise provided by law, and since that time there has been no election of tribal officers or members of the council in any of the Five Civilized Tribes. Said act also provided that the President should fill any vacancy arising in the office of Principal Chief by removal, disability or death of the incumbent.

The present Principal Chief, Motey Tiger, was appointed by the President to fill the vacancy caused by the death of the then Principal Chief, Pleasant Porter. The appointment of the Assistant Chief, Motey Tiger, to the position of Chief upon the

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National Council should convene, and to this end a convention of the members of the Council and they at that convention

L-90517

- 2 -

death of Pleasant Porter was in accord with the laws and customs of the Creek Nation.

It is not believed that there is anything involved in the settlement of Creek affairs that makes advisable the convening of the Creek Council, which has not been in session since April 1909, or the holding of any election of tribal officers.

It is the purpose of the Department to accomplish as early as practicable an adjustment of all the tribal affairs of the Creek Nation as well as the other Nations of the Five Civilized Tribes.

Respectfully,
(Signed) F. M. Abbott.

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9-LK-24

Acting Commissioner.

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c59
the National Council should convene, and to this end a convention was called of the members of Council and they at that convention autho