
“THE LION OF THE LAND”



James Baird Weaver, a Civil War hero, former congressman from Iowa, and presidential candidate of the Greenback Party in 1880, was elected to the U.S. House of Representatives as a fusion candidate of the Greenback and Democratic parties in 1884. Photograph courtesy of the Library of Congress, Prints & Photographs Division, Washington, D.C.

James B. Weaver, Kansas, and the Oklahoma Lands, 1884–1890

by Thomas Burnell Colbert

At the Pioneer Law Makers of Iowa reunion in 1909, Edward H. Gillette delivered an address on the life and achievements of his longtime friend and political ally, James Baird Weaver. He remarked that, “If the people of Iowa paint General Weaver for the hall of fame, the people of Oklahoma should chisel him in marble and plant his statue in their capitol with the legend upon it: ‘General James B. Weaver, the Father of Oklahoma.’” A year later, Luther B. Hill’s *A History of the State of Oklahoma* included the reminiscences of Sidney Clarke, a former congressman from Kansas, agitator for white settlement in Oklahoma, and Oklahoma City booster, who wrote, “If I were called upon to name one man to whom the people of Oklahoma owe the greatest debt of gratitude because of unselfish devotion to their interests in all the early stages of the controversy [over opening Oklahoma to white settlers], I should name Gen. James B. Weaver of Iowa.”¹ Today, probably few in Oklahoma, Iowa, or Kansas remember the roles that Weaver played in securing legislation for white settlement of the Unassigned Lands (also known as the Oklahoma lands) in Indian Territory and in establishing Oklahoma City. That reason alone makes his a story worth telling, though Weaver’s part in opening Indian Territory to white settlement is also important because it falls into the wider context of American Western history and the closing of the southern Great Plains frontier.

In 1884 Weaver—a Civil War hero, former congressman, and presidential candidate of the Greenback Party in 1880—was elected to the U.S. House of Representatives as a fusion candidate of the Greenback and Democratic parties.² Weaver returned to the nation’s capital not only as a seasoned spokesman for reform but also as perhaps the best political orator of the time, and he hankered to fight for the

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1. Edward Stiles, *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa* (Des Moines, Iowa: Homestead Publishing Company, 1916), 147; Luther B. Hill, *A History of the State of Oklahoma* (Chicago: Lewis Publishing Company, 1910), 1:180.

2. For Weaver’s earlier political career, see Fred Emory Haynes, *James Baird Weaver* (Iowa City: State Historical Society of Iowa, 1919), 19–216; Thomas Burnell Colbert, “Disgruntled ‘Chronic Politician’ or Man of Political Integrity: James Baird Weaver and Republican Party in Iowa, 1857–1877,” *Annals of Iowa* 49 (Winter/Spring, 1988): 187–207; Colbert, “Political Fusion in Iowa: The Election of James B. Weaver to Congress in 1878,” *Arizona and the West* 20 (Spring, 1978): 25–40; Mark A. Lause, *The Civil War’s Last Campaign: James B. Weaver, the Greenback-Labor Party & the Politics of Race and Section* (Lanham, Md.: University Press of America, 2001); Robert B. Mitchell, *Skirmisher: The Life, Times, and Political Career of James B. Weaver of Iowa* (Roseville, Minn.: Edinborough Press, 2008).



Economic depression had gripped the nation since 1873, and many debt-ridden farmers became eager to establish new farms in the West. As the government's use of Indian Territory came under question, would-be homesteaders—dubbed “Boomers”—congregated in Kansas. Consequently, in late 1879, David L. Payne, a former Kansas legislator and frontiersman, organized Payne's Oklahoma Colony and the Oklahoma Town Company. A few of the company's number are pictured here on an 1883 venture into the Unassigned Lands. Federal soldiers deemed them trespassers and forcibly removed the Boomers from the territory.

causes he embraced. Although several issues received his attention once back in Congress, he especially focused on the dispute over the Unassigned Lands—three million acres in the heart of the Indian Territory which the federal government controlled due to treaties with the Creeks and Seminoles at the end of the Civil War and held in abeyance for removing tribes to the territory. However, no tribes had been placed on the land, leading to protests against the government's inaction in the territory after dissident mixed-lineage Cherokee lawyer and railroad lobbyist Elias C. Boudinot published a letter in the *Chicago Times* in 1879 exposing the situation, stating that the land was now public domain.³

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who anticipated profiting from outfitting and trading with the land seekers. However, when Payne and his followers moved onto the Unassigned Lands, federal soldiers removed them as trespassers.⁴

The federal government justified this action on the grounds that the settlers had violated the Intercourse Act of 1834, noting that this land was part of Indian Territory and subject to agreements made with the tribes. The ejected settlers remonstrated that the Indians in question were hypocritical and duplicitous, for cattlemen were paying some tribes to graze their herds illegally in Indian Territory. In particular, Payne turned his attention to the Cherokee Strip Live Stock Association of cattlemen, which was created in the border town of Caldwell, Kansas, in 1883. The Cherokee Nation leased the association grazing rights on the Cherokee Outlet (generally known as the Cherokee Strip), a portion of their lands that, although belonging to the tribe, was not to be settled by Cherokees or whites; instead, according to a post-Civil War agreement, the Outlet was to be held open for future Indian reservations. The association then sublet parts of the range to its member ranches. Payne argued that the Cherokee Strip Live Stock Association's

3. *Chicago Times*, February 17 and March 31, 1879.

4. Stan Hoig, “Boomer Movement,” <http://digital.library.okstate.edu/encyclopedia/entries/B/BO011.html>; Carl Coke Rister, *Land Hunger: David L. Payne and the Oklahoma Boomers* (Norman: University of Oklahoma Press, 1942), 52.

lease was illegal and that the ranchers were a monopoly of beef producers hoarding land that could be used by landless farmers.⁵ As Payne fulminated against the cattlemen and the federal and tribal governments, Boomers undertook "invasions" of the Unassigned Lands. First lead by Payne and then William Couch, a former Wichita businessman who had experienced substantial economic loss in the 1870s, they made illegal forays onto the disputed territory.⁶

Several reasons no doubt fueled James Weaver's interest in the Oklahoma question in the early 1880s. Weaver became animated by the specter of poor, home-seeking farmers combating not only the conservative, unsympathetic national government but also the Five Civilized Tribes who, with their friends in Washington, opposed settlers entering Indian Territory and wealthy cattlemen who monopolized potential cropland for livestock grazing. He understood this conflict as one between the rights of the people and the power of special interests. And although it is possible that he had heard of the Boomers from his parents, residents of Kansas beginning in 1859, Weaver was personally influenced by Samuel C. Crocker. A Greenbacker originally from Iowa, Crocker had become a prominent spokesman for the Boomers, publishing his opinions on the matter as editor of the *Oklahoma War-Chief* and later the *Industrial Age*, both of which promoted the Boomer movement and were published in Caldwell, Kansas. Crocker spent the winter of 1884–1885 in Iowa advocating the Boomer cause and soliciting followers.⁷

Weaver was also influenced by the U.S. Army's removal, in the terribly cold January of 1885, of several hundred Boomers from the Unassigned Lands. Couch and twelve other Boomers were arrested, and, although

the charges were soon dropped, news of the incident began to spread. By moving into Indian Territory and occasioning their arrest and expulsion, the Boomers drew attention to their cause and aroused public sympathy as newspapers told of their plight. Weaver asked his close confidant Edward Gillette—a former Greenback congressman from Iowa and co-editor with Weaver of Des Moines's *Iowa Tribune*, the leading Greenback newspaper in the state—to journey to Kansas and find out what exactly had transpired. As the public began increasingly to see them as victims rather than rough ne'er-do-wells, the Boomers switched their efforts from invading Indian Territory to securing legislation that would legally open the area to non-Indian settlement. Weaver became one of their allies and urged readers of the *Iowa Tribune* to send him petitions, which could be cut out of the newspaper, calling for the opening of the Unassigned Lands.⁸

Even before the arrests and Weaver's petition drive, activities in Congress seemed to bode better for the Boomers. The Senate Committee on Indian Affairs began looking into the Cherokee Outlet lease. In early February, Boomers met in Topeka, Kansas, and drafted a "Resolution for Homesteader Rights" and sent Couch to Washington to deliver it.⁹ On February 15, 1885, Representative Thomas Ryan, a Republican from Topeka who had favored the opening of Oklahoma lands as a potential benefit to Kansas commerce since reading Boudinot's 1879 letter, reintroduced a bill that would have opened certain unsettled areas of Indian Territory. Soon thereafter, one of Ryan's Kansas colleagues, Congressman Bishop Perkins (R., Oswego), submitted a bill proposing the purchase of the Outlet from the Cherokees and the opening of the Oklahoma district to settlers. In early March, a rider to the Indian Appropriations Act based on Perkins's bill, calling for the federal government to begin talks with the Cherokees, Creeks, and Seminoles to allow white settlement on the lands they ceded to the federal government in the 1866 treaties, was passed by both houses and signed by the president.¹⁰

8. *Message from the President of the United States Transmitting Communications of the Secretary of War and the Secretary of the Interior, Relating to Certain Lands in the Indian Territory Acquired by Treaty from the Creek and the Seminole Indians*, 48th Cong., 2nd sess., January 28, 1885, S. Exe. Doc. 50, 7, 8; Rister, *Land Hunger*, 193; Samuel Crocker, "Autobiography," manuscript, Oklahoma Historical Society, Oklahoma City, 189; (Des Moines) *Iowa Tribune*, February 4, 11, and 18, 1885; *Topeka Daily Capital*, March 7, 1885.

9. Savage, *The Cherokee Strip Livestock Association*, 94; Rister, *Land Hunger*, 193.

10. Morris L. Wardell, *A Political History of the Cherokee Nation, 1838–1907* (Norman: University of Oklahoma Press, 1938), 306; Hoig, *David L. Payne*, 52–53; Gittinger, *The Formation of the State of Oklahoma*, 156.

5. William W. Savage, Jr., *The Cherokee Strip Livestock Association: Federal Regulation and the Cattleman's Last Frontier* (Columbia: University of Missouri Press, 1973), 21; Roy Gittinger, *The Formation of the State of Oklahoma, 1803–1906* (Norman: University of Oklahoma Press, 1939), 144. Gittinger's early history of Oklahoma was first published in 1917 as *University of California Publications in History* 6.

6. On the Boomer movement, see Rister, *Land Hunger*, and Stan Hoig, *David L. Payne: The Oklahoma Boomer* (Oklahoma City: Western Heritage Books, 1980).

7. Dan W. Perry, "Colonel Crocker and the Boomer Movement," *Chronicles of Oklahoma* 13 (September 1935): 274. The *Oklahoma War Chief*, edited by A. W. Harris and first published on January 12, 1883, at Geuda Springs and then South Haven, Kansas, on the "Oklahoma Border," was established as the "official organ of Payne's Oklahoma Colony." It was moved to Arkansas City and published as the *Oklahoma Chief*, B. J. Zerger, editor, from February 3, 1885, to June 11, 1885; Samuel Crocker took over editorship on June 18, 1885, and published the colony's organ as the *Oklahoma War-Chief* from Caldwell until August 12, 1886.



William Couch, pictured here (back row, center) with a group of Boomers, led "invasions" into the Unassigned Lands. These illegal forays into the disputed territory were in violation of the federal government's arrangements with Indian peoples, so Couch, Weaver, former Kansas Congressman Sidney Clarke, and others lobbied Congress for legislation favorable to white home seekers. Image from the collections of the Oklahoma State Historical Society, Oklahoma City.

On March 9, 1885, amidst the backdrop of increasing support for the Boomer cause, Weaver and former Republican Congressman Sidney Clarke, spoke with newly inaugurated President Grover Cleveland. They hoped that Cleveland, the first Democrat elected president since before the Civil War, would support their cause, as he was not required to uphold any unofficial position accepting the cattlemen's lease established by the previous Republican administration.¹¹ In fact, one of Cleveland's first acts as president had been to sign the bill authorizing negotiations in Indian Territory for the purpose of buying ceded land for whites to settle. In doing so, the federal government had initiated the first steps toward breaking up Indian Territory.¹² Clarke told the president

that Boomers were law-abiding citizens who had been mistreated and that "many parts of the West" were "at white heat" over the Oklahoma controversy. Weaver noted that he had personally received petitions signed by over fifteen thousand citizens asking that the lands be opened for settlement. He also showed Cleveland a map that illustrated the locations of cattle outfits illegally using the land.¹³ Two days later, Weaver, Clarke, and Gillette met with Attorney General Augustus Garland concerning the arrest of forty-seven Boomers in Arkansas City, Kansas. They pleaded the Boomers' case and requested that no further arrests be made.¹⁴

11. H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty and Industrial Civilization in Indian Territory, 1865–1907* (Columbia: University of Missouri Press, 1975), 131.

12. Rister, *Land Hunger*, 193; Edward Everett Dale and Gene Aldrich, *History of Oklahoma*, 3rd ed. (Edmund, Okla.: Thompson Book and Supply Company, 1969), 240; Gittinger, *The Formation of the State of Oklahoma*, 156.

13. *Chicago Tribune*, March 10, 1885.

14. *Chicago Times*, March 12, 1885; *Topeka Daily Capital*, March 12, 1885; *Arkansas City Traveler*, March 18, 1885. For a brief discussion of the involvement of "colored" troops of the Ninth Cavalry from Fort Riley, Fort Sill, and other posts in federal efforts to contain the Boomers, see William A. Dobak, "Fort Riley's Black Soldiers and the Army's Changing Role in the West, 1867–1885," *Kansas History: A Journal of the Central Plains* 22 (Autumn 1999): 223–27.

Their efforts had mixed results. On March 13 Cleveland signed a statement condemning the actions of the Boomers. However, Weaver and Clarke telegraphed Couch that Cleveland's "proclamation of yesterday is intended to eject cattle syndicates on one hand and suspend on the other the settlement of the country pending negotiations [with the Creeks and Seminoles]. . . . We deem it best for all parties to await contemplated actions."¹⁵ No doubt feeling that political momentum and public support were now on their side, the Boomers continued to push their agenda. Fifteen hundred Boomers signed petitions in March 1885 requesting that Weaver and Clarke be appointed to the treaty negotiation commission to acquire Indian land.¹⁶ But neither was chosen. In late March, Weaver telegraphed Couch that he had met with Secretary of the Interior L. Q. C. Lamar and left believing that a negotiating committee would soon be established but that it would be one favoring cattlemen over homesteaders. He received the latter information, Weaver said, from a member of the Cherokee Strip Live Stock Association who was a friend of U.S. Senator Preston B. Plumb of Kansas.¹⁷

On April 22, 1885, six to eight hundred Boomers held a mass meeting in Arkansas City. Digesting Cleveland's attitude and hoping to continue to capitalize on their image as good American citizens waiting for justice from their government, the Boomers agreed to postpone plans for future incursions into Indian Territory since Weaver, Clarke, and Couch had all concurred that the cattle operations would be evicted from Indian Territory and negotiations would begin to acquire government ownership of Indian land. They decided to focus their energies on persuading Congress to open the Oklahoma lands as soon as possible. And in their resolutions, they duly noted Weaver's efforts on their behalf.¹⁸

In May an energized Weaver pressed the Boomer cause by presenting the Department of Interior with a multitude of documents and petitions, the first of many such papers he would submit over the next few years, the greatest number of which came from Iowa and

Kansas.¹⁹ Weaver enjoyed a certain amount of clout in Washington as a leading Greenbacker who cooperated with Democrats. In fact, Cleveland supposedly courted his favor by giving him considerable control of federal patronage in Iowa.²⁰ Therefore, Weaver probably felt himself to be in a strong political position to press the Boomers' cause. Of course, Weaver and those who favored opening the lands for settlement continued to face concerted opposition, including that of lobbyists for the Cherokee Strip Live Stock Association who worked against Boomer legislation. Although the cattlemen's advocates denied such activity, Couch reported back to the Boomers in Kansas that they were "turning heaven and earth bottom side up to defeat" any Oklahoma bill while "trying to make it appear that there never has been any cattle in Oklahoma."²¹

Before Congress reconvened in December 1885, Weaver telegraphed Clarke to send to him "as early as possible certain important documents." Weaver, Representative William McKendree Springer (D., Ill.), and Senator Charles H. Van Wyck (R., Nebr.) urged Clarke to draft a bill establishing a territorial government for Oklahoma. Clarke conferred with Couch and then drafted a legislative proposal, which Weaver introduced in the House on December 21 as Van Wyck presented the same bill to the Senate. It called for the organization of the Indian Territory and the Public Land Strip (also known as No Man's Land or the Oklahoma Panhandle) into the Territory of Oklahoma. It provided for a temporary government, allotments of homesteads to Indians, and white settlement. In the House the bill died in the Committee on Territories and received no further attention.²²

Weaver reintroduced the bill on January 18, 1886, when it was again referred to the Committee on Territories. That same day Representative Richard Wellington Townshend (D., Ill.) submitted a separate Oklahoma bill. Weaver and Clarke addressed the committee on February 1. According to Couch, who observed, the meeting

19. On May 29, 1885, Weaver deposited 125 papers pertaining to "Oklahoma" with the Bureau of Indian Affairs (Record Group 75, Special Case 111, National Archives, Washington, D.C.).

20. (Des Moines) *Iowa State Register*, July 3, 1885; Haynes, *James Baird Weaver*, 289.

21. Joseph B. Thoburn and Muriel H. Wright, *Oklahoma: A History of the State and Its People* (New York: Lewis Historical Publishing Company, Inc., 1929), 2:529; William L. Couch to A. E. ("Arch") Stinson, May 2 and 8, 1886, Thomas N. Athey Collection, Oklahoma Historical Society, Oklahoma City (hereafter cited as "Athey Collection").

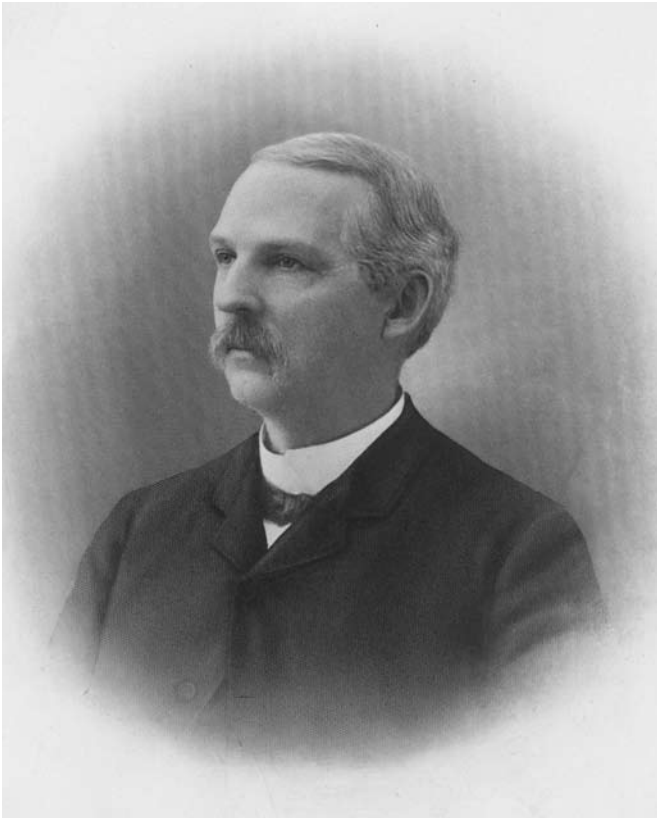
22. W. L. Couch to A. E. Stinson, December 8, 1885, Athey Collection; Hill, *A History of the State of Oklahoma*, 176-77; *Territory of Oklahoma*, HR 584, 49th Cong., 1st sess., *Congressional Record* 17 (December 21, 1885): H pt. 1:384.

15. *Chicago Times*, March 15, 1885; *Wichita Eagle*, March 14, 1885; *Arkansas City Traveler*, March 18, 1885; *Arkansas Valley Democrat* (Arkansas City, Kansas), March 27, 1885; *Arkansas City Republican*, March 21, 1885.

16. Gittinger, *The Formation of the State of Oklahoma*, 146; Rister, *Land Hunger*, 202; *Kansas City Evening Star*, March 21, 1885.

17. *Chicago Times*, March 27, 1885; *Arkansas Valley Democrat*, March 27, 1885; *Arkansas City Republican*, April 11, 1885.

18. *Report of the Secretary of the Interior*, 49th Cong., 1st sess., 1886, H. Doc. 12, 59-60; *Globe Democrat* (St. Louis), April 23, 1885; *Arkansas City Traveler*, April 22 and 29, 1885.



Sidney Clarke was a three-term U.S. congressman from Lawrence, serving from March 4, 1865, until March 3, 1871. Originally from Southbridge, Worcester County, Massachusetts, the Republican journalist and politician moved to Kansas Territory in 1859 and enlisted as a volunteer at the beginning of the Civil War. He was subsequently appointed assistant adjutant general of volunteers and later served as captain and assistant provost marshal general for Kansas, Nebraska, Colorado, and Dakota Territory. In Lawrence on the morning of August 21, 1863, Clarke managed to elude the Confederate guerrillas commanded by the infamous William C. Quantrill and survive the Lawrence raid. Clarke failed in his bid for reelection to a fourth term in Congress, where he had chaired the Committee on Indian Affairs, but returned to Kansas and in the late 1870s served a term in the state legislature. Throughout his later political career Clarke agitated for white settlement in Oklahoma, and in 1889 he moved to Oklahoma City, where he engaged in railroad building and politics and died on June 18, 1909.

made for a "real hot time."²³ The two came back to the committee again on February 17 and 27. At the same time, they also appeared before the committee to advocate for the Townshend bill, which would have consolidated some of the tribes, created a territorial government, established federal courts, and allotted land to Indians in severalty. When a Reverend Sutherland of Washington,

D.C., who came before the committee to defend Indian rights, challenged Townshend, Weaver jumped into the fray. "The discussion between Sutherland and Weaver," the *Chicago Times* reported, "was very animated at times, and they afforded the committee at least as much amusement as instruction. Both quoted scripture to emphasize their arguments, and each tried to show that he was better versed in scripture and in law than the other." The committee reportedly decided that Weaver's bill, rather than Townshend's, should be "the basis of the legislation which the committee will recommend to the house." After appearing before the committee, Weaver optimistically reported to the *Iowa Tribune*, "We expect to get our Oklahoma bill reported favorably this week. . . . Clarke and I each made an hour's speech closing the argument."²⁴

Before the Committee on Territories made a final decision, the House debated the Indian Appropriations bill on March 11. Weaver took the floor and pointed out that the government no longer recognized the tribes as separate nations but as its wards. Moreover, he contended that "the condition of this Indian Territory . . . constitutes one of the foulest blots upon civilization in this country." Give the Indians homesteads, he declared, and open the remainder of the land to white settlers. With regard to the cattlemen who rented space on the Cherokee Outlet north of the Unassigned Lands, he asserted, "The real battle is whether the poor man seeking a home . . . should not have the right to go there taking his family, the church, and the school house, or whether he should be excluded by the rich foreign and domestic cattle syndicates that are there in violation of the law." Pausing only for applause, Weaver thundered on, reiterating that creating a new federal territory was the answer to all of the problems of Indian Territory. At this juncture, some congressmen began to chide him by asserting that the Boomers were freebooters and lawless vagabonds, which elicited a heated diatribe from Weaver in defense of the homesteaders.²⁵ William Couch, who happened to be in Washington at the time, praised Weaver's words. He sent a copy to A. E. "Arch" Stinson, the secretary of Payne's Oklahoma Colony in Kansas, saying, "We want to get his speech out over the country to enlighten the people. It has done a great deal of good here."²⁶

23. W. L. Couch to A. E. Stinson, February 2, 1886, Athey Collection; *Oklahoma Territory*, HR 4842, 49th Cong., 1st sess., *Congressional Record* 17 (January 28, 1886): H pt. 1:956; Thoburn and Wright, *Oklahoma*, 530; *Territory of Oklahoma*, HR 315, 49th Congress, 1st sess., *Congressional Record* 17 (December 21, 1885): H pt. 1:375, 384.

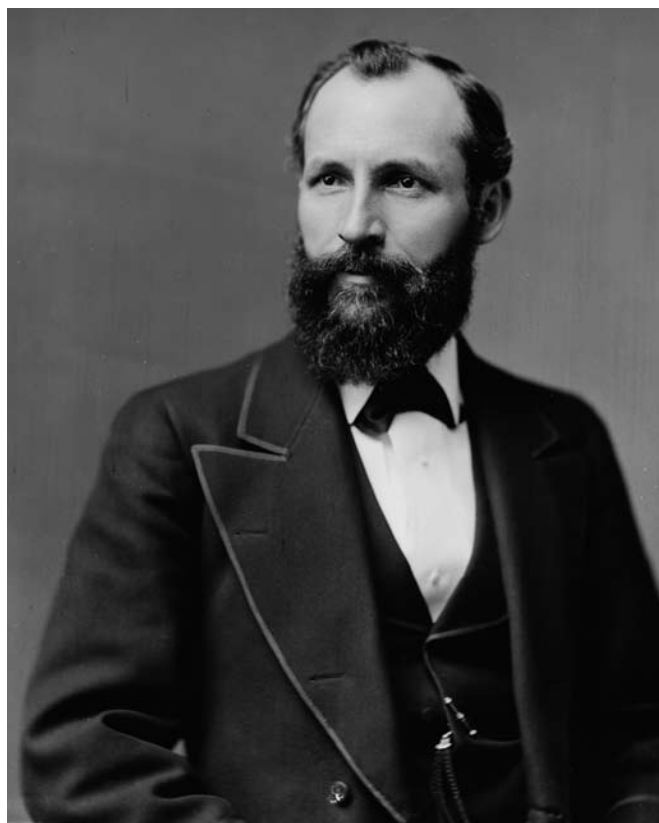
24. *Chicago Times*, February 25, 1886; *Oklahoma War Chief* (Caldwell, Kansas), February 18, 1886; *Iowa Tribune*, March 3, 1886.

25. *Indian Appropriations Bill*, HR 5543, 49th Cong., 1st sess., *Congressional Record* 17 (March 11, 1886): H pt. 3:2306, 2307, 2317.

26. W. L. Couch to A. E. Stinson, March 13, 1886, Athey Collection.

Despite his spirited remarks, the Committee on Territories rejected Weaver's Oklahoma bill and decided to draft a compromise measure, calling for the Unassigned Lands, the Cherokee Outlet, and the Public Land Strip to be opened to white homesteaders. Unlike Weaver's proposal, the bill did not stipulate that all of the Indian Territory be organized into a new federal territory. Nonetheless, a minority on the committee argued that it would be unfair to force the Indians to sell their unsettled lands to the government.²⁷ Congressman William Steele Holman, an Indiana Democrat, led the fight against the territory bill. He called for a new Indian commission, as Cleveland had done in December, to formulate a treaty with the tribes for some of their land. His proposal went before the House on April 20, and Weaver, wanting to give legislators who supported the Oklahoma bill a chance to force it through the House before a vote could be called on Holman's bill, interjected that the issues involved were so important that the body should resolve itself into a committee of the whole. Since time did not allow for such an action that day, discussion of Holman's bill was postponed, and a thankful Couch reported to Boomers in Kansas that Weaver had "tackled" the bill and "fought it so hard that all the time they had was expired."²⁸ On May 1 the House resolved itself into a committee of the whole to debate the Oklahoma bill, but no agreement resulted. The Holman bill came forward on May 15, and Weaver argued that a commission reporting to the Department of Interior would not be subject to Congress and did not have the authority to place more Indians on Oklahoma lands. Again due to the efforts of Weaver and his cohorts, the Holman bill faltered.²⁹

Holman and his crowd were not the only opponents that confronted Weaver and the supporters of an Oklahoma bill. For their part, the Five Civilized Tribes feared the ultimate loss of tribal sovereignty if whites were allowed to settle on the Unassigned Lands. Earlier, in mid-June of 1885, Cherokee Principal Chief Dennis W. Bushyhead called for a meeting of tribal representatives at Eu-
 faula in the Creek Nation. Bushyhead asserted that that



William McKendree Springer, a ten-term Democratic representative from Illinois who served from March 4, 1875, until March 3, 1895, worked with Weaver to push legislation through Congress that would open the Unassigned Lands to white settlement. Springer, who chaired the Committee on Territories during the Fiftieth Congress and the powerful Committee on Ways and Means for the Fifty-First, failed in his bid for reelection in 1894 and resumed the practice of law in Washington, D.C. Springer subsequently was appointed by the Democratic president, Grover Cleveland, as judge for the northern district of Indian Territory and chief justice of the U.S. Court of Appeals of Indian Territory. Photograph courtesy of the Library of Congress, Prints & Photographs Division, Washington, D.C.

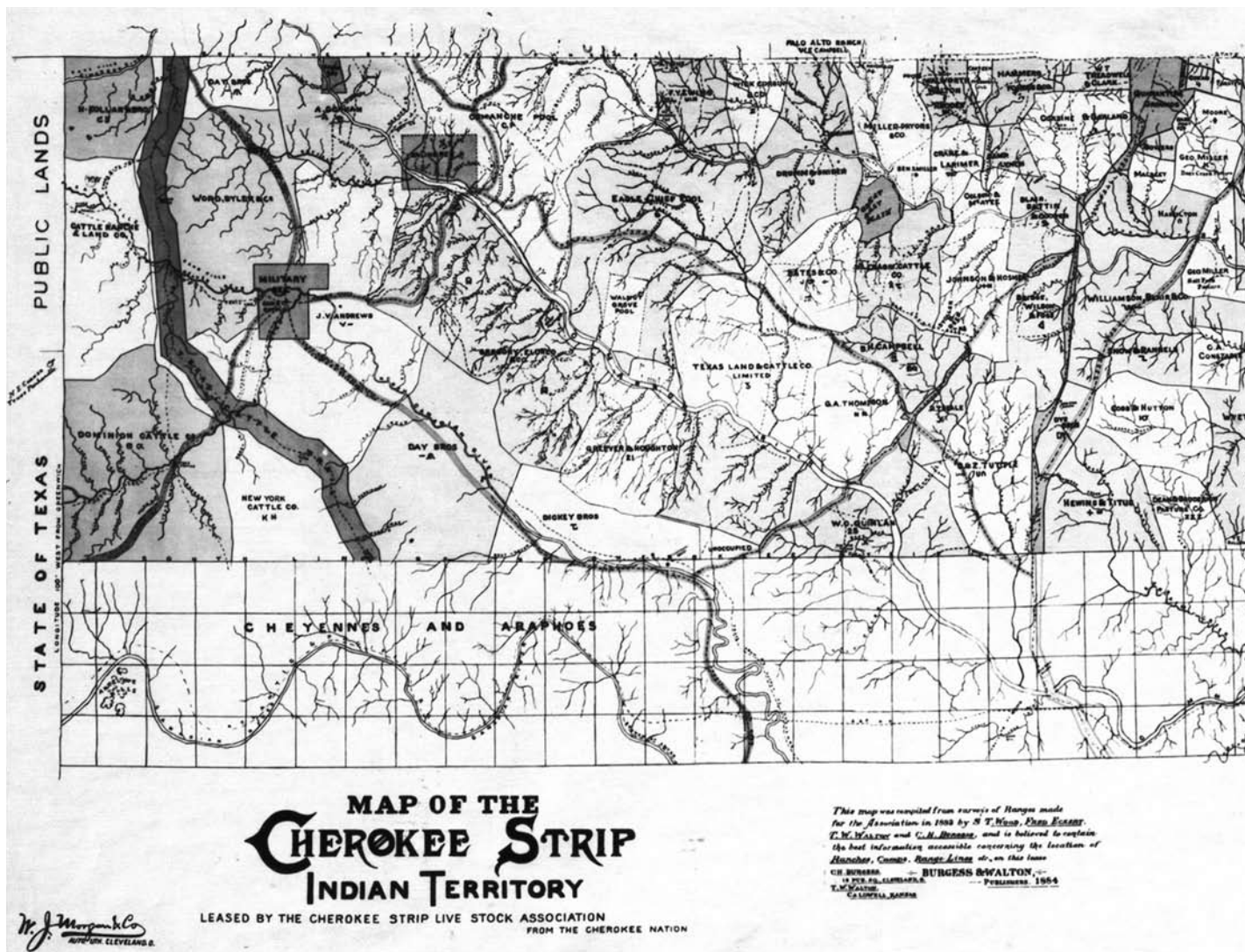
year's Indian Appropriations Act allowing the president to negotiate for Creek, Seminole, and Cherokee lands presented "a thorough, sweeping, and radical change in political relations between the Indian and the government of the United States." In turn, the delegates decided at that time not to enter into any negotiation with the United States over the sale or session of land, for opening the Indian Territory to white settlers was "incompatible with the rights, interests, and future security of the people of the Indian Territory."³⁰ Subsequently, in 1886 representatives of the Five Civilized Tribes delivered a

27. *Organization of the Territory of Oklahoma*, 49th Cong., 1st sess., 1886, H. Rep. 1684, 1, 2, 7, 20.

28. *Iowa State Register*, December 9, 1885; Dora Ann Stewart, *Government and Development of Oklahoma Territory* (Oklahoma City: Harlow Publishing Co., 1933), 40–41; Gittinger, *The Formation of the State of Oklahoma*, 166–67; *Indian Commission*, HR 6973, 49th Cong., 1st sess., *Congressional Record* 17 (April 20, 1886): H pt. 4:3641–43; W. L. Couch to A. E. Stinson, April 22, 1886, Athey Collection.

29. W. L. Couch to A. E. Stinson, May 2, 1886, Athey Collection: *Indian Commission*, HR 6973, 49th Cong., 1st sess., *Congressional Record* 17 (May 15, 1886): H pt. 5:4551, 4554, 4557.

30. Hill, *A History of the State of Oklahoma*, 199–200; Wardell, *A Political History of the Cherokee Nation*, 306.



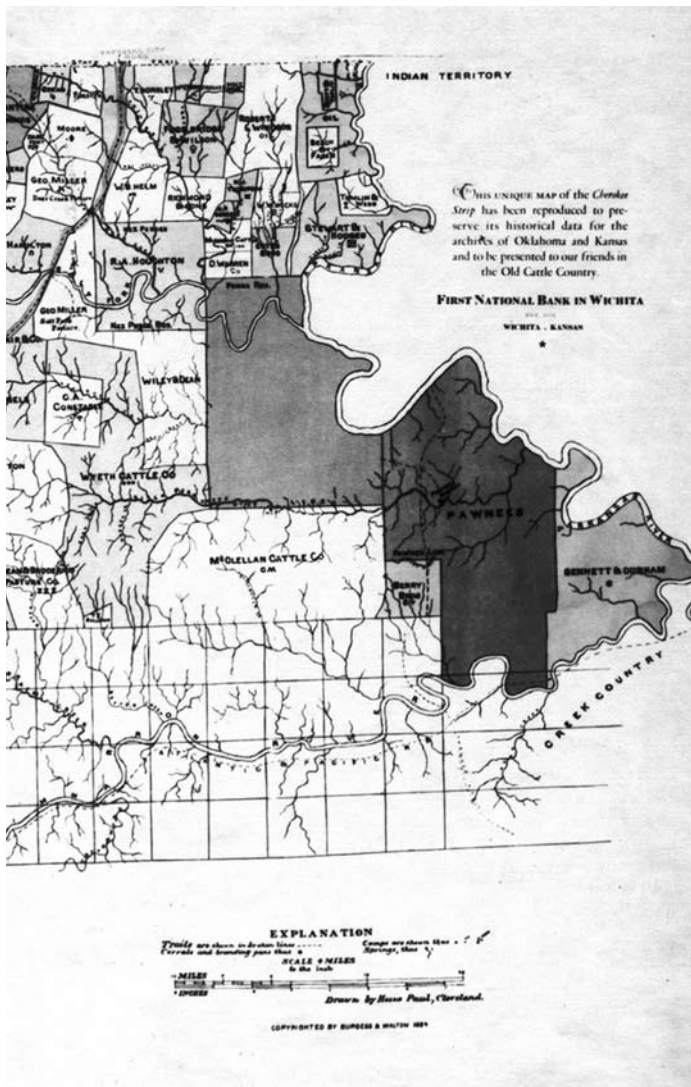
The Cherokee Strip Live Stock Association leased grazing rights for cattlemen on the Cherokee Outlet from the Cherokee Nation. The association then sublet parts of the range to its member ranches, as represented on this map put out by the association in 1884. Boomers and their supporters argued that the association's lease was illegal and that the ranchers were a monopoly of beef producers hoarding land that could be used by landless farmers. At the same time that Weaver and other Boomer supporters were fighting their cause in Congress, the friends of the Cherokee Strip Live Stock Association lobbied against Boomer legislation.

reply to Weaver's arguments before the Committee on Territories. They pointed out that the Weaver bill stated that the United States had control over land to which Indians did not have "absolute title," but most Indians held land under "possessory interest" rather than legal title. They further argued that by more than ten to one Indians would not want to reside in a federal territory, especially since the Weaver bill said that to vote or hold office in the territory a person would have to be a citizen and the recent *Elk v. Wilkins* court case reasserted that Indians could not be citizens of the United States. They consequently described Weaver's bill as a "scheme to

disenfranchise the whole Indian people, and to vest the entire civil, political, and legislative power of the territory, in the bad white men who will flock into the country, as buzzards into a battle field."³¹

Regardless of his critics and political opponents, Weaver remained undeterred and returned to Iowa in the fall of 1886 to prepare for another election campaign.

31. House Committee on Territories, *Reply of the Chickasaw, Choctaw, Seminole, Creek, and Cherokee Indians to the Arguments Submitted by Hon. J. B. Weaver and Hon. Sidney Clarke, in Favor of the Bill to Organize the Territory of Oklahoma*, 49th Cong., 1st sess., 1886, HR 4842, 3, 5, 7, 11.



Once more, he won renomination by acclamation at both the Greenback and Democratic conventions, while the state Greenback platform condemned cattlemen for using Indian land and called for the opening of the Oklahoma lands to white settlers. In the general election, Weaver defeated his Republican opponent by 618 votes.³² Returning to Washington, Weaver continued to press for the House to take up his Oklahoma bill. Weaver's position was further buttressed by the Kansas legislature, which in early February sent Congress a resolution, urging that the unused lands in Indian Territory be opened to white settlement and directing the state's congressional delegation to aid in securing such legislation. On

32. Clyde Orval Ruggles, "The Greenback Movement in Iowa" (master's thesis, University of Iowa, 1909), chapter 12; *Iowa Tribune*, August 18 and November 3, 1886; Haynes, *James Baird Weaver*, 258.

February 14, 1887, Weaver attempted to force the issue by proposing that February 18 "be set apart for the consideration of the bill for the organization of the Territory of Oklahoma; and the discussion of said bill shall continue from day to day until said bill is disposed of." His resolution failed to pass.³³

On March 21, 1887, Weaver, joined by Congressman Springer, again spoke with Cleveland. They reminded the president that Congress had authorized him to negotiate for land with the Creeks, Seminoles, and Cherokees, a role which he had accepted. They also again stated their belief that the tribes allowed cattlemen to lease illegally Indian land for grazing. Furthermore, they remonstrated, "No higher duty can devolve upon American statesmen than to protect the public domain from monopoly and to build up new communities and States on our western frontier."³⁴ A month after Weaver and Springer met with Cleveland, Sidney Clarke said that he was convinced that "the president, the interior department, and leading members of both branches of congress now see that the unoccupied land in the Indian Territory should be opened to the people." Success, he opined, would come in the next congressional session, and even the cattlemen and their supporters knew that it would be inevitable.³⁵ In the midst of the land and Indian policy disputes, the Dawes Severalty Act of 1887 (or the General Allotment Act) passed Congress in February and was signed by Cleveland. It authorized the president to select reservations for termination, distributing the land in severalty to tribal members in amounts of 80 or 160 acres. The land not distributed would be open to white settlement. The Five Civilized Tribes, however, succeeded in having their nations and some others in Indian Territory excluded from the legislation.³⁶ Nonetheless, the Dawes Act surely encouraged the Boomers and their political supporters. In Iowa, Weaver and the Greenbackers wrote a state party platform that again

33. *Petitions and Memorials*, Res. 20, 49th Cong., 2nd sess., *Congressional Record* 18 (February 5, 1887): H pt. 2:1425; *Oklahoma*, 49th Cong., 2nd sess., *Congressional Record* 18 (February 14, 1887): H pt. 2:1737.

34. James B. Weaver and William W. Springer to President Grover Cleveland, March 21, 1887, box 5, folder 130, Sidney Clarke Papers, Carl Albert Congressional Research and Studies Center Congressional Archives, University of Oklahoma, Norman (hereafter cited as "Sidney Clarke Papers").

35. *Caldwell (Kansas) Journal*, April 21, 1887.

36. Gittinger, *The Formation of the State of Oklahoma*, 169. While much has been written on the Dawes Act, for an introductory understanding of this important legislation, see D. S. Otis, *The Dawes Act and the Allotment of Indian Lands* (Norman: University of Oklahoma Press, 1973); Wilcomb E. Washburn, *The Assault on Tribalism: The General Allotment Law (Dawes Act) of 1887* (Philadelphia: J. P. Lippincott Company, 1975).

demanded “the immediate opening of Oklahoma to homestead settlement.” Returning from Kansas, Clarke, laden with even more documents to present before the Congress, arrived in Washington in December with a new Oklahoma bill for Weaver to champion.³⁷

In early January 1888, Weaver introduced his third Oklahoma bill the same day that Representatives Townsend and Perkins presented Oklahoma bills. Although Weaver attempted to be named chairman of either the Committee on Territories or the Committee on Public Lands, he received the chairmanship of the Committee on Patents instead, and once more his Oklahoma bill died in committee. The Des Moines *Iowa State Register*, the major Republican newspaper in Iowa, gloated over his failure, suggesting that the Democrats in Congress were “afraid of ‘Slippery Jim’” and did not want to “clothe him with political power.” Weaver, however, could take some solace in that his ally Congressman Springer, who had introduced his own Oklahoma bill, was named chair of the Committee on Territories.³⁸

At this same time, efforts in Kansas to settle the territory were heating up again. The boards of trade in Wichita and Kansas City had sent committees to Congress, asking that the unused lands in Indian Territory be opened to whites. Meetings were held in Caldwell and Arkansas City as a prelude to an interstate convention in Kansas City, Missouri. In early February, representatives of Boomers and their supporters from Kansas and surrounding states met in Kansas City. The governor of Kansas, John A. Martin, was unable to attend but expressed his “sympathy for the movement” in a letter read to the convention delegates. Missouri Governor Albert P. Morehouse, who served as permanent convention chairman, addressed the assemblage, as did Couch and others. Morehouse told the assemblage that its objective was “to consider the proposition whether the Indian Territory shall be left the rude and imperfect country it now is . . . or whether it shall be made perfect by the skillful hands of the workmen, properly adjusted and placed eventually in the galaxy of states.” Once more, delegates passed a resolution demanding the opening of the Oklahoma lands and sent

Couch and several others to deliver it to the president and Congress. Dr. Munford was among their number, and his personal acquaintance with Cleveland helped him in securing two meetings with the president—one for himself, Couch, and Samuel Crocker, and another for the complete delegation. After meeting with Cleveland and selected congressmen, Munford told a friend that he believed the Springer bill “had a fairly good chance of passing the House.” However, if it reached the Senate “on the heels of adjournment, we can hardly expect the Senate to take it up and pass it. But if it comes in reasonably good time the Senate will pass it, and if it goes to the president, he will sign it.”³⁹

In the Congress, Holman, who chaired the House Committee on Public Lands, again sought to derail the territory bill, and once more Weaver engaged him in debate. Holman offered a bill to extend federal law into the Public Land Strip. This legislation threatened to complicate a section of the Springer bill, which also dealt with the Public Land Strip. Thus, Weaver proclaimed that Congress must act on the Springer bill, for “Six hundred thousand laboring men have petitioned” for its passage. In the end, Holman’s bill was not acted upon. Assessing Weaver’s efforts, the *Kansas City Times* reported that “no member [of Congress] favoring the Oklahoma movement had contributed to its well being to wider extent than General Weaver. . . . [H]e has pinned his official and personal faith in its [the Oklahoma bill’s] final passage.”⁴⁰

By late August, the Springer bill seemed near passage, and yet again Weaver and Holman had words. Holman offered an amendment to the bill, which stated “that no person shall be authorized” to claim any of the land under the act if he “is the owner of 160 acres of land or more within ninety days before applying.” Weaver responded that while he favored “reserving every acre of that land to poor people,” heavily mortgaged farmers

37. Ruggles, “The Greenback Movement in Iowa,” 135; *Caldwell Journal*, December 22, 1887.

38. *Territory of Oklahoma*, HR 1277; *Territory of Oklahoma*, HR 1285; *Territory of Oklahoma*, HR 1350; *Homestead Settlement in Indian Territory*, HR 1397; *Standing and Select Committees*, 50th Cong., 1st sess., *Congressional Record* 19 (January 4, 1888): H pt. 1:209, 212, 213, 279–80; *Iowa State Register*, January 6, 1888; Thoburn and Wright, *Oklahoma*, 530.

39. *Kansas City Star*, February 7, 8, and 9, 1888; *Caldwell Journal*, February 16, 1888; Crocker, “Autobiography,” 297–99; Grant Foreman, *A History of Oklahoma* (Norman: University of Oklahoma Press, 1942), 229; Duward Earl Newsom, “Crusade of the Frontier Journalist for the Opening of the Indian Territory” (EdD diss., Oklahoma State University, 1957), 69–70; Stan Hoig, *The Oklahoma Land Rush of 1889* (Oklahoma City: Oklahoma Historical Society, 1984), 5–7. H. M. Holden, vice president of the Kansas City Board of Trade and convention organizer, apparently first offered the permanent chairmanship via telegram on February 7 to Governor Martin, who declined. H. M. Holden to John A. Martin, and Martin to Holden, draft copy, telegrams, February 7, 1888, 27-04-06-03, folder 8, Correspondence of Governor John A. Martin’s Office, Library and Archives Division, Kansas Historical Society, Topeka.

40. *Oklahoma*, HR 1277, 50th Cong., 1st sess., *Congressional Record* 19 (July 24, 1888): H pt. 7:6740, 6742–43; *Kansas City Times* as cited in the *Iowa Tribune*, August 8, 1888.



Located in south central Kansas, the border town of Arkansas City was often the temporary home of Boomers, though they were not always welcome. At one point during the debate over Indian Territory, Weaver and Clarke had to plead for the release of forty-seven Boomers arrested in the town. Such raids against them did not deter the Boomers, six to eight hundred of whom held a mass meeting in Arkansas City in April 1885. Above Boomers camp on the Walnut River near Arkansas City in 1886 or 1887.

should be allowed to give up their indebted land and start anew. Holman's proviso was defeated, but the Springer bill failed to pass before Congress adjourned. Nonetheless, Weaver remained confident of the bill's passage in the next session.⁴¹

Weaver returned to Iowa in late September 1888 and by acclamation became the congressional nominee of the fused Union Labor Party, which had absorbed the Greenback and Democratic parties in the district. With Boomer leader Couch at his side, Weaver stumped the district emphasizing his efforts to open Oklahoma lands to white settlers. While in Weaver's hometown of Bloomfield, for better or perhaps worse, Couch spiced up the campaign—according to a local newspaper, he “got into an altercation” with a Bloomfield resident in the post office lobby. “They came to blows and both were arrested.”⁴² The tough Boomer was charged with assault, and Weaver paid his five-dollar fine. On Election Day, Weaver won more votes in his district than he had ever polled before but he lost the race. The *Iowa Tribune*

claimed that the Republican Party had “colonized” the congressional district by encouraging their party members to locate there. Charges also flew that voters were paid to vote against Weaver, and the *Oskaloosa* (Iowa) *Times* declared that “the money which downed Gen. Weaver came from the cattle kings of Oklahoma.” Likewise, Couch wrote to Clarke, “Our friend Weaver was defeated by 800 majority or more. Boodle did it.” Other circumstances, though, also hindered Weaver's reelection efforts. By staying in Washington until September 28 and the end of the congressional session, he limited the time he had to campaign. Moreover, 1888 was a presidential election year, and Republicans engaged in a strong effort to elect Benjamin Harrison to the presidency. In doing so, they brought more voters to the polls than in past elections. All these factors worked against Weaver's reelection.⁴³

Despite his defeat, Weaver completed his term as an active, if lame-duck, member of Congress. In late

41. *Oklahoma*, HR 10614, 50th Cong., 1st sess., *Congressional Record* 19 (August 30, 1888): H pt. 9:8116–17.

42. *Bloomfield* (Iowa) *Republican* as cited in (Newton, Iowa) *Journal*, November 14, 1888.

43. *Oskaloosa* (Iowa) *Times* as cited in *Iowa Tribune* December 5, 1888; *Iowa Tribune*, June 6, September 12, November 14, and December 5, 1888; Samuel Crocker, “Autobiography,” 304; W. L. Couch to Sidney Clarke, November 12, 1888, box 6, folder 14, Sidney Clarke Papers; Haynes, *James Baird Weaver*, 290, 293.



Richard Wellington Townshend, an Illinois lawyer and Democratic politician, served as a member of Congress from March 4, 1877, until his death on March 9, 1889, just days after beginning his seventh term. Another of Weaver's allies in the fight to claim Oklahoma for white settlers, Townshend introduced in January 1886 his own Oklahoma bill, which would have consolidated some of the tribes, created a territorial government, established federal courts, and allotted land to Indians in severalty. Photograph courtesy of the Library of Congress, Prints & Photographs Division, Washington, D.C.

November 1888, he traveled to another interstate convention on Oklahoma, this one hosted in Wichita, Kansas, an early center of Boomer support. Marsh Murdock, editor of the *Wichita Eagle*, had initially opposed opening the Oklahoma lands fearing that Kansas would lose population, but he changed his mind on the matter and joined with Wichita businessmen who envisioned increased commerce deriving from white settlers in Indian Territory. Consequently, Crocker convinced him to organize the Boomer gathering, which filled the town's opera house.⁴⁴ When called to speak before the hundreds jammed into the hot hall, Weaver generated "wild

cheers." The Springer bill, he trumpeted, "has been a bull dog fight between the classes and the masses. One hundred thousand dollars a year," he proclaimed, was "paid by cattlemen . . . to defeat the wishes of the people." Cattlemen, he continued, were cheating the public. Whereas it cost an Iowa farmer anywhere from thirty to fifty-three dollars to raise a three-year-old steer to market, for example, it cost only five dollars on public land, which was not even taxed for its usage. He encouraged attendees to write their congressmen and stop this inequity. His comments elicited sustained cheering, and the crowd continued their adulation when the convention chairman introduced Springer as "dear to us because he votes with Weaver."⁴⁵

In Congress on January 8, 1889, Springer asked that the House designate January 10 as the day to debate his Oklahoma bill. When his request, which required unanimous consent, was rejected, Weaver began a filibuster. For three days, he either called for adjournment or obstructed the transaction of business, often shouting "babies, not bullocks." When Democrats urged him to cease his filibuster, arguing that he was actually losing support for the bill, Weaver replied, "I reviewed the situation in the House and counted the cost before commencing. This is a battle for the rights of the people against the arrogant assumptions of syndicates and corporations who are now occupying Oklahoma in defiance of the law." He further asserted, "I am making the battle for law and order, for the suppression of crime, on behalf of the homeless who cannot visit the capital and speak for themselves, and against the wealthy cattle barons who are now thronging the lobby of Congress and throwing all manner of obstructions in the way of the passage of this humane bill."⁴⁶ Finally, Speaker John Carlisle and other House leaders offered a suspension of the House rules in the near future that would allow debate on the bill if Weaver ceased his antics. Weaver agreed, and on January 30, debate began. The next day, a bill to establish a new Indian commission suffered defeat, and the Springer bill passed the House on February 1, 1889.⁴⁷

45. *Wichita Eagle* as cited in the *Caldwell Journal*, November 22, 1888; *Legal Tender Greenback*, January 16, 1889.

46. *Washington Post*, January 10, 1889.

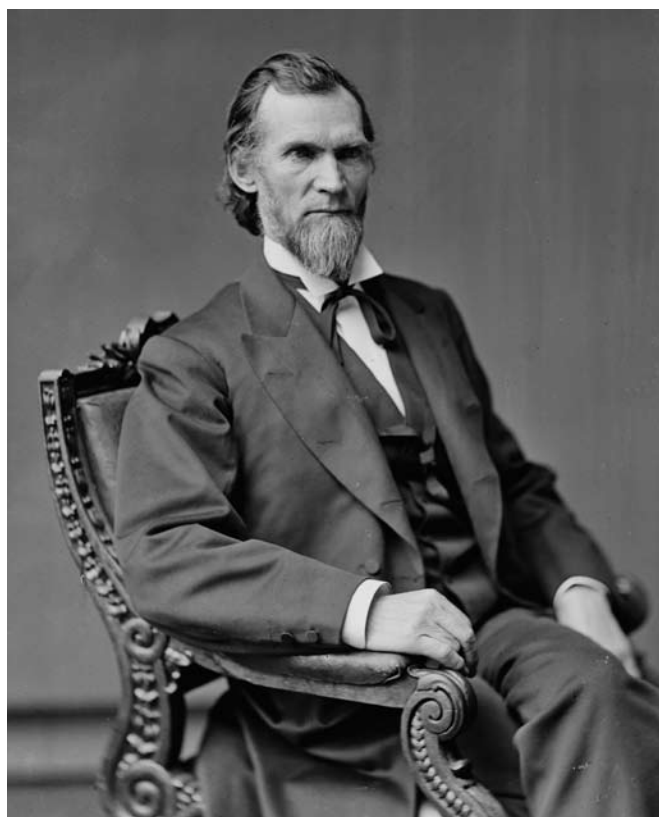
47. *Order of Business*, 50th Cong., 1st sess., *Congressional Record* 20 (January 8, 9, 10, 11, and 24, 1889): H pt.1:606, 629–32, 650, 676–86; *Hour of Adjournment*, 50th Cong., 1st sess., *Congressional Record* 20 (January 12, 1889): H pt.1:708; *Hour of Adjournment and The Deadlock Broken: An Agreement with Mr. Weaver Regarding the Oklahoma Bill*, 50th Cong., 1st sess., *Congressional Record* 20 (January 14, 1889): H pt.1:744–51; *Territory of Oklahoma*, 50th Cong., 1st sess., *Congressional Record* 20 (January 21, 1889): H pt.1:1063–67; *Territory of Oklahoma*, HR 10614, 50th Cong., 2nd

44. Miner, *The Corporation and the Indian*, 99; Hoig, *The Oklahoma Land Rush of 1889*, 11; Stan Hoig, *Cowtown Wichita and the Wild, Wicked West* (Albuquerque: University of New Mexico Press, 2007), 157–58; *Wichita Eagle*, November 21, 1888.

Weaver immediately dispatched a telegram to the *Iowa Tribune*: "The Oklahoma bill passed the House . . . I congratulate the homeless people of this country."⁴⁸ Crocker, now a noted Boomer newspaperman, wrote a friend that long-time supporters in the national legislature agreed "'it was . . . one of the most protracted, intensified, exasperating, skillful and stubbornly fought battles in the history of our American Congress.' Weaver's bold stand, single handed and alone, that forced the House to adopt the special order that put the bill in final passage. . . I do not believe there was another member on the floor of the House who either had the nerve or daring to have attempted what he did in this hazardous respect. But, it has made him the lion of the land."⁴⁹ The *Washington Post* also praised Weaver, declaring that "the people of the country owe [him] a great debt of gratitude," and that "Like Sheridan at Winchester, Gen. Weaver turned defeat into victory when all seemed lost."⁵⁰

The Senate still had to pass the bill, however, and time was running out. The cattlemen and their Senate supporters wanted the bill to die in the Public Lands Committee. But rather than sending it there or to the Committee on Indian Affairs, where discussion would have dragged, the bill was assigned to the Committee on Territories, which recommended passage without amendments on February 18. By the next day, both the Creek and Seminole nations had agreed to sell their claims to the Unassigned Lands, and President Cleveland recommended that Congress accept the offers. With the tribesmen selling their claim to the Unassigned Lands, Cleveland now had no qualms about opening that land to settlers.⁵¹

Little time remained to debate the bill fully in the Senate, where the cattlemen retained influence and, in the eyes of the Boomers, the Cherokee Strip Live Stock Association in particular received help from Senator Plumb. In the late 1870s Plumb stated his opposition to opening new lands for settlement until remaining good land in Kansas had been claimed. However, pressure from the



William Steele Holman, an Indiana Democratic congressman who served from March 4, 1859, until his death on April 22, 1897, opposed Weaver's efforts to open Indian Territory to white settlement. It would be unfair, he argued, to force the Indians to sell their unsettled lands to the government. He repeatedly drafted legislation in opposition to Boomers, calling instead for a new Indian commission to formulate a new treaty with the tribes for some of their land. Photograph courtesy of the Library of Congress, Prints & Photographs Division, Washington, D.C.

Boomers and their supporters induced him to change his stance, and he endorsed the Boomer cause, even offering legislation on the Oklahoma lands. Moreover, he characterized allowing Indians to lease tribal land to cattlemen as "bad policy." Concurrently, though, the Kansas senator not only had investments in the Cherokee Strip Live Stock Association, but it was later alleged that he offered bribes to Payne and Couch. Consequently, Boomers maintained that Plumb worked against their interests.⁵²

sess., *Congressional Record* 20 (January 30, 31, and February 1, 1889): H pt. 2:1338–58, 1381–88.

48. *Iowa Tribune*, February 6, 1889.

49. Letter quoted in the *Caldwell Journal*, February 7, 1889.

50. *Washington Post* as cited in *Iowa Tribune*, February 13, 1889.

51. *New York Times*, February 6, 1889; *Territory of Oklahoma*, HR 10614, 50th Cong., 2nd sess., *Congressional Record* 20 (February 18, 1889): H pt. 3:2010; Hill, *A History of the State of Oklahoma*, 205; Gittinger, *The Formation of the State of Oklahoma*, 179–81; *Provisional Agreement with the Creeks; Provisional Agreement with the Creek Nation of Indians*, 50th Cong., 2nd sess., *Congressional Record* 20 (February 6, 1889): H pt. 2:1543–44, 1563–64; *Iowa Tribune*, February 20, 1889.

52. William E. Connelley, *The Life of Preston B. Plumb, 1837–1891* (Chicago: Browne & Howell Company, 1913), 330; Preston Plumb to E. M. Hewins, January 19, 1883, and John E. McAltee to Charles H. Eldred, November 16, 1886, *Papers of the Cherokee Strip Live Stock Association*, Oklahoma Historical Society, Oklahoma City; Savage, *The Cherokee Strip Livestock Association*, 54; Rister, *Land Hunger*, 150; Miner, *The Corporation and the Indian*, 124, 128; interview with Eugene Couch, Oklahoma City, March 24, 1935, in Lide White Collection, Oklahoma Historical Society, Oklahoma City; *Caldwell Journal*, February 21 and March 7, 1889.

Nonetheless, many of Plumb's fellow Kansans pressed hard for the passage of an Oklahoma bill. In January, the Kansas state legislature called for the immediate opening of Indian Territory to white settlement. Another Boomer convention was held on February 20 in Arkansas City, producing resolutions to Kansas senators Plumb and John J. Ingalls imploring them to secure quick passage of the bill, for the legislation's opponents hoped to keep it from passing until Congress adjourned. If that happened, it would have to be debated and passed again in the next session.⁵³ Those in the House who supported opening the Unassigned Lands, however, had prepared for such a setback. An amendment, written by Weaver, Springer, Perkins, Couch, and Clarke and introduced by Samuel Peel of Arkansas, chairman of the House Committee on Indian Affairs, was attached to the Indian Appropriations bill. It authorized the purchase of Seminole and Creek land and empowered the president to appoint a three-man commission to negotiate with the Cherokees for lands west of the 96th meridian and, most importantly, to declare the Unassigned Lands open for settlement.⁵⁴

Although the legislation did not provide for a territorial government, it opened the land to settlement, and Ryan of Kansas succeeded in adding authorization for the government to establish two land offices. The bill did not mention the Cherokee Outlet or the Public Land Strip, but it did address the main desires of the Boomers. The House quickly passed the amended Indian Appropriations bill on February 26 and sent it to the Senate, which made some changes and returned it to the House. The House did not accede to the Senate version, and a conference committee quickly assembled. As a member of the conference committee, Congressman Perkins succeeded in keeping the House amendments in the final bill, reportedly in opposition to Senator Plumb. The appropriations bill moved quickly through the committee, as it was a major, mandatory piece of legislation that,



Preston B. Plumb, a Lawrence freestater originally from Ohio, a founder of Emporia, and a member of the Leavenworth constitutional convention, served as U.S. Senator for the Sunflower State from March 4, 1877, until his death on December 20, 1891. Although he publicly endorsed the Boomer cause, he was also tied to the cattlemen who grazed their livestock on Indian Territory grasslands.

if not immediately approved, would occasion a special, and unwanted, session of Congress.⁵⁵

Before it could be approved the bill had to be printed and passed. Springer wanted to present it at once, and Weaver sent Crocker to the nearest print shop, a mile away from the capitol, to obtain a properly printed copy. Hurriedly arriving at the printers by streetcar, Crocker induced the proprietor to divide the work among several

53. Gittinger, *The Formation of the State of Oklahoma*, 178; Hoig, *The Oklahoma Land Rush of 1889*, 14; "Senate Concurrent Resolution No. 7," *Kansas Senate Journal*, January 15 and 22, 1889, 87, 215; *Kansas House Journal*, January 24, 1889, 299; *Petitions and Memorials*, 50th Cong., 2nd sess., *Congressional Record* 20 (January 30, 1889): H pt. 2:1324. When the state's two U.S. senators finally came around and heeded the Kansas appeal to support the Oklahoma bill, the *Caldwell Journal*, February 28, 1889, duly noted and applauded their action.

54. *Indian Appropriations Bill*, HR 12578, 50th Cong., 2nd sess., *Congressional Record* 20 (February 26, 1889): H pt. 3:2367-69; *Indian Appropriations Bill*, HR 12578, 50th Cong., 2nd sess., *Congressional Record* 20 (February 27, 1889): H pt. 3:2414.

55. *Indian Appropriations Bill*, HR 12578, 50th Cong., 2nd sess., *Congressional Record* 20 (February 26, 1889): H pt. 3:2367-69; *Oklahoma Lands Open to Settlement by the Indian Appropriations Bill*, HR 12578, 50th Cong., 2nd sess., *Congressional Record Appendix* 20 (March 1, 1889): H pt. 3:217-20; *Indian Appropriations Bill*, HR 12578, 50th Cong., 2nd sess., *Congressional Record* (February 27, 1889): H pt. 3:2414; *Indian Appropriations Bill*, HR 12578, 50th Cong., 2nd sess., *Congressional Record* 20 (March 2, 1889): H pt. 2:2609-10, 2698; *Indian Appropriations Bill*, HR 12578, 50th Cong., 2nd sess., *Congressional Record* 20 (March 2, 1889): H pt. 3:2679; Hill, *A History of the State of Oklahoma*, 177-78; *Kansas City Star*, February 27, 1889; Gittinger, *The Formation of the State of Oklahoma*, 180-81; *New York Times*, February 6, 1889; *Caldwell Journal*, March 7, 1889; Marion Tuttle Rock, *Illustrated History of Oklahoma* (Topeka, Kansas: C. B. Hamilton & Son, 1890), 10-11.

of his employees. Carrying cobbled together but complete copies, the Boomer rushed back to the Congress, and by eight o'clock in the evening on March 2, 1889, both houses passed the bill. With minutes ticking away, Weaver and Senator James K. Jones of Arkansas hired a hack and sped to the White House with the legislation. There, during the waning hours of his first presidency, Grover Cleveland signed the bill into law.⁵⁶ The next day, Weaver sent the following message to the *Iowa Tribune*: "The Creek and Seminole cessions are ratified and authority given to open them to settlement by proclamation of the President. We accomplished this in an Indian appropriation bill. It was a flank movement on our part and proved successful in spite of the cattlemen who have control of the Senate. We are all happy."⁵⁷

Although Weaver's time in office ended on March 3, his interest in Oklahoma continued. In fact, his friend Congressman Charles H. Mansur, a Missouri Democrat, later said that Weaver "had made known to a few of his Oklahoma friends his intention to locate in Oklahoma and grow up with the territory, it being well understood that he hoped to have his political ambitions further gratified by some high official station conferred by the people of Oklahoma."⁵⁸ The story spread that Weaver, who meant to settle on the Unassigned Lands, hoped for a U.S. Senate seat when the embryo territory became a state.⁵⁹ Whatever his motives, Weaver "bobbed up unexpectedly" on March 20, 1889, at Oklahoma Station, a railroad stop in the Unassigned Lands. A dance was being held and the attendees recognized Weaver, who was called forward to make a speech. He gave a "roaring" oration, telling his audience that their "country was excelled by none he had ever seen." Oklahoma, he predicted, would be a state in two years. He also reminded them that "good citizens" must now wait for President Benjamin Harrison to officially open the region to settlers before attempting to stake claims. Senator Henry Dawes of Massachusetts had pushed through Congress a bill providing that anyone who entered the Unassigned Lands before the established date and

time would lose any homestead claimed, and President Cleveland had signed it on March 1. However, Weaver asserted that "good citizens" could go through the area and seek out potential places to claim.⁶⁰

Back at Oklahoma Station on March 25, Weaver addressed a crowd of Boomers, admonishing the new arrivals not to disturb the claims made earlier by their predecessors. He further selected his own claim on a "high meadow" a little over a mile from the station, planting a stake affixed with a sign reading, "J. B. Weaver, of Bloomfield, Iowa, wishes to take this quarter section when he can lawfully do so."⁶¹ By April 4, Weaver was in Arkansas City, where he was greeted by a large delegation of supporters who gave him an "elegant gold-headed cane." He then left for Iowa, though he declared he would soon return to Kansas.⁶² He did, and shortly after his arrival he boarded the Santa Fe Railroad heading south into the territory. Weaver disembarked April 20 at Oklahoma Station, which would become Oklahoma City. He came as a deputy U.S. marshal, and on April 21 he and other marshals reportedly selected sites for claims.⁶³

Trouble soon followed. In league with Couch and other old Boomers, Weaver became a leader of the Seminole Land and Development Company, which had been formed in Topeka. Arguing that they had the legal right to be at Oklahoma Station on the railroad right-of-way at noon on April 22, when the land run commenced, Weaver and other "Seminoles" from the land company staked out quarter sections for town lots. Although they went through the motions of choosing their lots the day of the run, in fact they had previously marked off the land they hoped to come away with. This brought them into conflict with their rivals, members of the Oklahoma Town Company, called "Kickapoos," who denounced them as "Sooners," or violators of the clause of the 1889 Indians Appropriation Act that stated settlers could not enter the territory before the U.S. government officially opened it. On April 23 the dispute became more heated

60. *New York Times*, March 22, 1889; Hoig, *The Oklahoma Land Rush of 1889*, 41; Trina Medley, "William Freemont Harn: Maverick or Mystery," *Chronicles of Oklahoma* 75 (Winter 1997-1998): 442.

61. Hoig, *The Oklahoma Land Run of 1889*, 41.

62. *Legal Tender Greenback* (Bloomfield, Iowa), April 4, 1889; *Iowa Tribune*, April 3, 1889.

63. *New York Tribune*, April 25, 1889; Muriel H. Wright, "Captain Charles W. Whipple's Notebook: The Week of the Run into Oklahoma in 1889," *Chronicles of Oklahoma* 48 (Summer 1970): 148-49. The Santa Fe had already laid its tracks through the center of the Indian Territory, to the Unassigned Lands in anticipation of the famous Oklahoma Land Run on April 22, 1889.

56. (Des Moines) *Register and Leader*, October 30, 1911; Hoig, *The Oklahoma Land Run of 1889*, 14-15; Gittinger, *The Formation of the State of Oklahoma*, 182. Time was also running out on Weaver, of course; having failed to gain reelection in November, his term of office in the Congress also ended on March 3, 1889.

57. *Iowa Tribune*, March 6, 1889.

58. "Weaver's Other Record," 1892 newspaper clipping, n.d., n.p., box M, folder 1, Sidney Clarke Papers.

59. (Marshalltown, Iowa) *Times-Republican*, January 16, 1889.

when Kickapoos inundated a “town meeting” called by the Seminoles, selected a committee to survey the whole town site, purposefully excluded Weaver from that body, and chose a mayor for the quickly emerging town of Oklahoma City. Weaver responded to these maneuvers as best he knew how: he took to the stump. Climbing onto the bed of a wagon a few streets down from the meeting, he exhorted his listeners not to accept what the Kickapoos had done. Consequently, the question of the legitimate authority in Oklahoma City grew tense as Weaver, Clarke, Couch, and the Seminoles strove to counter the actions of the Kickapoos.⁶⁴

As the controversy in Oklahoma City smoldered, Weaver, continuing to promote his leadership among the settlers, rode over to Guthrie on April 26, where he told disappointed land seekers to settle illegally on the Cherokee Outlet. He advised his listeners to break the land, but to keep from resisting the soldiers who would surely come to remove them. Rather than fight, Weaver instructed, they should say, “I will have the Cherokee Strip when the cattlemen go, for they have no right to this.” His words garnered “rousing cheers,” and the story spread that three thousand settlers took his advice. The same day, Weaver filed on his desired claim near Oklahoma Station, and it was immediately challenged.⁶⁵

Then, on April 27, an armed confrontation between the competing land companies arose in Oklahoma City. Three thousand people gathered, and a new committee with members from both bodies was chosen, with Weaver, who reportedly was elected by the roar of the crowd, as the chairman and Couch became provisional mayor. A compromise on surveying was reached and bloodshed was averted.⁶⁶ Nonetheless, Weaver’s popularity began to wane, and his allegiance to Couch brought criticism. In late May, for instance, Couch badly beat an old man who had attempted to jump his claim. When a hostile crowd gathered, Weaver entered the fray, saying that the old crook deserved a thrashing for being a claim jumper. In response, the newly established *Oklahoma Gazette*—no friend to Weaver, Couch, nor the Seminole Company—ran the headline: “Gen. J. B. Weaver in the Role of a Thug.” A few days later, it printed the

following: “Class in geography: who made Oklahoma? Answer: General Weaver but God helped a little.” By June 5, the paper asserted that Weaver and Couch had made themselves “odious” to the people for land grabbing.⁶⁷

While Weaver’s detractors argued that he and his Seminole clique controlled the town council and the city’s developing city franchises, Weaver was busily engaged in city building efforts. He was a member of the city’s Board of Trade, serving on its railroads and legislation committees. He also promoted building a canal to bring flowing water into Oklahoma City. Unfortunately, the soil in the town was too sandy, and it absorbed all of the water funneled into the canal. The project resulted in the loss of thousands of dollars.⁶⁸

In the end, the failure of the canal venture is perhaps indicative of Weaver’s endeavors in Oklahoma City. Although it could be said that on April 22, 1889, Weaver was “the most influential man in the Territory,” his popularity faded, and he lost his land claim for being a Sooner.⁶⁹ Weaver’s loyalty to Sidney Clarke, William Couch, the old Boomers, and their Sooner activity no doubt alienated some who had earlier praised him. Moreover, others who flocked into the territory to get their share of the pickings, especially non-Boomers, harbored no gratitude toward Weaver and viewed him as a land grabber. In 1890 he left the territory and returned to Des Moines, Iowa, where he edited the *Iowa Tribune*, thrusting himself once more into third party and Democratic politics. From there, Weaver became instrumental in forming the Populist Party, serving as its candidate for president in 1892. With fusion between the Populist and Democratic parties in Kansas, he carried the state with over 163,000 votes—a far greater number than he received in any other state.⁷⁰ In 1896 Weaver helped unite the Populist Party with the Democratic Party in support of the presidential candidacy of William Jennings Bryan. Thus Weaver is commonly remembered today for his activities during the Populist phase of his political life. Nonetheless, he was successful in his efforts to open the Oklahoma lands to white settlement and his determination throughout the protracted fight over the territory exhibited the force of his political drive.

64. Albert McCall, *And Satan Also Came: An Inside Story of Oklahoma City's Social and Political History* (Oklahoma City, Okla.: Britton Publishing Company, 1955), 3–4.

65. *Washington Post*, April 26, 1889; *Times-Republican*, April 27, 1889; *Guthrie (Oklahoma) Capital*, April 27, 1889.

66. Irving Geffs, *The First Eight Months of Oklahoma City* (Oklahoma City: McMaster Printing Company, 1890), 14; W. S. Kerr, *The Story of Oklahoma City* (Chicago: S. J. Clark Publishing Company, 1922), 1:69; McCall, *And Satan Also Came*, 1–7.

67. *Oklahoma City Gazette*, May 25, 27, and June 5, 1889.

68. Newspaper clipping, Sidney Clarke Papers; Angelo C. Scott, *The Story of Oklahoma City* (Oklahoma City: Times-Journal Publishing Co., 1939), 40, 78.

69. Newspaper clipping, Sidney Clarke Papers.

70. Haynes, *James Baird Weaver*, 337.



Caldwell, located near the border in south central Kansas, was a hotbed of Boomer activity, though it was also home to the Cherokee Strip Live Stock Association, formed in the town in 1883. Samuel Crocker, a Greenbacker originally from Iowa, was a prominent spokesman for the Boomers, and he published his opinions on the matter as editor of two Caldwell-based newspapers, the Oklahoma War-Chief and later the Industrial Age. Meetings supporting the Boomer cause were held in the town as Congress debated the fate of Indian Territory in Washington, D.C. In this image Boomers gather in Caldwell in 1889, the same year the Unassigned Lands were opened to white settlement.

Today, however, as in the 1880s, the motivations and morality of Weaver's actions can generate debate. He most probably cared deeply about the economic plight of folks wanting to start over on open land in Oklahoma. At the same time, he expressed little concern for the American Indians who wanted to maintain tribal authority, continue to hold their lands in common, and prevent an inundation of whites into their nations. He subscribed to the idea, prevalent among a great many Indian policy reformers, that forcing the tribes to adopt white ways and dividing their lands in severalty would finally "civilize" and assimilate them into American society. Such views proved compatible with his larger goal of aiding economically strapped white Americans. Consequently, he played a significant role in leading to the ultimate breakup of Indian holdings in the territory. Furthermore, his own ambition for political power and economic advance cannot be dismissed.

Nonetheless, Weaver's lead in opening Oklahoma to white settlement—an effort in which he cooperated with like-minded political advocates, especially Kansans—should be considered the capstone to his congressional career. Indeed, the battle to allow white settlement inside the boundaries of the Indian Territory transcended party politics and displayed Weaver's ability to form working relationships, especially on that issue, with both Democrats and Republicans in the West and Midwest. At the same time, Weaver and all those involved in the Oklahoma controversy laid groundwork for the end of the frontier on the southern Great Plains. Weaver's work to bring about legal white settlement on the Oklahoma lands and his part in establishing Oklahoma City merit recognition alongside the other endeavors and achievements for which he is more often remembered. [KH]