

**HEARING ON PROHIBITION IN THE
PROPOSED STATE OF OKLAHOMA
BEFORE THE COMMITTEE ON THE
TERRITORIES, HOUSE OF
REPRESENTATIVES**

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Hearing on Prohibition in the Proposed State of Oklahoma Before the Committee on the Territories, House of Representatives by Various

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HEARING

ON

PROHIBITION IN THE PROPOSED
STATE OF OKLAHOMA

BEFORE

U. S. Congress, House

THE COMMITTEE ON THE TERRITORIES,

HOUSE OF REPRESENTATIVES.

1905

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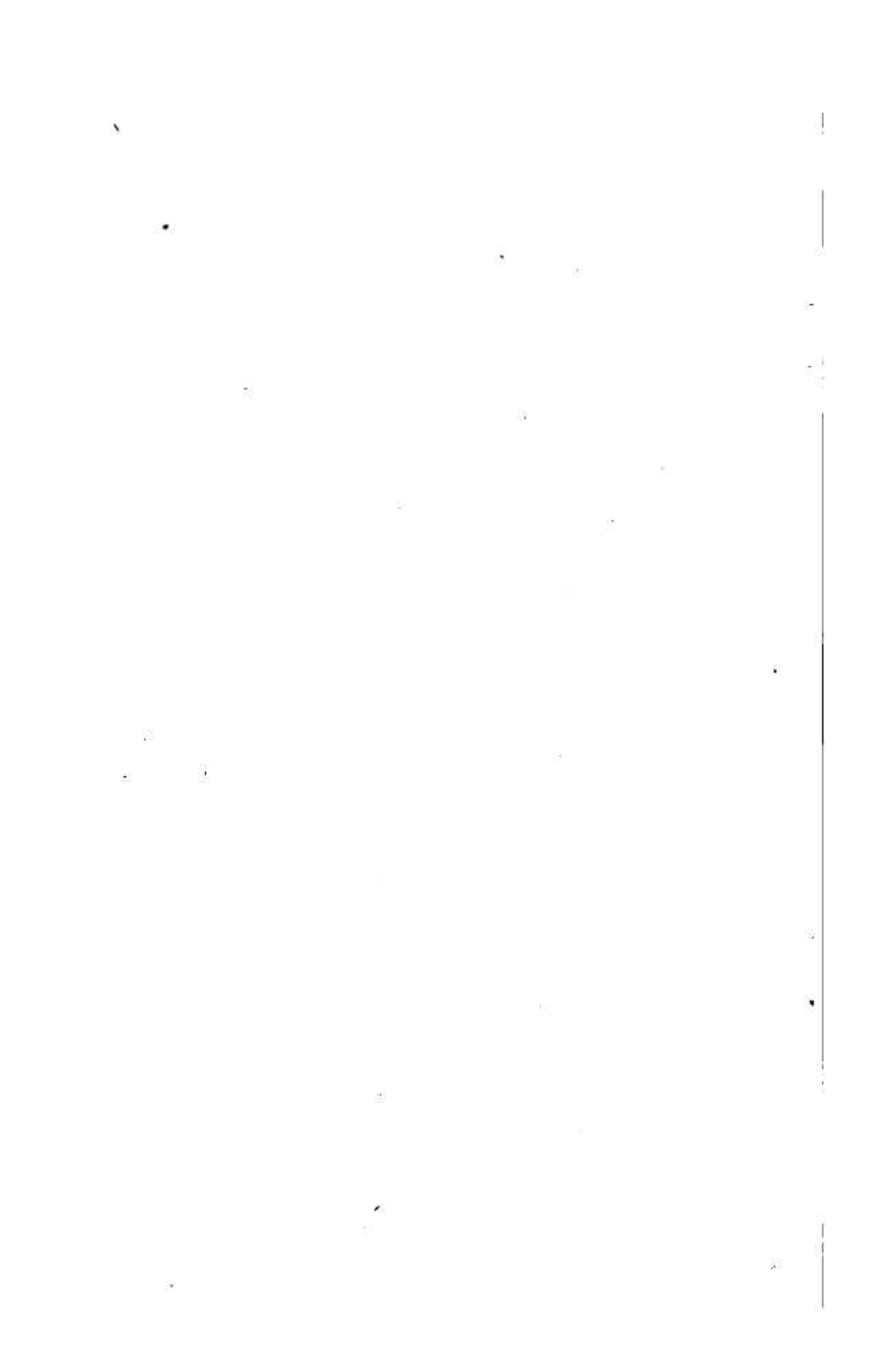
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PROHIBITION IN THE PROPOSED STATE OF OKLAHOMA.

COMMITTEE ON THE TERRITORIES,
Wednesday, December 13, 1905.

The committee met at 3 o'clock p. m., Hon. Edward L. Hamilton in the chair.

The CHAIRMAN. How many gentlemen are there who desire to be heard this afternoon?

Mr. SWEET. Mr. Chairman, we have not been able to notify all the gentlemen who are in the city who desire to be heard upon this proposition. It will depend somewhat upon how much time we have. There are here this afternoon four or five gentlemen ready to be heard.

The CHAIRMAN. Kindly apportion the time, doing proper justice to yourselves, of course.

I desire in this connection to inquire, Mr. Jones, whether you have anyone here who desires to be heard?

Mr. JONES. I would state, Mr. Chairman and gentlemen of the committee, that last year when you had this bill up you gave us ninety days to discuss it, and in behalf of a large delegation here from Oklahoma and the Indian Territory we are willing absolutely to submit this case to the committee without argument. We are willing to leave it with this committee, and, whatever this committee does, we are willing to submit to your decision in the matter, but if the other side is not willing to do so, we reserve the right to present our side of the question at the proper time.

The CHAIRMAN. Have you anyone to present this afternoon?

Mr. JONES. Yes, sir; with the understanding that we would prefer that the other gentlemen should present their side of the case and then when they get through we will present our side. We will not take up much time. We trust that the entire argument may be closed this afternoon. I take it for granted with this committee that it is not a matter of sentiment, and I take it for granted that this committee knows all about the treaties. If they do not, they can find them. But I take it for granted that this committee knows more about them than we do or than we can tell the committee, and, as I say, we are perfectly willing to submit it to the court without further argument. We are perfectly willing to hear the other gentlemen—will be glad to hear them—and our side will take up very little of your time.

The CHAIRMAN. You may proceed, Mr. Dinwiddie.

STATEMENT OF REV. EDWIN C. DINWIDDIE, LEGISLATIVE SUPER-INTENDENT AMERICAN ANTI-SALOON LEAGUE, 30 AND 31 BLISS BUILDING, WASHINGTON, D. C.

Mr. DINWIDDIE. Mr. Chairman and gentlemen of the committee: I think I ought to say at the commencement that while the other side of this proposition say they had ninety days last year, I do not understand that they had any time here last year, because the bill was not before this committee, in one sense, last year. He certainly refers to two years ago, when the Hamilton bill was before this committee.

The question may arise in the minds of the members of the committee as to why the same opposition which now exists to the passage of the statehood bill without the provisions which we seek did not make itself manifest then, two years ago. That is explained in a few words. I stated it this morning in brief, that our people in the Indian Territory were relying upon the express stipulations of the Federal Government through the Dawes Commission, which negotiated the treaties with the Five Civilized Tribes, and which treaties were later incorporated into laws by Congress, believing that they would be religiously observed. They were not carried out, as we believe, in the provision in the bill which passed the House two years ago.

If you will permit me to do so, I would like to refer to the provision that was in the bill two years ago. I have not a copy of that bill; I tried to get it this afternoon, but was unsuccessful; but I think it has been reincorporated in your bill, H. R. 3186, of the present session. It was provided that "the sale, barter, or giving away of intoxicating liquors to Indians was forever prohibited." I stated last year, when the subject was before the Senate in considering H. R. 14749—and I ask the attention of the chairman particularly to this, on account of the fact that he asked me about it this morning—that if the Federal law forbidding the sale of intoxicating liquors to Indians was valid, this provision in the bill was absolutely unnecessary, as it forbids such sales everywhere throughout the national domain, and I stated that if that law was not upheld, then the incorporation in the irrevocable ordinance or in the constitution of the new State of a similar provision would be equally futile, as it would doubtless contravene the fourteenth amendment to the Federal Constitution. Fortunately there has come to clarify the atmosphere on this question the decision of the Supreme Court of the United States in a case that was pending when our measure was before the Senate last year, namely, the case of Heff against the State of Kansas, which is reported in United States Reports, volume 197, page 488. I will not take the time of the committee to read that case, but I will read a portion of the syllabus, which is the law of course:

The act of January 30, 1897 (29 Stat. L., 506), prohibiting sales of liquors to Indians, is a police regulation, and does not apply to an allottee Indian who has become a citizen under the act of February 8, 1887.

So that, under the decision of the Supreme Court of the United States, this provision of the Federal statute falls unless, according to a definite decision in the syllabus, the Indian and the State of which he is a citizen give their consent to the exercise of such jurisdiction by the Federal Government. And if this provision is placed

in the constitution or the irrevocable ordinance of the new State as now incorporated in H. R. 3186, now before your committee, it is scarcely questionable that it will fall whenever it is attacked by any person in interest as repugnant to the fourteenth amendment. However, we do not rest our case upon the ground that there must be a law prohibiting the sale of liquor to Indians. We rest our case upon the proposition that the United States, the people of the whole United States, are vitally interested in this matter, and that our national honor itself is involved; and here, I want to say parenthetically, is where the people who do not live in Oklahoma and the Indian Territory get into this proposition. I think I am perfectly right in saying that this proposition which we advance before the committee is a proposition that does not concern only the people of Oklahoma and the Indian Territory.

The Dawes Commission negotiated the various treaties with the Indians, which were later ratified by different acts of Congress, itself representing the whole people of the United States, and approved by the Executive; and it seems to me that there is a question of honor involved on the part of the people of every State in the Union. It does not concern simply the people who live in that Territory or those Territories; it is a matter of national honor as to whether treaty obligations of the Federal Government ought to be respected and lived up to, or whether they should simply be brushed aside and no attention paid to them simply because we have the legal power, though no moral right, to do so, or whether we shall in honor live up to what we solemnly agreed with these people to do.

In this connection permit me to read just a few lines from the report which the President submitted to Congress only about a year and a half ago from the Hon. Charles J. Bonaparte, who, with my friend Hon. Clinton Rogers Woodruff, of Philadelphia, was appointed a commissioner to investigate certain conditions and affairs in the Indian Territory, and who is now Secretary of the Navy. He said:

To appreciate this situation one must remember the obligations of the Government to the so-called "Five Civilized Tribes." These tribes consented to give up their habitations in other parts of the United States and remove to the Territory in return for certain solemn and explicit pledges made to them by the United States, embodied in treaties ratified with all needful constitutional formalities, and further evidenced by numerous official documents of the highest authority. The removal of these Indians to their new homes was desired and effected by our Government to serve grave ends of public policy, and their consent to it constituted an ample consideration for the promises made them in return. If these promises are not binding on the United States, then our Government and people can be bound by no treaty. If we do not scrupulously respect the rights flowing from these treaties, no one can reasonably place confidence in our national honor.

That does not come from me; that is the statement of one of the Cabinet officers in the United States to-day.

I want to say that I have the honor in this connection to represent to a very large extent the people over the whole country who take this view of the matter—that this is their concern; that they, through their Representatives in Congress, are bound by these treaty obligations, and that they have some rights in this matter, as well as the people who reside in the Territories. In this connection I want to read, Mr. Chairman, resolutions adopted by several very important