

Black Descendants of Tribal  
Freedmen and AB3121  
by Marilyn Vann President  
Descendants of Freedmen  
of the  
Five Civilized Tribes Association

## BEFORE CIVIL WAR STATUS OF TRIBAL BLACKS

- **The 5 Tribes (Cherokee, Creek, Seminole, Choctaw and Chickasaw owned black slaves prior to Indian removals in the SE US and later in what is now eastern and southern Oklahoma . The tribes joined the Confederate states largely to protect black chattel slavery.**

# Treaties and Tribes

- **At the end of the Civil War and upon the **surrender** of the 5 tribes, the United States required new treaties with them to re-establish their government to government relationship.**

- **Beginning in 1866, The Creek, Cherokee, and Seminole Nations recognized their former slaves and free blacks as equal citizens with the rights to hold office.**
- **Choctaw and Chickasaw nations did not have to adopt the freedmen and if they did they would receive payment from the US.**

Article 2 of the Creek Treaty of June 14, 1866, (14 Stat 785) states

Inasmuch as there are among the Creeks many persons of African descent who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country and may return in one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens thereof, shall have and enjoy all the rights and privileges of native citizens, including an equal interest in the soil and national funds.

## Before statehood's Jim Crow in 1907...

- After the treaties were signed, Seminole, Creek and Cherokee freedmen exercised all the rights of native citizens, holding office, receiving education, marrying as they pleased, farming, ranching voting, etc.
- Creek freedmen were organized into three tribal towns (inherited political voting districts) and Seminole freedmen into two freedmen bands (inherited political districts).



- The Dawes rolls made by the US government listed citizens of the Five Civilized Tribes, who shared in the allotment (division) of their tribe's land. Not reparations to any tribal member.
- Allotments were granted to tribal citizens living between 1898 and April 26<sup>th</sup>, 1906 in Indian Territory.
- The Dawes Commissioners used previous rolls and census to determine if the person should be registered.
- Dawes roll Sections included: "by blood", "freedmen", "intermarried", "new born", and "minor" tribal citizens.

# What are Dawes “Freedmen” rolls?

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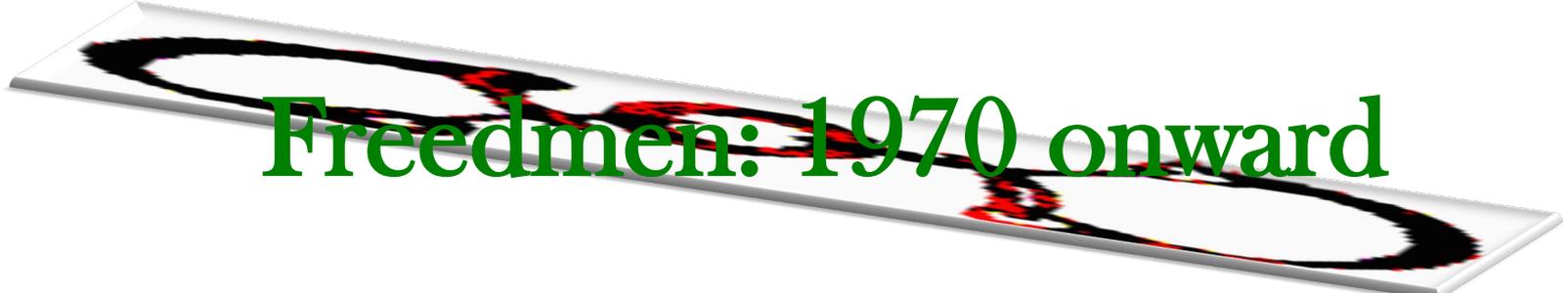
- Blacks registered on the Freedmen rolls of any of the Five Civilized Tribes were persons whose right to register was based on the 1866 Treaties.
- Persons listed as freedmen did not have degrees of Indian blood assigned by the Dawes Commission even if they had a parent listed on the by blood section of the rolls.

# How did statehood affect Freedmen of the tribes?

- Between 1907 and 1965, much of the focus for Freedmen was fighting against “Jim Crow “ laws, which were passed immediately after Oklahoma statehood in 1907. - Non black tribal members were legally white. ( Greenwood district of black Tulsa burnt down in 1921 by white mobs is located within the Creek and Cherokee nation reservations)

# Freedmen & 5 Tribes:1907-1970

- **The Five Civilized Tribes governments were not functioning between 1907 and 1970. The US government appointed Principal Chiefs to conduct minimal business between the tribes and the United States until the Principal Chiefs act was passed in 1970 and tribal leaders were elected from then forward.**



## Freedmen: 1970 onward

- **Tribal leaders began to pass tribal constitutions and or tribal codes to remove freedmen tribal members and or discriminate against them in obtaining tribal services asserting that freedmen were “non Indians” forced on the tribes and or squatters from Arkansas.**

## Cherokee Freedmen : 21 century:

- **After the tribe passed an illegal constitutional amendment to remove them; Cherokee Freedmen descendants finally obtained enforcement of their treaty rights after the DC District Court case *Cherokee Nation Vs Nash and Vann and Zinke* case was won by the Freedmen litigants and the Department of interior in 2017. Other key cases were tribal court case *Lucy Allen* and DC district court case *Vann et Al Vs Zinke*. After the *Nash and Vann* decision the tribal court made *Nash and Vann* case a part of Cherokee law.**

# 21<sup>st</sup> century Creek Freedmen Fight

- In the Creek Nation, freedmen litigants are fighting in tribal court to win tribal membership removed from them in 1979 through a tribal constitutional change where freedmen tribal members were blocked from voting in.

# Seminole Freedmen: 21<sup>st</sup> Century

- **Seminole freedmen tribal members vote and hold tribal office (the tribe tried to throw out freedmen but were unsuccessful (See DC Federal case *Seminole Nation V Norton*) but the tribe has blocked them from tribal services. However in October 2021, after great efforts from freedmen descendants leadership, the Indian Health Service issued a letter directing Indian health service clinics and tribal clinics to provide medical services to Seminole freedmen tribal members..**

# 2019 thru 2021 House Financial Services Committee

- Chairman and her committee staff worked to get language into Indian Housing bill (HR 5195) to tie 5 tribes housing funds to their being in compliance with 1866 treaty obligations to freedmen . Note: Marilyn Vann gave testimony July 2021 in DC . See Committee page for oral and written testimony . [NAHASDA Reauthorization: Addressing Historic Disinvestment and the Ongoing Plight of the Freedmen in Native American Communities | Financial Services Committee \(house.gov\)](#)

# Senate Committee on Indian Affairs Testimony July 2022

- Marilyn Vann testified before the Senate Indian Affairs Committee at an oversight hearing to provide education to the Senators and make suggestions on how the US government can better enforce freedmen treaty rights.
- [Oversight Hearing on "Select Provisions of the 1866 Reconstruction Treaties between the United States and Oklahoma Tribes" | The United States Senate Committee on Indian Affairs](#)

# Suggestions to Senators in 2022 at Hearing

- Vann suggested that the Department of Interior register the descendants of tribal freedmen; and that federal agencies give them access to the programs (such as access to tribal colleges, health care, etc) and that freedmen be allowed to apply as Indian contractors.

# Tribal /Non tribal programs

- Indian and tribal preferences are legal as registered Indians are members of a tribal entity and not a race per US Supreme Court: (*Morton Vs Marcari*).
- Its possible courts may see black descendants of American slaves without tribal heritage as a political class and not a race for AB3121 to gain traction.

# Further Suggestions to US Senators at Oversight Hearing

- Vann suggested to Senators that freedmen organizations including nonprofits, Seminole freedmen tribal bands, descendants of Creek freedmen tribal town members potentially could contract with the Federal government to run programs to distribute tribal payments, etc.
- (Note: US slave descendants could potentially be organized to run benefit programs as part of AB3121 which also would created jobs .

# Housing/Veterans Programs

- For AB3121:Using state or Federal funding, black descendants of US slaves could be granted access to home loan programs similar to Section 184 Indian low interest home loans.
- AB3121 Descendants of black US Slaves whose ancestors were veterans could be granted home loans on similar terms as veterans.
- VA educational benefits could be made available to slave descendants from all 20th century wars

## Descendants of Freedmen of the Five Civilized Association

- **10/2002, the 501c4 Descendants of Freedmen of the Five Civilized Tribes Association was formed to fight for treaty rights enforcement of Freedmen descendants. Litigation and educational funds have also been raised thru the 501c3 African Indians Foundation of the Five Civilized Tribes Association ([www.africanindians.org](http://www.africanindians.org))**

# Descendants of Freedmen Contact and Information sources

- Box 42221 Oklahoma City, Okla. 73123
- Phone: 405-227-9810
- Website: [www.freedmen5tribes.com](http://www.freedmen5tribes.com)
- Facebook Page: Descendants of Freedmen of the Five Tribes
- Facebook Page: African Indians of the 5 Civilized Tribes Foundation and website: [www.africanindians.org](http://www.africanindians.org)
- Recommended Books:
- Apartheid in Indian Country by Attorney Hannibal Johnson, the Cherokee Freedmen by Daniel Littlefield, African Creeks by Gary Zellar, Seminole Freedmen by Kevin Mulroy, Ive Been Here All the Time by Elaina Roberts

9/2011 DEMONSTRATION OUTSIDE BUREAU OF INDIAN AFFAIRS MUSKOGEE REGIONAL OFFICE

