Muskogee, Indian Territory, August 23, 1907.

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

Dear Sir:-

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 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-
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,

[Signature]

Assistant Attorney.
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Muskogee, I.T. September 5 1907

Commissioner Indian Affairs

Washington DC

Anticipating effect death Chief Porter may have upon Snake faction of recalcitrant other races' Grant 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 are expedient than a new election which would undoubtedly give strength to Snake movement.

Kelsey

Agent Pollock Acting Commissioner.
Relative to election
of Principal Chief and
holding of Creek Council
meeting.

Mr. Chas. McIntosh,
Tulsa, Oklahoma.

The Office has received your letter of September
6, 1913, requesting information as to whether the Depart-
ment has decided to have the Creek Indians hold an elec-
tion for the purpose of electing a Chief to succeed
Notay Tiger, the present incumbent.

5., 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, Notay 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, Notay Tiger, to the position of Chief upon the
National Council shall alone, and to this end a concur-
rent resolution of the members of the Council and they at
convention
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,

(Signd) F. W. Abbott.

Acting Commissioner.