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“PEOPLE TO OUR SELVES”:

CHICKASAW DIPLOMACY AND POLITICAL DEVELOPMENT IN THE NINETEENTH CENTURY

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"PEOPLE TO OUR SELVES":
CHICKASAW DIPLOMACY AND POLITICAL DEVELOPMENT IN THE NINETEENTH CENTURY

A DISSERTATION APPROVED FOR THE
DEPARTMENT OF HISTORY

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ABSTRACT

This project adopts an international relations perspective to examine how the Chickasaws conceptualized their position within the unraveling system of western imperial involvement in North America from the American Revolution until the end of the nineteenth century. In their attempts to assert their right to sovereignty during the Early American Republic, the Chickasaws transformed from a coalescent society into a consolidated nation-state. As a result, the Chickasaws established a strong political organization that prolonged their ability to thwart American attempts to subjugate them to the status of domestic dependent nations further than conventional historiography admits. Whereas most scholars credit removal with establishing an understanding among Native Americans that they must accept United States hegemony, I argue that the federal-state power struggle offered opportunities for the Chickasaw to negotiate for autonomous sovereignty through the end of the Civil War. In settling the debate over authority within the United States, the process of reconstruction—not removal—demonstrated to the Chickasaws that the United States was able to impose a permanent semi-sovereign status on Native Americans. By developing a native understanding of the debates concerning the nature of authority during the first century of the United States' existence, therefore, I reexamine the process through which Native Americans understood that a semi-sovereign status under the United States became permanent.

INTRODUCTION

> No culture . . . retains its identity in isolation; identity is attained in contact, in contrast, in breakthrough.
>
> – Carlos Fuentes[1]

> True identity is found, oddly enough, when we lose ourselves. Like happiness in living and good style in writing, a strong identity generally comes, if it comes at all, only when we are preoccupied with something or someone else: if we deliberately go after it, we will probably not get it.
>
> – James Axtell[2]

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[1] Carlos Fuentes, *Myself with Others: Selected Essays*, reprinted (New York: Macmillan, 1990), p. 12.

[2] James Axtell, *The Pleasures of Academe: A Celebration and Defense of Higher Education* (Lincoln: University of Nebraska Press, 1998; Bison Books, 1999), p. 71.

From September 8 to 21, 1865, Native American representatives from Indian Territory met with U. S. commissioners at Fort Smith, Arkansas. Their purpose was to negotiate the terms for former Indian Confederates to resume political relations with the United States government. In their first appearance before the federal officials, the Chickasaw delegates proclaimed that they

> were not induced by the emissaries of the Confederate States to sever our treaty stipulations with the government of the United States, but that we made treaties with the Confederate States, from what appeared to us as our interest seemed to dictate, and as the means of preserving our independence and national identity, considering ourselves a separate political organization, and our country composing an integral part of the territory of the United States.

Unlike the other native delegations, the Chickasaw representatives steadfastly refused to place the blame their alliance with the Confederate States of America solely on southern transgressions. Although admitting that the close proximity of Confederate entities factored into tribal deliberations, the Chickasaw delegates repeatedly referenced concepts of sovereignty in their negotiations. They boldly proclaimed that "to establish . . . the right of self-government" was the Nation's underlying intent from the beginning of the Americans' civil war.[3]

I have always been fascinated with trying to understand why societies commit to war. My initial focus for this dissertation was the Chickasaws' decision to align with the Confederate States of America during the United States Civil War. However, this is not a dissertation about Chickasaw participation in the Civil War in and of itself. It is the choice of the Confederacy as an ally that fascinates me; the individual experiences of fighting in specific battles, although important, are somewhat anecdotal. The motivations that commit societies to war are not influenced by the experiences endured during the subsequent conflict.

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[3] "Official Report of the proceedings of the council with the Indians of the west and southwest, held at Fort Smith, Arkansas, in September, 1865," *Annual Report of the Commissioner of Indian Affairs, for the year 1865* (Washington: Government Printing Office, 1865), pp. 345-346. Hereinafter referred to as *ARCIA, 1865*.

The reasons that American Indian groups fought alongside the Confederacy vary. The Chickasaws' decision to ally with the Confederacy did not come lightly, nor was it something forced on them due to external pressures. Most historians have attributed the driving motivation behind the Chickasaws' choice of action to external influences rather than internal desires.[4] Although recent interpretations highlight concepts of sovereignty and self-government as fundamental linchpins to choosing a side—Union or Confederacy—no one has demonstrated how a native group could conceive of an alliance with the Confederacy as an effective means through which to achieve their own internal goals beyond that of immediate self-preservation.[5] It is my contention that Chickasaw leaders made a calculated choice in determining how and on which side their nation would become involved in the war. These men believed they had the right to commit their society to war against the United States, an act that was not challenged by any Chickasaws who claimed the authority to represent their society to the outside world. Not only did this act reveal that they represented the sovereign power of the Chickasaw government, it also demonstrated the Chickasaws had the right to act as any autonomous sovereign nation according to rules of international relations.

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[4] In *Between Two Fires: American Indians in the Civil War*, Laurence M. Hauptman claimed that "many [Indians] fought because they believed it was their last best hope to halt a genocide that had begun in the East in the early seventeenth century, one that continued throughout the Trail of Tears westward in the 1830s, and exploded again after the California Gold Rush of 1849." Other historians related the decision to the Indians' ownership of black slaves. Within Chickasaw historiography, Kenny A. Franks determined that the decision resulted from cultural and economic ties to the South resulting from the Chickasaws' ownership of slaves. Ohland Morton carried this concept further. Morton implied greater cultural ties since the majority of slaveowners among the Indians were mixed-bloods and the white ancestry involved was predominately Southern. Arrell Gibson revealed another economic tie to the Confederacy through the holding of tribal trust funds by the southern states. As for ties to the Union, there do not appear to be many. Franks, among others, claimed that the abandonment of federal forts within Indian Territory left the tribes isolated and almost completely surrounded by southerner interests; self-preservation, therefore, became the underlying motivation. Marion Ray McCullar claimed that federal troop withdrawal and the suspension of tribal fund disbursement allowed Southern sympathizers to play on the idea that the federal government would continue to ignore the Indians' rights and to dupe the tribes into the believing that the federal government no longer existed. This led the Indians to believe that the Confederacy would at least deal with them on an equal basis. See Laurence M. Hauptman, *Between Two Fires: American Indians in the Civil War* (New York: Simon & Schuster, 1995), pp. ix-x; Kenny A. Franks, "An Analysis of Confederate Treaties with the Five Civilized Tribes," *Chronicles of Oklahoma* 50 (Winter 1972): 458; Ohland Morton, "The Confederate States Government and the Five Civilized Tribes, Part I," *Chronicles of Oklahoma* 31 (Summer 1953): 199; Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma Press, 1971), p. 228; Marion Ray McCullar, "The Choctaw-Chickasaw Reconstruction Treaty of 1866" in *The Civil War Era in Indian Territory*, ed. LeRoy H. Fischer (Los Angeles: Lorrin L. Morrison, 1974), pp. 131-132. See also Alvin M.

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Although such high-minded ideals appeal to a segment of our contemporary society, we cannot simply expect the remainder of the historical profession to accept that internal desires such as the demand for recognition of native independence and sovereignty outweighed the external pressures inherent with the dissolution of the American union. Rather, we must illustrate a process through which such reasons make sense within the context of the international system in which our subjects operated. In seeking to reveal this process, my research has brought me into several other realms of investigation that were altogether unexpected when I first embarked on this project.

Josephy, *The Civil War in the American West* (New York: Alfred A. Knopf, 1991), pp. 324-330.

[5] A primary example is Clarissa Confer, *The Cherokee Nation in the Civil War* (Norman: University of Oklahoma Press, 2007), Ch. 2. Confer even states that "self-governance" drove the Chickasaws' decision, only to tie this to the desire to have Chickasaw-only military units protecting their territory; see p. 165n19.

The topic of sovereignty is a malleable concept that has changed over time, especially as Native Americans have come to use western rhetoric effectively against the descendents of those who first employed the idea to colonize their ancestors. At its most basic, the term implies supreme authority over a specified territory, unencumbered by the ability of another power to assert its influence over the decisions of the recognized political authority. Implicit in this ability to wield authority from an international perspective is the recognition by other sovereign entities of rightful claim to a territorial domain even if the exact boundaries are in dispute. Within the context of nineteenth century international relations, sovereign actors were fully autonomous, recognized, and visible on the international stage. Not only did they have supreme authority within their own polity, they had the ability to enter into contracts with other sovereign entities in all matters including their own subjugation should the power dynamics within the international system dictate. Only the inability to repel another polity's exertions of authority over oneself or willful acceptance of a protected status could restrict that autonomy. In fact, many sovereign powers placed themselves into subservient relationships through the acts of their own free will. As such, the restriction or loss of autonomy was only a temporary state of existence as the subservient polity had every right to sever the relationship should the opportunity arise.[6]

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[6] Emer de Vattel, *The Law of Nations*, edited and with an introduction by Béla Kapossy and Richard Whatmore, Natural Law and Enlightenment Classics, Knud Haakonssen, gen. ed. (Indianapolis: Liberty Fund, Inc., 2008), pp. 83-85; Joseph S. Nye, Jr., *Understanding International Conflicts: An Introduction to Theory and History* (New York: HarperCollins College Publishers, 1993), p. 133-135; Geoffrey Stern, *The Structure of International Society: An Introduction to the Study of International Relations* (New York: Pinter Publishers, 1995), Ch. 6.

The term, sovereignty, was born in the western intellectual movement known as the Enlightenment. It did not exist in the lexicon of pre-Columbian Native American cultures. However, this does not mean that the Chickasaws’ ancestors would not have recognized the basic tenets westerners ascribed to the word for the socio-political interaction between societies. Native American systems of diplomatic interaction were remarkably similar to those practiced by Europeans. This made it somewhat easy for mid-nineteenth century Chickasaw leaders to incorporate western terminology and concepts into their diplomatic intercourse with the United States in ways that combined those ideas with their peoples’ traditional native definitions. Just as their western counterparts did, Native American cultures recognized the concept of independent governmental authority as it applied to specific political units that did not necessarily have to answer to a higher power. Both recognized that a sovereign actor—be it a monarch or a council of respected individuals who guided a community of ethnically- or politically-related villages—was the sole source of legal authority within its society; no outside political organization could impose laws on the individual citizens. Further, a sovereign actor had the right to form alliances with other sovereign actors, and no higher authority could restrict that right. Even in those cases where one sovereign actor took a subservient role within the alliance, the more powerful actor could not impose legal authority over the individual citizens of the weaker party. The right to wield legal authority among the citizenry, as opposed to over the entire polity, remained solely within the power of the weaker actor’s chosen political system. Therefore, as this subservient role was one of choice, the weaker actor had every right to sever the relationship should the opportunity present itself.[7]

In our own time, the ability of a sovereign power to demonstrate true autonomy is rare. Over the past two centuries, both western and Native American scholars have disassociated the concept of autonomy from their assertions of sovereignty. Despite western notions that the state's authority is supreme and that no other power can constrain or dictate its actions, the realities of coexistence within an international realm of equally sovereign actors has forced most modern nations to accept that the larger community can restrain one state's ability to act unilaterally without the others' consent. Further, economic relationships forged by individuals in one state with those in other states that operate under different governing philosophies have restricted the autonomy of even the most powerful modern states. For American Indians, the separation of autonomy from sovereignty came as the result of a prolonged colonial process and their incorporation into the American body politic in an ambiguous manner that continues to exist today. Even though Native Americans have successfully incorporated sovereignty into their own arsenal of rhetorical weapons, the term carries certain cultural baggage that, historically, colonizing societies employed both to recognize or to deny indigenous peoples' sovereignty in order to best obtain their objective in a given situation. This was most notably accomplished by Americans' desire to justify their own imperial accomplishments through the negotiation of treaties but then denying that Native Americans had the intellectual capacity to those basic rights the treaties purported to uphold for their polities.

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[7] Vine Deloria, Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York: Pantheon Books, 1984; reprinted with a new preface, University of Texas Press, 1998), pp. 1-36; Neta C. Crawford, "A Security Regime among Democracies: Cooperation among Iroquois Nations," *International Organization* 48:3 (Summer 1994): 345-385; Taiaiake Alfred, "Sovereignty" in Phillip Deloria and Neal Salisbury, eds., *A Companion to American Indian History*, Blackwell Companions to American History, paperback ed. (Malden, MA: Blackwell Publishing, 2004), pp. 460-474; and Nancy Shoemaker, *A Strange Likeness: Becoming Red and White in Eighteenth-Century North America* (New York: Oxford University Press, 2004), Ch. 4.

When looked at from a nineteenth-century, western-oriented perspective of international relations, modern American Indian nations exist in a permanent semi-sovereign status within the confines of American federal hegemony. Modern Native American nations have the ability to form economic relationships with foreign governments. However, they do not enjoy full autonomy. Although some modern Native American activists continue to seek recognition as independent players within the international system, they know that recognition must be agreed upon by independent players on the world stage.[8] They cannot simply demand that they be recognized as fully autonomous polities as their ancestors did until the end of the nineteenth century. The odds are stacked against them. Relations between Americans and Native Americans throughout the twentieth century certainly indicate that the United States has no inclination to dissolve the relationship Americans have defined between themselves and the indigenous populations within their territorial domain. Due to the power the United States holds in the twenty-first century international system, American Indians certainly could not expect an offer of alliance from a sovereign state in their effort to throw off the yoke of American dominance. If they were to commit to war against the United States as the Chickasaws and other Confederate-allied groups

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[8] Bill Donahue, "Ways and Means: The Last Stand of Russell Means," *The Washington Post Magazine* (June 29, 2008): W08.

did during the Civil War, most international polities would consider such an action a rebellion by a segment among the citizenry of the United States.

Although modern definitions of sovereignty help us to explain how this story ends, they do not help us to understand how each side came to understand that the same definitions applied to their own situation. Using our own contemporary constructs to define our subjects' world obscures the systemic changes Native Americans had to accept as the balance of power shifted after the American Revolution from one in which native polities dictated the manner of diplomacy to one in which the United States controlled the terms of negotiation. Therefore, this dissertation studies the nineteenth-century Chickasaws as they conceived of their own ability to maneuver within an evolving system of international political actors.

The Chickasaws practiced diplomacy according to both native and western nineteenth century concepts depending on the time in which negotiations took place. Consequently, it should not surprise us that Chickasaws began to demand recognition of their independence and sovereignty using western rhetoric once they determined the need to adapt their political system to confront the expansive nature of the United States. Americans may have denied that Native American groups could demand such a status based on notions of racial and social difference prior to Removal, but their actions on the eve of the Civil War belied this belief. That the Confederate States formed alliances with Native American polities at the same time that they sought recognition within the international community themselves only reaffirmed the Chickasaws' belief that they held the same rights afforded to states in western diplomacy.

The Chickasaws viewed their position as a distinct and separate political entity within the world system beyond the parameters that have been previously defined within the historiography of United States-Indian relations. When we look for watershed events within the fight for native sovereignty in the Early American Republic from an American perspective, two moments dominate the historiography. Many historians argue that the United States emerged as the sole Euro-American imperial power east of the Mississippi River following the War of 1812. This ended the tribes' ability to "play"—or check the ambitions of—Euro-American powers against each other. Historians have suggested a rapid progression from this to the second moment: the removal of the eastern tribes to territories west of the Mississippi. Through the process of removal, many argue, the United States secured Native American acceptance of the semi-sovereign status defined by Chief Justice John Marshall in the 1831 Supreme Court case, *Cherokee Nation v. Georgia*.[9] However, both of these interpretations fail to offer a native understanding of when their ability to "play" Euro-American powers ended and, thus, when it became necessary to separate the concepts of autonomy and sovereignty.

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[9] Historians have spent a great deal of time illustrating the end of the play-off system and—allowing for regional variations—most place it at the end of the War of 1812. For examples among prominent contemporary historians, see Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region* (1992); Daniel Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge: Harvard University Press, 2001); and Colin G. Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America* (New York: Oxford University Press, 2006). Recently, some scholars have stated that we should the need to extend the system a few more years. They argue that American Indians south of the Great Lakes and east of the Mississippi River did not have to deal solely with the United States until after 1820 when the Spanish Empire in the Americas collapsed. See Francois Furstenburg, "The Significance of the Trans-Appalachian Frontier in Atlantic History," *American Historical Review* 113:3 (June 2008): 647-677.

The Chickasaws' decision to align with the Confederacy demonstrates that the international system in which the ability to check Euro-American power over native polities flourished did not end with Removal. Both the Chickasaws and southern states held deep cultural commitments to the right to self-determination. Although neither was overly committed to preserving that right for the other during the Early Republic, by the 1860s, the desire to be free of federal intrusion became a shared goal. And yet, simple incorporation into the Confederate polity threatened a similar subjugated position as the Chickasaws suffered under the United States. The only way for the Chickasaws to retain sovereignty, therefore, was to make Indian Territory a Native American center, not simply a Euro-American periphery. The establishment of the Confederacy offered such an opportunity.

Before removal, the Chickasaws tried to check the ambitions of individual American states by appealing to the president as the chief executive of the federal government. The states' rights rhetoric employed by American officials to secure Chickasaw removal, however, suggested to the Chickasaws that the states were more powerful than the federal government. By the eve of the Civil War, Chickasaws determined that they could exploit the competing interests among the American states as they would have when dealing with any large native polity prior to the nineteenth century. If their gamble to support the creation of the Confederate States of America had been successful, then the Chickasaws would have helped to introduce a new political entity through which Native American peoples could balance imperial-minded nations against each other in the effort to preserve their own autonomous sovereignty.

Consequently, this dissertation identifies a process through which Native Americans came to understood that their ability to demand recognition of their autonomous sovereignty had ended. The focus on the process through which Chickasaws recognized the de facto hegemony of the United States—and that they no longer had any means through which to combat such a relationship—makes this dissertation, in essence, a study of power. I am certainly not alone in my attempt to treat the indigenous peoples of what became the United States as international actors. Recognizing my work as a study of power, therefore, places it within an ever-growing number of scholarly efforts to demonstrate the places and methods through which native socio-political communities asserted their own authority despite European efforts to colonize non-western peoples and landscapes. Other scholars wish to discourage the study of international polities as the principal unit of study—most often in the form of empires—in frontiers or borderlands areas. These individuals emphasize the ways in which immediate demands of life on the periphery diffused any true notion of obedience or belonging to a specific metropole, thus making moot studies structured around the power of distant imperial polities.[10]

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[10] Recent notable examples include Juliana Barr, *Peace Came in the Form of a Woman: Indians and Spaniards in the Texas Borderlands* (Chapel Hill: University of North Carolina Press, 2007), Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006), Peeka Hämäläinen, *The Comanche Empire* (New Haven: Yale University Press, 2008), Brian DeLay, *War of a Thousand Deserts: Indian Raids and the U.S. Mexican War* (New Haven: Yale University Press, 2008); Anne F. Hyde, *Empires, Nations, and Families: A History of the North American West, 1800-1860* (Lincoln: University of Nebraska Press, 2011); and Michael Witgen, *An Infinity of Nations: How the Native New World Shaped Early North America* (Philadelphia: University of Pennsylvania Press, 2012).

Although I welcome and even try to incorporate the contributions of these scholars, I hope that my work provokes a moment of pause, or re-inclusion. The door should not be closed on the efforts of native polities within the American South to preserve their own autonomy and sovereignty in the face of United States expansion. With few exceptions, these authors have chosen to illustrate their unique and dynamic examples in regional systems that preceded the full arrival of American power. As a result, most seem to fall into the all too familiar assumption that once incorporated into the territorial claims of the United States—and therefore once the United States held the upper hand—it was all over but the crying. This was simply not the case.

The United States were not a monolithic nation-state from their creation any more than their Native American neighbors were. The former colonists had just fought a war to separate themselves from a government that they had come to believe was too far removed physically and mentally. To surrender their own local identity and concerns to a new central government whose legislators were removed from their own reality was too risky a concept to accept easily. The framers of the new American union had to ameliorate these fears and provide for a stronger presence within the international system. Therefore, the newly independent Americans settled on a federal union as the structure that would tie their independent, sovereign republics together as the United States. Just as past scholars have often been criticized for treating Native Americans and Europeans as opposing monolithic units, we should be cautious not to do the same to the Americans. To do so denies the very process of social and political consolidation the United States underwent during their first century of existence, one that required the Union victory in the Civil War to convince Americans that they were members of a larger nation-state. Consequently, I have chosen to emphasize a stylistic convention the favors the "United States" as a confederation of independent members rather than a single political body.

Studies of the United States' ability to impose their will on Native Americans have led us to believe that Americans demonstrated their permanent hegemony over their North American territory by being able to compel native groups to move elsewhere when commanded. As the Chickasaws' statements at Fort Smith in 1865 indicate, this was simply not the case. Chickasaw leaders did not claim that their alliance with the Confederacy was an act of rebellion against their political masters, as Americans would have believed. Rather, they claimed that their people had the right to dissolve the agreement they held with the United States because they comprised a separate and distinct political entity on the world stage. Despite American assertions of their own superiority, mid-nineteenth century Chickasaws did not accepted the status of a ward to the federal government. In fact, they accepted removal in order to avoid that very situation. The Chickasaws also believed that the southern states had the right to sever their own ties with the United States and form a new political alliance, a practice that had been in existence in native diplomacy for centuries. Therefore, we must examine how the Chickasaws conceptualized the nature of the American nation as the states struggled with each other and the central government over the power and permanence of their federal union.

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Native Americans had experienced the rise and fall of new political coalitions before, including their own. The Chicaza with whom Hernando de Soto and his forces wintered and fought against in 1540 and 1541 survived the cultural, demographic, political, and social upheavals of the Columbian Encounter to a greater degree than many other southeastern native ethnic group. Regardless, this era provoked significant social and political changes among the Chickasaws. The descendents of the Chicaza weathered the experiences of the Mississippian shatter zone to emerge as a "coalescent society" that maintained connections to the social and political institutions of their forbearers while incorporating smaller dissolving polities to become the Chickasaws of this study. Many Chickasaws engaged in the colonial-era Indian slave trade, and the resulting necessity to defend each other against retribution during the eighteenth century helped to spread a nascent national identity among the Chickasaws that would continue to unite the actions of factions well into the nineteenth century.[11]

The engagement of the Chickasaws with the global economy via the Indian slave trade also created a social and political environment in which factions could pursue different policies and interests. As had the other southeastern Indian socio-political groups for most of the colonial era, the Chickasaws transformed from a unified chiefdom into an ethnically related set of autonomous towns by the early eighteenth century. They would remain so into the nineteenth century. As these towns were connected through kinship ties, they also took on characteristics of the Chickasaw moiety system in which certain responsibilities were divided along activities that involved war (red) and peace (white). Participation in the capitalist Indian slave trade, however, led to the emergence of factionalism as the red and white moieties within Chickasaw society began to compete with, rather than complement, each other.[12] Despite the persistence of red and white metaphors in the diplomatic record in the post-American Revolution world, these uses referred only to the relations Chickasaws shared with outsiders, not members of their own ethnic community. Due to the consolidation of red and white roles into a single individual or town, Chickasaw socio-political organization on the eve of the American Revolution is best understood as a confederation of autonomous towns united by a shared ethnicity and kinship ties. The Chickasaws were not a united nation-state, as their contemporary Euro-American counterparts wished to define them. In this system, kinship ties could create equally legitimate factional claims to leadership of the Chickasaws as clan affiliation was more likely to influence an individual’s acceptance of an alliance rather than any recognition of a *de jure* national policy.[13]

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[11] Alan Gallay, *The Indian Slave Trade: The Rise of the English Empire in the American South, 1670-1717* (New Haven: Yale University Press, 2002); Gibson, *The Chickasaws*, pp. 40-41; James R. Atkinson, *Splendid Land, Splendid People: The Chickasaw Indians to Removal* (Tuscaloosa, AL: The University of Alabama Press, 2004), p. 24; Robbie Ethridge, *From Chicaza to Chickasaw: The European Invasion and the Transformation of the Mississippian World, 1540-1715* (Chapel Hill: University of North Carolina Press, 2010), passim; Robbie Ethridge, "Introduction: Mapping the Mississippian Shatter Zone," in Robbie Ethridge and Sheri M. Shuck-Hall, eds., *Mapping the Mississippi Shatter Zone: The Colonial Indian Slave Trade and Regional Instability in the American South* (Lincoln: University of Nebraska Press, 2009), pp. 1-18; and Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge: Harvard University Press, 2010), p. 71.

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[12] The division of Chickasaws into pro-French and pro-British factions seems to have been in line with the separation of peacekeeping and warfare functions of the Chickasaw moiety system. As slaving was an aggressive act predicated upon the threat of or actual act of engaging in warfare, the red towns of the Large Prairie secured and maintained the Chickasaw alliance with the English colony at Charles Town. The white, or peacekeeping towns, on the other hand, offered an alliance to the French. Once the French pushed the Choctaws to conduct warfare against the Chickasaw following 1720, the Chickasaws consolidated their villages into even tighter clusters for greater protection from outside threats. As the Chickasaws began to live in closer proximity to one another, red and white leaders began to assume the responsibilities and rights of those who formerly served as their counterweight in Chickasaw politics and diplomacy. In doing so, the system in which different village clusters performed red and white duties collapsed. Jay K. Johnson, John W. O'Hear, Robbie Ethridge, Brad R. Lieb, Susan L. Scott, and H. Edwin Jackson, "Measuring Chickasaw Adaptation on the Western Frontier of the Colonial South: A Correlation of Documentary and Archaeological Data," *Southeastern Archaeology* 27:1 (Summer 2008): 23-24; Atkinson, *Splendid Land, Splendid People*, pp. 1-119; and Ethridge, *From Chicaza to Chickasaw*, pp. 194-231.

As their own political system exhibited factional divisions during the late eighteenth century, the Chickasaws exited the American Revolution with no reason to believe that the United States was necessarily a unified polity capable of imposing their will on their newly gained territory east of the Mississippi River. Even individual states conducted negotiations with native groups as separate entities, illustrating that the fledgling U.S. was a conglomeration of distinct and individual states, not a united entity with whom the Chickasaws would have to negotiate. As they had in their colonial form, the newly created states vied with one another and competed—both singularly and sometimes in concert with other states—against the central government for control over land and access to the Indian trade.[14] Although the competition for trade eventually subsided, the competition for land did not.

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[13] Although a national identity, forged around a common ethnic sense of belonging, persisted among Chickasaws during the late-eighteenth century, the use of “confederacy” better explains the persistence and nature of factional divisions within Chickasaw society. In choosing to use the term confederacy, I am drawing upon the work of Greg O’Brien, who states that the “divisional autonomy” afforded to factions within a confederation “made it easier for [southeastern Indians] to ‘play-off’ one European country against another in diplomacy, since Europeans could never be sure exactly where [native] loyalties lay.” As we will see in Chapters 1 and 2, this statement accurately describes the diplomatic interaction among the Chickasaws, Spain, and the United States in the 1780s and 1790s. Greg O'Brien, “The Conqueror Meets the Unconquered: Negotiating Cultural Boundaries on the Post-Revolutionary Frontier,” *Journal of Southern History* 67:1 (Feb., 2001): 42. In his seminal study of the Chickasaws, historian Arrell M. Gibson described what he termed the “particularistic” nature of Chickasaw government, noting the independence of towns that were connected through kinship ties. However, Gibson believed the latent national unity, which underlay the factional divisions between pro-American and pro-Spanish factions after the American Revolution, implies the competition of the late eighteenth century was an anomaly that grew out of individual leaders’ self-interest rather than a cultural facet of the Chickasaw political structure as I emphasize in this dissertation. Gibson, *The Chickasaws*, pp. 3-105; the “particularistic” description can be found on p. 21.

Not only did Americans compete with each other to influence and exert control over the Native Americans in the American South, they also had to contend with the Spanish, who regained their foothold in the Floridas and along the eastern shore of the Mississippi River during the American Revolution. Capitalizing on this reality, the Chickasaws continued the practice of playing the various powers against each other, just as they had earlier in the eighteenth century with the British and French. The context of this early diplomacy involved both military and economic objectives, with economics often winning out.[15] During the 1790s, however, Chickasaw factional leaders divided over how much influence they should allow the Americans and the Spanish to wield within their society. As these competing strategic visions diverged over for how to preserve their nation's autonomy, factional lines hardened and set the stage for the Chickasaws' fall into dependency upon Americans after the two Euro-American powers concluded the Treaty of San Lorenzo in 1795.

Throughout the early 1800s, the Chickasaws attempted to maintain as much of their sovereignty as possible while recognizing the power the American union could demonstrate over them. The early negotiations for land by the southern states promoted an understanding among the Chickasaws that the United States operated according to separate interests, through which the tribe could check state ambitions by appealing to the federal government. While the Americans presented a divided front, the Chickasaws worked to ensure that all governments recognized their sovereignty, particularly concerning activities within their territorial domain. Despite gradually ceding lands over the next 30 years, the Chickasaws steadfastly opposed removal from their territory east of the Mississippi River.

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[14] Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Los Angeles: University of California Press, 1994), pp. 59-65; David C. Hendrickson, "The First Union: Nationalism versus Internationalism in the American Revolution," in Eliga H. Gould and Peter S. Onuf, eds., *Empire and Nation: The American Revolution in the Atlantic World* (Baltimore: The Johns Hopkins University Press, 2005), pp. 35-53.

[15] Colin G. Calloway, *The American Revolution in Indian Country: Crisis and Diversity in Native American communities* (New York: Cambridge University Press, 1995), Ch. 8.

The presidential election of Andrew Jackson effectively signified the end of Chickasaw efforts in their tribal homelands. Even had Jackson opposed removal, his commitment to preserving the Union in the face of the emerging Nullification Crisis ensured that he would not risk upsetting the southern states on any other issue.[16] Jackson employed a states' rights interpretation of the U.S. Constitution concerning the issue of removal, which essentially revoked tribal sovereignty and gave control to the states. By hiding behind the rhetoric of states' rights to compel removal, American leaders demonstrated the ability for states to pursue individual or sectional ambitions that the federal government could not curtail.

Faced with shrinking autonomy, the Chickasaws chose to emigrate west rather than relinquish their right to self-government as required by the Indian Removal Act of 1830 were they to remain on their homelands in Mississippi.[17] Although they agreed to remove, they did not have a designated area to move into west of the Mississippi River.

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[16] Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford UP, 2007), pp. 412-413.

[17] Henry M. Winsor, "Chickasaw-Choctaw Financial Relations with the United States, 1830-1880" in *The Civil War Era in Indian Territory*, ed. LeRoy H. Fischer (Los Angeles: Lorrin L. Morrison, 1974), p. 30.

Ultimately, they agreed to become a member district within the Choctaw Nation in Indian Territory, a diplomatic maneuver that native polities had practiced for quite some time. Although the Chickasaws' treaty with the Choctaws established a semi-sovereign status, they retained their ability to exist as a distinct political entity, which they would have been unable to do if they stayed in Mississippi and Alabama. As such, the Chickasaws temporarily surrendered their society's independent sovereign status rather than live among those with whom they did not share common cultural values.

Chickasaw subjugation to political intrusion from both the United States and the Choctaws became a source of contention in internal and external tribal politics for at least the next 18 years. Many Chickasaws refused to assimilate into the Choctaw polity, and two different factions emerged to fight for the ability to preserve their nation's identity and authority. Eventually, the two groups united through a commitment to preserve their shared ethnic identity. The Chickasaws demonstrated their newly forged national identity with the formation of a constitutional government in 1856, an action that was informed by their experiences during the removal negotiations of the 1820s and 1830s. After achieving independence from the Choctaws in 1855, the Chickasaws modeled a new constitutional government that borrowed concepts developed after those of the states, not the federal government, which the rhetoric of removal had revealed to them as the truly sovereign powers within the United States.

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As my exploration of Chickasaw diplomacy illustrates, it is through their interaction with other polities that people adapt their culture and society to create new identities designed to achieve their goals. An examination of diplomatic activities can reveal a collective polity’s understanding of their position within a greater system of societies. Scholars of international relations recognize the presence of politically related communities and people as individual actors. Citizens speak of themselves as members of “this” and “that” nation. They accept that the decisions made by their political leaders represent them in the world at large. They may disagree with those decisions; however, the American experience aside, their attempts to change them rarely result in the creation of a new polity. They may change their form of government. They may restyle their nom de guerre. Regardless, efforts to redirect the internal and external policies of a political entity generally attempt to keep the social community together. We must stick with a recognizable social and political entity, therefore, one that existed by the constituent members’ own free will and is connected through disagreements by an intangible sense of belonging. Among the southeastern Indian polities to have survived break up and dissolution of the chiefdom system, the Chickasaw emerged from the colonial era as the most ethnically and politically united group. A similar study among the Creek, whose political unity did not clearly emerge until later in nineteenth century could prove impossible.

Unlike their Confederate allies and Union adversaries, the Chickasaws approached the United States Civil War as an international, not a domestic, affair, and we must understand their participation in it as such. The Chickasaws entered into the war as a united political entity, one that existed without any factions who could challenge the authority of the government in setting such a course of action for the whole. The Chickasaws did not exist in such a political state at the beginning of our study, however. Coalescent societies were certainly not the epitome of the emerging nation-states of western Europe that their imperial counterparts wished them to be. However, southeastern natives eventually adapted and consolidated their political structures into recognizable nation-states in an effort to maintain sovereignty in a world that came to be dominated by a single expansive European American culture.[18]

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This dissertation is focused on illustrating two intertwined processes. One examines the Chickasaws as they interacted with the United States across three distinct eras of American history: Revolution, Removal, and Civil War. The other follows the Chickasaws transformation from a coalescent society into a consolidated nation-state. Consequently, I have organized the presentation of material into chronological chapters. I believe this helps to illustrate how internal political change can be revealed by the study of external diplomatic interaction, and vice versa. In Chapter 1, I examine Chickasaw diplomacy during and in the immediate aftermath of the American Revolution and how the Chickasaws incorporated the United States into their vision of the world system. Chapter 2 follows the dissolution of the Chickasaws' political unity as factional leaders tied themselves to either the Americans or the Spanish. The chapter culminates with a discussion of the significance of the Treaty of San Lorenzo.

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[18] The best example illustrating how a Native American group restyled their political organization to conform more closely to European notions of governance can be found in William G. McLoughlin, *Cherokee Renascence in the New Republic* (Princeton: Princeton University Press, 1986). Even United States officials, most notably John Marshall, recognized this process as it occurred among some of the southeastern tribes; see Maureen Konkle, *Writing Indian Nations: Native Intellectuals and the Politics of Historiography, 1827-1863* (Chapel Hill: University of North Carolina Press, 2004), p. 19. We should avoid acceptance and direct application of the Cherokee experience to other southeastern native groups, however. McLoughlin's overall interpretation of how this process contributed to the Cherokees' removal was more a circumstance of the timing in which they underwent this transformation.

Chapter 3 explores the reunification of the Chickasaw factions as their diplomatic activities became increasingly focused on the United States. Chapter 4 discusses the various land cessions, and their associated negotiation processes, that culminated with the Chickasaws' removal to Indian Territory and subsequent incorporation into the Choctaw polity following the Treaty of Doaksville in 1837. In Chapter 5, I examine the efforts of the Chickasaws to free themselves of the economic dependency to the United States and the political influence of the Choctaws. Through their efforts to secure these goals, the Chickasaws restructured their governmental system into a form that could interact with the European American world in terms compliant with western politics. In Chapter 6, I discuss how this new system established the Chickasaws in the form of a nation-state that was poised to engage in the United States Civil War. The chapter closes with an examination of the Fort Smith treaty proceedings to re-establish the relationship between the Chickasaws and the federal government. Finally, the Epilogue examines the Chickasaw understanding of federal authority during Reconstruction. Following the failed attempt to support the Confederate States, the Chickasaws once again placed themselves within a semi-sovereign status in the Treaty of 1866—also known as the Reconstruction Treaty. The permanency of this condition, however, remained debatable. Although the Chickasaws recognized the permanency of their dependent nation status by the mid- to late-1880s, they continued to reject the domestic status that many Americans assumed for them. As the Chickasaws fought to preserve autonomy and recognition of their separate nationhood, federal efforts to secure the treaty objectives resulted in the loss of autonomy all Indian nations experienced at the turn of the twentieth century.

CHAPTER 1

"WE KNOW NOT OF THEM WE ARE TO LISTEN TO"

On July 28, 1783, several of the Chickasaw chiefs—Mingo Houma, Piomingo, Paya Mataha, Piomingoe, and Kushthaputhasa—sent a message to the United States Confederation Congress. The petition signifies the Chickasaws' first attempt to establish formal diplomatic relations with the United States as a singular entity; however, this was not their first diplomatic interlude with constituent members of the American confederation. They were in the middle of planning peace negotiations with Virginia, and they had "receive[d] talks from the Governor of Georgia" to establish trade relations. The chiefs expressed confusion about the nature of the union of the new American states:

> We are told that the Americans have 13 Councils Compos'd of Chiefs and Warriors. We know not which of them we are to Listen to, or if we are to hear some, and Reject others, we are at a loss to Distinguish those we are to hear. We are told that you are the head Chief of the Grand Council, which is above these 13 Councils: if so why have we not had Talks from you,—We are head men and Chiefs and Warriors also: and have always been accustomed to speak with great Chiefs & warriors—We are Likewise told that you and the Great men of your Council are Very Wise—we are glad to hear it, being assured that you will not do us any Wrong, and therefore we wish to Speak with you and your Council, or if you Do not approve of our so Doing, as you are wise, you will tell us who shall speak with us, in behalf of all our Brothers the Americans, and from whare and whome we are supplyed with necessarries in the manner our great father [Great Britain] supplied us—we hope you will put a stop to any encroachments on our lands, without our consent, and silence all those People who send us Such Talks as inflame & exasperate our Young Men, as it is our earnest desire to remain in peace and friendship with our Br: the Americans for ever.[1]

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[1] "To his Excellency the President of the Honorable Congress of the United American States, July 28, 1783," *Calendar of Virginia State Papers and Other Manuscripts from January 1, 1782, to December 31, 1784, Preserved in the Capitol at Richmond*, Vol. III, arranged and edited by Wm. P. Palmer (Richmond: 1883), pp. 515-517. Hereinafter referred to as *CVSP* III.

These chiefs represented each Chickasaw village cluster; as such, they were the closest thing to a central body of authority the Chickasaws could present to the outside world at this time. That each signor identified with a specific village cluster suggests that the Chickasaws approached the task of incorporating the fledgling United States into their diplomatic world from a united standpoint. However, each of these individuals held authority in the matter, which indicates that sorting out the seat of central authority for Chickasaw diplomacy during the waning years of the American Revolution would prove to be just as confusing to the Spanish and American delegates with whom they negotiated as the chiefs expressed about the United States.

In this chapter, I establish a framework to understand how the Chickasaws' methods to maintain sovereignty in the years following the American Revolution created the image of the Chickasaws as a consolidated nation-state despite their organization according to a political system that recognized the legitimacy of factions to act on behalf of the entire society. Therefore, this chapter should be read with the following themes in mind. First, I examine how the Chickasaws sought to incorporate the United States into their existing world of international relations during and immediately after the American Revolution. Second, I attempt to demonstrate Chickasaw efforts to understand the nature of power and authority within the union of and among the individual states and what they reveal about the solidarity of the new American confederation when viewed from a native perspective. Third, I explore how the initial efforts of two former allies—the United States and Spain—to assert their own control over the southeast illustrate the appearance of a unified diplomatic strategy among the Chickasaws, one that could only succeed due to the factional nature of internal politics within the nation. Fourth, I discuss the process in which Chickasaw leaders worked together to establish economic and political relationships, according to the customs of native diplomacy, that balanced the newly independent Americans to the east with the Spanish to the south and west. Once this framework is established, readers will be better prepared to understand how the aggressive demands of the two European powers led to a situation in which only the unity among Chickasaw leaders—founded on their shared ethnic identity—could hold the factions together behind a shared goal of maintaining independence.

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In the wake of the American colonies' declarations of independence and their subsequent war of rebellion against the British, Native American societies worked to understand the place of the thirteen newly independent states and their confederation of autonomous, sovereign entities within the existing system of diplomatic relations on the North American continent. Despite popular and scholarly claims to the contrary, the Chickasaws were not fervent supporters of either the British or the Whig causes during the American Revolution. Rather, they made alliances and acted on their own terms with the purpose of protecting their control over their own territory. As they had for the previous century of engagement in the imperial world, they envisioned themselves as an autonomous, sovereign polity, beholden to no other power.[2]

The two primary adversaries of the war—Great Britain and the United States—approached the subject of native involvement in the war differently. The British, having long maintained a presence in southeastern Indian affairs, understood the need to reaffirm the friendly demeanor of Native Americans on a continual basis, especially the Chickasaws with whom they had secured a long-standing alliance through trade. In 1778, British Superintendent of Indian Affairs John Stuart sent Alexander McGillivray "to the Chickasaw Nation . . . to secure them in their Loyalty" to the British cause.[3] The rebellious Americans, on the other hand, chose a more bellicose stance that compelled the Chickasaws to establish diplomatic negotiations with the United States even before the latter's independence was secured. The first diplomatic milestone in Chickasaw–United States relations, therefore, came not through interaction with the central government but with an individual state: Virginia.

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[2] Gibson, *The Chickasaws*, p. 72; Colin G. Calloway, *The American Revolution in Indian Country*, pp. 219-220.

By the middle of the American Revolution, Virginians—among others—ventured west into the territories that had been denied to them in their former status as colonial subjects. These territories included the Chickasaws' traditional hunting grounds in what is now western Kentucky. Not only were individual citizens seeking land on which to settle and secure their liberty, the former colonial governments sought to secure their western territories from British and Native American aggression. In an attempt to ameliorate Chickasaw concerns about white intrusion onto their lands, Virginia officials sent an offering of white wampum—traditionally a sign of peace and friendship. Unlike the British, however, the Virginians blurred the lines of native diplomacy by simultaneously sending a message that threatened annihilation should the Chickasaws oppose the Virginians' efforts. The presentation of these two diametrically opposed messages did not work and set the Chickasaws and the Virginians on course for their own war.

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[3] "John Stuart to The Right Honorable Lord George Germain, His Majesty's principal Secretary of State for America, 19th May 1778," Randolph Boehm, compiler and editor, *Records of the British Colonial Office, Class 5*, Part 1: Westward Expansion (Frederick: University Publications of America, 1981), Reel 8.

Chickasaw leaders warned the Virginians to abandon ideas of settling in their territory. In a talk signed by Mingo Houma, Paya Mataha, and Tuskau Patapo, the Chickasaws announced that the Virginians' threat of warfare did not scare their people. The Virginians could bring as large a force as they wanted. It would not matter. The chiefs threatened to beat the Virginians back just as they had done to the French and Choctaws in the 1730s.[4]

Undeterred, Virginia officials moved forward with their plans to secure their western borderlands. Governor Thomas Jefferson openly invited Chickasaw retaliation when he invited hostility against them by their native enemies from the north and west in early 1780. At the same time, George Rogers Clark, Virginia's military commander in the west, established Fort Jefferson along the bank of the Mississippi River, about five miles below the mouth of the Ohio River. Clark believed that his primary objective in establishing the fort was to restrain the ability of the Chickasaws and the British to penetrate into the Illinois country.[5] Such overt measures naturally provoked the Chickasaws to protect their own territorial authority by attacking the fort.[6]

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[4] "Copy of a Talk from the Chickasaws to the Rebels answering there [*sic*] Talks, May 22, 1779," in National Archives and Records Administration, *Papers of the Continental Congress, 1774-89* (microfilm), Item 51, vol. 2, pp. 41-44, microcopy 247, reel 65.

[5] James A. James, ed., *George Rogers Clark Papers, 1771-1781*, in Clarence Walworth Alvord, ed., *Collections of the Illinois State Historical Library*, Virginia Series, Vol. III (Springfield: Trustees of the Illinois State Historical Library, 1912), p. cxxi-cxxii.

[6] Calloway, *The American Revolution in Indian Country*, pp. 225-227.

The establishment of Fort Jefferson was a direct affront to the Chickasaws' territorial sovereignty, which they would not tolerate. This attitude was not lost on Virginia's frontier leaders, who understood that they could "expect no peace with [the Chickasaws] while we maintain the Post."[7] The Chickasaws, for their part, confirmed such suspicions. They did not stop attacking the fort until it was abandoned in June 1781.[8]

Relations between the Chickasaws and Virginians improved over the next year. By spring 1782, both sides were ready to lay down the hatchet to negotiate peace. Jean Baptiste de Coigne, a Kaskaskia chief, acted as an intermediary on behalf of the Virginians. Coigne's mission coincided with a talk Mingo Houma, the self-proclaimed Chickasaw high chief, sent to the Virginians.[9] In this message, Mingo Houma informed the Virginians of the Chickasaws' intent to seal a peace treaty with their enemies of the past few years. Additionally, the Chickasaws sent their own emissaries out on the peace path the following summer. On July 9, 1782, the Chickasaws sent Simon Burney, a British refugee from the Natchez district living among the Chickasaws, and two chiefs to deliver a message "to the Commanders of Every different station Between this nation and the falls of the Ohio River." In their statement, the Chickasaw leaders indicated their desire to establish a peace agreement between the Chickasaws and the Virginians.

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[7] "Col: Wm. Christian to the Governor of Virginia, April 10th 1781," *Calendar of Virginia State Papers and Other Manuscripts from April 1, 1781 to December 31, 1781, Preserved in the Capitol at Richmond*, Vol. II, arranged and edited by Wm. P. Palmer (Richmond: 1881), p. 24.

[8] Robert S. Cotterill, "The Virginia-Chickasaw Treaty of 1783," *Journal of Southern History* 8:4 (Nov. 1942): 483-484.

[9] Throughout the eighteenth century, the Chickasaws recognized the presence of a high chief, or king as their Euro-American counterparts translated references to the position. Traditionally, this was a hereditary position—handed down through the Minko clan of the peace moiety—that emerged during the late-sixteenth and seventeenth centuries. The Chickasaws seem to have held the position of high chief within their social structure as symbolically important; however, it is important to remember that the individual who could lay claim to this position did not hold unconditional political power. Rather, his authority was determined based on his ability to gather followers just as it was for the other Chickasaw chiefs. Competition among the chiefs during the second half of the eighteenth century abounded, and Mingo Houma claimed the position during the era of the American Revolution. Although Paya Mataha held more authority when dealing with the Spanish, the majority of Chickasaws seem to have recognized Mingo Houma as the high chief, as the individuals who held this position following his and Paya Mataha's deaths in 1784 were all descendants within his kinship group. Gibson, *The Chickasaws*, pp. 18-22; Atkinson, *Splendid Land, Splendid People*, pp. 27-28; Ethridge, *From Chicaza to Chickasaw*, pp. 201-202 and 224-227.

The Chickasaws worked to ensure that the Virginians understood that they did not make these overtures from a weakened position. In both Mingo Houma's message and the two chiefs' mission, Chickasaw leaders affirmed their peoples' right to treat with whomever they chose. Mingo Houma referenced his ability to procure goods from the Spanish in Mobile as an indication to the Virginians that the Chickasaws did not need to seal a peace; they would have continued the war if they so desired.[10] Through the two chiefs and Burney, the Chickasaws stated their intent to continue their long-standing relations with the British. "Our making a Peace with you doth not Entittle Us to fall out with Our Fathers the Inglish, for we love them, as they were the first People that Ever Supported us to Defend ourselves against our former Enimys, The French & Spaniards & all their Indians." Further, the Chickasaws referred to the Virginians as their "brothers," thereby asserting their equality with the former colony.[11]

The Chickasaws did not refer to Virginians as brothers as a mere convention. Throughout the previous two centuries of interaction, Europeans and southeastern natives alike addressed each other according to familial metaphors. Native groups referred to their counterparts in terms of male siblings, fathers and sons, and even nephews and uncles.[12] Each one of these types of relationships connoted different levels of status and power between the groups in question, all based on the familial relationships existent in a particular native society. In the matrilineal societies of the southeast, the most powerful relationship a male had—the one in which he was expected to show deference and obedience—was that with his mother's brother. In a matrilineal system, uncles were responsible for teaching their sisters' sons the rules of society and how to succeed in life. The father and son relationship called for a degree of deference as well; however, fathers did not try to impose their authority upon their sons. Rather, a father's role was to provide them with the attributes to make life more comfortable. Therefore, when Native Americans referred to Europeans as fathers, their intent was not to display obedience, but rather to indicate that their allegiance could be won and maintained through gifts that made it easier to live.[13] Finally, to call another polity a brother meant to put them on an equal plane with oneself. Within a brother-to-brother relationship degrees of influence could be admitted, however, as would be the case when one group was considered the elder brother. Regardless, brothers often competed with each other, much as they did in European families.

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[10] "The message of the Chief of the Chikasas, as delivered by the messenger from the Cherokees," *CVSP* III, pp. 272-273; quote on p. 272.

[11] "John Bowman to Gov'r Harrison of Va, August 30th 1782," *CVSP* III, pp. 277-279.

Referring to the Virginians as brothers did not necessarily mean that the Chickasaws intended to incorporate the Virginians as fictive kin, however. The use of the term brother among matrilineal societies does not carry the designation of kinship as it does in patrilineal societies. As Patricia Galloway has noted, "the only people a man might term his brothers were the sons of his father and those of his father's sister's daughter. . . .In other words, kin and non-kin were separated terminologically, and a 'brother' could fall on the side of the father, as non-kin."[14] Identity in a matrilineal society is derived from one's mother, and the presence of a brother can just as easily have been made by the union of the father and another woman. Therefore, the two siblings would not belong to the same kinship group by virtue of their having different mothers. By referring to the Virginians as brothers, it is possible that the Chickasaws hoped to establish a formal relationship with the newly independent state in a manner that asserted their equality while keeping the Americans at a safe distance from being able to influence the internal workings of their own society.

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[12] Shoemaker, *A Strange Likeness*, pp. 115-121.

[13] Patricia K. Galloway, "The Chief Who is Your Father: Choctaw and French Views of the Diplomatic Relation," in Gregory A. Waselkov, Peter H. Wood, and Tom Hatley, eds., *Powhatan's Mantle: Indians in the Colonial Southeast*, rev. and expanded ed. (Lincoln: University of Nebraska Press, 2006), pp. 346-347.

At the same time that the Chickasaws reached out to the Virginians, George Rogers Clark sent overtures on behalf of his state before his own governor, Benjamin Harrison, sent official emissaries to do the same. Clark sent Robert George and John Donne to deliver peace talks to the Chickasaws. In his message, Clark denied that the building of Fort Jefferson provoked Chickasaw attacks on Virginian settlers. He placed the blame solely at the feet of the Chickasaws. Clark intended to compel the Chickasaws to sell their hunting grounds in western Kentucky to Virginia. In exchange, Virginia would build a new community in the lands to promote trade between the Chickasaws and Americans. Clark informed Harrison of his action. The Virginia governor was especially interested in obtaining a land cession from the Chickasaws.

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[14] Ibid., p. 359.

The Chickasaws, on the other hand, adamantly opposed the idea. The Chickasaws abhorred the idea ceding land so much that George refrained from formally raising the subject to their leaders. Both sides played coy for a while: George focused on the promotion of trade, and three principle Chickasaw leaders—Paya Mataha, Mingo Houma, and Piomingo—attempted to divert blame for the conflict from either of the two parties involved and onto the British.[15]

By late August, Burney had been making the rounds on behalf of the Chickasaws. On August 31, 1782, Benjamin Logan inquired about Governor Harrison's and the Virginia Legislature's desire "to hold a treaty" with the Chickasaws. Logan suggested the services of John Donelson, a leading member of the burgeoning settlement on the Cumberland River and future father-in-law of Andrew Jackson, to head Virginia's negotiations. The concept of negotiating a treaty with one the individual states was not new to the southeastern Indians, nor was it anathema to the nature of the newly formed United States. The Chickasaws had made treaties with the individual colonies throughout the eighteenth century, and the Cherokees made a treaty with both North Carolina and Virginia in 1777. According to Indian Agent Benjamin Hawkins, the states ceded their right to form treaties with the Indians to Congress when final ratification of the Articles of Confederation occurred on March 1, 1781.[16] The states did not always recognize the right of the central government to control Indian affairs, however, especially before the adoption of the United States Constitution.[17] In the American South, specifically, Virginia never ceded its authority over its western territory to the central government, North Carolina did not do so until early 1790, and Georgia continued to assert its claim over territory extending to the Mississippi River until 1803.

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[15] "Answer from Piamathihaw [et al.]," *CVSP*, III: 357-358; Calloway, *The American Revolution in Indian Country*, p. 231.

[16] "Benjamin Hawkins to William Blount, 10th March 1791," William Blount Papers, Mss. 19, 142, Library of Congress, Washington, DC.

Virginians were interested in concluding a peace with the Chickasaws for several reasons. First, Donelson suggested that a peace treaty would be advantageous for Virginia "in view of the terrible losses in the battle with the Shawnees on the 19th of August, and the unprotected situation of the frontiers and inhabitants."[18] Second, John Bowman recommended the treaty as there was in all likelihood the possibility of securing a concurrent treaty with the Creeks, which would be beneficial to not only Virginia but "as well as our neighboring *Sistren* states to the southward." Bowman believed that

> If a Peace could be concluded with these two nations, the Chicasaws and the Creeks, it would Effectively put a stop to the Cherokees and Chuckamogga Indians committing depredations on any of our frontears, and compleat the Happiness of the Inhabitants who have long suffe'd by them, and we Conceive that such an alliance might Greatly Discurrage the Shawnees, and other Western Tribes.[19]

The emphasis these men gave to informing Harrison of the mutual benefit the peace treaty would provide to both Virginia and North Carolina deserves special attention. The proposition of the two states working together in this matter was not without precedent. Thomas Jefferson had initiated actions to join with North Carolina to obtain a peaceful settlement concerning the ongoing war with the Cherokees as early as March 1781.[20] Jefferson's successor as governor, Benjamin Harrison, followed his predecessor's example. Harrison believed that the lack of coordination among the southern states could lead to more violence with their native neighbors.[21] Further, in a letter from North Carolina Governor Alexander Martin to Harrison, written on November 21, 1782, Martin reveals a notion of the states as equals, fully imbued with the right to take such action, and that the decisions made by one could not be stopped by the other—or even the central government.[22] If each state had representatives at the negotiating table—or even if only a Virginia representative expressed concern about how another state might view the agreement—then it is plausible to assume that the Chickasaws internalized a conception of power and authority among the United States as being akin to the autonomy of factional interests within their own nation.

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[17] Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), pp. 123-129.

[18] "Col: John Donelson to Gov: Harrison, Septem. 1st 1782," *CVSP* III, p. 284. For an in depth examination of the Cherokee war against the Americans during this time, see Cynthia Cumfer, *Separate Peoples, One Land: The Minds of Cherokees, Blacks, and Whites on the Tennessee Frontier* (Chapel Hill: University of North Carolina Press, 2007).

[19] "John Bowman to Gov'r Harrison of Va, August 30th 1782," *CVSP* III, pp. 277-279.

That the southern states referred their fellow partners in the American union as "sisters" also bears discussion. State officials during the late eighteenth century often referred to their counterparts as representatives of "sister states," especially during this time of turmoil with the Southern Indians. In 1788, Andrew Pickens, acting as a commissioner to negotiate a peace with the Upper Creeks on behalf of South Carolina referred to “some disputes that had unluckily arisen between [the Creeks] and our Sister State of Georgia.”[23] The following year, Alexander McGillivray used the term to denote his recognition of a kindred relationship between the states of South Carolina and Georgia in a letter to South Carolina Governor Thomas Pinckney.[24] However, Native Americans and Europeans rarely, if ever, referred to each other in a metaphorical status associated with the female gender.[25] Even if state representatives used the metaphor to refer to their counterparts in a manner to illustrate kinship, southeastern Native Americans may have understood the use in a deeper manner. Women within matrilineal cultures had the right to counsel men behind closed doors but not in public.[26] Therefore, we can plausibly expect that Chickasaw leaders internalized the concept of sister states to mean that neither Virginia nor North Carolina could wield public authority over their sibling states. Further, by referring to each other as sisters, state officials could have implied that the relationship between theirs and the other states would never recognize the authority of one over the other as sometimes happened when native groups exchange the roles of elder and younger brothers based on each other's contemporary status of power.[27]

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[20] "'T.J. to Col^{o} Preston, Col^{o} Christian & Major Martin, March 24th. 1781 (from Letter Book of Thomas Jefferson, 1781, p. 214)' in the State Library, Richmond, Va," Preston Family Papers, 1727-1896, Mss1P9267fFA2, Virginia Historical Society, Richmond, VA.

[21] "Benjamin Harrison to Governor Matthews, October 15, 1782," in *George Rogers Clark Papers*, IV: 130-131.

[22] "Alex: Martin, Gov: of N. Carolina, to Governor Harrison, Novem. 21st, 1782," *CVSP*, III: 376-377.

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[23] “Pickens and Matthews to McGillivray, March 29, 1788,” in John W. Caughey, *McGillivray of the Creeks* (Norman: University of Oklahoma Press, 1938), p. 174.

[24] United States, *American State Papers. Documents, Legislative and Executive of the Congress of the United States . . . Class II, Indian Affairs*¸ vol. 1 (Washington: Gales and Seaton, 1832), p. 19. Hereinafter referred to as *ASP:IA.*

[25] Shoemaker, *A Strange Likeness*, pp. 115-117.

[26] Jane T. Merritt, “Metaphor, Meaning, and Misunderstanding: Language and Power on the Pennsylvania Frontier,” in Andrew R.L. Cayton and Fredericka Teute, eds., *Contact Points: American Frontiers from the Mohawk Valley to the Mississippi* (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 1998), pp. 77-81. Despite early colonial instances of native women holding public authority, most historians accept that by the Revolutionary era, that power had eroded due to Native American engagement in the European market economy, which favored men and pushed women into the background when it came to diplomatic interaction. For examples among other southeastern native societies, see Theda Perdue, *Cherokee Women: Gender and Cultural Change, 1700-1835* (Lincoln: University of Nebraska Press, 1998); and Claudio Saunt, *A New Order of Things: Power, Property & the Transformation of the Creek Indians, 1733-1816* (New York: Cambridge University Press, 1999).

This is not to say that the use of the term "sistren" would not connote a relationship as kin. In fact, the relationship between brothers and sisters and among sisters was strong within both southeastern native and European American families. Sisters and brothers in native societies still held a close relationship as members of the same clan. For southeastern matrilineal societies, the relationship between brothers and sisters was closer than that of husbands and wives.[28] That Native Americans would understand the very close relationship among the states as siblings should not surprise us today; it is certainly doubtful that the former colonists would have been surprised. European American siblings, as well as Native American and even African American siblings, shared a special affinity for one another through shared experiences as members of the same family.[29] It is almost certain that the states felt that way despite their differences over how to move forward. They had just overcome their differences and joined arms over the past seven years to overthrow their mutual father: Great Britain.

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[27] Although I have not found a direct reference to the idea of the states as sisters used in front of or by individual Chickasaws, I have relied on the following examples employed by men with whom the Chickasaws interacted on a regular basis to imply that it was mostly likely a concept with which they became familiar when dealing with American negotiators who were representing their own individual states.

[28] Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002), p. 31.

[29] C. Dallett Hemphill, "Sibling Relations in Early American Childhoods: A Cross-Cultural Analysis," in James Alan Marten, ed., *Children in Colonial America*, with a foreword by Philip J. Greven (New York: New York University Press, 2006), pp. 77-89.

By October 1782, the Chickasaws and Virginians were willing to sit down to negotiate a treaty. Governor Harrison appointed John Donelson, Isaac Shelby, and Joseph Martin as commissioners. Although Harrison wanted to secure a land cession, he instructed the men not to recognize any Chickasaw claims to sovereignty over the territory in question.[30] George Rogers Clark bolstered Harrison's hopes shortly after he dispatched the three commissioners. Clark informed the governor that he believed the Chickasaws would be willing to cede some land to the Virginians, particularly "land in the bounds of Virginia below the Tenesee River."[31] On October 22, 1782, Governor Harrison of Virginia wrote to Governor Alexander Martin of North Carolina to inform his counterpart of the impending treaty negotiations Virginia was about to enter into with the Chickasaws. Harrison invited Martin to send commissioners on North Carolina's behalf.[32]

The question of what right Virginia had to undertake this treaty with the Chickasaws in the first place raises more questions for this study. According to the Articles of Confederation, Virginia would have had a right to conduct the treaty if the Chickasaws lived in territory claimed by Virginia. However, that was not the case. The Chickasaw villages clustered around modern-day Tupelo, Mississippi. Although the Chickasaws claimed the territory in western Kentucky as their hunting grounds, the Americans did not recognize the legitimacy of claims to lands on which Native

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[30] Thomas Perkins Abernethy, *Western Lands and the American Revolution* (New York: D. Appleton-Century, Co. for the University of Virginia Institute for Research in the Social Sciences, 1937), pp. 259-260.

[31] "Clark to Benjamin Harrison, October 18, 1782," *George Rogers Clark Papers,* IV: 135-136; quote on p. 135.

[32] "Gov. Harrison to Governor Alexander Martin, of North Carolina, Octo. 22d. 1782," Virginia, *Official Letters of the Governors of the State of Virginia*, Vol. 3 (Richmond: D. Bottom, Superintendent of Public Printing, 1926), p. 354.

Americans did not actually live. It is highly unlikely that many Chickasaws lived there on a long enough basis that would constitute legal residency in United States law.[33] Actually, the Chickasaws lived on lands and the treaty was negotiated in territory claimed by North Carolina. Therefore, it is possible that Virginia and North Carolina agreed to the deal in part to promote a southern confederation among the United States to deal with the Indians, an assertion that is supported by Governor Harrison's inivitation to Governor Martin on October 22:

> I most earnestly wish that some regular plan was fix'd on by the Southern States for the regulation of Indian Affairs, and that Commissioners should be appoint'd from this State and those south of it for that purpose if such a Measure was adopted I expect those people [Chickasaws] might hereafter be kept quiet, or be brought to reason by the joint efforts of the States, for any depredations they might commit on either of them at a much less expence than we are now at in continually supporting Guards on our frontiers for the protection of each individual State.[34]

To complicate matters even further, groups often contested each other's claim to land in the South, and not just among the Indians. Although the Treaty of Paris granted authority over land east of the Mississippi River to the United States, the Spanish claimed certain sections east of the river by right of defeating the British there during the final years of the war. Looking from our lens among the Chickasaws, the quandary concerning which American polity had the right to negotiate with the Chickasaws raises even more concerns because the Chickasaw domain actually covered territories claimed by four states.[35] If we accept the Euro-American definition that legal residence is established by where one's home is, the Chickasaw villages in 1782 actually lay in territory claimed by Georgia and South Carolina, both of which had distinct visions for where the authority for Indian affairs should reside.[36] With such questions of territorial authority abounding, it is understandable that the Chickasaws expressed confusion about the nature of power and authority among the United States in their July 1783 letter to Congress.

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[33] "Map of North America… [?1775]," MR 1/919, Maps and Large Documents Reading Room, British National Archives, Kew, Richmond, Surrey, England.

[34] "Gov. Harrison to Governor Alexander Martin, of North Carolina, Octo. 22d. 1782"; Abernethy, *Western Lands and the American Revolution*, p. 260.

[35] "Map of North America… [?1775]."

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The Chickasaw chiefs' letter to the President of the United States Congress illustrates the Chickasaws' efforts not only to understand the nature of allegiance among the United States but also the conflicting nature of authority between the individual states and the central government. Despite the fact that they were already in the early stages of negotiating peace with Virginia and contemplating an offer for trade with Georgia, the Chickasaws recognized that the United States, although willing to take action on their own, remained joined for political and economic reasons even though the hostilities of the Revolution had concluded. Therefore, it is plausible to assume that the Chickasaws envisioned the American States as akin to any other political confederation that existed among Native American societies.

The Chickasaw leaders stated their desire to establish diplomatic relations with the Americans in accordance with native diplomacy. The chiefs were pleased that "[their] Brothers the Americans are inclined to take us by the hand, and Smoke with us at the great Fire." Further, the chiefs indicated their desire to have an American appointed as a fanemingo. The naming of a fanemingo was a traditional form of kinship diplomacy used by the Chickasaw and other southeastern Indian groups when initiating diplomatic relations with another sovereign entity. The English trader, Thomas Nairne, provided the first written description of a fanemingo in his 1708 journal, written while traveling among the Chickasaws and Tallapoosas. According to Nairne's account, one family would adopt a member of another family, "generally some growing man of Esteem in the Warrs," who was then required to act as the adoptive family's representative and protector without putting his own family first. When applied to diplomacy, the relationship shifted to some extent. If two nations joined in an alliance, each chose a fanemingo from the ranks of the other, and, in such cases, the individual's responsibility was to

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[36] "Western Land Claims, 1782-90," Mark Christopher Carnes and Malcolm Swanston, *Historical Atlas of the United States* (New York: Routledge, 2003), p. 102; Francis Paul Prucha, *The Great Father: The United States Government and the American Indians*, vol. 1 (Lincoln: University of Nebraska Press, 1984), pp. 37-38.

> make up all Breaches between the 2 nations, to keep the pipes of peace by which they first contracted the Freindship, to devert the Warriors from any designe against the people they protect, and Pacifie them by carrying them the Eagle pipe to smoak out of, and if after all, ar unable to oppose the stream, are to send the people private intelligence to provide for their own safty.[37]

The chiefs reminded the Americans that the English had "always left one of [their] beloved Men amongst us, to whom we told anything we had to say, and he soon obtained an answer—and by him our great Father, his Chiefs & headmen spoke to us." As the Chickasaws were confused as to the nature of the American polity, "Such a man living among us particularly at this time, would rescue us from the darkness and confusion we are in, By directing us to whom we should speak, and putting us in the right Path that we should not go wrong."

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[37] Thomas Nairne, *Nairne's Muskhogean Journals: The 1708 Expedition to the Mississippi River*, edited, with an introduction by Alexander Moore, forward by Patricia Galloway (Jackson, MS: University Press of Mississippi, 1988), p. 21, 40-41; Galloway, "The Chief Who is Your Father," pp. 359-364.

In this case, the chiefs' selection of John Donne "to deliver this talk" speaks directly to the native form of selecting a diplomat. When two native groups established peaceful relations, each chose a fanemingo from their counterpart; they did not simply accept whomever their new ally chose.[38] Despite the attempt of the chiefs to facilitate the entry of the United States into the native world of diplomacy, it appears that the Americans did not act immediately. The states and the central government were still trying to sort out their respective roles in the American South. During these early years after the Revolution, multiple states and the central government all claimed authority over the vast majority of land west of the Appalachian Mountains. As will be discussed later, Piomingo may have assumed the role as fanemingo for the Chickasaws' American brothers when the Americans failed to comply with the chiefs' desire to have Donne appointed in this diplomatic capacity.

The chiefs closed the letter by indicating that they needed ammunition; however, they informed the Americans that the Chickasaws could "supply ourselves from the Spaniards" if necessary. As was often the case when Indians played one European culture against another, they said that they did not want to trade with the Spaniards and courted American trade with flattery and the idea that they could keep their younger warriors from acting hastily. Three days later, James Logan Colbert, a trader who had married into a Chickasaw clan, sent a letter to Governor Harrison that reinforced the necessity for some entity among the new American polity to secure an open path with the Chickasaws. Colbert stated that the Chickasaws desired to make peace with all of their American "brothers," but "they know not where to apply or find the American

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[38] "To his Excellency the President of the Honorable Congress of the United American States, July 28, 1783," *CVSP* III, pp. 515-517.

Chiefs." Further, he indicated that the Spanish were forging relationships with leaders of nation and that it would be in the best interest of the Americans to gain the Chickasaws' favor as well.[39]

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Colbert's attempt to establish a peaceful, economic relationship between the Chickasaws and the Americans offers a window through which we can see how factional interests could arise within Chickasaw society that the established leadership was somewhat powerless to control. His connection to specific kinship groups has led to popular claims that all of Chickasaw society supported specific Euro-American powers during the latter decades of the eighteenth century: the British during the Revolution and the Americans thereafter. Despite persistent notions that Colbert's actions during and after the American Revolution represented official Chickasaw policy, however, he did not have the authority to speak on behalf of the nation. Therefore, Colbert's appeal to the Virginia governor was more likely due to his own, personal on-going war with the Spanish. Regardless, his actions created problems that Chickasaw leaders could not ignore in their relations with outside polities such as the Spanish and the Americans. Colbert's ability to draw supporters from the emerging generation of Chickasaw leaders meant that his actions would help harden the lines between Chickasaw factions and decrease their willingness to cooperate among themselves as they sought to restrict western imperial powers from gaining control over the Chickasaws' world.

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[39] "James Colbert to the Governor of Virginia, July 25, 1783," *CVSP* III, pp. 513-514.

James Logan Colbert was a Scottish trader who had lived among the Chickasaws since about 1740. He was one of many European traders to settle among the Indian societies of the southeast whose presence caused concern for imperial officials. Approximately 500 such individuals lived among the Chickasaws and Choctaws by the mid-1780s.[40] According to Malcolm McGee, the man who served as the Chickasaws interpreter for their dealings with Americans until the turn of the nineteenth century, Colbert immersed himself fully in Chickasaw society and culture, married several women and fathered multiple children. Despite his influence among the Chickasaws, Colbert never became a chief himself, but several of his sons—William, George, and Levi—became influential Chickasaw leaders by the 1790s. This has led to the continued belief that his actions represented official Chickasaw policy during the American Revolution.[41] A more accurate interpretation, however, is that due to his long-term association with the Chickasaws and ability to procure supporters from his

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[40] Daniel H. Usner, *American Indians in the Lower Mississippi Valley: Social and Economic Histories* (Lincoln: University of Nebraska Press, 1998), p. 42.

[41] Over the past twenty years, historians have used such examples to refute claims that Colbert's faction should be considered representative of Chickasaw policy in the early national period. Two recent studies may complicate this interpretation. In his study of the eighteenth-century Chickasaw outpost near Augusta, Edward J. Cashin noted that Chickasaw leaders certainly did not object to Colbert's efforts to support the British war effort before the fall of Pensacola. Further, in her recent dissertation, Natalie Inman claims that Colbert's Chickasaw followers came from the specific kinship lines to which his Chickasaw wives were related. The fact that some of Colbert's lieutenants were his nephews, Inman argues, legitimized his influence in Chickasaw diplomacy. See James R. Atkinson, ed., "A Narrative Based on an Interview with Malcolm McGee by Lyman C. Draper," *Journal of Mississippi History* 66:1 (Spring 2004): 44-45; Ronald Eugene Craig, "The Colberts in Chickasaw History" (Ph.D. dissertation; University of New Mexico, 1998), pp. 115-186. Edward J. Cashin, *Guardians of the Valley: Chickasaws in Colonial South Carolina and Georgia* (Columbia: University of South Carolina Press, 2009), pp. 137-138; and Natalie Inman, "Networks in Negotiation: The Role of Family and Kinship in Intercultural Diplomacy on the Trans-Appalachian Frontier, 1680-1840," (Ph.D. dissertation: Vanderbilt University, 2010), pp. 118-122.

Chickasaw family, James Logan Colbert's actions often blurred the lines between what can be considered official Chickasaw and non-Chickasaw policy.

Colbert was fiercely proud of his British identity, as evidenced by his continued harassment of the Spanish after the fall of Pensacola in the spring of 1782. As the Revolution had not yet officially ended, Colbert resented the Spanish presence on the east side of the Mississippi River and continued to attack the Spanish and take prisoners in the name of the British monarchy. Colbert was even so bold as to kidnap Anicamora Ramos—wife of the Spanish governor in St. Louis, Don Francisco Cruzat—while she accompanied a supply shipment up the Mississippi River to rendezvous with her husband. In a response to the Spanish Governor General in New Orleans, Esteban Miró, concerning the incident involving Ramos among others, Colbert chastised the governor for accusing him of harboring rebels, whom Colbert considered "Inglish Subjects," and for "go[ing] to war without an Autharity." Colbert proclaimed that he had "As much Authority to destress my kings Enymys as you have to maintain [Natchez] Or Any Other place in behalf of your King." Finally, Colbert attempted to absolve the Chickasaws from culpability in his efforts. He stated that he had advised "my Indians to make Peace both with you & the Americans & with all The world as it is proper that no Indians ought to interfare with what Concerns None but white (people)."[42]

Cruzat was understandably furious about the incident and did not necessarily accept Colbert's statement concerning the lack of official Chickasaw involvement in the affair. He took steps to ensure that the Chickasaws did not aid and abet any future rebel actions. The Spanish official "adopted one of the most efficacious means [he had] of dealing with all the Indians of this immense continent, in order to have the Chickasaw nation on my side." In order to convince "a considerable party of Kickapoo and Mascouten Indians . . . to make war upon the Chickasaws and the rebels," Cruzat stated that Colbert's faction had captured "presents for all the Indians of this district" among the bounty in Don Silvester Labadie's—the commander of the supply train Cruzat's wife accompanied—boat. The governor's deliberate misdirection convinced the Indians that the affront was not directed solely at the Spanish, but at the native population as well.

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[42] "Colburt to Miró, October 6, 1782," in Lawrence Kinnaird, ed., *Spain in the Mississippi Valley, 1765-1794: Translations of Materials from the Spanish Archives in the Bancroft Library*, 3 parts (Washington, D.C.: U.S. Government Printing Office, 1946), 2:60.

Cruzat's trick apparently worked. A party of Chickasaws came to visit the Spaniard to seek his help in forming a peace with the Kickapoos and Mascoutens. Cruzat informed Miró that because of his actions, "They [the Chickasaws] wish to become our allies." The delegation who appealed to Cruzat represented Paya Mataha, who Cruzat believed was "complete master among" the Chickasaws. Cruzat claimed that the Chickasaws promised not to assist Colbert's faction and, more importantly, "to expel the bandits from their nation and that they would make efforts to clear the banks of [the Mississippi] river of all the evil doers who infest it." According to Cruzat, the Chickasaws even promised to prove to the Spanish that they no longer supported their former British allies.[43]

Although Spanish officials tried to persuade the Chickasaw leadership to curtail Colbert's actions, they did not really believe that the rebels represented the nation in any official capacity. Nor did they think that the Chickasaws would comply with their promise to "expel" Colbert and his followers from their territory. In his deposition, taken on July 5, 1782 after the party's release by Colbert and arrival in St. Louis, Labadie indicated that although "the Chickasaw . . . are not much inclined in general towards the rebels," they did hold an affinity for "the chiefs, Tranble, Colbert, Cilly, and Malguibry." Therefore, Labadie "believe[d] that although it may not be impossible, at least it will be very difficult to induce these Indians to deliver [the rebel leaders] or allow [them] to be arrested, no matter what efforts may be made."[44] Despite his chicanery in setting the Kickapoos and Mascouten against the Chickasaw, even Cruzat recognized that Colbert's faction did not represent the Chickasaws on a national level. Actually, he doubted whether the faction represented the Chickasaws at all.

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[43] "Cruzat to Miró, August 8, 1782," *Spain in the Mississippi Valley*, 2:52-53.

These acknowledgements did not prevent Spanish officials from using Colbert's connection to the Chickasaws to influence official Chickasaw policy. In early August, Cruzat sent Captain Jacobo De Breuil to investigate the ambush on Labadie's company. Breuil met with a party of Loup Indians at Ste. Genevieve. The Loups claimed knowledge of the attack on Labadie and company. These Indians insisted, "the Chickasaw nation had had absolutely nothing to do with the affair and found itself undecided and not knowing what course to take." With this information in hand, Breuil enlisted the Loup "and some of the Peoria and Kaskaskia nations" to travel to convince the Chickasaws, "not to protect the rebels" and to ensure that "everything possible [was done] so that the river might be navigated without danger or difficulty."[45] In contrast to Cruzat's stick approach in the north, Miró offered a carrot from the south. The Spanish governor general employed the Choctaws to bring the Chickasaw leadership over to the Spanish side. Miró took a practical look at the French efforts to subdue the Chickasaws earlier in the century. He determined that any military expedition into Chickasaw territory would ultimately end in failure.[46] Miró's assessment of the situation implies an understanding among Spanish officials that although the Chickasaw factions may have had different visions for how to move forward, they would ultimately back each other before anyone else.

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[44] "Declaration of Labadie," *Spain in the Mississippi Valley*, 2:30.

[45] "Cruzat to Miró, August 8, 1782," *Spain in the Mississippi Valley*, 2:50.

The nature in which the Chickasaws responded to this carrot and stick approach reveals several things about the unity among the factions of the Chickasaw nation during the last decades of the eighteenth century. It does not matter why or how individual Chickasaws joined Colbert's efforts; it only matters that they did. Colbert's raids threatened the trade the Chickasaws had worked to secure with the Spanish in the 1770s. As a result, many of the Chickasaw leaders sought to distance themselves, and more significantly their polity, from being identified with Colbert.[47]

Despite the influence his sons would gain over the next few decades, the desire of the Chickasaw leaders to absolve themselves from any association with Colbert and his followers immediately after the Revolution reveals that many Chickasaws wished to maintain friendly relations with the Spanish in the post-war years.[48] However, the fact that none of the recognized leaders of the villages that comprised the central body of the Chickasaw confederation could or would force Colbert and his followers to stop their raids demonstrates a lack of a central authority among the Chickasaws. There seems to be no recorded instance in which the chiefs made a concerted effort to expel Colbert or censure those Chickasaws who fought by his side.[49] This reveals that the dissolution of the traditional moiety system and the emergence of Chickasaw factionalism meant that the chiefs could only attempt to mitigate the damage aggressive factions could cause by establishing and maintaining friendly relations with those groups more powerful than their own.

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[46] Lawrence Kinnaird, "Introduction," *Spain in the Mississippi Valley*, 2:xii.

[47] Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006), pp. 153-154; Calloway, *The American Revolution in Indian Country*, p. 229.

[48] In her study of intercultural relations in the Arkansas valley during the seventeenth and eighteenth centuries, Kathleen DuVal maintains that Paya Mataha became the fanemingo for the Chickasaws newly established friendly relations with the Quapaws in 1770. The Chicaksaws used this alliance in part to establish amicable relations with the Spanish, with the Quapaws acting as the intermediary between the

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James Logan Colbert's inability to act on behalf of the Chickasaws in an official capacity aside, it is probable that his letter to Harrison in late July 1783 pushed the Virginia governor to secure a favorable treaty with the nation. Delegates from both groups met at French Lick, near present day Nashville, in early November 1783. Mingo Houma, Piomingo, Fontontoba, Tobokoloby, and Toachoway represented the Chickasaws, while Joseph Martin and John Donelson represented Virginia. During the negotiations, Donelson presented the Chickasaw representatives with "a string of wh[ite bea]ds . . . in the name of your Elder Brother the Governor of Virginia" in order to establish peaceful relations between the two groups. As he accepted the Virginians'

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two groups. As the Chickasaw-Spanish relationship developed, it is possible that Paya Mataha's role as fanemingo transferred directly to the Spanish as well by the end of the American Revolution. DuVal, *The Native Ground*, pp. 138-139.

[49] "Declaration of Labadie," *Spain in the Mississippi Valley*, 2:30; "Cruzat to Miró, August 8, 1782," *Spain in the Mississippi Valley*, 2:50; Calloway, *The American Revolution in Indian Country*, pp. 229, 232; DuVal, *The Native Ground*, pp. 153-154, 157.

offer of peace, Mingo Houma blamed the Chickasaws' transgressions on the influence the English formerly had among them.[50] Although peace was established, neither side seems to have achieved its primary objective for negotiating the treaty in the first place. The Chickasaws did not secure any guarantee of trade to match that of their dealings with the Spanish; nor did they cede any land to the Virginians as the latter had hoped.[51]

Whether or not Chickasaw leaders were aware of the seeming collusion between Harrison and Martin, the Chickasaws understood that it was necessary to obtain consent from North Carolina officials for the terms of the treaty. In 1784, five Chickasaw leaders—Piomingo, Taskietoka, Paya Mataha, Piametahaw, and William Glover—travelled to the fledgling settlement on the Cumberland near French Lick to hear if the "great men of Carolina" would abide by the terms of the treaty. According to Piomingo, the Chickasaws had recently learned about an agreement in which the Cherokees ceded "Land on the Tennessee to the White People." Piomingo expressed dissatisfaction with this arrangement and claimed that the territory in question "is mine and my children's land from which we get our living [i.e., hunting]." Each leader, in turn, assured the Carolinians that they upheld the same diplomatic stance they established with the Virginians, despite the death of Mingo Houma due to measles earlier that year. Taskietoka, who had become the Chickasaw high chief in the interim, promised to uphold the "former talks" of his uncle "as I stand in his place & all is straight as before."[52]

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[50] "Treaty at French Lick with the Chickasaw, November 6, 1783," Center for History and New Media, George Mason University, "Papers of the War Department, 1784 to 1800," accessed online on April 10, 2011. This is a digitized copy of the original, which is contained in the David Shepherd Papers, Draper Manuscripts, State of Wisconsin Historical Society.

[51] Cotterill, "The Virginia-Chickasaw Treaty of 1783," p. 495.

Despite their opposition to the supposed Cherokee land cession, the Chickasaws recognized the need to tread lightly with the Carolinians and were careful to recognize the latter's' diplomatic kinship to the Virginians. By referring to the Carolinians as Americans, the Chickasaws revealed that they saw the fledgling United States as they saw themselves or any other native group: a united ethnicity politically divided into factions that did not have to agree with each other in political matters. Even though the Virginians had agreed to establish peace with the Chickasaws less than a year earlier, it is probable that the Chickasaws feared involvement in a similar war with the Carolinians, which already engulfed factions of the Cherokee.

Chickasaw participation in the Virginia treaty demonstrates that they were astutely maneuvering to align themselves favorably in the post-war system.[53] Moreover, the expression of unity among the Chickasaw leaders at Nashville in 1784 demonstrates their desire to pursue a common diplomatic path. However, the chosen path did not favor the Americans; rather, it actively balanced the Americans against the Spanish.

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[52] "Talk by leaders of the Chickasaw Nation concerning relations with North Carolina [Abstract]," in Walter Clark, ed., *The State Records of North Carolina*, vol. 17 (Raleigh, N.C.: P. M. Hale, Printer to the State, 1886), pp. 85-87, Documenting the American South (University Library, The University of North Carolina at Chapel Hill, 2007), http://docsouth.unc.edu/csr/index.html/document/csr17-0060, accessed February 26, 2011. See also James R. Atkinson, *Splendid Land, Splendid People: The Chickasaw Indians to Removal* (Tuscaloosa: University of Alabama Press, 2004), pp. 124-125.

[53] Cotterill, "The Virginia-Chickasaw Treaty of 1783," p. 485.

In October 1782, the Chickasaws, in what seems to indicate a unified diplomatic policy, had worked to conclude peaceful relations with many of their neighbors in the southeast. The Spanish Governor General, Esteban Miró, made the initial overture in this episode. As part of the Spain's unofficial carrot and stick policy to stifle the actions of James Colbert and his followers, Miró, through his governor at Mobile, Henrique Grimarest, invited Paya Mataha to meet with him "in Natchez to discuss matters of importance that will be advantageous and beneficial to you and your nation."[54] According to Paulous, a Choctaw chief aligned with the Spanish, Paya Mataha delayed his journey due to illness. However, he did intend to travel to Natchez "as soon as his health improves." Perhaps Paya Mataha did not feel a sense of urgency about meeting with Miró because he had made peace with Cruzat only one month earlier.[55] Undaunted, Miró sent a white flag and letters to Paya Mataha on October 24. Paya Mataha did not receive the flag and letters, however, Mingo Houma did. Despite Francisco Cruzat's claim to Miró that Paya Mataha was "complete master among" the Chickasaws, the historical record reveals a much more complicated picture of Chickasaw politics in the 1780s.[56]

Paya Mataha's assertion to the North Carolina officials at Nashville in 1784 that he would follow the path established by Mingo Houma should at least make us question Cruzat's understanding of the confederated, rather than unified, character of the

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[54] "Grimarest to Payemataha, June 11, 1782," *Spain in the Mississippi Valley*, 2:20.

[55] "Report on the Mission of Paulous to the Chickasaws [September, 1782]," *Spain in the Mississippi Valley*, 2:57.

[56] "Cruzat to Miró, August 8, 1782," *Spain in the Mississippi Valley*, 2:49-54.

Chickasaw nation.[57] The Mississippi shatter zone experience created factional divisions among the Chickasaws that no longer recognized the previous moieties of peace and war leaders. In this new system, leaders from the various village clusters appropriated the responsibilities of both maintaining peace and conducting war with non-Chickasaw societies.[58] Further, although they continued to reference the position of a high chief within their society, the individuals who filled this role seem to have served with no more public authority than did the other chiefs. This does not mean that Chickasaw diplomacy did not appear to represent a coordinated policy when viewed from an external perspective, however. Traditional native diplomacy allowed different leaders to be responsible for maintaining relations with different groups. As the Chickasaw chiefs' letter of July 28, 1783 to the American Congress indicates, the Chickasaws still believed in assigning fanemingos to maintain straight paths with their allies.

Mingo Houma's reaction to the receipt of Miró's effects indicates that the Chickasaws pursued a unified policy through his own and Paya Mataha's efforts during these early years. Mingo Houma and the other Chickasaw chiefs and warriors present relayed the following message back to Miró:

> Not being able for the present to come with the chiefs who were conveying the flag and letters, they all begged that in their name they should advise the great Spanish chief that, having made peace with the Americans, they had sent their brother Paymataa and another chief to make peace with the Cherokees and Talapoosas.

They further confirmed that they would travel to see Miró "to take the hand of the great Spanish chief, confirming the peace which they considered already made and assured," but only once Paya Mataha was once again available to travel with them.[59] The prominence Mingo Houma accorded to Paya Mataha in dealing with the Spanish—coupled with the leadership role Piomingo took to secure Carolinian approval of the peace he established with the Virginians the following year—reveals that Chickasaws intended to work through traditional native diplomats in their relations with the Americans and the Spanish.

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[57] "Talk by leaders of the Chickasaw Nation concerning relations with North Carolina [Abstract]," in *The State Records of North Carolina*, 17:86, accessed February 26, 2011.

[58] Ethridge, *From Chicaza to Chickasaw*, pp. 201-254.

Despite Mingo Houma's promise to travel to see Miró, the Chickasaws did not meet with the Spanish in a formal conference for almost one and a half years. During that time, Spanish officials took the opportunity to secure Spain's ability to sustain trade among the Indians of the southeast. The Spanish governors in North America, as had their English counterparts and predecessors before them, knew that trade, rather than warfare, provided the most effective way to secure the loyalty of the native population. By spring 1784, the need to solidify trading agreements with the southeastern Indians convinced Miró that he should hold formal conferences with each of the major southeastern nations. Before he could do so, however, Miró had to find a merchant ready to manage the trade in an economical and expedient manner.

During the period of transition to Spanish governance over Florida according to the Treaty of Paris, British officials and merchants, in collusion with Creek leaders, worked to ensure that the Indian trade under Spanish governance fell to the firm of Panton, Leslie and Company. Established in the waning years of the American Revolution by Scottish merchants, the firm already had connections among the southern Indians, most notably through the Upper Creek leader Alexander McGillivray. The firm's prominent members, William Panton and Robert Leslie, worked feverishly to convince Spanish officials that their firm provided the most efficient platform on which Spain could establish its presence among the major native groups of the southeast. They succeeded in part because Spanish officials learned that they could not secure the Creek trade without appeasing McGillivray. The firm established an agreement with the Spanish government by the end of 1783. However, they would not grant Panton, Leslie and Company a full monopoly over the Indian trade.[60]

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[59] "Spanish Overtures to the Chickasaws, October 24, 1782," *Spain in the Mississippi Valley*, 2:60-61; quotes on p. 61.

The Creeks and Spanish met at Pensacola in late May 1784. Despite Miró's ambition to secure an alliance among the southeastern Indians, he, O'Neill, and Navarro met with the Creeks alone. Spanish officials did not meet with other southeastern leaders until almost one month later in Mobile, during which conference they secured the trade with the Chickasaws, Choctaws, and Alabamons for the trading firm of Strother and Mather. The Spanish officials paid special attention to the Chickasaws during the conference. As James Colbert's raids had proven, the Chickasaws controlled a strategic location, Chickasaw Bluffs, along the Mississippi River that afforded them unmatched control over transport between the Illinois territory and New Orleans.[61] The Chickasaw Bluffs, near present-day Memphis, offered a strategic vantage point over a portion of the Mississippi River that in the late eighteenth century contained a whirlpool that drew boats within gunshot against their crews' will.[62]

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[60] "Copy of His Excellency Governor Tonyn & Brigadier General McArthur's Orders to the Superintendant with his Application to the Governor," FO 4/1, Foreign Office, British National Archives, Kew, Richmond, Surrey, England; "Thos. Brown to Lord Sidney, May 20, 1784," Foreign Office Records 4/1, British National Archives, Kew, Richmond Surrey, England; Gibson, *The Chickasaws*, p. 77; William S. Coker and Thomas D. Watson, *Indian Traders of the Southeastern Spanish Borderlands: Panton, Leslie & Company and John Forbes and Company, 1783-1847* (Pensacola: University of West Florida Press, 1986), pp. 51-56; David J. Weber, *The Spanish Frontier in North America* (New Haven: Yale University Press, 1992), p. 283; and Atkinson, *Splendid Land, Splendid People*, p. 124.

[61] "Council of War Held at St. Louis, July 9, 1782," *Spain in the Mississippi Valley*, 2:40.

Not only were the Chickasaws important to the Spanish during the post-Revolutionary era, but the same held true in reverse. As such, every Chickasaw village sent representatives to the Mobile conference.[63] Paya Mataha, the primary diplomat to the Spanish for the previous fourteen years, represented his home village of Chouculissa.[64] Due to his prominent role in the negotiations with the Virginians at French Lick the previous November and at Nashville the following fall, Piomingo's representation as the chief of Chuckafalya denotes the presence of a pro-American faction at the conference.[65] Some of the lesser villages—Tascahuilo, Malata, and Achucuma—most likely acted in concert, denoting factional interests that spread across villages.[66] Mingo Houma could not be present at the conference. He was most likely ill by this time as he died from measles shortly thereafter. He did make a gesture of support for the conference, however, by sending "the white collar" along with his two emissaries, Conchi Matasha and Morigulacha Mingo, to represent him and his village, Talachao.[67]

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[62] Charles A. Weeks, *Paths to a Middle Ground: The Diplomacy of Natchez, Boukfouka, Nogales, and San Fernando De Las Barrancas, 1791-1795* (Tuscaloosa: University of Alabama Press, 2005), pp. 127-128.

[63] Rations Given to Indians at Congress of Mobile, June 24, 1784," *Spain in the Mississippi Valley,* 2:102.

[64] The notion that Chouculissa was Paya Mataha's home, or primary village, is identified on "Map of North America… [c.1775]," MR 1-919, British National Archives, Kew, Richmond, Surrey, England.

[65] Atkinson, *Splendid Land, Splendid People*, p. 124.

[66] The notion that some villages acted together is derived from James Atkinson's discussion of Chickasaw village proximities and intermingling that had occurred over the previous half century. Atkinson, *Splendid Land, Splendid People*, pp. 139-142.

[67] Deloria and DeMallie, *Documents of American Indian Diplomacy,* 1:125.

Although he is not listed by any of his common names, Taskietoka was most likely present at the conference as well. As Taskietoka would soon assume the position of high chief after his uncle's death, perhaps he was one of Mingo Houma's representatives.[68] It is also interesting to note that Malata's representative signed the treaty as "Fanni Mingo." As we will soon see, Piomingo assumed the role of fanemingo to the Americans no later than at the Hopewell Treaty in 1786. Hindsight allows us privileged knowledge that a measles outbreak in the Chickasaw villages in 1784 claimed both Mingo Houma and Paya Mataha. Although highly speculative, perhaps the identification of a Chickasaw representative at the Mobile conference as Fanni Mingo could have been intended to signify who would assume the primary role among the Chickasaw for dealing with the Spanish after Paya Mataha passed. As both Chouculissa and Malata were Large prairie villages, and part of Old Town, it is possible that this Fanni Mingo was, in fact, Taskietoka.[69] As we will see in the next chapter, he became a fervent supporter of Spanish goals until his own death in 1794. Another future leader who may have assumed the moniker is Ugulayacabe. He emerged as the counterbalance to Piomingo's pro-American tendencies over the next decade, eclipsing even Taskietoka in respect paid by Spanish officials.[70]

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[68] Charles A. Weeks, "Of Rattlesnakes, Wolves, and Tigers: A Harangue at the Chickasaw Bluffs, 1796," *William and Mary Quarterly* 67:3 (July 2010): 494; Vine, Deloria, Jr. and Raymond J. DeMaillie, eds., *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979,* vol. 1 (Norman: University of Oklahoma Press, 1999), pp. 125-130; Manuel Serrano y Sanz, *España y los Indios Cherokis y Choctas en la Segunda Mitad del Siglo XVIII* (Sevilla, 1916), p. 82; and "Rations Given to Indians at Congress of Mobile, June 24, 1784," *Spain in the Mississippi Valley*, 2:105.

[69] Stephen R. Cook, "Table 1 – Chickasaw Village Name/Area Associations (Cook Table 1)," The Chickasaw Indian Nation and their Villages, http://www.thechickasawvillages.com/table_1.html, accessed February 25, 2011.

The Spanish officials intended the Pensacola and Mobile conferences to produce a military alliance among the southeastern tribes that would be tied to and supported by the Spanish. They failed to secure this objective. The most success that can be attributed to the treaties is that they established formal trade relations for the post-war system. Despite the efforts of Panton, Leslie and Company to control the Indian trade, the Chickasaw and Choctaw trade went to the firm of Strother and Mather. According to the terms of the treaty, the Chickasaws essentially promised the Spanish sole right to trade within their nation. Further, they promised to curtail the "piracy" committed by Colbert and his followers and to maintain peace with their native neighbors of the Mississippi valley. They did reserve the right, however, to continue their ongoing war with the Kickapoos—whose aggression against the Chickasaws Cruzat had been unable to stop—until "our grievances are resolved, the groundwork may be established for the desired union, ceasing all types of hostilities and living in the most perfect union."[71]

The Chickasaws' problems with the Kickapoos did not end quickly. After a year of continued hostilities following the Mobile Treaty, Cruzat informed Miró that the use of force against the Kickapoos to end the hostilities would be useless. Cruzat offered three reasons for his conclusion. First, the Kickapoos enjoyed the protection of the English, who refused to abandon their posts in the Northwest despite agreements made in the Treaty of Paris. Second, the Kickapoos were allied with the Indians in the Wabash district. Third, cutting the Kickapoos off from St. Louis would only raise their ire and invite violence upon the Spanish around St. Louis. Cruzat recognized the need to find peaceful resolution for the two tribes as continued violence would decrease the probability of the Chickasaws trading at St. Louis and increase the probability of the Chickasaws supplying their needs only through the Americans.[72] As we will see in Chapter 2, Cruzat's inability to put an end to Kickapoo attacks on the Chickasaw probably had direct bearing on some Chickasaws' decision to support American forces in the Ohio country against the Little Turtle's confederation in the 1790s.

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[70] Charles A. Weeks suggests, "Ugulayacabe, Piomingo, and others might be seen as playing this role [fanemingo] on behalf of their Spanish and American neighbors among the Chickasaws in the 1790s." My intent in the first two chapters is to confirm Weeks' speculation and to place that within a greater understanding of the nature of Chickasaw diplomacy following the American Revolution. Weeks, "Of Rattlesnakes, Wolves, and Tigers," p. 493. James Atkinson claims that Ugulayacabe was present at and signed the Mobile treaty but that his presence could have gone relatively unnoticed as he "was still somewhat obscure with regard to Chickasaw politics" when the Mobile conference occurred. Atkinson, *Splendid Land, Splendid People,* pp. 124-125.

[71] Deloria and DeMaillie, eds., *Documents of American Indian Diplomacy*, 1:125-127.

Despite the seeming harmony between the Chickasaws and the Spanish achieved during the Mobile conference, the Chickasaws were not necessarily put at ease by the treaty. Francisco Cruzat received a number of delegations from multiple Indian nations at St. Louis in August 1784. These delegates, among who numbered some Chickasaw leaders, represented those nations affected by American encroachment into the Ohio valley. Cruzat's primary fear to come out of this meeting was that the Indian delegations expressed their concern that the Spanish would act like the newly formed nation of Americans. More important to our study, however, is that the description of the United States offered by these delegates provides unique insight into a native understanding of their newly formed political neighbor.

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[72] "Cruzat to Miró, August 13, 1785," *Spain in the Mississippi Valley*, 2:133-134.

> ‘The Master of Life willed that our lands should be inhabited by the English, and that these should dominate us tyrannically, until they and the Americans, separating their interests, formed two distinct nations. That event was for us the greatest blow that could have been dealt us, unless it had been our total destruction. The Americans, a great deal more ambitious and numerous than the English, put us out of our lands, forming therein great settlements, extending themselves like a plague of locusts in the territories of the Ohio River which we inhabit.’[73]

As this passage implies, Native Americans understood that the citizens of the United States were dedicated to aggressive expansion and domination of the lands they occupied. Equally important to our story is the notion that large polities develop separate interests, and that if those interests diverge too much, the political union may break apart. If we take this passage to indicate that the Chickasaws understood that any competing interests within the United States needed to be balanced in order to stave off encroachment into their territory, the meeting Piomingo, Taskietoka, and Paya Mataha had with the Carolinians at Nashville to reaffirm and spread the peace established with Virginia in 1783 illustrates a concerted effort among Chickasaw leaders to act toward a common goal of maintaining independence and sovereignty.

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That Chickasaw leaders seem to have pursued an overt national policy is not intended to dismiss the notion of factional interests among the Chickasaws. Rather, it demonstrates how Chickasaw political culture recognized the legitimacy of factions to take action on behalf of the entire polity. Factional interests were certainly at play in the post-Revolution world, and not all individuals among the Chickasaws agreed with the idea pursuing the Spanish as an ally. As noted, Piomingo led the efforts to reaffirm the peaceful relations established with the Virginians at French Lick in 1783 and to spread them to all of the American states.[74] Nor was Piomingo's desire to maintain favorable relations with the Americans one-sided.

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[73] “Cruzat to Miró, August 23, 1784,” *Spain in the Mississippi Valley*, 2:117; underlining emphasis is mine.

The Pensacola and Mobile treaties raised alarm among the Americans to a point that the central government finally had to take action. The Americans were particularly concerned about the treaties' stipulations that the Spanish hold a monopoly concerning trade with the southern Indians. Further, United States officials worried that the call for a southern alliance among the nations would result in warfare as American settlers tried to assert their control over territory guaranteed to them in the Treaty of Paris. A bicultural Chickasaw, Robert Tompson, traveling in the Arkansas valley in late fall 1785, informed Spanish officials that the Chickasaw chiefs "had received a letter from General [George] Washington asking them to appear at the new city of Augusta in Georgia in order to have a conference with them in the name of Congress." According to Tompson, the Choctaws and Creeks received similar letters.[75]

Washington's proposed conference did not result in the intended negotiations with the southern Indians. The Americans' initial proclivities to treat the Indians of their western territories as defeated enemies—from whom they could confiscate land—following the Treaty of Paris did not necessarily meet with native acquiescence.

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[74] James R. Atkinson asserts that Piomingo came to this action because, after surveying the historic record, the Chickasaw leader determined that no "non-English-speaking" power ever maintained a controlling position in the Lower Mississippi Valley; see Atkinson, *Splendid Land, Splendid People*, p. 138. As discussed earlier, however, it is possible that Piomingo's early allegiance with the Americans was part of a more intentional, unified policy among the Chickasaws to balance the influence of both the Spaniards and the Americans in the post-Revolution period.

[75] "Bouligny to Miró, December 12, 1785," *Spain in the Mississippi Valley*, 2:158.

Alexander McGillivray worked to stifle negotiations between the United States government and any of the southern Indians. Rather than treating these Indians to peaceful negotiations, therefore, the Americans resorted to threats of "Instant Death" to coerce the Creek delegates to cede land along the Oconee River.[76] It is unclear whether any Chickasaw delegates attended this conference, but we can assume that they would have met such actions by the Americans with the same disgust that McGillivray exhibited. Chickasaw leaders met in council with the Creeks and Cherokees in July 1785, during which all three nations rejected the United States' right to claim their lands as a result of the Treaty of Paris.[77] By the mid- to late-1780s, the Confederated Congress shifted its Indian policy toward a more conciliatory method that promoted negotiation and purchase.[78] It was during this transition that Chickasaw and United States delegates met near Hopewell, South Carolina in early January 1786 to formalize relations between the two nations.

The documents related to the Chickasaw negotiations offer a matter of fact, business-like manner for interpretation. The journals for the Americans' negotiations with the Cherokees and Choctaws during the two months prior reveal an adherence to native rituals of diplomacy, however, that suggests the same probably held true for the Chickasaw council. Unlike their counterparts dealing with the northern Indians,

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[76] "McGillivray to Miró, May 1, 1786," in Panton, Leslie & Company, and John C. Pace Library, "The Papers of Panton, Leslie and Co. [Materials Collected by the Papers of Panton, Leslie and Co. Project, John C. Pace Library, University of West Florida]," (Woodbridge, Conn: Research Publications, 1986), Reel 2. Hereafter referred to as PLP.

[77] Gibson, *The Chickasaws*, pp. 78-79.

[78] Reginald Horsman, *Expansion and American Indian Policy, 1783-1812* (East Lansing: Michigan State University Press, 1967; reprint Norman: University of Oklahoma Press, 1992), pp. 3-52.

American negotiators in the South still had to respect native rituals of diplomacy.[79] The presence of the Spanish in Florida and Louisiana, coupled with the vast territory still under native control, compelled American negotiators in the south to negotiate according to the terms of their Indian counterparts, even when they represented the larger confederation of the United States. The Choctaws often performed elaborate ceremonies to open treaty negotiations with both state and national representatives during the 1780s and 1790s. The Hopewell conference proved no different. Those rituals included converting the American commissioners into fictive kin and sealing the approval of all by smoking the calumet. Chickasaw delegates observed and participated in some of these rituals; therefore, it stands to reason that the Chickasaw-American negotiations were initiated in a manner that complied with Chickasaw notions of diplomacy.[80]

Unlike their Choctaw brothers at Hopewell, the Chickasaws did not disavow the agreements made on behalf of their nation during the earlier Mobile conference.[81] Further, Piomingo asserted his position as the primary diplomat—much like that of a fanemingo—with whom the Americans should consult to negotiate with the Chickasaws. He presented the commissioners with a string of white beads to affirm the friendship established between the Chickasaws and the Americans by Mingo Houma.

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[79] James H. Merrell, "Declarations of Independence: Indian-White Relations in the New Nation," in Jack P. Greene, ed., *The American Revolution: Its Character and Its Limits* (New York: New York University, 1987), pp. 200-201.

[80] "Journal of Hopewell Treaty with the Choctaw," Draper Manuscripts Collection, Frontier Wars Mss., State Historical Society of Wisconsin, 14U72, 81; Greg O'Brien, *Choctaws in a Revolutionary Age, 1750-1830* (Lincoln: University of Nebraska Press, 2001; with a new afterward, 2005), pp. 55-59; "Benjamin Hawkins and Andrew Pickens to the Honorable Charles Thomson, Esq., December 30, 1785," *ASP:IA*, 1:49.

[81] O'Brien, *Choctaws in a Revolutionary Age*, p. 56.

Despite Piomingo's eventual affinity for the Americans, the opening speeches also indicate that he could not act alone for the Chickasaws. He had a counterpart among the Chickasaws—Mingatuska, also known as Taskietoka—with whom he stood as "successors" to the roles played by Mingo Houma and Paya Mataha prior to their deaths the previous year.[82] As we will see in the next chapter, the manner in which these two men played these complementary roles reinforced the Chickasaws the ability to play the Spanish and Americans against each other over the next decade.[83]

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Despite attempts to assert the central government's control over Indian affairs by the mid-1780s, the states continued to challenge the Confederated Congress' authority in these matters.[84] Not everyone approved of the treaty signed by the Chickasaw and the United States commissioners at Hopewell.[85] Just as the Chickasaws and other native societies were subject to factional differences, so too were the United States. William Blount attended the Hopewell treaty councils on behalf of North Carolina. Blount openly "protest[ed] against the treaty" and presented a letter on behalf of his state objecting to the Continental Congress' right to adjudicate territorial boundaries that conflicted with those claims "described in [the North Carolina] bill of rights." Blount gave his letter to Hawkins, Pickens, and Martin just prior to the signing of the treaty on January 10, 1786.[86]

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[82] "Journal of Hopewell Treaty with the Chickasaw," Draper Manuscripts Collection, Frontier Wars Mss., State Historical Society of Wisconsin, 14U96-100.

[83] The interpretation I am laying out here coincides with Calloway's assessment of Piomingo's and Ugulayacabe's goals during this time period. Calloway, *The American Revolution in Indian Country*, p. 241.

[84] Horsman, *Expansion and American Indian Policy*, p. 24; Prucha, *The Great Father*, 1:42-50; and Wood, *Empire of Liberty*, p. 126; and Weeks, *Paths to a Middle Ground*, p. 50.

[85] Coker and Watson, *Indian Traders of the Southeastern Spanish Borderlands*, p. 85.

That North Carolina officials refuted the legitimacy of treaties affecting their domain was not an anomaly at the time. State leaders had every right to disregard a treaty made by the Confederation Congress.[87] To complement Blount's actions at Hopewell, the General Assembly of Georgia announced their state's right to nullify any portions of the Hopewell treaties that impinged upon the rights of the citizens of Georgia.[88] This resolution was most likely in relation to Georgian attempts to secure the Natchez District along the Mississippi River, an effort initiated in early 1785. While Piomingo and Taskietoka negotiated the Treaty of Hopewell, William Davenport, one of the Georgian representatives, made his way among the Chickasaws to negotiate a land cession for the state. After drawing the ire of the Spanish governor-general in New Orleans, the Georgian "retreated precipitately into the Chactaw Nation, & there assumed the character & had Since acted as American Superintendent for that [Choctaw] & the Chickesaw Nation."[89]

The examples of William Blount and William Davenport blurred the lines of authority which the Chickasaws had sought to have resolved in the early years after the

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[86] "Journal of Hopewell Treaty with the Chickasaw," 14U102-103. Blount's statements are recorded in *The State Records of North Carolina*, 18: 490-491.

[87] When he transmitted copies of the Hopewell treaties to the governor of Virginia, Secretary of Congress Charles Thomson could not demand that Virginians comply by the agreements therein. Instead, he submitted the treaties "urging the policy of requiring a strict observance in good faith of all the articles thereof on the part of the citizens of Virginia." "Chas. Thomson, Sec'y of Congress, April 22, 1786," *Calendar of Virginia State Papers and Other Manuscripts from January 1, 1785, to July 2, 1789 Preserved in the Capitol at Richmond,* Vol. IV, arranged and edited by Wm. P. Palmer (Richmond: R.U. Derr, Superintendent of Public Printing, 1884), p. 120.

[88] *ASP:IA*, 1:285.

[89] "McGillivray to Zéspedes, October 6, 1787," PLP, Reel 3.

Revolutionary War. Not only did the institutional nature of factionalism among native cultures allow for differences and competition among native leaders, the same seemed prevalent in American society. Although Spanish officials attempted to present a unified front, even the carrot and stick counterbalance of Miró and Cruzat regarding Colbert's raids in the waning years of the Revolution reveal that the Chickasaws could not trust their alliance with Spain to protect their sovereignty. As such, the Treaty of Hopewell raised concern among some of the Spanish officials concerning the position the Chickasaws would ultimately take towards them.

Although the Hopewell treaty stipulated that the Chickasaws were "under the protection of the United States of America, and of no other sovereign whatsoever," the Chickasaw delegates' primary objective was to secure a favorable trade relationship with the Americans along the lines of the one secured with the Spanish at Mobile in 1784.[90] The establishment of trade relationships with both the Americans and the Spanish was the key to Chickasaw security in the post-Revolution era. If successful, they would have been able to check the ability of both the United States and Spain to make demands on the Chickasaws. However, the resulting competition between the Spaniards and Americans for the Chickasaws' favor promoted a level of rigidity among the factional leaders in which they would not be able to reconcile their differences.

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[90] Charles J. Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, Vol. 2, *Treaties, 1778-1883* (Washington, DC: Government Printing Office, 1904), 2:14; O'Brien, "The Conqueror Meets the Unconquered," pp. 48-49.

CHAPTER 2

PEOPLE TO OUR SELVES?

On October 26, 1793, Manuel Gayoso de Lemos, the Spanish governor at Natchez, convened a congress of the southern Indian nations at Nogales. The purpose of the conference was to establish a pan-Indian alliance for the protection of the eastern Mississippi valley against further encroachment by the expanding American populace and to restore peace between the Chickasaws and Creeks, who had been at war since the late 1780s over Piomingo's alliance with the United States. Gayoso offered two metaphors designed to illustrate the danger of disunity both among and, more importantly, within the native nations. In his first metaphor, Gayoso compared the Chickasaws to a family whose lack of unity was destined to result in ruin. Gayoso claimed that Piomingo's American proclivity went "away from the thinking of the rest" of the Chickasaws. If allowed to continue, the result would be catastrophic to all of the southeastern native nations. Gayoso built on this example for his second metaphor about what he considered the family of all native peoples. Gayoso described "four houses [who] are close [enough] together [that] fire (will) threaten the one farthest away, if the residents of the others do not help to put it out." The fire was the threat of American incursion into the southeast and the subsequent control they would gain over each native polity should they refuse to ally against further American incursion.[1]

In his reply before the entire congress, Ugulayacabe ignored Gayoso's suggestion that Piomingo's American proclivity was a threat to Chickasaw peace and security. Instead, he focused on Gayoso's four houses, albeit through an alternate metaphor. Ugulayacabe compared the four nations to the "four fingers of a hand that, when working together, can lift a great weight"; however, the Chickasaw chief indicated that in a world in which western imperial powers vied with Native Americans for control over the land, the four fingers were not enough. Ugulayacabe stated that "if to the four fingers are added the help of a thumb, in this case the Spanish nation, then the power of all is increased significantly."[2] By publicly casting aside Gayoso's reference to the internal divisions among the Chickasaw, Ugulayacabe most likely wished to assert his ability, and his alone, to negotiate on behalf of the Chickasaws. Further, Ugulayacabe's metaphor reveals that the presence of at least two imperial-minded, Euro-American powers was vital to the maintenance of native sovereignty, especially in the post-Revolution world of American efforts to build an empire of liberty.

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[1] "Gayoso's Account of the Nogales Assembly, October 1793," Weeks, *Paths to a Middle Ground*, pp. 212-214; quotes on pp. 213 and 214 respectively; Coker and Watson, *Indian Traders of the Southeastern Spanish Borderlands*, pp. 180-181.

This chapter follows the progression of Chickasaw political factions as they became increasingly attached to either the Americans or the Spanish in the decade following the Hopewell treaty of 1786. Although early state ambitions to assert their individual authority over that of the Americans' central government offered a degree of flexibility during the late 1780s, the federal government attempted to consolidate its control over Indian affairs in the 1790s. At the same time, Chickasaw leaders divided over how best to maintain their autonomy and sovereignty in the ten years following the Hopewell treaty when faced with an expanding American populace whose allegiance to any one imperial power seemed questionable. The previous century of imperial relations suggested that Native Americans use imperial officials to restrain the ambitions of individuals on the ground. Consequently, Chickasaw leaders cemented the relationships established with Spain at Mobile and the United States at Hopewell. As individual leaders performed their diplomatic roles as representatives to either Spain or the United States, they became convinced that their own European American imperial ally held the key to counteracting the external forces that threatened the independence of the Chickasaw polity. Further, as evidenced by his disregard of Gayoso's concern for the legitimacy of Piomingo's alliance with the Americans, the former recognition of equal authority afforded to opposing factions within Chickasaw politics had eroded by the early 1790s and the surface of the Chickasaw nation's diplomatic policies became fractured, exposing their divisions to the world. The confederation of southern Indian nations approved by the Nogales Congress seemed to indicate a successful future for both Ugulayacabe's and Gayoso's attempts to thwart Piomingo and the Americans. The subsequent Treaty of San Lorenzo halted the formation of an official pan-Indian confederation among the southeastern Native Americans, however, and further deepened the chasm of American dependency into which the Chickasaws were falling.

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[2] "Gayoso's Account of the Nogales Assembly, October 1793," p. 217.

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The stipulations resulting from the Hopewell treaty seemed to satisfy some of the Chickasaws concerns of the previous three years regarding their relations with the Americans. Not only did the treaty establish peace with the United States, it also established Congress as the political entity among the Americans with whom the Chickasaws should deal. As we will see over the course of this study, however, the Chickasaws always had to be mindful of individual and state ambitions regardless of the laws passed by the federal government. The treaty also upheld Chickasaw sovereignty over their lands. Despite wording that recognized United States' ownership of Chickasaw land, Americans who settled on Chickasaw land forfeited their right to appeal to the United States protection; rather, they became subject to Chickasaw laws. Further, as no purchase was made for those lands, we can assume that the Chickasaws did not recognize any transfer of land ownership, other than that given to establish a trading post.

As William Blount's protest on behalf of North Carolina at the conclusion of the Hopewell negations indicates, not everyone approved of the treaty signed by the Chickasaw and United States commissioners at Hopewell. Among those particularly aggrieved were the American settlers who had begun moving onto the lands to which they believed they had finally won the right by defeating the British in the Revolution. Moreover, Americans living in this region did not necessarily demonstrate allegiance to the United States, nor to their own states for that matter. As the southern states had proved in their willingness to negotiate directly with the Indians regardless of Congress's claims to sole authority in such manners, many American settlers in the southeast demonstrated a willingness to negotiate as political entities with both the Indians and with Spain.

Beginning in 1787, General James Wilkinson of Kentucky enjoyed a long tenure as a double-agent for Spain during which he worked to have Kentuckians separate from Virginia and align with Spain.[3] Wilkinson promised to deliver Kentucky to the Spanish in return for trading rights in New Orleans. His efforts failed. Regardless, his attempt exemplifies how many individuals living in the borderlands questioned the ability of either the federal government or the states to protect and secure their liberty.[4] Even James Robertson—the future federal Indian agent to the Chickasaws once the Southwest Territory was established in 1792—appealed to the Spanish for protection against the Creeks and Cherokees on behalf of the settlement of Cumberland. Robertson informed Miró that the Cumberland settlement had determined to separate from North Carolina, and even suggested that the settlers would accept the sovereignty of Spain if such an action could protect their ability to retain the lands they recently had claimed.[5] Further, as capitalism slowly took hold in the United States, these citizens needed to have access to markets back on the Atlantic coast and overseas. The most efficient manner for transport was to use the extensive network of rivers that drained into the Mississippi River. Despite the guarantee of access to the river according to the 1783 Treaty of Paris, Americans had to secure their right to passage out of the continent at New Orleans by negotiating with the Spanish.[6]

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[3] DuVal, *The Native Ground*, pp. 176-177.

Although Wilkinson's promise to deliver Kentucky into the arms of the Spanish Empire failed, it is likely that Spanish officials would have shared knowledge of such intrigues with native leaders in order to convince them of which western power to support. Further, other Americans made more overt efforts to align with the Spanish that would have caused Chickasaw leaders to question the allegiance of settlers to the United States. In summer 1786, John Sevier, governor of the offshoot State of Franklin, offered the Chickasaws and Cherokees "forever protection against the Creek Nation."[7] At face value, Sevier's action may seem to be a clear indication that the United States, in some form or another, was offering help to the Chickasaws. That is not necessarily the case. Sevier most likely was attempting to garner native protection for the settlers against the Creeks and Over Hill Cherokees with whom they were at war. As one of the founding members of the American settlement at Muscle Shoals, Sevier was at odds with North Carolina officials, who refused to recognize Franklin's right to carve out its own sovereign territory within that state's western territory. Two years later, Sevier even appealed to Diego Gardoqui, the Spanish minister to the United States, to establish an alliance and trade agreement for Franklin, which was on the brink of failure. North Carolina's recent rejection of the U.S. Constitution threatened Sevier's only hope to become an equal member of the United States. Sevier suggested that the citizens of Franklin were willing to accept Gardoqui's recent offer of Spanish protection.[8]

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[4] This sentiment was not restricted to the south. As Patrick Griffin demonstrates, settlers north of the Ohio River were certainly not steadfast in their allegiance to the newly formed United States. Rather, the pragmatic need for security influenced to which government westerners would pledge allegiance both during and after the Revolution: Great Britain, America, or one their own creation. Patrick Griffin, *American Leviathan: Empire, Nation, and Revolutionary Frontier* (New York: Hill & Wang, 2007).

[5] "Robertson to Miró, September 2, 1789," *Spain in the Mississippi Valley*, 2:279; Atkinson, *Splendid Land, Splendid People*, p. 136.

[6] "Treaty of Paris, 1783," National Archives, International Treaties and Related Records, 1778-1974, General Records of the United States Government, Record Group 11; Wood, *Empire of Liberty*, pp. 112-114.

Southeastern Indian leaders were concerned about their options after the American Revolution. With Great Britain removed from the picture, Spain and the United States competed for the Indians' allegiance. Try as they might, these two former allies could not commit the Chickasaws, into a one-sided alliance. This was due in part to two factors. First, the ambivalent allegiance of American settlers—demonstrated in the actions of James Wilkinson, James Robertson, and John Sevier—offered two avenues through which the Chickasaws could stave off western encroachment into and control over their society. Second, the Americans and Spaniards failed to understand the complex dynamic presented by factional divisions among the southeastern Native Americans.

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[7] "Extract from [a] letter, 1786 Sept. 30, [State of] Franklin [to] Governor [Edward] Telfair," Telamon Cuyler, Hargrett Rare Book and Manuscript Library, The University of Georgia Libraries, presented in the Digital Library of Georgia, http://dlg.galileo.usg.edu/zlna/id:tcc751, accessed on February 27, 2011.

[8] Samuel Cole Williams, *History of the Lost State of Franklin*, rev. ed. (Press of the Pioneers, 1933; reprint The Overmountain Press, 1993), pp. 235-244; Kinnaird, *Spain in the Mississippi Valley*, 2:xvii, xxii.

Despite Piomingo's seeming love of his new American brothers, even he understood that he had to hold his faction's dependence upon American in check in order to stave off the ability of Americans to control Chickasaw lands.[9] Therefore, he and the other Chickasaw negotiators at Hopewell agreed that the United States would establish a trading post at Muscle Shoals on the Tennessee River. The Chickasaws designated the site as a means through which to invite American traders close to their homelands and yet keep them outside of the intimate spaces of their villages. Although individual traders were not restrained from conducting business in the southeast, the treaty granted the Confederated Congress the authority to regulate all trade with the Chickasaws. Further, Congress was allowed to take its time to determine if and how the central government would take an active role in the trade.[10] The location of the trading post became a stumbling point for the Chickasaws and the United States over the next decade, however, as the Creeks claimed Muscle Shoals as part of their territory as well.

By granting the Americans the right to establish a trading post and settlement at Muscle Shoals, the Chickasaws instigated a decade of open hostility between

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[9] Calloway, *The American Revolution in Indian Country*, pp. 233-234.

[10] Kappler, *Indian Affairs: Laws and Treaties*, 2:15-16.

Piomingo's faction and the Upper Creeks led by Alexander McGillivray that would also help solidify the factional divisions among the Chickasaws along pro-American or pro-Spanish lines. Additionally, it opened a door through which the United States worked over the next decade to establish trading posts within the Chickasaw nation. In a letter to the Spanish governor at Pensacola, Arturo O'Neill, dated May 12, 1786, Alexander McGillivray stated that the land the Chickasaw delegates ceded at Hopewell was not theirs to surrender. Although McGillivray claimed that the Creeks drove off those Americans who had attempted to settle at the Shoals, he believed the Chickasaws' action was in direct contradiction to an agreement they made with the Creeks and Cherokees the previous July. McGillivray informed O'Neill that the "confederated [Indian] nations" found the act so egregious as to "attack and castigate" the Chickasaws. Further, he would travel to meet with the Chickasaw leaders for the purpose of ending the hostilities and to keep the Chickasaws "addicted" to the protection of Spain, which they obtained by the Mobile treaty in 1784.[11]

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Despite the apparent success the Spanish had in securing treaties with the southeastern Indians at Pensacola and Mobile in 1784, Cruzat feared a pan-Indian alliance, rumors of which he had heard were being instigated by the Chickasaws and Abenakis. According to Cruzat, the two nations wanted to unite all of the Indians in a "war upon the Spaniards, French, and Americans to see whether they can destroy them or drive them from all these continents."[12] Miró, for his part, remained calm. He trusted that his work during the 1784 conferences at Pensacola and Mobile would prove fruitful: "I can flatter myself that I established the most solid foundations for the purpose of separating these nations [Cherokees, Chickasaws, and Creeks] from the American side although the inconstancy and unreliability of every Indian is such as not to give us entire security." Miró attempted to calm Cruzat's suspicions about the supposed pan-Indian alliance. Although he did not deny the plot's existence, he claimed the Chickasaws "continue firm in their friendship to [Spain], which they prefer to that of the Americans against whom they are forming a powerful league."[13]

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[11] "Alexander McGillivray to Arturo O'Neill, May 12, 1786," in PLP, Reel 2; Calloway, *The American Revolution in Indian Country*, p. 236; Atkinson, *Splendid Land, Splendid People*, p. 133; and Weeks, *Paths to a Middle Ground*, p. 43.

Miró had reason to believe that the southeastern natives preferred the Spanish to the Americans. Continued American attempts to settle on Indian lands prompted joint efforts among the Creeks, Cherokees, and Shawnees to drive settlers out of their lands in Georgia and Tennessee. Further, these war parties armed themselves with Spanish weapons.[14]

Miró's confidence was most likely misguided, however, as both Taskietoka and Piomingo sought to play the Spanish and the Americans against each other. On June 1, 1787, a young Chickasaw, who claimed to represent "the Great Chief Takapoumas, [his] uncle," informed Carlos de Grand-Pre, commandant at Natchez, that half of the Chickasaws had thoroughly aligned themselves with the Americans, "but the other half refused them, saying they did not have or want to have any other fathers than the Spaniards." Grand-Pre expressed concern that his informant may not have been forthright in his dealings with the Spaniard: "Despite the many questions I put to this envoy I have not been able to clear up anything in all that he told me, for he contradicted himself every instant so that I did not and do not give any credence to his information."[15] By the summer 1787, O'Neill feared that if better trade goods and terms were not established with the Chickasaws soon, the friendship the Spanish enjoyed with the nation might be lost.[16]

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[12] "Cruzat to Miró, December 4, 1785," *Spain in the Mississippi Valley*, 2:157.
[13] "Miró to Cruzat, March 5, 1786," *Spain in the Mississippi Valley*, 2:170.
[14] Merrell, "Declarations of Independence," p. 203.

O'Neill's concerns hit the nail on the head. Securing and maintaining the Chickasaws' favor was an economic concern from the beginning for both the Americans and the Spanish. Even McGillivray observed that the Americans were able to gain a foothold among the Chickasaws during the late 1780s due to the poor trade relations the Chickasaws enjoyed with Spain. By the mid- to late-1780s, the price of deerskins in Europe had dropped significantly, hindering the firm of Strother and Mather's ability to adhere to the rates established by the Mobile Treaty in 1784. Sensing weakness in the Spanish Indian trade, Georgians attempted to capitalize on Chickasaw and Choctaw unrest in order to win allies for their ongoing problems with the Creeks.[17] McGillivray, in turn, used this in an attempt to obtain Panton, Leslie and Company official access to the Choctaw and Chickasaw trade that had been denied to them since 1784.[18] Although a joint threat—issued to Miró by Taskietoka and the Choctaw leader, Franchimastabe—that the Chickasaws and Choctaws would turn to the Americans if favorable trade was not established bolstered McGillivray's claim, the

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[15] "Grand-Pre to Miró, November 1, 1787," *Spain in the Mississippi Valley*, 2:210-211.

[16] "O'Neill to Miró, July 20, 1787," PLP, Reel 3.

[17] Weeks, *Paths to a Middle Ground*, p. 52.

[18] "McGillivray to Zéspedes, October 6, 1787," PLP, Reel 3.

Creek leader's intrigue did not succeed initially.[19] Miró and Navarro continued to support Strother and Mather. They pushed for better access for Strother and Mather to fill their warehouse in Mobile, fearing that the lack of readily available goods would "undoubtedly lose them, and they will be very difficult to regain once the United States is able to attract them to its friendship and trade."[20]

In the summer of 1787, a Chickasaw captain—Taskitetoka's brother and successor as high chief, Chinubbee—traveled to Philadelphia and New York with the Choctaw leader, Taboca, to press the American congress concerning the establishment of a trading post at Muscle Shoals.[21] This mission was most likely an attempt to implement the threat issued by Taskietoka and Franchimastabe the previous winter. These two leaders had even held a conference with the Spanish commissioner of Mobile, Pedro Juzan, in March to complain about unfair prices in the deerskin trade upheld by the agents of Strother and Mather. Juzan left the conference satisfied that he had secured the allegiance of the Chickasaws and Choctaws for the Spanish; however, the joint delegation en route to Philadelphia and New York suggests that Juzan's and Miró's confidence in the Spanish alliance with the Chickasaw was misinformed.[22]

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[19] Robert S. Cotterill, *The Southern Indians: The Story of the Civilized Tribes Before Removal* (Norman: University of Oklahoma Press, 1954), p. 75.

[20] "Miró and Navarro to Valdes, New Orleans, April 1, 1788," PLP, Reel 3.

[21] "John Woods, Indian Interpreter, May 25, 1787," *CVSP*, 4:290. Various scholars have asserted that Piomingo was the Chickasaw chief who travelled with the Choctaws. Arrell Gibson, for example, cites Samuel Cole Williams' *History of the Lost State of Franklin*, pages 141-142, to support this assertion; however, it appears that Gibson misread Williams' passage; Samuel Cole Williams, *Beginnings of West Tennessee, in the Land of the Chickasaws, 1541-1841* (Johnson City: Watauga Press, 1930),. The quote Gibson attributes to Piomingo as having been made in Philadelphia is actually a passage from a letter Piomingo wrote to Joseph Martin on February 17, 1787; "A Talk to Colo. Joseph Martin—From Piomingo, One of the Cheifs of that Tribe," *CVSP*, 4:241-242. Further, the presence of Piomingo in Philadelphia does not coincide with the fact that Secretary at War Henry Knox addressed a letter to the Chickasaw chief in this delegation in the name of Chamby. I am inclined to accept Robert S. Cotterill's assertion that Chamby was also known as Tinebe, which is another variation of Chinubbe's name. See Gibson, *The Chickasaws*, p. 85-86, and Cotterill, *The Southern Indians*, p. 75n35.

Conversely, the Americans should have questioned their own ability to secure Chickasaw allegiance via trade as well. Recognizing the early influence the Spanish gained among the members of the nation, James Robertson, when serving as a representative for North Carolina, noted that financial security would be a very crucial component to securing favorable relations with the Chickasaw.[23] In early 1787, Piomingo chastised Joseph Martin for not visiting the Chickasaws to discuss the delay of trade agreed upon in the Treaty of Hopewell. Piomingo told Martin that the Americans' noncompliance made the Chickasaws "Very Uneasy, and seems as if You only ment to Jockey us out of our Lands." He also said that although he did not want to trade with the Spanish, he would if necessary: "necessity will oblige us to Look for new friends if we cannot get Friends otherwise."[24]

Although Chinubbee walked away from his 1787 mission with promises of trade that would remain unfulfilled for several more years, the timing of his journey could not have been more fortuitous. He and the Choctaw delegates arrived in Philadelphia amidst the debates regarding the creation of the U.S. Constitution.[25] According to

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[22] Weeks, *Paths to a Middle Ground*, pp. 52-53.

[23] "Col. James Robertson to Gov. Martin, August 5th., 1784," M.F. 1114, Reel 1, Box 3, Section 2, William A. Provine Papers, Tennessee State Library and Archives, Nashville, TN.

[24] "A Talk for Colo. Joseph Martin—From Piomingo, One of the Cheifs of that Tribe," *CVSP*, IV:241-242.

[25] Cotterill, *The Southern Indians*, p. 75.

Benjamin Franklin, the elder statesman with whom they sought an audience,[26] they could not meet with the elected members of the United States government:

> I am sorry that the Great Council Fire of our Nation is not now burning, so that you cannot now do your Business there. In a few Months the Coals will be rak'd out of the Ashes, and the Fire will be again kindled. Our wise Men will then take the Complaints and Desires of your Nation into Consideration, and take the proper Measures for giving you Satisfaction.

Franklin's statement offers unique insight into how the Chickasaws could have understood the nature of the American union. That Franklin referred to the coals being "rak'd out of the Ashes" implies that although the Pennsylvanian believed that the system of government established under the Articles of Confederation had faltered, the American union had not necessarily come to an end. Even though Franklin referred to himself as a Pennsylvanian and called on "all the Citizens of Pennsylvania" to treat the chiefs kindly, his words indicate that the American leaders were committed to the international compact they established a decade earlier.[27] As noted in the previous chapter, this implies that Americans would continue to expand west following the creation of the Constitution, with a structure better capable of building an empire of liberty.[28]

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[26] "From Tobocah and a Chichasaw Captain (unpublished), [June 19, 1787]," 643678=045-u064.html, in *unpub*. 1787-88, Benjamin Franklin Papers (website), sponsored by the American Philosophical Society and Yale University, digital edition by The Packard Humanities Institute, http://franklinpapers.org/franklin/ framedVolumes.jsp, accessed on May 2, 2011.

[27] "[Benjamin Franklin] To Indian Chiefs (unpublished), [June 30, 1787]" 643695=045-u081.html, in *unpub*. 1787-88, Benjamin Franklin Papers (website), accessed on May 2, 2011. The American founders did not originally intend the United States to be a perpetual union but a "league of friendship." Therefore, the central government "was more international than national." Hendrickson, "The First Union," pp. 35-52; quotes from p. 52. For an interpretation that situates Benjamin Franklin as a leading figure of this understanding among the Founding Fathers, see Richard H. Immerman, *Empire for Liberty: A History of American Imperialism from Benjamin Franklin to Paul Wolfowitz* (Princeton: Princeton University Press, 2010), pp. 21-58.

Despite the fact that it would take several more years before the Americans opened a steady trade with the Chickasaws, the mission provides more than simply insight into the organization and psyche of the Chickasaws' newly independent neighbors to the east. The trip added fuel to the Spanish officials' fire concerning the faithfulness of the Chickasaws in upholding their alliance with Spain. Although the chiefs did not get to have an audience with Congress, Secretary at War Henry Knox appealed to the members on their behalf. On July 18, 1787, Knox reported, "it is highly politic and proper that the [Hopewell] treaty and the expectations of [the Chickasaws and Choctaws] of being supplied with goods by the citizens of the United States should be fully complied with."[29] Apparently, the members of Congress agreed. They approved Knox's recommendations and even appropriated funds to cover the Indians' travel back home.[30] The Spanish minister to the United States, Diego de Gardoqui, obviously believed the delegates' presence in New York deserved attention. He informed the Spanish governor in East Florida, Vicente Manuel de Zéspedes, that the Choctaw and Chickasaw delegates who traveled to Philadelphia and New York had also been regular traders in Mobile and New Orleans.[31]

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[28] The best illustration of how an expansive United States were seen to be compatible with the republican values espoused in the United States Constitution among the Founding Fathers is Peter Onuf's *Jefferson's Empire*. Onuf claims that Thomas Jefferson saw safety in expansion. By coming together and petitioning to become a new, equal corporate body in the form of another state within the United States, territorial citizens could assure their *actual*, versus *virtual*, representation in the United States government—an option never available to the colonists in their former status as British subjects that helped to spark the American Revolution. Peter Onuf, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville: University Press of Virginia, 2000). For a comprehensive understanding of the differences between actual and virtual representation in early American political theory, see Gordon Wood, *Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, for the Omohundro Institute of Early American History and Culture, 1998; original publication, 1969).

[29] Worthington C. Ford et al., eds., *Journals of the Continental Congress, 1774-1789* (Washington, D.C.: 1904-37), 32:368.

[30] *Journals of the Continental Congress*, 32:354-355.

Among Knox's recommendations to the Congress in July 1787 was the need to establish a stronger military presence along the Ohio River for protection of the United States' frontier citizens.[32] One possible method Knox arranged was for the establishment of an American post at Chickasaw Bluffs. That fall, Carlos de Grand-Pre learned that "two great Chickasaw and Choctaw chiefs"—most likely Chinubbee and his Choctaw companions—traveled home from Philadelphia by way of Fort Pitt and the Ohio River "at the expense of the General Congress," accompanied by a party of four American businessmen. The four Americans, having left their Indian companions at the Chickasaw Bluffs, traveled on to Natchez where they spoke to Grand-Pre. These men told Grand-Pre that the "chiefs were invited by the Congress to go to Philadelphia where a treaty was made with them, forming an alliance against the Talapoosa Indians, and that the two chiefs are to have their people armed immediately so as to join the nine hundred Americans ordered to be raised by the State of Virginia." The men also claimed that the Chickasaws and the Virginia militia would join forces on November 1, 1787 to initiate their campaign against the Tallapoosas.[33]

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[31] "Zéspedes to Sonora, July 27, 1787," PLP, Reel 3.

[32] *Journals of the Continental Congress*, 32:370-375.

[33] "Grand-Pre to Miró, October 26, 1787," *Spain in the Mississippi Valley*, 2:236-237. The Tallapoosas were one of the sub-groups of ethnically- and geographically-related towns that comprised the Upper Creeks. Tuckabatchee was the most prominent town among the Tallapoosas. From his nearby home of Little Tallassee, Alexander McGillivray used his kinship ties among the Tallapoosas to

Although this report played on Spanish administrators' fears about whether the Chickasaws supported Spain or the United States, the presence of factionalism within Chickasaw society combined with the desire to preserve independent sovereignty meant that the Spanish did not have to look far to find Chickasaw support to push back American ambitions on the east side of the Mississippi River. According to Grand-Pre's dubious Chickasaw informant in May 1787, the pro-Spanish Chickasaws

> 'were to unite [with members of the Shawnees, Lobos, Cherokees, and Abenakis] and descend the Mississippi River as far as Chickasaw Bluffs, in order to surprise and destroy the Americans established on it and all the Chickasaws at present with them. It was their concerted project to intercept all the boats that go up to [Illinois], leaving at the same time the Talapoosas to make attacks in the rear and ruin all the villages that have taken sides with the Americans.'[34]

As Taskietoka's and Franchimastabe's threat to obtain goods from the Americans demonstrate, Grand-Pre's reservation about his young informant's veracity was not necessarily misguided. The Chickasaws never devolved into an open and hostile civil war between the pro-American and pro-Spanish factions. Regardless, this passage suggests that a schism was emerging by the mid- to late-1780s among the Chickasaws about which Euro-American imperial power could best serve their own interests. Further, given the agreement Chinubbee and Taboca achieved with the Americans during their mission to Philadelphia and New York to ally against the Tallapoosas, we

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promote a Creek alliance with the Spanish in order to keep the encroaching Americans at bay. Saunt, *A New Order of Things*, pp. 75-89; Robbie Ethridge, *Creek Country: The Creek Indians and Their World* (Chapel Hill: University of North Carolina Press, 2003), p. 27; Steven C. Hahn, *Invention of the Creek Nation, 1670-1763* (Lincoln: University of Nebraska Press, 2004), pp. 233-234; and Joshua Piker, *Okfuskee: A Creek Indian Town in Colonial America* (Cambridge: Harvard University Press, 2004), p. 7.

[34] "Grand-Pre to Miró, October 26, 1787," *Spain in the Mississippi Valley*, 2:236.

can assume that Piomingo approved of the mission's objectives even if he may not have been involved with their formulation.

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Despite American promises to respect Chickasaw sovereignty according to the Hopewell Treaty, neither the federal government nor the individual states stopped working to establish control over the Chickasaws' land. Knox's second recommendation to Congress in July 1787 helps demonstrate that by the late 1780s, Americans would not be content with establishing simple trade relations with the Chickasaws. Following their unsuccessful attempts to claim native lands as the spoils of war and paint the Chickasaws, among others, as defeated allies of the British, United States officials realized that they must change their tactics. American officials adopted a more conciliatory tack that included negotiating for land cessions, a key component of which approach was to create a situation of economic dependency and indebtedness among Native Americans through which the government could demand land as payment to decrease debt.[35] One method to ensure that Native Americans became dependent upon the United States, as opposed to Spain, was to establish a trading factory at a key location within a nation's territory. For the Chickasaws, as the Spanish and the Americans both well knew, the key location was at Chickasaw Bluffs.[36]

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[35] Horsman, *Expansion and American Indian Policy*, p. 52; Bernard Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian*, reprint (New York: Norton for the Institute of Early American History and Culture, 1974; Prucha, *The Great* Father,1:120; and Anthony F.C. Wallace, *Jefferson and the Indians: The Tragic Fate of the First Americans* (Cambridge: Belknap Press of the Harvard University Press, 1999), Ch. 7.

[36] As indicated by Grand-Pre in 1787, the Americans' first attempts to establish a trading post at the Bluffs failed. Although it is unclear whether the Chickasaw actually raided the American settlement along with their northern allies, Richard

Knox raised another concern in light of his interaction with Chinubbee and Taboca in his message to Congress. Knox recommended that the central government negotiate with Georgia and North Carolina to cede their western lands, which would allow the federal government to provide a buffer between their own citizens and the Indians. Knox reasoned that the federal government needed to play the role of moderator between the states and the natives in the southeast.[37] Although Knox's recommendation alone did not result in the southern states ceding their western territories, both North Carolina and Georgia eventually did so following the creation of a stronger federal government under the U.S. Constitution.

As noted earlier, individual citizens did not relent in their desire to control the Old Southwest despite the cession of the western territories by the southern states. Throughout the post-Revolution period, the Chickasaws objected to many attempts by Europeans to form companies—collectively known as the Yazoo Land Companies—that, with the backing of a political entity, sought to gain control over the lower Mississippi valley. The individuals leading these efforts, among who included James Robertson, William Blount, and John Sevier, enjoyed the backing of various southern states within the new American confederation. To call these men Americans misconstrues the facts to some extent. Gen. James Wilkinson even sought Spanish

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Brashears, one of the American traders at the settlement, moved his family further inland among the Chickasaw villages in light of the efforts of McGillivray's forces to rid the Chickasaw nation of American influence. The fact that this man and his family found a safe haven among the Chickasaws further reveals that the Chickasaws may have been divided in their diplomatic policies. "Grand-Pre to Miró, June 1, 1787," *Spain in the Mississippi Valley*, 2:210-211; Samuel Cole Williams, *Beginnings of West Tennessee, in the Land of the Chickasaws, 1541-1841* (Johnson City: Watauga Press, 1930), p. 49.

[37] *Journals of the Continental Congress*, 32:365-369.

cooperation with his enterprise, the South Carolina Company. Although Wilkinson failed to secure Spanish support for the effort, his replacement, James O'Fallon, continued to press the issue. In a letter to Miró on July 16, 1790, O'Fallon offered to create a buffer state between the United States and Spain if Governor-General were to offer favorable trade relations at New Orleans to the South Carolina Company. Noting that the American settlers in the southeast must be "led by their Interests," O'Fallon revealed the fragile nature of the American alliance in this early stage of the United States' history. O'Fallon stated,

> that the Inhabitants thereof, can derive no *Commercial* or *political* advantage whatever, by their being Subjected to *Congressional Supremacy* placed in the *Atlantic States;* and that their *last hope* of ever rising into any consequence, as a people, must be founded, on confederating, independently, among themselves, on the basis of a *Separate* Sovereignty from that of the present Congress and, on the Stipulation of a general Market or *free trade* at New Orleans, for their productions, firmly to coalesce, as sincere Allies, with that European power, who shall hold it.[38]

The diplomatic fallout that accompanied the Nootka crisis thwarted O'Fallon's efforts, but not before giving Spanish officials a crucial bargaining piece to help convince their native neighbors east of the Mississippi River of the need for a pan-Indian alliance.[39]

During a private session on May 12, Gayoso informed Taskietoka about the growing unrest among the United States citizens in the American South.

> I began making him an individual report about the project of the Carolina Companies and about the O'Fallon operations in Kentucky, with the fixed purpose of coming to establish themselves in Nogales, although without the authority of the Congress. I explained to him how the United States was at peace with [Spain] and that it was a nation that we looked upon as friends, but that among them there were many people who disregarding their country's laws, were gathering together in groups and usurping Indian lands and that the

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[38] "O'Fallon to Miró, July 16, 1790," *Spain in the Mississippi Valley*, 2:357-364; quote on p. 360.

[39] Kinnaird, *Spain in the Mississippi Valley, 1765-1794*, 2:xvi-xxix.

> mentioned companies, through O'Fallon, were also intending to come and occupy our (lands).[40]

Given the nature of Gayoso's comment regarding the inability of the United States to control its own citizens, we can probably assume that he also informed Taskietoka of O'Fallon's offer to swear allegiance to the Spanish crown. That individual land speculators and American-based land companies deliberately offered to create a buffer state between the United States and Spain—and expected that Spanish officials would buy it—indicates a ready understanding among southeastern peoples during this time period that southern Americans did not necessarily hold any great loyalty to the fledgling United States. As has been shown with the American settlers in the Northwest Territory, the loyalty of these southerners was up for grabs in the late eighteenth century. Unlike those settlers north of the Ohio River, however, loyalty in the American South could be won by offering favorable economic opportunities rather than protection from Indian hostilities.[41]

By spring 1790 Chickasaws were aware that the Americans intended to expand into their territory and that these settlements would eventually be integrated the new nation as states. On May 8, 1790, Alexander McGillivray wrote to Miró and claimed:

> I am informed that it has been some time since the legislative body of Georgia has disposed of a certain western territory, which evidently is within those lands to which Spain has a right, in favor of the three most powerful American state, and that they (L.C. 34) are determined to settle them regardless of the consequences and the danger involved. I am also informed as to the full extent of their plans through true authoritative reports, and that their intention is to establish three new states upon the Mississippi as soon as each settlement can count 30,000 persons, after which, according to the American Constitution, they

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[40] "Gayoso's Account of the Natchez Congress," p. 189.

[41] On the questionable allegiance of American settlers in the Ohio country to the United States, see Patrick Griffin, *American Leviathan, passim*.

> will have the right to call themselves new states.[42]

The western territory of which McGillivray wrote included the Natchez District, of which both the Chickasaws and Choctaws claimed portions. Although McGillivray and the Upper Creeks were at war with the Chickasaws, the neutral and pro-Spanish Chickasaws certainly had opportunities to learn the information that the Creek chief shared with the Spanish Governor-General. Less than one week later, Taskietoka, along with Franchimastabe and several of the other Choctaw chiefs, reaffirmed their nations' friendship with the Spanish in a treaty signed at Natchez. In the treaty, all three parties defined their respective geographic territories east of the Mississippi and promised to keep the Natchez district free from American influence. Further, the treaty formalized the establishment of a trading post at Nogales—near present-day Vicksburg—a move designed to fulfill the Spanish obligation to provide favorable trade relations with the Chickasaws and Choctaws according to the terms of the 1784 Mobile treaty.[43]

In May 1792, the Spanish governor at Natchez, Manuel Gayoso de Lemos convened a congress with the Choctaws and members of the Chickasaw led by Taskietoka. Gayoso's purpose was two-fold: to secure the right for the Spanish to establish a fort at Nogales; and to garner Chickasaw support for Carondelet's plan of a pan-Indian alliance.[44] Although the Chickasaw and Choctaw representatives had previously agreed to the establishment of a fort at Nogales, Franchimastabe, the Choctaw leader, objected when the Spanish initiated construction of the fort in 1790. According to Franchimastabe, the land around Nogales actually belonged to the

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[42] "McGillivray to Miró, May 8, 1790," PLP, Reel 5.

[43] Deloria and DeMallie, *Documents of American Indian Diplomacy,* 1:134.

[44] "Gayoso to Tascahueta [Taskietoka], March 28. 1792," Weeks, *Paths to a Middle Ground,* p. 183.

Chickasaws, whom he said "would never consent to these lands being settled by any species of people."[45] The Choctaw chief may have been playing coy, however, relying on the Chickasaws factionalism and influence over the Choctaws in international affairs to avert a situation from which the Choctaws would have received no benefit.[46]

Franchimastabe confirmed the influence the Chickasaws held over the Choctaws, and possibly several of the other southeastern groups, when he nominated Taskietoka to represent the Choctaws during the Natchez Congress at the opening ceremony on May 11. According to the Choctaw chief, "all the Indian nations look to him [Taskietoka] as our older brother…thus you will discuss with him whatever you may have to tell us, assured that he is the one who has all the power."[47] The following day, Franchimastabe also informed Gayoso "that lately the Cherokees, the Talapuches, the Chactas, and the Chicachas made an alliance in which they now form a single Nation for their defense." Further, the four nations "chose for the head, the King of the Chicachas, for which reason it was to him [Taskietoka] that the Cherokees sent the strings of beads that he might distribute them among the rest of the nations."[48] Although Minor had informed Gayoso of the alliance, he did not mention the prominence accorded to Taskietoka—and therefore the Chickasaws—among the southern Indian nations. This should give us reason to believe that maneuvers to create such a confederation during this time were not only the designs of Europeans to keep the Americans out of the eastern hinterland; the Chickasaws, or at least members thereof, were at the forefront of such efforts.

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[45] "Diary of Stephen Minor's First Mission to the Choctaws May 30 to June 13, 1791" Weeks, *Paths to a Middle Ground*, p. 157.

[46] Greg O'Brien, *Choctaws in a Revolutionary Age, 1750-1830*, pp. 91-93.

[47] "Gayoso's Account of the Natchez Congress," Weeks, *Paths to a Middle Ground*, pp. 184-186; quote on p. 186.

[48] "Gayoso's Account of the Natchez Congress," p. 188.

The legitimacy of this alliance to represent *all* of the major native southern nations is questionable, especially among the Cherokees, the Creeks, and even the Chickasaws. Recent studies have demonstrated the divided nature of these socio-political groups during this eighteenth century.[49] By the end of the congress, all sides had agreed to the establishment of the fort, but not before Gayoso had to purchase the land from the Chickasaws and Choctaws by opening the Royal Warehouses and leaving the amount of goods for the purchase at Taskietoka's discretion. What this does show, however, is Taskietoka fulfilling his obligation to maintain peace among those portions of the Native South who were willing to support the Spanish in an attempt to hold the Americans at bay, but only as long as the Spanish played by native rules. [50]

During a private meeting between Taskietoka and Gayoso on May 12, 1792 at the Natchez Congress, Taskietoka revealed that he believed that the Indians could not resist European encroachment into their lands forever, but that by playing the Spanish and the Americans against each other, they could maintain the upper hand. As the high chief informed Gayoso of his attempt to convince Franchimastabe to allow the Spanish to build a fort at Nogales, "he (Taskietoka) told him (Franchimastabe) that it was madness to fight with us over the Nogales territory; that if they persisted, we [the Spanish] had the means to deprive them [Indians] of all trade."[51] Taken at face value, this statement reveals that Taskietoka believed the Chickasaws were dependent upon the Spanish. However, he later informed Gayoso that he had recently received gifts from the Americans, a situation made possible by Piomingo's alliance. Although Taskietoka understood that the Americans "want[ed] to take his lands," he could not ignore their presence. Despite Gayoso's threatening reply that the Spanish, "being master[s] of all the waters over which goods can be carried to his country," could easily cut the Chickasaws off from all trade, Taskietoka "could (do) no less than deal with them [the Americans] sometimes because he found himself bordering on their lands, and to live in peace it was necessary to sometimes listen to them, but he would never form any alliance at all with them, because he knew them too well."[52]

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[49] For examples, see Cumfer, *Separate Peoples, One Land*; Saunt, *A New Order of Things*; and Hahn, *Invention of the Creek Nation, 1670-1763*.

[50] "Gayoso's Account of the Natchez Congress," p. 194.

[51] "Gayoso's Account of the Natchez Congress," p. 190.

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Despite the prominence bestowed upon Taskietoka by the Choctaws at Natchez, his authority among the Chickasaws seems to have been waning. Over the next three years, he fell out of favor with the two preeminent chiefs in Chickasaw society, Piomingo and Ugulayacabe, the latter of whom replaced him as the principle negotiator with the Spanish. As Taskietoka's statement about the inevitability of foreign intrusion into the Chickasaws' world indicates, he could use the threat of American support to check the Spanish from gaining too much influence. Native leaders successfully employed such tactics throughout the previous century. That ability would soon end for the Chickasaws as leaders became cross and threw their support firmly in support of either the Spanish or the Americans.

According to some insiders, the entire balance of power in the American South may have rested on the ability of either the United States or Spain to appease the economic interests of the southeastern inhabitants, native as well as European. On July 4, 1790, William Panton informed Miró that Piomingo only held the ear of a minority of Chickasaws concerning the Chickasaw-American alliance. According to Panton, the remaining Chickasaws were "well enough satisfied to live under [Spain's] protection, and to take their supplys from Mobille." Further, Panton indicated his belief that Piomingo could be swayed from favoring the Americans if the Spanish were to appeal to his capitalistic side.[53] What Panton did not understand, however, was that Piomingo's connection to the Americans offered an all-too-important source for combating the Upper Creeks who warred against the Chickasaws regardless of pro-American or pro-Spanish affiliation.[54]

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[52] "Gayoso's Account of the Natchez Congress," p. 191.

By the early 1790s, Alexander McGillivray had rescinded his strong aversion to negotiating with the Americans. In late summer 1790, the Creek leader signed a peace treaty with Secretary of War Knox, in which he ceded lands along the Oconee River.[55] William Augustus Bowles, a Maryland loyalist during the Revolution who continued to support British efforts to disrupt trade and diplomatic relations in the southeast, used this to discredit McGillivray with a large portion of the Creeks. Despite this apparent shift in Creek diplomacy against pro-Spanish southern Indians, the Chickasaws refused an invitation from the Tallapoosas to join the latter in warfare against the Choctaws in fall 1791. According to Gayoso, the Chickasaws refused the offer because they considered the Choctaws akin to sisters, signifying a notion that southeastern native polities were closely related and must stick together in their attempts to fend off

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[53] "Panton to Miró, July 4, 1790," PLP, Reel 5.

[54] Atkinson, *Splendid Land, Splendid People*, p. 138.

[55] Coker and Watson, *Indian Traders of the Southeastern Spanish Borderlands*, p. 143.

European and American encroachment.[56] Regardless of the turmoil among the Creeks, McGillivray did not lose all of his influence after negotiating with the Americans. In spring 1792, he told John Ormsbay, an American trader, "that the Creeks were much displeased at the Chickasaws and Choctaws, in consequence of the latter having favored the Americans, and some of them acted with their army, to the northward." Ormsbay informed James Seagrove that McGillivray "expected the Creeks would go to war with the Chickasaws and Choctaws."[57]

As he had several years earlier, Piomingo continued to work to compel his American allies to provide relief from the Creek attacks. His efforts were bolstered in part due to his support of the United States government's activities in the Ohio country. Piomingo was able to recruit a party of fifty warriors to join him in support of the American effort.[58] However, Piomingo's participation in the Americans' campaign against the Wabash tribes was not some sort of blind allegiance or due to an inescapable state of dependency. Malcolm McGee claimed that the Chickasaws had been at war with the Wabash tribes from at least the mid-1760s until the Treaty of Greenville was concluded in 1795.[59] Given the inability of Francisco Cruzat to quell the Kickapoo threat—as noted in Chapter 1—it seems likely that Chickasaw cooperation with the federal army in the Ohio country was in part due to the ongoing hostilities between the Chickasaws and their native neighbors to the north. Although the expedition ended in defeat, Secretary of War Knox expected the Chickasaw leader to "join the [American] army the next campaign, with a body of three hundred of his warriors."[60]

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[56] "Gayoso de Lemos to Miró, Aug. 31, 1791" and "Miró to Luis de las Casas, Sep. 23, 1791," PLP, Reel 6.

[57] "James Seagrove to Edward Telfair, May 11, 1792," PLP, Reel 7.

[58] Gibson, *The Chickasaws*, p. 86.

[59] Atkinson, ed., "A Narrative Based on an Interview with Malcolm McGee by Lyman C. Draper," p. 48.

Spanish officials worried about Piomingo's attachment to and willingness to fight alongside of the Americans. Don Francisco Luis Héctor de Carondelet replaced Miró as governor-general of Louisiana and West Florida in 1791. Over the next five years, Carondelet worked to secure a pan-Indian alliance among the southeastern tribes in an attempt to stave off American encroachment into the area. The Chickasaws were a key component to his strategy. As noted earlier, their geographic location allowed them to control transport along the Mississippi River, most notably at Chickasaw Bluffs.[61] As the Americans and Spanish were continuing to negotiate for rights to passage along the river, obtaining Chickasaw consent to maintain a presence at the Bluffs became a key component of both groups diplomacy during the first half of the 1790s. Despite Piomingo's proclivity to side with the Americans on most issues, Spanish officials did not write him off. Carondelet knew he had to secure the allegiance of the prominent chiefs among the Chickasaws.[62] Although the Spanish had a willing ally in Taskietoka, the position of high chief did not carry very much weight in late eighteenth-century Chickasaw society. Carondelet's lieutenant among the Chickasaws, Juan de la Villebeuvre, identified Ugulayacabe, a chief of increasing importance, on whom to focus his attention.

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[60] "The Secretary of War to Brigadier General Alexander McGillivray, 17th February, 1792," *ASP:IA*, 1:247.

[61] Kinnaird, *Spain in the Mississippi Valley*, 3:xvi.

[62] "Carondelet to Gayoso de Lemos, December 18, 1792," *Spain in the Mississippi Valley*, 3:104-105; Coker and Watson, *Indian Traders of the Southeastern Spanish Borderlands*, p. 173.

The Chickasaw leadership became increasingly divided as the Americans and Spaniards continued to vie for southeastern native allies and focused their respective efforts on Piomingo and Ugulayacabe. These leaders slipped further into a dependent state to one of the European American competitors, and the Chickasaws' ability to play off those same powers waned even as the factional nature of Chickasaw politics prolonged the nation's ability to maintain independence.[63] Regarding the factionalism in the late 1700s, Malcolm McGee claimed that Long Town (Piomingo) favored the Americans and Post Oak Grove (Ugulayacabe) the Spanish. "Old Town where [Taskietoka] resided was neutral,—the smaller towns had, it is thought, no separate voice in the matter, but joined with one or the other of the three chief towns."[64] Perhaps having the lesser towns follow the lead of the three prominent towns allowed a de facto national strategy of playing the Americans and Spanish against each other. As Gayoso indicated in a letter to Carondelet in July 1792, one faction could not act without affecting the rest of the nation.[65] In this way, play-off was a policy that the Chickasaws could not hope to avoid.

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[63] For a similar discussion regarding the Choctaws, see Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983), pp. 90-91.

[64] Atkinson, ed., "A Narrative Based on an Interview with Malcolm McGee by Lyman C. Draper," p. 51.

[65] "Gayoso to Carondelet, Jul. 21, 1792," PLP, Reel 7. Recently, Charles A. Weeks has suggested that the factional divisions in Chickasaw society could lead to a form of national unity. He particularly notes the roles played by Ugulayacabe and Piomingo in the 1790s as examples of factional leaders whose role as fanemingo to a specific non-native polity could be seen as a form of culturally informed alliance to "preserve unity and independence." See Weeks, "Of Rattlesnakes, Wolves, and Tigers," p. 493.

Piomingo's efforts against the Chickasaws' enemies had earned him the respect of Ugulayacabe, even as the two men diverged on which Euro-American power to support.[66] This point was made clear at the Nashville conference in August 1792. After the adoption of the U.S. Constitution, the federal government divided all of the non-state-owned lands into territories. The first governor of the Southwest Territory was William Blount, a man with whom the Chickasaw leaders had established a relationship as early as the Hopewell Treaty. At the 1786 council, Blount had represented his state of North Carolina and lodged that state's official protest against the ability of the federal government to take any action that contradicted the decisions of that state. On March 31, 1792, Secretary of War Knox informed Blount that President Washington approved "the calling of the Chickasaws and Choctaws to Nashville the first of June next, for the purpose of conciliating and attaching them cordially to the interest of the United States."[67] Nearly a month later, Knox again informed Blount that Washington approved of the proposed conference with the Chickasaws and Choctaws. In this same letter, Knox informed Blount of James Robertson's appointment as "temporary agent" to the Chickasaws and Choctaws. It seems that the reason for holding the conference was to introduce a new relationship of patronage between the United States and the Indians. However, this may not have been a whole-hearted effort to replace the hammer and fist of the immediate post-Revolution years. Rather, it seems that Washington wanted to emphasize that punishment would follow if the southeastern tribes behaved the way the northwestern tribes did at the same time that the U.S. was actively recruiting them to assist American efforts to assert control over the Northwest Territory.[68]

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[66] Atkinson, *Splendid Land, Splendid People*, pp. 137-138.

[67] "The Secretary of War to Governor Blount, 31st March 1792," Clarence E. Carter, comp. and ed., *The Territorial Papers of the United States*, vol. 4, *Southwest Territory* (Washington: Government Printing Office, 1936), p. 131.

During late spring 1792, Anthony Forster met with the Chickasaw leaders to invite them to Nashville for Blount's conference. He tried to meet with Taskietoka first, but the chief was not in his village. After calling on Piomingo, whose village was only three miles away, Forster attended "a convention of the chiefs of the Chickasaw nation . . . on the fourteenth day of June, at which appeared all the chiefs of the nation, (together with a number of others) of whom I acquired my information, except the Wolf's Friend [Ugulayacabe]." According to Forster, Piomingo took the central role of representing the nation despite the presence of Taskietoka. "The dispositions of the whole assembly appeared to be friendly and candid," Forster informed Blount, "except the Hair-lipped king, whose conduct indicated an aversion to the views and measures of the council." When Forster inquired as to a reason for Taskietoka's hostility, the chief claimed to be insulted that Piomingo had been approached before him concerning this most recent round of courting by the Americans. Forster replied that "the great officers of the United States [namely Blount and Secretary of War Knox]" had done so because they had not yet personally met Taskietoka, but that they had met Piomingo.[69] Further, the Americans demonstrated that they understood the need to cultivate and maintain Piomingo's prominence among the Chickasaws if they were to achieve their objectives among this nation.

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[68] "The Secretary of War to Governor Blount, 22d April 1792," *Territorial Papers: Southwest Territory*, 4:137-143.

[69] "[Enclosure] Anthony Forster to Governor Blount, 29th July 1792," *ASP:IA*, 1:283.

By summer 1792, it is clear that Taskietoka was at odds with both Piomingo and Ugulayacabe. Despite his absence during the June meeting with Forster, Ugulayacabe travelled to Nashville for the conference in August. Although he and Piomingo attempted to persuade Taskietoka to hear what the Americans had to say, the high chief refused. Instead, he travelled to the Tallapoosas with whom he collaborated to secure a joint alliance with the Choctaws to defend all of their lands against the Americans.[70] Whereas Taskietoka was referred to as the Chickasaw high chief at the Natchez conference the preceding spring, Chinubbee was listed in this position at this conference.[71] By late 1792, Taskietoka seems to have lost credibility to act on behalf of the Chickasaws. In a letter to William Panton on November 28, 1792, Alexander McGillivray reported that "the old Mingo [was] wandering *an exile* among the Choctaws."[72] Therefore, it appears that Taskietoka had hurt himself enough to have lost almost all political influence among the Chickasaws.[73]

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[70] "Delavillebeuvre to Gayoso de Lemos, September 10, 1792," Kinnaird, *Spain in the Mississippi Valley*, 3:79-80.

[71] "Governor Blount to the Head-men and Chiefs of the Chickasaws and Choctaws," *ASP:IA*, 1:284.

[72] "McGillivray to Panton, November 28, 1792," Caughey, *McGillivray of the Creeks*, p. 348.

[73] Ronald Eugene Craig asserts that Ugulayacabe worked through the Chickasaw National Council to have Taskietoka removed from office for opposing his counsel and had Chinubbee installed as high chief. As Chinubbee's uncle, Ugulayacabe, therefore, regained his substantial control over Chickasaw policy. Craig, "The Colberts in Chickasaw History," p. 166. As indicated by the ease in which Chinubbee replaced Taskietoka in the position, the high chief no longer held any real political authority over the chiefs in Chickasaw society. The Chickasaws continued to refer to individuals as the high chief until the late 1840s. Those leaders who eventually could read, speak, and write fluently in English, even used the term, king, when interacting with American officials. However, the continued use of these titles was most likely a throwback to an earlier time that denoted a society in transition whose members were not willing to disregard their traditions entirely.

Regardless of Chinubbee's designation as high chief, Ugulayacabe emerges from the records as the most prominent Chickasaw present at the Nashville conference. In his account of the proceedings, William Blount referred to Ugulayacabe as "a great man [who] in council ranks among the first of his nation." When he addressed the American delegation, Ugulayacabe referred to Piomingo as "a great warrior under me," indicating his desire to assert his authority over the entire Chickasaw delegation. However, he did not indicate that Piomingo had to follow his lead. Recognizing the factional nature of Chickasaw politics, Ugulayacabe acknowledged Piomingo's right to continue his relations with the Americans: "whatever he had done on the part of the nation, is binding on the whole."[74] It would seem, therefore, that despite personal assessments of what was best for the Chickasaws, factional leaders had not moved to a state in which they were willing to deny their common relationship as part of an ethnically-identified and united community. But that would soon change.

To confirm that he accepted the friendship Piomingo had established for the Chickasaws with the Americans, Ugulayacabe presented Blount with a string of white beads and referred to Americans and Chickasaws "as one people; I love them well, and as brothers [i.e., equals]."[75] Further, he indicated his desire that Blount keep the wampum "clean and unstained that the day should never come that he would let it slip."[76] In this instance, the Chickasaw chief placed the onus for maintaining peace between the Chickasaws and the Americans on Blount. With these words and the presentation of native symbols of diplomacy, Ugulayacabe revealed a change in the Chickasaws' practice of recognizing a fanemingo: acceptance of the Americans' choice without having selected Blount themselves.

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[74] "Governor Blount to the Head-men and Chiefs of the Chickasaws and Choctaws," *ASP:IA*, 1:285.

[75] "Governor Blount to the Head-men and Chiefs of the Chickasaws and Choctaws," *ASP:IA*, 1:285.

[76] "Governor Blount to the Head-men and Chiefs of the Chickasaws and Choctaws," *ASP:IA*, 1:285.

This does not mean that the Chickasaws were only going to negotiate through Blount, nor that they had recognized the federal government as the highest authority within the political structure of the United States. While the Chickasaw leaders were at the Nashville conference, some held private sessions with Andrew Pickens. He was a representative from South Carolina who had negotiated the Cherokee Hopewell treaty in 1785. When Pickens reported the content of these conversations to the Governor of South Carolina, he claimed, "all agree that the Spaniards are using all their influence with the Southern Indians to engage them against the United States." Although he expressed concern that the Creeks were gearing up for war, he indicated that "the Chickasaws appear well attached to the interest of the United States."[77] Pickens' report seems to have been sound. Pickens wrote that the August 1792 conference had nothing to do with Americans wishing to obtain land cessions from the Chickasaws and Choctaws, but rather was intended to establish trade between the Americans and the two native groups.

Knowing what we do concerning the Spanish attempts to establish forts among the Choctaws and Chickasaws, however, it would appear that the Chickasaws were deliberately playing the Americans and Spaniards against each other. While at Nashville, Piomingo and Ugulayacabe rejected the American proposal to establish a trading post at Bear Creek as was originally provided for in the Treaty of Hopewell

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[77] "Andrew Pickens to the Governor of South Carolina, 13th September 1792," *Territorial Papers: Southwest Territory*, 4:169-170.

(1786). This does not mean that the two chiefs opposed the idea; rather, they urged patience because if established when proposed, they cautioned that the Tallapoosas would destroy the post immediately.[78] The two chiefs preferred to have the trading post established near Nashville, where the conference was held. Both men may have objected to the original location of Bear Creek because it lay too far into their nation and would give Americans a perceived right to come into and settle in the Chickasaws' land. Piomingo admitted that the Chickasaw had received word from the Indians north of the Ohio River that the troubles between them and the Americans erupted because the Americans wanted to take their lands. Despite Blount's assertion that the warfare occurred in response to the violence perpetrated by the Indians upon white settlers, it is plausible that by keeping the trading post out of official Chickasaw territory, the Chickasaw leaders saw a way to avoid such a problem for themselves.[79]

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Reports about American intrigues among the Chickasaws and the agreements reached at the Nashville conference reinforced Carondelet's resolve to establish a confederation among the southern Indians. On August 23, 1792, Carondelet wrote to his superior, the Conde de Arana, concerning the American fort near the Tombigbee. "This establishment has already caused intrigues in the congress in the Chickasaw nation; its party is at present reduced to one principal chief, called Payo Mingo, and some warriors, provided the mentioned establishment can supply the entire nation they will turn to the Americans."[80] Although Carondelet downplayed the influence Piomingo's party in his report to Arana, his opinion changed throughout the fall and into winter. On October 1, 1792, Carondelet again wrote to Arana to express his concern that the Americans had changed their policy of trying to win the Old Southwest by force to one that emphasized trade and conciliation. By December, he told Gayoso that "the party of Payemingo has been strengthened and increased considerably since his last trip to Cumberland, the greater part of his warriors having been won over through the large presents given to them by the Americans."[81] As Carondelet learned of Piomingo's surging influence among the Chickasaws, the Spanish governor adopted an economic policy of free trade: "Freedom to all the Indian nations to trade with [New Orleans] . . . is the only recourse left to us, in order that the residents here can be able to give the Indians a more advantageous trade than the Americans and so hold them entirely dependent on Spain and form of them a powerful Barrier against the Americans."[82] If Arana did not agree with the idea of free trade, Carondelet strongly urged that Panton, Leslie & Company should be allowed to establish a trading post at Nogales, which Carondelet believed would deter the Americans from establishing trading posts among the Chickasaws.[83]

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[78] "Delavillebeuvre to Gayoso de Lemos, September 10, 1792," *Spain in the Mississippi Valley*, 3:79-80.

[79] "Governor Blount to the Head-men and Chiefs of the Chickasaws and Choctaws," *ASP: IA* 1:285-287.

The Chickasaws were the key to securing Carondelet's strategy among the southern Indians: "The Chickasaw nation, although it is the most reduced, is the one which gives me the most uneasiness, for it will always draw along the Choctaws with it." Although Taskietoka agreed with Carondelet's plan for a southeastern Indian alliance, even Spanish officials knew that the old chief's influence had diminished greatly among the nation. Carondelet and his lieutenants recognized that they could not obtain Chickasaw participation without winning the favor of both of the leading war chiefs, Ugulayacabe and Piomingo. On December 18, 1792, Carondelet told Gayoso that "It is necessary, then, to win Payemingo, and even Ugulayacabe, at any price." He invited the two leaders to visit him in New Orleans, and, although Ugulayacabe made the journey, Piomingo did not.[84] On January 17, 1793, James Robertson informed William Blount that "Missuages have been sent from Orleans & Pensacola to invite the Mountain leader to Visit them his answer was that he is engaged in other business."[85]

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[80] "Carondelet to Arana, Aug. 23, 1792," PLP, Reel 7.

[81] Carondelet to Gayoso de Lemos, December 18, 1792," *Spain in the Mississippi Valley*, 3:104-105.

[82] "Carondelet to Arana, Oct. 1, 1792," PLP, Reel 7.

[83] "Carondelet to Arana, Oct. 1, 1792," PLP, Reel 7.

In the meantime, Carondelet continued to pursue the longstanding Spanish objective to secure the Chickasaw Bluffs as a trading post. Regarding the construction of the Spanish fort at Chickasaw Bluffs, Carondelet instructed Gayoso to

> consult with John Turnbull in order to get him to work through the sons he has in the Chickasaw Nation about the question of permission for him to construct at Chickasaw Bluffs a trading post protected by a fort which Spain will build at that place. . . . for it is extremely important to remove from the Indians any suspicion that we intend to occupy their lands, and that Turnbull's sons obtain from the Nation its consent for the erection of this fort, without which the trading post cannot exist.[86]

Further, Carondelet instructed Gayoso not to mention the subject during the proposed upcoming "general Assembly of the Indians [Nogales Assembly], as the circumstances indicate, or wait for his sons to negotiate the matter in the Nation itself, in case Your Lordship considers it unwise to mention it in the Assembly."[87]

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[84] "Carondelet to Gayoso de Lemos, December 18, 1792," *Spain in the Mississippi Valley*, 3:104-105; "Villebeuvre to Carondelet, January 16, 1793," PLP, Reel 8. Quotes from "Carondelet to Gayoso."

[85] "James Robertson to William Blount, January 17th 1793," William Blount Papers, Mss. 19, 142, Library of Congress, Washington, DC.

[86] Carondelet to Gayoso, Mar. 5, 1793," PLP, Reel 8.

As was clear to Carondelet, the Chickasaws were more willing to have European traders working directly among them who had married into one of the clans. Following the Natchez congress, the leaders of Panton, Leslie & Company tried to influence who Carondelet would appoint as the Chickasaw agent for the Spanish. Panton desired to have John McIntosh installed in that capacity, but Carondelet and his lieutenants feared that the Chickasaws may have favored John Turnbull.[88] Although Panton had attempted to discredit Turnbull as a swindler and Taskietoka as his puppet, it seems likely that the Chickasaws favored Turnbull over any of Panton's desired traders for two reasons: "Turnbull has children in that nation" and, as noted by Panton, he was willing to trade on behalf of either Spain or the United States.[89] In late 1792, Taskietoka threatened Carondelet that the Chickasaws would "go to the Americans" if the Spanish governor did not acquiesce to the chief's demand that Turnbull be granted a license to trade.[90]

Following a renewed outbreak of violence between the Chickasaws and Creeks in early 1793, the Chickasaws, including Piomingo's faction, preferred to have Turnbull deliver goods to the nation, upholding Carondelet's suspicions. Turnbull's familial relations could not give any foreign power carte blanche in Chickasaw national affairs, however. Chickasaw leaders wanted Turnbull to avoid the Chickasaw Bluffs, rather than give the Spanish a leg up on the Americans in securing that strategic location. They requested, instead, that the trader bring the goods up the Yazoo River.[91]

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[87] "Carondelet to Gayoso, Mar. 5, 1793," PLP, Reel 8.

[88] "John Forbes to McGillivray, Jun. 30, 1792" and "Wm. Panton to the Baron de Carondelet, Sep. 7, 1792," PLP, Reel 7.

[89] "William Panton to Baron de Carondelet, Jan. 1, 1793," PLP, Reel 8; "Carondelet to Gayoso de Lemos, December 18, 1792," *Spain in the Mississippi Valley,* 3:104-105.

[90] "Taskihatoka and Others to De La Villebeuvre, March 10, 1793," PLP, Reel 8.

Carondelet's vision of a pan-Indian alliance among the southern Indians stood on the brink of collapse in early 1793. A new phase of violence erupted between the Chickasaws and Creeks that threatened to derail Carondelet's plans for a large assembly to be held at Nogales. According to Villebeuvre, the conflict between the Chickasaws and the Creeks occurred because the Creeks "killed a boatman in the Chickasaws and stolen a Negro and a dozen Horses from a trader named Carney, all of which has done very much harm, and has given a terrible blow to your plans."[92] Carondolet feared that open war would break out between the two groups, especially in light of his belief that the Chickasaws were being instigated to retaliate by William Blount.[93] According to William Panton, however, "altho' there will be no way preventing the Creeks, from taking satisfaction on the Chickesaws . . . with proper management War may not only be prevented between [the two native groups], but the Chickesaws may be forced to remain neutral in the quarrel with the Americans." Panton further suggested, "no expence should be spared to bring [Piomingo] over to [Spanish] interest."[94]

On February 7, 1793, Villebeuvre wrote to Carondelet and urged him to

> make peace [between the Chickasaws and Creeks] immediately cost what it may, for if, as you observed to me, the Americans gain the Margot River and the Chickasaw Bluffs as a result of it, they will control the whole area, they will inject themselves into the Chicasaws and will make themselves masters of all

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[91] Atkinson, *Splendid Land, Splendid People*, p. 127.
[92] "Villebrueve to Carondelet, Boukfouka, Feb. 7, 1793," PLP, Reel 8.
[93] "Carondelet to Gayoso, Mar. 5, 1793," PLP, Reel 8.
[94] "Wm. Panton to the Baron de Carondelet, Jan. 2, 1793," PLP, Reel 8.

> that part, doing to us what they wish, hindering the meeting of the Nations you have planned.

Carondelet's urgent need to secure peace between the Chickasaws and Creeks in 1793 was driven in part by a threat issued by Piomingo to "call in the Americans from the Cumberland settlement to help" the Chickasaws against the Creeks. As the Chickasaws and Creeks stood on the brink of war, Carondelet believed that such assistance from the Americans would push the majority of the Chickasaws into the pro-American faction. If that happened, it would irrevocably shift the balance of trade in the nation towards the favor of the Americans, which "would ruin Panton and make those Indians dependent on, and devoted to, the United States." Therefore, he also instructed Gayoso to "devote all your efforts to winning [Piomingo] over to Spain."[95]

On March 22, 1793, Ugulayacabe appealed to Gayoso to send arms and ammunition to the Chickasaws to defend themselves against the Creeks, whom he claimed started the recent troubles between the two groups. He also informed Gayoso that Taskietoka was unable to deliver the talk Gayoso sent to Piomingo as the latter was already out on the warpath. Ugulayacabe closed his letter by claiming that his talk represented the entire nation, possibly even Piomingo: "My Father, we are not many that talk, but all the great men in this Nation join in this Talk and desire your assistance in what we sent for, that we may not die shamefully, and for want of Amunition, as there will be Indians along, we desire that the supply be sent to the mouth of Yockny Pattafan up the Yasou."[96]

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[95] "Carondelet to las Casas, Mar. 9, 1793," PLP, Reel 8.

[96] "[Ogoulayacabe] to [Gayoso], Mar. 22, 1793," PLP, Reel 8.

The death of Alexander McGillivray in mid-February only complicated matters. Carondelet had lost his most effective advocate among the Creeks. He needed to reestablish Spanish influence among the Creeks quickly if he was to achieve his goal of creating a buffer zone in the southeast. Carondelet relied on Panton and the trade he provided to the Creeks as his avenue to accomplish this mission. The war between the Chickasaws and Creeks in 1793 was actually a war between the Chickasaws and the Upper Creeks, most notably the Tallapoosas. The Lower Creeks refrained from joining their Upper Creek cousins against the Chickasaws, as they had for most of the previous six years. The neutrality of the Lower Creeks provided an avenue for Panton to mediate the peace Carondelet so desperately desired. According to Tus-se-kiah Mico, the "'Cussetah and Chickasaw consider themselves as people of one fire . . . from the earliest account of their origin.'"[97] As this statement indicates, the Chickasaws shared a fictive kinship relationship with the Lower Creek town of Cusseta, whose leaders in turn had an open diplomatic path to the Upper Creeks through their connection as a "friend town" to the Upper Creek towns of Okfuskee and Tallasee.[98] Thus, Panton could rely on the relationship the Cussetas had with the Chickasaws to mediate the latter's problems with the Upper Creeks. As Hawkins noted, "During the late war between the Creeks and Chickasaws, Cussetah refused her aid, and retained her long established friendship for the Chickasaws; and when the Creeks offered to make peace, their offers were rejected, til Cussetah interposed their good offices."[99] By threatening to withhold trade from the Creeks, therefore, Panton may have been able to exploit lines of kinship diplomacy between the Creeks and Chickasaws.[100]

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[97] Benjamin Hawkins, "A Sketch of the Creek Country in the Years 1798 and 1799," *The Collected Works of Benjamin Hawkins, 1796-1810*, edited and with an introduction by H. Thomas Foster II (Tuscaloosa: University of Alabama Press, 2003), p. 83s.

[98] Joshua Piker, "'Meet Me at My Town': Localism in the Native American Southeast from the Mississippian Era to Removal," Unpublished manuscript in the possession of the author.

By spring, it seems that the Spanish efforts to mediate a peace were working. The Cowetas and Tuckabatches beseeched the Choctaws to deliver a peace belt to the Chickasaws. As the Choctaws seemed to think both the Creeks and the Chickasaws were their "elder brothers," they agreed. On June 1, 1793, Tuscoonopoy delivered the wampum to Piomingo's faction at Long Town.[101] Although Piomingo accepted the belt and confirmed his desire to reestablish peace, he was certainly no closer to dissembling his alliance with the Americans as Carondelet had hoped. When Piomingo accepted the peace belt sent by the Creeks, although he acknowledged that the Chickasaws' Spanish "fathers" had promoted peace with the Creeks, it was their American "brothers" who "were good enough to send us a little corn to support life" during this most recent outbreak of hostilities.[102] During this meeting, Piomingo indicated that he had intended to go see Robertson but since the Choctaws were asking him to attend Gayoso's intended congress at Nogales, he stated that he would "go the straight path to the Assembly."[103]

Although Piomingo's words indicate that his allegiance to the Americans was not absolute, he did not attend the conference that fall as he had indicated. This is most likely due to his commitment to keeping the path open between the Chickasaws and the Americans, a path that soon fell under threat of closing. On June 25, 1793, Secretary of War Henry Knox notified the Chickasaw chiefs and warriors that President Washington "has understood through Governor Blount that you are greatly in want of arms and ammunition, and corn, and therefore, he has taken the earliest opportunity of proving to you his friendship, and the desire of being serviceable to you." Knox did not indicate if the desired weapons and food would be provided to the Chickasaws. By referring to the troubles in the Ohio country, however, he used the opportunity to send a warning to those who might resort to war against the United States: "If they listen to the dictates of justice and moderation they will make peace; if not, they will be made to repent their persisting hostilities; although the United States are slow to anger, yet when once roused their wrath will be destructive to their enemies."[104] As a result of this threat, it appears that Piomingo chose to tend to his American connections rather than honor his promise to "go the straight path to the Assembly."

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[99] Hawkins, "A Sketch of the Creek Country," p. 83s.

[100] "Memorandum from the Secretary of War and Andrew Pickens, July 24, 1793," *Territorial Papers: Southwest Territory*, 4:284; "William Panton to Baron de Carondelet, Oct. 15, 1793," PLP, Reel 9.

[101] "Indian Speeches Made at Long Town, June 1, 1793," *Spain in the Mississippi Valley*, 3:164-167.

[102] Ibid., 3:164-167; quote on p. 166.

[103] Ibid.

Piomingo's absence from the Nogales Assembly coincided with a pronounced shift in the way Chickasaw factional leaders represented their society to the outside world. Only one year earlier, Ugulayacabe had confirmed Piomingo's right to take action on behalf of the nation. At Nogales, however, it appears that the respect the factional leaders accorded to each other's ability to commit the nation to specific diplomatic paths—that became binding on the whole—had dissolved. In a private meeting between Ugulayacabe and Gayoso several days before the congress was supposed to convene, the Chickasaw leader told Gayoso that "Payemingo had gone to see the Americans and that from now on it was necessary not to count on him nor think that he might have influence in the affairs of his nation since, in view of his persistence in favor of the Americans, it had entirely abandoned him."[105] Two days later Gayoso informed Carondelet of Piomingo's weakened state:

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[104] "H. Knox, Secretary of War, to the Chiefs and Warriors of the Chickasaw nation of Indians, June 25th 1793 (copy)," Mss. C K. Knox, Henry 1750-1806, Filson Historical Society, Louisville, KY.

> the two principal individuals that supported [Piomingo] . . . are won over to our side, and entirely devoted to Ougoulayacabe: these are the two mestizos named [William and George] Colbert, persons of means, and one of which is also called Piomingo; so the famous Piomingo is now alone, abandoned by all his partisans, a circumstance that will be of little help to the Americans.[106]

Although Ugulayacabe may have overstated his case to Gayoso, 320 Chickasaws accompanied the Spanish-leaning leader to the Nogales Assembly, giving a significant amount of legitimacy to his cause.[107]

By October 24, two days before the congress officially opened, both Gayoso and Ugulayacabe had agreed to work through the Chickasaw assembly "to try to increase contempt for Payemingo and to make an effort for Turnbull to have a trading post on the Bluffs," a location at which the chief claimed "the Chicacha nation was determined not to let any nation" establish a presence.[108] Heeding Carondelet's caution from the previous winter, Gayoso knew that he had to secure acceptance of a delivery of goods at the Bluffs through the course of negotiations during the public sessions of the assembly. Even Ugulayacabe understood that his own influence among the Chickasaws was precarious in nature, and that his ability to secure support for the commitments he made on behalf of the nation during the conference would depend in large part on the number and quality of gifts that he could claim to have obtained for his fellow chiefs. Ugulayacabe claimed that "many of [his party] had been of Payemingo's party, and if now they did not experience the effects of our generosity they would hesitate concerning the party that they should support. He also asked [Gayoso] for a special present for the two Colbert brothers and some clothing for him to distribute at his discretion." Therefore, the two leaders seem to have orchestrated the presentation of gifts during the congress in a manner that allowed Ugulayacabe to work around the Chickasaws' aversion to having either the Americans or the Spaniards establish a presence at the Bluffs.[109]

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[105] "Gayoso's Account of the Nogales Assembly, October 1793," Charles A. Weeks, *Paths to a Middle Ground*, p. 224.

[106] "Gayoso to Carondelet, October 18, 1793," PLP, Reel 9.

[107] "Gayoso's Account of the Nogales Assembly, October 1793," p. 224.

[108] Ibid., p. 224-227; quotes on p. 227 and p. 225 respectively.

Gayoso claimed that the Spanish could "count on the blind adherence of Ougoulayacabe to our interests." This was more a statement of bravado than belief, however. Gayoso understood the Chickasaws' desire to remain independent and to stem the influence of foreigners in their society, especially if that influence did not conform to Chickasaw notions of authority. "Respecting Turnbull's trade in the Chickasaw nation," Gayoso wrote to Carondelet, "be assured that although this nation honors and loves Turnbull and wants to trade with him, it is not to the exclusion of Panton, for what they ask is not to have a single store run by Turnbull to provide them with necessities, but to have stores in any place so that one will be Turnbull's and another Panton's to avoid either one of them laying down the law."[110] Therefore, Gayoso knew he had to move cautiously in regard to achieving Carondelet's objective to establish a Spanish trading post at the Chickasaw Bluffs. Gayoso worked behind the scenes, appealing to Ugulayacabe to secure "some spot [along the Mississippi River] where Turnbull might set up shop" as the trade along the Yazoo was becoming too inconvenient for the latter to continue.

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[109] Ibid., pp. 224-227; quote on p. 227.

[110] "Gayoso to Carondelet, October 18, 1793," PLP, Reel 9.

In his account to Carondelet, written one and one-half months later, Gayoso gave a detailed description of the proceedings that offers immense insight into the intertribal relations and the Chickasaws' understanding of imperial diplomacy. In accordance with their agreement to work through normal native protocol to secure acceptance of their secret objectives, Gayoso afforded Ugulayacabe the central place of honor among the native delegations when the assembly officially convened on October 26.[111] As Franchimastabe had indicated during the Natchez conference one and one-half years earlier, the Chickasaws held a special place among the southeastern tribes, especially when a pan-Indian alliance was in question. The same held true at Nogales despite the recent troubles between Piomingo's faction and the Upper Creeks. As such, Carondelet's strategy to obtain a mutlitribal coalition was not a hard one to accomplish. We should not discredit Ugulayacabe's support for the Spaniards' plan as a result of Gayoso's bribery and assertion of Ugulayacabe's "blind adherence" to the Spanish cause. Ugulayacabe wanted an alliance regardless of Gayoso's ability to influence his behavior, a fact that he demonstrated very well in his reply to Gayoso's call for unity among the southeastern Indians.

The notion of a southern pan-Indian alliance had origins within the native world as well as Spanish policy. Both Gayoso and Ugulayacabe threw their weight behind the concept during the Nogales Assembly, albeit through slightly different rhetoric.

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[111] "Gayoso's Account of the Nogales Assembly, October 1793," pp. 210-211.

Gayoso had presented the idea of a coalition among the Cherokees, Chickasaws, Choctaws, and Creeks as one involving "four houses in which help is needed from all of the dwellings to save the one that is on fire." As this phrase indicates, the Spanish official intended the southeastern nations to form a compact in which they could protect each other from danger. When he addressed the council, Ugulayacabe offered another metaphor to support the creation of a pan-Indian alliance. Ugulayacabe compared the nations to the "four fingers of a hand that, when working together, can lift a great weight." The Chickasaw leader agreed that his people had to work with the other southern polities if they were to secure their objectives in this world. It would not necessarily be prudent for one nation to work alone. In both metaphors, Gayoso's "fire" and Ugulayacabe's "great weight" represented the threat of American attempts to control the southeast. Although Ugulayacabe obviously accepted the Spaniard's premise, he did not think it necessarily identified the best solution. Consequently, Ugulayacabe altered Gayoso's metaphor to better reflect the reality of the post-Revolutionary world in which they all lived.[112]

According to Ugulayacabe, the introduction of the United States into the imperial system had altered the way natives should approach diplomacy with Euro-American powers. The Chickasaw leader believed that although the Spanish merely wanted to control the southeastern trade, the Americans wanted to control the land itself. In a world in which western imperial powers vied with Native Americans for control over the land rather than resources alone, therefore, the four fingers were not enough. Ugulayacabe stated that "if to the four fingers are added the help of a thumb, in this case the Spanish nation, then the power of all is increased significantly." As both the natives and the Spaniards stood to lose if the Americans were to accomplish their objectives, he reasoned, "nothing is better for us all then as keeping ourselves united." By assigning the Spanish to the specific position of the thumb, however, the Chickasaw leader indicated that despite their common goal to thwart the Americans, the Spanish were clearly different from the other polities considering the alliance proposed during the Nogales Assembly. Within Ugulayacabe's metaphor, Native Americans held a common identity or purpose in the world, whereas the Spanish—or any other European American power for that matter—belonged in a position that contrasted, but could be made to enhance and complement, the efforts of native polities.[113]

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[112] Ibid., p. 217; Coker and Watson, *Indian Traders of the Southeastern Spanish Borderlands,* pp. 180-181.

Ugulayacabe's analogy of the fingers supported by an opposable thumb clearly articulates a recognition among Chickasaw leaders that the era of the play-off had changed to some extent. The play-off strategy could remain a component of native diplomacy, but one could only go so far in provoking the ire of the non-American power in order to ensure a counterbalance to the United States at all times. In contrast to the ambitions of the European monarchs, who wished to exploit the resources of the Native South for capital gains, the Americans' empire would be built by providing access to the land for settlement. Leaders in the Native South could no longer expect to be able to keep the individual ambitions of settlers at bay simply by appealing to their political leaders as they had during the colonial era. As the previous fifteen years had revealed, the United States government could not—and as some of the states proved, would not—hold back its citizens from expanding into native territory as the British had attempted to do after the Seven Years' War. Therefore, Ugulayacabe stated that Native Americans had to choose the lesser of two evils—the Spanish—if they were to hold the Americans back from further encroachment onto their lands. At the end of Ugulayacabe's speech, the leaders representing the Alibamons and Choctaws indicated their support for Ugulayacabe's stance, laying the ground work for the congress's major accomplishment: a confederation among the major southeastern tribes that existed on paper, even if not in reality.[114]

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[113] "Gayoso's Account of the Nogales Assembly, October 1793," p. 217.

Although Ugulayacabe had agreed to support the establishment of a Spanish trading post at Chickasaw Bluffs, an actual cession of land did not occur for almost two years. Despite Ugulayacabe's proclamation at Nogales that Piomingo had lost all authority to act on behalf of the nation, the latter chief continued to oppose Spanish influence in the nation and his efforts delayed Ugulayacabe's ability to obtain consent for his agreement with Gayoso. Finally, in June 1795, Gayoso and Ugulayacabe negotiated the cession of the Chickasaw Bluffs "to the Spanish Nation so that they should be able to occupy them in a way they choose forever without any future claim by the Chickasaw Nation." According to Carondelet's officially submitted document recording the transaction, before the agreement was formally sealed, Ugulayacabe "took part in a general Council with [the Chickasaw] King, Chiefs, and Warriors who approved it and as a consequence named as envoys William Glover or Ulathaupaye and Payehuma to treat definitively . . . about the expressed cession and its boundaries." The parties came to an agreement on June 20, opening the door for the establishment of a Spanish fort named San Fernando de las Barrancas.[115]

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[114] Weber, *The Spanish Frontier in North America*, pp. 284-285; Weeks, "Of Rattlesnakes, Wolves, and Tigers," p. 495.

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Despite having seemed to follow the appropriate channels to secure approval among the Chickasaws for the cession, many Chickasaws contested Ugulayacabe's authority to negotiate such an agreement. In early 1794, Piomingo issued a warning to Benjamin Fooy. The Chickasaw chief was determined to keep his nation a "people to our Selves," and he informed Fooy that he would not permit any "Commishon men" to reside among the Chickasaws any longer.[116] By August 1795, a delegation from Long Town, led by Chinubbee and one of Piomingo's nephews, met with Gayoso to protest the Spanish presence at the Chickasaw Bluffs. Although the two men recognized that Ugulayacabe was a man of power among the Chickasaws, the pro-Spanish leader had overstepped his bounds. According to Chinubbee, neither Ugulayacabe nor Piomingo had the authority to cede the Bluffs to anyone. It seems that Gayoso was able to earn Chinubbee's, and therefore the remainder of the delegation's, consent by reminding the Chickasaw representatives about the avarice Americans had shown over the previous fifteen years and the inability of the federal government to stop both individual and state-sponsored attempts to control the Chickasaws' land.[117]

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[115] "Cession of the Barrancas de Margo or Chickasaw Bluffs to the Spanish Nation, June 20, 1795," Weeks, *Paths to a Middle Ground*, p. 233.

[116] "Piomingo to Fooy, Chickasaw Nation, [1794]" in D.C. Corbitt and Roberta Corbitt, eds., "Papers from the Spanish Archives relating to Tennessee and the Old Southwest," *Publications of the East Tennessee Historical Society* 38 (1966): 81. Those familiar with Colin Calloway's *The American Revolution in Indian Country* will recognize the phrase "people to our Selves." Although I wish to credit Calloway for first introducing me to Piomingo's use of this phrase, future researchers of this topic should note that the source cited in Calloway's footnote is mistaken—the correct location of the phrase, as used by Piomingo, is in the citation listed at the head of this footnote. Calloway, *The American Revolution in Indian Country,* p. 213n3.

The objections raised about Ugulayacabe's authority during this meeting reveal that a deep schism had emerged in the way Chickasaw politics played out. By 1795, factional differences had become so hardened that leaders refused to recognize each other's ability to make commitments that the whole nation had to accept. This did not end the Chickasaws ability to balance the influence of both the Spanish and the Americans within their society, however.

Even Piomingo continued to use play-off diplomacy to imply a position of strength in his commitment to the United States. In late September 1795, Piomingo appealed to James Robertson for assistance against the Creeks, with whom violence with the Chickasaws had erupted yet again. In his letter, Piomingo stated that although he was asking the Americans for protection, he still thought of the Chickasaws and the Americans as brothers, and therefore as equals. Piomingo also implied that he had avenues through which he could influence the Spanish, and that the factionalism among the Chickasaws did in fact offer him the ability to secure alliances with two Euro-American powers even if the latter did not want it so. He stated, "If you Send your men to assist me, you may think that the Spaniards wont allow of it, but dont think it for I Shall send to them not to interrupt anything that comes nor the people that comes for it is my request that you Should come there, if you Send a boat it will not be interupted."[118]

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[117] "Gayoso's Account of a Meeting with the Chickasaw King at San Fernando de las Barrancas, August 1795," Weeks, *Paths to a Middle Ground*, pp. 236-242.

The Spanish presence at the Chickasaw Bluffs did not last long. After nearly a decade of negotiating between Spain and the United States, the Spanish agreed to grant the Americans full rights to navigate the Mississippi River and surrendered their claims along the river's eastern shore in the Treaty of San Lorenzo. The treaty was signed only one month after Piomingo's letter to Robertson. For the Chickasaws, the treaty seemed to signal Spanish abandonment of their allies in a manner akin to the perceived deception of the British at the end of the American Revolution. By the following year, the Spanish were moving out of the lower eastern Mississippi valley. Ugulayacabe protested the Spanish betrayal when he delivered a speech to the commandant of San Fernando de las Barrancas in December 1796. The chief lamented, "We have [heard] the Treaty it was read to us in our nation, and we see that our Father abandons us, not only like insignificant animals in the power of the wolf or the Tyger, but still to oblige these wolves to devower us."[119] In what appears to be an appeal to preserve the alliance forged at Nogales in October 1793, Ugulayacabe indicated that he viewed both the

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[118] "Opyomingo to [General Robertson], Septemr 29, 1795," David Henley Papers, I-B-4, M.F. 625, Tennessee State Library and Archives, Nashville, TN.

[119] "Talk held at Chickasaw Bluffs between the Commandant of that post & the headmen of the Chickasaws, December 21, 1796," Forbes Papers, Mobile Public Library, Mobile, AL. Charles A. Weeks has recently edited and published another version—originally written in Spanish—of this talk in the William & Mary Quarterly; see Weeks, "Of Rattlesnakes, Wolves, and Tigers," pp. 511-518. The copy at the Mobile Public Library is badly damaged and incomplete, so I have relied on Weeks' version to confirm my interpretation of this talk. However, I have chosen to present quoted passages only from the version at the Mobile Public Library because it contains some phrases that better present the overall context of Ugulayacabe's message in relationship to his use of the fingers and thumb metaphor he stated during the Nogales Assembly in 1793.

Chickasaws and the Spanish in similar weakened positions to that of the United States, especially concerning the Americans' desire to expand westward. Recognizing how their engagement in the market economy had made the Chickasaws dependent upon western powers, he stated, "In spight of all our efforts to oppose their entering our wood & to [settle] themselves on our Lands, we [know] we shall be overcome, but that at least we shall [Die]." To further convince the commandant that the Spanish position across the river would not be safe, Ugulayacabe stated that the Americans "go much farther than we do towards the great country where you get silver, we meet them every day with horse loads of Peltry, there are some who even live with Red People of that Country with a view certainly, through time, to take" the land west of the Mississippi River as well.

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By summer 1797, the Americans were making preparations to take over the Spanish posts along the eastern side of the Mississippi River. United States Secretary of War Henry Knox instructed Captain Isaac Guion, the officer in charge of the project, to inform him as soon as he "assumed his posts at or near Walnut Hills and Natchez." As Knox advised Guion to "send dispatches and duplicates by a trusty Indian through the Creeks & Chickasaws to Knoxville in Tennessee," he clearly believed that the cultivation of friendship by United States officials among Chickasaw leaders such as Piomingo over the previous decade had not yet guaranteed the United States favorable relations with the Chickasaws.[120] Despite the apocalyptic tone of Ugulayacabe's speech at Chickasaw Bluffs in December 1796, the Chickasaw leader did not give up the fight against American intrusion into the Chickasaws' world simply because Spain and the United States signed the Treaty of San Lorenzo. In a move similar to Piomingo's warning to Benjamin Fooy in 1794, Ugulayacabe sought to challenge the American occupation of the Chickasaw Bluffs shortly after Guion arrived in the summer of 1797. Further, much like Piomingo's promise to keep the Chickasaws a "people to our Selves," Ugulayacabe's attempt proved incapable of asserting a unilateral policy on behalf of the Chickasaws.[121]

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[120] "Extract from a letter of the Secy of War to the Commander in Chief, June 10, 1797" SPR 114, Alabama Department of Archives and History, Montgomery, AL.

The pro-American faction, led by Piomingo and William Colbert, declared their unending commitment to an American alliance for the Chickasaws. However, it was the bicultural son of James Logan Colbert who presented the most resounding opposition to Ugulayacabe. In his account of the incident to Secretary of War James McHenry, written several days later, Guion described Colbert's statement as "an animated and bold talk." According to Guion, Colbert announced that Ugulayacabe would never succeed in his opposition to the American presence in the Chickasaw nation "while [Colbert] was living: that the works [the Americans] were beginning was done with [Colbert's] consent and his peoples, [and that he] wished to know who was the [chief] in his nation that should make nothing of his promise." As if this demonstration was not enough to dissuade Ugulayacabe from his objective, Colbert reminded the former "that he would do well to recall of who were the warriors of his nation." Further, Colbert proclaimed that he would "he [Colbert] would be killed by their side and buried here" before Ugulayacabe could succeed in removing the Americans.[122]

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[121] "Piomingo to Fooy, Chickasaw Nation, [1794]."

Although we do not have a direct recitation of William Colbert's words on October 16, 1797, much can be gleaned from Guion's summary.[123] Guion's assertion that Colbert spoke for himself and "his peoples" illustrates not only that James Logan Colbert's sons had emerged on the center stage of Chickasaw international policy by the turn of the nineteenth century, but that the Colbert brothers identified themselves as Chickasaws first and foremost, not European Americans with native ancestry. Further, the distinction Colbert made between his and Ugulayacabe's peoples points to the way factionalism had become potentially violent over the previous five years. Colbert was willing to threaten war against another Chickasaw faction, further indicating how

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[122] "Causes of the Delay in the Chief's Arrival, Etc., [Isaac Guion to James McHenry, October 22, 1797]," Center for History and New Media, George Mason University, "Papers of the War Department, 1784 to 1800," http://wardepartmentpapers.org/docimage.php?id=23605&docColID=25848, accessed online on December 12, 2011. This is a digitized copy of the original, which is contained in the Mississippi Department of Archives and History: Territorial Governor Papers, RG2. See also Craig, "The Colberts in Chickasaw History," p. 184; Atkinson, *Splendid Land, Splendid People*, pp. 177-178.

[123] Despite the appearance of a transcription of Guion's letter to McHenry that appears in J.F.H. Claiborne's *Mississippi, as a Province, Territory, and State* that makes it appear as if Guion transcribed rather than summarized William Colbert's speech, I am forced to conclude that the author granted himself poetic license when it came to transcribing Guion's letter as Claiborne did not offer any source material for his transcription and the wording throughout the rest of the letter nearly mirrors the source referenced above. Additionally, the edited and printed version of Guion's military journal for this mission contains a summary of Colbert's speech, not a transcription. J.F.H. Claiborne, *Mississippi, as a Province, Territory, and State, with biographical notices of eminent citizens*, vol. 1 (Jackson, MS: Power & Barksdale, 1880; reprint Baton Rouge: Louisiana State University Press, 1964), p. 183-184; Dunbar Rowland, ed., "Military Journal of Captain Isaac Guion, 1797-1799," *Seventh and Eighth Annual Report of the Director of the Department of Archives and History of the State of Mississippi from October 1, 1907, to October 1, 1908, with Accompanying Letters of Capt. Isaac Guion* (Nashville: Press of Brandon Printing Co., 1909), pp. 48-49.

Chickasaw leaders discounted each other's ability to commit the nation to a single, unified policy. Colbert taunted Ugulayacabe with the fact that although the latter may have commanded the attention of most of the Chickasaws, the warriors did not have to listen to him. They would continue to support the Americans as long as the latter supplied them with goods to stay in a position of influence among the Chickasaws.

That men such as Piomingo, William Colbert, and Ugulayacabe sought to fill both civic and military roles within the Chickasaw political structure illustrates that the moiety system was no longer representative of Chickasaw internal relations. Although the factions among the Chickasaws were willing to work together during the 1780s, they did not have to, as their actions during the 1790s illustrate. Ugulayacabe's unwillingness to take his antagonists up on Colbert's proposition that only their deaths would change the situation demonstrates that only the Chickasaws' commitment to their common ethnicity and shared kinship, not their political organization, could prevent them from bringing their disagreements to the point of civil war.

CHAPTER 3

BECOMING A NATION WITHIN A NATION

During fall 1798, Ugulayacabe traveled to Philadelphia with George Colbert to meet the American president, John Adams. Along the way, the two men stopped by James Robertson's house to acquire supplies for their journey. Robertson felt obliged to fill their request even though he was no longer the Chickasaw Agent—Samuel Mitchell had recently replaced him. After all, Robertson reasoned, James Wilkinson had instigated the two chiefs' journey.[1] Robertson wrote, "Wilkinson must have had some valuable object in view from sending those Indians on to the President of the United States at this time." For his own part, Ugulayacabe may have agreed to undertake the journey due to a desire to retain as much control as possible in Chickasaw foreign affairs. During their stay, the chief asked Robertson to provide "a detail of his character" to President John Adams.[2] Although he had not given up on his Spanish allies completely, it appears that Ugulayacabe accepted that the Chickasaws would have to court the United States federal government if they were to maintain their independence and sovereignty in the unraveling imperial world of North America.

Despite Ugulayacabe's previous opposition to the United States—and the demonstrated loyalty of Piomingo and his followers—both Robertson and Wilkinson promoted the idea that obtaining the chief's allegiance would be vital to the United States in its relations with the Chickasaws moving forward. In his letter to Adams, Robertson stated that Ugulayacabe held more "influence" than Piomingo and that "three fourths of the Nation" still followed him. As such, Robertson claimed that Ugulayacabe was "the most useful Chief in the Nation." Further, Robertson promoted Ugulayacabe's commitment

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[1] "Stipends, Dividends & Gift Sums to Indian Nations [James McHenry to John Adams, January 27, 1799]," Center for History and New Media, George Mason University, "Papers of the War Department, 1784 to 1800," http://wardepartmentpapers.org/docimage.php?id=30267&docColID=33205, accessed online on December 3, 2011. This is a digitized copy of the original, which is contained in the John Adams Papers, Massachusetts Historical Society.

[2] "James Robertson to [John Adams], October 20, 1798," in "Correspondence of General James Robertson," *American Historical Magazine*, 4:4 (October 1899): 368-369.

> to keep his Nation at peace with the whole world, and particularly with neighboring people and States, and although he has been greatly caressed by another government, I am pretty well informed he has at all times answered them that he was determined to be at peace with the United States, and if white people fall out, the Chickasaws would remain Neutral.[3]

Wilkinson, for his part, informed Secretary of War James McHenry that an offer of an annual stipend for the chief could win Ugulayacabe over to the American cause and away from the Spanish for good.[4]

McHenry did not share his subordinates' opinions. In a letter informing President John Adams of Ugulayacabe's desire to meet with him, McHenry noted that the United States had already secured the allegiance of the Chickasaw faction "strongly attached to the United States, at the head of which are Opiomingo & George Colbert." The secretary suggested that this faction provided an adequate avenue toward securing the future amity of the Chickasaw. He reminded Adams that the Chickasaws were already "connected to the United States by treaty" through which the United States paid them “three thousand dollars annually.” McHenry cautioned Adams that offering Ugulayacabe an annual stipend as a means to cull his favor might not be the best course of action. To give the chief a separate stipend, McHenry intimated, would threaten the status quo of gift giving in which no chief received an annual stipend apart from that which he was due under the annuity. Further, McHenry cautioned that to court Ugulayacabe might provoke conflict between Spain and the United States. Therefore, he recommended that both Ugulayacabe and George Colbert should each receive “a present of one hundred dollars, in addition to the presents in articles of dress, which it has been usual to give to Indian visitors,” thereby solidifying United States’ acceptance of George Colbert as Piomingo’s successor.[5]

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[3] Ibid.

[4] "Stipends, Dividends & Gift Sums to Indian Nations." It is likely that Wilkinson was attempting to help Ugulayacabe secure his objective of usurping Piomingo's role as fanemingo—and ensure that George Colbert did not rise to the position—between the Chickasaws and the Americans. Wilkinson was working as a double agent at the time, and his recommendation could have been an attempt on behalf of the Spanish to use their relationship with Ugulayacabe to control the Chickasaws' relationship with the Americans.

This chapter traces how the factional strife of the 1790s ended as Chickasaw access to distinctly separate western imperial powers dwindled in the early nineteenth century. As the two main protagonists of the 1790s, Ugulayacabe and Piomingo, succumbed to old age, a new generation of Chickasaw leaders associated with the latter’s faction emerged to assume responsibility for Chickasaw governance. Within this new generation, bicultural individuals—such as the sons of James Logan Colbert—displayed a greater aptitude to negotiate with the United States. Consequently, these men often appeared at the forefront of Chickasaw diplomacy and therefore dominate the historical record. Unfortunately, this has led to the dominance of past interpretations that contend a group of bicultural men hijacked Chickasaw politics at the turn of the nineteenth century who worked to realize their own capitalist ambitions rather than protect the independence and sovereignty of the Chickasaw people. Over the past fifteen years, however, scholars have worked to revise such notions, implying that bicultural individuals saw themselves as native first and acted according to the customs of their native ancestry.[6] Examining the relative authority specific individuals held at the negotiating table further supports the idea that although these bicultural individuals appeared to be in control of Chickasaw politics during the early nineteenth century, they did so in cooperation with their fully native contemporaries.[7] Over the next twenty years, the factional differences of the 1790s died out and the Chickasaws reunited behind a shared purpose of keeping their society as free from American control as possible. As the American states looked to expand west in pursuit of an empire of liberty, Chickasaw leaders looked to establish a relationship in which their society accepted a protected status of a nation within a nation akin to that among native polities during the previous century. Further, through their negotiations with federal officials, they defined a fanemingo-like role for the Office of the President wherein the incumbent was required to promote amicable relations between natives and settlers and to protect Chickasaw sovereignty against the claims of the states and their citizens.

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[5] Ibid.

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[6] Americans created most primary accounts about Chickasaw society during the early nineteenth century, which has been to the detriment of recognizing diplomatic activities that the Chickasaws undertook concerning their neighbors to the south, west, and north. The most prominent study that has influenced the popular understanding of the Colberts as self-aggrandizing individuals at the expense of Chickasaw independence is Gibson's *The Chickasaws*, especially pp. 80-131. For those studies that spend considerable time revising this interpretation, see Craig, "The Colberts in Chickasaw History"; Atkinson, *Splendid Land, Splendid People*; and Inman, "Networks in Negotiation."

[7] The terms for individuals who had both European and native parents have ranged widely over the years. Most of the terms often carry a negative connotation, such as half-breed or mixed-blood, which the user may or may not have intended. Others, seeking to be more politically correct have at times used "progressive" to indicate biculturals connections to the western world and supposed adoption of its tenets and "traditional" to indicate those of native ancestry only. However, this presumes that individuals of native ancestry would never want to adapt their society and cultural values to the realities of existing in a changing world, thereby unjustly portraying those who wanted to remain faithful to native customs in a negative light. Further, use of progressive and traditional in the early nineteenth century could confuse the meanings behind the adoption of Progressive as a moniker that Chickasaw political parties adopted after the U.S. Civil War when the Chickasaws had already made strides toward acculturating their society to compete within a western-dominated world. Although southeastern native societies in the first half of the nineteenth century would have recognized individuals with a European father and a native mother who chose to live according to native customs as simply native, I have chosen to use the modern term bicultural in order to indicate immersion in two distinctly different cultural traditions—native and western. O'Brien, *Choctaws in a Revolutionary Age*, pp. 103-104; Theda Perdue, *"Mixed Blood" Indians: Racial Construction in the Early South*, paperback ed. (Athens: University of Georgia Press, 2005), pp. 39-40.

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Following his failed attempt to secure control of Chickasaw-United States relations in winter 1798-99, Ugulayacabe's support from the Spanish dwindled and his ability to provide for his Chickasaw followers diminished greatly. Nevertheless, American officials still took his authority among the Chickasaws seriously, with good cause. Despite the popular myth that he returned from Philadelphia dejected and broken, Ugulayacabe continued to serve his nation as a high political figure for several more years. During his visit among the Chickasaws in summer 1799 to promote the establishment of a religious mission in their lands, the Reverend Joseph Bullen anxiously awaited an audience with Ugulayacabe. When the two men finally met, Bullen reported that they had "a good long to talk" with the man who was "head man of this nation."[8] Ugulayacabe even sent his own separate address, apart from that of George and William Colbert's, to the Board of Directors of the New-York Missionary Society when Bullen returned to garner support for a permanent mission among the

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[8] "Extracts from the Journal of the Rev. Mr. Bullen, Missionary to the Chickasaw Indians from the New-York Missionary Society," *New-York Missionary Magazine, & Repository of Religious Intelligence* 1:4 (1800): 262-274; quotations on p. 272.

Chickasaws.[9] Further, the chief even indicated that he wished Bullen to educate his two youngest sons once a mission was established among the Chickasaws.[10] Finally, he was the primary addressee in David Henley's February 1, 1800 letter announcing the death of George Washington to the Chickasaws.[11] Although he apparently had lessened his resolve when it came to negotiating with the Americans, Ugulayacabe continued to believe the Spanish would not abandon the Chickasaws per the alliance he helped to create at Nogales almost seven years earlier.

In 1801, Chickasaw and American officials concluded a treaty to allow the construction of a road running through Chickasaw territory that would connect Nashville to the Natchez District. Despite his absence from these negotiations, Ugulayacabe remained a principal figure in Chickasaw relations. In fact, his absence from the council is notable: his subsequent actions reveal the persistence of discord among Chickasaw leaders regarding each other's authority when it came to international relations that had erupted in the early 1790s. Following the negotiations to build the Wilderness Road, Ugulayacabe travelled to New Orleans "to express his dissatisfaction with [the treaty] & to request the interference of Spain that nothing further should be attempted by [the United States] Government." The Spanish governor apparently ignored Ugulayacabe, who "retired in disgust." Having failed yet again to hold his former allies to the role they committed to under the Nogales Assembly in 1793, the chief "surrender[ed his] annual Pension of 500 dollars which has been constantly & regularly paid him by order of the Court of Spain, saying that as he was to become an American he would do so in earnest." Daniel Clark, the American who reported these events to Secretary of State James Madison, saw the opportunity to win over the allegiance of the majority of the Chickasaws, which had long eluded the Americans in spite of their efforts to cultivate the friendship of other Chickasaw leaders. Clark stated, "The ignorance, incapacity, & dotage of the old Spanish Governor have thus effected a Breach with those Indians whom his Predecessors have so long courted & which his successor will make the greatest efforts to repair."[12]

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[9] "Report of the Directors of the New-York Missionary Society," *New-York Missionary Magazine, & Repository of Religious Intelligence* 1:1 (1800): 162-163.

[10] "Extracts from the Journal of the Rev. Mr. Bullen, Missionary to the Chickasaw Indians from the New-York Missionary Society," *New-York Missionary Magazine, & Repository of Religious Intelligence* 1:5 (1800): 366.

[11] "Requested Delivery of Sundry Items for Indians," Center for History and New Media, George Mason University, "Papers of the War Department, 1784 to 1800," http://wardepartmentpapers.org/docimage.php?id=37755&docColID=40993, accessed online on December 11, 2011. This is a digitized copy of the original, which is contained in the National Archives and Records Administration: David Henley, Letters Sent, RG217.

Clark's message caught the attention of senior Jefferson administration officials. By the end of August, the news of Ugulayacabe's disgust with the Spanish had reached President Thomas Jefferson's desk. Jefferson instructed Secretary of War Henry Dearborn to follow through on Clark's suggestion "to cultivate the friendship of the chief."[13] Dearborn, in turn, turned the task over to James Wilkinson.[14] Whether Wilkinson followed up on Dearborn's instructions remains unresolved. The paper trail seems to fall dead after Dearborn’s letter, and Wilkinson’s personal reminiscences, written later in life, are quiet on this subject. Regardless, the attention Jefferson and his officials gave to the situation indicates both the very real influence Ugulayacabe could still wield concerning Chickasaw diplomacy and the potential for Native Americans to check the ambitions of the United States against other imperial-minded powers. Clark’s fear that the Spanish would attempt to rekindle the friendship they once held with Ugulayacabe abated, however, when the United States surreptitiously acquired the Louisiana Territory less than a year later. Without access to a competing imperial power, the pro-Spanish faction seems to have lost its ability to provide for the material wants and needs of Ugulayacabe’s followers and drops out of the historical record.

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[12] "Daniel Clark to James Madison, 16 August 1802," The Papers of James Madison Digital Edition, J. C. A. Stagg, editor. Charlottesville: University of Virginia Press, Rotunda, 2010, http://rotunda.upress.virginia.edu/founders/JSMN-02-03-02-0620, accessed on December 8, 2011. Original source in Secretary of State Series, Volume 3 (1 March–6 October 1802).

[13] "Thomas Jefferson to Henry Dearborn, August 30, 1802," The Thomas Jefferson Papers, Series 1, General Correspondence, 1651-1827, The Library of Congress, American Memory website, http://hdl.loc.gov/loc.mss/mtj.mtjbib011693, accessed on December 8, 2011.

[14] "The Secretary of War to James Wilkinson, 14th September 1802," Carter, ed., *Territorial Papers: Mississippi Territory, 1798-1817*, 5:177.

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William Colbert’s opposition to Ugulayacabe at Chickasaw Bluffs on October 16, 1797, signified the emergence of a new generation of Chickasaw leaders.[15] Some of these men were bicultural individuals, such as George and Levi Colbert. These sons of a European trader who had married Chickasaw women would rise to the upper echelons of the Chickasaw political structure over the next thirty years due to their matrilineal connections and their ability to navigate the European American imperial system, the cultivation of which their native Chickasaw elders recognized and promoted. Although these men followed the matrilineal customs of their native kinsmen, they also seem to have adopted some of their father’s patrilineal tendencies. They helped each other’s children become some of the prominent members of the succeeding generation of Chickasaw leaders. Following their peoples’ removal west during the 1830s and 1840s, this next set of politicians guided the Chickasaw people through the consolidation of their society and transformation of their political system into a blend of traditional southeastern native political ideology and what can be seen as a western, democratic nation-state.

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[15] Atkinson, *Splendid Land, Splendid People*, p. 179.

The rise of Colbert's sons to the forefront of Chickasaw politics during the early nineteenth century is most likely attributable to four factors. First, half-brothers William and George supported Piomingo in his attempt to establish strong ties with the United States against the efforts of their common father-in-law, Ugulayacabe. In their efforts to earn the Americans' as a faithful ally for the Chickasaws, these two men earned recognition from President Washington for their participation in the American army's campaigns against the Indian confederation north of the Ohio River in the first half of the 1790s. Second, their father undertook efforts to educate them in navigating the emerging market economy of the southeast, thus helping them learn how to interact with European Americans according to western terms. The knowledge of western economic methods also improved the Colbert brothers' ability to garner and sustain political loyalty among the Chickasaws by providing goods and performing services for those less connected than them. Third, these men all had Chickasaw mothers, through whom they obtained kinship among the Chickasaws' upper echelon of society. George and Levi's uncles recognized their ability to negotiate with the European American powers at the turn of the century and thus promoted them to positions of authority within the Chickasaw political system. Fourth, George Colbert's marriage to Ugulayacabe's daughter may have provided kinship ties into his father-in-law's political faction, just as James Logan Colbert's marriages provided him access to various

Chickasaw kinship groups in the mid-eighteenth century. These ties may have facilitated the reconciliation process between the two factions in the years immediately following the Louisiana Purchase when Ugulayacabe died.[16]

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[16] James Logan Colbert married three Chickasaw women with whom he had eight children in total. George and Levi Colbert his third and fourth sons, born in 1764 and 1765 respectively. They shared the same mother—along with their older brother Samuel (second son; born 1762) and younger brother Joseph (sixth son; born 1769)—Noe, James Logan Colbert's second wife. Joseph Colbert, too, held a prominent position within the Chickasaw-United States diplomatic realm. Having displayed an aptitude for reading and writing the English language during Reverend Bullen's first visit to the Chickasaws in 1799, Joseph continued to study the English language and eventually served as the interpreter at most negotiations in the 1810s. The eldest son of James Logan Colbert, William, was their half-brother, born to James Logan's first wife in 1760. As noted in the text, William established himself as a warrior during the campaigns in the Ohio country and against the Creeks during the 1790s. He remained among the prominent war chiefs until the late 1810s. Another half-brother, James Pitman Colbert (fifth son; third wife; born 1768), became a successful cattle rancher by the late 1790s. He capitalized on the American presence at the Chickasaw Bluffs by selling beef to the contingent at Fort Adams. Like his brothers, however, cattle farming was not the extent of his economic enterprises. James Pitman Colbert served as an apprentice in the firm of Panton, Leslie and Company during the 1780s. He also married a half-Choctaw daughter of Benjamin James, a trader living among the Choctaws who had connections to Panton, Leslie and Company. His apprenticeship to the firm as a young man and his marriage into one of the Choctaw families that had connections to the same firm most likely provided James Pitman Colbert an easy avenue to continued procurement of Spanish goods being traded out of Mobile after the Louisiana Purchase, which Chickasaw leaders, such as the Colberts, continued to use despite Ugulayacabe's falling out with the Governor General in New Orleans and American attempts to tie them down economically. Finally, the Colbert brothers had two half-sisters, Sally (first wife; born 1770) and Susan (third wife; born 1775), who married Thomas Love and James Allen respectively. Craig, "The Colberts in Chickasaw History," pp. 116-124, 204-206; Atkinson, *Splendid Land, Splendid People*, pp. 199-200; Inman, "Networks in Negotiation," pp. 127-232; and Theda Perdue, "*Mixed Blood" Indians*, Ch. 2. Benjamin James had been appointed to act on behalf of the Georgia government in 1786 after he first arrived in the Choctaw Nation in 1785. However, we should not take this to mean that he provided a source of pro-American sympathy in the familial connections of James Pitman Colbert. In a letter to Mather and Strother, he attempted to disassociate himself from this task and proclaimed his allegiance to the two traders' house and the Spanish government. Further, he disavowed William Davenport as "a Bankrupt" individual. "Benjamin James to Mather and Strother, Jul. 23, 1787," PLP, Reel 3. Both William Panton and John Forbes recommended Benjamin James as a man through whom the firm of Panton, Leslie—

As noted earlier, George Colbert assumed the role previously held by Piomingo, that of principal diplomat to the United States. Despite the Chickasaws' continued appointment of fanemingos in the late eighteenth century, however, George Colbert was not allowed to act unilaterally as his predecessor had been.[17] In 1801, George Colbert served as chief representative for the Chickasaws when United States officials came to negotiate the building of the road through the Chickasaws' lands to expedite travel and transport between Nashville and Natchez. In his 1840 interview with Lyman Draper, Malcolm McKee recalled that Chinubbee appointed George Colbert "to act as principal chief in all matters with the U.S. government" due to "his knowledge of English."[18] Although McGee's statement was probably accurate, it only reveals a partial truth. Chinubbee did not have the authority to determine matters of such importance on his own. The role of high chief in Chickasaw politics in the early nineteenth century was primarily symbolic in nature. Therefore, it is more likely that Colbert had attained the

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and, therefore, the Spanish—could maintain influence among the Choctaws, "for he is Now entirely detached from the other Side and has more influence in that Nation than any other Man." "John Forbes to Alexander McGillivray, June 30, 1792," and "Wm. Panton to the Baron de Carondelet, Sept. 7, 1792" in PLP, Reel 7; quote from Forbes to McGillivray. James lived among the Choctaws until 1797, during which time he fathered three children. Greg O'Brien, *Choctaws in a Revolutionary Age*, p. 88.

[17] During the summer and fall 1797 negotiations to end the Chickasaw-Creek wars of the 1790s, Chinubbee presented four chiefs in response to Tussekiah Mico's, the Coweta chief, comment that he no longer knew any of the Chickasaw chiefs. The four chiefs that Chinubbe presented were "Fan Omingo, Tusscuppatapa Omingo, Whelocke Emautlau, and Insuchela." Although the record in which these names are listed is an American transcription of a speech Tussekiah Mico gave several months after the described events, if accurate, we can see that the Chickasaws were beginning to present a united front among the new generation of leaders—at least within the realm of native polities—at the same time that Piomingo and William Colbert made their demonstration against Ugulayacabe at the Chickasaw Bluffs. "The speach of the Cowetas, Cussetas and other lower towns to the Chickasaws, 28th October, 1797," *The Collected Works of Benjamin Hawkins*, p. 213.

[18] Atkinson, ed., "A Narrative Based on an Interview with Malcolm McGee by Lyman C. Draper," p. 65.

position through his kinship connections and his service to the pro-American cause over the previous decade. As the more diplomatically minded of the two most prominent Colbert brothers—William Colbert only ever served as a war chief—George was a member of several delegations sent to negotiate with the United States Government during the 1790s, including the visit to President Adams in 1798-1799 from which he emerged as an equal to Ugulayacabe in American officials' eyes. As the Chickasaws' ambassador to the United States, therefore, George would soon be called into service once again, but this time it would be on behalf of the entire nation.

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In fall 1801, federal commissioners arrived among the Chickasaws to negotiate a new treaty between their two confederated polities. Thomas Jefferson's attention was drawn to the western territories of the American south soon after his election in 1800. The states of Georgia and Tennessee demanded that federal assistance be given to procure certain lands from the southeastern nations and that the president acquire the right to build a formal road connecting these states with the settlers in the Natchez district. Jefferson appointed Benjamin Hawkins, William R. Davie, and James Wilkinson to negotiate the desired road with the southeastern native polities. Despite Jefferson's vision of expanding west to create an empire of liberty, however, Executive Branch officials knew that the United States could not impose their will over the native populations just yet.

In his letter of instructions to the commissioners, Secretary of War Henry Dearborn instructed the men to take "all fair and proper means" to convince their native counterparts of "a really friendly disposition on the part of the United States." Further, he instructed the commissioners to portray the president in a manner that the Chickasaws could have easily transcribed into native methods of diplomacy. According to Dearborn,

> It is of importance that the Indian nations generally within the United States should be convinced of the certainty in which they may, at all times, rely upon the friendship of the United States, and that the President will never abandon them, or their children, whilst their conduct towards the citizens of the United States and their Indian neighbors shall be peaceable, honest, and fair.[19]

Davie declined the appointment and Andrew Pickens subsequently filled his position. When the commissioners finally commenced the negotiations, therefore, they did not act as if the United States Government held the upper hand in any aspect of relations east of the Mississippi River.

The commissioners used native metaphors to describe the political situation within the United States that once again revealed a relationship among the states similar to that of any native confederation. The commissioners were appointed to negotiate with the Cherokees, Chickasaws, Choctaws, and Creeks. They opened negotiations with the Cherokee on September 4, 1801. In their opening speech—which therefore also initiated their conversation with all the tribes—the commissioners described the manner in which the Americans had recently elected Jefferson as president: "About six moons past the people of the sixteen fires assembled in their grand council house thought proper to elect our beloved chief, Thomas Jefferson, to be the President of the United States in the place of Adams, who had succeeded Washington." Having become acquainted with the manner of representative government among the states over the previous twelve years, Chickasaw leaders who learned of this speech probably understood the commissioners' statements to indicate that Adams had fallen out of favor with the majority of the states and had been replace, much as their own symbolic leader, Taskietoka, had been in the early 1790s.

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[19] "Instructions to William R. Davie, James Wilkinson, and Benjamin Hawkins," *ASP:IA*, 1:650.

As Dearborn had instructed, the commissioners quickly sought to quash any notion among their native audience that a change in president threatened the relationship established by previous administrations. The commissioners stated, "No sooner did our new father, Thomas Jefferson, find himself at the head of all the white people and sixteen fires than he turned his thoughts towards his red children, who stand in most need of his care, and whom he regards with the same tenderness that he does his white children."[20] That Jefferson viewed both his white and red children "with the same tenderness" could have also implied that the Americans viewed the Office of the President as their version of a native fanemingo, through which amicable relations between the two cultures would be maintained. Further, by referring to Americans as "the people of the sixteen fires," Hawkins, Pickens, and Wilkinson probably reinforced the notion that the United States were a confederation of autonomous and sovereign polities joined together for mutual benefit but without any real obligation to cooperate unless they so desired.[21]

Not only did the commissioners' words reinforce the separate socio-political identities that comprised the United States, the 1801 treaty set the stage for Chickasaw efforts to use the office of the President of the United States to protect themselves against the encroachments of the states and American citizens for the next thirty years. Article 2 of the original negotiated treaty during this 1801 conference required the President of the United States to protect the Chickasaws' right to their lands "against the encroachment of unjust neighbors, of which he shall be the judge; and also to preserve and to perpetuate the friendship and brotherhood between the white people and the Chickasaws."[22] Although this statement was not necessarily included at the behest of the Chickasaws, their agreement to the terms of the treaty indicates the acceptance of a protected position when dealing with the United States. The role prescribed to President Jefferson in Article 2 of the treaty resembles the functions attributed to a fanemingo, which we know the Chickasaws had sought to establish with the United States in the immediate aftermath of the American Revolution. For his part, Jefferson at least attempted to play the role in the public arena even if he did not believe that native peoples should have an equal footing within the international arena. He appealed to the citizens of the United States to respect the promises made to the Chickasaws as part of the treaty, hinting specifically at the obligation of the president to protect the Chickasaws rights to ownership and control over their lands.[23] Most likely, the positioning of the president as the protector of the Chickasaws' relationship with the United States was instigated from the American side of the negotiations, lending further credence to the idea that the president, or his designated deputy, served in a capacity very similar to that of a native fanemingo.

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[20] "Journal of the Commissioners of the United States Appointed to Hold Conferences with Several of the Indian Nations South of the Ohio, Commenced by M. Hawkins, One of the Commissioners," *The Collected Works of Benjamin Hawkins,* p. 377.

[21] As noted in Chapter 2, even native peoples of different ethnic groups referred to themselves a being "of one fire" when they wanted to reinforce the idea of a joint or shared identity. Benjamin Hawkins, "A Sketch of the Creek Country in the Years 1798 and 1799," *The Collected Works of Benjamin Hawkins,* p. 83s.

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[22] *The Collected Works of Benjamin Hawkins*, p. 90.

[23] *National Intelligencer* (Washington, DC), 12 May 1802, p. 3.

As had anti-American leaders such as Ugulayacabe and Taskietoka during the previous fifteen years, Chickasaw leaders in the early nineteenth century feared that Americans would come into Chickasaw lands determined to control not only the economy but the land as well. Despite their eventual support of Piomingo's faction in the internal political competition of the 1790s, this new generation of leaders consistently negotiated for recognition of their control over the land their people had inhabited since before the arrival of Europeans. On the second day of the 1801 conference between the Chickasaws and the U.S. commissioners, Chinubbee announced the Chickasaws' relief that the United States "does not require the cession of land or any thing of that kind." Further, George Colbert, as national spokesman for the Chickasaws, announced that

> The nation agrees to that a waggon road may be cut thro' this land, but do's not consent to the erection of houses for the accomodation of travelers. We leave that subject to future consideration, in order that time may enable our people to ascertain the advantages to be derived from it. In the meantime travelers will always find provisions in the nation sufficient to carry them through.[24]

Despite the seeming success of the Chickasaw leaders in maintaining control over their land and engagement with the American economy, not all leaders shared in the belief that they could hold the Americans to the obligations agreed to under the terms of the treaty, as was demonstrated in Ugulayacabe's final appeal to the Spanish in 1802.

The Louisiana Purchase compelled Chickasaw leaders to accept the need to treat with the United States for the political security of their polity. As has been well established, the origins of removal had begun in Jefferson's administration. Throughout the 1790s, American emissaries promoted the idea of civilization according to western customs. This included the abandonment of hunting in order to adopt a more agricultural lifestyle. Further, to be civilized in the western world of the nineteenth century meant to engage with the growing global market and the adoption of capitalism. Consequently, Jefferson used his territorial administrators to push his hidden agenda of exploiting Native American dependency and indebtedness as a means to compel them to sell their lands to the United States.

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[24] "Minutes of a conference held a the Chickasaw Bluffs by General James Wilkinson, Benjamin Hawkins, and Andrew Pickins, Esq., Commissioners of the United States, with the mingco, chiefs, and principal men of the Chickasaw nation, the 21st, and ending the 24th of October, 1801," *The Collected Works of Benjamin Hawkins*, p. 389.

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Although they would not give up hunting entirely until sometime after 1820, the scarcity and decreased purchasing power of game that occurred over the previous decade compelled many Chickasaw families to adopt an agricultural lifestyle that incorporated aspects of western European culture. In 1801, Benjamin Hawkins stated, "The Chickasaws are setting out from their old towns and fencing their farms. They have established and fenced within two years nearly two hundred. All of these farmers have cattle or hogs and some of the men attend seriously to labour." Hawkins credited George Colbert for much of the transformation: "Major Colbert, who ranks high in the government of his nation and was the speaker at the treaty here, has laboured at the plough and hoe during the last season, and his example has stimulated others." Further, Hawkins noted that "Several of the families have planted cotton, which grows well, and some of the women spin and weave."[25]

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[25] "[Benjamin Hawkins] to Henry Dearborn, 28 October 1801," *The Collected Works of Benjamin Hawkins, 1796-1810*, p. 393; Usner, *American Indians in the Lower Mississippi Valley*, p. 97.

Not only had many of the Chickasaws embraced some tenets of western civilization and interaction with the market, Chickasaw social and political organization shifted to some extent by the early 1800s. The final cessation of hostilities with the Creeks in 1797 created a secure environment for Chickasaw families to disperse from their towns and village settings to the individual farms that Hawkins wrote about in 1801. Over the next few years, Chickasaw politics would alter to recognize this shift in settlement patterns. By 1805, four districts replaced the town-based system through which the Chickasaws had previously determined national policy. Three of these four districts seem to have derived their names and constituencies from three of the late eighteenth century mother towns: Chatala, Chouculissa (Big Town), and Chuckafalya (Long Town). The fourth, Pontatock, probably assumed the role of providing for the former towns of Tascahuillo, Malata, and Achucuma, which seemed to align politically under the former town-based system.[26] The continued dispersal of Chickasaw families out of the towns over the next twenty years increased the need for leaders to cooperate and avoid the factional divisions of the past, especially as Americans increased their control over the Mississippi valley and individual Chickasaws began to engage actively with the global market.

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[26] Dr. Rush Nutt named the four districts in the 1805 journal of his visit among the Chickasaws. Nutt spelled them as Pontatock; Ches, ha,ta,lia; Chuc,an,fa,li,ah; and Chuguilisa; I have chosen to stick with my previous spellings for consistency. Although Nutt proclaimed that the Chickasaws settled out of their towns due to the suggestion of U.S. agents, I am hesitant to place the full shift to the district structure among the Chickasaws prior to 1805 due to a letter from Henry Dearborn to James Wilkinson, dated February 18, 1803, in which the former wrote that "the convention made with the Chickasaw towns [concerning the 1801 agreement to construct the Wilderness Road] has been ratified." If Nutt was correct that the Chickasaws' dispersal came about in part due to "the advice of the agent & other officers of government," then Dearborn's reference to the primacy of "towns" in Chickasaw-U.S. diplomacy indicates that American officials respected the Chickasaws ability to determine how they would be represented at the negotiating table. Therefore, we should not define the transition until they presented chiefs for each of the four districts at the 1805 negotiations to settle their debts to the firm of Panton, Leslie and Company. Jesse D. Jennings, ed., "Nutt's Trip to the Chickasaw Country," *New York Historical Society Quarterly* 37:3 (July 1953): 42-43, quote from 43; "The Secretary of War to James Wilkinson, 14th September 1802," *Territorial Papers: Mississippi Territory*, 5: 187.

Agricultural labor by native men conflicted with traditional gender roles, however. Those more knowledgeable in the ways of western civilization, such as the Colbert brothers, adopted the plantation lifestyle of the American South by acquiring slaves to produce goods for the market along with the food required for subsistence. In 1839, census records indicate that 255 Chickasaws owned approximately 1200 slaves. Pitman Colbert, one of George's sons, owned the most slaves: 150.[27] Further, the adoption of plantation economics allowed these men to devote their time to other economic and political pursuits that those individuals whose existence was dominated by the daily demands to make ends meet could not afford.[28]

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Chickasaw leaders seem to have accepted the role of a protectorate under the guidance of the federal government according to the 1801 treaty. They did not necessarily accept American hegemony wholesale. Rather, Chickasaw leaders efforts to deny Americans immediate access to their citizenry as a market for American goods reveals a desire to curtail their society's slide into a state of complete dependency on the Americans. Over the next few years, they worked to ensure that the flow of money did not simply follow a one-way path into American coffers. Instead, Chickasaw leaders sought to find ways to ensure that American incursions into their territory brought revenue into their own society through the control of the trade in which individuals would inevitably engage when members of the two cultures met.[29]

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[27] Daniel F. Littlefield, *The Chickasaw Freedmen: A People Without a Country* (Westport, CT: Greenwood Press, 1980), p. 10; Atkinson, *Splendid Land, Splendid People*, p. 93.

[28] Christina Snyder offers a comprehensive interpretation of how southeastern Native Americans incorporated the plantation system of slave ownership into the cultures' already existent notions of captivity during the early republic. Snyder, *Slavery in Indian Country, passim*.

The United States decided to establish a trading post, or factory, at Chickasaw Bluffs following the ratification of the 1801 treaty.[30] The post was most likely supposed to be part of a grand scheme Thomas Jefferson devised to compel Native American societies to adopt western agricultural practices and, ultimately, to sell their lands to the United States in order to pay off debts they would incur because of the Americans' monopoly to provide goods in the Indian trade. Although Jefferson best articulated the second part of this policy in a confidential letter to William Henry Harrison in February 1803, it is highly likely that Jefferson already intended to take advantage of the powers given to the president by the Trade and Intercourse Acts of the 1790s to compel Native Americans to assimilate or remove west of American communities in the territories south of the Ohio River as well as to the northern territory that Harrison governed. In a letter to Benjamin Hawkins, dated February 18, 1803, the president instructed the Indian agent to "encourage" the Indians to "live on less land" in order to accommodate westward migrating Americans who "will be calling for more land." The soon-to-follow acquisition of Louisiana offered Jefferson the outlet he needed into which Indians could emigrate to if they chose to remain separated from the American polity.[31]

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[29] Despite this seeming adoption of a defensive mechanism to restrain their incorporation into and the influence of a dominating American economic system, Chickasaw leaders were too late. Even within their strategy to keep the operations of service industries along the Wilderness Road in Chickasaw hands, they could not avoid the condition that their ability to turn a profit depended upon the Americans continued intrusion and expansion into their world. In making this assessment, I am drawing on White, *The Roots of Dependency*, pp. xvii, 97-146 for a definition of dependency and defensive strategies employed by the Choctaws—a native culture closely related in spatial- and time-experience to the Chickasaws—against the United States.

[30] "H. Dearborn to W.C.C. Claiborne, June 7th—1802," Dunbar Rowland, ed., *Official Letterbooks of W.C.C. Claiborne, 1801-1816*, vol. 1 (Jackson, MS: Mississippi Department of Archives and History, 1917), p. 150; Gibson, *The Chickasaws*, p. 95; Atkinson, *Splendid Land, Splendid People*, p. 193.

The establishment of the factory was done cautiously, most likely to avoid exciting the Chickasaws who had expressed concern that the Americans wanted to acquire their lands during the 1801 negotiations for the Wilderness Road. Despite the appointment of Thomas Peterkin as factor on July 28, 1802, William C.C. Claiborne, the Mississippi territorial governor, cautioned Chickasaw Agent Samuel Mitchell to "mention [the post] to the Indians as a probable event; or rather as an object contemplated, and not as one determined upon."[32] The following March, Claiborne charged Mitchell to investigate the disposition of the Chickasaw leadership concerning their willingness to sell some of their lands to pay off debts incurred to the United States as opposed to the Chickasaws' desire to use the annuity payment due them.[33] Chickasaw leaders did not welcome Mitchell's inquiries, however, and the pursuit of land cessions had to wait for several more years. For their part, the Chickasaws most likely contributed to this reticence among United States officials to push the idea of land. Their alliance with the United States offered an affordable way to ensure safety and security along the Wilderness Road. According to Claiborne, George Colbert claimed that the road "should remain a clear and white path" since the Chickasaws had "freely granted" the right to build the road to the United States. Further, Chickasaw leaders lent their support to American efforts to quash violent activity along the road committed by Creeks and Choctaws against white travelers.[34] In their letter to the Choctaw leadership, Chinubbe and the other Chickasaw chiefs advised their "younger brothers" to quit harassing white travellers through their territory. The chiefs wrote,

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[31] "Thomas Jefferson to Benjamin Hawkins, February 18, 1803," The Thomas Jefferson Papers, Series 1, General Correspondence, 1651-1827, The Library of Congress, American Memory website, http://hdl.loc.gov/loc.mss/mtj.mtjbib012159, accessed on December 28, 2011. See also Sheehan, *Seeds of Extinction, passim;* Richard Drinnon, *Facing West: The Metaphysics of Indian-Hating and Empire-Building* (Norman: University of Oklahoma Press, 1997), pp. 83-84; Wallace, *Jefferson and the Indians*, Ch. 7; Lawrence S. Kaplan, *Thomas Jefferson: Westward the Course of Empire* (Wilmington: Scholarly Resources, Inc., 1999), pp. 146-151; and Robert M. Owens, "Jeffersonian Benevolence on the Ground: The Indian Land Cession Treaties of William Henry Harrison," *Journal of the Early Republic* 22:3 (Autumn, 2003): 417.

[32] "W.C.C. Claiborne to Saml. Mitchell, August 15th. 1802" and "W.C.C. Claiborne to H. Dearborn, September 17 1802," *Official Letterbooks of W.C.C. Claiborne, 1801-1816*, 1:156, 182.

> We fear that such conduct may be of fatal consequences to your Nation in time to come, and we beg you will in future treat travellers friendly, and take nothing from them, and such horses you find that have been lost by travellers either deliver them to Governor Claiborne or the Agent of your Nation and you will thereby insure [sic] to your Nation the friendship and attention of the White People by whom red People are supported.[35]

As the chiefs' statement indicates, Chickasaw leaders understood that their lifestyle was "supported" by the ability to enjoy amicable relations with the Americans.

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[33] "William C.C. Claiborne to Samuel Mitchell Esq., Agent to the Chickasaws, March 23, 1803" Journal: Indian Department, 1803-1805, SG3113, Alabama Department of Archives and History, Montgomery, AL, p. 14.

[34] "William C.C. Claiborne to Samuel Mitchell, Agent &c. Chickasaws, June 1803" Journal: Indian Department, 1803-1805, pp. 24-25.

[35] "To the Kings Chiefs and Warriors of the Chactaw Nation, 25th Augt. 1802," in "Mississippi Territorial Transcripts, 1800-1808," Folder 1, Mississippi Territory, Governor's Records, Correspondence, 1798-1819, SG3114, Alabama Department of Archives and History, Montgomery, AL. Originals on file at Mississippi Department of Archives and History.

The factory at Chickasaw Bluffs was never successful in drawing the Chickasaws fully into a state of dependency upon their American neighbors. This failure to achieve Jefferson's goals came about primarily due to the desire of the Chickasaws to control the trade themselves and the proximity of the post to the majority of Chickasaws living in northeastern Mississippi and northwestern Alabama.[36] In spring 1803, the Chickasaw chiefs requested that Governor Claiborne "permit Messrs. Grub & Bright to establish a trading House at the Chickasaw Bluffs."[37] Claiborne was hesitant to acquiesce to the Chickasaws' request, which would have provided direct competition to the United States Factory, now run by Cato West. Through an apparent series of miscommunications among Dearborn, Claiborne, Mitchell, and West, however, it appears that Jacob Bright obtained a six-month license to trade at the Bluffs the following winter.[38]

Despite the Chickasaws' desire to have other white traders operating at the Bluffs to compete with the U.S. Factory, they clearly maintained their desire to keep such economic matters outside of their living areas. As the United States continued to push for the establishment of accommodations along the Wilderness Road to support travelers and "post" riders, Claiborne approached the Chickasaws to "consent that Taverns should be erected every Twenty Miles distant through [their] land." Claiborne desired that the Chickasaws would lease the land for these posts to white men "who would be agreeable to both them and me"; however, he would also consent to the Chickasaws establishing the taverns on their own so long as they "would take honest

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[36] Atkinson, *Splendid Land, Splendid People*, pp. 193-194.

[37] "William C.C. Claiborne to Henry Dearborn, Secretary at War, May the 17th 1804(3?)" Journal: Indian Department, 1803-1805, p. 22.

[38] Journal: Indian Department, 1803-1805, pp. 22-46.

White men into partnership."[39] Although Mitchell followed Claiborne's instructions to effect this proposal, he "could not prevail upon the Chickasaws to take White men into partnership upon any terms." In a letter to Dearborn, Claiborne indicated that he might be more successful if he addressed the situation personally.[40] However, he belied this confidence in a separate letter to Silas Dinsmoor on that very same day: "I have not yet received an Answer from the Chickasaws, but I must confess, that I fear they will not be as accommodating as is desired."[41] Claiborne's fear was justified. He soon learned from Mitchell that the Chickasaws wished to have any "houses [established along the road within their territory] under the care of Indians alone."[42] As such, it is clear that the Chickasaws intended to keep their society as a distinct entity apart from the United States, despite Jefferson's inclination to have the southeastern Indians become citizens as he had indicated to Benjamin Hawkins earlier that same year.[43]

Some historians have claimed that because the operation of ferries, inns, and taverns often fell into the hands of a few elite bicultural individuals, such as the Colbert brothers, these men were more interested in lining their pockets than they were in protecting the interests of their native brethren. Most of these interpretations are derived from the protests made by U.S. officials who sought to discredit biculturals within their own communities.[44] Recently, however, historians have presented interpretations that suggest that bicultural individuals did not usurp the authority of the traditional power structure within their society. Rather, they acted in accordance with goals proscribed by their native leaders. One such example among the Creeks involving the objection to American-owned operations along the Federal Road through their territory was that such operations would increase the opportunity for conflict or theft to arise between individual Creeks and American citizens. These incidents would certainly rise to the level of the Creek council, whose members may have feared that American representatives would use accusations against individual Creeks to make demands for the entire society to surrender land or agree to more treaties restraining their ability to coexist on an equal plane in the southeast.[45]

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[39] "A Talk from William C.C. Claiborne, Oct. 5, 1803," Journal: Indian Department, 1803-1805, pp. 38-39.

[40] "Claiborne to Dearborn, Oct. 23, 1803," Journal: Indian Department, 1803-1805, pp. 39-40.

[41] Ibid., pp. 40-42.

[42] Ibid., pp. 42-43.

[43] "Thomas Jefferson to Benjamin Hawkins, February 18, 1803," The Thomas Jefferson Papers, Series 1, General Correspondence, 1651-1827, The Library of Congress, American Memory website, http://hdl.loc.gov/loc.mss/mtj.mtjbib012159, accessed on December 28, 2011. James Atkinson asserts that the involvement of bicultural Chickasaws, most notably the Colbert brothers, played key roles in helping the Chickasaws to maintain this arrangement that prevented the intrusion of official U.S. traders into their society. Atkinson, *Splendid Land, Splendid People,* pp. 199-200.

Given the fact that a faction of Chickasaw warriors threatened to continue an ongoing war with the Osages—that went against the established policy of the Chickasaw headmen—this interpretation of Creek reasoning may also represent an underlying reason for the Chickasaws' refusal to allow non-Chickasaw-owned operations along the Wilderness Road.[46] Another possibility deserves consideration, however. The actions of George and Levi Colbert over the course of the next thirty years reveal a profound commitment to the kinship group in which they were raised—and therefore Chickasaw society as a whole. Although the Colbert brothers certainly profited from their ability to operate the ferries and inns established to support travelers along the Wilderness Road, they most likely did not want to disgrace their elders who helped them to achieve their positions of status within Chickasaw politics. As suggested previously, Chickasaw elders at the turn of the eighteenth century saw in bicultural children the ability to help the entire society negotiate a changing world that included the ability to interact with the western-oriented market economy.[47] By allowing the brothers to operate the ferries and inns along the road, therefore, the Chickasaw leadership possibly put their faith in the Colberts to adhere to traditional

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[44] The majority of interpretations pre-dating 1980 reflect this idea. The primary example among historians of the Chickasaw is Arrell M. Gibson in his 1971 monograph, *The Chickasaws*. Gibson argued that Chickasaw culture changed fundamentally at the turn of the nineteenth century as mixed-bloods seized control of the social and political hierarchy for their own personal gain. Gibson, *The Chickasaws*, Chs. 4 and 5.

[45] Angela Pulley Hudson, *Creek Paths and Federal Roads: Indians, Settlers, and Slaves in the Making of the American South* (Chapel Hill: University of North Carolina Press, 2010), p. 80.

[46] The diminishing availability of game east of the Mississippi River by the late eighteenth century compelled many Chickasaw men to expand their range of hunting

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west into the Arkansas valley. Their continued pursuit of game in this region provoked a long-term, yet intermittent, period of conflict with the Osages, regardless of the Chickasaws' negotiations with the Spanish and Quapaws in the 1770s. On August 25, 1802, the principle Chickasaw leaders—Chinubbe, Mattaha Muo, William Glover, and Mingo Mattaha—sent a letter informing the Choctaws that the Chickasaws anticipated forming a treaty with the Osages. "We have received a talk from the [Spanish] Commanding Officer of the Post of Arkansas [Francisco Caso y Luengo] inviting us to a treaty with the Osages, it is our desire to have Peace with all Nations, and as it is a peace endeavouring to be brought about by the White People it is very pleasing to us, as we can hunt and trade with safety." The Chickasaw leaders expressed skepticism that the Osages would follow through with the negotiations, but they invited the Choctaws, whom they referred to as their "younger brothers," to be a party to the treaty as well. According to Samuel Mitchell, the U.S. Agent to the Choctaws and Chickasaws who helped to broker the proposed peace, William Colbert had fallen out with the Chickasaw leadership and was determined to keep the war with the Osages ongoing with the help of those warriors who would follow him. Although Mitchell expressed his belief that Colbert would be unable to command many warriors from the nation, warfare between the Chickasaws and the Osages continued until about 1821, with Chickasaw warriors often joining forces with the Cherokees. "To the Kings Chiefs and Warriors of the Chactaw Nation, 25th Augt. 1802"; Gibson, *The Chickasaws*, p. 129; and DuVal, *The Native Ground*, p. 138-139.

[47] Craig, "The Colberts in Chickasaw History," *passim*; Atkinson, *Splendid Land, Splendid People*, pp. 197-200; and Inman, "Networks in Negotiation," pp. 162-191.

native notions of political survival: if they wanted to retain their status within the entire society, they had to provide for the comfort of their constituents and protect them from American infringements on their autonomy and sovereignty.

Unfortunately for the Chickasaws, the reality of westerners' recognition of the Treaty of San Lorenzo and their willingness to deny Native Americans the full right to an equal say in the system meant that Native Americans would be unable to avoid ceding lands to the United States regardless of how much control they retained over the American trade coursing through their territory. Despite American attempts to gain control of the southeastern Indian trade in the late eighteenth century, the firm of Panton, Leslie and Company managed to dominate the market as part of their agreements with the Spanish. During this time, the Chickasaws amassed a substantial debt to the firm, especially after Panton secured control of the Spanish trade from Strother and Mather in the early 1790s. According to the terms of the Treaty of San Lorenzo, the Chickasaws domain fell within the recognized territory of the United States. This did not deter Panton, Leslie and Company from trading with the Chickasaws; however, it did prompt a shift in company policy towards working with United States officials to secure payment of their debts. As of late August 1803, the Chickasaws owed Panton, Leslie and Company approximately $11,178.[48] As company leaders knew that the debts had risen too high for most of their native customers to pay in specie, they adopted a policy of payment that mirrored that of the Jefferson administration: through the sale of land.[49]

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[48] "General Abstract of the Debts due the House of Panton Leslie & Co. by the Creek, Cherokee, Chickasaw, and Choctaw Nations of Indians," PLP, Reel 15.

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Following the death of William Panton in 1801, Panton, Leslie, & Company's assets and debts transferred hands to John Leslie and Company. By mid-1804, John Forbes and Company controlled the firm and continued their predecessors' attempts to resolve the company's debts through land cessions. William Simpson, one of the partners in Forbes and Company, initiated negotiations with the Choctaws to settle their debt through the sale of land along the Mississippi River, one of the primary objectives of Jefferson administration officials. Simpson lobbied the Choctaws to agree to a cession in which they would sell land to the United States through a formal treaty and that the latter would in turn use the funds to pay the Indians' debts owed to the company. Although U.S. officials were able to secure a land cession, it did not meet with Jefferson's approval, possibly because the final cession did not include any lands along the Mississippi River. The president refused to submit the treaty for approval to the Senate even as Simpson began similar lobbying efforts among the Chickasaws.[50]

James Robertson and Silas Dinsmoor, the United States officials appointed to obtain a land cession from the Chickasaws, convened their negotiations with Chickasaws leaders and Simpson's designee, John Gordon, on July 17, 1805. According to Rush Nutt, George Colbert no longer served as speaker of the nation by this year. His replacement was Tisshamastubba, or Tishomingo as he would later be remembered.[51] Nutt's statement should not be taken at face value, however. The official treaty lists George Colbert's name in the position immediately behind that of Chinubbee.[52] Nutt's observation that Colbert was no longer the national speaker more likely records the rise of another Chickasaw leader to the forefront of national politics as opposed to the demotion of Colbert. Throughout the negotiations for this cession of land, George Colbert presented the Chickasaws' case publicly.[53] Further, Tishomingo, who signed the treaty under the name O Koy, attended the 1805 negotiations as one of the district chiefs.[54] Tishomingo demonstrated some of his recently acquired authority, however, even if hidden somewhat in the background, by withholding his acceptance of the quantity of land to cede in payment until all the other chiefs agreed.[55] Therefore, we can assume that the position of speaker of the nation was flexible and dependent upon the nature of the diplomacy to be conducted and not necessarily an indicator of the most influential man among the Chickasaws in the early nineteenth century. Both George Colbert and Tishomingo each received $1,000 according to Article 2 of the treaty. This payment was made "at the request of the national council for services rendered to their nation."[56] Colbert's was the more business oriented mind of the two, which indicates that the national council could call upon whichever leader held the best skill set to understand the specific requirements being negotiated, not that the Chickasaws were not under the control of the Colbert brothers or other bicultural individuals.

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[49] Coker and Watson, *Indian Traders of the Southeastern Spanish Borderlands*, pp. 49-250; Usner, *American Indians in the Lower Mississippi Valley*, pp. 77-78.

[50] Coker and Watson, *Indian Traders of the Southeastern Spanish Borderlands*, pp. 250-256; "John Forbes & Co., Successors to Panton, Leslie & Co., vs. The Chickasaw Nation: A Journal of an Indian Talk, 1805," *The Florida Historical Quarterly* 8:3 (Jan., 1930): 131-142.

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[51] Jennings, "Nutt's Trip," p. 47.

[52] Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:80.

[53] "John Forbes & Co., Successors to Panton, Leslie & Co., vs. The Chickasaw Nation: A Journal of an Indian Talk, 1805," pp. 131-142.

[54] The assertion that Tisshamastubba and O Koy were the same person who was later known by the name Tishomingo follows the work of James Atkinson in *Splendid Land, Splendid People*. Further, in James Robertson's copy of the treaty, published in the *American Historical Magazine* in 1900, the names "Okay" and "Tishumustubbee" appear on the same line connected by "or," not on separate lines as appears in Kappler's transcription of the treaty. Atkinson, *Splendid Land, Splendid People*, pp. 198 and 302n33; "Correspondence of General James Robertson," *American Historical Magazine* 5:2 (April 1900): 166; Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:80; Craig, "The Colberts in Chickasaw History," pp. 273-274, 314; and Atkinson, ed., "A Narrative Based on an Interview with Malcolm McGee by Lyman C. Draper," p. 53.

[55] "John Forbes & Co., Successors to Panton, Leslie & Co., vs. The Chickasaw Nation: A Journal of an Indian Talk, 1805," p. 138.

As he had concerning the negotiation of the Wilderness Road, George Colbert continued to serve in the role of Chickasaw speaker in diplomacy involving the United States. According to the speeches he made during the negotiations, Colbert had been in correspondence with Simpson for quite some time. When he addressed the U.S. commissioners on July 18, Colbert objected to the idea that all the Chickasaws should sacrifice land in order to pay debts incurred by only a few. Although Colbert indicated that the Chickasaw leaders had agreed to such a sale this one time, he was adamant that such a scenario would not recur in the future. Colbert stated, "It is the wish of our people, that if the house of John Forbes & Co Should hereafter Credit our people—they should be obliged to look to individuals whom they trust for their pay. . . . I mean not that house only, but the Merchants in every part."[57]

While Colbert presented the public face of the Chickasaws to the outside world during these negotiations, Tishomingo emerged as a man who held internal sway. According to Gordon's account of the treaty council, Tishomingo, or Ockoy, continually gave final approval of the amount of land that would pay off the debts of the

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[56] Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:79.

[57] "John Forbes & Co., Successors to Panton, Leslie & Co., vs. The Chickasaw Nation: A Journal of an Indian Talk, 1805," p. 133.

Chickasaws to John Forbes and Company. Further, on the final day of negotiations, July 22, Tishomingo

> shook hands with General Robertson, & the treaty was to be made out & signed to-morrow—Ockoy then harangued the red men, which was not interpreted, but I understood through some of the Interpreters, that it was not to blame him for what they had now done, they had agreed by mutual consent to pay their merchants, & that the door was now open to them that they had also paid off their traders and general satisfaction was spread throughout.[58]

That Tishomingo's speech was not deliberately translated for the benefit of the non-Chickasaw attendees at this conference indicates that both he and George Colbert served complimentary roles during the 1805 negotiations for the land cession. Although Colbert and his brother James continued to meet with the representatives of John Forbes and Company concerning the particulars of the payment over the next several days, it seems that the Chickasaws realized they had to negotiate a world in which the United States held primacy within the international arena.

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In the years following the 1805 cession, it appears that the Chickasaws did not foresee any viable ability to thwart the encroachment of American citizens through appeal to another foreign power. Spanish officials continued to meddle in southeastern Indian affairs despite the Americans' purchase of the Louisiana territory in 1803.[59] Some southeastern native groups, such as the Six Towns faction of the Choctaws, welcomed these agents enthusiastically. Although some enterprising Chickasaws continued to use the Spanish for trade, the Chickasaws did not seem to be inclined to take advantage of the opportunity to continue political relations with the Spanish anymore. Rather, they needed to exploit the systemic differences concerning responsibility and authority within the Americans' union of states. Except for a small number who chose to emigrate west rather than live under United States control, the majority of Chickasaws focused on holding the federal government, particularly the executive branch, to its duties of protecting the relations between themselves and the American citizens.

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[58] Ibid., pp. 138-139.

[59] "R. Williams to James Madison, Secy. of State, April 1, 1806," in Folder 1 – "Mississippi Territorial Transcripts, 1800-1808," Mississippi Territory, Governor's Records, Correspondence, 1798-1819, SG3114, Alabama Department of Archives and History, Montgomery, AL; Weber, *The Spanish Frontier in North America*, pp. 291-296.

Article 4 of the 1805 treaty required the federal government to restrict American citizens from settling "on that part of the present cession included between the present Indian boundary and the Tennessee, and between the Ohio and a line drawn due north from the mouth of the Buffaloe to the ridge dividing the waters of the Cumberland from those of the Tennessee river [for a] term of three years" following the ratification of the treaty.[60] Although the treaty was signed on July 23, 1805, it was not ratified for almost two more years: May 22, 1807 to be precise. The purpose of the three-year delay before Americans could settle within the designated territory was to offer those Chickasaws inhabiting that portion of the cession the time to move if they so chose. Therefore, the Chickasaws should have enjoyed unencumbered use of this portion of the cession until late spring 1810. This, however, was not the case. As with most cessions involving the Chickasaws lands in the early years of the nineteenth century, other southeastern polities also claimed the lands. In this case, the Cherokees had also claimed a portion of this cession.

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[60] Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:79.

Shortly after he left office as president in 1809, Thomas Jefferson informed his successor, James Madison, that he had received information the previous fall about "many intruders [who] had settled on the lands of the Cherokees & Chickasaws." Some of these settlers had moved to the region as early as 1807. Jefferson relayed that Henry Dearborn had instructed Colonel Return J. Meigs to use "military force" if necessary to remove those individuals who refused to leave the Indians' lands.[61] Once again, Jefferson seemed to agree that the president should promote peace and security between the Chickasaws and the American citizenry, as he had done concerning the 1801 treaty. As we know, however—and was further indicated in this same memorandum—Jefferson advocated that all Indians should be removed west of the Mississippi River to an area of territory undesired by whites. Jefferson believed that separation from white neighbors for an extended period of time would allow Native Americans to achieve a level of civilization in which cohabitation with westerners would not necessarily result in the Indians' destruction nor the latter's devolution to a lesser stage of advancement. He had even suggested such a move to a delegation of Chickasaw leaders, including Mingo Mattaha and Tishopolatta, who visited him just prior to the 1805 treaty negotiations.[62] Therefore, he left the task of enforcing the removal of the settlers to Madison.

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[61] "Thomas Jefferson Memoranda to James Madison, [ca. 4-11 Mar. 1809]," The Papers of Thomas Jefferson Digital Edition, Barbara B. Oberg and J. Jefferson Looney, editors, Charlottesville: University of Virginia Press, Rotunda, 2008, http://rotunda.upress.virginia.edu/founders/TSJN-03-01-02-0003, accessed on December 29, 2011. Original source in Retirement Series, Volume 1 (4 March 1809 to 15 November 1809). See also "Petition to the President and Congress by Intruders on Chickasaw Lands," Carter, ed., *Territorial Papers: Mississippi Territory, 1809-1817*, 6:106-113 for how early these settlers had arrived in this restricted territory.

As far as can be ascertained, Madison did not take any immediate action to remove the squatters. The Chickasaws continued to press their agent, James Neelly, to resolve the situation. Neelly was unable to persuade his superiors to take action. He eventually petitioned the territorial governor of Mississippi, David Holmes, for assistance in the matter. Holmes assured him that a force of U.S. Army soldiers would see to the removal of the settlers, although the success of the endeavor would take some time.[63] Regardless of any assurances Madison's administration offered to ameliorate Chickasaw fears that they would lose their lands, or the continued recognition of their independence, we should be able to assume that they fell on wary ears.

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By summer 1811, Tecumseh and Tenskwatawa had embarked on their famous recruitment campaign among the southern Indians. Despite the Shawnee warrior's offer to join his efforts to build a pan-Indian confederacy dedicated to the expulsion of white people encroaching on their lands, Chickasaw leaders politely refused. Although they harbored Tecumseh no ill will, they relied on the president to protect them from external conflict. Consequently, they upheld their duty as a protected people. Chickasaw leaders sent a message to President Madison about "a combination of the

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[62] "Thomas Jefferson to Chickasaw Nation, March 7, 1805," The Thomas Jefferson Papers, Series 1, General Correspondence, 1651-1827, The Library of Congress, American Memory website, http://hdl.loc.gov/loc.mss/mtj.mtjbib014449, accessed on December 29, 2011; Wallace, *Jefferson and the Indians*, pp. 273-274; and Drinnon, *Facing West*, pp. 83-84.

[63] "James Neelly to Governor Holmes, 22 January 1810," and "David Holmes to James Neelly, 3rd Feby 1810," Carter, ed., *Territorial Papers: Mississippi Territory, 1809-1817*, 6:45-47.

Northern Indians, promoted by the English, to unite in falling on the frontier settlements, and are inviting the Southern tribes to join them."[64]

The exact reasons for the Chickasaws' rejection of Tecumseh's offer remain obscure. Tecumseh apparently recruited a small number of Chickasaw warriors, but no large contingent opted to join in his effort. As some of the Chickasaw leadership had fought alongside the Americans in the Ohio country during the 1790s, they probably remembered their animosity toward the primary groups that comprised Tecumseh's confederacy.[65] Even those who opposed the American influence in their society at the end of the previous century may not have put much faith in the commitment of the British to support the Indian allies they were recruiting for their war against the United States. After all, neither the British nor the Spanish had been able to uphold similar promises over the previous thirty years. Chickasaw families were also probably trying to recover from a poor crop-growing season due to excessive heat and widespread flooding in the Mississippi and Ohio valleys, which made American assistance a vital component in their capability to survive what was reportedly a harsh winter.[66] Regardless of any lingering inclinations to join in the impending fight against the Americans, the Chickasaws were soon dealt a blow that certainly would have disrupted any ability to do so.

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[64] "James Robertson to Willie Blount, Septr: 11. 1811," The Papers of James Madison Digital Edition, J. C. A. Stagg, editor. Charlottesville: University of Virginia Press, Rotunda, 2010, http://rotunda.upress.virginia.edu/founders/JSMN-03-03-02-0539, accessed on December 8, 2011. Original source in Presidential Series, Volume 3 (3 November 1810–4 November 1811). See also Gibson, *The Chickasaws*, p. 96; Atkinson, *Splendid Land, Splendid People*, pp. 201 and 304n40.

[65] Craig, "The Colberts in Chickasaw History," p. 310.

[66] Jay Feldman, *When the Mississippi Ran Backwards: Empire, Intrigue, Murder, and the New Madrid Earthquakes* (New York: Simon and Schuster, 2005), p. 12.

In the early morning hours of December 16, 1811, an earthquake occurred with an epicenter near present-day New Madrid, Missouri. This earthquake was stronger than any other ever recorded in the United States. Moreover, it sparked a series of aftershocks over the next few months and was accompanied by two more earthquakes near the same location on January 23 and February 7, 1812. The effects of these earthquakes were felt as far east as Philadelphia and were followed by severe aftershocks in January and February 1812. According to one eyewitness account, the effects of the initial earthquake were severe enough to cause the banks of the Mississippi River near the Chickasaw Bluffs to crumble into the water "in such vast masses, as nearly to sink our boat by the swell they occasioned."[67] Although the physical damage to man-made structures southeast of the epicenter appears to have been minimal, primary accounts of the Chickasaws' experience do not seem to exist. Given the proximity of the Chickasaw homelands to the epicenters of the earthquakes, we should not discount the potential mental anxiety such a far-reaching event can have on people. One gentleman as far away as Knoxville, Tennessee, described the morning of December 16 in the following manner: "For several hours previous to the shock the most tremendous noise was heard from the neighboring mountains. At intervals it was quiet; but would begin with so much violence that each repetition was believed to be the last groan of expiring nature."[68] Following an already natural disaster-ridden year, therefore, it is highly unlikely that the Chickasaws were in any condition to become actively involved in an act of rebellion against the cultural influences represented by the United States.[69]

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[67] John Bradbury and John Bywater, *Travels in the Interior of America, in the Years 1809, 1810, and 1811;: Including a Description of Upper Louisiana, Together with the States of Ohio, Kentucky, Indiana, and Tennessee, with the Illinois and Western Territories, and Containing Remarks and Observations Useful to Persons Emigrating to Those Countries* (Liverpool: Printed for the author, by Smith and Galway, and published by Sherwood, Neely, and Jones, London, 1817), p. 200; Arch C. Johnston and Eugene S. Schweig, "The Enigma of the New Madrid Earthquakes of 1811-1812," *Annual Review of Earth and Planetary Sciences* 24 (1996): 339-384.

George Colbert and other Chickasaw leaders issued statements to calm American anxieties that the Chickasaws would join in the British-supported pan-Indian confederation.[70] These men commented on their people's commitment to the peace between themselves and their American neighbors and that U.S. officials need not fear conflict with the Chickasaws even when a civil war among the Creeks threatened to engulf the entire South. Inspired in part by Tecumseh's message, the Red Stick faction among the Upper Creeks attempted to recruit other southeastern natives to their cause to cleanse Muskogee society of European influences. For the most part, southeastern native polities, including the majority of Lower Creek towns as well as the Chickasaws, Choctaws, and Cherokees again refused to join in a battle that portended to erupt not only among the Creeks, but against the United States as well. As they were coming out of the deleterious natural disasters of 1811 and early 1812, Chickasaw leaders most likely believed that they still needed access to American goods and markets to complete their recovery.[71]

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[68] "Earthquake," *National Intelligencer* (Washington, DC), January 28, 1812, p. 3. Knoxville was approximately 366 miles east of the epicenter for the December 16 earthquake. In contrast, the Chickasaw homelands in northeastern Mississippi are approximately 140 to 170 miles southeast of the northern and southern boundaries of the New Madrid Seismic Zone. The Chickasaw Bluffs were even closer, approximately 40 to 105 miles south of the zone's borders.

[69] Ronald Eugene Craig suggests that the calamitous upheaval associated with the New Madrid earthquakes of 1811-1812 probably persuaded the Chickasaws in the directions they chose on the eve of the War of 1812 and the Creek Civil War. Craig bases his idea on a review of Chickasaw spiritual and cosmological beliefs. As I have found no direct references to the earthquake made by Chickasaws who lived through the event, I have chosen to emphasize the immediate physical and emotional effects that the earthquakes may have had to influence the Chickasaws' decisions involving participation in the War of 1812. Craig, "The Colberts in Chickasaw History," p. 310-312. See also Marshall Scott Legan, "Popular Reactions to the New Madrid Earthquakes, 1811-1812," *The Filson Club History Quarterly* 50:1 (January 1976): 60-71 for an analysis of individual reactions to this event from a wide range of perspectives, including those of some Native Americans.

[70] "John Sevier to Cap. G.W. Sevier, May 31st 1812," John Sevier Correspondence, Miscellaneous Manuscripts Collection, Library of Congress, Washington, DC; Gibson, *The Chickasaws*, pp. 96-97; Atkinson, *Splendid Land, Splendid People*, p. 201.

As the Creek civil war threatened to draw the Chickasaws into the fray, the Chickasaw leadership took steps to ensure they had the right people available to conduct diplomacy on their behalf. In late 1813, George Colbert supposedly resigned as principal chief, but as illustrated by the 1805 treaty negotiations, it seems more likely that he did not hold such a position permanently, certainly not at his own discretion.[72] George Colbert continued to correspond with U.S. officials, but from this moment on, Tishomingo seems to have fully assumed the role of principal chief of the Chickasaws, except in times of illness.[73]

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[71] In his study of the Red Stick Uprising as an intraethnic conflict in which the Red Sticks sought to cleanse Muskogee society of European influence, Joel W. Martin concedes that although a faction among the Creeks were deeply disturbed by events in the Early Republic, the same did not necessarily hold true for the other southeastern nations. "Having survived for ten thousand years in the region, it is likely that [many other natives believed they] could adapt and survive what ever changes came their way. This conviction probably explains in part why the Cherokees, Choctaws, and Chickasaws, and several thousand Muskogee rebuffed Tecumseh and did not join the resistance movement." Joel W. Martin, *Sacred Revolt: The Muskogees' Struggle for a New World* (Boston: Beacon Press, 1991), p. 173.

[72] Atkinson, ed., "A Narrative Based on an Interview with Malcolm McGee by Lyman C. Draper," p. 65.

[73] "Mission to the Chickasaws," *Religious Remembrancer* (Philadelphia), February 10, 1821, issue 25, p. 99; Richey Henderson, *Pontotoc County Men of Note: Biographical Sketches of Men of Note Who Have Played a Part in Our History from Earliest Times to the Beginning of the Twentieth Century* (Pontotoc: Pontotoc Progress

Aside from William Colbert, who joined the third regiment of the United States Infantry, the majority of Chickasaws who fought in the War of 1812 were members of Major Uriah Blue's Chickasaw detachment from November 3, 1814 to February 28, 1815.[74] Blue's mission during this time was to pursue any remaining Red Sticks who had fled into Spanish-controlled Florida while Jackson focused on the British in New Orleans.[75] Although the Chickasaws mostly likely participated in this campaign in order to cement their relationship with the United States, their involvement once again could have reinforced a notion among the Chickasaws that the United States were a confederation of autonomous, sovereign states that joined together for security within an international system. Chickasaw soldiers served under the leadership of a federal officer, but they also fought alongside militiamen from the states of Georgia and Tennessee.[76] As such, we can draw a parallel to the Chickasaws' understanding of warfare in the eighteenth century and earlier: the state contributions to the United States effort could have translated into a similar understanding of how native political groups that were members of confederacies such as the Creeks or Iroquois would have done so prior to the nineteenth century.

Print, 1940), pp. 5-10; Cecil Lamar Summers, *Chief Tishomingo: Last War Chief of the Chickasaws* (Amory, MS: Amory Advertiser, print, 1974).

[74] *Daily National Intelligencer* (Washington, DC), June 10, 1816, Issue 1068, column E; "Compiled Military Service Records of Maj. Uriah Blue's Detachment of Chickasaw Indians in the War of 1812," Microcopy 1829, Roll 1, National Archives and Records Administration, Washington, DC.

[75] "Letter, 1814 Dec. 12, Camp Hope [to] Governor [of Georgia Peter] Early, Milledgeville / Maj[o]r Gen[era]l W[illiam] McIntosh," Document TCC432, Telamon Cuyler, Hargrett Rare Book and Manuscript Library, The University of Georgia Libraries, presented in the Digital Library of Georgia, http://metis.galib.uga.edu/ssp/cgi-bin/tei-natamer-idx.pl?sessionid=7744bf53-fd61c84d55-2696&type=doc&tei2id=TCC432, accessed on December 6, 2011.

[76] Brian R. Rucker, "In the Shadow of Jackson: Uriah Blue's Expedition into West Florida," *The Florida Historical Quarterly* 73:3 (Jan. 1995): 325-338.

Following the conclusion of the Creek Civil War, the United States Government demanded land cessions from the Creeks. As often happened in determining the full extent of those cessions, the fluidity of native claims to borderlands drew the Chickasaws back to the negotiating table. Both the Chickasaws and Cherokees objected to certain cessions along the Tennessee River based on the idea that those specific lands did not belong to the Creeks. On February 13, 1816, Jackson wrote to Coffee that the Chickasaws had made no claim to the lands in question at the time of the Creeks' defeat in 1814; therefore, "any claim set up by the Chickasaws or Choctaws to that section of the country must be unfounded."[77] Despite Jackson's grumbling, Secretary of War William H. Crawford instructed him, David Meriwether, and Jesse Franklin to secure a cession of the contested lands from the Chickasaws. Crawford understood that this was a sensitive subject for the Chickasaws and directed the three men to conduct themselves in a "conciliatory" manner, "calculated to inspire [the Chickasaws] with a just sense of the equity and magnanimity of the Government towards them."[78]

Before the official proceedings opened on September 8, however, Jackson and Meriwether made a dramatic statement regarding the power the President of the United States held over Native American polities. When Jackson, Meriwether, and Franklin arrived at the Chickasaw Council House on August 29, they were met by Creek runners representing Big Warrior. According to Jesse Franklin, the two runners presented "broken sticks" to Jackson and Meriwether. The intent of the sticks was to "excus[e] himself [Big Warrior] & [his Creek] warriors from attending at the Treaty, and inviting all the Southern Tribes to meet him at Turkey Town" approximately one month later on October 1. Franklin went on to relate that Jackson and Meriwether "wrote to the Big Warrior in a style that will convince him, that his power is but secondary & that he has no authority to alter the appointments of the President of the U States, who will convene the nations at his will."[79] We can assume that such statement were not made quietly, but publicly to reinforce the same effect among the Chickasaws and Creeks who were already present. If so, then how would they have interpreted the power of the individual states over the next twenty years, especially after Jackson's proclamations that he would not buck the authority of the states within their own jurisdictions?

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[77] "[Jackson to Coffee], Feb'y 13 1816," Reel 3, Box 3, Folder 1, John Coffee Papers, LPR 27, Alabama Department of Archives and History, Montgomery, AL.

[78] "Wm. H. Crawford to Major Gen. Andrew Jackson, General David Meriwether, and Jesse Franklin, Esq., July 5, 1816," *ASP:IA*, 2:102.

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Ten years later, the Chickasaws found themselves confronted by American demands that they move west. On October 27, 1826, the Chickasaw chiefs offered a statement that provides insight into their understanding of the diplomatic relationship they shared with the Americans. In full recognition of their dependence on the United States, the chiefs acknowledged their existence as of a protected and supported polity: that is, a nation within a nation. The statement reflects their understanding of their situation as one similar to that of the Natchez following the French attempt to exterminate that Lower Mississippi polity. In the 1730s, the Chickasaws offered refuge to splinter groups of Natchez seeking refuge from French persecution. The Chickasaws originally intended to absorb the Natchez into their own coalescent structure. But the Natchez had other ideas. The situation that actually resulted was one in which the

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[79] Jesse Franklin, "Jesse Franklin Indian Treaty Papers, 1816," quoted passages on pages 4 and 5 respectively in Jesse Franklin Indian Treaty Papers, #3656-z, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

Natchez established their own town within the Chickasaw political structure. Regardless of the Natchez's ability to avoid incorporation into the Chickasaw polity, they could not take external action without the Chickasaws' consent. Once the French, with the help of the Choctaws, turned their rage on the Chickasaws for sheltering the Natchez, the British, Cherokees, and Creeks arranged a similar situation in which some Chickasaws sought protection by establishing villages among their native neighbors to the east.[80]

Rather than increasing their security by allying with the United States to quell the Creek Civil War, the aftermath of the War of 1812 decreased the Chickasaws' ability to thwart American ambitions for their land even further. Following the war, the United States continued to consolidate their hold on North America. The Spanish, beset by revolutions in their Latin American colonies, surrendered their New World colonies by 1820. Although Great Britain tried to stop American expansion well into the second half of the nineteenth century, the European colonial empires would never again provide a substantial option for Native Americans against the intrusion of the United States within their world.[81] Only the assertions of authority and sovereignty by the individual members of the United States would provide that opportunity. Over the next twenty-five years, the Chickasaws would witness firsthand the frailty of federal power in the American union as southern states clamored for control over the Indians' land: lands that were supposedly protected through the international norm of treaty-making among sovereign powers and that the president—as mediator between the white and red polities east of the Mississippi River—was required to protect.

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[80] Shoemaker, *A Strange Likeness*, p. 94.

[81] Sam W. Haynes, "Anglophobia and the Annexation of Texas: The Quest for National Security," in Sam W. Haynes and Christopher Morris, eds., *Manifest Destiny and Empire: American Antebellum Expansionism* (College Station: Texas A&M University Press for the University of Texas at Arlington, 1997), pp. 115-145.

CHAPTER 4

A FATHER'S BETRAYAL

On September 2, 1825, shortly before he resigned from the U.S. Senate, Andrew Jackson informed John Coffee, "The object of the Govt. is to obtain a cession of this Indian country for lands west of the Mississippi."[1] Nearly one year later, Coffee gathered the principle Chickasaw leaders together in a conference to discuss their removal west of the Mississippi River. During the council in late October 1826, Coffee informed the Chickasaws that the United States wished to acquire their remaining lands in order to secure the defense of the south. However, he also alluded to one of the primary reasons Mississippians wanted control over the Indian lands within their state boundaries: to generate revenue.

In response to Coffee's offer that the Chickasaws sell their land and emigrate west, the chiefs objected to the argument that their situation in relation to the Americans would improve on the other side of the Mississippi. They did not expect the Americans to stop settling westward once they reached the Mississippi River. Rather, the Chickasaws believed that a similar situation would result in the future. The chiefs asked, "Has not our father the president and our white brothers the same power there, as they have here?"[2] With this question, the Chickasaw chiefs revealed an understanding of the unique challenge the United States presented to Native American societies, one with which they had never before had to contend despite the previous three centuries of interaction with imperialistic European powers. Americans ability to gain the upper hand in frontier diplomacy, and therefore to compel Native Americans to move elsewhere, was their commitment to an Empire of Liberty. Unlike their European colonial predecessors, American territories on the North American continent were not destined to remain colonies of a distant metropole. Rather, American territories earned the opportunity to become equal members of a growing empire. Although states often clashed with the federal government over how to expand, especially in the south, the fluid nature of the United States' representative government system meant that the states could influence the central government to a much greater extent than the colonies of the various empires that the Indians previously dealt with could have ever done.

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[1] "[Jackson to Coffee], Sept 2d 1825," Reel 3, Box 3, Folder 1, John Coffee Papers, LPR 27, Alabama Dept. of Archives and History, Montgomery, Alabama.

[2] "A Journal of the proceedings of the United States commissioners appointed to treat with the Chickasaw Nation of Indians, 1826," Reel 2, Box 2, C-63, Tennessee Historical Society, Miscellaneous Files, 1688-1951, M.F. 678, Tennessee State Library and Archives, Nashville, Tennessee.

In their statement to the commissioners on October 27, the chiefs acknowledged their polity's weaker position in the diplomatic relationship with the United States. They stated, "Our father the president must exercise his own judgment, we are his children and are at the discretion of our parent . . . . We have every confidence in them [the President and commissioners], that they will discharge the duty of a father and brothers."[3] As the Chickasaws still determined familial identity through their matrilineal relations, the chiefs' metaphorical use of children and fathers should be interpreted in accordance with native concepts of diplomacy expressed immediately following the American Revolution.[4] While they could play coy and show deference to their American neighbors using the same terms, the Chickasaws had not yet come to accept the permanent authority of the United States in their world. The Chickasaws recognized themselves as being under the protection of the United States—embodied by the metaphor of the president as their father—but remaining a distinct and separate entity that existed within a non-permanent, semi-sovereign status.

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[3] Ibid.

[4] Concerning the persistence of clan identity and matrilineal social organization among the Chickasaws—despite the changes the chief's referenced in their appeal on October 27, 1826 that indicated adoption of certain western customs—I am relying on a letter describing the customs of the Chickasaws that was reprinted in the Pittsburgh Recorder on March 16, 1824. In the letter, the author stated, "They are divided into a considerable number of families; as *great cat* family, the *deer* family, the *bird* family,

This chapter explores the Chickasaws' understanding of their diplomatic relationship with the United States during the time in which Americans adopted an official policy of removal. I examine the rhetoric of state versus federal authority employed by Chickasaw, state, and federal officials to negotiate the Chickasaws' removal to land west of the Mississippi River. Examining the debates from this perspective allows us to see removal in a much more complicated light than is typically envisioned, one that was contingent upon multiple factors that converged at the right moment. Removal did not result simply from the assertion of one side's individual will over the others. Unlike their fellow southeastern tribes, Chickasaw removal was not accomplished at the point of a bayonet. Chickasaw leaders chose removal rather than to continue living under the laws of polities—the states of Alabama and Mississippi—they believed were equal to their own, but ones with whom they did not share a common culture. Nor, for that matter, did the states force the federal government to push removal against the will of the subordinate executive branch. During James Monroe's tenure as president, factional differences over the moral legitimacy of removal divided

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the *fish* family, &c. . . . . the children all belong to the family of the mother, and are not considered at all related to the father's family. A man therefore can do nothing towards building up his family. On account of this regulation, all hereditary honours necessarily descend, not from the father to the son, but from the uncle to his nephew, that is his *sister's* son[.] His *brother's* son as well as his own, belong to some other family." "Chickasaw Mission," *The Pittsburgh Recorder*, March 16, 1824, vol. 3, iss. 7, p. 37.

the federal Congress.[5] John Quincy Adams' administration demonstrated the federal executive's ability to protect native societies from the fervent demands of the states and their citizens. Rather, Chickasaw removal required the combination of state frustration concerning federal intrusion in what they considered to be local affairs and a strong-willed federal executive who shared the states' goal. President Andrew Jackson hid behind the rhetoric of states' rights contained within the U.S. Constitution to portray an American union in which the states were the true holders of power and authority. The use of such rhetoric influenced how the next generation of Chickasaw leaders' conceptualized their nation's ability to retain sovereignty in the face of continued American expansion, which is reflected in the Chickasaws' own arguments to deny early demands for their removal and in the terms they eventually requested as compensation for their emigration away from their traditional homelands. As such, I argue that we cannot understand the political change and decisions made by Chickasaws following removal without understanding how the rhetoric of state versus federal authority used to negotiate removal influenced the debates.

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According to Jesse Franklin, the Chickasaws entered the 1816 treaty negotiations in an agitated and somewhat confused state. Not only had one of the principal chiefs recently died, Cherokee delegates in attendance during this council ceded land on the south side of the Tennessee River to U.S. Commissioners Andrew Jackson and David Meriwether shortly after the conference commenced. This

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[5] David C. Hendrickson, *Union, Nation, or Empire: The American Debate Over International Relations, 1789-1941* (Lawrence, KS: University Press of Kansas, 2009), Ch. 4

"alarmed" the Chickasaw chiefs who believed that the Cherokees had surrendered lands that were not theirs to give.[6] The Chickasaws were quite alarmed at the idea of surrendering more land to the United States. On the second day of the council, Tishomingo presented the Chickasaws' case for rightful ownership of the disputed lands. To combat Jackson's claims that they held no legitimate claim to the lands in question, the Chickasaws relied on the statements of white men, which they most likely believed Jackson would have trouble refuting. The first item of evidence offered was a "certificate from General Washington, [when he was] President of the U. States."[7] Washington gave the certificate to the delegation led by Piomingo during the summer of 1794. Further, the Chickasaws submitted affidavits of several men who attested to the Chickasaws' long-term occupation of the lands in question. U.S. Agent William Cocke produced these statements on the Chickasaws behalf at the request of the secretary of war.[8] By presenting these documents in support of their claims, the Chickasaws were most likely drawing upon President Madison's responsibility to uphold the agreements and promises of his presidential predecessors when it came to protecting the Chickasaws' rights, regardless of the demands made by his own constituents.

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[6] Jesse Franklin, "Jesse Franklin Indian Treaty Papers, 1816," p. 55; *ASP:IA*, 2:92.

[7] Jesse Franklin, "Jesse Franklin Indian Treaty Papers, 1816" pp. 8-10; quote is on pp. 9-10.

[8] "General John Coffee's Diary—1816," Reel 3, Box 3, Folder 5, John Coffee Papers, LPR 27, Alabama Department of Archives and History, Montgomery, AL; Jesse Franklin, "Jesse Franklin Indian Treaty Papers, 1816," pp. 9-21 in Jesse Franklin Indian Treaty Papers, #3656-z, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

Jackson acknowledged the certificate's validity, as it had been affirmed by the 1801 treaty that established the President in a role akin to a fanemingo.[9] Cocke's presence at the council, however, should have surely called into question the ability of the president to protect native peoples' sovereignty in the face of Americans' demands that threatened to undermine them. In a letter defending himself against the Chickasaws' accusations levied against him during the 1816 treaty council, Cocke informed Jackson of a statement he made that previous spring that called into question whether there truly was a balance between the president's and the states' abilities to influence life in Indian country. According to Cocke, the Chickasaw leaders had requested him to "drive all the traders trading under regular license out of the nation" on several occasions. "This demand was also made by Tishomingo in council, early last spring, when I informed him that the power exclusively belonged to Congress to regulate trade with foreign nations, among the several States, and with the Indian tribes."[10] Cocke's assertion offers an intriguing interpretation of the Trade and Intercourse acts of the 1790s, which modern scholars often cite to assert the federal government's primacy over the states in dealing with Native Americans. By claiming that the right to govern trade with the Indians belonged to Congress, not to the Executive Branch, Cocke brought the states right back into the equation. The implications of such a statement were probably not lost on the Chickasaws. Having observed the United States organize themselves and their relationships to their sister states within the construct of the federal government over the previous forty years, the

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[9] "Mr. Monroe and Gen. Jackson," *National Journal* (Washington, DC), May 15, 1824, p. 1.

[10] *ASP:IA* 2:106-107.

Chickasaws understood that, much like any native confederacy, it was through the mechanism of Congress—the United States national council—that the states assured their own interests and those of their individual citizens within the greater union.

The Chickasaws deliberated for seven days after hearing the offer presented by Jackson and Meriwether. According to the final terms of the treaty, the Chickasaws ceded all land north of the Tennessee River and most of their claims immediately south of the river as well. In return, the Chickasaws were to receive an annuity of $12,000 per year for ten years for the land and another $4,000 for improvements that members had made to the ceded lands.[11]

Although pressured and most likely bribed into ceding their lands north of and immediately surrounding the Tennessee River in the 1816 treaty, the Chickasaws did not necessarily walk away from the negotiations with the idea that their requests for the president to protect their rights against the demands of American citizens would no longer be met.[12] Despite Cocke's assertion about the right to restrict trade by whites within the Indian nations, the Chickasaws had already taken the issue to a broader audience. A month before the convention began, William Colbert, through his brother James who now acted as the Chickasaws U.S. interpreter on occasion, issued a challenge to Americans to keep the Chickasaws' territory free of "that horde of straggling pedlars that have so long infested our nation." In a letter submitted to the

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[11] Jesse Franklin, "Jesse Franklin Indian Treaty Papers, 1816," pp. 40-58; Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:135-137.

[12] James Atkinson concludes that payments, unspecified in the actual treaty, given to the Colbert brothers—Levi, George, William, and James—and Tishomingo shortly after the 1816 treaty offer conclusive proof that these Chickasaw leaders were bribed into agreeing to the land cession. Atkinson, *Splendid Land, Splendid People*, pp. 207-208.

Nashville Whig, Colbert claimed that such activity was "dangerous to the good understanding that now exists between our nation and the citizens of the United States." Colbert veiled his threat as a mea culpa on the part of the Chickasaws, who would not be able to restrain their own people "whose minds have not as yet undergone so radical a change . . . as to feel themselves content with that redress which is drawn from the tardy (though certain) process of the law." However, Colbert asserted, "the nation will not feel themselves responsible for" the violence that would be visited upon those who did not heed his warning.[13] Further, the Chickasaw leaders managed to get Jackson and Meriwether to agree within the terms of the treaty that the agent should grant no future trading licenses to whites. If whites were caught traversing the Chickasaw territory with the intent of selling goods to the Chickasaws, their materials would be confiscated, with half being surrendered to the Chickasaws and the other half to the U.S. government.[14] Although the demand to have William Cocke removed as their Indian agent was not immediately met, the inclusion of this provision in the final ratified treaty probably helped to ameliorate some concerns regarding the president's ability to uphold the requirements placed on his office in the 1801 treaty.

The Era of Good Feelings ushered in a renewed impulse among Americans to expand their empire westward. In the treaties with native societies conducted after the War of 1812, we can see a greater demand for native peoples east of the Mississippi River to surrender their lands and remove to the West. In his journal of the negotiations, Franklin confided that securing this connection between the upper and lower south was necessary to ensure the continued allegiance of the citizens of those states to "the Present administration & [restore] that confidence that formerly existed between the Rulers & the People."[15] Franklin indicated that such concerns might have been kept from the Chickasaws, so as not to arouse them further than the Cherokee treaty had done.[16] However, we can reasonably assume that the importance of this matter did not escape the Chickasaws' notice for long. As had the 1805 cession, the 1816 treaty promoted fervor among Americans to settle the lands quickly. On September 23, only three days after the chiefs and commissioners affixed their names to the treaty, Thomas H. Williams, soon to become a U.S. Senator for Mississippi following statehood in 1817, informed Mississippi Territorial Governor David Holmes that "the conferences with the Chickasaws terminated [the] day before yesterday, and the result is highly interesting to our territory. . . . This will open a most desireable country for settlem^{t}."[17]

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[13] "Chickasaw Notice. From the *Nashville Whig*," *Niles' Weekly Register* (Baltimore), September 21, 1816, p. 56.

[14] Jesse Franklin, "Jesse Franklin Indian Treaty Papers, 1816,"pp. 40-50; Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:136.

Holmes was right. Settlers—who would not remain content with only those lands acquired in the post-war atmosphere—quickly began to move into the newly acquired territories. Over the next decade, they clamored to take all of the native lands east of the Mississippi, including those of the Chickasaw.

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The manner in which these settlers asserted their right to the newly acquired lands reveals a difference between the presumed ability of southern states versus those in the northwest to exert pressure on the federal government to effect Indian removal. The federal government supposedly held to the right to any land beyond the boundaries of the recognized member states of the American union. According to the Northwest Ordinance of 1787, the acquisition of Indian land north of the Ohio River was allowed only through federal negotiation of treaties with native societies. As territories in the Old Northwest applied for statehood and secured admission into the union, the federal government retained ownership over Indian land. In the American South, Georgia and North Carolina initially disregarded any attempt to project the restrictions of the Northwest Ordinance into their claimed territories in the Old Southwest.[18] As founding members of the United States, these states derived their control over Indian land through their colonial charters that been granted by England, which were individually retained according the terms of the Treaty of Paris in 1783. By the late 1810s, therefore, the southwestern states—and even some of their individual citizens—claimed their own right to Indian lands within their territorial boundaries had been obtained either through grants made by one of the original thirteen states or through agreements made by one of those states and the federal government. As such, arguments over removal in the American South took on a considerable states' rights tone that secured Chickasaw acquiescence to removal and influenced the way they organized themselves politically in the decades that followed.

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[15] Jesse Franklin, "Jesse Franklin Indian Treaty Papers, 1816," p. 57.

[16] Ibid., p. 58.

[17] "Tho. H. Williams to Gov: Holmes, September 23, 1816," Folder ? – "Mississippi Territory – Transcripts, 1810-1817," Mississippi Territory, Governor's Records, Correspondence, 1798-1819, SG3114, Alabama Department of Archives and History, Montgomery, AL.

In 1818, Tennesseans pressed the federal government to acquire the remaining Chickasaw lands north of their southern border with the newly formed State of

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[18] Prucha, *The Great Father*, 1:47-48.

Mississippi.[19] Throughout the following summer, Monroe administration officials worked to arrange a treaty council with the Chickasaws in order to secure the Tennesseans' demands. Secretary of War John C. Calhoun appointed former Kentucky Governor Isaac Shelby and General Andrew Jackson commissioners for this endeavor. Calhoun informed these two men that although their primary mission was to acquire the land in Tennessee, an agreement in which the Chickasaws would "remove . . . to the west side of the Mississippi . . . would be preferred."[20] Jackson attempted to lay the groundwork prior to Shelby's arrival among the Chickasaws by negotiating through the Colbert brothers.

The Chickasaw council met with Jackson and Shelby at Old Town that fall. Although Jackson attended the meetings on behalf of the federal government, Shelby intended his participation to benefit his own state.[21] The negotiations were delayed until the Chickasaws' annual annuity was ready to be dispersed to them. Dispersal of the annuity was late because the United States had tried to pay the Chickasaws in goods when the chiefs preferred cash. The chiefs had already demonstrated their displeasure with the idea of another cession. Jackson and Shelby "determined not to tender the goods" and sent for money from Nashville "so as to sustain the good faith and promises of the government."[22] However, the commissioners withheld the actual distribution until the Chickasaws acquiesced to a cession. As the commissioners had already met in private with some of the chiefs, perhaps this gesture made by Shelby and Jackson was a bit theatrical, designed to help promote the cession among the general populace of Chickasaws also in attendance at the council and decrease animosity against the chiefs who may have been bribed.[23] While the two sides awaited arrival of the funds, the commissioners presented "books containing copies of the grants by North Carolina to individuals lying within the bounds to be treated [to] Levi Colbert, one of the principal

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[19] *Annals of Congress*, 15th Cong., 1st Session, p. 1391; "Ratified treaty no. 105, documents relating to the negotiation of the treaty of October 19, 1818, with the Chickasaw Indians," pp. [1]-[19], in Documents Relating to Indian Affairs, University of Wisconsin Digital Collections, http://digital.library.wisc.edu/1711.dl/History.IT1818no105, accessed on January 7, 2012; and Williams, *Beginnings of West Tennessee*, p. 146.

[20] "J.C. Calhoun to General Isaac Shelby and General Andrew Jackson, Commissioners, &c., May 2, 1818," *ASP:IA*, 2:173.

[21] "Andrew Jackson to Capt. John Gordon, April 3d 1819," M.F. 678, Reel 4, Box 8, J-21, Tennessee Historical Society, Miscellaneous Files, 1688-1951, Tennessee State Library and Archives, Nashville, TN. We can probably assume that Jackson's relations with Tennessee elites meant that he was at least partially engaged in the 1818 negotiations with a biased perspective toward his home state's benefit, not necessarily for the greater good of the United States. During the 1828 election campaign, advocates of Henry Clay attacked Andrew Jackson's character publicly in the newspapers. Two men, a C.S. Todd and Thomas Shelby, Isaac Shelby's son, specifically published statements in the *Kentucky Advocate* on July 25 in which they questioned Jackson's ethics in the 1818 cession negotiations. The accusations laid down by these men point to Jackson as an individual out for his own personal gain and his connection to the elite class in Tennessee. According to Todd, Isaac Shelby had recently commented, "very emphatically, that very few men knew General Jackson's real character; that in his

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opinion, he might make a very good President for the State of Tennessee, as he has not the mind or temper to look beyond the wishes of his personal friends to the promotion of the great interests of the nation." Thomas Shelby, for his part, specifically commented about the manner in which his father, representing the Commonwealth of Kentucky at the 1818 treaty, believed Jackson had colluded with several of the Chickasaw leaders to have him agree to pay twice as much as the Chickasaws originally requested. "[General Jackson; Mr. Clay; Chickasaw; Development; Contained; Information]," *Alexandria Gazette* (Alexandria, Virginia) July 25, 1828, p. 2.

[22] "Extracts to the Editor—Dated, Chickasaw Treaty Ground, 5th Oct. 1818," *American Beacon and Norfolk & Portsmouth Daily Advertiser*, November 6, 1818, p. 3.

[23] "Andrew Jackson to J.C. Calhoun, July 13, 1816," "H. Sherburne to J.C. Calhoun, July 29, 1818," "J.C. Calhoun to Andrew Jackson, July 30, 1818," "J.C. Calhoun to Isaac Shelby, July 30, 1818," and "Andrew Jackson to J.C. Calhoun, August 18, 1818," *ASP:IA*, 2:178-179; Thomas D. Clark, "The Jackson Purchase: A Dramatic Chapter in Southern Indian Policy and Relations," *The Filson Club History Quarterly* 50:3 (July 1976): 302-320.

chiefs[, who had] asked for a perusal of them."[24] Regardless of the extent to which the cession had been predetermined, the manner in which the negotiations were conducted and the rhetoric used by those involved most likely influenced the way the Chickasaws understood the relationship between the federal government and the individual states within the American union.

When official negotiations commenced on October 12, Shelby informed the chiefs,

> Your father, the President always anxious to keep peace and friendship between his red and white children, and do justice to all, has charged us again to bring to your view that much of land lying in the States of Tennessee and Kentucky, which was sold by North Carolina and Virginia about 35 years ago, to pay the debt of the revolutionary war.
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> Brothers: This piece of land is claimed by your Nation, but our white [brothers] paid for it many years ago—and our father the President has kept them away from it that his red children might hunt on it, but the game is now gone, and his

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[24] Quoted passages are from "Ratified treaty no. 105," p. [4]. The 1818 negotiations stand out as the moment in which we can first see that Levi Colbert had assumed the role of chief diplomat with the United States that his brother George formerly performed. The way in which the individual claims were publicly presented to Levi for inspection and the manner in which he represented the Chickasaws both before and behind the curtain throughout the council demonstrate his growing importance in the Chickasaws' international affairs. Levi's influence during these negotiations cannot be denied, nor for that matter can that of his brothers, each of whom is recognized through individual stipends or allotments designated in the treaties. However, his prominent position in these negotiations does not mean that he was necessarily in charge of Chickasaw policy. In each of his first two major appointments on behalf of the Chickasaws, Colbert was closely observed by one, if not all, of the principal chiefs. Further, even though he was appointed to observe the running of the line associated with the 1816 cession, one of the principal chiefs, William McGillivray, accompanied him. Despite his disappearance from the public record over the next decade, Tishomingo remained the principal advisor and chief in national affairs, a position he retained until his death sometime around 1840. "General John Coffee's Diary—1816"; Atkinson, *Splendid Land, Splendid People*, pp. 212-235 and 319n32; Amanda L. Paige, Fuller L. Bumpers, and Daniel F. Littlefield, *Chickasaw Removal* (Ada, Oklahoma: Chickasaw Press, 2010), pp. 267-289..

> white children claim it now from him.[25]

Further, the commissioners offered to present the documents providing proof that those individuals pressing the president to negotiate a cession had bought their claims from the states of North Carolina and Virginia, not from the federal government.

The commissioners offered the Chickasaws two options in exchange for the proposed cession. The first option was that Monroe would give the Chickasaws "as much land over the Mississippi for this Country which is granted to your white brethren, where there is not claim by any other state or people, and where there is plenty of game, and good land." Removal was never a valid option for the Chickasaws, however, whose leaders had voiced their opposition to in the months leading up to the council. The Chickasaws' second option, therefore, was to accept "a fair and reasonable price in money" for the land.[26]

Anticipating that the chiefs might refuse this offer as well, Shelby attempted to demonstrate the states' authority in the matter and the president's inability to protect his native charges. Shelby reminded the chiefs of a statement Jackson had made to them concerning the ability of the states to influence the federal government through their congressional representatives. "General Jackson also told you that if you refuse to sell your claim that your white Brothers would move on this land, which is granted to them, and then your Nation would have to apply to Congress for compensation, for if you refuse the good intention of your father the President, you cannot look to him for redress."[27] Presumably, Shelby intended to make the point that, as the representatives of the states within the federal union, Congress would not decide in favor of the Chickasaws and that the president could not reverse the decision. By telling the chiefs that the president could not protect them even within the federal government, Shelby once again reaffirmed the power of the individual states within the union. Further, he demonstrated that the states remained united through their cooperation in Congress, not by compulsion under a federal authority.

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[25] "Ratified treaty no. 105," p. [8].

[26] "C.S. Todd to Col. Shelby, 17 Aug 1818," Memorabilia, Mss. A .G857, Shelby, Alfred, 1804-1832, Grigsby Collection, Filson Historical Society, Louisville, KY; Calvin Jones, "Some Account of the Chickasaw Country Lately Ceded to the United States," *Daily National Intelligencer* (Washington, DC), November 27, 1818, p. 2, col. C.

Such talk probably sounded very alarming to the Chickasaws, as it did to many Native Americans over the next forty years. What, they wondered, would stop the expansive Americans from attempting to do the same again in the future as new states and citizens settled around them? Shelby attempted to placate such concerns.

Despite the overwhelming power Shelby had just attributed to the states, he attempted to ameliorate Chickasaw concerns that a similar situation could happen again, despite Americans' commitment to expanding their union of states through westward settlement. He reminded the Chickasaws that the United States were only asking them to cede lands that lay within the boundaries of the states of Tennessee and Kentucky. Shelby described how North Carolina and Virginia had sold the rights to those lands to individual Americans, not the federal government. They need not have worried about their remaining lands in Mississippi and the Alabama territory. Although that land had once belonged to Georgia, whose right to ownership was derived in the same manner claimed by North Carolina and Virginia, Georgia did not sell its western lands to individual citizens. Rather, Shelby stated, "that state sold it to your father the President and Congress, who holds it fast for their red children to live on and be happy.” Therefore, the President still could and would intervene on the Chickasaws’ behalf against the claims of American citizens and states if future contests between his red and white children required him to do so.[28]

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[27] "Ratified treaty no. 105" p. [9].

Shelby’s assertive stance regarding the authority states held within and therefore over the federal government did not immediately translate into his desired outcome. Even his fellow southwestern citizens understood that factional interests—which were just as capable of forming within the United States as they were in Chickasaw politics—could thwart their desires to gain absolute control over the Indian lands of the American South. In an 1817 petition to the U.S. Congress, the members of the Mississippi Constitutional Convention lamented the large amount of land the treaties of 1816 left under the control of the Chickasaws and Choctaws. The delegates expressed their concern

> that many years will elapse before the Tribes of the Choctaws and Chickasaws who now occupy the Country to its Northern extremity, can be induced to dispose of it to the Government. This circumstance alone will confine the growth and population of the State, until it shall be overcome by some exercise of executive authority, which will lead to the extinguishment of Indian title over this tract of country.[29]

As indicated in the petition, the Mississippians expected that Congress, as the body through which the states formulated national policy, would compel the Executive Branch to secure their goal of controlling the Chickasaws’ land. That is, it would take the combined demands of the southern states and the refusal of a president to uphold his obligations to Native Americans guaranteed through treaties to effect the removal of the Chickasaws.

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[28] “Ratified treaty no. 105,” pp. [9]-[10]; quote on p. [10].

[29] “Memorial to Congress by the Mississippi Constitutional Convention,” Carter, ed., *Territorial Papers: Alabama Territory*, 18:212.

After hearing the commissioners' opening statement, the chiefs retired to George Colbert's house to deliberate. Due to the considerable opposition to either option, the commissioners determined to give individual stipends, or bribes, to several chiefs. According to the commissioners' journal of the negotiations, the bribes were kept secret, as "the lives of the Chiefs would be jeopardized by a disclosure." Even with the bribes, however, the chiefs refused to consider moving west. In fact, the whole council seemed to be in doubt. On October 17, the commissioners learned through a "confidential agent" that "the council was about to break up abruptly, with a determination to send a deputation to the President remonstrating against selling or exchanging their land. . . . and that there were three chiefs, who were decidedly hostile to the measure."[30] Ultimately, the chiefs refused to entertain the option of moving west. As to the demand that they sell the lands in question, the chiefs believed they did not have much of a choice. Levi Colbert remarked, "the American Nation was strong; and the younger brother must therefore yield to the elder brother." Although they still believed themselves to be an autonomous and sovereign entity, they clearly recognized that their position in this relationship was weaker than that of the United States.[31]

The Chickasaws did not enter into this decision uninformed. Prior to the conduct of the negotiations, the chiefs learned how much money the United States government received for the sale of public lands and demanded the same compensation for their own nation. After rebuking several offers by Jackson and Shelby, the chiefs agreed to sell the proposed land for an annual sum of $20,000 to be paid over fifteen years, or 300,000 in total.[32] As his political star rose to national prominence over the next decade, Shelby's son and son-in-law accused Jackson of collusion with Levi Colbert to ensure that the Chickasaws received the full $300,000 that he and Shelby had been authorized to spend on the purchase. Although the accusations may have been nothing more than slander, no one disputed that the Chickasaw leaders knew how high they could push the purchase price for this cession.[33]

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[30] Ratified treaty no. 105, p [13].

[31] Ratified treaty no. 105, pp. [11]-[17]; quote on p. [15].

Regardless of the price paid, both Kentuckians and Tennesseans rejoiced at the treaty. As the 1816 treaty had, the 1818 cession opened land for American settlement and speculation. According to James B. Reynolds, a Tennessee lawyer and politician, "The late purchase from the Chickasaw nation has Opened a grand field for Speculation. And will be the means of making Tennessee an important State in the Union."[34] Kentucky officials incorporated their portion of the cession into the state system of government within two years and began marking off towns and counties.

The Chickasaws, on the other hand, emerged from the conference determined to hold onto their remaining territory. Chickasaw leaders had just ceded over five million acres within the state of Tennessee alone, most of which was hunting territory. This most likely angered the warriors among the general population as opportunities for proving oneself through warfare continued to diminish.[35] As the general populace among the Chickasaws was wary of Americans' continued demands for their land, the chiefs worked hard to deny opportunities for the American governments to run roughshod over their peoples' rights.[36] As a result, U.S. officials found their efforts to compel removal a decade later would require more than just rhetoric. It would require them to demonstrate that rhetoric in action.

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[32] Clark, "The Jackson Purchase," pp. 311-317.

[33] "[General Jackson; Mr. Clay; Chickasaw; Development; Contained; Information]," *Alexandria Gazette* (Alexandria, Virginia) July 25, 1828, p. 2.

[34] "From James B. Reynolds [to James Madison], 18 November 1818," The Papers of James Madison Digital Edition, J. C. A. Stagg, editor (Charlottesville: University of Virginia Press, Rotunda, 2010), http://rotunda.upress.virginia.edu/founders/JSMN-04-01-02-0329, accessed 07 Jan 2012. Original source in Retirement Series, Volume 1 (4 March 1817–31 January 1820).

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[35] *ASP:IA*, 2:499; Clark, "The Jackson Purchase," p. 318-319.

[36] The Chickasaws were not operating as a completely unified polity at this point despite American and historians' desires to see them as such. Dispersal from town-based living may have prompted a change in their political representation, but the Chickasaws had not fully abandoned the town structure as their mode of political organization. In his 1841 interview with Lyman Draper, McGee claimed, "each Indian town had its own commanders" who oversaw the Chickasaw force in Uriah Blue's expedition against the Creeks during the War of 1812. This made disbursement of the annual annuities very difficult for the U.S. Agents. As a result, William Cocke assigned geographical boundaries to each of the district chiefs, Samuel Seeley, William McGillivray, Tishomingo, and Apassantubby. These four men remained the district, and therefore, principal chiefs of the Chickasaws until the death of Apassantubby in 1831.

Cocke's delineation of a geographic district may not have altered Chickasaw political organization as much as he hoped, or as some historians have accepted. James Atkinson asserts that Cocke's reorganization of the Chickasaws into geographical sub-regions marked a changing point in the political organization of the Chickasaws. During the 1818 cession council, however, the annuity was distributed according to clan. In his journal of the 1818 council, Butler twice recorded that the annuity would be paid once the clans had been fully counted. The distribution of the money through the principal chiefs according to clan affiliation speaks to the Chickasaws' desire to retain their former political organization. That U.S. officials, in their own secret journal, noted the need to distribute the annuity in this manner further indicates that the Chickasaws did not accept the reorganization this early, even if they did so at a later date. Further, the Chickasaw council in fall 1820 seems to have been conducted in a communal, rather than authoritative fashion, with each chief operating as he thought best. Therefore, adjustments to the realities of living in a dependent state to the United States were just that: adjustments, not wholesale change. Atkinson, "A Narrative Based on an Interview with Malcolm McGee by Lyman C. Draper," p. 48; Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:135-137, 174-177; "Ratified treaty no. 105," pp. [4]-[6]; Atkinson, *Splendid Land, Splendid People,* pp. 208-209.

The negotiations for land during the first twenty years of the nineteenth century—in which state and factional priorities directed the path which the central government had to take—promoted an understanding among the Chickasaws that the United States operated according to separate interests, through which native polities could balance state ambitions by appealing to the federal government. Shelby and Jackson's comments during the 1818 negotiations about the president's lack of power did not seem to have the desired effect. Jackson later commented that the Chickasaws the transaction established an expectation among the nation that "their father the President, [would] secure their peace and happiness" from then on.[37] Unfortunately, for the Chickasaws, this would not hold true.

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Early in his first presidential administration, James Monroe indicated that the government should consider instituting an official Indian removal policy. In his first annual message to Congress, delivered on December 2, 1817, Monroe commented upon the success his administration achieved with the various Native American groups following the conclusion of the War of 1812. Specifically, he referenced the 1816 treaty with the Cherokees, in which they "exchange[d a portion of their land in Georgia] for lands beyond the Mississippi." Monroe indicated his belief that such negotiations were simply the beginning, and that without the adoption of the American ideal of a civilized lifestyle, many Native Americans east of the Mississippi would soon follow suit and emigrate west into "the vast uncultivated desert."[38] Although obviously open to removal, Monroe did not pursue the idea with the wanton lust that Jackson did after he became president in 1829. Rather, he promoted programs designed to assimilate Indians into American society as well policies to push them to elect to remove without the federal government having to use force.[39]

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[37] "Andrew Jackson to John McKee, Agent for the Choctaw Nation, Oct. 20, 1818," McKee, John: Letters, 1818-1828, SPR 129, Alabama Department of Archives and History, Montgomery, Alabama.

In April 1820, Secretary of War John C. Calhoun lent his support to the efforts of David Humphreys and Thomas C. Stuart, two men sent by the Missionary Society and Synod of South Carolina and Georgia to establish missions among the southeastern Native Americans.[40] The missionaries' efforts had probably been encouraged by the passage of the Indian Civilization Fund Act of 1819, which authorized the president to spend $10,000 annually for the purpose of civilizing the Native Americans.[41] The two missionaries originally travelled among the Creeks, but received little welcome. Discouraged, but not deterred, the two men pressed on to the Chickasaws. They visited Levi Colbert in late May, who informed them of a major gathering of the Chickasaws for a stick-ball game that would be held at his brother George's house. Having followed the chief's advice, the two missionaries met with some of the Chickasaw chiefs on June 22, 1820, accompanied by William Vans, the acting Chickasaw agent.[42] According to Stuart, the Chickasaws "at once acceded to our proposals and granted us everything we desired of them." Stuart's confident remarks should be questioned, however. He also indicated that the chiefs "were not entirely free from suspicions, as they required of us an obligation in writing, that we would not seize upon their land and make private property of it."[43] Further, according to a later report about the council, only "some of the chiefs were disposed to receive instructors and missionaries; but the majority of the chiefs were opposed to the instruction of their children in husbandry and the mechanic arts."[44]

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[38] James Monroe, "First Annual Message," *A Compilation of the Messages and Papers of the Presidents, 1789-1904*, vol. 2, comp. by James D. Richardson (New York: Bureau of National Literature and Art, 1898), p. 16.

[39] Howe, *What Hath God Wrought*, p. 347.

[40] "To D[avid] B. Mitchell, Creek Agent, R[eturn] J. Meigs, Cherokee Agent, Henry Sherburne, Chickasaw Agent, and John McKee, Choctaw Agent, 5 Ap[ri]l 1820," W. Edwin Hemphill, ed., *The Papers of John C. Calhoun*, vol. 5 (Columbia: University of South Carolina Press, 1971), p. 11.

[41] Dawson A. Phelps, "The Chickasaw Mission," *Journal of Mississippi History* 13 (October 1951): 226; Prucha, *The Great Father*, 1:151.

As the Chickasaws had divided over Americans' ability to influence their world during the late eighteenth century, it seems that the Chickasaws disagreed over how to best deal with the Americans as a permanent presence following the first two decades of the nineteenth century. Despite objections by those who did not want to acculturate as a method of coping, this did not approach the level of factionalism exhibited in the 1790s as it seems that no groups voiced their opposition to the outside world, while claiming to be the legitimate leaders of the Chickasaw government. Humphreys and Stuart received enough support to convince the synod to establish a mission among the Chickasaws. Levi Colbert wrote on behalf of the chiefs to the missionaries' superiors requesting that a school for the Chickasaw children be established that following winter.[45] Colbert was a proponent of Chickasaw children receiving an American-style education. He sent his adopted son, Winchester Colbert, to Charity Hall—a school established by the Cumberland Presbyterian ministry the same year as Humphreys's and Stuart's visit—in 1826 and 1827, before sending him to Richard Mentor Johnson's Choctaw Academy in 1828.[46]

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[42] "From William Vans, [Chickasaw Sub-Agent], 23 June 1820," *The Papers of John C. Calhoun*, 5:213-214. Vans filled in for the ailing Sherburne from that April until the arrival of a new Chickasaw agent, Robert C. Nicholas of Lexington, Kentucky, in September 1820; Atkinson, *Splendid Land, Splendid People*, p. 198.

[43] "Mission to the Chickasaws," *Religious Remembrancer* (Philadelphia), February 10, 1821, issue 25, p. 99

[44] "Religious Intelligence," *Christian Register (1821-1835)* (Boston), February 21, 1823, p. 110.

Stuart took responsibility for establishing Monroe Mission, which opened its doors in 1822. Over the next four years, the mission increased in size as more Chickasaw families came to see the benefits in having American schools in their territory. For the Chickasaws, educating their children had less to do with the adoption of Christianity and more to do with producing a generation of Chickasaws capable of maintaining their identity in an ever changing world.[47] The school operated on the Lancasterian model in which more advanced students took responsibility for educating their younger and less competent counterparts. In such a system, Chickasaw students had plenty of opportunity to adapt their studies to fit within their own cultural values. In the winter of 1824–1825, the Chickasaws sent a delegation to Washington, D.C., to arrange the appropriation of $35,000 from their annuity to be used "toward the education and improvement of their children."[48] By January 1827, the synod operated four schools among the Chickasaws. The Chickasaws' acquiescence to and promotion of schools within their territory instituted a sound basis for the Chickasaws to prepare their next generation of leaders, including future Civil War and Reconstruction-era governors Cyrus Harris and Winchester Colbert, to negotiate a world in which Americans proved ever intrusive.[49]

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[45] "Mission to the Chickasaws, *The Weekly Recorder* (Chillicothe, Ohio), January 10, 1821, vol. 7, issue 20, p. 156.

[46] Carolyn Thomas Foreman, "The Choctaw Academy," *Chronicles of Oklahoma* 6:4 (December 1928): 461-462; Carolyn Thomas Foreman, "Charity Hall: An Early Chickasaw School," *Chronicles of Oklahoma* 11:3 (September 1933): 912-926; Carolyn Thomas Foreman, "Education Among the Chickasaw Indians," *Chronicles of Oklahoma* 15:2 (June 1937): 140.

[47] Paige et al., *Chickasaw Removal*, pp. 8-14.

[48] "Education of the Chickasaws," *New York Religious Chronicle (1824-1825)*, January 15, 1825, vol. 3, issue 3, p. 12.

The immersion of bicultural individuals, such as the Colbert brothers, into western culture provided an established cadre of bicultural individuals who guided the Chickasaws through their early negotiations with the United States. However, Chickasaw leaders knew that to be successful in the nineteenth century, they had to provide future generations of leaders with a much more extensive education concerning American culture and society. Even Ugulayacabe recognized the important role knowledge of western concepts would play in the Chickasaws' ability to maintain their independence and sovereignty in the face of a strong, imperial power such as the United States, which he demonstrated when he asked for Joseph Bullen's assistance to educate his two youngest children in 1799.[50] The Chickasaws' adoption of missionary efforts to help them acculturate to western society, therefore, provided future generations with the educational means to combat the United States expansionist tendencies on the Americans' own terms. In addition—in the near term—it provided the current Chickasaw leadership ammunition to argue that their people were upholding their part of the bargain struck when the Chickasaws agreed to the protected position of a nation within a nation.

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[49] Phelps, "The Chickasaw Mission," pp. 226-235; Amanda J. Cobb, *Listening to Our Grandmothers' Stories: The Bloomfield Academy for Chickasaw Females, 1852-1949* (Lincoln: University of Nebraska Press, 2000), pp. 30-31; Paige et al., *Chickasaw Removal*, p. 6.

[50] "Extracts from the Journal of the Rev. Mr. Bullen, Missionary to the Chickasaw Indians from the New-York Missionary Society," *New-York Missionary Magazine, & Repository of Religious Intelligence* 1:5 (1800): 366.

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As the emphasis on missionary involvement and the establishment of a western-style education system for their youths indicates, the first half of the 1820s passed by rather innocuously for the Chickasaws. Despite a few calls to revisit the idea of removal, the federal government was preoccupied with demands from Georgia to remove all Indians from within the state's boundaries. According to the 1802 cession of their western lands, Georgians believed that the federal government was required to remove all Indians from within their state's bounds. Monroe resisted, however, and refused to recognize any obligation of the federal government to enforce Georgia's demands.[51] During Monroe's first administration, Jackson had latched on to the shift towards removal and spoke out in support of the states taking control over those native populations within their boundaries. Spurred on by such rhetoric, Mississippians adopted the notion that they had the right to supersede federal authority and impose their own laws over the Choctaws and Chickasaws. Over the next ten years, Mississippi politicians worked to extend state laws over the lands owned by the Chickasaws and Choctaws.[52]

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[51] Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981), pp. 194-195: Prucha, *The Great Father*, 1:185-187.

[52] Duane Champagne, *Social Order and Political Change: Constitutional Governments Among the Cherokee, the Choctaw, the Chickasaw, and the Creek* (Stanford: Stanford University Press, 1992), p. 160; James Taylor Carson, "State Rights and Indian Removal in Mississippi, 1817-1835," *Journal of Mississippi History* 57:1 (1995): 27-29.

Towards the end of Monroe's second term, Jackson's and the southern states' persistence influenced the president to issue an official call for Indian removal on January 27, 1825. Although Monroe capitulated, he called for "the removal of these tribes [west of the Mississippi River] on conditions which shall be satisfactory to [the Native Americans] and honorable to the United States."[53] However, even Monroe's call for an honorable removal could not garner enough support to authorize federal action within the divided system of United States politics during the Jacksonian Era. The plan failed to pass the House of Representatives, and the issue became even more complicated when Monroe relinquished the duties of the president to John Quincy Adams that spring.[54]

Adams entered office committed to the idea that civilization and assimilation of the native population held the only honorable way for the United States to deal with the extenuating problems of American expansion. Adams opposed removal to such an extent that he even threatened to use the army to protect Native Americans from the aggressive threats issued against them by Georgians. Such obstinance in the face of what was a growing debate among Americans earned Adams enough opponents to ensure that he would be a one-term president. Southerners feared that if the president was willing to use force to uphold Native American rights in what many considered a state, not national, issue, he might be willing to do the same concerning the contentious existence of slavery within those same states.

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[53] "Plan for Removing the Several Indian Tribes West of the Mississippi River," *ASP:IA*, 2:541-542.

[54] Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln: University of Nebraska Press, 1974; reprint, Norman: University of Oklahoma Press, 2002), pp. 10-11; Horsman, *Race and Manifest Destiny*, pp. 195-197; Prucha, *The Great Father*, 1:187-188; Thomas Bender, *A Nation Among Nations: America's Place in World History* (New York: Hill and Wang, 2006), pp. 135-141.

Adams was besieged by the sectional interests of the southern and northwestern states throughout his administration. It was during Adams' administration, therefore, that conditions were right for Mississippian demands for federal support of Indian removal to really catch hold and undermine the ability of the president to protect the rights of both his red and white children.[55] By fall 1826, John Coffee and Thomas Hinds stood before the Chickasaw leaders to secure their removal.

On October 15, 1826, Generals John Coffee and Thomas Hinds arrived at James McLish's house to meet with the Chickasaw Agent Benjamin F. Smith. These men, newly appointed as commissioners on behalf of the United States, were determined to secure the cession of all Chickasaw lands east of the Mississippi River. Smith informed the men that their mission would have to wait, however, as "the Chiefs of the Nation had changed the place of the meeting from the one [Coffee and Hinds] then occupied, to the National Council House Chickasaw, distant about 12 miles." The commissioners' attempts to compel the Chickasaws to meet at McLish's—as had previously been arranged—failed. Given the resolute nature with which the Chickasaws refused to consider removal during this conference, the chiefs' obstinacy was most likely attributable to a desire to control as much of the negotiations as possible. The U.S.

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[55] "[Jackson to Coffee], Sept 2d 1825"; Satz, *American Indian Policy in the Jacksonian Era*, pp. 3-8; Prucha, *The Great Father*, 1:188-191; Howe, *What Hath God Wrought*, pp. 347-348.

commissioners eventually acquiesced and moved to Levi Colbert's house, which was closer to the chiefs' preferred location for negotiations: the Council House.[56]

The negotiations opened on October 23. In his opening salvo, Coffee stated, "It is the policy and the interest of our Government, to extinguish the Indian title to all the lands on this side of the Mississippi River." Coffee further presented the reasons why the United States wished to acquire the Chickasaw territory, namely that of securing the defense of the south and generating revenue for Mississippi. Over the next few days, the two sides exchanged petitions. The chiefs objected to the idea of removal to the west. Instead, they appealed to the president, whom Coffee claimed to represent, "to extend his protection to us here, as he proposes to do, on the west of the Mississippi, as we apprehend we would in a few years, experience the same difficulties in any other section of country that might be suitable to us West of the Mississippi." To this, Coffee expressed his disappointment and attempted to convince the Chickasaws that the president's duty was to his white children first, which "makes it his duty to call upon you to sell him a part of your land."[57]

The chiefs requested a day to deliberate privately. They concluded that if they accepted removal, they would not find their security in relation to their white brothers any more enhanced than it was at the present. The Chickasaws understood that, from an international perspective, they existed within a subservient status under the aegis of the American union. Further, as Coffee's statement should have indicated, despite Chickasaw attempts to hold the Americans to the norms of native diplomacy, they must have known that they could do so only to a certain extent. Racial ideology had taken root in European-Native American diplomacy over the previous century, and the president's preference for his white children over that of his red children should not have surprised Chickasaw leaders. Nineteenth-century southeastern Native Americans understood that Americans believed in their own inherent racial superiority. As theirs was the weaker position within the international system in which they and the Americans were engaged, the Chickasaws had to play the role of "dutiful children" and look to their adoptive father, the president, for protection.

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[56] "A Journal of the proceedings of the United States commissioners appointed to treat with the Chickasaw Nation of Indians, 1826."

[57] Ibid.

In an attempt to display how the Chickasaws had heretofore abided by the rules required of a nation within a nation, the chiefs reminded the commissioners of the efforts their people had made to restructure their society in order to fit within the norms of American culture:

> We have abandoned the idea of hunting for a support, finding the game will not do for subsistence. Therefore, we now turn our attention to farming and tilling the ground for our support. Our father the President introduced Missionaries to come amongst us, to advance us to a state of civilization. We accepted them and are making all the progress that people can. We have also been providing means for the support of the missionaries to enable them to go on with the education of our children and to have them enlightened. Industry is spreading amongst us, population is increasing and we hope soon will arrive at that state of improvement, that is so much desired by our father the President.[58]

The Chickasaws probably did not really want to assimilate into American society as fervently as their petition suggests. More likely, this was an attempt to play on the sensibilities of those Americans who might protect them against the wishes of those who only desired their land and total subjugation. Therefore, as they had played by the rules thus far, the chiefs asserted that the President should live up to his responsibility as their protector in their relations with the American states.

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[58] Ibid.; Carson, "State Rights and Indian Removal," p. 29.

After several days more of back and forth between the commissioners and the Chickasaws, Coffee was frustrated at what he deemed to be the Chickasaws' obstinacy. His counterpart, General Thomas Hinds of Mississippi, however, remained calm and attempted to give the Chickasaws a clear vision of the nature of governmental authority within the Americans' republican system of government. A veteran of the negotiations for the Choctaw cession in the Treaty of Doak's Stand (1820), Hinds was committed to the idea of Indian removal. Alluding to Mississippi State Senator Thomas Reed's recent attempt to compel the federal government to enforce removal, Hinds addressed the chiefs and explained how the President had no power over the people, or his home State of Mississippi, whatsoever.

> He told his red brothers that ours [the Americans'] was a government of laws and that all the power of the government was in the people[,] that their father the President was bound to obey the wishes of the people and . . . that the people would not permit the present state of things to continue much longer. He told them that the subject of extending the laws of the State of Mississippi over the Indian country within her chartered limits was brought before the Legislature of that State at their last session and that the investigation of the subject had been deferred partly for the purpose of ascertaining what could be done by the General Government by negotiations with the Indians. If these negotiations [in which Hinds was participating] failed[,] the Legislature of Mississippi would again take up the subject and that in all probability the laws of the State would be extended throughout her chartered limits at the next session.[59]

According to Hinds statement, the Chickasaws should have come away from these negotiations with the understanding that although the citizens of Mississippi were trying to play nice, they did not have to in the end. Most southern Americans identified themselves as citizens of their individual states during the nineteenth century. As such, the states held the true power in the American union, they did not have to work through the federal government, which was merely an international compact among the states, if its officers proved unable to achieve the individual and collective goals of the constituent members.

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[59] Ibid.; Carson, "State Rights and Indian Removal," p. 30.

Despite Hinds' threat, the Mississippi legislature did not take the final step for several more years. In the meantime, state officials continued to exert pressure on President Adams to remove the Chickasaws and Choctaws from their borders. In 1827, Secretary of War James Barbour directed Superintendent of Indian Affairs Thomas L. McKenney "to ascertain the disposition of the tribes within the States, the Chickasaws and Choctaws, and, if practicable, the Cherokees, on the subject of emigration to lands west of the Mississippi."[60] During his negotiations, McKenney appealed to Chickasaw leaders reconsider their opposition to the idea, citing the constant pressure being put upon the President "to buy your lands."[61] The chiefs finally agreed to *consider* removal in light of McKenny's continued pleas.

The chiefs agreed to examine the lands west of the Mississippi that the government had reserved for their people, but they offered several qualifications if they could even find acceptable land. To protect themselves from further state encroachment, the chiefs demanded that the United States "drive every body off of [the land proposed], and guarantee it to us for ever," thereby allowing the Chickasaws to control who lived among them in the future. Demonstrating an understanding of the expansive nature of the United States, they further requested “that you establish a government over us, in all respects like one of your territories, (Michigan for example,) and give the right of suffrage to our people . . . and allow us, after the territory is organized, a delegate, like your territories enjoy, in Congress.”[62] Although this request reiterated a suggestion McKenney made earlier in the negotiations, the addition of Michigan as an example appears to have been the Chickasaws’ own doing.[63]

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[60] "James Barbour to Colonel Thomas L. McKenney, March 28, 1827," in Thomas L. McKenney, *Memoirs, Official and Personal; with Sketches of Travels among the Northern and Southern Indians* (New York: Paine and Burgess, 1846), p. 60.

[61] United States, *[Removal of the Chickasaw and Choctaw Indians to Territory West of the Mississippi River* (Washington, 1827), pp. 195-196. Issued as United States Senate doc. no. 1. 20th Cong., 1st sess.

In this passage, we can see that the Chickasaws acknowledged the power the United States had in their world as they had the previous year. However, they did not see that power as all encompassing and dominating. By asserting their desire to be afforded the same opportunities for future inclusion to the American union as a state, the chiefs revealed that they understood that the United States political structure contained a mechanism through which the Chickasaws could preserve their political independence and sovereignty. Further, they could keep future encroachments by states, or states to be formed by expansive settlers, from wielding the same level of pressure and authority concerning the Indians as they exhibited during the 1820s.

The 1827 negotiations came to naught. In the fall of 1828, twelve Chickasaw representatives under the leadership of Levi Colbert explored the territory west of the Mississippi River offered by the federal government. Upon their return home, the delegates presented their observations to the Chickasaw council. The journey convinced Colbert that the Chickasaws could not resist the United States forever, but he did not believe that removal held the answer to their dilemma concerning future American encroachment. He and the other members of the delegation returned home unimpressed with the lands they saw in the west. According to the delegates, the land in question did not compare to their current territory in any way. Consequently, the Chickasaws once again rejected American overtures to emigrate west of the Mississippi River.[64]

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[62] Ibid., p. 191.

[63] McKenney, *Memoirs, Official and Personal*, pp. 327, 329.

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Despite the desire of the Chickasaws to remain where they had lived for centuries, the presidential election of Andrew Jackson effectively signified the end of Chickasaw efforts in their tribal homelands. Indian affairs was a critical issue in the 1828 presidential election, and one that helped Andrew Jackson secure victory by tying the sectional interests of the west and south together.[65] By 1828, Mississippi politicians were close to their breaking point, no longer willing to defer to the federal government to negotiate removal.[66] Their lone representative in the House of Representatives,

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[64] In his journal of the expedition, Choctaw Peter Pitchlynn recorded a statement made by Levi Colbert as the southeastern native delegations visited the Shawnees, including Tenskwatawa, while exploring the western lands offered by the United States Government. According to Pitchlynn, Colbert "observed that the whites had driven them further & further intentionally from the game country, and said what the Prophet said was true [Tenskwatawa had claimed that the delegations should stop trying to resist the Americans' demands], & it probably was the best thing they could do to continue the cultivation of the ground for as they were now driven to the jumping off place, he did not see any other way to proceed." "Personal Journal of Peter Pitchlynn: written from Choctaw Agency in 1815," Box 6, Folder 1, Peter P. Pitchlynn Collection, Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma. This journal appears to have been misdated when transcribed and catalogued. Although it contains several non-dated passages, the majority of the journal concerns the 1828 expedition. The Western History Collections also hold a journal written in Choctaw that upon first glance appears to be the original version recorded by Pitchlynn himself; see "Personal journal of Peter P. Pitchlynn. No date," Peter P. Pitchlynn Collection, Box 6, Folder 4. Concerning the Chickasaws' resolve not to emigrate after examining the land offered to the west, see Gibson, *The Chickasaws*, pp. 152-153; Atkinson, *Splendid Land, Splendid People*, p. 225.

[65] Howe, *What Hath God Wrought*, pp. 281, 412-413.

[66] Carson, "State Rights and Indian Removal," p. 31.

William Haile, attempted "to amend the bill [enumerating appropriations for the Indian Department in 1828] by introducing the appropriation to enable the state of Mississippi to remove the Chickasaw Indians" from their limits. His colleagues rebuffed the amendment. They believed the Chickasaws were already included, even if not by name, and did not need specific mention in the bill.[67]

Mississippians were not alone in their zeal to assert their state's power over the Native Americans within their state boundaries. Both Georgia and Alabama worked to assert their authority over the federal government as well. Georgia officials protested the right of the federal government to conclude treaties that affected the state's territory as an affront to the state's sovereignty. Georgia even threatened to nullify treaties made between the U.S. government and the Creeks to bring the latter under the state's jurisdiction.[68] As a result, these states supported Jackson's bid for the presidency, which helped to unleash the final push for removal of the eastern Native American societies.

During Jackson's administration, native peoples witnessed the ability for states to pursue ambitions that the federal government could not curtail. However, this was not necessarily a result of Jackson's strong personality alone. It required collusion between the executive and the states to push removal past the sectional and party interests within the United States as well as the Native Americans who had no desire to remove in the first place. In his first annual message to Congress on December 8, 1829, Jackson stated that the Indians could not hold their own separate and distinct governments on land that was within the confines of a state. In Jackson's mind, to allow such would have been against the Constitution.[69] The Chickasaws were quickly affected; Mississippi lawmakers passed laws restricting Native Americans' rights, and threatened to imprison native leaders who engaged in tribal governance. Using the Constitution as protection, Jackson sent commissioners out among the southern tribes to secure their removal west of the Mississippi.

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[67] "Editor's Correspondence," *Boston Courier*, February 25, 1828, iss. 226, col. E; U.S. Congress, House of Representatives, "Indian Appropriations," *Register of Debates*, 20th Cong., 1st sess. (1828), pp. 1533-1539.

[68] "Georgia – Creeks__Draft Report" and "Report of Court Respecting Communication from Executive of Georgia, February 24, 1829," Caleb Cushing Papers c. 1785-1906 (bulk 1820-1878), Box 218, Mm78017509, Manuscripts Division, Library of Congress, Washington, D.C.

Federal officials quickly secured the removal of the Choctaws under the protective rhetoric that the authority of the states within the Constitution meant more than the federal government's obligation to uphold the United States' promises within the international arena. Jackson's stance—that the president did not have the constitutional authority to stop the individual states from extending their laws over the Indians—eroded any faith the Choctaws had in receiving fair treatment from the federal government. According to Choctaw Chief David Folsom, his people could not trust "any future promises and guarantees of the United States' government," especially those guaranteeing the Choctaws' right to hold the new western lands in perpetuity. Drawing upon the power exhibited by the states in this current phase of removal, Folsom concluded, it would be a mistake to believe that the same would not happen to them again once they emigrated west.

> If not withstanding past treaties, new states have been formed around them on this side of the Mississippi, and the general government cannot protect the Choctaws from the encroachments of those states, why may not new states be

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[69] Andrew Jackson, "First Annual Message, December 8, 1829," Richardson, comp., *Messages and Papers of the Presidents*, II:458-459.

> formed around them on the other side of the Mississippi, and the general government, notwithstanding new treaties, find itself unable to protect the Indians from the encroachments of those states?[70]

The Chickasaws soon faced a similar situation.

On August 23, 1830, U.S. commissioners addressed those Chickasaws assembled at Franklin, Tennessee. President Jackson, himself, attended this conference and gave the opening address. In his speech, Jackson made clear that he would not step in to protect the Chickasaws from the demands of the southern states. Jackson asked if the Chickasaws were "prepared and ready to submit [themselves] to the laws of Mississippi." He further claimed, "To these laws, where you are you must submit. There is no preventive—no alternative. Your Great Father cannot nor can [the] Congress prevent it. The States only can." Jackson continued to press the idea: "The only plan by which this can be done and tranquility for your people obtained is that you pass across the Mississippi to a country in all respects equal if not superior to the one you have. Your Great Father will give it you forever, that it may belong to you and your children while you shall exist as a nation, free from all interruptions." To promote the idea that removal would secure the Chickasaws' right to self-government, Jackson stated:

> forget the prejudices you feel for the soil of your birth, and go to a land, where you can preserve your people as a nation. Peace invites you there, annoyances will be left behind. Within your limits no state or territorial authority will be permitted. Intruders, traders, and above all else ardent spirits so destructive to

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[70] "Choctaws; Opinions and feelings of the Choctaws in regard to a removal," *The Missionary Herald, Containing the Proceedings of the American Board of Commissioners for Foreign Missions* (Boston: March 1830) 26:3, pp. 82-84; accessed via American Periodicals Series Online.

> health and morals will be kept from among you[,] only as the laws and ordinances of your nation may sanction their admission.[71]

On August 25, 1830, the Chickasaw delegates presented their response to Secretary of War John Eaton and General John Coffee. The delegates expressed disappointment that after having shown hospitality to the earliest whites, they were now being commanded to give up their homes and move elsewhere. Further, they challenged Jackson's position about the president's responsibility as mediator between American citizens and the citizens of foreign polities with which the United States had formed official agreements through the international norm of treaty making.

> We are informed by our father, the President of the United States, that states have been formed around us and now claim the right of extending her [i.e., their] laws throughout her territorial limits; consequently subject us to her civil and criminal laws. Should we find it expedient to remain where we are and the States of Mississippi & Alabama extend their laws over us we would view it an act of usurpation on their parts unwarranted by the Constitution of the U. States and the treaties that now exist, unparalleled in history, and in many instances, the greatest grievances & hardships would be imposed upon us.[72]

As this statement indicates, the Chickasaws still held the belief that the states should not be able to override the obligations the federal government had made on behalf of the entire confederation. They soon learned, however, that this administration did not hold the same understanding.

In their rebuttal of August 26, 1830, Eaton and Coffee described the nature of authority within the United States and that of the federal union of the states. The commissioners pointed to Georgia's cession of western lands to the federal government in 1803 as justification for Mississippi's and Alabama's right to enact the laws as they had done so.

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[71] "Ratified treaty no. 160, documents relating to the negotiation of the treaty of September 27, 1830, with the Choctaw Indians," pp. 7-8, Documents Related to Indian Affairs, University of Wisconsin Digital Collections, http://digital.library.wisc.edu/1711.dl/History.IT1830no160, accessed on June 25, 2011.

[72] Ibid., pp. 9-10.

> Brothers. It is not the fault of your Great Father that the laws of Mississippi are extended over you. A long time ago, before the U. States government existed, Georgia existed as a state, and owned jurisdiction over all the lands which lie in your country. When the king of Great Britain lost all this country by the right of conquest, Georgia became entitled to all her priveleges of government. So it was with each State in the Union. Afterwards, all united and formed our government called the Federal Government over which your Great Father now presides. Each state gave up a portion of its rights but not all of them. Those which they did not give up still belong to them. Georgia did not surrender to the General Government any jurisdiction over the soil of her territory. She retained the right to manage her laws and the people no matter whether red or white who live on them and to make them answerable for crimes, to punish them for wrongs committed, to make them pay taxes, to attend musters, to keep the [walks?] in repair and contribute to the support of the government when called upon to do so. All these are rights which Mississippi & Alabama being parts of what Georgia was can enforce without the [cause?], consent, or interference of the President or Congress.[73]

This statement reveals a direct betrayal by Jackson, who in 1818 had been part of the team of commissioners that promised the Chickasaws that no new states formed around them would be able to draw upon the legal claims of the original thirteen states. As a result of these considerations, the delegates expressed their qualified consent to negotiate removal. The final treaty included the Chickasaws right to void the agreement if they could not find suitable lands on which to settle west of the Mississippi.[74]

Despite the intentions of Jackson's administration to have the Chickasaws co-locate with the Choctaws after removal, the Chickasaws did not necessarily agree. During an expedition to scout out new lands according to the Franklin treaty, Levi Colbert and "four others of the Chickasaw delegation" traveled to Texas to investigate the possibility of the Chickasaws acquiring lands among the Caddos. According to

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[73] Ibid., *passim*.

[74] Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:356-362.

Benjamin Reynolds, the chances were slim that the Chickasaws would agree to a subservient position to the Choctaws as long as Colbert was involved in the decision-making process. Reynolds believed that Colbert's participation in the 1828 expedition had convinced him that the land to the west would never serve the Chickasaws as well as their traditional homelands east of the Mississippi River.[75] Following the return of Colbert's party in spring 1831, the Chickasaw leaders recommitted themselves to the preservation of Chickasaw sovereignty.[76]

Chickasaw hopes to avoid removal received a boost following the perceived native victory in the Supreme Court decision for *Worcester v. Georgia*.[77] Jackson's commitment to preserving the Union in the face of the emerging Nullification Crisis, however, ensured that he would not risk upsetting the southern states on any other issue.[78] Jackson's refusal to support the Court's decision sent Chickasaw aspirations crashing to the floor.[79] By fall 1832, the Chickasaws and John Coffee found themselves back at the negotiating table. Finally convinced that they could not stop the enforcement of Mississippi laws over themselves if they stayed, the Chickasaws determined "to seek a home in the west, where they may live and be governed by their own laws."[80] The two sides reached an agreement for the Chickasaws to remove on October 20, 1832 in the Treaty of Pontotoc.

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[75] U.S. Congress, Senate, "Correspondence on the Subject of the Emigration of Indians between the 30th November, 1831, and 27th December, 1833," *S. Doc. No. 512*, 23rd Cong., 1st sess. (1833), pp. 419-421; Paige et al., *Chickasaw Removal*, p. 28.

[76] Paige et al., *Chickasaw Removal*, pp. 28-29.

[77] "Chickasaws; Extract from a letter of Mr. Stuart, Tokshish, July 25, 1832," *The Missionary Herald, Containing the Proceedings of the American Board of Commissioners for Foreign Missions* (Boston: Oct 1832) 28:10, pp. 333-334.

[78] Howe, *What Hath God Wrought*, pp. 412-413.

[79] "Chickasaws; Extract from a letter of Mr. Holmes, dated at Martyn, Dec. 24, 1831," *The Missionary Herald, Containing the Proceedings of the American Board of Commissioners for Foreign Missions* (Boston: Apr 1832) 28:4, p. 117.

Chickasaw consent to the details for their removal remained questionable, and the treaty's ratification endure several years of debate and renegotiation. Chickasaw leaders continued to push for stipulations that offered the tribe more economic and political security.[81] When negotiations continued into November, U.S. commissioner John H. Eaton questioned whether the Senate would approve the treaty. According to Eaton, the treaty was "based wholly upon new principles [than previous ones with other native groups] . . . . the [Government] is a mere trustee for the Indians [and] the whole proceeds of sale are to belong to the Chickasaws."[82] Therefore, it is clear that the Chickasaws sought to secure their financial security in the face of seeming defeat. In another request, the Chickasaws expressed their wish to obtain land from the Caddos in Texas. If allowed to do so, the Chickasaws requested that "The UStates guarantee exemption from State laws if Texas should ever be acquired" by the United States.[83] The request was left out of the official treaty, however, as the United States ultimately refused to buy the Chickasaws land in Mexican territory.

Although Texas was still a Mexican territory, the Chickasaws' request reveals that their leaders were quite attuned to the United States national political scene.

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[80] "Ratified treaty no. 173, documents relating to the negotiation of the treaty of October 20, 1832, with the Chickasaw Indians," p. 7, Documents Related to Indian Affairs, University of Wisconsin Digital Collections, http://digital.library.wisc.edu/1711.dl/History.IT1832no173, accessed on June 25, 2011.

[81] Deloria and DeMaillie, eds., *Documents of American Indian Diplomacy*, 1:203.

[82] "J.H. Eaton to Robert J. Chester, 15 Nov. 1832," M.F. 678, Reel 3, Box 4, E-7, Tennessee Historical Society, Miscellaneous Files, 1688-1951, Tennessee State Library and Archives, Nashville, TN.

[83] "Ratified treaty no. 173," p. 42.

Further, it suggests an understanding of the incorporative nature of the expanding American empire, and the Chickasaws' belief that only the president's adherence to his constitutional and diplomatic duties as the mediator between the citizens of the United States and their Native American neighbors could protect them from the individual ambitions of the states. Without a voice in Congress, only the president, as the chief executive of the federal union, could protect them from the territorial demands of Americans as their British father, the king, had tried to protect their ancestors against the demands of the colonists following the Seven Years' War.

On November 22, the Chickasaw chiefs, under the leadership of Levi Colbert, submitted a memorial to Jackson. Colbert and the chiefs asserted that the states' extension of their laws over the Chickasaws had compelled them to accept removal.

> It is true that my Nation become willing to sell their Country, to put down that bitter question of State Sovereignty, to keep peace in the white family, to preserve the Union of the United States whose friendship and protection we want, and our selves, to get away from the troubles which our white brothers fixed upon us. It is the result of our weakness and we surrender our Country to cure the evils we never created.[84]

In this statement, Colbert and the chiefs revealed their understanding of how much their own local situation was connected to the entire American political scene. Further, the Chickasaw leaders acknowledged that they understood that Native Americans must serve as Jackson's sacrificial lambs. When he upheld the claims of Georgia, Alabama, and Mississippi against the authority of the U.S. Supreme Court concerning Indian Removal, Jackson betrayed his fatherly duties in order to guarantee his successful opposition to South Carolina's assertion of sovereignty in the Nullification Crisis without provoking the dissolution of the union by the southern states. By publicly accepting that the president did not have the power to stop the southern states from asserting their laws over the Indians—both in this memorial and in the preamble to the Treaty of Pontotoc—the Chickasaws acknowledged how powerless they had been made by the mutually beneficial lies Jackson and southern statesmen told them to secure their removal.[85]

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[84] "Memorial of the Chickasaw Chiefs to Andrew Jackson, November 22, 1832," Letters Received by the Office of Indian Affairs, Chickasaw Agency, National Archives Microfilms Publication, microcopy 234, reel 136 (hereinafter referred to as M234, R136), frames 276-290; quote on frame 286.

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The Chickasaws' acceptance of Jackson's lies reveals a desire to secure their existence as an independent sovereign entity free from the intrusive power of the individual states. The rhetoric of removal had revealed an important lesson to Chickasaw leaders: when united behind a shared purpose, the states could exert power over Native American groups by compelling the president to ignore his responsibilities as mediator between his red and white children. Nor would they forget how that lesson applied to understanding the nature of the American empire, which eventually incorporated new territories as equal states imbued with the same power as the original thirteen. Dissatisfied with the terms offered by Coffee during the negotiations at Pontotoc and skeptical of the treatment they would receive once in the West, the Chickasaws continued to press their concerns. Although they were willing to accept their immediate fate in a somewhat quiet fashion, they certainly were not willing to let Jackson believe that he had fooled them.

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[85] For the preamble to the Treaty of Pontotoc, see Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:356. By choosing to term the statements made by Jacksonian administration officials and southern statesmen as "mutually beneficial lies," I am drawing on the work of Joshua Piker, who states that "when Native Americans and Europeans told the same lies, historians would do well to pay attention." My example here does not provide a direct corollary to his example of "the fragility . . . of power in both Indian nations and European empires." Rather, it raises the prospect of a preponderance of power for the United States when state, or sectional, interests aligned with that of the federal Executive Branch during the first century of the United States' existence, prior to the consolidation of Americans behind the ideology that their confederation was in fact a single, unified nation-state following the Civil War. However, Chickasaws' public acceptance of these statements can certainly be considered lies "to preserve [their polity's] political future," thereby bringing all three sides—Native Americans, states, and the federal government—into the picture. By examining the rhetoric of removal through an international relations perspective, therefore, we can place Native Americans into the role of students as they learned to negotiate with this new, complex form of government that was the United States. See Joshua Piker, "Lying Together: The Imperial Implications of Cross-Cultural Untruths," *American Historical Review* 116:4 (October 2011): 964-986, quotes on pp. 965 and 969 respectively. Concerning the implication that Jackson and the southern states created these mutually beneficial lies in order to stave off the possibility of civil war, see William W. Freehling, *Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836* (New York: Harper & Row, Publishers, 1965), pp. 232-235; Howe, *What Hath God Wrought*, pp. 412-413; and Elizabeth R. Varon, *Disunion!: The Coming of the American Civil War, 1789-1859* (Chapel Hill: University of North Carolina Press, 2008), pp. 94-96.

In their memorial to the president on November 22, 1832, the chiefs openly questioned whether they could trust "this president and the constitution which rules him" to uphold his promise—made during the Franklin negotiations in 1830—of undisturbed freedom if they chose to remove west. Therefore, the chiefs included an appeal to the president's Constitutional duties as the United States representative to the world. As a result, the Chickasaws called on Jackson to work with the Senate

> to defend the powerless, and show to the world, that—that spirit of liberty and equality, which distinguishes the United States from all the Empires is not as many in the world might imagine, a jealously and defense of their own particular rights, an unwillingness to be oppressed themselves, but a high respect for the rights of Others, an unwillingness, that any man high or low should be wronged.[86]

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[86] "Memorial of the Chickasaw Chiefs to Andrew Jackson, November 22, 1832," frame 287; Paige et al., *Chickasaw Removal,* p. 45.

Despite such a high-minded call for Jackson to think of the United States as a beacon for change within the world of international relations, the president did not bite, or perhaps he was unable to comply.

After the Senate ratified the Treaty of Pontotoc, President Jackson attempted to appoint men to survey the ceded lands. He initially sought to employ the services of Robert J. Chester who was ultimately "rejected" because he was not "a citizen of the State of Mississippi." According to John Coffee,

> "The President at first determined not to nominate again, but on reflection and the advice of his Cabinet he did agree to it, to save the public interest—when John Bell of Miss was appointed surveyor and on account of part of the ceded lands being in Alabama they did appt. one man from that State all the balance of the officers were appointed from Miss."[87]

Clearly, this reveals a limit to the amount of culpability that we can place on Jackson alone for effecting the eventual removal of the eastern Indians. Jackson could not pursue his own personal agendas with unchecked authority, nor could he run roughshod over states which held de facto control over issues on the ground and could compel the executive to certain actions through their representatives in the U.S. Congress.

Jackson's betrayal of his duties as the Chickasaws' protector concerning their relations with the American states did not dissuade the Chickasaws from attempting to hold this and future presidents to that standard. The chiefs appealed to the president to protect them from the oppressive reach of the Mississippians and Alabamians who continued to intrude upon the Chickasaws to acquire their lands and profit off their misfortune.

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[87] "Jn. Coffee to Robt J. Chester, Esq., 3rd March 1832", in "Letters from Gen. Coffee," *American Historical Magazine* 6:2 (April 1901): 189-190.

Despite ratification of the Treaty of Pontotoc the previous year, the Chickasaw council elected a delegation to travel to Washington, D.C., to meet with President Jackson in spring 1834. The purpose of this mission was to propose certain amendments to the Treaty of Pontotoc, none of which rescinded the Chickasaws' ultimate acceptance of removal. The delegates were Levi Colbert, George Colbert, Isaac Albertson, Henry Love, Benjamin Love, and Martin Colbert. Although he attempted to make the journey, Levi Colbert fell ill enroute. As his brother was unable to complete the journey, George Colbert assumed his old position as speaker to the United States for the Chickasaws during these negotiations.[88]

The Treaty of Pontotoc was amended on May 24, 1834 to favor the economic interests of the Chickasaws over those of the United States. First, the treaty appointed a committee of Chickasaw leaders—Ishtehotopa, Levi Colbert, George Colbert, Martin Colbert, Isaac Albertson, Henry Love, and Benjamin Love—to oversee the sale of the individual allotments as an attempt to curb the ability of settlers and speculators to swindle unsuspecting Chickasaws out of their lands. In order for a sale to be legitimate, two of these seven men had to witness and sign the deed. As Levi Colbert died on June 2—only nine days after the treaty was signed—the agreement also allowed the chiefs to select a replacement so that the Chickasaws would never be without a leader whose duty was to ensure the safety and security of all the members of the nation. Second, the amount of land allotted to each individual Chickasaw would be increased over that of the 1832 treaty, and the proceeds of each sale would go directly to the seller. Third, and finally, the treaty required the United States to provide $3,000 a year for fifteen years "for the education and instructions within the United States of such children . . . as the seven persons named in the treaty to which this treaty is a supplement, and their successors, with the approval of the agent, from time to time may select and recommend."[89] This provision allowed the Chickasaws to continue educating their future leaders to better understand how to negotiate their peoples' continued independence in spite of the power the United States wielded in their world.

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[88] "Ratified treaty no. 191, documents relating to the negotiation of the treaty of May 24, 1834, with the Chickasaw Indians," Documents Relating to Indian Affairs, University of Wisconsin Digital Collections, http://digital.library.wisc.edu/1711.dl/History.IT1832no191, accessed on June 26, 2011. Concerning the circumstances of Levi Colbert's death, see Atkinson, *Splendid Land, Splendid People*, p. 230. See also Paige et al., *Chickasaw Removal*, pp. 47-55.

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Despite their agreement to remove, the Chickasaws did not yet have a territory to move to west of the Mississippi River. For the next few years, Chickasaw leaders sent two expeditions west to look for lands and an arrangement that would preserve their nation's sovereignty. Since the 1820s, federal officials had been pushing the Chickasaws to settle in the Choctaw lands of what is present-day southern Oklahoma. Neither the Chickasaws nor the Choctaws found this idea overly appealing. According to U.S. Secretary of War C.A. Harris, the Chickasaws "were not satisfied with any part of the unappropriated lands, and the Choctaws being unwilling to sell any portion of theirs, and the Chickasaws being unwilling to accede to a proposition to unite with the Choctaws, no arrangement could be made for their permanent settlement."[90] The two groups ultimately resolved their differences when, as a last resort, the Chickasaws ultimately agreed to accept a diminished, semi-sovereign status as a district within the Choctaw nation.[91]

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[89] Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:418-425, quote on p. 424; Prucha, *The Great Father*, 1:225.

[90] "C.A. Harris to C.A. Harris, Esq., Acting Secretary of War, October 18, 1836," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," vol. 1, p. 108, PI-163, 252, National Archives and Records Administration, Washington, DC.

By fall 1836, the seizure of the Chickasaws' lands east of the Mississippi was well underway, leaving them a "people without a home." Both native and western notions of political relations recognized the rightful ownership of a territory as a requirement for the recognition of and the right to exercise sovereignty. In September, the chiefs submitted a memorial to President Jackson, in which they characterized the Chickasaws' position as being "surrounded by men whose language they can neither speak nor understand; subject to laws of which they are wholly ignorant, degraded, debased, and ruined by strong drink and vicious habits, and pursuits." Further, they indicated that their resistance to obtaining land from the Choctaws was waning.[92] Despite past differences, the Chickasaws most likely believed that their common cultures and shared experiences over the previous century would allow the Choctaws to understand their plight and help them protect their own identity better than any of the other western native groups with whom they had contemplated obtaining land.

Over the next month, the Chickasaws' awaited the President's advice concerning how much they should offer to the Choctaws in order to obtain an outright purchase. Their request went unanswered, however, as the President refused to weigh in on the subject.[93] Despite the fact that Jackson's administration had been pushing the consolidation of the Chickasaws into the Choctaw territory for several years, federal officials apparently wanted any subsequent agreement between the two native groups to appear as if it was an arrangement made at the behest of both parties, independent of American influence.

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[91] W. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972), p. 54.

[92] Quoted in Gaston L. Litton, ed., "The Negotiations Leading to the Chickasaw-Choctaw Agreement, January 17, 1837," *Chronicles of Oklahoma* 17:4 (December 1939): 418. The same passages are also quoted from Litton in Paige et al., *Chickasaw Removal*, p. 62.

On November 12, 1836, the Chickasaw council commissioned James Perry, John McLish, Pitman Colbert, James Brown, and Isaac Albertson to travel west to negotiate with the Choctaws once again.[94] As their previous attempts to purchase land outright from the Choctaws had failed, the commissioners aimed to obtain a tract "to be held in fee simple for ever," but they recognized that such might not occur and further empowered the commissioners to do their best obtain a permanent home for their people regardless.[95] The council authorized one million dollars "for the purchase of a Tract of Country destined for the residence of the Chickasaw Indians." As the Chickasaws did not have such a large sum of money readily available, the funds were to be taken from the proceeds accrued once their homelands were sold, “subject to the approval of the President of the United States.”[96]

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[93] "C.A. Harris to B. Reynolds, October 29th, 1836," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," 1:112-113.

[94] Isaac Albertson did not seem to have made the journey. His signature is absent from all of the correspondence regarding the commission's successful negotiations with the Choctaws in early 1837. As he was to assume the role of national speaker during the 1840s, perhaps his absence signaled that his inclusion was merely a symbolic appointment and that he had more immediate civic matters to attend to in Mississippi.

[95] "To all and Singular who may read these presents," in "Letters Received by the Office of Indian Affairs, 1824-81, Chickasaw Agency, 1824-1870, 1836-1839," Microcopy 234, Reel 137 (hereinafter referred to as M234, R137), FF129-130, National Archives and Records Administration, Washington, DC.

With the assistance of U.S. agents, the delegates arranged a council with the Choctaw leaders at Doaksville shortly after the New Year. In their first address to the Choctaws on January 11, 1837, the Chickasaw commissioners stated their desire “to propose a District of country of the Choctaw by purchase, to be governed by our own laws & regulations.”[97] Once again, the Choctaws denied this request. At this point, the Chickasaw delegates revealed the truly desperate nature of their situation.

> As [the Choctaws] are opposed to ceding a portion of [their] country to the Chickasaws, to be governed by their own laws and regulations . . . We the undersigned Commissioners on the part of the Chickasaw tribe of Indians, do propose to obtain of the Choctaw Nation the privilege of forming a District within the limits of their country, to be called the Chickasaw district of the Choctaw Nation; to be placed on an equal footing with the other districts of said nation.[98]

Such a request illustrates that the Chickasaws still relied on colonial-era forms of native diplomacy to conduct themselves in the international arena. By asking if they could become an equal unit of the Choctaw Nation, the Chickasaws offered to place themselves into the nation-within-a-nation status that had existed among Native American polities for centuries. Although the Choctaws proved amenable to such an arrangement, several details had to be ironed out first.

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[96] George Colbert et al. to Maj. John McLish, Capt. James Perry, Maj. Pitman Colbert, Maj. James Brown, and Capt. Isaac Albertson, November 12th 1836,” in “Letters Received by the Office of Indian Affairs, 1824-81, Chickasaw Agency, 1824-1870, 1836-1839,” M234, R137, FF127-128.

[97] “Pitman Colbert et al. to the Chiefs, Captains & Warriors of the Choctaw Nation, January 11th, 1837” Litton, ed., “The Negotiations Leading to the Chickasaw-Choctaw Agreement, January 17, 1837,” p. 420.

[98] “J. McLish, Pitman Colbert &c.&c. to the, Chiefs, Captains, & Warriors of the Choctaw Nation, Jany 12th 1837,” Litton, ed., “The Negotiations Leading to the Chickasaw-Choctaw Agreement, January 17, 1837,” p. 421.

Both sides had to agree upon the area to which the Chickasaws would be entitled to settle. The Choctaws proposed that the Chickasaws accept a portion of their lands in the south-central portion of what is present-day Oklahoma.[99] The Chickasaw commissioners rejected this proposition at first. They claimed the land's poor soil and lack of timber would perpetuate a reliance on subsistence hunting among the Chickasaws. Without the ability to adopt an agricultural lifestyle, they argued, their people would be able to survive the future encroachment of American and western society into their world.[100]

The Chickasaw rejection of the Choctaws' proposal threatened to end the negotiations once again. The Choctaw commissioners reminded the Chickasaw commissioners that their first duty was to provide for their own people. As the Chickasaws were unwilling to accept their offer, therefore, the Choctaw commissioners stated that they could "negotiate no further."[101] Rather than lose the opportunity at hand, the Chickasaw commissioners played dumb as a way of begging forgiveness to bring the Choctaws back to the negotiating table. The Chickasaw Commissoners stated, "We were *misinformed* as to the country which you were willing to assign us as a District for our people, and *regret* the *haste* with which we came to a conclusion respecting it, and are now *willing* to *accept* the *District you are willing to set apart for us*."[102]

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[99] "R.M. Jones et al. to the Chickasaw Commissioners, Jany 14th 1837," Litton, ed., "The Negotiations Leading to the Chickasaw-Choctaw Agreement, January 17, 1837," p. 422.

[100] "J. McLish, Pitman Colbert &c.&c. to the, Chiefs, Captains, & Warriors of the Choctaw Nation, January 14, 1837," Litton, ed., "The Negotiations Leading to the Chickasaw-Choctaw Agreement, January 17, 1837," pp. 422-423.

[101] "Israel Folsom et al. to the Chickasaw Commissioners, Jany 14th 1837," Litton, ed., "The Negotiations Leading to the Chickasaw-Choctaw Agreement, January 17, 1837," p. 423.

Once both sides agreed to the exact location of the Chickasaw District, Chickasaw compensation of the Choctaws for the land in question had to be determined. Although they were compelled to accept the Choctaws' proposition for where their district would be located, the Chickasaw Commissioners were able to negotiate a price of $530,000 to be paid out of the proceeds from the sale of their land in Alabama and Mississippi. The Chickasaw agreed to pay this amount in specie that they did not control. The Chickasaw paid $30,000 up front; the federal government held the remaining sum in trust. Although many native individuals had become familiar with the concept of purchasing goods and services with currency over the previous quarter-century, neither Chickasaw nor Choctaw society had developed its own reserve to back the notes they used to engage in the nineteenth century economy. The United States would include interest accrued from the remaining $500,000 as part of the Choctaw annuities as negotiated in the Treaty of Dancing Rabbit Creek—the Choctaw removal treaty signed in 1832. The articles concerning monetary issues in the treaty secured the United States' involvement in both Chickasaw and Choctaw issues for the foreseeable future.

The Chickasaw and Choctaw commissioners formalized their agreement on January 17, 1837, in the Treaty of Doaksville. The treaty established the existence of the Chickasaws as one of four districts within the Choctaw Nation. Despite the absence of an American's signature from the official treaty, the agreement to pay the Choctaws with U.S. currency derived from sales overseen and administered by the federal and state governments confirmed that the Chickasaws would remain dependent on the United States. Theoretically, the Chickasaws now existed as a nation within a nation within a nation; however, they did not necessarily see it that way. The Chickasaws did not envision a single, vertical relationship of dominant and subordinate nations with the United States at the highest rung, the Choctaws in the middle, and themselves at the bottom. Rather, Chickasaw diplomacy following removal reveals that they believed they had only created another nation within a nation system by agreeing to settle among the Choctaws, one that was parallel to, not subsumed within the already existent system that structured their position vis-à-vis the United States.

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[102] "J. McLish et al. to the Choctaw Commissioners, Jany 14th 1837," Litton, ed., "The Negotiations Leading to the Chickasaw-Choctaw Agreement, January 17, 1837," p. 423.

CHAPTER 5

THE ROAD TO CONSOLIDATION

On October 2, 1854, delegates appointed by the Chickasaw Council submitted a memorial to the General Council of the Choctaw Nation protesting the Choctaws' treatment of their adopted brothers over the previous seventeen years. The delegates claimed the Choctaws had taken advantage of the Chickasaws when they were in a weakened state. The delegates offered several examples to support their claim. First, the Choctaws had refused the Chickasaws any money from the Choctaw National Fund to pay for the political administration of their district. As they had already paid the Choctaws for the land within their district, the delegates argued that, as constituent members of the Choctaw Nation, the Chickasaws should have equal access to any money set aside for the general operating costs of the central government. Second, the Chickasaws accused the Choctaws of imposing their own legal system, even concerning matters of an internal nature. The delegates claimed, therefore, that the Choctaws had denied their people "the rights and privileges" guaranteed by the Treaty of Doaksville.

The delegates argued that the Chickasaws had not intended to become a tributary state to the Choctaws when they accepted the terms of the Treaty of Doaksville. They asserted, "the Chickasaw District were to be placed on an equal footing with the other Districts in all respects except a voice in the management and consideration paid for those privileges." Instead, the Chickasaws had been excluded from their rightful access to the Choctaw fund and had their rights infringed upon by an unrelated majority. Consequently, the delegates concluded, "the experience of about fifteen years has shown the original design of making two Nations as it were to be moulded into one, by political ties, and amalgamation, was all a mistaken notion." If the Choctaws would not remedy the situation, the Chickasaw delegates requested the right to secede from the Choctaw Nation in order to re-establish their society as an independent and fully sovereign polity.[1]

This chapter examines the Chickasaws' efforts to re-establish their autonomy in the two decades after removal. Following their agreement to become a district within the Choctaw Nation, the Chickasaws faced three main diplomatic challenges that provoked a substantial change in the political organization of their society. First, having accepted territory on the western edge of the American empire, the Chickasaws worked to ensure the United States protected their physical and economic security against challenges that emerged across their southern and western borders. Second, the prolonged nature of removal left the Chickasaws in an economic state of dependency to the American union. Third, the Chickasaws found their autonomy threatened by their incorporated status as a district within the Choctaw Nation, a status that they accepted in the Treaty of Doaksville. Despite their attempts to compel their elder brothers to uphold their duties according to the standards of international alliances, the Chickasaws emerged from the 1840s convinced of the need to reestablish their society as an independent, sovereign power within the international community of actors. Although factions reemerged during the 1840s that competed for control over the Chickasaw government and national fund, these factions reconciled their differences behind their shared desire to regain their economic independence from the Americans and their political independence from the Choctaws. As part of this reconciliation process, Chickasaw leaders consolidated their society through the adoption of a new political structure that blended both native and western concepts and set the stage for the creation of the Chickasaw Nation during the 1850s.

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[1] "Letter to the Chiefs of the Choctaw Nation from Winchester Colbert, Davis James, Sampson Folsom, and Jackson Frazier, Oct. 2, 1852," Box 7, Folder 2, Peter Perkins Pitchlynn Papers, Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

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Following the negotiations at Doaksville, the Chickasaw commissioners returned to their homelands east of the Mississippi River. They presented the results of their mission before the Chickasaw council, who approved of the arrangement and immediately set about securing a safe and expedient process for their peoples' emigration to their new lands in the Indian Territory. Having benefitted from observing the removal of the Choctaws and the Creeks, Chickasaw leaders made requests of the president designed to make their journey less arduous and destructive to their people. On February 17, 1837, the Chickasaw Chiefs submitted a memorial to the president in which they laid out their own design for removal. The chiefs informed Jackson that

> Their delegation who have just returned from the Choctaw Country, have apprised them, that in consequence of the great scarcity of provisions, produced by the emigration of the Creeks, and other causes, of the badness of the roads, in the country through which they would have to pass, great privation and suffering and heavy expense would most probably attend the removal of their people, by land, and in the mode usually adopted, by contract. And they much fear, that the wants of their people would be unattended to, and their comfort neglected by Contractors; whose object it must generally be to make their contract profitable, and under circumstances of scarcity and high prices, they might be induced to stint the allowance and comforts of those under their charge.

As a result, the Chickasaws requested that the President appoint "one or more discreet persons be appointed, to superintend the removal of such of their tribe as shall be in readiness to start [west], in the ensuring spring." In order to avert potential profiteering and corruption by the appointed individual, the Chiefs suggested that the superintendent should be provided a “fixed” salary to “be defrayed out of the Fund of [the Chickasaw] Nation.” Further, the Chickasaw leaders wished their people to travel via river as much as possible rather than over land as their predecessors had done.[2]

The Chickasaw request for an official U.S. agent to manage their removal reveals their continued belief that they should actively participate in forming their society’s relationships with American officials. To fill this role, the Chickasaws suggested that the President appoint either Henry R. Carter or Captain Luther Chase of Little Rock to act as the superintendent for their removal.[3] Previous agents had subverted the Chickasaws interests to those of the States. As a result, it is quite possible that the Chickasaws saw the need to reassert their right to have a say in who would be their U.S. Agent. Although he complied with the Chickasaws’ request to appoint an official agent to oversee the Chickasaw removal, Jackson did not go so far as to let them chose the individual who would fill the role. Instead, he appointed Arthur Martin Montgomery (A.M.M.) Upshaw of Pulaski, Tennessee, as the Superintendent of Chickasaw Removal. On March 30, 1837, Commissioner of Indian Affairs Carey A. Harris informed the Chickasaw chiefs that Upshaw would “soon be in the Chickasaw country to enter upon the duties of his appointment.”[4]

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[2] “Memorial of the Chiefs and Headmen of the Chickasaw Nation to the President of the United States, 17 Feby 1837,” M234, R137, FF 144-147. This letter can also be found as “Chickasaw Chiefs to the President, February 17, 1837,” in U.S. Congress, House of Representatives, 27th Congress, 3rd Session, *House Report no. 271*, pp. 60-61.

[3] Ibid.

[4] “C.A.H to Ish-te-ho-to-pa, Tisho-Mingo, William McGilvery and others, Chiefs and head men of the Chickasaw Tribe of Red people, March 30, 1837,” in “Letters Sent Concerning Chickasaw Removal, compiled 1832-1861,” 1:139.

Even before removal was complete, the Chickasaws knew that securing the southern and western borders of their newly purchased territory would be one of their primary concerns. The recent independence of the Republic of Texas had renewed unrest among white settlers and the Indians of the southern Plains, such as the Comanche, Kickapoos, Kiowas, and Wichitas. The southern Plains Indians were already in a highly agitated state of affairs due to Texans' commitment to expel them from the newly formed Republic's borders. The emigration of so-called Civilized Tribes into their traditional hunting grounds at the behest of the United States only served to exacerbate the problem.

United States officials planned to use what they considered assimilation into western society by removed Indians such as the Chickasaws to promote the same among the Indian societies of the southern Plains. What they failed to recognize, however, was that although the Chickasaws were adapting to survive a world in which they could not escape the Americans' influence, this did not mean the same thing as assimilation. Although individual Chickasaws, Cherokees, Choctaws, and Creeks may have wished to integrate themselves fully into American society, from a societal perspective, the integration of western social and cultural norms into native societies was more likely done to preserve and protect their society from extinction, not to hasten its demise. Further, their mistaken faith in the ability of the removed tribes to promote "civilization" among the "wild" Plains tribes promoted policies that supported the belief among native leaders that their polities' relationships with the United States were akin to the nation-within-a-nation concept that was a part of native diplomacy prior to the United State's creation.

First proposed by Chickasaw agent G.P. Kingsbury in 1837, United States officials advocated the convening of inter-tribal councils among the removed and Plains Indians as a method of coordinating peace on the frontier, with the United States guiding from above the fray. Kingsbury saw the benefits of such a policy in many ways. First, Kingsbury believed that interaction with the recently removed southern tribes would promote a western notion of civilization among the Indians of the southern Plains. Second, he advocated the plan as a method of introducing more native leaders to the American style of governance and therefore possible incorporation into the United States. Kingsbury proposed, "In short time, if such should be the policy of the Government, they might, at this general council, elect delegates to Congress, which would open a new field of ambition for them [statehood]."[5]

Reception to Kingsbury's concept within the federal government was mixed. Acting Superintendent of Indian Affairs for the Western Territory William Armstrong supported inter-tribal councils and promoted the idea among Native American leaders. On October 1, 1838, Armstrong informed the Choctaw Council—which now included a position for the Chickasaws' representative—that the Senate had recently passed a bill that promoted that "a Council composed of delegates from the several tribes [should] be convened once a year" to promote "peace and friendship among the tribes." Armstrong also commented that membership in the confederation would not be mandatory, and that any "regulations [passed by the council] shall not take effect until approved by the

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[5] "G.P. Kinsbury to Hon. Lewis F. Linn, September 10, 1837," in U.S. House of Representatives, "Western Frontier. Correspondence on the Subject of the protection of the Western Frontier, presented to the House of Representatives by Mr. Harrison, of Missouri, February 14, 1838," 25th Cong., 2d Sess., *House Document No. 276*, pp. 14-15, quote on p. 15; David LaVere, *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory* (Norman: University of Oklahoma Press, 2000), p. 92.

President of the United States."[6] Others in the executive branch, such as Commissioner of Indian Affairs T.H. Crawford, disagreed with Kingsbury and Armstrong. They did not share their positive outlook for the potential that intertribal councils could have in Indian Territory. The proposition of an alliance among multiple tribes provoked outright fear among some officials and citizens living in the states bordering Indian Territory.[7]

Although Kingsbury's idea did not gain much support within the Van Buren administration, executive opposition to intertribal councils did not stop the Indians from convening such meetings themselves. Even before Armstrong submitted his appeal for the Choctaw Council to vote in favor of an intertribal council, the Cherokee Old Settlers attempted to assemble such a convention on their own. The Cherokee leaders invited "all different tribes who were friendly to the United States" to meet in September 1838 "for the purpose of renewing the friendship once existing among [their] forefathers."[8] In all, ten different Indian tribes sent representatives to the council, most notably the Cherokee and the Creeks both of which had leaders who assumed prominent roles in the subsequent compact that emerged among the attendees. Such a unilateral action, seemingly taken without the direction of United States officials provoked a sense of fear among Americans living along the western borders of Arkansas and Missouri. Reports of Mexican intrigues designed to entice the Prairie and Southern Plains tribes into warfare against Texas led many settlers to fear that such machinations would threaten their own security as well. In a letter to Tennessee Governor Newton Cannon, dated August 8, 1838, General Edmund P. Gaines expressed his concern that the Cherokees intended to organize a multinational Indian force to campaign against American settlements in Arkansas and Missouri.[9] Gaines fear did not come to fruition, however, and Arbuckle, Cherokee Agent Montfort Stokes, and Creek Agent James Logan helped to alleviate settler anxiety through the local press.[10]

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[6] "Wm. Armstrong to the Choctaw Council, Oct. 1st 1838," Folder 55, Box 1, Peter Perkins Pitchlynn Collection, Western History Collections, University of Oklahoma Libraries, Norman, OK; LaVere, *Contrary Neighbors*, pp. 91-126.

[7] "T. Hartley Crawford to Hon. J.R. Poinsett, November 25, 1838," in United States, Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, for the years 1826-1839* (Washington, D.C.: Government Printing Office, [1826-1839]), pp. 455-456; accessed online via Documents Related to Indian Affairs, University of Wisconsin Digital Collections, http://digital.library.wisc.edu/1711.dl/History.AnnRep2639, April 22, 2012.

[8] "The Late Indian Council," *Arkansas State Gazette* (Little Rock, AR), October 10, 1838, Issue 43, col. D, 19th Century U.S. Newspapers, web, accessed on April 23, 2012.

In his report investigating accusations of fraud in the removal of the southeastern Indians, Hitchcock reported that the Cherokees, Creeks, Choctaws, and Chickasaws had maintained "constantly increasing intercourse" among themselves since 1838.[11] Hitchcock did not express alarm that the nations had convened in what seems to have been a militaristic pact as earlier officials had; rather, he remarked that such an action coincided with American goals to promote peace and stability in the southwestern borderlands.

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[9] "Threatened Indian Hostilities on the South-western Frontier," Arkansas State Gazette (Little Rock, AR), September 19, 1838, Issue 40, col. D and "The Nashville Alarm," *Arkansas State Gazette* (Little Rock, AR), September 19, 1838, Issue 40, col. E, 19th Century U.S. Newspapers, web, accessed on April 23, 2012; Grant Foreman, *Pioneer Days in the Early Southwest* (Cleveland: Arthur H. Clark Co., 1926), pp. 275-277.

[10] "The Late Indian Council"; Ethan Allen Hitchcock, "Lieutenant Hitchcock's report respecting the affairs of the Cherokees, December 2, 1841," in U.S. House of Representatives, "Frauds Upon Indians—Right of the President to Withhold Papers, February 25, 1843," 27th Cong., 3d Sess., *House Report No. 217*, pp. 26-27; and Grant Foreman, *Pioneer Days in the Early Southwest* (Cleveland: Arthur H. Clark Co., 1926), pp. 275-276. David LaVere offers the most comprehensive summary of these early international councils in Indian Territory, especially those initiated by native leaders themselves; David LaVere, *Contrary Neighbors*, pp. 92-113. See also Grant Foreman, ed. and anno., *A Traveller in Indian Territory: The Journal of Ethan Allen Hitchcock, Late Major-General in the United States Army*, with a foreword by Michael D. Green (Norman: University of Oklahoma Press, 1996), pp. 69-70 and Angie Debo, *The Road to Disappearance: A History of the Creek Indians* (Norman: University of Oklahoma Press, 1941), p. 137.

> I am very far from regarding the prospect of these general councils as a source of danger to the peace of the United States, but directly the reverse. If all the Indians in this quarter were in the condition of the Osages or of the Sacs and Foxes, such councils might, possibly, prepare the way for spasmodic efforts of a threatening character against the white settlements, under the influence of some real or imagined wrong; but such a result is not to be anticipated when the councils shall fall under the influence of the Cherokees in their present advanced intelligence."[12]

As Hitchcock's passage indicates, federal officials on the ground believed that communal councils, coordinated and presided over by some of the so-called civilized tribes, would provide an arena through which the Cherokees, Chickasaws, Choctaws, and Creeks could take an active role in securing themselves through diplomatic means.[13]

The ability to convene in international councils promoted an understanding among Native Americans that removal had not condemned them to a semi-sovereign status under the permanent hegemony of the United States. Although the Chickasaws seem to have abstained from attending the international councils in the early years of their tenure in Indian Territory, they neither disagreed with nor failed to understand the significance of such activities. Their absence from the 1838 convention was most likely due to their preoccupation with their emigration and their obligation to act as a member of the Choctaw Nation, who determined not to send a delegation. However, they did not shy away from working with the other removed Indians in later years when it came to providing for their own territorial security in these new lands west of the Mississippi River. They even hosted a council in July 1849 to "make peace and smoke the pipe" with members of the Wichitas and Caddoes with whom they had been fighting.[14]

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[11] Hitchcock, "Lieutenant Hitchcock's report respecting the affairs of the Cherokees, December 2, 1841," pp. 26-27.

[12] Ibid.

[13] Ibid.; Foreman, ed., *A Traveler in Indian Territory*, p. 70.

When Creek leaders organized another grand council in the spring of 1842, the Chickasaw Council sent several delegates at the behest of William Armstrong. The Council empowered these men "to act in all instances in our place to strengthen the bonds of Friendship and to [coordinate] with them in forming any plan for the welfare and hapiness of all our red brethren."[15] Upon their return from the Creek council, the Chickasaw delegates presented tobacco and wampum their "elder brother the Creeks sent [the Chickasaws] as a Token of their Friendship." The Chickasaws in turn smoked the tobacco and described the ceremonial nature of such action in a reply to the Creek chiefs:

> Your good Talk we have received and have smoked your Tobacco with our King, your Beads our chiefs warriors & woman & children have taken hold of the same as if they had have been your hands, we send you a small peace of Tobacco and some beads as a Token of our friendship, when you smoke our

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[14] "Ann H. Upshaw to Mr. Samuel Crockette, July 10th. 1849," McCutchen Collection – Correspondence; Robb, E.C. – Walker, William, IV-G-5 Box 3; Ms. Ac. No. 530, Tennessee State Library and Archives, Nashville, TN.

[15] Quoted passage is from "Isaac Albertson and Sloan Love to Genl. Roley McIntosh and other members of the grand Council, May 10th 1842," in "Record Book of the Chickasaw Nation, 1837-1855," p. 15, Federal, Foreign Relations and Court Records, Microfilm Roll 030, Chickasaw Nation Records [Microfilm Publication], Indian Archives Division, Oklahoma Historical Society, Oklahoma City, OK. Hereinafter referred to as CKN30. For more information about the Chickasaws' participation in this conference, see "Wm. Armstrong to Isaac Albertson, April 24, 1842," in "Record Book of the Chickasaw Nation, 1837-1855," CKN30, p. 8 and LaVere, *Contrary Neighbors*, pp. 94-100.

> Tobacco be assured that you have the good wishes in your undertaking of your Brothers the Chickasaws.[16]

As these ceremonial components of the 1842 council demonstrate, southeastern Native American groups continued to practice traditional forms of diplomacy, even as they incorporated western political concepts to argue that the United States should uphold its obligations to protect their younger, native brothers.

In his justification of native-led international conventions, Hitchcock alluded to the fact that the United States may have even shied away from asserting their supposed hegemony over the removed tribes in order to perpetuate the illusion that "justice [would] be accorded to them by the United States."[17] This was certainly the case when the United States abstained from signing the Treaty of Doaksville as an active member—federal officials only signed the treaty as witnesses. Part of the justice that federal officials should have accorded to removed Indians, however, was to take an active role in providing for Chickasaw security in this far-flung region of the United States. The belief that United States would accord them justice would soon begin to erode among the Chickasaws in part due to a feeling of disingenuousness as American officials' desired to hold the Chickasaws in a subjugated state in some matters while pretending to respect the autonomy and sovereignty of the Chickasaws in others.

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According to the Chickasaws' understanding of the removal negotiations, the federal government was required to protect the Chickasaws from all outside threats.

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[16] "Ish taho topa to Our Brothers the Creek Chiefs, July 24, 1842," in "Record Book of the Chickasaw Nation, 1837-1855," CKN30, p. 22.

[17] Hitchcock, "Lieutenant Hitchcock's report respecting the affairs of the Cherokees, December 2, 1841," pp. 26-27.

This included threats created by the action of white people, regardless of any prior affiliation they may have had with the United States. The immediate proximity to Texas created situations that prompted Chickasaw leaders to question federal agents' commitment to uphold this duty. As the sole U.S. Agent to the Chickasaw throughout the 1840s, Arthur Upshaw faced what may have been an impossible task: to protect the rights of a people his own society believed were innately inferior and who had been conquered through removal. Upshaw's relationship with the Chickasaws over the next fifteen years, therefore, was tenuous at best.

Fearful for their people's safety should they attempt to settle in their district on the western end of the Choctaw territory, Chickasaw leaders turned to the federal government to help promote security in this land that they had recently purchased according to western custom.[18] On September 24, 1839, "the King, chiefs &c of the Chickasaws [requested] permission to visit Washington . . . . to represent the propriety of establishing a military post to protect them from the roving Indians in their neighbourhood." Commissioner of Indian Affairs Crawford did not believe that a new military post was necessary. According to Crawford, "Fort Towson appears to not be very distant from their district, and I should suppose would afford them all the protection necessary, but that is a subject which the Secretary of War will dispose of properly."[19] Consequently, the Chickasaws' request went unanswered.

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[18] "G.P. Kingsbury to Capt. Wm. Armstrong, May 13th 1839," M234, R137, FF500-507.

[19] "T.H.C. to William Armstrong, November 9th 1839," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," vol. 2, p. 69, PI-163, 252, Record Group 75, Records of the Bureau of Indian Affairs, National Archives and Records Administration, Washington, DC. Fort Towson was located about one mile from the Choctaw capitol of Doaksville, site of the 1837 negotiations for which the

The need for a closer military presence became even more pressing when unsettled Delawares, Shawnees, and Kickapoos started using the Chickasaw district to stage raids into Texas in the early 1840s. In retaliation, Texans sometimes disregarded the international boundary between themselves and the United States to pursue the raiding Indians into Indian Territory.[20] On July 10, 1841, Upshaw informed Armstrong that "a force of some fifteen men[,] citizens of the Republic of Texas[,] well armed marched into this nation in search of the Co sha too Indians that are settled on the Washita." According to Upshaw, the Indians retaliated, and he feared continued escalation would only drag the Chickasaws into the fray, as "several horses have already been stolen" from them. As a result, he "ask[ed Armstrong] to call on the Commanding Genl of the 2nd Department of Western Division in the strongest possible manner, to have a force placed some where on the Washita."[21]

Armstrong, for his part, agreed with Upshaw. On July 15, 1841, Armstrong recommended to Crawford that the federal government establish "a military post somewhere near the mouth of the Washita" to protect the removed tribes from possible mistaken recriminations by Texans against the southern Plains tribes with whom they were in conflict.[22] This time, higher administration officials heeded the agent's words. Secretary of War John Bell of Tennessee directed Colonel Zachary Taylor to choose a

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Chickasaw-Choctaw Treaty is named. W.B. Morrison, "Fort Towson," *Chronicles of Oklahoma* 8:2 (June 1930): 226-232.

[20] Gibson, *The Chickasaws*, pp. 188-190; LaVere, *Contrary Neighbors*, pp. 84-88, 94-95.

[21] "A.M.M. Upshaw to Maj. Wm. Armstrong, July 10th 1841," Letters Received by the Office of Indian Affairs, 1824-81, Chickasaw Agency, 1824-1870, National Archives Microfilms Publication, Microcopy No. 234, Reel 138 (hereinafter referred to as M234, R138), Frames 0153-0154.

[22] "Wm. Armstrong to T. Hartley Crawford, July 15th 1841," M234, R138, F0151.

site for and begin construction of a fort in the Chickasaw District to provide stability in the region. Taylor chose a spot located fifteen miles north of where the Washita drained into the Red River.

Construction of the fort began in 1842. In his annual report of the agency for 1842, Upshaw was optimistic about the fort's ability to secure the peace and happiness the Chickasaws. Upshaw wrote,

> The Military post recently established on the False Washita, has been so far of great advantage. The Chickasaws are now satisfied that the Government is determined to give them the protection which it agreed to do. Before this post was established the Chickasaws were more exposed than any other nation of Indians, under the protection of the Government, and their losses by the depredations of these roving bands, have been very great.

He even attributed the Chickasaws establishment of permanent homes in their own district—rather than remaining dispersed among the Choctaws—the fort's presence.[23] Chickasaw leaders such as Isaac Albertson were less enthusiastic than Upshaw. These men knew all too well that continued unrest between the Plains Indians and Texans ensured that the presence of federal troops during the construction would not be enough to stave off more violence against Chickasaw citizens.[24]

Not only did the Texans' ongoing war with the southern Plains tribes prompt Chickasaw appeals to the federal government for protection of their sovereign rights, so too did the actions of individual Texans against the Chickasaws themselves. On May 9, 1842, the Chickasaw Council informed Upshaw of the murder of a Chickasaw "by a citizen of Texas, a Mr. Sowile [Sewell]." The Chickasaws demanded that Upshaw pursue the apprehension and extradition of Sewell to stand trial in a U.S. court according to the provisions made between the United States and the Chickasaws in the Treaty of Hopewell of 1786.

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[23] "A.M.M. Upshaw to Maj Wm Armstrong, August 25th 1842," M234, R138, F0340-0345.

[24] Foreman, ed., *A Traveller in Indian Territory*, p. 169; W.B. Morrison, "Fort Washita," *Chronicles of Oklahoma* 5:2 (June 1927): 251-252; Gibson, *The Chickasaws*, p. 190; Wendy St. Jean, *Remaining Chickasaw in Indian Territory, 1830s-1907* (Tuscaloosa, Al: University of Alabama Press, 2011), pp. 35-36.

> The 6[th] Article of the Treaty 1786 says if any citizen of the United States or person under their protection, shall commit a murder or robbery on any Chickasaw, such offenders shall be punished in the same manner as if the robbery or murder had been committed on a citizen of the United State. Had the murder been committed on a citizen of the U. States he would have been demanded by the Government for trial. As we are under the protection of the United States we believe it will be right and proper for you to demand the said murderer from the government of Texas, and have him tried for said crime . . . Should the U. States not demand him, it may be the cause of serious dificulties, We cannot say but the Friends of the deceased would retaliate the crime but should he be given up and receive the punishment due him, the Texans will find us as we have been their true friends, we trust and hope you will use all your influence to bring the offender to punishment and so doing you will receive the thanks of our whole Nation.[25]

Despite his belief that whites were superior to Indians, Upshaw believed the United States should uphold their protective responsibilities laid out in the Chickasaws' message. In his account of the incident, Upshaw contended that the murder of Chee mi cha was completely unprovoked. Despite the fact that Sewell was set to face trial in Texas, Upshaw offered a $100 reward to have Sewell delivered to him "on this side of the Red River." However, the agent had no takers and worried that "there will be no chance for me to get my hands on him" in order to allay the unrest he feared was brewing among the Chickasaws and Choctaws against the Texans.[26] Despite Upshaw's strong stance on behalf of the Chickasaws, he never brought Sewell to justice in the

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[25] "Isaac Albertson et al to A.M.M. Upshaw, May 9,1842," in "Record Book of the Chickasaw Nation, 1837-1855," CKN30, p. 13.

[26] "A.M.M. Upshaw to T.H. Crawford, July 20th 1842," M234, R138, F1019-1020.

United States court system. Nor, for that matter, was his demonstration able to stop Texan violence against individual Chickasaws.[27]

The continued threat of violence from Texans probably helped Upshaw to overcome the next major challenge to his authority. In summer 1842, Major James R. O'Neal of the 4th regiment and 4th brigade of the Texas Militia wrote to the chiefs and headmen of the Chickasaws and Choctaws inviting their assistance in “a campaign about the first of July next” against the southern Plains tribes along the Red River.[28] This invitation was done without coordinating with U.S. officials, who opposed the Texans’ and the Chickasaws' right to conduct diplomacy without their approval. On July 5, 1842, Upshaw wrote to Isaac Albertson to let the Chickasaw chief know that he had heard of O'Neal's letter. Upshaw reminded Albertson of the Chickasaws’ obligation to be dutiful children to their “Great Father, the President of the United States, who has always looked upon you as his favorite Red Children.” As such, the Chickasaws were obligated to refrain from warfare unless the president called them to action. Should the

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[27] “A.M.M. Upshaw to T. Hartley Crawford, Septr. 24th 1842,” M234, R138, F1033-1034. On September 19, 1842, “another Chickasaw, by the name of Ah choc in tubby: was killed by a citizen of Texas while crossing the Red River.” This time, the victim was accompanied by a Chickasaw who managed to escape the same fate. In this case, it appears that Ah choc in tubby and a friend went into Jonesboro, Texas to obtain whiskey. When they found the shop closed, Upshaw informed Crawford, the friend went to find the shop owner. He returned to the shop unsuccessful only to find that Ah choc in tubby had most likely broken in and stole “two small bottles of whisky” and was already back in their canoe on his way across the Red River. The friend joined him in the canoe shortly before a white man threatened to shoot at them. Although the friend bailed out of the canoe shortly before the Texan opened fire, Ah choc in tubby was not so lucky. Ultimately, Upshaw concluded that Ah choc in tubby had been killed because of his own illegal action, theft, and did not carry the investigation further. “A.M.M. Upshaw to T. Hartley Crawford, Septr. 24th 1842,” M234, R138, F1033-1034.

[28] “Copy of James R. O'Neal to the Chiefs and principle officers of the Choctaws and Chickasaw nations, undated,” M234, R138, F1007.

Chickasaws have harbored any inclination to accept O'Neal's offer, Upshaw asserted that "their is no other nation or Government on earth, that has or ever would have that Same feeling for your prosperity and happiness, as the Government of the United States will continue to have."[29]

The Chickasaws soon put Upshaw's concerns to rest. The agent informed Crawford that "A number of the Choctaws and Chickasaws came to see me [on July 5] . . . and they appeared as indignant at the invitation as I was."[30] As the Chickasaws had expressed in their letter concerning the death of Chee mi cha, it was unlikely that they believed they should seek redress on their own. They had committed themselves to a diplomatic arrangement that they had no inclination, or ability, to break.

Upshaw's inability to bring violent perpetrators to justice according to the international accords between the Chickasaws and the United States was only one area in which Chickasaw leaders deemed him unfit for his position as their agent. More important was his inability to provide for the Chickasaws economic security, which was also threatened by their close proximity to Texas. Early in their western tenure, Chickasaw leaders informed Upshaw of their disdain for the economic strain Texan intrusion put upon them. They protested

> the intention of said citizens of Texas to bring in to our country corn and other produce, and thereby deprive us of the right and privilege of furnishing our own market with corn beef or anything else that we have to sell or dispose of in any way whatever, to the great injury of our natives and wholy contrary to the laws of nations and regardless of the treaty stipulations.

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[29] "A.M.M. Upshaw to Col. Isaac Alberson, July 5th 1842," M234, R138, F1008-1009.

[30] "A.M.M. Upshaw to T.H. Crawford, July 6th 1842," M234, R138, F1006.

Consequently, they asked Upshaw to “have all intrusion of any kind wh[at]ever put a stop to Emediately.”[31]

Upshaw lamented the fact that Texans could trade their wares in Indian Territory.[32] He believed that it was not right for the federal government to deny the Chickasaws the opportunity to go into Texas while, at the same time, allowing Texans to “to come into their Nation [to] do all the trading they wish and are frequently employed to furnish our Military posts with corn beef &c.”[33] In response to the Chickasaws’ protest, therefore, Upshaw requested a “small command [be dispatched from Fort Washita] with an order for those Citizens of Texas to stop their intrusions and return to the south side of the Red River.”[34] However, Upshaw’s demand stemmed less from a desire to protect the Chickasaws’ financial security than it did from the fact that the Texans did not have to pay taxes to the United States. As hard currency was scarce in the early 1840s due to a worldwide economic depression, Upshaw lamented that the Texans would sell their crops “at any sacrifice in order to obtain possession of current funds.” He further objected to the fact that the federal government seemed to permit the Texas merchants “to sell their products on this side of the river free of duty.” Consequently, Upshaw recommended, “that some prohibitory regulations may be adopted to protect our own people in this matter, and put an end to the constant drain of our money to a foreign Government, who owe us no allegiance, and pay us no duty."[35]

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[31] “Isaac Albertson, Benjamin Love, and Slone Love to A.M.M. Upshaw, Sept 1st 1843,” M234, R138, F1238-1239.

[32] “A.M.M. Upshaw to Maj Wm Armstrong, August 25th 1842,” M234, R138, F0340-0345.

[33] “A.M.M. Upshaw to T. Hartley Crawford, Septr. 24th 1842,” M234, R138, F1033-1034.

[34] “A.M.M. Upshaw to Wm. S. Harney, Septr 2nd, 1843,” M234, R138, F1241.

Upshaw knew that he could not forbid the Texans from trading in the Indian Territory altogether. Like many of his superiors, he believed that the interests of his own white society should be placed ahead of those of his native charges. On the other hand, Upshaw did not seem to exhibit any social and cultural affinity for the Texans. Regardless, his desire to restrain Texan economic incursion into the United States via Indian Territory would not have mattered even if he had the Chickasaws' support. It is highly unlikely that his recommendations received much support from his superiors. Although Andrew Jackson would not annex Texas shortly after the Republic declared independence from Mexico in 1837, by the early 1840s, the Tyler administration in which Upshaw now toiled was in firm support of U.S. expansion across the North American continent, beginning with the immediate incorporation of the fledgling republic as the next state in the American union.[36]

In an 1843 letter to the Commissioner of Indian Affairs, Chickasaw Commissioner Slone Love accused Upshaw of deliberately keeping the Chickasaws "in the dark about many thing of great importance about the manner in which our money have been expended."[37] Despite the long tenure Upshaw enjoyed as an Indian Agent, he did not do so with the consent of his Chickasaw charges. From 1844 until his replacement by Gabriel Long in 1851, the Chickasaws submitted several requests to Upshaw's superiors to have him replaced as their agent. In a memorial submitted to President Zachary Taylor on July 13, 1849, the Chickasaw chiefs stated that Upshaw had demonstrated that he was "incompetent to protect our people from the most glaring and palpable frauds or that he has no disposition to do so," which they claimed was a stipulation of the treaty of 1834.[38] The Council's request indicates a desire among the Chickasaws to reassert their right to influence who should be their representative to the American government according to southeastern native diplomatic traditions that required diplomats to protect the interests of the society to which they were assigned as much as they would protect those of their own.

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[35] "A.M.M. Upshaw to Maj Wm Armstrong, August 25th 1842," M234, R138, F0340-0345.

[36] Thomas R. Hietala, *Manifest Design: Anxious Aggrandizement in Late Jacksonian America* (Ithaca: Cornell University Press, 1985), pp. 35-36, 140; Thomas R. Hietala, "This Splendid Little Juggernaut: Westward a Nation and Its People," in Sam W. Haynes and Christopher Morris, eds., *Manifest Destiny and Empire: American Antebellum Expansionism* (College Station: Texas A&M University Press for the University of Texas at Arlington, 1997), pp. 51-52; and Howe, *What Hath God Wrought*, pp. 671-680.

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Although the establishment of Fort Arbuckle alleviated some of the Chickasaws' concerns about their physical security, their overriding concern about Texans' ability to undercut their economic prospects speaks to the severe state of economic dependency their society had fallen into because of removal. Government agents and contractors had budgeted too tightly in anticipation of a fast and comprehensive emigration by all the Chickasaws at once. Some Chickasaws chose to travel on their own terms, however, which forced Chickasaw leaders to make continual requests to have more rations procured as those already purchased had spoiled. As the cost of removal continued to rise, Chickasaw leaders began to question whether they would "derive [any] benefit from the national fund for some time to come."[39]

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[37] "Slone Love to the Secretary of Indian Affairs, June 23rd 1843," M234, R138, F1155.

[38] Quoted statement is from "Memorial to the President of the U.S." in "Record Book of the Chickasaw Nation, 1837-1855," CKN30, pp. 74-75. See also "Wm H. Dietz to Wm. Wilkins, July 10th 1844, Letters Received by the Office of Indian Affairs, 1824-1881, Chickasaw Agency, 1824-1870, National Archives Microfilms Publication, Microcopy No. 234, Reel 139 (hereinafter referred to as M234, R139), Frames M234, R139, F0060; and "Pitman Colbert to Orlando Brown, Oct 18, [18]49," M234, R139, F0573-0575; and Juanita Keel Tate, *Edmund Pickens (Okchantubby): First Elected Chickasaw Chief, His Life and Times* (Ada: The Chickasaw Press, 2008), p. 77-78.

On September 24, 1839, Chickasaw leaders requested permission to travel to Washington to discuss the status of the "land sales, . . . especially those of the incompetent Indians and orphans."[40] According to Article 4 of the 1834 supplemental treaty, those funds paid for the purchase of incompetent and orphaned Chickasaws were to remain in the national fund "until such a time as the chiefs in council shall think it advisable to pay it" to the individual, or rightful heir, to whom the reservation belonged.[41] Therefore, a considerable portion of removed Chickasaws did not have the individual funds to survive in the harsh, drought-ridden environment of Indian Territory upon their arrival. These individuals often incurred debt from creditors all too willing to capitalize on their misfortune. The leaders wanted the federal government to release the entire amount from these land sales to the incompetents and orphans so that they could halt the increasing debt their constituents were accruing. But Crawford did not comply with these wishes. He stated, "if they [the incompetents and orphan Chickasaws] were properly declared incompetent before the sale of their property, they remained so with few exceptions, and that to pay them the principal would be to give it to waste and destruction, whereas the interest might be to them a source of perpetual comfort." Crawford's argument was sound in logic, leaving the Chickasaws without a leg to stand on in the debate. As they were in desperate need of money in an economy in which they had nothing to barter, Chickasaw Council members eventually changed their demand and asked for only the interest to be paid for the economic relief of the incompetents and orphans.[42]

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[39] "T.H.C. to William Armstrong, March 29th 1839," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," 2:44.

[40] "T.H.C. to William Armstrong, November 9th 1839," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," 2:69.

[41] Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:419.

The Chickasaws may have been able to hold out on the issue of the incompetent and orphan funds if it were not for the fact that they had not received an annuity payment from the national fund since removal began. In fact, they would not receive an annuity payment until 1844. More importantly, Chickasaw leaders did not know how much the prolonged removal process had cut into the national fund. In a letter to Secretary of War Spencer, Ethan Allen Hitchcock wrote:

> The principle chiefs of the Chickasaw Indians, while I was with them, expressed great anxiety about their national fund, for which the government is trusted under the Treaty of 1834. They think themselves entitled to a detailed statement of the condition of the fund every year and they say they have received but one such statement. . . . I asked the opinion of an intelligent man in the nation, as to the supposed expense of furnishing the Chickasaws for 19 months rations delivered to them in their new country—and he answered that he supposed it was about $250,000.

According to Hitchcock, this "intelligent" Chickasaw had grossly underestimated the costs associated with his people's journey west. Hitchcock stated although the estimate of $250,000 was appropriate given that that "rations, before their emigration, had averaged less than 7 cents." However, and this seems to have even stumped Hitchcock, the rations alone actually had "cost more than $600,000." Although it does not appear that he revealed this discrepancy to the Chickasaw leaders, Hitchcock indicated to Spence that there was a growing suspicion among the Chickasaws that federal officials had mismanaged their funds, especially in light of the accusations of gross overcharging—later confirmed to be true—made against Captain Simeon Buckner, the man who had been in charge of the Chickasaw removal via water from Memphis to Fort Coffee.[43] To alleviate Chickasaw concerns, Hitchcock advocated that "the actual disbursements should annually be made known to [the Chickasaw leaders] in detail by a statement directed through the Indian Agent, to the 'Commissioners' under the treaty of 1834. The sooner they learn the true state of their fund, the sooner they will become reconciled to it, while, at present, they are labouring under exciting apprenhensions."[44]

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[42] "T.H.C. to William Armstrong, June 2d 1840," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," 2:79.

Regardless of Hitchcock's recommendation, the Chickasaw annuity remained unpaid. On October 26, 1842, the Chickasaw chiefs in council submitted an appeal to Secretary of War Spencer for the disbursement of their annuity. According to the chiefs' statement, the exorbitant prices they were compelled to pay for goods once they removed had "exhausted what money we brought with us, our people are now becoming naked, they are in great want of the real necessarys of life, they have been looking year after year with great anxiety for an annuity untill they have become all but beggars a number of their women and children are on the very point of suffering." The Chickasaws recognized the state of dependency on the United States in which they existed following removal. The chiefs stated that the Chickasaws "only hope is that you will send them an annuity as soon as possible."[45] As such, they initiated efforts to lift their society up from the doldrums in which they had fallen since agreeing to remove from their homelands.

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[43] Quoted passages from "E.A. Hitchcock to J.C. Spencer, Apr 29, 1842," M234, R138, F0854-0855. For specifics about the fraud perpetrated by Buckner, see Gibson, *The Chickasaws*, p. 169-183 and Paige et al., *Chickasaw Removal*, pp. 210-220.

[44] "E.A. Hitchcock to J.C. Spencer, Apr 29, 1842," M234, R138, F0854-0855.

Chickasaw leaders knew that they would not be able to free themselves from this state of dependency as long as government officials continued to keep them in the dark concerning their fiscal affairs. In a letter to Secretary of War Spencer, dated May 6, 1843, Isaac Albertson and Slone Love, presumably on behalf the other chiefs, laid the groundwork for their peoples' efforts to free themselves of their dependency upon the United States government. The men made several inquiries about the fiscal operations of the U.S. within their society, particularly about whose money paid for certain services. Albertson and Love indicated Chickasaw confusion concerning whose funds supplied the salary for the blacksmith who had been hired for their use: the federal government's or the Chickasaws'. Further, the two men indicated that the Chickasaws did not want to pay for services that they believed were unnecessary, such as a commissary. Finally, they also inquired about establishing their own schools: "we also wish to know of you what the prospect will be to get a fund sufficient to establish a district school as we are in great want of one in our own country where our youths may be educated under our emediate view."[46] According to Upshaw, the Chickasaws wished to establish the schools according to the manual labor system. They believed this method would produce a new generation of skilled Chickasaw laborers through whom the nation could free themselves of their economic dependency to the Americans.[47] Not only would the establishment of schools in their new territory provide long-term benefit to the Chickasaws, Albertson and Love also revealed a short-term economic goal to the Secretary:

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[45] "Chickasaw Chiefs to J.C. Spencer, Oct. 26th 1842," M234, R138, F1044-1045.

[46] "Isaac Albertson and Slone Love to Spencer, May 6, 1843," M234, R138, F1068-1071.

> It has been a practice heretofore to send our children off to other states, to be educated and we now see the evil of such a practice we are now expending large sums of money every year for the education of our children to the exclusive benefit of other states. it is the money that makes the school and we want expended in our own country so we may get it again.[48]

As they had in their appeal to Upshaw to stop the Texans from siphoning money out of the Chickasaws' grasp, Chickasaw leaders understood that without the ability to keep money circulating within their own internal economy, their society would never achieve economic independence from the United States.

When the Chickasaw Commissioners were not satisfied with the explanations put forth by the federal government concerning how money was siphoned out of their national fund, they continued to press for more information. In a letter to the Commissioner of Indian Affairs on June 23, 1843, Slone Love claimed to have examined House Document no. 65—which Secretary Spencer had recently submitted by to the House of Representatives—outlining all of the expenditures concerning the Chickasaw emigration from 1833 to January 1, 1843. Love thanked the Commissioner for sending him the report, "which afforded me more information than any other heretofore received ether from our Agent or the department." Love questioned some of the expenditures in the report and demanded further explanation of some of the payments that he deemed egregious. Further, he requested the same level of information "from the first treaty ever made with the government of the United States up to the treaty of 1834."[49]

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[47] "A.M.M. Upshaw to Maj Wm Armstrong, August 25th 1842," M234, R138, F0340-0345.

[48] "Isaac Albertson and Slone Love to Spencer, May 6, 1843," M234, R138, F1068-1071.

In this letter, we have an example of a Chickasaw official attempting to catch the Americans at their own game. Federal officials had no qualms about reminding the Chickasaws about their obligations to their elder brothers. By calling the United States' record in upholding the obligations—agreed to in treaties—into question, Love was determined to assert his people's continued sovereignty despite their having accepted a weaker position in their diplomatic relationship with the American union.[50] As Albertson and Love had alluded to in their earlier letter to Spencer, the Chickasaws still believed that the states of the American union constituted separate and independent entities that were united behind a common purpose. Further, the fact that they noted that had sent their "children off to *other* states" indicates a belief that by allowing themselves to come under the protection of the United States, they existed in a similar diplomatic status in which they had adopted the Natchez a century earlier: incorporated on an equal plane but at the same time remaining distinct and separate from their ethnically related American state brothers.[51]

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Before the Chickasaws could demand that outsiders respect their sovereignty, they had to resolve their own internal differences. The Chickasaws continued to recognize the legitimacy of distinct factions to conduct diplomatic actions that could affect the entire polity. This had not changed over the previous forty years. Rather, the lack of a viable alternative to the United States allowed those individuals who had cultivated early relationships with their American counterparts to remain at the forefront of Chickasaw international relations. However, the death of leaders such as Tishomingo and George and Levi Colbert opened a new era of competition among Chickasaw politicos that resulted in a new era of factionalism within the nation that seems reminiscent of the squabbles between Ugulayacabe's and Piomingo's parties in the late eighteenth century. The drive to alleviate the economic stress provoked by removal prompted a resurgence of factionalism among Chickasaw leaders. In the 1840s, two factions vied for federal recognition and therefore control over the national fund. These two groups would reconcile, however, over their shared desire to rid themselves of the ability of the federal government and the Choctaws to influence their internal affairs.

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[49] "Slone Love to the Secretary of Indian Affairs, June 23rd 1843," M234, R138, F1153-1157; quotes from frames 1155 and 1157 respectively.

[50] "Slone Love to the Secretary of Indian Affairs, June 23rd 1843," M234, R138, F1153-1157.

[51] "Isaac Albertson and Slone Love to Spencer, May 6, 1843."

According to the 1834 supplemental treaty, the Chickasaw Commissioners comprised the body through which the Chickasaws would negotiate financial matters with the United States. In November 1840, the Chickasaw Council convened at Boggy Depot in the Choctaw territory to elect three new members of the council as Henry Love, Martin Colbert, and Pitman Colbert—who replaced George Colbert among the original five commissioners after his death in November 1839—had decided to relinquish their positions. The Council elected James Wolf, Sloan Love, and Charles

Colbert to fill the vacant positions.[52] In all other matters concerning the Chickasaws political relations with other polities, the Chickasaws were supposed to negotiate through their elected members to the Choctaw council as provided for in the Treaty of Doaksville: a District Chief, Speaker, and Secretary. Due to the prolonged and disruptive nature of removal, the Chickasaws did not fill these positions until July 1841, when the Chickasaw Council elected two of the Chickasaw Commissioners, Isaac Albertson as the District Chief and Sloan Love as the Speaker, and one future commissioner, James Gamble, as the District Secretary.[53]

Despite the fact that he willingly resigned as a commissioner in 1841, Pitman Colbert eventually found himself at odds with the elected leadership of the Chickasaws. On June 23, 1843, Sloan Love wrote to Secretary of War Spencer "to inform [Spencer] that Pitman Colbert has been getting up little councils in the different parts of the Nation to have the 7 commissioners and their successors appointed by a treaty stipulation of 1834 dismissed, believing that there is no further use for them in the Nation." As the Chickasaw Commissioners had to be approved by the Secretary according to the removal treaty, Love inquired of Spencer "who has the right to remove a commissioner or whether they are appointed for life during good behavior or not."[54]

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[52] "A.M.M. Upshaw to T. Hartley Crawford, July 2nd 1842," M234, R138, FF0017-0018.

[53] "Record Book of the Chickasaw Nation, 1837-1855," CKN30, p. 6. Gamble was elected to the Chickasaw Commission along with Joseph Colbert on June 15, 1842, "to fill the vacancies occasioned by the deaths of Major James Colbert and Mr. Charles Colbert." Upshaw gave his approval to this recommendation according to the necessary process defined in the 1834 supplemental treaty. "A.M.M. Upshaw to T. Hartley Crawford, July 2nd 1842," M234, R138, F1014.

[54] "Slone Love to the Secretary of Indian Affairs, June 23rd 1843," M234, R138, F1153-1157.

Approximately one month later, the Chickasaw Commissioners accused Pitman Colbert of further impropriety in an attempt to dissuade Spencer from entertaining Colbert's proposition to disband the commission. The Commissioners intimated that Colbert was out to improve his own economic condition at the expense of the nation. In a missive sent to the Secretary on July 18, 1843, the Commissioners stated that Pitman Colbert had been "handsomely paid" for the sale of his land in Mississippi while others, even those of his own emigrating party, had never received anything for the sale of their lands.[55] As these accusations against Pitman Colbert indicate, the Commissioners believed that he posed a direct threat to their authority among the Chickasaw people.

Over the next two years, Colbert garnered his own following among the Chickasaws. Most of his followers were those individuals who had settled near him near Doaksville, some "seventy or eighty miles from the [Chickasaw] district." According to William Armstrong, the U.S. Superintendent of Indian Affairs for the Western Territory and Choctaw Agent, even the hereditary high chief, Ishtehotopa, sided with Colbert.[56] As the beloved Tishomingo had acted as the Chickasaws'—and therefore Ishtehotopa's—principal chief over the previous two decades, Ishtehotopa's association with Colbert probably provided legitimacy and support among those Chickasaws who wished to retain their traditional form of government.

The majority of the Chickasaw Commissioners stood in opposition to Colbert and Ishtehotopa. In summer 1845, the Commissioners appealed for federal intervention as the two factions argued over the right to determine where Agent Upshaw should disburse the anxiously awaited annuity. Due to the perceived threat of violence in their own designated district, the Chickasaw people were still relatively scattered about the eastern half of the Choctaw Nation. Consequently, efficient disbursement of the annuity to every eligible Chickasaw citizen required that it be accomplished at one location. The Chickasaw Commissioners contended that as duly elected commissioners comprised the proper authorities among the Chickasaw people, and so only they should be able to designate the location for disbursement. The Commissioners insisted that the annuity should be paid in the Chickasaw District. Armstrong blamed the removal treaties for creating a situation in which each faction could claim legitimacy.

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[55] "Chickasaw Commissioners to Spencer, July 18th 1843," M234, R138, F1103-1105.

[56] "Wm. Armstrong to T.H. Crawford, June 10, 1845," M234, R139, F0140-0143.

> Heretofore the Chickasaws have been governed in the old Indian manner by a chief and headmen. The late treaty disposing of their lands gives certain powers in relation to lands to the Chickasaw Commissioners, but says nothing about the management of their funds.

Armstrong believed that Upshaw should "look to the chief [elected in accordance with the Treaty of Doaksville] and captains in paying annuities as the authorities of the tribe [rather] than to the commissioners."[57] Therefore, Armstrong sided with the commissioners. Three of the Commissioners—Albertson, Love, and Gamble—remained the Chickasaws' elected officials to represent them in the Choctaw council.

Despite Armstrong's support, the Commissioners knew that their position at the head of the Chickasaw government was tenuous. They attempted to diffuse Colbert's ability to contest their authority among the Chickasaw people. Colbert had protested that the Commission's services, as prescribed in the 1834 supplemental treaty, were no longer needed. The Commissioners chose to remove the possibility that they were acting outside of their lawfully given responsibilities in continuing to pursue control of the Chickasaw annuity. The men resigned their posts on July 18, 1845. This was no mere surrender, however. The commissioners believed their former responsibilities would fall to Isaac Albertson as the elected Chief of the Chickasaw District, and their faction would retain control in light of Armstrong's decision. The Commissioners' gesture did not work, and the Colbert faction immediately attempted to replace them with individuals loyal to Colbert and Ishtehotopa, most notably Edmund Pickens who had been appointed the Chickasaw Treasurer. In response, the Commissioners appealed for federal intervention once again. Writing to Commissioner of Indian Affairs Crawford, the former commissioners requested that United States officials not recognize any person "except those persons who were elected in the Chickasaw district, under the Choctaw Constitution, agreeable to the treaty concluded between said Nation & the Chickasaws in 1837 & ratified by the President & Senate of the United States."[58]

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[57] "Wm. Armstrong to T.H. Crawford, June 10, 1845," M234, R139, F0140-0143.

Later that fall, the Chickasaw chiefs and captains—among whom were the former commissioners, except Ishtehotopa—submitted a petition to Secretary of War William L. Marcy informing him of their objection to any disbursement of the annuity to Pickens. In recognition of the Colbert faction's right to contest their own authority, these men requested that an agent of the U.S. government should disburse the funds "because the party feeling and jealousy existing among our people would render it impossible for any one Chickasaw to discharge such a duty satisfactorily to all."

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[58] "Wm. Armstrong to T.H. Crawford, July 27, 1845," M234, R139, F0147-0149; "A.M.M. Upshaw to Wm. Armstrong, July 20th 1845," M234, R139, F0151; "Isaac Albertson et al. to T. Hartley Crawford, July 22d 1845," M234, R139, F0153-0154; and "Isaac Albertson et al. to Wm L Marcy, undated [1845]," M234, R139, F0235-0241. Quoted statement is from "Isaac Albertson et al. to T. Hartley Crawford, July 22d 1845."

Further, although they recognized that a strong contingent existed among their people who wished to retain the Chickasaws' traditional hereditary form of government, they claimed that these individuals had been duped into believing that Pickens' appointment as treasurer was done "under the direction of Ishtehotopa," who they characterized as "a weak, credulous, ignorant but well meaning man" who had fallen under the self-aggrandizing, acquisitive influence of Pitman Colbert. Although they obviously intended to discredit the Colbert faction, the chiefs and captains did not intend to exclude anyone who rightfully deserved a disbursement from receiving one.[59]

In determining who did and did not have a right to receive an annuity payment, Chickasaw leaders took their first step toward consolidating the Chickasaw polity into a nation-state. In 1843, the chiefs and commissioners had petitioned Commissioner Crawford concerning their right "to say whether those Indians that lived in the Old Chickasaw Nation who were not Chickasaws but to whom we gave land and emigrated them to this country and subsisted them for 19 months after their arrival shall draw annuity with us or not."[60] In his response, Crawford replied that the Chickasaws did indeed have the right to determine "who shall be participants in the benefits of annuities." Crawford provided one caveat, however; any individuals who received an annuity had to have native ancestry.[61] Crawford's requirement most likely met little resistance, as the Chickasaws still practiced their matrilineal customs, a point that they had affirmed with President Jackson when it came time to apportion their lands for allotment and sale back in Mississippi during the 1830s and one that they would soon reaffirm in their first written constitution in 1846.[62]

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[59] "Isaac Albertson et al. to Wm L Marcy, undated [1845]," M234, R139, F0235-0241.

[60] "Chickasaw Chiefs to T. Hartley Crawford, Febry 21st 1843," M234, R138, FF1094-1095.

[61] "T.H.C. to Ish te ho to pa and others Comms. &c. of the Chickasaw Nation, April 27, 1843," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," 2:295.

The Chickasaws met for their annual council in October 1846 at Boiling Springs in the Chickasaw District. As the Council's authority was restricted to the economic concerns of the Chickasaw people—as prescribed by the Treaty of Doaksville—the primary emphasis of deliberations among council members focused on clearly delineating who would be eligible to receive an annuity payment. On October 31, 1846, the Chickasaw Council passed a series of resolutions that defined who and who was not eligible to receive annuity payments from the national fund. According to the first resolution,

> all those Chickasaws or any other person that was recognized as Chickasaw and have [owned] land with them in the State of Mississippi and have emagrated to this country, Shall be entitled to draw annuity with the Chickasaw people, Provided he, she, or they are still Citizens of the Nation, Except the heirs of Molly & Betsy[,] Creeks who were discarded by the general consent of the Chickasaws.

The second resolution excluded "white & Choctaw women with their offspring" who had married Chickasaws men after the Treaty of 1834 from receiving a payment. The final resolution excluded all persons who had become connected to the nation through marriage since the 1834 treaty from receiving benefits from the General Fund.[63]

Not only did these acts reaffirm the Chickasaws' commitment to their matrilineal traditions for defining membership within their society, but they also mark the transition of the Chickasaws from a coalescent society into a consolidated society that deliberately excluded individuals who would have previously been welcome among their ranks. The coalescent societies of the eighteenth century were, for the most part, welcoming of outsiders into their ranks. Due to an ever-present warfare and the ravages of disease during the first three centuries after European contact, the Native American societies of the southeast, by necessity, needed to be able to augment their communities through the incorporation of new individuals. But, in the post-Revolutionary, market-driven world of the nineteenth century, cash was king. Unable to wrest control of their access to their own monetary reserves—obtained through the sale of their lands east of the Mississippi—the Chickasaws needed to consolidate their society and to define exactly who was and was not a Chickasaw. Unlike the blood quantums that emerged from the United States-directed allotment process of the late nineteenth century, mid-century Chickasaws embarked on their own process to reclaim political authority within their own society. They began by determining who deserved to receive an annuity and for what purpose the reserves would be put to use.

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[62] "Ishtahotopa et al. to His Excellency, Andrew Jackson, [undated]," M234, R136, FF0610-0613.

[63] "Resolutions for the Chickasaw Council, Oct 31, 1846," in "Record Book of the Chickasaw Nation, 1837-1855," CKN30, p. 63.

The Chickasaw Council took a more concerted approach at consolidating their society when they drafted a written constitution during the fall 1848 session. The 1848 constitution blended components of the Chickasaws longstanding political structure with western concepts in which the younger generation of leaders had been educated and all had witnessed via their interactions with the United States. Despite the acceptance of factions' abilities to work toward opposite goals that emerged as part of their political culture during the eighteenth century, the Chickasaws' national council had remained the primary body through which to build popular consensus across

Chickasaw society. The primacy of the council had even experienced resurgence during the thirty years prior to their removal to the Indian Territory. In this new constitution, Chickasaw leaders reaffirmed their commitment to consensus building through the Chickasaw Council at the same time that they modified its operational structure to incorporate concepts of republican democracy. According to the constitution, the Chickasaws established "two distinct departments," comprised by members of the Chickasaw Council, which consisted of a chief executive and a legislature. Council members intended the legislature to have more authority than the executive did. A stronger legislature would retain the traditional role of a national council to restrict the authority of any one individual who occupied the position of chief executive. However, the Council did not mean for the legislature to dominate Chickasaw politics. They also established a separation of powers between the two branches to ensure that "no person or collection of persons being one of these departments shall exercise any power properly belonging to the other, Except in instances that may be directed by the council hereafter."[64]

The Chickasaws organized under the guiding principle that they must respect the agreements their representatives had entered into during the removal negotiations. But, they also created the new government to facilitate their eventual secession from the Choctaw Nation. The descriptions of the executive branch demonstrate that the Chickasaws recognized their incorporation into the Choctaw Nation. The power of the executive branch was "vested in a Chickasaw District Chief," in accordance with the restrictions imposed on Chickasaw political organization by the Treaty of Doaksville. As the first man elected to the position, therefore, Edmund Pickens held the title, Chief of the Chickasaw People. Despite the lip service to the Chickasaws' incorporation as a Choctaw district paid by such designations, the true embodiment of the 1848 constitution as a separatist document lies in the legislature's empowerment as the only body designated to appoint the Chief.[65] This prevented outside polities from gaining control of the Chickasaw government through bribery or the installation of a puppet. The Chief was only empowered to propose laws for the legislature's consideration, but the legislature did not have to approve those laws. Consequently, the legislature had the authority to refuse recognition of any laws enacted by the Choctaw Council that would impose on the Chickasaws' capacity to control their own internal governance.[66]

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[64] "Copy of the Chickasaw Constitution and Laws [1848], presented by the Chief Col Edmund Pickens to Col AMM Upshaw, Chickasaw Agent, By C Harris, Clerk C.D. CN, Nov 1849," Letters Received by the Office of Indian Affairs, 1824-1881, Chickasaw Agency, 1824-1870, 1850-1852, National Archives Microfilms Publication, Microcopy No. 234, Reel 140 (hereinafter referred to as M234, R140), Frames 0170-0184.

Beyond the reaffirmation of the resolutions passed in 1846 concerning access to the annual annuity, the Council members included several other measures in the new Chickasaw constitution designed to distinguish themselves from the Choctaws—and therefore consolidate their society—that signified the adoption of nineteenth-century, western conceptions of republican governance. Council members declared that "no person shall be a member of the Chickasaw Council or be eligible to any office under these regulations unless he be a Chickasaw or a recognized member of the Tribe." In doing so, they signified their intent not only to restrict access to the national fund, but also to consolidate the democratic ethos into the hands of a specific, ethnically identified constituency. Only males aged sixteen or older held the right to vote for representatives in the new republican government. As further evidence that the Chickasaws were willingly surrendering aspects of their traditional hereditary modes in favor of a republican form of government, the constitution also stipulated that all members of the Council had to be "a citizen of the District in which he may reside." Finally, the Chickasaws also established their own police force and court system.[67]

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[65] The notion that Chickasaw constitution-making in the late 1840s and early 1850s exemplified efforts to separate themselves from the Choctaws was established by Arrell Gibson. Gibson noted the "latitude of action given both the chief and council" in the 1848 constitution as the documents marker for separation. In 1992, Duane Champagne noted that the 1851 constitution was the true announcement for separation by creating the position of Financial Chief, which distinct privileges to manage "internal affairs and treaty funds" apart from the District Chief's oversight. Although he has since given more credit to the 1848 constitution, it seems that he still holds 1851 as the true marker for Chickasaw separation. Gibson, *The Chickasaws*, pp. 216-226, quote on p. 217; Champagne, *Social Order and Political Change*, p. 196; and Duane Champagne, *Social Change and Cultural Continuity Among Native Nations* (New York: Altamira Press, 2007), pp. 212-215.

[66] "Copy of the Chickasaw Constitution and Laws [1848], presented by the Chief Col Edmund Pickens to Col AMM Upshaw, Chickasaw Agent, By C Harris, Clerk C.D. CN, Nov 1849," M234, R140, FF0170-0184; Kappler, ed., *Indian Affairs: Laws and Treaties*, 2:486-488.

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As the election of Edmund Pickens to the position of Chief indicates, during the previous two years, the two factions began to reconcile their differences, primarily by focusing their efforts toward the twin goals of ridding their society of its economic dependency on the United States and securing political independence from the Choctaws.[68] During the summer of 1848, just months before the transformative constitution, both Pickens and Pitman Colbert served as members of a delegation, appointed by the Chickasaw Council on March 19, to travel to Washington, D.C. The delegation was tasked to direct how the national funds should be appropriated for certain projects such as the building of schools within the Chickasaw District.[69] According to Upshaw, Pitman Colbert remained on the outskirts of Chickasaw political society—and he did indeed pursue his own economic agenda while in Washington—but we should not take this to mean that the factions had not begun working toward reconciliation.[70]

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[67] "Copy of the Chickasaw Constitution and Laws [1848], presented by the Chief Col Edmund Pickens to Col AMM Upshaw, Chickasaw Agent, By C Harris, Clerk C.D. CN, Nov 1849," M234, R140, FF0170-0184; quotes are from F0174.

[68] Duane Champagne contends that reconciliation occurred because of "an alliance between U.S. officials and Chickasaw planters willfully dismantled the old Chickasaw political order," thus forcing traditionalists to fall in line with the reorganization of the Chickasaw political structure according to western concepts; Champagne, *Social Change and Cultural Continuity*, pp. 214-215. I do not accept this argument. Champagne is relying on his earlier work in which he claimed that the

The 1848 delegation took steps to ensure that they acted in a unified manner and that they worked to protect the rights of the Chickasaws without allowing exterior influences to influence or interfere with their work. The delegation met at least once a day, during which time all conversations were to be "carried on in the Chickasaw language." Delegates were not allowed to receive visitors during these meetings, nor could any member leave the session without the acknowledgement and approval of the other members. Even though members could form small committees to draft letters and memorials, the entire delegation had to approve, by majority vote, of the contents before they could be sent to the intended recipient. If a majority could not be obtained, the matter was dropped. As a final step to ensure that outside influence could not infiltrate

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experience of removal had no influence on the structural changes the Chickasaws made to their political system in the 1840s and 1850s. As I suggest in this dissertation, however, the rhetoric of removal directly influenced the way Chickasaw leaders argued to regain their autonomy from the Choctaws and to reassert their independence immediately in the 1850s; Champagne, *Social Order and Political Change,* pp. 164-165.

[69] "Pitman Colbert et al to Wm. Medill, July 7, 1848," M234, R139, F0440-0442.

[70] "A.M.M. Upshaw to Wm Medill, April 25th 1848," M234, R139, F0522-0523.

the delegation's mission, all members swore an oath of silence concerning "all business that may be transacted by the Delegation in Session."[71]

Over the next few years, the Chickasaw factions united behind the dual purpose of securing their economic independence from the United States and their political independence from the Choctaws. At the conclusion of the 1848 session, the Chickasaw Council appointed another delegation to travel to Washington that winter.[72] Moreover, while this delegation was in Washington, the council established a permanent Committee of Vigilance early the next year. The committee's members were required to travel to Washington at least once a year, for the purposes of attending to the Chickasaws' affairs with the United States. Specifically, the Council tasked the committee to secure those guarantees U.S. officials made to the Chickasaws through various land cession treaties dating back to 1818. Although the original act called for the committee to have three members, the Council amended the provisions in July 1849 so that only two representatives, Pitman Colbert and Edmund Pickens, were required for the committee's inaugural journey to the federal city.[73] The selection of and the confidence placed in Colbert and Pickens by the Chickasaw Council signifies the end of the factionalism of the 1840s.

On July 17, 1849, Pickens and Colbert retained the services of B.H. Eperson, a lawyer from Clarksville, Texas, for a period of two years. According to the articles of agreement between the two parties, "the Chickasaws have much unsettled business with the United States in relation to their national funds and being desirous of closing their matters with that government as soon as possible." The principal goal in securing economic independence from the Americans, therefore, required the settlement of land sales relating to the Chickasaws removal in the 1830s. Despite the availability of Chickasaw land for most of the 1840s "at the reduced price of twelve and a half cents per acre," much of the Chickasaw lands east of the Mississippi River remained unsold.[74] According to the agreement,

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[71] "Rules for the Government of the Chickasaw Delegation, June 4th 1848" CKN30, pp. 150-151.

[72] M234, R139, F0577-0579; CKN30, page 69.

[73] "An Act Establishing a Committee of Vigilance, 1849," M234, R139, F0715; "An Act supplementary to an act establishing a Committee of Vigilance land other purposes," CKN30.

> The said Eperson upon his part agrees and binds himself to render whatever services he can to the delegation in the transaction of their national business to cooperate with Jacob Thompson of Mississippi, who has been employed to defend the interest of the Chickasaws in that State in cases whaere it is supposed the principle upon which they will be decided."[75]

The point in relinquishing their ownership of any lands remaining east of the Mississippi River seems to be mainly to remove the United States' ability to continue to drain the Chickasaw General Fund by claiming administrative fees for maintaining the lands on their behalf.[76]

The Chickasaws tried to convince the United States Government to sell off their remaining Mississippi lands for almost four years before federal officials agreed to negotiate a new treaty. In early 1852, the Chickasaw Council appointed Benjamin Sloan Love, Edmund Pickens, and Sampson Folsom as a special delegation empowered to negotiate a new treaty to settle the Chickasaws' financial affairs with the United States concerning all land ceded east of the Mississippi River.[77] According to the treaty that these men concluded with the United States representative, Kenton Harper, that June, the Chickasaw delegates retained the military protection of the United States in their new western home, and they successfully secured a commitment by the United States to finalize the sale of the lands still available in Mississippi. However, they did not accomplish all of their objectives. The incompetent and orphan funds would remain an issue until well after the United States Civil War, and the national fund would remain under the control of the United States Government, leaving the Chickasaws economically dependent upon the Americans for the foreseeable future.[78]

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[74] "Kenton Harper to Luke Lea, June 23, 1852," in "Ratified treaty no. 260, documents relating to the negotiation of the treaty of June 22, 1852," p. [8], Documents Relating to Indian Affairs, University of Wisconsin Digital Collections, http://digital.library.wisc.edu/1711.dl/History.IT1852no260, accessed May 2, 2012. For a thorough investigation of the Chickasaw land sales, see Mary E. Young, *Redskins, Ruffleshirts, and Rednecks: Indian Allotments in Alabama and Mississippi, 1830-1860*, Plains reprint ed. (Norman: University of Oklahoma Press, 2002), pp. 114-190

[75] CKN30, page 61[?].

[76] "B.H. Eperson to O. Brown, February 1st 1850," CKN30, pp. 86-87.

Although the Chickasaws were unable to free themselves of the semi-sovereign status under the hegemony of the United States, the delegates did take a step forward in their people's stated goal to dissolve the political union between themselves and the Choctaws. Despite federal retention of the national fund, the Chickasaws secured enough access to the principle that would allow them to purchase outright a territory for themselves and their posterity forever.[79]

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During his investigative sojourn in 1842, Ethan Allen Hitchcock commented, "the Chickasaws find themselves destitute of every comfort they have formerly enjoyed; and, by a misunderstanding on the part of most of the tribe, they have become subordinate to the Choctaw government, a government utterly foreign to their habits and offensive to their national pride. They feel as if they had purchased themselves into degradation."[80] Despite Pitman Colbert's participation in the negotiations for the Treaty of Doaksville, his faction came to represent that portion of the Chickasaw citizenry who objected to continued acceptance of Choctaw hegemony in their world. Although the opposing faction did not necessarily see any reason to protest against their situation at first, they eventually agreed to press for a political separation in an attempt to unite their people behind their vision for a republican form of government. By fall 1846, the Chickasaws had requested that Upshaw arrange for a delegation to travel to Washington to meet with the Commissioner of Indian Affairs to procure a new "Country to themselves."[81]

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[77] "W. Colbert, S. Folsom, and J. Frazier [to the Commissioner of Indian Affairs,] April 7th 1851," CKN30, pp. 163-170; "Benjamin S. Love, Edmund Pickens, and S. Folsom to L. Lea, Commissioner of Indian Affairs, May 12, 1852," in "Ratified treaty no. 260," p. [4].

[78] Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, 2:596-598.

[79] Ibid.

Although they would eventually have to take the matter on themselves, for the next four years, the Chickasaws sought the assistance of the United States government to resolve their differences with the Choctaw, as the treaties of 1832 and 1834 and the Treaty of Doaksville required of them. On January 19, 1849, the Chickasaw delegates in Washington appealed to President James K. Polk to resolve an issue of financial disagreement between the Chickasaws and Choctaws concerning the purchase of the Chickasaw District. The Choctaws thought that the Chickasaws still owed them $5,000 for the use of the Chickasaw District. According to the terms of the Treaty of Doaksville, the Chickasaws were to pay $530,000 to the Choctaws for the land: $30,000 paid in cash up front and $500,000 through the acquisition of stock worth that amount. The interest from the stock purchase was intended to help sustain the

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[80] "E.A. Hitchcock to J.C. Spencer, Apr 29, 1842," M234, R138, F086-0860.
[81] "A.M.M. Upshaw to Wm Medill, Septr 10, 1846," M234, R139, F255.

Choctaws for at least the next twenty years. According to the Chickasaws' account, U.S. officials negotiated a deal for stock from Alabama worth $500,000, but for which the Chickasaws only paid $495,000. The Choctaws argued that the Chickasaws should have purchased stock with the full amount. Further, the Choctaws now argued that the Chickasaws should pay the outstanding interest that would have accrued from the additional $5,000 worth of stock. The Chickasaws argued that if the stock had cost them $510,000, the Choctaws would certainly not have refunded them the difference. In accordance with the terms of the treaty, therefore, the Chickasaws wished the President to settle the issue.[82]

Shortly after petitioning for the President's intervention, the Chickasaw delegation in Washington learned that the Senate had voted in favor of the Choctaws regarding the $5,000. The Chickasaw delegates protested to the Commissioner of Indian Affairs. In their letter, the delegates laid out their understanding of the situation, intimating that by ruling in favor of the Choctaws, not only had the Senate negated the United States Government's obligation to act as a trustee for both the Chickasaws and the Choctaws, but that body had also kept their deliberation of the subject secret from the Chickasaws and ignored the legal obligation requiring the assent of both the Senate and the President to decide the issue.[83] On February 20, 1849, Polk weighed in on the $5,000 issue. Polk allowed that the Chickasaws should pay the $5,000 difference, as they were to have used that much money to procure the stock in the first place. However, he rejected the idea that the Chickasaws ought to have paid the outstanding interest that would have accrued on the $5,000 dollars as the Choctaws demanded and the U.S. Senate had approved.[84] In this case, federal officials decided the Chickasaws owed the Choctaws more money for their land according to the Treaty of Doaksville and played down their own involvement in creating the problem in the first place. Efforts such as this to compel federal intervention would have instilled a sense of uncertainty regarding Americans' willingness to treat the Chickasaws as equal political actors.

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[82] "Davis James et al. to James K. Polk, 19 January 1849," CKN30; Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, 2:486-488.

[83] "Copy of a letter to the Commissioner of Indian Affairs, January 30th 1849," CKN30.

On the other hand, government officials were more than willing to pretend they supported Chickasaw sovereignty by encouraging the Chickasaws to negotiate directly with the Choctaws concerning their desired independence. Chickasaw leaders most likely welcomed such freedom. On October 16, 1851, the Chickasaw Council determined to appoint

> 'Commissioners…invested with the full powers to treat in behalf of the Chickasaws with the Choctaw Nation, upon the subject of a separation from it; and that these Commissioners be instructed to attend the next Choctaw Council with a view of effecting a separation, if possible, and to exert their efforts to bring it about.'

Unlike the authority granted to the commissioners back in 1837, however, the Chickasaw Council now reserved the right to ratify or reject any settlement the delegates negotiated.[85] The Choctaws refused to consider the matter and requested the Chickasaws submit a complaint to the Choctaw Agent as required by treaty. The Choctaw Agent declined to weigh in on the matter, which forced the Chickasaws to take the issue to higher authority.

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[84] "W. Medill to Davis James & others, Feb 23rd 1849" and "Copy of In Executive Session of the Senate of the United States, January 26th 1849," CKN30.

[85] "Kenton Harper to Luke Lea, Oct. 18, 1851," M234, R140, FF0296-0299.

According to the Chickasaws' understanding of the Treaty of Doaksville, they were required to present any grievances they held against the Choctaws to the Choctaw agent. Although they had complied with this requirement, "the Chickasaw commissioners submitted not that [i.e., because] they were satisfied the referee was a just or proper one, but only because it was in conformity to the language of the Treaty, and they were indisposed to throw any hindrance in the way of an amicable adjustment." The Chickasaws did not believe they would ever receive fair treatment by applying to the Choctaw agent as the sole "umpire" to resolve grievances between the two groups. Therefore, on June 6, 1852, the Chickasaw delegation to Washington appealed to the Commissioner of Indian Affairs, Luke Lea, to submit the case to "the President of the United States" who they believed was "duly constituted the final arbiter in all matters of controversy between us."[86] Lea, however, demurred. On August 16, 1852, he informed the Chickasaw delegates in Washington that although he agreed

> that the existing political connection existing between the these tribes [Chickasaws and Choctaws] is unfavorable to the interests of both . . . the Department is unwilling to interpose for the purpose of dissolving that connection, until better satisfied that the tribes themselves cannot by mutual consent effect a satisfactory adjustment of their differences and relations.[87]

The Chickasaws returned their attention to persuading the Choctaws to release them from their obligations established in the Treaty of Doaksville. Almost three years passed before the Chickasaws finally achieved their goal of separation. When pleas to the Choctaws' conscience failed—such as those embodied in the memorial presented to the General Council Choctaw on October 2, 1854—Chickasaw delegates changed tactics. They appealed to the Choctaws for the right "to form a separate and distinct political organization with such metes & bounds and under such rules and regulations and upon such terms as may be agreed upon by the Choctaw & Chickasaw board of Commissioners present; subject to the ratification of the Government of the United States."[88] Again, the Choctaws refused to entertain dissolution of the political compact. However, it appears that their resolve had waned. After several days of back and forth, the Choctaws denied "on any terms consent for your people to form a political organization within the limits of our country." In order to diffuse the Chickasaws' accusations that the Choctaws had attempted to capitalize on the Chickasaws misfortune by entering into the Treaty of Doaksville, the Choctaw commissioners stated: "We are willing to refund Your money and you may go your way; Provided you can obtain a home beyond the limits of our country."[89]

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[86] "Chickasaw Delegation to L. Lea, June 8th 1852," CKN30, pp. 213-215.

[87] "L. Lea to Benjamin S. Love, Edmund Pickens, and S. Folsom, August 16th, 1852," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," 3:177-178.

By spring 1855, the Chickasaws had had enough. In his account of recent conversations held with delegates from both tribes, Choctaw Agent Douglas Cooper recounted that the Chickasaws had "but one proposition to make to the Choctaws—viz: that an arrangement be entered into, whereby the jurisdiction of the Chickasaw Tribe over their District may be acknowledged, and, their independence as a Nation be secured." According to Cooper, the Chickasaws still desired the intervention of the federal government to affect this outcome.[90] However, Chickasaw representatives may have slightly misled Cooper. On the same day that Cooper submitted his report, Edmund Pickens and Sampson Folsom wrote a letter to Commissioner of Indian Affairs George W. Manypenny in which the two Chickasaw delegates chastised Manypenny for the United States Government's willingness to side with the Choctaws over the past decade. Pickens and Folsom even went so far as to challenge the federal government's right to weigh in on the issue at all.

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[88] "Chickasaw Commissioners to Choctaw Commissioners, Oct. 17th 1854," M234, R833, FF320-321.

[89] "Choctaw Commissioners to Chickasaw Commissioners, Oct. 20th 1854," M234, R833, FF335-336.

[90] "Memoranda of conversations had between D.H. Cooper, U.S. Indian Agent for the Choctaw Tribe, and the Delegations now in Washington City representing the Choctaw and Chickasaw Tribes respectively, April 14th 1855," Letters Received by the

> Certainly, there is nothing in the convention of 1837 that binds the United States to assume any such false and incumbent position. That convention is a compact primarily between the Choctaws and Chickasaws.
>
> It was not signed by any commissioner on the part of the United States, and if they are to be considered a party to it, as a treaty within the meaning of the Constitution, it can only be to a limited extent. . . .The Convention itself shows on its face that no such duty or obligations exists. If either party should assume the responsibility of abrogating the Convention and declaring its independence of the other, the only proper question for the United States to consider would be, not whether the natural and inalienable right of revolution exists, but whether the party had good and sufficient cause for the exercise of the right? Should the judgement be that it had, then, the duty and obligation of the Government in the premises be clear and unquestionable.

The delegates reminded the Commissioner of the United States' obligation to protect the physical security of the Chickasaws, even against the Choctaws whom they intimated might "use force for the purpose of coercing the Chickasaws to submission." Finally Pickens and Folsom indicated that the Chickasaws would be willing to purchase land in the Cherokee Neutral ground, provided the Choctaws refund the $530,000 plus accrued interest that the Chickasaws had paid in 1837.[91]

Office of Indian Affairs, 1824-1881, Choctaw Agency, National Archives Microfilms Publication, Microcopy No. 234, Reel 174 (hereinafter referred to as M234, R174), Frames 0054-0057; quoted passage is from 0056-0057.

[91] "Edmund Pickens and Sampson Folsom to Geo. W. Manypenny, April 14th 1855," M234, R141, FF428-433.

Two months later, all three parties came to an amicable accord. The Choctaws had sent a delegation to Washington to settle some of their own financial concerns with the federal government. Cooper believed that they could be persuaded to negotiate a settlement with the Chickasaws if the United States made it a condition of resolving their 'unsettled business' with the government.[92] He was right. On June 22, 1855, Edmund Pickens and Sampson Folsom concluded a treaty with Manypenny, as the United States representative, and Peter Pitchlynn, Israel Folsom, Samuel Garland, and Dikson W. Lewis on behalf of the Choctaws. The treaty dissolved the political union between the two native nations. Rather than having to follow through on their proposal to emigrate once again, the Chickasaws paid the Choctaws an additional $150,000 "out of the national fund of the Chickasaws [to be] held in trust by the United States" in order to secure Choctaw recognition of their outright ownership of the Chickasaw District. Both the Chickasaws and Choctaws agreed that the citizens of the other nation could settle in their respective territories, wherein they would be accorded the full rights of any citizen, except for access to the national fund. Further, both groups agreed to share the Choctaw district lands west of the 98th meridian and to lease those lands to the federal government for the relocation of the southern Plains tribes.[93]

Pickens and Folsom returned to the Chickasaw District and presented the treaty to the General Council. The council members generally approved of the provisions secured by the two delegates and ratified the treaty on December 13, 1855. Now, free of Choctaw authority within their own government affairs, the Chickasaws were fully free to erect the republican form of government that they had begun in 1848.

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[92] "Douglas H. Cooper to Geo. W. Manypenny, May 12, 1855," M234, R174, FF73-76.

[93] Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, 2:06-714; quote from p. 711.

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In a letter to Commissioner of Indian Affairs Crawford on September 4, 1843, Arthur Upshaw intimated that a wholesale change in the way the Chickasaws organized themselves politically, something the Americans had hoped for, was possibly in the works. Upshaw wrote,

> The Chickasaws as yet have the same kind of government that they had when they lived East of the Mississippi, some are disposed to change it and have it agreeably to the government of the Choctaws, as they agreed to do when they treatyed with the Choctaws for this country, but some of the older Chickasaws say they are unwilling to give up their ancient rule and customs; their rule pretty much is, when a chief gets old or sick, he says that some man naming him is to have his place when he dies, and the Chickasaws must look on him then as a young chief, but a good number of the younger men are getting tired of such a government, and want a more republican one, which would be decidedly the best, for it would create a spirit of emulation among the young men and of course would have a great tendancy to improve the Chickasaws as a nation.[94]

Upshaw clearly supported any adoption of a republican form of government that would emulate that of the United States. Upshaw was right that a segment among the Chickasaw leadership advocated the adoption of a professional system of government to replace their traditional hereditary one. Upshaw's immediate superior, William Armstrong, claimed that the removal treaties had created the environment in which this could happen. In a way, Armstrong was right, but to accept this explanation at face value would make light of the significant transformation that was about to take place within the socio-political organization of the Chickasaws.

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[94] "A.M.M. Upshaw to T. Hartley Crawford, Sept 4th 1843," M234, R138, FF1243-1249.

The creation of the 1848 constitution promoted a misguided sense of accomplishment and pride among U.S. officials who viewed the changes to Chickasaw political culture espoused therein as an emulation of their own federal system of government. On December 24, 1849, Upshaw commented that the elected members of the 1849 Chickasaw Council "men of more tallent, than any Council I have ever seen among the Chickasaws, and they should be encouraged, it is a very decided step towards improvement."[95] On February 11, 1850, Commissioner of Indian Affairs Orlando Brown echoed Upshaw's sentiment in a letter to the latter's long-awaited replacement as Chickasaw Agent, Gabriel Long. Brown commented that Upshaw had furnished him with "a copy of the constitution and laws adopted and passed by the Chickasaws for the purpose of properly controlling and managing their money affairs and business." Brown was pleased with the document, "nothing is found in them conflicting with the constitution and laws of the United States, or with treaty stipulations between them and the government, or the Chickasaws." Further, he complimented the Chickasaws for having adopted a document that so imitated components of the American system of government: "The adoption by the Chickasaws cannot but be considered as a very commendable act and as affording satisfactory evidence of rapid advancement in civilization and intelligence."[96]

Brown's interpretation that the formation of the Chickasaws' constitutional government was modeled after that of the United States Constitution in order to be accepted into American society is misguided. As evidenced by a new constitution, adopted during the annual Council session in 1851, the Chickasaws restricted the definition of membership within their political society in two ways. First, the right to serve as a member of the Chickasaw Council was changed to exclude white men, thereby serving as a method of preventing outside influence. Second, in defining who should have access to the benefits of the Chickasaw National Fund, the new constitution restricted annuities to only those individuals who received allotments according to the treaties of 1832 and 1834 "and their descendents by Chickasaw women, provided they are citizens of the Choctaw Nation." Contrary to their earlier statements when affirming their right to control the disbursement of annuities, the Chickasaws now also refused to accept as fully entitled citizens those Chickasaws who did not emigrate west to their new lands in Indian Territory. As these amendments to the provisions of the 1848 constitution indicate, the Chickasaws were trying to consolidate control over their nation.

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[95] "A.M.M. Upshaw to O. Brown, December 24th, 1849, M234, R140, F169.

[96] "O.V.B. to Gabriel M. Long, February 11th 1850," in "Letters Sent Concerning Chickasaw Removal, compiled 1832-1861," 3:91.

These changes were made based on a thoughtful interpretation of their own experiences in dealing with the United States, determined to emulate the constitutional governments of some of the states in which they had come into direct contact.[97] The previous sixty years of diplomacy with the United States had demonstrated to them the strength of the states when it came to preserving local autonomy and sovereignty. This would be proven even further on the south side of the Red River as Texans negotiated their republic’s place as an equal member of the American union, all within full view of an emerging generation of Chickasaw statesmen who had been schooled in American ways of governance.

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[97] I am not the first person to suggest that an American Indian society remodeled their government structure after that of several states rather than the federal government. In his biography of the noted Choctaw leader, Peter Pitchlynn, W. David Baird commented that the 1834 Choctaw constitution seemed to have been modeled after that of several of the states, including that of Mississippi. As a result, Baird contended that Pitchlynn, as a principal architect of this first written Choctaw constitution, "should receive credit for this milestone in the constitutional development of the American Indian." Baird, *Peter Pitchlynn*, p. 54.

CHAPTER 6

THE CHICKASAW NATION ASSERTS ITS RIGHT

Some of the leaders who signed the revised 1851 constitution were young men who represented the next generation of Chickasaw leaders. These individuals, such as Benjamin Sloan Love, had been educated in American schools as a result of the Chickasaws' desire to use funds—obtained from the sale of their land during removal—to educate Chickasaw youths to better understand and engage with the United States political system that had heretofore sought to exclude them.[1] Love arrived at Choctaw Academy, Richard Mentor Johnson's Kentucky school for Indian education, in March 1835, where advanced students engaged with concepts similar to those taught elsewhere to the children of elite white Americans.[2] Further, school officials even encouraged students to form their own government wherein they could practice the political ideas they studied.[3]

Among the texts studied by the higher-level students at Choctaw Academy was Jesse Olney's *A Practical System of Modern Geography*, which was in widespread use throughout the United States at the time. Reading this volume would have further confirmed the states' authority—over that of the federal government—to determine the outcome of local affairs, which had just been demonstrated to the Chickasaws to compel their removal. According to Olney's section explaining the governmental system of the United States,

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[1] Joe R. Goss, ed., *The Choctaw Academy: Official Correspondence, 1825-1841* (Conway, Arkansas: Old Buck Press, 1992), p. 82.

[2] Foreman, "The Choctaw Academy," p. 82.

[3] "C.A. Harris, Comr to Revd. Thomas Henderson, November 28, 1837," Mss. A , H497 1-17, Thomas Henderson, Papers, 1824-1841, Filson Historical Society, Louisville, KY; Ella Wells Drake, "Choctaw Academy, 1825-1848: American Indian Education, Experience, and Response," (MA Thesis: University of Kentucky, 1999), pp. 62, 73.

> The government of the United States is a *federal republic*' formed by the union of the several states, for the purpose of mutual safety and defence . . . [Each state is independent, with distinct laws for itself, and has the exclusive control of all *local concerns:* but the defence of the country, the regulation of commerce, and all the *general interests* of the confederacy, are committed by the constitution of the United States to a general government.][4]

Despite contemporary accounts of fraud and abuse that contributed to an uneducated student body at Choctaw Academy, there is evidence that the more apt students rose to the occasion and even took control of their own learning, revealing an understanding of the material presented to them to a far greater extent than their American benefactors had ever intended.[5] By fall 1838, at least eight students were currently studying Olney's *Geography*, and eighteen more had already passed on to higher subjects within the Choctaw Academy curriculum such as book-keeping, history, and surveying.[6]

Love became a major player in Chickasaw politics by the early 1850s as the Chickasaws worked to separate themselves from their semi-sovereign status to the Choctaws. As part of his efforts to influence the political views of his fellow Chickasaws, he helped set up the *Chickasaw Intelligencer,* a newspaper written for Native American consumption in Indian Territory. By the mid-1850s, American expansion had reached the Indian Territory and speculation was rampant about the extension of a territorial government over the Indians' land. Although the

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[4] J. Olney, *A Practical System of Modern Geography, or, A View of the Present State of the World Simplified and Adapted to the Capacity of Youth ... Accompanied by a New and Improved Atlas*. Fifteenth ed. (Hartford: D.F. Robinson & Co, 1834), pp. 52-53. The brackets are part of the original text, not my own addition.

[5] Ronald L. Pitcock, "'Let the Youths Beware!': The Sponsorship of Early 19th-Century Native American Literacy," *Written Communication* 17 (2000): 390-426.

[6] Joe R. Goss, ed., "*The Choctaw Academy,*" p. 127.

Intelligencer's proprietors seemed to favor incorporation of the Chickasaws, and all Indians for that matter, into the body politic of the United States as citizens, they objected to the manner in which United States officials proposed to accomplish this. American politicians thought that the Indians should buy citizenship through the dissolution of their tribal governments and complete subjugation to federal authority. Using rhetoric that hearkened back to the debates over removal, the editors of the Intelligencer wrote, "We do not object to the obligation it is proposed that our probable Chief shall take [to answer to the President], for that was incurred as long ago as the treaty of 1786 when we placed ourselves under the protection of the United States." The editors did object, however, to the proposition that Congress would be able to impose on internal matters "which are, and always have been, within the exclusive control and power of the local legislature." In further demonstration of their belief that the American union was still a confederation of sovereign states, joined together by their own free will, they called upon the public to examine the manner in which white territories recently entered the union. "Let us look at the bill annexing Texas, and see if *its* legislature was compelled to make reservations for such purposes as Congress thought fit to encourage, and let us see if Utah was denied a territorial government until Mormonism should be abolished."[7]

Not only did these men demonstrate an understanding of the balance the U.S. Constitution accorded between state and federal authority, they also offered a Native American interpretation about the nature of the United States government and how those men who were responsible for its conduct had forsaken the intentions of the founding fathers in their relations with Native Americans.

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[7] "The Territorial Bill," *Chickasaw Intelligencer* (Post Oak Grove, Choctaw Nation), June 3, 1854, p. 2. See also U.S. Senate, 33d Cong., 1st Sess., *Senate bill no. 221*; and "Indians and Territory," *The Daily Globe* (Washington, D.C.), August 19, 1854, p. 4.

> The American Revolution was not the result of only a desire to establish a government on earth, where the internal regulations should allow justice and the widest possible freedom to its citizens, but it was intended by those who achieved that result, that a new era should mark the diploma[c]y and intercourse of nations. Justice and fraternal frankness were to mark its dealings and its mode of communications with other nations, the organized impostures of the world.[8]

As this article continued, the editors connected the previous statement to Removal and implied that the federal government should have protected the Indians against the expansive ambitions of the states and individual citizens of the United States in recognition of the treaties formed between two independent nations. "With the part of such a people [Indians], possessed of rich and widely spread lands, surrounded by the most cupidous land getters the world ever saw, whose deep hatred and recollection of a recent hostile relation stifled their conscientious scruples, the Government of Washington saw fit to take sides."[9] The statement indicates a betrayal of the diplomatic relationship established between the United States and the various Indian groups who submitted themselves to American guardianship. The editors of the *Intelligencer* believed that their incorporation into the United States should not come at the cost of their independent and sovereign status, thereby according themselves the same status enjoyed by the states when they chose to join the American union. Whereas traditional native notions of diplomacy recognized such relationships, this lament indicates how removal reinforced the need to adjust to the political realities of the Americans' federal union and the racialized world of the nineteenth century.

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[8] "The Guardian of the Red Man," *Chickasaw Intelligencer* (Post Oak Grove, Choctaw Nation), June 3, 1854, p. 2.

[9] "The Guardian of the Red Man," p. 2.

In the face of continued American expansion, the editors clearly believed that the federal government had betrayed its promise to the southeastern tribes of perpetual control over the land to which they had been removed. The only way forward, according to the editors of the *Intelligencer*, was to accept citizenship within the United States. However, they asserted that they should enter into the American polity on an equal basis to that of the individual states, which removal had revealed to them to be the truly sovereign powers within the United States. By 1856, the Chickasaws had negotiated their independence from Choctaw control and had organized their own constitutional form of government, one that was modeled on that of the states, not the federal government.[10]

This chapter examines the ten-year period from 1856 to 1865. During this time, the Chickasaws established a constitutional government that blended traditional native cultural and social concepts with western ideas of governance and state interaction. Through this combination of old and new, the Chickasaw Nation set out to demonstrate its sovereignty to both their American and native neighbors. As the events leading to the American Civil War threatened their security, the Chickasaws worked to protect their security and right to self-government. Their decision to align with the Confederacy suggests that the opportunities for Native Americans to balance Euro-American imperial powers against each other on the North American continent had not ended in 1820, as many historians have suggested. The secession of the southern states and the subsequent creation of the Confederate States of America introduced a new power with which Native Americans could hold the United States back from realizing their expansionist ambitions.

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[10] United States, Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, for the year 1856* (Washington: A.O.P. Nicholson, Printer, 1857), pp. 12-13, 132, 146.

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As the Chickasaws demonstrated by their decision to enter into a semi-sovereign position under the Choctaws in the Treaty of Doaksville and subsequent separation by the 1855 treaty, acquiescence to a semi-sovereign status was not necessarily permanent. Even within the western system of international relations established by the Peace of Westphalia in 1648, one state could not subjugate another without the latter's consent.[11] However, theory does not always translate into reality, especially in the racialized context of nineteenth-century American-native interaction. Euro-Americans proved reluctant to extend Vattel's theories to those whom they regarded as racially inferior.[12] By the early 1800s, Americans began to accept that natives and Euro-Americans would never be able to cohabitate without one destroying the other's culture. After the War of 1812, Americans became committed to a policy of removal. Despite missionaries' efforts to Christianize and improve the Indians, the majority of citizens felt that the Indians would eventually become extinct succumbing to the insurmountable tide of Manifest Destiny.[13] In order for Euro-Americans to see the Chickasaws as a legitimate and equal actor within the international state system, therefore, the Chickasaws had to create a governmental system that adhered to western notions of political philosophy.

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[11] Vattel, *The Law of Nations*, pp. 289-290; Nye, *Understanding International Conflicts*, p. 134; and Stern, *The Structure of International Society*, Ch. 6.

[12] Shoemaker, *A Strange Likeness*, Ch. 4.

[13] Richter, *Facing East from Indian Country*, pp. 235-236; Sheehan, *Seeds of Extinction*, *passim*; Dippie, *The Vanishing American: White Attitudes and U.S. Indian Policy*, p. 7-10; and Robert W. Johannsen, "The Meaning of Manifest Destiny," in Sam

The successful conclusion of the 1855 treaty imbued the Nation with a renewed sense of independence.[14] The social and political consolidation that occurred over the previous decade helped to translate the Chickasaws' ethnic nationalism into political nationalism. However, there was one barrier to remove before their newly consolidated national identity became legitimate. The 1848 and 1851 constitutions were constructed to reflect the Chickasaws status as district within the Choctaw Nation. Consequently, the 1855 treaty stated that Choctaw laws remained in force within the Chickasaw Nation until the Chickasaws established their own constitution with a government to administer the provisions and laws therein.[15] Having sought separate independence from the Choctaws since the early 1840s, the Chickasaws wasted little time in addressing this issue.[16]

The Chickasaws adopted their new constitution in August 1856. The government established in the constitution reflected the union of native and western concepts in an effort to preserve autonomous sovereignty in a world increasingly dominated by Euro-Americans. The Chickasaw political leaders of the 1850s had been trained in a similar philosophical tradition as the Revolutionary generation's Founding

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W. Haynes and Christopher Morris, eds., *Manifest Destiny and Empire: American Antebellum Expansionism* (College Station: Texas A&M Press, 1997), p. 10.

[14] Gibson, *The Chickasaws*, p. 210; W. David Baird, *The Chickasaw People* (Phoenix: Indian Tribal Series, 1974), pp. 54-56. Baird intimated that this new sense of independence might have been partially responsible for the actions taken to separate from the United States and join forces with the newly formed Confederate States of America in 1861. He stopped short, however, and ultimately blamed secession on the intentions of white northerners and southerners.

[15] Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, 2:707.

[16] Champagne, *Social Order and Political Change*, pp. 193-197.

Fathers. However, they entered the practice of forming a constitutional government relatively late. Therefore, they used their education and experience to construct a government that blended native cultural tradition with modern concepts developed by Scottish Enlightenment philosophers and put into practice by both Americans and their "removed" neighbors.

The Chickasaws modeled their own constitution on those of their state neighbors—Alabama and Texas—whose own experience of government formation they had been close enough to witness and experience. Not only did they adopt the format of a state constitution, the Chickasaws also chose the term governor as the title for their chief executive.[17] In the context of the twenty-first century, this would seem to imply that the Chickasaws accepted the semi-sovereign status defined for Native Americans in *Cherokee Nation v. Georgia*. This should not ring true, however. The construction of their constitution to mirror those of the states implies that Chickasaw leaders at least sought equal status with any entity of the United States. It does not mean that they acquiesced to the nominal position as wards to a legally recognized caretaker, in which Americans defined Native Americans.

Pre-Civil War Americans understood the United States constituted a federal union, or a confederation of independent sovereign republics. To many Americans in the United States' first century of existence, therefore, the republican experiment was

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[17] To compare the Chickasaws' 1856 constitution with those of the states, see Francis N. Thorpe, comp. and ed., *The Federal and State Constitutions: Colonial Charters, and other Organic Laws of the States, Territories, and Colonies now or heretofore forming the United States of America*, 7 vols. (Washington, DC: Government Printing Office, 1909).

"an international system in embryo."[18] The Chickasaws' choice to develop their constitutional government in a manner akin to that of the states reflects a similar understanding. As the Chickasaws had traditionally dealt with the federal government in matters relating to any portion of the United States, the Chickasaws recognized that entity as the Americans' representative for foreign relations. This did not mean, however, that the federal government held supreme authority with the union. The inability of that government to protect the Chickasaws from southern demands in the 1830s revealed that the individual states held an equal, if not more powerful, position in relation to the federal government.

The Chickasaws also constructed their new constitution in a manner to keep legal control over the nation's lands. The previous eighty years of interaction with the United States had demonstrated the importance retaining ownership of their lands as a prerequisite for demanding recognition of their sovereignty by the western world. In order to prevent white men who married into the nation from making land claims according to western customs, the framers retained their matrilineal custom that ensured the property of women remained theirs even if acquired after they married. As the United States had never attempted to secure land through individual cession without having negotiated a treaty with the nation first, this provision kept control over the nations' territory within the hands of the Chickasaws' elected leaders.

As they did with landownership, the framers continued to restrict the ability of outsiders to gain access to the strictures of government as they had first done in 1846. Voting rights were open rights to "all free-male persons of the age of nineteen years and upwards," but only if they were Chickasaw citizens by birth or had been adopted as such and lived within the Chickasaw Nation for the previous six months. Further, white men who married Chickasaw women were "not eligible to any office of trust or profit in this Nation." Not only did they restrict the influence of outsiders by denying them access to public office, the Chickasaws also determined that any politician convicted of "having given or offered any bribe to procure his appointment." Finally, the three branches of government—the judiciary was given its own branch under the 1856 treaty—held separate powers as an attempt to reduce the ability for kinship groups to consolidate too much power despite the persistence of traditional notions of kinship responsibility. In this respect, the Chickasaws demonstrated an understanding that if they were to retain autonomy in a world increasingly dominated by the United States, they had to fashion a government designed to protect themselves from internal avarice as well as external intrusion.[19]

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[18] Hendrickson, *Union, Nation, or Empire*, pp. 3-221; quote is on p. 221

The Chickasaws' creation of a new constitution and their subsequent alliance with the Confederate States of America established their society as a Native American example within the cadre of nation-states throughout the world. First, the Chickasaws created their nation from a conglomeration of ethnically related kinship groups. Second, they explicitly recognized the presence of other groups with whom they had no intention to merge. Finally, their continual emphasis of their right to self-government before and after the American Civil War reveals that they sought to present their case in terms established by Enlightenment philosophers and easily understood by their Euro-American adversaries.[20]

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[19] Chickasaw Nation, *Constitution, laws, and treaties of the Chickasaws, by authority* (Tishomingo City: E.J. Foster, 1860), pp. 4-21; quoted passages are on pp. 6, 19 , and 18 respectively. See also Champagne, *Social Order and Political Change*, p. 198.

With the creation of a new constitution in 1856, the Chickasaws clearly intended to establish themselves as equal players within an international system that included both western and Native American actors. The establishment of a constitutional government alone could not secure such recognition, however. They had to put their plan into action. The first step in doing so was to implement the roles and responsibilities of specific officers within the new governmental structure. At the first session of the legislature in October 1856, both houses elected Cyrus Harris as the first governor of the Chickasaw Nation. Overton Love, Speaker of the House of Representatives, "administered" Harris' "oath of office" the following day.[21] The delegates spent the rest of the 1856 session establishing rules and procedures for the government's operations. As Chickasaw politics became routine over the next four years, lawmakers worked to define their nation as distinct from other native groups and states. Despite a good amount of intermarriage among Chickasaws and Choctaws following removal, the Legislature enacted laws to exclude Choctaws from interfering in Chickasaw national politics. However, the years of cohabitation resulted in political and financial arrangements through which Americans continued to conduct joint negotiations with the two groups until the twentieth century.

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[20] Although the Chickasaw Nation in 1856 does not fit exactly within the model proposed by Benedict Anderson in *Imagined Communities*, it certainly meets his definition of a nation. Benedict Anderson, *Imagined Communities*, revised ed. (New York: Verso, 1991), pp. 5-7; Stern, *The Structure of International Society*, pp. 93-95.

[21] "Official Acts of Governor Cyrus Harris, 1856," Volume 32, House Records, Executive Records and National Officers, Roll 9, Chickasaw Nation Records, Indian Archives Division, Microfilm Publications, Oklahoma Historical Society, Oklahoma City, OK.

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To compound this dual identity within the framework of diplomacy, one Indian Agent represented the Chickasaws and Choctaws to the federal government for the next five years. For the previous three years, members of the Chickasaw Nation presented accusations that their assigned agent, Andrew J. Smith, abused his responsibility managing the disbursement of annuities.[22] Douglas H. Cooper officially replaced Smith on March 11, 1856.[23] Having served as the Choctaw Agent since 1853, Cooper was acquainted with the Chickasaw leaders. Nevertheless, this did not guarantee Cooper the Chickasaws' support; the days of accepting a foreign emissary into the fold were over. Having fought to regain their independence for almost twenty years, the Chickasaws were not yet ready to accept the semi-sovereign status proscribed for them by the United States. Rather, Cooper's efforts on behalf of the Choctaw's financial objectives and attention to Chickasaw security during this critical period would eventually help him earn their trust.

One of the most pressing issues during the period from 1856 to 1861 became the management of the Leased District. This tract of land lay west of the newly created Chickasaw Nation, bounded on the north by the Canadian River and the south by the Red River. For the fee of $800,000, the Choctaws and Chickasaws allowed the federal government to use the Leased District for the settlement of other removed tribes.[24] Federal officials thought that this territory would provide a suitable place to resettle the

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[22] M234, R141.

[23] Gail Eugene Balman, "Douglas Hancock Cooper: Southerner," (Ph.D. dissertation: Oklahoma State University, 1976), p. 125.

[24] Kappler, comp. and ed., *Indian Affairs: Laws and Treaties,* 2:708.

Southern Plains tribes.[25] On March 3, 1857, the federal government officially determined to establish reservations within the Leased District for "the Southern Comanches, Wichitas, and certain other bands of Indians."[26] Violence and tension had dominated relations between the Plains tribes and the Five Tribes dating back to the first instances of removal in the 1830s.[27]

Despite federal designs to appoint a separate Indian Agent for this territory, the Chickasaws, along with Cooper and the Choctaws, sought to maintain control over the Leased District.[28] Writing to the Commissioner of Indian Affairs on May 20, 1857, Cooper expressed his aversion to the transfer of the Leased District to the Texas Superintendency. In his letter, Cooper argued that the transfer of the district would betray the trust the Choctaws and Chickasaws—many of whom lived in the Leased District—had granted to the federal government.[29] To show their support for Cooper's efforts, the Choctaw General Council convened on November 4, 1857, to announce their desire that Cooper's duties should expand to include "supervisory and directory control over" any agency established in relation to the Leased District.[30] In turn, the Chickasaw Legislature passed a resolution demanding that the Plains tribes leave the Leased District.[31]

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[25] *ARCIA, 1856*, p. 15.

[26] *ARCIA, 1858*, p. 12.

[27] LaVere, *Contrary Neighbors*, pp. 70-71.

[28] Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, 2:708; "A.B. Greenwood to Jacob Thompson, May 4, 1857," Letters Received by the Office of Indian Affairs, 1824-1881, Southern Superintendency, 1851-1871, 1857-1862, National Archives Microfilms Publication, Microcopy No. 234, Reel 834 (hereinafter referred to as M234, R834).

[29] "Douglas H. Cooper to James W. Denver, May 20, 1857," Letters Received by the Office of Indian Affairs, 1824-1881, Choctaw Agency, 1856-1859, National Archives Microfilms Publication, Microcopy No. 234, Reel 175 (hereinafter referred to as M234, R175); Douglas H. Cooper, "Notes on the question of jurisdiction in the Choctaw and Chickasaw territory between 98˚ and 100˚ West Longitude for certain purposes of the U. States, 1857" in M234, R175.

For the next two years, the Leased District remained a high priority for the Chickasaws. During the second half of 1857, the Mormon War engulfed the Utah Territory. This left the Leased District without a force to maintain peace and order. For years, Texans had slowly pushed the Native Americans out of every part of Texas. Robert S. Neighbors, the Indian Agent for Texas, worked in a precarious situation. Indian Agents usually dealt with tribes in federal territory; however, Texas was unique. The amount of open land in Texas required the presence of an Indian Agent to negotiate between the tribes, Texans, and the federal government. Texans refused to acknowledge that any political entity, other than their own state government, held sovereign power over the land. The ability of Texans to impose their will on to the federal government most likely reminded the Chickasaws of the power dynamic that resulted in their removal to Indian Territory, demonstrating that the United States continued to exist as a conglomeration of autonomous sovereign entities joined together for mutual benefit. By the mid-1850s, therefore, the federal government resolved that the only way to avert violence between Texans and the tribes was to implement a policy of removal, which only added to the Plains tribes' frustration.[32]

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[30] "Resolutions requesting the Gov. of Choctaw Nation to do certain things. Passed," Choctaw Nation Papers, Box 48, Folder 2, Western History Collection, University of Oklahoma Libraries, Norman, Oklahoma.

[31] Grant Foreman, *A History of Oklahoma* (Norman, OK: University of Oklahoma Press, 1942), p. 89.

[32] Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820-1875* (Norman: University of Oklahoma Press, 2005), pp. 172-

By 1858, the Comanches appeared to be in a highly agitated state.[33] Reports attributing hostile activities to the Comanches and other Plains tribes abounded. A large group congregated near the Canadian River in the Chickasaw Nation, possibly intending to raid Fort Arbuckle.[34] In one report, Cooper learned of a conference of Comanches, Kiowas, and Wichitas, among other Plains tribes, in which the Indians contemplated an offer from the Mormons to join them in their fight against the United States. Whether these reports accurately depicted the actions—and more importantly, the intentions—of these Plains tribes is unclear; however, Douglas Cooper believed that their presence in Indian Territory posed a threat to the Choctaw and Chickasaw nations.[35]

Both Cooper and the Chickasaws agreed to establish a strong presence to deter any violent activity by the Comanches.[36] In the absence of federal troops to protect the fort, Cooper resolved to raise a small force calling "upon the Chickasaws and Choctaws for volunteers to defend the frontiers." According to Cooper, "a considerable number of Chickasaws" volunteered and "were finally organized into two bands under Captains Holktiche and Capt George James." After establishing this force, however, Cooper remained cautious. He moved his force away from the fort only after troops from the

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301; Robert A. Trennert, Jr., *Alternative to Extinction: Federal Indian Policy and the Beginnings of the Reservation System, 1846-1851* (Philadelphia: Temple University Press, 1975), pp. 61-93.

[33] LaVere, *Contrary Neighbors*, p. 152-153; Foreman, *A History of Oklahoma*, p. 91.

[34] Muriel H. Wright, "General Douglas H. Cooper, C.S.A.," *Chronicles of Oklahoma* 32:2 (Summer 1954): 151.

[35] "Douglas H. Cooper to Charles E. Mix, April 5, 1858," M234, R834.

[36] Grant Foreman, "Introduction" to Douglas H. Cooper, "A Journal Kept by Douglas Cooper of an Expedition by a Company of Chickasaw in Quest of Comanche Indians," *Chronicles of Oklahoma* 5:4 (December 1927): 382. This journal can also be found in M234, R834.

First Infantry arrived under the command of Lieutenant J.E. Powell on June 30.[37] To the Chickasaws, this most likely demonstrated that Cooper would not sacrifice the defense of their homeland in favor of taking an aggressive course of action elsewhere.

Cooper's main goal was to ascertain the presence of "any considerable bodies of Comanches within the Chickasaw and Choctaw country." Other than a few distant plumes of smoke, the Chickasaw volunteers did not encounter any Comanches. The expedition concluded on July 16, and Cooper's Chickasaw volunteers returned to their homes. Cooper believed the mission was successful.[38] He submitted a report of the expedition on July 21, 1858. In this report, Cooper claimed that he acted in accordance with "verbal instructions" from Secretary of the Interior Jacob Thompson. However, Thompson refuted Cooper's justification. The secretary claimed that the agent was "entirely mistaken" and that Cooper's lack of funding to pay for such a force should have precluded him from ever doing so.[39] Despite Thompson's reaction, Cooper believed the continued presence of the Comanches posed a threat to the security of the Choctaw and Chickasaw Agency. He requested that Commissioner of Indian Affairs Elias Rector authorize him "to raise a regiment or two of Choctaws and Chickasaws."[40] Although it appears that Cooper never received instructions to move forward with his plans, he did not stop promoting this idea.[41]

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[37] Cooper, "A Journal Kept by Douglas Cooper," pp. 382-383; LaVere, *Contrary Neighbors*, pp. 156-157.

[38] Cooper, "A Journal Kept by Douglas Cooper," pp. 388-390.

[39] M234, R834. Thompson's statement appears to be written on the outside of a copy of Cooper's Journal (see frame 434). See also Balman, "Douglas Hancock Cooper: Southerner," p. 147.

[40] "Douglas H. Cooper to Elias Rector, August 1, 1858," M234, R834.

[41] *ARCIA, 1858*, p. 157.

Even though officials in Washington admonished Cooper, praise followed from within Indian Territory. Both the Chickasaws and Choctaws commended Cooper for his efforts. On October 26, 1858, the Choctaw General Council issued a resolution complimenting "the very able, highly efficient, purely disinterested and successful manner" that Cooper exhibited in the conduct of his duties as agent. The resolution specifically cited Cooper's "prompt, energetic and judicious recent course" of action to ease fears "upon the border of" the Leased District. When the military presence was restored in Indian Territory, the Choctaws requested that Cooper return to Washington "to assist the Choctaw delegation…in all matters of business pending between the government of the United States and the [Choctaw] nation."[42]

Cooper's efforts to secure the Choctaws' financial objectives, which related to money owed the nation dating back to removal, earned the same confidence from the Chickasaws. In October 1859, the Chickasaws requested that Cooper "to take all legal steps which may become necessary to recover possession of any and all lands or just and fair compensation" on behalf of the tribe. In a situation similar to that of the Choctaws, the Chickasaws objected to the continual abuse of their funds—earned from the sale of their lands in Mississippi—by the federal government.[43] Therefore, the Chickasaws insisted that Cooper "institute a careful and thorough investigation into everything connected with the location, sale, and transfer" of land under the Treaties of 1832 and 1834.[44]

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[42] "A resolution complimentary to General Douglas H. Cooper, 1858," Choctaw Nation Papers, Box 50, Folder 20, Western History Collection, University of Oklahoma Libraries, Norman, Oklahoma.

[43] "Document pertaining to Treaties, 1832-34 between Chickasaw Nation and the United States Govt., Oct. 20, 1859," Chickasaw Nation Papers, Folder 52, Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma.

It seems that through his defense of the Leased District and competence in representing Choctaw financial interests, Cooper earned the Chickasaws trust in matters relating to many national affairs. The Chickasaws further demonstrated their desire to have Cooper act on their behalf on November 12, 1860. The Legislature requested that Cooper travel to Washington to assist the Chickasaw delegates' negotiations on behalf of the tribe. In addition, the election of Abraham Lincoln posed a threat to Cooper's status as the Choctaw and Chickasaw Agent. Contrary to Lincoln's avowed stance to keep the Union intact, Cooper was an ardent supporter of states' rights and slavery. Cooper's beliefs were not likely to be viewed favorably within the new president's administration. The Chickasaw Legislature wished to avoid Cooper's removal, stating that replacing him would prove a step backward for the Chickasaw interests. Therefore, the Legislature voted to have the Governor Cyrus Harris inform Lincoln of the Chickasaws' desire to have Cooper re-appointed as their agent.[45]

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With a consolidated polity and renewed independent spirit, the Chickasaws stood poised to take advantage of the schism between the North and South that erupted on April 11, 1861. As events in Kansas threatened to sever the ties of union during the mid- to late-1850s, the conjoined themes of territorial expansion and racial subjugation that played out in the political development of the territory raised concern among the

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[44] "Copy of an ald [*sic*] certified copy of Chickasaw National Legislature's Resolutions of 1860 pertaining to D.H. Cooper, Agent," Box 1, Folder 12, Douglas H. Cooper Collection [83.296], Oklahoma Historical Society, Oklahoma City, OK.

[45] Ibid.

Chickasaws and Choctaws about their continued ownership of their lands. The Kansas-Nebraska Act reduced the amount of territory reserved for removed Indians in order to stave off sectional confrontation over western expansion. Although neither nation was directly affected, this act—combined with the events of Bleeding Kansas and the decline of the Democratic Party in the wake of the Lecompton Constitution—provided multiple opportunities for the Chickasaws to become intricately aware of the growing sectional divide among Americans.[46] As the sectional crisis loomed, the Chickasaws found their nation in a precarious position.

Having established an independent identity over the past few years, the Chickasaws wanted to protect their full right to self-government. As such, Chickasaw leaders had been working with the other native polities of Indian Territory to preserve each other's territorial integrity. In November 1859, representatives from the Chickasaws, Choctaws, Creeks, and Seminoles entered into a compact, formally declaring, "the lands we now possess shall be the undisturbed home of ourselves and our posterity forever." They further determined that if their territorial status became threatened, any one of the nations could request that all convene to discuss their concerns and how they should react to the perceived danger.[47] Such a threat appeared in the fall of 1860. On October 3, William H. Seward, soon to become Lincoln's Secretary of State, indicated his desire to remove the Indians from the territory as a means of reconciling Northern and Southern interests. Lincoln's commitment to keep the southern states in the union peacefully and the connection of an ardent expansionist such as Seward with the incoming federal administration most likely caused alarm among Chickasaw leaders.[48] Without control over a defined territory, Chickasaw claims of autonomous sovereignty would have become moot. They would revert to the semi-sovereign status to which they committed themselves under the Treaty of Doaksville.[49]

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[46] "Sampson Folsom to Uni Oshi Ma, Dec. 9, 1857," Box 3, Folder 2, Peter P. Pitchlynn Collection, Western History Collection, University of Oklahoma Libraries, Norman, OK; Laurence M. Hauptman, "Into the Abyss," *Civil War Times Illustrated* 35:7 (February 1997): 53-54.

[47] "Compact Between the Cherokee, Creek, Chickasaw, and Seminole, November 8-15, 1859," Deloria and DeMaillie, eds., *Documents of American Indian Diplomacy*, 1:739.

Fear of losing their lands in Indian Territory led the Chickasaw Legislature to pass its resolutions of January 5, 1861. Removal would further set them back in their efforts to regain independent self-government. To discuss these fears, the Chickasaws' invoked the 1859 compact, calling for the Five Tribes to meet in council.[50] Although some of the other tribes' leaders met this request with trepidation, we can assume that most Chickasaws supported their legislators' action. Despite the dominance of a mixed blood, slave-owning elite in Chickasaw tribal politics, if political leaders were to ensure their own longevity, they had to enjoy support from the general populace. It seems unlikely that the Chickasaw Legislature would initiate a course of action that others perceived to be inherently dangerous without popular support. Popular support for the Chickasaw legislature's proactive stance seems even more plausible given that only an estimated forty families disagreed with tribal policies enough to leave Indian Territory for refuge in Union-governed territory after the Chickasaws actively entered the war.[51]

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[48] Hauptman, *Between Two Fires*, pp. 10-13.

[49] Shoemaker, *A Strange Likeness*, pp. 90-101.

[50] "Appointment of Commissioners (1861)," Chickasaw Nation Papers, Folder 54, Western History Collections, University of Oklahoma Libraries, Norman, Oklahoma. See also U.S. Office of Indian Affairs, "C.H. Carruth to Major General Hunter, Commanding Western District of the United States Army, November 26, 1861," Annual Report of the Commissioner *of Indian Affairs, Accompanying the Annual Report of the Secretary of the Interior, for the year 1861* (Washington: Government Printing Office, 1861), p. 46.

A convention of tribes was held on February 17, 1861, but neither the Chickasaws nor the Choctaws sent representatives to attend on their behalf. Instead, these two tribes met on March 10, 1861. The Choctaws, who already declared their intent to join the Confederacy, favored immediate action. The Chickasaws remained uncommitted. During the winter session, the Legislature agreed to send representatives to Washington with the mission of obtaining all outstanding funds for the incompetent and orphan Chickasaws. Having continuously sought this funding since the removal negotiations in the 1830s, the Chickasaws most likely knew their demands would be ignored once again. Rather, it seems as if the Chickasaws used that issue to make a case for separation based on the United States' inability to secure the economic needs of the nation.[52]

On May 25, 1861, the Chickasaw Legislature announced their nation's "independence" from the United States. The members claimed they could not "maintain neutrality" in the anticipated war between the states due to the fact that they were "deprived of their money and destitute of all means of separate self-protection." Despite such ominous tone, however, this was not necessarily a desperate act. In declaring their intent to align with the Confederacy, the Chickasaws made sure to assert their sovereignty in the matter. They asserted,

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[51] "S.S. Scott to James A. Seddon, Jan. 12, 1863," in "Copy of the 'Message of the President and Report of Albert Pike, Commissioner of the Confederate States to the Indian Nations west of Arkansas, of the Results of his mission,'" Oklahoma Historical Society, Civil War Documents Collection (Richmond: Enquirer Book and Job Press; Tyler, Wise, Allegre & Smith, 1861), Attachment, p. 3. Hereinafter referred to as Report of Albert Pike.

[52] Senate Journals, Vol. 80, Chickasaw Nation Records, CKN Roll 7, Indian Archives Division, Microfilm Publications, Oklahoma Historical Society, Oklahoma City, OK; "Edmund Pickens, James Gamble, and Sampson Folsom to Hon. Comm. W P Dole, March 16, 1861," Letters Received by the Office of Indian Affairs, 1824-1881, Chickasaw Agency, 1856-1861, 1867-1870, National Archives Microfilms Publication, Microcopy No. 234, Reel 142 (hereinafter referred to as M234, R142); Gibson, *The Chickasaws*, pp. 160-161.

> The dissolution of the Federal Union, under which the Government of the United States existed, has absolved the Chickasaws from the allegiance to any foreign government whatever; . . . the people thereof free to form such alliances, and take such steps to secure their own safety, happiness, and future welfare as may to them seem best.

With this statement, Chickasaw leaders proclaimed that their action was made of their own free will, not one that had been forced upon them. Consequently, they openly invited a treaty with the Confederate States and called for all tribes in Indian Territory to do the same. [53]

That same day, the legislature adopted Cooper as a member of the tribe, "with all of the rights, privileges, and immunities of a citizen" of the nation.[54] Despite his continued service on behalf of the Chickasaws and Choctaws toward the federal government, Cooper had eventually joined the Confederate government.[55] Confederate President Jefferson Davis, Cooper's former commander during the Mexican-American War, provided a place for Cooper within his administration. On May 13, 1861, the Confederate Secretary of War, L.P. Walker, authorized Cooper to recruit Choctaw and

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[53] "Resolutions of the Senate and House of Representatives of the Chickasaw Legislature assembled, May 25, 1861," United States War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Ser. 1, Vol. 3 (Washington, D.C.: U.S. Government Printing Office, 1880-1901), pp. 585-587. Hereinafter referred to as *Official Records*.

[54] "Adoption of Gen. D.H. Cooper, May 25, 1861," Documents and Photographs Concerning Douglas H. Cooper [11521], Box 10296-M, Manuscripts Division, University of Virginia Library, Charlottesville, VA.

[55] Wright, "General Douglas H. Cooper, C.S.A.," p. 157-158.

Chickasaw soldiers to support the Confederate cause. By adopting Cooper as a member of the nation, the Legislature most likely drew on traditional notions of native diplomacy, and, at the same time, demonstrated another adaptation within their socio-political organization that incorporated western concepts of diplomacy.

The adoption established a relationship reminiscent of the appointment of a fanemingo, a traditional form of kinship diplomacy used by the Chickasaw and other southeastern Indian groups when initiating diplomatic relations with another sovereign entity.[56] The Chickasaws formal adoption of Cooper into the nation marks a distinct difference in the way they approached their relationship with the Confederacy to the one they had with the United States.[57] They would not simply follow Confederate officials' plans for the war effort. Although Cooper had already been appointed as the Confederacy's direct emissary to the Chickasaws, his adoption allowed the Chickasaws to put their own stamp on Cooper's selection as their Confederate agent. Not only did the act indicate their approval of early Confederate plans, it also provided a method through which Chickasaw leaders could allay fears about an outsider making decisions that influenced the nation's future. The act symbolized, therefore, the Chickasaws' determination to engage in the Civil War in terms that asserted their status as an autonomous, sovereign nation, equal to that of the Confederate States of America.[58]

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[56] Alexander Moore, "Introduction" to Nairne, *Nairne's Muskhogean Journals*, p. 21, 40-41.

[57] George C. Herring, *From Colony to Superpower: U.S. Foreign Relations since 1776* (New York: Oxford University Press, 2008) pp. 12-13.

[58] Daniel Flaherty, "A Confederate Officer Earns his Command: Chickasaw Diplomacy during the Sectional Crisis," *Native South* 4 (2011): 82-104.

At this point, it seems that all sides had made it clear that the Indian Territory was to become greatly involved in the Civil War. Albert Pike arrived at North Fork Town on June 25, 1861. Despite the statements Chickasaw legislators made the previous month to announce their independence, Pike was still uncertain about the Indians' desire to join forces with the Confederacy. Pike stated, "It was very clear that if the Indian tribes were not conciliated and treaties made, they would be confederated against us in ninety days."[59] Having dealt with these tribes previously, Pike demonstrated an awareness of the pragmatic nature with which they had debated the dangers of opposing the federal government. In justifying the agreements and concessions he ultimately gave to the various tribes, Pike claimed, "among the five principal tribes there is no lack of shrewd, capable and well informed men." In Pike's mind, the tribes knew that the North held an advantage in capabilities to conduct a war. Despite the persistent treaty transgressions committed by the United States, "the contest seemed, at best, a very doubtful one [to the tribes], to engage in which on their part was most dangerous."[60] It may be implied that securing treaties with the Chickasaws and Choctaws were lesser concerns for Pike, as both nations had declared their national independence from the United States and stated their intent to form alliances with the Confederacy in May. In his report, however, Pike alluded to difficulties faced in finalizing the treaties: "an Indian has no idea that time is of any value; and therefore, patience is a peculiarly necessary virtue in dealing with them."[61] Pike's frustration indicates that the Indians did not really feel a pressing need to choose a side; they needed to weigh options with their own interests in mind.

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[59] "Report of Albert Pike," p. 22.
[60] Ibid., p. 20.
[61] Ibid., p. 26.

Regarding the specifics of the treaties, Pike assured the tribes that the Confederacy would assume the role previously played by the federal government. But the Chickasaws did not necessarily want this; they felt that it was better to back those attempting to throw off the yoke of federal power. According to Pike, each tribe's delegates "met me in a spirit of the most perfect frankness, never asked for anything wrong, illiberal or extravagant, and only desired to have just claims and rights of their people recognized and secured, and to make such advances toward political independence as they might well ask and we concede."[62] Pike sensed this desire to retain whatever independence the tribes could and acted accordingly. He even went so far as to assure the Chickasaws and the Choctaws of the right to apply for statehood should they desire. "It was useless to tell these Indians that they had nothing to fear from the love of land of the people of the Southern States, but that the States of the North would inevitably rob them of these lands." The Chickasaws most likely remembered that Confederates wanted to expand into the western territories as much as did their Union counterparts.[63] While Pike's gesture was not entirely genuine—Douglas Cooper had been pushing a similar concept since the conclusion of the 1855 treaty—it is important to note that the Chickasaws did not object when the Confederate Congress later removed this provision from the treaty. They may not have been aware of the provision's removal; however, their resistance to Cooper's efforts to push them toward statehood in the late 1850s implies that it was never really one of their internal goals. They wanted to be free of American political influence, not a part of it.[64]

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[62] Ibid., p. 42.

[63] Hietala, *Manifest Design*, p. 35.

The Chickasaws envisioned themselves participating in the United States Civil War as equal, albeit weaker, states within an international context, and their leaders were determined to keep it this way. Neither the Union nor the Confederacy could demand the Chickasaws' allegiance. Not only were the United States weakened by secession, but the creation of the Confederate States of America offered a new, albeit disjointed, power with which to balance federal ambitions. Confederate legislators may have wished to assume the role of the Indians legal guardian, executive branch officials soon realized the limits of their power. Despite a desire among Chickasaws and Choctaws to side with the Confederacy, the latter could not dictate the terms under which Native Americans supported their cause.[65]

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Not all Chickasaws agreed with their government's course of action. Early on, about forty families—comprised of about 225 individuals—left for Union-controlled Kansas, where they maintained a neutral stance throughout the war.[66] In a letter dated November 16, 1861, William P. Dole, U.S. Commissioner of Indian Affairs, informed Major General David H. Hunter, Commander of the Western District of the U.S. Army, "that 'a talk' has already been had with some of the chiefs who represent the Seminoles, Chickasaws, and Creeks." Dole wrote that these chiefs claimed the Confederates

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[64] "Report of Albert Pike," p. 16-18; Cheryl Haun Morris, "Choctaw and Chickasaw Indian Agents, 1831-1874," *Chronicles of Oklahoma* 50 (Winter 1972), 430-431.

[65] Flaherty, "A Confederate Officer Earns his Command," pp. 99-100.

[66] "S.S. Scott to James A. Seddon, Jan. 12, 1863," in "Report of Albert Pike," Attachment, p. 3; Gibson, *The Chickasaws*, p. 237.

"deceived" them into believing the United States no longer existed, and "that the Indians will readily continue their dependence upon the United States when persuaded that the government is still maintained, and that it will not only give them all necessary protection, but faithfully perform all its treaties with them." Dole also requested that Hunter assure the chiefs, whom he was to meet, that the federal government would resume the payment of the tribes' annuities "so soon as its agents can be established in their midst."[67] There is no record that the legitimate leaders of the Chickasaw Nation met with Federal officials during this time as most of the Five Tribes refused to communicate with the Union. By all accounts, these families were only a small portion of the Chickasaw constituency.

Unlike the Creeks and Cherokees, therefore, the Chickasaws remained relatively united in their effort to support the Confederate cause. In all likelihood, this was because the Chickasaw delegates who negotiated the treaty with the Confederacy worked to ensure that the nation's contributions to the war effort would only be used to defend their homelands. Pike recognized a desire to ensure their troops fought only to protect their own national territory; therefore, the treaties often included language to guarantee this demand. And yet, the Indian forces had to fit into the overarching Confederate plans since their troops would be fighting as part of the Confederate Army. Jefferson Davis, as president of the Confederate States, held the authority to appoint commanding officers. He had already indicated his first choice for commander of the combined Choctaw and Chickasaw forces when he had L.P. Walker authorize Cooper to recruit soldiers from the two nations in May.

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[67] "Wm. P. Dole to Major General Hunter, United States Army, November 16, 1861," *ARCIA, 1861,* pp. 43-44.

Cooper's efforts over the past five years as the Chickasaws' Indian Agent earned him the full support of the nation, symbolized through their adoption of Cooper.[68] Traditionally, fanemingos were recognized as "some growing man of Esteem in the Warrs," a status that Cooper earned through his defense of the Leased District in 1858.[69] Although the Choctaws declared independence on June 14 and had already indicated they would support the Confederate cause, they did not necessarily want Cooper to lead their troops.[70] According to Sampson Folsom, the politically active nephew of Choctaw leader Peter Pitchlynn, Chickasaw unity in the late 1850s had the potential to push other Native American groups in Indian Territory to follow along in pursuit of Chickasaw objectives.[71] Statements by Choctaw leaders issued during and after the war reveal suspicions that Cooper had embezzled money due the nation just prior to his resignation.[72] Given the accusations, it is possible that he did not enjoy the full support of the Choctaw leadership in terms of commanding their troops. A letter from Sampson Folsom to Albert Pike in early August 1861 further supports this idea. After the First Regiment of Choctaw and Chickasaw Mounted Rifles ranks filled, the Choctaws had enough volunteers to organize "7 or 8 [more] Companies…to serve the Confederate States." Although officials originally thought to send the offer to provide another regiment to Jefferson Davis, himself, they reconsidered, preferring that Albert Pike "attend to the matter for us" instead. As Pike had been working to remove Cooper from his command—arguing that an Indian Agent should not act as a military commander at the same time—it is possible that the Choctaws believed Cooper held too much influence in their internal affairs and therefore sought a different commander for this new regiment.[73]

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[68] Flaherty, "A Confederate Officer Earns his Command," pp. 82-104.

[69] Nairne, *Nairne's Muskhogean Journals*, p. 40.

[70] "*Proclamation of the Principal Chief of the Choctaw Nation.* June 14, 1861," *Official Records*, Ser. 1, Vol. 3, p. 593.

[71] "Sampson Folsom to Uni Oshi Ma, Dec. 9, 1857."

[72] Balman, "Douglas Hancock Cooper: Southerner," pp. 154-156; "A Letter from Tushka-homma to the Choctaw People, August 1873," Box 1, Folder 10, Tuskahoma [97.10], Oklahoma Historical Society, Oklahoma City, OK.

Regardless, the First Regiment of Choctaw and Chickasaw Mounted Rifles rode into battle in November 1861 under the command of Col. Douglas H. Cooper. It is likely that Cooper allayed Choctaw concerns about his growing influence over their nation and citizens, to some extent, by appointing Tandy Walker, Principle Chief of the Choctaw Nation, as his second in command with the rank of Lieutenant Colonel. The regiment's mission was to assist in efforts to thwart the loyalist Creeks, under the leadership of Opothleyahola, who were moving north to Kansas. On December 27, 1861, the Confederate Indian forces defeated the Unionist Creeks in the Battle of Chustenahlah.[74] Despite riding a hide tide into 1862, the Confederacy suffered a major defeat at the Battle of Pea Ridge (Arkansas) the following March. The battle, which lasted several days, was a major turning point in the war. According to Laurence Hauptman, the loss marked the official beginning of the Cherokees' internal civil war, reigniting an internal schism that dated back to removal.[75]

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[73] "Sampson Folsom to Genl. A. Pike, August 5, 1861," Box 3, Folder 95, Peter P. Pitchlynn Collection, Western History Collections, University of Oklahoma Libraries, Norman, OK.

[74] "Report of Col. Douglas H. Cooper, First Choctaw and Chickasaw Regiment, commanding Indian Department, of operations November 19, 1861–January 4, 1862" in *Official Records*, Ser. 1, Vol. 8, pp. 5, 12-13; Report of Col. James McIntosh, Second Arkansas Mounted Rifles, commanding division, of engagement at Chustenahlah, Cherokee Nation, with letters found at Hopoeithleyohola's camp in *Ibid.*, pp. 23-24.

[75] Hauptman, *Between Two Fires*, p. 48.

The Chickasaw soldiers did not participate in the Battle of Pea Ridge, and therefore did not suffer the same loss of morale. In fact, their determination to be an equal member of the Confederate war effort remained strong. In fall 1862, Confederate Commissioner of Indian Affairs S.S. Scott asked the Chickasaws to provide refuge to approximately 140 Toncawa men, women, and children. Governor Colbert sought the advice of "Colonel Pickens, Captain Gamble and Captain Sheco" to determine the Chickasaws' response. Although they acquiesced to Scott's request, they qualified their consent to ensure that both Scott and the Toncawas recognized Chickasaw sovereignty over their territory. Colbert replied, "You are duly authorized to make this temporary removal of these Indians, provided they are subject to the laws of the Chickasaw nation, and will furnish guides to the Home Guards and the Chickasaw Battalion, when called upon to do so."[76]

Despite this resolute stance, the retributions enacted by pro-Union and pro-Confederate Cherokees against each other over the next three years affected the Chickasaw greatly. Union forces controlled the northern half of Indian Territory by mid-1863, after which many Confederate Indians sought refuge in the Chickasaw Nation. To complicate matters further, the close proximity of union forces forced Chickasaw government to cease functioning in their own territory, as Governor Winchester Colbert fled to Texas in 1864.[77]

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[76] "Report of the commissioner of Indian affairs / Confederate States of America, War Dept., Office of Indian Affairs, Richmond, January 12, 1863." (Richmond: s.n., 1863), C.I. 895, Confederate Imprints Collection, Virginia Historical Society, Richmond, Virginia.

[77] Gibson, *The Chickasaws*, pp. 237-239.

As the Confederate effort spiraled downward after 1863, the Confederate Indians sought to take matters into their own hands. Stand Watie, the Confederate Cherokee who rose to the rank of Brigadier General during the war, proposed that the Five Tribes break away from the Confederacy in August 1863. He did not intend to give up the cause, however; rather, he proposed that the nations continue fighting the Union as an entirely new and separate entity.[78] Although this idea never materialized, the Confederate Indians continued fighting after General Robert E. Lee surrendered to Ulysses S. Grant at Appomattox Courthouse on April 9, 1865. Perhaps sensing the end was near, on May 26, the nations of Indian Territory convened at Camp Napoleon, near the Chickasaw Nation-Leased District border. The representatives determined to negotiate their own terms of surrender and entered into a compact of peace wherein all agreed that to fight amongst themselves was futile: they had to work together to against the Americans in the future.[79]

The tribes' leaders elected to meet at Armstrong Academy in the Choctaw Nation on September 1, 1865; however, the federal government had other plans.[80] The United States government sent a delegation to Fort Smith in September 1865, for the purpose of reconstructing the relationships between the Indian tribes and the United

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[78] Clara Sue Kidwell, *The Choctaws in Oklahoma* (Norman: University of Oklahoma Press, 2007), p. 69.

[79] "Peter P. Pitchlynn to E. Kirby Smith, May 17, 1865," Box 4, Folder 19, Peter P. Pitchlynn Collection, Western History Collections, University of Oklahoma Libraries, Norman, OK; "Compact Made and Entered into between the Confederate Indian Tribes and the Prairie Tribes of Indians, Made at Camp Napoleon on Washita River, May 26, 1865," *Official Records*, Ser. 1, Vol. 48, part 2, pp. 1102-1103; Anna Lewis, "Camp Napoleon," *Chronicles of Oklahoma* 9:4 (December 1931): 359-363; Gibson, *The Chickasaws*, p. 240; and Kidwell, *The Choctaws in Oklahoma*, p. 69.

[80] "Winchester Colbert to Peter P. Pitchlynn, Aug. 7, 1865," Box 4, Folder 34, Peter P. Pitchlynn Collection, Western History Collections, University of Oklahoma Libraries, Norman, OK.

States. Council proceedings began on September 8, 1865. U.S. Commissioner D.N. Cooley opened his remarks by reminding the tribes that by forming alliances with the Confederate States, they had abrogated their rights under their pre-war treaties with the federal government. The purpose of the council, therefore, was to negotiate new treaties with all of the tribes. Over the course of the next ten days, both pro-Union and pro-Confederate delegates appeared before the commissioners multiple times. The tribal representatives voiced justifications for wartime actions and concerns regarding the government's stipulations for reconciliation. The commissioners outlined seven requirements for reconstruction of the tribes, including the abolition of slavery and incorporation of freedmen as citizens, the cession of lands for future settlement of more Native Americans in the territory, and recognition of the government's desire to create a single government for the territory.[81] These conditions would result in considerable consternation among Native Americans for many years following the war.

Representatives of several tribes that supported the Confederacy, including the Chickasaws, missed the opening proceedings as they previously agreed to meet at Armstrong Academy in the Choctaw Nation on September 1. Consequently, they did not arrive until September 10 or 11. From this point on, the Chickasaw Nation acted in a unified manner. In fact, the Unionist Chickasaws present at the 1865 Fort Smith council prior to the arrival of the official representatives admitted that they were a minority with no right to speak on behalf of the Chickasaw Nation.[82] On September 18, the Chickasaws proclaimed before a commission of United States delegates, that they

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[81] "Official Report of the proceedings of the council with the Indians of the west and southwest, held at Fort Smith, Arkansas, in September, 1865," *ARCIA, 1865*, pp. 310-315.

> were not induced by the machinations of the emissaries of the Confederate States to sever out treaty stipulations with the government of the United States, but that we made treaties with the Confederate States, from what appeared to us as our interest seemed to dictate, and as the means of preserving our independence and national identity, considering ourselves a separate political organization, and our country composing an integral part of the territory of the United States. [Further, they stated,] As nations, we are ready and willing to resume such relations [with the United States], and sign this treaty of peace and amity, in all sincerity, claiming no rights but those properly belonging to us.

The Chickasaw delegates made several more statements to the United States' commissioners during the Fort Smith peace council. In all of these statements, the Chickasaws' delegates refused to place the blame solely on southern transgressions. While the delegates stated that the close proximity of Confederate entities factored into tribal deliberations, they also boldly proclaimed that the achievement of self-government was the Nation's underlying intent from the beginning: "to establish what we believed to be the great cardinal principle of republican liberty—the right of self-government."[83]

Despite analyses that proclaim that southerners coerced the Indians to ally with the Confederacy against the federal government, the Chickasaws statements at Fort Smith following the war should be respected, not brushed aside. Although their reasoning changed slightly during the war, the rhetoric did not. The Chickasaws always presented their decision to join the Confederate war effort as one allowed to any sovereign state within the realm of international diplomacy, unlike their Confederate allies who shifted away from a racially based defense of slavery to one emphasizing state's rights.[84] In a response to one of the Unionist Chickasaws on July 2, 1865, Chickasaw Governor Winchester Colbert asserted:

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[82] Ibid., p. 320.

[83] Ibid., pp. 345-346.

> We are not rebels against you or the United States Government or any other Government. But you seem to have forgotten that you rebelled against your own Government. You left your country and home in the hour of trial and danger and went to the enemy. The Chickasaws….have never violated a single treaty stipulation. The United States deserted us four years ago by [removing] her troops and left us without protection under a protest, then refused us arms and ammunition with which to defend and protect our country. Consequently we allied ourselves to the Confederated States Government.[85]

Colbert wrote this statement before official treaties were concluded to determine how the United States would treat the tribes following the war. Clearly, the Chickasaws felt that it was within their right to protect their sovereignty by aligning with an alternative power if it suited their interests better.

Not only did their actions signify a repudiation of federal authority, akin to southern secession, but also the Chickasaws saw this opportunity as a chance to reassert their independence that had long been denied them by the United States. In the Chickasaws' quest to maintain autonomous sovereignty, they held a vested interest in seeing the Union dissolve in the early stages of 1861. An alliance with the South signified a reasonable and pragmatic step towards such as the importance of Indian Territory became a clear factor in the impending United States Civil War. Therefore, when Albert Pike negotiated treaties of alliance between the Confederate States of

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[84] "Letter of Instructions to Hon. John Slidell," *Southern Historical Society, Southern Historical Society Papers (1876-1905)*, Jan-Dec 1885; 13, American Periodicals Series, p. 455; William McKendree Gwin, "Memoirs (Abstract)," Mss 5:1 G9954:1, Virginia Historical Society, Richmond, VA; Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville: University of Virginia Press, 2001).

[85] "Winchester Colbert to To-lut-ka, July 2, 1865," Federal, Foreign Relations and Court Records, CKN030.

America and various tribes in Indian Territory during the summer of 1861, he did so in the manner of one sovereign diplomat to another.

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It is impossible to deny the presence of cultural and economic influences regarding the Chickasaws activities of 1861. However, the creation of a consolidated nation-state under an independent constitutional government in 1856 poised the nation to take advantage of the war between the United States. In choosing to ally with the Confederacy, however, the Chickasaws demonstrated that internal tribal desires took precedence over external influences. Not only did their actions signify a repudiation of federal authority, as did southern secession, but the Chickasaws saw this opportunity as a chance to regain their independence which had long been denied them by the United States. An alliance with the South signified a reasonable and pragmatic step to regain the Chickasaws' independent sovereignty from Americans as the importance of Indian Territory became a clear factor in the impending United States Civil War.

Just as European powers were curious to see whether the republican experiment undertaken by the former British colonies in North America would succeed, so too were the Native American communities with whom the United States shared territory. Chickasaw diplomacy and political development during the Early American Republic reveals a group that had not yet accepted a permanent semi-sovereign status in relation to the United States. Further, the federal-state relationship offered opportunities for the Chickasaws to negotiate for recognition of autonomous sovereignty through the end of the Civil War. Such opportunities may have disappeared immediately following removal, but this is most likely attributable to succession of several presidential administrations whose political ambitions coincided with key sectional interests among the states. Americans' ideological differences over the federal government's role in the United States political structure continued to persist. When the sectional crisis of the 1850s erupted in civil war, therefore, an opportunity emerged for native communities to re-establish the "play-off system" by supporting the introduction of an entirely new Euro-American imperial power (the Confederate States of America) into the international political order.

The Chickasaws' decision to align with the Confederacy demonstrates that native polities' ability to balance the ambitions of western powers had not yet ended. Both the Chickasaws and Confederates held deep cultural commitments to the right to self-determination. Although neither was overly committed to preserving that right for the other during the Early Republic, by the 1860s, the desire for be free of federal intrusion became a shared goal. And yet, simple incorporation into the Confederate polity threatened a similar subjugated position as they suffered under the United States. The only way for the Chickasaws to retain sovereignty, therefore, was to make Indian Territory a Native American center and a Euro-American periphery. The establishment of the Confederacy offered such an opportunity. The creation of the Confederate States of America introduced a new political entity through which Native American peoples could balance imperial-minded nations against each other in the effort to preserve their own autonomous sovereignty.

EPILOGUE

> If the minds of our people here could once be disabused of the fallacious idea that this Indian Territory is a separate and distinct government from the United States then there would be little trouble in shaping a policy that would lead us out of all our difficulties; but just so long as they hold to the absurd notion that these little Indian governments stand in the same relation to the United States that England, France, and Germany do, just that long will they find themselves floundering about in deep water, unable to swim and liable to be drowned at any moment.
>
> — *Star Vindicator*, December 29, 1877

Despite American desires to place Indian peoples into the subjugated condition of wards to the federal government, Native Americans continued to fight for recognition of their autonomous sovereignty throughout the nineteenth century. Americans placed Indians within the legal definition of domestic, dependent nations through Chief Justice John Marshall's 1831 decision in *Cherokee Nation v. Georgia*. As this decision helped set the stage for the forced migrations of Native Americans in the 1830s, we often assume that the process of removal helped secure native acceptance of the permanent semi-sovereign status Marshall defined for them. As the editor of the *Star-Vindicator* indicated in 1877, however, many Native Americans in Indian Territory, including Chickasaws, viewed themselves as members of independent, sovereign nations after their removal west of the Mississippi.[1]

It is my contention that defeat in the Civil War and the experience of Reconstruction forced the Chickasaws to accept that they were a domestic, dependent nation within the United States. Reconstruction for the Confederate-allied Indians had two important goals. First, the federal government needed to re-establish the relationships with Native American groups that the Civil War disrupted. Second, Americans desired to open Indian Territory for the cultural, commercial, and geographic expansion of their own society. Although the Chickasaws placed themselves in a semi-sovereign status according to the reconstruction treaty of 1866, the permanency of this status was still debatable. As the Chickasaws fought to preserve autonomy and recognition of their separate nationhood, the pursuit of the federal government in achieving these goals resulted in the loss of autonomy all Indian nations experienced at the turn of the twentieth century.

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[1] The *Star-Vindicator* was a progressive newspaper published by whites and Indians who advocated change in the relationship between Native Americans and the United States Government. The primary editor, Granville McPherson (a white Arkansan who married a Choctaw), promoted full incorporation of Native Americans into the United States citizenry, not just recognition of the ward status. Daniel F. Littlefield, Jr. and James W. Parins, eds., *American Indian and Alaska Native Newspapers and Periodicals, 1826-1924* (Santa Barbara: Greenwood, 1984), pp. 349-353.

The reconstruction treaty negotiations began in September 1865 at Fort Smith. Each tribe left the council having signed a preliminary treaty renewing their allegiance to the United States; however, most tribes required popular consent to approve the specific measures of the treaty. The Chickasaw negotiations proved even more complicated. According to pre-war treaties, the Chickasaws shared land with the Choctaws; therefore, the United States determined to treat with both nations simultaneously. The three sides reached an agreement on April 28, 1866. Although the United States ratified the treaty by July 10, the Chickasaws ratification process took much longer. On July 12, Winchester Colbert and Peter Pitchlynn, the Chickasaw and Choctaw leaders, published an address to their respective nations in favor of ratification. The two leaders identified two areas they considered to be critical to the retention of sovereignty—citizenship and landownership—both of which are related to home rule, the same concept that was central to reconstruction in the American South.[2]

Concerning citizenship, Chickasaw activities over the next thirty years illustrate a desire to maintain autonomy within their own territory and polity. Chickasaw Governor Winchester Colbert joined with Choctaw Chief Peter Pitchlynn to argue in favor of adopting their peoples' former slaves based on racial and economic reasons; however, their constituencies did not agree.[3] Although they agreed to emancipate their slaves, the Chickasaws refused to incorporate them into the citizenry. Even the offer of $300,000—proposed as compensation for the federal government's seizure of the Leased District—to ease the financial burden of additional members to the nation could not induce the Chickasaws to adopt the freedmen.[4] Rather, the Chickasaws demanded that the federal government use the money to remove the freedmen from their territory once and for all. The racialized nature of this decision cannot be denied. Over the next thirty years, the Chickasaws went to great lengths to deny citizenship to their former slaves, many of whom even had a Chickasaw parent. Yet, it is important to understand that, as with their reason for joining the Confederacy, they justified this exclusion within the context of sovereignty. The Chickasaws refused to submit to this demand because they feared that granting full citizenship rights to those who they believed held no particular allegiance to the nation would lead to the dissolution of tribal authority.[5] Eventually, even the rights of intermarried or adopted whites—who had initially been granted citizenship according to the treaty—became an issue as the Chickasaw government revoked specific rights of intermarried citizens, whom they felt were undermining tribal authority through access to voting and land ownership.[6]

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[2] "Winchester Colbert to Peter P. Pitchlynn, Oct. 12, 1865," Box 4, Folder 41, Peter P. Pitchlynn Collection, Western History Collections, University of Oklahoma Libraries, Norman, OK.

[3] "Address of Peter Pitchlynn and Winchester Colbert, July 12, 1866," Phillips Pamphlet Collection, Doc. No. 2755.73, Western History Collections, University of Oklahoma, Norman, OK, p. 5-6.

[4] Established according to the Treaty of 1855 between the Chickasaws, Choctaws, and the United States, the Leased District referred the portion of land west of the 98° longitude, bordered on the north by the Canadian River and on the south by the Red River. According to the terms of this treaty, the Choctaws and Chickasaws allowed the federal government to use the Leased District for the settlement of other removed tribes for the fee of $800,000. Kappler, comp. and ed., *Indian Affairs: Laws and Treaties,* 2:708.

As the Chickasaws remained firm in their opposition to expanding access to citizenship, control over the land became the primary issue that would ultimately lead to their loss of autonomy and sovereignty to the United States. Native American communities recognized that land was a fundamental source of sovereignty. Even though the Chickasaws had come to believe that any land that they could call their own would do, the loss of land in the post-Civil War era posed a direct threat to Native American sovereignty because removal was no longer an option.[7] Therefore, Chickasaw politicians fought to secure Chickasaw governance over the land against what they deemed to be collusion between the federal government, railroad companies, and land speculators.[8]

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[5] Littlefield, *The Chickasaw Freedmen*, *passim*; Claudio Saunt, "The Paradox of Freedom: Tribal Sovereignty and Emancipation during the Reconstruction of Indian Territory," *Journal of Southern History* 70:1 (Feb., 2004): 63-94.

[6] Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, 2:918-931; "An Act to Amend An Act in Relation to United States Citizens Procuring License to Marry Citizens of this Nation," Chickasaw Nation and Davis A. Homer, *Constitution and Laws of the Chickasaw Nation: Together with the Treaties of 1832, 1833, 1834, 1837, 1852, 1855, and 1866* (Wilmington, Del: Scholarly Resources, 1973), pp. 270-271.

[7] "The Organization of the Territory of Oklahoma," 45th Cong., 3d sess., *House Report. No. 188*, p. 13.

The key concern involving landownership stemmed from the reconstruction treaty's provision for division of the nation's land in severalty. Colbert and Pitchlynn voiced their opinion in favor of allotment. The two leaders remarked upon how national ownership of land resulted in the loss of the Leased District as a spoil of war: "Had we held our lands in this manner before the war, we would have been now under no necessity to have parted with an acre of them." As the issue concerning the adoption of freedmen versus forfeiture of payment for the Leased District illustrated, public lands became the spoils of war. Further, the treaty required the Chickasaws to allow construction of railways through their nation eventually, which eventually undermined their control over the land.[9]

Following Colbert's logic, early Reconstruction-era administrations promoted allotment as a means to thwart American designs to gain control over the land in Indian Territory. On August 3, 1870, the Chickasaw "formally requested [for] their lands [to] be surveyed into townships, and sections, in accordance with" the treaty of 1866.[10] Revealing the dynamic nature of Native American polities in the fight against subjugation, some Chickasaws were willing to part with cultural traditions in order to preserve sovereignty.[11] However, the Chickasaw could not act alone. The 1866 treaty restored the co-dependent status of political decision-making that the Chickasaw fought to free themselves of in the 1850s, especially concerning land ownership. In order for the Chickasaw lands to be divided in severalty, therefore, the Choctaw had to agree to the same for their lands. Despite Pitchlynn's agreement with Colbert, the majority of Choctaw did not share his sentiments.[12]

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[8] Address of Governor Thomas J. Parker at Tishomingo to a Joint Session of the Legislature 1872, Oklahoma Historical Society, Parker, Thomas J., Box 86.47.

[9] "Address of Peter Pitchlynn and Winchester Colbert, July 12, 1866," p. 7; Kappler, comp. and ed., *Indian Affairs: Laws and Treaties*, 2:918-931; Daniel Flaherty, "The Chickasaw View of the Railroad: Accommodation, Resistance, and the Demise of Sovereignty," *The Journal of Chickasaw History and Culture* 11:3 (Fall 2008): 8-31.

[10] "J.D. Cox to the Commissioner of the General Land Office, August 29, 1870," M234, R142, FF0628-0635.

Under siege by American interests and at odds with their territorial co-owners, two political divisions—the National Party and the Progressive Party—emerged by the late 1870s, each with its own ideas about the proper way to maintain sovereignty. The battles between these two groups for popular support between 1874 and 1884 indicate a shift in the Chickasaws understanding of the nature of their relationship with the federal government. In his 1876 annual address to the national legislature, Governor Benjamin Overton, a National Party member, commented on the tenuous nature of Chickasaw sovereignty. Overton observed that while the United States recognized the Chickasaws "as being an independent political community," the tenure of that status was possibly at an end. According to Overton, "men and the implements of war [are] the only means by which we can enforce our legal and just demands upon foreign powers and make them strictly adhere to all international provisions governing such independent communities." The Chickasaws had neither of these on their own: "Time and the ravages of the most cruel wars have swept our race from the stage of action, and we, the once few survivors of a once powerful race, will no more be numbered with communities of national strength and greatness." To illustrate his point about the futility of warfare against a unified United States, Overton referenced the current Sioux battles to protect the Black Hills and the earlier Red Stick Uprising among the Creeks. Thus, Overton suggested that the Chickasaws take the lead—along with the Cherokees, Choctaws, Creeks, and Seminoles—in establishing a confederation among Indian peoples.[13]

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[11] Message of Cyrus Harris, *The Vindicator* (September 14, 1872), Folder 3, Cyrus H. Harris Collection, Western History Collections; Gibson, *The Chickasaws*, p. 265.

[12] Gibson, *The Chickasaws*, p. 265.

Despite Overton's recognition of the Chickasaws as a dependent nation under the hegemony of the United States, he was determined to demonstrate Chickasaw autonomy within the confines of their own territory. The Chickasaws had not yet officially ratified the 1866 treaty, and the primary sticking point involved the status of the Chickasaw Freedmen. Federal officials had delayed removing the freedmen from the nation, hoping that the Chickasaws would reconsider their firm stance incorporating their former slaves as citizens.[14] Overton cautioned the Chickasaws against such a course of action. Overton compared the adoption of the freedmen to "sign[ing] the death-warrant of your Nationality with your own hands; for the negroes will be the wedge with which our country will be rent asunder and opened up to the whites; and then the grand scheme so artfully devised by the treaty of 1866, will have been effected, and the ends of the conspirators attained."[15] When the legislature ratified the reconstruction treaty on October 17, 1876, they once again stated their preference to have the United States remove the freedman rather than adopt them as full members of the nation.[16] These demonstrations of local authority illustrate the Chickasaws' belief that although they might be dependent, they would not simply bow to federal officials' desires.

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[13] "Message of B. F. Overton," *The Vindicator* (September 20, 1876), Folder 6, Box O-22, Benjamin F. Overton Collection, Western History Collections, University of Oklahoma Libraries, Norman, OK.

[14] Gibson, *The Chickasaws*, pp. 259-261.

[15] "Message of B. F. Overton."

In a further demonstration of autonomy, Governor Overton approved several acts restricting the ability of United States citizens to conduct business in and even intermarry into the nation. The most important of these was the Permit Law, which required non-citizens to purchase a permit authorizing their presence and right to work in the nation. Overton's zealous enforcement of the law earned him many enemies, including the Secretary of the Interior. On June 4, 1878, the Secretary forced Overton to compromise regarding the permit law. The Secretary refused to pay interest due the nation unless Overton suspended that law. Although Overton complied, he reserved the right to re-instate the law if he so chose. More importantly, many prominent Chickasaw politicians objected to what the editor of the *Star-Vindicator* termed Overton's "tyrannical rule." These men joined the Chickasaw agent, Lemuel Reynolds, in a petition to the United States Government.[17] Further, they supported Cyrus Harris in his bid to return as governor as the Progressive candidate in the 1878 election. Overton, barred from re-election by a constitutional rule limiting the number of consecutive terms selected his treasurer, B. C. Burney, to succeed him until he could run again in 1880.

The 1878 election became a battleground for the future of Chickasaw autonomy. The Burney faction portrayed Harris as being in favor of a territorial government controlled by the federal government. Harris won the popular vote by a close margin; however, through a deft political maneuver, Overton had the legislature throw out some of the votes as fraudulent and declared Burney the winner.[18] Although the *Star-Vindicator* reported that Harris would contest the result to the Commissioner of Indian Affairs, the former governor quietly stepped aside.[19] If Harris had appealed to federal authority to uphold his election, his action would have indicated a clear acceptance that the Chickasaws were both a dependent and domestic nation under the hegemony of the United States. Combined with the return of Overton as chief executive in 1880, Harris's acquiescence indicates that the majority of Chickasaws respected the constitutional government they had established prior to the Civil War, and refused to let the factional disagreements rise to the levels they reached in the 1790s and 1840s.

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[16] "An Act Confirming the Treaty of 1866," *Constitution and Laws of the Chickasaw Nation*, p. 120-121, quote on p. 121.

[17] Letter to Dear Mac, *Star-Vindicator* (April 27, 1878), Folder 50, Box O-22, Benjamin F. Overton Collection.

Over the next twenty years, the Chickasaws worked to preserve autonomy and recognition of their separate national status. They recommitted themselves to retaining communal landownership, defining who could be citizens and to what rights those individuals were entitled, and opposing to any form of territorial government organized under the leadership of American authorities. Further, Chickasaw leaders continued to operate as representatives of an independent political entity and engaged in international conventions with the other tribes in Indian Territory to oppose federal intrusion on their local affairs. In 1886, the Chickasaws sent delegates to a conference of Indian tribes held at Eufaula in the Creek Nation. At the conference, each nation agreed that no member would cede any territory to the United States without having first obtained approval from the other members.[20]

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[18] John Bartlett Meserve, Governor Benjamin Franklin Overton and Governor Benjamin Crooks Burney, *Chronicles of Oklahoma* 16, no. 2 (June 1938): 227; John Bartlett Meserve, Governor Cyrus Harris, *Chronicles of Oklahoma* 15, no. 4 (December 1937): 385.

[19] Editorial on B. C. Burney and Cyrus Harris, *Star-Vindicator* (Sept. 28, 1878), Folder 4, Box B-35, B. C. Burney Collection, Western History Collections.

Again, the importance of retaining ownership over the land is important to understanding the Chickasaws' submission to the loss of autonomy the United States demanded from them by the end of the nineteenth century. In 1890, Governor William L. Byrd appealed to President Benjamin Harrison regarding increased intrusion by white people into Chickasaw lands, which was against the provisions of the 1866 treaty. Byrd indicated that Chickasaw autonomy rested solely on their retention of the lands guaranteed to them by treaty and therefore on the United States Government's willingness to uphold its obligations under that treaty. Further, Byrd indicated a difference that separated this era of intrusion from that of Removal: in the late-nineteenth century, emigration to new land was no longer an option to escape the grasp of American authority.[21] Therefore, when the federal government authorized the Dawes Commission to secure allotment for the Five Civilized Tribes, the Chickasaws redoubled their efforts to preserve tribal autonomy.

Although the Dawes Severalty Act (1887) exempted the Five Tribes from allotment of their lands without tribal consent, this did not imply that they would be immune from federal pressure to do so. Governor Robert M. Harris recognized that the commission would not respect any assertions of native sovereignty even when guaranteed by existing treaties. He also realized that the Chickasaws must negotiate any new treaty from a position of strength. Therefore, he recommended that the

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[20] "Compact Between the Several Tribes of the Indian Territory," *Constitution and Laws of the Chickasaw Nation*, pp. 181-185.

[21] Wm. L. Byrd, Governor to the President of the United States of America, July 2, 1890," *Constitution and Laws of the Chickasaw Nation,* pp. 273-274.

Chickasaws appoint a delegation to meet in conference with the other Indian nations to ascertain all of the available options.[22]

The Choctaws soon undermined the Chickasaws position. The Dawes Commission secured an agreement with the Choctaws and determined "to extend the treaty over to [the Chickasaws] whether they favor[ed] it or not." When the Chickasaw delegates protested, the commissioners refused to listen.[23] For Harris, the report of his delegates' treatment by the Dawes Commissioners only made the Chickasaws' situation all the more grave. He called the legislature together for a special session in January 1897. Harris urged the legislators to take action, but he cautioned against a show of defiance. He indicated his belief that if the Chickasaws showed deference to the United States, they might be able to retain a degree of autonomy.[24]

The Chickasaws successfully protested the Dawes Commission-Choctaw agreement to the Senate; however, the success was not long-lived. As they celebrated their successful petition, the Chickasaws learned of an amendment to the Indian Appropriation Bill that threatened to destroy tribal authority altogether. This compelled the Chickasaws to negotiate the Atoka Agreement with the Choctaws and the Dawes Commissioners later that spring. The agreement prescribed a formula for the allotment of the Chickasaw and Choctaw lands and set a timeline for the dissolution of their national governments.[25] As Harris predicted, contrition on the part of the Chickasaws secured some vestiges of autonomy from the Dawes Commissioners. According to the agreement, the Chickasaws retained mineral rights and finally settled the Freedmen question by denying them rights to land ownership.[26]

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[22] Portion of Message of R. M. Harris, *The Indian Citizen* (Sept. 24, 1896), Folder 1, Box H-49, Robert M. Harris Collection, Western History Collections.

[23] Interview with R. L. McLish, *South McAlester Capital* (December 3, 1896), Folder 5, Box H-49, Robert M. Harris Collection.

[24] Copy of "Special Message of R. M. Harris," Folder 6, Box H-49, Robert M. Harris Collection. Original on file at Oklahoma Historical Society, Doc. # 12942.

[25] Deloria and DeMallie, *Documents of American Indian Diplomacy,* 1:391-398

Despite acquiescing to the Atoka Agreement, ratification required national consent through a popular vote. Harris campaigned for ratification, indicating his belief that Chickasaw consent would save their nation from the dissolution threatened in the Indian Appropriation Act.[27] Despite Harris's pleas, however, the Chickasaws voted against the Atoka Agreement on December 1, 1897. Similar events played out in the other Indian nations. In response, an impatient Congress approved the Curtis Act on June 28, 1898. The act abolished tribal governments and allowed for the allotment of land without native consent.[28] In response, the Chickasaws ratified the Atoka Agreement that August. According to the editor of the *Wapanucka Press*, "Before the expiration of the terms of the governors of the various Indian 'Nations,' the United States will have assumed control of the government of the Territory, and the course of imperialism will have ended there."[29]

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[26] Ratification Favored by R. M. Harris, *The Claremore Progress* (May 22, 1897), Folder 12, Box H-49, Robert M. Harris Collection.

[27] Message of R. M. Harris, *The Indian Citizen* (Sept. 16, 1897), Folder 16, Box H-49, Robert M. Harris Collection.

[28] *Laws Relating to the Five Civilized Tribes in Oklahoma, 1890-1914* (Washington: Government Printing Office, 1915); Prucha, *The Great Father*, 1:195, 2:748; Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes* (Princeton: Princeton University Press, 1940; reprint, 1991), p. 33; Leonard A. Carlson, *Indians, Bureaucrats, and the Land: The Dawes Act and the Decline of Indian Farming* (Westport, CT: Greenwood Press, 1981), p. 15; William E. Unrau, *Mixed Bloods and Tribal Dissolution: Charles Curtis and the Quest for Indian Identity* (Lawrence: University of Kansas Press, 1989); and Dippie, *The Vanishing American*, p. 247.

[29] Editorial on P. S. Moseley, *The Wapanucka Press* (September 11, 1902), Folder 7, Palmer S. Mosely Collection, Western History Collections.

The recognition among Chickasaws that they existed in a permanent semi-sovereign status came not through the process of removal but following their failed effort to support the creation of the Confederate States of America and re-incorporation into the United States political system. Not only did Union victory demonstrate the power of the federal government to hold the United States together, the United States embarked on a unified effort of rapid expansion westward following the war, this time unhindered by the issue of slavery. Americans stood poised to fulfill their self-proclaimed manifest destiny. As it did for their former Confederate allies, Reconstruction for the Chickasaw Nation became a battle over home rule and the extent to which local authority would reign. Unlike their southern counterparts, however, notions of racial difference precluded a victory, or even a stalemate, for the Chickasaws. Although southern Democrats accepted the power of the federal government to keep the United States together, they regained control of local and state government by the end of official Reconstruction in 1877. Chickasaws' continued assertions about their sovereign rights, however, clashed with the commitment both Northerners and Southerners exhibited toward industrial development and western expansion in the Gilded Age. This meant that Reconstruction would not end until their political authority was almost completely dissolved.

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By ending on such a sour note, I am not suggesting that Americans' assertions of dominance over their continental domain at the end of the nineteenth century marked the end of the road for Native American sovereignty. In the twentieth century, Chickasaws, along with many other Native American peoples, fought to retain and reassert as much of their sovereign rights as possible.[30] In our own time, the Chickasaws have become a strong political and economic entity within state and federal politics. Such a turnaround has allowed modern Native American advocates to argue for recognition of a status higher than that of the individual states—often with success.

Benjamin Overton's acceptance of the reality of United States hegemony, and therefore that the Chickasaws existed in a semi-sovereign status—the termination of which could not be achieved solely by their own demand—during the last quarter of the nineteenth century, demonstrates less about the Native American struggle for recognition of sovereignty than it does about the history of the Americans' republican experiment and the Civil War's place in its development. It demonstrates a very real reason why Americans should not separate stories of Native American agency away from their national narrative. It speaks to the differences and frailties inherent in Americans' construction of a democratic federal republic committed to national expansion. Regardless of Americans' assertions of dominance and superiority prior to the Civil War, they had to resolve their own internal debates over the role of the federal government within their own lives, which restricted their ability to use that body effectively to enforce compliance from the indigenous populations they sought to control. Therefore, Chickasaw participation in the U.S. Civil War should be situated as part what Elliott West calls the "Greater Reconstruction" of mid-nineteenth century.[31]

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[30] For examples of how Chickasaws fought to retain their sovereignty through the first half of the twentieth century, which many historians consider to be a nadir in American Indian-United States relations, see Michael S. Lovegrove, *A Nation in Transition: Douglas Henry Johnston and the Chickasaw Nation, 1898-1939* (Ada, Oklahoma: Chickasaw Press, 2009).

[31] Elliott West calls the period of 1845–1877 the "Greater Reconstruction" era. West emphasizes that while the rapid westward expansion of the United States in the

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mid-nineteenth century not only contributed to the coming of the Civil War, it also had a profound effect on the nature of authority in those western territories where no state government was in place to contest the ability of the federal government to shape the lives of those actually living on the ground. Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2009).

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