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ROBERT M. JONES AND THE CHOCTAW NATION:  
INDIGENOUS NATIONALISM IN THE AMERICAN SOUTH, 1820-1877

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A DISSERTATION APPROVED FOR THE  
DEPARTMENT OF HISTORY

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## ABSTRACT

This project examines the social, political, and economic transformations that shaped Choctaw nationhood following Indian Removal in the 1830s. Specifically, I argue that, unlike the other Five Tribes, the Choctaw Nation formed a more coherent sense of nationalism which included local education, commercial development, and political consensus which allowed them to remain a united people during the Civil War and Reconstruction. Whereas previous historians contend that a Confederate alliance was thrust upon hapless Choctaws who then joined lockstep with the Southern effort out of their shared interest in slavery, this dissertation demonstrates that Choctaws did not simply co-opt the Confederate cause. Rather, they selectively participated based on their own pragmatic national interests. I use the life of Choctaw Robert M. Jones as an interpretative lens to illuminate these various developments in the Choctaw Nation during the broader Civil War era. Jones, the wealthiest slave-owner in Indian Territory, owned six plantations, more than twenty trading stores, and as many as 500 slaves in the antebellum period. Despite his selective embrace of Southern cultural tenets, he remained an ardent Choctaw nationalist throughout his life. His experiences highlight the process of indigenous nation-building that transformed the Choctaw Nation during the broader antebellum and reconstruction eras. With this study, I reveal the importance of Native American agency and political sovereignty to the history of the Civil War west of the Mississippi and the broader narrative of Southern history.



## INTRODUCTION:

“What will the rising generation think and say of us? They will say that we were no patriots, a timid, stupid, money loving worshipping set of beings, scarcely deserving the name of men....Let the Choctaws act like men for once, and not part with their dearest right for filthy money, that white man’s God, and if the US will force us into measures be it so. And let it be handed down in history to future generations, and prove that the Choctaws are true men, and prefer to live and die in poverty, but cannot be bought.”

--Robert M. Jones to Peter Pitchlynn regarding the proposed sale of Choctaw lands, August 1, 1855<sup>1</sup>

“No culture...retains its identity in isolation; identity is attained in contact, in contrast, in breakthrough”

--Carlos Fuentes<sup>2</sup>

This dissertation began as an exploration of an anomalous person and morphed into a new understanding of indigenous national development and identity. During the nineteenth century, Choctaw millionaire Robert M. Jones became one of the richest men in the American Southwest. After attending the Choctaw Academy in the late 1820s under the direction of Richard M. Johnson, the future vice president and self-proclaimed Tecumseh killer, Jones and his Choctaw brethren relocated to Indian Territory as part of federal Indian removal. Between the 1830s and the 1860s, he acquired between four and seven plantations, as many as 500 African slaves, multiple mansions, and a fleet of steamships which transported his cotton to markets throughout the United States. Other than these notable facts, historians know very little about Jones. While his name has appeared in nearly every iteration of Choctaw and Five Tribes history as a brief

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<sup>1</sup> Robert M. Jones to Peter Pitchlynn, August 1, 1855, Folder 999, Peter Pitchlynn Manuscript Collection, Gilcrease Museum, Tulsa, Oklahoma.

<sup>2</sup> Carlos Fuentes, *Myself with Others: Selected Essays*, Reprinted (New York: Macmillan, 1990), 12.

paragraph or footnote, his life experiences, identity, and status within the Choctaw Nation has received minimal exploration and analysis.<sup>3</sup>

Jones' affluence makes him a necessary footnote, but also elicits prejudicial assumptions about his identity. His truly remarkable life contradicts popular stereotypes of Native Americans as an impoverished, uneducated, and backwards race. This has led many scholars to characterize him as an atypical Indian representing a small "mixed-blood" contingency who over-embraced their American connections and used the tools of the colonial oppressors for personal advancement. Some classify members of this cohort as "go-between" for American and Indian societies because they shared connections with both cultures and navigated between them while never fully fitting into either. Less flattering portrayals describe them as the advanced guard of the American colonial system—men who disavowed indigenous traits, accommodated outside oppressors, seized power, and unwittingly invited American takeover of indigenous nations.<sup>4</sup>

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<sup>3</sup> Similar accounts of Robert M. Jones appear in all of the following histories: Valerie Lambert, *The Choctaw Nation: A Story of American Indian Resurgence* (Lincoln: University of Nebraska Press, 2007), 42-43; Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970* (Norman: University of Oklahoma Press, 2007), 77-79; Donna Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State University, 2004); Jesse McKee and Jon Schlenker, *The Choctaws: Cultural Evolution of a Native American Tribe* (Jackson: University Press of Mississippi, 1980), 120; Daniel Littlefield, *The Chickasaw Freedmen: A People Without a Country* (Westport, Greenwood Press, 1980), 61; Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1934), 60.

<sup>4</sup> This dissertation uses terms like "mixed-blood," "full-bloods," "half-breed," and "náhollo" only in quotations used by other authors or historical actors. As explained throughout, these terms depend on racial generalities and blood-based determinism which rarely withstand scrutiny. In their place, I use the term "traditional" to characterize those who preferred a more conservative Choctaw life and "progressive" for men and women who embraced education, national governance, and a commercial ethos. Neither term is intended to connote a value judgment. Even these terms are limited in that they describe a pure binary which fit very few Choctaws. My usage of "progressive" does not coincide with the later Choctaw "Progressive Party." For studies on go-between, see James Merrell, *Into the American Woods: Negotiators on the Pennsylvania Frontier* (New York: Norton, 1999); Frederick Hoxie, *This Indian Country: American Indian Political Activists and the Place They Made* (New York: Penguin Press, 2012).

Upon briefly scratching the surface, I found ample fodder to classify Jones as the archetypal “mixed-blood” Indian. He converted to Christianity and maintained close relations with missionaries throughout his life. Missionaries rarely minced words about their desire to reshape Indian societies to the evolving American social and economic order through Christianity and education. Jones whole-heartedly fought for expanding American-style education throughout the Choctaw Nation. Further, he embraced racial slaveholding and many traditions characteristic of the white planter class in the American South. He did not look or act the part of a Choctaw—he dressed in New Orleans fashions, wore his hair short, went by his Welsh birth name even among Choctaws, and was an officer in the Freemasons. In addition to slave wealth, he partnered with American and French-Canadian investors to open stores throughout the Choctaw Nation and in Texas and Louisiana. As the Civil War approached, it was Jones who marched into the Choctaw General Council, intimidated Principal Chief George Hudson into abandoning plans for neutrality, and threatened to hang those who disagreed with a Confederate alliance. All the telltale signs—education, Christianization, racial slaveholding, and individual commercial wealth—indicated that Jones internalized colonial practices that threatened Choctaw cultural identity and political sovereignty.<sup>5</sup>

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<sup>5</sup> Several variations of Jones’ wording circulated throughout the Choctaw Nation, but all contain the same basic threat of capital punishment against those in opposition. According to some, Jones concluded his fiery speech with “Anyone who opposed secession ought to be hung.” See Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy* (Cleveland: The Arthur H. Clark Company, 1915), 77, Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1934), 81; The variation used in the text was cited by missionary John Edwards who missed the meeting but spoke to several who were present. See John Edwards, “An Account of my Escape from the South in 1861,” *Chronicles of Oklahoma* 43 (Winter 1965), 59.

Yet, as I delved further into research on Jones' life, I found numerous anomalies. For instance, while Jones conversed with missionaries and advocated Euro-American education, he also fought to ensure that the Choctaws maintained control of the education system. When missionaries and other educators attempted to exert authority, Jones worked to have them reprimanded or expelled. He lived in affluence like a Southern planter, but also took in Choctaw orphans and petitioned the United States government for funds rightfully belonging to orphans. Though he held a large number of African slaves as property, he was not alone as increasing numbers of racially diverse Choctaws adopted the practice of racial slaveholding. Moreover, Jones believed that Choctaw land must remain as communal property and that Choctaws must protect their sovereign rights over that land. When American trading firms abused Choctaw clients, Jones used his influence with the United States agent and the Choctaw General Council to have them removed and Choctaw run businesses put in their place. Finally, Jones frequently served as delegate in disputes between the Choctaws and Americans. In this capacity, he consistently advocated Choctaw National interests against American colonial designs. Each new detail I unearthed confirmed an important conclusion: despite certain cultural traits, Jones' political identity stayed permanently tied to the Choctaw Nation throughout his life. No matter how acculturated he seemed to Euro-American observers, he remained a Choctaw Nationalist.

My efforts to understand Robert M. Jones' identity produced several questions which have guided this study. How have Native Americans selectively embraced American federal policies and colonial practices aimed at eradicating indigeneity and instead used them to advance their own causes? What is the relationship between

indigenous cultural and political identity and how have they transformed? How have Indian nations developed and changed over time and how much agency have Native Americans had in building and protecting their own sovereign polities? What impact did this unique national identity have on Choctaw actions during the American Civil War? And finally, what can seemingly atypical Indians like Robert M. Jones reveal about the dynamic nature of indigenous identity?

Addressing these queries has resulted in a study less about progressive outliers like Robert M. Jones and more about indigenous nationalism. Choctaws that have been characterized as progressive and traditional Choctaws all modified tenets of the American colonialist system and selectively incorporated them into their own national identity. These included literacy, education, formal national governmental bodies, racial ideology, integration into a capitalist system, and active political engagements in national affairs. Rather than destroying Native American identity and stimulating American assimilation, competing and overlapping visions of Choctaw nationhood reinforced the primacy of Choctaw identity. To American outsiders, this process looked like successful “civilization” of Indians but for Choctaws, this was merely continued adaptation to the outside world and the means to protect national sovereignty within a colonial system. The life of Robert M. Jones highlights this process that shaped and reshaped the Choctaw Nation during the nineteenth century.

As with any type of nation, Choctaw nationhood must be understood as a historical development, an ongoing process of changing political organization and identity over time. Nations are fluid polities that are not easily defined and these definitions change over time. Anthropologists have typically used a paradigm that

frames the history of indigenous groups as a hierarchical evolution in social organization from a band to a tribe and finally to a more advanced stage of nation. This framework fails to adequately contextualize political, social, and historical changes among Native Americans and has increasingly been criticized by historians and ethnohistorians over the past several decades. As anthropologist Raymond Fogelson explains, “In earlier eras, when American Indians were still regarded as possessing considerable autonomy, military power, and political might, the term ‘nation’ was frequently applied to Native American politics.” Nevertheless, “When the balance of power shifted and Native Americans were considered as dependent nations or wards of the U.S. government, the term ‘tribe’ became more widespread.”<sup>6</sup> Thus, defining an Indian polity as a tribe can and has been used to undermine its sovereign status and imply inferiority. In my discussion of Choctaw Nationalism, it is not my intention to imply that it developed from an earlier, less advanced, or racially inferior stage of political organization.

In colonial Mississippi and Alabama, the Choctaws created what historians Greg O’Brien and Patricia Galloway consider more of a confederacy than a nation. Like the Creeks and other Southern Indian polities, locality and clan (or *iska*) were the most central attributes of political identity.<sup>7</sup> In this period, as self-governing groups comprising a confederacy, Choctaws maintained an inherent sovereignty that predated

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<sup>6</sup> Raymond D. Fogelson, “Perspectives on Native American Identity,” in *Studying Native America: Problems and Prospects*, ed. Russell Thornton, (Madison: University of Wisconsin Press, 1998), 51.

<sup>7</sup> Greg O’Brien, *Choctaws in a Revolutionary Age* (Lincoln: University of Nebraska Press, 2008); Patricia Galloway, *Choctaw Genesis, 1500-1700* (Lincoln: University of Nebraska Press, 1995) Devon Mihesuah, *Choctaw Crime and Punishment, 1884-1907* (Norman: University of Oklahoma Press, 2009), 15; Greg O’Brien, “The Conqueror meets the Unconquered: Negotiating Cultural Boundaries on the Post-Revolutionary Frontier,” *Journal of Southern History* 61 (Feb 2001), 41-43; Clara Sue Kidwell, *The Choctaws in Oklahoma*, xvi.

the United States and constitutional government. By the early nineteenth-century, however, Choctaws had to contend with the growing colonial power of the United States. In response, to the political, economic, and diplomatic conditions of this period, Choctaws increasingly forged a collective political identity under a centralized, self-governing body. As noted scholars David E. Wilkins and K. Tsianina Lomawaima explain, “A sovereign nation defines itself and its citizens, exercises self-government, and the right to treat with other nation, applies jurisdiction over the internal legal affairs of its citizens and subparts, claims political jurisdiction over the lands within its borders, and may define certain rights that inhere in its citizens (or others).”<sup>8</sup> In a manner similar to how the United States declared itself an independent nation from the British Empire and then engaged in ongoing process of nation-building, Choctaws also defined themselves as members an independent and sovereign nation during the nineteenth-century and fulfilled of the criteria for nationhood outlined by Wilkins and Lomawaima.

Choctaws developed a political identity around Choctaw nationhood in which they defined themselves as citizens of a sovereign Indian nation distinct and autonomous from the United States. Indigenous political identity and cultural identity often overlap and intersect but should not be conflated. As James Axtell explains culture is “a kind of code by which a people live and which gives meaning, direction, and order to their lives. The code is an idealized construct, imagined” and “members of a society are only privy to certain parts of the total code.”<sup>9</sup> While shared by members of

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<sup>8</sup> David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press, 2001), 4.

<sup>9</sup> James Axtell “Ethnohistory”, *Natives and Newcomers: The Cultural Origins of North America* (New York: Oxford University Press, 2000), 3.

a society, culture is always dynamic but never homogenous. During the nineteenth century, Choctaw culture and cultural identities fluctuated and diversified but citizens of the Choctaw Nation consistently forged a political identity centered on citizenship and nation.

While Choctaw sovereignty is inherent, Choctaw nationhood did not develop in isolation.<sup>10</sup> In fact, Choctaws and Euro-Americans simultaneously developed divergent national identities during the nineteenth century largely defined in relationship to one another and triangulated with the presence of African Americans in both nations. Just as David Chang asserts in his study of the nineteenth-century Creek Nation, “The story of Creek notions of nationhood and struggles among black and white people over nationhood help us understand there are multiple kinds of nation in American history,” the same can be said of the Choctaws.<sup>11</sup> This dissertation reveals the interconnected process of indigenous and American nation-building that shaped the geopolitical and social contours of the North American continent during the nineteenth century. Furthermore, it demonstrates that an interpretative framework of indigenous nationhood can reveal how and why Native Americans, including Robert M. Jones, who embrace cultural change, can also maintain an indigenous political identity within the United States.

Chapter one explores the reorganization of Choctaw society under the auspices of self-preservation during the first few decades of the nineteenth century and the looming removal crisis. By 1820s Choctaws had divided their polity into three districts,

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<sup>10</sup> See Wilkins and Lomawaima, *Uneven Ground*, for further discussion on inherent, extra-constitutional, and constitutional sovereignty of Native American nations.

<sup>11</sup> David Chang, *The Color of the Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010), 6.



named for three living chiefs—Mushulatubbee, Apukshunnubbe, and Pushmataha—and each district had political autonomy within the structure. Representatives of these three districts formed a national council to present a unified voice in foreign affairs. District chiefs kept their local authority, but could not unilaterally make national decisions. They also invited missionaries to educate prominent youths who were poised to occupy leadership positions. Reorganization temporarily paid dividends in stemming the tide of one-sided land cessions, but ultimately failed to prevent removal once Andrew Jackson took office. Nonetheless, national reorganization allowed the Choctaws to present a unified front in negotiating removal. This process had direct implications into the ways Choctaws restructured their society following the disasters of removal.<sup>12</sup>

Chapter two examines the reestablishment of Choctaw institutions after removal as part of larger cultural changes in the Choctaw nation. Specifically, it focuses on the embrace of American-style education and the creation of a Choctaw National school system as a political institution. Upon arriving in Indian Territory, the Choctaws reestablished three autonomous districts and a general council empowered with national legislative authority. Two of the three districts immediately invited missionaries to return and resume educating young Choctaws. More schools appeared each year funded by annuity payments from treaties with the United States, American benevolent societies, and local Choctaw communities. Church buildings doubled as Sabbath schools in which educated Choctaws taught whole families basic literacy. Missionaries aspired to use education as a way to convert the masses and eliminate Choctaw identity.

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<sup>12</sup> Arthur DeRosier, *The Removal of the Choctaw Indians* (Knoxville: University of Tennessee Press, 1970); W. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972); Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1988), 121.

Careful oversight from the General Council and the involvement of local communities thwarted their efforts and protected Choctaw practices. Men like Jones regularly audited each school and reported to the national council on student progress, teacher conduct, and ideas for improvement. The school system became the pride of the nation and a truly national institution. Multiple missionaries worked with educated Choctaws to produce a written Choctaw syllabary. Though initially used to translate biblical passages, written Choctaw language appeared in courts, newspapers, business transaction, and journals preventing the destruction of the Choctaw language and fostering Choctaw literacy.

Along with education, post-removal Choctaws engaged in commercial endeavors that connected them to the burgeoning American market economy, including the practice of racial slaveholding. Chapter three examines these developments within the Choctaw Nation from the late 1830s through the 1850s. Many Choctaws maintained basic subsistence by growing corn, wheat, and potatoes and raising livestock, but a growing number transitioned into cash crops and large-scale husbandry. Traditional and progressive Choctaws alike traded their surplus crops for cash payments or trade goods in the growing number of privately-run commercial businesses in Choctaw and American towns. Jones mastered this system by placing stores in each town and gins on all of his properties, making him a prominent Choctaw businessman. Towns like Doaksville, Skullyville, Boggy Depot, and Eagletown became booming commercial centers not only in the Choctaw Nation but in larger trade network along the Texas border. The General Council regularly intervened to prevent conflicts sparked by trade disputes, established courts to resolve conflicts, and passed

laws regarding private and public property. They licensed American traders, audited business ledgers to ensure fairness, and petitioned the United States to remove invaders who often peddled contraband whiskey. Through these actions, the General Council solidified its role as an authority over economic activities in the Choctaw Nation.

Rather than a drastic departure from traditional life, Choctaws still lived on communal lands and selectively negotiated their involvement with the market economy. Though Choctaws began to settle disputes before courts instead of the clan system, the courts followed traditional understandings of property and conduct. By the 1840s, American agents boasted that the Choctaws had become an educated, commercial, civilized people who differed from Euro-Americans racially but not behaviorally. Beneath the surface, these agents missed that Choctaws had only selectively incorporated Euro-American practices into a dynamic indigenous culture and nationalized these institutions strategically to help preserve political sovereignty. In doing so, men like Robert M. Jones fully embraced a Choctaw National identity while appearing to outsiders as less than fully Choctaw.

The Civil War accentuated wide-spread levels of national unity despite internal political debates over the nature of Choctaw nationhood. Chapter four illuminates competing visions of Choctaw Nationalism during the 1850s in order to showcase Choctaw political participation and highlight the developments leading to the Choctaw alliance with the Confederacy at the close of the decade. Contrary to previous interpretations, a self-interested “mixed-blood” minority did not drag the majority to a Confederate alliance, nor did the Choctaws wholeheartedly rally behind the Confederate cause. Instead, Jones and others negotiated an incredibly favorable alliance treaty with

the Confederacy, which protected Choctaw National autonomy and addressed longstanding grievances against the United States.

Chapter five provides a narrative of Choctaw involvement in the Civil War and explores the reasons why Choctaws remained a united and autonomous nation throughout the conflict. At large meetings, Choctaw leaders justified the necessity of the Confederate alliance to the protection of Choctaw autonomy and called for widespread Choctaw national support. Unlike Creeks and Cherokees, who divided over the Civil War, Choctaws remained united in order to defend their own nation against outside threats from the Union and the Confederacy. The alliance treaty even ensured the right of Choctaws to refuse to leave Indian Territory, a right which they regularly exercised much to the chagrin of Confederate commanders.

For the Choctaws, the Civil War both highlighted national unity and foreshadowed the vulnerability of its political sovereignty. Chapter six demonstrates how the weakened but resilient Choctaw Nation attempted to once again reconstruct and protect itself through a process of nation-building but became increasingly fractured by external pressure. The United States negotiated a Reconstruction treaty that implemented measures designed to punish the Choctaw Nation even more harshly than secessionist states and to diminish their sovereign power. This included stripping Choctaws of the authority to decide the terms of citizenship in their nation by forcibly requiring the adoption of their freedmen. Choctaws resisted heightened Euro-American efforts to dispossess them of land, eradicate their Native American cultural practices, and dissolve tribal sovereignty. For instance, Robert M. Jones issued a passionate letter read before the United State Congress explaining that the Choctaws aligned with the

Confederacy as the means of preserving independence, and condemned the failure of the United States to honor their treaty obligations and resume amicable relations.

Despite increasing resistance towards American colonial expansion, the Choctaws increasingly divided as the federal policy makers and social reformers made efforts to dissolve their nation.

This dissertation uses Jones' life and identity as a narrative thread to highlight the deliberate transformations that reshaped the Choctaw Nation over a period of several decades. It is not, however, a biography of Jones. For over forty-years he was intimately involved in most areas of Choctaw National development and his experiences reflect broader patterns and events that affected the lives of all Choctaw citizens. In *House on Diamond Hill*, Tiya Miles uses Cherokee slave owner James Vann to showcase plantation life for slaves and Cherokee women. Similarly, I use Jones to illuminate the world around him. Instead of providing a case study of a single plantation, however, my manuscript uses Jones to reflect much broader developments in the Choctaw Nation as a whole. For this reason, Jones opens and closes each chapter while the voices of diverse Choctaws fill the pages in between.<sup>13</sup>

Following Jones' life allows me to engage the diverse historiography on race, slaveholding, and wealth among Native Americans. As a nationalist who also happened to be of mixed Choctaw and Euro-American heritage, Jones' life helps bridge the gap between the collective works of Theda Perdue and Claudio Saunt on Native racial identity. Jones and his cohort clearly benefitted from connections to multiple cultures,

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<sup>13</sup> W. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972); Mary Jane Warde, *George Washington Grayson and the Creek Nation, 1843-1920* (Norman: University of Oklahoma Press, 1999); Tiya Miles, *The House on Diamond Hill: A Cherokee Plantation Story* (Chapel Hill: University of North Carolina Press, 2010).

but these connections did not dictate action or identity. Blood did not determine Jones' and other Choctaws' embrace of some Euro-American practices —“mixed bloods” often led traditional Choctaw lives and “full-bloods” went to schools and acquired wealth. Having both American and Choctaw kinship connections, however, served as an advantage in making social, economic, and political connections. In essence, “mixed blood” Choctaw Nationalists like Jones confirm Saunt's assertion race played an important role in Southern Indian societies. Nevertheless, by highlighting the ways in which Jones' blood quantum failed to dictate Jones' identity and actions confirms Theda Perdue's argument that the use of the term “mixed blood” to denote people of mixed Anglo and Native American descent has been falsely constructed and used to inaccurately connote acculturation and increased civilization.<sup>14</sup>

In *Rich Indians*, Alexandra Harmon argues that because “prosperous Indians have defied the expectations of contemporary historians” as presumed “rarities or anomalies,” they need to be reinterpreted.<sup>15</sup> Jones' affluence makes him a perfect case study to evaluate and expand on Harmon's model. As my work shows, outsiders constantly felt the need to qualify or explain Jones' wealth in terms of blood, education, or exposure to white society. Choctaws, on the other hand, saw little conflict between affluence and Choctaw identity. When placed within the broader context of Indians who have acquired large of amounts of material wealth throughout American history,

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<sup>14</sup> Theda Perdue, *“Mixed-Blood” Indians: Racial Construction in the Early South* (Athens: University of Georgia Press, 2003); Claudio Saunt, *Black, White, and Indian: Race and the Unmaking of an American Family* (New York: Oxford University Press, 2005); Claudio Saunt, *A New Order of Things: Property, Power, and Transformation of the Creek Indians, 1733-1816* (Cambridge: Cambridge University Press, 1999).

<sup>15</sup> Alexandra Harmon, *Rich Indians: Native People and the Problem of Wealth in American History* (Chapel Hill: University of North Carolina Press, 2010), 9. See also Circe Sturm, *Becoming Indian; The Struggle over Cherokee Identity in the Twenty-First Century* (Santa Fe: School for Advanced Research Press, 2011).

Jones becomes less anomalous and more indicative of Native Americans' negotiated status within a system of market capitalism and continued defiance of indigenous stereotypes created by the structures of settler colonialism.<sup>16</sup>

Moreover, this study draws upon cutting-edge research in Barbara Krauthamer's *Black Slaves, Indian Masters*, Christina Snyder's *Slavery in Indian Country*, and Fay Yarbrough's *Race in the Cherokee Nation*, to demonstrate the impact of race and slaveholding in the Choctaw Nation. Snyder argues that by 1830 Choctaws and other Southern Indians had developed a unique form of racial slavery that combined racial ideology with traditional forms of Native American captivity. By examining Jones and the role of race and slavery in the nineteenth century Choctaw Nation, my work demonstrates the growing divide between Choctaws who continued to practice traditional captivity versus those who favored the more brutal American peculiar institution. Moreover, my evaluation of codification of race and slavery complements observations made by Fay Yarbrough regarding race in the Cherokee Nation during the same period. Barbara Krauthamer's recent study also provides an important foundation for examining the experiences of slaves and the nature of slaveholding within the Choctaw Nation. Rather than examining the Choctaw slave and freedmen experience separately, however, I integrate their history into the larger narrative of the Choctaw Nation during the nineteenth century.<sup>17</sup>

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<sup>16</sup> Patricia Harmon, *Rich Indians*, Circe Sturm, *Becoming Indian: The Struggle over Cherokee Identity*.

<sup>17</sup> Barbara Krauthamer, *Black Slaves: Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South* (Chapel Hill: University of North Carolina Press, 2013); Fay Yarbrough, *Race and the Cherokee Nation: Sovereignty in the Nineteenth Century* (Philadelphia: University of Pennsylvania Press, 2008); Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge: Harvard University Press, 2010); R. J. Halliburton, *Red Over Black: Black Slavery among the Cherokee Indians* (Westport: Greenwood Press, 1977) Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540-1866* (Knoxville, University of Tennessee Press, 1979).

A handful of historians have provided tribal histories of the Choctaw Nation for various periods during the nineteenth century, but they have largely focused on cultural divides rather than the formation of a national political identity. Early historians including Grant Foreman and Angie Debo distill internal conflict to genetic makeup by asserting that “mixed-bloods” tried to force assimilation and acculturation, while “full-bloods” isolated themselves and largely disappeared. On the opposite side of the spectrum, Donna Akers dismisses the prominence of racial categorization and attributes internal divides to Choctaws who lived as whites and attacked traditional institutions. By simply dividing Choctaws into two categories, however, this analysis fails to recognize the flexibility of Choctaw culture and the simultaneous emergence of political identities predicated on protecting sovereignty and autonomy. In contrast, my work focuses on Choctaws who do not easily fit blood-based stereotypes or progressive versus traditional dichotomies but participate in the process of Choctaw nation-building.<sup>18</sup>

My focus on Choctaw nationhood highlights the continued power of Indians in the American South in the 1800s, despite the continued threat of American colonialism. Thus, it contributes to a number of recent studies that examine the Five Tribes within the broader context of nineteenth-century American state expansion while highlighting the continued political sovereignty of these Indian nations. Historians have yet to fully

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<sup>18</sup> Grant Foreman, *The Five Civilized Tribes* (Norman: University of Oklahoma Press, 1934); Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1934); Donna Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State University Press, 2004); See also James Taylor Carson “Greenwood Leflore: Southern Creole, Choctaw Chief” in *Pre-Removal Choctaw History: Exploring New Paths* (Norman: University of Oklahoma Press, 2008), 215-225.



examine the process of Choctaw nation-building within this framework.<sup>19</sup> Whereas Clara Sue Kidwell's *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970* offers the most comprehensive tribal history, this dissertation specifically highlights the role of the nineteenth century Choctaw Nation within the larger narrative of American history and explores how Choctaws turned the tables on the colonial system through selective adaptation.<sup>20</sup>

My study also contributes to the historiography on the Civil War and Reconstruction by merging the narratives of Native American history and American history for these periods. Currently, only a handful of studies consider the role of the Five Tribes in the Civil War and the impact of Reconstruction on these nations. Most narratives of the Civil War limit their attention to a brief footnote on famous Indian individuals including Ely Parker, Stand Watie, and John Ross, but fail to provide further analysis of the involvement of sovereign Indian nations in the conflict. The Choctaws appear to be an easy case to understand—slaveholding Indians dragging their traditional brethren into a reckless, self-serving alliance. There is much more to the story. I highlight the agency of Choctaw individuals and the power of the Choctaw Nation in negotiating an advantageous alliance with the Confederacy to best protect their national interests and autonomy. When the course of the war turned, Choctaws clearly demonstrated that their alliance with the Confederacy was predicated upon their own

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<sup>19</sup> These include Andrew Frank, *Creeks and Southerners: Biculturalism on the Early American Frontier* (Lincoln: University of Nebraska Press, 2006); Daniel Usner, *American Indians in the Lower Mississippi Valley: Social and Economic Histories* (Lincoln: University of Nebraska Press, 1998); David Chang, *The Color of Land: Race, Nation, and the Politics of Landownership in Oklahoma, 1832-1929* (Chapel Hill: University of North Carolina Press, 2010); Rose Stremmlau, *Sustaining the Cherokee Family: Kinship and the Allotment of an Indigenous Nation* (Chapel Hill: University of North Carolina Press, 2011).

<sup>20</sup> Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970* (Norman: University of Oklahoma Press, 2007).

national interests, preventing the tremendous damage inflicted upon other Native nations.<sup>21</sup>

After avoiding civil war during the Civil War, the Reconstruction era expanded Choctaw's internal divides, preventing them from successfully defending their nation from American colonial policies. Though national schools sluggishly resumed operation and Americans agreed to resume most previous treaty rights, the national consensus disintegrated. Failure to reach a consensus on critical issues—corrupt railroad companies who owned the US government, allotment, white invaders exploiting their resources, the status of freedmen—combined with untimely political corruption, led to internal Choctaw violence at levels previously unseen in the nineteenth century. In 1872, Robert M. Jones believed he had taken steps to break down Choctaw factionalism and mount a defense against outside threats. By 1873, he realized he had failed. Only months later, he died suddenly.

In life and death, Jones can be used to understand the broader contours of Choctaw nationhood in the nineteenth-century. In light of his financial success, education, and “mixed-blood,” colonial agents attempted to use Jones' life to promote a historical narrative of an advanced few Indians dragging primitive traditionalists towards a regretful, but inevitable, assimilation with white Americans. This narrative paints Choctaws into one of two corners—embracing “progress” while abandoning their national identity or keeping their identity only by forsaking outside institutions. This,

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<sup>21</sup> See Laurence M. Hauptman, *Between Two Fires: American Indians in the Civil War* (New York: Simon & Schuster, 1995), i-x; Mark A. Lause, *Race and Radicalism in the Union Army* (Urbana: University of Illinois Press, 2009); Ohland Morton, “The Confederate States Government and the Five Civilized Tribes, Part I,” *Chronicles of Oklahoma* 31 (Summer 1953); Kenny Franks, “An Analysis of the Confederate Treaties with the Five Civilized Tribes,” *Chronicles of Oklahoma* 31 (Winter 1972); Christine Schultz White and Benton R White, *Now the Wolf has Come: the Creek Nation in the Civil War* (College Station: Texas A&M Press, 1996); Mary Jane Warde, *When the Wolf Came: The Civil War and the Indian Territory* (Fayetteville: University of Arkansas Press, 2013).

of course, was predicated upon the notion that a true Choctaw National identity was either permanently static or permanently lost. Within the backdrop of allotment, statehood, and termination, this narrative gained a tacit acceptance among the Choctaw and American societies.

## CHAPTER ONE: “LET US NEVER DESPAIR”: CHOCTAWS IN THE AGE OF REMOVAL

In October, 1808, Robert M. Jones entered the world at a critical period in Choctaw history. The collapse of imperial contestation in the American South left the Choctaws unable to make European powers compete amongst themselves for favorable trade conditions and political alliances. Instead, they now had to contend with an aggressively expanding United States. In order to survive this crisis, they creatively adapted to the influence and intrusion of white Americans into their land and society by creating a more centralized national political organization and selectively embracing various aspects of Euro-American culture. Thus, a changing and chaotic world shaped Jones’ early experiences.<sup>1</sup>

Historians know very little about Jones’ childhood. During his youth he lived along a military road constructed by the United States through Choctaw lands— quite literally on the crossroads between Choctaw and American worlds. As a young boy, he witnessed his Choctaw brethren victoriously returning from the Battle of New Orleans alongside Andrew Jackson’s regulars. He grew up speaking both English and Choctaw but his familial connections are somewhat less clear—in fact, historians and genealogists for generations have tried in vain to definitively prove either the name of his mother or father. All that is conclusively known about his father is that he was a white man who traded with the Choctaws. Jones believed that his family had connections to the Jennings line in colonial Virginia and kept a wedding certificate as proof. Jones’ mother’s connections are almost as confusing. She was of mixed

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<sup>1</sup> Michael L Bruce, “‘Our Best Men are Fast Leaving Us’: The Life and Times of Robert M. Jones,” *Chronicles of Oklahoma*, 3 (Fall 1988), 294.

Choctaw and European descent from a prominent family, linked to chiefs Apukshunubbe and Franchimastubbee, as well to traders Thomas James and Benjamin James.<sup>2</sup> Her last name was McDonald, but her first name has faded from historical record. At least two of her five sisters (or half-sisters) also married prominent traders and farmers who lived among the Choctaws.<sup>3</sup> Despite the lack of documentary sources relating directly to Jones' early life, the transformations occurring within Choctaw society at the time of his birth are well documented.

Jones grew up amidst profound cultural, political, and economic changes, which permeated society as certain Choctaws adopted some Euro-American cultural practices. Though they did this primarily as a defense mechanism, they did so on their own terms. Jones fit the mold of what American presidents ranging from George Washington to Andrew Jackson sought to create with the "civilization program." He was proficient in English, as well as several other languages, including Latin. As a child, he received a basic education at missionary schools within the Choctaw Nation. He then attended Choctaw Academy in Blue Springs, Kentucky, where he specialized in business and

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<sup>2</sup> B.F. Allen, "Governor William Trousdale," *The American Historical Magazine* 7 (Nashville: A.V. Goodpasture, 1902), 320. A special thanks to genealogist Jennifer Miers for her assistance in pinning down names, dates, and locations for Jones, his wives, and distant family.

<sup>3</sup> Historians W.M. Morrison and Muriel Wright expended considerable effort to determine Jones' lineage, only to reach inconclusive answers. More than likely, Jones' father was John Jones Sr., a trader who later married Katy Riddle and possibly had multiple families in the Choctaw Nation. Jones mentions the death of paternal uncle Samuel Jones and visiting "father" in one letter, but does not list a name. His mother is referenced only through his connections with a maternal cousin. The difficulties in deciphering Jones' genealogy are especially peculiar given the large number of his relatives that can be positively identified—mostly aunts, uncles, and cousins--and his frequent appearance in the documentary records. Yet, this fact is also somewhat revelatory in that it suggests Jones appears to have regarded family in both the Choctaw and American sense, embracing all family to a degree. Choctaws were traditionally a matrilineal society in which paternal family maintained limited connections, but the universality and primacy of this system was one of the many changing features of Choctaw society during Jones' life. In the 1890s, a Choctaw orphan who had temporarily lived with Jones later described Alexander Mackey, Jones' paternal cousin, as his brother, based on their interactions. Another observer noted Benjamin James Jones, an apparent paternal half-brother, as being Jones' brother. See Muriel Wright Collection, Box 8, OHS.

religion. His educational prowess drew the attention of future United States vice president Richard M. Johnson, who served as the proprietor of the school. He also converted to Christianity, joined the Freemasons, and cultivated key relationships with missionaries living among the Choctaws. Furthermore, Jones heavily engaged in the market economy, developed tracts of land as a farmer and rancher, and owned African slaves.<sup>4</sup>

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Although he seemed to fulfill every criterion for “civilization” desired by the U.S. government, Jones simultaneously represented a new type of Choctaw citizen viewed by many in his society as the best defense against the United States. He was not alone. By the 1820s, many young Choctaws began to successfully integrate aspects of Euro-American culture into the political, economic, and social structure of the dynamic Choctaw Nation. Peter Pitchlynn, James McDonald, Greenwood Leflore, David Folsom, and George Hudson, among many others, with maternal connections to powerful Choctaw families rapidly ascended to leadership positions. By the time of removal, Jones found himself among this increasingly-powerful cohort of young men who served as cultural brokers between two polities: the United States and Choctaw Nation.

The Choctaw drive for education, market connections, and political reform corresponded with similar trends in the United States. Many historians frame this

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<sup>4</sup> Valerie Lambert, *Choctaw Nation: A Story of American Indian Resurgence* (Lincoln: University of Nebraska Press, 2007), 42-43; Carolyn Thomas Foreman, “The Choctaw Academy,” *Chronicles of Oklahoma* 6 (Winter 1928), 468; “Choctaw Academy Notes,” Box 9, Folder 12, Grant Foreman Collection, Oklahoma Historical Society, Oklahoma City, Oklahoma (Hereafter cited as OHS); “Diploma,” Box 1, Folder 1, Robert M. Jones Collection, OHS; W.B. Morrison, “Diary of Rev. Cyrus Kingsbury,” *Chronicles of Oklahoma* 2 (Summer 1925), 154; It is not exactly known which missionary school Jones attended.

phenomenon in terms of Native polities defensively degrading their cultural mores to better withstand Euro-American expansion.<sup>5</sup> Though this certainly is part of the story, this chapter examines Choctaw political and social change more accurately in terms of ongoing national development rather than cultural degradation. Moreover, while removal is typically identified as the impetus for major societal change among the Choctaws, this chapter demonstrates that Choctaw nationhood began to develop in tandem with the early period of American nation-building during the pre-removal era. The removal crisis of the 1830s then tested Choctaws' newly-defined political cohesion and solidified the integration of several Euro-American culture trends into Choctaw National identity.

As early as the late eighteenth century, power relations and political organization among Choctaws began to drastically change as a result of the collapse of imperial contestation in North America and new trade and diplomatic relations with the United States.<sup>6</sup> Historian Greg O'Brien argues that this constituted "a revolutionary

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<sup>5</sup> Lawrence Davidson, *Cultural Genocide* (New Brunswick: Rutgers University Press, 2012), 21-44; Donna Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State University Press, 2004), 26-28, 34-37, 50-51, 55.

<sup>6</sup> Choctaws divided their society between five, later three, geographically-distinct districts. Each district likely became Choctaws at different times and as a result of various diasporas. As is true with many Southern Native polities during the colonial period, membership in towns, clans, and districts determined identity and behavior as much or more so than tribal affiliation. For instance, the Choctaws of the Southern district, known as the Six Towns People (Okla Falaya clan), distinguished themselves with their long hair, tattoos around their mouth, and linguistic peculiarities. An early account from French explorers estimated the Choctaws had forty-two villages, or "little republics." These towns formed a loose confederation that lacked any regular centralized government apparatus but remained tied together politically and socially through clan and town affiliation. An early account from French explorers estimated the Choctaws had forty-two villages, or "little republics." See Patricia Galloway, "'So Many Little Republics': British Negotiations with the Choctaw Confederacy" *Ethnohistory* 41 (Autumn 1994), 513, 519, 523-524. For a discussion of Choctaw coalescence in the early period see Patricia Galloway, *Choctaw Genesis, 1500-1700* (Lincoln: University of Nebraska Press, 1996) and Robbie Ethridge *Mapping the Mississippi Shatter Zone*. For more on local community organization and identity among Southern Indians during the eighteenth period see Joshua Piker, *Okfuskee: A Creek Town in Colonial America* (Cambridge: Harvard University Press, 2006). Also see, Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos*

age” among Choctaws, as well as among Americans. The earliest Indian policies of the American republic were inconsistent, but in the Southeast, George Washington largely advocated a “civilization program” to Christianize, educate, and train Indians in yeoman farming. Thomas Jefferson then integrated Indian “civilization” policy into his larger imperial vision of the American nation. According to historian Peter Onuf, Jefferson projected a bold experiment in republicanism, in which Americans were a united people, “conscious of themselves as a nation with a crucial role to play in world history.” In order to fit within his national vision of the continent as “a single country, the future home of one great people,” Indians had to become “civilized” or face removal and extinction.<sup>7</sup>

As Jefferson argued in his famous *Notes on the State of Virginia*, once Indian men became the main farmers and women tended the home, then “the natural progress of things” would induce Natives to become “citizens of the United States,” a process “better to promote than retard.” Ideally, this would happen gradually as settlers moved further west, “where our settlements and theirs meet and blend together.” To advance this goal and smooth the transition, he believed the U.S. should purchase Choctaw land under fair treaties in exchange for tools to advance ideas of “civilization.”<sup>8</sup> As was true with numerous aspects of Jefferson’s life, his political and personal actions often fell short of his lofty stated ideals. A critical tenet of Jefferson’s “Revolution of 1800” included the expansion yeoman farmers onto available land—land belonging to Native

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(Lincoln: University of Nebraska Press, 1988) for a detailed discussion of Choctaw and European trade and diplomatic relations in the eighteenth century.

<sup>7</sup> Peter Onuf, *Jefferson’s Empire: The Language of American Nationhood* (Charlottesville: University of Virginia Press, 2000), 2, 16.

<sup>8</sup> Thomas Jefferson to Benjamin Hawkins, *The Writings of Thomas Jefferson*, (Washington D.C.: 1903-1904), Vol X, 363.



Americans. Vocal opposition to Indian landholding in Mississippi began in 1803 after Napoleon abruptly decided to sell the entire territory to the Americans. Pressured, Jefferson advocated encouraging Indians to fall into deep levels of debt to private firms to force land cessions. This strategy worked especially well with Choctaw chiefs like Franchimastabé who were attempting to solidify their position in society through monopolizing access to trade goods. Three such treaties took place during Jefferson's administration. Stipulations in these treaties included the cession of over 7.5 million acres of land mostly in exchange for debt forgiveness and farm implements. One of these treaties was so unbalanced that Jefferson refused to submit to the Senate for two years until he felt that he needed additional political clout with Southwestern voters.<sup>9</sup>

The implementation of the "civilization" policy corresponded with drastic changes in both the Choctaw Nation and the United States. The 1793 patent of Eli Whitney's cotton gin transformed cotton from a cumbersome crop into white gold. To meet the insatiable worldwide demand for cotton, Americans in the South began to agitate for the expansion of the plantation system and African slavery into territory occupied by Native Americans. Simultaneously, the Choctaws adapted to their own increased demand for Euro-American trade by overhunting and depleting the deer populations west and east of the Mississippi River. This created a crisis, throwing the Choctaws deep into debt with traders and causing a reevaluation in critical cultural tenets. Subsequently, Choctaws began to embrace tenets of the "civilization" policy that they could use to their advantage. As the U.S. nation-state made plans to expand its

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<sup>9</sup> As was true with numerous aspects of Jefferson's life, his political and personal actions often fell short of his lofty stated ideals. Bernard W. Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (Chapel Hill: University of North Carolina Press, 1973), 11; Onuf, *Jefferson's Empire*, 78-107; Arthur H. DeRosier, *Removal of the Choctaw Indians* (Knoxville: University of Tennessee Press, 1981), 25, 31, 33, 35.

imperial domain across the entire North American continent, the Choctaws along with other Southern polities creatively adapted to their new relationship with the United States by participating and competing in the burgeoning market economy.<sup>10</sup>

Choctaws changed their power structure so that chiefs who could control trade with Euro-Americans would fill leadership roles. By slightly altering their political organization at the turn of the nineteenth, they managed to live in dependence upon trade goods while avoiding full dependency even after the playoff system ended. Even with burgeoning economic transitions, Choctaw chiefs respected the autonomy of other districts in domestic and foreign affairs. Each district chief selected lower chiefs and captains, or local leaders, whose authority never went beyond the district. Robert M. Jones, for instance, became a captain in the Western district slightly before removal—a position which carried no authority in other districts. Under this system, the Choctaws much more closely resembled a confederacy than a nation. Yet, the divergent roles of two prominent chiefs, the very traditional Taboca and the more progressive Franchimastabé, demonstrate the nature of the changes in Choctaw society. Franchimastabé's successful leadership of war parties and Taboca's ability to maintain peace between internal and external factions made them both powerful leaders. In the 1780s, Taboca continued to follow a traditional path, performing several elaborate rituals, including the Eagle Tail Dance, to make delegates of the United States fictive kin to the Choctaws at the Hopewell Conference in 1785. But Franchimastabé modified

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<sup>10</sup>Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Harvard: Harvard University Press, 2009), 47; James Taylor Carson, "Horses and the Economy and Culture of the Choctaw Indians, 1690-1830," *Agricultural History* 71 (Winter 1997), 71-88.

traditional trends by augmenting and solidifying his power through dictating diplomacy and warfare on the basis of securing consistent personal control over trade goods.<sup>11</sup>

When Franchimastabé became unable to control Choctaw hunting and trading practices via traditional channels, he instead controlled trade by “figuratively and literally” adopting Euro-American traders who lived in Choctaw villages. This had long-term ramifications for the Choctaws because these men frequently married the daughters of prominent families and produced offspring who had access to both developing Choctaw and American nations. As overhunting led to scarcity of deer populations, Franchimastabé continued to skillfully manipulate the geopolitical realities of the Southeast by playing American traders against remaining Spanish authorities. To an extent Franchimastabé’s actions resembled earlier practices in which chiefs controlled the flow of all trade to ensure fair access to those in need. Where his action differed, however, was that he made decisions of war and peace based on access to trade goods. He also began to distribute trade goods primarily to his supporters, which elevated their status in society. Thus, material wealth began to play an increasingly significant role in dictating one’s prestige and rank in Choctaw society. Stratification was not a new feature of Choctaw society, but by the turn of the nineteenth century, property accumulation began to compete with kinship relations for shaping the social structure.<sup>12</sup> When Franchimastabé declared in 1800 that “the time of hunting and living by the gun was near its end”, this was not a concession of degradation or dependency. Rather, as a leader who had mastered trade relations, he heralded change and believed

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<sup>11</sup>Greg O’Brien, “The Conqueror Meets the Unconquered: Negotiating Cultural Boundaries on the Post-Revolutionary Southern Frontier,” *The Southern of Southern History*, 67 (Feb 2001), 36-40, 57.

<sup>12</sup> *Ibid.*, 49, 87; White, *Roots of Dependency*, 109; Timothy Earle, *How Chiefs Come to Power: The Political Economy in Prehistory* (Stanford: Stanford University Press, 1997), 6-8.

that it could benefit the Choctaws. Thus, after 1800, most Choctaw chiefs much more closely resembled Franchimastabé's style of chiefly power through economic authority than Taboca's spiritual power.<sup>13</sup>

Economic changes coincided with these political fluctuations in the three Choctaw districts and the surrounding states. Members of indigenous polities in the South and Euro-American citizens in the nascent United States simultaneously began transitioning from subsistence to a market based economy. This "market revolution," studied extensively by historians of the Early American Republic, created class stratification, undermined the importance of family and communal life, and drastically altered gendered labor roles.<sup>14</sup> Subsistence agriculture persisted among most Choctaw families, but a growing class of elite Choctaws who accumulated material wealth diversified the Choctaw economy. As the deer trade waned, Choctaws particularly embraced free-range and controlled cattle ranching as a viable replacement. They owned impressive numbers of cattle, pigs, and horses throughout the nineteenth century. As early as 1828, "the cattle herd numbered over 43,000 head, a ratio of 2.07 cows per person." Notably, the Choctaws also held upwards of 85,000 swine in and around their

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<sup>13</sup> For most elite Choctaws, "after 1800 the die was cast; a new world awaited them, shaped more by Euro-American expectations than traditional Choctaw ones." Decades before, skillful hunters knew that they could combine the manipulation of spiritual power and prowess in battle as a ladder towards a position of power and authority. By 1800, few possibilities existed even for the most adept hunters. Conversely, new types of chiefs who could serve as culture brokers between Choctaws, other Southeastern polities, and Euro-Americans asserted their right to represent the entire confederacy in diplomatic relations and trade. These men recognized their contact with the surrounding powers and resulting material gain meant that economic sources of power would trump traditional symbols of authority and masculinity. See also, O'Brien *Choctaws in a Revolutionary Age*, 99-101 and Saunt, *A New Order of Things*.

<sup>14</sup> Numerous studies explore the "market revolution" in the early American Republic but for a comprehensive examination see Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1994).

farms along with upwards of 15,000 horses. Together, the value of Choctaw ranching comprised well over \$1,000,000.<sup>15</sup>

Increased dependence upon commercial cattle ranching also created conflict in Choctaw gender roles. Men became the primary caretakers for cattle because their traditional labor roles required they provide food from animal sources. However, tending fields and producing food at home fell within the realm of women's sacred power. To resolve this issue, some Choctaws began to categorize domestic cattle as part of the women's responsibilities but free range cattle as part of the men's. For instance, one word for cattle was *alhpoa*, or, literally meaning "fruit trees such as are cultivated," implying that the domestic cattle fit under the same category as local fauna that women had always tended. Using such language meant that women's special role in extracting valuable food—whether it be corn from stalks, fruit from trees, or milk from cows—remained intact following the rise in cattle ranching. Conversely, the new masculine word *wakatubbee*, meaning "cow-killer", connected men who became ranchers to the acceptable masculine role of hunting.<sup>16</sup>

By the first few decades of the nineteenth century, all three districts had chiefs who strategically embraced the integration of Euro-American market-oriented culture into more traditional areas of Choctaw culture. They selectively incorporated African slavery into more traditional indigenous forms of captivity. Many younger chiefs formed direct ties with the growing market economy, and two of the three—Mushulatubbee and Pushmataha—held African slaves. During the seventeenth and

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<sup>15</sup> John Taylor Carson, *Searching for the Bright Path: The Mississippi Choctaws from Prehistory to Removal* (Lincoln: University of Nebraska Press), 75. For an earlier examination of the problems of livestock in Native communities, see Virginia DeJohn Anderson, *Creatures of Empire* (New York: Oxford University Press, 2004).

<sup>16</sup> Carson, *Searching for the Bright Path*, 76-77.

eighteenth centuries, Choctaws systematically captured war captives as a mechanism for population stability. Many of these captive were adopted into a clan and enjoyed full inclusion in society while un-adopted captives fell into a social category considered to be less than fully human. While this type of captivity could last throughout an individual's lifetime, the Choctaws did not practice hereditary captivity, meaning that the children of captives were born free. As Christina Snyder has demonstrated, the loose spectrum of captivity practices shifted to a more rigid form of racial slaveholding with the Choctaw entry into the American market economy. Simultaneously, Choctaws began "grafting notions of race and polygenesis onto older captivity practices." By the early nineteenth century, nearly all captives were African American or Afro-Choctaw and considered to be an important source of exploitable labor.<sup>17</sup>

Traditional spiritual practices and clan-based law enforcement also remained a significant aspect of Choctaw identity even among those most accepting of Euro-American lifestyles. As late as the 1820s, for instance, a Choctaw named Ookatibbé, went against traditional Choctaw gender roles by working in the fields and picking cotton. He claimed to love "whites," and even "love their laws better than my own." One evening Ookatibbé fatally stabbed another Choctaw named Lobolly Jack—a crime which obligated Lobolly Jack's clan to avenge the death. Ookatibbé reluctantly took the advice of American missionary friends and fled on horseback during the night, only to return the next day to voluntarily face execution. He explained that despite his love for

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<sup>17</sup> Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge: Harvard University Press, 2010), 193-194, 20, 1; Clara Sue Kidwell, *Choctaws and Missionaries in Mississippi, 1818-1918* (Norman: University of Oklahoma Press, 1997), 17-18; Gideon Lincecum, *Pushmataha: A Choctaw Leader and His People*, ed. Greg O'Brien (Montgomery: Fire Ant Books, 2004), xvi.

Euro-American practices, he could not betray the Choctaw system of clan-based spiritual justice in favor of American, Christian-based justice.<sup>18</sup>

Despite their Christian imperative, missionaries living among the Choctaws quickly discovered only a minority had an interest in conversion but a majority seemed to take an interest in schooling. Young missionaries including Methodists Cyrus Kingsbury and Cyrus Byington were among the first to answer the call to Christianize and educate the Choctaws in the early 1820s. Kingsbury, Byington and others made it their life missions to fill this role as educators. In Kingsbury's own words, he intended to "make our graves with them."<sup>19</sup> As the desire for schools among Choctaws increased, missionaries assumed a role as educators and in many instance worked to preserve rather than eradicate Choctaw culture. The zeal for education among Choctaws led to some unanticipated results. For instance, several missionaries worked with Christian Choctaws to translate the Bible from the original Greek into Choctaw language, creating a Choctaw syllabary in the process. Though the missionaries intended to use a written Choctaw language for conversion purposes, in the decades to

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<sup>18</sup> See James Adair, *The History of the American Indians* (London: Printed for Edward and Charles Dilly, 1775), 282-352; Carson, *Searching for the Bright Path*, 1-8, 127-135; Another clear example of the persistence of traditional Choctaw spiritual beliefs occurred in 1819 when Choctaws reportedly killed an elderly woman accused of practicing witchcraft. The only evidence against this woman was that a young Choctaw woman died suddenly after appearing to recover from an illness. The elderly woman was likely scapegoated because she had no kinship connections within the Choctaw Nation, thus reducing the chances of a possible retaliation from opposing clan members. Witchcraft charges were also leveled against members of influential Choctaw families who were perceived to have deviated too far from traditional life. Even Franchimastabé received various threats from traditional Choctaws upon hearing rumors that he had overreached in his authority. Traditional, spiritual power clearly continued, but no longer represented the sole litmus test for leadership. See O'Brien, *Choctaws in a Revolutionary Age*, 109.

<sup>19</sup> Cyrus Kingsbury to Board, May 1846, Box 5, Folder 3, Cyrus Kingsbury Collection, Western Histories Collection, University of Oklahoma; Arthur DeRosier, Jr, "Pioneers with Conflicting Ideals: Christianity and Slavery in the Choctaw Nation," *The Journal of Mississippi History* 21(July 1959), 174-189; Louis Coleman, *Cyrus Byington: Missionary and Choctaw Linguist* (Nebraska: Morris Publishing, 1996).

come Choctaws employed their written language for writing laws, constitutions, songs, newspapers, commercial records, and court proceedings which could be widely read.<sup>20</sup>

As many Choctaws began to selectively integrate Euro-American cultural practices with more traditional aspects of Choctaw society in the first few decades of the nineteenth-century, they also began to construct a collective national identity. Although Choctaws remained tied to town and district associations, these largely autonomous units pragmatically started to form a more cooperative political apparatus in response to external threats. This process is clearly demonstrated by several political actions and diplomatic decisions of the Choctaws during the overlapping War of 1812, Red Stick War, and Tecumseh's War.

Despite several manipulative treaties, Choctaw leaders felt that it was sensible for them to remain closely aligned with the United States in the early republic period. Shawnee Sachem Tecumseh ventured into Choctaw villages attempting to recruit Choctaws to join a pan-Indian war against the expanding United States. Though they traditionally made autonomous political decisions, the three district chiefs understood the need to speak with one voice when it came to a potential continental war. Therefore, they held a council at the home of Chief Mushulatubbee and publicly debated whether or not to join Tecumseh's forces. Pushmataha, known for his wartime prowess and oratorical skills, voiced the opinion of the chiefs against joining Tecumseh. The other chiefs agreed and politely requested Tecumseh leave their territory once the decision had been made. Although a few Choctaw families disregarded the will of the

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<sup>20</sup> Louis Coleman, *Cyrus Byington*, 7-14.



chiefs and joined Tecumseh, the majority of Choctaws from all three districts united behind Pushmataha's rejection of Tecumseh's call to arms against Americans.<sup>21</sup>

Rather than seek neutrality, Choctaw warriors openly offered their services to the United States after the burning of Fort Mims by Red Stick Creeks. Approximately 600 Choctaws took up arms and marched into Upper Creek territory. They fought alongside United States regulars, militia, Cherokees, and Lower Creeks under the command of General Andrew Jackson at the famous Battle of Horseshoe Bend, which broke the back of Red Stick Creek resistance to the United States. In 1815, they again joined the side of General Jackson in defeating the British in the final battle of the war at New Orleans.<sup>22</sup>

The Choctaws believed they had cause to celebrate with their American allies. Their shared victory at New Orleans was far and away the most impressive American military campaign in a comedy of errors that was the war against the British. Mississippi's territorial government repeatedly and publically lauded the Choctaws for their brave and loyal wartime contributions. Moreover, Choctaws closely watched as the United States exacted harsh punishments against the Creek Nation as a whole, rather

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<sup>21</sup> Though Horatio Cushman, a white traveler through Indian Territory, provides a sensationalized dialogue between Pushmataha and Tecumseh, many of the details are suspect and thus omitted. See Horatio Cushman, *History of the Choctaw, Chickasaw, and Natchez Indians*, (Greenville: Headlight Printing House, 1899), 302-323; Thomas S. Martin, "Choctaw Indians" *Encyclopedia of the War of 1812*, (Annapolis: Naval Institute Press, 1997), 103-14; John Pitchlynn to General James Robertson, April 27<sup>th</sup>, 1813, *The American Historical Magazine* 5 (October, 1900), 279.

<sup>22</sup> Ibid; Michael Green, *Politics of Removal: Creek Government and Society in Crises* (Lincoln: University of Nebraska Press, 1985), 2-24, 84-85; Claudio Saunt, *A New Order of Things: Property, Power, and the Transformation of the Creek Indians, 1733-1816* (Cambridge: Cambridge University Press, 2003), 263-267.

than what remained of the disloyal Red Stick element.<sup>23</sup> Such a fate would likely have befallen the Choctaws had they divided their loyalties like the Creeks.

Their shared victory only emboldened Americans to expand further west with limited threat of backlash from Natives polities and the weakened Spanish empire. An ongoing American transportation revolution in which long turnpike roads, canals, steamships, and trains extended the possible markets for trade goods also encouraged western settlement. The prices for cotton and other staple crops exploded, making the land occupied by the Choctaws incredibly valuable if used for large-scale plantation farming. All of these trends corresponded with a surge of post-war nationalism heralded as “the era of good feelings,” in which the United States defended independence, defeated partisan politics, and believed expansion to be inevitable.<sup>24</sup>

Subsequently, in 1820 Secretary of War, Calhoun heeded numerous calls from the citizens and representatives of Mississippi who demanded the federal government free up Choctaw land for white settlement. Mississippi Governor George Poindexter requested Calhoun settle the matter by offering the Choctaws “a small consideration” to trade their lands in Mississippi for lands in Arkansas. Before negotiations even began, editors at the *Arkansas Gazette* agreed that “it is no doubt good policy in the states to get rid of all the Indians within their limits as soon as possible” but feared retaliation from Choctaws sent within their borders. The *Mississippi Gazette* assured the citizens of Arkansas Territory that “the Indians must be removed from her soil” once they receive statehood, regardless of the claims in the proposed treaty. Both sides ignored

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<sup>23</sup> John G. Long, “Resolutions from State Capital, Mississippi,” *Chronicles of Oklahoma* 5 (Winter 1928), 480-482; Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007), 75.

<sup>24</sup> Paul A. Gilje, “The Rise of Capitalism in the Early Republic,” *Journal of the Early Republic* 16 (Summer 1996), 159-181; Howe, *What Hath God Wrought*, 93-120.

the obvious irony when arguing that the Choctaws—the people they believed must be removed based on their inability to become civilized—were no threat to Arkansans because they were already “civilized and well-mannered.”<sup>25</sup> They also viewed it as a foregone conclusion that the Choctaws would be forced to relocate regardless of their sovereign rights, level of acculturation, or previous treaty stipulations.

Initially, Choctaw leaders refused Calhoun’s overtures to meet for a new treaty because they recognized that the United States would demand additional land cessions. They only consented when their former commander, General Andrew Jackson, joined the delegation. This proved to be a fateful error as Andrew Jackson privately stated his intention of “doing away with the farce of treating with Indian tribes” because they were “standing in the way of progress.” The resulting negotiations and Treaty of Doak’s Stand triggered a series of crises within the Choctaw community and imparted the fear that removal policies might become inevitable.<sup>26</sup>

At the Doak’s Stand treaty negotiations Pushmataha from the Six Towns District, Mushulatubbee from the Northwest District, and Apukshunnubbe from the Western district represented the Choctaw people.<sup>27</sup> Each of these three men had considerable experience in negotiating with U.S. officials. Furthermore, both Pushmataha and Mushulatubbee had donned American uniforms and taken up arms beside General Andrew Jackson during the War of 1812. Expecting a reasonable negotiation with their former ally, the chiefs instead received a blunt ultimatum. Disregarding numerous prosperous farms and budding cattle ranches, Jackson

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<sup>25</sup> DeRosier, *The Removal of the Choctaw Indians*, 57; *Arkansas Gazette*, October 7, 1820; *Mississippi State Gazette*, November 25, 1820.

<sup>26</sup> DeRosier, *Removal*, 64; Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1934), 51.

<sup>27</sup> A wide variation exists on both chiefs’ names and district names.

announced: “You have more land than you can cultivate...it is useless to yourselves.” Continuing in a paternalistic manner, he added that “the President expects no difficulty with his Choctaw children” in agreeing to removal. Failure to acquiesce, he insisted, would mean that the president “can no longer look upon you as friends and brothers, and as deserving his fatherly protection...If you suffer any injury...none but yourselves will be to blame.” Jackson offered only one other option—remain in Mississippi while forfeiting claims to both land and sovereignty and accepting the laws of the state of Mississippi.<sup>28</sup>

Negotiations became heated on both sides. Jackson threatened the Choctaws with national destruction and openly stated that he would find Choctaws who would submit to his proposals if the chiefs would not. A legendary story that circulated for several decades reported that Jackson cried out “I wish you to understand that I am Andrew Jackson, and, by the Eternal, you *shall* sign that treaty as I prepared it.” To which, Pushmataha replied “I know very well who you are, but I wish you to understand that I am Pushmataha...and, by the eternal, I will *not* sign that treaty.” Finally, after Apuckshunubbee left the treaty grounds, Jackson slightly modified the treaty proposal to grant the Choctaws the proceeds from the sale of 34,000 acres out of nearly 5,000,000 acres in total to be ceded which would fund education and a tribal police force called the “Light Horsemen.”<sup>29</sup> The Choctaws also received nearly 13,000,000 acres in what is now Arkansas and Oklahoma. Jackson left Doak’s Stand feeling satisfied that “at least two-thirds of the nation” would remove west and save

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<sup>28</sup> American State Papers, “A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774 – 1875,” Indian Affairs, Vol 2, 235-245; Frederick Hoxie, *This Indian Country: American Indian Activists and the Place They Made* (New York: Penguin Books, 2013), 66.

<sup>29</sup> Charles Lanman, *Recollections of Curious Characters and Pleasant Places* (David Douglas, 1881), 219-221.

their deteriorating culture while the remaining one-third, primarily the more cultured “half-breeds” who created mischief and robbed the tribes of annuities, would submit to federal and state authority. Faced with men like Jackson, the Choctaws realized that they could only survive with a drastic change in tactics.<sup>30</sup>

Following the treaty at Doak’s Stand, Choctaw leaders acknowledged that despite their unified and pragmatic diplomacy, the United States had no interest in equitable relations. Rising American politicians viewed Native Americans, regardless of levels of acculturation, as obstacles to Western expansion—obstacles that would have to be removed. The idealistic assimilationist vision espoused by Washington and Jefferson had clearly eroded into one of aggressive racism and imperial force. As a result, Choctaw leaders started to conceptualize a better knowledge of the intricacies of American culture and politics as the best available hope to safeguard the future of the Choctaw people. They needed Choctaws who spoke both languages fluently, received an American-style education, understood the minutiae of critical legal issues including citizenship and sovereignty from multiple perspectives, and who would continue to serve Choctaw society.

By design, a rising cadre of young male Choctaws rose to the task at hand. Members of this cohort not only served as cultural brokers between the Choctaw people and United States officials, they also reshaped the parameters of Choctaw identity.<sup>31</sup> They increasingly fashioned an indigenous identity rooted in constructions of

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<sup>30</sup> Hoxie, *This Indian Country*, 69; James Taylor Carson, “Greenwood Leflore: Southern Creole, Choctaw Chief” in ed. Greg O’Brien, *Pre-Removal Choctaw History: Exploring New Paths* (Norman: University of Oklahoma Press, 2008), 223.

<sup>31</sup> For on cultural brokers, see James Merrell, *Into the American Woods: Negotiators on the Pennsylvania Frontier* (New York: Norton, 1999); Frederick Hoxie, *This Indian Country: American Indian Political Activists and the Place They Made* (New York: Penguin Press, 2012).

autonomous and progressive Choctaw nationhood. Several prominent leaders, including Peter Pitchlynn, David Folsom, James McDonald, and Robert M. Jones, emerged as the mold of what the Choctaws needed in order to secure their claims to land and sovereignty.

Peter Pitchlynn was the grandson of British trader and agent Isaac Pitchlynn, who had entered the Choctaw Nation in the mid-eighteenth century. Isaac died suddenly in 1774, leaving the care of his seventeen-year-old son John Pitchlynn to the Choctaws. John Pitchlynn quickly learned the Choctaw language and expanded his father's financial operation to include cattle ranching and the cultivation of cotton and corn. After the American Revolution, the nascent United States recognized the importance of exerting their influence among distant Native groups and placed John Pitchlynn on retainer as an interpreter for \$300 a year. John Pitchlynn proved his value by interpreting every major treaty between the United States and Choctaws through 1830, while openly advocating friendly relations between Americans and Choctaws.<sup>32</sup>

Peter Perkins Pitchlynn, the oldest child from John Pitchlynn's second marriage, grew up in his mother's and father's worlds. In accord with tradition, Peter's mother, a niece of Mushulatubbee named Sophia Folsom, primarily raised Peter in a manner that mirrored other Choctaw children. This changed in 1820 when Peter reached age fourteen and his father insisted that he receive a traditional Euro-American education. Peter attended various schools throughout Tennessee where he studied philosophy, civics, poetry, and medicine and claimed to have graduated from University of Nashville. He later used tribal funds to fund multiple brief stints at law schools in the

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<sup>32</sup> W. David Baird, *Peter Pitchlynn: Chief of the Choctaws*, (Norman: University of Oklahoma Press, 1972), 10-18.

United States. Unlike the previous two generations of Pitchlynns, Peter had a Choctaw name (*hat-choo-tuck-nee* or “snapping turtle”) and self-identified as Choctaw, while still embracing the advantages that came with a white father. This unique trait placed him in a position to better serve both the Choctaw interests and his own personal interests.<sup>33</sup>

In addition to Peter Pitchlynn, several members of the Folsom line emerged as potential leaders after 1820. Trade prospects brought Scots-Irish traders Nathaniel, Ebenezer, and Edmund Folsom from North Carolina into the Choctaw territory where they married prominent Choctaw women and fathered large families. Of Nathaniel’s twenty-four children, David Folsom distinguished himself from the others with his drive for temperance, Christianity, and education. Like Peter Pitchlynn, David Folsom spent several months studying in Tennessee and continued the family business of commerce and agriculture upon his return to the Choctaw Nation in 1810. His experiences convinced him that the Choctaws must focus on expanding local education and advocacy of Christianity in order to survive. To this end, Folsom personally extended invitations to missionaries to come to the Choctaw Nation and establish schools in 1819. In 1822, Folsom addressed one such school about the importance of education for the Choctaws: “Your situation is rapidly becoming different from the situation of those who have gone before you. The white people were once at so great a distance...but now the white people are settled around you in every direction. It is therefore indispensably necessary that the rising generation shall be educated.” Clearly,

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<sup>33</sup> Ibid 21-25.

Folsom believed in the necessity of education as a method of defending the Choctaw Nation, a zeal that he brought to his various leadership positions.<sup>34</sup>

In addition to the Pitchlynn and Folsoms, Greenwood Leflore may well have been the most influential multi-cultural Choctaw in the pre-removal period. Born in 1800, he was the son of French trader Louis Leflore and Pushmataha's niece Rebecca Cravatt. As was typical for chiefs of that generation, Pushmataha attempted to use Louis Leflore's connections at the firm of Panton, Leslie, and Co. to augment his own position as chief. The marriage of Rebecca solidified the bonds between Pushmataha and Louis Leflore's trading connections. Their first son, Greenwood Leflore, was born with every possible advantage in Choctaw society—he had paternal connections to the surrounding imperial worlds and hereditary maternal connections to Choctaw leadership. Like other prominent multi-cultural Choctaws, Leflore received an American-style education in the United States. He spent five years in Nashville with an affluent American family, closely observing the art of commerce and market-oriented enterprises. When he returned to the Choctaws in 1819, he joined with both culturally progressive and traditional leaders in a desire to transform the Choctaw economy and education system. For instance, he answered criticisms that education cost too much by asserting that “although it is probable that we could get our children taught something {for} cheaper yet we do not wish to put out their education to the lowest bidder and if we were to do it we do not know that we should profit by it.”<sup>35</sup>

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<sup>34</sup> “Col. Folsom Addresses Mayhew,” *The Missionary Herald for the Year 1822*, 18 (Volume 18), 375; Czarina C. Conlan, “David Folsom,” *Chronicles of Oklahoma*, 4 (December 1926), 340-342; Peter J Hudson, “A Story of Choctaw Chiefs,” *Chronicles of Oklahoma*, 2 (Summer 1939), 189.

<sup>35</sup> Carolyn Thomas Foreman, “The Choctaw Academy” *Chronicles of Oklahoma*, 6 (Winter 1928), 460-461; Kidwell, *Choctaws and Missionaries in Mississippi* (Norman: University of Oklahoma Press, 1995) 98-101; Carson, *Searching for the Bright Path*, 74.



Though Leflore may have exerted the most influence in the pre-removal period, James L. McDonald, the maternal cousin of Robert M. Jones, was undoubtedly the most connected with Euro-Americans. McDonald's father was likely a trader residing in the nation who maintained limited contact with his son, leaving his upbringing to his mother, Mary McDonald. Mary sent her son to a Quaker school for primary education. Next, James moved to Washington D.C. and lived with Thomas L. McKenney, the future superintendent of Indian affairs. McKenney sought to use McDonald as an example to the war department of the potential within all Native Americans to achieve civilization, justifying the Jeffersonian principals of the Civilization program. After a brief meeting with John C. Calhoun, the war department approved funds to send McDonald to Georgetown Academy. McDonald so impressed his teachers with his work ethic and ability to grasp advanced concepts in "Latin," "Greek," and "mathematics" that McKenney and John C. Calhoun appropriated additional funds for McDonald to receive legal training from Ohio Congressman John McLean. McKenney observed that "in about one-half the time ordinarily occupied by the most talented young men of our race, he had gone the rounds of his studies, and was qualified for the bar." While many Natives received a Euro-American education, none before him had become a bar-certified lawyer. Many had diplomatic experience with United States officials, but none had lived with and been guided by the two most direct representatives of United States Indian policy.<sup>36</sup>

Despite McDonald's success in Euro-American society, he remained proud of his Choctaw heritage and sought to both share and preserve it. He claimed that "there

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<sup>36</sup> See Hoxie, *This Indian Country*, 63; Herman J. Viola, *Thomas L. McKenney: Architect of America's Early Indian Policy: 1816-1830* (Chicago: The Swallow Press, 1973), 44-46, 127-128.

is...much more force and precision in the Choctaw language, than in the English; or do I only think so, because it is my mother tongue? It may not be so varied, so rich as the English language...but as far as it goes, is it not stronger?” He attempted to capture Choctaw stories, or “hog stories”—important allegorical stories recited by Choctaws to this day which he believed nine-tenths of Choctaws could readily recite—into written form. Though the English translation robbed the stories of their passion and presentation, McDonald felt it necessary to preserve as much of the Choctaw culture as possible. McDonald’s close friend and maternal cousin, Robert M. Jones, shared both his acumen in Euro-American society and affinity for his own culture. Arguably more so than any others, these two men straddled the fence of embracing both Euro-American and Choctaw cultures.<sup>37</sup>

This cohort, joined by Robert M. Jones and several others, has been frequently portrayed by historians and contemporary Americans as inherently disconnected from other “pure-blood” Choctaws. Entire dissertations have been devoted to exploring so-called “mixed-blood” Choctaws and their overarching influence. Previous historians, honing their analysis on blood/behavior behavioral explanation, have at best produced misleading histories and at worst actively damaged contemporary concepts of Native identity and notions of “indianness.”<sup>38</sup> Embracing latent biological determinism to cast “mixed-bloods” like Pitchlynn, Jones, and others as somehow less Indian or

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<sup>37</sup> James L. McDonald to Peter Pitchlynn, December 13 and 17, 1830, Box 1, Folder 19, Peter Pitchlynn Collection, Western History Collection, University of Oklahoma, Norman, OK (hereafter cited as “WHC”)

<sup>38</sup> See Samuel James Wells, “Choctaw Mixed Bloods and the Advent of Removal,” (Ph.d. Dissertation: The University of Southern Mississippi, 1987); Lawrence Davidson, *Cultural Genocide* (New Brunswick: Rutgers University Press, 2012), 21-44; Donna Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State University Press, 2004), 26-28, 34-37, 50-51, 55; Sandra Fairman-Silva, *Choctaws at the Crossroads: The Political Economy of Class and Culture in Oklahoma Timber Region* (Lincoln: University of Nebraska Press, 1996).

irreconcilably different can be traced, ironically, to Andrew Jackson. His viewpoints on blood variables among natives influenced his policies, something that few historians champion as enlightened. As historian James Taylor Carson charged, “by casting their interpretations...in terms that echo Andrew Jackson’s own cramped worldview... historians have imported early-nineteenth-century notions of blood and behavior” into their analyses. At the same time, most historians concede that bicultural Choctaws, frequently labeled as “mixed-bloods”, rose to disproportionate levels of prominence and succeeded in navigating through barriers between cultures. This fact certainly gives credence to the idea that blood influenced status, but nevertheless blood-based determinism crumbles under limited scrutiny.<sup>39</sup>

A blood-based dichotomy mistakenly implies that all Choctaws with similar blood-profiles acted in unison regarding changes in Choctaw society. Many “full blood” Indians grew quite wealthy from the market economy, including the powerful Choctaw Chiefs Mushulatubbee and Pushmataha who both owned African slaves. Some “full-blood” Choctaws entered the market economy with equal enthusiasm to their mixed-brethren while segments of both resisted societal change. Meanwhile, dozens of “mixed-blood” Choctaw families did not so readily adopt the newer materialistic values in the pre-removal period. Similar patterns exist in evaluating zeal for education.<sup>40</sup> Subsequent political conflicts in Choctaw society, including the

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<sup>39</sup> Carson, “Greenwood Leflore,” 221; In a recent study historian Barbara Krauthamer addresses this issue when describing Peter Pitchlynn. She claims “The sons born to the unions of Euro-American men and Indian women rose to prominence in southern Indian nations not because their fathers were white but because they were related to politically powerful men through their mothers.” See Barbara Krauthamer, *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South* (Chapel Hill: University of North Carolina Press, 2013), 31.

<sup>40</sup> Moreover, blood-based determinism mistakes correlation with causation. As seen in the examples above, mixed-Choctaws largely grew up with equal access to traditional Choctaw sources of authority via their mothers and contact for with outside markets from their fathers. Thus, the rise in

Removal crisis, rarely split along lines of blood-quantum. Arguing otherwise gives the implication of a self-interested mixed-blood aristocracy attempting to destroy traditional Native societies for their own benefit—a reality in the eyes only of Andrew Jackson and those attempting to justify their own machinations.<sup>41</sup>

Following the disastrous 1820 Treaty at Doak’s Stand, Choctaw leaders recognized the need for a cohort who could negotiate with the United States. The strategy paid dividends in 1824 when Choctaw leaders opted to forgo dealing with agents and air their grievances directly in Washington, D.C. The three district chiefs took along with them James L. McDonald and David Folsom. Unfortunately, while en route, eighty-five year-old Chief Apukshunnubbe fell off of either a hotel balcony or a large cliff (reports differ) and died days later. His death created an opening for this young cohort to utilize their skills in his absence. Pushmataha formally served as the main negotiator in opposition to Secretary of War and Vice President-elect John C. Calhoun and Secretary of Indian Affairs Thomas McKenney, but McDonald also played an influential role.<sup>42</sup>

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“mixed-blood” prominence had much more to do with possessing a foothold in multiple societies than any blood quantum. This does not mean that contemporary Choctaws did not recognize blood-based differences. By 1820, the Choctaws used two different terms for people of mixed descent: *itibapishi toba* and *issish iklanna*. The first term literally means “to become a brother or sister” supporting historian Donna Akers’ supposition that kinship and behavior outweighed race in Choctaw society. However, the second term literally means “half-blood,” demonstrating that some differentiated based on bloodlines. Choctaws recognized the correlations, but also knew that blood was not necessarily binding to behavior. See Donna Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (Lansing: University of Michigan State Press, 2004), xix.

<sup>41</sup> O’Brien, *Choctaws in a Revolutionary Age*, 112. Multiple generations of Native historians have grappled with the blood-based determinism, arriving at vastly conflicting determinations. For examples among the Cherokees, see Theda Perdue, *Mixed Bloods Indians: Racial Construction in the Early South* (Athens: University of Georgia Press, 2005); Fay Yarbrough, *Race and the Cherokee Nation: Sovereignty in the Nineteenth Century* (Philadelphia: University of Pennsylvania Press, 2007); Tiya Miles, *The Ties that Bind: The Story of an Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005); Claudio Saunt, *Black, White, and Indian: Race and the Unmaking of an American Family* (New York: Oxford University Press, 2005)

<sup>42</sup> J. L. McDonald to Peter P. Pitchlynn, October 14, 1824, Box 1, Folder 6, WHC.

Pushmataha's oratory and McDonald's understanding of American law proved to be the perfect one-two punch in the negotiations. Calhoun had envisioned a simple land cession facilitated by the usual gifts of trade goods and whiskey. He had received congressional approval for a \$3 per day whiskey stipend per delegate, as well as \$1,000 worth of clothing and \$400 in prized jewelry. Contrary to American expectations, the delegation somehow exceeded the whiskey allowance and refused to make concessions on land east of the Mississippi River.<sup>43</sup> Instead, they requested \$450,000, mostly for educational annuities, as well as the immediate payment of overdue funds from previous treaties and to settle a boundary dispute on Arkansas lands. Pushmataha, claiming that he was simply negotiating like Jackson at Doak's Stand, refused to budge. Eventually the delegation settled on \$216,000, a middle-of-the-road sum that both sides could agree was fair, most of which was designated for national education.<sup>44</sup>

In addition to helping to secure reasonable compensation, the young members of the delegation proved their value in safeguarding Choctaw interest through carefully monitoring the precise language within the agreement. For instance, the Choctaws' delegation discovered that United States negotiators attempted to slip language into the treaty which implied that the Choctaws were merely temporary residents of the state of Mississippi. Such a proposal held huge legal ramifications for Choctaw sovereignty. James McDonald understood these implications and demanded their removal. Ultimately, a combination of shrewd legal skills and a united front allowed the

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<sup>43</sup>David Folsom to Rev. C Byington, December 10, 1824, Box 1, Folder 9 Choctaw Nation Collection, McFarlin Library, University of Tulsa, Tulsa, Ok; J. L. McDonald to Peter P. Pitchlynn, October 14, 1824, Box 1, Folder 6, WHC; Kidwell, *Choctaws and Missionaries*; Herman J Viola, *Thomas L. McKenney*, 127-132.

<sup>44</sup>Charles J. Kappler, *Indian Affairs: Laws and Treaties*, (Washington: Government Printing Office, 1904), 191-195.

Choctaws to win a concession that the state of Mississippi had to receive the Choctaws' consent prior to any change in their legal status.<sup>45</sup>

Viewed as a success for the Choctaws, the Treaty of 1825 effectively refuted the heavy-handed, adversarial tactics emblematic of Andrew Jackson at Doak's Stand. Pushmataha was unable to gloat, having succumbed to a case of croup on Christmas Eve, 1824. To comply with Pushmataha's death-bed request, Jackson arranged for him to receive a mile-long military funeral with full honors in the Congressional Cemetery in Washington, D.C. Multiple Washington elites attended and spoke at his funeral service, including Jackson and John Randolph of Virginia. Choctaw delegate David Folsom blamed Pushmataha for his own death, claiming "he was completely burned out, by hard drinking," but could not help acknowledge the "honor paid to our departed friend toward us" including personal visits from General Jackson.<sup>46</sup>

These negotiations revealed that the Choctaws had effectively adapted to the tactics of the United States with the assistance of an educated cohort. The United States and Choctaws made offers in writing, allowed each district to be represented, and utilized the knowledge from those best educated in the American legal and political jargon to ensure a fair deal. U. S. agents, including Thomas McKenney, failed in their attempts to use their influence with the young cohort to divide the Choctaw delegation and convince the Choctaws to accept a low-ball offer. Undeterred, American negotiators traveled to the Choctaw Nation the next year to again attempt to extract land

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<sup>45</sup> In Thomas McKenney's memoirs, he gives the following account of McDonald in the negotiations: "I found him so skilled in the business of his mission...as to make it more of an up-hill business than I had ever before experience in negotiating with Indians. I believe Mr. Calhoun thought so too." Thomas L. McKenney, *Memoirs, Official and Personal with Sketches of Travels among the Northern and Southern Indians; Embracing a War Excursion, and Descriptions of Scenes along the Western Borders* (New York: Paine and Burgess, 1846) Vol. II, 116; Hoxie, *The Indian Country*, 76-78.

<sup>46</sup> David Folsom to Cyrus Byington, Box 1, Folder 9, MC; Lincecum, *Pushmataha*, 99-100.

concession. Again, discouraged representatives found their threats ineffective when their one Choctaw supporter “was accordingly silenced by the order of the council” led by James McDonald. The negotiations proved that at least in the short-term, the Choctaws could use an educated leadership and political unity to defend themselves against the encroachments of the United States and the state of Mississippi. Moreover, it showed that the distinct districts could formulate unified diplomatic policies, which simultaneously fostered a more collective political identity.<sup>47</sup>

Unfortunately, as quickly as the Choctaws demonstrated the effectiveness of diplomatic unity and inter-generational cooperation, they delved into deep internal conflict. Power struggles and multiple factions created general chaos with the constant potential for violence. The inability to effectively replace two dead district chiefs and agree on a course of action allowed the United States to successfully implement their removal policy with only limited struggle. Ultimately, the post-1825 Choctaw leaders hastened the removal process much in opposition to the wishes of their constituents.

The Treaty of 1825 itself did not cause spark the political crises among the three districts. Rather, it resulted from the deaths of Pushmataha and Apukshunnubbe, two long-serving and trusted chiefs. Their deaths signaled that the older generation of leadership was fading and could be replaced by the young cohort of multicultural Choctaws. For instance, an 1826 council in the Northeastern district deposed Mushulatubbee in favor of David Folsom, based on his “intemperance, tyrannical disposition” and rumored support for selling the remaining Choctaw lands. In reality, Mushulatubbee had overreached in committing the full value of an annuity payment to a

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<sup>47</sup> Ibid; *Abridgment of the Debates of Congress from 1789 to 1856*, Vol IX, (New York: D. Appleton and Company, 1858), 408.

single school without consulting other leaders, convincing others that he may try to do the same with Choctaw land. Simultaneously, Greenwood Leflore deposed Robert Cole, Leflore's uncle and the successor of Apukshunubbe, in favor of himself. This left Nitakachi, Pushmataha's ultimate replacement, as the only remaining culturally-traditional chief.<sup>48</sup>

Once in leadership positions, in 1826, Greenwood Leflore and David Folsom, with the assistance of Peter Pitchlynn and others proceeded with drafting a constitution aimed at thwarting United States schemes for forced removal and codifying the parameters for national government. They did not intend this to be a radical shift in political structure, but instead the best strategy for long-term defense. Most tenets of existing societal and governmental structures remained fully intact; however, "the constitution," formally connected the districts in a manner which slightly restricting district autonomy—a step many Choctaws resisted.<sup>49</sup>

Progressive Choctaws knew that internal divides were inevitable and that the United States could exploit schisms if they were not contained, as much they began by acknowledging "those of us here continue to not be of one mind, and we are ineffective." Rather than traditional consensus, leaders bound themselves to a codified document and coordinated their actions to protect Choctaws as members of a single nation. Examining the laws included in the Constitution of 1826 reveals that the new leadership cohort not only attempted to bind the Choctaw Nation together, it also aimed to regulate civil and personal behavior traditionally left to individual clans. Essentially,

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<sup>48</sup> Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983), 138, 139-141.

<sup>49</sup> Marcia Haag and Henry Willis, *A Gathering of Statesmen: Records of the General Council Meetings, 1826-1828* (Norman: University of Oklahoma Press, 2013), 4, 55, 66, 84.



the document attempted to strengthen national sovereignty while subtly altering traditional habits and customs.<sup>50</sup>

In regards to land and money, one set of articles reduced the power of individual district and chiefs to negotiate land sales and distribute annuity funds. For instance, one article codified that “the land where we reside belongs to all who are called Choctaw people. If any district wants to sell its land, and the other two districts do not agree, the single district cannot sell its land.” Additionally, “the district allotment cannot be used to pay for personal debts of the leader.” Both of these provisions targeted traditional chiefs—specifically Mushulatubbee. United States agents, including General Jackson, made numerous overtures towards negotiating a removal settlement when word spread that Mushulatubbee was open to removal. Moreover, using funds from treaties for personal debts frequently occurred with chiefs looking to augment their own power, like Mushulatubbee had done in 1805. Banning these practices while making each district subject to the other two, reduced the chances that the United States could divide and conquer remaining Choctaw lands.<sup>51</sup>

Of equal importance, the constitution made several clear assertions of Choctaw National sovereignty. They reserved the right to determine who qualified as a citizen and who did not, including “white American citizens.” As a sovereign nation, they proposed that “a house shall be constructed at an established place” for the passages and upholding of laws. The Choctaws had traditionally only held councils to address specific issues, like Tecumseh’s 1811 request for an alliance, but not as a regular standing, governing body aimed at “passing a few general laws for the government of

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<sup>50</sup> Ibid., 52, 55.

<sup>51</sup> Ibid. 33; Debo, *Rise and Fall of the Choctaw Republic*, 45; Baird, *Peter Pitchlynn: Chief of the Choctaws*, 36-39.

the whole nation.” This directly refuted the U.S. demand that Choctaws either abandon their homelands or surrender to the authority of United States and Mississippi laws. With constant threats from both the state of Mississippi and federal authorities, it was important to reiterate to both bodies that they defined themselves as an equal sovereign nation, and constructing a house obviously indicated that they had no intention of leaving.<sup>52</sup>

In addition to a national council, districts with new multi-cultural Choctaw district chiefs immediately held councils in which they passed laws for their districts. Peter Pitchlynn, who transcribed the proceedings for the Northwestern district in the newly-established written Choctaw language, carefully noted that “in the past, our forefathers always had laws for all concerns,” but the new system represented a unique way of codifying and enforcing the laws. Traditionally, Choctaws judged transgressions based on the standards of family and social constraints. Starting in 1824, the new Choctaw police force, the “Light Horsemen,” largely assumed the role of enforcing laws.<sup>53</sup>

The new district laws augmented the Light Horsemen’s role into affairs previously handled by clans, further demonstrating the impact of a more centralized Choctaw governing body. For instance, the Light Horsemen were responsible for doling out a set number of lashes in matters of animal theft, but left to their own discretion regarding punishment for other thefts. Eye-gouging or scratching carried very specific punishments. Murder, something traditionally handled by kin-based blood law, also now fell under the jurisdiction of the Light Horsemen. An 1826 law

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<sup>52</sup> Haag and Willis, *Gathering of Statesmen*, 50-51, 55.

<sup>53</sup> *Ibid.*, 49-50.

specifically states that “if someone kills...and flees...his siblings, his wife, his family, and his kinsmen...shall not be harmed in any oppressive or ruinous way.” In practice, therefore, the new constitution and laws banned the traditional blood law by redefining retaliation as willful murder.<sup>54</sup>

Moreover, new laws attempted to redefine the relationship between husband, wife, and children to be more in line with American cultural mores and patriarchal traditions. Choctaw women possessed important rights in Choctaw society primarily reserved for men in American society, such as primary land ownership, primary parenthood, and “producers of new clan members.” Laws passed in 1829 frequently threatened these rights. For instance, traditionally Choctaws had permitted the practice of infanticide under certain circumstances. The restrictions/details on this practice are unclear—it may have been tied to blood vengeance, population control, or fears of wasting resources on a sick child—but women undoubtedly held this right. Choctaw district leaders curbed this practice by mandating that any deliberate infanticide be punished by thirty-five lashes to the mother’s bare back. A similar statute punished not only the mother, but also the father for failing to stop the mother. This shift implies that Choctaw men, via statute, gained authority over their children which they had never before possessed.<sup>55</sup>

New statutes also threatened Choctaw women’s property and marriage rights. Traditionally, women maintained their property and passed it to their children, as did the maternal uncles of children. New statutes prescribed that “when a man dies without

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<sup>54</sup> Ibid., 86.

<sup>55</sup> Fay Yarbrough, “Women, Labor, and Power in the Nineteenth-Century Choctaw Nation,” *Gender and Sexuality in Indigenous North America*, eds. Fay Yarbrough and Sandra Slater (Columbia: University of South Carolina Press, 2011), 125, 130, 139.

having made a will, his wife and his children shall come to inherit all his livestock and estate” and likewise, “when a woman should die, the man shall in the same way” inherent a portion of her property. The one exception to this law was that a woman “has a right to their (mutual) property” if she married a white man. Laws of this nature made clear that men would be the primary holders of the growing types of private property, so long as they were Choctaw men.<sup>56</sup>

Moving to a constitutional system, though an obvious change from earlier methods of governance, aimed to blend traditional Choctaw laws and practices with basic codes intended to safeguard the nation against removal. Though several provisions undermined district autonomy, most left districts to govern themselves. In this respect, the Choctaw Constitution of 1826 was rather moderate in terms of political reform. Conversely, the Cherokees drafted an elaborate new constitution in 1827 modeled theirs directly on the United States, marking a dramatic departure from more traditional Cherokee laws and governance. Like the U.S. Constitution, the Cherokees implemented three branches of government (executive, judicial, legislative) and a bicameral legislature. Both Choctaw and Cherokee advocates attempted to flaunt their constitutional governments to the American public as evidence of their level of acculturation and worthiness keep their land. Yet, the Choctaws designed a constitutional government much more in line with their traditional forms of governance.<sup>57</sup>

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<sup>56</sup> Haag and Willis, 124, 128.

<sup>57</sup> William G. McLoughlin, *Cherokee Renaissance in the New Republic* (Princeton: Princeton University Press, 1992) 393-400. McLoughlin describes the high level of resistance among Cherokees to this attempt at grafting American government over their traditional methods. This level of resistance was unseen among the Choctaws partially due to the syncretic blend of indigenous and American elements.

United States citizens and political leaders ignored this political reform and continued to espouse Indian removal as inevitable in the process of manifest destiny. Removal was unpopular in northeastern United States mostly because Indians stood as a perceived buffer against the spread of slavery. Still, neither political party (Democrat or National-Republican/Whig) was willing to risk clout among Western and Southern states in order to stop expansion. Consequently, in the fall of 1829, Jackson's first year in office, he sent a message to the Choctaws saying "you must submit—there is no alternative...Old men! Lead your children to a land of promise and of peace before the Great Spirit shall call you to die. Young chiefs! Preserve your people and nation." Mississippi further pressed the issue in January of 1830 when they unilaterally extended their laws over all persons and property within their state and outlawed tribal governments.<sup>58</sup>

Escalated threats from the United States caused deep divides among Choctaw leaders and citizens. New laws and infringements on traditional rights combined with external threats to landholdings drove the Choctaws nearly to civil war. Two clear political factions emerged: the Republicans under Mushulatubbee and Nitakeche (also called the "Heathen Party") and the Christian Party ("Despotic Party" to their opponents) under David Folsom and Greenwood Leflore. The Republican Party, frustrated with their decreasing tribal influence, publicly welcomed the prospect of removal while the Christian Party publicly dismissed any prospect of land cessions. These divides neither stemmed from a simple traditional versus progressive dichotomy nor a "full-blood" versus "mixed-blood" dichotomy. For instance, Peter Pitchlynn

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<sup>58</sup> "Andrew Jackson to Friends and Brothers" *Report of Committees of the House of Representatives at the First Session of the Twenty-Second Congress, Begun and Held December 7, 1831* (Washington: Duff Green, 1831), 17-19; DeRosier, 100-101.

joined Mushulatubbee and Nitakeche while Robert M. Jones aligned with Folsom and Leflore. James McDonald attempted to remain neutral, claiming that he supported the Choctaw cause and was therefore friends to both factions. Both sides altered their platforms to fit changing political climates and popular demands—Mushulatubbee declared that he would stay and run for Congress in Mississippi while Leflore contacted United States agents and privately conceded the inevitability of removal.<sup>59</sup>

Choctaws narrowly avoided bloody confrontations on several different occasions. Nonetheless, like earlier generations, leading Choctaws' ability to restrain conflict and form a consensus prevented a civil war. For instance, in 1828, Leflore and David Folsom, along with a substantial group of armed followers confronted Mushulatubbee, Nitakeche, and their own armed supporters. According to Folsom's likely self-serving account:

“By the time I approached within thirty steps of the chief, I resolved to offer him my hand, in evidence of my desire for a reconciliation. If accepted, I hoped a compromise might be arrived at. If refused, I knew that in five minutes both of us would die. His countenance was forbidding and scowling, his lip compressed, a dark cloud resting on his brow. I extended my hand; a smile like sunshine softened his expression, and he promptly and warmly grasped it, while each of us said *Bar-ba-she-la* (friend).”

Though the two groups did not fully reconcile, they agreed to settle their differences civilly rather than violently. A similar instance occurred when Robert M. Jones happened upon a group of Mushulatubbee's followers who were angry about recent tribal proceedings. Jones had been engaged in traveling throughout the nation in attempts to limit confusion and prevent conflict. Armed with clubs, the group accused Leflore and his followers, including Jones, of privately selling out other Choctaws.

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<sup>59</sup> Robert M. Jones to Capt. Peter Pitchlynn, August 6, 1830, Box 2, Folder 20, WHC; John Pitchlynn to Peter Pitchlynn, March 8, 1828, Folder 59, PPC, GM; Baird, *Peter Pitchlynn*, 36-38.

Jones debated these men in “a candid manner”, after which they “lowered their clubs” and “requested his pardon.”<sup>60</sup> As threats of internal violence dissipated, the Choctaws approached removal as one political entity rather than a divided society.

When the Choctaw leaders gathered at their new tribal meetinghouse on March 15, 1830, they decided that absolute resistance was impractical. Jackson had repeatedly demonstrated that he honored no laws or obligations which contradicted his own desires. The man who famously rammed a bill through Congress granting himself military authority to assert federal rights over states’ rights in South Carolina, hypocritically claimed that the federal government could not stop state governments from abrogating the treaties between Natives and the United States. Under such circumstances, progressive Choctaws decided that offering yet another compromise could mitigate the worst excesses of inevitable intrusions. Moreover, since members of the Republican / “Heathen” Party expressed a willingness to forfeit their land, the United States would undoubtedly find someone—qualified or not—to sign a removal treaty as eventually occurred with the Cherokees.<sup>61</sup>

Under such circumstance, the Council authorized Greenwood Leflore’s suggestion to offer to sell their remaining lands in Mississippi to the United States. The proposed treaty ceded all remaining Choctaw land to the state of Mississippi for fifty million dollars, plus removal expenses and educational/vocational annuities. Leflore loathed his options, but wrote a reconciliatory letter to Mushulatubbee rhetorically

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<sup>60</sup> Kidwell, *Choctaws and Missionaries*, 138; Robert M. Jones to Capt. Peter Pitchlynn, August 6, 1830, Box 2, Folder 20, WHC.

<sup>61</sup> William McLaughlin, *After the Trail of Tears: The Cherokees Struggle for Sovereignty, 1839-1880* (Chapel Hill: University of North Carolina Press, 1993), 15; Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002), 61-65.

asking “can any person do better for the people than this?” President Jackson and the United States Senate refused the proposal on the basis that the cost was far too high, but instead sent negotiators to settle the matter at Dancing Rabbit Creek in September of 1830.<sup>62</sup>

On September 18<sup>th</sup>, 1830 U.S. delegates, Choctaw delegates, and a crowd of over 6,000 Choctaws gathered to commence official treaty negotiations. The attire of the attendees and seating arrangements illustrated the diverse cultural practices and changing power relations among the tribe. The three district chiefs, Mushulatubbee, Greenwood Leflore, and Nitakeche, sat at the center of the negotiators. Mushulatubbee wore a United States uniform that he had received, ironically, from Andrew Jackson. Leflore wore a plain cotton suit, “A circumstance that aroused some suspicion...he was in collusion with the United States.” Finally, Nitakeche wore a traditional Choctaw warrior’s outfit.<sup>63</sup> Sixty lower tribal leaders—chiefs and captains—and prominent members, James L. McDonald, Peter Pitchlynn, and Robert M. Jones among them, surrounded them on one side. Like McDonald had done in 1825, these men served as primary advisors for the chiefs. On another side, an audience of thousands of Choctaws actively interested in each offer and counteroffer watched the negotiations. The majority of these people vehemently opposed any notion of further land cessions or forced removal. On the opposing side, American government commissioners, agents, and interpreters attempted to appease the crowds with vast amounts of subsidized alcohol and gambling. Seven elder Choctaw women, likely the elders of the most

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<sup>62</sup> Leflore to “Brother” (Mushulatubbee), April 1, 1830, Letters Received by the Office of Indian Affairs, National Archives Research Division, Record Group 75, Roll 169.

<sup>63</sup> H.S. Halbert, *Story of the Treaty of Dancing Rabbit*, (Oxford: Mississippi Historical Society, 1902), 376.



powerful towns, sat opposite of the crowd. The women's prominent position indicated their interest in and right to keep the land that they had traditionally worked and owned for centuries. Their presence was not simply symbolic—while a young councilor delivered a speech on behalf of a compromise treaty, one of the elder women rose and waved a butcher knife under his nose and threatened, “I could cut you open with this knife.” Referring to his white father and Indian mother, she deduced that the man had “two hearts.”<sup>64</sup> Realizing the continued authority of these women, one translator assured them that he would forfeit his life if he failed to properly translate any part of a document.

As had occurred at the negotiations of the 1820 Doak's Stand treaty, the “negotiations” consisted of a series of threats and ultimatums rather than compromises and discussions. The Choctaws rejected the United States' initial offer, which drastically reduced the amount the United States was willing to pay and vested the entire sum into the cost of removal, future schools, and agricultural implements. Commissioners John Eaton and John Coffee responded to Leflore's rejection with Jacksonian anger and aggression, threatening that the United States Army could wipe out Choctaw resistance to removal in a matter of weeks and that keeping lands within the state of Mississippi was not negotiable. However, Eaton and Coffee proposed a supplemental treaty which increased land incentives for prominent members who agreed to the terms of removal. While the majority of Choctaw citizens left the treaty grounds, leading Choctaws, including Peter Pitchlynn, Mushulatubbee, Greenwood Leflore, David Folsom, and James McDonald, accepted the agreement. Everyone in

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<sup>64</sup> Ibid, 385.

this cohort signed except for Robert M. Jones who refused. He did, however, secure significant land concessions for himself and his orphaned maternal cousins.<sup>65</sup>

Choctaw negotiators understood that a large contingent of Choctaws would not submit to removal under any circumstances. To appease this faction, they insisted on Article 14 of the treaty which gave each Choctaw the right to stay in Mississippi so long as they accepted state citizenship. This group would receive 640 acres of land for each male head of household with an additional 320 acres for each unmarried child over ten and 160 acres for each under ten. Pushmataha biographer Gideon Lincecum attended the negotiations and claimed, “I am entirely confident that no treaty could have been made but for the solemn assurances...that all might stay and keep their homes who did not wish to go, and the Indians distinctly understood that this was put down as part of the treaty.”<sup>66</sup> Choctaw leaders understood that this action would divide the tribe among those who stayed and those who removed, but without this clause the nation might be destroyed.

Divergent conceptions of identity, land, and nation determined who conceded to the removal policy and who resisted. For some traditional Choctaws, their existence as a people was inextricably linked to the specific land surrounding the sacred mound Niniah Waya. Choctaws who elected to stay were less threatened by the concept of forfeiting their ties to a sovereign Choctaw governmental body than losing their ties to the land. Their identity as a people and individuals was not tied to formal governmental structures, but rather the land itself, something that in theory could be maintained under

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<sup>65</sup> U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 462.

<sup>66</sup> H.S. Halbert, *Story of the Treaty of Dancing Rabbit*, 400. Lincecum is listed as “Grabel” in this account.

Article 14 of the treaty. According to historian Donna Akers, this was their Eden—the land from which they had been given life and to which they held sacred obligations to the bones of their ancestors. Kinship could and would continue to connect and define them in the traditional sense, preserving their identities as Choctaws. Therefore, they chose to forfeit their political sovereignty over a distant, meaningless land in order to maintain connections to their sacred site.<sup>67</sup>

Much of the new generation of Choctaw leadership felt that their identity was tied to the maintenance of sovereign self-governance and their continued survival as an independent nation. The treaty separated them from traditional lands, but allowed them “permanent” sovereignty over a new set of lands and the opportunity to continue to develop as a nation. This was not an abandonment of traditional spiritual life, but an integration of cultural and cosmological beliefs with their developing national identity. George Harkins, successor for Greenwood Leflore, summarized this sentiment in a famous “Farewell Letter to the American People,” stating “We were hedged in by two evils, and we chose that which we thought the least. Yet we could not recognize the right that the state of Mississippi had assumed, to legislate for us... We as Choctaws rather chose to suffer and be free, than live under the degrading influence of (state) laws.” To this cohort, removal presented the best chance to remain an independent indigenous nation, even if that meant leaving some kin behind in their traditional lands.

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<sup>67</sup> Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State Press, 2004). While the connections of kinship are indisputable, Akers’ interpretation of the traditional Choctaws is problematic. She asserts that traditional Choctaws viewed western lands as “the land of death” where souls of the deceased eventually resided. Nevertheless, when the acquisition of western lands was initially discussed, Pushmataha, clearly a traditional Choctaw, spoke of making numerous trips to the west and knew the geographic landscape better than United States cartographers. Choctaws had also hunted west of the Mississippi River on a regular basis, especially when deer became scarce in traditional hunting grounds. Moreover, Choctaws regularly ventured to New Orleans and other cities in the west of Mississippi. In fact, cohorts of Choctaw already lived near the Red River. Mushulatubbee’s willingness to accept removal also calls this idea into question.

Of course, this system relied upon the ludicrous pretense that the United States' would fulfil its end of the treaty and allow Choctaws to decide if they wanted to stay.<sup>68</sup>

This promise turned into a cruel farce indicative of the priorities behind federal colonial policies. Decades after removal, Robert M. Jones recalled that “all of this in a great measure failed...and when the white people commenced to move onto, and settle the country, they paid no regard to the rights of the Indians, and the Choctaws were in a great measure forced off from their reservations.”<sup>69</sup> Indian Agent William Ward, a hostile drunkard eager to use his powers to force removal, vehemently opposed the provisions of Article 14 for any who would not instantly assimilate into American society. Of course, those wishing to remain in Mississippi needed to register with Ward within six months of the treaty. Ward refused to register any except a token few, including members of the Jones family and a few others who fit his conception of “civilized” Indians. One Choctaw testified to the following treatment once Ward agreed to meet with those wishing to remain:

In the month of January, 1831, being within six months after the ratification of said treaty, a large body of Choctaw Indians attended at a council house to have their names registered for the purpose of obtaining citizenship and acquiring reservations...Unacquainted with the English language, they presented the agent a number of sticks of various lengths, indicating how many were presented, and the quantities of land to which they were severally entitled, but the agent threw down the sticks. Then they selected two or three head men to speak for them, and these head men by means of an interpreter, told the agent their numbers, ages, and names, and demanded registration; but the agent would not register them and told them that there were too many—that they must go beyond the Mississippi. Many of these Indians ignorantly despairing of the justice of the United States, have reluctantly removed beyond the Mississippi.<sup>70</sup>

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<sup>68</sup> George Harkins, “Farewell to the American People,” in Wayne Moquin and Charles Van Doren, *Great Documents in American Indian History* (New York: DaCapo Press), 151.

<sup>69</sup> Robert M. Jones to Peter Pitchlynn, July 17<sup>th</sup>, 1872, Box 4, Folder 55, Peter Pitchlynn Collection, WHC.

<sup>70</sup> Andrew Hays, *American State Papers: Indian Affairs* 8: 432-433.

Other agents registered various Choctaws wishing to stay, but Ward destroyed the records to prevent them from remaining. Though Ward was officially chastised, he was not relieved of his duty until 1833, and this was only because of the limited number of Choctaws remaining in Mississippi. The actions of Ward and others demonstrate that United States officials entertained no real pretense of allowing more than few Choctaws to remain.<sup>71</sup>

James McDonald made several attempts to mitigate the loss of rights for Choctaws choosing to remain in Mississippi. He wrote to Peter Pitchlynn and Thomas McKenney reporting his intention to run for the Mississippi legislature. Though tempted to attach his “fortunes with the Choctaws and go West,” he felt a sense of responsibility towards those remaining in Mississippi, asking “is not this the very crises in which my services would be useful to my countrymen?” He also appealed to office of Indian affairs to expedite the process of granting claims to those entitled under the treaty, including his maternal kin and their orphaned children.<sup>72</sup>

These efforts proved futile. He encouraged Peter Pitchlynn and Robert M. Jones to remain positive, reminding them of his favorite motto, “nil desperandum—let us never despair.” By 1831, McDonald realized that Article 14, which he and Jones insisted upon placing in the treaty, would not be honored, nor would his dream of using overlapping tribal and state citizenships to protect Indian rights. It is not difficult to imagine the despair a person of McDonald’s genius would have felt as he watched his hopes for education, tribal government, and state citizenship evaporate before the American colonial forces. He slipped into a deep depression and took his own life in

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<sup>71</sup> DeRosier, *Removal*, 136, 152, 159.

<sup>72</sup> J. L. McDonald to S.S. Hamilton, Esq., Office of Indian Affairs, June 2, 1831, *Annual Report of the Commissioner of Indian Affairs, 1831*, 511-512; Hoxie, *This Indian Country*, 90-92.

September of 1831, depriving the Choctaws of their most educated representative and defender.<sup>73</sup> Of the approximately 6,000 who had originally intended to stay on Choctaw land, less than 3,000 remained for an extended period.

The Treaty of Dancing Rabbit Creek and the subsequent removal to Indian Territory marked a turning point in Choctaw history. During the removal crisis, the Choctaws came close to dividing over the issue, as did the Cherokees and the Creeks, whose pro and anti-removal factions entered into violent and divisive conflict that persisted well after removal. The Choctaws, however, never reached this point of violent civil conflict and drew upon recent trends of collective Choctaw diplomacy to remain united during removal negotiations. Although Choctaws had competing ideas about the Choctaw Nation, they addressed these divides and reconciled them with little internal violence. Eventually, Choctaw leaders forged a treaty that meant to appease both factions—those wishing to stay in Mississippi and those willing to emigrate to keep Choctaw National sovereignty. This helped foster rather than hinder the construction of sovereign Choctaw nationhood that they carried with them to the West. While the process of removal caused devastating consequences to Choctaw society, politically they remained a united and self-governing group devoid of the deep political factions that emerged in the Creek and Cherokee and continued to deeply divide them in Indian Territory.

Over the course of three years, approximately 14,000 Choctaws were removed while approximately 2,500 died en route. Federal officials officially oversaw three

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<sup>73</sup> There is some dispute as to the immediate cause of McDonald's death. Robert M. Jones referred to it as a suicide by drowning. Some sources speculated that a spurned proposal was at the heart of McDonald's grief. Another person referred to McDonald's death as an accident. See: Wm. S. Colquhoun to Lewis Cass, Secretary of War, April 11, 1834, *American State Papers: Public Lands*, Senate do. 1230.

separate waves of Choctaw removal, each subsequently more disastrous than the earlier wave. Even United States agents were amazed at the level of suffering the Choctaws endured along their journey. An officer in Arkansas wrote his superiors claiming that “the food supply was pitifully inadequate.” More importantly, 1831 had been an uncharacteristically cold winter which he predicted, “must produce much human suffering. Our poor emigrants, many of them quite naked” with few blankets, shoes, or tents suffered greatly through the winter. Promises of supplies were met with incompetent good intentions or horrifying indifference. Subsequent waves repeated and intensified earlier mistakes. Most Choctaws were forced to walk the majority of the trip, which included wading through thirty miles of floodwaters and swamps between Row Rock and Little Rock. When the first wagons arrived in Little Rock, a reporter from the Arkansas Gazette interviewed an unnamed Choctaw chief who described the journey as “a trail of tears and death.” The term was later revived and became part of American vernacular during the Cherokee Removal.<sup>74</sup>

By chance, French political thinker Alexis de Tocqueville witnessed part of the first wave of Choctaw removal. He later recorded the following observation:

“At the end of the year 1831, I was on the left bank of the Mississippi, at the place the Europeans call Memphis. While was there a numerous band of Choctaws (or Chactas) arrived; these savages were leaving their country and seeking to pass over the right bank of the Mississippi, where they hoped to find an asylum promised to them by the American government. It was then the depths of winter, and that year the cold was exceptionally severe...huge masses of ice drifted on the river. The Indians brought their families with them; there were among them the wounded, the sick, newborn babies, and the old men on the point of

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<sup>74</sup> Numerous accounts exist of the inhumane suffering the Choctaws experienced while removing. See Grant Foreman, *Indian Removal: The Emigration of the Five Civilized Tribes of Indians* (Norman: University of Oklahoma Press, 1974 reprint); DeRosier, *The Removal of the Choctaw Indians*; Donna Akers, “Removing the Heart of the Choctaw People: Indian Removal from a Native Perspective,” *American Indian Culture & Research Journal* 23 (1999), 63-77.

death...I saw them embark to cross the great river, and the sight will never fade from my memory...Their afflictions were of long standing, and they felt them to be irremediable.”<sup>75</sup>

Despite witnessing but a single scene in the long and painful removal process, de Tocqueville clearly believed that it was morally reprehensible and potentially devastating to the Choctaws. His words captured the shocking realities of Indian Removal policy and the harsh conditions that the Choctaw people survived.

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For Robert M. Jones, the decision to emigrate or remain in Mississippi must have been difficult. His remaining family members were among the first to receive approval to remain, selecting land in Greene County, near Epes, Alabama, currently known as “Jones bluff.” Though he did not own his own land, Jones operated a thriving trading outpost and was eligible for 920 acres under the treaty. He also served as primary guardian for his orphaned second-nephew James Trahern, as well as financial supporter of widowed half aunts Peggy and Delilah. He could easily assimilate into American culture and live a prominent life among the growing cotton farmers in the state of Mississippi. Nevertheless, Jones did not wish to become an American citizen. He was a Choctaw, and believed in the need to advance and protect the growing Choctaw Nation by maintaining its sovereign status.<sup>76</sup>

He married Judith Walker, a woman of mixed Choctaw and European descent, in December of 1830, her family chose to remove to Indian Territory along with Jones.

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<sup>75</sup> Alexis de Tocqueville, *Democracy in America* (New York: Penguin Books, 2004, reprint), 374.

<sup>76</sup> Robert M. Jones to Peter Pitchlynn, August 6, 1830, Box 1, Folder 18, WHC; Marie B. Owen to Mr. Moffitt, April 28, 1938, William Morrison Collection, OHS.



At the time of Removal, Jones felt a sense of duty to his people. Before his suicide, Jones' cousin James McDonald expressed a desire to use his education, intellect, and experiences to assist the Choctaws through the tumultuous years. Jones shared a similar drive and stood poised to assume a position of political, economic, and social prominence in the new Choctaw Nation.

Jones, therefore, refused Mississippi citizenship and took on a position as Captain of a party of fifty-nine Choctaws and hundreds of livestock in the first wave of immigration to Indian Territory. His wife, Judith Walker, and a child, most likely a maternal cousin, accompanied them on the trip. He repeatedly petitioned for additional funds and supplies for removal to no avail. In a desperate move, Jones took out a note for basic supplies expecting reimbursement from the government only to find that his non-itemized receipt was deemed insufficient. By the time he had reached Indian Territory, approximately half of the livestock had died from exposure or starvation, as well as one of his five slaves.<sup>77</sup>

Jones' decision to remove with the Choctaws did not go unnoticed. A member of Choctaw Peter Pitchlynn's party wrote a poem regarding the entire situation in which he declared "On my way to Arkansaw, (sic) G-d D-n the white mans laws." Regarding the chief who instigated the removal treaty, the writer exclaimed "Greenwood Leflore is chief no more...he was a man that took a bride from Uncle Sam's little scribe." He called Thomas McKenney, the architect of "civilization" policy "a very good talker, hard at work while our Indians are at slaughter." Finally, he concluded discussing Jones and two other members of the Removal party. He exclaimed "Robert Jones is of our

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<sup>77</sup> Robert M. Jones to Mr. Puglis, September 2, 1831, Letters Received by the Office of Indian Affairs, Record Group 75, Roll 170; Major Kearney to Col. R. Jones, February 29<sup>th</sup>, 1832, Letters Received by the Office of Indian Affairs, Record Group 75, Roll 170.

crew, [as smart a man as we ever knew] This is a man that is true.”<sup>78</sup> The writer clearly believed that the Choctaws had been cheated by the United States government, but under the leadership of men like Jones, Pitchlynn, and others, it would survive removal and rise to prominence.

Though the Choctaws lost their traditional lands and thousands of citizens, removal failed to destroy the Choctaw Nation. In fact, the Choctaws arrived in their new home lands united in their destitution and eager to rebuild the infrastructure of their nation similar to how it existed in Mississippi.<sup>79</sup> Their unity was partially due to the fact that they scapegoated Greenwood Leflore for precipitating removal, augmenting his own authority, calling himself “Principal Chief,” and signing the removal treaty. Leflore remained in Mississippi on large tracts of land appropriated to him, allowing the Choctaws who emigrated to quickly move beyond blame and focus on the task of rebuilding a nation.<sup>80</sup> Even more importantly, leaders continued to build the institutions put in place before removal, including a constitutional system, a standing council, and sustained district autonomy. They also continued to selectively adapt Euro-

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<sup>78</sup> The author of the poem crossed out the line “as smart a man as we ever knew” in favor of “This is a man that is true,” most likely to make for a better rhyme. “Untitled and Unsigned Poem, Regarding the Treaty of Dancing Rabbit Creek and Pitchlynn,” Folder 88, Peter Pitchlynn Collection, GM; “Verses composed by a Choctaw, while migrating west as a member of Peter’s Party,” Peter Pitchlynn Collection, GM.

<sup>79</sup> Death and disease en route also made continuation of kinship traditions difficult. Therefore, as kinship networks contracted, loyalties and obligations to clan and kin were somewhat undermined by loyalties on the “basis of religion, class, and culture.” But this process had already begun with the breakdowns in district autonomy, creation of the Light Horsemen, and civil involvement in clan affairs. Removal hastened this process, but it had clearly begun prior to forced removal. See Donna Akers, “Removing the Heart of the Choctaw People: Indian Removal from a Native Perspective,” *American Indian Culture & Research Journal* 23 (1999), 63-77.

<sup>80</sup> Leflore played the role of villain well, building a luxurious French-style mansion with his new wealth and serving in the Mississippi house and senate. See R. J. Halliburton, “Greenwood Leflore and His Malmaison Plantation” in ed. Samuel Wells and Roseanna Tubby, *After Removal: The Choctaw in Mississippi* (Jackson: University Press of Mississippi, 1986) 56-61.

American cultural traits, including Christianity, education, commerce, and racial slavery, to advance Choctaw National interests.

## CHAPTER TWO: “IGNORANCE IS OUR GREATEST ENEMY”: CHOCTAW NATIONAL SCHOOLS

Formal education and connections to Christian missionaries became integral parts of Robert M. Jones’ life at the same time schools became a central feature of Choctaw National life. Unlike his cousin James McDonald, Jones most likely received his primary education inside the Choctaw Nation from a local missionary. Based on his family’s location, it is possible that Jones was among the first students at Mayhew Mission School where he learned to read and write in both English and Choctaw in 1820.<sup>1</sup> At the age of eighteen, a district chief selected Jones to attend the first Indian boarding school for advanced education, the Choctaw Academy in Blue Springs, Kentucky.

This proved to be a transformative event in his life, as well as in the development of the Choctaw Nation. While in attendance, Jones forged a personal relationship with American political leaders, including future United States vice president Richard M. Johnson and future Arkansas senator Robert Ward Johnson, among several others. In early 1830 when Jones left the Academy, he received a printed diploma as well as a personalized letter of recommendation from Johnson.

Johnson wrote:

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<sup>1</sup> There are two other possibilities for Jones’ early schooling. Based on his connections to Apukshunnubbe, it is possible that he was sent to a primary school in the United States. Apukshunnubbe sent his son and James McDonald to schools among Quakers in Connecticut. David Folsom and Israel Folsom both received educations at American Ivy League schools. However, the abundance of documentation for these cases combined with the absence of Jones’ name, as well as Jones’ silence regarding trips to the United States makes this unlikely. It is also possible that he learned basic education from a relative at home. “Died” *Republican Farmer*, May 15, 1816; *National Gazette and Literary Register*, March 3, 1873; U.S. Congress, Joint Special Committee, *Report of the Committee on Indian Affairs, Concerning Frauds and Wrongs Committed Against the Indians*, November 4, 1824; 42<sup>nd</sup> Cong., 3d sess., 612.

In addition to the certificate, we should neither do justice to ourselves nor to Robert M. Jones without further stating to the public that our long acquaintance with and particular knowledge of Mr. Jones justify us to the full extent in stating that he is a young man of sterling worth, strictly honest and just in all his dealings with mankind; of a fine mind, well cultivated and improved; entertaining a high and dignified sense of honor; well qualified with a good english education for any ordinary business and in whom the utmost confidence may be placed as to integrity and ability on his part to discharge faithfully any duty he would undertake.

Jones later drew on these powerful connections to help him start his first business and gain temporary employment with the United States government immediately following removal. He also converted to Christianity while at the Academy. Based on the tenets of the American “civilization program,” he epitomized what the federal government thought Choctaws should become.<sup>2</sup>

Nevertheless, Jones played an essential role in wresting control of the Choctaw Academy from American hands. While at the school, he engaged in several successful letter-writing campaigns aimed at improving conditions for the students. Following removal, Jones and other Choctaws knew that a school bearing their name belonged within *their* national boundaries and under the exclusive control of the Council. Jones used his position on the Council’s education committee to audit the school and pressured U.S. agent William Armstrong to exert some influence over proceedings at the school. He simultaneously worked towards constructing the school’s replacement—Spencer Academy—within the confines of the Choctaw Nation. Jones understood education did not void Choctaw identity as long as citizens of the Choctaw Nation

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<sup>2</sup> Choctaw Academy Graduation Certificate, June 11, 1830, Box 1, Folder 9, The Robert M. Jones Collection, Oklahoma Historical Society, Oklahoma City (hereafter cited as OHS); Richard M. Johnson to Thomas Henderson, May 12, 1834, Box 1, Folder 9, Thomas Henderson Papers, The Filson Historical Society, Louisville, Kentucky (hereafter cited as “Filson”); Elise Lewis, “Robert Ward Johnson: Militant Spokesman of the Old-Southwest.” *Arkansas Historical Quarterly* 13 (Spring 1954), 16-30.

controlled the process. Though missionaries and federal officials played a critical role in establishing a foundation for the Choctaw education system, Jones and others battled to ensure that the school system served Choctaw National interests.

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Early education endeavors began in the pre-removal period from 1820-1831, when Choctaws made a considerable effort to establish schools. Only a select number of elite Choctaws, however, attended school before removal, most often through their families' financial and cultural connections. As the threat of removal loomed, education increasingly became a national priority. Choctaw chiefs expressed this sentiment in many letters to newspapers and government officials in the United States, including one which asserted that "We wish our children education...we are anxious...that our rising generation should acquire a knowledge of literature and the arts, and learn to tread in those paths which have conducted your people, by regular generations, to the present summit of wealth and greatness."<sup>3</sup> Removal temporarily halted these efforts, crushing the fledgling school system but deepening the desire for a national education system.

Shifting to a Euro-American model of education became a critical tool for redefining the Choctaw Nation in the post-removal period. While the Choctaws made some limited advances towards formal schooling prior to removal, leaders in the post-removal Choctaw Nation expanded upon these early efforts to develop an elaborate school system to meet the nation's growing desire to provide education for children and

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<sup>3</sup> United States Department of Health, Education, and Welfare, *A Brief History of Federal Responsibility to the American Indian* (Washington: GPO, 1979), 13; Quoted in Ronald Lawrence Pitcock, "Regulating Illiterates: 'Uncommon' Schooling at the Choctaw Academy, 1835-1848," (PhD diss., University of Kentucky, 2001), 62- 63.

adults. Though some American leaders hoped that education and concurrent Christianization would eradicate Native “savagery” to solve the “Indian problem,” Choctaws embraced education and made it a distinctly Choctaw institution used to defy Anglo-American perceptions of Indianness. In James Axtell’s terms, they employed education as both “adaptive” and “reactive” to the changing world around them. Neither education nor Christianity per se endangered Choctaw identity. Rather these became integrated into local communities which then reshaped the schools into distinctly Choctaw social institutions. Together, schools and missions bound communities together in old and new ways, reinforced cultural traits, allowed for selective incorporation of Christianity, and prepared Choctaws to better resist and adjust to the encroaching United States.<sup>4</sup>

The Choctaws learned valuable lessons in their initial attempts at school formation which they carried into the post-removal schools system. First, education had to be a wide-spread initiative and not the realm of the select few. Second, in order for education to be a national project, schools and missions had to be fixtures in local community life. Finally, schools had to be decisively under Choctaw control with only selective involvement of missionaries and U.S. officials. This chapter examines the early efforts at establishing education in the pre-removal period, and then explores the ways in which education became a national system in the post-removal period.

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<sup>4</sup> See James Axtell, *The European and the Indian: Essays in the Ethnohistory of Colonial North America* (New York: Oxford University Press, 1982) 269-270, 273, 302-304. For further discussion of the national school systems among the Cherokees and Chickasaws see Devon A. Mihesuah’s *Cultivating the Rosebuds: The Education of Women at the Cherokee Female Seminary, 1851-1909* (Urbana: University of Illinois Press, 1993); James Parins *Literacy and Intellectual Life in the Cherokee Nation, 1820–1906* (Norman: University of Oklahoma Press, 2013), and Amanda J. Cobb’s *Listening to Our Grandmothers’ Stories: The Bloomfield Academy for Chickasaw Females, 1852-1949* (Lincoln: University of Nebraska Press, 2000).

Missionaries played a critical role in establishing the earliest schools among Choctaws. Some historians have argued that missionary-led education systems, and missionaries themselves, resulted in cultural genocide as men and women concerned solely with spreading the Christian gospel at the cost of “heathen” Indian cultures succeeded. Publications from the missionaries and American-based mission societies support this as a stated objective. Despite their Christian imperative, missionaries living among the Choctaws quickly discovered only a minority had an interest in conversion. Instead, they desired small-scale steps to educate a select group of potential future leaders who could better combat American expansion on American terms. They understood that having at least a select minority adept at American-style negotiating tactics and familiar with the American legal system was necessary for defense of the nation. As the desire for schools within the Choctaw Nation increased, missionaries accepted their role as educators and in many instances worked to preserve rather than eradicate Choctaw culture.<sup>5</sup>

For instance, after establishing Elliot Station Mission, in 1819, Cyrus Kingsbury soon lamented that the Choctaws had little interest in Christian conversion and that his mission would likely end if he did not place a primary interest on secular concerns. He reported to the American Board of Commissioners for Foreign Missions (ABCFM) that “we wish we could say that as much as been done to enlighten & save the souls of these perishing people as to make preparations for the instructions of their children.” To attract Choctaw support, Kingsbury yielded to the Choctaws’ request to make his mission primarily a school. Though most Choctaws refused to travel great

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<sup>5</sup> Lawrence Davidson, *Cultural Genocide* (New Brunswick: Rutgers University Press, 2012), 21-44; Donna Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State University Press, 2004), 26-28, 34-37, 50-51, 55.



distance for religious advice, the first class of students traveled over 160 miles on the promise of an education. Kingsbury and his staff began accepting scholars before a school house could even be completed out of his fear that failing to do so would further alienate neighboring families and district leaders. Though he insisted that the Elliot Station could only support a maximum of 20 students, he finished the year with 60 youths, 16 of these allegedly fully-literate by the years' end, measured by their understanding of Bible passages. By its second year, several sons of prominent captains and chiefs, including Pushmataha's and Mushulatubbee's sons, attended the school.<sup>6</sup>

By late 1820, David Folsom informed American missionaries that “the Choctaws are throughout the whole nation...anxious for schools.” Yet, they relied upon cooperation with neighboring Euro-Americans to provide suitable educators. If they officially requested that the United States take-charge of sending educators and building schools on Choctaw land, they ran the risk of forfeiting control to a government hell-bent on taking their land. Instead, Choctaw leaders borrowed the paternalistic rhetoric of the civilization program, requesting assistance from missionaries and benevolence societies while simultaneously using schools as a potential defensive bulwark for their national sovereignty. To fund this project, Choctaws arranged for a portion of the proceeds from treaties in 1820 and 1825 to go towards building and maintaining schools

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<sup>6</sup> Kingsbury believed that by providing a Christian-based education to these few youths “may secure them an important influence in the councils of their nation,” he was also planting seeds of wide-spread conversion and civilization. Yet, after one year in operation his mission boasted zero conversions and shortages in funding and labor. Kidwell, *Choctaws and Missionaries*, 65-83; Joseph Tracy, Solomon Peck, Enoch Mudge, William Cutter, *History of American Missions to the Heathen, from their Commencement to the Present Time*, (Spooner & Howland, 1840), 79.

while at the same time extending invitations to American missionary societies to provide financial aid and suitable educators.<sup>7</sup>

Though missionaries traditionally receive the bulk of the credit for the pre-removal Choctaw school system, a closer examination reveals that Choctaw communities played a significant role in constructing and maintaining early schools. For instance, when Cyrus Kingsbury complained that his missions suffered from lack of food and money, a local council appropriated initially \$700 from their share of annuity payments for lands sales, and later the district increased this amount to \$2,000 per year. Local Choctaw families surrounding the institution also donated eighty-five cows and calves with the promise of subsequent corn upon harvest. Moreover, a local community containing Choctaws “of all levels of acculturation” along the Natchez Trace, including the paternal family of Robert M. Jones, volunteered to furnish the buildings, labor, cooking, cleaning, and land for a school when approached by missionary Loring Williams in 1824. Despite only small-scale success, the zeal for education among Choctaw youths spread, sparking an additional mission in each district. By 1827, a combination of funds from the ABCFM, Choctaw annuities, and United States government funds went towards the creation and maintenance of eight official mission and day schools.<sup>8</sup>

Chiefs and captains actively vied to convince missionaries and councils to put the next schools where their youths could take advantage. In the Sixtowns District,

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<sup>7</sup> David Folsom to Elias Cornelius, March 5, 1820, Jay L. Hargett Collection, Box H-57, Folder 8, Western History Collection, University of Oklahoma, Norman, Oklahoma; Charles J. Kappler, *Indian Affairs: Laws and Treaties* (Washington: Government Printing Office, 1904), 19, 212.

<sup>8</sup> When Kingsbury decided he still lacked the financial commitment to open subsequent schools, David Folsom approached Kingsbury’s rivals in the Cumberland Presbytery requesting aid, causing Kingsbury to relent and plan for subsequent schools. See Kidwell, *Choctaws and Missionaries*, 42; William Cutter, *History of American Missions to the Heathen*, 79.

local Captain Hwoolatahoomah proclaimed that “I want the good people to send men and women to set up a school in my district. I want them to do it quick. I am growing old. I know not how long I shall live. I want to see the good work before I die.” He further explained that he and other captains had insisted on laws banning whiskey consumption, indolence among the men, and infanticide among women all as a way to sway the missionaries to “assist us in getting our children educated.” District chiefs, let alone captains, rarely exercised this type of authority over individual’s action, instead leaving the matters for clan to police, which further demonstrates that interest in education extended well beyond a small cohort. Although many leading men vied for missionary schools in their communities, Choctaws took careful pains to dictate the parameters of education and control the actions of missionaries. For instance, Robert Cole, nephew to Apukshunnubbe and heir to leadership in the Western district, threatened to pull his nephews out of Kingsbury’s school if he did not change the curriculum from a focus on agricultural work to mechanical work. Kingsbury knew that he had to accommodate Cole’s and other Choctaw requests, but Cole still withdrew twelve students, citing health concerns and dissatisfaction with the progress of the schools. In addition, many missionaries recorded frequent visits by boarding students’ families to inspect the schools and see what was being taught to their kin. When dissatisfied families found unfavorable conditions, they simply returned the children back to their parents’ care.<sup>9</sup>

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<sup>9</sup> It is also worth noting that education could spark divisions among Choctaw leadership. Chief Mushulatubbee had been a fervent supporter of education, hoping that he would “live to see councils filled with the boys...now in school.” This changed when missionary Aden Gibbs fled his post at Mushulatubbee’s residence after Mushulatubbee refused to banish all whiskey from the house and interfered in disciplinary matters. Mushulatubbee sought out agent William Ward, marched to Elliot Mission where Gibbs had fled, and threatened to disband every school in the nation if Gibbs did not return. A negotiation temporarily appeased both sides until 1825. Kingsbury closed down

Missionaries had far greater impact on secular Choctaw society than spiritual practices. In addition to schools, missionaries helped create a written Choctaw language. Cyrus Byington, along with missionary Allen Wright and Christian Choctaw Israel Folsom, produced a written lexicon of the Choctaw language. By late 1825, this cohort had assembled a working variation of the Roman alphabet for the Choctaw language with modified accents and diphthong vowels, along with a basic dictionary of hundreds of common words. Undoubtedly, the written Choctaw language did assist missionaries in their efforts to spread Christianity, but it also facilitated Choctaw education. Though U.S. officials feared that teaching literacy in Native American languages might retard the “civilization” process, missionaries of all denominations discarded their critiques and hastily worked to translate books of both a religious and secular nature into the Choctaw language. As Presbyterian preacher Alexander Talley proclaimed, “books [for] the Choctaw, and teachers of the Choctaws” should all be in the Choctaw language.<sup>10</sup>

Literacy not only transformed the worldviews of individual Choctaws, it also helped foster a collective national identity. In 1826, only months after the written language had been completed, leaders used it to draft the first Choctaw constitution, which provided the foundation for Choctaws’ system of national governance throughout the remainder of the nineteenth century. What Byington saw as “an instrument...communicating a knowledge...of salvation,” David Folsom and other

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Mushulatubbee’s school, causing Mushulatubbee to retaliate by promising the entire Choctaw education annuity to schools outside the Choctaw Nation. Mushulatubbee’s actions, which diverted the national funds without the consent of other districts, infuriated David Folsom, Robert Cole, and Choctaws in his district leading to his temporary dispossession of power. Kidwell, *Choctaws and Missionaries*, 77.

<sup>10</sup> Louis Coleman, *Cyrus Byington: Missionary and Choctaw Linguist* (Nebraska: Morris Publishing, 1996); Marcia Haag and Henry Willis, *Choctaw Language and Culture: Chahta Anumpa* (Norman: University of Oklahoma Press, 2001) 307, 309.

Choctaws saw as a way to “introduce laws” and extend civil governance to the Choctaw people.<sup>11</sup>

By the mid-1820s, education and literacy had become a priority of the fledgling Choctaw Nation. A select few, including James McDonald, George Harkins, Israel Folsom, and Peter Pitchlynn received substantial endowments from Choctaw funds to attend the best American universities and boarding schools, but leaders desired more local control over the education of Choctaw youths. Moreover, Choctaw leaders feared that sending children to live among Anglo-Americans would disconnect them from their families and society. That said, many also feared that if these select students lived too closely among other Choctaws, they would be tempted to abandon their studies. In order to resolve this dilemma, they collaborated with the federal government to create the Choctaw Academy in 1825.<sup>12</sup>

Congressman Richard Mentor Johnson jumped at the opportunity to take part in educating a select group of Choctaws and other Native American youths and made a personal appeal to Secretary of War John C. Calhoun. Johnson had gained national notoriety following the 1815 Battle of Thames when he claimed to have personally slain Shawnee sachem Tecumseh and parlayed his fame into a Kentucky Senate seat in 1819. By 1825, Johnson had presidential aspirations and sought to endear himself to the American electorate by taking an active role in the education of Native American youths and advancing the “civilization program” as a solution to the “Indian problem.” The Senator volunteered his land in Blue Springs, Kentucky, informing Secretary of

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<sup>11</sup> Kidwell, *Choctaws and Missionaries*, 77

<sup>12</sup> W. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972), 19-21; Czarina C. Conlan, “David Folsom” *Chronicles of Oklahoma* 4 (Winter 1926), 341; Frederick Hoxie, *This Indian Country: American Indian Activist and the Place they Made* (New York: Penguin Press, 2012).

War John C Calhoun that he had “a house with 3 rooms, 20 x 30 feet which I shall appropriate exclusively to their accommodation. I have another house with four Rooms 20 feet square which will do for the Teacher to live in & one room for the last school—the whole establishment will be within my own fences so that no time shall be lost.” Johnson selected his friend Thomas Henderson as the acting superintendent and daily headmaster, endorsing him as having “uncommon merit—a scientific character... a preacher of the gospel, of industrious habits and dignified manners.”<sup>13</sup>

The War Department accepted this bid and in October of 1825 the school officially opened. Twenty-one Choctaws boys aged 13 to 20 travelled to Kentucky under the charge of Peter Pitchlynn to form the first class. The Blue Springs school, a high profile experiment, gained immediate attention from the American public, Choctaw citizens, and other Native American polities. Newspapers like the *Public Advertiser* in Louisville noted that Choctaws had arrived at Blue Springs. Other national newspapers reported the progress of quarterly student evaluations. Greenwood Leflore, Mushulatubbee, and James McDonald made visits to the Academy and reported back on its progress to local authorities. Even the Creek Nation, which was notoriously suspicious of missionary efforts at education, enrolled thirteen youths in 1826 after a favorable report from Chief Opothleyahola.<sup>14</sup>

Funding the school proved a point of contention for the Choctaws, the federal government, and Richard M. Johnson. Several poor investments in the 1820s left Johnson in considerable financial distress. As historian Ella Wells Drake noted, “any

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<sup>13</sup> Marjorie Hall Young, “Stars in a Dark Night: The Education of Indian Youth at Choctaw Academy” *Chronicles of Oklahoma* 70 (1990), 284

<sup>14</sup> “Indian Education,” *Daily National Intelligencer*, November 24, 1825; P.P Pitchlynn to Richard M. Johnson, October 5, 1826, Box 9, Folder 7, Foreman Collection, OHS; *Public Advertiser*, November 9, 1825.

benevolence Johnson extended to the boys flowed through his desire to perpetuate his profit.” Johnson openly stated his goal of receiving \$12,000 a year for boarding Native youths, noting that “the more scholars I have the more profit.”<sup>15</sup> After failing to convince the War Department to divert all funding from local mission schools to the Choctaw Academy, Johnson recruited other Native polities to send their youths and requested a cash payment per student regardless of actual costs. Seeing as Johnson used his own slave labor to construct and maintain the school buildings, he knew that he could make a significant profit from the Choctaw Academy. He attempted to downplay talk of his financial exploits, warning Henderson that “you know what a disadvantage it would be to me to have people believe I was making a great deal of money.”<sup>16</sup>

Given the school’s distance from the Choctaw Nation, educators Thomas Henderson and Richard Johnson believed that they would have full control over the proceedings at the school. Johnson implored Henderson that “it is in your power to do more to enlighten the Indians by encouraging this school than any man in the world—lose not the opportunity.”<sup>17</sup> As a method of keeping Choctaw authorities appeased and at a distance, Johnson also recommended that Henderson encourage students to write letters home with reports from the school. Henderson could then censor out the letters which did not convey the most positive reports. In the inaugural class of 1825, Henderson complied by having “those capable of dictating and writing letters have written to the chief and to their friends expressing great obligation for sending them to

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<sup>15</sup> Ella Wells Drake, “Choctaw Academy: Richard M. Johnson and the Business of Indian Education,” *Register of the Kentucky Historical Society*, (1993), 295.

<sup>16</sup> Richard M. Johnson to Thomas Henderson, February 21, 1826, Box 1, Folder 2, Filson.

<sup>17</sup> Richard M. Johnson to Thomas Henderson, December 9, 1825, Box 1, Folder 1, Filson.

this school.”<sup>18</sup> Johnson and Henderson also sent some of these letters to benevolent societies to court them for additional financial support. For instance, *The American Baptist Magazine* received and reprinted letters credited to Choctaw Academy students. In one letter, Pierre Juzan claimed to “we have a Teacher who would do honour [sic] to any literary institution” and that following his tutelage “leads in the paths of virtue and happiness.”<sup>19</sup>

Henderson assured American officials that “the children...are removed so far beyond either the control or protection of their parents or friends, that I have become a kind of parent to them all, and they naturally look up to me for protection, as a child does his father.” He anticipated no problems from Choctaw students, who he addressed as “sons,” especially since local white children had joined their ranks and inspired them with a zeal for learning. As Henderson and Johnson quickly realized, however, this paternalistic goal rarely became a reality. In fact, the Choctaw students remained tied to their society and kin networks. Choctaw youths and leaders astutely observed that Henderson and Johnson relied upon public opinion in both the Choctaw and American nations in order to keep a constant flow of funding. Thus, both Choctaw youths and leaders engaged in frequent letter-writing campaigns of their own in order to address grievances and exercise control over the proceedings at the school.<sup>20</sup>

For instance, Johnson and Henderson ignored Peter Pitchlynn’s concerns about the school’s condition—in fact, they reported that after a visit Pitchlynn was “highly pleased.” Johnson assumed that his personal friendship with Pitchlynn, his

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<sup>18</sup> Carolyn Thomas Foreman, “The Choctaw Academy,” *The Chronicles of Oklahoma* 6 (December 1928), 459.

<sup>19</sup> Pierre Juzan, “My Friends and Brothers:” *The American Baptist Magazine*, 7 (Boston: Lincoln & Edmonds, 1827), 51-52.

<sup>20</sup> Quoted in Pitcock, “Regulating Illiterates,” 77.



recommendation that Pitchlynn receive funds to study law, and the fraternal masonic bonds between them would keep Pitchlynn from publically voicing his concerns. That changed in 1828 when Johnson received a copy of a scathing letter written by Pitchlynn to David Folsom and Secretary of War William Ward admonishing the Academy for a number of offenses, including poor food consisting of bacon fat and weak coffee, soiled linens, un-mended clothing, cramped room quarters, and students being served in the dining halls by some of Johnson's "insolent negroes." Pitchlynn's report was received and read before the General Council, sparking the first of many controversies at the Choctaw Academy.<sup>21</sup>

Johnson and Henderson's level of response demonstrates their recognition of the Choctaws' potential authority over the Academy. Johnson hastily wrote letters to Choctaw and American allies vehemently denying each of the accusations. Henderson also wrote letters to several politically prominent Choctaws refuting the charges. He acknowledged complaints from students, but claimed both he and Johnson "have taken uncommon pains to remedy any evil immediately." In regards to the slaves, Henderson admitted to hearing of Johnson "whipping some negroes very severely for insolence to the students but these are not those who wait on the table." Henderson reminded the officials that they need not accept his word, but rather look to the numerous favorable reports from visiting clergymen, prominent white neighbors, and Choctaw officials. He pointed to Greenwood Leflore's glowing report and claimed that the food and shoes given to the students had actually improved since inspected by James McDonald and Charles Juzan.<sup>22</sup>

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<sup>21</sup> Foreman, "Choctaw Academy," 459, 464.

<sup>22</sup> Ibid., 460.

Most importantly, Henderson recognized that he needed to address the concerns of current students if he could hope for any continued support. Before sending off his letters, Henderson recruited six prominent Choctaws, including star pupil Robert M. Jones, to sign that they had read the statement and agreed with Henderson's assessment of the institution. Their support came with a cost. Only a few months later, Henderson received word from Johnson that rising star in Indian Affairs, William Armstrong, had been "prejudiced" against the Choctaw Academy due to complaints lobbied by Robert M. Jones, Robert Nail, Pierre Juzan, and others—the same youths that Henderson used to vouch for the positive state of the school. The letter, which Johnson firmly believed was written by Jones, was addressed to President John Quincy Adams and the General Council. The letter made several complaints, including that little could be learned at the school because Johnson and Henderson refused to hire a sufficient number of teachers, instead maximizing profits by overextending the limited available staff. Additionally, they echoed concerns voiced by Jones and James L. McDonald in 1827 that too many students were crowded into tight spaces.<sup>23</sup> In taking these actions, Jones and other students boldly attempted to reform the school and protested the nature of their treatment and parameters of their education in the academy that bore their nation's name.

Neither Johnson nor Henderson understood that for Choctaw youths and leaders the Choctaw Academy represented a national institution. One pupil exposed his national pride in a letter addressed to his "friends and countrymen" and boasted that "the Choctaws have taken the lead in establishing our Academy, amidst our white brethren, and we are under great obligation to our Nation for the honor and the

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<sup>23</sup> Richard M. Johnson to Thomas Henderson, April 28, 1828, Box 3, Folder 34, Filson.

advantage of taking the first fruit of this noble institution.” He further exhorted his fellow students to “let us honor our nation by a close attention to our studies.” Several of these nationalistic tracts snuck into letters to benevolent societies and government officials on the surface praising the seemingly selfless work of Academy staff like Henderson while simultaneously advancing the Choctaw Academy as a Choctaw institution.<sup>24</sup>

Choctaw leaders also actively flaunted advancements with education and “civilization” as a way of resisting restrictive policies from both the United States and the state of Mississippi. While negotiating in Washington D.C. in 1825, the Choctaw delegation issued the following address which appeared in national newspapers. They called for redress of both incursions against their sovereignty and their exclusion from the American justice system:

“...in several of the southern states, we are denied privileges to which, as members of the human family, we are of right entitled. However qualified by education we may be, we are neither permitted to hold offices, nor to give our testimony in courts of justice, although our dearest rights may be at stake. Can this be a correct policy? Is it just, is it humane? When schools are multiplying among us; when we have made liberal appropriations of money for education of our children; when we are forsaking the chase, and turning our attention to agriculture, and are becoming an orderly and social people—does it comport with an enlightened and liberal policy to continue the imposition of those degrading restrictions upon us?”<sup>25</sup>

Drawing on their recent success in schooling, Choctaws used their selective embrace of “civilization” policies to in turn critique the American colonial system.

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<sup>24</sup> George Harkins, “My Friends and Countrymen” *The American Baptist Magazine*, 7 (Boston: Lincoln & Edmonds, 1827), 51-52.

<sup>25</sup> *Pittsfield Sun*, March 10, 1825; Treaty with the Choctaws, January 27<sup>th</sup>, 1825 *American State Papers: Indian Affairs*, 2:547.

So long as Choctaws occupied valuable lands, though, no amount of education, Christianization, and “civilization” could halt the American desire for Indian removal. Of course, federal officials, missionaries, and other white Americans’ thoughts on Native American proclivity for “civilization” were shaped by burgeoning racial ideologies. Thus, they moved the goalposts for “civilization” in order to justify ongoing colonial policies. Despite changes made by the Choctaws in their education, governmental structure, and diplomacy with the United States, shifts in policy by the Jackson administration meant that forced removal from their homes in Mississippi quickly became unstoppable. Within the system of settler colonialism that defined the relationship between the American nation-state and Native Americans in the early nineteenth century, no amount of acculturation would have prevented their removal.<sup>26</sup>

In part, Choctaws blamed missionaries for removal, leading to an unsteady relationship in the post-removal Nation. Chief Mushulatubbee attempted to solidify his political base with calls for all missionaries to be permanently banned from the post-removal Choctaw Nation to ensure that Choctaw money remained out of American hands. This resonated with Choctaws who had been disillusioned by the march to “civilization” and sought to return to traditional ways of life. Even some Choctaws who had embraced tenets of the “civilization” policy admitted that “we tried white men long enough, and we find the greatest member of them [Andrew Jackson] but a monkey in

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<sup>26</sup> For examples of the theoretical framework of settler colonialism, see: Alexandra Harmon, *Rich Indians: Native People and the Problem of Wealth in American History* (Chapel Hill: University of North Carolina Press, 2010); Jeffrey Ostler, *The Plains Sioux and U.S. Colonialism from Lewis and Clark to Wounded Knee* (Cambridge: Cambridge University Press, 2004).

the business.” Many feared that continuing to collaborate with missionaries put the post-removal nation in danger of unrelenting American colonial policies.<sup>27</sup>

Among the majority of Choctaw leaders, however, education remained a national priority and the desire for literacy continued to grow as the Choctaws attempted to rebuild their society. Unfortunately, the Choctaws encountered every imaginable calamity during their first decade in Indian Territory. These initial struggles for survival and stability overshadowed the education agenda. By June 1833, hundreds of families had settled on the Arkansas River and planted crops to supply the final wave of Choctaw emigrants coming from the East. A terrible flood, which swelled all forks of the Canadian River, washed away their crops, livestock, and homes. The floods were followed by outbreaks of various deadly diseases. Along the Red River, called by one the “stream of death,” land coveted for the fertile basin soil also brought malaria, whooping cough, and fevers which decimated the population, particularly the old and the young. An outbreak of smallpox then killed over 700 Choctaws, including aged chief Mushulatubbee. Surviving in what one Choctaw called “the land of death” took priority over reinstating the system of education immediately after removal.<sup>28</sup>

Yet, the need to re-establish former institutions such as schools loomed among Choctaws with a growing sense that the political and social order had been uprooted. By 1834, the Choctaws possessed ample funding to open schools themselves, but post-removal hardships and the lack of teachers within the nation hindered the process. To assist these efforts, the General Council resumed the acceptance of missionary educators from American Christian benevolent societies that year. Aware of past

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<sup>27</sup> Ibid.

<sup>28</sup> Donna Akers, *Living in the Land of Death* 112-115; Hiram Wingate to Brother and Sister, June 20, 1849, Folder 2, Filson Historical Society, Louisville, Kentucky.

mistakes and weary of losing control, leading Choctaws immediately set the precedent of Indian authority over schools. Missionaries knew they were “compelled to deport themselves towards the Indians in a manner to conciliate their good will, and to render themselves useful to the Indians to be allowed to live among them.” Accepting these terms, missionaries who had served among the Choctaws in Mississippi—including Cyrus Kingsbury, Cyrus Byington, Loring Williams, and Alfred Wade—worked to reestablish schools and missions in Indian Territory. To avoid potential controversies, they formally requested that the General Council appoint committees and trustees to audit each school’s finances, attend annual examinations, clearly demonstrating that missionaries worked in Choctaw schools—not American schools.<sup>29</sup> Following removal, the General Council immediately worked to create a system of oversight for the fledgling education system and keep control of schools in the hands of the Choctaw government rather than missionary societies or the federal government.

Under the Council’s supervision, education began to expand and schools became a central component of rebuilding the Choctaw Nation in Indian Territory. By 1836, the General Council had constructed and opened five schools attended by over 150 students. The next year, the Council authorized the creation of three more schools, one in each district of the Choctaw Nation. Petitions to fund and build subsequent schools flooded the General Council, in both the English and Choctaw languages, from

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<sup>29</sup> Congressional Edition, *Public Documents of the Senate of the United States, Vol. 1* (Washington: Blair and Rives, 1838), 565. “Religious: American Board of Missions,” *Boston Recorder*, September 25, 1835; One example of establishing authority came when missionary William Loring faced a detailed inquiry and the threat of expulsion when he was accused of “positively declaring that there should be no school if they did not comply with my terms.” He vehemently protested, claiming “to be perfectly and entirely innocent of this charge” and willing to open schools wherever the General Council and American Board would agree. Loring J. Williams to Peter Pitchlynn, September 20, 1837, Box 1, Folder 52, Peter Pitchlynn Collection, WHC.

throughout the nation. Local schools in the Choctaw Nation became permanent facets of Choctaw communities.<sup>30</sup>

With the growing system of education in the post-removal nation, relocating Choctaw Academy within its sovereign bounds became a new national priority. Even those who had once endorsed the academy reasoned that its location in Kentucky now made it too far to be of benefit to the Choctaws. Moreover, many former students had become fervent nationalists and believed that an academy bearing their name and educating their children should be within the geographic limits of their nation. Relocating the academy to the Choctaw Nation would give the General Council and parents much more oversight than the American religious societies who contributed to the Academy in Kentucky and the War Department who felt it their duty to regulate it. Provisions of the treaties of 1825 and Dancing Rabbit Creek guaranteed that the War Department would apply Choctaw funds to the Choctaw Academy through 1840. Despite this setback, after removal Choctaw Nationalists aimed to take even greater control of the Academy by threatening to withdraw students and actively souring American public opinion.<sup>31</sup>

Johnson and Henderson resorted to varying tactics in order to keep a maximum number of students at the Choctaw Academy. In 1831, during the second wave of Choctaw removal, Johnson learned that the United States government had stalled paying Robert M. Jones for a section of land in Mississippi. Johnson viewed this slight

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<sup>30</sup> *The Constitution and Laws of the Choctaw Nation*, (Park Hill: John Candy, Printer, 1840),23; "Petition to General Council by 6 Choctaws (a school committee), seeking \$500 for support of Day School," September 6, 1838, Peter Pitchlynn Collection, Folder 429, GM.

<sup>31</sup> Treaty with the Choctaws, January 27<sup>th</sup>, 1825 *American State Papers: Indian Affairs*, 2:547; Charles J. Kappler, *Indian Affairs: Laws and Treaties* (Washington: Government Printing Office, 1904), 316; Thomas Henderson to Richard M. Johnson, March 12, 1834, Box 1, Folder 9, Filson; Johnson to Henderson, May 12, 1834, Box 1, Folder 13, Filson; Foreman, "Choctaw Academy," 479.

against Jones as an opportunity to gain his favor. He wrote to Henderson about Jones' conundrum, saying that "as he is a deserving young man," Johnson could pull some strings in the war department and personally collect the debt. In return, he expected Jones to bring new Choctaw pupils to the Academy that he could trade for the money owed to him under the removal treaty. This act of extortion apparently failed, although Jones did bring a small cohort as had previously been planned.<sup>32</sup>

In 1834, when the General Council in Indian Territory did not send any students to the Academy, Johnson recruited Choctaw youths from families attempting to stay in Mississippi without the Council's authorization. At this point, the General Council drew the line. They contacted William F. Armstrong--their new Indian agent known for his fairness to the Choctaws and opposition to forced removal--and demanded redress. In a letter signed by two district chiefs and other prominent Choctaws, including three members of the Leflore family, two members of the Folsom family, Chief Nitakache, and Robert M. Jones, they asked that the Secretary of War and President be informed that those at the Academy were sent without their consent. They requested that Armstrong and Jones visit the Academy and withdraw all Choctaw youths "who will not or cannot learn," and send them elsewhere to learn "good and useful trades, so that the money of the Nation may not be expended in vain." Armstrong promptly acted, advising the Secretary of War that "I am clearly of the opinion that the expenses of those boys cannot, and should not be chargeable to the school fund of the nation; and

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<sup>32</sup> Richard M. Johnson to Thomas Henderson, March 12, 1834, Box 1, Folder 39, Filson. Jones was compensated for travel and clothing expenses for the students that he transported to the academy, as was standard; however, Jones' land disputes continued through the mid-1850s. In a well-catalogued file, including actions taken by all parties, no mention is made of Johnson. See "George W. Manypenny, Commissioner of Indian Affairs, to Thomas S. Drew, Superintendent of Southern District, February 4, 1854," Folder 744, Peter Pitchlynn Collection, GM.



that the council is entirely correct in saying they do not consider the nation liable or their expenses.” He continued to say “it is unjust to the Choctaws who have met the views of the Government, in removing here.” Though Choctaw students continued to attend the Academy, it was clear that with the Choctaws asserting control over the Academy and Armstrong pushing for justice that the major changes would be needed at the Academy.<sup>33</sup>

A year later in 1835, Armstrong reported that two of the three Choctaw districts refused to send any youths to the Choctaw Academy, and the other district only sent four. After some prodding, the other districts complied and sent a small complement. Armstrong issued a stern warning to the War department that “my duty requires me to frankly state, that unless something is done, they will refuse before long to send their children at all, because they consider the promises and arrangements heretofore made, with Colonel Johnson, have not been complied with.” Moreover, Armstrong warned Johnson and Henderson that they serve first and foremost at the pleasure of the Choctaws, and since “the boys that return from the Academy...continue to give such awful accounts of it, that it must fail unless an effort is made to conciliate these people.” Armstrong issued a final warning to the Secretary of War that “These people have their prejudices, and they have their rights; and there are very many among them who know them; and will not be neglected.”<sup>34</sup> Choctaw demands for control and oversight over the Academy finally found success.

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<sup>33</sup> “General Council to Major F. W. Armstrong, November 8, 1834” Office of Indian Affairs, Grant Foreman Collection, Box 9, Folder 2, OHS; Thomas Henderson to Lewis Cass, Secretary of War, November 14, 1834, OIA, RG 75, Roll 170.

<sup>34</sup> Major F. W. Armstrong to Richard M. Johnson, July 16, 1835, Grant Foreman Collection, Box 9, Folder 2.

Johnson realized the academy could only survive by placating Choctaw demands, whether by reforming educational opportunities, loosening student discipline, or manipulating officials. Because Choctaws constantly complained that students returned from the school with little practical knowledge, Johnson instructed Henderson to shift the curriculum to include more vocational training, with a focus on blacksmithing, wagon making, clobbering, tailoring, large-scale farming, and hands-on training in local shops. Afraid that some youths would resent the changes, Henderson and a board of inspectors proscribed favorable policies, including guarantees that no student will be forced to work in any shop or field and that they could quit at any time. To further sweeten the pot, they guaranteed that all of the net profits from Choctaw students' labors would go to the students themselves, allowing them to leave school with both practical skills and a financial incentive to speak favorably of the school.<sup>35</sup>

Johnson and other officials believed that they had turned a corner by 1837 and would receive the blessing of a new group of Choctaw inspectors led by Jones, Pierre Juzan, and George Harkins. The cadre inspected the academy while en route to a treaty negotiation with the Chickasaws and U.S. officials in Washington, DC. According to George W. Clarke, a teacher at the academy, these three former students were "three of the most popular men in the nation...and whenever they chose, a storm can be raised among their people...and they can raise a great prejudice." Clarke claimed that he believed Jones would file a favorable report, unless he was instructed "by the nation" to return with a list of new grievances. He encouraged Johnson, who filled the office of Vice President at the time, to give special attention to the Choctaw cohort when they

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<sup>35</sup> Marjorie Hall Young, "Stars in a Dark Night: The Education of Indian Youth at Choctaw Academy," 75 (Fall 1997), 291, 294-295.

arrived in Washington D.C. Clarke counted on a special relationship between the former students and Johnson ensuring a favorable report; he encouraged Johnson that “with proper management, you can wrap them around your finger.” Clarke’s assessment proved to be overly optimistic as Jones and his cohort completed their treaty in 1837 and returned with a middling report that endorsed relocating the school to the Choctaw Nation.<sup>36</sup>

While visiting the school, Jones undoubtedly conversed with Adam Nail, a paternal cousin, who entered the Academy in March, 1832 while his family was in the midst of removal. Trouble arose with Nail shortly after Jones’ visit. Like Jones before him, Nail epitomized everything that the purveyors of the Academy wanted in a model student. He quickly acquired the basic skills offered to Native youths and desired to transfer to a medical school. Despite receiving a letter of recommendation from Johnson, Nail lacked either funding or admission to an American medical school. Rather than give up on his dream, Nail remained at the Choctaw Academy in an apprenticeship role under acting physician Dr. H.T. Benedict. To an extent, Henderson’s reports attempted to blend an appreciation for his Choctaw heritage and white education using Nail as an example. For instance, Henderson frequently lauded “Dr. A. Nail’s contribution...to the success of our Botanic remedies, (for we use no others) and the fostering care and protection of the War department. His equal for

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<sup>36</sup> George Clarke to Richard M. Johnson, October 13, 1837, Box 1, Folder 14, Filson. Even Choctaw missionaries joined in the assault on the institution. The journal of N Sayre Harris, Secretary and general agent of the Protestant Episcopal Church recorded the following regarding missionary and Choctaw opinion: “It is not a little mortifying that a gentleman of Col. Johnson’s standing and aspirations should have permitted himself for so long a time to stand in the way of the Indian’s desire to have their children educated among themselves. Could not but blush for him at hearing the remarks of some intelligent Indians upon himself and his institution, and for the government, that could barter the best interests of its unfortunate wards for a mess of political pottage.” Carolyn Thomas Foreman, “Journal of a Tour in the Indian Territory,” *Chronicles of Oklahoma* 10 (June 1932), 240.

probity, sobriety, and assiduous application to his duties...we have seldom if ever witnessed.”<sup>37</sup>

To the shock of Henderson and Johnson, Nail wrote several accounts in 1838 attacking “the true state of the school” and advocating its relocation to the Choctaw Nation. Nail clearly knew which buttons to push in order to undermine the Choctaw Academy’s position among American benevolent societies and government. For instance, he attacked the lack of true Christian moral values instilled at the Academy by noting that “the Sabbath days are not kept, the students go where they please, go hunting (and last summer they went a swimming) ramble over the woods and very seldom go to church.” In addition, he asserted that “we have a young man here who has been a drunkard for two years...and belches out profaneness to its greatest extent.” As far as education, Nail apologized for “our ungrammatical sentences, we do not learn much here,” but also conceded that “we do not believe anybody knows” how much has been learned because they have not had a proper inspection for years. Nail challenged officials to look into what each student knew before coming to the school and test to see how little has been learned. In one letter, Nail attacked every part of the civilization program. Rather than producing sober, Christianized, hard-working, future leaders, according to Nail, the Academy in its current state created the very thing that white civilization feared—drunken, ignorant, heathen “savages” who abhorred hard labor.<sup>38</sup>

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<sup>37</sup> Carolyn Thomas Foreman, “The Choctaw Academy.” *Chronicles of Oklahoma*, 10 (1932), 94.

<sup>38</sup> These reports shocked Choctaw and American officials and damaged the already tainted reputation of the Academy, but not nearly as much as the response from Henderson and their own inspectors. They dismissed Nail’s claims as “altogether false and unfounded.” One year later, Johnson wrote about needing to conceal an additional incident in 1828 between two of his slaves and two Native American youths, likely Choctaws. In 1830, when Johnson was away buying books, several Native youths engaged in sexual relations with several slaves inside Johnson’s house, including in his bed and cellar. Johnson responded with anger, but did not “feel as much anxiety that examples should be made of them [Choctaws]...I know my people in all cases are as much or more to blame.” The fact that the slaves

Given the complaints from Nail, several other students, and Choctaw authorities, by 1839 Johnson realized that he had lost all control over the academy to the Choctaw Nation in Indian Territory. Despite taking in as much as \$474,754.61 in total tuition and donations for the school, Johnson could not afford to have the Choctaws stop sending students. At the behest of the General Council and agent William Armstrong, Johnson appointed a Choctaw to be the superintendent of the school. Although Robert M. Jones was a possible candidate, Peter Pitchlynn accepted the position on the basis of temporary appointment. Johnson attempted to bribe Pitchlynn by reducing teachers' salaries to funnel the money in his direction and ordering him a suit in hopes that Pitchlynn would keep the school functioning on Johnson's land. Pitchlynn took the increased superintendent salary, but in 1841 at the request of the General Council still insisted that Choctaw Nation cease sending students as soon as a replacement academy could be constructed in Indian Territory. It had taken fifteen years, but through numerous measures on the part of Choctaw students and Choctaw leaders, Choctaw education finally fell under the authority of the General Council. In December of 1842,

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belonged to Johnson makes the cases of illicit contact with slaves even more unique since Johnson himself lived with one slave as his common-law wife and acknowledged their two daughters. After glorifying Nail as the bastion of Native civility to white and Choctaw officials, it took a supplemental explanation to attempt to discredit Nail's letter. Thus, they alleged that Nail lied out of "malice and mortified pride" after it was discovered and stopped that he was engaging in sexual relations with one of Johnson's slaves. Henderson and Johnson frequently use race and sexual degradation as a way to discredit those who spoke out against the school. Nail was hardly the first Choctaw youth accused of inappropriate sexual activity with Johnson's slaves in response to an act of rebellion against authorities at the school. As early as 1827—a mere two years into the school's existence—several incidents took place between Choctaw youths and Johnson's slave women. Choctaw John Riddle was sent home in disgrace from the Academy after Henderson accused him of engaging in relations with one slave and protesting when Henderson ended the affair. Johnson called the offense worthy of a hanging because he "made himself superior to the laws of our state which authorizes a man to keep order among his slaves." However, subsequent letters reveal that Riddle's main offense had been challenging Henderson and Johnson's authority more than his relationship with a slave. See the following letters from Richard M. Johnson to Thomas Henderson: October 17, 1827, January 16, 1828, March 24, 1830, Filson Historical Society.

the General Council voted to sever all ties with the Choctaw Academy in Kentucky and move all students to a school within their nation.<sup>39</sup>

Though the Council had made great strides towards establishing schools in the 1830s, during the 1840s they double-downed on their efforts in order to create a truly national system of education equal to, if not superior, to that in the American South. Peter Pitchlynn initiated drastic measures in 1842 to put this system in motion. As speaker of the Council, he passed a series of wide-reaching legislation, starting with “An Act Respecting Public Schools,” which redefined the Choctaws’ relationships with their schools in several ways. First, it called for the creation of six academy schools within the Nation, equally divided between the districts. Far more inclusive than the Choctaw Academy, these public schools required at least one-tenth of the student body of each school to consist of Choctaw orphans and limited attendance to only one child per family so that the affluent families would not dominate the schools. In addition to boarding schools, the Council appropriated varying sums for Sabbath schools and neighborhood schools. Second, subsequent acts empowered the Council and Light Horsemen with varying levels of authority over students and teachers. For instance, each district elected a trustee to manage allotted education funds and report to a Superintendent of Trustees for the General Council. The Light Horsemen also reported to the trustees and had the power to retrieve any student “under the school appropriation” that left without permission. The Council had final approval over all school regulations and policies within the nation. This bureaucratic system redefined

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<sup>39</sup> Baird, *Peter Pitchlynn* 59, 62; Shelly D Rouse, “Colonel Dick Johnson’s Choctaw Academy: A Forgotten Educational Experiment,” *Ohio Archeological and Historical Society Publications*, 35 (1915), 105; “Among the Appropriations Made by Congress,” *The North Star*, April 7, 1849.

education as a national institution among Choctaws—not simply the realm of the select few—and reinforced the national political authority of the General Council.<sup>40</sup>

The reform agenda also included allocating significantly more funding towards schools. In 1837, a Choctaw delegation—including Robert M. Jones, Peter Pitchlynn, Thomas Leflore, Israel Folsom, and others—had agreed to allow the removed Chickasaws to form a district within the Choctaw Nation for the sum of \$537,000 over twenty years. In 1842, the Council voted to use annual interest from the treaty, \$18,000, in addition to their existing annual \$12,000 to pay for the expansion of the Choctaw school system. The Council also reallocated the “Forty Youth Fund,” a trust which subsidized the education of up to forty outstanding Choctaw male and female students in universities throughout the U.S. after completing their primary education in the Choctaw Nation. For instance, with this scholarship Joseph P. Folsom attended Dartmouth University, Dr. T.J. Bond studied medicine in Louisville and Philadelphia, and dozens of other Choctaws learned at schools in all regions of the United States. Several of the students who received the support of the “Forty Youth Fund” returned to the Choctaw Nation and became prominent leaders.<sup>41</sup>

Initially, some local communities opposed this financial allocation towards schools. Previously, these funds had been divided in gold per capita to families at the Choctaw agency in Skullyville. Though American Agent William Armstrong lauded this change “hailed with much joy by those who desire the improvement and happiness

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<sup>40</sup> Joseph P. Folsom, *Constitution and Laws of the Choctaw Nation: Together with the Treaties of 1855, 1865, and 1866* (Chahta Tamaha: Choctaw Nation, 1869), 78-79, 81.

<sup>41</sup> Ibid. Charles J. Kappler, *Indian Affairs: Laws and Treaties* (Washington: Government Printing Office, 1904), 19, 212; James D. Morrison, *Schools for the Choctaws*, (Durant: Southeastern Oklahoma State University, 1975), 90, 91, 94; Kathleen Garrett, “Dartmouth Alumni in the Indian Territory,” *Chronicles of Oklahoma* 32 (Summer 1954), 124-125; T.J. Bond to Peter Pitchlynn, June 14, 1856, Folder 1165, PPC, GM.

of mankind,” some Choctaws citizens were reluctant to forfeit anticipated money to finance this system. Citizens of the Apukshunnubbe District, the district with the highest interest in education, sanctioned this move by voting their representative Peter Pitchlynn out of office with a vote of 1100 to 100 in the next election. After the new system had been implemented and Choctaws in each district became satisfied with its flexibility and their power to choose whether or not they preferred boarding schools or neighborhood schools, they resoundingly voted Pitchlynn back into office for the next term. Although officially under the guise of the national government, local communities still exercised a fair amount of control over the nature of schools in their districts.<sup>42</sup>

Over the next few years, all three districts accepted schools and school funding to various degrees. The desire for the education of Choctaw youths seemed to dominate national concerns. As one missionary observed, “Schools! Schools! Sound on the ear wherever I go. Inquiries are often made—‘When can you give us a school teacher.’” Demands for schools grew to such a degree that the General Council formed a standing committee, which frequently included such prominent Choctaws as Robert M. Jones, Pitchlynn, George Harkins, and Israel Folsom, to review each request and make recommendations to the Council for appropriations. One neighborhood made an appeal to the Council by stating, “we are very poor, yet we want schools.”<sup>43</sup> Under national control, schools increasingly became more egalitarian and no longer catered to only

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<sup>42</sup> “Letters of P.P. Pitchlynn” *The Indian Journal*, July 5, 1877; US Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs for the Year 1843*, 28<sup>th</sup> Congress, 1<sup>st</sup> sess., (Washington: Printed for the Office of the Commissioner of Indian Affairs, 1844), 149 (hereafter cited as “*Annual Report*, year”).

<sup>43</sup> Grant Foreman, *Five Civilized Tribes* (Norman: University of Oklahoma Press, 1934), 79; James D. Morrison, “News for the Choctaws,” 207.



affluent and powerful Choctaw families as the pre-removal schools and Choctaw Academy had done.

In only a few short years after the devastation of removal, Choctaws successfully asserted their sovereignty over education by establishing, funding, and controlling the new neighborhood schools. Agent William Wilson reported that “The neighborhood schools have been doing well, though I have received reports from none of the teachers, as they are not under my control, and are mostly native Choctaws.”<sup>44</sup> In addition to representing national institutions, the newly established neighborhood schools also reinforced national identity by teaching Choctaw literacy along with the English language. Literacy flourished and as one missionary observed “The number of Choctaws who read their own language is constantly increasing, there is an urgent call for more books.” Between 1835 and 1843 alone, Park Hill Press in Tahlequah, Cherokee Nation, published over 950,000 pages in the Choctaw language and the number steadily increased in the years to follow. The books included a reader, a spelling book, a hymnal, and an almanac. As Choctaw children learned to read and write in local schools often under the instruction of Choctaw teachers, their educational experience reinforced rather than degraded their identity as citizens of the Choctaw Nation.<sup>45</sup>

In addition to neighborhood schools, the General Council opened several boarding schools. To replace the Choctaw Academy, the Council authorized the creation of the Spencer Academy within the boundaries of the Choctaw Nation. A constant advocate for education, Robert M. Jones played an instrumental role in the

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<sup>44</sup> William Wilson to Col John Drennen, September 29, 1851, *Annual Report, 1850*, 106.

<sup>45</sup> James Morrison, *Schools for the Choctaws*, 78, 99.

creation of Spencer Academy. Along with Peter Pitchlynn, Thompson McKenney, and William Armstrong, Jones served on a committee that planned and coordinated construction plans and operating procedures at Spencer and several other academy schools, including Fort Coffee, Wheelock, and Armstrong Academy. Spencer's main building, a large hall with a grand fire place and decorations, was named "Jones Hall" in honor of his work. In subsequent years, Jones remained a key benefactor of Spencer Academy and numerous other schools by making donations and "favors" from his stores in Doaksville and Skullyville. For instance, in 1846, Jones used his interest in "Berthelet, Heald, and Co." to supply \$3,000 worth of needed supplies, including new beds, when promised supplies and funds from the American Board of Commission for Foreign Missions failed to arrive.<sup>46</sup>

After the prolonged struggle to move Choctaw Academy within the bounds of the Choctaw Nation, its replacement instantly became an important Choctaw national institution and source of praise from Choctaws and missionaries. As one school official remarked, it "would do credit to any in the States" by those who attended it. The General Council delegated the day-to-day duties to the Presbyterian Mission Board. Some Choctaws, including David Folsom's son Jacob Folsom, feared that "white people have been cheating us a long time...the superintendent [of the Spencer Academy] may cheat us too, that is, they may not do their duty." The Council, however, had learned valuable lessons from the Choctaw Academy and diligently

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<sup>46</sup> Joseph P. Folsom, *Constitution and Laws of the Choctaw Nation*, 81; Carolyn Foreman, "New Hope Seminary, 1844-1897," *Chronicles of Oklahoma* 22 (Fall 1944), 278; Morrison, *Schools for the Choctaws*, 99. Both as a citizen and businessman, Jones and companies provided various supplies to the various academies, including renting slaves and mules for needed labor. "Abstracts of Disbursements made by William Armstrong, Acting Superintendent, for the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 1844" *Disbursements for Indians*, February 17, 1845, 28<sup>th</sup> Congress, 2nd session, (Washington: U.S. Government Printing Office, 1845) 21; *Annual Report, 1847*, 355.

audited Spencer's progress. For instance, in 1849, the Council held missionary Alexander Reid accountable for limited progress made by students in that year. Reid confessed that the results had been disappointing and caused by disputes among teachers which had since been resolved by dismissing the superintendent and staff. He begged for a chance to "one year longer" to "prove" themselves worthy. The Council consented and Spencer prospered for the next decade.<sup>47</sup>

Choctaws increasingly collaborated with missionaries to provide education in the nation. In some cases, missionaries transitioned from advocates of education to advocates of the Choctaw Nation in order to dispel racial constructions of "savagery" that pervaded white society during the antebellum period. One missionary reported that "it is frequently asserted that, do what you will for an Indian, he will be an Indian still; the meaning of which, I presume, is, that his condition can never be improved—he will still continue the degraded being he always was. Experience falsifies such groundless assertion." He went on to report that Choctaws had a higher capacity for literary acquirements than white children and follow equal moral behaviors. While extoling the Choctaw National effort towards education, another missionary rhetorically jested "Where are the schools and Churches in Arkansas and Texas?"<sup>48</sup>

From the Choctaw perspective, selectively embracing Christianity held numerous advantages. First, highlighting Christian connections served as a sign that their nation was advancing the same way that dominant white civilization had advanced. Peter Pitchlynn outlined this view when reporting on the Choctaw Academy.

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<sup>47</sup> Annual Report, 1843, 71-72; Jacob Folsom to Peter, December 17, 1845, Peter Pitchlynn Collection, GM; *Choctaw Telegraph*, October 18, 1849.

<sup>48</sup> Ramsay D. Potts to William Armstrong, August 29, 1844, *Annual Report, 1844*, 89; *Message from the President of the United States, to the Two Houses of Congress, 32<sup>nd</sup> Congress, 1<sup>st</sup> sess.*, (Washington: A. Boyd Hamilton, 1851), 378, *Annual Report, 1851*.

He noted that “a majority of the scholars professed religion and very much inclined to be pious, and though I am no professor of religion, yet I rejoice to see the boys...of my own nation so devoted to piety and religion for I am with many others of opinion that in all stages of civilization it is necessary that the gospel should proceed in the general march.” Similarly, a member of the education committee in the General Council expressed his gratitude that “the religious influence they [missionaries] have exercised has been felt by all the people living in the sections where they have located to a degree which has been totally salutary and beneficial.”<sup>49</sup> For their part, most missionaries determined that encouraging education in the Choctaw language and intermixing education with other cultural practices could be the most humane and effective way to introduce Choctaws to Christianity. In the post-removal nation, missionaries often made concerted efforts to adapt to aspects of Choctaw cultural practices and even help preserve them. At the same time, they hoped that if they could connect Christian ritual to Choctaw tradition, piece-meal conversions would follow.

Choctaws often took it upon themselves to selectively integrate which aspects of Christianity and education they found most beneficial into their existing cultural practices and communities. For instance, many Choctaws began to hold their own Sabbath schools and Sunday schools where older Choctaws often learned to read and write. Naturally the most common available texts in the Choctaw language were biblical chapters and hymns. In the Kiamichi valley, near Robert M. Jones’ Rose Hill home, educated Choctaw men and women held Sabbath schools with minimal funding, “supported wholly by the people themselves” and taught mostly in the Choctaw

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<sup>49</sup> “Four Drafts relating to history of Choctaw Nation Education to withdrawal from Choctaw Academy with notations,” November, 1842, Folder 381a, Peter Pitchlynn Collection, GM; Thompson McKinney to Peter Pitchlynn, August 28, 1845, August 28, 1845, Folder 493.

language. Cyrus Byington specifically praised two teachers who were “young ladies of about eighteen years of age, native Choctaws. They conduct the schools, and deserve great credit for their ability and exertions on behalf of their people. They speak the Choctaw language, and have the entire confidence of the nation.” Peter Pitchlynn also lauded these programs for their profound impact on spreading literacy among the adult populations who lacked fluency and literacy in the English language.<sup>50</sup>

Many students practiced a syncretic form of worship that simply integrated Christianity with traditional Choctaw beliefs and cultural practices. As a result, the missionary-run boarding schools became centers of both cultural change and persistence. Despite the common perception that missionaries coerced students and imposed white cultural norms upon pupils, Choctaws made schools indigenized spaces that reflected considerable cultural flexibility. For instance, missionary Alexander Reid encouraged his students to take part in ball-playing game called *Ishtaboli*—a sacred, brutal, spiritual act most Americans associated with primitive, heathen practices and likened to drunkenness in its deleterious effects. Reid recognized that attempting to ban these practices, would serve only to alienate him from the Choctaw population. After the church services that he led, Choctaws who had attended the Christian worship then held dances and passed pipes.<sup>51</sup> Some missionaries did not follow Reid’s lead and attempted to ban traditional Choctaw practices, which students actively resisted. At New Hope, for instance, Choctaw girls regularly took to singing hymns “in the dead of night.” When it turned into “a low chant, and one by one the sleeping children...arouse

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<sup>50</sup> *Annual Report, 1841*, 298, 305-306; “Letters of P.P. Pitchlynn” *The Indian Journal*, July 5, 1877.

<sup>51</sup> Christopher J. Huggard, “Culture Mixing: Everyday Life on Missions among the Choctaws,” *Chronicles of Oklahoma* 70 (1992), 441, 445-445.

and joined until all roared forth the old war whoop of their tribe,” the missionaries threatened to whip the students if they did not cease. Even under threat, the girls refused to stop.<sup>52</sup> This demonstrates that when educated by missionaries, Choctaw students exerted agency in schools even when threatened with harsh discipline.

Choctaws also resisted attempts by missionaries to prohibit the Choctaw language. One former student remembered that one teacher made children take a teaspoon of hot peppers if caught speaking Choctaw. In the post-removal nation, however, most missionaries recognized the persistence and importance of the Choctaw language and embraced a more flexible approach. Missionary P.P. Brown admitted that an English-only policy would “encourage trickery [sic], and foster a deceitful disposition” because students would speak in Choctaw “when an opportunity presented itself.”<sup>53</sup> They instead decided to use primarily English in the classroom and provide specific times and places for students to converse in their native tongue. Cyrus Byington adopted a similar tactic, admitting in his annual report to Congress that “we find it the easiest, and cheapest, and most effectual to give the genuine Choctaws useful knowledge, to employ their mother tongue” and that “those who have no opportunity to learn English we must present truth in a language they can hear, and which they love.” Cyrus Kingsbury explained in an 1842 report that the “books which have been published in Choctaw have been of much use...to the real Choctaws, and they are engaged in teaching each other, and for this purpose meet on the Sabbath, in places

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<sup>52</sup> Carolyn Foreman, “New Hope Academy” 276; Albert Deane Richardson *Beyond the Mississippi: From the Great River to the Ocean, Life and Adventures on the Prairies, Mountains, and Pacific Coast* (American Publishing Company, 1869), 222.

<sup>53</sup> *Annual Report, 1846*, 132.

where there is no missionary.”<sup>54</sup> In the various types of schools throughout the Choctaw Nation, students continuously asserted their Choctaw identity and accepted education on their own terms.

In addition to Christian instruction, gendered curriculum also became a significant feature of the expanding education system. The education of young women, in particular, became a priority in the post-removal Choctaw Nation. Israel Folsom perhaps most boisterously insisted that female education was a necessary step in advancing national interests. Like Jones, he had received an advanced education, owned slaves, and converted to Christianity. He embraced the “civilization” program, but also had faith in the Choctaw Nation. He questioned in his frequent correspondence with Choctaw leaders “why have we neglected the girls so much and spent all our money only on boys. What a great error we have committed.” He further opined that young men who had received an education often abandoned other principles of civilization. Or worse yet, they embraced the flaws of both white and Choctaw society and squandered the time and money that went into educating them. To stop this trend, Folsom proposed that “if we have our girls educated, civilized, Christianized, enlightened...when they are grown...they will put a stamp on society and add character to our nation.”<sup>55</sup> The General Council agreed and opened several schools for girls and young women, often near schools for young men.

First, they opened the New Hope Seminary for young women at the location of an existing school, around one mile from the city of Skullyville and a few miles from the boys’ school at Fort Coffee Academy. By 1843, an average of 102 girls per year

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<sup>54</sup> *Annual Report, 1842*, 142.

<sup>55</sup> Israel Folsom to Peter Pitchlynn, January 16, 1842, Box 1, Folder 76, Peter Pitchlynn Collection, WHC; Israel Folsom to Peter Pitchlynn, September 13, 1841, Box 1, Folder 46, WHC.

attended and boarded at New Hope, while an additional 74 received an education with their “expenses borne by their parents” for room and board. Within the next few years, the Wheelock Female Boarding School, Chuwala Female Seminary, and Iyamnobi Female Seminary, began accepting students. In addition to formal academies, local day schools for women flourished in each district. Still, agent William Armstrong reported in 1845 that “the nation is in want of a female school for the larger girls...not owing to a want of disposition in the Indians to educate their children, but rather to a withdrawal of some who had arrived to woman hood.”<sup>56</sup> As this desire grew, most Choctaw neighborhoods offered some form of education for young women.

Gender segregated schools served to instill new, restrictive gender roles onto Choctaw youths. Christian teachers expected the female students at New Hope, for instance, to knit the clothing for themselves and the male students at Fort Coffee, while they expected the boys at Fort Coffee to grow a surplus of crops that would partially feed the girls at New Hope. Missionaries and progressive Choctaw leaders believed that teaching young men to grow crops and teaching young women domestic work including knitting and sewing would further foster “civilization” among the Choctaws. These gendered patterns of labor, however, remained contested. They defied traditional gendered labor practices, in which women performed agricultural duties. Local families and some officials frequently disapproved of radically altering traditional labor norms in the national schools and pressured missionary and Choctaw teachers to limit the agricultural work done by men in favor of more mechanical and literary education.<sup>57</sup>

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<sup>56</sup> *Annual report, 1845*, 8.

<sup>57</sup> Carolyn Foreman, “New Hope Seminary,” 273, 277; Major F. W. Armstrong to Richard M. Johnson, July 16, 1835, Grant Foreman Collection, Box 9, Folder 2.



While the curriculum at the boarding schools attempted to mold females according to white, Christian gender norms, their intellectual training opened up new opportunities for women in the Choctaw Nation. Female students learned the same academic subjects as male students and used the same textbooks, including Goodrich Readers, Ray's Arithmetic, Kirkham's prose or poetry lessons, Mitchell's Geography, and, Noah Webster's dictionary.<sup>58</sup> Choctaw women demonstrated their advanced literary skills by becoming teachers in the national schools after graduation. Both Lavina and Sophia Pitchlynn, daughters of Peter Pitchlynn, followed this path. They took part in educating Robert M. Jones' daughter Mary, among hundreds of others, at the Wheelock Academy. Other graduates took advantage of the limited opportunities available to receive a formal college education in the United States. Janie Austin, eventual wife of post-Civil War Principal Chief Jackson McCurtin, was selected as part of the Choctaws' "youth in states college fund" to attend a school in Lewicklez, Pennsylvania, only to return as a teacher in several Choctaw schools.<sup>59</sup> In taking on these teaching roles, Choctaw women played an active role in the Choctaw Nation's education system and reinforced the idea that schools benefitted all citizens.

As the national school system expanded, more and more schools fell under the direction of Choctaw teachers, further reinforcing Choctaw control of the system at all levels. At a missionary school near Robert M. Jones' Rose Hill plantation in Kiamichi, a missionary teacher reported that "reading, writing, and arithmetic, mostly in the Choctaw language, are taught in these schools" by Choctaws. Indian Agent William

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<sup>58</sup> Carolyn Foreman, "New Hope Seminary," 273.

<sup>59</sup> Anna Lewis, ed., "Diary of a Missionary to the Choctaws, 1860-1861", 17 (Winter 1939), 443; Mary to Robert M. Jones, October 16, 1868, Box 1, Folder 9, Robert M. Jones Collection, OOHS; Peter J. Hudson, "Recollections By Peter J Hudson" *Chronicles of Oklahoma*, 10 (Fall 1932), 506-507.

Armstrong also noted this phenomenon when describing the progress of Spencer Academy: “other teachers, as they may be required, will be engaged, and can be readily found among the Choctaws.” Likewise, Cyrus Byington noted that most of the Sabbath schools are taught by Choctaw citizens, often to children and adults, without any missionaries or officials present. The growing number of Choctaw teachers gave credence to the notion that education was a national institution and not merely an extension of the American “civilization” program.<sup>60</sup>

Choctaws from diverse generations and backgrounds who desired access to education for themselves and their children participated in the expanding national school system.<sup>61</sup> Despite the tendency to associate education with elite Choctaw “mixed bloods,” the education project was more democratic than exclusive when it came to racial bounds. In other words, “full blood” and “mixed blood” categorization did not determine or reflect a proclivity or an aptitude for education. Despite differentiating between “mixed-bloods” who “were Choctaws by name, not being distinguishable from the whites by either color or conversation” and “real Choctaws,” missionaries reported that less than half of their “mixed-blood” students began school with any understanding of the English language. Other missionaries reported that “Indian [behavioral] features” were equal between “full-bloods” and those who had “skin that was almost white,” and that their student body consisted mostly of “full-bloods.” Another reported that the majority of the “mixed-blood” students who

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<sup>60</sup> *Annual Report, 1843*, 356-359.

<sup>61</sup> The only major caveat to this was geography. Many missionaries noted that the commitment to education was very low along the Arkansas border where the majority of Mushulatubbee’s followers lived. These communities were most adamant in their desires to live a traditional life, reluctantly accepting neighborhood schools but largely rejecting missionaries and academies. See Akers, *Living in the Land of Death*, 105, 139.

enrolled in school did not speak any English and learned it no faster than more “full-blood” Choctaws.<sup>62</sup> “Mixed-blood” students’ inability to speak English despite potential connections to white parents shows a preservation of matrilineal social order in which Choctaw women and their kin served as primary caregivers.

Likewise, numerous so-called “full-bloods” became Christian pastors and teachers in the Sabbath schools. At Fort Coffee Mission, Reverend William Graham spoke of a “full-blood” student who had lived at the mission and genuinely converted to Christianity when he died of a heart condition. Honoring his wishes, Reverend Graham constructed him a wooden casket and buried him using a traditional Methodist ceremony. These examples contradict the narrow interpretation of “full bloods” as racially inferior and culturally backwards. Not only does this problematize the blood-based determinism advanced by American “civilization” program, it also shows how preservation and adaptation of Choctaw culture intersected and coincided, complicating the cultural dichotomy of “traditional” versus “progressives” and discredits the racial binary of “full blood” versus “mixed blood.”<sup>63</sup>

The schools themselves were multi-cultural spaces where white missionaries, Choctaws of various racial backgrounds, and African American slaves shared daily interactions. Missionaries to the Choctaws almost universally disapproved of slavery but due to labor shortages, they came to rely on slave labor. In some cases, slaves they rented or purchased from local Choctaw slave-owners, including Peter Pitchlynn, George Harkins, and Robert M. Jones, for work at the missions. These slaves often

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<sup>62</sup> Donald L. Parman, “Wholly Occupied with my Special Work: Reverend William Graham’s Stay at Fort Coffee and New Hope, 1845-1847,” *Chronicles of Oklahoma* 270-271; Peter J. Hudson, “Recollections By Peter J Hudson” *Chronicles of Oklahoma*, 10 (Fall 1932), 506-507.

<sup>63</sup> Parman, “Wholly Occupied with my Special Work,” 271-273; Hudson, “Recollections,” 503-510.

spoke the Choctaw language and “were acquainted with their peculiarities” which proved particularly useful at schools where the staff had only a passing understanding of the Choctaw language and people. At New Hope, for instance, a 40 year-old slave named “Aunt Betty” served as the primary interpreter between young girls and missionaries. Missionary William Graham regarded her as the most important person at the entire mission because of her ability to mediate between white and Choctaw culture. Having slaves in schools helped instill notions of race and normalized the institution of slavery—both of which also became increasingly central to national Choctaw life during this period.<sup>64</sup>

The national school system became a source of pride and a national education discourse became prominent in a plethora of documents and speeches given in the General Council. One Choctaw representative gave a history of education within the nation, starting with the formation of Elliot Academy in 1819, as “new important era in the history of our nation.” He lamented that the efforts taken before removal were limited to too few people to be of national benefit, and that “there are no public funds belonging to the Choctaws which we should prize more highly than our school funds, and none which we should watch over with greater care.” Another recounted that Choctaws felt “a mighty change among us” stemming from the wide advances in education, literacy, fading of “dark superstitions,” and “superior knowledge which we have borrowed from the whiteman.” Many other Choctaws made note of the “great movement in the nation” towards education and literacy which had taken hold “even among the most unenlightened and indolent.” The Council’s Board of Trustees

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<sup>64</sup> Joel Spring, *The Cultural Transformation of a Native American Family and its Tribe 1763-1995: A Basket of Apples* (Mahwah: Lawrence Erlbaum Associates, 1996), 120-121.

declared that “the Choctaws now stand in first of all the nations of red people in point of wealth, religion, morals, temperance, and laws”—all stemming from their embrace of education. They proudly espoused that “knowledge is growing and spreading rapidly in every portion of our land and my great desire is that we may direct and manage our own schools, in a manner that the time may soon arrive when every Choctaw shall enjoy the blessings of education.”<sup>65</sup> This political discourse of education dominated the political arena and became a tool for asserting national political sovereignty. Choctaws ability to govern their own national school system and oversee its continued success highlighted the power and cohesion of their nation.

Along with schools, this rhetoric became an important part of Choctaw public culture. For instance, in one poignant public address Peter Pitchlynn repeatedly asked the audience “do you love your country” and if so, “fill the schoolhouses up with children. It is an evil that there are not enough of them in the nation. If we love our country, we will establish more and better schools in our nation.” He concluded that “the prosperity and happiness of mankind is solely dependent upon schools and literary institutions and that no nation can become prosperous without them.” Another particularly powerful address given in the General Council succinctly summarizes the connections between the Choctaw school system and Choctaw nationalism. Likely written by Robert M. Jones, the address concluded by calling on Choctaws to “establish among us something which when we look upon we can be proud of, that our children will point to in other days, to come, and say there I received my education. Make relics

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<sup>65</sup> Address of Peter Pitchlynn to General Council, August 7, 1841, Folder 289, GM; Notes on Act of General Council Creating Spencer Academy, November 29, 1842, Folder 381, GM; Robert Nail to Rev. A.G. Moffat, November 1, 1855, Box 7, Folder 4, WHC, Samuel Worcester to Peter Pitchlynn, January 12, 1855, Box 7, Folder 4, WHC.

of our love for our country. In this, let us unite; in this, let us be ambitious.” He continued to warn that “ignorance is our greatest enemy. It has made us weak, darkened all our way, and rendered us poor and miserable.”<sup>66</sup> Schooling represented the future – a future in which a united and autonomous Choctaw Nation could not only protect its sovereignty but also be heralded as an advanced and progressive nation.

Discussions of the national education did not only fill the National Council House, but also dominated other public meetings throughout the nation. In September of 1848, Choctaw citizens held a district meeting in which they debated their current education policy. Despite the national \$30,000 appropriation, they lamented that not all children were able to attend schools. Together, local chiefs, captains, and other leading men made speeches urging citizens to support local neighborhood schools wherever possible, ensure that children make full usage of their education, and exercise the “absolute necessity of industry” so that teachers could be paid and more schools opened.<sup>67</sup> Schools themselves also became public gathering spaces and highlighted the success of the national education agenda.

Final examinations, in particular, served as important public ceremonies that also served to reinforce a shared national Choctaw identity. In local communities, crowds would gather to watch students demonstrate the knowledge and skills they learned during each term. Family members, neighbors, school officials, and other observers took great pride in both the success of the students and the national school system as a whole and turned the events into celebratory feasts similar to traditional

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<sup>66</sup> The document, though housed in the Peter Pitchlynn collection, is of the same handwriting and style of Robert M. Jones, who served as Superintendent of the Trustees for the education in 1846-1848, 1854-1856, and was regular proxy for Peter Pitchlynn. “4 Drafts...Committees upon Schools report to General Council,” November 1842, Folder 381a, GM.

<sup>67</sup> *Annual Report, 1849*, 19.

Choctaw festivals. For instance, each quarter, students from New Hope and Fort Coffee met at one of the schools, along with local families, for a large feast and entertainment. Teachers conducted regular examinations before the school community as well as local families, most of whom “did not have girls in the school” but came for the camaraderie and feasting. As one observer noted, “Then came dinner, all wanted—of beef, pork, cakes, pies, and coffee. Examination is a great gala-day, when mind and body both expect to be feasted.” Examinations caught the attention of visitors to the Choctaw Nation, including Captain M.M. Grant, a resident of Texas who had moved from Pennsylvania. He commended the Choctaw schools stating, ‘I have often attended examinations of high schools and academies in my native States, but I have never seen one that excelled this.’<sup>68</sup> These important events served as occasions to bring Choctaws together and to highlight the success of the schools.

In addition to public meetings and ceremonies, growing literacy among Choctaws also reinforced a sense of shared national identity. In 1849 and 1850, two different Choctaw newspapers began circulating in the nation. Printed in both English and Choctaw, the *Choctaw Telegraph* and *Choctaw Intelligencer* highlighted the progress made by the Choctaws in achieving a national literacy in multiple languages. Jones partially sponsored these initiatives by heavily advertising his stores and other services like blacksmithing in both English and Choctaw. Both newspapers were short-lived, but in 1855 Robert M. Jones began gathering support for an additional Choctaw newspaper, claiming “we must have more light in our nation.” Political drama halted Jones’ efforts, but Choctaw literacy continued to increase through the writing of poetry,

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<sup>68</sup> Grant Foreman, *Five Civilized Tribes*, 68, 347.

hymns, bookkeeping, and official Council business all thriving in both English and Choctaw languages.<sup>69</sup>

The tremendous efforts on the part of the Choctaw people towards advancing education and literacy did not go unnoticed. U.S. agents, travelers, missionaries, and other Natives Americans repeatedly lauded the Choctaws for their accomplishments. Choctaw agent William Armstrong reported upon hearing the plans for a new national academy that “the plan is their own; the expenditures are in their own country; and the whole under the control and observation of intelligence.” Another agent noted that “the Choctaws, from what has been stated, enjoy advantages in obtaining an education equal to most of the citizens in the neighboring states.” Another remarked that the Choctaws “have sufficient funds to educate a large portion of their people” and are “mindful...of educating the rising generation, and they have, by these means, added to the general intelligence and standing of their nation.”<sup>70</sup> Even other Native American polities recognized the Choctaws’ tremendous accomplishments towards educating their youths. Famous Cherokee Joseph Vann, an advocate of Cherokee education, went so far as to formally request permission to have his only son educated among the Choctaws at the Spencer Academy, citing its superiority to schools in the Cherokee Nation.<sup>71</sup>

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Jones must have watched the rise of the national Choctaw education system with great pleasure and sense of accomplishment. On-and-off for thirty-years, he worked towards advancing education among the Choctaws. He played an integral role in taking

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<sup>69</sup> Robert M. Jones to Peter Pitchlynn, January 26, 1855, Box 2, Folder 61, WHC; Robert M. Jones to Peter Pitchlynn, A.I. Hartley, August 20, 1855, Folder 1004, GM; Morrison, “News for the Choctaws,” 207-222.

<sup>70</sup> *Annual Report 1842*, 446, 447.

<sup>71</sup> Joseph Vann to Peter Pitchlynn, February 20, 1846, Box 1, Folder 103, WHC.



control of the Choctaw Academy from the inside, and then moving it into the Choctaw Nation. As a perennial member of the General Council and Board of Trustees, he frequently audited schools and reported back to the Council with his findings. He took pride in the national schools and constantly looked for new ways to secure funding. Privately, he provided funds for promising young-adults to get specialized training in American schools. Though he had the money to send his children to any school in the United States, he chose to send them to Choctaw schools.

Jones believed in the centrality of education to Choctaw National life and to the future of the Choctaw Nation. Rather than simply being subjected to education as a tool of American colonialism, Jones and other Choctaws flipped “civilization” policy on its head and used it to their own advantage. By forming a national education system and exercising careful control over neighborhood schools and missionary schools, Choctaw National officials asserted their indigenous sovereignty. Building on the early attempts at education in the pre-removal period, Choctaws used education to redefine the Nation after the removal crisis and its national system continued to thrive for the remainder of the nineteenth-century.

### CHAPTER 3: “RISE TO EMINENCE”: EXCHANGE AND EXPLOITATION IN A RICH INDIAN NATION

Discussions of commerce, property, and slavery within the Choctaw Nation naturally begin and end with Robert M. Jones. He had been born into a family with several acres of improved land, but no exceptional amount of accumulated material wealth. Yet, even before removal, at age nineteen, Jones had taken the skills he learned at the Choctaw Academy and put them to use, opening a store for Choctaws and settlers in Mississippi. He courted and married a young woman named Judith Walker, quite possibly for her political and financial connections. The “mixed-blood” daughter of Mary Riddle and John Walker, she had familial connections to prominent Choctaw chiefs like Mushulatubbee and Pushmataha, and financial connections to the surrounding American markets. Jones and Walker married in December of 1830 in Green County, Alabama, near an area known as “Jones Bluff” named for Jones’ relatives. Their marriage produced three children, all of whom died in infancy.<sup>1</sup>

Jones used the money that he made from land and improvements in Mississippi to purchase slaves that he knew would be needed to build a home and livelihood in Indian Territory. These slaves accompanied him during removal and helped clear the land used for his plantations along the Red River basin. He rented out some of these slaves to the federal government to assist in removal, while he took a contract as a translator. Then he reinvested his profits in new slaves, eventually amassing between

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<sup>1</sup> Marriage Certificate dated December 29, 1830, Greene County, between Robert M. Jones and Judith Walker. < <http://www.rootsweb.ancestry.com/~alpicken/greene/j.html?>>; Choctaw Academy Graduation Certificate, June 11, 1830, The Robert M. Jones Collection, Oklahoma Historical Society, Oklahoma City (hereafter cited as OHS); Judith was the daughter of John Walker, a white weaver in the Chickasaw Nation, and Choctaw Mary Riddle.

250 and 500.<sup>2</sup> Some of these slaves travelled with Jones along the Trail of Tears, while others he purchased from the slave markets in New Orleans. Others still, had been previously enslaved by Native Americans, including Chickasaws, Creeks, and Cherokees. They toiled for Jones under the supervision of white overseers, planting cotton, corn, and other staple crops and raising livestock.<sup>3</sup>

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<sup>2</sup> The precise number of slaves owned by Jones is impossible to determine. Traditionally, historians have listed Jones as owning as many as 500 slaves, a figure often cited by members of Indian Territory after his death. If accurate, it would make him the 13<sup>th</sup> largest slaveholder in the entire United States. When asked, Jones estimated that he owned between 350 and 400 at the outbreak of the Civil War. The 1860 United States census conducted a survey on non-Indian residents of Indian country, including slaves, and listed either their owners or the name of the owner's residence. Altogether, Jones' properties are credited with possessing 227 slaves. More recently, historians tend to favor the more conservative estimate while opening the possibility of additional undocumented slaves. There is reason to doubt both numbers high and low numbers. Jones' largest plantation, Rose Hill, was not surveyed in the 1860 census. All reports of Rose Hill indicate that the presence of dozens of slaves who lived in rows of separate slave quarters, grew cash crops, and worked a salt works. Several of these former slaves still resided in the general vicinity as late the 1930s and were well known to Jones' grandchildren. Also, Jones owned a plantation in Travis County, Texas, with an additional five slaves, as well as another tract of land in Paris, Texas that was not included on the census. Historian Muriel Wright and Judge Robert L. Williams of the Oklahoma Historical Society often asserted that Jones owned a sugar plantation in Louisiana, but did not provide documentation and corroborating evidence has not been forthcoming. Given Jones' partnerships in Shreveport and New Orleans, it is conceivable that he held further slaves in these cities. His business partner John Hobart Heald, a man who fled the South at the start of the war, is listed as owning three in New Orleans. Moreover, this number does not include slaves owned by his second wife Susan Colbert Jones. Legally, she maintained possession of property that she brought into the marriage, including at least 35 slaves on the census. But, when ownership of Susan's slaves was legally challenged, Jones was listed as defendant. All of these questions aside, it is indisputable that Jones owned a significant number of slaves, certainly the most in Indian Territory and among the most in the Southwest. Muriel Wright, "John Hobart Heald" *Chronicles of Oklahoma* 2 (Fall 1924), 318; ... Power, "Notes on Doakville: Some Laws and Customs of the Choctaws," *Chronicles of Oklahoma* 53 (1955), 543; Lee Soltow, *Economic Inequality in the United States during the Period from 1790 to 1860*, (Pittsburgh: University of Pittsburgh Press, 350); Barbara Krauthamer, *Black Slaves, Indian Masters: Slavery, Emancipation and Citizenship in the Native American South*, 2013), 80, 167; Interview with Effie Oaks Fleming, June 12, 1937, Indian Pioneer Papers, Interview 6214, Western History Collections, University of Oklahoma, Norman, Ok (Hereafter cited as IPP); Uncle to Muriel Wright, June 25, 1923, Box 2, Folder 5, *Muriel H. Wright Collection*, Box 23A., OHS; T.C. Bafs, to Robert M. Jones, January 16, 1869, Box 1, Robert M. Jones Collection, OHS; Robert L. Williams Collection, Box 45, OHS; James D. Morrison, *Social History of the Choctaw Nation, 1865-1907*, 16-20; Valerie Lambert, *The Choctaw Nation: A Story of American Indian Resurgence* (Lincoln: University of Nebraska Press, 2007), 42-43; Application of John Littlejohn, Choctaw Freedmen Card D-17, Enrollment Cards of the Five Civilized Tribes, 1898-1914, Microfilm Series M 1301; "Tragedy of Rose Hill," *The Daily Oklahoman*, March 11, 1928; 8<sup>th</sup> Census of the United States, Arkansas, Schedule 2, 1860, NAMP.

<sup>3</sup> Jones served as United States Interpreter from 1832-1836 for the sum of \$300 per year. U.S. Department of Interior, "Report from the Secretary of War, February 2, 1836," 24<sup>th</sup> Congress, 1<sup>st</sup> sess., 109;

Jones also opened as many as twenty-six trading posts throughout the Choctaw Nation and Southwest. He partnered with American and French-Canadian investors who provided additional capital while he used political connections to secure his companies a large portion of the Choctaw and Chickasaw trade. His steamboats transported his cotton and passengers around the United States where his agents traded his crops for various goods and additional slaves. By 1840, he annually imported over \$10,000 worth of goods while exporting nearly 1,000 pounds of his own cotton. After his wife Judith died in September of 1836, possibly from smallpox, he married a Chickasaw woman named Susan Colbert in 1838. A daughter of a Chickasaw Chief and trader Pittman Colbert, Susan brought her own wealth to the marriage. Their marriage proved an advantageous pairing for both partners. Susan used an attorney to get personal permission from President Andrew Jackson to sell land she was entitled to in the old Chickasaw Nation and join her new husband in the Choctaw Nation, along with an untold number of her own slaves.<sup>4</sup>

Contemporaries and historians acknowledge that Jones was among the richest men in the Southwest. While Jones' exact level of affluence is difficult to determine because the Choctaws had only a limited system of taxation and sporadic censuses, he certainly fell squarely within the South's planter class and classified by contemporaries as a millionaire—no small feat for his time. On one occasion, the United States agents in Old Mayhew ran out of gold for annuity payment and borrowed \$7,000 from Jones. He used his growing fortune to construct multiple mansions in both the Choctaw Nation and Texas. One mansion was on a 4,000 acre plantation called Lake West. When the

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<sup>4</sup> Susan Colbert to General Andrew Jackson, President of the United States, March 21, 1831, McFarlin Library Special Collections, Tulsa, Oklahoma, Box 1, Folder 13; "Interview with Frank Tucker, May 4, 1937," Interview 4135, IPP, 2-12.

“miasma” and malarial mosquitos from the nearby lake became a problem, he constructed an additional mansion for spring and summer named Rose Hill, near Hugo, Oklahoma, along the military road from Fort Towson into North Texas. This elaborate two-story mansion included imported furniture, large portraits and paintings, marble steps, fine china, multiple fireplaces, “beautiful piano,” large portraits, and a secret staircase.<sup>5</sup>

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Some historians have asserted that Jones’ affluence, commercial connections, and slaveholding disqualify him from a Native identity. They assert that his “mixed-blood” combined with his economic endeavors, isolated him from Choctaw society. Attacks on Jones’ identity are indicative of a larger problem of understanding material wealth, slaveholding, and commercial ethos as uncharacteristic of Indian identity. To some contemporary witnesses and historians, only those who returned to “traditional” ways and resisted change following removal remained Choctaws. Others assert that Jones and other affluent “mixed blood” Choctaws became “more white than Choctaw” and thus are not representative a true Choctaw identity.<sup>6</sup> As Alexandra Harmon argues in *Rich Indians*, “Historians’ neglect of prosperous Indians may be due in part to a common assumption that the self-interested pursuit and retention of wealth was not an indigenous value.” In other words, wealthy Indians like Jones defy expectations of indigenous behavior that seem antithetical to the discourse of settler colonialism. Phil Deloria argues, however, “Expectations and anomalies are mutually constitutive – they

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<sup>5</sup> Ibid., 299; Elias Boudinot described “Old Bob Jones—a Choctaw” as “the richest man in all the Indian Nations...and is worth \$1,500,000.” “Shall the Indian Territory be Modernized?” *Chicago Daily Tribune*, December 19, 1872.

<sup>6</sup> Donna Akers, *Living in the Land of Death*.

make each other. To assert that a person or an event is anomalous cannot help but serve to create and reinforce other expectations.”<sup>7</sup> We must shift the framework to look at the unexpected but altogether frequent ways in which Native Americans, including Jones seem to defy stereotypes of indigenous behaviors, while consistently asserting an indigenous identity.

Robert M. Jones is a particularly useful case study for doing so because as Harmon suggests, “As presumed rarities and anomalies, prosperous Indians have defied expectations” but as she conclusively demonstrates, Indians have been acquiring wealth since the colonial period and have continued to do so into the twenty-first century. Jones, however, cannot simply be viewed as an individual example of “rich Indians” that have emerged over centuries. Instead, he is representative of a rich Indian Nation. According to Harmon, “In the 1830s, when Jackson finally realized his dream of evicting Cherokees and other Indians from the South, American nationalists triumphed over tribal nationalists. However, both species of nationalism grew from and nourished economic ambitions...the banishment of Cherokees, Chickasaws, and Creeks was a response to competition between peoples with comparable economic agendas and comparable enterprising classes.”<sup>8</sup> After removal, Choctaw Nationalists continued to compete with Americans for wealth and resources as they pursued enterprising economic activities. The Choctaw Nation continued to creatively adapt within the expanding American nation-state, and grew to an even more prosperous status than before removal. Like in the American nation, this pursuit of economic gain resulted in cultural change with increasing ties to the burgeoning market economy, increased

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<sup>7</sup> Alexandra Harmon, *Rich Indians*, 9; Philip Deloria, *Indians in Unexpected Places* (Lawrence: University of Kansas Press, 2004), 5.

<sup>8</sup> Harmon, *Rich Indians*, 9, 93.

stratification and conflict between socio-economic classes, and the exploitation of slave labor. This chapter explores these economic changes in the post-removal Choctaw Nation to highlight the ways in which its members simultaneously defied expectations of indigenous behavior while reinforcing their status as members of a prosperous, “civilized” Indian Nation. It also examines the effect of these national economic changes on the various strata of Choctaw society, including those who continued more traditional subsistence activities and African American slaves whose labor drove the economy.

Prior to removal, Choctaws of various backgrounds developed a reliance upon commercial goods. An ability to consistently procure outside trade goods augmented chiefly power and emerged as a new path to tribal prominence. This trend accelerated in the post-removal period. Men such as Thomas Leflore, Robert M. Jones, and Peter Pitchlynn used their business and political acumen and connections with the market economy to accumulate wealth and control over commerce. While these men engaged in large-scale farming, many other Choctaws also transitioned from subsistence-based to market-based farming. They continued to grow corn, but also incorporated wheat and cotton, which could translate into substantial market value. Learning the lessons of the pre-removal period, the Choctaws attempted to guard access to Choctaw commerce by carefully prohibiting unlicensed traders and intruders. The General Council began to exercise control over the affairs private citizens and intervene on matters formerly regulated by the kinship system. Matters of crime, intemperance, property, slavery, and trade-rights transitioned from the purview of clan-based and chiefly authority to the

General Council's authority. In this process, expanding and regulating commerce became a national project and legitimized new sources of national power and authority.

Access to markets became a central concern for many Choctaws immediately after removal. During the 1830s, the United States was in the midst of a transportation revolution that facilitated the growing market economy by ensuring the flow of raw materials, trade goods, and capital. By connecting formerly disparate regions of the United States, the new and improved means of transportation greased the wheels of industry, made production significantly cheaper and connected people across the nation to distant markets. Even before removal, the Choctaw economy had been affected by this revolution as state and national roads, including the Natchez Trace and other paths running through Choctaw lands in Mississippi, connected the East to the West. Robert M. Jones and others capitalized on this by placing trading posts around these paths in Mississippi. In addition to cleared roads, steamships and canals allowed freight to travel longer distances for significantly reduced costs. As early as 1811, a Fulton steamship was able to travel from Pittsburgh, Pennsylvania, to New Orleans using only the Ohio and Mississippi Rivers, opening the possibility of Westward expansion. Trains further accelerated this phenomenon. The transportation revolution played a critical role in sparking Choctaw commercial interests in the post-removal period.<sup>9</sup>

When the Choctaws arrived in Indian Territory, citizens of Arkansas and Texas (then part of a Mexican state) had been engaged in a struggle to maximize settlement in the richest lands around the Red River. These locales offered prime land for cotton

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<sup>9</sup> Paul A. Gilje, "The Rise of Capitalism in the Early Republic," *Journal of the Early Republic* 16 (Summer 1996), 159-181; Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2009), 93-120; Keith Tolman, "Tea Kettle on a Raft: A History of Navigation on the Upper Red River," *Chronicles of Oklahoma* 81 (2003), 401-402.



production, but steamships had no way of accessing the area to take cotton to eastern markets. “The Great Raft of the Red River,” a natural, 165 mile logjam caused seasonal flooding and obstructed river traffic past Shreveport, Louisiana. In many places a person could cross the river on horseback or cross from one shore to the other without realizing water ran below them. In 1824, the United States constructed Fort Towson at the mouth of the Red and Kiamichi Rivers, then at the border of the United States, Mexico, and Comanche empire. Removing the raft became a priority when supplies could not reach the newly built fort. Answering the pleas of Arkansas land speculators and their own strategic needs, the United States dispatched Winfield Scott and twenty-five men to clear the Great Raft, only to quickly realize that the task would be impossible without a much larger and long-term commitment.<sup>10</sup>

Choctaws arrived in their new territory reliant upon commerce, especially in early years when corn was sparse and disease rampant. Since establishing trade paths was a national priority, prominent Choctaws latched onto ongoing efforts to clear the Great Raft and construct new trade paths. To this end, Choctaws joined petitioners from Arkansas to clear the Great Raft and construct reliable roads in the name of national improvement. Following Texas’ independence and annexation, Choctaws joined Texas societies like “The Raft Convention” aimed at keeping the river path clear. This mixed society called on the United States to honor its treaty obligations, reminding Congress of their promise that Choctaws should be “protected in their new home” and that free traffic of the Red River would be needed for troops and supplies.

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<sup>10</sup> Tolman, “Tea Kettle on a Raft,” 398-400; Muriel Wright, “Early Navigation and Commerce along the Arkansas and Red Rivers in Oklahoma,” *Chronicles of Oklahoma* 8 (Spring 1930), 66, 67.

Subsequently, the Raft was mostly navigable by the late 1830s and by 1849 a United States agent bragged that ships could reach 100 miles past False Washita River.<sup>11</sup>

In addition to river commerce, the General Council passed ordinances prohibiting the blockage of public roads and used the military roads connecting them to Arkansas and Texas as trade routes. In 1854, they mandated that all free males between 18 and 50 years old, including U.S. citizens living in the Choctaw Nation, were required to spend six days a year working on road maintenance.<sup>12</sup> Robert M. Jones offered editorials for American newspapers advocating the necessity of spreading railroads, which would connect the Southwest to the Mississippi River, and was interviewed by the *Danville Times*, a Virginia newspaper, about a possible El Paso road. In a solicited op-ed to the *Clarksville Standard*, Jones exclaimed that “I verily believe the period has arrived when upper Red River men should arise from their lethargy and unite in sentiment, energy, and pursue, and ensure the rapid construction of the...Red River Rail Road.” Regular steamboat commerce commenced along the Red River, trade paths remained open and viable, and talk of connecting railroads circulated throughout the Southwest. Though these efforts involved leveraging outsiders, improving commercial networks served as a national improvement.<sup>13</sup>

Clearing the channel of the Red River for reliable steamboat access and the clear path between Fort Towson and north Texas instantly increased the value of land north and south of the Red River. Whereas in 1833 there was no settlement on the Red

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<sup>11</sup> *Northern Standard*, Clarksville, Texas, December 11, 1847; A.M.M. Upshaw to Col. John Drennen, Acting Superintendent, *Annual Report, 1849*, 189.

<sup>12</sup> *Constitution and Laws of the Choctaw Nation* (Park Hill: John Candy, 1840), 21; Joseph Folsom, *Constitution and Laws of the Choctaw Nation, Together with the Treaties of 1855, 1865, and 1866* (New York City: William P. Lyon and Son, 1869), 137.

<sup>13</sup> “Virginia,” *Danville Times; Standard*, August 11, 1855. The *Northern Standard* newspaper out of Clarksville, Texas, changed its name to simply “*The Standard*” in the early 1850s, most-likely for political reasons.

River—called the “stream of death” by Choctaws for its association with disease—in 1839, a war department official described “many flourishing cotton plantations on the part of the river where the raft was located.”<sup>14</sup> Jones was among those who had moved away from Fort Coffee towards Pheasant Bluff on the Red River by 1837, along with his cousin John Riddle, “Widow” Coleman, and Nathaniel Folsom, for the potential commercial wealth. He reportedly constructed a double-log cabin of hewn logs which he occupied as a store, along with his wife Susan. In their first year, they imported at least \$20,000 worth of goods and began their own cotton plantation.<sup>15</sup>

Once trade routes had been secured, regulating trade became a national priority for the General Council. Upon arriving in Indian Territory in 1832, several Choctaw leaders attempted to reorganize the Choctaw. They delayed until 1834 on the advice of agent William Armstrong, who noted that their government required the consent of the people, the majority of whom had not yet settled. Moreover, after enduring a traumatic and violent removal and aforementioned struggles merely to survive, forming a constitutional government was not a top priority. Nonetheless, by 1834 the Choctaws passed a new constitution and by 1840 published all of their laws in English and Choctaw, which represented the first constitution and published laws in Oklahoma.<sup>16</sup>

In 1834, then again in 1838 and 1842, the Choctaws based their constitutions on compromises between factions wanting to preserve traditional practices and factions desiring to mirror facets of surrounding states and territory. Concerns regarding proper authority over trade, property, and everyday life drove the disputes. Peter Pitchlynn

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<sup>14</sup> Wright, “Early Navigation and Commerce,” 81; Michael Hightower, *Banking in Oklahoma Before Statehood* (Norman: University of Oklahoma Press, 2013), 65; Donna Akers, *Living in the Land of Death*, 114.

<sup>15</sup> *American State Papers: Military Affairs*, 7:976

<sup>16</sup> James Morrison, *The Seven Constitutions*, 30.

characterized the results as “constitutions hached [sic] up by party spirit” but “is however one which I am satisfied with.” The new constitution protected chiefly power on the local level while recognizing the overarching legislative powers of the popularly-elected General Council.<sup>17</sup> It also re-established separate districts—named for past chiefs Apuckshunubbee, Pushmataha, and Mushulatubbee—while guaranteeing equal rights and access to all citizens in each districts. The Constitution of 1834 also gave the Council the power to pass laws pertaining to all districts with very limited veto power from district chiefs. Choctaws like Jones, many of whom had been educated at Choctaw Academy and believed it necessary to encourage controlled commerce within the nation, often enjoyed disproportionate representation in the governing body.<sup>18</sup>

Members of the General Council used their powers to selectively protect private property and expand both personal and national commercial opportunities. Though some of the Council’s actions were clearly self-serving and aimed to line members’ pockets, they also served to consolidate and protect the post-removal nation. While confirming previous protections against trespassing on improved lands, they specified that no “person’s property be taken or applied to public use, unless just compensation be made therefore.” To further incentivize private property, they ruled that an individual cannot make a claim for damages to livestock or their property from another’s livestock, unless they have erected a working fence of at least ten good rails.<sup>19</sup> Choctaws had to report stray livestock to a local captain, a chief, or a judge who, failing to find an owner, would arrange for an announced auction to the highest bidder. The

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<sup>17</sup> See Pitchlynn’s note in “Copy of Draft of Constitution adopted in Council at Trumbull’s Stand,” June 3, 1834, Folder 145, GM.

<sup>18</sup> Oliver Knight, “Fifty Years of Choctaw Law, 1834 to 1884,” *Chronicles of Oklahoma* 31 (Winter 1953), 77; W. David Baird, *Peter Pitchlynn*, 49-50.

<sup>19</sup> *Constitution and Laws of the Choctaw Nation*, 15.

proceeds then benefited the district holding the auction. Any disputes over property ownership resulted in seizure by the Light Horsemen until a Choctaw judge and jury could determine rightful ownership. This system of cattle ownership continued to evolve until an 1856 law required Choctaws to register brands to establish ownership claims. These initial steps towards protecting private property marked critical attempts to stimulate commercial activity within the Choctaw Nation. Without the assurance that their property would be protected, Choctaws had little incentive to raise marketable commodities.<sup>20</sup>

Because personal debts to foreign traders over commodities had been a problem in the past, the Council also specified that the debts of individual Choctaws were not national debts and that national funds would not be used to pay personal debts, regardless of the debtor. To protect individuals from debtors, the Constitutional Declaration of Rights specified that “no person shall ever be imprisoned for debt.” One United States agent noted that with this system, “there is no enforcement on the collection of debts, and whatever trading done on credit rests upon the honor of the debtor.” Even after a Choctaw died, their family was entitled to keep two horses, two cows and calves, all household furniture, and farming utensils regardless of the deceased’s financial obligations. To collect his debts, Jones regularly placed advertisements in local newspapers encouraging those owing money to his firm to make arrangements for settlement, “either in cash, corn, cotton, or in any way most convenient to themselves.” It is unknown if this worked, but the paper itself went out of

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<sup>20</sup> *Constitution and Laws*, 16, 18, 19, 26, 27, 32; Folsom, *Constitution and Laws*, 85, 91, 108, 188.

business owing to unpaid debts from subscribers. By 1860, the Council put a system for debt collection into place, but it was stalled by the outbreak of the Civil War.<sup>21</sup>

Debts and property ownership remained problematic issues when individual Choctaws died. The General Council repeatedly outlined and refined the probate process starting in 1834 when they passed a law confirming that “all wills made either verbally or written in the presence of two witnesses shall be valid.” Each subsequent Council passed laws refining the probate process, establishing courts to handle probate cases, dictating ownership in the absence of a will, and setting stiff punishments for fraudulent wills. In 1846, as the courts decided an estate valued at \$20,000, agent William Armstrong described the courts as “regularly organized, with judges and juries, and the suits are conducted on both sides by professional advocates, of which there is a large number.” Despite this system, probate issues remained a constant problem when multiple parties frequently claiming ownership over property. With this in mind, Choctaws like Jones attempted to keep diligent financial records. For instance, when Jones heard that Peter Pitchlynn had stated that Jones owed him money, he immediately sent Pitchlynn a statement showing that the debt “was on the other foot”... “so that if you were to die...you wouldn’t deceive your ancestors into thinking” that Jones owed them money. One of Pitchlynn’s children even once begged him to manumit all of his slaves so that the children would not fight over them after his death.<sup>22</sup>

The Council’s involvement in codifying private property and inheritance had implications towards gender roles within the Choctaw Nation. Traditionally, since

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<sup>21</sup> *Constitution and Laws*, 8. *Choctaw Telegraph*, December 20, 1849; Folsom, *Constitution and Laws*, 14; “Notice” *Choctaw Intelligencer*, October 20, 1850; *Annual Report*, 1838, 444

<sup>22</sup> Robert M. Jones to Peter Pitchlynn, October 29, 1871, Folder 2491, GM; Folsom, *Constitution and Laws*, 34; Krauthamer, *Black Slaves, Indian Masters*, 85-89.

women worked the land, they had control over its valued improvements. This position gave them protections within marriages, child-rearing, and divorce. New property laws, which coincided with spreading beliefs in patriarchy weakened Choctaw women's legal powers. Male heads of households received annuity disbursements. Divorces, once informal, resulted in a \$10 fine and required reunion if no sufficient cause could be demonstrated before a court of male judges. Stealing another man's wife and polygamy were also outlawed and made punishable by fines and lashes against the bare back. Yet, the Council also took steps to protect certain traditional powers held by women. For instance, women maintained control over any property that they brought into the marriage and equal access to property obtained during the marriage. When Robert M. Jones married Susan Colbert, legally she maintained ownership over her slaves and after emancipation they chose to take her name. These changes selectively revealed a changing power structure in the Choctaw Nation.<sup>23</sup>

Thus, the major impetus for changes in property law was less an intentional attempt to diminish women's power and more a consequence of attempts to prevent white men from leaching onto Choctaw communal land resources by cohabitating with Choctaw women. To thwart this practice, the General Council passed a law requiring that all white men living with Choctaw women marry them and that the marriage be performed by a civil or religious official to prevent marriage to a corrupt man. Later, the Council amended this measure so that any white man wanting to marry a Choctaw

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<sup>23</sup> In 1860, acceptable terms for divorce were listed including impotence, unbeknownst polygamy, adultery, or physical abuse. This 1860 act also provided for child-support and alimony. Folsom, *Constitution and Laws*, 343-344. It is also important to note that Choctaw women found ways to keep power within Choctaw society. See James Taylor Carson, "From Corn Mothers to Cotton Spinners: Continuity in Choctaw women's Economic Life, A.D. 950-1830," in *Women of the American South: A Multicultural Reader* (New York: New York University Press, 1997), 8-25; Michelene E. Pesantubbee, *Choctaw Women in a Chaotic World: The Clash of Cultures in the Colonial Southeast* (Albuquerque: University of New Mexico Press, 2005).

woman had to become a Choctaw citizen at least two years prior. For the purpose of limiting the power of white men within the marriage, the law confirmed that women maintained control over their property throughout the marriage and that it could not be disposed of “contrary to her consent.” Punishment for white men guilty of this offense included loss of citizenship and banishment. For example, the Council expelled John Johnston, a white man from Texas, in 1854 and his property passed to his Choctaw children.<sup>24</sup> When he attempted to return to the Choctaw Nation, the Council used U.S. Agent Douglas Cooper to have him permanently removed.

Though land remained communal, politically-connected Choctaws made strides to assist those wanting to develop the best available lands for market resources. In 1842, for example, Robert M. Jones introduced and passed a law specifying that no citizen could make a claim on land within 440 yards of another citizen without expressed permission from the original holder. Traditionally, any land not under cultivation was available to any citizen who would improve it. This statute clearly aimed to give Jones and others buffer space to build-up large plantations so they could continue to grow as their finances increased.<sup>25</sup> As an added incentive, the 1837 constitution indicated that “any citizen of this Nation who may find any mine or mines or mineral water, shall have exclusive right and privilege so long as he may choose to work the same, within one mile in any direction from his work or improvement.” These statutes were in the same vein as an 1839 law which declared that no citizen could open a river ferry within one mile of another ferry, granting exclusive rights for anyone with

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<sup>24</sup> Folsom, *Constitution and Laws*, 76, 106, 151, 154. Ironically, Johnston named his youngest son “Douglas H. Cooper Johnston.”

<sup>25</sup> This law may have been controversial; this is the only law in Joseph Folsom’s 1869 printing that contains the name of who proposed the law. Folsom, *Constitution and Laws*, 92-93.



the resources to construct a ferry. Similarly, the Council granted multiple citizens the right to construct toll bridges across various rivers on the basis that the Council set the toll and Choctaw citizens receive free access when low water prevented river travel.<sup>26</sup>

As if Choctaws did not have enough incentive to cultivate the land and enter the markets, subsequent constitutions starting with the Constitution of 1837 stated that “no citizen of this Nation shall ever be required to pay poll tax or be required taxation for any property or for any pursuit of business whatever.” The one exception was that “all merchants, both citizens of the Choctaw Nation and United States, trading in this nation, shall be required to pay a tax annually...of one-quarter of one percent of the amount of their capitals on each year’s purchase.” Fittingly, the Council put the entire revenue from this tax towards suppressing the whiskey trade sparked by neighboring merchants.<sup>27</sup> Aside from this, the Council was content to survive financially upon annuity payments remaining from previous treaties with the United States and interest from the sum paid by the Chickasaws for Choctaw land. Not to mention that taxing improved property required a full census, something “entirely failed at” both by Agent William Armstrong in 1847 and the Council from 1849-1860. Whereas the Council charged U.S. traders a tax for trading in the Choctaw Nation, Choctaw traders shipped their crops into the United States for no cost. When a U.S. internal revenue officer demanded and received a total of \$12,225.50 for two massive shipments of cotton grown by Robert M. Jones and shipped to Shreveport, Jones protested through his

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<sup>26</sup> Folsom, *Constitution and Laws*, 21, 33, 109, 112, 113, 140.

<sup>27</sup> *Annual Report, 1849*, 110; Folsom, *Constitution and Laws*, 154-157; *Constitution and Laws*, 32.

American connections and received a full refund as the cotton clearly contained his “FL” brand.<sup>28</sup>

With these constitutional and legislative provisions, citizens like Robert M. Jones, David Folsom, Peter Pitchlynn, Thomas Leflore, and many others had free reign to expand their commercial activities. This not only worked towards their own financial gain but also benefited the nation as a whole. Jacob Folsom, nephew to Peter Pitchlynn, summed up this dual advantage when he advocated establishing a water-powered spinning and carding machine. Folsom argued that “we have been depending upon (foreign) merchants long enough” and that domestic manufacturing is a “strong proponent of a nation and therefore we ought to encourage it.” While lauding this plan as a way for his “country to rise to eminence,” he also noted that whoever built and ran this machine would make a reasonable income. David Folsom also encouraged commerce for both national and personal gain when he took full advantage of this mineral rights provision to claim salt mines near the Blue River. Folsom accumulated over 1,000 bushels of salt which he sold in Jones’ stores and traded at foreign markets. Though this augmented Folsom’s wealth, it also assisted Choctaws who needed a reliable source of salt for ranching and a reasonable price.<sup>29</sup>

In addition to incentivizing commerce, the Council and Choctaw entrepreneurs sought to carefully regulate trade within the Choctaw Nation to protect citizens from exploitative merchants. For instance, after several Choctaws accused the trading firm of

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<sup>28</sup> *Annual Report, 1847*, 267-268; The Council even threatened to withhold annuity payments if the necessary data was not received and offered payment for expenses, but received at best partial returns; Porter J Andrews to Samuel Bell Maxey, May 2, 1867, Box 1, Robert M. Jones Collection, OHS; Sam Bell Maxey to Assistant Affairs Office, October 18, 1867, Box 1, OHS.

<sup>29</sup> Jacob Folsom to Peter Pitchlynn, February 28, 1843, Folder 394, GM; *Annual Report, 1838*, 509.

Pickett and Gregg of short-changing customers on the price and weight of skins and gouging on the prices of sugar and blankets from 1832-1836, Robert M. Jones requested that the General Council investigate. It was also alleged that Mr. Gregg attempted to manipulate the Council into giving his firm a monopoly over Choctaw trade. In a subsequent hearing, Choctaw agent William Armstrong and Thompson McKinney interrogated Mr. Gregg about the accusations, while an auditor examined his account books. When asked to testify, Jones admitted to having financial connections with both Pickett and Gregg, which stemmed from his paid position as a United States interpreter, as well as various commercial exchanges valued at several thousand dollars. This, however, failed to buy Jones' fealty. When Gregg attempted to use Jones as a character witness, Jones stated that "I have used my influence to have you put out [of the nation] in consequence of the many complaints of frauds practiced upon Indians by you." Gregg countered that Jones was simply trying to eliminate him as competition for his own trading ventures. While the Council considered their relations with Pickett and Gregg, Jones recruited Joseph R. Berthelet, a French-Canadian with a reputation for fair trade with Native Americans, to take their place. Berthelet aligned with fellow trader John Hobard Heald to form Berthelet, Heald, and Company, with Robert M. Jones acting as the company.<sup>30</sup> For the next thirty-years, Jones and these new partners constructed the largest trading networks in the Choctaw Nation.

With this move, the Council took commerce out of the hands of a possibly-backward outsider and placed it in control of a Choctaw Nationalist. Simultaneously,

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<sup>30</sup> "Untitled Deposition, September, 1836," Records of the Bureau of Indian Affairs, 1793-1989, Record Group 75, Roll 170, Frames 680-690, National Archives and Records Administration,; "Notes on Doaksville," *Chronicles of Oklahoma* 53 (1955) 541; Mary Thebo Jennings to Robert L. Williams, July 6, 1939 Box 45, Folder 6, Robert L. Williams Collection, OHS.

the Council also worked diligently to ensure that affluent Choctaws did not cheat their fellow citizens. Wealthy Choctaw businessmen, including Robert M. Jones became the targets of Choctaw National regulation. After suspicions arose concerning Jones' business practices, Armstrong sent covert representatives to a store under the auspices of obtaining yards of fabric and basic items for slaves. When he found that he had been shorted on the length, he reported to the Council and threatened to revoke Jones' license (by revoking Berthelet and Heald's license). Jones acknowledged the censure—blaming a faulty yardstick—and made good on his word to keep trade fair. William Goode, Superintendent of the Fort Coffee Academy, claimed that Jones and company “supplied the natives with goods of good quality and at fair rates, scorning to deceive or take advantage of their ignorance; a great contrast with the character of most Indian traders. Here were no conspiracies between agents and traders to defraud the Indians; no licentious examples to debauch them.”<sup>31</sup> At no other time on record did Jones raise accusations of fraud. Berthelet remained in the Choctaw Nation where he also served as postmaster in the city of Doaksville, while Heald left the nation in 1848 to work as an agent for Jones and others in New Orleans. Jones remained as the point man of the business and fellow Choctaws appreciated his services.<sup>32</sup>

Jones' company opened shops in every district of the Choctaw Nation. He had stores in Skullyville, Doaksville, Lukfata, Boggy Depot, Eagletown, Fort Towson, Pheasant Bluff, and various other strategically-viable locations. He and his partners

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<sup>31</sup> Ibid.; William H. Goode, *Outposts of Zion: With Linnings of Mission Life* (Cincinnati: Poe and Hitchcock, 1864), 44.

<sup>32</sup> James Morrison, “Notes from the Northern Standard 1842-1849 (Continued),” *Chronicles of Oklahoma*, 19 (Fall 1941), 277, n88. It is worth noting that some Choctaws believed that perhaps Jones and other traders had grown too powerful by the late antebellum period; however, even these letters admit “Jones is very popular here” Jacob Folsom to Peter Pitchlynn, July 31, 1845, WHC.

attracted a wide array of customers. Travelers through Indian country regularly wrote about making purchases from Jones, including parties of Delawares, American adventurers, agents, and missionaries.<sup>33</sup> Jones placed occasional advertisements in North Texas newspapers informing readers of specific goods and directions to cross the Red River. He offered an accommodating payment system for various clients, including peltries, furs, cotton, or cash. Samuel Rutherford, a temporary Indian agent after Armstrong's death in 1847, lauded this system as a way of having individual Native Americans from various tribes sell their produce, be it corn, tallow, or cotton, for trade goods and be further encouraged to engage in commercial development.<sup>34</sup>

Primarily, Jones and his partners worked for the business and benefit of Choctaws and Chickasaws. For recent graduates of Choctaw schools, Jones' shops and others offered an opportunity for employment as a clerk or blacksmith. He advertised extensively in the Choctaw and Chickasaw newspapers, including the short-lived *Choctaw Telegraph*, *Choctaw Intelligencer*, and *Chickasaw Intelligencer*. His goods, imported from New Orleans and New York included a plethora of both practical and comfort items. Jones' "Red Store" in Doaksville, frequently promoted basic hardware staples like farm implements, rope, twine, nails, and axes as well as grocery items like brown sugar, molasses, salt, pepper, beef, vinegar, and teas were always in stock in "speechless quantities" for "low rates." Flour, taken from Choctaw mills, was said to be of a higher quality and less expensive than any in New Orleans. Additionally, Jones regularly advertised luxury items including fine china, multiple colored blankets,

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<sup>33</sup> "Journal of Elijah Hicks," *Chronicles of Oklahoma*, 13 (Spring 1935), 69; Carolyn Thomas Foreman, "'Black Beaver: Brother Black Beaver...Who is One of God's Noblemen, Honest and Truthful,'" *Chronicles of Oklahoma*, 24 (Fall 1946), 275.

<sup>34</sup> *Annual Report, 1847*, 880; "\$100 Reward," *Northern Standard*, December 21, 1846;

fashionable Hungarian and Mexican hats, hosiery, gloves, cassimere, denim jeans, and cigars. An archeological excavation later confirmed that any good imported into New Orleans, including extravagances from around the world, had potential to show up in Choctaw stores. It is likely that only a select few purchased these luxury items. Peter Pitchlynn frequently racked up considerable debts purchasing such goods as tea saucers, which he struggled to repay. While less affluent Choctaws did not buy these items in bulk, many acquired a few luxury goods over their lifetime. For instance, missionary Cyrus Byington reported several traditional Choctaws owning expensive commodities, including pure silver spoons that likely came from these stores. Several competing stores, including one owned by Jones' father-in-law Pittman Colbert, carried similar items and encouraged customers to shop for the best prices and rates of trade.<sup>35</sup>

By the mid-1840s, contemporary observers noticed a marked increase in the number of Choctaws engaging in a market-based life as both producers and consumers. Missionary Ebinzer Hotckin praised the “a strong desire...to live better—to have better houses, clothes, and above all, to have their children at school.” Another echoed Hotckin's admiration of Choctaws' desire to “seek hired labor” after working their own crops led to vast improvements in “their dwellings, farms, fences, tolls, and garments, as well as their stock in cattle, horses, swine, sheep, and poultry.” In his first year among the Choctaws, missionary Jason Chamberlain marveled, “I have been able to buy corn of them, delivered at my house, cheaper than I can raise it. The various products of soil and labor they gladly sell us. During their leisure they chop fire-

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<sup>35</sup> *Choctaw Intelligencer*, August 28, 1850; September 18, 1850, October 20, 1850, November 27, 1850; C. Byington to Peter Pitchlynn, November 7, 1839, Folder 241, GM; “Col. P.P. Pitchlynn Invoice with R.M. Jones Store,” Folder 1857, GM; “Receipted Account, Jones and Thebo,” Folder 1909, GM; *Chickasaw Intelligencer*, June 3, 1854.

wood...at a given price per cord.” He applauded how their work “is always performed in a faithful, business-like manner.” Available records from stores in local towns also attest that Choctaws frequently used their income to purchase consumer goods. The books of merchant John Kingsbury, son of missionary Cyrus Kingsbury, are filled with purchase records made by Choctaws, suggesting an active involvement in all stages of the commercial market.<sup>36</sup>

When acting as commercial producers, Choctaws carefully monitored the ebb and flow of market variables. For instance, increases in the market prices for beef caused many Choctaws to raise larger herds that could be culled and sent to foreign markets. When cotton prices dipped, more Choctaws grew wheat that could be sent to local mills and sold as flour. They also recognized the importance of location and scarcity in pricing their products. For instance, traders traveling towards or coming from Oregon encountered corn prices of \$2 per bushel—a significant increase over normal, which they paid out of necessity. William Armstrong noted in 1846 that large numbers of “full-blood” Choctaws had constructed valuable improvements on travel routes used by immigrants and Texans where they “find a ready market for their produce, and are learning to acquire and take care of property.” As one Choctaw noted in 1853, “there is a slow and steady increase of property among us.”

These small-scale traders also profited from forty-niners en-route to California. One agent estimated between 1,500 and 2,000 wagons passed through each month. This number undoubtedly grew in 1850 when a North Texas newspaper, fooled by hoax, reported the discovery of gold on the Wichita Mountains in the Choctaw Nation,

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<sup>36</sup> “The Journals and Daybooks of John P. Kingsbury, Choctaw Nation, 1853-1862,” Roll 827 Oklahoma Indian Archives Division, Oklahoma Historical Society Microfilm Publications, 1979.

sparking a flood of wealth-seekers unwilling to travel to California. Subsistence farming continued, and to an extent expanded as Choctaws began to clothe themselves in cloth of their own manufacture, but was combined with a clear desire to engage in the market.<sup>37</sup>

With commerce flourishing, Doaksville quickly became the most important commercial hub in the Choctaw Nation. Several American travelers and agents exalted it as the most impressive town within Indian country. Located less than a mile south of Fort Towson, Doaksville's strategic location on intersecting military roads between Fort Towson, Fort Smith in Arkansas, and North Texas made it a natural center of commerce. It had all the trappings of a modern frontier city, including seven or more commercial stores, multiple mechanic shops, taverns, a gristmill, a temperance society, a church, a newspaper, and a resident physician. In 1850, prominent Choctaws like Robert M. Jones and George Harkins even opened a masonic lodge in Doaksville, the second masonic lodge in Indian country. Choctaws also built a courthouse and an impressive jail in Doaksville. By 1850 they made the city into their commercial capital and their political capital, signifying its importance to national development.<sup>38</sup>

Commerce, however regulated, also had two clear interconnected drawbacks that potentially threatened national development: white invaders and alcohol. The Choctaw government undertook vehement efforts to control both of these nuisances. Along with the previously mentioned marriage restrictions, the Council resolved that no

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<sup>37</sup> *Annual Report, 1846*, 267; Grant Foreman, *Marcy and the Gold Seekers: The Journey of Captain R.B. Marcy, with an Account of the Gold Rush Over the Southern Route* (Norman: University of Oklahoma Press, 1939); *The Northern Standard*, February 17, 1849.

<sup>38</sup> M.W. Nat. G. Smith, G.M. Tulip, Dallas, and R.W. Thos. D. Merrick, *Proceedings of the M.W. Grand Lodge of the Most Ancient and Honorable Fraternity of Free and Accepted Masons of the State of Arkansas* (Little Rock: William Woolford, Printer, 1856), 41, 42, 52.



white man “who has not married a Choctaw woman shall ever be allowed to raise any stock within the limits of this nation.” Even those admitted as citizens were prohibited from participating in the Choctaw annuities and education systems. One law required Americans wishing to open a shop within the Choctaw Nation to post a \$5,000 bond in Doaksville, which would be forfeited and the trader’s shop closed if their license was revoked. This occurred in 1855 when agent Douglas Cooper revoked Francois X. Coincon’s license for the alleged sale of liquor, causing him to lose a \$5,000 bond and most of the \$40,000 worth of merchandise he had in stock. Also fearful about negative white influences, Robert M. Jones introduced a law passed by the Council that proscribed death for any Choctaw official who signed away any Choctaw land and permanent banishment for any white men who suggested the Choctaws sell their land. These actions apparently did not solve the problem. In 1859, the Council requested each county tally and remove all the white men living in the nation without a permit. White invaders were clearly still a negative side-effect of the Choctaws embracing a commercial mentality.<sup>39</sup>

In 1834, the Choctaws became the first Indian Nation The Choctaws to ban alcohol possession and consumption. Along the Red River and past the Arkansas line, however, grog shops preyed on Choctaw clients. Eight miles into Texas in the city of Preston, Native Americans purchased an estimated 300 barrels of whiskey in 1849. While personal habits such as alcohol consumption had traditionally been clan sanctioned, as the Council grew in power, they regularly intervened in an attempt to tackle the whiskey trade. They took further steps by making it an impeachable offense

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<sup>39</sup> *Constitution and Laws of the Choctaw Nation*, 31; Folsom, *Constitution and Laws*, 102-103, 206, 337; A.J. Smith to General J. W. Denver, April 8-21, 1857, Folder 1316, GM; J.W. Denver to A.J. Smith, April 30, 1857, Folder 1319, GM.

for any Choctaw officer to consume alcohol and called on local captains to use their influence towards shaming all those who drank. In 1850, they offered a set commission for every bottle of whiskey destroyed by private citizens. Citizens and council members created temperance societies and held debates over the virtues of the sober life. These steps, however, could not stop citizens from taking their annuity payments or trading profits across the Arkansas or Texas borders and procuring whiskey. Merchants like Jones advertised their refusal to import and sell alcohol in the Choctaw Nation, though they often transported it to Texas. Even in their zeal for prohibition, leading Choctaws did not always maintain sobriety themselves. Temperance society member Peter Pitchlynn, for instance, had to issue an apology to agent William Armstrong when he erratically rode his horse and let out war whoops following binge drinking.<sup>40</sup>

The task of destroying all alcohol within the Choctaw Nation and arresting any who imported or distilled within Choctaw borders fell to the Light Horsemen. For this purpose, they had extended authority, including the right to arrest or kill any who resisted their endeavor to wipe out “ardent spirits.” Despite their best exertions, a constant stream of alcohol spread across the nation, primarily in the Northwestern Mushulatubbee region. In 1849, Red River steamboats dropped their prices to one quart of whiskey for one bushel of corn further accelerating alcohol trade.<sup>41</sup> Enforcing

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<sup>40</sup> Folsom, *Constitution and Laws*, 96, 97, 165, 101, 233; *Annual Report, 1842-1843*, also, *Choctaw Telegraph*, August 23, 1849; “Constitution of Eagle town Social and Intellectual Society: Tabulation of pro and con debaters on (1) Sober v. Drunken life,” Folder 153, u.d., GM; Peter Pitchlynn to John M. Armstrong, Esqr., March 16, 1846, Folder 31, Armstrong Collection, GM.

<sup>41</sup> *Annual Report, 1849*; Even blatant murders of Indians often went unpunished along the Red River border. For instance, Choctaw Tom (of the Caddos) and several of his followers were executed in their sleep after resting their horses in Texas territory with the permission of both state and national officials. Even after the murders made a written declaration bragging about their grisly actions, the state took no action and the murders went unpunished. See F. Todd Smith, *From Dominance to Disappearance: The Indians of Texas and the Near Southwest, 1786-1859* (Lincoln: University of Nebraska Press, 2006), 232-234.

Choctaw laws against Americans proved increasingly difficult and often dangerous. That year, Light Horsemen killed three whiskey runners who resisted arrest, sparking an inquiry into whether these killings were just. In another case, a Choctaw officer named Feletah and his deputies attempted to apprehend H.C. Flack, a white American living in the Choctaw Nation, and his son. Both Flack and his son resisted arrest and were killed. Feletah and his men were acquitted of all charges by a Choctaw court, only to be rearrested by an officer of the United States and tried for murder in Arkansas.<sup>42</sup>

Trade along the Choctaw-Texas border resulted in ongoing tenuous relations between white Texans and Choctaws. To be sure, several fair men from Texas conducted honest business in the Choctaw Nation, often buying Choctaw cattle and ponies at fair prices but this was not always the case. Texans often accused Native Americans of raiding but they too raided across the border in the Choctaw Nation. In April 1843, two men from Texas who had crossed into the nation under the auspices of working for Jones stole two of his horses, a beautiful iron grey and a red sorrel, both prized race horses. He offered a lofty \$300 reward for the men's apprehension—more than three times the standard amount offered for runaway slaves in that newspaper. Two years later, a Texan named "Melona" stole one of his slaves. Newspapers at the time also indicated the complicity of Texans in runaways from Indian Territory, which inflamed Indian slaveholders, especially Choctaws living along the border.<sup>43</sup> Despite the sometimes volatile relations with Texans, residents of other bordering states, and

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<sup>42</sup> *Choctaw Telegraph*, July 19, 1849; *Constitution and Laws*, 323. Devon Mihesuah, *Choctaw Crime and Punishment 1884-1907*(Norman: University of Oklahoma Press, 2009), 19.

<sup>43</sup> "Three Hundred Dollars Reward," *Northern Standard*, April 20, 1843; "\$100 Reward," *Northern Standard*, January 5, 1847.

white traders residing within the Choctaw Nation, commerce and trade flourished and the Choctaw Nation grew increasingly prosperous from the 1830s through 1850s.

These transitions did not happen uniformly. The devastation of removal combined with the spread of epidemic diseases and high death rates in the immediate post-removal years led some to blame supernatural forces and the acceptance of education and commerce for their plight. In fact, while the practices of punishing witchcraft had fallen out of favor among Choctaws in the nineteenth century, it was temporarily revived during this period. Other Choctaws, mostly in the Mushulatubbee district, reacted to the strife by withdrawing from the growing market economy and attempting to recreate traditional life in relative isolation from other Choctaws.<sup>44</sup>

They continued traditional gendered economic activity in which women performed agricultural duties and men hunted game. Through the 1830s, they refused to allow churches or formal schools. Whereas other districts had growing towns based upon commerce, the Mushulatubbee district centered around Skullyville, literally meaning “bit town” or “money town” where residents received annuity funds as their primary source of monetary income. In many ways, they lived their lives as their kin had fifty-years earlier. But this isolation did not last in the post-removal nation. They continued to send representatives into the Council and after 1850, had county courts which followed national Choctaw laws, schools, and several growing businesses. Many in the region also integrated cotton production into their subsistence farming and used it to exchange for trade goods with other Choctaws and traders in Arkansas. Though market-centered Choctaws differed with their more traditional brethren over “the bright

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<sup>44</sup> James Morrison, *The Seven Choctaw Constitutions (Anumpa Vlhvisa Untuklo): Government of the Choctaw Republic, 1826-1906* (Durant: Choctaw Bilingual Education Program, 1977), 30-31.

path” for the nation, the market economy gradually transformed the economic activities and daily lives of all the citizens in the Choctaw Nation.<sup>45</sup>

The majority of Choctaws also became connected to the expanding market economy by either actively or tacitly accommodating the exploitation of slave labor. In rebuilding the Choctaw Nation, citizens of all socio-economic classes accepted the integration of racial slaveholding and the commodification of human labor into the economic and political structure of the Choctaw Nation. Above all else, slave labor was an integral component in stimulating large-scale commercial development. By exploiting the labor of unfree slaves, small slave-holding families made moderate amounts of profit for market purchases by growing cotton and corn, while slave-holding planters like Joel Kemp, Peter Pitchlynn, and Robert M. Jones made fortunes. Alongside Choctaws and white laborers, slaves plowed the fields, picked the crops, and worked the roads that made commercial life viable.

As historian Christina Snyder demonstrates, during the late eighteenth-century Choctaws and other members of the Five Tribes developed a unique form of slavery that integrated indigenous forms of captivity with Southern racial slavery. To more culturally traditional Choctaws, owning African slaves represented a way of avoiding agricultural labor when hunting became a less viable option. Simultaneously, a small group of wealthy Choctaws, Chickasaws, Cherokees, and Creeks owned the majority of slaves in their nations. In the Choctaw Nation near the time of removal, tribal leaders like Mushulatubbee and Captain Little Leader and such prominent families as the Pitchlynns, Leflores, Garlands, Folsoms, McDonalds, Brashears, and Jones owned most

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<sup>45</sup> W.B. Morrison, “The Saga of Skullyville,” *Chronicles of Oklahoma* (Summer 1938), 234.

of the total 512 Choctaw slaves.<sup>46</sup> As Tiya Miles demonstrates in her case study of the powerful Cherokee slaveholder James Vann, this elite group of politically and economically powerful men among the Five Tribes increasingly abandoned more traditional indigenous slaveholding forms to adopt Euro-American racial ideologies of black inferiority and the practice chattel slavery. Vann, Jones, and others remained staunch nationalists of their various polities but their adaption to white Southern economic and social practices did not protect them from white encroachment. Ironically, the federal government removed their nations to Indian Territory in part to allow for the expansion of slavery in the South.<sup>47</sup>

Rather than separating the Five Tribes from the growing Cotton Kingdom in the Deep South, removal facilitated the spread of slavery westward into Indian Territory. In the post-removal Choctaw Nation, buying, selling, and exploiting black bodies for financial and social gain became far more prevalent than more traditional captivity practices that allowed for kinship adoption. As Barbara Krauthammer suggests in her study of Choctaw and Chickasaw slaves, Indian slaveholders “sought to maintain a social and economic order premised on the commodification and degradation of black people’s bodies and labor.” She asserts, “Slavery in the Choctaw and Chickasaw Nations rested on the intersecting racial and gender ideologies that justified the enslavement and exploitation of black men’s and women’s bodies, labor, and

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<sup>46</sup> Christina Snyder, *Slavery in Indian Country: The Changing Face of Captivity in Early America* (Cambridge: Harvard University Press, 2010), 182-213; Adam Rothman, *Slave Country: American Expansion and the Origins of the Deep South* (Cambridge: Harvard University Press, 2005), 37-45; Choctaw Armstrong Rolls 1831, Office of Indian Affairs: National Archives, Fort Worth, TX. Microfilm Roll A-39.

<sup>47</sup> Tiya Miles, *House on Diamond Hill: A Cherokee Plantation Story* (Chapel Hill: University of North Carolina Press, 2012).

reproduction.”<sup>48</sup> Although Choctaws and white Southern slaveholders used similar slaveholding practices and increasingly overlapping ideologies of black racial inferiority, slavery among Choctaws stemmed from interests of the Choctaw Nation that did not match those of white Southerners in surrounding states. Thus, in the post-removal nation, slavery became central to the Choctaw economy while it simultaneously became embedded in the social and political structure of the nation.

Immediately after removal, more Choctaws took an active interest in trading their improvements for slaves that they knew would be advantageous in their new territory. On the advice of his father, Peter Pitchlynn traded the family horses to purchase five slaves for \$2,075. Mushulatubbee and his sons took several sections of land promised to them by the removal treaty and sold them for three young slaves each. Robert M. Jones and Israel Folsom followed suit and purchased several slaves immediately before making the journey west.<sup>49</sup> Upon arrival, they continued to purchase slaves from any available sources. John Hobart Heald, acting as Jones’ agent in New Orleans, frequently arranged for the piecemeal purchase of slaves that he sent back on Jones’ steamship. Choctaws also acquired slaves from the captive exchange system among western Indian tribes that dominated the Southern plains during the 1830s and 1840s. For instance, when Jones procured a former Shawnee establishment “Shawneetown,” along with their “cultivated fields and railed fences” he also acquired at least one slave that resided there. The slave spoke only the Shawnee language and

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<sup>48</sup> Barbara Krauthamer, *Black Slaves, Indian Masters*, 4, 5.

<sup>49</sup> Joseph Bradfield Thoburn, Muriel Hazel Wright, *Oklahoma: A History of the State and its People, Vol.1* (Lewis Historical Publishing Company, 1929), 210.

had tattooed his skin in the fashion of the tribe.<sup>50</sup> As a result, slaves living among Choctaws had diverse backgrounds and included Africans, African Americans, Afro-Choctaws, and others of black-Indian descent.

Although in the post-removal nation Choctaws bought and sold slaves as commodities, the range of slave experiences varied widely and often depended on the views of individual masters. Some continued to enjoy less-rigid limitations on slave life in ways that resembled more traditional captivity experiences. Travelers reported seeing small slave families live almost as free as their masters, merely paying a tribute. Though they possessed no defensible rights and lived under the threat of violence, some former slaves attested that the burden of their enslavement appeared less heavy than that of other slaves. Other Choctaw masters employed harsh and violent disciplinary tactics or hired white overseers to do it for them. For instance, Peter Pitchlynn wrote several times to family members instructing them to ask overseers or neighbors to whip their slaves who had gotten out of line. As one former slave maintained, “there were humane and inhumane masters and occasionally some of the cruel and brutal type.”<sup>51</sup>

Slaves had wide ranging experiences with the labor they performed, their relationships with their masters, and the daily experiences and communities they forged with other slaves. Some worked as translators for their masters, while others understood little English or Choctaw. When asked if she understood the Chickasaw language after five years with a Chickasaw master, an enslaved woman replied “I can

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<sup>50</sup> “One Hundred Dollars Reward.” *The Texas Democrat*, January 20, 1847; Robert H. Dott, “Lieutenant Simpson’s California Road Across Oklahoma,” *Chronicles of Oklahoma* 38 (Summer 1960), 166-167.

<sup>51</sup> George P. Rawick, ed., *The American Slave: A Composite Autobiography*, Supplement, Series 1 (Westport: Greenwood Press, 1977), Vol. 12, 128; Grant Foreman, ed. *A Traveler in Indian Territory: The Journal Of Ethan Allen Hitchcock, late Major-General in the United States Army* (Norman: University of Oklahoma Press, 1930), 187.



mumble it a little.” Many slaves identified as Choctaws while others blended Choctaw and African American practices. Still, others who had only been recently acquired by their masters from Eastern markets had very few cultural ties to their masters. While the daily and lifetime experiences of Choctaw slaves varied widely, as they did in some Southern states, in the post-removal Choctaw Nation, slavery became far more restrictive than indigenous captivity practices.<sup>52</sup>

Most importantly, slaves became defined as a valuable, transferable commodity. Numerous Choctaws, including Peter Pitchlynn’s mother Rhoda, left detailed instructions in their wills on how to transfer their human property. In cases where the children of the deceased were not old enough to be masters, slaves were rented out in the interim. Slaves could also be used as collateral for a mortgage on a loan or debt. For instance, Jones’ company accepted Melinda “a slave for life,” as collateral on a \$600 loan for supplies at the local Doaksville tavern in 1855. The tavern owners, Jane Ball, the Choctaw widow of David Folsom and current wife of David G. Ball, took Melinda and fled to Texas when they could not repay the loan. Jones hired attorneys in Texas to file suit for Melinda. To further complicate the matter, Albert Folsom, the son of David Folsom and Jane Ball, also sued claiming Melinda lawfully belonged to him. The subsequent trial took place in Texas and involved the testimony of Sampson Folsom, Chief George Harkins, Peter Pitchlynn, John Kingsbury, and other Choctaws. Jones

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<sup>52</sup> Foreman, ed., *A Traveler in Indian Territory*, 202. For variations on slavery in Southern states, see Johnson and Roark, *Black Masters: A Free Family of Color in the Old South* (New York: Norton, 1984); Marvin Patrick Ely, *Israel on the Appomattox: A Southern Experiment in Black Freedom from the 1790s through the Civil War* (New York: Knopf, 2004).

won an initial ruling for \$600 instead of Melinda, which was then then vacated and the case returned for retrial by the Texas Supreme Court.<sup>53</sup>

In addition to buying and selling slaves as commodities and defining them as transferable hereditary property, many Choctaw masters also often controlled aspects of slaves' sexuality. Masters expected women to serve as reproducers of additional slaves, and at times sexual commodities to be exploited by their masters. One slave recalled that after slave sales which divided families "the husband or wife of who was sold was given another husband or wife by the new master."<sup>54</sup> Despite a Council prohibition on open sexual relationships with black slaves, the presence of numerous mixed race slaves in the nation indicates that Choctaws did not strictly adhere to this law. American traveler Ethan Allen Hitchcock reported seeing "every imaginable shade and proportion of people...in one promiscuous and undistinguishable mass." One man even testified in the 1896, long after Jones' death, that his mother was the result of an illicit relationship between his enslaved grandmother and Robert M. Jones.<sup>55</sup> Because these practices directly exploited black female bodies and reproductive abilities, they differed widely from more traditional practices in which captives were adopted as full and equal members of society.

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<sup>53</sup>"Mrs. Sophia Pitchlynn: Will," April 23, 1859, Box 3, Folder 47, Peter Pitchlynn Collection, WHC; "Notes and Documents," *Chronicles of Oklahoma* 53, (Winter 1955), 541-546.

<sup>54</sup>"Interview with Anna Colbert," May 25, 1937, Interview 6049, IPP.

<sup>55</sup>In 1907, Irving White testified before the Dawes Commission claiming status as Choctaw by blood. He stated that his mother, Mary Ann Rogers, a slave at Jones' Walnut Bayou plantation, was the daughter of Robert M. Jones. Further, he recalled that "she always called him 'father' and I always called him 'Grandpa.'" Another Jones freedman confirmed White and his mother's lived on Walnut Bayou, while also claiming that Jones' white overseer was Irving White's father. However, ten year's earlier White had apparently claimed that Sam White, Jones' overseer, was his father. Due to inconsistencies in the testimony, White's appeal was denied and he was registered as a freedman rather than Choctaw by blood. While it is not possible to determine whether Jones was in fact White's grandfather, clearly illicit behavior between slaves, Choctaws, and whites at multiple locations. See Irving White, January 23, 1907, Choctaw Freedmen Folder 663, Irving White, Microfilm Series 1186 (hereafter CFF), 2, 4.

Just as the General Council passed numerous statutes to define and protect forms of property, beginning with the first post-removal constitution and subsequent laws the Council consistently codified slave activities and the institution as a whole. One law prohibited free blacks from entering the nation and called for the expulsion of all free blacks “unconnected with the Choctaw or Chickasaw blood.” Those given an exception were prohibited from Choctaw schools, receiving funds from annuity payments, or occupying an official office. Harboring runaway slaves or hiring unpermitted freedmen for paid jobs became a punishable offense. Meanwhile, those suspected of being free could be arrested by the Light Horsemen and, if free, enslaved if they refused to leave the nation. In order to manumit a slave, masters were forced to make an appeal before the General Council and make assurances that the freed slave would leave the nation within thirty days. Following this law, missionary Cyrus Kingsbury sent slaves that he emancipated to neighboring Indian nations, Northern states, or in groups to Liberia.<sup>56</sup> These laws clearly aimed to curtail the number of free African Americans in the nation and ensure that they did not interfere with the institution of slavery.

The Council directed other laws less at slaves themselves and more at internal Choctaw practices that could potentially threatened slavery. Just like Southern states spooked by the Nat Turner Rebellion, in 1835 the Council passed an act that “no negro slaves shall be in possession of any property, or arms,” with prescribed punishments for both offending slaves and masters. They added that slaves could only have guns or property with the written permission of their masters, most likely shaping the law

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<sup>56</sup> Cyrus Kingsbury to American Board, January 1846, Box 3, Folder 2, Cyrus Kingsbury Collection, WHC; “Journal of Cyrus Kingsbury,” *Chronicles of Oklahoma* 3 (Summer 1925), 158; Missionaries Cyrus Kingsbury and Alexander Reid also made regular donations to the American Colonization Society. Interestingly, they were joined in their donations by Robert M. Jones. See American Colonization Society, *The African Repository* (Washington: C. Alexander Printer, 1855), 96.

towards absentee and lenient slave owners. Jones himself allegedly allowed a slave the use of his valuable masonic rifle, perhaps indicating the flexibility of this law. A subsequent statute made it illegal for a man or woman to “publically take up with a negro slave,” which was later extended to free blacks when Tobias Ned, “a free negro,” illegally married a Choctaw woman and threatened her family when they intervened. Laws also prevented masters from teaching slaves how to read, write, or sing. Many slaves already possessed these skills but its intent is clear—literate slaves posed a risk because they might read and write about abolitionism. As such, any American citizen “found to take an active part in favoring the principles and notions of the most fatal and destructive doctrine of abolitionism” was compelled to forever leave the nation.<sup>57</sup>

Even Choctaws who did not practice slavery tacitly consented to its practice. Thus, abolitionism gained little ground in the nation and for the most part Choctaws sought to prevent it from spreading. Missionaries working within the nation particularly posed a threat. For instance, as Superintendent of Public Schools in 1855, Jones rejected the first choice teacher at Armstrong Academy because he wanted an exemption against the abolition law. Instead, Jones made the teachers that he selected sign an agreement not to teach this “destructive doctrine.” Another openly abolitionist school teacher, who coincidentally was noted for his skills in teaching music to groups likely including slaves, was replaced after school inspectors led by Jones gave an unfavorable report.<sup>58</sup> Like the codes meant to restrict the agency of slaves and free

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<sup>57</sup> Folsom, *Constitution and Laws of the Choctaw Nation*, 88, 182; *Constitution and Laws*, 20-21, 27.

<sup>58</sup> *Choctaw Intelligencer*, July 18, 1850, July 27, 1850; James D. Morrison, “Note on Abolitionism in the Choctaw Nation,” *Chronicles of Oklahoma*, 38 (1960), 79-80, 82; I. Leighton Wilson, Mission House, New York, to Robert M. Jones, January 15, 1855, Folder 925, GM; Superintendent of Choctaw Schools to J. Leighton Wilson, March 10, 1855, Folder 955, GM; D.W. Lewis to Peter

blacks, laws also targeted abolitionists to further reinforce the institution of slavery in the Choctaw Nation.

While some of these laws mirrored slave codes throughout the South, others were more ad-hoc in response to specific local events. In 1858, for instance, Choctaws passed a law redefining larceny and kidnapping to include a prohibition against “selling any free person for a slave,” punishable by 100 lashes and “branding across the forehead with the letter T”—the most severe punishment aside from death they ever issued. Selling free people as slaves happened on multiple occasions, proving both costly and potentially violent. Robert M. Jones spent years in Texas courts attempting to confirm ownership of Laney Colbert Stevenson and her children, purchased by Jones and his wife Susan after the death of their master. Unbeknownst to them, Laney Colbert Stevenson had been emancipated in 1821, making her and her children free. Jones lost both his initial case and appeal to the Texas Supreme Court in 1847, which ruled that according to Chickasaw/Choctaw law the manumission was legitimate.<sup>59</sup>

Though Robert and Susan Jones pursued no further action, stealing and selling free people had the potential to turn deadly. For instance, a posse of Chickasaws and the Choctaw Light Horsemen nearly engaged in a violent struggle over a slave named Sarah and her two children. The dispute began in 1853 when a Choctaw named Tickfunka sued and lost a claim to Chickasaw captain and former district chief Edmund Pickens for the three slaves in a Choctaw court. Undeterred, in 1857 Tickfunka sold his claim to Peter Baptiste who promptly enlisted his family members serving in the Light

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Pitchlynn, November 18, 1854, Folder 884, GM; Robert M. Jones to Peter Pitchlynn, January 12, 1855, Box 7, Folder 4.

<sup>59</sup> “Robert M. Jones vs. Laney ET AL., by their next friend, James Colbert—Appeal from Lamar County,” *Report of Cases Argued and Decided in the Supreme Court of the State of Texas during December term, 1847* (Galveston: Printed at the News Office, 1849), 342-360.

Horsemen to confiscate the three and brought them to Baptiste. A party of armed Chickasaws friendly to Pickens planned to retake Sarah, who likely had familial ties to Edmund Pickens, by force if necessary. Douglas Cooper, who served as agent to both Choctaws and Chickasaws, intervened to diffuse the situation. With these instances in mind, it is clear why the Council sought to take such drastic action to protect slave owners and severely punish those who violated certain slave laws.<sup>60</sup>

Similar to slaves in Southern states, slaves in the Choctaw Nation resisted bondage using a variety of tactics. Some cautiously resisted their masters by refusing to work when masters and overseers left the plantations. Others consumed alcohol, became loud and unruly on the Sabbath, and acted “sassy” towards masters. Choctaw newspapers frequently bemoaned slaves congregating without permission and printed “Sambo” tales warning masters of slave insubordination when not properly monitored. Letters from Peter Pitchlynn’s family and overseers often contained reports on activities of this nature when Peter would travel for any length of time.<sup>61</sup>

Other slaves practiced more active forms of resistance. In February 1839, four slaves who had lived with the Choctaws since before removal ran away from Pierre Juzan, taking with them “four of the best horses...two guns...a quantity of clothing and provisions.” A similar event occurred in 1851 when two slaves ran from Henry Folsom, taking a horse, saddle, and shotgun. Agents for Folsom found one slave and “peppered” his leg with a shotgun to prevent subsequent runaway attempts. Multiple slaves belonging to Jones fled south towards Texas and north towards the Creek Nation, taking

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<sup>60</sup> Dan Littlefield, *The Chickasaw Freedmen: A People Without a Country* (Connecticut: Greenwood Press, 1980), 18.

<sup>61</sup> *Choctaw Intelligencer*, August 28, 1850; September 18, 1850, October 20, 1850, November 27, 2830.

various supplies with them. Sometimes slaves took violent actions to gain their freedom. A slave belonging to prominent Chickasaw Jackson Kemp killed his overseer with a shot to the head. In 1842, three Choctaw slaves, who had been apprehended by two professional slave-catchers outside the Creek nation, happened upon twenty-five slaves who had run from Cherokee Joseph Vann. The combined force killed the slave catchers and made a break towards Mexico. A force of almost one hundred men overpowered and arrested the group of slaves a mere nine miles from the Red River. With this constant risk of rebellion, the Council passed several resolutions, including authorizing chiefs and captains to take appropriate actions to prevent rebellion and calling for a permanent force to control slave activities.<sup>62</sup>

One of the most violent and well-documented acts of slave violence and retaliation involved some of the most politically prominent and affluent Choctaws. The news of the controversy spread into the United States, damaging opinion of the Choctaws among Northern benevolent societies and pushing the Choctaws into a firmer alliance with the slaveholding South. The episode began in late 1858, when Richard Harkins, brother to former district chief George Harkins and husband to Peter Pitchlynn's daughter Lavina, disappeared after checking on his slaves' progress for the day. Though the location of Harkins' horse suggested that he may have drowned crossing a river, Lavina suspected foul play, partially because they had denied their slaves the traditional Christmas reprieve from work and additional supplies. A slave named Prince quickly became a primary suspect and, when threatened with a physical violence, confessed to luring Harkins off his horse and murdering him with an axe. He

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<sup>62</sup> Pierre Juzan to Peter Pitchlynn, February 24, 1839, Folder 217; Loring Folsom to Peter Pitchlynn, June 19, 1856, Box 2, Folder 84, WHC; Krauthamer, *Black Slaves, Indian Masters*, 89-90.

claimed he then tied his body to a rock and sunk it in a river. The next day, Prince led a group to the river to identify the body. While there, he claimed the master mind of the crime was an older slave named Lucy who believed that Harkins' death would cause Lavina to return the slaves to her father's Mountain Fork estate. Allegedly, Prince then somehow slipped out of his chains, jumped into the river, and drowned. It is logical that Prince had some unwanted assistance in his drowning since it is unlikely he just escaped his chains and the custody of an armed posse. Lucy denied the charges that she had planned Harkins' murder to her last breath. This did not stop Lavina from pursuing further retaliation. At the mistress's request, Lucy was placed on a pyre with Prince's body and burned to death before a large crowd.<sup>63</sup>

All informed parties, including missionaries, kept word of this grisly episode under wraps within the Choctaw Nation for more than six months. Missionaries gave no report of the incidents primarily because Lavina and Lucy were both members of Cyrus Byington's church. Although the Choctaws had clearly passed a law prohibiting retaliatory murder and killing a slave, no charges were brought against Lavina or any other person involved. As Cyrus Byington explained to critics, legal proceedings against the families involved would be "simply ridiculous" based on their connections. All of those involved seemed content to put the matter behind them until a disgruntled former employee at one of the mission schools alerted the New York newspaper *The*

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<sup>63</sup> Lycurgus Pitchlynn to Peter Pitchlynn, December 31, 1858, Box 3, Folder 37, WHC; Loring Folsom to Peter Pitchlynn, January, 1, 1859, Box 3, Folder 38; Loring Folsom to Peter Pitchlynn, Jan 3, 1859, Box 3, Folder 39; William McLoughlin, "The Choctaw Slave Burning: A Crises in Mission Work Among the Indians," *Journal of the West* 13 (1974), 114-115. Prince's drowning is suspect for multiple reasons. Slipping out of chains is not an easy task, especially if done in front of your captors. Any of the men who escorted Prince could have pulled him from the river, as they did after his death. Also, seeing as retaliatory violence against a slave was illegal, admitting to drowning Prince would be a confession to an illegal act. Yet, this suspicion cannot be proven.



*Independent*. The story became an international sensation, with newspapers as far away as England providing reports and analyses of the episode.<sup>64</sup>

Missionaries had walked a fine-line between appeasing pro-slavery Natives and Northern abolitionists for decades. They often assured their Northern brethren that “9 out of 10” Choctaws had no interest in slavery, and that slaves inside the nation served as agents of the gospel to their masters. The most adamant slaveholders like Jones complained about missionaries spouting abolitionism from the pulpit with impunity. Choctaw reverend Israel Folsom, a long-time alarmist regarding abolitionist rhetoric, complained that he had been “shot...with their abolition balls...and wounded very seriously at times...in the warfare of words.” In this case, Folsom repeatedly harangued Choctaw leaders that if no action was taken “their influence will cause the negroes to go in rebellion in the nation + and there will be blood shed.” All that was needed for this tight-rope to snap was a public incident that would force missionaries to take a firm position, like a publicized slave burning.<sup>65</sup> Ultimately, the missionaries did not challenge members of the Choctaw Nation who sought no sanctions against Lavina Pitchlynn’s action. Even after Lavina made a full confession of her involvement before the church, she was reinstated to full membership.

Treating slaves as valuable but disposable property emerged in tandem with changing racial ideologies within the Choctaw Nation. As demonstrated by historian Barbara Krauthamer, “Choctaw and Chickasaw slaveholders, as well as those who did not own slaves, came to embrace those elements of Euro-American racial ideologies

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<sup>64</sup> Ibid., “A Slave Woman Burnt Alive,” *The Lady’s Newspaper*, London, January 6, 1861.

<sup>65</sup> Cyrus Kingsbury to American Board, Cyrus Kingsbury Collection, Box 3, Folder 36; Robert M. Jones to Peter Pitchlynn, October 19, 1853, Box 2, Folder 65, WHC; Israel Folsom to Colonel Peter P Pitchlynn, February 23, 1848, WHC.

that identified people of African descent as an inherently and permanently inferior group.” Part of this racism was defensive in nature as Choctaws sought to distinguish themselves from African Americans with the broader racial and socio-economic hierarchy of the U.S. states that had in the past been used to justify colonial policies of land dispossession.<sup>66</sup>

Though Choctaw racial views towards black inferiority dovetailed with white Americans’, there were important distinctions in other areas of racial thought. They rejected the idea that whites were racially superior to members of the Five Tribes. They recognized difference, but did not place one above the other in terms of race. For instance, the progeny of Choctaw mothers and American fathers--like Robert M. Jones, Peter Pitchlynn, and David Folsom--were viewed as racially different but fully Choctaw. While they occasionally employed racial terminologies like “half breed” and “mixed-blood” to define themselves or others, they frequently noted that these words rarely corresponded to actual race. Distinctions were recognized, but the terms themselves were often offensive when used.

Far from a racially privileged position, whites, even those granted citizenship, enjoyed less rights and opportunities than Choctaws, and their children were barred from the public schools. Texans and Arkansans who regularly crossed in Choctaw territory to work as blacksmiths, overseers, and merchants, reported to Choctaw masters. Men like George Taaffe of Arkansas and Frank Tucker of Texas, prominent men themselves, spent their adult lives in the employ of Choctaw Robert M. Jones on

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<sup>66</sup> Krauthamer, *Black Slaves, Indian Masters*, 3-4.

his plantations as overseers.<sup>67</sup> Within the bounds of the Choctaw Nation, citizens and the national government successfully inverted the racial and class hierarchy of the United States, in which white Americans enjoyed the sole privileged and powerful position at the top of the social structure.

Choctaws simultaneously embraced self-reinforcing systems slavery and racial ideology, as part of a larger effort to develop the post-removal nation into an advanced and prosperous sovereign indigenous nation on an equal footing with the United States. Stimulating a national market economy, exploiting slave labor, and reinforcing these developments with racial ideology that placed Choctaws superior to African Americans and equal to white Americans redefined the Choctaw Nation's social, political, and economic structure after removal. The pursuit of material wealth sharpened class and racial divisions among Choctaws and intensified socio-economic stratification. This transformation did not simply result from a handful of Indians who independently pursued and acquired financial wealth. Instead, it emerged from the Choctaw Nation's desire to compete for riches and resources with the United States and other independent polities in the capitalist economic system and its citizens pursuit to protect its status as a not only a politically sovereign nation but also a rich Indian nation.

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<sup>67</sup> Joseph B. Thoburn, *A Standard History of Oklahoma* 4 (Chicago: The American Historical Society, 1916), 1649. Regarding other Indians, Choctaws embraced selective ethnocentrism rather than embracing American racism. They emphatically distinguished themselves from the "wild Indians," but the distinctions were not necessarily viewed as biologically determined. Instead, Choctaws often characterized the Comanches, Kickapoos, and others as lacking the effective tools of civilization. For this reason, the General Council allowed Caddos and Shawnees who exhibited signs of "civilization" to remain in enclaves within the Choctaw National boundaries. They made exceptions in this ethnocentrism for other Choctaws, regardless how distant the connection. For instance, as the United States government succeeded in pushing thousands more Choctaws out of Mississippi in the 1840s and 1850s, they were immediately placed on equal footing within the new Choctaw Nation, including access to schools and their own Council representatives. In essence, Choctaw opinions on race and ethnocentrism were complex.

After removal, Jones and other Choctaws found a winning formula to acquiring wealth, while simultaneously enhancing national development. This formula included communal land, wide ranging accessible trade routes, intensified production of cash crops, local centers of commerce, and perhaps most importantly, the exploitation of slave labor. When Reverend P.P. Brown visited Jones, he lauded his Lake West plantation: “the flourishing peach orchard—the well of cool water—the necessary out-buildings, in good repair—the well-furnished table—food served up in good farmer style—I almost imagined myself upon the premises of a Kentucky planter.” He marveled at the care and expertise of Jones’ cotton and corn crop and the general progress of the Choctaw people from what he imagined it to be in the past.<sup>68</sup> Reverend Brown then spent the night at Rose Hill, Jones’ fifteen-room mansion, which dwarfed Lake West. Jones had spared no expense in decorating the interior or exterior, some adornments rumored to be from as far away as Japan. Parked in front was an elaborate horse-drawn carriage, used by Jones and his family on longer trips—one of the very few within the nation.

Although Jones’ extravagant lifestyle seemed antithetical to Anglo-American constructions of Native American identity and economic practices, he was only anomalous in exceeding other wealthy Choctaws and members of the Five Tribes to the levels that he did. Affluence did not disqualify or challenge Jones and other wealthy Choctaws’ political identity or national loyalties. Instead, commercial ethos, property accumulation, racial slaveholding, and the factors that some attribute as precluding Jones from a Choctaw identity, became central features of the Choctaw Nation after removal.

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<sup>68</sup> *Indian Advocate*, June 23, 1847.

## CHAPTER FOUR: “THE INDIAN POLITICK”: CONTESTED CHOCTAW NATIONHOOD

After twenty years of working to advance Choctaw causes, Jones withdrew from his official office in the National Council in 1850. In his words, he “quit dabbling in the Indian politick.” As one missionary noted, “Jones got disgusted with politics and just quit” and “takes no part in public affairs.” This was an exaggeration as Jones still took an active role by auditing Choctaw schools, petitioning the federal government to disburse the Choctaw orphan fund, selecting promising students to receive scholarships for college education in the United States, and frequently serving as a proxy for National Council members. Jones also attempted to restart a Choctaw newspaper after the *Choctaw Intelligencer* ceased production, something that he believed to be an integral step in the Choctaw nation-building process. He called for support from other leading Choctaws on this newspaper and advocated that it should be printed in both English and Choctaw and made available to the masses. Yet, compared to his decades of national service, he seemed content to spend most of the 1850s focused on increasing his already massive fortune and avoiding the pitfalls of the political process.<sup>1</sup>

Secession and the United States Civil War ended Jones’ temporary political exile. He learned from United States Agent Douglas Cooper that Principal Chief

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<sup>1</sup> Robert M. Jones to Peter Pitchlynn, November 1857, Box 2, Folder 110, Peter Pitchlynn Collection, Western History Collection, Norman, Oklahoma (hereafter cited as WHC); Alexander Reid to Walter Lowrie, Spencer Academy, January 9<sup>th</sup>, 1854, *American Indian Correspondence: The Presbyterian Historical Society*, Vol. 2 (Clarify microfilm); See the following for a few examples of Jones maintaining active involvement in Choctaw education, land claims, newspapers, and resisting United States attempts at territorialization: R.M. Jones to Peter Pitchlynn, April 16, 1855, Peter Pitchlynn Manuscript Collection, Folder 971, Gilcrease Museum, Tulsa, Oklahoma (hereafter cited as “PPMC”); I. Leighton Wilson to R.M. Jones, Acting Supt. of Public Schools, Jan 1855, PPMC, Folder 925; John Dowling to Peter Pitchlynn, May 1854, PPMC, Folder 804; “Report of Committee on Territory by Chairman R.M. Jones,” PPMC, Folder 890; Robert M. Jones to Peter Pitchlynn, July 1848, Box 2, Folder 5, Peter Pitchlynn Collection, WHC; Choctaw Nation, *Acts and Resolutions of the General Council of the Choctaw Nation, From 1852 to 1857, Both Inclusive* (Fort Smith: Josephus Dotson, Printer for the Nation, 1858), 51, 60, 104.

George Hudson planned to declare neutrality at a special session of the Council in June of 1861. Indignant, Jones took his private carriage from Rose Hill plantation to the meeting in Doaksville. He was joined in the Council by several visitors, including a vigilance committee from Texas. As the leading Choctaw voice favoring secession, Jones declared that “every man who was not with us should be hung up to the first limb between heaven and hell.” Intimidated by Jones’ threat or convinced by his rhetoric, Chief Hudson abandoned his neutrality recommendation. The Choctaws soon after signed a treaty of alliance with the Confederacy and entered the Civil War.<sup>2</sup>

Jones’ withdrawal from Choctaw politics and provocative reentrance has led previous historians to conclude that he acted as a self-interested slaveholder seeking to manipulate his Choctaw brethren to protect his own financial interests. Jones was, after all, the largest slaveholder in Indian Territory and had the most to lose from abolition. In seeking a simple, teleological conclusion, previous historians have missed the complexity of Choctaw actions immediately before the war and the nature of their subsequent alliance with the South. At best, historians have portrayed prominent Choctaws as a misguided or hapless minority who seized power and invited disaster for the masses by choosing the Confederate side; at worst they are presented as greedy,

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<sup>2</sup> Several variations of Jones’ wording circulated throughout the Choctaw Nation, but all contain the same basic threat of capital punishment against those in opposition. According to some, Jones concluded his fiery speech with “Anyone who opposed secession ought to be hung.” See Annie Heloise Abel, *The American Indian as Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy* (Cleveland: The Arthur H. Clark Company, 1915), 77, Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1934), 81; The variation used in the text was cited by missionary John Edwards who missed the meeting but spoke to several who were present. See John Edwards, “An Account of my Escape from the South in 1861,” *Chronicles of Oklahoma* 43 (Winter 1965), 59.

self-interested villains “who lived white” and used their bloated authority to drag otherwise neutral Native Americans to their own destruction.<sup>3</sup>

These conclusions attribute far more sinister motives and coercive power to leading men than they actually possessed, while dismissing the considerable agency of more traditional Choctaws who could not be compelled into accepting pivotal changes in their nation without their consent. Furthermore, they fail to recognize the volatile political climate in the Choctaw Nation in the decade leading up to the Civil War. A close examination of Choctaw politics in the 1850s reveals the contentious process of Choctaw nation-building, the political agency of traditional Choctaws, and the tense diplomatic relationship between Choctaws and the U.S. All of these factors provide the necessary context for understanding the circumstances under which the Choctaw Nation brokered an alliance with the Confederacy on the eve of the Civil War. Moreover, they reveal the complex national and international politics that shaped developments in the Choctaw Nation during this period.

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In the decades following removal, Robert M. Jones witnessed his nation undergo a rapid resurgence and a cultural, social, economic, and political transformation. These changes, which had roots in pre-removal society, took on new significance as Choctaws strove to rebuild a stable nation. Christianity, education, commerce, and racialized slavery became integral facets of the Choctaw Nation during this period. As Jones and

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<sup>3</sup> Donna Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State University Press, 2004), 126-128; Kenny A Franks, “An Analysis of the Confederate Treaties with the Five Civilized Tribes” *Chronicles of Oklahoma* 50 (Winter 1972), 458-475; McNeil, “Confederate Treaties with the Tribes in Indian Territory,” *Chronicles of Oklahoma* 42 (Fall 1966), 414. In the popular work of historical fiction, *Okla Hannali*, author R. A. Lafferty blames politically powerful and financially affluent “selfish and shriveled” Choctaws for forcing “a wrong choice and the eventual destruction of the Five Tribes Indians.” He specifically cites R.M. Jones as the man who tipped the scales towards disaster. R. A. Lafferty, *Okla Hannali* (Garden City: Doubleday, 1972) 108-109.

other progressive Choctaws selectively embraced these aspects of Euro-American culture and worked to intensify their integration into the nation, Choctaw society became more stratified and multi-cultural than ever before by the 1850s.<sup>4</sup> Sharpening racial and class divisions created new wedges in the Choctaw social structure. Yet, they remained a united people that absorbed social tensions and wholeheartedly turned to education, economic development, and racial ideology as mechanisms of nation building.

Still, two decades after removal many doubted whether this course would solve problems plaguing the Choctaw people. Israel Folsom wondered “where is union to be found among our people...all is dark before us. I looked for the path of the people and I cannot find it.” Folsom recognized that a disjointed Choctaw Nation was vulnerable. Though he was “mixed-blood” himself, Folsom conceded that “most of our mixed blooded Indians make bad Indians and also bad white men.” He predicted that divisions among Choctaws would intensify if “mixed-bloods” attacked traditional Choctaw institutions, eventually causing “the fall of the nation.” At the same time, as a reverend, he preached the virtues of the Bible, slave-holding, and education as keys to extended prosperity. Folsom reconciled this apparent contradiction by noting that “we are afraid of changes...but if a nation is not changing for the better, it is changing for the worst [sic].”<sup>5</sup>

Social fissures widened along lines of race, class, and cultural practice, but, despite these rifts, Israel Folsom and his fellow Choctaw citizens agreed on the primacy

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<sup>4</sup> Alexandra Harmon, *Rich Indians: Native Americans and the Problem of Wealth in American History* (Chapel Hill: University of North Carolina Press, 2010), 150.

<sup>5</sup> “Israel Folsom to Brother Peter, January 2, 1860,” Folder 1672, PPMC, GM; “Israel Folsom to Thompson McKinney”, Jay L. Hargett Collection, Box H-57, Folder 44, WHC.



of preserving their nation. Since their first written constitution in 1826, the Choctaws had claimed sovereignty as an independent polity with the right of self-government. Thirty years later, the same political issues that plagued the Choctaw Nation and the United States during the 1830s had only intensified. Both nations again inched towards civil war in the face of volatile political debates during the 1850s. Alternative concepts of nationalism lay at the center of these concurrent controversies. For Americans and Choctaws alike, these debates shaped vital decisions concerning their preferred political structure and relationship between the government and citizens. Just like Euro-Americans in the North who advocated a powerful national government, many progressive Choctaws sought to centralize their nation by weakening local and regional autonomy. In opposition, white Southerners advocated the primacy of local/state power just as traditional Choctaws attempted to preserve the authority of distinct districts in their nation. The presence of chattel slavery, conflicting racial ideologies, and suspected abolitionism in both nations also led to debates concerning the meanings of freedom and slavery.<sup>6</sup>

For the Choctaws, however, these debates became compounded by the threatening United States colonial structure. White Americans increasingly embraced

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<sup>6</sup> Despite such assertions, Supreme Court Chief Justice John Marshall established the ward relationship between Indian tribes and the United States government in the landmark *Cherokee Nation v. Georgia* case. This decision was a product of a heated national debate over the role of the federal government and states' rights. White Americans agitated for the federal government to open Indian land in the South for settlement and the expansion of slavery by allowing the states to extend their laws over the land and its occupants. In the subsequent 1832 case *Worcester v. Georgia*, Marshall partially redefined the status of Native tribes as having more power than simply wards of the federal government. He ruled that they are "considered as distinct, independent political communities, retaining their natural rights as the undisputed possessors of the soil, from time immemorial." Andrew Jackson famously responded "John Marshall has made his decision; now let him enforce it!" See Jeffrey Rosen, *The Supreme Court: Personalities and Rivals that Defined America* (New York: Henry Holt and Co. LLC, 2007), 67. Despite their removal to Indian Territory, the Choctaws worked to retain an independent nationhood that could function on an equal basis with the American nation as described in this ruling. Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970* (Norman: University of Oklahoma Press, 2007), xv, 67.

“manifest destiny” and westward expansion in national discourse, Choctaws had to contend once again with the threat of outside intrusion. Repeatedly the United States Senate introduced legislation aimed at incorporating the Choctaws’ land into an official “Indian Territory” under the authority of the federal government. The debate over whether to resist or compromise on forced territorialization led to additional divides among Choctaws. These cumulative schisms over the organization and the future of the Choctaw Nation dominated Choctaw politics in the decade leading up to the American Civil War.

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Beginning in the 1826, the Choctaws embraced a national constitutional government but introduced a new constitution, on average, once per decade. Each constitution made minor modifications to accommodate political, social, and economic changes within the nation. Choctaws borrowed several tenets of government from the United States Constitution. For example, a constant feature in each constitution was a “Declaration of Rights” which provided for freedom of religion, freedom of the press, the right to peacefully assemble, and the right to petition the government. They also codified several legal protections such as *habeas corpus*, trial by jury, immunity from double-jeopardy, prohibitions on illegal search and seizure, and unusual punishments. By 1850, a new constitution divided governmental authority into three branches—a bicameral legislature, composed of a “House of Representatives” and “Senate”, an executive branch, and a judiciary. Whereas earlier constitutions had allowed for traditional voting of delegates (through literally lining up behind their candidates) and prescribed a limited judicial body, the 1850 constitution called for voting by ballot and

expanded the judiciary into a Supreme Court, circuit courts, and district courts. This new constitution also divided the three traditional districts into counties. These changes were aimed at curtailing the legal authority of district chiefs in favor of a codified, national legal judiciary system. These changes also worked to make government more efficient and helped accommodate population growth.<sup>7</sup>

Despite similarities to the American Constitution, the Constitution of 1850 solidified a distinctly Choctaw system of government. The executive branch was divided between four executives, one for each of the Choctaw districts and one for the Chickasaw District. Judges and lawyers, required to be literate in either English or Choctaw, practiced law in accordance with traditional values. The General Council passed laws that pertained to each district, but each district chief had a large degree of autonomy in exercising law and order. These features represented two lasting, fundamental tenets of Choctaw society—chiefs as largely autonomous figures who held concentrated local power and a national council that served as the dominant national political body. Some Choctaws, like Thompson McKinney and Israel Folsom, emphasized the need for a single executive, but this position was rejected by the masses who viewed a single executive office as a dangerous threat to regional autonomy. Thus, despite the outward resemblance to the surrounding states, each subsequent constitution allowed the Choctaws to protect aspects of traditional political practices.<sup>8</sup>

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<sup>7</sup> Choctaw Nation, *Constitution and Laws of the Choctaw Nation* (Park Hill, Cherokee Nation: John Candy, 1840) 5-6; Choctaw Nation, *Constitution and Laws of the Choctaw Nation: Together with the Treaties of 1855, 1865, and 1866* (New York: Wm. P. Lyon & Son, 1869), 10, 11, 17, 22; Duane Champagne, *Social Order and Political Change among the Cherokee, the Choctaw, the Chickasaw, and the Creek*, (Stanford: Stanford University Press, 1992), 185.

<sup>8</sup> *Ibid*, 14; *Choctaw Intelligencer*, 6/20/1850.

For approximately five years, the Constitution of 1850 successfully accommodated the social and economic changes in the nation; however, treaty negotiations with the United States and the Chickasaws in 1855 sparked a political crisis. After decades of mounting pressure from the Chickasaws for autonomous control over the lands they leased, Choctaw negotiators acquiesced. Peter Pitchlynn, who led the Choctaw delegation to Washington D.C., hoped that conceding on Chickasaw autonomy would provide some bargaining power on issues like the large sum owed to the Choctaws by the United States. Robert M. Jones abhorred this strategy, asking “If we have any valid claims upon the Government why not pay it to us upon its own merits and not couple it with an obnoxious measure, thereby attempting to make us swallow the strychnine with the honey.”<sup>9</sup> Chickasaw autonomy meant that the shared Constitution 1850 would need to be amended to remove Chickasaw powers.

An additional concern was that Pitchlynn arranged to lease a large, mostly unused portion of Choctaw land west of the Chickasaw border to the United States for an annual payment. The United States planned to use this area to settle the Wichitas and “other tribes or bands of Indians” from the Plains and Texas. For this concession, the Choctaw Nation received a bulk payment of \$620,000, as well as non-committal assurances that the Senate would deliberate on the large debt the United States owed to Choctaws.<sup>10</sup>

Mere rumors of the treaty created fissures among progressive Choctaws, dividing many against one another on nationalist grounds. Before he had received a

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<sup>9</sup> Wendy St. Jean, *Remaining Chickasaw In Indian Territory, 1830s-1907* (Tuscaloosa: University of Alabama Press, 2011), 8-27; RM Jones to Peter Pitchlynn, August 1, 1855, Folder 999, GM PPMC.

<sup>10</sup> Choctaw Nation, *Constitution and Laws of the Choctaw Nation: Together with the Treaties of 1855, 1865, and 1866* (New York: Wm. P. Lyon & Son, 1869), 27, 28, 32.

copy, Jones wrote to Peter Pitchlynn facetiously feigning the “gratitude of a grateful people” for “selling” their country. Jones also questioned the wisdom of undoing the Treaty of 1837, a treaty he had negotiated, which bound the Chickasaws to the Choctaws. He wondered why the Chickasaws, a group of “4,000 souls,” were to receive one-third of the nation, including portions occupied by Choctaw citizens. Jones carefully concocted several scenarios which cast the Choctaws as the long-term losers of this arrangement. Still, Jones and others reserved the bulk of their rage towards the idea of selling land to the United States for the settling of other Native Americans. In an outburst grounded in nationalistic ideology and imbued with ideas of Choctaw manhood, Jones demanded that the Choctaws reject this provision. He called on his countrymen “to allow the Choctaws to act like men for once, and not part with their dearest right for filthy money, that white man’s God, and if the US will force us into measure be it so. And let it be handed down in history to future generations, and prove that the Choctaws are true men, and prefer to live and die in poverty, but cannot be bought.” Worse still, Jones accurately prophesied that the tenuous terms for settling the larger debt between the United States and the Choctaws allowed the Senate an opportunity to accept the treaty and ignore the Choctaws payments.<sup>11</sup>

Jones’ masculine rhetoric was emblematic of a burgeoning gendered ideology that increasingly intersected with Choctaw political discourse during the 1850s. This discourse connected concepts of national sovereignty with constructions of masculinity. This was a departure from earlier forms of masculinity predicated upon prowess with hunting or war, personal adornments, political power, and providing for family.

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<sup>11</sup> RM Jones to Peter Pitchlynn, August 1, 1855, Folder 999, GM PPMC; Charles J. Kappler, *Indian Affairs: Laws and Treaties* (Washington: Government Printing Office, 1904), 486-488.

Gendered rhetoric in regards to political issues demonstrates that Choctaws began to transplant notions of family relations to national citizenship. Thus, Choctaw leaders began to equate forfeiting land rights and United States intrusion with weak manhood and nationhood. An ideal masculine man would rather forfeit wealth and stand for protecting the nation, something Jones was hoping to inspire within Pitchlynn with his gendered rhetoric.<sup>12</sup>

Jones also knew that Pitchlynn and others on the treaty delegation might be lining their own pockets at the expense of the Choctaw people. Delegates were reimbursed for their expenses plus a portion of whatever funds they were able to recoup. This left them more likely to make broad concessions to the United States so long as they received financial compensation. Cognizant of this motivation, Jones told Pitchlynn to “not think for one moment that I oppose your interests; far from it. Make a treaty which will sacrifice no right of our people and if you make a million by the transaction you will never find me opposed to it on that account.” Yet he stressed to Pitchlynn, the interests of the nation should come first and personal profit second. He concluded by instructing Pitchlynn to “pick up your flint” and negotiate an improved treaty that did not hurt the Choctaws in the process.<sup>13</sup>

While the leasing of Choctaw land to the United States was a contentious issue in itself, Chickasaw autonomy brought a clear flaw in the 1850 Constitution to the surface of Choctaw national politics. This constitution guaranteed Chickasaws

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<sup>12</sup> For further detail on traditional Choctaw masculinity, see Greg O’Brien, “Trying to Look Like Men: Changing Notions of Masculinity among Choctaw Elites in the Early Republic” in *Southern Manhood: Perspectives on Masculinity in the Old South* (Athens: University of Georgia Press, 2004), 49-66.

<sup>13</sup> R.M. Jones to Peter Pitchlynn, August 20, 1855, Folder 1004, GM PPMC; R.M. Jones to Peter Pitchlynn, August 20, 1855, GM PPMC, Folder 1005.

representation in the General Council as well as a district chief, but the 1855 treaty granted Chickasaws full autonomy including the right to make their own constitution. Thus, the standing constitution had to be changed to address Chickasaws living on Choctaw lands, change territorial boundaries, and remove Chickasaw representation from the Choctaw General Council.

Many progressive Council members sought dramatic reform that went beyond simply amending the current constitution. Rather than passing an amendment to resolve these issues, a process that required 4/5ths approval of the Council and took a full year to take effect, the General Council proposed drafting a new constitution that would solve current problems and drastically consolidate national power. This cohort, including Tandy Walker, Alfred Wade, and Sampson Folsom, attempted to mold a new constitution according to their own visions of government regardless of the people's desire or willingness to change. A delegation, presided over by Tandy Walker, met and completed their new constitution in the city of Skullyville in January of 1857. Rather than risk resistance from Choctaw citizens, the document was announced as ratified under the authority of General Council and not subject to a popular vote.<sup>14</sup>

The so-called Skullyville Constitution radically altered critical facets of the Choctaw government and had the potential to change the ways in which traditional Choctaws interacted with their government. The role of popularly-elected district chiefs was replaced by a single executive, titled "governor," who would serve as sole executive over the entire nation. As one historian noted, the title of governor and constitution similar to state constitutions should not be confused for acquiescence "to

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<sup>14</sup> Section XXX, *Constitution of 1850*, (Doaksville, 1852); Kidwell, *Choctaws in Oklahoma*, 49; William B. Morrison, "The Saga of Skullyville" *Chronicles of Oklahoma* 16 (Spring 1938), 238.

the nominal position as wards to a legally recognized caretaker.” Instead, selecting the name “governor” was meant to show that the Choctaws were equal in power to American representatives. Once in office, the Governor would select three people to serve as lower chiefs and work with the Council. Though the people popularly elected the governor, they would have no input over their local chief.<sup>15</sup>

Walker and other progressives believed that breaking down regional boundaries would unite Choctaws across geographic distances and place them in a better situation to resist threats from the United States and unwelcome squatters. Unfortunately, their methods amounted to nation building through a power grab rather than the consent of the nation. Even some in favor of modifying the constitution saw this as a step too far and too fast that took too much power away from culturally conservative citizens. As one Choctaw noted, “full-bloods” believed they will have no power under the new constitution. What Walker and other progressives failed to understand was that conservative Choctaws fully comprehended the drastic changes written into the Skullyville Constitution and the implications upon their daily lives. As historian Clara Sue Kidwell adeptly summarized, “what was at issue was the power of the people versus the power of the government.”<sup>16</sup>

Many Choctaws feared that adopting the Skullyville Constitution was a precursor to United States territorialization, replete with the privatization and sectioning of land. To many, this process seemed inevitable. For twenty years Congress repeatedly attempted to combine the Choctaw Nation with neighboring Native lands

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<sup>15</sup> Article IV, Section XXI, Skullyville Constitution, 1857; Daniel Flaherty, “*People to Our Selves*”: *Chickasaw Diplomacy and Political Development in the Nineteenth Century*, (PhD. Dissertation, University of Oklahoma), 276.

<sup>16</sup> Kidwell, *The Choctaws in Oklahoma*, 46, 47, 49, 51;



into one “Indian Territory” under jurisdiction of the United States. Peter Pitchlynn noted that since removal, four separate territorial bills “has been gotten up in Congress...and this fact alone ought to satisfy us that this Government is not going to leave us to remain any longer undisturbed in our present anomalous condition.”<sup>17</sup> President James Buchanan went so far as to predict that the Choctaws and some other Native polities would become a full state within the Union in the near future.<sup>18</sup> By the mid-1850s, many Choctaws, Robert M. Jones among them, felt that the United States would eventually unilaterally put this process in place.<sup>19</sup> Just as they had done with removal, several progressives recommended considering some of the more liberal territorialization bills while attempting to negotiate terms that would allow the maintenance of a sovereign national government with the right to exclude white invaders. Tandy Walker and many Council members believed that the Choctaws could obfuscate the worst effects of inevitable territorialization through controlling access to the nation, something best accomplished via the sectioning of land. They reasoned that if the land was in sections, then it would be easier to seize land possessed by unauthorized white men. This plan was popular with many progressives, but a majority of Choctaw citizens recognized sectioning Choctaw land was antithetical to the Choctaw way of life and rejected the plan. Under the Skullyville Constitution, however, Walker assumed the role of Governor in 1858, which put him in position to advance a land sectioning agenda.<sup>20</sup>

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<sup>17</sup> Peter Pitchlynn to Hampton, March 2, 1854, Jay L. Hargett Collection, Box H-57, Folder 66, WHC.

<sup>18</sup> James Buchanan, “First Annual Message to Congress on the State of the Union,” December 8, 1857, *The American Presidency Project*

<sup>19</sup> R.M. Jones, Kiamichi, to Peter Pitchlynn, April 5, 1854, Folder 185, PPMC GM.

<sup>20</sup> Tandy Walker to Peter Pitchlynn, March 18, 1860, Box 3, Folder 633, PPC, WHC;

Not all progressive Choctaws backed Walker's position. George Harkins, Choctaw attorney-general and former district chief, along with other reluctant progressives formed an alliance with the conservative majority of Choctaw citizens. Together they led a charge against the Skullyville Constitution. Harkins felt that any new constitution would require the blessing of the people to be legitimate. The Skullyville Constitution, however, lacked popular support. Without such consent, Harkins asserted that the Skullyville cohort bordered on treason in their attempt "to force upon the people a Constitution they are opposed to." Directly accusing the pro-Skullyville faction of political coercion, Harkins told Walker that nothing "will lead to anarchy and revolution as quick as the course you and your co-adjutors (sic.) are pursuing."<sup>21</sup> A mixed-blood Choctaw with kinship ties to the elite Folsom, Leflore, Pitchlynn, and Nail families, Harkins had vast social connections and political influence. After receiving an education at the Choctaw Academy, he led a party of over 500 Choctaws during removal and then served several terms as a district chief. In many ways—blood, affluence, religion, education, and connections—Harkins held the same social status as progressives like Tandy Walker, Sampson Folsom, Alfred Wade who championed the Skullyville Constitution, yet politically he aligned with the conservative Choctaw majority. This demonstrates the fallacy of "mixed blood vs. full blood" or "progressive vs. traditional" dichotomies in Choctaw society. Kinship continued to play an important role in shaping social connections, but blood did not determine cultural practices or political inclinations.<sup>22</sup>

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<sup>21</sup> "To the Choctaw People, Brethren and Friends, from Your Fellow Citizen, George Harkins," March 1, 1858, L.B. 18, 3526.214, Gilcrease Museum, Tulsa, Oklahoma

<sup>22</sup> Peter James Hudson, "A Story of Choctaw Chiefs" *Chronicles of Oklahoma* 17 (Spring 1939), 10, 14-16

Harkins' conservative supporters throughout two districts and five counties boycotted the elections under the Skullyville Constitution. In March of 1858, they submitted a petition with 1,800 signatures calling for a new, legitimate constitutional convention. When their call for redress went unanswered, this faction drafted a new constitution in Doaksville, which restored the district chiefs to power and prevented the sectioning of land. Chaos resulted as the Choctaws essentially operated under three different governing documents—the Constitution of 1850, the 1858 Skullyville Constitution, and the 1858 Doaksville Constitution.<sup>23</sup>

Violence erupted throughout much of the nation. Despite the efforts of leaders and ordinary Choctaw citizens to rebuild a more coherent Choctaw Nation, their clashing national visions created turmoil. Several observers complained of bloodshed and intemperance, “owing mainly to the fact that there are no laws or officers to suppress it.” Frequent Comanche raids and troubles with neighboring Seminoles further exasperated instability. Robert M. Jones noted that “the Choctaws are in a state of feverish excitement, ready to burst forth at any moment, killing up each other on all occasions.” Nobody was certain who could or should enforce which laws and which constitution served as the legitimate governing document. Jones rhetorically asked “Why is it, Walker does not put his laws and government in operation – the people are willing for any body’s laws to be in force, if they will only protect life and property.” He also documented horse stealing, intrusions from Texans to catch criminals, and

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<sup>23</sup> George Harkins to Peter Pitchlynn, April 19, 1858, Box 3, Folder 21, PPC, WHC; Donna Akers, *Living in the Land of Death*, 134-136

murders while concluding that he would organize “vigilance [sic] committees in Kiamichi County” unless any of the governments would “uphold basic laws.”<sup>24</sup>

In addition to bloodshed, the whole Indian Territory experienced severe environmental havoc from 1858-1864. Rivers and creeks disappeared, a plague of grasshoppers swarmed in 1854 and 1855, and worsening droughts destroyed even the most expertly planted corn crops. A wide-ranging geological survey later revealed that “the severe drought around 1860...could well have been the worst drought in the south-central United States” for the last 230 years. One region reported that less than 1/3 of their crop would be viable—others reported total loss. Corn represented the most important staple crop for the Choctaws. It was also the main source of feed for their hogs, cattle and horses. National newspapers reported that the Choctaws were to receive 95,000 bushels of corn out of their annuity fund, but little of this came to fruition. Most Choctaws survived this period by relying on surviving wheat crops, acorn mush, acorn bread, and sour wild potatoes harvested from swampy areas surrounding drying rivers. Moreover, the dire conditions forced many Choctaw families to sell their cattle and thin their horses for lack of feed, leaving them without meat for the winters.<sup>25</sup>

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<sup>24</sup> Robert M. Jones to “Friend” Peter Pitchlynn, November 29, 1857, Box 2, Folder 110, PPC, WHC; Robert M. Jones to ?, July 23, 1858, Box H-57, Folder 7, Jay L. Hargett Collection, Box H-57; Elias Rector, Superintendent of Indian Affairs, Southern Superintendency to Honorable A. B. Greenwood, September 20, 1859 in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1859*, 527-531.

<sup>25</sup> Kevin Sweeny, “Twixt Scylla and Charybdis: Environmental Pressure on the Choctaw to Ally with the Confederacy,” *Chronicles of Oklahoma* 85 (Spring 2007) 75, 77, 79; Grant Foreman, *Advancing the Frontier, 1830-1860* (Norman: University of Oklahoma Press, 1933) 263-266; Douglas Cooper to Elias Rector, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1858*, 478-487; Debo, *Rise and Fall of the Choctaw Republic*, 202; Lizzie to Mother, December 30, 1860, Box 2, Folder 54, The Colonial Dames Collection, WHC; Lizzie to Mother, u.d., Box 2, Folder 58; The Colonial Dames Collection, WHC; John Edwards, “The Choctaw Nation in the Middle of the Nineteenth Century,” *Chronicles of Oklahoma* 10 (Fall 1932), 411, 423; Benson, *Life Among the*

In an effort to bring an end to the Skullyville government and reinstate stability in the midst of these volatile circumstances, Harkins employed an unusual strategy. He requested the Commissioner of Indian Affairs cease annuity payments until the political situation could be resolved and order restored. However, the United States sided squarely with the Skullyville Council because of its progressive and centralizing tendencies. The United States made this position clear when they initially chose to pay annuity payments to the Skullyville Council. Supporting the Skullyville delegates fit with Secretary of Indian Affairs Charles E. Mix's long-term and short-term objectives. He had continuously advocated that Indian Country "must become a State" despite the fact that the Choctaws "have title in fee simple" to their lands. He viewed the new organization of the Choctaw government under the Skullyville Constitution as a step in this direction. Mix's short-term goal, however, was the prevention of a Choctaw civil war and an extension of "bleeding Kansas." Fearing a violent outcome, Mix advocated United States involvement in the Choctaw political crisis citing that "necessity is the supreme law of nations." Given the insecure political climate in the United States, creating stability in Indian Territory became the number one priority.<sup>26</sup>

Both Choctaws and federal officials were well aware of the threat of violence in the region and knew the worst possible outcome for both the Choctaw Nation and the fracturing United States would be a second "bleeding Kansas" situation. There were many similarities between the escalating violence in Kansas and growing discontent in the Choctaw Nation. At the legal center of both affairs was a debate over the legitimacy

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*Choctaws*, 32-33. Edwards in Benson, CD Lizzie Harkins to Mother, Box 2, 26; Much of the corn allocated for starving families never reached them. See Baird, *Peter Pitchlynn*, 238.

<sup>26</sup> Elias Rector to Charles E. Mix, October 26, 1858 in *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1858*, 479

of competing governments and constitutions. Outsiders flocked into Kansas, killing and intimidating as they went, in an effort to shape Kansas' constitution in their favor. The Choctaws knew that the same could happen to them. Many predicted United States involvement in the Choctaw dispute would be a precursor to Kansas-like violence.<sup>27</sup> Robert M. Jones had largely abstained from the constitutional conflict, but offered a grim prediction that ongoing violence would be used as justification for "another push from the United States... upon us and a way would go our common Indians like chaf [sic] before a gale, and this our home would soon become another Kansas Nebraska scene." Harkin's request to Secretary of Indian Affairs Mix to halt annuities appeared to be the first step towards Jones' dire prophecy.<sup>28</sup>

Mix called on Elias Rector, Secretary of the Southern of Superintendency, and Albert Pike, a lawyer from Arkansas who had helped represent the Choctaws in previous claims against the United States, to mediate the constitutional dispute. Technically, under the treaty signed in 1855, the United States was obligated to "protect the Choctaws and Chickasaws from domestic strife," providing sufficient legal basis for an intervention.<sup>29</sup> Pike, in particular, had a longstanding relationship with the Choctaw Nation and hoped to benefit from his role as mediator. A few years earlier he had petitioned the General Council for permission to become a Choctaw citizen, specifying that he did "not wish to manage anything, to control anything, to have influence here...but to lead a quiet life, among my books, and to serve and defend your people

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<sup>27</sup> Nicole Etcheson, *Bleeding Kansas: Contested Liberty in the Civil War Era* (Topeka: University Press of Kansas, 2006), 7-24.

<sup>28</sup> Robert M. Jones to "Friend" Peter Pitchlynn, November 29, 1857, Box 2, Folder 110, PPC, WHC.

<sup>29</sup> Choctaw Nation, *Constitution and Laws of the Choctaw Nation: Together with the Treaties of 1855, 1865, and 1866* (New York: Wm. P. Lyon & Son, 1869), 34

wherever and whenever it should be in my power.” Pike also hoped to achieve a large legal fee from the Choctaws for his earlier services—something contingent upon a stable Choctaw government—which gave him added incentive to exert his influence in the negotiations.<sup>30</sup>

Despite Pike’s vested interest in the matter, he and Rector offered very few viable solutions to mitigate the growing political strife among Choctaws. They could threaten to call for Federal troops to quell the violence, but this would create additional chaos and exacerbate an already volatile situation. What laws would they enforce, and where would fugitives be taken? If they recommended granting George Harkins’ request to withhold annuities, they would effectively withdraw the sole source of funds being used to sustain famine-stricken Choctaws. Thus, with limited negotiating power, Rector, Pike, and the federal government proved ineffective at solving the crisis. They did, however, receive an assurance from the Skullyville government’s Governor Tandy Walker that the new constitution would be put to a popular vote.

Yielding to pressure from traditional Choctaws who had been denied their democratic rights, Walker and the Skullyville backers allowed a vote in March of 1859. Ordinary Choctaws had a political stake in the direction of their nation and demonstrated clear political agency in the Constitutional Crisis of 1858. All male Choctaw citizens over the age of eighteen had a chance to vote on this issue. They voted overwhelmingly to reject the Skullyville Constitution and called for a new constitutional convention. The General Council responded with a resolution that acknowledged “the voice of the people through the ballot Box has been almost

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<sup>30</sup> Albert Pike to Peter Pitchlynn, August 30, 1859, Box 3, Folder 48 PPC, WHC; *An Investigation of Indian Frauds*, 42<sup>nd</sup> Congress, 3d. session, Report 98, 69-70

unanimous in favor of a convention” and against the Skullyville Constitution.<sup>31</sup>

Historians have largely portrayed traditional Choctaws as passive recipients of the politics of elite mixed-blood Choctaws or as apolitical Natives who rejected formal American-style government. The political actions of Choctaw citizens during the 1850s, however, demonstrate that this was not the case. The large majority of non-elite Choctaws actively engaged in their nation’s politics, exercised democratic rights and privileges as citizens of a sovereign Indian nation, and had a vested interest in the process of Choctaw Nation-building.

In March of 1860, Choctaw citizens passed a new constitution which merged some of the centralizing features of the Skullyville Constitution with the traditional features of Doaksville Constitution. This compromise called for a single executive to be titled “principal chief” in addition to three popularly elected local chiefs who maintained law and order and controlled local resources. Choctaws elected George Hudson, a lawyer and former district chief, to serve as the first principal chief. They preserved national representation within the General Council, but changed the number of representatives to be contingent upon county rather than district.<sup>32</sup>

The 1860 Constitution avoided the subject of slavery, but reiterated that the rights of citizens applied only to free men. Tabling the issue of slavery was partially aimed at preventing the possibility of factionalism between slaveholders and non-slaveholders. A similar solution for keeping the peace by not talking about slavery had proved moderately successful in the U.S. House of Representatives throughout the 1830s. Eventually the so-called “gag rule” backfired and provoked increasingly

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<sup>31</sup> Choctaw Nation, *Constitution and Laws of the Choctaw Nation: Together with the Treaties of 1855, 1865, and 1866* (New York: Wm. P. Lyon & Son, 1869), 218-219.

<sup>32</sup> Ibid, 220; Meserve, “Chief George Hudson,” 9-10; *Northern Standard*, July 15, 1846.



passionate rhetoric from those wishing to have their petitions, memorials, and voices heard.<sup>33</sup> Unlike in the United States, a large, vocal anti-slavery contingent did not exist or were not seen as a threat in the Choctaw Nation.

Choctaw leaders exerted sovereignty by maintaining autonomous control over the practice and nature of slavery within their nation and refusing to yield to the demands of surrounding southern states. Leaving slavery out of the constitution meant that the General Council had the option to end slavery via a constitutional amendment. They were aware that leaving the door open to eventual abolition risked enflaming the racial hysteria of surrounding slave states. Citizens of Arkansas, Louisiana, and Texas openly advocated a wide-range of actions they might take if slavery was not secured among the Natives on their borders. Multiple articles in the *Arkansas Gazette and Democrat* called for Texas, Arkansas, and Louisiana “to take such steps, as would, not only promote the continuance of slavery in the Indian Territory, but *compel its perpetual existence there.*” Another article called specifically for Border States to enact laws banning Native slaves or freedmen from crossing into their states, thus trapping them in Indian Territory. This suggestions was highly ironic in light of the Southern position that human property should be able to travel anywhere with their masters as espoused in the notorious Dred Scott case. The New Orleans-based *Daily True Delta* mocked the feasibility of this proposal and instead called to pressure Natives to pass laws prohibiting emancipation using “active moral suasion.”<sup>34</sup> As these editorials

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<sup>33</sup> Patricia Roberts-Miller, *Fanatical Schemes: Proslavery Rhetoric and the Tragedy of Consensus* (Tuscaloosa: University of Alabama Press, 2009), 18-26, 44, 118-199.

<sup>34</sup> “Slavery in the Indian Country West—A Question for Arkansas, Missouri, and Texas,” *Gazette and Democrat*, November 4, 1853; “Slavery in Indian Country,” *Daily True Delta*, November 13, 1853; “Slavery in the Indian Country,” *Gazette and Democrat*, November 26, 1853.

demonstrate, white Southerners in Texas, Louisiana, and Arkansas did not wish Indian Territory to become a free territory and safe-haven for runaways on their borders.

Choctaws were well aware of the pressure from surrounding states to codify measures aimed at ensuring the “perpetual existence” of slavery in their nation. Both Tandy Walker and George Harkins voiced concerns that previous constitutions were viewed as “regular abolitionist constitutions,” inciting the fears of their neighbors. Yet, they did not let threats of white Americans in neighboring states and territories dictate the terms of Choctaw National politics. The main goal for Choctaw citizens in passing a new constitution was to overcome the factionalism caused by the political turmoil of the 1850s--not to broach new volatile issues or yield to the demands of white Southerners.<sup>35</sup>

Affluent Choctaw slaveholders frequently expressed concern about abolitionist outsiders, but few Choctaws ever actively opposed slavery or joined the abolitionist cause. In addition to large and small slaveholder, those who did not hold slaves generally accepted the institution as a derivative of traditional forms of indigenous captivity. This indifference created confusion on the part of white bystanders who equated apathy about slavery with antipathy for it. The missionary Cyrus Kingsbury, for instance, argued to his superiors that since nine-tenths of the Choctaws did not care about slavery, its eventual decline was inevitable. Unfortunately for Kingsbury, a combination of advocacy from some and apathy from others meant that a constitutional

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<sup>35</sup> Tandy Walker to Peter Pitchlynn, March 18, 1860, Box 3, Folder 633, PPC, WHC. The Skullyville Constitution generally protected slavery, but contained a clause allowing the General Council to emancipate slaves so long as owners were compensated.

mandate was not necessary to ensure the continued practice of slavery among Choctaws.<sup>36</sup>

Of course, the end results of the new constitution did not fully satisfy all of the partisan Choctaw parties, but it did create a critical compromise that restored stability to the Choctaw Nation. Choctaw Joseph Dukes, a printer and runner-up in the election for principal chief, lauded “those who participated...with few exceptions” acted “harmonious; having the good of the people as the primary object in all their deliberations.” Sampson Folsom referred to the new constitution as a “mermaid constitution, ½ Choctaw then ½ *náhollo* (white)” while lambasting the prospective principal chiefs. Tandy Walker complained that the people in his district were almost all in favor of retaining the Skullyville Constitution once they understood how it worked and that the new constitution would cause anarchy.<sup>37</sup> Nevertheless, moderates like Lycurgus Pitchlynn argued that the constitution was “not the best in the world” but “the best that can be agreed upon” which would satisfy the masses. Douglas Cooper informed his colleagues that “all parties appear satisfied to give it a fair trial, and I hope and believe the incoming administration will be popular and successful.”<sup>38</sup> Despite small-scale violence, civil war within the Choctaw Nation had been avoided.

This constitutional crisis reflects the varied and competing visions of Choctaw Nationalism that defined Choctaw politics and nationhood by the mid-nineteenth

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<sup>36</sup> Reverend Cyrus Kingsbury to American Board, November 19, 1855, Box 2, Folder 3, *Cyrus Kingsbury Collection*, WHC

<sup>37</sup> Joseph Dukes to Peter Pitchlynn, February 2, 1860, Box 3, Folder 55, PPC, WHC; Sampson Folsom to Uncle Peter Pitchlynn, Feb. 12, 1860, Box 3, Folder 61, PPC, WHC; Tandy Walker to Peter Pitchlynn, March 18, 1860, Box 3, Folder 633, PPC, WHC; Lycurgus Pitchlynn to Peter Pitchlynn, February 1860, Box 3, Folder 56, PPC, WHC.

<sup>38</sup> Douglas H. Cooper to Elias Rector, Esq., Superintendent Indian Affairs, Fort Smith, Ark. in U.S. Department of the Interior, Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1860*, 355

century. Disagreements over the nature of Choctaw governance revealed clear fissures that existed going into the American Civil War between those wanting a more centralized nation-state and those determined to maintain traditional Choctaw regionalism. As one historian accurately noted, these disagreements were so important because they dictated the very nature of the Choctaw Nation. Choctaws did not neatly fit into either progressive or traditionalist binaries—several so-called progressives sided with traditionalists to fight against the Skullyville Constitution while various traditionalists supported it. The compromise that ended this political crisis allowed Choctaws to enter the ensuing the Civil War as a united nation, one fraught with political tension, but united nonetheless.<sup>39</sup>

The political struggles that placed the Choctaw Nation on the brink of civil war from 1856-1860 reveal the active role that traditional Choctaws played in the political process. Scholars have tended to conflate Indian politics with federal policy and to characterize the constitutional governments of the Five Tribes as the creation of a minority of elite, progressive minority. Nevertheless, throughout the nineteenth century American Indians, including Choctaws, actively rather than passively worked to dictate the political structures of their sovereign indigenous nations. Choctaws with diverse cultural practices and political ideologies took part politics to maintain a high level of control over the direction of their nation. They quickly adapted to new forms of voting, and petitions to rally behind leaders who best represented their visions of the Choctaw Nation.

Issues that led to heightened political tension in the late 1850s reflected divergent political ideology but a national consensus still continued to define the nation

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<sup>39</sup> Kidwell, *The Choctaws in Oklahoma*, 47; See also, Akers, *Living in the Land of Death*, 136.

and prevented civil war. All parties involved compromised on their respective political visions in the 1860 Constitution for the good of the Nation. Some Choctaws mixed their personal interests with their national agendas, but regardless of divides, to the last they were committed to preserving a Choctaw Nation. As the United States tore apart in a Civil War, the elasticity and cohesion of the Choctaw Nation proved vitally important.

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The new Choctaw government established by the Constitution of 1860 had little chance to govern effectively before conflict spread from the United States into the Choctaw Nation. News of an attempted slave-uprising spread throughout northern Texas in June of 1860, causing widespread racial fear, despite the fact that the rumors remained unsubstantiated. The growing racial tension resulted in the violent “Texas Troubles” when a cohort in North Texas hanged between thirty and one hundred slaves and accused abolitionists without evidence or trial. This was especially troubling given the close proximity of the Choctaws to North Texas. Choctaw slaveowner Israel Folsom referred to the purported rebellion as “very alarming” and warned that “signs of danger are thought to be in the Nation, but I see none. Still danger may be nearby.”<sup>40</sup> From this point forward, Texans were on high alert against anyone espousing sympathy for abolitionism, including missionaries to the Choctaws with Northern connections. One Texas paper sarcastically invited missionary Horace Pitkin, whom they had outed as an abolitionist, to come to Texas to “tune their pianos,” guaranteeing him safe

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<sup>40</sup> Donald E. Reynolds, *Editors Make War: Southern Newspapers in the Secession Crises* (Nashville: Vanderbilt University Press, 1970); Israel Folsom to Brother Peter, July 24 1860, Box 3, Folder 76, PPC, WHC

passage.<sup>41</sup> This rabid and violent paranoia towards menacing abolitionists posed a clear danger to the Choctaws who feared that Texans could invade the nation in search of abolitionists at any time.

In addition to pressures from the neighboring states, the new Choctaw government had to contend with threats from the U.S. federal government. Southern newspapers reported that at the 1860 Republican Convention presidential candidate William Seward boldly proclaimed that “Indian Territory, also, south of Kansas must be vacated by the Indians” and that land claims should be extinguished. Seward’s declaration made no distinction between “acculturated” Native Americans like the Choctaws and raiding Native Americans like the Comanche. Seward formally asserted that slavery should be banned by a “higher law” than the Constitution—the laws of God and nature—and that the rights of states and territories were subordinate to this law.<sup>42</sup> Newspapers throughout the United States, including those that filtered into the Choctaw Nation like the *Cherokee Advocate*, the *Northern Standard*, and New Orleans *Picayune*, reprinted the incendiary speech. Though Seward was not chosen as the Republican candidate, he had a large role in drafting the party platform which also included the goal of prohibiting the spread of slavery in the territories.<sup>43</sup>

Seward’s threat of additional Indian removal and the Republican aim to prohibit the spread of slavery served as warnings for the Choctaw Nation. For twenty-years Congress had repeatedly attempted to combine the Choctaw Nation with neighboring

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<sup>41</sup> *Choctaw Intelligencer*, July 18, 1850, July 27, 1850; James D. Morrison, “Note on Abolitionism in the Choctaw Nation”, *Chronicles of Oklahoma*, 38 (1960), 79-80, 82.

<sup>42</sup> George E. Baker, ed. *The Works of William H. Seward* (New York: Redfield, 1853), vol. I, 70-93

<sup>43</sup> Differing versions of Seward’s speech were widely printed in papers along the Arkansas and Texas border. These quoted passages were not included in Northern newspapers, leading some historians to speculate that Southern papers deliberately fabricated the quote to incite rebellious sentiment among Native Americans. See Abel, *American Indian as Slaveholder and Secessionist*, 75-77.

Indian held lands into one “Indian Territory” under United States jurisdiction. Had this come to fruition, the Choctaws would be part of a territory that could have slavery prohibited, or, even worse, a place like Kansas where “popular sovereignty” and “settler sovereignty” led to violent invasions.<sup>44</sup> Thus, less than one year removed from the constitutional crises, the Choctaws once again found themselves a facing a threat that could destroy the nation.

This crisis stirred Robert M. Jones back into action. Jones had experienced a great deal of sorrow while living outside “the Indian Politick” in 1860. He suddenly lost his wife of twenty-three years, Susan Colbert Jones, to an unknown illness in January. His lone surviving child, Francis, married a prominent Chickasaw named Robert Love only two months before. Jones likely approved of the match, but Francis’ marriage left him devoid of family at Rose Hill. The tide began to turn in 1861. Jones married Elizabeth Earls, a white teacher at Armstrong Academy twenty-one years his junior. Elizabeth was pregnant within one month with Jones’ second daughter, Mary Elizabeth Jones. They planned to have more children and continue developing education within the nation all while prospering financially.<sup>45</sup>

Formal political retirement might have suited Jones, but Seward’s speech and Lincoln’s election pulled him back into the political arena. Should a man like Seward have his way, removal and emancipation would begin with Native slaveholders.

Indians held a shaky racial position in a system based on a black-white dichotomy.

Even the most acculturated Native Americans were still not white, making their right to

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<sup>44</sup> “Pitchlynn to Hampton,” Jay L. Hargett Collection, Box H-57, Folder 66, WHC

<sup>45</sup> “Jones Bible,” Box 1, Folder 1, Robert M. Jones Collection, Oklahoma Historical Society Research Division. Jones’ bible contains birth, marriage, and death records for most of his wives and children. Jones and Elizabeth Earls were married January 18<sup>th</sup>, 1861, and Mary Elizabeth Jones was born December 7, 1861

hold slaves ambiguous. As historian Donna Akers surmises, Choctaw slaveholding was “doubly-offensive” to white Northerners in that “not only did they (Choctaws) practice an odious institution...but also usurped the exclusive prerogative of white America in erecting a racial hierarchy” with themselves on top. As a man who had personally witnessed removal rhetoric become reality, Jones knew that speeches like Seward’s were hardly innocuous.<sup>46</sup>

Yet, the growing sectional crises in the United States presented the Choctaws with both a palpable threat and incredible opportunity. In the 1830s, only South Carolina contemplated open rebellion over federal versus state power and President Jackson’s perceived dictatorial actions. By 1860, fears over radical policies of the incoming Lincoln administration caused more than just South Carolina to consider open rebellion against the United States. Taking a page from the American playbook, the Choctaws could exploit the internal strife to force their own agenda.

Jones and other political leaders recognized that a divided United States could be the key to safeguarding Choctaw interests in their land and sovereignty. The imminent conflict of the Civil War was a golden opportunity for the Choctaw Nation. Both American factions would be forced to offer otherwise unattainable concessions to the Choctaws and others in order to secure their loyalty. In many ways this was a continuation of the play-off system, a way in which a weaker power could play multiple dominant powers off of one-another, gaining power for themselves in the process.<sup>47</sup> For

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<sup>46</sup> Akers, *Living in the Land of Death*, 140.

<sup>47</sup> Historians have spent a great deal of time exploring the play-off system throughout the United States. Some examples include Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1988); Daniel Richter, *Facing East From Indian Country* (Cambridge: Harvard University Press, 2001); F. Todd Smith, *From Dominance to Disappearance: The Indians of Texas and the near Southwest, 1786-1859* (Lincoln: University of Nebraska Press, 2005)



instance, for three decades the United States owed the Choctaws the profits which had been made from the sale of their lands, plus interest and minus the costs of removal, but had no real incentive to make that payment. The so-called “net-proceeds” was recognized by Senate committees as approximately \$3,000,000.<sup>48</sup> The Choctaws could make their continued support contingent upon immediate payment. To sweeten the pot, they could demand that Congress permanently abandon its aspirations towards forced allotment and territorialization. These would be easy concessions for the United States to make in order to keep Choctaws out of Confederate uniforms.

On the other hand, the rapidly growing Confederacy would likely recognize the value of Indian Territory as a buffer for Arkansas and Texas and pay dearly to obtain it. A Confederate alliance would settle the slavery question and provided a powerful ally should outside forces attempt to compel abolition. Also, linking with the Confederacy assured that transportation networks like the Mississippi River, Red River, and Military Road into Texas would remain available. Confederate states would undoubtedly close these trade routes off to the Choctaws in the absence of an alliance. The loss would be detrimental for businessmen like Jones but also devastating for less affluent Choctaws who relied upon trade goods in their everyday lives. In the short-term, closing these trading pathways would deprive Choctaws stricken by five-years of drought from any means of receiving food aid. In the long-term, these pathways could only be replaced by railroads and the inevitable white intrusions that came with railroad development.

Key connections with powerful Confederates offered further incentive for the Choctaws to align the Confederacy. Most of the Choctaws’ closest and most trusted

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<sup>48</sup> *The Congressional Globe*, 1861, 827-829; Several independent audits found that the Choctaws were owed between \$2,332,000 and \$2,981, 247.

allies, including agent Douglas H. Cooper, Senator Henry Johnson, and attorney Albert Pike, had decided to side with the Southern cause. For good reason the Choctaws could rely on these men to help secure fair treatment in a Confederate alliance. Douglas Cooper had worked as agent to the Choctaws and Chickasaws for years and consistently acted honorably in defending Choctaw interests against United States citizens and government. Chief Hudson described Cooper as “intimately acquainted with our wants and necessities, and his services in our time of trouble will be invaluable to us.” The Chickasaws had even made him an honorary citizen of the tribe. Before becoming a senator, Johnson was educated alongside Robert M. Jones, Robert Nail, Sampson Folsom, Pierre Juzan, and other prominent Choctaws and the Choctaw Academy in Blue Springs, Kentucky. As a senator, Johnson worked with Choctaw delegations to further their agendas and drafted what most believed to be a fair and minimally-intrusive territorialization bill.<sup>49</sup> Albert Pike felt financially connected to the Choctaws, giving him ample motivation to ensure fair treatment of their pecuniary interest. The loss of these men as allies would be a significant blow.

Moreover, Choctaws still living in Mississippi would almost certainly join the Confederate cause following Mississippi’s secession. Choctaws in Indian Territory had kept in contact with their brethren who had remained in Mississippi after removal. Officially as citizens of the state of Mississippi, these Choctaws were subject to conscription and service in the Confederate Army. Donning a Confederate uniform

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<sup>49</sup> “Principal Chief George Hudson to the Choctaw General Council,” u.d., Folder 1899A, PPMC, GM.; Douglas Cooper to Elias Rector, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1858*, 478-487; *Chickasaw Intelligencer*, June 3, 1854.

would mean fighting alongside their relatives while an American uniform could mean pitting brother against brother.<sup>50</sup>

With the secession crises and an impending civil war, the United States halted the delivery of annuity payments to the Choctaws out of fear that they would fall into rebel hands. The absence of this money further bolstered the claims made by neighboring Texans, Arkansans, and Louisianans in the General Council that the federal government ceased to exist and would not honor its previous promises. Taken together, going against the South would mean going against commercial interest, and quite literally fighting friends, fraternal brothers, and distant clan members to defend a nation that was once again violating its treaty obligations.

Neutrality was a third option only in the impractical event that both warring parties respected the Choctaws neutrality rights and individual Choctaws avoided the conflict. Neutrality could only work if the war was brief and both sides discounted the value of Indian Territory. This was highly unlikely considering the Choctaw's strategic geopolitical location as a buffer for several Confederate states, the large number of potential soldiers Native soldiers, and vast livestock holdings. A single discontent party, perhaps still upset about the recent constitutional fiasco, could form an unauthorized alliance and drag the Choctaws into the conflict.

This was the fate of the Cherokees and Creeks who had divided leadership make conflicting alliances. For the Cherokees, John Ross attempted neutrality by expressing Southern sympathies but refusing an alliance. His long-time political rival Stand Watie seized the opportunity to gain a political upper-hand and started recruiting Confederate

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<sup>50</sup> Lawrence Hauptman, *Between Two Fires: American Indians in the Civil War* (New York: Free Press, 1995), 24, 35; Samuel Wells and Roseanna Tubby, *After Removal: The Choctaws in Mississippi* (Jackson: University of Mississippi Press, 1986), 3-32.

soldiers. Ross tacitly accepted a Confederate alliance, only to switch sides with his own political followers called the *Keetoowas*. For the Creeks, lower-Creek William “Chilly” McIntosh courted a Confederate alliance while aging upper-Creek Opothleyahola and his followers attempted to stay neutral in the conflict. The result was Creek and Cherokee civil wars within the United States Civil War, in which Creeks and Cherokees in various uniforms killed each other in large numbers. Their cases illustrated both the dangers of having a split leadership and the impracticality of favoring neutrality.<sup>51</sup>

Despite all of the potential advantages of each alliance, leading Choctaws knew that an alliance with either side could also be courting disaster. Simply making a choice would invite an invasion by a foreign army and could lead to retribution if caught backing the losing side. A Confederate alliance would permanently halt annuity payments from the United States and void unpaid debt, including the approximately \$3,000,000 in net proceeds. For the first time ever, in 1860 Congress seemed on the verge of appropriating these funds. The Senate appropriated \$500,000 as an advance while they deliberated on the final amount after Senator Robert Ward Johnson pleaded that “after thirty years, for God’s sake, give them a small part of that which is justly their own.”<sup>52</sup>

On the other hand, negotiating a continued Union alliance would require thousands of Union soldiers to protect against neighboring Confederate troops in Texas and Arkansas. The United States was under treaty obligations to defend each of the Five Tribes against any foreign invaders, but these same treaties demanded that the

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<sup>51</sup> Laurence M. Hauptman, *Between Two Fires: American Indians in the Civil Wars* (New York: Free Press, 1995); Christine Schultz White and Benton R. White, *Now the Wolf has Come: The Creek Nation in the Civil War* (College Station: Texas A&M University, 1996);

<sup>52</sup> *The Congressional Globe*, 1861, 827-829; Several independent audits found that the Choctaws were owed between \$2,332,000 and \$2,981, 247.

United States pay net proceeds which had never been paid. Right on cue, American troops assigned to Indian Territory retreated to Kansas at the first sign of potential conflict. The United States also halted all annuity payments out of fears that they would be intercepted and used towards the Confederacy. Without troops for defense and expected money, many predicted that invading Texans would use “whiskey fires” and force to compel complicity with the South.<sup>53</sup> Even if a Union alliance was successful, the absence of friends like Senator Johnson would leave the Choctaws unlikely to realize the remaining net proceeds and further the likelihood that Republicans could pursue a plan of forced removal and territorialization. In essence, both alliance options and neutrality contained potential benefits tied to perilous pitfalls.

Worse yet, pursuing any option ran the risk of the dividing the Choctaws between sides, inevitably plunging them into their own civil war. Most historians teleologically ignore this potential outcome. Considering that the Choctaws were operating under a new constitution and under one year removed from a potential civil war, the prospect of an internal divide was not implausible. To avoid this outcome, the Choctaws needed a force that could unite the various factions—progressives who still demanded a more American-style Choctaw Nation, moderates wanting to preserve key distinctions between Choctaws and Americans, and traditionalists wanting to remain undisturbed in established life-styles and government. Once united, the Choctaws could confidently align with whichever side would offer a better deal and protect Choctaw

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<sup>53</sup> Odie B. Faulk, Kenny A. Franks, Paul F. Lambert, *Early Military Forts and Posts in Oklahoma* (Oklahoma City: Oklahoma Historical Society, 1978), 63; Lizzie to Mother, April 23, 1860, Colonial Dames Collection, WHC; Odie B. Fulk, Kenny Franks, and Paul Lambert, *Early Military Forts and Posts in Oklahoma* (Oklahoma City: Oklahoma Historical Society, 1978), 60-61.

interests. Jones emerged from his political absence to unite the Choctaws on a course of action.<sup>54</sup>

The role of unifying and guiding the Choctaw people through the crises technically fell upon Principal Chief George Hudson. Hudson had lived a life very similar to Jones. Both were born in Mississippi in 1808 to white fathers and Choctaw mothers. Both were appointed Captains during removal and led moderately large parties from Mississippi to Indian Territory. They also lost their fathers at young ages and had to depend on kin. They served together multiple times on the General Council. Hudson also held a slave, something that allowed him to gain a political edge in the contest for Principal Chief over competitor Joseph Dukes who was believed to tolerate abolitionism. However, this is where their similarities ended. Hudson was a slender six-plus feet tall, described as having a “prominent forehead, Roman nose...with a graceful swanlike neck” to Jones’ stout five-foot seven, awkward blind eye, and hawkish look of determination. Hudson studied law and was considered “an eloquent pleader” whereas Jones studied business and approached opposition with more bravado than suaveness.<sup>55</sup>

Following Texas’s secession in March of 1861, the General Council called for a special session in June at which Hudson was tasked with making a recommendation on

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<sup>54</sup> Donna Akers fully considers this possibility, while she attributes the alliance less to convincing rhetoric and more to an outlet for Choctaw masculinity. See Akers, 129-130.

<sup>55</sup> Carolyn Thomas Foreman, “Journal of a Tour in the Indian Territory,” *Chronicles of Oklahoma* 10 (Summer 1932), 222; John Bartlett Meserve, “Chief George Hudson and Chief Samuel Garland” *Chronicles of Oklahoma* 20 (Spring 1942), 9-14; Sampson Folsom to Uncle Peter Pitchlynn, Feb. 12, 1860, Box 3, Folder 61, PPC, WHC. The letter continues to mock Hudson’s large height and genitals; Muriel Wright to A.E. Folsom, May 20, 1921, Box 1, Muriel Wright Collection, Oklahoma Historical Society (hereafter as OHS), “Jones was ONE-EYED”; Muriel Wright, “Report to Oklahoma Historical Society, May 5, 1955” Box 23, Folder 38, Muriel Wright Collection, OHS. Almost all accounts mention Jones’ bad eye, medium height, and large build. One account claims that he was six feet tall with no excess flesh, but gives no source.

which course to pursue. The Council had earlier stated their preference for the Southern position, but offered no thorough plan of action. Texans almost instantly demonstrated that they would not be a neutral party in the Choctaw's decision. A committee with the official blessing from the state government of Texas attended a meeting in March between the Choctaws and Chickasaws, presented their argument for secession then exited.<sup>56</sup> Other unofficial "vigilance committees" sought out those they believed to be threats to a Choctaw-Confederate alliance. These extra-legal mobs were often joined by prominent Choctaws who tactically outwitted them and limited their overall damage. Texas vigilantes primarily targeted missionaries, almost all of whom they suspected of abolitionism based on deep connections with Northern states and anti-slavery churches. Only two years before, parties from Texas had failed in lobbying efforts to oust the missionaries associated with the Northern-based American Board of Commissioners for Foreign Missions for an alleged bias towards abolitionism. Now, with an impending war, Texans felt little need to restrain their actions to legal measures.<sup>57</sup>

Choctaws once again impeded the intrusion of Texans. In one case Choctaw Calvin Howell openly vouched for a controversial missionary from Maine with obvious Northern sympathies, preventing a vigilance committee from interrogating him. When Sampson Folsom discovered that "Texian filibusters" were "making war upon the old missionaries of the country," he proposed raising "five thousand Choctaw and Chickasaw troops at once to keep out land pirates...to maintain the supremacy of the laws of the land." He was certain that such incursions were the precursors of "white

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<sup>56</sup> United States War Department, *The War of Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series IV, Volume I, p. 322-333.

<sup>57</sup> Lizzie to Mother, December 30, 1860, Box 2, Folder 54, The Colonial Dames Collection, WHC; Lizzie to Mother, u.d., Box 2, Folder 58, WHC.

settlement in our midst.”<sup>58</sup> Therefore, when he intercepted a Texas committee, he prevented them from searching Reverend Alexander Reid’s house and interrogating him on his views regarding the conflict. He forcefully demanded, “gentlemen, you must not doubt Mr. Reid’s word.” Considering that members of this mob had recently attempted to lynch a man for equating Abraham Lincoln with other presidential candidates, Folsom possibly saved Reid’s life. These actions from Choctaws who supported a Confederate alliance—Sampson Folsom became a colonel in the Confederate Army—demonstrate that Choctaws were determined and savvy enough to control their own fate and make their own decisions regarding the sectional crises.<sup>59</sup>

Despite repeated intrusions, Hudson became convinced by his long-time neighbor Peter Pitchlynn that neutrality offered the best course. Fresh from Washington, D.C., Pitchlynn falsely claimed to have met with President Lincoln and assured Hudson that Lincoln would quickly restore troops and resume annuity payments. Pitchlynn had his own reasons for pushing neutrality. Chiefly, he wanted to receive a portion of the net proceeds claim for his services in Washington. Pitchlynn even helped draft a speech for Hudson to read which outlined the necessity of avoiding conflict and trusting the United States government.<sup>60</sup> Pitchlynn’s polemic opinion drew the ire of a vigilance committee from Texas which surrounded his house and threatened his life if he continued to oppose the Confederate cause. Still, heading into the special

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<sup>58</sup> Sampson Folsom to Peter Pitchlynn, May 14 1861, Box 3, Folder 94, PPC, WHC.

<sup>59</sup> John Edwards, “An Account of my Escape from the South in 1861,” *Chronicles of Oklahoma* 43 (Winter 1965), 63-65.

<sup>60</sup> “Principal Chief George Hudson to the Choctaw General Council,” u.d., Folder 1899, PPMC, GM.



session, Hudson and Pitchlynn revealed their intentions to declare neutrality at a dinner with missionary John Edwards, claiming that “it was none of their fight.”<sup>61</sup>

United States Choctaw Agent and Confederate officer Douglas H. Cooper leaked word of Hudson’s intentions days before the Council began. Jones was indignant at the idea of squandering the numerous opportunities presented by a Confederate alliance and pursuing an obviously doomed course. He was content to watch from the sidelines as bickering parties debated various constitutional forms, but this crisis threatened the very survival of the Choctaw Nation. To Jones, the Choctaws had been thrown a life-line in the form of American Civil War, and he had no intention of watching it slip away in a hopeless bid towards neutrality. Thus, Jones made a fateful trip from his Rose Hill plantation to the special session of the Council in Doaksville along with a vigilance committee from Texas. Before Hudson could recommend neutrality, Jones made a furious speech in which he declared that “every man was not with us should be hung up to the first limb between heaven and hell.”<sup>62</sup> Only scant second-hand accounts exist from the proceedings at Doaksville that evening, but it is logical that in Jones’ speech he did far more than simply issue a violent threat. Undoubtedly, he laid down an elaborate case for why the Choctaws should align with the Confederacy.

Hopes of neutrality disappeared with the echo of Jones’ rousing rhetoric as he refused to withdraw over this issue. Either convinced by Jones’ prose or intimidated by his threat, Chief Hudson discarded his prepared remarks and called for an alliance with

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<sup>61</sup> Edwards, “My Escape,” 72

<sup>62</sup> John Bartlett Meserve, “Chief George Hudson,” 9; Abel, *American Indian as Slaveholder and Secessionist*, 72; Edwards, “An Account,” 74

the Confederacy, heralding the Choctaw entrance into the Civil War.<sup>63</sup> He called for a special commission to form an alliance with the Confederacy and for all males to prepare for service in a militia or home guard. Unlike residents of seceding states who burst into joy upon secession declarations, many Choctaws struck a fatalistic tone. Joseph Folsom went so far as to remark that “we are merely choosing the means of our destruction.”<sup>64</sup>

Following his declaration, Hudson called for a committee to coordinate with the Chickasaws and meet with a Confederate delegation in order to negotiate the terms of a formal alliance for both Nations. Fittingly, the committee elected Robert M. Jones president of the delegation, a position he reportedly accepted “in an able and splendid manner.” Jefferson Davis appointed Albert Pike, now a Confederate officer, to negotiate alliances between the Confederacy and all of the Five Tribes in Indian Territory. Pike and Jones’ delegation negotiated and signed a treaty between the Confederacy, the Choctaws, and the Chickasaws at North Fork Town in the Creek Nation on July 12<sup>th</sup>, 1861.<sup>65</sup>

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Most historians characterize Pike’s work with the Choctaws as something of a foregone conclusion; since the Choctaws had already declared in favor of secession, it seemed logical that they would accept basic terms with little resistance. One credits Pike for his diplomatic skill for completing a treaty at all. Another claims that the

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<sup>63</sup> Annie Abel, *American Indian as Slaveholder and Secessionist*, 75;

<sup>64</sup> James D. Morrison, “News for the Choctaws,” *Chronicles of Oklahoma* 27 (Summer 1949), 207-222.

<sup>65</sup> “Notes of Delegation with Confederate States,” Folder 1804, PPMC, GM; The delegation also included Sampson Folsom, Forbis Leflore, George Harkins Jr., Allen Wright, Alfred Wade, Coleman Cole, James Riley, Rufus Folsom, William B. Pitchlynn, McGee King, John P. Turnbull, and William Bryant. See also Kenny A Franks, “An Analysis of the Confederate Treaties with the Five Civilized Tribes” *Chronicles of Oklahoma* 50 (Winter 1972), 458-475.

treaties did not represent the interests of the Choctaws, but were “agreed to because of pressure exerted by the Confederacy.” These interpretations ignore the tremendous agency exercised by Jones and the Choctaws in attempting to exploit the Confederacy. Certainly the Confederate States had a more powerful military and in theory could force an alliance, but that would take time and resources better spent preparing for war with the Union. Thus, the Choctaws dictated the terms of their position, not Pike or the Confederacy. Jones and his team capitalized upon their advantageous position and their relationship with Pike to secure an incredibly favorable alliance.<sup>66</sup>

Pike received strict parameters dictating what he could and could not offer Native nations. He was advised that he could not offer any financial guarantees and that any treaty must include a commitment to forming a territorial government and the parceling of land. The treaty that was actually signed, however, bore little resemblance to the visions of Confederate leaders.<sup>67</sup> For instance, the Choctaws only accepted a Confederate alliance with the promise that the Confederacy agreed to assume the debt due to the Choctaws from previous treaties, including the approximately \$3,000,000 from the net proceeds case. In addition, the Confederacy became responsible for arming and paying ten companies of Choctaw and Chickasaw soldiers who would serve as home guards for specific terms. These home guards would not be required to fight outside their territory without approval from Choctaw authorities. Dictating the actions of their troops was a key feature that separated Native polities from Confederate states,

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<sup>66</sup> Minnie Thomas Bailey, *Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism* (Kennikat Press, 1972); Kenny A Franks, “An Analysis of the Confederate Treaties with the Five Civilized Tribes” *Chronicles of Oklahoma* 50 (Winter 1972), 460; Mark A. Lause, *Race and Radicalism in the Union Army* (Urbana: University of Illinois Press, 2009), 53, 57.

<sup>67</sup> Kidwell, *Choctaws in Oklahoma*, 59-64.

offering an overt clarification that an alliance with the Confederate States did not mean forfeiture of sovereignty.<sup>68</sup>

Beyond financial and military assistance, the treaty guaranteed the Choctaws sovereignty over their lands and the option of statehood on an equal basis with other states, should they choose to pursue it. It also reaffirmed their right to keep their land in common until a majority decided upon allotment while also elucidating that “the Confederate States hereby solemnly agree never to use force” or any means of persuasion to change the Choctaws methods of holding land. Thus, the Choctaws had full power to decide for themselves whether they wanted to be a full part of the Confederacy or a disjoined ally. If they rejected both statehood and territorialization, they would still enjoy immediate representation in the Confederate House of Representatives.<sup>69</sup>

Choctaws wanted immediate representation to secure their interests in the Confederacy. As early as 1824, legendary Choctaw chief Pushmataha had predicted the Choctaws would eventually gain Congressional representation. In 1830, delegates at the treaty of Dancing Rabbit Creek in 1830 requested “the privilege of a Delegate on the floor of the House of Representatives,” which Congress subsequently ignored.<sup>70</sup> Therefore, with Pike and the Confederacy, the Choctaws did not leave the matter to an aspiration that would quickly be discarded once an alliance was secured. With a delegate in Congress, the Choctaws would no longer have to send delegations with the

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<sup>68</sup> Vine Deloria and Raymond J. Demallie, *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979* (Norman: University of Oklahoma Press, 1999), 603-607.

<sup>69</sup> Deloria and Demallie, *Documents of American Indian Diplomacy*, 603-607.

<sup>70</sup> David Folsom to “Friend,” December 24, 1824, Box 1, Folder 10, Choctaw Nation Collection, McFarlin Library, Tulsa, Oklahoma; Arthur DeRosier, *The Removal of the Choctaw Indians* (Knoxville: University of Tennessee Press, 1970), 65-73, 168-170, 181; Robert M. Jones to Peter Pitchlynn, July 17, 1872, Box 4, Folder 55, PPC, WHC.

hope that congressmen would eventually raise their concerns to the floor. A standing Choctaw member could instead be part of an active lobby, coordinate with the Council, and better protect Choctaw interests.

Finally, Pike committed the Confederacy to constructing and maintaining a court inside the Choctaw Nation that would be responsible for mediating disputes between Confederate citizens and Choctaws. Securing this court inside the Choctaw Nation was a major step towards protecting autonomy. All too often grievances between Euro-Americans and Choctaws had resulted in Choctaws placing their lives on hold while they traveled to Arkansas or Texas to defend themselves in a trial in front of a white judge and white jury. Most could not make the trip, a reality which Americans used to exploit Choctaws and other Natives. Jones had experienced this inconvenience in multiple disputes over ownership of slaves. A local court, along with the provision that the Choctaws have “full jurisdiction, judicial and otherwise, over persons and property within their respective limits” would circumvent this inconvenience.<sup>71</sup>

At the same time, the treaty contained numerous provisions aimed at distinguishing between the sovereignty of the Choctaw Nation and Confederate States. The Choctaws were left to decide how much autonomy and sovereignty they wished to maintain. They could choose to vote for statehood and enter as an equal member of the Confederacy, or they could choose to keep a great distance between themselves and Richmond. Given the Confederacy’s feelings on the right of secession, they had the option to break from the confederacy. The terms of the treaty allowed Choctaws to decide to whether to send their troops to fight alongside Lee’s Army of Northern

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<sup>71</sup> Deloria and Demallie, *Documents of American Indian Diplomacy*, 606-612; United States War Department, *The War of Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Series IV, Volume I, 786.

Virginia or to position them on their borders in Indian Territory. With these choices came power, and vested in this power was a clear recognition of both sovereignty and the right to autonomy within the Confederate alliance. These provisions fit with one of Hudson's instructions to the committee, "be united and forbearing and endeavor to preserve that great heritage of all free men, the right of self-government."<sup>72</sup>

In one crafty treaty negotiation, the Choctaws addressed decades-old grievances and re-legitimized their claim to sovereignty while gaining representative in the Confederate Congress. Other than an allowance for railroad development, their only obligation for such auspicious terms was that they accept an additional subsidy of money and weapons to defend their own territory. Far and away, this was the most favorable treaty that the Choctaws had ever negotiated with an external power. The treaty was so radical and one-sided that a perplexed Jefferson Davis publically questioned whether or not large sections of it were even constitutional. Davis felt that the power to admit states was a right held exclusively by the House of Representatives. He also doubted "whether the proposed concessions in favor of their local governments are within the bounds of a wise policy" and suggested that Congress debate if it was "impolitic" to allow such drastic, permanent guarantees.<sup>73</sup>

Davis's words foreshadowed a relatively simple treaty ratification with only minor alterations. Confederate Representative Henry Ward Johnson agreed with Davis regarding statehood and added the provisions that Congress would have to accept the Choctaw Nation as a state and that the state would have to join with other Native

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<sup>72</sup> "Principal Chief George Hudson to the Choctaw General Council," u.d., Folder 1899A, PPMC, GM.

<sup>73</sup> Deloria and Demallie, *Documents of American Indian Diplomacy*, 606-612; United States War Department, *The War of Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, series IV, volume I, 786

nations to become one state. They also decided to limit the power of Indian representatives to that of delegate with the ability to introduce bills that pertained to Natives. The Choctaws would be forced to share a delegate with the Chickasaws, with the delegate being alternatively chosen from each polity. Chief Hudson recognized that these modifications were trivial and advised the General Council to accept the new stipulations. After accepting these amendments, they naturally selected Jones to serve as their first and only delegate to Congress.<sup>74</sup>

Albert Pike's longstanding relationship with Jones and the Choctaw Nation proved favorable for the Choctaws in the treaty negotiations. Undoubtedly, Confederate desperation for allies factored into Pike's acquiescence on long-term commitments, the consequences of which could mostly be put off until the war was over, as well as low-cost short-term concessions. In effect, Pike leveraged short-term gains against long-term costs. He had also just left the Cherokee Nation where he failed to convince Chief John Ross to join the Confederate cause. Two consecutive failures on a mission that was expected to be easy did not endear the ambitious Pike to his superiors. Other factors also impacted the outcome of the negotiations between Pike and Jones.

Jones and Pike had connections through the fraternal order of the Freemasons. In 1859, Pike had been elected "Sovereign Grand Commander of the Southern Jurisdiction" and Mason of the 33<sup>rd</sup> degree, a rank he held for the rest of his life. His personal library of masonic writings was so extensive and revered that Union General (and fellow Mason) Thomas Hart Benton, Jr. personally saved it from being burned.

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<sup>74</sup> Robert M. Jones Collection, Box 1, Folder 1, OHS; T Paul Wilson, "Delegates to the Five Civilized Tribes to the Confederate Congress" *Chronicles of Oklahoma* 53 (Fall 1975), 354.

Jones was also an inaugural officer of the Doaksville Lodge, one of two in Indian Territory, which acted under the authority of the Grand Lodge of Arkansas. Jones held one of three officer positions in the Doaksville Lodge. He also adorned his personal rifle with elaborate silver inlays filled with masonic imagery and was revered by the masonic order even decades after his death. Masonic doctrine dictated that members conduct business justly and equitably, something both men would have applied in their negotiations with one another. Pike, the author/compiler of *Morals and Dogma of the Ancient and Accepted Scottish Rite of Freemasonry*, was well aware of such requirements in negotiating with a fellow Mason. Jones, a cerebral, tactical businessman well-versed in the art of negotiation would not have discarded the advantages that this brought.<sup>75</sup>

In addition to masonic fraternal ties, Jones and Pike were both aware that unless the Confederacy agreed to recognize and fulfill treaty obligations of the United States to the Choctaws, Pike believed he would lose a substantial legal fee from the net proceeds claim. If paid in total, Pike expect to collect \$150,000 (5% of approximately 3,000,000) for his services. Moreover, as Senator Henry Johnson had pointed out in Congress, treaties between the United States and the Choctaws were the legal basis of American ownership for the state of Mississippi. Failing to recognize their legitimacy could

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<sup>75</sup> John Eicher, *Civil War High Commands* (Stanford: Stanford University Press, 2001) ,429; Walter Lee Brown, *A Life of Albert Pike* (Fayetteville: University of Arkansas Press, 1997); Albert Pike, compiler, *Morals and Dogma of the Ancient and Accepted Scottish Rite of Freemasonry, Prepared for the Supreme Council of the Thirty-Third Degree, for the Southern Jurisdiction of the United States and Published by its Authority* (Charleston, A.M. 5632, 1871); R.L. Williams to James W. Moffitt, April 28, 1938, "Robert M. Jones-Choctaw" Foreman Collection, Box 9 OHS; "Minutes of the Meeting of the Board of Directors of the Oklahoma Historical Society," William B. Morrison Collection, OHS. Not to say that rules were always followed—Pushmataha and Andrew Jackson were Masons which made little difference in Jackson's negotiating tactics in 1820—but men like Jones and Pike would certainly hold each other to their masonic commitments.



logically mean that half of Mississippi still belonged to the Choctaws.<sup>76</sup> The practical ramifications towards Mississippi statehood were admittedly flimsy, but the ramifications towards Pike's finances were serious. Thus, whether Jones appealed to the better angels of Pike's masonic nature, his legal conscience, or his pocketbook, the power in these negotiations firmly rested on the side of the Choctaws which netted overwhelming gains.

Clearly Jones and his cohort took advantage of the impending war as an unprecedented opportunity to protect their long-term sovereignty against a constantly-encroaching United States. After years of negotiating from a position of decreasing power, the Choctaws held the trump cards and played them to their full effect. The treaty also demonstrates that the Choctaw delegation and leadership was not simply a self-interested cohort forcing an alliance on traditional Choctaws for their own interests. Protecting slavery might have only benefitted a few, but adding a court inside the Choctaw Nation, refusing territorialization and allotment, resuming annuities, and confirming local sovereignty benefitted all Choctaws regardless of affluence or acculturation. Jones' specific demands and Pike's acquiescence demonstrates that leading Choctaws placed national concerns first and personal desires second.

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The General Council, however, did not remain content to bet the future of their nation on a favorable Confederate alliance—the stakes were too high and opposing powers too strong. In July of 1861, immediately prior to forming alliances with Pike, Hudson asked the Council to select delegates for a convention “of all Indian tribes...for the purpose of perpetuating...peace and harmony...and to act in concert in

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<sup>76</sup> *The Congressional Globe*, 1861, 827-829

confederating themselves together for the mutual safety in defense of our country against invasion.” At this convention, delegates formed the “United Nations of Indian Territory,” which included the Five Tribes and Caddo Indians from Texas. This second alliance served numerous important purposes. Formally aligning with neighboring Natives instantly augmented the Native clout within the Confederacy. From disease, famine, and environmental factors, the Choctaw population (not counting slaves or white men) had fallen to 13,666 at the outbreak of war. A population this low could not hope to command the Confederacy’s attention should it be needed. The 73,274 of the combined five tribes clearly stood a better chance of safeguarding the guarantees reached with Confederate treaties.<sup>77</sup>

Forming these alliances clarified that the Choctaws intended to simply align with instead of be subsumed by Confederacy. Jones personally lobbied for a provision that would allow Natives polities to break-away from their Confederate alliance while still maintaining neutral position with other Natives Americans. This became especially important when Native polities needed to extract themselves from the South following its military defeat. Just like aligning with the Confederate States, aligning with the United Nations of Indian Territory, Choctaw leaders carefully strategized to protect the Choctaw Nation without forfeiting its sovereign rights.<sup>78</sup>

Hudson also called on the Council to pass a law “that all offences committed by a white man in the nation against the person or property of Indians be tried by the laws

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<sup>77</sup> “George Hudson Address to the Choctaw General Council,” u.d., Folder 1899A, PPMC, GM; “Copy of the Minutes held at North Fork Town, Report to National Committee, R.M. Jones, President of Convention, George Harkins, Secretary,” Folders 1901, 1902, 1903, PPMC, GM; Michael F Doran, “Population Statistics on Nineteenth Century Indian territory” 53 *Chronicles of Oklahoma* (Winter 1975), 516-518

<sup>78</sup> “Copy of the Minutes held at North Fork Town, Report to National Committee, R.M. Jones, President of Convention, George Harkins, Secretary,” Folder 1903, PPMC, GM.

of the Nation, and the same of a native against a white man.” Proclaiming that white men would fall under the jurisdiction of Choctaw law regardless of birth and citizenship was a major assertion of sovereignty. The Choctaws recognized the Confederate States as an ally, but did not forfeit their long-held rights in the process. Instead, they augmented their sovereignty at the expense of a vulnerable Confederacy.<sup>79</sup>

With two fresh new alliances in place, the Choctaws felt that they could securely weather the coming storm. Not every Choctaw agreed with the Confederate alliance, just as many had disagreed with each of the constitutions passed through the 1850s. But with careful calculation and a consensus on the need to protect tribal sovereignty and autonomy, Choctaw leaders reached agreements that the majority could support. The political crises ended just in time for Choctaws to come together to face the threat of the Civil War. This did not mean that the Choctaws’ problems had been solved. Drought and famine still gripped the nation, leaving many without basic subsistence. War loomed and though the Choctaws knew that they had the power to keep their men close to defend their homes, this did not mean that conflict would stay outside of the nation. As Jones made his plans to serve in the Confederate Congress, he must have known that the crises of a Choctaw civil war had been averted, but danger to the nation was far from over.

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<sup>79</sup> “George Hudson Address to the Choctaw General Council,” u.d., Folder 1899A, PPMC, GM

## CHAPTER FIVE: "DEFENSE OF THE NATION:" THE CHOCTAW CAUSE IN THE AMERICAN CIVIL WAR

Jones guided the Choctaws into the Civil War with confidence and optimism that the new treaty with the Confederacy would alleviate many of the problems plaguing the Choctaw Nation. The treaty protected annuities, stipulated full payment for the net-proceeds claims, provided Choctaw courts with jurisdiction over cross-border conflict, ensured open trade networks, and reaffirmed the Choctaws' right to decide the territorial question as a sovereign nation. Moreover, Jones understood that guaranteed munitions and funds from the Choctaw's new ally put them in a formidable position to defend their lands from any invading force. As the Choctaw and Chickasaw delegate to the Confederate Congress, he personally planned to see that the Confederacy upheld these guarantees. Despite the advantages that the alliance offered, not even the most clever and pragmatic Choctaw diplomacy could protect the nation from the surrounding conflict. As the Choctaws found themselves "between two fires," they struggled to remain "a nation within" the conflict rather than a nation dissolved by the crisis.<sup>1</sup>

Following the formal Choctaw alliance with the Confederacy in June of 1861, the joint Choctaw-Chickasaw treaty council elected Robert M. Jones as their delegate to the Confederate Congress in July.<sup>2</sup> Jones had to choose between remaining at home with his pregnant wife Elizabeth where he could defend his own family, property, and

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<sup>1</sup> A.E. Folsom, "Life of A.E. Folsom," Box 218, Folder 17, Edward Everett Dale Collection, Western History Collection, University of Oklahoma (hereafter cited as EDC), 1; Vine Deloria and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (Austin: University of Texas Press, 1984).

<sup>2</sup> Annie Abel, *The American Indian as Slaveholder and Secessionist: An Omitted Chapter in the Diplomatic History of the Southern Confederacy, Vol. 1* (Cleveland: The Arthur H. Clark Company, 1915), 197, 344-345.

nation within its borders, and traveling to Richmond to provide the Choctaws with a voice in the Confederate Congress. Since he had insisted on the Choctaw alliance with the Confederacy, he sought to see that the nation wrought every advantage from the relationship. Representation in the Confederate Congress ensured that Choctaws could negotiate on equal terms with representatives from the Confederate states. Thus, as the Choctaw Nation prepared to defend their land and sovereignty, Jones prepared to travel to Richmond, Virginia, as the Choctaw's chosen delegate.<sup>3</sup>

Before he departed, however, several immediate issues arose in the wake of the new alliance. These initial problems foreshadowed many of the troubles that the Choctaws faced throughout the war. Because the treaty with the Confederacy promised that Choctaw soldiers would receive prompt payment in hard currency, Jones began personally enlisting soldiers with the pledge that they would receive this form of compensation. Next, he began equipping Choctaw soldiers with many of the supplies necessary for extended periods in the field by opening up his store houses and providing thousands of pounds of flour, sugar, salt, coffee, and bacon, bushels of corn, and bridles for horses.<sup>4</sup> He expected quick remuneration from Confederate officials since Pike's treaty obliged them to provide such provisions themselves. Instead, Jones' claims for reimbursement lingered for years or were never paid.<sup>5</sup> Worse still, Confederate soldiers unconnected with the Choctaws began seizing and damaging his property. Several wagons disappeared after they had been loaded with corn and other supplies. Even

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<sup>3</sup> "Jones Bible," Robert M. Jones Collection, Box 1, Folder 1, OHS;

<sup>4</sup> "Confederate Papers Relating to Citizens or Business Firms" Record Group M346, Roll 525, (Washington: National Archives and Records Service, 1982).

<sup>5</sup> *Ibid.*; John P. Kingsbury testified after the war that "There were about 13 or 14 Confederate companies thus furnished" with provisions from Jones' stores." See Choctaw Civil War Records, Box 9, Folder 10, Grant Foreman Collection, OHS.

before he had arrived at the Confederate Congress in Richmond, Jones had to send a plea to receive reimbursement for the property stolen and damaged by his supposed allies. Clearly, the war did not start out as Jones had planned but eager to ensure that the Choctaws and Chickasaws had an advocate to protect their stake in this new political relationship, Jones travelled to Richmond, Virginia.<sup>6</sup>

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Not only was the Civil War a watershed moment in American history, it was also a seminal point in Choctaw history. The conflict had large scale consequences for leaders like Jones and Pitchlynn whose diplomacy and political acumen negotiated their entry, as well as ordinary Choctaw men who entered service, Choctaw women who remained on the home-front, and Choctaw slaves whose very freedom was at stake. Surprisingly, the subject of Choctaws in the Civil War has garnered relatively limited attention from historians.<sup>7</sup>

A handful of early histories attributed Choctaw participation in the Civil War either to the coercion on the part of the Confederacy or the sympathies between a handful of elite Choctaw slave-owners and white Southerners. These conclusions do not attempt to examine the perspective of common Choctaws and subsequently portray them as a passive majority unable to make their own decisions regarding the war. More recently, historians including Clara Sue Kidwell and Mark Lause have complicated these interpretations by exploring the Choctaws' apparent desire to abandon the

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<sup>6</sup> G. A. Schwarzamen to Major R. C. Newton, July 4, 1862, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, Vol. 15 (Washington: Government Printing Office, 1902), 487 (Hereafter cited as "Official Records"); *Journal of the Congress of the Confederate States of America, 1861-1865*, Vol. 6 (Washington: Government Printing Office, 1905), 455.

<sup>7</sup> The Cherokees are far and away the most documented Native Americans in Civil War studies, followed shortly by the Creeks. This likely stems from their internal civil war and the massive destruction that it caused, as well as historical figures like Opothleyahola and Stand Watie.

Confederate cause long before the end of the war. Even these studies, however, focus heavily on Confederate leadership, rather than the Choctaw soldiers, civilians, and slaves.<sup>8</sup> Consequently, these interpretations fail to consider the ways in which Choctaws engaged in the conflict as citizens of a sovereign indigenous nation aligned with the South, rather than subordinate to the South. This chapter demonstrates that the Choctaw Nation engaged in the Civil War in order to fight for a distinct Choctaw cause that did not match the broader goals of Southern slave-holding states in the Confederacy and maintained their status as a united and autonomous nation throughout the conflict. Moreover, it highlights the diverse experiences of Choctaw leaders, soldiers, women, slaves and citizens of other Indian nations whose lives were disrupted as the Civil War enveloped Indian Territory.

Despite the fact that the Choctaw Nation had itself been on the brink of its own civil war only one year before, it entered the Civil War as a unified force. Political factionalism persisted but did not challenge the collective sense of Choctaw nationhood. Those who had been political adversaries during the Constitutional Crisis set aside their ambitions and fought to protect and advance the nation. Choctaw leaders personally enlisted troops, lobbied for supplies, and in many cases led soldiers into battle. Politically and culturally conservative Choctaws also rallied behind the cause and revitalized traditional practices, including dances, paint adornment, and scalping in battle. Together, the Choctaws entered and fought the war as a single political entity whose members considered themselves a sovereign

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<sup>8</sup> Annie H. Abel, *The American Indian as Slaveholder and Secessionist, 1862-1865* (Cleveland: Arthur C. Clark Press, 1915), 83; Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 2<sup>nd</sup> ed. 1975), 80; Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation* (Norman: University of Oklahoma Press, 2007), 57-72; Mark A. Lause, *Race and Radicalism in the Union Army* (Champaign: University of Illinois Press, 2009).

ally of the Confederacy and not under its authority. Unlike the Creek and Cherokee Nations whose members split along Confederate and Union lines, very few Choctaws—approximately 212—defected to the Union cause. This unity combined with their advantageous geopolitical position south of the Canadian River in Oklahoma, allowed the Choctaws to better defend their territory than the neighboring Indian nations.<sup>9</sup>

Unity did not mean that the Choctaws fell in lockstep behind the Confederate war effort. In June 1861, before official treaty negotiations with the Confederacy, Chief Hudson issued a proclamation to the Choctaw citizens explaining the reasons for proposed alignment with the Confederacy. His proclamation declared that slavery lay at the heart of the dispute between the Northern and Southern states but implied that this was not the case for the Choctaws. Instead, Hudson clarified that the Choctaws' alliance with the Confederacy resulted from the dangers posed by Union against the Choctaw Nation. He reminded citizens that the United States “refused to pay us our money...and have abandoned the military posts placed in our country for our protection.” Moreover, he concluded that “there is a strong possibility our country will be invaded.” He called for all Choctaw men between the ages of eighteen and forty-five to prepare for service in a home guard capacity. He also asked for volunteers to serve in mounted regiment of Choctaw and Chickasaw riflemen. Hudson made clear that these volunteers would be used for “defense of the Nation at a minute’s warning” and “to defend the country (against) all disorderly

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<sup>9</sup> U.S. Department of the Interior, *Annual Report of the Commissioner of Indian Affairs*, October 31, 1865, 490, 500.



and unlawful acts.”<sup>10</sup> However, as the political turmoil of the 1858 Constitutional Crisis indicated, the edict of a Choctaw leader, even a popular moderate like Hudson, could lead to violent chaos if implemented without the consent of the people. Hudson, Jones, and other leaders feared the Civil War could potentially reignite the barely contained political fires. Consequently, after securing the Confederate alliance, Choctaw leaders made uniting their people behind the Choctaw cause their first priority.

Part of achieving unified support for the Confederate alliance coincidentally involved protecting dissenters who did not agree with the Confederate alliance, but supported the Choctaw cause. For instance, Jones and others recognized that missionaries who had Northern ties, open anti-slavery ideologies, and long-rumored abolitionist sentiment would need safe asylum either inside or outside of the Choctaw Nation. Leaders feared that within this volatile climate, some Choctaws or Texans would take Jones’ passionate oratory about hanging the opposition to heart. Even as Jones spoke, William Harkins interrupted and declared that missionary John Edwards should be hanged for abolitionism. Texans had often accused the missionaries of abolitionist sentiment, while politicians from various states sent confidential letters warning of secret abolitionist plots by various missionaries.<sup>11</sup> Yet, by the 1860s many missionaries were very popular with much of the Choctaw population. Any actions against them could spark an internal conflict against the Confederate alliance.

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<sup>10</sup> “George Hudson to the General Council,” u.d., Folder 1899A, GM.

<sup>11</sup> Jubal B. Hancock to Peter Pitchlynn, September 16, 1860, Box 3, Folder 82 PPC; Peter P. Howell to Peter Pitchlynn, October 1860, Box 3, Folder 82, PPC.

Jones, Hudson, and Choctaw agent Douglas Cooper acted quickly to preempt any violence. Together, they sent three letters to John Edwards via Choctaw Nancy Duke. Hudson's letter vouched for Edward's character and "enjoined and required all Choctaws or others within the Choctaw Nation to allow Mr. Edwards and family to proceed in peace and without hindrance or molestation." Cooper signed a brief note certifying a passport for Edwards and his family, which would carry legal weight throughout the Confederacy. Finally, Jones signed a note certifying Edwards' character "as a gentlemen and a minister" who was "in no way tinctured with abolition sentiments." Edwards successfully "escaped" from the South with his full family intact.<sup>12</sup> Reverends Cyrus Byington and Cyrus Kingsbury, both over sixty-five years old and in constant poor health, suspended their missions and remained within the nation staying safe so long as they were in favor with the general population.<sup>13</sup> As soon as the war began, Choctaws worked to protect even missionaries with open abolitionist sympathies because of their service to the nation and their deep ties within Choctaw communities. This strongly contrasts with the actions of white Americans in Southern states who tried to violently expel abolitionists out of fear they would uproot the social order ensured by slavery.<sup>14</sup>

In addition to protecting law and order, officials led by Jones immediately began recruiting an army to defend the Choctaw Nation. Unlike Cherokee

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<sup>12</sup> John Edwards, "An Account of My Escape from the South," *Chronicles of Oklahoma* 43 (Spring 1965), 76-77.

<sup>13</sup> Louis Coleman, "Cyrus Byington (1793-1868)," *Encyclopedia of Oklahoma History and Culture* (Oklahoma Historical Society) and Richard Mize, "Cyrus Kingsbury (1786-1870)" *Encyclopedia of Oklahoma History and Culture* (Oklahoma Historical Society); Edwards, "My Escape from the South," 80-81.

<sup>14</sup> Cyrus Kingsbury to Brother, December, 1865, Cyrus Kingsbury Collection; Edwards, "My Escape from the South," 64-82; Charles Ives to Lee, January 16, 1862, Box 1, Folder 4, Colonial Dames Collection, Western Histories Collection, University of Oklahoma.

Confederate leader Stand Watie who used force and conscription to raise a Cherokee army, Jones convinced rank and file Choctaws to join the Choctaw Home Guard using practical incentives and appealing to their sense of Choctaw Nationalism. Jones encouraged Chief Hudson and other Choctaw leaders responsible for troop recruitment to remind men that the alliance “will not require us to go outside of our nation unless in state of emergency, and will permit us to return home and attend to our farms.” Jones explained that “under these assurances, I have went to work, and raised two companies of 75 or 80 men—each in our country.” He personally equipped the men he recruited with supplies from several of his stores, including “Jones and Thebo” in Doaksville and Skullyville. Other leading Choctaws, including Lycurgus Pitchlynn, Sampson Folsom, and Tandy Walker followed suit and recruited men based on the necessity of a military force to protect the Nation. Within months, they enlisted able-bodied men to serve in the First and Second Choctaw Regiments of an Indian Brigade.<sup>15</sup>

Though Jones, Peter Pitchlynn, and other powerful Choctaw leaders largely dictated the political decision to enter the Civil War on the national level, focusing on their motivations and actions ignores the agency of ordinary Choctaws during this period. This interpretative trap has largely silenced the voices of the Choctaw majority who actively partook in the Choctaw politics leading into the conflict and voluntarily took up arms to protect their lives, territory, and political sovereignty during the war. The daily lives of non-slaveholding Choctaws did not revolve

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<sup>15</sup> Jeff Fortney, “Lest We Remember: Civil War Memory and Commemoration among the Five Tribes,” *American Indian Quarterly*, 36 (Fall 2012), 539-540; Robert M. Jones to George Hudson, August 22, 1863, Box 3, Folder 112; “The Choctaws, and their Debts due Joseph G. Heald and Reuben Wright,” (Washington: McGill & Withbrow, 1867), 14-15.

around the institution of slavery or a red-black racial dichotomy. Nevertheless, thousands of Choctaws consented to a Confederate alliance and actively joined the effort to defend their home from invasion.<sup>16</sup> Oral accounts from Choctaw veterans and their descendants provide glimpses into how non-elites experienced the war years and offer insight into their motivations for engaging in the conflict. Throughout the Civil War, ordinary citizens negotiated their own meanings of nationhood and demonstrated remarkable agency in defense of their political autonomy.

Choctaws enlisted in Confederate service for a variety of reasons. Many agreed with Jones and other leaders that joining the Confederate cause meant protecting their homes from outside invaders. The treaty stipulation that Choctaws would not have to leave the confines of Indian Territory without consent provided reassurance that their efforts would go towards home protection. Ordinary soldiers understood that they were political allies of the Confederacy against the common enemy, Union invaders, rather than a subordinate state within the Confederacy.<sup>17</sup> The guarantee of a regular salary and food rations also offered a powerful incentive. After three years of progressively worsening drought, the assurance of basic food supplies for Choctaw subsistence farmers proved highly desirable.

Moreover, wartime service offered Choctaw men of varying ages a vehicle through which they could reclaim any perceived deficiencies in masculinity

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<sup>16</sup> For instances on how this differs with the Confederate cause, see: James McPherson, *What They Fought For 1861-1865* (New York: Anchor Books, 1995), 54.

<sup>17</sup> Vine Deloria and Raymond J. Demallie, *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions, 1775-1979* (Norman: University of Oklahoma Press, 1999), 603-607; Robert M. Jones to George Hudson, August 22, 1863, Box 3, Folder 112; "Interview with Elizabeth Kemp Mead," vol. 61, interview 6218, *IPH, WHC*.

stemming from an inability to provide subsistence during the terrible droughts. The warrior role was the most masculine in Choctaw society. Choctaw leaders understood this fact and continuously relied upon masculine rhetoric to convince men to enlist. Even as the Confederate cause waned, leaders like Pitchlynn lauded Choctaws who “had fought like brave men,” and called for more to “risk every hazard” in defending refugee “women and children.” He further called on them to approach upcoming difficulties “as becomes men, and as faithful sentinels upon our national right, and as patriots true to the great inheritance bequeathed us by our forefathers, that of freemen.”<sup>18</sup> Even Confederate leaders like General Maxey frequently evoked masculine tones in praising Choctaw troops for their bravery and ongoing cooperation with the Confederacy.<sup>19</sup>

Also, preparing for war was a traditional way of unifying Choctaws against a common adversary. As one historian put it, the Civil War provided Choctaws an opportunity to “quit killing each other” while “turning their aggression against the outside enemy.”<sup>20</sup> Sometimes enlisted Choctaws engaged in traditional wartime practices. At one Council meeting, A. E. Folsom reported seeing “more Choctaws there than I ever saw,” who had gathered to dance and watch him receive a new honored name for his part in the Battle of Wilson’s Creek. Later, the “the leading men” gave speeches in favor of the cause and held a large traditional dance. Events

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<sup>18</sup> Kevin Sweeny, “Twixt Scylla and Charybdis: Environmental Pressure on the Choctaw to Ally with the Confederacy,” *Chronicles of Oklahoma* 85 (Spring 2007) 75, 77, 79; “The Inaugural Address of Gov. Pitchlynn, January 9, 1865,” (Fort Towson: Government Printing Office, 1865), 1-3; “Proclamation by Peter Pitchlynn to officers, civil and military,” Folder 2012, GM.

<sup>19</sup> Maj. General Maxey, “In the Field,” June 2, 1864, S.B. 56, GM.

<sup>20</sup> Donna Akers, *Living in the Land of Death: The Choctaw Nation, 1830-1860* (Lansing: University of Michigan State Press, 2004), 130.

of this nature solidified the connection between enlisting in the war and advancing the Choctaw cause.<sup>21</sup>

The speed and excitement with which Choctaws flocked to active duty in the Confederate army pleased the Confederate authorities. Respected Confederate General Ben McCulloch noted that by July 18th, only two-weeks after forging the alliance, the Second Choctaw Regiment was fully formed and ready for service. The Choctaw and Chickasaw agent-turned-Confederate, General Douglas Cooper, elected to stay with the Choctaws and wrote to Jefferson Davis claiming to be able to field 10,000 warriors between the Choctaws and Chickasaws if proper supplies could be sent. Cooper undoubtedly knew that his goal of 10,000 soldiers could not be met in a population of under 23,000, but likely believed that inflated numbers along with a personal relationship with Davis would hasten the arrival of supplies. The Confederacy did not make outfitting Indian troops a priority despite their treaty obligation to supply the arms necessary for Choctaws to defend their home from Union invasion. Weapons did eventually trickle into the Choctaw and Chickasaw regiments after repeated appeals by Choctaw leaders. By August 1861, Cooper led the full Indian Brigade to respond to a Creek uprising against the Confederate alliance.<sup>22</sup>

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<sup>21</sup> A.E. Folsom, "Life of A.E. Folsom," Box 218, Folder 17, Edward Everett Dale Collection, Western History Collection, University of Oklahoma (hereafter cited as EDC). The son of Israel Folsom, he had been in Arkansas at school when the war broke out. He joined a volunteer group of Arkansas militia during the battle, but was mustered out of service when the battle ended.

<sup>22</sup> Inflating numbers became a hallmark of both Union and Confederate reports. This most commonly took place in the form of inflating the strength of enemy lines and number of casualties inflicted. General Cooper to Jefferson Davis, July 25, 1861, *Official Records Series 1*, vol. 3, 614. Cooper served as a Captain under Colonel Jefferson Davis in the Mexican American War, and was twice personally cited by Davis for his service. See Muriel Wright, "General Douglas H. Cooper, C.S.A" *Chronicles of Oklahoma*, 142, 145, 146.

Aged Upper Creek leader Opothleyahola refused to respect the alliance made by the Lower Creeks with the Confederacy. “Loyal” Creeks, Seminoles, Cherokees, and some runaway slaves flocked to Opothleyahola in hopes of avoiding the conflict. These men continued to believe that the Union would uphold their treaties, whereas the Choctaws gave up on the Union and formed a new alliance. Opothleyahola wrote to Abraham Lincoln requesting military assistance to protect neutral and loyal Creeks, Seminoles, and other Indians. Opothleyahola famously reminded Lincoln that his “memory is good” regarding the United States’ obligation to protect the Creeks from outsiders, but “now the wolf has come.” Opothleyahola’s plight received much press and gained national attention. A former missionary to the Choctaws even petitioned the state department to allow him to lead a commission to “teach them to drill and help them fight and encourage the Union feeling among the Indians.” Nevertheless, Lincoln had no forces in Indian Territory that could readily assist. United States authorities informed Opothleyahola and his 7,000 followers that they could offer protection and asylum only if they could march to Kansas. Many elderly men and women and young children comprised Opothleyahola’s followers. Most lacked shoes, food, and other necessary supplies to make a winter march across the icy plains.<sup>23</sup>

Confederate officials feared that Opothleyahola’s numbers could grow and eventually undermine their alliances and stronghold in Indian Territory. Cooper held

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<sup>23</sup> Christine Schultz White and Benton Ray White, *Now the Wolf has Come: The Creek Nation in the Civil War* (College Station: Texas A&M Press, 1996); Mary Jane Warde, *When the Wolf Came: The Civil War in Indian Territory* (Fayetteville: University of Arkansas Press, 2013), 63; David Downing, *A South Divided: Portraits of Dissent in the Confederacy* (Nashville: Cumberland House, 2007); Charles Ives to Lee, January 16, 1862, Box 1, Folder 4, Colonial Dames Collection, Western Histories Collection, University of Oklahoma.

the task of taking his newly-formed Indian regiments and either convincing Opothleyahola to comply with the Confederate treaty or to drive them out of Indian Territory. On November 19<sup>th</sup>, Cooper sent his brigade, which consisted of Choctaws, Chickasaws, Seminoles, Creeks, and Texans, to drive out Opothleyahola's "loyal" Creek and Seminole warriors from Rounded Mountain in Eastern Oklahoma.<sup>24</sup> One Texan scorned the Confederate Indian troops. He made note of their traditional attire and "lack of order" while remarking that "if there is an enemy near at hand our Indian brethren will certainly be cut up." His prediction proved incorrect. Instead, when Opothleyahola's warriors surprised Cooper's men by opening fire and burning the surrounding prairies, the Texans panicked and began to retreat while "Colonel Cooper with his Choctaws met them (Opothleyahola) & in a bloody fight of 15 minutes turned them back."<sup>25</sup> Despite racial stereotyping and even harassment by their Texas allies, the Choctaws demonstrated discipline and poise under fire despite limited training.

This battle, known as the Battle of Round Mountain, was one of three large strategic retreats in which Cooper's Indian soldiers, along with Texas and Arkansas units, forced Opothleyahola's followers along what was later named the "Trail of Blood on Ice." A slave named Phoebe Banks later recalled the ongoing scene in gruesome detail. She remembered "dead all over the hills when we get away; some

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<sup>24</sup> Negotiations between Cooper and Opothleyahola quickly failed after the Col. John Drew's Cherokees joined Opothleyahola's ranks rather than convincing him to submit. See Mark Christ, *Civil War Arkansas, 1863: The Battle for a State* (Norman: University of Oklahoma Press, 2010), 17.

<sup>25</sup> It is also a curious "historical echo" that the Choctaws once again joined forces with Creeks and whites to put down a Creek uprising just as they had with Andrew Jackson at Horseshoe Bend in 1813. Like before, the results for the Creeks would be disastrous. James C. Bates, *A Texas Cavalry Officer's Civil War: The Diary and Letter of James C. Bates*, ed. Richard Lowe (Baton Rouge: Louisiana State University, 1999), 22; A. W. Sparks, *The War Between the States as I Saw it: Reminiscent, Historical and Personal* (Tyler: Lee and Burnett, 1901), 31-35.



of the Negroes shot and wounded so bad the blood run down the saddle skirts, some fall off their horse miles from the battle ground, and lay still on the ground.” Thousands of Opothleyahola’s malnourished and sick followers made it to Kansas. Still, over one thousand “loyal” Creeks, including Opothleyahola, were either killed, captured, died en route, or perished in refugee camps.<sup>26</sup> This tragic campaign demonstrated to Choctaw and Confederate leaders the skill and poise of Indian troops under fire and potential for expanded use.<sup>27</sup> For the Choctaws, fighting against Creeks, Cherokees, Seminoles, and slaves qualified as defending Indian Territory against those attempting to align with the Union cause.

Confederate authorities mistook Choctaws’ willingness to clear Indian Territory of perceived enemies as a zeal for the Confederate cause. Yet, the Choctaws quickly clarified that their primary concern by defending Indian Territory from Union invasion. Choctaws soldiers, who expected the Confederacy to uphold its promises, began to resist Confederate demands and demonstrate their political autonomy as citizens of a sovereign Indian nation. Even after the Choctaws proved their military skill in the “Trail of Blood on Ice” campaign, the Confederacy struggled to provide munitions and prompt payment as mandated by Pike’s treaty. Since the Confederate government and military leaders did not uphold their obligations, the Choctaws felt less and less inclined to stand by their alliance. For instance, two-plus months without firearms caused one Confederate officer to note high levels of “discontent prevailing among the Indians in consequence” of delays

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<sup>26</sup> “Interview with Phoebe Banks,” in ed. T. Lindsay Baker and Julie P. Baker, *The WPA Oklahoma Slave Narratives* (Norman: University of Oklahoma Press, 1996), 32.

<sup>27</sup> White and White, *Now the Wolf Has Come*, 121; Whit Edwards, *The Prairie Was on Fire*, (Oklahoma City: Oklahoma Historical Society, 2001), 9-14.

and broken promises.<sup>28</sup> For their part, the Choctaws understood that certain circumstances could not be controlled during wartime, but they still maintained the power to negotiate their relationship with the Confederacy. Remaining at home within the bounds of the Choctaw Nation remained the clear objective of Choctaw leaders and soldiers. Choctaws' ability to control where and when their troops engaged in battle with Union troops protected their political autonomy within the Confederate alliance.

Albert Pike, the man who had negotiated the Choctaw's treaty and requested to become a citizen before the war, learned this the hard way in the key Battle of Pea Ridge. On March 1<sup>st</sup>, 1862, Major General Earl Van Dorn ordered Pike to gather his Indian soldiers and head to Missouri to meet with the forces of Generals McCulloch and Price. Southern commanders designed this campaign to force the Union out of Missouri and Arkansas—a cause with only indirect importance for the Choctaw Nation. Pike ordered the Brigade of Indian troops, including the Choctaw Regiments, to prepare for an extended march. Under the leadership of Stand Watie, the Cherokee troops complied and mustered out towards Western Missouri. The Choctaws and Chickasaws, however, refused to follow the order. Pike later recalled that when he attempted to press the issue with the Choctaws and Chickasaws, they informed him that they would not comply “until they were paid” the money owed to them by the Confederacy. Pike acknowledged his lack of power over the Choctaws and Chickasaws who knew all too well that “by their treaties with us they could not

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<sup>28</sup> George W. Clark to Honorable L. P. Walker, July 30, 1861, *Official Records Series 1*, vol. 3, 621.

be taken out of the Indian country without their consent.” He also reported that he had “no alternative but to submit.”<sup>29</sup>

Pike spent three days attempting to secure sufficient funds to pay the Choctaws and Chickasaws what the Confederacy owed them for their service. Having distributed all he could acquire, he promised to settle any remaining balance once they had reached the Illinois River. Pike then left Fort Gibson for Missouri, hoping that the Choctaw and Chickasaw brigades would rendezvous with him along the border. Eventually he gave up and proceeded without them when a full day passed without Choctaw arrivals.<sup>30</sup> Not only did the Choctaws realize that they answered to Choctaw authorities above Confederate authorities, they fully exercised their rights when necessary. Battles in Missouri would perhaps advance the Confederate cause, but were only tenuously connected to the cause of defending the Choctaw Nation.

The battle turned into a disaster for the Confederates. General McCulloch was killed by a Union sharpshooter. His second in command fell minutes later while attempting to retrieve his body, leaving a gap in the chain of command. The next morning, a Union counteroffensive drove the Confederates from the field and into retreat. Into this chaos arrived the Choctaw troops under General Cooper along with 200 men from the Creek regiments. These men volunteered to help cover the retreating supply train until it reached Elm Springs, but saw no major combat at Pea Ridge.<sup>31</sup>

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<sup>29</sup> *Official Records, Vol. 8, series 1, 290-292.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Pike assumed partial de-facto control of McCulloch’s division while issuing contradictory orders with other commanders. Pike strangely had one unit falling back and burying their weapons

To some Confederate officials, Pea Ridge demonstrated that Indian troops could not be relied upon and lacked loyalty. These officials failed to realize that the Choctaws acted faithfully within both the terms and spirit of their alliance with the Confederacy. Under their agreement, the Choctaws held the power to decide where and when it was worthwhile for their men to fight and die. If the Choctaws had forfeited the right to choose whether or not to leave the nation--a clear violation of their treaty with the Confederacy--it would have yielded their autonomy to the power of the confederacy. Instead, their refusal set the precedent that Choctaw troops would fight valiantly, but only when it fit within their own war effort of protecting the Choctaw Nation.

Pike retreated with approximately 200 troops to the banks of the Red River on the Choctaw-Texas border after this embarrassing defeat. He predicted that Union forces would exploit their victory and drive through Missouri into Texas and Arkansas. To prevent this, he made camp and ordered his troops to begin constructing a permanent fortress that would enable “a small force to hold this place against a large one.” Building this installment, which he named “Fort McCulloch” after slain General Ben McCulloch, required extensive labor. Pike believed Texans and Choctaws would both heed his patriotic call to aid in its construction, only to discover that Texans no longer found him credible and most Choctaws responded only with “burlesque” and mockery. The Choctaws recognized that a fort located along their southern border would defend them only in the unfeasible event that a Union attack came from the south through Texas. They realized this was an overt

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while another stayed in the field. Mark K. Christ, *Civil War in Arkansas: 1863* (Norman: University of Oklahoma Press, 2010), 20-22; Kidwell, *From Tribe to Nation: The Choctaws in Oklahoma, 1855-1970* (Norman: University of Oklahoma Press, 2007), 63.

attempt at hoodwinking the Choctaws into building a fort that would defend Texas while leaving Indian Territory open to invasion.<sup>32</sup>

A desperate Pike issued a public appeal to Peter Pitchlynn, and a private appeal to Robert M. Jones to allow the Confederate army to rent their slaves to help complete Fort McCulloch, as well as two others along the Texas and Arkansas borders. Pike promised payment for their services, and to “treat them well, work them lightly, feed them, take care of them if they are sick, and have them managed by one of your own people.” He solicited Simpson Folsom to vouch for the necessity of the fort. Folsom agreed that Jones “ought at least put in one hundred hands, he having at least three hundred.” Pike concluded by emphasizing that without proper fortifications he would have no choice but to flee beyond the Red River and allow the Choctaw Nation “to be divided out as bounty lands to northern soldiers.” Abandoning Indian Territory would violate Pike’s own treaty. Article III clearly stated “that under no circumstances will they permit the Northern States or any other enemy to overcome them and sever the Choctaws and Chickasaws from the Confederacy; but that they will, at any cost and all hazards, protect and defend them.” It appears that Pitchlynn ignored Pike’s appeal, realizing that Pike’s usefulness to the Choctaw and Confederate causes had expired and his proposed fort was of no benefit.<sup>33</sup>

Though a long-time friend to the Choctaws, Pike failed to deliver on the liberal terms of the alliance treaty that he helped negotiate. He wrote scathing

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<sup>32</sup> Edwards, *The Prairie was on Fire*, 29; Albert Pike to Peter Pitchlynn, June 27, 1862, Folder 1948, GM; Christ, *Uncivil War*, 199. Turner Turnbull to Samuel Garland, December 22, 1862, Box 3, Folder 106, WHC;

<sup>33</sup> Sampson Folsom to Peter Pitchlynn, June 19, 1862, Box 3, Folder 103, PPC; Pike to Pitchlynn, June 27, 1863, Folder 1948, GM.

public and private letters accusing his superior officers of squandering and sacrificing Indian Territory, but he also failed to be a reliable political ally to the Choctaw Nation. His retreat to Fort McCulloch opened up much of Indian Territory to invasion, leaving the Choctaw population without adequate protection. As one missionary noted, "Pike's forces being at the Red River, they (Union forces) rather caught us with our breeches down. You ought to have seen the stampede and how our women and children skedaddled towards Dixie."<sup>34</sup> Pike's failures led the General Council to seek alternative allies within Confederate leadership. They turned to their old agent and long-time friend Douglas Cooper. Appealing directly to Jefferson Davis, the General Council advocated that Cooper receive command over a separate Department of Indian Territory. This would effectively separate the Indian regiments' command structure from some of the Western Confederacy. The fact that the Choctaws requested a particular Major General confirms they believed that they maintained autonomy within the Confederate alliance.<sup>35</sup>

Davis eventually replied that the Choctaws would need to raise additional brigades in order to create a new department and promote Cooper to Major General, something Davis likely knew to be improbable. This was part of a larger move to appease their Indian allies. As a conciliatory move, the Confederacy placed Cooper in command of Indian Territory in the fall of 1862 after Pike was arrested, resigned, and charged with treason. To further smooth over matters, Davis sent Secretary of the Interior S.S. Scott to personally apologize for delays in delivering supplies,

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<sup>34</sup> Ramp and Ramp, *Civil War in Indian Territory*, 12.

<sup>35</sup> "His Excellency Jefferson Davis, President of the Confederate States to the President of the Grand Council of the Six Confederate Indian Nations," February 22, 1864, General Maxey Collection MSS, Gilcrease Museum, S.B. 52.

which “resulted from this great and terrible war” while assuring the Choctaws that “*The Confederate Government will comply strictly with all of its engagements to you.*”<sup>36</sup> Despite these attempts at appeasement, Choctaws continued to promote the Choctaw cause as separate and more important than the larger Confederate effort, which baffled much of the Confederate leadership. Those who understood and respected Choctaw autonomy and worked to gain the trust of this Indian nation had little difficulty negotiating cultural differences and finding Choctaw soldiers willing to follow military commands. General Cooper, for instance, convinced Choctaw soldiers to march into Newton County, Missouri, and hold their ground against a numerically superior Union force.<sup>37</sup>

Constant defeats under Cooper did not spoil his popularity among the Choctaw and Chickasaw troops under his command. Surprisingly, his popularity actually increased. At Fort Gibson, for instance, “the Choctaws commenced firing and running forward in large numbers” against a Union entrenchment without receiving any orders. The attack proved successful, but the fort remained in Union hands.<sup>38</sup> Cooper’s poor tactics cost several Choctaw soldiers their lives at Fort Wayne, Fort Gibson, Perryville, and Honey Springs. He was reportedly “drunk as a lord” at the Battle of Newtonia, and failed to anticipate the most basic of counter-attacks, turning a first day victory into a second day retreat. Certain Cherokee

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<sup>36</sup> Ibid.

<sup>37</sup> Cooper likely yielded to popular sentiment in ignoring orders to lead an invasion into Kansas. Instead, he attempted to hold Fort Wayne in the Cherokee Nation. Where Cooper excelled as a leader, he failed as a battlefield tactician and allowed Blunt’s forces to repeatedly catch Native soldiers completely off-guard. The Choctaws reportedly “stood manfully to their guns...never giving way until the battery had been captured.” Still, Choctaw bravery could not overcome Cooper’s poor tactic leaving the troops under his command to hastily retreat deeper into Indian Territory. Folsom, “Life of A.E. Folsom,” 6; Edwards, *The Prairie was on Fire*, 30.

<sup>38</sup> Edwards, *The Prairie Was on Fire*, 54.

troops took notice of this trend and deserted rather than continue to serve under Cooper's tactical command.<sup>39</sup> Yet, Choctaws continued to fight for Cooper, a man who understood their unique cause.

Commanders unfamiliar with the Choctaws frequently struggled to meet their end objectives using Choctaw and Chickasaw troops. Most erroneously assumed deficiencies of the Indian race, specifically a lack of loyalty or a failure to reach a certain point in "civilization" to allow for proper conduct in a modern army, caused Choctaws to disobey orders. One of these men was Cooper's superior officer, Brigadier General William Steele. Steele was viewed as a competent officer who took immediate action to provide troops in Indian Territory with sufficient munitions, noting that their current gunpowder was "barely sufficient to drive the ball from the rifle." But most of Steele's contact with Natives before the war came in the form of fighting Comanches and Kiowas. He believed that Indian troops "are...of but little value as soldiers, but they are better as friends than enemies." His experiences and accompanying prejudices left him ill-prepared for a year-long term in 1863 as overall commander of Indian country.<sup>40</sup>

The collective agency of common Choctaw soldiers can be gleaned from Steele's frequent complaints about the Choctaw and Chickasaw troops under his command. First, the Choctaws made clear that they intended to hold the Confederacy to the spirit of their alliance. Choctaws could not control certain Confederate commitments like guns and powder, but they could others such as terms

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<sup>39</sup> Christ, *Civil War Arkansas, 1863*, 295-206; Baker and Baker, *The WPA Oklahoma Slave Narratives*, 350.

<sup>40</sup> Christ, *Civil War Arkansas, 1863*, 215; Blunt, "Civil War Experiences," 244; Robert Collins, *General James G. Blunt: Tarnished Glory* (Gretna: Pelican, 2005) 142-144.



of service and command structure. As General Pike discovered at Pea Ridge, Choctaw soldiers recognized that they alone had the power to decide whether to participate in engagements outside of Indian Territory. A confused and frustrated Steele bemoaned this fact when he asserted that “their allegiance to the Government seems to be regarded more in the light of a voluntary contribution on their part, susceptible of being withheld at their option, than a performance of an obligatory duty.” Steele accurately assessed that the Choctaws viewed themselves as aligned with the Confederacy but their priorities stood with protection of Choctaw homes. Choctaws refused to follow orders that violated terms of the alliance.<sup>41</sup>

Choctaws acted cohesively in support of trusted leaders who understood their priorities. These leaders did not necessarily have to be Choctaws, but could be trusted white men as well. Steele referred to these men as “Indianized white men” / “half-breeds” who regularly “coax and demagogue with the Indians” to achieve their personal objectives, rather than use “discipline among the troops and systems in the various departments.” It never dawned on Steele that the objectives of Choctaws of varying blood-levels and acculturation could be the same. Choctaws consistently followed these “Indianized white men” and “half-breeds” over Steele, a high-ranking Confederate officer. He attributed this to the inherent “ignorance” of traditional Choctaws and selfishness of men who “find no difficulty in molding the masses to their generally interested views.” This upside-down power dynamic drove Steele mad. In his letter of resignation, he concluded with the accurate but

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<sup>41</sup> Samuel Garland to Peter Pitchlynn, u.d., Folder 1996, GM; 34.

misunderstood accusation that “among the Indians there was a settled design to subordinate white officers and white troops to Indian officers and Indian troops.”<sup>42</sup>

Rather than learning part of “their language, feelings, prejudices, etc.,” the very factors that in Steele’s estimation allowed others to control troops under his command, he attempted to treat Indian troops like any other outfit of the Confederate Army. They responded by repeatedly thwarting his attempts to exert control. Steele saw this as disloyalty. He and other Confederate leaders failed to realize that the Choctaws remained loyal to the Choctaw Nation, not the alliance that Confederate leaders violated from the start of the war.<sup>43</sup>

In a war caused by attempts to preserve a system of race based slavery, racial ideology pervaded nearly every aspect of the conflict. Civil War historians have frequently noted this but tend to consistently impose a black-white dichotomy to describe race relations in the conflict, ignoring racial constructions of Indianness.<sup>44</sup> The participation of the Choctaws and the other Five Tribes accentuates the fallacies of this exclusion. No theatre had more complex racial conflict than the battles in Indian Territory because black, white, and red troops met in a complicated nexus of racial conflict. Yet, Choctaws actions indicate that unlike white Confederate troops, racial ideology did not serve as a motivating factor in battle against black Union troops. The Battle of Honey Springs and Poison Springs highlight this.

On July 17<sup>th</sup>, 1863 black, white, and Indian soldiers from the Confederacy and the Union met in the Battle of Honey Springs, the largest Civil War engagement

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<sup>42</sup> Ibid. 36

<sup>43</sup> Ibid. 37.

<sup>44</sup> See Drew Gilpin Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Louisiana State University Press, 1982).

in Indian Territory. General Douglas H. Cooper led a Confederate force of 3,000 men, including the entire Indian Brigade and white troops from Texas. They sought to push the General James G. Blunt's Union troops out of Indian Territory and retake Fort Gibson. Blunt decided to go on the offensive before Cooper could receive an additional 3,000 troops from Arkansas. Blunt's forces consisted of Cherokee, Creek, and other Indian troops that formed the Indian Home Guard, white troops from Iowa and Kansas, and African American troops in 1<sup>st</sup> Kansas Colored Regiment. A tri-racial Union Army squared off against the Confederates' bi-racial, multi-national force in this unprecedented nexus of race relations in military battle.<sup>45</sup>

For Confederate Cherokees, Seminoles, and Creeks, Honey Springs offered the opportunity to defend Indian Territory against the invading Union army and factions of their own nations who they considered treasonous. "Loyal" Indians and Confederate Indians entered the battle determined to ensure the rightful leadership of their respective nations and sought vengeance against their own dissenting members. Unlike the divided Cherokee, Creek, and Seminole Nations, the Choctaws engaged in Honey Springs as a unified national force alongside their Confederate allies. For the Choctaws, Honey Springs offered an opportunity to expel invading troops from Indian Territory.<sup>46</sup>

For the Choctaws' Confederate allies from Texas, however, Honey Springs offered a chance to fight and capture black Union soldiers of the 1<sup>nd</sup> Kansas Colored Regiment in Blunt's army. The 1<sup>st</sup> Kansas Colored consisted of runaway slaves from Arkansas, Texas, and the Cherokee Nation, as well as some freedmen. These

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<sup>45</sup> Mark Lause, *Race and Radicalism in the Civil War*, 9, 19, 98-101

<sup>46</sup> Celia Naylor, *African Cherokees in Indian Territory: From Chattel to Citizens* (Chapel Hill: University of North Carolina Press, 2008), 134-140.

men fought for the right to live in a society free from the bonds of slavery. As armed black troops, they understood that fighting against men under the Confederate banner meant “victory or death” with no option of peaceful surrender. On their march in to battle, the Texas soldiers boasted about their inevitable success against the black soldiers they considered racially inferior.<sup>47</sup> The Texans carried over 500 sets of shackles, which they planned to use to enslave the African American soldiers who had taken up arms against them and overturned the social order.

Unlike their Texas allies, the Choctaws viewed all of the Union soldiers – white and black – as comparable threats against their nation and hoped to expel them from Indian Territory. They clamored for battle “with their usual intrepidity,” but did not enter the battle with the same racial vendetta as the white Confederate soldiers. A witness to the battle, an Afro-Creek slave Lucinda Davis recalled hearing loud “war whoops” as the Indian Confederate soldiers approached Honey Springs. Another slave remembered Confederate soldiers as “mostly young boys like, and they jest laughing and jollyng and going on like they was at a picnic.”<sup>48</sup> This and other eyewitness accounts of the battle do not describe the Choctaws conceptualizing their enemies in the same racialized ways that the Texas soldiers did.

Face to face against the 1<sup>st</sup> Kansas Colored, the Confederate center line crumbled before the Choctaws entered the field. After making several bold stands, the Choctaws fled the field “wet and disheartened by finding their guns almost

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<sup>47</sup> Lause, *Race and Radicalism*, 97; Wiley Britton, *The Civil War on the Border, Vol. 2: A Narrative of Military Operations in Missouri, Kansas, and the Indian Territory, During the Years 1863-1865* (New York: G.P. Putnam’s Sons, 1899), 123.

<sup>48</sup> Baker and Baker, *The WPA Oklahoma Slave Interviews*, 107-117, 248-249.

useless.”<sup>49</sup> Blunt’s forces raided the supply depot at Honey Springs, including 5,000 pounds of flour, a sizeable store of salt, meat, and sugar, two cannons, and five hundred small arms. The loss of these critical supplies at Honey Springs represented a devastating and demoralizing blow to the Choctaw Nation. A slave who witnessed the battle claimed that immediately after, “Dem Indian soldiers jest quit de army and lots went scouting in little bunches and took everything dey find. Iffen somebody try to stop dem dey git killed.”<sup>50</sup> Choctaws understood that they failed the Choctaw cause in this engagement by failing to defend their nation against the invading Union Army.

For the Texans, Honey Springs represented a humiliating failure of the Southern cause. Blinded by racism, they had expected that the First Kansas Colored troops would not fight “and that all the Southern troops would have to do would be to march up to the colored men and take them in.”<sup>51</sup> Attempting to reinstate a racial order in the course of the battle, the Texans had lined up directly in front of the First Kansas Colored Infantry. The black troops that they underestimated, dehumanized, and planned to re-enslave soundly defeated the white Southerners. Three times their flag-bearer fell before they finally abandoned the cherished object to be claimed as a war trophy. Texas troops were crushed by the loss, with one lamenting “they are too

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<sup>49</sup> Unfortunately for the Choctaws, a torrential storm the day before the battle turned their fresh Mexican powder into a worthless paste. This combined with General Cooper’s chronic ill-advised battlefield tactics quickly undid tactical advantage enjoyed by the Confederacy. The First Choctaw Regiment were spared the brunt of the battle when a miscommunication between Cooper and Tandy Walker temporarily sent the entire regiment into reserve. Douglas H. Cooper, Report, August 12, 1863, *Official Records* Vol. 22, Series 1., 456-461.

<sup>50</sup> Christ, *Civil War Arkansas, 1863*, 213; 111-115

<sup>51</sup> Frank Arey, “The First Kansas Colored at Honey Springs,” in *“All Cut to Pieces and Gone to Hell”: The Civil War, Race Relations, and the Battle of Poison Springs* (Little Rock: August House, 2003), 81.

strong for us” and that “I believe they will whip us and whip us all the time until we are reinforced from Texas.”<sup>52</sup>

Choctaws who fought at Honey Springs did not experience the battle in the same racial terms as the white Texans. While eyewitness accounts of Choctaw soldiers often commented on the presence of African American troops, they did not perceive them as any more of a threat than the white Union soldiers. One Choctaw commented that he “never did see so many wounded Negroes in a fight,” but said nothing more. Another member of Walker’s Regiment commented that he was “rather low spirited since our army has been defeated...we were all too sure of whipping them but no.”<sup>53</sup> Unlike the Texas soldiers who persistently recalled the stinging loss to African American soldiers, this Choctaw did not even mention the racial makeup of the invading Union army.

Nine months later, the Texas and Choctaw troops seized an opportunity for revenge at the Battle of Poison Springs in Arkansas. Like Honey Springs, this battle was multi-faceted with Texans fighting for racial revenge and Choctaws fighting for national defense. General Samuel Bell Maxey, Cooper’s superior in Indian Territory, convinced the Choctaw troops and leaders to march to Arkansas as a way of diverting Union attention from the Choctaw Nation. Maxey’s argument was augmented by the fact that Union troops had spent the previous nine-months terrorizing the population in a strategy elucidated in correspondence between Union Generals Blunt and Steele: “They have rebelled so grievously and so wickedly...that I am satisfied that the true policy is to sweep their nation with fire and sword so as

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<sup>52</sup> *Official Records Vol. 22, Series 1, part 1, 450;*

<sup>53</sup> Dallas Bowman, Letter, u.d. Dallas Bowman Collection, Folder 96, OHS. A.E. Folsom, “Life of A.E. Folsom,” Box 218, Folder 17 EVD.

to terrify and drive out all that would not at once yield.”<sup>54</sup> Maxey also noted that Choctaw soldiers had been executed at Middle Boggy Depot, “their throats cut from ear to ear...and left on the field” after a small skirmish with white troops “with no Indians on their side.” A Union soldier at the battle confirmed that many Choctaws “were killed in their homes because Col. Phillips instructed his men not to take any prisoners for they have had all the chances to come in if they wanted to do so.”<sup>55</sup> This continuous brutality against the Choctaw Nation provided ample motivation for Choctaw soldiers to seek retaliation against the nearest column of the Union Army. Eager to remove the conflict from their territory, the Choctaw soldiers now acquiesced to march into Arkansas.

At Poison Springs, a combination of Choctaws, Texans, and Arkansans surprised a Union Brigade which had been sent to search for supplies. The First Kansas Colored Infantry formed the center of this brigade. With sound battlefield strategy, the Confederate forces quickly gained the upper-hand. The battle rapidly turned into a massacre when Confederate soldiers refused to accept any surrender from black soldiers. Notions of Southern honor among the Confederate troops had no bearing on their attitudes towards those they deemed racially inferior. After executing wounded soldiers of the First Kansas Colored, the Confederate leaders then denied Union surgeons access to the battlefield for three days, leaving any survivors to slowly perish. Many of these black soldiers had been mutilated in

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<sup>54</sup> Phillips to Major General Curtis, February 29, 1864, *Official Records*, Vol 34, series 2, 468.

<sup>55</sup> Jacob Perry, Letter, March 3, 1864, Alice Robertson Collection, OHS.

various forms and fashions. Out of the approximately 301 Union soldiers that died on the battlefield, an astounding 172 were African American.<sup>56</sup>

Contemporaries erroneously placed the blame for the massacre on the Choctaw troops; an interpretation which has remained largely unchallenged by military historians. Historian Gregory J.W. Urwin recently claimed that “of all those who succumbed to the homicidal frenzy...none surpassed Col. Tandy Walker’s Choctaws for sheer ferocity.” However, based on available evidence, it is much more likely that the Choctaws became the racial scapegoats in the immediate aftermath of the massacre. Even with a policy of not offering or granting quarter to wounded or surrendering black soldiers, it was not seen as a civilized action to massacre and mutilate an opponent.<sup>57</sup> Yet, a massacre beyond the confines of not granting quarter undoubtedly took place. Ascribing the worst excesses to the Choctaws was therefore a logical political move.

Scapegoating Indian troops for the atrocities of war was not an uncommon public relations tactic. For instance, reports circulated that Cherokee soldiers had executed and scalped eight wounded Union soldiers after an ambush at Pea Ridge. General Pike vehemently refuted these claims, while conceding that one soldier had been scalped and the man responsible punished. These reports were sensationalized to cast a negative shadow over the Confederate war effort because whites viewed Indian acts of scalping as savage. Confederate leadership became hesitant to call out Indian troops in the wake of the scandal due to the possible public relations

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<sup>56</sup> Gregory J. W. Urwin, ed. *Black Flag over Dixie: Racial Atrocities and Reprisals in the Civil War* (Carbondale: Southern Illinois University Press, 2005), 136-144.

<sup>57</sup> Urwin, *Black Flag Over Dixie*, 135; Sonny Rhodes, “Opposite Extremes: How Two Editors Portrayed a Civil War Atrocity,” *American Journalism* (Fall 2005), 27-44.



ramifications. Even in a savage war, the “savage” label easily affixed to Indians, even of the so-called “civilized tribes.” A similar trend of painting Native Americans as savage took place at Poison Springs.<sup>58</sup>

Newspapers often exaggerated the actions of Indians in the Civil War, but modern historians have accepted these descriptions at face value. For instance, the pro-Confederate *Washington Telegraph* attributed the massacre solely to the Choctaws by describing the staging of stripped, dead black soldiers as “Choctaw Humor.” The paper gives no source for its assertion that Choctaws perpetuated “savage” acts against the soldiers of the First Kansas Colored. Choctaw soldiers took several scalps from the battle, but did so from both white and black soldiers, further suggesting that their rage was not purely racially based. Choctaws under Walker had cause to seek vengeance against these specific Union soldiers who had executed wounded Choctaw soldiers only months earlier at Middle Boggy. Taking the scalp of an enemy as an act of vengeance—regardless of race—was perfectly acceptable according to traditional Choctaw war practices. Union and Confederate soldiers accepted this practice so long as it was against other Native American troops.<sup>59</sup>

Choctaw accounts discuss the battle more in terms of defending the Choctaw Nation and seeking retribution for Union attacks than in exacting racial justice. A. Edward Folsom and his fellow Choctaws spent weeks tracking down Steele’s troops, who had ravaged their homeland. Folsom mentions “fighting the rear guard men and negroes,” but credits Fagan’s Texas cavalry, which “came up like a syclone

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<sup>58</sup> *Official Records*, Vol. VIII., Series I., 290-292.

<sup>59</sup> Report of Major General James G. Blunt, August 26, 1863, *Official Records* Vol. 22, Series 3, 598-599; Akers, *Living in the Land of Death*.

[sic]” for driving back the black troops from the field. In an “orderly fashion,” Folsom then collected his company and followed orders to fall back to Fort Gibson. Likewise, Tandy Walker’s report portrays an orderly and controlled Choctaw fighting force:

I feared that the train and its contents would prove a temptation too strong for these hungry, half-clothed Choctaws, but had no trouble in pressing them forward, for there was that in front and to the left more inviting to them than food or clothing: the blood of their despised enemy. They had met and routed the forces of General Thayer, the ravagers of their country, despoilers of their homes, and murderers of their women and children; and on they went, driving immediately by a second charge of the enemy from a strong position.<sup>60</sup>

General Maxey stated that “many an avenging blow was struck” by Choctaw troops, but these were struck in retaliation against “the very army that had destroyed their once happy homes, insulted their women, and driven them with their children destitute upon the world.”<sup>61</sup>

Most convincingly, Choctaws who did speak of the massacre mostly attributed excessive violence to their white Confederate allies. For instance, a Lieutenant in Walker’s Brigade mentioned turning over three black prisoners of war and their commander to General Sterling Price’s command, only to learn that they had been executed, “lying among their companions at Poison Springs.” Another Choctaw soldier took a black prisoner he intended to enslave, only to helplessly watch a white soldier execute the young black captive right in front of him.<sup>62</sup>

Though the desire to enslave captive only black soldiers shows a clear racial

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<sup>60</sup> A.E. Folsom, “Reminiscences of Edward Folsom,” Box 218, Folder 17, EVD.

<sup>61</sup> Ibid.

<sup>62</sup> Joseph Frankovic, Jeremy Lynch, Julie Northtip, and Sam Trisler, “‘Prairie D’ Ane and Poison Springs from a Southern Perspective,” *The Journal of the Fort Smith Historical Society*, Vol. 31, No. 1 (April 2007), 37-39.

distinction, the fact that this Choctaw soldier accepted a surrender rather than execute black troops refutes the idea of a Choctaw-inspired massacre. Decades later, Choctaw veterans recalled that Colonel Simpson Folsom used his sword to keep his men in line, “thus saving many nappy heads from being scalped.”<sup>63</sup> This is a stark contrast from the Arkansans and Texans who openly bragged about the brutal nature of their battlefield exploits, specifically against black soldiers. A member of the Arkansas Cavalry boasted that “If the negro was wounded our men would shoot him dead as they were passed and what negroes that were captured have...since been shot.” The same Arkansans gleefully drove their wagons over the heads of the dead and dying black soldiers. Another recounted recognizing several of the dead slaves as local runaways—each of these “were disposed of.”<sup>64</sup> These accounts all indicate that the Choctaws were present and active at Poison Springs, but hardly the instigators or worst offenders of the resulting massacre.

Yet, the scalplings at Poison Springs were indicative of a resurgence of traditional Choctaw war practices that dictated how the Choctaws participated in the conflict. While most segments of Choctaw society had adopted aspects of white Southern culture, many retained traditional, cultural practices that separated them from Southern troops. Many of these Choctaw soldiers who practiced traditional warfare belonged to the more acculturated factions of Choctaw society. Tandy Walker, for instance, was the Christian, former brother-in-law to Robert M. Jones. Their embrace of Christianity, education, and other tenets of Euro-American culture did not preclude them from simultaneously continuing practices central to Choctaw

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<sup>63</sup> *Confederate Veteran*, Vol. 9, No. 6 (June 1901), 276.

<sup>64</sup> Urwin, *Black Flag Over Dixie*, 134-136.

culture. Understanding these customs is critical for understanding Choctaw actions during the war. For instance, receiving an enemy scalp was cause for celebratory dances. These dances brought communities together as the Choctaw war dance involved women as active participants. Additionally, when possible, during the war Choctaws continued the traditional “cry” in response to deaths, sharing food and uniting the community in both sorrow and joy.<sup>65</sup>

The victory at Poison Springs served as a huge morale boost for the soldiers of the First Choctaw Regiment. They responded by voluntarily reenlisting for the remainder of the conflict. Newspapers throughout the Trans-Mississippi theatre reported their continued dedication to the war effort and called for similar commitments from the men throughout the South.<sup>66</sup> The newspapers, however, did not distinguish that the Choctaws remained loyal to the Choctaw cause, not the South’s defense of slavery. The General Council openly praised the commitment of ordinary soldiers to the nation. Simultaneously, Choctaw officials debated Lincoln’s Amnesty Proclamation and attempted to distance themselves from the Confederate cause. Colonel Jackson McCurtain of the Third Choctaw Regiment made national and international news when he allegedly offered to surrender to Union officials under the terms of the Amnesty proclamation. Newspapers as far away as London, England reported that the Choctaws were in the process of accepting Lincoln’s terms. McCurtain explained he would form a Choctaw militia if the Union army came deeper into the Choctaw Nation, but keeping a Confederate

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<sup>65</sup> Akers, *Living in the Land of Death*, 83.

<sup>66</sup> “Reference NO Pic,” *Standard*, August 1, 1864; *Washington Telegram*, August 4, 1864.

militia “would draw federals to attack...and we stand no showing.”<sup>67</sup> As the war continued to wage, defending their homes and land base in Indian Territory remained the central objective of enlisted Choctaws.

Despite the victory at Poison Springs, three years of war and three years of broken treaty promises from the Confederacy left the Choctaw Nation as a whole devastated and discouraged. Soldiers remained dedicated to defending the nation and Choctaw leaders remained committed to finding the best possible solution for preserving sovereignty. Loyalty to the Choctaw cause did not waiver, but wartime conditions for soldiers and citizens who remained on the home-front became increasingly dismal. Regardless of the Confederacy’s promises and Robert M. Jones’ efforts to see them fulfilled by the Confederate Congress, many Choctaw soldiers had learned the hard way over the past three years that the South lacked either intent or ability to uphold the obligations of the alliance. The stability--promises of rations, payment, and protection--that enlistment offered Choctaw soldiers largely did not come to fruition. A disgusted Allen Wright noted that “here there is more injury done to the people by Southern people than by federal.”<sup>68</sup>

Unfortunately, the Confederacy also broke their treaty promise that the Choctaws and Chickasaws would have a voice in the Confederate Congress. Although they allowed Robert M. Jones to fill a seat as delegate, they denied him a vote in the Congress and continuously ignored his pleas to compensate and protect the Choctaw and Chickasaw Nations according to the treaty promises. His only legislative accomplishment was securing additional copies of the Annual Report

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<sup>67</sup> Alfred Wade to Peter Pitchlynn, December 2, 1863, Box 4, Folder 7, WHC.

<sup>68</sup> Allen Wright to Peter Pitchlynn, Box 4, Folder 9, WHC.

from the Commissioner of Indian Affairs. Disgusted, Jones withdrew from the Confederate House of Representatives, leaving his seat vacant for the remainder of the war.<sup>69</sup>

Northern soldiers and Indian adversaries from factions within Indian Territory constantly harassed the Choctaw Nation throughout the war, but their intensity increased in 1864. Union General Phillips set out on a campaign of total war that reached within twenty-five miles of the Red River, the southernmost border of the Choctaw Nation. He distributed Lincoln's amnesty proclamation along the way, but attached to it a letter warning that the US "will soon crush all enemies. Let me know if you want to be among them." He ordered his men to treat any Choctaws they found with arms as enemies and to kill them immediately. He clarified that his soldiers should "not kill a prisoner after he has surrendered...but I do not ask that you take prisoners. I do ask that you make your footsteps terrible."<sup>70</sup> This campaign caused complete destruction in portions of the Choctaw Nation and weakened the resolve of citizens who remained on the home front.

Many Choctaw soldiers suffered from their status as Confederate allies. One Choctaw soldier reported to his family that he often went days without anything to eat and slept most nights on cold, wet ground. He wrote that to ameliorate hunger his unit would "kill anything they found to eat and roast it on the fire without any salt."<sup>71</sup> Another reported that "we were too hungry to eat much." Most also lacked

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<sup>69</sup> T Paul Wilson, "Delegates to the Five Civilized Tribes to the Confederate Congress" *Chronicles of Oklahoma* 53 (Fall 1975), 364.

<sup>70</sup> "Circular" January 10, 1864, *Official Records, Vol. 34*, series 1, 190; Edwards, *Prairie was on Fire*, 93, 95.

<sup>71</sup> "Interview with Jancy Bell, April 25, 1937," interview 5383, IPP, 20-23; "Interview with Eastmen Ward, May 1, 1937," interview 5774, IPP, 126-130.

adequate clothing to protect them from harsh weather conditions. Firewood and hatchet supplies dwindled and Choctaw soldiers struggled to remain warm and cold nights. Rates of illness spiked and smallpox breakouts swept through Confederate camps, increasing the Choctaws' death count.<sup>72</sup> Of those healthy enough to fight, less than half of the Choctaw troops had reliable working firearms. This left them unfit for battle and unable to defend themselves against Union soldier and raiders, making the Choctaw cause all the more difficult. Protecting their homes and nation proved a daunting task without the proper means of defense.

As their Confederate allies broke treaty promise after treaty promise, Choctaws gradually came to realize that what had promised to be an advantageous diplomatic relationship now threatened the very future of the nation.

Disillusionment with the Confederate partnership pervaded Choctaw soldiers and citizens. For instance, after Confederate leaders replaced specie with Confederate currency, Choctaw soldiers had no useable form of payment even when they did receive what they were owed. One recalled seeing others burn both Confederate payments and captured Union money, claiming that they were worthless.<sup>73</sup> The currency was not the only aspect of their political alliance with the South that Choctaws began to deem worthless.

Meanwhile other enemies besides invading Northern soldiers violated the Choctaw Nation and strengthened Choctaws' commitment to their national cause. Bushwhackers and Jayhawkers—who consisted of conscription dodgers, deserters, and outlaws from Kansas, Missouri, Indian Territory, and Arkansas—rode in bands

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<sup>72</sup> “Interview with Johnson H. Hampton, April 20, 1937,” Interview 5458, IPP, 71.

<sup>73</sup> A.E. Folsom, “Life of A.E. Folsom,” Box 218, Folder 17, EVD, 9.

throughout Indian Territory, pillaging all that they could find. One slave explained that bushwhackers “would appear like they was the enemy of anybody they run across, just to have an excuse to rob them or burn up their stud. If you said you was with the South they would be with the North and if you claimed to be with the Yankees they would be with the South.” Accounts from Choctaw scouts who encountered the notorious Confederate raider William Quantrill wearing a Union uniform confirms the raiding tactic of playing both sides. Quantrill was so effective in raiding that he received a Confederate rank and dispensation to raid behind Union lines in Missouri, Kansas, and Indian Territory.<sup>74</sup> These raiding parties combined with irregular guerilla warfare between Cherokees and Creeks terrorized much of the Northern part of the Choctaw Nation.

Choctaws had to worry constantly about raiding from all different geographic directions, including raiding Indian tribes to the West. In many cases, thieves targeted slaves and horses, the nation’s two most valuable forms of property, and sent them deeper south. Thieves easily passed off these illicit sales as legitimate due to the robust and ongoing slave trade between Indians and Southern states. Afro-Choctaw Spence Johnson, for instance, explained that his mother and three sisters—who could easily pass for Choctaws—were kidnapped from Boggy Depot, sold in Shreveport, and lived the rest of the war as slaves in Texas.<sup>75</sup> Essentially, slaves were at risk of being displaced, kidnapped, and sold into the deep South where markets continued to thrive throughout the war.

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<sup>74</sup> A.E. Folsom, “Life of A.E. Folsom,” Box 218, Folder 17 EVD, 9.

<sup>75</sup> Patrick Mingos, *Black Indian Slave Narratives* (Winston-Salem: John F. Blair Publisher, 2004), 159-161.



Many Choctaw slaveholders sought to protect themselves and their slave property by fleeing South across the Red River into Texas. Choctaw slave Kiziah Love remembered that “at that time it look like everybody in the world was going to Texas.” Texas was no more of a safe haven for slaves than the Choctaw Nation. Texans decided that Indians living within the state should be subject to taxation regardless of their special political status. Texas officials confiscated one Chickasaw woman’s slaves for the war effort. Though she protested that the slaves did not belong to Texas, her objections fell on deaf ears. Other slave refugees came and went between Texas and Indian Territory. For instance, one slave reported that “My master refueged me to Texas at the outbreak of the war...bought a herd of cattle...and we took them to the Indian Territory around Webbers Falls.”<sup>76</sup>

The power and affluence of slave owners combined with strategic geography along the Red River provided slaves with protection from the war but also limited their ability to escape. Among the largest slave population in the Choctaw Nation, Robert M. Jones’ more than 250 slaves remained mostly unmolested during the conflict based on their strategic geographic position along the Red River. It later became something of a legend that these slaves assisted in hiding gold and valuables from scavenging parties and Union soldiers. Though the Union Army came very close to the slaveholding region of the Choctaw Nation, slave patrols kept regular watches and intercepted runaways heading to the North. One slave, whose plantation neighbored Jones’ Lake West home, recalled how one runaway from

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<sup>76</sup>Baker and Baker, *The WPA Oklahoma Slave Narratives*, 400.

Texas sought refuge with the Choctaws, only to be returned to Texas with “a chain around his ankles” when slave patrollers arrived.<sup>77</sup>

Choctaws displaced by the war also sought refuge in Texas and remaining safe havens in their nation. The chain of Choctaw plantations along the Red River that continued to produce crops throughout the war offered protection to many impoverished Choctaw refugees. Jones’ plantations produced a remarkable amount of corn and cotton during the war making them natural points of flight for Choctaws throughout the conflict. For instance, Jones took in Peter Conser, a ten year old Choctaw orphan, for most of the war, among many others. Conser later became a prominent business leader and controversial Light Horsemen Captain. Choctaw Regiments also frequently stayed nights on Jones’ properties and borrowed firewood, tools, corn, and other vital supplies from his storehouses.<sup>78</sup>

While the Choctaw soldiers had the hope of receiving scarce rations, thousands of Choctaw citizens went hungry during the war. From June to December of 1864, the number of Choctaws receiving aid from the U.S. soldiers at Fort Smith swelled from 70 to 900 with no indication of stopping. In addition, the number of Choctaws receiving aid at various Confederate outposts on the Red River reached 4,480 by August of 1864. General Maxey called for some of these refugees to return to their homes and plant a harvest, but he knew that he could not guarantee their safety. Prominent Choctaw Alfred Wade reported encountering “some children

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<sup>77</sup> Minges, *Black Indian Slave Narratives*, 166.

<sup>78</sup> Folsom, *Constitution and Laws of the Choctaw Nation*, (New York City: Wm P. Lyon & Son, 1869), 427; “Peter Conser: Tragedy and Triumph – A Tale of the Indian Territories,” 2012

and women...naked...with nothing to buy corn with because their corn was taken by the federal nuisance.”<sup>79</sup>

Women served various roles during the conflict. Many continued farming when and where it was possible. Choctaw women regularly performed farm labor up to the Civil War but now they bore the brunt of subsistence production as men left to enlist. For many women trying to protect their families on the home-front, even basic subsistence farming proved difficult as the war waged. Traditional Choctaw women proved particularly deft at locating vegetation such as roots, greens, acorns, and potatoes which grew wild along river banks. Women also parched corn and used it as a substitute for coffee, another war time adaptation. Some of the more fortunate women provided food to traveling soldiers. One woman recalled that her mother would “cook a whole hog in a wash-pot” and distribute meat to rebel soldiers as they passed.<sup>80</sup> Another recalled that her family prepared and distributed virtually all of their provisions when informed that needy friendly soldiers were nearby. Less affluent women did not have the option of sharing as poverty and hunger intensified during the war. Many attempted to conceal their meager food supplies from scavengers. This normally entailed having a designated hiding place—often a set hole in the floor—that could quickly conceal rations. In some cases this proved successful but not often.

Women actively worked towards the Choctaw war effort in various capacities. They served as couriers, nurses, and sometimes spies for regiments within the Choctaw

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<sup>79</sup> Able, *American Indian*, 34, 57; Chronicles on Conditions in 1864, General S.B. Maxey to Peter N. Gray, July 21, 1864, Folder 2007, GM; Alfred Wade to Peter Pitchlynn, December 2, 1863, Box 4, Folder 3, WHC.

<sup>80</sup> “Interview with Fanny Elizabeth Kemp,” Vol. 61, IPP, 2.

Nation.<sup>81</sup> Native American women played a critical role in the war effort, not only among Choctaws, but throughout Indian Territory. For instance, Chickasaw Elizabeth Kemp faithfully transported letters to General Cooper and other soldiers on the front lines. These letters frequently contained information regarding troop movements and other official war business. This trend also extended to Indian women supporting the Union cause. In 1863, a group of Choctaws stopped a Native American woman riding along their front lines and accused her of spying for the enemy. She initially denied the charge, before confessing and bribing two guards to defect with her to Union lines.<sup>82</sup> Women also served as nurses at Armstrong Academy once it was converted to a makeshift Confederate hospital.

In slaveholding families, women often traveled to Confederate refugee camps as a way of retaining slaves. One slave recalled temporarily staying at Fort Gibson: “The negroes piled in there from everywhere, and I mean there was lots of them, too. Cooking in the open, sleeping most anywhere, making shelter places out of cloth scraps and brush, digging caves along the river bank to live in.” Seeking refuge along Confederate lines often entailed extended hunger, rampant disease, and quick retreats in the case of a Confederate defeat. For instance, following a Confederate withdrawal, a Northern missionary recalled “fifteen or twenty Indian families numerously supplied with children” rapidly fleeing out of fear of reprisals from the U.S. Government.<sup>83</sup>

The war disrupted life for everyone within the Choctaw Nation to varying degrees and differed largely between soldiers and civilians, slaves and free people, and

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<sup>81</sup> Dennis Miles, “Educate or we Perish”: The Armstrong Academy’s History as Part of the Choctaw Educational System,” *Chronicles of Oklahoma* (Fall 2011), 319-320.

<sup>82</sup> A.E. Folsom, “Reminiscences of Edward Folsom,” Box 218, Folder 17, EVD

<sup>83</sup> Christ, *Civil War Arkansas, 1863*, 216.

men and women. Each group coped slightly differently. Male soldiers often fought and suffered outside the confines of their nation in desperate attempts to divert invading armies away from Choctaw towns. They coped by maintaining traditional practices and keeping the Choctaw cause their primary objective. The war also forced many civilians to leave their homes and seek refuge at friendly safe havens throughout the nation and in Texas. Maintaining community ties and continuing traditions undoubtedly assisted in coping with the war.<sup>84</sup> Both male and female slaves faced constant threat of kidnapping from bushwhackers, dislocation into Texas, and the enticement of freedom.

As conditions on the Choctaw home front worsened as the conflict tore through the nation, the Choctaw population suffered. Already disgusted with the Confederacy's failure to uphold its treaty obligations, the General Council viewed the worsening conditions in the Choctaw Nation as further impetus to seek a withdrawal. Yet, immediate withdrawal in 1864 did not seem to be a viable option. Amnesty was appealing, but amnesty would not guarantee that the Choctaws would still benefit from the privileges of their earlier treaties with the United States. Amnesty did not guarantee sovereignty. Amnesty also did not secure protection from Indians aligned with the Union or roving bands of bushwhackers. Also, political leaders accepting amnesty could lead to a division between Choctaws wanting to continue fighting, splitting the tribe into an internal civil war.<sup>85</sup>

Choctaw leaders began using rhetoric that appealed to both sides. As a result, in 1864 both the North and South simultaneously contended that the Choctaw

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<sup>84</sup> "Interview with Mary Cobb Agnew", *Indian Pioneer Papers*, Vol. 1, ID. 5978; "Interview with Elizabeth Watts", *Native American Manuscripts Collection*, April, 1937, Western History Collection, University of Oklahoma.

<sup>85</sup> "Resolution of the General Council of the Choctaw Nation, October 10, 1864," Box 3, Folder 11, PPC, WHC.

people were among their loyal allies. The Southern Commissioner of Indian Affairs extolled the Choctaws for almost unanimously refusing to join the Union Army, while Union officials claimed that Southerners had clearly coerced and trapped the nation in a rebel alliance, which they desired to leave. This confusion was deliberately manifested by Choctaws as a political tool. While affirming fealty to the Southern cause, they simultaneously tested the waters for a withdrawal, and actively began firming up alliances with all neighboring Natives. A perplexed and otherwise occupied North and South failed to understand that the Choctaws supported their own national cause above the sectional causes of the North and South.<sup>86</sup>

These diplomatic and political tactics to protect their own sovereign interests evolved over the course of the conflict. Choctaws in every social strata demonstrated tremendous agency in defending their lives, land, and nation against exploitation by the Union and the Confederacy. As long as the Confederacy upheld treaty promises, they supported the Confederate cause as an ally. While previous historians have misinterpreted this support as Southern sympathy for the Confederate cause or the result of Confederate coercion of naïve Indians, Choctaw citizens demonstrated consistent agency and occasional power in their relationship with the South. When the Union militarily gained the upper hand in Indian Territory in 1864, the Choctaws cautiously backed away from the Confederacy but still used political rhetoric that gave the appearance of unrelenting support. For instance, while praising one battalion of Choctaw soldiers who pledged to fight with the

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<sup>86</sup> *Journal of the Congress of the Confederate States of America, 1861-1865, vol.2.*

Confederacy until the end, the General Council privately debated the merits of an immediate withdrawal.<sup>87</sup>

Disastrous political division became a distinct possibility in 1864 when a group of opportunists—a handful of white Americans who had been granted Choctaw citizenship—met at New Hope Academy and called themselves both the *de facto* and *de jure* Choctaw government. Historian Annie Abel ably categorized this group as “self-seeking, abjectly craven” and “rats that leave the sinking ship.” They elected a puppet governor and released a statement claiming “you have nothing to fear” from accepting amnesty, and that “every effort is being made to secure for you your ancient privileges and customs.”<sup>88</sup> As seen with the Creeks and Cherokees, competing internal governments could easily make a terrible situation worse. Thus, in 1864, Choctaw political leaders took active steps to casually remove support from the Confederate cause while attempting to keep the Choctaws united.

Peter Pitchlynn, the newly elected Principal Chief in 1864, led this cause. He began with an inaugural address praising his Choctaw brethren for being “an undivided people” fighting “in the defence [sic] of our homes and the graves of our ancestors.” Pitchlynn chided Confederate officials for their inability to protect citizens after Honey Springs, and called for a local militia to aid in the enforcement of national law.<sup>89</sup> Pitchlynn and the General Council also mandated that Confederate troops currently subsisting off of Choctaw corn, especially those stationed at Jones’ Shawneetown plantation, were required to provide their own

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<sup>87</sup> “Resolution of the General Council of the Choctaw Nation, October 10, 1864,” Box 3, Folder 11.

<sup>88</sup> Abel, *The American Indian in the Civil War*, 20-21.

<sup>89</sup> “The Inaugural Address of Gov. Pitchlynn, January 9, 1865,” (Fort Towson: Government Printing Office, 1865), 1-3.

supplies from Texas and redistribute corn to indignant Choctaws. Not wanting to risk alienating the Choctaws, Maxey complied and apologized, claiming that the troops belonged to Cherokee Stand Watie who would be moved across the Arkansas line.<sup>90</sup> Pitchlynn and the Council's subtle actions demonstrate that the Choctaws gradually began withdrawing their support from the Confederacy.

By early 1865, most people recognized that the Confederate cause was a lost cause. General Maxey attempted to spin each critical Confederate setback, noting that “we have survived the fall of New Orleans, Vicksburg, Port Hudson, the loss of the Mississippi...and the loss of Savannah is small compared with any of them.”<sup>91</sup> Despite outward optimism, Confederate authorities like Maxey and Cooper as well as Choctaw leaders like Pitchlynn and Jones undoubtedly knew that the Confederacy could not survive much longer. They feared that their entangling connection with the Confederacy could serve as justification for retribution by a victorious Union Army. With their supplies destroyed, citizens in refuge, and warriors depleted, they realized that they could not stand alone against the United States once the Confederacy crumbled. Recognizing that they no longer stood in the position to negotiate an advantageous alliance, Choctaw leaders needed a new alliance out of necessity and their very survival depended on it. Therefore, they refocused their efforts on solidifying alliances with all neighboring Indian polities—regardless of their affiliation with the Union or Confederacy.

Courting pro-Union Indians risked enflaming Confederate soldiers in and around Indian Territory. To avoid arousing suspicions, Grand Council sought and

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<sup>90</sup> Maxey to Pitchlynn, December 31, 1864, Box 4, Folder 15, WHC.

<sup>91</sup> Maxey to Peter Pitchlynn, Jan 10, 1865, Box 4 Folder16, WHC.



received approval from Jefferson Davis and General Kirby Smith to hold a mass meeting aimed at convincing various Plains Indians to resolve their grievances with the Texans and other Natives groups and to secure their alignment with South. Davis solicited Albert Pike to lead the negotiation, who promptly refused the invitation. Instead, General James W. Throckmorton, the future Governor of Texas, and Justice W.D. Reagan, agreed to represent Confederate interests at this meeting. Confederate leaders faintly believed new alliances with Plains Indians could be a potential lifeline for the Confederacy. Cooper confidentially schemed to encourage Plains Indians to raid Union settlements in Kansas and serve as a distraction for simultaneous Confederate raids.<sup>92</sup> At the very least, a truce between Texans and Plains Indians promised to limit the need for reserve troops in Texas to protect against raids.

Israel Folsom, the current President of the United Nations of Indian Territory, Pitchlynn, Jones, and other Choctaw leaders had different ideas for the meeting.<sup>93</sup> Their primary objective was to secure a peace with Plains Indians that would provide a new alliance, while distancing themselves from the Confederacy so as to allow Choctaws to determine their own fate when it fell. They called for “a body that would afford sufficient strength to command respect and assert and maintain our rights” and presented a compact for the various Natives to consider. General Cooper endorsed this plan upon hearing word on May 16<sup>th</sup> that General Lee had surrendered at Appomattox. He wrote to Pitchlynn, arguing that “the unity of

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<sup>92</sup> Brad R. Clampitt, "An Indian Shall Not Spill an Indian's Blood': The Confederate-Indian Conference at Camp Napoleon, 1865," *The Chronicles of Oklahoma* 83 (Spring 2005), 39.

<sup>93</sup> Patrick Mingos, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), 127-154; Winchester Colbert to Stand Watie, August 19, 1865, Box 151, Folder 26, EDC.

the Indian race will enable all to secure their rights, perpetuate their race and assume a portion of strength and respectability among the Nations of the Earth.” He also informed his superiors that he would not surrender Native American troops with the hopes that they could secure their own favorable peace.<sup>94</sup>

The Choctaws originally set the meeting to take place on May 15<sup>th</sup> at Council Grove, near present-day Oklahoma City. After scouts confirmed that Blunt’s army was in the vicinity and preparing to attack, they moved the site to an area near the Washita River on the Texas Road. This camp ground became known as Camp Napoleon.<sup>95</sup> Representatives from the Reserve Comanches, Reserves Caddos, Osages, Kiowas, Lipans, Arapahos, Cheyennes, Anadarkos, Comanches, and each of the Five Tribes met initially on May 14<sup>th</sup>-16<sup>th</sup> at Council Grove, and then reconvened at Camp Napoleon on May 26<sup>th</sup> where they agreed to a final compact. At least 5,000 Indians attended, with some estimates ranging as high as 20,000.<sup>96</sup>

The Five Tribes’ representatives relied upon shared racial and cultural connections to form quick, meaningful ties with disparate Native polities. Despite the fact that the Choctaws often chastised the “wild” and “savage” “red-men”, they knew that they were viewed as racial equals with a shared history and overlapping cultural iconography in the eyes of nineteenth-century white society. Notes from the meeting and the subsequent compact signed by the various Indian representatives confirm this belief. John Spears of the Cherokees, for instance, spoke of “ancient council fires nearly extinguished” and the need to quell “divisions and wars among the Red Brethren.” These racial and cultural undertones extended into the compact

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<sup>94</sup> Douglas Cooper to Peter Pitchlynn, June 3, 1865, Box 4, Folder 20, WHC.

<sup>95</sup> Clappitt, “An Indian Shall Not Spill an Indian’s Blood,” 39.

<sup>96</sup> Debo, *Rise and Fall*, 84.

itself, warning that “the red man” was once a “great and powerful race” but is “rapidly passing away as snow beneath the summer sun.” Their shared stated objective was for “the protection of all alike, and the preservation of our race.” Other cultural symbols included a demand that “the tomahawk shall be forever buried. The scalping knife shall be forever broken. The warpath heretofore leading from one tribe or band to another shall grow up and become as the wild wilderness.”<sup>97</sup>

In addition to racial categorization and culture, the Choctaws had an additional connection with various Indian leaders through freemasonry that allowed for stable and immediate rapport. The General Council recalled a company of their troops serving under Cooper to act as escorts for the meeting. The Choctaw/Chickasaw company were startled to see various Natives in full regalia “dressed to kill” coming towards their camp. A. E. Folsom told his men to raise their arms and prepare for battle but was waived off by his father, Israel Folsom, who recognized the masonic symbols worn by the approaching Natives and insisted they posed no threat. Folsom recounted that “they ran up, dismounted and ran up to father and hug him. Every one doing the same.” The leaders of each group then agreed to begin with a Masonic meeting under a large tent. Folsom noted that although “imperfect,” the Plains Natives were “very stricked [sic], more so than the whites.” This was followed by a “general shaking of hands,” passing a peace pipe,

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<sup>97</sup> See the Camp Napoleon Compact printed in Clara Sue Kidwell, *The Choctaws in Oklahoma*, 243.

and a full day of shared camaraderie. These masonic connections allowed Natives of various backgrounds to enjoy an instant rapport.<sup>98</sup>

Whether through racial, cultural, or masonic connections, Indian representatives at Camp Napoleon had little difficulty in setting aside their differences and ratifying the Camp Napoleon Compact. This included large strides at resolving the intertribal conflicts among the Cherokees and Osages. All parties present committed to forming “an Indian Confederacy, or band of brothers,” predicated upon the motto that “and Indian shall not spill an Indian’s blood” under any circumstances.<sup>99</sup> A member of the Ross faction arrived and had a public debate with several followers of Stand Watie. The men hurled mutual accusations of treason against legitimate governments, but stopped short of exchanging gunfire. After violently fighting each other for four years, a peaceful resolution to a heated exchange of words was a huge step forward. General Throckmorton from Texas attempted to use this opportunity to make peace and gain concessions from the Comanches. A Comanche leader, supported by other Indians in attendance, retorted that “I am determined to fight Texas as long as grass grows and water runs. I have no confidence in white men.” Clearly, the pledge of peace extended only between Indian polities and not Confederate allies.<sup>100</sup>

Though historian Annie Abel referred to the Camp Napoleon alliance as “pathetic” and a weak “channeling” of Tecumseh and Pontiac, she suggests that forming this alliance gave the Choctaws the needed security to better decide their

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<sup>98</sup> A.E. Folsom, “Reminiscences of Edward Folsom,” Box 218, Folder 17, EVD.

<sup>99</sup> Brad R. Clampitt, “‘An Indian Shall Not Spill an Indian’s Blood’: The Confederate-Indian Conference at Camp Napoleon, 1865,” *The Chronicles of Oklahoma* 83 (Spring 2005), 39.

<sup>100</sup> A.E. Folsom, “Reminiscences of Edward Folsom,” Box 218, Folder 17, EVD.

own fate in exiting the war. Negotiating peace as the single most rebellious Native tribe invited firm retribution; however, negotiating as part of a large Indian confederacy increased the likelihood of favorable terms. The meeting concluded with signatures and a request that the Grand Council convene in September in the Choctaw Nation to select delegates to negotiate a peace between Natives and the Union. Essentially, this alliance allowed the Choctaws to theoretically approach the negotiating table as one of many Native Nations, and not the often-touted most rebellious Natives. Peter Pitchlynn reported back to the Grand Council regarding the developments at Camp Napoleon. He requested that “each tribe act in such a manner as not only to secure its own welfare and benefit but also have an eye to the other tribes of the Confederate.” Pitchlynn arranged for an armistice with remaining Choctaw troops who had not been purposefully excluded from General Kirby Smith’s surrender. This left only one Confederate Army in the field in any theatre, under the command of the highest ranking Indian officer: General Stand Watie.<sup>101</sup>

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As Jones had played an integral role in advocating a Confederate alliance, it was fitting that Jones also end the war. On June 23, 1865, more than two months after Lee’s surrender at Appomattox, Watie surrendered his sword to Lieutenant Colonel Asa Matthews. This action, the last surrender of any army in the entire Civil War, took place in the Choctaw Nation at the Doaksville Masonic Lodge. As master mason, Jones officiated Watie’s final surrender.<sup>102</sup>

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<sup>101</sup> “Papers relating to compact made between the Confederate Indian Tribes and the Prairie tribes of Indians at Camp Napoleon,” May 13 to 17, 1865, folder 2050, PPC GM;

<sup>102</sup> Minges, *The Keetoowah Society and the Avocation of Religious Nationalism in the Cherokee Nation, 1855-1867* (USGenNet Inc., 2004).

All of the optimism that accompanied the Choctaws entry into the Civil War vanished with years of gruesome and futile combat. Worst of all, by abrogating treaties with the United States and taking up arms against them, the Choctaws' political sovereignty seemed precarious at the close of the war. Yet, the nation had weathered the storm of the Civil War as a united polity and remained dedicated to the Choctaw cause. For these reasons, Jones, Pitchlynn, and other Choctaws left the conflict battered and weary, but determined to mitigate the losses that came with taking up arms against the United States.



## CHAPTER SIX: “MAINTAIN OUR NATIONAL EXISTENCE”: INTERNAL FACTIONALISM AND THE CIVIL WAR OF RECONSTRUCTION

The Civil War had devastated the Choctaw Nation, but Robert M. Jones and others had reason to be appreciative about their current situation and cautiously optimistic about the future. By staying united and acting pragmatically towards national goals, the Choctaw Nation had survived the conflict as a unified and sovereign polity. By and large, farms and towns remained in far better condition than the neighboring Creek and Cherokee Nations, which had divided loyalties and erupted in internal conflict. Environmental conditions drastically improved allowing for the return of corn and cotton crops. The United States still owed the Choctaws approximately \$3,000,000 which, if paid, would reinvigorate the Choctaw economy, reestablish schools, and mitigate most of the damage caused by the war.<sup>1</sup> The threat of American colonial policies still lingered, but Jones and others knew firsthand from the experience of the removal crisis that conditions could be worse.

Jones approached Reconstruction much as he had approached removal—securing his personal finances while promoting efficient national government, widespread education, and regulated commerce. With the assistance of President Andrew Johnson, Jones quickly secured his financial statutes. He served terms in both the house and senate of the General Council following the war. While in these positions, he acted as Trustee for Choctaw schools. Since his daughter Mary still attended classes at Wheelock Female Seminary, he remained as personally and politically invested in the

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<sup>1</sup> This money refers to the remaining net proceeds claim dating back to the 1830 Treaty of Dancing Rabbit Creek.



success of the Choctaw education system as before the war.<sup>2</sup> Recognizing the importance of commerce, he obtained temporary passes for several Americans to fix mills damaged in the war. Though his stores suffered a loss of at least \$40,000, within one year they were again opened for business in most Choctaw towns. He even provided a loan to the nation on behalf of Chief Allen Wright, a political rival, to build a lumber mill which would further aid in the Choctaw economy. Despite these rebuilding efforts, the entire Choctaw Nation faced several new challenges in the era of Reconstruction.<sup>3</sup>

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Although Indian Territory has largely been isolated from the broader narrative of Reconstruction, it is integral to the larger understanding of this period in American history. Elliot West asserts “It’s as if there are two independent historical narratives, and because the one that is set in the East and centered on the Civil War has been tapped as the defining story of its time, the one that is set out West seems peripheral, even largely irrelevant to explaining America during a critical turn in its history.” The Choctaw Nation and more generally Indian Territory highlight the ways in which these two seemingly divergent narratives interconnected during the mid-nineteenth century. This region simultaneously experienced the overlapping impact of the Civil War, emancipation, and federally mandated Reconstruction along with the expanding

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<sup>2</sup> “Mary Jones to My Dear Papa,” October 16, 1868, Box 1, Folder 9, Robert M. Jones Collection, OHS. The letter is addressed from Wheelock Academy and discusses various daily activities, games, hymns, etc. Based on the penmanship and grammar, it is likely that the letter was drafted with assistance and not solely by 5-6 year-old Mary Jones.

<sup>3</sup> The \$40,000 estimate comes from a denied claim made by Joseph Berthelet following the war. “The Choctaws, and their Debts due Joseph G. Heald and Reuben Wright,” (Washington: McGill & Withbrow, 1867), 14-15.

American nation-state's "flood of white settlement" and "challenges to Native America's physical and cultural independence."<sup>4</sup>

West offers the temporal framework of a "Greater Reconstruction" era from 1845-1877 to shed new light on the ways the greater Civil War era and American westward expansion transformed the United States during the nineteenth century. This chapter, however, focuses more narrowly on the traditional Reconstruction period from the close of the Civil War to 1877 to show how the Choctaw Nation, Indian Territory, and the American nation-state underwent a dramatic transfiguration during this period. The result of this transfiguration was the increasing loss of national political consensus in the Choctaw Nation and intensified colonial policies from the United States ultimately aimed at dissolving the sovereign nation.

Removal and the Civil War tested the political unity and social cohesion of the Choctaw Nation under dire and volatile circumstances. Reconstruction, however, marked a turning point in its national history. Even as Choctaw leaders, including Jones, worked to rebuild the nation, a number of internal and external pressures—including white intrusion, land ownership, citizenship rights of freedmen, political corruption, and financial affairs—fractured and factionalized the nation more so than at any other time. Never before had it appeared so inevitable that the Choctaws would cease to exist as a sovereign nation. Though they had survived forced removal, constitutional crises, and the Civil War without resorting to large-scale internal violence, by the end of Reconstruction members of dissenting political factions killed and avenged at alarming rates.

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<sup>4</sup> Elliott West, *The Last Indian War: The Nez Perce Story* (New York: Oxford University Press, 2011), xix.

These difficulties did not stem from the Choctaw's decision to align with the Confederate States. As Creeks and Cherokees discovered, the United States mandated their post-war agenda with total disregard for wartime loyalties. Reconciliation between the North and the South facilitated this process. While the North won the military Civil War, the South came out the victors of the subsequent Reconstruction era. As the two sides reunited, they collaborated in an endeavor aimed at dismantling sovereign tribal governments and conquering valuable Native landholdings.<sup>5</sup>

The Five Tribes, on the other hand, lost both in the War and Reconstruction periods regardless of which side they supported. Each of the Five Tribes forfeited a considerable portion of their lands following the war. As the Choctaws frequently noted, if the concept of losing land as punishment for rebellion was applied equally, more than half of the South would be forfeited to the Union. But that, of course, did not fit the larger agenda of the United States. In comparison, no Confederate states forfeited their land base and although forced to adopt freedmen as citizens, they were allowed to disregard liberal ideologies of land redistribution while forcing former slaves into quasi-slavery.<sup>6</sup> Notwithstanding rabid complaints of radical agendas and carpetbagger rule from unreconstructed rebels, historians like C. Vann Woodward quipped at "how essentially nonrevolutionary and conservative Reconstruction (in Southern states) really was." Native Americans, however, regardless of loyalties were not given the luxury of a forgiving and conservative Reconstruction.<sup>7</sup>

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<sup>5</sup> Jeff Fortney, "Lest We Remember: Civil War Memory and Commemoration among the Five Tribes," *American Indian Quarterly* 36:4 (Fall 2012), 256.

<sup>6</sup> *Ibid.*, 256; David Blight, *Race and Reunion: The Civil War in American Memory* (Harvard: Harvard University Press, 2009).

<sup>7</sup> C. Vann Woodward, "Seeds of Failure in Radical Race Policy," in *New Frontiers of the American Reconstruction*, ed. Harold M Hyman (Urbana: University of Illinois Press, 1966), 125.

Instead, Choctaws joined countless other American Indian polities to learn firsthand that the United States' acumen for opportunistic exploitation in times of war was surpassed only in establishing peace. American negotiators, agents, congressmen, and citizens employed a double-pronged strategy to justify accelerating policies of colonialism aimed at seizing land, dismantling tribal governments, and ending indigenous sovereignty. First, they actively scapegoated Native Americans for making an alliance with the Confederacy while passively ignoring or actively lying about American treaty violations and complicity in creating Indian-Confederate alliances. Along with waiving the bloody shirt, they employed the rhetoric of justice for freedmen and loyal citizens as rationalization for intruding into Choctaw domestic affairs and forcing what could not be achieved before the war. While Americans openly abandoned these noble goals of freedmen justice and compensating loyal citizens in Southern states, they vigorously employed them as a smoke-screen to compel territorialization and opening tribal lands for white settlement.<sup>8</sup>

Unlike in previous crises like Removal and the Civil War, during Reconstruction the Choctaws struggled to find sufficient common ground to present a unified front against American machinations. Corruption, bribery, self-interest, suspicion, and division ran rampant in the General Council in a parallel fashion to reconstruction governments in both Southern states and the federal government. Once friendly American agents and merchants like Douglas Cooper and John Hobart Heald sought to recoup their larger war losses at the Choctaws' expense. Railroad agents offered bribes

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<sup>8</sup> See Eric Foner, *Reconstruction: America's Unfinished Revolution* (New York: Harper & Row, 1988), 460-512. There were many examples of using the war as justification for treaty violations. Even Thaddeus Stevens, leader of the House Radical Republicans, pointed out the hypocrisy in these actions. *Congressional Globe*, 1866, 1749-1751.

and distributed propaganda. Prominent Choctaws, hoping to bounce back from the war themselves, failed to reconcile national concerns with their personal interests. At given times three or more factions within the General Council attempted to undermine the credibility of their opposition and manipulate the masses into supporting particular policies. Failing to focus on national crises and to resolve internal quarrels resulted in violence and corruption by the end of Reconstruction and set the stage for the eventual forced dismantling of the Choctaw National government.

Former allies and lifelong friends turned into passionate enemies, making it impossible to efficiently combat the numerous threats facing the nation. These threats included the following: Northern and Southern carpetbaggers flooding into Indian Territory; the federal government attempting to open Choctaw land to white settlement; freedmen demanding citizenship rights; and perhaps most troubling, former friends seeking to recover financially from the Civil War at the expense of the Choctaws. Rather than uniting to face these perils, Choctaws fought each other for control.

Emancipation posed the most immediate challenge for the Choctaw Nation as it struggled to adjust to the absence of an unfree labor pool and define the place of former slaves within national bounds. Choctaw freedmen found themselves in the middle of ongoing disputes, while actively negotiating their own newfound freedom.<sup>9</sup> Jones recognized that emancipation raised important questions about freedmen's rights and social order, but believed that this could be decided within the Choctaw Nation. Like most Choctaws, Jones felt that *most* emancipated slaves should be either removed from the nation and given American citizenship or accept a subordinate status. Those who

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<sup>9</sup> The term "freedmen" was used as a political and social category for any former slave, regardless of gender.

wished to remain would then be seen as equal in rights as Americans doing business with the Choctaws. Above all, he felt the Choctaws should have the right to determine the implications of “freedom” and parameters for citizenship within their borders. Jones personally emancipated slaves at his Rose Hill and Lake West plantations while white overseers performed the task at his remaining properties. He encouraged freedmen to stay and work his land while their status in the nation was determined. As incentive to stay, Jones offered either a portion of the year’s crop or cash payment. Almost a century later, one slave claimed that Jones personally provided a substantial gold ration to each emancipated slave. By September 1865, Jones’ former slaves had resumed production of corn, salt, and cotton.<sup>10</sup>

As in slaveholding states, emancipation generated controversy over the implications of freedom—whether freed slaves were equal citizens with requisite rights over land and suffrage, a special subset with codified limitations, or outsiders who needed to be removed. Though historian Claudio Saunt argues that “freedom for former slaves offered hope” to “Indian nonslaveholders” in that emancipation undermined economic stratifications, freedmen actually represented more of a threat than hope for all financial classes of Choctaws. This was through no direct fault of the freedmen. Rather, they represented a foot-in-the-door to Euro-American policymakers seeking to open Choctaw lands. If Americans could force the Choctaws to grant citizenship and

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<sup>10</sup> American Colonization Society, *The African Repository* (Washington: C. Alexander Printer, 1855), 96; U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 462; “State Honors Indian in Hugo,” *The Daily Oklahoman*, April 21, 1938; Numerous freedmen later testified about staying on Jones properties, especially Shawneetown and Lake West. See Robert Butler, June 27, 1904, Choctaw Freedmen Folder 359, Microfilm Series 1186, Oklahoma Historical Society, Oklahoma City (hereafter CFF), 2, 4.

land rights to freedmen with no Choctaw blood or familial ties, surely they could accomplish the same for needy whites.<sup>11</sup>

Some Choctaws openly encouraged select freedmen whom they had known for decades to remain in the nation. Others opposed freedmen with violence, but never to the levels seen in bordering Southern states like Texas and Louisiana. The freedmen themselves were also divided over what they desired. Some identified as Choctaws, spoke primarily the Choctaw language and wanted Choctaw citizenship; others, who had spent as little as a few months among the Choctaws, wanted American citizenship and separate land. Most distressing for Choctaws, one cohort demanded that the United States intervene on their behalf, section the land, empower a territorial government, and encourage white and black immigration. This cohort threatened all classes of Choctaws in that they offered a face-value justification for extending United States sovereignty over the Choctaw Nation.<sup>12</sup>

In addition to emancipation, negotiating a favorable peace with the United States was the other main trial facing the Choctaws at the close of the Civil War. They approached peace negotiations as a united nation that had largely maintained its autonomy throughout the conflict. Even in their cease-fire, they affirmed that their cause was distinctive from the Confederate cause, and that the Confederacy and not the Choctaws had been defeated.<sup>13</sup> After negotiating the final surrender of the Civil War at Armstrong Academy, Robert M. Jones sensed that the time was right to negotiate a

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<sup>11</sup> Claudio Saunt, "The Paradox of Freedom: Tribal Sovereignty and Emancipation during the Reconstruction of Indian Territory," *The Journal of Southern History* 70 (February 2004), 71.

<sup>12</sup> *Annual Report, 1869*, 481, 735-736.

<sup>13</sup> "Special Order of General E. Kirby Smith, Galveston, TX," June 2, 1865, Folder 2053, GM; "Minutes of Grand Council, held at Chahta Tamaha," June 12, 1865, Folder 2058; Patrick Neal Minges, *Slavery in the Cherokee Nation: The Keetoowah Society and the Defining of a People, 1855-1867* (New York: Routledge, 2003), 165.

quick peace. He convinced federal commissioners to delay their plans to return to Shreveport by allowing them to be his guests at his Rose Hill or Lake West plantations. In the interim, the General Council elected Jones to lead twenty-one peace delegates, equipped with plenary powers and tasked with reestablishing relations with the United States at Armstrong Academy.<sup>14</sup>

Following several delays, a peace conference for all of the Five Tribes was held in September of 1865 at Fort Smith, Arkansas. One area newspaper reported that the Choctaw delegates remained “entirely resolute and fearless...expecting to make a treaty favorable to their interests—protecting their persons and property” and that the delegation expected to “have lost no rights by the result of the late war.” As they had done since the colonial period, Choctaws approached treaty making as a sovereign power intent on negotiating the most favorable terms possible to protect their interests.<sup>15</sup> Although Choctaw citizens continued to suffer great losses from the ravages of war, the delegates represented a cohesive nation that did not suffer from the same political fissures that had caused civil strife in neighboring nations during the war.

As the negotiations commenced at Fort Smith, American negotiators, including famed Seneca Colonel Eli Parker, attempted to divide Choctaws as a method of achieving a radical agenda. Rather than waiting for the official Choctaw delegation to arrive, Commissioner of Indian Affairs D. H. Cooley started negotiations with other tribes and a small delegation whom American officials dubbed the “loyal Choctaws,” a week earlier. Cooley claimed that the group of “loyal Choctaw” represented a large

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<sup>14</sup> “The Federal Commission to the Indians,” *The Standard*, August 5, 1865; Folsom, *Constitution and Laws of the Choctaw Nation*, 405-406.

<sup>15</sup> The paper closed with an acclaiming “Hussa for the Red Men!” “The Federal Commission to the Indians,” *The Standard*, August 5, 1865.



faction that numbered 1,800 people. In reality, Robert Patton, the representative of this group present at the negotiations claimed their numbers only totaled 212. Undeterred by the fact that the Choctaw Nations official delegates were not present, Cooley proceeded with negotiations.<sup>16</sup>

The American delegates convinced the small group of “loyal Choctaws” to sign an agreement as “representing or connected with” the Choctaw Nation. This agreement conceded that all Southern Natives were “without any...treaty obligations from the United States” because the rebellion negated previous treaties with the Union. Aside from the absurd, almost comical notion that violating a treaty somehow voided it—following such logic would induce the United States to forfeit claim to the entire United States—by his own admission Cooley was addressing only the “loyal” element. This action clearly represented a crooked attempt to clear the balance sheets and force each polity, regardless of loyalty, into unreasonable concessions. Superintendent Charles Mix, the same man who had threatened to use American troops during the Choctaw’s constitutional crises in the 1850s, laid out a seven point plan for peace. The proposal included massive land cessions, emancipation of slaves, citizenship rights for freedmen, and the formation of a territorial government under American jurisdiction. “Loyal Choctaw” Robert Patton stated outright that he was not “a delegate at all,” did not represent the Choctaws, was “not authorized to make, sign, or enter into any treaty stipulations,” and only came to reestablish friendly relations with the official delegates. Notwithstanding these clear disqualifying factors, Patton signed days before the Choctaw delegation arrived after Commissioner Cooley questioned the loyalty of any

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<sup>16</sup> U.S. Department of the Interior, *Annual Report of the Commissioner of Indian Affairs*, October 31, 1865, 490, 500.

person with objections. With his actions, Patton had served multiple American agendas: his “loyalty” proved that the Choctaws could have resisted the Confederacy, that a cohort was willing to capitulate to all of the United States’ demands, and that so few Choctaws had remained loyal that there was little need to exercise restraint out of fear of punishing a loyal element.<sup>17</sup>

Once he had arrived at Fort Smith, Jones ascertained that the United States had every intention of capitalizing on the Choctaw’s perceived disloyalty to force these otherwise unthinkable concessions. Mix once again laid-out the proposed terms, declared that the United States owed the Choctaws nothing, and presented a preliminary treaty. Jones, joined by president of the Chickasaw commission David Birney, responded with a “breathtaking,” address which rebuffed Cooley’s paternalistic hokum and jettisoned any notion that the Choctaws would accept American extortion in re-establishing peace. He corrected Cooley’s erroneous account of the Civil War, skewered the United States for removing their troops in 1861, and argued that under such circumstances a Confederate alliance was the best option “to secure our independence, maintain our national existence, and secure the lives of our citizens.” Moreover, far from treason, he contended the Choctaws had every right as a sovereign, independent nation to align with the Southern states. Regarding the treaty, he inserted the language that “we do not understand the United States as meaning to assume the control or jurisdiction over our internal, local, or national affairs, except as to slavery, which is open to further negotiation.” The entire Choctaw delegation refused to accept

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<sup>17</sup> U.S. Department of the Interior, *Annual Report of the Commissioner of Indian Affairs*, October 31, 1865, 490, 500. 485, 481-482, 500, 504.

any land cessions, sectioning, or territorialization without the approval of the General Council.<sup>18</sup>

After inserting amendments, including the above quotation, Jones indicated he would sign a preliminary agreement on the basis that a comprehensive treaty addressing controversial demands be negotiated in Washington D.C. Pitchlynn urged Jones to take this position out of a belief that changing the venue and going over Commissioner Cooley and Superintendent Mix's heads would result in more favorable terms. Unable to control himself, Jones issued a parting shot to the negotiators before exiting the conference. He insisted a statement be read and recorded which clarified his amendments and brazenly proclaimed that the Choctaws believed the Southern states had a right to secede and that the Choctaws were not fooled into aligning with them. Pitchlynn attempted to have this statement stricken from the record in favor of more conciliatory language to no avail. Despite Jones' and other Choctaw delegates' resistance, Cooley left the negotiations and proudly reported favorable agreements with all polities linked to the Confederacy. Simultaneously, the Choctaws left Fort Smith content that they had challenged any notion that the Confederate defeat diminished Choctaw autonomy.<sup>19</sup>

The preliminary treaty signed at Fort Smith sparked immediate action in the General Council. In addition to confirming an earlier abolition of slavery, in October 1865 the Council passed an act selectively granting and denying basic rights for

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<sup>18</sup> U.S. Department of the Interior, *Annual Report of the Commissioner of Indian Affairs*, October 31, 1865, 490, 500.494-495, 522, 529-530, 533.

<sup>19</sup> *Ibid.*, 529-530. There is some controversy over whether or not the delegation actually signed the treaty or not. According to the official secretary, "the treaty was then signed by the delegates from the Choctaw Nation, and their principal chief." This is again repeated earlier in the document when listing all of the signers and quoting Jones as willing to sign. However, legal printings of the treaty show only the names of the "loyal" Choctaws and the General Council indicates that the agreement was unsigned. Kappler, *Indian Affairs: Laws and Treaties*, 1050-1052; Folsom, *Constitution and Laws*, 410.

Choctaw freedmen, essentially codifying second-class status. In many ways this act resembled the “black codes” enacted in Southern states aimed at preserving the social hierarchy forged under slavery. This act granted freedmen the right to remain within the nation but stipulated that all freedmen had to enter into labor contracts. Freedmen had the option of a minimum cash wage based on age and gender, or to continue a system of reciprocity in which former masters traded reasonable housing, clothing, food, medical care, and a predetermined portion of crops in exchange for labor. Both former masters and former slaves were required to present contracts to county judges for evaluation and ratification. Freedmen without contracts could have their labor sold to the highest bidders. Far from benevolent, Choctaws clearly believed that they could use contracts as a way to maintain a steady supply of labor while limiting who worked within their national borders. Within weeks of this system going into effect, Indian agent Isaac Coleman bragged to his superiors that the Choctaws had accepted emancipation with almost no opposition.<sup>20</sup>

Most Choctaws found this system an acceptable transition from slave to free labor. Freedmen, dissatisfied with continued marginalization, worked to claim freedom by exercising the few rights they possessed and lobbying for more. Some tested the labor market, comparing offers from their former masters and others in need of steady labor. For instance, the former slaves of Cal Howell, a white man married to a Choctaw wife, rejected his contract offer in favor of a less lucrative proposal on Lycurgus Pitchlynn’s farm. Howell had reportedly been a brutal master and this most likely

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<sup>20</sup> Folsom, *Constitution and Laws*, “An Act Temporarily Providing for such persons as have been to the present time considered slaves,” 414-418; *Annual Report, 1865*, 464; Paul Alan Cimbala and Randal M. Miller, *The Freedmen’s Bureau and Reconstruction: Reconsiderations* (Fordham University Press, 1999), 261.

inspired his emancipated slaves to look elsewhere for work. Also, freedmen remaining on Pitchlynn's land were quick to organize and select leaders tasked with advocating for freedmen rights, which also likely attracted the former Howell slaves and other freedmen. Regardless that they were performing many of the same tasks as before emancipation, by negotiating contracts and deciding on their employer Choctaw freedmen established that they owned rights over their own labor—an exercise of freedom.<sup>21</sup>

In addition to transitioning from slave labor to a nation with a large class of free black laborers, the Council also worked to restore order in other national affairs. It resumed appropriations for education, including neighborhood schools, the “Forty Youth” program, and financing repairs to schools damaged by the war. Many were reopened within one year regardless of state of repair. Each day more refugees who had fled to forts and missions returned to their homes to plant their own crops. The Council bought and distributed cotton and corn for these “refugee citizens” to reduce their suffering while rebuilding their lives. Jones convinced Chief Pitchlynn and a county judge to grant permission for several American merchants to also provide cotton cards and other farming implements where needed. The Council partially subsidized a new lumber mill aimed at providing income for Choctaw families and reducing lumber poaching from Texans. Police efforts from remaining American troops and an auxiliary Choctaw militia targeted bushwhackers and thieves who sought refuge on Choctaw lands. Most of these actions passed with near unanimous approval. Indian agents

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<sup>21</sup> Barbara Krauthamer, *Black Slaves: Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South* (Chapel Hill: University of North Carolina Press, 2013), 126; “Interview with Taaffe Annie-Arnote, January 18, 1938,” interview 12706, IPP, 152. Lycurus Pitchlynn to Peter Pitchlynn, January 9, 1866, Box 4, Folder 39, WHC.

applauded these efforts and again lauded the Choctaws for their superior drive towards education and law and order. Clearly, the war had been detrimental to national infrastructure, but there was little reason to believe that the Choctaws would not rapidly recuperate.<sup>22</sup>

Less than half a year removed from the Civil War, the Choctaws clearly demonstrated that they could survive and thrive in Reconstruction. Meanwhile, they began preparing to negotiate a formal treaty in Washington D.C. to complete the preliminary Fort Smith one. Jones' brash statements at the Fort Smith negotiations made him no friends among the American delegates, but fortified his credentials among Choctaw leaders who again named him president of the delegation to Washington D.C. Of the nine specific delegates Chief Pitchlynn requested, the Council chose three and added Allen Wright and James Riley—two men who had opposed Pitchlynn in the past. These additional members offered assurance that one faction could not shape the negotiations solely to their own advantage.<sup>23</sup>

Jones and other delegates compiled considerable legal documents pertaining to the nature and limits of Indian sovereignty, the pitfalls of territorialization, sanctity of treaties, distinctions between rebellion and treason, scope of the Emancipation Proclamation, relevant Supreme Court case history briefs, and the actions of the General Council in preparation for an inevitable push-back by the American negotiators. Considering their legal rights according to American international law, the Council issued clear instructions to forfeit all money due to the Nation rather than part with any

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<sup>22</sup> Robert M. Jones to Peter Pitchlynn, May, 10, 1865, Folder 2049, GM; Folsom, *Constitution and Laws*, 426, 427, 429-430.

<sup>23</sup> "Proclamation by Principal Chief Peter Pitchlynn," November 10, 1865, Folder 2092, GM; Baird, *Peter Pitchlynn: Chief of the Choctaws*, 145-146.

land outside of the Leased District. It also advised delegates to seek additional funds for removing additional Indians into the Leased District and to compensate owners for emancipated slaves on the basis that the United States lacked the authority to emancipate Choctaw slaves without consent. These private instructions reveal that perhaps Jones' bravado blinded the Choctaw officials to the vindictive reality of an opportunistic United States.<sup>24</sup>

Warning signs of approaching political strife appeared even before the delegation left for Washington. Chief Pitchlynn used his connections with American officials to obtain an invitation to attend the negotiations, but only in an unofficial advisory capacity. Pitchlynn's hazy preference for neutrality at the start of the conflict, joined with his conflicting statements in favor of Confederacy and Union, was the closest thing the Choctaws had to a loyalist in high office. Moreover, since he was in Washington in 1860 when Congress had decided in favor of the net proceeds case, Pitchlynn potentially offered useful intelligence on reestablishing the claim. The Choctaw delegation needed friends and connections in Congress and Pitchlynn appeared to have them. Along with Pitchlynn and the five official Choctaw delegates, former agent, longtime friend, and Confederate general Douglas Cooper also joined the group.<sup>25</sup>

Both Cooper and Pitchlynn had ulterior agendas that proved disastrous towards the Choctaw National interests. As a member of the 1853 delegation, or "old

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<sup>24</sup> "Opinions of International Law, Defining Sovereign States, their relations DC & C and considerations touching the condition of peace and war as applicable to the Indian Nations," u.d., Folder 2079, "Instructions given by General Council to the Commissioners to make Treaty," GM; U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 77-78, 79.

<sup>25</sup> Baird, *Peter Pitchlynn*, 135; Jonathan Edwards, "My Escape from the South," 71.

delegation,” Pitchlynn stood to gain at least 5% of approximately three million dollars if the net proceeds claim was confirmed and paid. Though net proceeds were in the Choctaw’s national interest, Pitchlynn’s personal interest drove him to ensure that above all else the Choctaws reaffirmed this obligation. Douglas Cooper also had financial motives for wanting a part in the Choctaw treaty negotiation. He had suffered large financial setbacks as a result of the war. As the Choctaw agent in the 1850s, he had joined John H Cochrane and Albert Pike’s legal team on the net proceeds case and believed he was entitled to a percentage of the eventual payment. As historian W. David Baird concluded, “Cooper expected to fish in the troubled waters of Choctaw-United States relations.” Personal ambition and national interests had often dove-tailed for these men in past endeavors, mitigating serious harm from befalling the Choctaws while they pursued both agendas. That changed on the way to Washington.<sup>26</sup>

The delegates traveled separately with Robert M. Jones stopping in Wisconsin to resolve undisclosed business matters, Pitchlynn leaving weeks later, and the remainder traveling with Douglas Cooper. Cooper convinced his cohort to meet with his half-brother-in-law, renowned Baltimore attorney John H. Latrobe, en route to Washington. Latrobe contended that the delegation needed a loyal face and considerable legal expertise when petitioning a radical Republican congress for leniency and justice. Of course Latrobe believed he was describing himself. He was also confident that the Choctaws had lost no real rights during the conflict and had considerable legal ground

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<sup>26</sup> For a comprehensive explanation of the “old delegation,” and net proceeds claim, see W. David Baird, *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972), 95-125, 140-149.



to reestablish their past claims. He agreed to accompany the Choctaw delegation to Washington and leave the matter of his legal fee to Cooper.<sup>27</sup>

Upon arriving in Washington in late 1865, the delegation quickly discovered that the radical demands made at Fort Smith paled in comparison to those of a vengeful United States interior department. Cooley's resolve had only hardened since Fort Smith. For instance, Cooley insisted that the Choctaw leased district "was a sale, but the word 'lease' was put (in the treaty) instead of 'sale'" to provide political protection for delegates. Even if true—which it was not—political considerations would be irrelevant since the 1855 treaty clearly dictate an ongoing lease of land that the Choctaws held in binding fee simple. The delegates pressed the issue, demanding at very least the price of fifty cents per acre for the district—the same price Cooley had granted the Seminoles for less valuable land. Cooley exploded when informed that fifty cents an acre would equal nearly five million dollars and declared that he would pay no more than five cents an acre, \$500,000, less costs for surveys and sale. Cooley's amplified audacity likely stemmed from anticipated support from the new Secretary of the Interior James Harlan, a former senator who authored a bill ending tribal governments by act of congress. Secretary Harlan thrice refused to meet with the delegation when they sought redress. Instead Harlan sent a representative with the message that he was "so enraged that he has no time to see you" and a copy of a note instructing Cooley to reduce the amount to \$300,000, all of which to be paid from the sale of Kansas Indians' lands. As this initial incident demonstrated, appeals to fairness,

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<sup>27</sup> "Testimony of J.H. Latrobe," U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 484.

justice, or the touted benevolence of the United States would accomplish little without an upper-hand.<sup>28</sup>

This incident, combined with the observation that Chickasaws frequently prevailed in legal battles after hiring attorneys, convinced Jones, Wright, and Pitchlynn that they needed an advocate like Latrobe to secure their interests. The Chickasaws followed suit and also hired Latrobe. He allegedly quoted his fee at \$100,000 if he was successful securing all Choctaw lands aside from the leased district, preventing Kansas Indians from resettling on Choctaw lands, and confirming all the rights of the previous treaties. His rate fell to \$50,000 if he procured either land or money, but not both. Failing to save land or money would earn him solely compensation for his costs. Jones and Latrobe also made a separate agreement at a later date regarding back annuities abrogated by the United States during the war, the orphan fund, and the \$250,000 appropriated immediately before the war. Latrobe believed he could also secure these funds, something even the delegates and Council had considered permanently lost. Jones offered half of whatever Latrobe could recover, convincing fellow delegates that “half a loaf is better no bread.” Latrobe’s fee was undoubtedly steep considering the strength of the Choctaw’s legal case, but, as Jones later argued, was defensible in light of the United States’ history and temperament.<sup>29</sup> The federal government still had not paid over thirty-year old payments which the United States Senate repeatedly admitted were just and binding—the Commissioner of Indian Affairs had just claimed a lease

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<sup>28</sup> “Testimony of Allen Wright,” U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 573-574; Theda Perdue and Michael Green, “Introduction to the Bison Edition” in *American Indian and the End of the Confederacy*, 1863-1866 (Lincoln: University of Nebraska Press, 1993), 3.

<sup>29</sup> “Testimony of Robert M. Jones,” U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 614.

equated a purchase; in light of perceived treason, relying on Congress to follow any laws outside of self-interest was naïve at best.

While Latrobe toiled on the Choctaw's behalf, Cooper hatched a plan to profit substantially from the negotiations. Consultations dragged through the winter and spring of 1866. Latrobe "made the happy discovery" that President Lincoln was given the option by Congress to void treaties with warring Indians in 1862 but declined, indicating that the treaties and their obligations were in still in place according to the recently-martyred president. By March of 1866, he regularly traded treaty drafts with American negotiators who willingly conceded the resumption of financial obligations from previous treaties. Latrobe even procured an additional \$25,000 for Choctaws delegates to cover living expenses while the negotiations played out, which greatly exceeded their three dollars per day from the General Council. Yet, the 49<sup>th</sup> article obligated the United States to loan the Choctaws \$150,000 for no official reason, likely intended as an advance to alleviate suffering and buy supplies until other claims could be appropriated. Cooper saw this loan as an opportunity. He approached Jones, proposing that \$100,000 go as an advance on Latrobe's legal fee, of which Cooper had secured a one-third interest. To grease the wheels, he offered the delegation a bribe—"a gift"—of half of everything paid to Latrobe if they agreed. Jones declined, but acquiesced to Cooper's demand that the delegation as a whole decide the matter.<sup>30</sup>

At this critical moment in March of 1866, Jones abruptly departed Washington to attend to personal matters, leaving Cooper's bribe in the hands of his co-delegates. For months, Jones, too, had been working towards both national and personal agendas.

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<sup>30</sup> "Testimony of Allen Wright," U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 560.

During the war, Jones had stored vast amounts of cotton on his plantations due to deflated prices and the Union blockade. Once the war had ended, he shipped the whole stock—4,500 barrels, valued at well-over \$100,000—towards New Orleans for sale. United States treasury officials stopped the shipment while still on the upper Red River and seized the cotton on suspicion of tax evasion. According to Jones' lawyers, the officials did not believe that an Indian could grow that much cotton, but rather Texans were attempting to dodge taxes by using Jones' name. A trip to Washington gave Jones an opportunity to appeal directly federal officials for redress.<sup>31</sup>

Jones wrote to President Andrew Johnson, requesting “an interview, now...in relation to a matter involving my all.” He also hired attorney Samuel Bell Maxey for \$20,000, a former Confederate General working out of Paris, Texas, to travel to Shreveport, find exactly where his cotton was held, and secure its release. Simultaneously, he convinced Peter Pitchlynn to give a recorded deposition confirming that “Jones neither has nor cultivates any land out of the Choctaw Nation, but that he cultivates large bodies of land therein, and raises large crops of cotton.” Pitchlynn undoubtedly knew this was not entirely true considering Jones' land in Texas, but had no moral qualms about a small lie to secure a friend's future favor. The tripartite attack proved successful on March 8th when Secretary of the Treasury Hugh McCulloch ordered the cotton released due to insufficient evidence of Confederate ties. Weeks later Attorney General Henry Stanbery informed McCulloch that taxes should also be refunded on Jones' cotton. Newspapers like the Shreveport *Southwestern* praised

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<sup>31</sup> Porter J Andrus to Samuel Bell Maxey, October 18, 1867, “Deposition of George Brown, State of Texas,” u.d. Robert M. Jones Collection, Box 1, Folder 9, OHS.

Jones' victory as "but the beginning of better days ahead."<sup>32</sup> Jones claimed that he needed to be present in New Orleans to secure the cotton's release, and, by his own account, "was disgusted with the proposition General Cooper had made; and I concluded that my best plan was to leave." Thus, he penned a brief note to Allen Wright, who had again traveled to Massachusetts, requesting that as treasurer Wright settle his bill using allotted national funds and reminding him "if you can't make a treaty without selling land, or making a railroad grant, invite them to send commissioners to our country and let our whole people treat with them...but we could not sell them lands."<sup>33</sup>

After Jones left Washington, Allen Wright, Peter Pitchlynn, Douglas Cooper, and John Latrobe had a hand in several fraudulent activities. On April 28, 1866, Latrobe witnessed a ceremony of Choctaw delegates, Chickasaw delegates, and American officials signing an official peace treaty, which then became ratified in July. A matter of days after ratification—far from record time for discarding obligations—Secretary of the Interior Harlan advised against fulfilling the \$150,000 loan in article 49 out of fears that the money would go towards attorneys. Latrobe and Cooper lied and assured Harlan that they anticipated only \$5,000 while Pitchlynn voiced an appeal on behalf of starving Choctaws who were in need of reprieve. The ploy worked. Allen Wright collected the money and scampered down Pennsylvania Avenue to the Lepreux House to meet his fellow conspirators, Douglas Cooper, and attorney John Cochrane.

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<sup>32</sup> *Ibid.*, *Southwestern*, April 14<sup>th</sup>, 1866; "Testimony of Robert M. Jones," U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 614; Henry Stanbery to Hugh McCulloch, *Official opinions of Attorneys General of U.S., advising President and heads of departments in relation to their official duties, and expounding Constitution, treaties with foreign governments and with Indian tribes, and public laws of country: Volume XII*, (Washington, W.H. Morrison, 1902) 132.

<sup>33</sup> "R.M. Jones to Reverend A. Wright" U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 575.

Wright gave \$100,000 to Cooper, who then returned \$50,000 split between the delegates to fulfil their corrupt bargain. Pockets loaded with approximately \$15,000 each—\$10,000 from Latrobe’s fee, \$5,000 from the United States’ contribution—Wright, Pitchlynn, and the others returned to the Choctaw Nation anticipating an easy ratification process in the General Council.<sup>34</sup>

Despite electing Allen Wright to succeed Pitchlynn as Principal Chief, the Council expressed considerable reservations regarding both the treaty and the actions of the delegates. Pitchlynn, Wright, Cooper, and Latrobe had written from Washington lauding the treaty as a savior for the nation, and praising their own accomplishments in negotiating “the best Indian treaty ever.” The Council disagreed. Sampson Folsom and others questioned the appropriation of funds, the value of additional attorneys, and actions of the delegates. Another cause for reservation was the fact that the treaty closely resembled the unfavorable agreement negotiated at Fort Smith. Choctaws were obligated to create an overlapping territorial legislature with other Indian tribes with an American official as its leader—something they had opposed in petitions to Congress almost every year since 1838. Not only had the delegates gone against the Council’s wishes and accepted a territorialization stipulation, Allen Wright was even credited with suggesting the name Oklahoma—Choctaw for “Red People”—for the Indian Territory.<sup>35</sup> Several other tenets that the delegates agreed to undermined the sovereignty of the Choctaw Nation and made the already weakened Choctaw Nation vulnerable to American colonial policies. The treaty included several provisions pertaining to the freedmen, land sectioning, and railroad right-of-ways, which created

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<sup>34</sup> “Testimony of Allen Wright,” U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 554, 568-571.

<sup>35</sup> “Interesting Incident,” Printed Broadside, *Peter Pitchlynn Collection*, GM.

more issues than they solved.<sup>36</sup> Rather than saving the nation as the self-interested delegates claimed, United States officials intended this treaty to slowly erode Choctaw National existence.

For instance, the treaty required Choctaws to adopt their freedmen, providing full citizenship with all of the rights of other Choctaw citizens, including suffrage, equal protection under law, and rights before a jury. In addition, the Choctaw Nation was required to provide each freedman with forty acres of land. If the Council passed these provisions, the United States would pay \$300,000 for the Leased District—a paltry sum of 2.5 cents per acre. If they refused, after two years the United States was obligated to remove the freedmen to the Leased District while the Choctaws would forfeit the \$300,000 as a penalty. Latrobe was under the impression that the Choctaws had already planned to adopt their freedmen to serve as a small but controllable source of labor. Thus, he used freedmen’s rights as a bargaining chip to secure some money for the Leased District. For Choctaws, either option, accepting freedmen citizenship or refusing it, had drawbacks. Submitting to the United States’ demands regarding qualifications and nature of citizenship meant yielding to American colonial policies designed to undermine indigenous sovereignty and set a dangerous precedent. Furthermore, providing freedmen with individual land holdings meant that Choctaw communal lands would have to be sectioned. This would also mean that freedmen would become independent land owners rather than a pool of labor for Choctaws.<sup>37</sup>

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<sup>36</sup> Report of the Committee, Chahta Tamaha, December 18, 1866, 18312, Choctaw Nation-National Council, Indian Archives, OHS; Angie Debo, *The Rise and Fall of the Choctaw Republic*, 90-91.

<sup>37</sup> Kappler, *Indian Affairs: Laws and Treaties* (Washington: Government Printing Office, 1904), 919, 930; “Two Sheets, July 12, 1866,” Folder 2131.

Logistical problems inherent in the proposed system for recognizing Choctaw freedmen presented myriad roadblocks. For example, the system arbitrarily lumped together wide ranges of Choctaw freedmen into two categories—Choctaw or non-Choctaw—based on their geographic location when the Fort Smith treaty was signed. Those who had fled the nation as refugees had only ninety days to return to the nation or forfeit their Choctaw citizenships. The treaty disregarded the racial and cultural diversity of slaves who had lived in the Choctaw Nation. Many freedmen had lived among the Choctaws for decades, some traveling with them during Removal. Several spoke the Choctaw language primarily, if not exclusively, cooked Choctaw dishes, and practiced traditional Choctaw medicine. This cohort, including a number that belonged to Robert M. Jones, publically self-identified as Choctaws regardless of their blood. On some of the same farms, Jones had purchased dozens of slaves from fleeing Southerners as late as 1865. These freedmen had no connection to the Choctaws, except for happenstance of finishing the war under a Choctaw master. Yet, according to this system, the Choctaws were obligated to regard both of these groups as identical Choctaw citizens with equal rights and privileges, while also possibly denying citizenship to freedmen who took refuge with or were moored by their masters outside the Nation when the Fort Smith agreement was signed.<sup>38</sup>

Questions regarding freedmen marriages further complicated the issue. Latrobe and others argued freedmen's small numbers made their adoption no real threat without considering future spouses and children. As Choctaw citizens, freedmen could

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<sup>38</sup> Charley Chapman, August 21, 1899, CFF, 1; The contradictory cases are numerous. For instance, Freedmen Calvin Hutchkins was denied rights because his master sold him to pay medical debts during the war. Another freedman was sold by Israel Folsom to Texan William R. Baker in late 1863. Both men were ineligible for Choctaw citizenship or benefits. Yet, slaves purchased by Robert M. Jones, some as late as 1865, fully qualified. See Calvin Hutchkins CFF, September 12, 1906, D-137.



theoretically marry outsiders, providing access to Choctaw resources and influencing politics while side-stepping the nation's authority. Moreover, Americans living on their borders were unlikely to respect the practice of a black freedman possessing rights to cultivate land denied to a white man. For these reasons, in 1866 both by popular vote and legislative action the Choctaws refused to grant freedmen citizenship and expected the federal government to arrange their removal after two years.

The Choctaws also found several other aspects of the treaty to be problematic. Article 6, for instance, granted a right of way through Choctaw lands for two railroads, as well as the land "six miles on each side of said roads," that railroad companies could pay for with stock options.<sup>39</sup> Allen Wright believed that the railroads would bring greater commercial opportunities and voiced his support for this policy. Even Jones, who was weary about white intrusion, likened the railroads to the earlier military roads which were "always crowded with travelers and there was never any objection." Yet, granting the railroad companies any land undermined the sanctity of the Choctaw's land title and gave powerful financial interests one more reason to target Choctaw lands. Finally, Article 7 obligated the Choctaws to accept "legislation Congress and the President...may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian Territory." Though they promised to not "interfere with" or "annul present tribal organizations," vague language implying justifiable American oversight represented a clear threat. Seeing as American officials made the argument that the word "lease" meant "sale" only months before, accepting ambiguous power was a clear danger. Essentially, the only gain to the Choctaws was a confirmation that the previous payments, including the net proceeds,

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<sup>39</sup> Kappler, *Indian Affairs*, 919.

remained in effect. Despite their objections, the Council had no real choice but to ratify the treaty which they did on December 21, 1866.<sup>40</sup>

Yet, the Council made two huge mistakes in following ratification. First, they issued a blanket endorsement approving “all the acts” of the delegation. Admittedly, Allen Wright’s report to the Council neglected to mention the kick-back that he, Cooper, Pitchlynn, other delegates (minus Jones) had received from Latrobe’s legal fee. He later defended this omission by claiming that the financial “gift” was not a national matter, but a personal one. The Council’s blanket endorsement also implicitly covered an imprecise contract made with Latrobe on May 16<sup>th</sup> regarding his future services. Based on their oral agreements, Latrobe would receive a percentage of recovered back-annuities owed to the Choctaw Nation; however, the language of the contract could be interpreted to include the nearly three million dollars of the net proceeds case. Approving this contract proved disastrous. Second, Chief Allen Wright commissioned Peter Pitchlynn to return to Washington to work with Latrobe in securing the payment of net proceeds. This action coincided with an open investigation against Cooper and Pitchlynn into misappropriation and possible embezzlement of \$250,000 granted in 1860 for the relief of starving Choctaws. With Wright’s commission, Pitchlynn fled to Washington anticipating a straightforward congressional appropriation in 1867 and a large personal payday. Despite the number of worrisome implications of the treaty, its

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<sup>40</sup> “Testimony of Allen Wright,” U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report 98, 567; *Ibid.*, 922. When questioned “As a sensible man, how do you expect to keep out the white people where you have such an immense body of rich fertile lands,” Wright replied “I know that we cannot, and therefore I want to get my portion of the land.” He also called for railroads for their connecting to markets.

ratification still marked an official close to the conflict and the beginning of a rebuilding period in the Choctaw Nation.<sup>41</sup>

With the treaty resolved, the majority of Choctaws attempted to resume their lives as they had done before the war. For Robert M. Jones, this meant restarting commercial activities, practicing local hospitality, spending money, and advancing a national education agenda. He reopened several stores and planted new stores in towns with future commercial potential. Not satisfied with mansions at Rose Hill and Lake West, he contracted with Choctaw freedmen, African Americans, and white laborers to construct another mansion near his business partner Charles Thebo in Paris, Texas. Called “Jones Place,” it was valued at over \$35,000 and contained “all modern appliances for comfort and convenience—each room bring furnished with apparatus for the supply of both hot and cold water, a stone fire place in each room handsomely mounted with Italian Marble...a copious well ventilated cellar...and magnificent dining room.” Jones quickly soured on this property and attempted to raffle it off in a well-publicized “gift concert” in 1872. In addition to commerce, Jones took an active role in the General Council towards resuming education throughout the nation.<sup>42</sup>

While Jones returned to the affluent lifestyle he had known before the war, other less wealthy members of the Five Tribes worked to rebuild homes and barns, retrieve lost livestock, and repair damaged fields. As J.W. Dunn, U.S. agent for the Creeks, reported in 1867, it was “a time of severe and necessary labor – a struggle for existence – and every energy of the people was directed to the cultivation of crops and the

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<sup>41</sup> “Testimony of Allen Wright,” U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report, 98; Baird, *Peter Pitchlynn*, 155.

<sup>42</sup> “Cross-examination of Robert Cherry, March 7, 1904,” Edna Gordon CFF 1454, 4; “\$60,000 Grand Gift Concert: 20,000 tickets at \$3 Specie Each!” *The Vindicator*, October 12, 1872.

building of houses.”<sup>43</sup> Despite the severe loss of life and property that resulted from the war, Choctaws and citizens of the other Five Tribes actively worked to reconstruct their nations. The Superintendent for the Southern Superintendency reported in 1867 that they had returned to “agricultural and other industrial pursuits of the greater number in all tribes...the reopening of schools and the general good attendance and the interest manifested by the pupils” and the “awakened interest in the various tribes on subjects of internal improvements.”<sup>44</sup>

As they had before the war, Choctaw officials viewed education as a top priority towards securing national interest. Before departing for Washington D.C. in 1865, then-Chief Peter Pitchlynn directed three commissioners to investigate the conditions of each school and “devise and mature a plan of perfecting and establishing the system of education in this Nation on a permanent and enlarged basis.” The next year, the House and Senate met together and devoted a full day of their limited schedule solely to the subject of considering the commission’s reports and incorporating their plans. As a national initiative, the public was encouraged to attend and voice their opinions. The Council appointed a Superintendent Trustee tasked with establishing and maintaining local schools in “each neighborhood of this Nation, where there are Choctaw children of proper age.” Teachers were to be paid \$2 per student from national funds while the community designated the school’s location. This was a bold plan considering that owing to their own poverty Southern missionary societies could no longer effectively augment Choctaw education funds. Yet, the resumption of annuity payments and the

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<sup>43</sup> Annual Report of J.D. Dunn, U.S. Department of Interior, *Report on Indian Affairs by the Acting Commissioner for the Year 1867*, 321.

<sup>44</sup> Report by L.N. Robinson, Southern Superintendent to the Commissioner of Indian Affairs, U.S. Department of the Interior, *Annual Report*, 1868, 735.

hopes of a large payment in the net proceeds case fueled optimistic spending on what all agreed was a worthwhile endeavor. By 1869, Superintendent of Schools Forbis Leflore reported sixty-nine functioning schools with a total of 1,847 students, and twenty-three men and women attending American colleges and seminaries as part of the “Forty Youth” fund.<sup>45</sup>

Emphasizing local neighborhood schools over the formal academy model resulted in a higher percentage of Choctaw teachers, bilingual education, and less formal regulation. These teachers normally possessed a superior connection to their communities, allowing them to more easily connect with their students. Peter Pitchlynn’s daughter Rhoda, for instance, immediately understood why barefoot and frightened student Peter J. Hudson refused to state his name “like any good Choctaw.” She listed possible names until he nodded his head to the name Peter. He then jokingly confirmed that his surname was Pitchlynn, to which the school “broke out in laughter.” This rapport often came with a price. Several graduates from these common schools reported learning little English, leaving them ill-prepared to interact with the intruding American world. Jones attempted to remedy this by creating a teaching and evaluation program for teachers, but made limited progress. Subsequently, Forbis Leflore conceded in 1870 that several teachers were not fully qualified.<sup>46</sup>

Lack of funding also severely inhibited the success of this program. Citizens often petitioned for schools only to face overloaded classes once a school actually opened. United States agent Martin Chollar proudly reported to his superiors that

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<sup>45</sup>A. E. Perry, “Col. Forbis Leflore: Pioneer and Statesman,” *Chronicles of Oklahoma* 6 (Spring 1928), 28; Debo, *Rise and Fall*, 90-91.

<sup>46</sup>Peter J. Hudson, “Recollections of Peter Hudson” *Chronicles of Oklahoma*, 10 (Winter 1932), 506, 507; James Morrison, *Social History of the Choctaw Nation, 1865-1907* (Durant: Creative Informatics, 1987), 34.

Choctaw schools “are as largely attended as the generality of public schools in the most enlightened states;” however, he lamented that “their liberal system of education...will suffer unless the government hastily comes to their relief by paying their just claims, which for so many years have been delayed.” Despite Chollar’s optimism, shortages of warm clothing in winter months and a lack of compulsory attendance laws limited attendance. Several schools cut their sessions in half to five months as a way of saving money. New Hope, Wheelock, and Spencer Academies reopened on a limited basis, but neighborhood schools struggled to find consistent funds resulting in a drop in their number to fifty-four by 1876.<sup>47</sup>

Though missionary societies halted funding for academy schools, churches themselves continued to offer a venue for community gatherings and limited, literacy education. Sabbath schools informally operated out of church buildings utilizing bilingual religious texts to provide basic literacy in Choctaw and/or English to whole neighborhoods. Old guard missionaries like Cyrus Byington, Ebenezer Hotchkin, and Cyrus Kingsbury all survived the war and with their protégées recommenced providing services to local communities. Byington again blew a cow horn to announce services and Kingsbury, affectionately called “limping wolf,” hobbled from town to town for regular services. A member of the “American Bible Society” observed one of these services as a guest of Israel Folsom in 1867. He was surprised to be in the presence of almost exclusively “full bloods, or ‘tubbies,’ as they are called,” and impressed at their large, but “much worn” collection of books belonging to the neighborhood. Yet, he regretted that among the “tattered volumes...was not one Bible or Testament,” but instead bilingual books more practical towards teaching reading. Choctaws and

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<sup>47</sup> *Annual Report, 1868*, 512; Morrison, *The Social History of the Choctaw Nation*, 32.

missionaries alike touted the success of these Sabbath schools in frugally providing basic literacy. Missionary John Edwards extolled this program in a lecture at University of California, claiming that “*now* hundreds, perhaps thousands, are acquainted with English books; and a large majority are able to read, and many of them to write and cipher in their own language.” Thus, despite limited outside funding, Choctaw missionaries continued to play a role in advancing education in the post-Civil War period.<sup>48</sup>

Regular interdenominational church meetings continued to be an important venue for community life. Whole families, including their canines, attended camp meetings which often lasted for over a week. Though designed to be religious in nature, many Choctaws were likely drawn by the promise of large quantities of food, pipe smoking, ball games, and dancing. Many missionaries preached against these activities—especially the violent, traditional ball games—but lacked the power to curb their practice. Missionaries openly joined in other Choctaw activities, including the funeral cry. In 1885, J.J. Methvin, a white missionary seeking employment at New Hope Seminary shadowed “mixed-blood” minister Willis Folsom at a Christian funeral followed by a traditional funeral cry. Methvin brashly questioned why Folsom would “encourage these superstitions by officiating at the funerals,” to which Folsom faked a smile and curtly replied “you don’t know the Indian.” Through these activities, missions and missionaries remained an essential facet of post-Civil War national life.<sup>49</sup>

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<sup>48</sup> Arminta Scott Spaling, “Cyrus Kingsbury: Missionary to the Choctaws” (Ph.D. diss., University of Oklahoma, 1974); *Friends’ Review: a Religious, Literary, and Miscellaneous Journal*, March 30, 1867.

<sup>49</sup> Christopher J. Huggard, “Culture Mixing: Everyday Life on Missions among the Choctaws,” *Chronicles of Oklahoma* 70 (1992), 441, 445-445; Reverend J.J. Methvin, “Reminiscences of Life among the Indians,” *Chronicles of Oklahoma* 5 (Summer 1927), 166, 168-169.

Freedmen were largely excluded from these rebuilding efforts, community activities, and generally any benefit enjoyed by citizens. Their overall quality of life greatly varied following the Civil War. Emancipated slaves living on the Texas border risked being confused with a feared hoard of African American invaders and cattle thieves. In 1866, vigilantes committees and patrols likened to the Ku Klux Klan regularly executed black men accused of stealing horses and cattle. Simple acts of asserting their emancipated status could also lead to violent retaliation against freedmen. Commissioner of Indian Affairs D. H. Cooley appointed Major General John Sanborn as a special commissioner of the Freedmen's Bureau and instructed him to investigate claims of violence and continued slavery. Sanborn admitted that conditions had not reached the levels reported, but nonetheless recommended placing a permanent military force "for the purpose of protecting freedmen" and extending the Homestead Act of 1862 onto Indian Territory all while increasing land allotments to 320 acres for each freedman. Surrounding newspapers, including the Fort Smith *New Era* echoed reports of violence in Indian Territory as justification to take additional Indian land—on behalf of the freedmen, of course. Less than one year into freedom, emancipated slaves had already become a wedge issue for Americans on the state and local level to conveniently intervene in Indian affairs in the name of justice.<sup>50</sup>

Though the American and Choctaw governments clearly viewed freedmen primarily through the strategic lens of pawns who could slay Indian land titles and sovereign governments, historian Barbara Krauthammer adeptly cautions historians from ignoring "ways black people were already working to liberate themselves and assert their own expectations of freedom." Emancipated Choctaw and Chickasaw

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<sup>50</sup> Krauthammer, *Black Slaves, Indian Masters*, 112-113.



freedmen fully recognized their precarious position between Indian and American worlds, technically free but denied full and equal citizenship in either nation. Though freedmen were divided over several issues, most recognized the need for formal citizenship, legal protections, land rights, and education for their children. As such, one cohort formally met in response to the Choctaw/Chickasaws 1866 refusal to them grant citizenship with a request that the United States arrange for their removal and distribute the \$300,000 from the Leased District towards their collective welfare. Choctaws wholeheartedly agreed, but American agents took no action. Undeterred, Choctaw and Chickasaw slaves opted to hold future meetings, elect representatives, and protest both American and Choctaw governments for redress.<sup>51</sup>

The two-year deadline to adopt the freedmen came and passed in 1868 without action from Americans or the General Council. American agents conceded that they were obligated to remove the freedmen using funds from the Leased District, but conjured every imaginable excuse to avoid fulfilling this obligation. First, they claimed that they had never appropriated the necessary \$300,000 to carry out a removal. Second, members of Congress argued against removal because freedmen had made valuable improvements to the land and unjustly lost their rights. Admirable in principle, the Choctaws certainly would have appreciated this sentiment thirty-eight years earlier as Congress debated the Indian Removal Act. Regardless, the refusal of Congress to honor their treaty obligations relegated the freedmen to an indefinite sub-citizen status subject to the interpretation of Choctaws. This system advantaged both the Choctaws and Americans, but placed Choctaw freedmen in a liminal status.

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<sup>51</sup> Ibid., 118; U.S. Interior Department “Letter of the Secretary of the Interior, communicating papers relating to the rights of freedmen under the 3d article of the treaty with the Choctaw and Chickasaw Nations of Indians, concluded April 28, 1866,” Ex. Doc. 82, 40<sup>th</sup> Congress, 2<sup>nd</sup> sess., 1-5.

Collective action was necessary to disrupt this system; as freedmen Richard Brashears later stated, “If we do not work for ourselves, who will?”<sup>52</sup>

Pressed, freedmen strategically leveraged American’s political sentiments in order to obtain rights that the Choctaws refused to grant. A large group gathered on June 10, 1869 at Boggy Depot, in the presence of Agent Chollar, to petition Congress to meet with their selected delegates in Washington.<sup>53</sup> They likely requested a private venue to allow them to make their case without fear of reprisals from Choctaw observers. For example, at a public meeting in 1869, Principal Chief Allen Wright requested freedmen emigrate to Liberia, noting that “every-body is against you” here. At a later meeting outside of Wright’s gaze, the same freedmen adopted resolutions stating their desire to remain on Choctaw and Chickasaw lands “as we can claim no other country” and the belief that they were “full citizens of those nations, and fully entitled to all of the rights, privileges, and benefits as such.” To get the attention of Congress, they also stated their opinion in favor of sectioning and “opening this Territory to white immigration, and of selling to them, for the benefit of the whole people of these nations, our surplus lands.” In exchange, freedmen asked for access to tribal education funds and official United States citizenship for their protection. Essentially, granting freedmen their petition would give Americans every needed justification to section the land, interfere in tribal governments, and open up homesteads for white families.<sup>54</sup>

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<sup>52</sup> U.S. Interior Department “Letter of the Secretary of the Interior, communicating papers relating to the rights of freedmen under the 3d article of the treaty with the Choctaw and Chickasaw Nations of Indians, concluded April 28, 1866,” Ex. Doc. 82, 40<sup>th</sup> Congress, 2<sup>nd</sup> sess., 1-5.

<sup>53</sup> *Ibid.*, 1-2.

<sup>54</sup> Committee on Freedmen’s Affairs, “Freedmen of Choctaw and Chickasaw Nations. Petition of freedmen of Choctaw and Chickasaw Nations, with other papers on the same subject,” January 23, 1872, 1525, 42<sup>nd</sup> Congress, 2<sup>nd</sup> sess., 1-6.

In making these demands, freedmen were exercising what historian Michael Vorenberg defines as “affective citizenship,” equating their cultural, social, historical, and personal ties with Choctaws as grounds for joining their imagined community. As freedmen Charlie Chatman later testified “I was a slave. I belonged to Robert Jones...I am a Choctaw.” The fact that the Choctaws refused to recognize freedmen as kin gave them sense of continued unjust subjugation and illegitimate ostracism which necessitated drastic actions. Freedmen demonstrated that they would not be objects of oppression or the subservient pool of labor the Choctaws desired, but actors in obtaining what they believed to be their rights as Choctaws, including the right to control their own labor, a share of annuity funds, and access to tribal schools.<sup>55</sup>

Internal and external pressures began to fracture the national unity that Choctaws had fostered and preserved over the past four decades. In addition to the ongoing freedmen issue, railroad companies continued to seek title to Indian lands and Congress persisted in angling for exploitative concessions. Furthermore, limited funding for schools and personal greed from prominent Choctaw citizens compounded national dilemmas that threatened the Choctaw Nation during Reconstruction. Resolving these domestic and foreign threats fell to Principal Chief Allen Wright and members of the General Council. Wright believed that like many times before, the Choctaws needed to accept certain unpleasant realities in order to protect what remained of their national identity. In a message to the General Council he noted that “we are nearly surrounded with State and Territorial populations; we must bend to

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<sup>55</sup> Charley Chapman, August 21, 1899, CFF, 1; Barbara Krauthamer also utilizes Vorenberg’s framework in order to better understand how freedmen “cast themselves as citizens of the nations even though Indian lawmakers insisted they had not and could not become legal citizens.” Krauthamer, *Black Slaves, Indian Masters*, 124.

circumstances, and meet them boldly with a firm and fixed resolve to sustain our name and place as a people, or break and be swept away.” As such, he advanced a political platform that selectively resisted what he felt were the most detrimental aspects of American intrusion while making extraordinary concessions to outside interests. Wright’s program galvanized resistance from wide swaths of society, including traditional Choctaws opposed to sectioning of land, progressive Choctaws who felt Wright forfeited fundamental national rights, and white men and railroad interests eager to extinguish all Indian land titles<sup>56</sup>

Rather than fighting the railroads and their unnaturally-inflated interests in Congress, Wright attempted to harness the potential financial resources that came with controlling railroad development. In his eyes, the coming of railroads was inevitable, but as a sovereign people, the Choctaws could decide which company gained admission and tax them accordingly. Seizing the initiative, Wright pushed an act through a special session of the General Council granting charters to the Thirty-Fifth Parallel and the Central Choctaw and Chickasaw Rail Road in 1870. The subsequent Council, as well as the Chickasaws and Secretary of the Interior voided these charters, leaving the power with the United States to decide which railroads won the title to Choctaw lands.<sup>57</sup>

In addition to this controversial railroad scheme, Wright gained little support in policies towards freedmen or white laborers, particularly those concerned with protecting Choctaw lands and resources. By 1868, when it became clear that Congress had no intention of removing the freedmen, a small cohort including Sampson Folsom recommended adopting freedmen as a way of increasing Choctaw representation in any

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<sup>56</sup> James Morrison, *Social History of the Choctaw Nation*, 53, 54.

<sup>57</sup> Kidwell, *The Choctaws in Oklahoma*, 107-114.

future territorial government. Peter Pitchlynn and national attorneys agreed that adoption might clear opposition in Congress to paying the net proceeds. Others, like George Harkins, pressured Wright to push for removal out of fear of a possible alliance between traditional Choctaws and freedmen. Wright chose a middle course, admitting that freedmen had a right to stay on Choctaw lands, but only as American citizens with no privileges of Choctaw citizenship.<sup>58</sup>

Without slave labor to depend upon, affluent Choctaws increasingly turned to poor whites as a source of labor. This transition created a wide-range of problems. Despite the numerous freedmen who remained on his properties, Robert Jones took full advantage of this policy. Among many others, Jones hired Victor M. Locke, a white Confederate veteran who had fled Louisiana after killing a black man for being “mean and ‘sassy.’” Locke clerked in Jones’ Shawneetown and Lukfata stores where he learned the language and stole another white man’s Choctaw wife. He later became a powerful albeit-controversial figure in internal Choctaw affairs while his son became Principal Chief. Locke’s example is indicative of the problems of using white labor to fill shortages—once whites entered Choctaw lands, they seldom left.<sup>59</sup> White intrusion grew to such levels that in 1874 Principal Chief Coleman Cole protested, “For God sake, when we bought this country, we did not buy white man with it.” Some whites went so far as to pay Choctaw proxies to provide free land for their cattle and export natural resources like coal and timber. Efforts to halt or regulate this process were stymied by the federal government, who used Secretary of Indian Affairs Ely Parker to

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<sup>58</sup> Committee on Freedmen’s Affairs, “Freedmen of Choctaw and Chickasaw Nations. Petition of freedmen of Choctaw and Chickasaw Nations, with other papers on the same subject,” January 23, 1872, 1525, 42<sup>nd</sup> Congress, 2<sup>nd</sup> sess., 1-6.

<sup>59</sup> “Interview with Victor Locke, Sr.,” May 21, 1937, interview 5873, IPP, 26-31.

explicate that Indian nations had no sovereignty and therefore lacked the right to regulate trade.<sup>60</sup>

Worse still, given white intruders' American citizenship, Choctaws lacked legal authority to prosecute crimes committed by whites in their territory. If white men raised criminal charges against Choctaws, American federal courts claimed jurisdiction regardless of where the crime had been committed. Unsurprisingly, these Arkansas courts, empaneled with all-white juries under the direction of "hanging judge" Isaac Parker, rarely ruled in favor of Choctaw interests. The Council repeatedly allocated money for citizen's legal fees while petitioning against intrusions from marshals and vigilantes, but often with limited success.<sup>61</sup>

Wright's agenda and apparent connections to corruption raised the ire of the Choctaw electorate who replaced both him and many of his supporters in the Council during the 1870 election. More conservative Choctaws opposed to railroad interest took their place. Past historians frequently represent this as a blood-based split between educated mixed-bloods encouraging progress and fearful full-bloods futilely resisting the inevitable. Contemporary Choctaws knew better. Israel Folsom, for instance, wrote to Peter Pitchlynn describing "unhappy actions" committed by "the full bloods as they are called" in resistance to sectioning the land, but conceded that this group had members of varying levels of blood. Rather than blood, Pitchlynn's paid lobbyist in the Council E.S. Mitchell characterized the divisions as "people want a change...and men that will not give their land away to railroads." The battle lines in domestic policy had

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<sup>60</sup> Kidwell, *The Choctaws in Oklahoma*, 87, 92.

<sup>61</sup> Miheshuah, *Choctaw Crime and Punishment*, 35-37, 64-66, 195; Morrison, *Social History*, Judge Parker, 82-87-89.

become clear by 1870—accepting white intrusion, sectioning of land, and railroads, or resisting in an effort to preserve Choctaws land base and national identity.<sup>62</sup>

Divisive domestic policies also corresponded with corruption and self-interest in foreign affairs. Peter Pitchlynn, perhaps naively, anticipated quickly receiving a net-proceeds payment from Congress as dictated by the 1866 treaty. Instead, Pitchlynn, Cooper, and Latrobe encountered a large lobby intent on preventing such a large sum from arriving in Choctaw hands. Using racial ideology as justification, Senator James McDougal expressed disgust upon meeting a Choctaw delegation wearing feathers: “We buy them those feathers, and we buy them their blankets... We do not owe them anything. Why should we tax our farmers and laboring men, and our mechanics, to subsist the Indians?” Other radical Republicans placed procedural road blocks to prevent disloyal Indians from receiving funds. Strangely, though, the Choctaw cause was aided by radical Republican Thaddeus Stevens. Stevens excused the Choctaws’ role in the Civil War because they agreed to abolish slavery before the 13<sup>th</sup> Amendment was ratified. He described the Choctaws as “civilized and as sober as this House, even with the aid of the Congressional temperance Society.” Finally, he attacked the rationality of a procedural roadblock, asking “Is such logic as that to be used to influence the minds of sensible men?” Even Stephens, joined by future president James A. Garfield, could not get the appropriation through Congress.<sup>63</sup>

Disgusted but not defeated, Pitchlynn attempted to cut Cooper and Latrobe out of the Choctaw claims while assembling a large, if not confused, team of supporters and lobbyists. The result was years of complex alliances, backroom bargains, and corrupt

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<sup>62</sup> Baird, *Peter Pitchlynn*, 161. Israel Folsom to Peter Pitchlynn, February 24, 1870, Box 4, Folder 47, WHC.

<sup>63</sup> *Congressional Globe*, 1866, 2010; *Congressional Globe*, 1866, 1749-1751.

negotiations, something historian Clara Sue Kidwell aptly describes as “positively byzantine” in nature. Pitchlynn vainly attempted year-after-year to force the net proceeds through congress. Numerous lobbyists, federal officials, congressman, and attorneys all endeavored towards this goal once they were promised a kick-back for their troubles. Even Albert Pike reappeared and claimed to be the sole attorney for the Choctaws upon hearing that he had been cut out of the net proceeds award. This web of connections, revealed how personal interests further divided Choctaws and their allies, distracting them from addressing their national problems. Cooper and Latrobe’s supporters in the Choctaw Nation succeeded in getting Pitchlynn’s credentials revoked by revealing Pitchlynn’s involvement in unauthorized financial transactions during the war, including literally burying the nation’s gold in New Hampshire. Even Jones drew up papers to sue Pitchlynn for almost \$10,000, an amount belonging to Jones that Pitchlynn had previously pocketed for himself. Sampson Folsom, sent to replace Latrobe on resolving claims of “loyal Choctaws,” extorted upwards of \$50,000 from Pitchlynn and another attorney simply for not derailing the negotiations. Pitchlynn battled back by hiring his own lobby to keep the Council favorable towards his actions. When congress made a small appropriation, Pitchlynn’s opponents on the General Council prevented him from accepting the money. Baffled members of Congress smelled corruption in the “Indian Ring” and collusion with former rebels, which they used to repeatedly justify withholding payment.<sup>64</sup>

By 1872, Choctaws were divided on all levels. Nearly every prominent political figure had been accused of corruption, bribery, or conspiracy to forfeit Choctaw lands. American newspapers, including the *New York Herald* and *Chicago Daily Times*,

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<sup>64</sup> Kidwell, *The Choctaws in Oklahoma*, 123; W. David Baird, *Peter Pitchlynn*, 158-181.



lambasted Cooper, Latrobe, and the 1866 delegation—with the exception Robert M. Jones—as corrupt. They warned that paying Choctaw claims would result in over 50% going to former rebels. Local papers challenged these claims as simply political rhetoric to drum up support for Grant’s peace policy. Rumors of completed territorial bills caused some opponents of territorialization to advocate sectioning the land to slow the government’s efforts. Allen Wright instead advocated petitioning directly for statehood—something Wright believed would at least attract the right type of white person instead of simply outlaws. The *Atoka Vindicator*, a propaganda newspaper called the “Cooper Party organ” by Chief William Bryant, echoed this idea while prognosticating imminent doom if Choctaws continued to resist land sectioning.<sup>65</sup> Principal Chief William Bryant informed Pitchlynn that there were at least three different parties, maybe more, conspiring against each other for control.

Within this chaos, Robert M. Jones was the one Choctaw who could appeal to every faction and perhaps resolve the conflict. Jones was well-known for conditional support for railroads, which he compared to the military roads that he had grown-up around. Yet, he rejected any attempt of railroads to own any of the Choctaw domain. Though he led the 1866 delegation, the fact that he left Washington before the crooked bargains with Cooper and Latrobe partially insulated him from accusations of corruption. While recognized as a progressive Choctaw, he vehemently opposed sectioning land because he knew it to be against the interest and desires of the people. A lifetime advocate of education, with a daughter in Choctaw National schools whom

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<sup>65</sup> On multiple occasions it also degraded Choctaw Nationality as “a magnificent farce...worth nothing.” It encouraged “Full-bloods, do not be jealous of the half-breeds and white among you. Go to them in a friendly and candid manner, and consult with them upon all matters of public importance.” *Vindicator*, August 19, 1872, August 14, 1872.

he funded himself despite offers for national funds, Jones could be trusted to not sacrifice the nation's system of education for his own pecuniary gain. He could connect to almost every party without being tainted by corruption. Undoubtedly, he was the man for the job.<sup>66</sup>

Jones believed that he had found an opportunity to secure Choctaws' financial interests while protecting their land in October of 1871. Representative John P. Shanks, an up-and-coming member of the House of Representatives, friend of President Grant, and member of the Indian Affairs committee was tasked with investigating frauds among the Five Tribes. Shanks sent an associate, M.S. Temple, under the auspices of making contact with leading Choctaws, while actually making an offer to Sampson Folsom. Shanks proposed releasing \$250,000 plus interest of the net proceeds fund immediately, but only on the basis that the full face value go towards Choctaw claimants and only interest be used to support attorneys. Shanks would then recommend the release of the entire amount once it was established that it would actually go to the Choctaw people, minus his own fee. Temple found Sampson Folsom near death from a sudden illness and unable to take any action. Folsom suggested that Jones take his place in the Council and pass the bill. If successful, Jones knew that the money from the net proceeds would fund domestic education efforts and provide a powerful ally in the federal government against forced territorialization. Standing in his way was General Cooper and his ring of supporters, so-called "Cooperites," including

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<sup>66</sup> Robert M. Jones to Peter Pitchlynn, Box 3, Folder 61, WHC; *Dallas Herald*, "March 24, 1866"; "Testimony of Allen Wright," U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report, 98, 567.

former friends of Jones like Dr. Thomas Bond and John Turnbull, who had no intention of repudiating Latrobe's contract.<sup>67</sup>

Jones convinced Chief Bryant to call a special session of the Council in March 1872 for the purpose of passing the Jones' bill, slammed by opponents as the "Brush bill" for the "clandestine manner" in which it appeared. Jones lobbied members of the Council and close friends, arguing that Latrobe and Cooper had failed to gain any financial redress for over seven years and should not be profit half of what rightfully belongs to the Choctaws. Besides, interest from the award plus the initial \$100,000 awarded to Latrobe would certainly cover his costs. Cooper held mass meetings and rallied his supporters to defeat the bill while privately reaching out to Jones and offering "ample compensation" if he would withdraw his assault. One Council member claimed the bill misspelled the word "Folsom" in an American fashion, convincing him that the bill came from American interests. After a hellacious fight in the Council, in which Jones delayed the vote until he had sufficient support, the bill passed with only six out of thirty members opposed.<sup>68</sup>

With this victory, Jones believed that Cooper and his machinations had been permanently vanquished and the nation saved. Peter Folsom described the event in military terms with "General R.M. Jones" firing the last shot to dissolve the "old gray fox party." Jones preferred spiritual language to describe defeating the "Coooperite devil" and stated that "God be praise that the source of justice and the poor Indian

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<sup>67</sup> "Testimony of Captain Hotema" *Supplement: Shanks the Fraud Hunter, Astounding Developments*, (Boggy Depot: Vindicator Print, 1873), 2-3.

<sup>68</sup> "Affidavit of Capt. Greenwood W. Thompson—Affidavits of Col. Turner B. Turnbull," *Supplement: Shanks the Fraud Hunter, Astounding Developments*, (Boggy Depot: Vindicator Print, 1873), 5-6. "Acts of General Council, sign by R.M. Jones and Approved by William Bryant," March 18, 1872, Folder 2539, GM; D.W. Cooper to R.M. Jones, July 19, 1871, Robert M. Jones Collection, Box 1, Folder 9.

prevails...and I hope that the court of claims will open and proceed to business promptly.” Keeping with the agreement, as a good faith measure, Shanks also introduced a bill repealing all land grants to railroad companies in Indian Territory. He then launched his investigation into Indian frauds, concluding with a scathing 793 page indictment against Cooper, Latrobe, and Allen Wright in late 1873. Somehow Jones conveniently forgot to deliver subpoenas to most members of the Council who voted against his bill. Shanks also celebrated 4<sup>th</sup> of July with Choctaw freedmen and included an interview with Jones about the fine condition in which freedmen lived under US protection on Choctaw lands. With this report to Congress and a clean bill authorizing Pitchlynn to distribute interest money and the Choctaws receiving full value, Jones was content overdue funds would soon arrive in Choctaw hands and factionalism would crumble.<sup>69</sup>

Jones’ victory proved to be short-lived. Rather than breaking factionalism, Cooper and Wright struck back with vengeance. Working the Choctaw court system, they had the “Brush Bill” ruled unconstitutional before Congress could vote to release any funds. Wright and Cooper also distributed defamatory petitions right before Council elections accusing Jones of masterminding a plot to profit from tribal money. In October 1872, Jones replied with his own pamphlet, “A Reverend Libeler” which explained the charges as the efforts “of an imbecile attempting to slander and vilify honest citizens.” Jones discussed his role in the negotiations, while reminding the reader that he “has never received one dollar of Choctaw money for services and mileage, but Allen Wright has.” He also noted that Wright was a leading voice with

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<sup>69</sup> “Peter Folsom to Peter Pitchlynn,” March 18, 1872, Folder 2538, Folder 2538; Washington delegation to William Bryant, February 2, 1872, Folder 2518, GM; U.S. Congress, House, *Investigation of Indian Frauds. Report of the Committee on Indian Affairs*, 42<sup>nd</sup> Cong., 3<sup>rd</sup> Sess., House Report, 1-793.

Cooper in favor of “sectionizing our nation and having a territorial government put over us,” giving them incentive to target Jones. Shanks’ report was not yet available so Jones had nothing but logic and his word. Nonetheless, Cooper and Wright’s charges stuck for one election cycle, with Jones informing Pitchlynn “we are the worst beaten set of men in this of any other nation.” In their first meeting, Wright and Cooper attempted to re-establish their claims to Choctaw money and force a new vote on sectioning the land. Fortuitously, railroad representatives petitioned for land rights within days of Cooper and Wright’s victory.<sup>70</sup>

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Jones slipped into a depression, and “with a heavy heart” decided that he was done in politics. He retired to Rose Hill intent on spending more time with his son, Robert M. Jones, Jr., daughter Mary, and wife Elizabeth. This, however, did not last. In February of 1873, Jones suffered a severe illness. His family summoned his doctor, Edward Bailey, who lived nearby. Jones’ condition quickly deteriorated and he died on February 22, 1873. His death was a great loss to the Choctaw Nation. The Council’s Cooperite wing was eventually defeated in late 1873 after the Shanks Commission released their findings and the people again en mass rejected both the expansion of railroads and sectioning their lands. Yet, even with Shanks’ assistance, Pitchlynn failed to secure the net proceeds payment. Pitchlynn, Cooper, Wright, and Jones would all die before the Choctaws ever received their net proceeds payments.<sup>71</sup>

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<sup>70</sup> Robert M. Jones to Peter Pitchlynn, November 7 1872, Box 4, Folder 60; Robert M. Jones to Peter Pitchlynn, October 27, 1872, Box 4, Folder 59, WHC; Robert M. Jones, *A Reverend Libeler* (Boggy Depot: Vindicator, 1872), 2-5.

<sup>71</sup> Ibid., William Morrison, “Tragedy of Rose Hill,” William B. Morrison Collection, OHS; “Death of General Douglas H. Cooper,” *The Star-Vindicator*, May 10, 1879.

Factionalism and threats to the nation did not die with Cooper's fall from grace, but rather accelerated in intensity after Jones' death. To meet these threats, Choctaws elected Coleman Cole chief in 1874. Cole was a culturally-traditional, educated Choctaw who had the credentials of being an opponent of both Pitchlynn and Cooper in the past. Most of his followers later called themselves the "Nationalists," who stood in opposition to the "Progressives." The cognomens for each group are telling about the changes of Reconstruction—for all of Jones' life, he had been a progressive nationalist, two attributes that was in no way contradictory.

Cole adamantly worked towards removing white intruders and preventing sectioning of land. Yet, with the completion of the Missouri, Kansas, Texas railroad in 1873, the task of keeping out unauthorized white men proved nearly impossible. Still, Cole and future chiefs made extensive efforts to limit the number of white intrusion in their territory. Cole attempted to place a tax on each white man occupying Indian Territory only to have the Secretary of the Interior strike down the law. Even an eventual permit law was effectively resisted by the entrenched white invaders. In 1881, Chief Jackson McCurtain called out a militia to seize the property of non-citizens surrounding Skullyville only to be met with substantial resistance. White men, some good, most bad, were clearly on Choctaw lands to stay.<sup>72</sup>

Choctaws weathered factional disputes in the past, the end of the Reconstruction era ushered in a new period of increased factional violence. On multiple occasions, Nationalists and Progressives murdered one-another with impunity. While Choctaws fought one another for the power to control their future, Americans fortified their

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<sup>72</sup> Miheshuah, *Choctaw Crime and Punishment*, 4-14; Morrison, *Social History of the Choctaw Nation*, 81, 91, 102.

position to make a major push towards ending tribal governments and opening tribal lands. Nearly every year a new territorial law appeared in Congress.

Though they had survived the Civil War as a unified people, Reconstruction redefined Choctaw nationhood and fostered new and competing notions of Choctaw Nationalism that created political and social fissures. After decades of national consensus among Choctaws, the struggle to stay united in the post-Civil War period made the indigenous nation increasingly vulnerable to U.S. colonial expansion and federal assimilation policy designed to dispossess them of their land and dissolve their political sovereignty. The destruction of Reconstruction tore apart the popularly-conceived national consensus, and ushered in a dark era for the Choctaw people.

## CONCLUSION:

In the factionalism of Reconstruction, Robert M. Jones' family also met economic strife and internal violence following his sudden death in 1873. Jones completed a will only three months before his death and had it filed in both Choctaw and American nations to protect all of his property. Yet, not anticipating his imminent demise, he failed to update his debts and debtors, leaving his wife Elizabeth, the executrix of the will, to make and defend against claims without adequate information. American and Choctaw former business partners, traders, customers, and companies took full advantage of Elizabeth's lack of information. She subsequently appeared regularly in Texas and Choctaw courts for more than a decade, disputing demands and paying hefty legal fees.<sup>1</sup>

More than just an inconvenience, Jones' death and the distribution of his assets tore his family apart. Frances Love, Robert's daughter with second wife Susan Colbert Jones, filed suit for control of the estate in 1875 after her step-mother failed to set aside \$10,000 for Susan's two children as dictated in the will. Five years later, Robert Jones Jr.—also known as “Robbie” or “little Bob” and Mary, Jones' surviving children with Elizabeth, reported that their mother failed to disclose over \$60,000 in insurance money she received from Jones' death, from which she owed her children \$10,000 according to the will. This economic impropriety contributed to Robert's suspicion that his father had been poisoned by his doctor, Samuel Bailey, who also happened to be witness to his will. Elizabeth was also suspect given that she married Dr. Bailey very shortly after Jones died.<sup>2</sup>

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<sup>1</sup> A.W. Neville, *Backward Glances*, vol. 2, (Lamar: Wright Press, 1987).

<sup>2</sup> *Ibid.*



Tensions boiled over in 1882 when Robert Jr. and his nephew, Robert Love, confronted Bailey over the money they were owed and possibly leveled accusations of murder. In a scuffle, Robert Jr. shot and killed Bailey and buried him at the mouth of Boggy River. When Choctaw authorities took no action, Bailey's former overseer and acting U.S. Marshall Tom Young was also killed by Robert Jr. in a failed apprehension attempt. He then fled to Texas while his nephew, Robert Love was indicted as accomplice to murder. A month later, Robert Jr. took his own life in St. Louis, Missouri. This violence, while tragic, was indicative of the bloodshed that followed Reconstruction and the invasion of white outsiders.<sup>3</sup>

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For decades, a broad-based consensus on the primacy of nation had protected Choctaw sovereignty through crises like Removal, the 1850s Constitutional debates, and the Civil War. This nationalism was predicated upon protecting a land base, balancing traditional and progressive values, promoting a national education system, and placing national priorities above factional divides. In doing so, Choctaws like Jones had mastered using the tools of colonialism to protect rather than destroy sovereignty. Divergent factions always existed, but in face of external threats the Choctaws had been unique in their ability to find a common course of action and effectively present a united front. Reconstruction and the myriad dilemmas it accompanied destroyed that consensus and presented American forces with an opportunity to systematically extinguish Choctaw sovereignty.

Through the 1880s, factionalism intensified as "Progressives" and "Nationalists" vied for control of Choctaw political institutions. Contemporaries and historians often

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<sup>3</sup> *The Choctaw Herald*, February 23, 1911.

erroneously distinguished these groups by blood and level of acculturation, but this was not always the case. “Mixed-bloods” and “full-bloods” joined the ranks of both parties. Many leading Progressives like Principal Chief Edmund McCurtain (1884-1886) spoke in favor of defending “our Nation and her government,” and passed laws limiting white rights within the Nation. Likewise, Nationalists were not always the downtrodden, anti-education, “full-bloods” depicted by their detractors. To the contrary, they supported missionary education and often put their faith in educated, wealthy men, sometimes “mixed-blood” men like Principal Chief Benjamin F. Smallwood (1888-1890) who called for death to anyone who forfeited Choctaw land. Before Reconstruction, both Progressive and Nationalist agendas could co-exist, as they did with Robert M. Jones. But with the threats of allotment and intrusion, both parties fervently believed their approaches to be the sole method of saving their iteration of the Choctaw Nation, making capitulation not an option.<sup>4</sup>

Growing economic stratification and heightened racial hierarchies further intensified political conflicts. White men like J.J. McAlester drew the ire of Nationalists after making himself incredibly wealthy by exporting Choctaw coal, buying herds, fencing lands, and demanding Choctaws vacate “his” land. Even Robber baron Jay Gould had his hands on Choctaw lands. Progressives claimed to abhor this behavior from white men while obstructing most measures to prevent it. White boomers, as many as 15,000 by 1889, flooded Choctaw lands looking for their own wealth.<sup>5</sup> Added to this were freedmen, eventually made citizens but never regarded as racial equals, climbing economic ladders sometimes above impoverished Choctaws.

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<sup>4</sup> Devon Mihesuah, *Choctaw Crime and Punishment*, 80, 83.

<sup>5</sup> James Morrison, *The Social History of the Choctaw Nation*, 59, 73-84.

They attended schools at a higher rate than white children in Southern states and farmed large tracts of land. As one traditional Choctaw later recounted, “I am a slave instead of the Negroes.” Though economic stratification, often associated with the “mixed-bloods,” had been a fixture of post-removal Choctaw life with limited antipathy, alarming increases in economic disparity augmented perceived connections between blood and oppression.<sup>6</sup>

Violence erupted following the disputed 1892 elections. Progressive Wilson Jones—a rich, “mixed-blood,” with a deceased Chickasaw wife, mansion in Texas, and somehow completely unrelated to Robert M. Jones—almost certainly rigged the majority of elections Progressives’ favor. A group of 16 Nationalists, called by one “the Last League of Choctaws,” led by former sheriff Silan Lewis, responded by engaging in a killing spree against local Progressives. Their supporters numbered in the hundreds, at least. After a failed cease fire agreement and fearing arrest, part of this group fled to the house of Victor M. Locke, the white former Confederate soldier who clerked for Robert M. Jones in 1867. Locke, affectionately known as “Uncle Dick,” supported the Nationalist cause against allotment and offered to protect them until they could secure a fair trial. However, Wilson Jones’ militia arrived, most members heavily intoxicated, and shot Locke and engaged in a prolonged standoff with the armed Nationalists. Lewis and his followers’ violent actions were especially telling in that a law-abiding, informed, politically-active cohort reached the point of armed internal violence against leading men engaged in ending their sovereignty.<sup>7</sup>

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<sup>6</sup> Joel Spring, *The Cultural Transformation of A Native American Family and its Tribe 1763-1995*, 157-158.

<sup>7</sup> Devon Mihesuah, *Choctaw Crime and Punishment*, 116-121, 130-133, 137, 199.

As these events transpired, both Choctaw factions continued the tradition of carefully cultivating their outside image as peaceful and relatively united to preempt any argument for American interventions. Nonetheless, sensationalized accounts of brutality and corruption spread throughout the region, tarnishing the Choctaw's standing for effective, "civilized" government. Already in their reports Indian Affairs commissioners had begun qualifying the Five Tribes as "semi-civilized" in subtle attempts to undermine reputations. Violence and disorder gave the American government all the justification they needed to send troops. Attempting to win public opinion wars, Wilson Jones exceeded his authority and stayed the execution of all but Silan Lewis, who died an agonizing death from a misplaced gunshot wound before a large crowd and photographers. Jones and others aptly pointed out that violence of this nature regularly occurred in the United States without calls for new governments, but failed to win support.<sup>8</sup>

By 1897, Progressive Chief Greenwood "Green" McCurtain recognized that the United States planned to implement allotment regardless of Choctaw resistance. Thus, with the Council's approval, he signed the Atoka Agreement which stipulated the abolishment of tribal laws and courts by 1906 and an agreement to allot Choctaw land. This concordat, later codified into the Curtis Act, effectively ended tribal sovereignty while facilitating land despoliation and statehood. Future chiefs, a constantly-weakening title, were selected by American presidents instead of Choctaw citizens. On

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<sup>8</sup> Ibid, 143, 154. Historian and Native Choctaw Devon Mihesuah convincingly defends Silan Lewis as a hero and true patriot.

paper, the famed Choctaw Nation—the proof of the possibilities for Indian government—ceased to exist.<sup>9</sup>

Yet, the Choctaw spirit of nationalism survived statehood and even overcame federal termination attempts in the late 1940s. As historian Valerie Lambert demonstrates, “Choctaw Nationalism served as a powerful tool of resistance for the youth organizers” who fought to reinstate the Choctaw Nation. They succeeded in 1970 and have been making strong strides since to augment and solidify their sovereign status. Still, Lambert laments all that was lost during a time when the nation ceased to formally exist. In her own words:

Our tribe has come far in the struggle to rebuild our formal institutions, our polity, and our land base in the aftermath of allotment upheaval. But we remain painfully aware of the fact that what we have accomplished thus far falls short of what we created and what constituted our land base in the days of our glory in the nineteenth century. With respect to our nineteenth-century political and legal institutions, we fear that such potent expressions of our sovereignty may never again exist.<sup>10</sup>

Today’s Choctaw Nation is the strongest that it has been since allotment. In accessing the official Choctaw website, four consecutive tabs walk visitors through major pillars of the current Choctaw Nation: national history, education, internal economic development, and effective national government capable of defending sovereign rights. Essentially, Choctaws today embrace the same national structures to recover what was lost in allotment that nineteenth-century Choctaws selectively adapted and adopted to build-up their nation after removal.

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<sup>9</sup> Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation*, 171-178 .

<sup>10</sup> Valerie Lambert, *Choctaw Nation: A Story of American Indian Resurgence*, 64-75, 108.

On a warm, Saturday afternoon in April of 1938 outside the town of Hugo, Oklahoma, a crowd of approximately one-hundred spectators gathered for the dedication of Rose Hill Cemetery, a project funded by the Works Progress Administration. Jones' mansion itself had been passed between family members after Elizabeth Jones (later Bailey, Moore, Earls) moved to Arkansas and Texas. Elizabeth Randall, granddaughter of Robert M. Jones received the allotment for the land but only rarely stopped by. Eventually, Rose Hill was used primarily for social functions; one man recalled, "The last time I was in this room, I danced with Belle Starr, she was a might bad woman, but sure a good dancer." In 1912, following a celebration of sorts, the mansion caught fire, taking untold numbers of historical documents including the vast majority of Jones' correspondence and financial records with it. Twenty-years later, using funds from the Works Progress Administration, the Oklahoma Historical Society constructed a large stone wall surrounding Jones' cemetery, around 100 yards from where the estate had stood.<sup>11</sup>

The well-choreographed proceedings on that 1937 day reveal the problems of classifying men like Robert M. Jones. Robert L. Williams, President of the Oklahoma Historical Society and a man who had spent the better part of a decade tracking down documents on Jones, gave a hagiographic speech on Jones' life and death. William's proclaimed that "perhaps the highest honor he received was that of representative from the Choctaw Nation to the Confederate congress." This was followed by speeches from the United Daughters of the Confederacy and brief remarks from two freedmen who still lived in the general vicinity. Then, much to the delight of the crowd, the

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<sup>11</sup> Dr. W.B. Morrison, "The Tragedy of Rose Hill," *March 11, 1928*. Jones' remaining records that survive today are either correspondence he sent to others, government documents, or letters used by Elizabeth Jones in his probate cases. *Daily Oklahoman*, May 1, 1938.

freemasons laid the cornerstone for “Robert M. Jones Memorial: Representative in the Congress of the Confederate States of America.” Somehow, one of the less significant actions of Jones’ life—a delegate post which he left during the war—was etched in stone above his grave. In that moment, Jones’ cemetery became a shrine, not to the incredible sovereign nation to which he belonged, but rather an endorsement of the Confederate war effort and subsequent American colonial endeavors. Jones was no longer a Choctaw Nationalist, at least not to those orchestrating the commemoration.<sup>12</sup>

Colonial dominance, including that of memory and commemoration, have made understanding nineteenth century Choctaw Nation-building strategies especially difficult. The late nineteenth-century “Progressive” vs. “Nationalist” struggle only further deludes the picture. Yet, scratching beneath the surface reveals the potential for nationalist progressives—Choctaws who selectively embraced certain non-traditional structures on their own terms and with their own authority.

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<sup>12</sup> *Daily Oklahoman*, May 1, 1938; Grant Foreman Collection, Box 9, Folder 11.

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