

The Office of Chief and the Constitution of the Choctaw Nation

On Monday, April 28, 2014, Tribal leaders, state dignitaries, Tribal employees, and community members gathered at Tribal Headquarters in Durant to witness an historic event – Gary Batton’s inauguration as the 47th Chief of the Choctaw people in Oklahoma.

Selecting leadership is an important right of any sovereign people. This right has been preserved and codified by the Choctaw people through a series of Tribal constitutions. In these documents, Choctaw people have laid out a structure for self-governance.

In taking the oath of office, Chief Batton swore to protect the Constitution of the Choctaw Nation of Oklahoma. The current Choctaw constitution was created in 1983. It establishes the framework through which our Chief, Assistant Chief, Tribal Council, and Judicial System work. Under this constitution, the Tribe as a dependent sovereign nation within the United States, has been able to create programs that provide the opportunities that we currently enjoy for economic, political, and cultural growth.

Through the 1800s and early 1900s, Choctaw leaders witnessed many changes. In 1818, at the request of Choctaw leadership, missionaries began moving in the Nation bringing American education and Christianity. To adapt to these changes the Choctaw leaders created the Choctaw Lighthorsemen in order to provide law and order where traditional family law systems began to wane. In 1826 Choctaw leaders began to draft what would be the first constitution for the Choctaw people. However, in 1830 the draft was interrupted by Treaty of Dancing Rabbit Creek that forced the Choctaw Nation to move to what is today Oklahoma (Milligan 2003:37) (Debo 1961:45).

In 1834, following the removal, Choctaw leaders signed the first Choctaw constitution. The Leaders agreed that Nanih Waiya, near the present town of Tuskahoma, would be the capitol. This constitution established three Choctaw districts, as had existed in Mississippi prior to Removal. These were named after three prominent Chiefs, Moshulatubbee, Apukshunubbee and Pushmataha. Each district had its own Chief. They were aided by 27-member Tribal Council. The Lighthorseman acted as the judges and carried out punishments for crimes committed against the Nation (Milligan 2003:97-98) (Debo 1961:74).

In 1837, the Chickasaw people were removed from their homelands into the Choctaw Nation, with many of them settling in the western part of the Nation. A new constitution was ratified in 1838 at the Nation’s capitol at Nvnihi Waiya. This constitution created a fourth District, the Chickasaw District as well as establishing four powers of government; the legislative power with a General Council, the executive power consisting of three district Chiefs, the judicial power consisted of a Supreme Court and Inferior Courts, and a military power that created a general in each district. The declaration of individuals’ rights was included in the constitution and guaranteed individuals trial by jury. The addition of the judicial power limited the role of the Lighthorseman to law enforcement (Milligan 2003:98) (Debo 1961:74-76) (1838 Constitution).

Amendments were made to the Constitution in 1842 and 1850. By the first, the General Council was split into a Senate and a House of Representatives, and the Military power was removed. Instead a clause was added for a militia to be raised by the General Council and the Chiefs in times of need or war. In 1850, changes were made to the judicial



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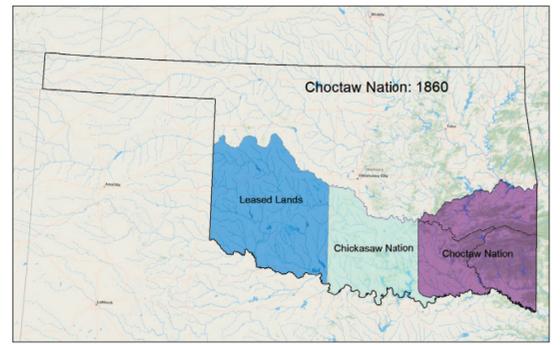
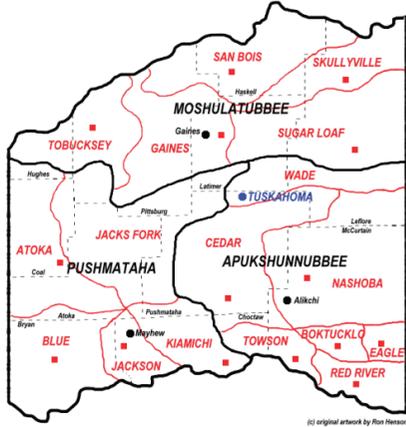
powers that removed the inferior courts and replaced them with District Circuit Courts and County Courts. The capitol was relocated to Doaksville (Milligan 2003:98) (Debo 1961:74-76) (1842 Constitution) (1850 Constitution).

In 1855, the Choctaw Nation signed a treaty with the United States and the Chickasaw Nation, transferring a portion of the Western Choctaw Lands to the Chickasaw Nation. Today the same line is used to separate the two Nations. Due to the withdrawal of the Chickasaw District from Choctaw Nation, a new constitution was needed. It was signed in 1857 at Skullyville. This constitution changed the executive powers from the District Chiefs to a single Governor and adopted the Great Seal of the Choctaw Nation, a version of which, is still used today (Milligan 2003:98) (Debo 1961:75-76) (1857 Constitution).

Due to political issues with the Skullyville Constitution a new constitution was signed into effect in Doaksville in 1860. This constitution added a district called the Hotubbee district; this was comprised of leased lands located to the west of the Chickasaw Nation. Additionally, the title of Governor was replaced by Principal Chief and the District Chiefs were brought back into existence, although as subordinates to the Principal Chief. A National Secretary, Treasurer, Auditor and Attorney were also added to the executive powers. The Lighthorseman and militia would be under the jurisdiction of the Principal Chief (Milligan 2003:98) (Debo 1961:74) (1860 Constitution).

The 1860 Doaksville Constitution gave a foundation for the Choctaw leaders to guide the Nation through what would be many more hard periods for Choctaw people. Soon after this constitution was ratified, the American Civil War erupted. The Choctaw Nation was brought into the conflict leaving many families destitute in the following years of reconstruction. In 1884, an amendment changed the Nation’s capitol to Tvshka Homma. A few years later, the Dawes Commission and the Curtis Act came into effect, in many ways temporarily ending the sovereignty of the Tribe in 1906. Beginning in 1910 Choctaw Chiefs were appointed by the U.S. President. This continued until 1970, when efforts by the Choctaw people saw a return to greater self-determination (Milligan 2003:229).

In 1971, Chief Harry J.W. Belvin became the first elected Choctaw Chief in 65 years. In 1978, a General Council was formed to help create a new constitution for the Choctaw Nation. Within a year, the Council had drafted the first constitu-



tion officially adopting “The Choctaw Nation of Oklahoma” as the Tribe’s official name. This constitution established a three branch system of government: a legislative department consisting of a Tribal Council, an executive department consisting of the Chief, and a judicial department consisting of a Supreme Court. In 1983, a new constitution was signed, which created the position of Assistant Chief to be appointed by the Chief with approval of the Tribal Council. Additionally, the Tribal Council was reduced from 15 members to 12 members (Milligan 2003:245-246) (1979 Constitution) (1983 Constitution).

Today the Choctaw Nation of Oklahoma is the third largest tribe in the United States. Daily we enforce our sovereignty through our many businesses, our political representation with the federal, state, and local governments, and through our language & culture. Without our Constitution, the Tribe could not achieve such success nor would it be able to realize its mission to the Choctaw people; To achieve healthy, successful, productive, and self-sufficient lifestyles for a proud nation of Choctaws.

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