

## ITI FABVSSA

### **A New Chahta Homeland: A History by the Decade, 1830-1840**

Over the next year and a half, Iti Fabvssa is running a new series that covers Oklahoma Choctaw history. By examining each decade since Choctaw arrival in our new homelands using Choctaw-created documents, we will get a better understanding of Choctaw ancestors' experiences and how they made decisions that have led us into the present. This month, we will be covering 1830-1840, a period when Choctaws responded to removal and established themselves in the new homeland.

The Choctaw were the first of the Southeastern Tribes to experience removal, giving this deadly experience the name "Trail of Tears and Death." For Choctaws, the Trail of Tears would last for more than 70 years, with groups periodically being removed from the Choctaw homeland to Indian Territory up until 1903. However, the biggest group, approximately 12,000 people, made the journey in 1830-1834.

Between 1830-1840, the Choctaw Nation faced the monumental task of reestablishing its government, social structure, and economy in a new land. Removal was a period filled with losses but also rapid adaptation and learning from the experiences before, during, and after removal. The first of the Five Tribes to be removed from our homeland, Choctaws' experiences were particularly difficult due to the U.S. government's failure to provide adequate supplies and uncoordinated planning throughout the westward journey. Nevertheless, in the new homeland that Choctaws owned collectively, they persevered and succeeded in reuniting as communities with new sets of relations with the land and peoples living there. This first decade was critical to rebuilding their nation.

Before the U.S. Congress signed the 1830 Indian Removal Act, Choctaws had signed numerous treaties with the United States that laid the groundwork for possible removal. Yet, Choctaw leadership negotiated these treaties in the hopes that removal would not be inevitable. The 1820 Treaty of Doak's Stand exchanged part of the Choctaw homeland for land west of the Mississippi River. In exchange for half of the ancestral homeland, the western parcel of land included the land now known as western Arkansas. An estimated 2,000 Choctaws moved to these western lands before the Trail of Tears removal. Despite this treaty, Euro-American settlers continued to pressure Choctaws into ceding more land. This ultimately resulted in Choctaws and U.S. officials signing the 1830 Treaty of Dancing Rabbit Creek on September 27, 1830.

One of the most significant elements of the Treaty of Dancing Rabbit Creek was securing the new Choctaw homeland in fee simple. As a legal title regarding the property, fee simple made landownership more straightforward and uncontestable. At the time, it was unusual for an Indigenous nation to own their land this way. Choctaw treaty negotiators' insistence that Choctaws own the new homeland in fee simple is a stunning result of the Choctaw emphasis on education in both Choctaw and western traditions. Choctaw negotiators were trained in the western legal system and used this education to protect Choctaw sovereignty in dealing with the U.S. government. This was a critical decision that continues to support Choctaw sovereignty today. Another innovation regarding the land title was the decision to have the entire Choctaw

Nation collectively own our new homeland. Since land belonged to all Choctaw people in Indian Territory, this ensured that individual Choctaws could not give away or sell the land to U.S. settlers. Just as previous Choctaw leaders had done for thousands of years, leaders allocated people enough land to live and create a livelihood for themselves. Families were provided only enough land that they could responsibly manage and improve. If a family left their farm and home, it would become free for anyone else to use. This ensured that everyone had ample supplies to live.

Choctaws were organized into three districts in the homeland. When it came to removal, most Choctaws moved with local leaders who decided which district leader to follow. This helps to explain why there were numerous waves of removal. The first wave of removals began in October 1831. Later waves occurred throughout 1832-1834, 1838, and throughout 1844-1855. Some Choctaws remained behind in the homeland, opting to live under discriminatory Mississippi law. In exchange for their homeland, removed Choctaws held the U.S. to its promise that they would be allowed to live undisturbed by Euro-American settlers that consistently tried to seize Choctaw lands for themselves. They would also remain their own nation, politically separate from the U.S., and would never become a part of any state. With these treaty terms, Choctaws worked together to get to the new homeland and rebuild their lives aligned with the values of their ancestors.

Removal caused catastrophic losses within the numerous Choctaw communities. The removal journey was particularly devastating to elders and children and many of them passed away during the journey. The loss of these community members was terrible because it meant the loss of knowledge keepers and the next generation. As a result, some of the knowledge and political processes that Choctaw ancestors had maintained for thousands of years could not be continued because people were focused on surviving. One such example is the collapse of the clan structure in part because people traveled in family groups rather than entire communities. This would lay the groundwork for Christian churches to become centers of the community later on. To recover from these losses, Choctaw leaders worked hard to reorganize as a government so they could provide for their people.

On June 3, 1834, Choctaws passed their first post-removal constitution, which was primarily drafted by Peter Pitchlynn. This was the second constitution in Choctaw Nation history. Just like in the homeland, the Choctaw Nation was organized into three districts. In the new territory, these districts were named after prominent Choctaw leaders: Moshulatubbee, Apukshunnubbee, and Pushmataha. Each of these districts elected a Head Chief known as a minko. Lower-level chiefs were known as captains. Similar to the government of the homeland, the three districts largely acted independent of one another, coming together as needed. They also built a council house in the new capitol, which they named Nanih Waiya after the Mother Mound of the homeland.

To address problems that existed in the homeland and to prevent similar future ones, General Council passed numerous laws to protect the integrity of Choctaw Nation. The first law passed by the General Council was in 1834 regarding the sale of whiskey. In the homeland, alcohol was a problem because white settlers had used it to coerce individual Choctaws into unfavorable agreements that often ultimately resulted in land loss. In 1836, Council passed an act "declaring the punishment for selling land." The numerous laws focused on property indicate serious concerns about being able to maintain control over land. Still reeling from the loss of the

homeland, General Council passed laws that ensured Choctaw control over the new territory. While treaties secured the title, Choctaw leaders were conscious of the fact that the U.S. might not implement treaties as stated.

One particularly important instance of this U.S. failure to honor treaty terms involved the Chickasaws. Choctaws had not even begun their westward journey when they began to hear rumblings about possibly selling part of their new homeland. In September 1831, before Choctaws had even begun their journey, President Andrew Jackson charged Indian Agents with the task of convincing Choctaws to sell 4,500,000 acres of their newly acquired land in Indian Territory to the Chickasaws. At that time, those negotiations failed, but it would not be the last attempt at a land sale. The Chickasaws' 1837 removal treaty stated that they would move once they found land comparable to their homeland. Chickasaw leaders failed to find land they liked, so they turned to negotiating with Choctaws for land despite having been enemies during periods of their shared history. In January 1837, Choctaws and Chickasaws signed a treaty at Doaksville (near Fort Towson) to create a Chickasaw District within Choctaw Nation. Rather than being their own separate political entity with negotiating power akin to the Choctaws, Chickasaws would become a part of the Choctaw Nation, and the two would negotiate with the United States together. Chickasaws were the last of the Five Tribes to leave their homeland in the East for Indian Territory. By 1838, Chickasaws began moving through Choctaw territory to become a part of the Choctaw Nation. This marked a new chapter in Choctaw history with new challenges in a new territory.

Next month, we will cover the period of 1840-1850, where Choctaws developed a new economy and reformed their government numerous times to best address these new challenges. Additional reading resources on this period are available on the Choctaw Nation Cultural Services webpage at <https://choctawnationculture.com/choctaw-culture/additional-resources.aspx>. Follow along with this Iti Fabvssa series in print and online at <https://www.choctawnation.com/history-culture/history/iti-fabvssa>. If you have questions or would like more information on the sources, please contact Megan Baker at [meganb@choctawnation.com](mailto:meganb@choctawnation.com).



*Nanih Waiya Council House, date unknown. Photo from the Oklahoma Historical Society.*