

ITI FABVSSA

A New Chahta Homeland: A History by the Decade, 1860-1870

Iti Fabvssa is currently running a series that covers the span of Oklahoma Choctaw history. By examining each decade since the Choctaw government arrived 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 1860-1870 when the Choctaw Nation created the Constitution of 1860, entered the U.S. Civil War and dealt with the consequences for its participation, primarily the Treaty of 1866.

In January 1860, Choctaws came together for another constitution convention. Despite many sources that say otherwise, this 1860 constitution was legally in effect until 1983, when the Choctaw Nation of Oklahoma passed our first post-statehood constitution. Major changes in the 1860 constitution included the creation of the office of the "Principal Chief" and the establishment of a fourth district of Hotubbee, which encompassed the lands known as the "Leased District." District Chiefs still existed but much of their authority was transferred to the office of the Principal Chief, and the title became more honorary than practical. Notably, this constitution made no direct reference to slavery even though it was the issue that nearly started a Choctaw civil war just a couple of years prior. This omission was partially because of the growing abolitionist sentiments in the neighboring United States, leading pro-slavery Choctaws to avoid an open debate on the issue. Nevertheless, outside of the constitution, individuals pushed for support for slavery, southern secession, and a Choctaw-Confederate alliance.

Multiple factors contributed to the Choctaw Nation's decision to ally with the Confederacy. Initially, Choctaw leaders understood their nation to be completely separate from the U.S. and so they should not be involved with its issues. Their primary concern was that the U.S. would honor their treaties. Choctaw leaders wanted to be sure that Choctaw lands would remain in Choctaw possession. As the constitutional crisis between the Skullyville and Doaksville constitutions had showed, slavery was increasingly an important issue within Choctaw Nation. Individual citizens, often prominent mixed-blood businessmen whose wealth came from plantations run by enslaved Black people, were major proponents of supporting the Confederacy. But before any alliance could be broken and made, it had to be debated.

In June 1861, Chief George Hudson convened a special session of Council at Doaksville to decide how Choctaw Nation should respond to the U.S. Civil War. By this time, the U.S. had withdrawn its military forces from Indian Territory, leaving Choctaws vulnerable despite its treaty obligation to protect them. Peter Pitchlynn, who had spent years in Washington D.C. advocating for Choctaws to receive the money secured by treaties via the Net Proceeds case, felt that a neutral position would be best. If Choctaws turned against the U.S., they would not receive the money they were due. But there were also strong advocates for the Confederacy. Robert M. Jones, a prominent Choctaw leader who owned some of the largest plantations in Choctaw Nation, declared that anyone who opposed Southern secession should be hung. Just before this meeting, a group of Texans threatened Pitchlynn and his family's lives if he continued to

maintain a pro-Union position. During the multi-day council meeting, white men from Texas and Arkansas interrupted to lobby for a Choctaw alliance with the Confederacy. This pro-southern secessionist climate led leaders like Pitchlynn and Hudson to withhold a prepared speech that called for neutrality. Ultimately, Council decided on June 10 to send a delegation of Choctaw leaders to negotiate and sign a treaty with Confederate leaders.

Since the U.S. had broken its treaty obligation to the Choctaw Nation by removing federal troops from the region and offered no help, Choctaws found themselves surrounded by the Confederate states. Furthermore, important individual allies who had advised Choctaws in numerous instances joined the Confederacy and encouraged Choctaws to do the same. Under these circumstances, if Choctaws had not joined the Confederacy, it is likely they would have been destroyed. Confederate leaders who negotiated a Choctaw alliance included Albert Pike, an Arkansas lawyer who had worked with Pitchlynn in securing the money from the net proceeds case, and Douglas Cooper, the Choctaw Nation's U.S. Indian Agent before he joined the Confederacy. Both drew on their experience working with Choctaws to offer desirable terms that allowed Choctaw Nation to maintain its sovereignty. Choctaws' alliance with the Confederacy also allowed them to govern their lands more strictly than under their treaty terms with the U.S. government. For instance, U.S. citizens who intruded into Choctaw lands could not be removed by anyone but a U.S. agent, who often failed to follow through with his responsibility. Under the treaty with the Confederacy, Choctaws could expel intruders and enforce their own laws to prevent "lawlessness." Much of the "lawlessness" that federal officials claimed existed in Indian Territory was a direct product of U.S. failure to follow their own laws and legal agreements with Choctaws. Allying with the Confederacy became an opportunity for Choctaw Nation to govern itself according to its laws.

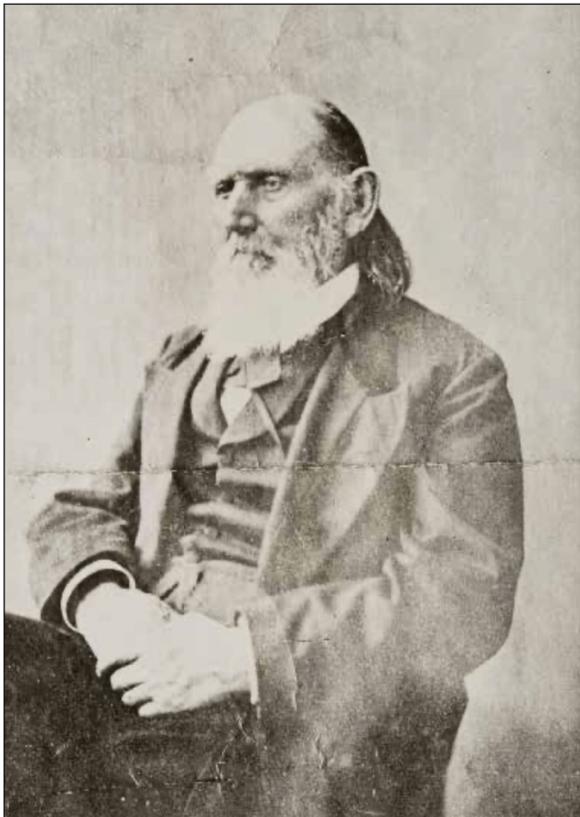
During the war, Choctaw soldiers primarily fought within the boundaries of Indian Territory. Choctaws, who had the largest number of troops after the Cherokees, joined regiments with other soldiers from the Five Tribes. Even though the Treaty with the Confederacy stipulated that Choctaws would not be called on to fight outside of its borders, Choctaws were still called on to do so and many went to fight. But when it came to the Confederacy honoring the treaty promise to protect Choctaw Nation, they withdrew from the western part of the Choctaw Nation twice when it was invaded and used Choctaw Nation as a buffer. On July 17, 1863, the Battle of Honey Spring, the largest battle in Indian Territory, took place. The Confederate troops lost, resulting in a major loss in supplies. For a more detailed account of the Civil War experiences and battles in Choctaw Nation, see Iti Fabvssa's October 2011 article, "Choctaw Nation and the American Civil War." As it became clear that the Confederacy was losing the war, Choctaw leaders resumed their relationship and treaty negotiations with the U.S. government. Peter Pitchlynn, who was elected Principal Chief in 1864, signed the Choctaw Nation's final surrender on June 19, 1865. This paved the way for general council to appoint a commission of delegates to negotiate a new treaty at Fort Smith.

Known as the Treaty of 1866, this reconstruction treaty became an especially important document in Choctaw history since it continues to guide Choctaw-U.S. relations today. Since the Choctaw and Chickasaw Nations were unified by their 1855 Treaty, they signed a treaty with the U.S. together. Both were at a disadvantage for allying with the Confederacy. Choctaws were forced to cede the Leased District for \$300,000. Seeking to induce the Choctaw Nation to adopt their former enslaved people, the U.S. made it so that this payment would only come if

Choctaw Nation emancipated and adopted former enslaved people within three years of signing the treaty. Another major term was that the Choctaw Nation would permit the building of one north-south and one east-west railroad through their territories. Other important treaty points included a provision turning Indian Territory into the "Territory of Oklahoma," the name of which was proposed by Allen Wright and was later appropriated by white settlers for a different territory to the west of Choctaw Nation. It also called for the immediate survey and allotment of Choctaw and Chickasaw lands. Any surplus lands would have been allocated with white settlement. These terms regarding Oklahoma territory and allotment and never came to pass in the manner outlined by this treaty. While these parts were not implemented, provisions regarding the railroad that did go forward would have long-lasting consequences.

Additional reading resources on this period are available on the Choctaw Nation Cultural Service webpage (<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.

Next month, we will cover the period of 1870-1880 which was marked by the first railroad to cross Choctaw borders and the rapid development of the coal mining industry.



Peter P. Pitchlynn served as a representative in Washington D.C. and Principal Chief of the Choctaw Nation during the 1860-1870 decade. A significant portion of his personal and official correspondence is available for viewing at the Helmerich Center for American Research. Credit: Unknown. Col. Peter Pitchlynn, Ex-Governor of the Choctaw Nation. 4326.3224. Oklahoma Native American Photographs Collection. 1850-1900. Tulsa: Gilcrease Museum, <https://collections.gilcrease.org/object/43263224> (12/12/2017).