

## ITI FABVSSA

### The Choctaw Constitution of 1826

For this month's Iti Fabvssa, we are taking a short break from the "A New Chahta Homeland: A History by the Decade" series to share a copy of the first Choctaw constitution. This was recently transcribed from Henry Halbert's unpublished manuscript on Choctaw history and culture located at the Alabama Department of Archives and History in Montgomery. The Choctaw General Council ratified this constitution on August 5, 1826, and it was followed by a National Code that included 22 laws.

During this time, the Choctaw Nation was under the threat of removal by the United States. Choctaw leaders hoped to persuade the United States to drop discussions of removal by showing U.S. officials that Choctaw people could be "progressive" and "civilized." With this constitution, Choctaw leadership embedded long-established laws and practices that already had a place in Choctaw culture into a governmental form recognizable by U.S. leaders and citizens. While Choctaw leaders had long performed all roles of government, writing and approving a western-style constitution in 1826 was one means of demonstrating governing capability to the U.S. This constitution included elements of both U.S.-style government and Choctaw traditional governance. Other such examples of blending cultures included inviting missionaries into the Choctaw Nation to build schools and creating a police force known as the Lighthorse. To the United States, it looked like Choctaws were assimilating into American society. In reality, Choctaws played an active role in selecting elements of American life and incorporating them into Choctaw culture. Since this first Choctaw constitution is not widely available, we are sharing it here in its entirety. Our constitutional form of government is just one way that Choctaws upholds sovereignty throughout time.

*(See Choctaw Constitution below)*

This constitution is particularly significant for the way that it binds the three districts together in a way that the U.S. government would have to recognize. Article 2 ensured that the U.S. could no longer negotiate land cessions with just one leader. It ensured that all districts would be aware of any and all affairs. Article 3 can be interpreted as an attempt to prevent the debt of one chief from affecting the rest of the nation directly since the U.S. government often used individual chiefs' debt to leverage land cessions. While this constitution could not prevent removal, it was an important step for organizing Choctaw people and laid a foundation for the Choctaw Nation that established itself in the new homeland in Indian Territory. We continue this tradition to maintain our sovereignty and work to create ways forward for the future generations of Choctaw people.

## ***In General Council of the Choctaws, August 5th***

*The chiefs and warriors of the different districts of the Choctaw Nation, having met in general council for the purpose of taking into consideration the affairs of the nation; and of determining what measures are necessary to be adopted to promote the general welfare; having felt the evils of a want of proper regulations among themselves; and having seen the necessity of entering into some definite compact, and passing a few general laws for the government of the whole nation, have, after full deliberation and reflection, agreed upon and adopted the following articles.*

*Article 1. There shall be a General Council of the nation, to be held at some designated spot – at least twice a year for the transaction of business*

*The General Council shall be composed,*

- 1. Of the three principal chiefs:*
- 2. Of the captains of each district, and*
- 3. Of one warrior to accompany each captain, to be selected by the chiefs; each chief to make his own selection. Every one so selected shall be entitled to speak and vote in council: but his appointment shall not be considered as conferring any authority upon him out of the council.*

*If any law be passed by a majority of the captains and counsellors, it shall become a law and have effect throughout the nation, if it be approved by the chiefs or any two of them. If it be disapproved by the chiefs, or any two of them, it shall not become a law under two thirds of the captains and council present shall vote for it.*

*Any law or custom of a particular district, which conflicts with a general law shall be void.*

*Art. 2. It is distinctly understood, that the soil on which we live is the common property of the whole nation. No district shall ever sell, or part with, any portion of this land without the full and fair consent of the other two districts.*

*Art. 3. There shall be a standing committee of men in each district to be chosen by the chiefs, whose duty it shall be to watch over the general welfare of the nation, and see that the laws are duly carried into effect. In cases of a local nature, where the interest of a district is only concerned, they are to act as the ordinary counselors of the chief and assist him with their advice in the regular administration of justice.*

*No contract, made by any head chief; shall be binding upon the annuity, unless approved by the standing committee of the three districts, which shall meet together at some central spot four times a year for the transaction of the national business; and when thus met they shall be*

*turned the National Committee. It shall be this duty to see that their annuities are faithfully applied; and that the public money is not squandered away on useless or improper objects. They shall act as auditors in arranging and determining on all claims, which may be brought against the nation. They shall have power (subject to an appeal to the general council) to reject all such claims, as they may think unjust, curtail such as they may think extravagant – and admit such as are reasonable and proper.*

*When depredations are committed by citizens of the United States upon any Choctaw or Choctaws, it shall be the duty of the National Committee to lay the facts of the case, with such proofs as can be procured, before the agent, so that compensation may be rendered to the injured party. At every General Council, the National Committee shall make a report of their proceeding since the last General Council, and suggest such laws and regulations as they may deem expedient for the public good.*

*Art. 4. That due order and decorum may be preserved in the transaction of business, the chiefs shall appoint a certain number of men, whose duty it shall be to present all disorderly and improper conduct at the councils and at the distribution of the annuities. Any person disturbing the council and using abusive or threatening language shall be taken into custody, and dealt with, as the council may determine.*

*Art. 5. The members of the standing committee shall be chosen to serve two years. When united and sitting as a National Committee, they shall choose a chairman who shall preside in their deliberations, and a clerk who shall keep a record of their proceedings.*

*Art. 6. The members of the National Committee shall also be considered as members of the General Council and shall speak and vote accordingly.*

*Art. 7. In pursuance of the suggestion of the first article, it is resolved, that for the erection of a National Council house at some central spot in the nation, the sum of four hundred and fifty dollars should be appropriated.*

*(Signed)  
Tapanahuma,  
David Folsom,  
Greenwood Leflore,*