

RECONSTRUCTION IN THE CHICKASAW NATION,

1865-1877

By

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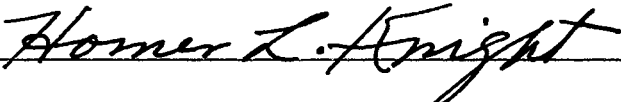
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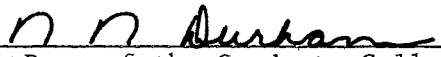
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PREFACE

The Chickasaw Indians have the doubtful honor of being remembered by historians as the smallest and most warlike of the Five Civilized Tribes. Like so many other tribes, they were forced to leave their native homes and settle in Indian Territory as white civilization advanced across the American continent.

Some twenty years after coming to their new lands, the lives of the Chickasaws were again interrupted. The Civil War broke out and the Chickasaws, almost unanimously, joined the Confederate States of America. They felt a strong sympathy for the Southern cause, since they not only owned Negro slaves which they had purchased with money received from the sale of Southern Chickasaw lands, but also had many friends who joined the Confederate Army at the outbreak of the fighting.

The purpose of this thesis is to investigate the effects of the post-Civil War reconstruction period on the Chickasaws. The Chickasaws suffered little direct damage from the Civil War since there was but limited fighting within the Chickasaw Nation and the tribe was spared a division of opinion in choosing sides in the conflict. It was instead the post-Civil War period which greatly affected the Chickasaws, because of the many changes which were being advocated for the American Indian at the time. The Chickasaws realized as they attempted to reconstruct the way of life they had known before 1861 that what they were building was constantly being threatened by measures proposing individual allotment, territorial government, outside white civilization, and the

inclusion of freedmen in the tribal membership of the Chickasaw Nation. In spite of these fears they established a way of life which was much more like that of white culture than that of historical Chickasaw civilization. They were approaching the goal set for the American Indian by most Anglo-Saxons, the adoption of white values and customs leading to acculturation into white society. The author feels that her thesis has added importance since it comes at a time when there appears to be a growing concern both in Oklahoma and in the national government to help the American Indian find his rightful place in the twentieth century United States. An intensive study, such as this, should contribute much in deepening our understanding of those Chickasaw people who live in Oklahoma today.

The author is deeply grateful to all those who have given her such valuable assistance with her research and writing. She extends her thanks to the staff of the Oklahoma State University Library for their help in locating many of the government documents necessary for the preparation of this thesis. She is very appreciative of the help given by the staff of the Oklahoma Historical Society in locating reference materials in the Indian Archives and the newspaper microfilms. The author wishes to extend a special word of thanks to Mrs. Alice Timmons and to Dr. A. M. Gibson for the valuable help they gave in locating materials in the Phillips Collection in the University of Oklahoma Library.

The author acknowledges a deep debt of gratitude to Dr. LeRoy H. Fischer for his constant advice and help. It was he who established the need for this study and helped guide the author in developing her research in this field. Most of all, he gave tirelessly of his time in

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CHAPTER I

BEFORE RECONSTRUCTION

Formal recognition of the Civil War came to Indian Territory on July 1, 1861, when the Chickasaw Nation joined three other of the Five Civilized Tribes in the following statement: "Whereas, the dissolution of the Federal Union under which the government of the United States existed, has absolved the Muscogee [Creek], Seminole, Choctaw, and Chickasaw nations of Indians from allegiance to any foreign government, whatever."¹ Then on July 12, 1861, they joined their Choctaw neighbors in a treaty with the Confederate States of America, thereby disrupting their lives for years by participating in the war between the whites of the North and South.

This interruption was one more in a series of disturbances for the Chickasaws. As one of the Five Civilized Tribes, their original homeland had been in the South. There they were known for courage, independence, and military prowess. These characteristics made them unable to accept the advancing white frontier, as the Treaty of 1832 explained: "The Chickasaw Nation find themselves oppressed in their present situation by being made subject to the laws of the states in which they

¹Articles of Confederation entered into between the Muscogees, Seminoles, Choctaws, and Chickasaws, at North Fork Town, Creek Nation, July 1, 1861, Choctaw Foreign Relations Folder, Number 17708, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

reside. Being ignorant of the language and laws of the white man, they cannot understand or obey them. Rather than submit to this great evil, they prefer to seek a home in the west, where they may be governed by their own laws."²

In 1837 they began the journey to Indian Territory, and completed their move in about one year. The Chickasaws had agreed to buy lands in the western part of the Choctaw Nation, but they hesitated for several years because of the danger from warlike Indians in that region. In 1842, after Fort Washita was built in that area for their protection, the Chickasaws were encouraged to leave the Choctaw Nation and settle on lands of their own. But as late as 1851 one third of the tribal members remained in the Choctaw Nation.³ Those who moved to Chickasaw land began once again to build homes, farms, and towns.⁴

Until 1855 a joint Choctaw-Chickasaw council governed both nations. This was not a satisfactory arrangement and was ended by a treaty providing for separate governments for each tribe. In August, 1856, the Chickasaws drafted a constitution stating: "All freemen, when they form a social compact have equal rights, and no man or set of men is entitled to exclusive, separate, public emoluments or privileges, but in

²Constitution, Laws, and Treaties of the Chickasaws (Tishomingo: E. J. Foster, 1860), p. 177.

³Muriel H. Wright and Peter J. Hudson, "Brief Outline of the Choctaw and Chickasaw Nations in the Indian Territory, 1820 to 1860," Chronicles of Oklahoma, VIII (December, 1929), p. 401.

⁴Information concerning early Chickasaw history was taken from Grant Foreman's The Five Civilized Tribes (Norman: University of Oklahoma Press, 1934), pp. 97-105.

consideration of public services."⁵ Under this constitution they convened a popularly elected legislature, passed laws, initiated a system of courts, chose a governor, and provided for the education of their children.

As an agrarian people, the Chickasaws soon began farms and ranches in their new land. They chose one of the most fertile areas in the United States when they decided to settle in the Washita River Valley. Subsistence farming and cattle ranching operations were so successful that their agent wrote of a surplus of cattle, horses, and hogs in his report of 1859.⁶ To help increase production even more, some of the schools established for Chickasaw children conducted training in agriculture. One academy superintendent reported in 1858 that his students had raised 75 acres of corn, 50 of wheat, 40 of oats, and 8 of sugar cane. The school was experimenting with many kinds of grasses, including clover, lucerne, millet, and blue grass.⁷

Helping the Chickasaws with all their tasks were the Negro slaves

⁵ Davis A. Homer, ed., Constitution and Laws of the Chickasaw Nation Together with the Treaties of 1832, 1834, 1837, 1852, 1855, and 1866 (Parsons, Kansas: The Foley Railway Printing Company, 1899), Art. 1, Sec. 2, p. 4.

⁶ U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1859 (Washington: George W. Bowman 1860), p. 188, hereinafter cited as Commissioner of Indian Affairs Report for 1859.

⁷ U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1858 (Washington: William A. Harris, 1858), p. 167, hereinafter cited as Commissioner of Indian Affairs Report for 1858.

they had brought from their Mississippi homes.⁸ On the eve of the war there were 917 slaves distributed among 118 Chickasaw owners. The largest proprietor among the Chickasaws held 61 slaves, with 10 Chickasaws owning an average of $27\frac{1}{2}$ slaves each. The average was nearly 8 slaves for each owner, or one to each $5\frac{1}{2}$ Chickasaw.⁹ Of the 4 Chickasaw counties, Panola had the most Negro slaves with 320; Tisomingo and Pickens each had 240, and Pontotoc had 117.¹⁰

Chickasaw development was delayed by continued danger from Indian raids, and also because it took time to adjust to being uprooted from their Southern homeland.¹¹ But they had made great progress between removal and 1860. They had adjusted to leaving their historic homeland and adapting a new home well enough that Elias Rector, the Superintendent of the Southern Indian Superintendency, was able to report by 1860: "If any Indian tribes on the continent can ever be incorporated into this Union it will be the Choctaws and Chickasaws."¹²

⁸ Muriel H. Wright in her Guide to Indian Tribes in Oklahoma (Norman: University of Oklahoma Press, 1951), p. 89, explains the acquisition of slaves by the Chickasaws. The annuities from the sale of 6,283,804 acres of land in Mississippi made the Chickasaws wealthy. Many families invested their payment in Negro slaves which they brought with them to Indian Territory.

⁹ U. S. Congress, House of Representatives, Executive Document Number 116, 37th Congress, 2d Session (Washington: Government Printing Office, 1862), pp. 10-11.

¹⁰ Ibid., p. 136.

¹¹ James D. Morrison, "Problems in the Industrial Progress and Development of the Choctaw Nation, 1865-1907," Chronicles of Oklahoma, XXXII (Spring, 1954), p. 79.

¹² U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1860 (Washington: George W. Bowman, 1860), p. 117, hereinafter cited as Commissioner of Indian Affairs Report for 1860.

Then came the war. The Chickasaws were the first of the Five Civilized Tribes to take steps toward joining the Confederate States of America. The Chickasaw legislature passed a resolution on January 5, 1861, calling a meeting of the various tribes in Indian Territory to determine what would be best for them in case of war.¹³ This meeting was held on March 11, 1861, at Boggy Depot in the Choctaw Nation, with Texas men present, urging the Indians to join the Southern cause.¹⁴ The Chickasaw legislature declared the tribe virtually independent of the United States on May 25, 1861, but waited until July 12, 1861, before joining their Choctaw neighbors in a treaty with the Confederate States of America.

The Chickasaws had many reasons, besides the common factor of slave holding, for joining the South. The white men they knew best influenced them in this direction. Rector resigned along with his agents upon the coming of war and joined the service of the South. The 146 white men living among the tribe influenced them in this direction also. The Chickasaw agent, Isaac Coleman, in analyzing the situation after the war, found these white men as the chief cause for Indian disloyalty.¹⁵ Other white friends, such as Douglas Cooper, a Southerner who had been

¹³John D. Benedict, Muskogee and Northeastern Oklahoma, Including the Counties of Muskogee, McIntosh, Wagoner, Cherokee, Sequoyah, Adair, Delaware, Mayes, Rogers, Washington, Nowata, Craig, and Ottawa, (3 vols., Chicago: S. J. Clarke, 1922), I, p. 112.

¹⁴Edwin C. McReynolds, Oklahoma: A History of the Sooner State (Norman: University of Oklahoma Press, 1956), p. 202.

¹⁵U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1865 (Washington: Government Printing Office, 1865), p. 280, hereinafter cited as Commissioner of Indian Affairs Report for 1865.

their agent for several years, were also joining the Confederacy. It was but natural for the Indians to follow the white leadership they respected before the war. The Indians were also uneasy because of rumors that circulated during the presidential campaign of 1860 that the Republican Party advocated a policy of giving the Indian land to white settlers.¹⁶

The Chickasaws themselves defended their action with the belief that the Union had actually dissolved. As Federal troops withdrew from Indian Territory the Chickasaws were left to the mercy of the Plains Indians who had plagued them since they first settled in the West. The Chickasaws turned willingly to offers of Southern help, and cemented their friendship with the July treaty.

The Civil War once again brought disruption to the lives of the Chickasaw people, even halting the operation of their political system for the duration of hostilities. By their constitution, the Chickasaw legislature was to meet annually at Tishomingo on the first Monday in September, but this body did not assemble during the war. The governor of the nation, Winchester Colbert, was even a fugitive in Texas during the war. There was likewise a breakdown of law enforcement and tribal courts did not convene.¹⁷ The nation was also subjected to Indian raids beginning in the summer of 1864, when a Comanche party took cattle and horses, and continuing until June, 1865, when a band of 350 warriors

¹⁶Angie Debo, The Rise and Fall of the Choctaw Republic (Norman: University of Oklahoma Press, 1934), p. 80.

¹⁷John Bartlett Meserve, "Governor Daugherty (Winchester) Colbert," Chronicles of Oklahoma, XVIII (December, 1940), p. 351.

attacked.¹⁸

Confederate military authorities requisitioned and seized livestock, corn, and other supplies from their Chickasaw allies. The Chickasaws often received Confederate currency for these supplies, and this left many impoverished after the war.¹⁹ The Federal troops regarded Indian property as contraband, and private white citizens sometimes joined the Federals in seizing Chickasaw property.²⁰

The physical destruction was not as great in the Chickasaw Nation as it was in the Indian nations where fighting was heavy. Concerning this situation, the Commissioner of Indian Affairs, D. N. Cooley, reported in September, 1865: "The condition of affairs in the Choctaw and Chickasaw country is not as serious for the reason that those tribes went almost unanimously with the rebellion and of course had no object in destroying their own property, though even there the effects of the war are distinctly visible."²¹ The physical destruction that came to the Cherokee, Creek, and Seminole nations resulted to a great degree from the fighting between Union and Confederate factions of the tribe. The number of Federal Indians in the Chickasaw Nation was estimated

¹⁸ Robert L. Ream, "A Nearly Forgotten Fragment of Local History," Chronicles of Oklahoma, IV (March, 1926), pp. 34-44.

¹⁹ Ibid., p. 35. Neil R. Johnson also commented on this in The Chickasaw Rancher (Stillwater: Redlands Press, 1961), p. 20.

²⁰ Annie Heloise Abel, The American Indian Under Reconstruction (Cleveland: Arthur H. Clark Co., 1925), p. 75.

²¹ Commissioner of Indian Affairs Report for 1865, p. 205.

variously at one tenth to one twentieth of the tribe.²² Whatever the actual number, they were a very small portion of this tribe of 5,000 and they fled to safer territory when the fighting began.

The war ended for the Chickasaws on July 14, 1865, when Winchester Colbert and his troops surrendered. The immediate reports that circulated out of the Chickasaw Nation led many to believe that conditions were much worse than they actually were. Coleman, the Chickasaw Agent, writing on September 19, 1865, noted that his report would be scanty because he did not feel it was safe to venture into the Chickasaw Nation since all Indian Territory was in an "unsettled condition." He based this report on information given to him by representatives at the Fort Smith Peace Conference.

The members of the Chickasaw Nation in the southern part of their territory were in the best condition after the war. These Indians had been able to plant crops in the spring and summer of 1865, and these grew well, especially near the Red River. The Chickasaws had also been issued rations by the Confederate forces until March, 1865.

But the resources of the southern part of the Chickasaw Nation were being taxed to the utmost by refugee Indians of the Creek and Cherokee tribes. Chickasaws in the south could amply provide for tribal members in their area, provided Confederate Cherokees and others, not citizens of the nation, were removed. Governor Colbert desired that these

²²The estimate on one tenth of the tribe being Federal is found in the Condition of the Indian Tribes: Report of the Senate Joint Special Committee Appointed Under Joint Resolution March 3, 1865 (Washington: Government Printing Office, 1867), p. 447. The Commissioner of Indian Affairs Report for 1865, p. 208, estimates there were only 212 people who joined the Union cause from the Chickasaw Nation.

Indians be transferred before some of them were driven by necessity to commit theft and similar crimes.²³

The western and northeastern parts of the nation were in much worse condition. Coleman reported that in these areas men had been away with the Confederate forces for three years and that they had not been able to plant crops during this time. The Chickasaws had also experienced very poor crops in 1860, so they had entered the war with a shortage of food.²⁴ Coleman added that the government "would have to supply them with the necessaries of life and agricultural implements." The Indians in this region of the nation were the main group included in the one third that Coleman estimated had been left destitute by the war, partly because Confederate troops freely seized their horses and cattle.²⁵

In October, 1865, the leaders of both the Chickasaw and Choctaw nations reported optimistically "that their crops will furnish them sufficient subsistence, excepting for the refugees, numbering in all, both Chickasaw and Choctaw, near two thousand, who were being fed by Agent Coleman." These refugee Indians were often those loyal to the United States who had left their homes or had been driven from them during the war. They naturally were in much worse condition than the Southern Chickasaws. The agent for the Southern Superintendency, Elijah Sells, reported also in October that this group "insists that

²³New York Tribune, September 20, 1865, reported that the Southern Cherokee delegation at the Fort Smith Conference estimated about 6,000 Cherokees were in destitute condition in the Choctaw and Chickasaw Nations along the Red River.

²⁴Commissioner of Indian Affairs Report for 1860, p. 117.

²⁵Commissioner of Indian Affairs Report for 1865, p. 280.

they have not the means to purchase clothing, and that their destitution is extremely painful, and must result in a great suffering unless supplied by the government." He also requested seeds and agricultural implements for these refugees.

Governor Colbert in October, 1865, joined the chief of the Choctaw Nation, Peter P. Pitchlynn, in requesting the United States government to help both tribes in the area of education. The Chickasaw Nation had five successful institutions for secondary education before the war. Burney Institute accommodated about 40 pupils; the Chickasaw Manual Labor School averaged 100 students. For girls there was Wapanucka Academy with some 100 pupils and Bloomfield Female Academy which had 60 students. Another school, Colbert Institute, burned during the war. Bloomfield was the only Chickasaw school to operate after the war began.²⁶

Chickasaws with farms, crops, and livestock were threatened by both white and black renegades in keeping these possessions. Many of the whites who had influenced the Chickasaws to join the South were still living among them. Some of these men were involved with cattle thefts in the fall of 1865. During the war cattle had been allowed to run free with only poor supervision. Enterprising operators between the end of the war and October, 1865, drove some 300,000 cattle from Indian Territory. Agent Coleman wrote in September of that year: "Whites who lived with the tribes several years are now driving out large droves of cattle with little or no compensation to Little Rock and Fort Smith."²⁷ Stolen cattle were also driven to the Kansas border and sold to brokers who

²⁶Ibid., p. 257.

²⁷Ibid., p. 280.

drove them on to market.²⁸

Not only were the Chickasaws losing cattle, but they faced the loss of much of their labor supply. The wealth of the Chickasaws had been invested in Negro slaves, and these were freed after the war.²⁹ The Chickasaws did not regard their defeat in the war as automatically freeing the slaves, since the Emancipation Proclamation was not regarded as effective in Indian Territory. Formal emancipation of the Chickasaw slaves did not come until the spring of 1866, but many Negroes were freed in the fall of 1865 because of the unsettled conditions following the war or because slave owners often made private arrangements with their slaves for their freedom.

The immediate condition of the freed Negro in the Chickasaw Nation was no better than that of the Indians, who themselves were largely destitute. This condition was further aggravated by intruder Negroes from areas other than the Chickasaw Nation. Many Texas planters were anxious to be rid of their own freed Negroes, and they encouraged them to cross the Red River into sparsely settled Chickasaw territory, where they formed settlements.³⁰ This influx can be detected by viewing the 1860 census which gave the number of Negroes in the Chickasaw Nation as 919, and by noting in 1865 that the Chickasaw agent reported 2,000

²⁸ Ibid., p. 437.

²⁹ James Henry Malone, The Chickasaw Nation: A Short Sketch of a Noble People (Louisville: J. P. Morton and Co., 1922), p. 413.

³⁰ Joseph B. Thoburn and Muriel H. Wright, Oklahoma: A History of the State and Its People (4 vols., New York: Lewis Historical Publishing Co., 1929), I, p. 375, hereafter cited as Thoburn and Wright, Oklahoma, I.

Negroes in the Chickasaw Nation among an Indian population of 5,000.³¹

The intruding Negroes had little means of earning a living since the Chickasaws could not afford to hire laborers, and the newcomer had no land, livestock, or equipment of his own. Even the Chickasaw freedmen found it difficult to support themselves and, as a result, Chickasaw corn cribs, smoke houses, hen roosts, and small trading establishments suffered from midnight raids. Likewise, Chickasaw cattle on the open range were not safe from hungry and desperate Negroes.³²

The Chickasaws and Choctaws responded with a vigilance committee, which pre-dated the Klu Klux Klan initiated by the leadership whites of the South to deal with the Negro. About 500 Chickasaw and Choctaw members, usually organized as mounted patrols, searched for stray Negroes. Any Negro caught was required to answer the questions asked of him. A Negro apprehended with the carcass of a beef or hog, or riding a stolen horse, was usually executed on the spot. If an Indian neighborhood was bothered often by deprivations from a Negro settlement, the Negroes were advised to move, and urged to do so to the point of shooting into their cabins at night.³³

Out of this confusion and bloodshed in the summer of 1865 came a call for a meeting of representatives of the Five Civilized Tribes of Indian Territory and white commissioners representing the United States government. The conference was called for September, 1865, at Fort Smith,

³¹U. S. Congress, House of Representatives, Executive Document Number 116, 37th Congress, 2d Session, pp. 10-11, and Commissioner of Indian Affairs Report for 1865, p. 257.

³²Thoburn and Wright, Oklahoma, I, p. 375.

³³Ibid., p. 376.

Arkansas. This was the first step toward political reconstruction for the Chickasaw Nation. For them, as for the Confederate States and the other secessionist Indians, the future was very uncertain. The Chickasaws had willingly interrupted the progress they were making in building a new life in the West to join the white man's fight. They had almost unanimously chosen the losing side in the conflict. In the summer of 1865, when little in the Chickasaw Nation resembled life before 1861, they wondered what their punishment would be for joining the Confederate States. Would they be dealing with a forgiving victor, or with one who wished to include punishment in the peace terms? The Chickasaws were soon to know.

CHAPTER II

THE FRAMEWORK OF PEACEMAKING

The Grand Council of the United Nations of Indian Territory had been created on July 1, 1861, by representatives of the Five Civilized Tribes. The Chickasaws were active members of the Grand Council during the war, when it met each September at Armstrong Academy, the capital of the Choctaw Nation. An especially convened session of this body in June, 1865, selected a delegation of Choctaws to go to Fort Smith and arrange for the September meeting with the United States officials in order to fully resume peaceful relations with the United States government. Since the Grand Council would be in regular session at Armstrong Academy in September, the Indians desired that the meeting with the United States officials be held there. The Indian leaders also felt this would be a better location for the less civilized Indians who would, in addition, be attending.¹

The Indian representatives were not successful in winning this first objective. Fort Gibson, in the Cherokee Nation, was considered as an alternative for Armstrong Academy, but the United States representatives insisted on Fort Smith, because their commissioners were already enroute to that location. This proved to be the winning argument in the selection of the meeting place.

¹Abel, The American Indian Under Reconstruction, pp. 166-167.

Some Indian leaders might not have attended the Fort Smith meeting had it not been for Colbert. He helped persuade the Southern Cherokee and Creek leaders to attend this meeting by explaining that the Confederate Indians could hold the Grand Council meeting as scheduled and then adjourn to Fort Smith, thus missing the first few days of the conference at Fort Smith.² This was the plan followed by all Southern Indian leaders.

The Chickasaw representatives who were scheduled to go to Fort Smith were anxious about the future of their nation as they awaited the September conference. Colbert later referred to this in a speech in 1866: "The end of the war abrogated the treaty with . . . [the Confederacy] and left us under the gravest apprehension touching our relations with the United States."³

These grave apprehensions were caused not only because the Chickasaw Nation had supported the South, but because the white man was once again eyeing Chickasaw land. When the Five Civilized Tribes were allied with the Confederate States, plans were frequently presented to the Congress of the United States to obtain the surplus lands of these Indians. The Homestead Act of 1862, passed when the South was not represented in Congress, spelled eventual danger for the Indians. Many people in Kansas were extremely eager to make use of the land in Indian Territory by moving their own Indians to reservations there. Railroad interests were also beginning to press for concessions in Indian Territory

²Ibid., p. 171.

³Address of Peter P. Pitchlynn and Winchester Colbert, John Ross Manuscripts and Papers, Number 2755⁷³, Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

since the area stood in the path of several transcontinental routes. Cattlemen, developed in the aftermath of the war, would soon be demanding grazing rights and land in Indian Territory. Any of these concessions might be made as punishment for the disloyalty of the tribes during the war. Thus, the sanctuary in Indian Territory, promised to the Five Civilized Tribes for eternity, was being threatened by the same push of white civilization that had taken the Chickasaw's homeland in Mississippi.

The commissioners chosen to represent the United States at the impending conference were not likely to dispel any fears the Indian held. The United States representatives were D. N. Cooley, Commissioner of Indian Affairs and president of the conference; Thomas Wistar, an influential member of the Society of Friends; Elijah Sells, Superintendent of the Southern Indian Superintendency; Brigadier General W. S. Harney of the United States Army; and Colonel Ely S. Parker, a Seneca Indian, also of the United States Army.⁴

The Federal Chickasaws were represented at the Fort Smith Conference by John Lewis, Esh Ma Tubba, Alfred G. Griffith, Maharda Colbert, Frazier McCrean, Benjamin Colbert, Jim Doctor, Simpson Killcrease, A. B. Jonson, Et Tor Lutkee, Louis Jonson, and George Jonson. Agent Coleman was also present.⁵ He had no first hand knowledge of the situation in Chickasaw territory, for he had not been there since the fighting ceased.

On September 8, 1865, the Fort Smith Conference opened with a

⁴Commissioner of Indian Affairs Report for 1865, p. 202.

⁵Ibid., p. 313.

speech by Commissioner Cooley. Only the Northern Chickasaws represented the tribe when Cooley spoke these words: "Portions of several tribes and nations have attempted to throw off their allegiance to the United States, and have made treaty stipulations with the enemies of the government, and have been in open war with those who remained loyal and true, and at war with the United States." These Indians, Cooley continued, had "forfeited all annuities and interests in the lands of Indian Territory." Cooley promised to protect the rights of the Northern factions, who were the only Indians hearing this speech, but insisted that new treaties must be negotiated with the entire tribe.⁶

The Federal Chickasaws quickly expressed surprise at Cooley's words. They had come to be reunited with the Southern members of the tribe, who they hoped would be properly punished, and then life could go on as before the war. The Chickasaws began to realize that the tribe would be treated as a whole, with little regard for the Northern group. The confusion and alarm of the Indians was expressed by Griffith's response to Cooley: "We are the ones that kept the laws that the Government laid down, because we thought we would all be safe. We were all here at the time set, the 1st of September. We understand what we have come here for, but still there is some misunderstanding. How is it? I hope we can understand yet."⁷

Cooley soon clarified what the United States wanted done before normal relations would be resumed, even with the loyal Chickasaws. He insisted new treaties must be negotiated because, he explained, the

⁶Ibid., p. 314-315.

⁷Ibid., p. 317.

Indians "by making treaties with the so-called Confederate States, forfeited all rights under . . . [their former treaties with the United States], and must be considered at the mercy of the government." New treaties would be made which would include seven provisions: each tribe must enter into a treaty for permanent peace among themselves and with the United States; each tribe must agree to help United States authorities compel the Plains tribes to keep peace; slavery must be abolished; the freedmen were to be incorporated into the tribe; Kansas Indians were to be settled on land in Indian Territory purchased by the government from the various tribes; the Indians must agree to the government policy of consolidation of all the tribes of Indian Territory into one government; white persons, except United States employees and officials, and employees of internal improvement companies authorized by the United States, were not to be permitted in the territory without the approval of the tribes involved.⁸

On September 11, 1865, the Federal Chickasaw delegation made its reply to these provisions. Griffith indicated that the Northern Indians came expecting only reunion with the Southern factions of their tribe. The Federal Chickasaws were not empowered to conclude treaties with the United States government, but agreed to do so in order to please the United States. The Federal Chickasaws agreed also to settle other tribes in their territory. Griffith's delegation represented but a small part of the tribe, and they did not feel they were in a position to decide on the abolition of slavery and the adoption of the Negro into the tribe; they supported the stipulation freeing slaves currently

⁸Ibid., pp. 202-203.

held by tribal members. They also did not feel in a position to comment on the provision creating a consolidated government for the Indian tribes. They agreed that only Indians, their former slaves or freedmen currently resident in the Chickasaw Nation, and government officials, agents, or employees, and employees of internal improvement companies, should be the only persons allowed in the Chickasaw Nation unless formally permitted by the tribal legislature.⁹

The way was cleared for a treaty of peace and amity when the white commissioners once again insisted that the Chickasaws could sign treaties, even if they had not been instructed to do so by their tribal government. The Confederate Indians would be required to agree to the same treaties as the Northern factions.¹⁰ On the fifth day of the conference the Northern Chickasaws joined the other tribes represented--the Cherokee, Creek, Choctaw, Osage, Seminole, Seneca, Shawnee, and Quapau-- in signing a treaty with the United States, which read in part: "The undersigned hereby acknowledge themselves to be under the protection of the United States of America, and covenant and agree, that hereafter they will in all things recognize the government of the United States as exercising exclusive jurisdiction over them, and will not enter into any allegiance or conventional arrangement with any state, nation, power, or sovereign whatsoever; that any treaty or alliance for cession of land, or any act theretofore done by them, or any of their people, by which they renounce their allegiance to the United States, is hereby revoked, cancelled, and repudiated." The tribes recognized by this same treaty

⁹ Ibid., p. 320.

¹⁰ Ibid., p. 327.

that their treaties with the Confederate States forfeited "all rights of every kind, character, and description which had been promised and guaranteed to them by the United States." The United States in return agreed to protect the Indians and their property and to enter into new treaties and settle all questions that concerned the Indians.¹¹ The formal signing of this treaty came on September 14, after Cooley's assurance that any tribe or delegation that did not wish to sign did not need to sign. He desired that the tribes agree willingly and cheerfully, and with this statement by Cooley the Northern Chickasaws signed.¹²

The same day the Southern Indians began arriving for the meeting from Armstrong Academy. Governor Colbert was the first Southern leader to arrive. He reported that a large number of Indians were on the way to Fort Smith.¹³ On September 15, when the delegation of Southern Chickasaws and Choctaws arrived, all the remaining Northern Indians signed. The Southern Chickasaws delayed signing until the afternoon of September 18; they waited until Robert M. Jones of the Choctaw Nation had explained the position of these two tribes in joining the Southern cause. "Viewing the separation between the two sections as a fixed fact," Jones emphasized, "and considering the States of the South as more intimately connected with us in interest, as well as by geographical position, we regarded it as a matter of interest, as well as that of duty, to cast our destiny with them." The Indians recognized that the Confederate States of America had ceased to exist, and they were ready

¹¹Ibid., p. 331.

¹²Ibid., p. 333.

¹³New York Tribune, September 15, 1865.

to resume relations with the United States under the treaties which the Indians had obeyed without fail from 1786 until 1861. In concluding, Jones hoped that "the established relations between the sections of the United States may be lasting, and that we may never again be forced to cast our fortunes with one of two contending sections."¹⁴

This treaty of amity and peace established friendly relations between the United States and the Southern and Northern Chickasaws. The Fort Smith Conference produced little else. Negotiations were conducted concerning the final treaty which would include the seven provisions required by the United States government. When the negotiations faltered on the issue of adopting the freedmen into the Chickasaw tribe, three proposals were made by Cooley on this matter. He proposed that the former slaves be given full citizenship in the Chickasaw Nation and a full share in tribal lands, but the Chickasaws refused to consider this. Cooley later modified this proposal; he still suggested the full adoption of the freedmen into the tribe, but that their holding in Chickasaw land be limited to forty acres. The final proposal, Cooley said, was that the Indians "surrender enough land in this leased district country for settlement of their freedmen in case the Federal Government should agree to remove them all within a specified time."¹⁵ In each of the three proposals the white commissioners insisted that the freedmen be

¹⁴Commissioner of Indian Affairs Report for 1865, pp. 345-346.

¹⁵The Leased District was the land in Indian Territory west of the ninety-eighth meridian; it had been leased to the United States by the Choctaw and Chickasaw nations for the use of the tribes of the Southwestern Plains for hunting. Roy Gittinger, The Formation of the State of Oklahoma 1803-1906 (Berkeley: University of California Press, 1917), p. 52.

given permanent homes in Indian Territory. The two tribes and their freedmen were already having numerous conflicts, and the Indians of these tribes did not want the Negro to continue living in their nations for fear these difficulties would continue.¹⁶

No agreement was reached concerning the final treaty before the Fort Smith Conference adjourned on September 21. The Chickasaws understood that when they were willing to negotiate again, they were to select delegates who would travel to Washington, D. C., when Congress next convened in order to work out the final treaty.

The Fort Smith Conference was the beginning of peaceful relations between the Chickasaws and the United States. The Chickasaws attended the Conference hoping to gain knowledge of what the future held for their tribe. They realized that the United States might wish to punish them for joining the Confederacy, and they desired to know what this punishment could involve. They were told that the treaties with the Confederate States had forfeited all the treaty rights they formerly had with the United States, but the treaty of peace and amity itself threw little light on the Chickasaw future. The Indians realized that they would have to go to Washington to work on another treaty, and that they would go with many unanswered questions. They would take questions dealing with issues growing out of the war, and they would also face treaty proposals growing out of the white pressure to use Indian land and make the Indians into white men. The Chickasaw delegation left Fort Smith and returned to their tribal lands to begin recovery from

¹⁶Claims of the Choctaw and Chickasaw Tribes, John Ross Manuscripts and Papers, Number 6226, Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

four years of civil war.

In the fall of 1865 the Chickasaw people faced their uncertain future with the comfort of knowing stability was returning to their tribal government. The Chickasaw legislature did not meet during the war, but on October 2, 1865, this body assembled and quickly ratified the peace treaty recently concluded at Fort Smith. The legislature met regularly during the rest of the reconstruction period.

The issue of immediate concern for the legislature and Governor Colbert was the selection of delegates to go to Washington for the negotiation of the final treaty. Colbert was authorized to appoint, with the advice and consent of the Chickasaw Senate, three persons to attend the Washington meeting "with full power to reconstruct or enter into new treaties with the United States."¹⁷ Colbert Carter, Holmes Colbert, and Edmund Pickens, all Southern Chickasaws, were chosen to represent the nation. Accompanying them were Robert H. Love, E. S. Mitchell, the secretary of the nation, and Governor Colbert. Of these men, Pickens, Holmes Colbert, and Governor Colbert had signed the treaty of 1861 with the Confederate States of America.¹⁸

Before the Chickasaw delegation left for Washington, a problem was emerging which was to become the most important issue of the

¹⁷U. S. Congress, House of Representatives, Report Number 98, 42d Congress, 3d Session (Washington: Government Printing Office, 1873), p. 79.

¹⁸U. S. War Department, War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies (70 vols., 128 books in U. S. Serial Set, Washington: Government Printing Office, 1880-1901), iv, I, p. 465. Hereinafter cited as Official Records; series cited in small case Roman numeral; volume cited in large case Roman numeral; Part of each volume cited as "Pt."

reconstruction period--what was to become of the Chickasaw freedmen? The Chickasaws rejected all offers made by the white commissioners for the solution of this problem at Fort Smith, since the Indians were unwilling to accept treaty terms which included adoption of the freed Negro.¹⁹ By the fall of 1865 there was little opposition to the actual freeing of the slaves, and the Chickasaw legislature helped clear the way for the formal freeing of the slaves. The Chickasaw constitution required that slave owners must be compensated for the slaves if the slaves were freed by government action.²⁰ Realizing that it would be financially impossible to provide fair and adequate compensation for all slave owners in the Chickasaw Nation, the legislature passed a general provision for all types of amendments to the constitution.²¹ Thus the way was cleared for a bill providing for a constitutional amendment freeing the slaves without compensation for their owners. Such legislation was not introduced in the end, partly because many Chickasaws believed the United States government would soon take action in this area.

In October, 1865, Governor Colbert offered a plan for freeing the slaves. He suggested that as an immediate measure each owner could work out arrangements with their own slaves for their freedom. Later there could be a system, Colbert said, "to apprentice all free Negroes under 21 years of age, to their former owners, provide for the aged over

¹⁹Chickasaw Federal Relations Folder, Number 7067, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

²⁰Constitution, Laws, and Treaties of the Chickasaws, p. 22.

²¹Commissioner of Indian Affairs Report for 1865, p. 357.

fifty, and the infirm, and employ the middle-aged at fair wages."²²

Colbert's actions were described by Major General John B. Sanborn, the commissioner of the United States appointed at Fort Smith to regulate conditions between freedmen and their former Indian masters in Indian Territory. Sanborn reported that in June, 1865, Colbert had told the Chickasaws to "hold their slaves until they could determine at Washington whether or not they could get pay for them and if they could not they would strip them naked and drive them either South to Texas or North to Fort Gibson." Sanborn reported further: "Many Negroes have been shot down by their masters in the nation, and the government has taken no steps to punish the guilty."²³ This report was based only on information gathered by Sanborn from Louis Jonson and other Northern Chickasaws represented at Fort Smith. Sanborn admitted in January, 1866, that his first report represented much too harsh a picture of conditions in the Chickasaw Nation and of Governor Colbert's statements.²⁴

While abolition was not strongly opposed, the presence of the freedmen in the Chickasaw Nation was bitterly resented by the Chickasaw people.²⁵ The delegation left for Washington in December, 1865, well aware of the conflicts caused by the Chickasaw freedmen and freedmen who

²²Ibid., p. 358.

²³U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1866 (Washington: Government Printing Office, 1866), pp. 283-284, hereinafter cited as Commissioner of Indian Affairs Report for 1866.

²⁴Ibid., p. 286.

²⁵Commissioner of Indian Affairs Report for 1865, p. 358.

were coming into the nation in increasing numbers from other former slave holding areas. The delegation knew that their people desired to end this conflict, and many of them felt that the only solution would be to remove the freedmen from the Chickasaw Nation.

The Indians had been warned at Fort Smith that negotiations in Washington would include issues not directly connected with the war. Of increasing importance was the pressure of the advancing white civilization on Indian Territory. The Chickasaws were informed at Fort Smith that their population was scattered over a large area and that they "would either have to receive the white population of the frontier--as a necessity that could not be controlled--or else a homogeneous population of Indians."²⁶

Helping the Chickasaws in these negotiations was the Choctaw delegation that had journeyed to Washington with the Chickasaws, and two white counselors, Douglas Cooper, and H. B. Latrobe, a Baltimore attorney hired enroute by the Indians. Soon after arriving, the Chickasaw and Choctaw delegations prepared a memorial which was submitted to the Commissioner of Indian Affairs. This was a review of the circumstances which had led to the treaties with the Confederacy. The memorial presented a legal argument planned to show that the old treaties with the United States remained in full effect in spite of the treaties with the South.²⁷

During the four months of negotiation, the Chickasaw delegation

²⁶Chickasaw Federal Relations Folder, Number 7067, Indian Archives Division, Oklahoma Historical Society.

²⁷Vindicator, August 27, 1873.

retained the belief that joining the Confederacy had been justified. On April 28, 1866, the Chickasaw and Choctaw delegations signed the new treaty. About half of the treaty settled issues growing out of the Civil War. The first article reaffirmed the peace and friendship that had been established between the United States and the Choctaw and Chickasaw tribes at Fort Smith.²⁸ The next section dealt with the freedmen. The Chickasaws agreed that slavery and involuntary servitude, except as punishment for crime, would cease in their nation.²⁹ The Leased District was ceded by the Choctaw and Chickasaw nations to the United States for a sum of \$300,000. This money was to be invested by the United States, and the Chickasaw tribe was to receive one fourth of the interest from it until such time as the Indians made "such laws, rules, and regulations, as may be necessary to give all persons of African descent, resident in the said nation at the date of the treaty of Fort Smith, and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations."

The Negroes were not given a claim to annuities, money held in trust, or the Chickasaw public domain, but they were to be allowed forty acres of land in the nation. If two years lapsed after the treaty was signed and the Chickasaw legislature had not adopted the freedmen as citizens, the Chickasaw share of the \$300,000 was to be used to remove from the Chickasaw Nation all freedmen who desired to leave. Those

²⁸ Charles J. Kappler, ed., Indian Affairs, Laws and Treaties (6 vols., Washington: Government Printing Office, 1904) II, p. 918.

²⁹ *Ibid.*, p. 919.

Negroes who chose to remain in the Chickasaw Nation would be on an equal basis with other citizens of the United States in the Chickasaw Nation.³⁰

The treaty outlined the rights of the freedmen, which included their right to be regarded as competent witnesses in court, their right to be paid a fair wage for their labor, and their right to be protected from injury under Chickasaw law. If the Chickasaws chose to allow the freedmen to remain, the freedmen must be given these rights.

A general amnesty was proclaimed for all past offenses against the United States.³¹ The lands of the Federal Indians were protected from confiscation by the Southern faction of the tribe, and these Federal Chickasaws were to have the same rights as those members of the tribe who joined the South. A commission would be appointed by the President of the United States to settle damage claims of the Federal Chickasaws and white traders who had suffered losses for supporting the North during the Civil War.³² The United States reaffirmed all of its obligations which existed prior to the war either through treaty stipulations or legislation, including annuity payments, which were to be resumed on July 1, 1866.³³

The remaining articles of the treaty concerned issues which would have been problems with or without Indian involvement in the Civil War. The war merely speeded up a negotiating situation where these matters could be discussed and settled by treaty. Among these was a provision

³⁰ Ibid.

³¹ Ibid., p. 920.

³² Ibid., p. 930.

³³ Ibid., p. 923.

granting railroad right-of-way through the Chickasaw Nation. The Secretary of the Interior was authorized to permit the building of one railroad running north to south through the Chickasaw Nation, and one railroad running east to west through the nation.³⁴

Other provisions called for the creation of an annual council of Indians which would consist of delegates elected from each tribe in Indian Territory. A census would determine the number of representatives each tribe was entitled to at the council. The Superintendent of Indian Affairs would determine the time and place for council meetings. The general assembly of the council was empowered to legislate on all relations between Indian tribes in the territory, such as extradition, internal improvements, and common defense. The Superintendent of Indian Affairs was to be considered the "governor of the Territory of Oklahoma."³⁵

Another provision, which later caused much ill-feeling between the Chickasaws and Choctaws, detailed the manner by which Indian land was to be allotted to individuals. Allotment was to be made after both tribes voted to have their lands surveyed.³⁶ Individual holding of land was favored by white authorities on Indian relations because owning land in common, as the Chickasaws did historically, was believed to slow

³⁴Ibid., p. 920.

³⁵Ibid., pp. 921-922. The name Oklahoma was first used in the Treaty of 1866 when referring to Indian Territory. On March 17, 1870, Senator Benjamin F. Rice of Arkansas introduced a statehood bill for the organization of Indian Territory. At that time he explained the proposed name of Oklahoma was Choctaw meaning home for the red man. Grant Foreman, A History of Oklahoma (Norman: University of Oklahoma Press, 1942), pp. 139 and 170.

³⁶Ibid., p. 923.

acculturation of the Indian into white society. Measures such as allotment were adopted in an effort by United States authorities to break down the tribal organization and make the Indians members of the white community.

The treaty provided for up to ten thousand Kansas Indians to be removed to the Chickasaw and Choctaw nations; one fourth of these were to be settled among the Chickasaws, and the remaining were to be settled with the Choctaws. The Kansas Indians were to be adopted into the tribe and given all the rights and protection of citizens. They were to select allotments after the Chickasaws and their freedmen had made their choice.³⁷ Unselected lands were to be held in common by the tribe, subject to the joint control of their legislative authorities.

The final provisions of the treaty dealt with white persons resident in the Chickasaw Nation. These traders were licensed by the respective Indian nations. The United States promised that no white men were to be allowed in the Chickasaw territory except those permitted in the Fort Smith Treaty. The tribes were allowed to employ specialized help such as white teachers, mechanics, or those skilled in agriculture.³⁸

The Chickasaw delegation returned from Washington in July, 1866. Governor Colbert joined Choctaw Chief Pitchlynn in a joint presentation of the treaty to their people. The two believed the delegation had done well with the treaty provisions. The slaves were freed, but the land east of the Leased District remained intact, and the tribal governments were to continue. The leaders reminded their tribes: "If you have paid

³⁷Ibid., p. 927.

³⁸Ibid., p. 929.

attention to public affairs in the United States and the feeling in Congress on the subject of the Negro, you can readily understand the tenacity of the United States commissioners in that connection. All your delegates and counsel could accomplish in this connection was to provide that the choice of alternatives should be left to yourselves; and it will be for you to determine which of them shall be adopted." The leaders urged their people to act swiftly on this issue, and to make their decision on the possible alternatives, "so as to save our people from the trouble and excitement which the constant discussion of the subject for the next two years must inevitably produce. The delegates however doubted their authority to act definitively upon it."³⁹

The Chickasaw delegation was justified in being pleased with the treaty. Their future had become more certain when relations between the Chickasaw Nation and the United States were once again guided by treaty, and the confusion left by the Fort Smith Conference had been cleared up. The Chickasaw delegation had gone to Washington facing many possible treaty terms. The Chickasaws could have been punished for joining the South by loss of land within the nation. They could have been forced to immediately free their slaves and adopt them into full tribal membership. The United States might have insisted on immediate allotment of lands and destruction of tribal government as white men desired the Chickasaw surplus land. Instead, the treaty terms were not harsh. The Chickasaws lost their slaves, but they were given the choice of adopting the freedmen into the tribe, or instructing the United States to remove the freedmen from the Chickasaw Nation. The cession of the Leased

³⁹Vindicator, August 27, 1873.

District did not mean loss of any land that had been effectively used by the Chickasaws before the war, since it had been leased to the United States for use by the Plains Indians. Cession of the Leased District meant there was a location where the United States could settle the freedmen if the Indians requested their removal. The treaty failed to recognize the full civil rights of the Federal Chickasaws. The land and the property taken from these Chickasaws was to be replaced, but if the treaty was to cause any hardships they were to apply both to the Southern and the Federal Chickasaws.

The treaty provisions dealing with railroads, allotment, and territorial government would have come regardless of the Civil War. They were part of the pressure all Indians experienced as white population moved across the United States. Perhaps the Chickasaw Nation faced these issues sooner because of the war, and this made the reconstruction period more difficult. But the Chickasaw delegation returned home confident that they had done quite well for their people. Unfortunately, the reconstruction period was not as easy as the Treaty of 1866 indicated, because an important part of this treaty was to be ignored by the United States government.

CHAPTER III

THE FREEDMEN PROBLEM

The Chickasaw legislature followed Governor Colbert's advice to quickly decide on their solution to the problem of the Chickasaw freedmen. The legislature first ratified the Treaty of April, 1866, and then on November 9 of that same year requested by unanimous vote that the United States keep the Chickasaw share of the \$300,000 for the benefit of the Chickasaw Negroes who were to be removed by the United States from within the Chickasaw Nation as provided for by the third article of the treaty.¹ This request for removal came because of the increasing number of Negroes in the Chickasaw Nation. If only their own freedmen had been present in the nation, the Chickasaws probably would not have requested removal. In July, 1866, Colbert had suggested the adoption of the freedmen. He realized that settlement of the freedmen in the Leased District would attract other Negroes from all over the United States and Indian Territory. This all-Negro community would probably have become quite large in a few years, and Colbert decided that the Negroes would "be anything but desirable neighbors as a separate community." The Governor knew that the Indians then outnumbered

¹U. S. Congress, House of Representatives, Miscellaneous Document Number 29, 42d Congress, 1st Session (Washington: Government Printing Office, 1871), p. 2, and U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session (Washington: Government Printing Office, 1879), p. 327.

the Negroes in the Chickasaw Nation, and he advised his people to keep their freedmen in the nation where they would be under Chickasaw control as a valuable labor supply.²

By fall, when the legislature convened, the freedmen problem appeared to be worsening for the Chickasaws. Even before the war, the Chickasaws had trouble with freed Negroes living within the nation, and at that time they passed many regulations governing trade and relations with these Negroes. The problem became so serious in October, 1859, that the legislature had required county judges "to order out of the limits of their respective counties any free Negro or Negroes." Negroes who refused to move could be sold for a term of one year, with the purchaser having a title as if the Negro had been born a slave for life. This could be done each year until the Negro left the jurisdiction of the Chickasaws.³ After the war, the Chickasaw freedmen were joined by former slaves from the Choctaw Nation and Texas. The Chickasaw Nation had a small Indian population, the Indians naturally did not wish to be outnumbered in any part of their territory. This led to the legislative action of November 9, 1866, when the Chickasaws requested removal of their freedmen.

The Chickasaws, to avoid further conflict, wished to rid themselves immediately of Negroes from all other slave holding areas. On November 10 the legislature requested the United States to issue an order requiring all Negroes not embraced within the Treaty of 1866

²Address of Peter P. Pitchlynn and Winchester Colbert, John Ross Manuscripts and Papers, Number 2755⁷³, Division of Manuscripts, University of Oklahoma.

³Constitution, Laws, and Treaties of the Chickasaws, pp. 157-158.

"to forthwith leave the Chickasaw Nation and for ever stay out of the same, or procure, by the recommendation of good citizens, a permit to remain."⁴ Colbert notified United States authorities of the Chickasaw desire to remove at once all but Chickasaw freedmen. The legislation passed on November 9 provided for removal of their own freedmen within the time period agreed on in the treaty. The Chickasaws believed that these actions solved the freedmen problem. Intruder Negroes were to leave immediately; the United States would remove Chickasaw freedmen within the two years provided for in the Treaty of 1866 to the Leased District. The Chickasaws waited for the United States to act.

The Chickasaw freedmen also believed the United States would assume its treaty obligations toward them. In December, 1866, a group of freedmen met and signed a memorial which was sent to the United States Congress. The freedmen advised Congress: "Our position is much different than that occupied by the freedmen of the states, for their former masters are white men, while ours are Indians, with all the hatred and vindictiveness of their race toward a weaker race, who they formerly controlled and oppressed." The freedmen were ready to move to any land designated by the government, but they preferred Cache Creek in the Leased District, about 100 miles southwest of Fort Arbuckle, Chickasaw Nation. The freedmen also advised that the Chickasaws were willing to give up their portion of the \$300,000, which could be used to provide transportation for the freedmen and their families and for supplies to enable them to begin life in a new location. The freedmen

⁴John Ross Manuscripts and Papers, Number 2755⁵², Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

wanted to move immediately, rather than allow the two years designated in the treaty to pass.⁵

Two years elapsed and no action was taken. On June 8, 1868, Cyrus Harris, the Chickasaw governor, wrote President Andrew Johnson submitting a copy of the legislation of November 9, 1866, which he hoped would "be satisfactory evidence of the desire of the Chickasaws."⁶

That August the Chickasaw legislature reminded the Commissioner of Indian Affairs of the legislature's failure to provide their freedmen with equal rights and forty acres of land. Instead the Chickasaw legislature had requested removal of all persons of African descent from the Chickasaw country along with the forfeiture of \$75,000, the Chickasaw share of the \$300,000 to be paid for Choctaw and Chickasaw rights in the Leased District. Governor Harris requested the United States to remove the freedmen as had been provided for in the Treaty of 1866.⁷

No Negroes had been removed from the Chickasaw Nation, not even those that had come in from other slave holding areas. A group of these joined the Chickasaw freedmen in filing another petition in June, 1868, requesting immediate removal, but inaction on the part of the

⁵U. S. Congress, Senate, Document Number 157, 55th Congress, 1st Session (Washington: Government Printing Office, 1897), pp. 15-16, and John Ross Manuscripts and Papers, Number 2755⁵², Division of Manuscripts, University of Oklahoma.

⁶U. S. Congress, House of Representatives, Miscellaneous Document Number 29, 42d Congress, 1st Session, p. 1.

⁷U. S. Congress, Senate, Document Number 157, 55th Congress, 1st Session, p. 16.

United States complicated this issue for many years.⁸ No action was taken in 1869 when L. N. Robinson, Superintendent of the Southern Superintendency, requested Negro removal. He reported that Negroes were oppressed and persecuted because the Chickasaws regarded all of them as intruders. Robinson added that the "feeling that the provision of these treaties of 1866, conferring citizenship upon the blacks, was a compulsory measure, is growing in the Indian mind, and sooner or later will manifest itself in acts of hostility toward the colored race."⁹

The freedmen themselves attempted to get action when a delegation went to Washington in February of 1869 and submitted a memorial to Congress urging the United States to fulfill its treaty obligations.¹⁰ Nothing came of this mission, nor from the efforts of a delegation of Chickasaws who also filed a memorial for the removal of the freedmen to a tract of land west of the Seminole Nation.¹¹

In the fall of 1869 the Chickasaw agent, George Olmsted, was authorized to hold a council of freedmen from both the Chickasaw and

⁸U. S. Congress, Senate, Executive Document Number 82, 40th Congress, 2d Session (Washington: Government Printing Office, 1868), p. 4, and John Ross Manuscripts and Papers, Number 2755⁵², Division of Manuscripts, University of Oklahoma.

⁹U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1869 (Washington: Government Printing Office, 1870), p. 399, hereinafter cited as Commissioner of Indian Affairs Report for 1869.

¹⁰U. S. Congress, Senate, Miscellaneous Document Number 24, 53d Congress, 3d Session (Washington: Government Printing Office, 1895), p. 30.

¹¹U. S. Congress, Senate, Executive Document Number 166, 50th Congress, 1st Session (Washington: Government Printing Office, 1888), p. 13.

Choctaw nations to obtain the views and wishes of the freedmen about remaining in Indian Territory.¹² The council of over 300 Negroes was attended by Governor Harris, and Allen Wright, the principal chief of the Choctaw Nation. The freedmen exhibited a new attitude, for no longer were they requesting removal from the Chickasaw and Choctaw nations. Their goal had become adoption into the tribe, and the council petitioned the United States: "We consider ourselves full citizens of these nations, fully entitled to all the rights, privileges, and benefits as such, the same as any citizen of Indian extraction."¹³

Failure to act on the part of the United States placed these freedmen in an unusual and difficult position. They were not under the jurisdiction of Indian laws, but they were treated like United States citizens resident in the Chickasaw and Choctaw nations. This meant that Fort Smith was the nearest federal justice for the freedmen, and that distance, expense, and methods of travel discouraged action in a case involving a Negro. A Negro law breaker was not under the jurisdiction of the Chickasaw law, and a Negro plaintiff had no right to Chickasaw justice.

The freedman's status in the Chickasaw Nation was uncertain. He could farm and build on unused land in the nation, but always there was the threat of having to leave his home and move further west. He saw his children growing up in ignorance, since the Chickasaws did not

¹²W. G. Cady to George T. Olmstead, September 14, 1869, in Letters Sent by the Office of Indian Affairs, July 8-October 14, 1869, National Archives, Washington, D. C.

¹³U. S. Congress, Senate, Executive Document Number 71, 41st Congress, 2d Session (Washington: Government Printing Office, 1870), p. 4.

provide schools for Negro children, and the Negro community was unable to meet this need itself. The United States failed to act, and the Negro child in the Chickasaw Nation seldom saw a classroom.

Always there were reports of Chickasaw mistreatment of the freedmen. Olmsted pointed out in 1870 that the "rumors and reports which have been in circulation concerning their ill treatment by the Indians are almost entirely without foundation." Olmsted described the Negroes in the Chickasaw Nation as industrious and better able to take care of themselves than the Negro people in the Southern states. "The Government should remove them," he concluded, "or otherwise provide for them as soon as possible as it is evident that there is a determination on the part of the citizens to wait for the Government to act first in this matter."¹⁴

A request by the Chickasaw agent for the United States to take action became a part of each annual report. Agent T. D. Griffith wrote in 1871 that the condition that caused him the most anxiety in the affairs of his agency was the solution to this perennial question: "What is to be done with and for the freedmen?" Griffith suggested removal since under current conditions the freedmen would be nothing but hewers of wood and drawers of water.¹⁵

Congressional action was attempted in 1872. A bill was introduced

¹⁴U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1870 (Washington: Government Printing Office, 1870), pp. 291-292, hereinafter cited as Commissioner of Indian Affairs Report for 1870.

¹⁵U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1871 (Washington: Government Printing Office, 1872), pp. 570-571, hereinafter cited as Commissioner of Indian Affairs Report for 1871.

in the House of Representatives by George H. Brooks of Massachusetts for the relief and removal of the Choctaw and Chickasaw freedmen. The bill was read twice, referred to the Committee on Freedmen's Affairs, and never reported from the committee.¹⁶ The freedmen by this time had hopes of remaining in the Chickasaw Nation and were made uneasy by the intent of this bill to remove them.¹⁷

Then on January 10, 1873, the Chickasaw legislature, tired of waiting for United States action, passed a law adopting the freedmen and their descendents. The Chickasaws desired their share of the \$300,000, with interest; the Negroes were not to share in any of the \$300,000 or any of the Chickasaw invested funds, claims, or common domain, except for forty acres of land. Other rights and privileges were authorized by the treaty including the right to be a witness, to be paid for labor, and to be treated fairly and equally under Chickasaw law.¹⁸

The Secretary of the Interior presented Congress with a copy of the adoption law on February 10, 1873, and recommended that Congress extend the time the Chickasaws needed to comply with the provisions in the Treaty of 1866 to pass legislation giving the freedmen their civil

¹⁶U. S. Congress, Congressional Globe, 42d Congress, 2d Session (Washington: Rives and Bailey, 1872), Part II, p. 1578.

¹⁷U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1872 (Washington: Government Printing Office, 1872), pp. 237-238, hereinafter cited as Commissioner of Indian Affairs Report for 1872.

¹⁸U. S. Congress, House of Representatives, Executive Document Number 207, 42d Congress, 3d Session (Washington: Government Printing Office, 1873), p. 3, and An Act to Adopt the Negroes of the Chickasaw Nation, January 10, 1873, John Ross Manuscripts and Papers, Number 2755, Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

rights in the nation. The Secretary of the Interior requested that the Chickasaws be given until July, 1875 to enact this legislation. The subject was referred to the Committee on Freedmen's Affairs, but no further action was taken.¹⁹

The Chickasaws regarded the adoption of the freedmen in 1873 as the final solution to the problem, even though Negro civil liberties were not well defined. There was a dispute over allowing the Negro the right to vote and providing educational facilities for his children. The Secretary of the Interior, E. P. Smith, advised the Chickasaws that the freedmen had voting privileges, but many Negroes failed to vote for fear of offending the Indians.²⁰ The Chickasaw agent, A. Parsons, was still hesitant to encourage the freedmen to make permanent improvements until his rights were established by law.²¹

The next year, Congress attempted to legislate a solution to the freedman's dilemma. Congress had failed to respond to the Chickasaw legislature's adoption of the freedmen, possibly because there was reason to doubt Chickasaw sincerity in establishing and protecting the freedmen's civil liberties. On April 4, 1874, the Acting Secretary of the Interior, B. R. Cowen, wrote the Speaker of the House of

¹⁹ U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1887 (Washington: Government Printing Office, 1887), p. LXI, hereinafter cited as Commissioner of Indian Affairs Report for 1887, and U. S. Congress, Senate, Document Number 183, 55th Congress, 1st Session (Washington: Government Printing Office, 1897), p. 3.

²⁰ U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1873 (Washington: Government Printing Office, 1874), p. 209, hereinafter cited as Commissioner of Indian Affairs for 1873.

²¹ Ibid., pp. 237-238.

Representatives, James G. Blaine, suggesting Congressional action since eight years after the Treaty of 1866 the Chickasaw legislature had not yet enacted laws, rules, and regulations in behalf of its Negro population.²² Blaine acted the same day. A bill was introduced in the House of Representatives to give the freedmen, "all the rights, privileges, and annuities, including the right of suffrage, and the right to an equal share in annuities, money, and the public domain."²³ The House adopted the measure, and the bill was introduced in the Senate on April 8, 1874. It was referred to the Committee on Indian Affairs and strongly endorsed by Columbus Delano, the Secretary of the Interior.²⁴ The committee favorably reported the bill without amendments on May 27, 1874, but a vote was never taken because of Congressional adjournment.²⁵

The Chickasaw Negroes remained free but without equal civil rights.²⁶ In March of 1875 the Secretary of the Interior appointed J. P. Shanks to investigate and report on the adjustment of the Negro in the Choctaw and Chickasaw nations. He arrived in the Chickasaw

²²U. S. Congress, House of Representatives, Miscellaneous Document Number 294, 43d Congress, 1st Session (Washington: Government Printing Office, 1874), p. 4.

²³U. S. Congress, House of Representatives, Executive Document Number 212, 43d Congress, 1st Session (Washington: Government Printing Office, 1874), p. 4.

²⁴U. S. Congress, Senate, Miscellaneous Document Number 118, 43d Congress, 1st Session (Washington: Government Printing Office, 1874), pp. 2-3.

²⁵U. S. Congress, Congressional Record, 43d Congress, 1st Session (Washington: Government Printing Office, 1874), Vol. II, Part V, p. 4280.

²⁶U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1874 (Washington: Government Printing Office, 1874), p. 71, hereinafter cited as Commissioner of Indian Affairs Report for 1874.

Nation in September to attend the annual session of the Chickasaw legislature.²⁷ The Chickasaws at this session had been urged by Governor Benjamin Franklin Overton to consider the unsettled condition of the Negro question.²⁸ The legislature appointed a commission, which met in October with members of the Choctaw Nation in an attempt to find a joint solution to the problem.²⁹ No solution was forthcoming, but representatives of the two Indian nations were to meet often after 1875 in the effort to find a joint settlement of the problem.³⁰ Shanks reported to the Secretary of the Interior at the end of December. He opposed removal of the freedmen and made recommendations that the United States "secure their recognition as full citizens in those nations." As with so many previous reports and requests, nothing happened.³¹

The Chickasaw legislature pressed to settle this issue, so in October, 1876, it again sent commissioners to meet with the Choctaw Nation. Again Chickasaw thoughts turned to removal, and the delegation to the Choctaws was authorized to agree upon a plan for the freedmen and their descendents to be removed from the limits of the Choctaw and Chickasaw nations.³² Not only was the Chickasaw commission to confer with the Choctaws on expelling the freedmen, but the Chickasaw

²⁷Vindicator, September 18, 1875.

²⁸Oklahoma Star, September 17, 1875.

²⁹Vindicator, October 27, 1875.

³⁰Debo, The Rise and Fall of the Choctaw Republic, p. 104.

³¹Commissioner of Indian Affairs Report for 1887, p. LXI.

³²U. S. Congress, Senate, Document Number 157, 55th Congress, 1st Session, p. 27.

legislature passed an act repudiating the adoption of the freedmen.³³

Then came 1877, when the last United States troops were removed from the Southern States. This marked the end of political reconstruction in the United States, but for the Chickasaw Nation their most pressing reconstruction problem was no closer to solution than it had been in 1866. During the years from 1865 to 1877 the Chickasaw slaves had been freed, but little else was accomplished, due to the inaction of the United States government and the Chickasaw refusal to accept Negroes as equals.

During this time the Chickasaws and the United States had made a treaty ending hostilities and freeing the Negro. This treaty allowed the Chickasaws two options in dealing with the freedmen, and the choice they desired was to have the freedmen withdrawn from the Chickasaw Nation. Their legislature had expressed this desire, and the freedmen, finding it an acceptable solution in 1866, waited for the United States to remove them. But time passed, and the freedmen began to put down roots among the Chickasaws. They desired to stay in the Chickasaw Nation as full citizens of that nation under protection of the United States. The fulfillment of these desires, however, needed the approval and action of the United States. This action never took place. The former Chickasaw slave was free, but without schools for his children, without the right to own land, and without the right to vote. He faced an uncertain and difficult future. The Chickasaw legislature choose 1877 to repeat its actions of 1866, hoping this time the United States would be moved to act. On February 17, 1877, the Chickasaws reconfirmed

³³Ibid., p. 3.

the adoption of the Treaty of 1866, and reminded the United States of section three and the promise therein to remove the freedmen from the limits of the Chickasaw Nation.³⁴

Congressional interest in the freedmen issue was finally aroused enough in 1879 for the Senate to conduct an extensive investigation into the condition of the Negroes in the Chickasaw Nation. Testimony from former slaves confirmed the condition of the freedmen who were without schools, the right to vote, the right to sit on a jury, and the protection of the Chickasaw law; in other words, they were being treated like any citizen of the United States resident in the Chickasaw Nation. These freedmen were often advised not to make permanent homes, but to wait for final solutions to their problem, as they had been waiting since 1866. Some freedmen testified to mistreatment by the Indians, but most requested that they be allowed to remain in the Chickasaw Nation and be adopted into the tribe as equals. For the freedmen, this investigation brought little except a chance to express their views and describe their position.³⁵

The fight against adoption of the freedmen soon became the problem of the Chickasaws alone. On May 17, 1882, Congress enacted an important piece of legislation, when a sum of \$10,000 was appropriated out of the \$300,000 mentioned in the Treaty of 1866, for the purpose of education for Choctaw and Chickasaw freedmen. The Chickasaw freedmen were to receive one fourth of the money, to be expended under the

³⁴U. S. Congress, Senate, Miscellaneous Document Number 24, 53d Congress, 3d Session, p. 29.

³⁵U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, pp. 151, 755, 786, 787, 789, 803, and 809.

direction of the Secretary of the Interior. If either tribe adopted its freedmen before the expenditure was made, the money would be paid directly to that tribe instead of for the education of its freedmen.³⁶ The Choctaws adopted their freedmen in the spring of 1883 in spite of Chickasaw protests over unilateral action by the Choctaws.³⁷

To clarify their own position in the matter, the Chickasaws in the fall of 1885 again rejected the adoption of their freedmen. The legislature gave two reasons for this rejection. First, they could see no reason why the Chickasaws should be required to do more for their freed slaves than the white people in former slave holding states were doing for theirs. Second, the Chickasaws had purchased their slaves at high prices from white people, after they saw the white people around them buying slaves. The Chickasaws had been forced as the result of the white man's war to free their slaves at a great loss; the Chickasaws did not feel that their nation was basically responsible for the freedmen's situation, since the condition had been caused by Chickasaws following the example of white people. Thus the Chickasaws notified the Department of the Interior that they refused to accept or adopt their freedmen "upon any terms or conditions whatever." The United States was requested to provide a means to remove the freedmen from the Chickasaw Nation. The Indians gave the freedmen two years to

³⁶U. S., The Statutes at Large of the United States of America (78 vols., Washington: Government Printing Office, 1848-1965), Vol. XXII, p. 72.

³⁷U. S. Congress, Senate, Document Number 157, 55th Congress, 1st Session, p. 3.

dispose of their property and move.³⁸

The Negro population continued to grow in the Chickasaw Nation for several reasons. The emigration of freed Negroes from other slave holding areas had resulted in the first great increase in Negro population. Also, the natural increase appeared to be greater among the Negro population.³⁹ By 1887, the Negroes outnumbered the Chickasaws in Pickens and Pontotoc counties, and constituted nearly half of the voting-age population in Tishomingo. By 1893 the Negro population in the Chickasaw Nation outnumbered the Indians.⁴⁰

Representatives of the Negroes met in September 1887, with Robert L. Owen, United States Indian Agent, in another attempt to find a solution to the freedmen problem. Owen found the freedmen "were decently and well clad, and seemed in a fairly prosperous condition." The freedmen declared they had been well treated by the Chickasaws, and wished to remain in the nation. Owen suggested removal to the northwest of present day Pottawatomie County. After this conference, the Chickasaws presented another memorial to Congress defending their position: "The number of freedmen being so great, if adopted, will soon control our schools and government."⁴¹

³⁸Homer, Constitution and Laws of the Chickasaw Nation Together with the Treaties of 1832, 1843, 1837, 1852, 1855, and 1866, p. 171.

³⁹U. S. Congress, Senate, Executive Document Number 166, 50th Congress, 1st Session, p. ii.

⁴⁰U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1893 (Washington: Government Printing Office, 1893), p. 145, hereinafter cited as Commissioner of Indian Affairs Report for 1893.

⁴¹U. S. Congress, Senate, Executive Document Number 166, 50th Congress, 1st Session, pp. 8-10.

The 1882 appropriation by the United States of the \$10,000 for the education of freedmen brought into question how much of their share of the \$300,000 had already been paid to the Chickasaws, and this was not settled until 1887. By the Treaty of 1866, the Chickasaws were to receive \$75,000 as their share of claims to the Leased District. If they chose not to adopt their freedmen, the Chickasaw share was to be used to help finance the removal of these freedmen. The original sum of \$300,000 was established because of the estimated 3,000 Negroes in the Choctaw and Chickasaw nations. If the Indians chose removal of these Negroes, \$100 per Negro, the United States government estimated, should cover the expenses involved in their immigration.⁴²

Congress did not allow the two years mentioned in the treaty to pass before appropriating in July, 1866, \$50,000 to be advanced to the Chickasaws for the cession of the Leased District and the use of Chickasaw land by the Kansas Indians.⁴³ The Chickasaws received their \$50,000 share on February 8, 1867.⁴⁴ Even after both tribes had decided against adopting their freedmen, another appropriation was made in 1869 of \$15,000 interest due the Choctaws and Chickasaws on their remainder of the \$300,000.⁴⁵ By the time of the 1882 act providing that \$10,000 would be spend for educating Chickasaw and Choctaw

⁴²U. S. Congress, Senate, Report Number 550, 52d Congress, 1st Session (Washington: Government Printing Office, 1892), p. 11.

⁴³U. S., The Statutes at Large of the United States of America, Vol. XIV, p. 259.

⁴⁴U. S. Congress, Senate, Document Number 166, 50th Congress, 1st Session, p. 2.

⁴⁵U. S., The Statutes at Large of the United States of America, Vol. XVI, p. 39.

freedmen, the Chickasaws had received about \$55,000 in payments for the Leased District claims and the use of Chickasaw land by Kansas Indians. The Chickasaw people became concerned about their position in this matter. If they accepted nearly \$55,000 as payment for the Leased District, then they were in effect agreeing to adopt the Negroes; if, as the Chickasaws appear to have thought, the payment was for the proposed use of Chickasaw land by Kansas Indians then the old issue of Negro removal was still valid. When the Chickasaws accepted the first payment, they had already notified the United States that they desired Negro removal; the Chickasaws assumed that the money must be for Kansas Indians. By 1882 no Kansas Indians had arrived in the Chickasaw Nation, and the Chickasaws were informed that the money was for Leased District claims. The worried Indians got a ruling by the Commissioner of Indian Affairs on January 25, 1887, which held that the \$55,000 had been paid the Chickasaws for the Leased District and the adoption of the freedmen. The Chickasaw legislature immediately agreed to refund all of this money to use it for the removal of the freedmen.⁴⁶

The United States did not acknowledge this offer on the part of the Chickasaws to return the \$55,000. Chickasaw agents continued to urge removal of the freedmen, in spite of the fact that most Negroes wished to remain in the Chickasaw Nation.⁴⁷ Judge Isaac Parker of the Federal District Court at Fort Smith handed down a decision removing any doubt about the legality of the United States settling the freedmen of the Five Civilized Tribes on the lands acquired from the Seminoles

⁴⁶U. S. Congress, Senate, Document Number 166, 50th Congress, 1st Session, pp. 5, 10.

⁴⁷Commissioner of Indian Affairs Report for 1887, p. LXIV.

and Creeks. This action was urged for the Chickasaw freedmen by the Commissioner of Indian Affairs, J. D. Atkins, but again nothing happened.⁴⁸

The problem remained unsolved in spite of requests, memorials, and reports on the part of the Chickasaws, the Commissioner of Indian Affairs, and the freedmen. Then on August 15, 1894, the United States Congress approved the Chickasaw law of 1873 adopting the Negroes into the Chickasaw Nation.⁴⁹ This action by the United States made a hopeless tangle out of the problem of the Chickasaw freedmen. The Chickasaw legislature in 1873 had agreed to the adoption of the freedmen in order to settle the issue once and for all. But when the United States ignored this action on the part of the Indians, the Chickasaws repudiated the adoption in 1876 and again in 1885, since the delayed solution had allowed the Negro population to increase out of proportion to pre-war days. This made the Chickasaws more determined than ever to prevent adoption. The approval by Congress of the old Chickasaw law of 1873 in 1894 complicated matters even more because of the Dawes Commission, which would soon be trying to establish standards for allotment of the Chickasaw public domain to individuals. The freedmen then claimed that the approval by Congress of the Chickasaw law of 1873 settled their status and entitled them to a share in Chickasaw allotments.⁵⁰

⁴⁸U. S. Congress, Senate, Document Number 166, 50th Congress, 1st Session, p. 5.

⁴⁹U. S. Congress, Senate, Document Number 157, 55th Congress, 1st Session, p. 4.

⁵⁰Ibid., p. 35.

The work of the Dawes Commission destroyed the Chickasaw Nation. The nation ceased to exist with the allotment of land and the sale of the surplus land. It was only as the nation was destroyed that the problem of the Chickasaw freedmen was finally solved. The years from the Civil War to 1894 brought only confusion for the Chickasaws with regard to the status of their freedmen. During this period freedmen status remained always an issue that could arouse Chickasaw feelings and fears. It also made the maintenance of law and order in the Chickasaw Nation difficult, for so large a part of the population was composed of aliens subject to United States authority alone, an authority inadequately enforced by federal marshals operating out of a district court.

This confusion could have been avoided had the United States acted as required under the Treaty of 1866. The Chickasaws were given the opportunity in this treaty of adopting their freedmen within two years and providing legislation to make them equal. If the Chickasaws did this they would receive \$75,000 as their share of the cession of the Leased District to the United States. The Chickasaws could refuse to adopt the freedmen, and then this money would be used to finance the removal of the freedmen to some other place. The Chickasaws acted on this decision immediately and they chose removal. The freedmen agreed. The United States failed to act, however, in spite of numerous pleas and memorials from both groups. Then in 1873 the Chickasaw legislature decided to settle the issue and adopt the freedmen, but again the United States ignored the Chickasaws. After waiting three years the Chickasaws reverted to their old decision to remove the freedmen and never again wavered from this position.

If action had been taken soon after the Civil War the position of the Chickasaw freedmen would have been settled. The Chickasaws and the freedmen would have accepted either decision at the start of reconstruction; it was only after the situation was allowed to stay in an unsettled state that both sides became insistent on different solutions. As the freedmen began to settle, build, and farm in the Chickasaw Nation, they had no desire to move. As they were joined by more and more Negroes, the Chickasaws became equally determined that they would not allow the freedmen to remain, thus running the risk of losing control of their nation. Timely action by the United States would have prevented this confusion and difficulty for the Chickasaws and their freedmen. Fortunately for the Chickasaws, other problems of reconstruction were much easier, and in these areas they could rely on their own ability and initiative, without having to depend on action by the United States.

CHAPTER IV

THE SCARS OF WAR VANISH

Reconstruction was easier for the Chickasaws than for the other tribes of Indian Territory. Since most of the tribe was Southern in sentiment, the Chickasaws were spared the bitter fighting between tribal factions. The small number of Chickasaws who fled North during the war were the poorer and less influential members of the tribe, and the average Chickasaw family in this group owned about \$2,000 worth of property or less.¹ The Southern Chickasaws paid little attention to those fleeing to Union lines or even Chickasaws with Northern views who remained in the nation. One such Chickasaw was Robert H. Love, whose large land holdings had remained unmolested during the war in spite of his pro-Union sympathies.² Those Chickasaws who did go North came to the Fort Smith Conference eager to return to their home. They were often delayed by the lack of wagons and teams, but some did return soon after the Fort Smith Conference and were in no danger from the Southern Chickasaws. Other Northern Chickasaws were still waiting to return in the spring of

¹E. S. Mitchell to the Office of Indian Affairs, April 19, 1867, in Letters Received by the Office of Indian Affairs from the Chickasaw Agency 1856-1861, and 1867-1870, National Archives, Washington, D. C.

²H. B. Latrobe Papers, Cherokee Division Folder, Number 382, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

1867 because of the transportation problem.³ The Treaty of 1866 provided a commission to determine the losses of those Chickasaws who left the nation during the war. This body found little destruction to their property. These Chickasaws were in little danger from Southern Chickasaws in appearing before the commission to present their claims and receive payments.⁴

The Civil War left one serious problem for the tribe in 1865 and 1866, and this was the theft of cattle by white men. The problem had been mentioned at the Fort Smith Conference and had grown so serious by April, 1866, that Agent Coleman issued a circular on the subject. The thefts began during the war when cattle herds were left unprotected. Coleman felt that the thefts were unusually disgraceful conduct for white men, and said: "So flagrant an outrage upon a dependent and uneducated people, committed by citizens of a nation that is bound to protect and defend them, merits the severest punishments and must be stopped at any sacrifice." To put an end to the thefts, Coleman ordered that no purchase of Chickasaw cattle by a non-Chickasaw would be valid unless the seller presented the buyer with signed, duplicate bills of sale for the stock, describing the animal and the price. One bill of sale was to be filed with the county clerk in the county of the sale, and the purchaser was to keep the other bill of sale. Before the purchaser took the stock from the nation, the bill must be approved by

³A. Harlan to the Office of Indian Affairs, April 16, 1867, in Letters Received by the Office of Indian Affairs from the Chickasaw Agency 1856-1861, and 1867-1870, National Archives, Washington, D. C.

⁴E. S. Mitchell to the Office of Indian Affairs, April 19, 1867, in Letters Received by the Office of Indian Affairs from the Chickasaw Agency 1856-1861, and 1867-1870, National Archives, Washington, D. C.

the Chickasaw agent.⁵ Coleman also appealed to the Fort Smith authorities to help end the illegal sale of Chickasaw cattle, and with these governmental efforts and the organized efforts of the Chickasaw ranchers, the thefts decreased.

The cattle industry and farming activities soon regained the progress shown before the war. The surrender of Chickasaw forces in 1865 allowed some crops to be planted in the late spring. The first report on Chickasaw agriculture came in 1867, when the Secretary of the Interior was advised that the Chickasaws had been rewarded for their farming labors and were no longer subject to want as they had been during the war.⁶ The report of 1868 was equally optimistic. The nation was quickly recovering its prosperity and making rapid gains to replace the hogs, cattle, and horses stolen or strayed during the war.⁷

By 1869 the farmers of the Chickasaw Nation were sufficiently recovered to attempt trial crops of oats, which yielded a bountiful harvest.⁸ Other grain crops included the best corn crop since the war, but little wheat because of the lack of flour mills. It was necessary

⁵Circular issued by Isaac Coleman on the theft of stock in the Chickasaw Nation, April 3, 1866, John Ross Manuscripts and Papers, Number 2755¹⁶⁶, Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

⁶U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1867 (Washington: Government Printing Office, 1868), p. 318, hereinafter cited as Commissioner of Indian Affairs Report for 1867.

⁷U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1868 (Washington: Government Printing Office, 1868), p. 739, hereinafter cited as Commissioner of Indian Affairs Report for 1868.

⁸Commissioner of Indian Affairs Report for 1869, p. 407.

as a result to import flour from Texas, Missouri, and Arkansas.⁹ Cotton, the most valuable crop before the war was slower getting back into production, perhaps because of the lack of a stable labor supply. In 1870 this crop was estimated at about 5,000 bales, although it was not yet cultivated as widely as before the war.¹⁰ Cotton production steadily increased in the next years, and by 1873, there were seven new cotton gins under construction in Pickens County alone.¹¹

By 1872 the agricultural pursuits of the Chickasaw Nation had reached their old time levels. "During the last few weeks we have been over the greater part of the Chickasaw Nation," an 1872 Choctaw newspaper reported, "and we were informed by the old settlers, that the crops never look better and the prospects for a large yield finer than they are now."¹² In that year there were 4,377,600 acres in the Chickasaw Nation; 14,500 of these acres were in cultivation. The crops produced were valued at \$219,000, which included 380,000 bushels of corn. The livestock of the Chickasaw Nation was valued at \$502,100, with 4,500 horses, 15,000 cattle, and 25,000 pigs.¹³

Farming made great gains in the next three years. By 1875, 30,000 acres were in cultivation. Of these, 8,000 acres had been broken for farming that year. The livestock had increased to 35,000 horses,

⁹Commissioner of Indian Affairs Report for 1871, p. 570.

¹⁰U. S. Congress, Senate, Executive Document Number 26, 41st Congress, 3d Session (Washington: Government Printing Office, 1871), p. 19.

¹¹Vindicator, May 17, 1873.

¹²Vindicator, July 11, 1872.

¹³Commissioner of Indian Affairs Report for 1872, pp. 402-403.

50,000 cattle, and 75,000 swine. While corn production was down to 75,000 bushels, there was greater diversification of crops, including 10,000 bushels of wheat, 10,000 bushels of oats, and 36,500 bushels of vegetables.¹⁴ The crops were grown on farms and ranches varying in size from a few acres to 2,000.¹⁵

These crops led Governor Overton's annual message to the legislature to contain bright hopes for the Chickasaw Nation. "Perhaps at no time in the history of our nation," said Overton, "has the work of the farmer been more abundantly rewarded than now. The spirit of agriculture is entering into all classes of our people. The wild lands of our country are being rapidly converted into farms whose produce will soon give us an ample store of all necessaries of life."¹⁶

The schools of the Chickasaw Nation did not recover as quickly from the war. Progress in education had come slowly for the Chickasaws even before their removal to Indian Territory, and they did not establish schools of their own until the late 1840's. Before coming to the West they had paid for the education of their children attending the Choctaw Academy in Kentucky or colleges in the United States. After removal, with the long stay in the Choctaw Nation, schools were slowly

¹⁴U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1875 (Washington: Government Printing Office, 1875), p. 110, hereinafter cited as Commissioner of Indian Affairs Report for 1875.

¹⁵U. S. Department of the Interior, The Annual Report of the Commissioner of Indian Affairs for the Year of 1876 (Washington: Government Printing Office, 1876), p. 62, hereinafter cited as Commissioner of Indian Affairs Report for 1876.

¹⁶Atoka Vindicator, September 5, 1876.

established.¹⁷ By the time of the Civil War, there were five Chickasaw boarding schools flourishing under the direction of white missionary groups, namely Burney Institute, the Chickasaw Manual Labor School, Wapanucka Academy, Bloomfield Academy, and Colbert Institute.

These boarding schools were filled to capacity with students, and they had educated about 350 students by 1860.¹⁸ The goals of these schools not only included allowing Chickasaw students to gain knowledge of studies taught directly from books, but also introduced them to vocational subjects. Several academies encouraged experiments in agriculture to help the nation find those crops that would grow best on its soil.¹⁹

Education in the Chickasaw Nation suffered during the war. All five academies discontinued classes, except Bloomfield Academy, which made a token effort to remain open.²⁰ Since the schools had the largest building in their areas, they were often taken over as military headquarters, barracks, or hospitals. This resulted in damage to their facilities both from hostile action and carelessness.

Many Chickasaws saw a greater need to begin tribal government, clarify relations with the United States, start farming, and settle the

¹⁷F. A. Balyeat, "Early Chickasaw Schools," Chronicles of Oklahoma, XXXIV (Winter, 1957), p. 487.

¹⁸Commissioner of Indian Affairs Report for 1859, p. 210, and Commissioner of Indian Affairs Report for 1870, p. 295.

¹⁹Commissioner of Indian Affairs Report for 1858, p. 168.

²⁰Most of the girls were taken from the boarding school at Bloomfield as their fathers left for war. The staff remained without pay, existing on the farming done on the school grounds. Classes were held three hours each day during the week for neighborhood children. Balyeat, "Early Chickasaw Schools," Chronicles of Oklahoma, XXXIV, p. 488.

freedman question, than to open the schools. Governor Colbert was eager to revive the schools. To help speed this action he appealed to the United States for financial aid in the fall of 1865, and he also quickly reaffirmed the sections of the Chickasaw constitution dealing with education.²¹ This post-war educational system differed from pre-war days because white missionary groups no longer were to direct the Chickasaw schools. The Chickasaws took this job for themselves, and were able to open eleven neighborhood schools for primary education in 1867. The teacher was paid \$3.00 per student for each month the student was in actual attendance, and from this money the teacher had to furnish books and paper. These schools were established for the purpose of "preparing the children in a primary course of instruction to fit them for a collegiate education in various seminaries in the States."²² By 1869 the Chickasaws had resumed their pre-war activities in the field of higher education by sending youths to the United States for study.²³ Students were sent to Texas, Arkansas, Tennessee, Virginia, and Ohio, and for these the Chickasaw legislature appropriated several thousand dollars yearly.²⁴

The old academies or high schools had not opened by 1869. The buildings were still out of repair or were being used for neighborhood

²¹Caroline Davis, "Education of the Chickasaws, 1856-1907," Chronicles of Oklahoma, XV (Winter, 1937), p. 417.

²²Commissioner of Indian Affairs Report for 1868, p. 739, and Commissioner of Indian Affairs Report for 1870, pp. 14, 295.

²³Commissioner of Indian Affairs Report for 1869, p. 87.

²⁴Commissioner of Indian Affairs Report for 1870, p. 296.

schools.²⁵ More basic to the failure to open the academies was the uncertainty of the Chickasaw situation. The Chickasaws themselves had never been in charge of the academies; running these schools would have been a new venture for the legislature, and many Chickasaws did not have the courage to begin new projects. They were particularly upset over repeated rumors and events from Washington concerning the agitation for territorial government for all of Indian Territory.²⁶

By 1877 the Chickasaw educational system included thirteen common schools that were educating 400 primary students. The Chickasaw Nation was spending the largest per capita amount of any tribe for education. In spite of this they suffered from inefficient teachers, an undesirable boarding school system, and a void in secondary education until after 1876.²⁷ This void was being filled by 1878 when a white observer reported that in the Tishomingo Academy the students were moderately well advanced in the use of English and were familiar with ordinary English readers.²⁸

If the Chickasaw educational system often failed the Chickasaws themselves, it always failed three other groups living among them. One of these was the Chickasaws living in the territory assigned to the

²⁵ Ibid.

²⁶ U. S. Congress, Senate, Executive Document Number 26, 41st Congress, 3d Session, p. 14. The topic of territorial government and its effect on the Chickasaws during reconstruction are discussed in Chapter V.

²⁷ Commissioner of Indian Affairs Report for 1874, p. 70, and Wright, Guide to Indian Tribes in Oklahoma, p. 92.

²⁸ U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, p. 142.

Choctaws, for both tribes refused to make appropriations for the education of these children. The Chickasaw parents involved failed to provide for them, and these young Indians were entirely without schools as late as 1876.²⁹ Two non-Indian groups were also without educational facilities. Children of white families living within the Chickasaw Nation were not provided with schools by the Chickasaw legislature, and the children of the freedmen were also ignored.

The Chickasaws steadfastly refused to provide education for Negro children, and Negro parents were not in a financial position to do so. The United States finally accepted this responsibility on a small scale with money from the civilization fund of the Indian Bureau.³⁰ One of these schools was established at Fort Arbuckle, in the heart of the Chickasaw Nation. This school could not have provided education for many Negro children because of its limited facilities and location. This school was under the supervision of the Department of the Interior, but its control was delegated to the Presbyterian Committee of Missions for Freedmen until 1876. In the fall of that year the Reverend T. F. Early and his wife offered their resignations from the school for reasons of health. The Commissioner of Indian Affairs advised the Presbyterian Committee that the government was very desirous to have the committee continue supervision of the school but the committee informed the Department of the Interior that it was no longer interested in

²⁹ U. S. Congress, House of Representatives, Miscellaneous Document Number 18, 45th Congress, 1st Session (Washington: Government Printing Office, 1877), p. 2.

³⁰ U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, p. 802.

remaining in that area of service. The Chickasaw agent was then authorized to fill the position.³¹ This school at Fort Arbuckle operated by the Commissioner of Indian Affairs failed to meet the need of the Chickasaw freedmen. One school, with one or two teachers located in the center of the nation, could not serve many of the children of the freedmen, especially with the largest Negro settlements in the southern part of the nation. The Fort Arbuckle freedmen school was often closed during the regular school term, and was seriously bothered by lack of finances and proper educational equipment.³² This school for freedmen made little contribution toward the education of the children it should have served.

Chickasaw schools had functioned well for the Indians during the reconstruction years, but not for the freedmen. By 1877 about 2,500 of the Chickasaw population of 5,600 could read English and about 3,000 could speak it. While all Negroes could speak English, very few could read and write.³³

Early reconstruction days brought stability to the Chickasaw government. The legislature that had not convened during the war met regularly each fall after 1865 and directed the negotiation of the peace

³¹J. Q. Smith, Commissioner of Indian Affairs, to S. W. Marston, January 16, 1877, in Letters Sent by the Office of Indian Affairs Relating to Miscellaneous Subjects, August 28, 1876-March 27, 1877, National Archives, Washington, D. C.

³²J. Q. Smith, Commissioner of Indian Affairs, to S. W. Marston, December 19, 1876, in Letters Sent by the Office of Indian Affairs Relating to Miscellaneous Subjects, August 28, 1876-March 27, 1877, National Archives, Washington, D. C.

³³U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, pp. 112-113.

terms and other reconstruction efforts. The executive branch was soon back to normal, with regular elections of governors following spirited campaigns. Elections were viva voce and were open to all Chickasaw males of at least nineteen years of age. The mentally incompetent and persons with criminal records could not vote, and the residence requirement was for the six month period immediately preceding an election.³⁴

The Chickasaws were accustomed to carrying on their own government in an orderly, constitutional manner. The adoption of the white man's system of government had been so complete that on the eve of the war, Rector, the Superintendent of the Southern Superintendency, reported of the Chickasaws and Choctaws: "The experiment of constitutional government has been as successful as could be expected. I do not know but that their public affairs are conducted with as much honesty and public spirit as those of many more important states and nations."³⁵ Each Chickasaw political party was well organized and presented campaign platforms at public meetings and barbecues.³⁶ The first governor elected during reconstruction was Harris, and he was placed in office in 1866, and again in 1868 and 1872. He strongly opposed the adoption of the freedmen, and led his people in a firm reconstruction policy.³⁷

Harris was defeated in 1874 by Overton. The legislature was about equally divided between Harris and Overton men, and the rivalry between

³⁴Constitution, Laws, and Treaties of the Chickasaws, p. 6.

³⁵Commissioner of Indian Affairs Report for 1860, p. 117.

³⁶John Bartlett Meserve, "Governor Benjamin Franklin Overton and Governor Benjamin Crooks Burney," Chronicles of Oklahoma, XVI (June, 1938), p. 221.

³⁷John Bartlett Meserve, "Governor Cyrus Harris," Chronicles of Oklahoma, XV (December, 1937), p. 383.

these two factions resulted in a contested election in 1878.³⁸ Harris had seemingly been elected by ten votes. Enough votes were then declared invalid by the legislature and thrown out to allow Wesley B. Burney, an Overton man, to win by six votes.³⁹ This election created hard feeling within the tribe, but it did not lead to bloodshed. While reconstruction in the Southern states resulted in the local voters losing control of their own government, it brought no such change in the management of Chickasaw internal affairs. The honesty of the men involved in the election of 1878 might be questioned, but the matter was entirely Chickasaw, as Indian politicians tried to gain or retain elective power.

Law and order during reconstruction in the Chickasaw Nation was also much as it had been before the war. The Chickasaw people were generally law abiding, but the lack of federal law enforcement in Indian Territory encouraged a very undesirable white element to take refuge in the Chickasaw Nation.⁴⁰ Such persons often openly defied Chickasaw authorities, and Governor Harris complained in 1872 of the bands of lawless persons residing along the newly established Missouri, Kansas, and Texas Railroad tracks. These persons daily, he said, committed "the most atrocious outrages."⁴¹ The white man also added to the problem of maintaining law and order in the Chickasaw Nation by the illegal sale of whiskey, especially along the Red River. The sale was frequent

³⁸Vindicator, August 28, 1875.

³⁹U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, pp. 798-799.

⁴⁰Commissioner of Indian Affairs Report for 1873, p. 209.

⁴¹Vindicator, September 14, 1872.

enough that the Chickasaw agent blamed most of the fights and murders along the river on the whiskey sold by whites.⁴² Similar lawless problems continued, and in March, 1877, Harris, the former governor, had eleven cattle stolen from his ranch and slaughtered for their hides.⁴³ In May of that same year former governor Colbert moved to Atoka County in the Choctaw Nation because of the stealing and disorder in the Chickasaw Nation.⁴⁴

Disturbances came also from other Indians. As the buffer between Indian Territory and the Plains Indians, the Chickasaws had always been bothered by Indian raids. In early reconstruction days trouble with the Kiowas and Comanches increased. Since the United States did not furnish adequate protection, the Chickasaw found that they had to provide their own defense. In 1868 Governor Harris was forced to form an Indian militia to deal with the Plains tribes, he said, because "The wolf will respect a treaty just as much as Mr. Wild Indian."⁴⁵ All male Chickasaw citizens of eighteen or over, except students, were subject to call for militia duty whenever it was necessary for the protection and welfare of the Chickasaw tribe.⁴⁶

Sometimes these raids by Plains Indians resulted in the death of

⁴² Commissioner of Indian Affairs Report for 1871, p. 570.

⁴³ Star Vindicator, March 10, 1877.

⁴⁴ Meserve, "Governor Daughtery (Winchester) Colbert," Chronicles of Oklahoma, XVIII, p. 355.

⁴⁵ U. S. Congress, House of Representatives, Miscellaneous Document Number 139, 41st Congress, 2d Session (Washington: Government Printing Office, 1870), p. 2.

⁴⁶ Homer, Constitution and Laws of the Chickasaw Nation Together with the Treaties of 1832, 1834, 1837, 1852, 1855, and 1866. pp. 95-96.

Chickasaw families and were followed by the theft of livestock. At other times small groups of Plains Indians would force Chickasaws to furnish subsistence supplies while the band hunted in Chickasaw territory.⁴⁷ There were repeated attacks on Chickasaw settlements by Plains Indians throughout the reconstruction period.

The reconstruction years often differed but little from those of pre-war period for the Chickasaws. Recovery in the field of government and politics came in 1865 and was never again a problem, for governors and legislatures were elected as scheduled to pass laws and govern the nation. This recovery was aided by the lack of bitterness caused by the war between factions of the tribe. While Chickasaw politics were exciting and very important to the people, the differences between parties were caused by issues growing out of the reconstruction period and not by issues left over from before the war or the war itself. The Federal Chickasaws returned to their homes and resumed comparatively unimportant places in Chickasaw life, while many men who had led the tribe to join the South were still leading the tribe in the late 1860's.

Chickasaw agriculture during reconstruction soon surpassed pre-war records. There was an increasing amount of land being broken for farming, and herds of livestock were multiplying in numbers. By the end of 1877, when political reconstruction ended in the United States, most Chickasaw schools were functioning. While the academies were still not as fully in operation as before the war, the primary schools were expanding. Law and order continued to be difficult to maintain, but this problem had been typical of life before the Civil War. The

⁴⁷Commissioner of Indian Affairs Report for 1871, p. 57.

Chickasaws themselves obeyed their own laws and found justice in tribal courts. There remained the problem of justice for the white man and the Negro created by lack of Chickasaw authority over these two groups. That recovery had come so soon and so completely to the Chickasaws was surprising because of constant threats caused by the increasing pressures of white civilization.

CHAPTER V

THE WHITE THREAT

The Chickasaws feared being outnumbered in their own nation, and United States policy often threatened to make this fear a reality. First, there had been the attempt to force the Chickasaws to adopt their freedmen. Second, there had been a limited invasion of Chickasaw territory by white men, which the United States did not stop. Before the war there were white men living in the Chickasaw Nation, but they were few in number, and most of them were traders who brought in supplies. Some white men, however, had begun to farm and ranch in the Chickasaw Nation, and often these married Chickasaw women and were adopted into the tribe. This intrusion was forbidden by treaty, except as regulated by the Chickasaws, but little effort was made to stop this influx, even of those who came as fugitives from justice in the United States.

White men did not become a big problem in the Chickasaw Nation until the reconstruction years. Unsettled reconstruction conditions discouraged white emigrants for several years, but as Chickasaw life returned to normal, whites began to come. Those that came willing to live under the Chickasaw regulations were often welcome. Few new white settlers entered the nation before 1871, however, but after that year they came in increasing numbers.¹ Many came from the South, among them

¹Joe T. Roff, "Reminiscences of Early Days in the Chickasaw Nation," Chronicles of Oklahoma, XIII (June, 1935), p. 177.

Confederate veterans, seeking to build a new life. They either hired themselves out to the Indians as laborers or leased Chickasaw land.² These leases were for a period of five or ten years, depending on the intended use of the land and the type of building on the property.³

These men were in the same position in the Chickasaw Nation as the freedmen. Both were United States citizens, which were to be in the nation on a limited basis, and for this reason the Indians could have no jurisdiction over them. In cases involving white men, justice could come only from the federal court at Fort Smith. This naturally encouraged the lawless element in the United States to seek safety in the Chickasaw Nation in addition to those white men who came seeking new land and a new life. As these numbers increased, the Chickasaws foresaw that they might someday be outnumbered by this group also.

One of the leading opponents of the white influx was Overton, and he warned his people of the consequences of this emigration in 1872 while he was a member of the Chickasaw legislature. He said that the whites had not changed from the 1830's when the Chickasaws had been forced to leave their historic homeland, and he emphasized that they had only become "more assuming and grasping than ever by . . . [this] onward march in civilization." Overton's recommended solution was isolation from the white element.⁴

The increasing number of whites made it necessary for the

²Johnson, The Chickasaw Rancher, p. 155.

³Roff, "Reminiscences of Early Days in the Chickasaw Nation," Chronicles of Oklahoma, XIII, p. 177.

⁴Vindicator, July 31, 1872.

legislature to attempt to regularize agreements between Chickasaws and non-citizens. All non-citizens wishing to rent land were required to get recommendations from two substantial citizens of the United States. Any contract with a Chickasaw must be reported to the local county clerk, who would then issue a certificate to the non-citizen allowing him to remain. For this permit the clerk charged \$5.00, which was used primarily to finance county government. The legislature requested that contracts be binding for only one year.⁵

In the election campaign of 1874, Overton promised if elected governor, to remove from the nation all non-citizens residing there without purpose or business.⁶ These men were chiefly refugees from United States justice.⁷ Overton was elected, and he acted at once against this group with a proclamation to all Chickasaw constables and sheriffs ordering them to remove all non-citizens unlawfully in the nation or illegally holding livestock.⁸ In order to remain, a white man must hold a permit similar to the following: "This is to certify that W. G. Trowlridge has obtained a permit at this office to remain in the limits of the Chickasaw Nation for twelve months in the employment of Winchester Colbert to bore for oil."⁹

⁵Chickasaw Miscellaneous Papers File, Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

⁶U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, p. 462.

⁷Vindicator, March 22, 1876.

⁸Proclamation to the Sheriffs and Constables, Chickasaw Tribal Officer Folder (Governor), Number 12940, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

⁹Chickasaw Royalty Folder, Number 8235, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

Overton was supported by the full-blood portion of the Chickasaw tribe, and he also received help and encouragement from the cattle ranchers in the nation. Many of these were white men, and they held leases from Chickasaws for large amounts of land. These ranchers were just as eager as Overton in keeping the open ranges in the Chickasaw Nation, which increasing settlement would end.¹⁰

In his annual message in 1875, Overton presented a plan to settle some Plains Indians from Kansas in the Chickasaw country as provided for in the Treaty of 1866. This would end the threat of whites eventually filling the nation and would also delay individual allotment.¹¹ The plan was not popular with the Chickasaws, and no Kansas Indians were ever settled in the Chickasaw Nation.¹²

But the increasing white population was causing more and more alarm. In 1873 there were a reported sixty white or mixed-blood families living in Pickens County; these people cultivated 13,000 acres and 2,000 of these were planted in cotton.¹³ Agent S. W. Marston reported in 1876 that there were "a great many white people" scattered throughout the Chickasaw Nation, and he estimated that one county had a population of 3,000 persons.¹⁴ While this group might be law abiding and friendly, there were simply too many non-Indians among a population of

¹⁰ Meserve, "Governor Benjamin Franklin Overton and Governor Benjamin Crooks Burney," Chronicles of Oklahoma, XVI, p. 223.

¹¹ Oklahoma Star, September 17, 1875.

¹² Oklahoma Star, October 1, 1875.

¹³ Vindicator, May 17, 1873.

¹⁴ Commissioner of Indian Affairs Report for 1876, pp. 62-63.

less than 6,000 Indians.

Overton appealed to the legislature to help prevent "the large and steady influx of white people into our country." He called for a revision of the permit law and severe restrictions on the employment of non-Indians, and he also asked that the \$5.00 fee for a permit be changed to \$25.00. The work of white persons was to be confined to Indian homesteads, for often non-citizens had been allowed to farm land never before used by Chickasaw citizens. These men often made deals with Chickasaws for leases on Indian homesteads, and were farming more and more acres yearly. Overton worried about this loss of land and also about the timber which these intruders cut.¹⁵

Overton got his legislation. Chickasaw citizens were prohibited from holding pasturage and stock in their name which really was being used by non-citizens.¹⁶ Non-citizens were still to obtain permission from the county clerk in order to remain in the nation, and permission was granted only if they were employed by a Chickasaw and if the \$25.00 fee paid. Non-citizens living in the nation with a permit were not allowed to own more than five milk cows, and they could not raise hogs outside of an enclosure. They were permitted all the horses and beef cattle necessary to work the farm. The freedmen, except those owned by Chickasaws on the date of the Fort Smith Conference, were also to follow these regulations.¹⁷

¹⁵Vindicator, September 5, 1876.

¹⁶Homer, Constitution and Laws of the Chickasaw Nation Together with the Treaties of 1832, 1834, 1837, 1852, 1855, and 1866, p. 134.

¹⁷U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, p. 424.

Overton hoped primarily to rid the nation of the floating population of whites, as he had also hoped to do with the proclamation in 1874. "They come in there," he explained "and locate in the corner of a fence. They cannot protect their women and children from the snow and rain. They occupy little vacant cabins throughout our country. . . . They would probably remain during the winter and steal a horse or two and get out."¹⁸ Overton also hoped to discourage the farming of Chickasaw land by individual whites.

The new permit law produced unexpected reactions from United States authorities, for it required all white persons resident in the Chickasaw Nation to pay \$25.00, including employees of the United States. Agent Marston asked the Commissioner of Indian Affairs in January, 1877, about the validity of this law.¹⁹ Marston had two reasons for believing the permit law was not valid. First, he related that his office had not approved the law, even though such action was not necessary. Second, he felt that the law was null and void because it was a tax upon the labor of United States citizens, and the Chickasaws did not have jurisdiction in this field.²⁰

While Marston was waiting for the reply of the Secretary of the Interior, to whom the Commissioner of Indian Affairs had referred the matter, Overton issued a proclamation requiring the permit law to be

¹⁸ Ibid.

¹⁹ S. W. Marston to the Office of the Commissioner of Indian Affairs, January 3, 1877, in Registers of Letters Received by the Office of Indian Affairs, January 1-March 31, 1877, National Archives, Washington D. C.

²⁰ Star Vindicator, September 15, 1877.

carried out in full.²¹ Overton was determined to enforce the law, and when he met with opposition he used the Chickasaw militia. He had received permission from J. Q. Smith, the Commissioner of Indian Affairs, to enforce the law until the Secretary of the Interior reached a decision on it. "The permit law in Panola County is established beyond a doubt," a Choctaw journalist reported. "There are but few who have not paid the permit."²² Overton's collection of the \$25.00 permit was aided by United States military authorities.²³

This action by Governor Overton was unpopular with the portion of the tribe regarded as progressive. Overton caused many white men to leave the nation, which resulted in fields lying uncultivated.²⁴ The Star Vindicator, a liberal Choctaw newspaper, attacked Overton: "That blessing which was predicted for the Chickasaw Nation upon the enforcement of the \$25 permit law seems to come very slowly. . . . More crimes are reported from that country since Overton's militia started out than were through the whole of last year."²⁵

Overton regretted that it had been necessary to use the militia to enforce this law. He reported to the Chickasaw legislature in September that this action had been repugnant but necessary. The expense involved in using the militia was justified by the thousands of dollars added to

²¹U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, p. 780.

²²Star Vindicator, April 28, 1877.

²³Star Vindicator, May 12, 1877.

²⁴Star Vindicator, April 28, 1877, and Star Vindicator, May 12, 1877.

²⁵Star Vindicator, May 26, 1877.

the Chickasaw treasury from the collection of the fee. The nation was also repaid because of the number and type of white people that had been forced to leave.²⁶

Enforcement of the law continued through the spring and summer of 1877. On August 27, the Secretary of the Interior, Carl Schurz, ruled the permit law null and void.²⁷ He followed the advice of the Senate Judiciary Committee which made this decision because white labor was being subjected to Indian taxation.²⁸ Overton had even attempted to collect from Early, the teacher at the freedmen's school at Fort Arbuckle.²⁹ Overton refused to accept the decision of the Secretary of the Interior as final. In November he left for Washington to testify before a Senate committee and file a petition with the Senate Judiciary Committee requesting a change on the decision nullifying the permit law.³⁰ The Chickasaw attempt to stop the flood of white citizens was finally upheld when this committee declared the permit law valid.³¹ This decision was supported by the Assistant Attorney General, S. F. Phillips, in 1881 when he also reported that the Chickasaw permit law

²⁶Atoka Independent, September 14, 1877.

²⁷U. S. Congress, Senate, Executive Document Number 74, 45th Congress, 2d Session (Washington: Government Printing Office, 1877), p. 32.

²⁸Star Vindicator, September 1, 1877.

²⁹J. Q. Smith, to S. W. Marston, September 12, 1877, Chickasaw Royalty Folder, Number 8236, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

³⁰U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, p. 428.

³¹U. S. Congress, Senate, Report Number 698, 45th Congress, 3d Session (Washington: Government Printing Office, 1879).

was legal.³² Governor Burney followed Overton's policy, and in March, 1879, he issued a proclamation directing Chickasaw sheriffs to enforce the permit law.³³

The Chickasaw victory on this law did not stop the flood of white men. This was an impossible fight for the American Indian whether he fought with arrows or legislation. Even the legislative body that had passed the permit law was under attack during the reconstruction years, and the vital issue became not if the Chickasaws would be outnumbered in their own nation, but whether there would even be a Chickasaw Nation. There had been a warning of this danger before the war. Many white men wished to see Indian Territory organized like other territories in preparation for statehood. Some believed this would eventually result in an Indian state entering the union as an equal with the other states, and would bring about the consolidation of all tribes within its borders. Other persons saw the territorial government phase as a chance for white men to get into Indian Territory, force the allotment of Indian land, and the eventual sale of surplus land to non-Indians. It would then enter the Union with a white population as well as Indian.

The alliance of the Chickasaws and other tribes with the Confederate States allowed many plans for territorial government to be presented in Congress during the war. Kansas Senator James H. Lane introduced a resolution calling for the removal of Kansas Indians to Indian

³²Chickasaw Federal Relations Folder, Number 7070, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

³³Proclamation to the Sheriffs and Constables, Chickasaw Tribal Officer Folder (Governor), Number 12940, Indian Archives Division, Oklahoma Historical Society.

Territory soon after the war began.³⁴ The Secretary of the Interior during the war, James Harlan, was also interested in territorial government for Indian Territory and influenced Lane's bill calling for such a government.³⁵ None of these measures were successful, but they were a hint as to what would come after the war when the United States turned its complete attention to expansion.

At best the Chickasaws hoped to be able to help determine what form the change in government would take. Their treaty with the Confederate States contained such a provision, and this instrument established that the Chickasaws were to govern themselves, and any new territory or province created out of their land would come into being only with their consent.³⁶ The reconstruction treaty with the United States sought also to meet this danger. The treaty called for the creation of a council of delegates from each tribe, a organization somewhat similar to the Grand Council which had met during the war.³⁷ The Chickasaws had co-operated with the other tribes in this council while their own tribal government had ceased to function during the war. The newly proposed Indian council could be regarded as a continuation of this effort. Although the Chickasaws did not really wish to accept the proposal for the new council, they adopted it, perhaps in an effort to end the threat of territorial government which would end tribal

³⁴U. S. Congress, Congressional Globe, 37th Congress, 2d Session (Washington: J. C. Rives, 1862), Part 2, p. 1331.

³⁵U. S. Congress, Senate, Senate Journal, 38th Congress, 2d Session (Washington: Government Printing Office, 1865), p. 133.

³⁶Official Records, iv, I, p. 448.

³⁷Kappler, Indian Affairs, Laws, and Treaties, II, p. 921.

government.³⁸

The first meeting of the new council was in December, 1870, at Okmulgee, in the Creek Nation. The Chickasaw delegation joined the representatives of 60,000 other Indian tribes, including the Cherokee, Creek, Choctaw, Seminole, Ottawa, Eastern Shawnee, Quapaw, Seneca, Wyndotte, Peoria, Sac and Fox, Great and Little Osage, and Absentee Shawnee.³⁹ The Chickasaw representatives were Joseph P. Fulsom, Alfred Wright, Charles Percy, Joseph James, Hopiah Tubbee, Colbert Carter, and Jackson Kemp.

The Indians first decided that the purposes of the council were (1) to preserve peace and friendship among themselves, (2) to promote the general welfare of all Indians, (3) to establish friendly relations with other Indians, (4) to secure their lands exclusively for themselves, and (5) to transmit their lands to their children.⁴⁰

Carter, a Chickasaw delegate, presented a motion for the council to appoint a twelve man committee to draft a constitution. This committee wrote a constitution providing for a federal union of the tribes. This union was to be governed by a government consisting of three branches, the executive, the legislative, and the judicial. By treaty the executive would be the Secretary of the Interior, empowered with the right to suspend any laws passed by the legislature. The

³⁸Commissioner of Indian Affairs Report for 1866, p. 283.

³⁹U. S. Congress, House of Representatives, Miscellaneous Document Number 49, 41st Congress, 3d Session (Washington: Government Printing Office, 1871), p. 2.

⁴⁰U. S. Congress, Senate, Executive Document Number 26, 41st Congress, 3d Session, p. 8.

legislature was to be made up of representatives of the tribes, and it was here that Indian influence would be strongest. But the Chickasaws became discouraged with the prospect of having any power in this body when they saw the first draft of the Okmulgee Constitution. This instrument provided for a senate consisting of one member from each nation with a population of over 2,000; an additional member would be allowed for every 2,000 citizens. The Chickasaws, with a population of a little over 5,000, would have at best three delegates. Thus the Chickasaws presented an amendment calling for only one member from each nation, but it was rejected by a vote of forty-eight to eight, and the final draft of the constitution carried the objectionable provision.⁴¹

The council then adjourned until June, 1871, in order to allow tribal governments time to act on the constitution. It would come into force if two thirds of the legislatures ratified, and the executive authority of each nation was to notify the council secretary of the action taken by the national legislature. The constitution was to be binding only on those tribes ratifying.⁴² The Chickasaws were the first to take action on the Okmulgee Constitution, and they rejected it because of the apportionment of the legislature.

While the Indians were thus laying the ground work for a proposed Indian state, there were many plans underway in Congress to create a traditional territorial government. Often the backers of such bills insisted that this legislation would not in any way harm Indian rights to exist as a unique individual in a land of his own, but many others

⁴¹Ibid., p. 22.

⁴²Ibid., p. 7.

took the opposite point of view, as did this Washington legislator:

"If the intention and object of the organization of a territorial government on the part of the United States is to prevent our people from going into such a territory and settling upon it, it certainly is a novel idea in a territorial bill."⁴³ Neither the Chickasaws nor United States authorities saw the Okmulgee Council as the territorial government desired by men such as Lane of Kansas. Thus the Chickasaw Nation was constantly alive with talk of plans for this type of government during the reconstruction years in spite of the fact that President Grant supported the Indian state plan, as when he said: "It is highly desirable that. . . . [these Indians] become self-sustaining, self-relying, christianized and civilized." He believed these aims would result from an Indian-run government.⁴⁴

Territorial bills in Congress caused the Chickasaws a great deal of anxiety and agitation, and each bill brought the measure closer to reality.⁴⁵ In March, 1870, before the first council meeting at Okmulgee, Senator Benjamin F. Rice of Arkansas introduced a bill to create the Territory of Oklahoma out of Indian Territory. The bill failed, but in 1872 was once again on the floor of the Senate. The Chickasaw legislature protested against this bill and "all attempts to restrict or destroy the right of self-government, and the right of disposing of their lands as they please." All the Chickasaws wanted was to be left

⁴³U. S. Congress, Congressional Globe, 38th Congress, 2d Session (Washington: J. C. Rives, 1865), part 2, p. 1306.

⁴⁴U. S. Congress, Senate, Executive Document Number 26, 41st Congress, 3d Session, p. 1.

⁴⁵Commissioner of Indian Affairs Report for 1871, p. 571.

alone to work out their own destiny in accord with their treaties.⁴⁶

The Chickasaws joined the Okmulgee Council in protesting against territorial bills. The Chickasaws had not only rejected the Okmulgee Constitution, but had even met with the Choctaws to express their mutual opposition to the constitution.⁴⁷ In addition, Chickasaw delegates met with other members of the council of the Indian nations in December, 1873, to begin their opposition to territorial bills. Some persons had hoped that the council would prepare the way for territorial government, but it became the united voice of the Indians against such a plan, with the Chickasaws usually uniting in this opposition.⁴⁸ In 1873, after unanimously protesting all territorial bills under consideration, the Indians expressed their desire to change the reconstruction treaties concerning railroad right-of-way, for they saw that the railroads were the most powerful supporters of a territorial government. The railroads needed to encourage the emigration of white people to the West in order to financially support the roads. Railroad grants usually included sections of land along the track, most of which could be sold to white settlers, but the Indian land stood in the way of these plans.⁴⁹ In 1875 the Chickasaws accused J. D. Lang, former chairman of a Congressional committee which had recommended territorial status

⁴⁶U. S. Congress, House of Representatives, Executive Document Number 141, 42d Congress, 3d Session (Washington: Government Printing Office, 1873).

⁴⁷Vindicator, July 11, 1872.

⁴⁸U. S. Congress, House of Representatives, Miscellaneous Document Number 87, 43d Congress, 1st Session (Washington: Government Printing Office, 1874), p. 1.

⁴⁹U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, p. 380.

for Indian Territory, of being the treasurer of the Atlantic and Pacific Railroad Company.⁵⁰ The Okmulgee Council had provided the Chickasaws with support for this view.

Both the territorial bills and the attempt to organize through the Okmulgee Council continued. The sixth meeting of the council, in September, 1875, found the Indians divided more than ever in their opinions on organization.⁵¹ In April of the next year the Commissioner of Indian Affairs notified the principal chiefs of the tribes in Indian Territory that the Okmulgee Council was not to convene again until further authorized by Congress.⁵² Congress refused to provide money for the operation of the council, and the council ceased meeting.⁵³ With the failure of the Indian council there also came a slack period in the pressure for territorial government. Conditional land grants to railroad companies expired in 1878, and with this there was less pressure for change in Indian Territory for several years.⁵⁴

The Chickasaws still desired some form of united Indian government where they would be on an equal footing with the other tribes. They had often voluntarily joined with the Choctaws to work out problems before

⁵⁰U. S. Congress, Senate, Miscellaneous Document Number 34, 43d Congress, 2d Session (Washington: Government Printing Office, 1875), p.1.

⁵¹Vindicator, September 18, 1875.

⁵²Vindicator, April 26, 1876.

⁵³U. S. Congress, House of Representatives, Report Number 95, 45th Congress, 2d Session (Washington: Government Printing Office, 1878), p. 8.

⁵⁴Amos Maxwell, "The Sequoyah Convention," Chronicles of Oklahoma, XXVIII (Summer, 1950), p. 165.

the war, and they had joined the Grand Council during the war after leading the way in signing treaties with the South. The Chickasaws realized the value of united action by the Indians, but they valued even more the autonomy of their tribal government. Always the Chickasaws faced being outnumbered and outvoted. Governor Overton expressed his sorrow that united government had failed when he addressed the Chickasaw legislature in the fall of 1876. Although Overton believed "the political, material, and social interests of the Indian race demand their consolidation," his people were unable to accept this solution.⁵⁵

The Treaty of 1866 provided for the survey and allotment of Chickasaw land.⁵⁶ Each of the Five Civilized Tribes held land in common. Each Indian used as much as he wanted, so long as he did not encroach on some other Indian's holdings. The land could not be sold or mortgaged or in any way pass from Indian hands, but could be leased, as was often done.⁵⁷ Holding land in common was an Indian custom which white men neither approved nor understood, for they supported individual holdings. The white friends of the Chickasaws believed that they would become civilized much sooner if they held land as was done in the United States, while less scrupulous persons saw allotment as a step toward obtaining their surplus lands.⁵⁸

The Chickasaws accepted the survey of their lands and allotment

⁵⁵ Vindicator, September 20, 1876.

⁵⁶ Kappler, Indian Affairs, Laws, and Treaties, II, p. 923.

⁵⁷ Johnson, The Chickasaw Rancher, p. 74.

⁵⁸ Kappler, Indian Affairs, Laws, and Treaties, II, p. 923.

to individuals, and Governor Colbert advised this step in 1866.⁵⁹ The legislature concurred on November 9, 1866, and Colbert notified the President of the United States that the Chickasaws were ready to hold land in severalty.⁶⁰ There were some members of the tribe that opposed this legislation, but most were in favor of it. The Chickasaws had various reasons for supporting allotment. Some wished simply to own their land, and this feeling was described by Overton Love, a Chickasaw half-breed cattle rancher and plantation owner: "I know that my home is my own. I want to see it. I want to feel if I die that I can give it to whom I please." Others supported allotment out of fear. Governor Overton described this feeling: "It was represented at that time by the delegation [to Washington] that the government had offered these terms by which all could have a home and that upon their failure to accept the provision of the allotment of lands they would be left homeless." Governor Burney agreed that severality was favored because "if the people did not do that they would be in danger of losing all." Severality was also supported as one way to hold onto land in case railroads were built.⁶¹ Thus the Chickasaws favored allotment whether they did so because of fear or because they felt it was best for the people.

The United States Congress responded with an appropriation of money to finance the survey of the Chickasaw Nation, but the money was

⁵⁹Meserve, "Governor Daughtery (Winchester) Colbert," Chronicles of Oklahoma, XVIII, p. 354.

⁶⁰U. S. Congress, House of Representatives, Miscellaneous Document Number 29, 42d Congress, 1st Session, p. 91.

⁶¹U. S. Congress, Senate, Report Number 774, 45th Congress, 3d Session, pp. 140, 141, 393, and 422.

not enough to provide for a land office or the distribution of land.⁶² Unfortunately for the Chickasaws, the Choctaws had not agreed to the allotment. In fact, they strongly opposed allotment, and the Treaty of 1866 said both nations must agree before allotment was made. But the United States began the Chickasaw survey, and although Choctaw protests stopped work on it briefly in 1870, by the summer of 1872 the task was completed.⁶³

By that time Overton was openly opposed to allotment, and he ran for the Chickasaw Senate later that year using this issue in his campaign. Overton expressed his fears for his people after allotment: "In twelve months time after the allotment is made, we will be overrun by devils bearing the image of man; and such lands as they cannot buy from us, they will forcibly take by dishonest means under the disguise of law."⁶⁴

Governor Harris believed allotment was necessary. He told the Chickasaw legislature of his views in the fall of 1872 after being elected governor. He would not support allotment "had we any shadow of remaining as an independent nation, holding our lands in common." He thought this was impossible because of the land speculators and the railroad companies, and he believed allotment would help make the Chickasaw people ready for the inevitable.⁶⁵ Under his direction, the

⁶²J. D. Cox to General Land Office, August 29, 1870, in Letters Received by the Office of Indian Affairs from the Chickasaw Agency, 1856-1861, and 1867-1870, National Archives, Washington, D. C.

⁶³Ibid., and Vindicator, July 11, 1872.

⁶⁴Vindicator, July 31, 1872.

⁶⁵Vindicator, September 14, 1872.

Chickasaw legislature requested that the Choctaw Nation consent to the survey and allotment of lands.⁶⁶ The Chickasaws desired permission to act alone if the Choctaws still did not wish allotment, but this request was not acted on by the Choctaw legislature.⁶⁷

Parsons, the Chickasaw agent, reported in 1873 that most Chickasaws still favored allotment.⁶⁸ Smith, the Commissioner of Indian Affairs, requested that the United States Congress legislate around the Choctaw refusal for allotment and allow the Chickasaws the right to hold their own land. Chickasaw freedmen were also waiting to make their selection of land.⁶⁹ Smith's request came after the Department of the Interior had declared that allotment could not be made without the consent of the Choctaws.⁷⁰ Smith hoped that legislation by Congress could get around the treaty requirements, but like the solution of the freedmen issue, allotment came as the Chickasaw Nation was being destroyed. The Dawes Commission solved both problems when freedmen were included in the final allotments.

Reconstruction for the Chickasaws was made much more difficult by white men. Not only did the nation need to recover from war and solve the problems left by war, but it also had to face more serious issues.

⁶⁶ Choctaw Foreign Relations Papers Folder, Number 17716, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

⁶⁷ Vindicator, November 23, 1872.

⁶⁸ Commissioner of Indian Affairs Report for 1873, p. 209.

⁶⁹ U. S. Congress, House of Representatives, Executive Document Number 75, 43d Congress, 1st Session (Washington: Government Printing Office, 1874).

⁷⁴ Ibid., p. 2.

The freedmen were joined by white men in threatening to outnumber the Chickasaws. The Indians tried to stop this, but were usually not successful. Although the tribe was often divided on whether or not to exclude all white men, it was generally united as it attempted to meet the challenge offered by territorial government. In an attempt to prevent this, the Chickasaws joined the Okmulgee Council, hoping a united Indian effort could stop territorial government. Again the Chickasaws were unsuccessful, partly because they could not accept being outnumbered, even by other Indians.

The Chickasaws desired allotment of land to individuals in an effort to meet these threats. If the Chickasaw Nation could have been divided into individual allotments, with Indians holding legal titles to all land in the nation, there would have been less danger from intruding white men or the threat of territorial government. Consent on the part of the Choctaws prevented this, and as the reconstruction period ended, the Chickasaw tribal government continued to function as it had before the war. The Chickasaw people still held their lands as they had historically, but the inevitable conclusion was only postponed.

SUMMARY AND CONCLUSIONS

The reconstruction period for the Chickasaw Nation was a time of great uncertainty, although this was not the first serious disruption of Chickasaw life, since there had been two other disturbances in less than forty years. In the 1830's the Chickasaws watched white men gradually taking their land and threatening their sovereignty. In order to insure control over their land and life they finally sold their homes and moved west away from white civilization. The removal period was naturally one of great uncertainty, since the Chickasaws felt they were leaving all that was familiar to them. They settled first in the Choctaw Nation and remained there until fear of raids by the Plains Indians was somewhat abated by the establishment of Fort Washita in the early 1840's. They then were able to move into their own nation. In the few years preceding the Civil War the Chickasaws began establishing themselves in a land that had been promised to them forever. They built homes and ranches; they wrote a constitution modeled after that of the United States and established a new government under this constitution. They built towns; they created schools in which they experimented in agriculture. They were eagerly facing life anew when the year 1861 came.

It was natural and logical for the Chickasaws to choose the Southern side in the Civil War. They not only owned Negro slaves, but they had many other bonds which tied them to the South, among which were their white friends who were donning gray uniforms. It was to be expected that the Chickasaws and the other Five Civilized Tribes would be pulled

into the war. These Indians had been associated with white men far too long to remain idle in a war involving all whites. Since many of the Plains and Western Indians welcomed a war in which whites would be killing whites, these less civilized tribes rejoiced as troops abandoned their forts and headed east. The Chickasaws were not Plains Indians, and they did not rejoice as troops were preparing to leave Indian Territory, for they would be left to defend themselves. The Chickasaws also depended on the United States for advice, annuities, and the investment of tribal funds. As federal officials withdrew it became evident that the Chickasaws could no longer depend on the United States to fulfill these obligations. So they began to look elsewhere for another strong protector and adviser, and they found the Confederate States of America more than willing to fill this role.

The disruption of the Chickasaw way of life which the war brought should not have seriously effected them after the close of the war. The physical damage caused by the war was not extensive since there was very little fighting in the Chickasaw Nation. Men returned from the army and resumed their farming and ranching, and by the fall of 1865 the Chickasaw legislature was functioning regularly once more. Schools were slower to open, but by 1870 they were well on their way to reaching pre-war standards. Tribal courts also functioned, providing adequate justice for Indian matters, but there remained two threats to Chickasaw sovereignty. The first evolved from the Civil War, and centered in the question of the future of the Negro slaves that had been owned by the Chickasaws. The second threat to Chickasaw life was the ever-present problem of the pressure caused by the advancing white civilization.

In an effort to solve some of the problems caused by their actions

during the war, the Chickasaws met United States officials at Fort Smith, Arkansas, in the fall of 1865. This resulted in a proclamation reestablishing peaceful relations between the United States and the Chickasaws. The treaty which was to guide Chickasaw relations with the United States was written and signed in the spring of 1866 at Washington, D. C. It was not primarily a treaty of reconstruction, since less than half of the issues settled in that treaty found their origin in the war. Unfortunately, the treaty negotiations in 1865 and 1866 allowed many items to be included which had nothing to do with the problems of rebuilding from the effects of the war. The Chickasaws were not in a position to bargain about the inclusion of many of the items discussed because they had chosen to support the losing side, although they had acted in what they considered was the best interest for their tribe. The United States government regarded their action as evidence of such extreme disloyalty that all previous treaty arrangements could be negated. The Chickasaws were thereby forced to negotiate on such matters as allotment, railroad right-of-way, and territorial government; none of these were problems of reconstruction. The Chickasaws struggled to obtain a few treaty concessions which seemed to them to be of immediate importance and allowed the United States to have its way on most of the other provisions.

The Chickasaws were most desirous to protect their land and their tribal sovereignty. This hope was realized for the immediate future, for the Chickasaws were not punished, as were some tribes, by the loss of their land. Their government and the integrity of the nation was likewise not altered, even though the treaty provided potential dangers to these. The Southern states were not as fortunate as the Chickasaws in the area of local government. Southern Chickasaws were not

disenfranchised and those who had led the nation in breaking relations with the United States government were permitted to continue to exert great influence in tribal affairs.

One threat to Chickasaw sovereignty in their nation was the ever-increasing Negro population. The Indians did not want their former slaves to be given the ballot, and the Treaty of 1866 allowed the Chickasaws a solution to this danger. The treaty called for freeing the slaves without compensation to the owners, a provision already accepted by most slave holders even before the treaty negotiations. After the freeing of the slaves, the Chickasaws had two options. They might adopt the Negroes into the tribe, allowing each Negro forty acres of Chickasaw land and granting him equal civil liberties, or the Chickasaws could request that the United States remove all Negroes from Chickasaw land. If they asked for removal, the cost of this removal would be covered by the money the Chickasaws were to receive for their claim to the Leased District, which was land not used by the Chickasaws before the war.

The Chickasaws immediately chose to protect their sovereignty and relinquished all claims to the Leased District money. The appropriate United States officials were notified that the Chickasaws wished removal of their freedmen from the nation. This seemed a logical answer to the Indians who had themselves been removed from their homes when they stood in the way of white civilization. The Chickasaw freedmen likewise saw this as a feasible and desirable solution and notified the United States authorities of their agreement to the plan.

However, the United States Congress had many more pressing matters before it as the nation struggled to recover from the Civil War. The Chickasaw petitions, announcements, and actions were only a small ripple

on the sea of reconstruction problems flooding Congress after the Civil War. Congress unfortunately was much more likely to hear Indians who began their requests and memorials with the twang of a bow, the crack of a rifle, and a war cry, so they failed to take action on this problem and the freedman remained an unwelcome resident in the Chickasaw Nation.

It was the white men, not the freedmen, who brought eventual doom to the sovereignty of the Chickasaws. The Indian frequently forgot his quest for a solution to the freedman problem when he learned that the Congress of the United States was making plans to create a territorial government for all of Indian Territory. This danger was not an outgrowth of the Civil War, but it was one which came to overshadow all the other problems during the period between the end of the Civil War and about 1900. Each new plan for a government for Indian Territory caused alarm and concern in the Chickasaw Nation, and these plans were numerous.

The Chickasaw way of life was meaningful to the Chickasaws, and it was natural for them to try to preserve it. On the other hand, there were many reasons why white men desired changes for the Indian people. As is always the case, these desires grew from mixed motivations. Some white men were greedy and sought to take unfair advantage of a minority people; others were sincerely interested in working to benefit the Indian. But friend and foe alike deepened the problems of the Indian as they insisted on individual allotments of land, an idea which was foreign to the Indian culture.

American Indians fought a losing battle in attempting to protect their way of life. The Chickasaws were no exception. For over thirty years after the Civil War the Chickasaws helped prevent the allotment of land and the dissolution of tribal government, but nothing could stop

for long the designs of white men. The Chickasaws lost the battle for tribal sovereignty and found the freedman problem solved at the same time. With the work of the Dawes Commission the government of the Chickasaw Nation ceased to exist and the freedmen were listed on the Chickasaw rolls and allotted Chickasaw land. After this the Chickasaws were to face the complex problem of trying to find a place in white society; most American Indians, including many Chickasaws, are today still unable to find a solution to this problem.

From the beginning of reconstruction in Indian Territory, the pressure of groups within the United States working toward formal territorial organization of the area preparatory to statehood could have prevented an orderly restoration of the political, economical, and social structure within the Chickasaw Nation itself. This did not happen, and with the close of the war, recovery was nowhere more rapid among the Five Civilized Tribes. The Chickasaws rebuilt with courage and even began new projects soon after the war ended.

One of the most unfortunate results of the reconstruction period was the relationship established between the Chickasaws and their freedmen. These two groups found themselves opposed to each other because the United States failed in its treaty obligations. If the United States had acted immediately after the war and removed the Negroes from the Chickasaw Nation this ill feeling would not have been allowed to develop. Such an action was legal and proper according to the Treaty of 1866, and both the Chickasaws and the freedmen requested this step. After the Negroes had been residents in the Chickasaw Nation for several years their desires and those of the Chickasaws came to be exactly the opposite. The longer the freedmen lived in the Chickasaw Nation the

more it seemed like home, and they desired to stay. So whenever Congress considered legislation to move the Negroes to a location west of the Chickasaw Nation, the Indians supported the measure and the freedmen filed petitions and memorials urging the failure of the bill. If Congress considered legislation forcing the adoption of the Negroes into the Chickasaw tribe the two groups once again took diametrical positions. This experience produced much ill-will between these two racial groups in the Chickasaw Nation, and perhaps has some bearing on racial problems in present-day Oklahoma.

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This is a copy of the Chickasaw legislation of 1873 adopting the freedmen. It is extremely important for this thesis, but a copy of this legislation can be found in several other sources.

Address of Peter P. Pitchlynn and Winchester Colbert, John Ross Manuscripts and Papers, Number 2755⁷³, Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

This is a copy of the joint presentation of the Treaty of 1866 by the chiefs of the Choctaw and Chickasaw nations in which they praised the efforts of the Indians representatives in drawing up the treaty. It was an important document for this thesis since it helped the author to gain the opinions of the Indian leaders on this treaty.

Articles of Confederation entered into between the Muscogees, Seminoles, Choctaws, and Chickasaws, at North Fork Town, Creek Nation, July 1, 1861, Choctaw Foreign Relations Folder, Number 17708, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

This is a copy of the agreement entered into by the Five Civilized Tribes recognizing the fact that the Union had dissolved. It presented the Indian point of view about the necessity of taking action on this matter.

Chickasaw Federal Relations Folder, Number 7067, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

This folder furnished information on the treaty negotiations with the Chickasaw Nation by the United States officials after the Civil War. It was valuable in that it presented the Chickasaw position on adopting their freedmen.

Chickasaw Federal Relations Folder, Number 7070, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

*Contains only items cited in footnotes.

This was a very useful folder for the purposes of this thesis since it contains several documents on the Chickasaw permit law which attempted to regulate the white men in the Chickasaw Nation.

Chickasaw Miscellaneous Papers File, Division of Manuscripts, University of Oklahoma, Norman.

This file was not very helpful. It contains primarily printed copies of Chickasaw laws which can be found in one of several books of Chickasaw laws.

Chickasaw Royalty Folder, Number 8235, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

This is a folder containing several documents on the permit law. Of most value for this thesis was the actual permit which had been issued to a white man wishing to drill for oil in the Chickasaw Nation.

Choctaw Foreign Relations Papers Folder, Number 17716, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

This folder contains several pieces of correspondence between leaders of the Choctaw Nation and the Chickasaw Nation about the allotment of land. With this folder, as with much information obtained for this thesis, it was necessary to check Choctaw files and information, since information concerning both tribes is usually filed with material on the Choctaws.

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This is a letter written by the Commissioner of Indian Affairs to the Chickasaw agent concerning the collection of the permit fee by Governor B. F. Overton from white employees of the United States Government.

John Ross Manuscripts and Papers, Number 2755⁵², Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

This is a copy of a message from J. D. Atkins, Commissioner of Indian Affairs to the Secretary of the Interior, written in 1887. This was important for this thesis since it contained information on the Chickasaw freedmen.

H. B. Latrobe Papers, 1866-1867, Cherokee Division Folder, Number 382, Indian Archives Division, Oklahoma Historical Society, Oklahoma City, Oklahoma.

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Letters Sent by the Office of Indian Affairs, July 8-October 14, 1869, National Archives, Washington, D. C.

Letters Sent by the Office of Indian Affairs Relating to Miscellaneous Subjects, August 28, 1876-March 27, 1877, National Archives, Washington, D. C.

These were three extremely valuable sources of information for this thesis. These letters are on microfilm in chronological order. The entire text of the letter is given and this furnished first-hand reports and opinions on conditions in the Chickasaw Nation. These were time consuming to use since they are not indexed.

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This proclamation was important for the purposes of this thesis in presenting Governor Wesley B. Burney's point of view concerning the permit law. It expressed well his reasons for the enforcement of this piece of legislation.

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This is a chronological register of letters received by the Office of Indian Affairs, but some of its value is lost in that, being a register, there is only a one or two sentence summary of each letter, rather than the text of the entire letter. It is not possible to gain much information from these summaries, but they can be used to verify the receipt of correspondence and their primary content.

Government Documents

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This document gives the results of an investigation concerning the Chickasaw freedmen in 1870. It was useful because a summary was included giving the history of the Negroes in the Chickasaw Nation.

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This is a copy of one of the Chickasaw petitions filed with the United States Congress protesting against a proposed plan of territorial government for Indian Territory.

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This is a copy of a petition sent from the Chickasaw Nation to the United States Congress protesting against a bill that was being considered for the relief of the Chickasaw freedmen.

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This was also an important document for this thesis in that it contains the opinion by the Committee of the Judiciary holding the permit law to be valid.

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This was the most valuable single source in the preparation of this thesis. It contains hundreds of pages of testimony concerning conditions in Indian Territory and the Chickasaw Nation from the time of the Civil War up to 1878. Many Chickasaw leaders journeyed to Washington in order to testify before the Senate at this time.

_____. Senate. Executive Document Number 166, 50th Congress, 1st Session. Washington: Government Printing Office, 1888.

This important source gave the results of an investigation into the situation of the Chickasaw freedmen in 1886 and 1887. It summarized the history of these freedmen from the time of Indian removal from Mississippi to 1887.

_____. Senate. Report Number 550, 52d Congress, 1st Session. Washington: Government Printing Office, 1892.

This was a very helpful report. It gave detailed information on the proposals for removal of the Chickasaw freedmen from the Chickasaw Nation. It furnished information about the \$300,000 sum to be paid for the Leased District and the way this applied to the Chickasaw freedmen.

_____. Senate. Miscellaneous Document Number 24, 53d Congress, 3d Session. Washington: Government Printing Office, 1895.

This is a report made on the history and condition of the Five Civilized Tribes as territorial government was being seriously considered for Indian Territory.

_____. Senate. Document Number 157, 55th Congress, 1st Session. Washington: Government Printing Office, 1897.

This is an investigation into the history of the Chickasaw freedmen when allotment was about to be made. It was very valuable for the research of this thesis since it presented the history of the freedmen from the removal of the Chickasaws from Mississippi to 1897.

_____. Senate. Document Number 183, 55th Congress, 1st Session. Washington: Government Printing Office, 1897.

This document is an investigation into the conditions and civil rights of the Chickasaw freedmen at the time allotment of land was being made in the Chickasaw Nation.

U. S. Department of the Interior. The Annual Report of the Commissioner of Indian Affairs for the Year of 1858. Washington: William A. Harris, 1858.

_____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1859. Washington: George W. Bowman, 1860.

_____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1860. Washington: George W. Bowman, 1860.

_____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1865. Washington: Government Printing Office, 1865.

_____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1866. Washington: Government Printing Office, 1866.

_____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1867. Washington: Government Printing Office, 1868.

_____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1868. Washington: Government Printing Office, 1868.

_____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1869. Washington: Government Printing Office, 1870.

- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1870. Washington: Government Printing Office, 1870.
- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1871. Washington: Government Printing Office, 1872.
- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1872. Washington: Government Printing Office, 1872.
- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1873. Washington: Government Printing Office, 1874.
- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1874. Washington: Government Printing Office, 1874.
- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1875. Washington: Government Printing Office, 1875.
- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1876. Washington: Government Printing Office, 1876.
- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1887. Washington: Government Printing Office, 1887.
- _____. The Annual Report of the Commissioner of Indian Affairs for the Year of 1893. Washington: Government Printing Office, 1893.

These yearly reports contain the complete record furnished by the Commissioner of Indian Affairs to the Secretary of the Interior. Within each report is a general recommendation by the Commissioner of Indian Affairs about the future of the American Indian; the Commissioner based his opinions and recommendations on reports filed in his office from each Indian agent; the agents' reports were also published in the yearly publication. These reports were the basic source of information for this thesis.

U. S. Statutes at Large of the United States of America. 78 volumes, Washington: Government Printing Office, 1848-1965.

In this thesis volumes XIV, XVI, and XXII were used. These were important for this research because they gave laws passed by Congress concerning the Chickasaws. Laws regarding financial matters were generally the most important for the purposes of this thesis.

U. S. War Department. War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, 70 volumes, (128 books in the United States Serial Set), Washington: Government Printing Office, 1880-1901.

The volumes in this set contain most of the orders, reports, and correspondence of both the Union and Confederate armies during the Civil War. These were used in this thesis as background material for the coming of war to the Chickasaw Nation and also for the war in the Chickasaw Nation.

Newspapers

Atoka Independent, September 14, 1877.

Copies of this publication may be found on microfilm in the Newspaper Division of the Oklahoma Historical Society in Oklahoma City.

Atoka Vindicator, September 5, 1876.

A copy of a speech by Governor B. F. Overton which appeared in this issue may be found in the Overton folder in the Division of Manuscripts of the University of Oklahoma in Norman.

New York Tribune, September 15 and September 20, 1865.

Copies of the New York Tribune for the period of this thesis may be found on microfilm at the University of Oklahoma, Norman, Oklahoma. This paper carried brief daily accounts of the Fort Smith Conference, but these furnished little additional information to that which appears in the Commissioner of Indian Affairs Report for 1865. The New York Tribune published several editorials on Indian policy at this time.

Oklahoma Star, September 17 and October 1, 1875.

This publication may also be found on microfilm in the Newspaper Division of the Oklahoma Historical Society in Oklahoma City.

Vindicator, July 11, 31, September 14, November 23, 1872; August 27, May 17, 1873; August 28, September 18, October 27, 1875; March 22, April 26, September 5, 20, 1876.

It is nearly impossible to over emphasize the importance of the newspaper sources for this thesis, since they furnished much information on daily life in the Chickasaw Nation. These were the newspapers which the Chickasaws were reading during the reconstruction period, and it is possible for the researcher to view the situation more as the Chickasaws saw it after reading these same papers. Copies of the Vindicator may be found on microfilm in the Newspaper Division of the Oklahoma Historical Society in Oklahoma City, Oklahoma.

Star Vindicator, March 10, April 28, May 12, May 26, September 1, 15, 1877.

These references are made to typed copies of these newspapers, or parts of them, which were found in the Division of Manuscripts at the University of Oklahoma in Norman. These newspapers all had speeches by Governor Overton or editorials about him.

Articles

Balyeat, F. A. "Early Chickasaw Schools," Chronicles of Oklahoma, XXXIV (Winter, 1957), 487-490.

This brief article furnished valuable background information

on Chickasaw schools before the Civil War, and also Chickasaw educational activities during the war.

Davis, Caroline. "Education of the Chickasaws, 1856-1907," Chronicles of Oklahoma, XV (Winter, 1937), pp. 415-448.

This is a very important and informative article on Chickasaw education. The author wrote her Master of Art's thesis on this topic at the University of Oklahoma in Norman.

Maxwell, Amos. "The Sequoyah Convention," Chronicles of Oklahoma, XXVIII (Summer, 1950), 161-193.

This is a very complete coverage of the Sequoyah Convention, but it was not valuable for the purposes of this thesis.

Meserve, John Bartlett. "Governor Cyrus Harris," Chronicles of Oklahoma, XV (December, 1937), 373-386.

_____. "Governor Benjamin Franklin Overton and Governor Benjamin Crooks Burney," Chronicles of Oklahoma, XVI (June, 1938), 221-240.

_____. "Governor Daugherty (Winchester) Colbert," Chronicles of Oklahoma, XVIII (December, 1940), 348-356.

These three articles on Chickasaw governors were extremely helpful. They presented a biographical sketch of each governor during the reconstruction period. These articles by Meserve were the only source discovered for detailed information on Chickasaw governors and politics.

Morrison, James D. "Problems in the Industrial Progress and Development of the Choctaw Nation, 1865-1907," Chronicles of Oklahoma, XXXII (Spring, 1954), 70-91.

This article furnished information on the Chickasaw stay after removal in the Choctaw Nation and was of only limited value to this thesis.

Ream, Robert L. "A Nearly Forgotten Fragment of Local History," Chronicles of Oklahoma, IV (March, 1926), 34-44.

This is a detailed account of Chickasaw retaliation for raids by Plains Indians during the Civil War which had previously been unrecorded.

Roff, Joe T. "Reminiscences of Early Days in the Chickasaw Nation," Chronicles of Oklahoma, XIII (June, 1935), 169-190.

As the title indicates, this article was very helpful concerning daily life in the Chickasaw Nation. It was in this area where information about the Chickasaws was most scarce.

Wright, Muriel H., and Hudson, Peter J. "Brief Outline of the Choctaw and Chickasaw Nations in the Indian Territory, 1820 to 1860," Chronicles of Oklahoma, VIII (December, 1929), 388-418.

This study provided background material on Chickasaw development and progress before the Civil War. It was also valuable for an understanding of Choctaw-Chickasaw relationships during this

period which perhaps influenced later relations between the two tribes.

Books

Abel, Annie Heloise. The American Indian Under Reconstruction. Cleveland: Arthur H. Clark Co., 1925.

This well-documented, well-written work is the best single coverage of the reconstruction period in Indian Territory. It was a valuable source book and also a guide to many government documents. The research that went into this book included the use of many manuscript records of the Bureau of Indian Affairs in Washington, D. C.

Benedict, John D. Muskogee and Northeastern Oklahoma, Including the Counties of Muskogee, McIntosh, Wagoner, Cherokee, Sequoyah, Adair, Delaware, Mayes, Rogers, Washington, Nowata, Craig, and Ottawa, 3 vols., Chicago: S. J. Clarke, 1922.

These volumes were helpful in furnishing background information for events in the Chickasaw Nation leading up to the treaty of July, 1861, with the Confederate States of America. These volumes were of little value otherwise since they are concerned with what is now northeastern Oklahoma.

Constitution, Laws, and Treaties of the Chickasaws. Tishomingo: E. J. Foster, 1860.

This book contains copies of all Chickasaw treaties with the United States before 1860 in addition to a copy of the constitution of 1856 and the laws passed before the war. It was most helpful for Chickasaw laws dealing with their Negro slaves before the Civil War.

Debo, Angie. The Rise and Fall of the Choctaw Republic. Norman: University of Oklahoma Press, 1934.

This well-documented account of the Choctaw people proved to be useful for finding information on Choctaw and Chickasaw efforts to present a united front in dealing with reconstruction issues. Dr. Debo's book was also helpful in locating government documents which concerned both tribes.

Foreman, Grant. The Five Civilized Tribes. Norman: University of Oklahoma Press, 1934.

This excellent history of the Five Civilized Tribes was very useful for furnishing information about the Chickasaw people before the Civil War, especially the removal period. As in most sources, the reconstruction period is given scant attention.

_____. A History of Oklahoma. Norman: University of Oklahoma Press, 1942.

This is a good, brief history of Oklahoma. It furnished background material and also served as a check on material found in other sources.

Gittinger, Roy. The Formation of the State of Oklahoma, 1803-1906. Berkeley: University of California Press, 1917.

This book was extremely helpful in providing background information concerning the sectioning and allotment of land in the Chickasaw Nation and the establishment of territorial government.

Homer, Davis A., ed. Constitution and Laws of the Chickasaw Nation Together with the Treaties of 1832, 1834, 1837, 1852, 1855, and 1866. Parsons, Kansas: Foley Railway Printing Co., 1899.

This is a later publication of the Chickasaw laws and constitution than the Foster compilation. This edition provided that information necessary about laws, treaties, and changes after the Civil War in the Chickasaw constitution.

Johnson, Neil R. The Chickasaw Rancher. Stillwater: Redlands Press, 1961.

This book provided the best single account of daily life in the Chickasaw Nation during the reconstruction period, but since the ranch was located on the Western edge of the nation, word of many developments in Tishimingo did not reach that distant.

Malone, James Henry. The Chickasaw Nation: A Short Sketch of a Noble People. Louisville: J. P. Morton Co., 1922.

Written by a missionary to the Chickasaws, this volume contains the best information about Chickasaw culture and life. Unfortunately the author failed to footnote his work, but he fortunately used some old and difficult to obtain sources on the Chickasaw when compiling the information. It still remains the best single account of Chickasaw history.

McReynolds, Edwin C. Oklahoma: A History of the Sooner State. Norman: University of Oklahoma Press, 1956.

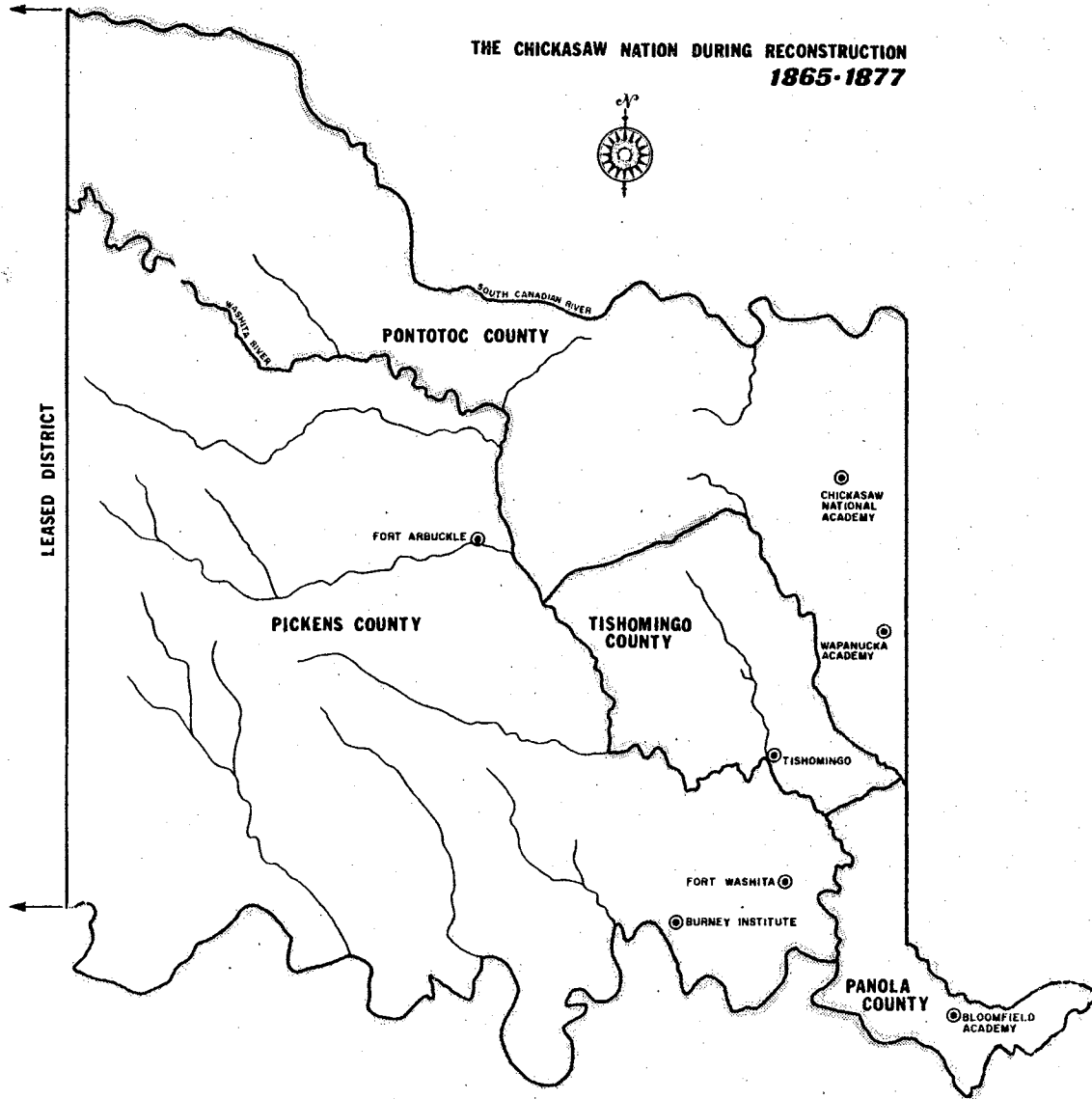
This well-written and well-documented history is a much later publication than most of the general Oklahoma histories used for this thesis. It furnished valuable background material.

Thoburn, Joseph B., and Wright, Muriel H. Oklahoma: A History of the State and Its People. 4 vols., New York: Lewis Historical Publishing Co., 1929.

This work remains the definitive work on Oklahoma history. It was especially useful for background material and in compiling a working bibliography. Of special help was the account of the Choctaw and Chickasaw Vigilance Committee which Thoburn received through interviews with men who had taken part in this secret organization.

Wright, Muriel H. Guide to Indian Tribes in Oklahoma. Norman: University of Oklahoma Press, 1951.

This is a very valuable book in that it gives a brief account of all Indian tribes in Oklahoma. Miss Wright includes a brief description of the history and culture of the people and their present situation in Oklahoma.



VITA

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Master of Arts

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