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CHOCTAW TRIBAL GOVERNANCE

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By

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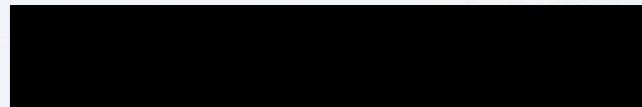
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HELLO CHOCTAW! TERMINATION, SELF-DETERMINATION, AND
CHOCTAW TRIBAL GOVERNANCE

A THESIS APPROVED FOR THE
DEPARTMENT OF NATIVE AMERICAN STUDIES

BY



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For any information...

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For my husband, Brad.

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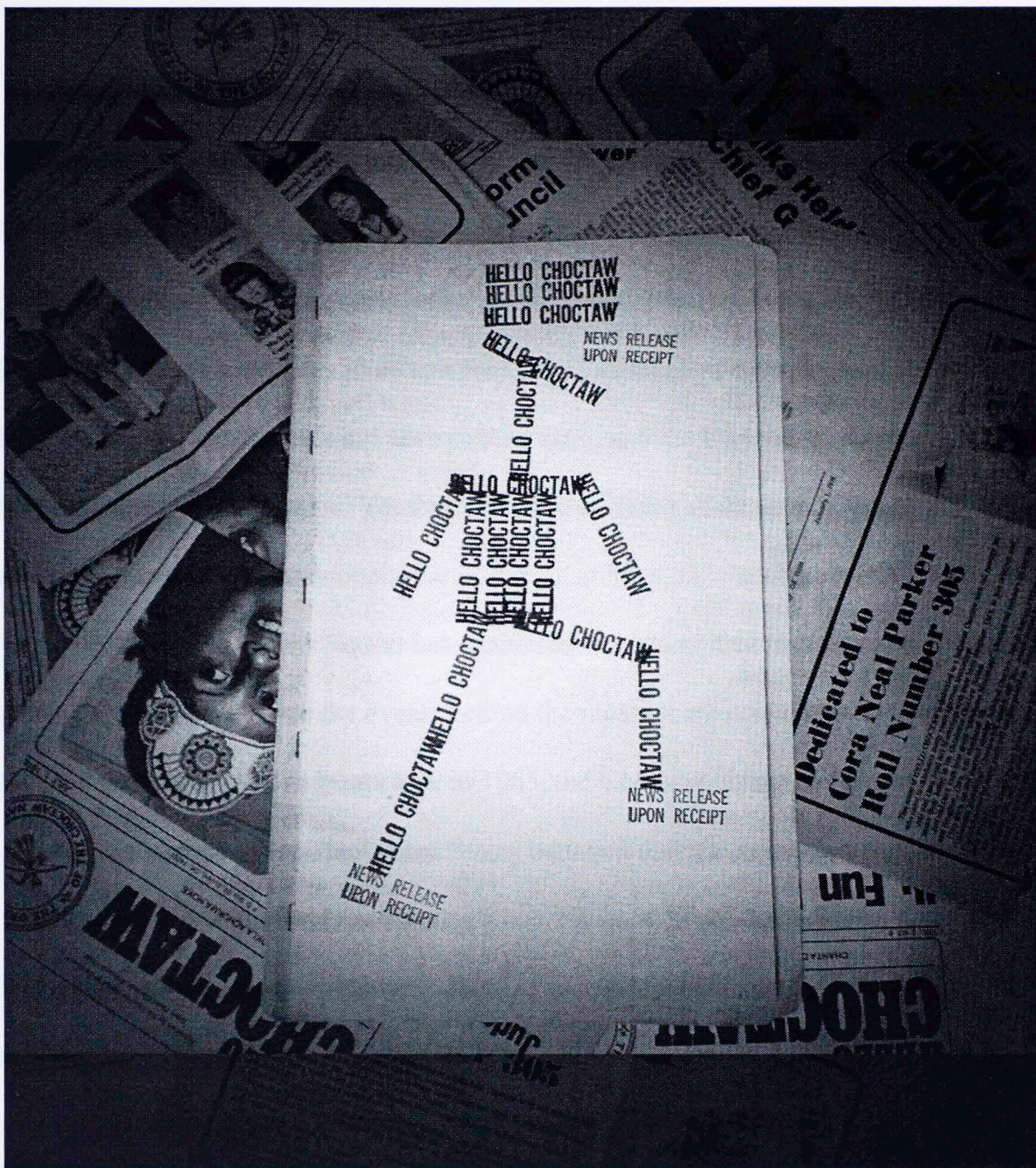


Figure 1: Bound issues of the “Hello Choctaw” newsletter published by the Oklahoma City Council of Choctaws (1970-1973, in stamped manila folder) atop issues of the “Hello Choctaw” newspaper published by the Choctaw Nation (1975-1978) (York Collection).

Introduction

Like many Native nations within the bounds of the United States, the Choctaw Nation of Oklahoma has experienced drastic changes over the past few centuries. When looking at the history of the Choctaw Nation as a whole, one can see how its government has waxed and waned; how it has grown strong and receded in power. Despite trauma and setbacks, the Choctaws have managed to not only survive but also thrive. Even so, survival has not always been easy, and the Choctaws have nearly been exterminated more than once. Yet they continue on today as an economic powerhouse and strong political player.

While the Choctaw Nation has recovered from historical trauma more than once, this paper seeks to analyze the events behind the most recent revitalization of the nation's government. Fifty years ago, in 1965, the Choctaw Nation was at one of its weakest points in history. The United States believed that the best way to address its "Indian problem" was simply to terminate any recognition of Native peoples as a distinct group—basically, it aimed to fix the "problem" by eliminating it. The leader of the Choctaws, Chief Harry J.W. Belvin, was appointed by the U.S. president—he encouraged Choctaws to embrace this political philosophy. Belvin urged passage of the Choctaw Termination Act of 1959, which meant terminate the status of the Choctaw Nation as a federally recognized tribe and strip the Choctaws of any formal governing structure. It would have sold off the remaining lands held in common by the Choctaws, and transferred all tribal assets over to a state-chartered corporate entity with no federal oversight and no true accountability to the Choctaw people. The Choctaw Nation's

government was in shambles and in danger of being dismantled completely. Its people were disengaged, uninformed, and largely defeated.

Yet, this picture of the Choctaw Nation as it existed fifty years ago is nearly unrecognizable and unimaginable today. The Choctaw Nation is thriving, with several healthy and expanding tribal enterprises, an increased focus on education (formal and cultural), and “a renewed sense of fulfillment and pride” in being Choctaw (Choctaw Nation 2014). Over 44 percent of tribal funds are spent on providing services and resources for the Choctaw people (Choctaw Nation 2014). This change is the result of motivated Choctaws refusing to accept the fate assigned to them—refusing to simply wither away and disappear. It can be pegged back to a period of resurgence and grassroots political efforts to change the course of the Choctaw Nation and make it functional again for the Choctaw people.

Author’s Background and Interest

When I was growing up, we would all pile into the car every August and make the hour-long drive from Moore, Oklahoma, to Marlow, Oklahoma. It seemed to take forever as a kid, with the hot Oklahoma sun shining in through the windows. When we got to Jean and Harvey’s house, there would be cars lined up along the street and parked in the yard. Jean and Harvey lived in town, but they had a big lot with a field full of vegetables behind the house. Harvey would hang a parachute between the house and the garage to provide some relief from the sun, and by the time we arrived, the picnic tables would be set up outside with tons of food ready to feed everyone. All my cousins were there, as were my aunts and uncles, and my Memaw¹ too of course. If we were lucky we

¹ My grandmother, Carol Gardner.

would get to go fishing with my dad, uncles, and Harvey, or we would convince Harvey's son, Lynn, to take us for a spin on the riding lawnmower around the block (it wasn't hard). We always had a good time at the Yorks—everyone did. I had no idea as a child that the Yorks had been involved in a movement that would become so close to my heart. I simply knew that they were close family friends, although we always considered them more family than friends, and that our families had been close long before I was born. Those summer parties at the Yorks are long gone, but the memories of them will be forever with me.

I grew up hearing stories about the Choctaw Nation in the 1960s and 1970s, stories about my grandparents and all the kids traveling every weekend with their



Figure 2: Jean and Harvey York (York Collection).

pillows and bedrolls, camping out in tents in their friends' front yards or sleeping in the floor of someone's living room as they drove all over Oklahoma going to meetings and events. These stories have always intrigued me, and I have worked to find out more about them since I wrote my first paper over the Choctaw

Nation in high school. I focused my undergraduate studies in the field of Native American Studies and Anthropology, often turning my attention on the Choctaw Nation for various research projects and papers.

In 2012, I received a phone call from Lynn York. He was cleaning out his parents' house, and had come across boxes and boxes of papers that Harvey had kept and stored throughout his life. Some were placed in the house, others in the garage—Harvey kept just about every piece of paper he picked up. The papers Lynn called me about, however, were stored out in the Yorks' well house—a rudimentary dirt floor building filled with dust and creepy crawlies. As Lynn was clearing out the clutter, he noticed that many of the papers were about the Choctaw Nation. He knew I had just started back to school and was interested in this subject. We arranged for me to come down and meet him to go through the well house and see what we could find. I made the old familiar trip down I-44 with my Memaw, and spent the day in Marlow with Lynn cleaning out the well house. We couldn't save everything—the elements had turned many of the papers to dust, water permeated the cardboard boxes and everything was covered in grime. Some of the papers in boxes were more preserved, but many of them were lying about in piles or had fallen on the floor. Lynn and I battled the bugs (meaning anytime I saw a bug, I screamed and danced around and Lynn saved me) and after a day's worth of work, we had uncovered enough salvageable papers to fill the back of Memaw's Toyota Camry. After hours digging through and organizing papers, trying to uncover exactly what we had found, we came away with four large totes of

documents pertaining to the Choctaw Nation.² These papers have since served as the basis and inspiration for this project.

I am an urban Oklahoma City Choctaw. I grew up in the suburbs of Oklahoma City, and have lived near Oklahoma City for the majority of my life thus far. I am a mixed-blood citizen of the Choctaw Nation of Oklahoma (as are both my parents), and am also of Comanche and “Heinz-57”³ Caucasian descent. Additionally, my grandparents, Carol Gardner and the late Chief C. David Gardner, who unfortunately passed away before I was born, were both deeply involved in the movement discussed within this paper.

I have negotiated the line of identity and community connection for much of my life, being both an insider and an outsider within the Choctaw Nation, making many trips back and forth from Oklahoma City to southern and southeastern Oklahoma throughout my life. I am a Gardner and a Choctaw, but I am also an urban Native residing outside the boundaries of the Nation and am two generations removed from this era. This position permits me the unique opportunity to be both connected to and

² Besides being deeply involved in the Choctaw Nation and the opposition movement discussed throughout this paper, Harvey was also a police officer and the mayor of the City of Marlow, and was involved in many different community groups and interest groups. Many of the papers we found related to his other interests, and were outside the scope of this project. While I now realize that there are specific protocols for handling archival resources, I did not know this in 2012 when we were investigating what was in Harvey’s papers. Many boxes included papers involving multiple subjects in various stages of decay, and many papers were loose or stored in manila folders instead of in boxes, making it more difficult to keep them in order. Further, we were concerned about the feasibility for preserving these papers given their storage condition and the potential for their destruction. We opted for taking as many papers as we could save out of the well house, and clearing as much of the dust and bugs out of the papers as quickly as possible instead of preserving the order the papers were originally in.

³ My mother’s “technical” term for our ancestry, which most likely consists of Irish, English, and a multitude of unknown heritages.

removed from the events discussed within this paper. I have strived to present the materials as objectively as possible.

Questions Presented

This paper first and foremost aims to understand recent events occurring within the Choctaw Nation which have shaped and molded the Nation's future. It does so by examining in detail the events immediately before and up to 1975. This paper seeks to explore the impetus behind the revitalization of the Choctaw Nation's government, analyzing the actions and events behind this recent change. Specifically, this paper looks at the issues related to the push for self-determination within the Choctaw government through examining recent historical events. I postulate that the era of rapid political change occurring between roughly 1960 to 1975 is a result of the Choctaw citizenry refusing to accept political and cultural assimilation and refusing to give up their tribal identities, despite the historical trauma the Nation experienced as the United States established the State of Oklahoma, attempted to dissolve the tribal government, instituted allotment, and tried to sell off the tribal estate.

This revitalization of the Choctaw government showcases how the Choctaw took advantage of the political and organizational opportunities to “rethink, restructure, reorganize” and “substantially reshape the future” of the Choctaw people through nation-building (Cornell and Kalt 1998, 187). At the heart of this push for self-determination and nation-building is the promise of “genuine decision-making power”—the prospect of Choctaw people determining Choctaw future for themselves (Cornell and Kalt 1998, 195). This paper briefly discusses how these events showcase

the Choctaws' efforts to engage in nation-building and have changed the course of the Choctaw Nation through political activism.

Research Methodologies

This work was inspired by the collection of papers I came to inherit from Harvey York, who was deeply involved in the Choctaw Nation as well as the opposition movement discussed in this paper. In conducting my research, I focus mainly on documenting tribal history through the public record (newspapers and newsletters) and archival research. In addition, I have pulled materials from Harvey's papers, including his personal notes, in order to better understand the events discussed herein. I have the permission of Harvey's children, Lynn York and Kathy Singleterry, to conduct this research. All of Harvey's personal effects and diaries will be returned to Kathy Singleterry upon the completion of my research, and the rest of Harvey's papers will be donated to the Choctaw Nation for archival.

Two recent works discuss extensively the Choctaw Nation's government during the twentieth century. The first is by Dr. Clara Sue Kidwell, titled *The Choctaws in Oklahoma: From Tribe to Nation, 1855-1970*. This book centers around political disputes arising through the late 1800s, as well as the devastation and chaos the Nation faced due to white encroachment, the Civil War, allotment, and termination. Kidwell seeks to understand the complicated problems the Nation faced during this time, including those involving land ownership and citizenship. She ends on a discussion of the movement spanning the first half of the twentieth century advocating for termination of the Choctaw Nation government before briefly discussing how resistance to the termination movement surfaced in the 1960s, noting that:

Political sovereignty and self-government emerged out of a conflict between the Bureau of Indian Affairs and its appointed leaders of the Nation and an emerging political activism based both in rural community-based community activity and an urban population that, although ostensibly acculturated, was vocal in its search for Choctaw self-government through popular elections. (Kidwell 2007, 218)

Kidwell's research, while vitally important to understanding the impetus behind the push for termination, largely leaves this "emerging political activism" undiscussed.

Perhaps the most detailed account of the contemporary Choctaw Nation government is *Choctaw Nation: A Story of American Indian Resurgence* by Valerie Lambert. Lambert's research picks up where Kidwell's ends, discussing the governance of the Choctaw Nation throughout the latter half of the twentieth century. Her work seeks to understand how the Choctaw Nation has engaged in nation-building in the post-termination era as well as the impact of tribal politics on nation-building and Choctaw political sovereignty. Lambert's research efforts are, to date, the most fully developed record of the events affecting the governance of the Choctaw Nation through the 1960s and 1970s. However, her work is more broadly focused on how the Nation and its government have evolved through contemporary times rather than solely focusing on the opposition movement discussed within this paper.

While some of the people involved in the events discussed in this paper are still living and willing to discuss their experiences, I have chosen to forego formally interviewing people for the purposes of this research. My reasons for doing so are twofold. First, I had issues obtaining IRB approval for conducting interviews without maintaining the anonymity of the interviewees, which I was unwilling to compromise on. The identity of those involved in this time period is well documented in the public record, and I did not want to have to conduct interviews only to destroy their record

upon completion of my research. Instead, I hope to continue this research (either in partnership with the Choctaw Nation or on my own accord) after graduation and find a way to responsibly and ethically document these stories to preserve them as a public resource for the Choctaw people.

Secondly, while conducting my research over the past three years, I have discussed the events documented in this paper informally with some of the people with memory of these events, most notably Carol Gardner and David Gardner.⁴ In addition, in spring of 2015 I met and discussed this project informally with Delton Cox, District 4 Councilman for the Choctaw Nation, and Sue Folsom, Executive Director of the Choctaw Nation Cultural Services, both of whom have been involved in the Nation's governance for several decades. I have discussed more broadly the Nation's efforts to engage in historic preservation and cultural services with the Nation's Historic Preservation Department Staff, including Ian Thompson and Ryan L. Spring, in the spring of 2012. Through these discussions, I was able to verify the accuracy of the information found in the historic record.

In undertaking this project, I was also inspired by Audra Simpson's idea of ethnographic refusal in conducting community-based collaborative research. In *Mohawk Interruptus*, which discusses the political life, identity, and nationality of the Kahnawake Mohawk, Simpson proactively asserts her engagement in positive refusal by refraining from printing portions of her research she feels belong within the community, not out in the public realm (2014, 113). Simpson notes how engaging in research investigating sensitive community issues can pose serious problems for the

⁴ David Gardner is the son of C. David Gardner (discussed herein), and my father.

researcher, the community at the focus of the research, and the members of that community (198). She explains that ethnographic refusal involves the recognition that some issues, while vitally important to a community, can nevertheless be extremely divisive and can cause more harm than good within a community. These topics must be treated carefully, and the researcher must negotiate the ethical line between providing a meaningful contribution to the community's knowledge base and conducting thorough and accurate research. This becomes increasingly complex when engaging in research within one's own community. Through modifying one's writing style to accommodate the sensitive nature of certain topics, a researcher can seek to curtail harm to the community and respect and honor the differing positions found within a community.

My own research seeks to navigate this ethical balance articulated by Simpson. I have tried to accurately and honestly portray the positions of competing political factions as articulated by those figures arising to the forefront of the Choctaw Nation's political scene during this time. Yet, in many instances I have chosen to forego delving in depth into individual accusations made about personal motivations articulated by all sides, and instead seek to reveal how these events unfolded through objectively analyzing evidence shown in each individual's own words and in the public record. In doing so, I hope to shift the focus away from the individual (and often pointed) words spoken by these figures, and instead focus more on the issues placed at the forefront of the discussion.

Importance

When looking at the Nation's history over the past century, there is a marked difference between the nearly disestablished Choctaw Tribe as it existed prior to the

1970s, and the prosperous, thriving Nation that exists today. This period is one of tremendous historic importance in defining what the Choctaw Nation is and who Choctaw people are, yet (other than Lambert's work) it has been largely ignored thus far in academia. However, Lambert focuses not solely on this era itself, but rather more broadly on the governance of the Choctaw Nation throughout the late twentieth century. Likewise, while Kidwell's efforts document the fluctuating dynamic leading up to the push to terminate the Choctaw Nation, discussion of the resistance movement opposing termination is largely outside the scope of her research.

This paper aims to provide a means of documentation of the events shaping the Choctaw Nation in its push for self-governance. Specifically, it aims to explore further the reasons behind the push for termination and efforts combating termination occurring throughout the 1960s and 1970s. When viewed more broadly, these events prove to be simply one part of the Choctaw's shifting political dynamic seen throughout the past two hundred years. Yet, this paper seeks to take a closer look specifically at this time period, which spurred the revitalization of contemporary Choctaw governance and the rebuilding of a nation many believed was destined to become extinct. In doing so, it aims to better understand how the Choctaw Nation began to evolve and change through the act of nation building. It also seeks to showcase how community reactions to common problems can serve as the source of a new future for a nation. This research has been conducted with the permission and approval of the current Choctaw Nation government.

Chapter One: A Brief History of the Choctaw Nation

The Choctaw Nation of Oklahoma is a sovereign Native nation. It has gone through enormous transformations over the past five hundred years, through colonization and removal from the Nation's original homelands in present-day Mississippi and Louisiana to its current home, occupying ten and a half counties of southeastern Oklahoma. Today the Choctaw Nation is a prosperous, thriving nation which provides many services to its citizens aimed at improving healthcare, education, and housing. Yet the Choctaws have not always had such abundant wealth. Removal, corruption, and termination almost drove the Choctaw Nation to extinction. Poverty nearly killed the spirit of these people as they struggled to survive. Many still fight to wrest themselves from its grips. However, the Choctaw people are resilient, and have worked tirelessly to revitalize the Nation and its government.

The Choctaw Nation Pre-1900s

Prior to removal, the Choctaws lived in current day Mississippi and Louisiana. However, an increased demand for Choctaw lands led to increased pressure for the Choctaw people to leave their homelands. In an effort to coerce the Choctaws into leaving, the State of Mississippi attempted to usurp the Choctaw Nation's inherent powers of self-governance by extending state laws over the Choctaw people in 1829 (Debo 1951, 50-51). Mississippi made it unlawful for anyone to take the office of Chahta Minko⁵ and outlawed the tribal government. Shortly thereafter, on September 27, 1830, the Choctaws signed the Treaty of Dancing Rabbit Creek, calling for their removal to Indian Territory. In return, the Choctaws were promised free and clear title

⁵ Choctaw Chief

to their lands and guaranteed that no state would ever envelop the Nation's territory again (Kidwell 2007, 186). It secured the sovereignty of the Choctaw Nation in exchange for its homelands. However, this promise of autonomy would be short lived. Through further treaties and negotiations, the United States slowly began to whittle away at the land base and the power of the Choctaw government.

After removal, the Choctaw Nation reestablished itself in what is now the southern half of Oklahoma. "The Choctaws brought their traditional tripartite form of government to their western territory," and established three political districts—the Apukshunnubbee District, the Moshulatubbe District, and the Pushmataha District—each of which had their own chief to represent its interests in the Choctaw national government (Kidwell 2007, 5-6). Even so, over the next sixty years constant turmoil and the Civil War took its toll on the Choctaw government. The Choctaws sided with the Confederacy, and after its defeat the United States pushed the punitive Treaty of 1866 upon these "defeated nations"—tribal allies of the South. This treaty meant to restructure the Choctaw and Chickasaw national governments to incorporate them into the United States and pave the way for the United State to "bring them fully into American society" (Kidwell 2007, 72). After the Civil War, westward expansion and the building of railroads drastically damaged the Nation's ability to function (Wright 1951, 109).

In 1887, Congress passed the General Allotment Act, meant to break up tribal land bases and allot each Native their own individual parcel of land. In doing so, it would strip Native governments of their national land base and extinguish Native

communal claims to certain lands. While the Five Tribes⁶ were excluded from the General Allotment Act, Congress created a commission to negotiate with tribal leaders and coerce them into accepting allotment. Throughout the 1890s, Choctaw citizens discussed allotment, and “by an overwhelming majority . . . had rejected the plan of surveying and allotment . . .” (Kidwell 2007, 142). During this time, competing political factions vied for control of the Nation’s government. Conservative Choctaws resisted allotment and the dissolution of the National government (Debo 1961, 250-52). However, the conservatives were split into three political parties—the Independent Nationals, the Fullblood Nationals, and the Progressives—which diminished their ability to effectively fight against allotment (255). Meanwhile, the Tuskahoma Party, led by Green McCurtain, gained control over the Nation’s executive and legislative branches. “For McCurtain, the issue was not whether allotment would take place but on whose terms” (Kidwell 2007, 144). McCurtain was ready and willing to negotiate with the Dawes Commission, believing that the federal government to be too powerful to oppose (Debo 1961, 252).

The Atoka Agreement and Dissolution of the Choctaw Government

In 1907, the state of Oklahoma was established. Choctaw leaders opposed enclosing the Nation within the boundaries of a state, pointing to the fact that the Treaty of Dancing Rabbit Creek explicitly promised that the United States would never allow this to happen (Kidwell 2007, 185). However, the Atoka Agreement—entered April 23, 1897—effectively disestablished the tribal government and set a date certain for the termination of the Choctaw government for March 4, 1906 (148-49). It called for

⁶ Also known as the Five Civilized Tribes: The Cherokee, Choctaw, Chickasaw, Muscogee (Creek), and Seminole.

allotment of all tribal lands held in common, and for the sale of surplus lands and lands containing valuable resources.

The Atoka Agreement rendered the Choctaws powerless to prevent the United States from encompassing their lands within the boundaries of a state. After Oklahoma's establishment, the Choctaw tribal government "existed politically only as a shadow government" (Kidwell 2007, 206). It was retained solely as a means to facilitate the resolution of tribal affairs and the dissolution of the tribal estate. Its only function was to oversee the disposal of tribal resources so that the tribe could be completely obliterated as a governmental entity. However, this would prove to be an onerous task, with many tribal assets remaining in limbo (193). Through the first half of the twentieth century, the federal government continued to impose its will upon the tribal government, and maintained high influence over tribal affairs.

The role of minko, or chief, had been reduced from a position as leader of a free people to appointed head of a broken nation. After 1906, the U.S. president was responsible for choosing who would lead the Choctaw Nation (Lambert 2007b, 287). The Choctaw Chief answered to the Bureau of Indian Affairs (BIA), and the Secretary of the Interior retained near total control over the tribe (Kidwell 2007, 204). These "[e]arly-twentieth-century Choctaw chiefs, well matched for their new role of carrying out federal objectives, facilitated sales of most of the unallotted Choctaw timber lands and some of the unallotted Choctaw mineral lands" (Lambert 2007b, 287). Their sole purpose was to sign legal deeds selling tribal assets and act as the spokesman for the Choctaw people.

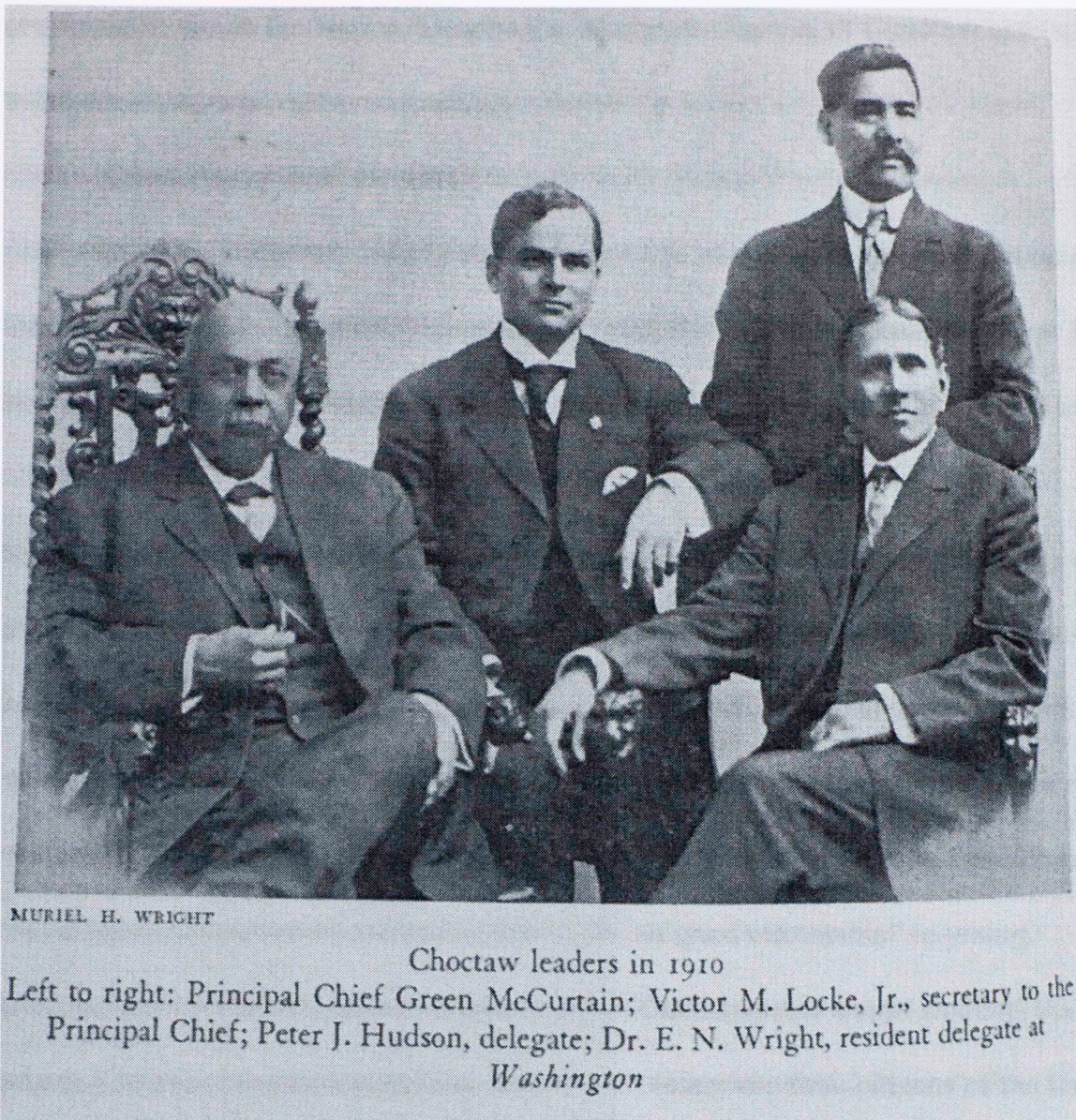


Figure 3: Choctaw leaders of the early 1900s (Wright 1951, 112).

Through the early twentieth century, many Choctaws advocated for settling the tribal estate. These Choctaws wanted to “assure that each individual received the full value of what the federal government had guaranteed” in return for selling the Nation’s communal land base (Kidwell 2007, 205). Many believed it was too late to save the Nation, and that the tribal government was “a useless ornament”—the sooner it was disposed of, “the better will be the outcome from a financial standpoint to all concerned” (Kidwell 2007, 208). Conflict over the settlement of the tribal estate

continued to divide the Nation. Despite the wholesale disposal of Choctaw assets, the tribal estate lingered on unresolved.

Chief Harry J.W. Belvin

In 1948, at the age of forty-seven, Harry J.W. Belvin was appointed as chief of the Choctaw Nation. Born on December 11, 1900, Belvin grew up and lived near his hometown of Boswell, Oklahoma, residing within thirty-five miles of his birthplace for

his entire life (Belvin 1981a, 5).

Growing up, Belvin's father placed a high emphasis on education (Hunke 1986, 25-26). Likewise, he viewed public education positively, asserting that it "taught the basic fundamentals of good citizenship" to young Choctaws and taught students that "[t]hey are first, citizens of the United States. Second, they are citizens of the state in which they live. And third, they are citizens of their Tribe" (Belvin 1981b, 4). Belvin himself was an

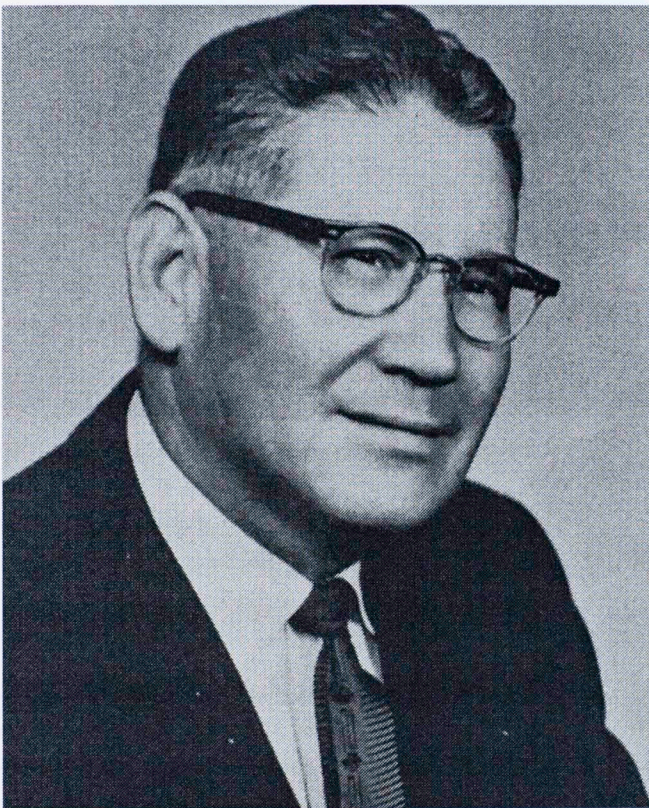


Figure 4: Chief Harry J.W. Belvin (McKee and Schlenker 1980, 155).

educated man, obtaining his Bachelor of Science from Southeastern Teachers College, and his Masters of Education at the University of Oklahoma. He spent the first fifteen years of his career as a school teacher before serving as the superintendent of Bryan County, Oklahoma. During his term as chief, he also served in the Oklahoma House of

Representatives from 1955 to 1961, and in the Oklahoma State Senate from 1961 to 1965.

Like many others at the time, Belvin believed that the Atoka Act effectively disestablished the Nation. There was little, if any, role for the chief to fulfill, and the only duties for tribal employees were “house-keeping duties” (Belvin 1981a, 7). The role of chief was simply to sign legal documents and act as an emissary of the tribe.

It is singularly obvious that the chief or governor of any of the Five Civilized Tribes had very little executive power, that he has a mandatory duty to sign any instrument that the Secretary of the Interior notifies him to sign, that he has no discretion in the matter and that he can be removed from office if he neglects or refuses to sign such instrument for thirty days after such notice from the Secretary of the Interior. (4)

Upon taking office and finding that the Choctaw Nation had no programs operating to help the Choctaw people (6), Belvin sought to bring visibility to the Choctaw people by writing the BIA, congressmen, and other federal government officials (10). In his mind, he was pushing for Choctaw self-determination, as he “maintained that the government did not know what made the Indian tick” (10). Belvin asserted that he wanted to restore the tribal government to the Choctaw people, although several Choctaws would challenge this notion throughout the latter half of his term as chief.

Belvin sought BIA approval in conducting tribal affairs, thinking that the BIA had power to terminate the Choctaw Nation at will (Belvin 1981a, 4, 7). In large part, given the history of the Choctaw Nation for the forty years preceding his assumption of the role of chief, it is easy to see why Belvin believed the BIA wielded great power over the Nation and its people. Throughout the first fifteen years of his term, Belvin was personally and professionally at odds with the BIA, viewing the entity as “an autocratic, dictatorial management agency” which controlled all tribal affairs (6, 9-10). This

tension arose as a result of the BIA's lack of action and failure to execute mass sales of tribally owned lands, which Belvin saw as their duty under federal law (Albert Collection).

Belvin later saw the BIA as a positive asset to tribal governance. The "Indian business" is unlike any other sort of enterprise, and Belvin believed that "[a]ny Indian leader who thinks he can manage the affairs of his tribe without the assistance of the B.I.A. is fooling himself and . . . will find that he has actually short-changed his Indian constituents" (Belvin 1981a, 20). The BIA—when acting in concert with the tribal government—played an integral role in implementing policies and programs for tribal members throughout this time. After a change in area directors and as a result of his repeated efforts to increase the power of the Choctaw people to govern themselves, and through new rules and regulations implemented through the 1960s, Belvin and the BIA began working together in partnership, which he attributes as the source of increased self-governance for the Choctaws (11).

As a result of the ineffectiveness of the tribal governmental structure, Choctaw county councils were established in the early 1950s to provide a mechanism for the chief to disseminate information about tribal affairs to the Choctaw people, and allow the people to voice their opinions to the tribal government (Belvin 1981a, 8). The councils were based in each county of the Choctaw Nation, and met quarterly. They allowed Belvin direct contact with the Choctaw people, which he asserts "was recognized by the Bureau of Indian Affairs and constituted the most clearly defined tribal structure we had without the sanction of congress" (14), although the BIA's support of the councils is questionable (Kidwell 2007, 209). Even so, the Choctaw

councils were a step in the right direction towards implementing democratic methods of representation into the Nation's government.

self-determination are mixed in complexity and content. During his tenure as chief, the federal government prohibited exercising tribal authority within its borders. The U.S. Congress passed the Termination Act in 1953, which called for the dissolution of the BIA and meant to end the federal government's recognition of tribes as distinct political entities, severing all obligations and claims owed by the federal government to tribes (Debo, 1970, 522). In essence, it meant to end Native nations and except for the assimilation of Native peoples into mainstream society.

Herna came from a generation accustomed to a *young* federal oversight over tribal affairs— one in which the federal government controlled the course of the Choctaw Nation. He fully believed the Choctaws were “a subjugated Tribe under the direct supervision of the United States Government.” Seen by some as a well-known advocate for Choctaw self-rule (Kidwell 2007, 209), and by others as the “Tomb Raider” who signed off on treaties and remaining vestiges of Choctaw political identity (Lambert 2007b, 67-70), Herna’s twenty-seven year term as Chief marks a time of rapid political change within the Choctaw Nation.

Chief Herna promised a political and cultural re-orientation, which fit perfectly with the federal government’s goal (Lambert 2007, 209). His goal was to facilitate the assimilation of Choctaw people into the dominant society through formal education and promoting the use of English, and through resolving the political issues called for by the Alaska Act (Lambert 2007b, 287). His stated goal for the

² Harry J.W. Belvin to Fred Gaudier, 20 May 1973 (York Collection).

Chapter Two: The Push to Terminate the Choctaw Nation

Despite his best intentions, Chief Belvin's actions in attempting to assert tribal self-determination are mired in controversy and scandal. During his tenure as chief, the federal government promoted terminating its relationship with all Native nations within its borders. The U.S. Congress passed the Termination Act in 1953, which called for the dissolution of the BIA and meant to end the federal government's recognition of tribes as distinct political entities, severing all obligations and duties owed by the federal government to tribes (Debo, 1970, 352). In essence, it meant to end Native nations and complete the assimilation of Native peoples into mainstream society.

Belvin came from a generation accustomed to imposed federal oversight on tribal affairs—one in which the federal government controlled the course of the Choctaw Nation. He fully believed the Choctaws were “a subjugated Tribe under the direct supervision of the United States Government.”⁷ Seen by some as a well-intentioned advocate for Choctaw self-rule (Kidwell 2007, 209), and by others as the “Termination Chief” who aimed to obliterate any remaining vestiges of Choctaw political identity (Lambert 2007, 67-70), Belvin's twenty-seven year term as Chief marks an era of rapid political change within the Choctaw Nation.

Chief Belvin promoted a policy of tribal autonomy via federal termination, which fit perfectly with the federal government's goals (Kidwell 2007, 209). He aimed to facilitate the assimilation of Choctaw people into the dominant society through formal education and promoting the use of English, and through resolving the tribal estate as called for by the Atoka Act (Lambert 2007b, 287). His stated goal for the

⁷ Harry J.W. Belvin to David Gardner, 20 May 1973 (York Collection).

Choctaw Nation was to “set up a tribal entity to administer its affairs, as a Tribe, without the supervision of the U.S. government.”⁸ He justified this seemingly contradictory position by asserting that terminating federal oversight of tribal affairs would increase the Choctaw Nation’s ability to self-govern.

Belvin Supports the Choctaw Termination Act of 1959

Unsatisfied with the BIA’s handling of the Choctaw estate, Belvin sought help from Congress “to restructure the relationship of the Choctaws to the federal government” (Kidwell 2007, 209). He lobbied to reduce federal oversight of tribal affairs by terminating the federal recognition of the Choctaw Nation as a distinct tribal entity (Albert Collection). Chief Belvin and W.F. Semple⁹ drafted a bill known as the Choctaw Termination Act of 1959 to dispose of the tribal estate, and worked with U.S. Representatives Carl Albert and Ed Edmondson to get the bill passed (Albert Collection). The Act meant to transfer all tribal holding and property from the tribal government to a private corporation with no federal oversight.

Chief Belvin was “the most vocal Choctaw advocate of Choctaw tribal termination,” believing this to be a step in the right direction for the Choctaw people towards assimilation (Lambert 2007b, 286). Belvin himself, at least publicly, proclaimed that termination would be a positive event for the Choctaw Nation. He did not present the proposal as a “termination” bill per se. Instead, “Belvin marketed his law to Choctaws entirely as an initiative that would provide them with immediate economic relief” (Lambert 2007b, 287-88). He sold the bill as a means for settling tribal affairs

⁸ Harry J.W. Belvin to Fred R. Harris, 19 June 1965 (Harris Collection).

⁹ Former Chief of the Choctaw Nation (from 1918-1922) and then tribal attorney (Albert Collection).

and distributing the wealth of the nation to all Choctaw citizens through per capita payments (Lambert 2007a, 68). Even still, the Choctaw Councils were concerned with the Act, and Belvin relied on reports from Congress to alleviate their apprehensions (Albert Collection).

The Choctaw Termination Act required the sale of over sixteen thousand acres of tribal property, which was valued at \$12.50 per acre, for a total of \$204,262.00 (Albert Collection). Chief Belvin saw the resolution of tribal affairs through the mass-sale of tribal assets as a positive step towards individual autonomy (Green 2014). By selling off the tribal estate, Choctaw tribal members would receive a per capita payment of their share—a total of \$315 each. Belvin was certain this is what the tribal members wanted and needed.

The Choctaw Termination Act meant to transfer all of the Choctaw Nation's assets to a corporation organized under state law, and it would then be the responsibility of that corporation to honestly and fairly care for the Choctaw people (Albert Collection). This would have to occur with no federal oversight, and with no federal funding for programs such as housing and healthcare. It left the Choctaws free to “select their own officers” of this corporation, as dictated by the corporate charter. The plan to implement this successor corporation was seen as problematic, however. It would be “necessary to divide the shares [of the corporation] equally among the enrolled Choctaws” which would result in fractionation as each Choctaw passed their shares of the corporation along to their heirs until all held only “a small inconsequential

¹⁴ Graham H. Douglas, Commissioner, Bureau of Indian Affairs, 2 June 1952 (Albert Collection).

¹⁵ Choctaw Council on Affairs Committee, 24 August 1952 (York Collection).

interest.”¹⁰ As early as 1962, some felt that the corporation’s income would be inadequate to even cover the record-keeping costs of such a system.

Even though the tribal government would be dissolved, Choctaws were told that federally funded services would still be available to tribal members and that the event, “does not have a thing to do with the individual Indian’s business . . . this law only serves in the matter of tribal business.”¹¹ Likewise, Carl Albert asserted that the Choctaw Termination Act did not apply to the Choctaw citizenry, but only the communally held assets of the tribe, and that each citizen stood to gain from the per capita checks which would issue after the sale of the tribal assets (Kidwell 2007, 209-10). However, this would turn out not to be the case.

Despite questions over the effects of the Act, Belvin maintained that the bill had nothing to do with the federal government’s responsibilities to the Choctaw people (Belvin 1981, 12-13). He asserted that the United States later broke this promise and interpreted the law as a termination act, leaving him with no option than to urge its repeal. Yet, evidence shows that in 1959 it was well understood that the law meant to terminate the relationship between the federal government and the Choctaw Nation (Albert Collection). Both the Secretary of the Interior and Carl Albert knew that any direct relationship between the Choctaw Nation and the United States would be severed by the Act, although both stated this was not a “general termination bill” and would

¹⁰ Graham Holmes to Commissioner, Bureau of Indian Affairs, 8 June 1962 (Albert Collection).

¹¹ Choctaw-Chickasaw Alliance newsletter, 24 August 1973 (York Collection).

affect only tribally-held assets, meaning to turn over control of federally-held tribal assets to the Choctaw people.¹²

The federal government interpreted the meaning behind the Choctaw Termination Act much as it had other termination legislation. A BIA press release from April 23, 1959, shows the Act's specific purpose:

The Department of the Interior favors enactment of legislation initiated by the Choctaw Indian Tribe of Oklahoma which provides for the disposition of the Tribe's lands and funds and for the eventual termination of its special relations with the federal government, Assistant Secretary Roger Ernst announced today. In reporting to Congress on H. R. 2722, Mr. Ernst emphasized that the bill was introduced in Congress at the request of tribal officials. (York Collection)

Some believe that Chief Belvin was acting in the best interest of the Choctaw people by helping to introduce a bill that would have effectively ended the Choctaw Nation. They assert that "[a]lthough Chief Harry J. W. Belvin initially encouraged self-rule, he did not want to terminate the Choctaw tribal entity, which would result in the loss of funds for certain federal programs," and would deprive the Choctaw citizenry of the benefits associated with being a member of a federally recognized tribe (McKee and Schlenker 1980, 153). Others felt like this was a direct attack aimed at taking away the last few resources of the Choctaw people. The Choctaws faced termination policies enacted by the federal government, and a tribal government that supported those policies.

Perhaps Chief Belvin did have the best interest of the Choctaw Nation in mind when he tried to end the relationship between the United States and the Choctaw Nation. He believed this would allow the Nation more control over its future. Or perhaps, as some have asserted, he was working with his own best interest in mind when he sought to terminate the Nation's status as a federally recognized tribe and hand

¹² Carl Albert to George Hall, 24 January 1959 (Albert Collection).

over all tribal assets to a state-chartered corporation. As stated by Belvin's political opponents, "you can think about it and decide for yourself . . . we have nothing to say, this is for YOU to decide."¹³

The Termination Act was amended twice to provide "additional protections" for the Choctaw people and to extend the deadline of its enactment. As early as 1963, concern over the Termination Act's effect on tribal members began to surface. Word soon spread "that Belvin has gotten the Choctaws into hot water over this termination procedure" as the Choctaw people "want the benefits of Federal guardianship . . . but none of the disadvantage[s]."¹⁴ Several amendments to prolong implementation of the Act were passed as Belvin and the BIA had troubles surveying Choctaw lands and creating a successor corporation to take over all the tribal assets. The final deadline for the Choctaw Nation's termination was finally set for August 25, 1970. The political climate began to change, however, as opposition which surfaced in the 1960s gained momentum throughout the 1970s. Increased awareness and activism led to an increased concern for the welfare of the tribe, and several grassroots movements were established to combat dissolution of the tribe. The "Termination Chief," as he became antagonistically known, faced growing resistance.

Combating Termination

There was little understanding about the true nature of the Choctaw Termination Act among the Choctaw citizens. Many understood the legislation as a means to provide each Choctaw with a per capita payment, and as a means to provide the Choctaws with tribal funds held by the United States (Albert Collection). Poverty-stricken Choctaws

¹³ Hello Choctaw newsletter, 30 November 1971 (York Collection).

¹⁴ Tom to Charlie, n.d. (Albert Collection).

quickly accepted the idea that they would receive any income, and saw this as a means of settling old debts owed by the United States. Some opposed Belvin's efforts, desiring to keep the Nation's government alive. Still others urged the termination of the Choctaw Nation as a distinct entity but disagreed with Belvin's plan, maintaining that "the assets of the tribe amounts (sic) to very little as far as the individual Indian is concerned," that the Act "would only tend to encourage the Principal Chief in perpetuating himself in office until the limited amount of assets which we possess are used up."¹⁵ Indeed, these fears may have not been unfounded as Chief Belvin proposed to amend the Act to give the Secretary of the Interior discretion in distributing per capita payments, and to allow any unclaimed per capita payments to escheat to the Choctaw Nation or its successor corporation, or the United States if the Choctaw Nation failed to create a successor corporation (Albert Collection).

As word about the pending fate of the Nation spread, so did opposition to the Choctaw Termination Act. As early as 1965, Choctaws advocated for the Act's complete repeal (Albert Collection). Many Choctaws felt that implementing the Act would harm future generations of Choctaws. In addition, many had concerns over the feasibility of setting up a successor corporation and fairly including all Choctaws as shareholders in the corporation.

The Choctaws were incensed over the notion that they would no longer exist as a tribal nation, and began speaking out against termination. One example of this political mobilization can be found in the number of Choctaws involved in tribal politics and meetings. In 1969, a Choctaw council meeting held in McCurtain County

¹⁵ George Hall to Carl Albert, 21 January 1959 (Albert Collection).

drew the largest crowd of Choctaws in over ten years (Albert Collection). There was only one main topic of discussion—repealing the Choctaw Termination Act. Claude Gilbert spoke on behalf of repeal. Gilbert’s argument was simple: while both federal legislators and Chief Belvin had promised that individual Choctaws would not be affected by the Termination Act, that was not the reality of the situation. In addition, while the United States may have promised Chief Belvin that individuals would not be affected, the United States had often broke its promises made to Native nations.

In contrast, Chief Belvin spoke in support of the Choctaw Termination Act. He said the purpose of the Act “was to bring to a conclusion the terms of the Act of 1906 [The Atoka Act] which provided for a final settlement with the Choctaw Tribe.”¹⁶ Belvin saw only two viable options available to the Choctaws: they could either accept per-capita payments for every Choctaw, providing each member of the tribe approximately fifty dollars for every million dollars in tribal assets, or they could form a corporation under state law to handle those assets. At the conclusion of the meeting, Gilbert presented a petition to the Choctaws present requesting the federal government repeal the Choctaw Termination Act—of those present, over 90 percent signed the petition urging repeal.

The opposition movement felt that “[t]he most critical thing facing the Choctaw people is the termination scheduled for August 25.”¹⁷ Chief Belvin soon understood that a power-shift was underway, and sought to regain the trust of the Choctaw people by switching political positions. In the late 1960s, he urged the federal government to first

¹⁶ “Local Indians Combat Termination Act,” *McCurtain Weekly Gazette*, 10 July 1969 (Albert Collection).

¹⁷ Hello Choctaw newsletter, 21 June 1970 (York Collection).

amend, and then repeal the Termination Act. Belvin stated that the Act was unworkable, that no complete list of tribal members could be created, and that any profits would be insufficient to provide members with per-capita payments.¹⁸ Instead Belvin proposed to dispose of all tribal assets under the Atoka Act.

First, Chief Belvin urged a drastic overhaul of the Choctaw Termination Act. He wanted to change the language requiring the Choctaw Nation to establish a successor corporation under state law in order to allow the Nation to retain its status as a political entity. The amendment would reform the tribal government under the Oklahoma Indian Welfare Act and Indian Reorganization Act (Albert Collection).¹⁹ This would effectively invert the purpose of the Termination Act and prevent the federal government from terminating its relationship with the Choctaw Nation. Alternatively, Belvin urged the complete repeal of the Choctaw Termination Act.

When these proposed bills were sent from Chief Belvin to the federal government, contentions arose over their meaning. The federal government pointed out that Belvin's amendments were contrary to the stated purpose of the Choctaw Termination Act.²⁰ That purpose was clear—the Act meant to terminate the Choctaw Nation as a distinct political entity. This purpose was well understood across the board, and everyone knew the Nation was going to be terminated. Further, the Department of the Interior (DOI) had a letter from Chief Belvin supporting termination, which verified

¹⁸ Harry J.W. Belvin to Ed Edmondson, 28 December 1967 (Albert Collection).

¹⁹ The Indian Reorganization Act of 1934 specifically exempted tribes in Oklahoma from its coverage. In 1936, the Oklahoma Indian Welfare Act was passed, providing a mechanism for Oklahoma Tribes to reorganize tribal governments. However, from 1936 to 1969, the appointed Choctaw chiefs made no efforts to reestablish the Nation's government under the OIWA, opting instead to proceed with the implementation of the Atoka Act and completing the dissolution of the National government.

²⁰ Lewis A. Sigler to Ed Edmondson and Carl Albert, 6 June 1969 (Albert Collection).

that the Act was initiated directly by the leaders of the Choctaw Nation, and that Chief Belvin “unequivocally recommend[ed] the passage of H.R. 2722.”²¹ It confirmed that all of the Choctaw councils unanimously approved passage of the Choctaw Termination Act. As final proof that the Act was exactly what the leaders of the Nation asked for, the Act “was passed as drafted and approved by the tribe without any substantive amendment.” Even so, Belvin now shifted gears and insisted the Act was not what the Choctaws wanted.

Belvin’s position on how the Choctaw Termination Act arose is at odds with what internal communications between federal representatives reveal. Chief Belvin professed that he initially supported the Act, believing it to be a plan allowing Choctaws more control and autonomy over tribal affairs (Albert Collection). It was the BIA who sold the Choctaws on the idea of termination. The bill, which “was specifically written to effectuate only termination of federal supervision over Choctaw tribal affairs, not individual Indian affairs” was already drafted by Lewis Sigler of the BIA before it was brought to the Choctaws for their review.²² Belvin accused the BIA of changing the language of the Termination Act after the Choctaws had reviewed and approved the bill. Others also vocalized this opinion elsewhere, accusing the United States of pulling a “bait-and-switch.”

Carl Albert stood with Belvin in urging repeal of the Termination Act. He justified Belvin’s initial support of the Act, saying he “acted out of the strong desire

²¹ Lewis A. Sigler to Ed Edmondson and Carl Albert, 6 June 1969 (Albert Collection).

²² Statement of Harry J. Belvin on H.R. 15866 Before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs of the United States Senate, 1970 (Albert Collection).

among the Choctaw people for some form of self rule.”²³ Albert insisted that neither he nor Belvin understood the bureaucratic nightmare that would result from the Act. While Albert asserted that in 1959 the Choctaws wanted to be federally terminated, he also acknowledged that the Choctaws no longer supported termination. Albert introduced Belvin’s proposed amendments “exactly in accordance with his suggestions” in H.R. 15866 on February 12, 1970.

Beyond Belvin and Albert’s change of position, there was now widespread support for repealing the Choctaw Termination Act. In the 1950s, the United States was heavily entrenched within the Termination Era—a policy era supporting the eradication of the United States’ recognition of its responsibilities owed to Native nations. However, with the election of Richard Nixon came a new policy: self-determination. The United States no longer aimed to ignore its promises and obligations made to Native peoples, and instead embraced the notion of having distinct semi-autonomous political entities residing within its borders. Additionally, national activism associated with the civil rights movement, the Red Power movement, and the American Indian Movement brought increased attention and awareness to Native issues.

Both the Commissioner of Indian Affairs and the DOI supported repeal of the Choctaw Termination Act. In its support, the DOI stated three reasons: first, and least importantly, the Act could not be practicably implemented; second, the economic social condition of the Choctaw people warranted federal attention; and lastly, the Act was contrary to the present federal administration’s explicit policy regarding tribal

²³ Statement of Rep. Carl Albert Before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs, 14 May 1970 (Albert Collection).

governance.²⁴ Senator Fred Harris said repealing the Act was the right thing to do for the Choctaw people.²⁵

Still, much concern grew over whether this would be enough to stop the disbanding of the tribe. The Oklahoma City Council of Choctaws made the urgency of this matter known: “This bill, listed as H.R. 15866, had passed the House of Representatives and now must pass through the Senate before August 25 to prevent termination. IF IT CAN JUST GET THROUGH THE SENATE IN TIME.”²⁶ The end was close for the Choctaw Nation indeed. Approximately 1:00 PM on August 24, 1970, H.R. 15866 was signed into effect by President Nixon—eleven hours before termination would have gone into effect. The passage of H. R. 15866 saved the Choctaw Nation with just moments to spare, and marked the end of the termination era for the Choctaw Nation and the birth of the age of self-determination.

²⁴ Statement of Interior Department Witness on H.R. 15866 Before the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs of the House of Representatives, 1970 (Albert Collection).

²⁵ Statement of Senator Fred R. Harris Before the Subcommittee on Indian Affairs of the Interior and Insular Affairs Committee, 1970 (Albert Collection).

²⁶ Hello Choctaw newsletter, 21 June 1970 (York Collection).

Chapter 3: Political Mobilization and Opposition to Belvin's Policies

As word about the Choctaw Termination Act began to spread, Choctaws became increasingly vocal about the wrongdoings they attributed to the tribal government. They refused to stand by and watch their Nation dissolve. Instead, over the next few years Choctaws organized to challenge Belvin and to set the Nation on a new path. Curiously, the biggest source of resistance surfaced outside of the boundaries of the Choctaw Nation itself. The urban Choctaw youth played a pivotal role in combating termination, and took a stand against Belvin and the policies he represented.

The Choctaw Opposition Movement

Many young Choctaws relocated to Oklahoma City throughout the 1900s, including Charles Brown. In 1969, Brown learned of the Nation's pending termination (Lambert 2007a, 65). Soon after, he established the Oklahoma City Council of Choctaws²⁷ and worked to combat termination and publicize tribal issues. Brown would go on to become one of the most outspoken opponents against termination and Belvin's policies. He and the Oklahoma City Council of Choctaws worked with one main goal in mind: to get Belvin out of office and restore the government to the people of the Choctaw Nation. They aimed to end the policy of liquidation of tribal resources and stop land sales which they felt were unfair and opportunistically targeted the Choctaw people. The Oklahoma City Council of Choctaws began a small publication called "Hello Choctaw" to spread knowledge of tribal affairs to the tribal members who had been effectively ostracized from the tribal government up to this point in time.

²⁷ Included in this group are: Charles Brown, Darryl Brown, Alfeas Bond, Ed Anderson, Vivian Postoak, Robert Anderson, Floyd Anderson, Bobbi Curnutt, Dorothy D'Amato, Carrie Preston, V.W. Buster Jefferson, C. David Gardner, Carol Gardner (Comanche), Jerry Jefferson (Ponca), and Will T. Nelson (non-Indian) (Lambert 2007a, 69).

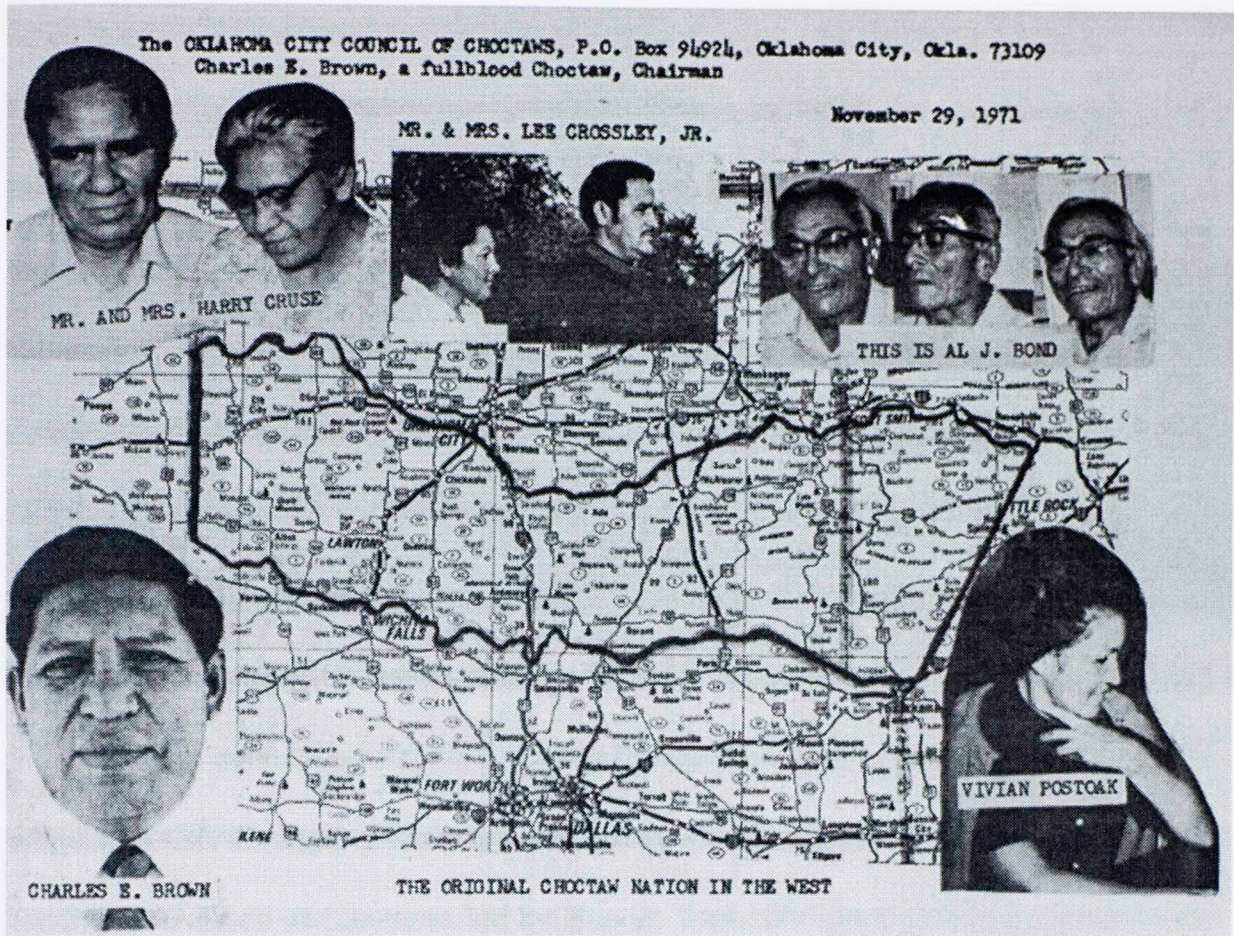
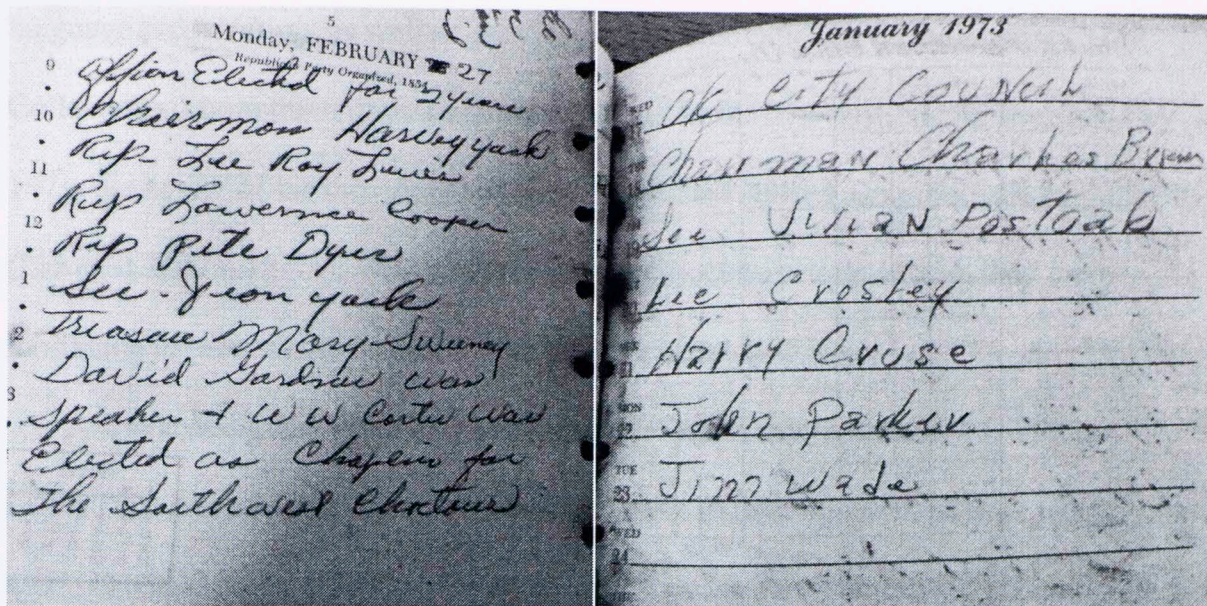


Figure 5: Map of the Original Choctaw Nation. Hello Choctaw Newsletter, 29 November 1971 (York Collection).

Do you think anyone has ever introduced a bill in Congress that would have kept ALL Choctaws from ALL towns . . . from using the INDIAN Hospital at Talihina? And that would have kept ALL Choctaws from using ANY INDIAN Hospital? Do you think anyone would be a good friend of yours if he introduced a bill in Congress to keep ALL Choctaw young people out of government Indian Schools . . . ? Do YOU THINK anyone ever introduced a bill in Congress that would GIVE, for free, all of the money the Choctaw tribe has to a little incorporated group or entity.²⁸

The Choctaw youth were committed to a vision of the tribe as a perpetual and limitless entity, capable of so much more than many believed. They wanted to see the Nation become functional again, and for it and the Choctaw people to be successful.

²⁸ Hello Choctaw newsletter, August 1971 (York Collection).



Figures 6 and 7: Chairmembers of the Oklahoma City Council of Choctaws and Southwest Council of Choctaws, Diary of Harvey York, 1971-1973 (York Collection).

Belvin soon faced attacks on several fronts. Besides “Hello Choctaw” and the Oklahoma City Council of Choctaws headed by Charles Brown, Belvin soon had the Southwest Council of Choctaws led by Harvey York, the Central Choctaw Council led by Ed Anderson, and the Spiro Council of Choctaws headed by Hazel and Marvin Webb actively working against him. Pockets of resistance popped up in small towns and cities across Oklahoma and beyond, including in places such as Tulsa and Ardmore. The Dallas Council of Choctaws started a letter campaign to state and federal legislators, urging they support repeal of the Termination (Albert Collection). Will T. Nelson edited the newly founded Oklahoma City Indian Calendar, complete with political caricatures of both Chief Belvin and Governor Overton James of the Chickasaw Nation. In addition, the Choctaw youth utilized kin networks and churches to disseminate information about the Nation to other Choctaws (Lambert 2007a, 70; York Collection). The Oklahoma City Council of Choctaws printed hymn booklets in Choctaw and disseminated them to Choctaw congregations in an effort to increase

language preservation, as well as provide for broader exposure to their cause (York Collection). Momentum grew tremendously within the Choctaw Nation itself, and by 1971, the center of the movement against Belvin had shifted away from Oklahoma City (Lambert 2007a, 72-73). With the spirit of the Choctaw people stirred, they were motivated to prevent the Choctaw Nation from being dissolved.

Increasing Resistance: The Choctaw-Chickasaw Alliance

The opposition movement would continue to pick up speed as time went on. In 1973, David Gardner (Choctaw) worked with Charles Tate (Chickasaw) to establish the Choctaw-Chickasaw Alliance (The Alliance), which was formed “to protect and preserve the valuable land and water resources” owned by the Choctaw and Chickasaw people.²⁹ The Alliance first met on June 23, 1973, in Tishomingo, Oklahoma. Eighty-six people came to the meeting, although there were more Choctaws than Chickasaws. Concerns were voiced over the similar problems of the tribes, including land sales and mismanagement of tribal funds. By 1975, the Alliance had established chapters in locations both inside and outside of the Choctaw Nation, including in Durant, Spiro, McAlester, Hugo, Antlers, Ardmore, and Tishomingo (Lambert 2007a, 85). It also had chapters in major urban areas, including Oklahoma City and Tulsa.

The Alliance held no official political power, but it was nevertheless determined to affect the policy of the Choctaw Nation and the BIA. Its co-chairmen drafted resolutions promoting retention of lands and series of checks and balances for the governments of the two tribes. It aimed to push the current federal legislature into action. The Alliance was a voice demanding “true representation of all members of the

²⁹ Choctaw-Chickasaw Alliance, Letter to Chickasaws and Choctaws, 26 March 1973 (York Collection).

Choctaw Tribe,” as well as “definite rules and procedures regarding the qualifications for, and the elections of tribal officials,” and “definite rules of eligibility for voting.”³⁰

This was representative of the formal organization the Choctaw (and Chickasaw) people needed in order to reform their own governmental systems.

The Alliance was instrumental in declaring the opinions of the people of the two nations, and it was backed by strong local political figures. Representative Neal McCaleb (Chickasaw) and Representative (and future Choctaw Chief) Hollis Roberts both made appearances at meetings as special guests to discuss tribal affairs. The Alliance commanded meetings with both state and federal governmental officials, including U.S. Senators Bellmon and Bartlett, and Thomas Ellison—the BIA Area Director for the Muskogee, Oklahoma, office (Bartlett Collection).

The Alliance members were fierce and unafraid to stand up to Belvin directly. In a bold move, they sent a letter to Chief Belvin stating that the office of chief was a high position demanding a large amount of responsibility—it was a position that necessitated good leadership. In order “to exist as viable, sovereign states,” the Choctaws and Chickasaws had to have good leaders, and with that “our future will be full of promise and opportunity for all members of our tribes.”³¹ Belvin, however, was not this leader—in the Alliance’s opinion, Belvin failed to live up to the requirements of his position. The Alliance also spoke out against the Inter-Tribal Council of the Five Civilized Tribes, which it saw as simply a propagandist platform for the tribes’ incumbent chiefs. It passed a resolution sent to members of Congress explaining that the Inter-Tribal

³⁰ Resolution of the Choctaw-Chickasaw Alliance, 13 April 1974 (York Collection).

³¹ David Gardner and Charles Tate to Harry J.W. Belvin, 30 June 1973 (Albert Collection).

Council did not speak for the people, because the members of the tribes had no say in who was appointed to the Council. Further resolutions were sent to Congress and officials in the BIA explaining the Choctaws' concerns and clarifying that the current administration did not represent the Choctaws.

Issues Beyond Termination

Besides termination, other issues such as misappropriation of tribal funds and corruption in the selection of tribal leaders plagued Belvin's latter years as chief. Allegations of nepotism, misconduct, and embezzlement were abuzz in the Nation, and Charles Brown and the Oklahoma City Council of Choctaws jumped at the chance to investigate. More damning than the fact that the finances of the Choctaw Nation were not well known to those outside the tribal government was the fact that requests to view the budget for the tribal government were repeatedly denied.

Tribal Budget Issues

The tribal budget came under scrutiny after three tribal employees working with the Choctaw Nation Housing Authority were fired for embezzlement (York Collection). In 1969, Choctaws sent several letters to the BIA asking for assistance in obtaining the financial records of the Choctaw tribal government. Unfortunately, the response received was that the BIA was unable to provide any information about the Choctaw Nation's budget—that information was deemed confidential. The BIA directed requests concerning the budget to Chief Belvin directly. Other letters were sent to the Commissioner of Indian Affairs, Mr. Louis Bruce, without response.

The federal Freedom of Information Act was passed in 1967, and while it only applied to federal agencies, many felt that this meant tribal expenditures should be made

public as well. In fact, many Choctaws had requested information about tribal expenditures and been granted access to this information in the past—what then would justify the BIA’s turnaround in policy? According to Ed Anderson, director of the Central Choctaw Council, a letter between BIA Area Director Virgil Harrington and the BIA Division of Financial Management proved that Chief Belvin was behind the effort to keep tribal financial records confidential (Albert Collection). The letter documented Belvin’s request sent directly to Harrington to stop giving tribal members information about tribal finances. Later, Chief Belvin would confirm that he was responsible for keeping the Choctaw people from accessing information about tribal finances. He justified his decision to do so, stating that certain political dissenters were skewing the information they previously accessed in an effort to make it appear that Belvin was squandering tribal funds.³² In his opinion, these opposition groups were determined to smear his name. They failed to inform others of the amount of his own personal money he invested into the Choctaw Nation and its people, which justified his request to keep the Nation’s financial information out of the hands of the Choctaw people.


Finally, the Oklahoma City Council of Choctaws was able to obtain some information about the Choctaw Nation’s finances from the BIA. According to the Muskogee BIA office, the tribal budget for the fiscal year 1970, was \$28,200.00 (York Collection). However, nothing was known about how this money was spent. Eventually, in November of 1970, more information about tribal finances was sent in a letter by Virgil Harrington from the Albuquerque BIA office. In it, amounts were divulged of expenses paid during the 1969 fiscal year, but no specifics were given to explain what

³² “Choctaw Chief Blames Government for Tribal Problems,” Pearl Wittkopp, Tulsa Tribune, 8 September 2003 (Albert Collection).

Figure 8: Political Cartoon Published in Hello Choctaw, 1 May 1972 (York Collection).

HELLO CHOCTAW
May 1, 1972
Oklahoma City Council of
Choctaws, Inc.

*"WHY CAN'T THE CHOCTAW PEOPLE
FIND OUT HOW YOU ARE SPENDING OUR MONEY?
WHY DO YOU CONTINUE TO SELL OUR LANDS?"*



REWARD

**RAISED TO
\$200**

\$200.00 REWARD for a complete, accurate record of how the Choctaw tribal money has been spent starting May 1, 1971 and ending May 1, 1972. Showing each item spent, who got the money, how much they got, and why they got the money. We understand that "Termination Chief" Harry Belvin, who sponsored the Act in Congress to get the Choctaw tribe TERMINATED, makes out a slip of paper to the Muskogee Area Office telling how much money is wanted.

The Director of the Muskogee Office is Virgil Harrington who approved raising the age limit for chief of the Choctaw tribe TO FIVE YEARS MORE THAN IS REQUIRED TO BE A UNITED STATES SENATOR. Then "Termination Chief" Belvin did not have to face David Gardner in an election. Even then the "Termination Chief" DID NOT GET HALF THE VOTES BUT Harrington approved a NO RUNOFF election which saved the "Termination Chief" again. We have never heard of Virgil Harrington turning down a request for Choctaw tribal money. Have you?

It goes from his office to the Division of Financial Management, Bureau of Indian Affairs, 500 Gold Avenue SW., Albuquerque, New Mexico 87103. The head man there who refused our request is Charley Hourigan, phone (1-505-843-2983). The money is taken out of Choctaw tribal funds and the checks mailed from there. They have a complete record there. We have been trying to find out about this and you had better believe it.

THE OKLAHOMA CITY COUNCIL OF CHOCTAWS, P. O. Box 94924, Oklahoma City, Oklahoma 73109, will gladly give a GOOD \$200.00 BILL TO THE FIRST PERSON WHO GETS THIS INFORMATION TO US.

exactly the money was for. Out of a budget of \$28,200, information for approximately \$14,000 was sent, of which Chief Belvin was paid nearly \$9,000 for salary, travel, and miscellaneous expenses. Further information was gathered from the Division of Financial Management, which showed a total expenditure for tribal expenses of a little over \$36,000 for this year, over a third of which was for travel alone. Efforts to dig into tribal expenses showed total expenses for the first half of fiscal year 1971 (July 1, 1970 through December 31, 1970) of \$24,674.53, which should put total expenses for that year around \$49,000. Obviously there were some discrepancies associated with tribal accounting practices that needed to be remedied.

Council members even questioned the intent behind keeping the Nation's financial records confidential, including Delos Wade—a tribal council member fired for publically questioning Belvin about tribal finances (Kidwell 2007, 214). At a meeting held in Talihina in 1969, Wade began asking Belvin “pointed questions,” which then escalated into a shouting match between the two men. Belvin accused Wade of spreading rumors and being disloyal, but Wade's response was simply that he was “just seeking the answers that have been asked me by other Indians,” including the amount of Belvin's salary, how much land the Nation owned, and whether the Chief had the authority to sell tribal lands.³³

David Gardner, co-chairman of the Choctaw-Chickasaw Alliance, would become instrumental in fighting to publicize the financial records of the tribe. It would take four years and multiple requests for access to the financial information of the Choctaw Nation before Gardner was granted privileged access to the records in April of

³³ “Choctaws Hold Fiery Session,” *Talihina American*, 1 May 1969 (Albert Collection).

1973. Initially, the BIA told Gardner that the Choctaw Nation's financial documents are only "available to tribal members through the Principal Chief of the Choctaw Nation."³⁴ However, after seeking this same information from Belvin, Chief Belvin told Gardner he did not have access to the information, and would have to "call upon the proper authorities" to provide these financial records.³⁵ Belvin and Gardner arranged for a small group consisting of the core of the opposition movement to come and inspect the Choctaw Nation's financial records. This group consisted of David Gardner, his wife Carol Gardner, Charles Brown, and Jim Wade. Belvin relished the meeting as an opportunity to prove once and for all that he was in the right, and that (in his opinion) the political caricatures of himself appearing in *Hello Choctaw* were dangerously inaccurate and antagonistic. What became of this meeting is unknown, but one thing is clear: Belvin failed to prove to this core resistance group that he acted only in the best interest of the Choctaw Nation, as they continued to lobby against him after this meeting.

Land Issues

Choctaws resented Belvin for facilitating the liquidation of the Nation's land. The Oklahoma City Council of Choctaws attacked Chief Belvin ruthlessly for his land sale policies. At issue was not only the sale of tribal lands since Belvin came into office in 1948, but the massive sale of Choctaw lands for marginal prices that began shortly after the Choctaws were removed to Indian Territory.

The original Choctaw Nation in Oklahoma . . . included what is now about eleven counties of Arkansas . . . Congress "took" land the Choctaws had in what is now Arkansas and agreed to pay the annual sum of \$6,000 to the Choctaw

³⁴ Acting Director to David Gardner, 9 March 1973 (York Collection).

³⁵ Harry J.W. Belvin to David Gardner, 20 May 1973 (York Collection).

Nation forever. The Choctaws got \$6,000 a year for this until 1950 when the modern “tribal leadership” made a deal and sold this and ALL THE OTHER CHOCTAW ANNUITIES back to the government as stated in the Act of September 1, 1950 (64 Stat. 573). This was a bad day in the History of the Choctaw Tribe.³⁶

Liquidation of tribal property and per capita payments were the key to Chief Belvin’s tribal policy, and the policies of the appointed chiefs of the twentieth century before him. Per capita payments amounting to \$330 each were made through 1949 to 1952 for sale of coal and asphalt resources (Kidwell 2007, 208). Under the 1959 Choctaw Act, 3,600 acres of tribal land ha(d) been sold for a total of \$176,000, averaging less than \$49 per acre. The opposition movement voiced its concerns: “We feel that it is time that we stand up and demand that our valuable land and water rights . . . remain in the hands of the tribes. We do not want any of our land and water rights sold.”³⁷ Belvin dismissed these rumors around land sales as a political tactic aimed at turning the Choctaw people against him. He boasted that he had saved over six thousand acres of tribal lands from being sold.³⁸ However, Belvin’s political philosophy was entrenched in selling off of the tribal estate and finalizing the process started by the Atoka Act. He could not easily refute these claims.

While he may have lobbied for the sale of tribal lands, it is important to note that Chief Belvin also advocated against unfair land prices as early as 1945. Belvin believed strongly in settling the lingering tribal estate, selling communally held lands, and distributing the assets of the Choctaw Nation via per capita payments to tribal members (Green 2014). He also believed strongly that the Choctaws were not receiving enough

³⁶ Hello Choctaw newsletter, September 1970 (York Collection).

³⁷ Choctaw-Chickasaw Alliance newsletter, 11 May 1973 (York Collection).

³⁸ “Choctaw Chief Blames Government for Tribal Problems,” Pearl Wittkopp, Tulsa Tribune, 8 September 2003 (Albert Collection).

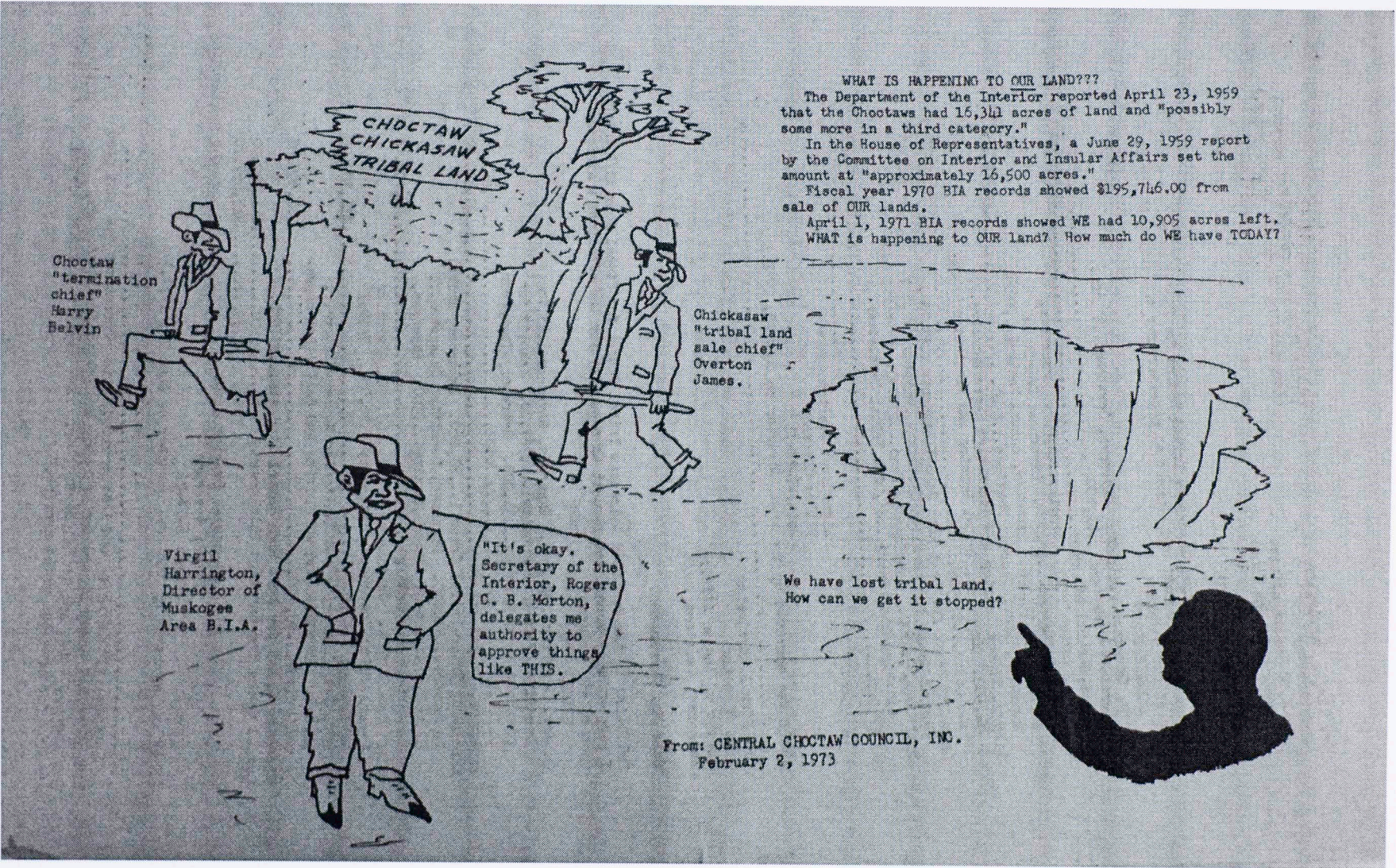


Figure 9: Political Cartoon, Central Choctaw Council, 2 February 1973 (York Collection).

money for the land that was being sold, and advocated for better land prices even prior to becoming chief (Albert Collection). Even so, there was no escaping the voice of the people. The appointment policy in place would go to the wayside, and the Choctaw Nation's first election for principal chief was scheduled to occur in 1971. Belvin would not go without a fight though, and his continued animosity for those who opposed him created a scandal with the upcoming election before it even occurred.

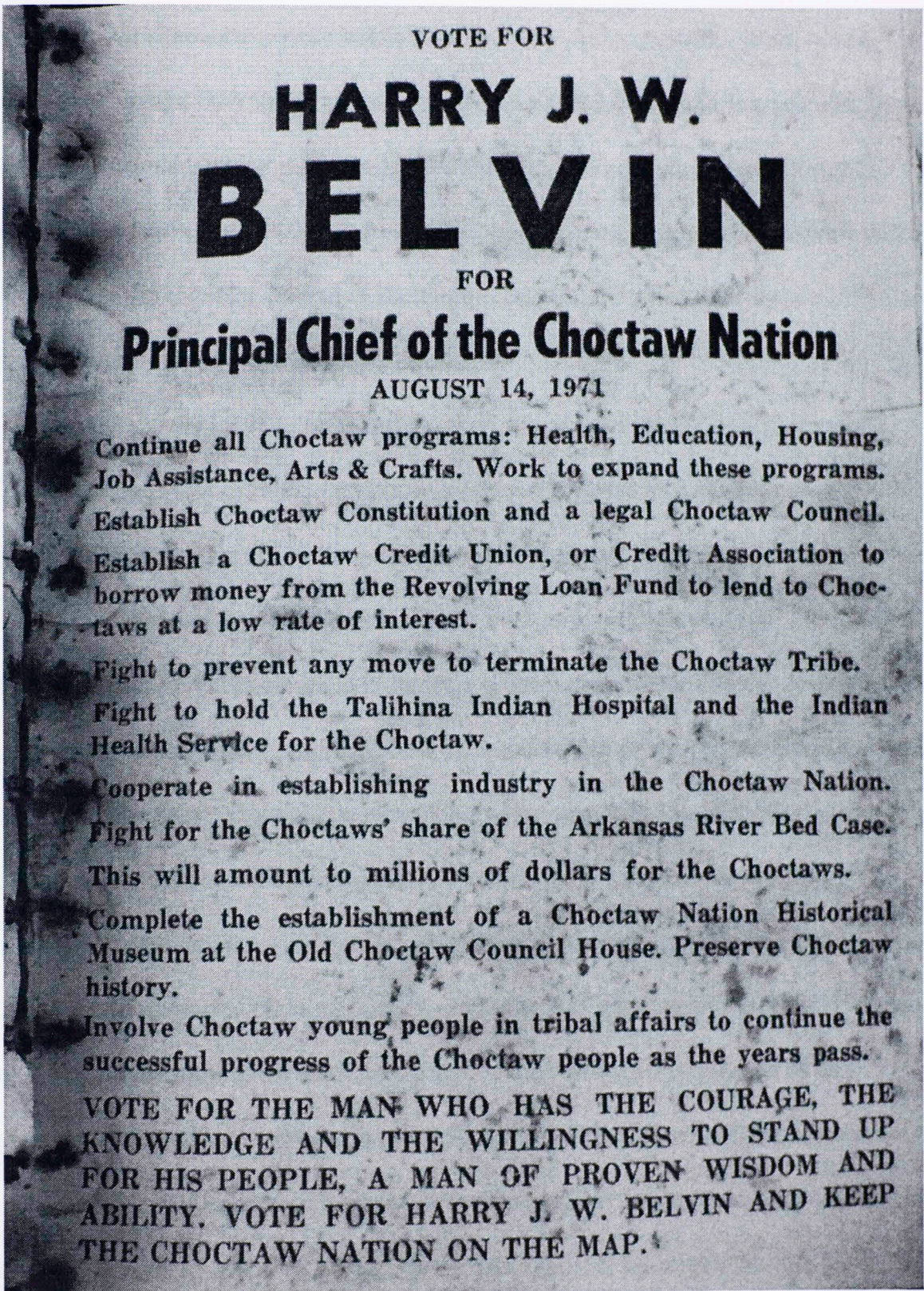


Figure 10: Campaign Materials for Harry Belvin, 1971 (York Collection).

Pressure and tension continued to increase throughout the Choctaw Nation over the next year. Tempers flared as Choctaws discussed their government, and what sort of government the Choctaw people wanted and needed. As momentum grew, so did resentment over the BIA appointment procedures for the office of Choctaw Principal Chief, which “was a major infringement on the identity of the Choctaws as a self-governing people” (Kidwell 2007, 217). The opposition movement waited patiently for their opportunity to wrest control of the Nation from its adversaries.

Public Law 91-495: The Selection Act

Public Law 91-495 (The Selection Act) was signed into law on October 22, 1970. Its purpose was to relax restrictions on the selection and approval process for appointing a Choctaw chief, calling for the leaders of each of the Five Tribes to be chosen through popular vote. It was meant as a step towards self-determination for each of the Five Tribes, and as a means to transfer political power back to the people. Even so, questions concerning the fairness of the Choctaw Nation’s election process soon arose. The Selection Act would prove inadequate at providing an equal basis for challenging Belvin for the office of chief.

After Senator Henry Bellmon and Senator Fred Harris presented the Selection Act to Congress, several changes were made to the Act’s language. Originally, section one of the bill stated that the leaders of the Five Tribes “*may be selected* by the respective tribes in accordance with procedures *established by the respective tribes*” (Albert Collection). Prior to its passage in the Senate, this language was modified from “*may be selected*” to “*shall be popularly elected*” in order to ensure that the leader of the Five Tribes would be chosen through a democratic election. In explaining the

importance of the word “elect,” Senator Bellmon explained that calling for democratic elections would increase involvement in the tribal government and “would insure that the manner of determining subsequent principal officers shall be by popular election.”³⁹ This was consistent with the purpose behind the bill, which was “to insure that the Indian people be able to vote for their leaders.” In contrast, Bellmon noted that “the use of the word ‘select’ does not guarantee popular elections.” However, debate continued as to whether mandatory elections were the best methods of choosing tribal leaders. Before the bill would become law, the word “elect” was changed back to “select” to allow more flexibility in the selection process, but without the safeguard of popular elections. Naturally the Choctaws were outraged.

The Choctaw opposition movement claimed that the new Selection Act gave too much power to Chief Belvin to set the mechanism and terms of the election, and blamed Ed Edmondson for changing “elect” back to “select” prior to the bill’s passage through the House of Representatives (York Collection). Accusations against Edmondson claimed he intentionally changed the language after meeting and conferring with current tribal leaders. When explaining the change, Edmondson said that the law needed to permit greater freedom to the Five Tribes in selecting their leader, and the tribes should have more control over the process.

The opposition movement had a valid basis of concern that the next chief would be chosen without holding a tribal election. While Albert insisted the Selection Act would not prevent the chief from being chosen through popular election, he also noted that an election was not mandatory, and the tribes could use other methods to select a

³⁹ Henry Bellmon, Report Accompanying S. 3116, 24 April 1970 (Albert Collection).

chief, suggesting that perhaps a method like the electoral college used to select the U.S. president would suffice.⁴⁰ Belvin himself stated that “the legislation which permits the Choctaw people to vote upon their candidate for chief is not an election law, as I read it. It is a selection law, and is devoid of any language that would make an election mandatory.”⁴¹ The opposition movement was upset and concerned that they would still not have their voice heard by the Choctaw government.

Originally Belvin proposed to have either one large convention-style meeting or several local meetings where all Choctaw citizens would vote for chief through a show-of-hands method as a means of avoiding the costs of an election (Albert Collection). Many were concerned that any method for selecting the chief that was not by secret ballot would be inherently biased towards Belvin. Some even postulated that Belvin wanted a show-of-hands vote so that he would know who voted against him, and to discourage votes for his political opponents.⁴² These dissenters, unconnected with the opposition movement but sympathetic to its cause, advocated for an official secret ballot election—regardless of the cost—as the only fair way of deciding who would be chief.

Ultimately, the fears over lack of anonymity would prove to be unfounded as an official election via popular vote was planned and set for August 14, 1971. Yet, this was not the only controversy associated with changes to the Act’s language. Several Choctaws were upset at another changed provision which gave Belvin authority to set

⁴⁰ Mrs. J.J. Wassall, Sr. to Secretary of the Interior Morton, 20 January 1971 (Albert Collection).

⁴¹ Harry J.W. Belvin to Secretary of the Interior Morton, 15 May 1971 (Albert Collection).

⁴² Mrs. J.J. Wassall, Sr. to Secretary of the Interior Morton, 20 January 1971 (Albert Collection).

the procedures for the election itself. Originally the language of the proposed bill provided that the “respective tribes” would set the provisions for selecting the chief. This language was changed to allow the “officially recognized tribal spokesman and or governing entity” to set the regulations. Senator Bellmon—often seen as sympathetic to the opposition movement—was actually the impetus behind this change. In the report accompanying the amendment, he explained that the change was made to clearly delineate the responsibility for developing election procedures.⁴³ Yet in the eyes of the opposition movement, this was simply another mechanism to allow Belvin more control over the outcome of the pending election.

Candidates for Chief

Choctaw youth relished in the opportunity to unseat Belvin from office and put forward a candidate whose ideas concerning the direction of the Choctaw Nation’s future more closely matched their own. Several names arose as contenders for the office of chief, including David Jones, James Carney, Fritz Neill, David Gardner, Victor Rolnick Jr., and Randy Jacobs (York Collection). The Oklahoma City Council of Choctaws seeking to combat Chief Belvin did not have to look far to find a spokesperson to head their efforts to overturn the Termination Chief, and would put forth one of their own:

May we introduce DAVID and CAROL GARDNER. David is a candidate for chief of the Choctaw Tribe . . . CHOCTAW DAVID GARDNER . . . would like to present this part of his program to the CHOCTAW PEOPLE for their study and consideration:

1. Use the CHOCTAW CAPITOL at Tuskahoma . . .
2. Divide the Choctaw Nation into Districts from which the CHOCTAW PEOPLE would ELECT REPRESENTATIVES to handle their business
3. Work out a system for teaching the CHOCTAW LANGUAGE . . .

⁴³ Henry Bellmon, Report Accompanying S. 3116, 24 April 1970 (Albert Collection).

4. Publish a CHOCTAW TRIBAL PAPER . . .
5. Issue REGULAR FINANCIAL REPORTS . . .
6. Place more emphasis on education . . . for the Choctaw people . . .
7. Establish CHOCTAW TRIBAL INDUSTRIES . . .⁴⁴

This younger generation of Choctaws rallied around Gardner, and through the early to mid-1970s he canvassed Oklahoma spreading his political philosophy and aiming to increase awareness over tribal affairs throughout Choctaw Nation. His seven goals would serve as a blueprint outlining a new future for the Choctaw Nation.

As early as September of 1970, the opposition movement began asking Belvin to set the election rules and make them publicly available (Albert Collection).

They wanted the rules and regulations for the election widely available across the Choctaw Nation to allow every Choctaw citizen the best opportunity to decide whether they wanted to run and campaign for office and register to vote. However, Belvin claimed the guidelines for conducting the new selection process were

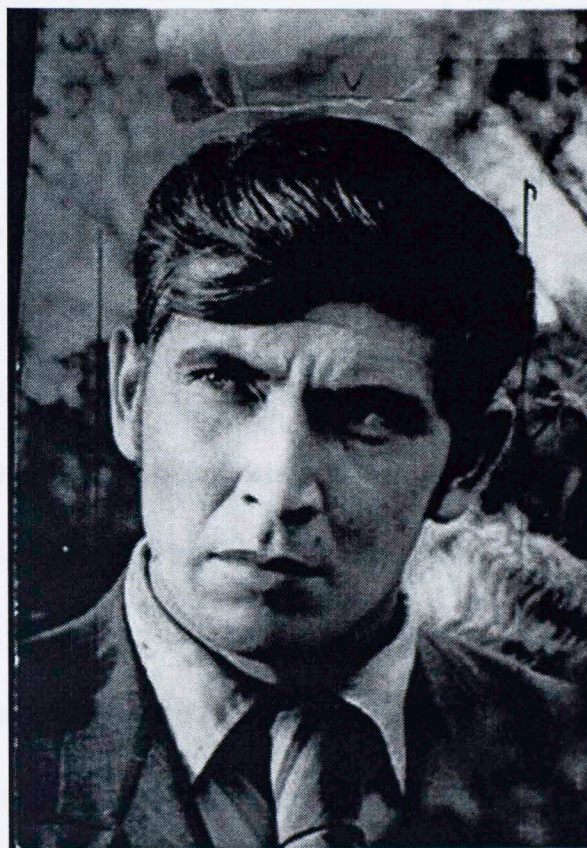


Figure 11: C. David Gardner, 10 August 1971 (Oklahoma Historical Society).

unclear and vague (Albert Collection). Although his appointment as chief would end on August 25, 1971, which meant any election had to be organized and held by that date, it

⁴⁴ “May We Introduce David and Carol Gardner,” Hello Choctaw newsletter, March 1971 (York Collection).

would take nearly a year before he would appoint an election committee and adopt procedures governing the election, leaving very little time to conduct the election itself. As of April 27, 1971—only four months before Belvin’s appointment would expire—there was still no formal election procedures and the election committee was still in the process of being formed (Albert Collection).

The 1971 Election Ordinance

As the summer of 1971 approached, Choctaws watched and waited for word about how their next chief would be selected. The 1971 Election Ordinance was finally adopted on May 15, 1971, and was approved by the BIA on June 14, 1971. Yet, allegations soon arose that the Election Ordinance and the Election Committee appointed to handle the upcoming election were inherently biased against Belvin’s challengers. Letters sent to the Secretary of the Interior claimed that several members of the Election Committee were also on the tribal payroll or supporters of the incumbent chief.⁴⁵ Several provisions of the Election Ordinance were controversial, and some argued they were arbitrary and instituted as a means to eliminate Belvin’s political opponents. Additionally, the Election Ordinance was amended several times during the two month period between its initial passage and the election.

The Election Ordinance set the term for chief for a four-year period starting August 25, 1971. All voters had to register between June 15, 1971, and July 30, 1971. In addition, guidelines for the qualifications for the position of Chief were created and disseminated. Each candidate had to be thirty-five years old at the time of filing, had to be a U.S. citizen, an Oklahoma citizen, and a Choctaw Nation citizen by blood (York

⁴⁵ Mrs. J.J. Wassall, Sr. to Secretary of the Interior Morton, 10 July 1971 (Albert Collection).

Collection). Candidates had ten days to register and announce their candidacy.

Originally voting was restricted to those over twenty-one years of age, but this was later changed to allow all Choctaws eighteen years and older to vote.

Although the last effective tribal constitution set the age limit for candidates running for chief at thirty years, the Election Ordinance set the age limit for candidates at thirty-five. What made this especially contentious is that candidates could only file for office during a ten-day window—from June 20, 1971, to June 30, 1971—yet the requirements for candidates were changed on June 23, 1971—three days into the filing period (York Collection). This effectively prevented two of Belvin's major opponents, David Gardner and Randy Jacobs, from running for chief in 1971. Gardner was thirty-one at the time, and four years too young to run for the position. He was at the forefront of the opposition movement, and heavily backed by the Oklahoma City Council of Choctaws. He became a voice for the people against the Termination Chief. Likewise, Randy Jacobs was thirty-four—just barely under the age requirement. He too was known for speaking out against Belvin's policies. With Gardner and Jacobs disqualified, six candidates remained for the position of chief: Chief Belvin, James Carney, Fritz Neill, Joseph Lewis, David Jones, and Victor Roebuck.

Many cried out that the age requirement was unfair. Randy Jacobs and his supporters—including Jimmy Sam of the Independent Choctaw Council of Pittsburg County, a staunch anti-Belvin activist—protested the age limit and began circulating petitions to lower the age limit to thirty years old (Albert Collection). The Choctaws sent petitions to the DOI containing over 250 signatures in support of lowering the age restriction. Others began actively writing U.S. congressmen, including Albert and

Bellmon, to protest the age limit, claiming that Belvin and the appointed Election Committee “have misused the trust and confidence the Choctaw People have endowed in them.”⁴⁶ They would claim that Belvin did not represent them or their interests.

Likewise, the Oklahoma City Council of Choctaws made their opinions known about the election and its unfair practices. “The appointed chief, who was 70 years of age in 1970, was afraid to run against 31 year old David Gardner, even with the appointed chief’s own appointed buddies counting the votes. David Gardner was cheated, but not defeated.”⁴⁷ Gardner himself declared that the age limit set in the qualifications was implemented specifically to cut him out of the race (York Collection). In one article, Gardner declared that “they’re afraid to face me in a democratic election,” and that if he were allowed to run in the election, “Over 60,000 Choctaws are going to show Belvin that he is wrong” by voting him out of office.⁴⁸

Beyond Gardner and Jacobs, several other candidates supported lowering the age requirement. James Carney felt the age limit was an attempt to manipulate the outcome of the election, and that Belvin’s intention in implementing the age restriction was to remove his political opponents (Albert Collection). Likewise, Fritz Neill and his wife both felt that Belvin was attempting to influence the election. Belvin, however, claimed that the age limit was a legitimate restriction on candidates for office. He

⁴⁶ Mr. and Mrs. Earl Smith to Carl Albert, 1971 (Albert Collection).

⁴⁷ Hello Choctaw newsletter, 8 August 1971 (York Collection).

⁴⁸ There are many discrepancies when it comes to tallying the Choctaw population at this time. Most estimates seem to be around 90,000 tribal citizens. However, to the author’s knowledge there was no updated tribal roll in existence at this time, and Belvin’s opponents claimed they could not get any information as to how many registered Choctaw voters there were. The only clear number is that there were about 2,500 Choctaws who voted in the 1971 election (Lambert 2007a: 78).

claimed that without an age limit, “a child, if elected, could serve as chief.”⁴⁹ Gardner dismissed this excuse as “an insult to the intelligence of the Choctaw people.”⁵⁰ The DOI initially agreed with Belvin’s opponents; initially it was going to require the Choctaw Election Committee to lower the age requirement to thirty years old, perhaps in order to make Gardner eligible to run for the position of chief (Albert Collection).

Choctaws lobbied hard against the election procedures. Calls were made and letters written to several federal and state officials, including Fred Harris, John Jarmon, Carl Albert, Ed Edmondson, and Henry Bellmon (York Collection). The Southwest Council of Choctaws started a letter campaign to inform these officials of the three most problematic issues with the new selection law and election procedures, including the candidate age restriction, the short time allotted for registering and holding the election, and the minimum voting age (initially set at twenty-one instead of eighteen). In addition to elected officials, letters were sent to officials within the Department of the Interior, including Secretary Morton and U.S. Commissioner Bruce.

The Choctaw youth cried out against what they saw as Belvin’s unfair advantage in the upcoming tribal election, and received support from a number of places. Senator Bellmon would lobby to the Secretary of the Interior to have the voting restrictions relaxed in Choctaw Nation for the first popular election for principal chief.

I don’t understand exactly why we have to be bound by arbitrary decisions in the conduct of such a momentous election, when justice can so easily prevail . . . It would also seem to me that a minimum age of 35 for a candidate for Chief is not particularly appropriate either, when you stop to consider the fact that for me to hold my job as a United States Senator I only have to be 30 years old, and a Representative considerably less than that. I would hope that the many voices of

⁴⁹ Harry J.W. Belvin to Mrs. J.J. Wassall, 2 July 1971 (Albert Collection).

⁵⁰ “‘They’re Afraid to Face Me’ He Says,” Gary Witcher, 8 July 1971, newspaper article (York Collection).

the Choctaws could be heard at this moment, and that the voting restrictions loosened up.⁵¹

However, Bellmon's efforts to insert fairer procedures into the 1971 election would be of no avail.

Despite the controversy over the provision, Belvin was not without support for maintaining the age limit as originally written. At a meeting of the Inter-tribal Council of the Five Civilized Tribes held on June 16, 1971, a resolution was passed unanimously to thwart the BIA's attempt to remove the thirty-five year age limit (Albert Collection). The other Five Tribes also had age limits set at thirty-five years of age.⁵² Many argued that the other members of the Five Tribes adopted a higher age requirement solely to support Belvin's position.

Belvin would advocate that the age limit was "more or less traditional" because the Choctaws had never had a chief younger than thirty-five, and that implementing the restriction was the proper thing to do (Albert Collection). When confronted with the fact that the 1860 Choctaw Constitution—the last functional governing document of the Choctaw Nation—set the age for candidates at thirty years old, Belvin contended this was "irrelevant" because the Atoka Act abrogated the 1860 Choctaw Constitution. He dismissed the concerns of the disqualified candidates as backlash and retaliation for their disqualification. Ultimately, the DOI and BIA would agree with Belvin, and would uphold the age restriction as a legitimate qualification for candidates.

⁵¹ Henry Bellmon to Secretary Morton, reproduced in Hello Choctaw newsletter, 8 August 1971 (York Collection).

⁵² Many of the incumbent chiefs of the other Five Tribes, including Overton James (Chickasaw) and W.W. "Bill" Keeler (Cherokee) were also trying to remain in office as their tribes conducted elections.

Outrage over the election practices was widespread and severe. At one point, the backlash created by the age limit even forced the DOI to consider stepping in to cancel the elections (Albert Collection). Gardner's disqualification did not sit well, and he even took the case to the federal court system to try to get the age limit overturned. The court initially granted a restraining order to halt the election until the dispute was resolved. However, this victory would be short lived, and "on July 30th in the U.S. District Court in Muskogee, Judge Edwin Langley ruled that DAVID GARDNER'S charges against the appointed Choctaw chief and his Election Committee appointed by him are not within the jurisdiction of the Federal Courts."⁵³ Two hundred Choctaws appeared at the federal courthouse in Muskogee on July 30, 1971, to back Gardner. Ultimately, however, the court determined that it had no jurisdiction over the matter. The election would proceed as planned.

When looking at whether the imposed age limit was or was not an attempt by Belvin and the Election Committee to influence the outcome of the election, investigating some of the other provisions that the DOI refused to approve is helpful. The DOI interpreted the 1970 Act as granting the tribal spokesman the ability to set procedural mechanisms for an election (Albert Collection). The Election Committee and Belvin initially pushed to include a residency restriction on candidates to require all candidates for chief to have lived within the current boundaries of the Choctaw Nation for the past five years, knowing that Gardner had lived in both Weatherford, Oklahoma, and Norman, Oklahoma, while pursuing his education. In a letter sent from Assistant Secretary of the Interior Harrison Loesch to Chief Belvin, Loesch states that the

⁵³ Hello Choctaw newsletter, 2 August 1971 (York Collection).

Selection Act only required candidates to be a Choctaw citizen by blood.

“Qualifications of candidates are matters of substance, not of procedure, and are not within the limited authority given to the tribal spokesmen . . . to establish.”⁵⁴ Permitting Belvin to restrict who could run for office based on residency would “deny[] tribal members an opportunity to vote for a candidate of their choice,” and “would, in fact, be contrary to the intent of the Act of October 22, 1970.” Loesch made his position to Belvin explicitly clear:

I believe that it is not your prerogative to rule out potential candidates under the guise of selection procedures, but rather that you establish procedures in line with the intent of the legislation that will enable the tribal members and their descendants to select as their principal chief any qualified person of Choctaw blood.

This provision was removed from the qualifications before they were finalized, but its proposal suggests that concerns over Belvin’s undue influence on the 1971 election were not unfounded.

Problems with the 1971 Election

The date of the election was just around the corner by the time the Election Committee had been appointed and contentions over the Election Ordinance had been resolved. The short timeframe for conducting the election may have left many people in the dark when it came to knowing how to register and vote. Voters only had a forty-five day window to register, and many tribal members complained that information about the elections was not widely available, especially to those Choctaws residing outside of the Choctaw Nation (Albert Collection). “We do not know what to do, where, when and

⁵⁴ Assistant Secretary Harrison Loesch to Harry J.W. Belvin, 12 May 1971 (Albert Collection).

how. Our election date, we do not know when it will be . . .”⁵⁵ Information about the election was disseminated through posting notices at businesses within Choctaw Nation and through publication in newspapers and over the radio. However, outside of the Choctaw Nation little effort was made to reach potential eligible Choctaw voters. While some claimed this was an unfair attempt to discourage voting, Chief Belvin reiterated that it was impossible to ensure that everyone was informed, and there will always be a few people who do not see published notices.

Many Choctaws do not live within the bounds of the Nation now, and many did not then either. Employment often dictated that people move to the larger cities, and areas like Tulsa and Dallas are home to large Choctaw populations. Voting by absentee ballot was both confusing and difficult, and many missed the deadline to turn in their absentee registrations as the deadline ended soon after the announcement of the registration process. “Delay on announcing places to register, until two weeks after the registration period opened, has cut down on the number of Choctaws eligible to vote.”⁵⁶ By the time many Choctaws found out about the absentee voting procedures, it was too late for them.

The Election Committee would not place ballot boxes outside the Choctaw Nation, forcing all Choctaws living outside the exterior bounds to vote by absentee ballot. “We think the appointed chief kept hundreds of Choctaws from voting against him when he and his own little appointed election committee refused ballot boxes for

⁵⁵ Tom Whistler to Carl Albert, 23 July 1971 (Albert Collection).

⁵⁶ “Registration Leeway Needed,” McAlester News, 13 August 1971 (York Collection).

Application for Registration to Vote

Date of Birth: _____

Street, Box, Route - _____ City - _____ State - _____ Zip Code _____

Lineal ancestor on 1907 _____
 Triba _____ Final Roll _____ Roll No. _____ Relationship of Ancestor _____ Degree of Blood _____

I WANT TO VOTE AT: Check block you will vote at or BY ABSENTEE BALLOT _____

<p><u>LEFLORE COUNTY:</u></p> <p>(1) Poteau, County Seat <input type="checkbox"/></p> <p>(2) Summerfield <input type="checkbox"/></p> <p>(3) Talihina <input type="checkbox"/></p> <p>(4) Burkhardt <input type="checkbox"/></p>	<p><u>LATIMER COUNTY:</u></p> <p>(1) Wilburton, Co. Seat <input type="checkbox"/></p> <p>(2) Red Oak <input type="checkbox"/></p> <p>(3) Buffalo No. 1 <input type="checkbox"/></p>	<p><u>PUSHMATAHA COUNTY:</u></p> <p>(1) Antlers, County Seat <input type="checkbox"/></p> <p>(2) Choctaw Council Hse <input type="checkbox"/></p> <p>(3) Snow <input type="checkbox"/></p>
<p><u>CHOCTAW COUNTY:</u></p> <p>(1) Hugo, County Seat <input type="checkbox"/></p> <p>(2) Boswell <input type="checkbox"/></p> <p>(3) Fort Towson <input type="checkbox"/></p>	<p><u>HASKELL COUNTY:</u></p> <p>(1) Stigler, Co. Seat <input type="checkbox"/></p> <p>(2) McCurtain <input type="checkbox"/></p>	<p><u>ATOKA COUNTY:</u></p> <p>(1) Atoka, County Seat <input type="checkbox"/></p> <p>(2) Bentley <input type="checkbox"/></p>
<p><u>MCCURTAIN COUNTY:</u></p> <p>(1) Idabel, County Seat <input type="checkbox"/></p> <p>(2) Broken Bow <input type="checkbox"/></p> <p>(3) Wright City <input type="checkbox"/></p> <p>(4) Smithville <input type="checkbox"/></p> <p>(5) Bethel <input type="checkbox"/></p>	<p><u>PITTSBURG COUNTY:</u></p> <p>(1) McAlester, Co. Seat <input type="checkbox"/></p> <p>(2) Quinton <input type="checkbox"/></p> <p>(3) Kiowa <input type="checkbox"/></p> <p>(4) Hartshorne <input type="checkbox"/></p>	<p><u>BRYAN COUNTY:</u></p> <p>(1) Durant, Co. Seat <input type="checkbox"/></p> <p>(2) Bennington <input type="checkbox"/></p> <p>(3) Achilla <input type="checkbox"/></p>

COAL COUNTY:

Coalgate, County Seat

Father - Roll No. _____	Grandfather - Roll No. _____	Great-Grandfather-Roll No. _____
_____	_____	Great-Grandmother-Roll No. _____
_____	Grandmother - Roll No. _____	Great-Grandfather-Roll No. _____
_____	_____	Great-Grandmother-Roll No. _____
Mother - Roll No. _____	Grandfather - Roll No. _____	Great-Grandfather-Roll No. _____
_____	_____	Great-Grandmother-Roll No. _____
_____	Grandmother - Roll No. _____	Great-Grandfather-Roll No. _____
_____	_____	Great-Grandmother-Roll No. _____

I am an enrolled member of _____ Tribe.

(Date) _____ (Signature) _____

Give to Election Committee member or mail to: Choctaw Nation Election Committee
 Drawer H, Talihina, Oklahoma 74571

Do not write below this line

Approved

Disapproved

(Date) _____ (Signature of Registrar) _____

Figure 12: 1971 Choctaw Voter Registration Application (York Collection).

many areas where there are lots of Choctaws by blood.”⁵⁷ This combined with the delay in the registration process discouraged many Choctaws from voting. “If they have to find out how to vote by absentee ballot, write and get the ballot, then take it to a Notary Public and pay to get the signature notarized, and mail it back in, then they just do not get around to all of these things in time and do not vote.” Even still, over nine hundred absentee ballots were sent out during the 1971 election, many from Choctaws in Oklahoma City. Only two-thirds would be returned and counted, but this still constituted about 25 percent of all votes cast in the election (Lambert 2007a, 78).

Belvin campaigned hard on a platform of tribal self-determination and constitutional reform—“Belvin was everywhere” (Lambert 2007a, 75). He claimed the Choctaw Termination Act was propagated by the federal government, and that he simply wanted to provide more power over tribal affairs to the tribal people. He had a strong Choctaw following supporting his efforts, especially around his hometown of Boswell, Oklahoma. “This countermovement defined the youth movement as a personal attack against Belvin and urged Choctaws to remain loyal to their chief” (Lambert 2007a, 73). Belvin supported this portrayal of the Oklahoma City Council of Choctaws, stating that “[w]hen the Choctaws know the truth about this gad-fly organization that is trying so hard to get control of the Choctaw Tribe, I know that they will fight the move as true Americans . . .” (Lambert 2007a, 74). He felt that the Hello Choctaw publication was misguided, and that it propagated “misleading caricatures” of himself which were either “utterly false or inanely mis-stated.”⁵⁸ These tensions would culminate as Belvin

⁵⁷ Hello Choctaw newsletter, 25 August 1971 (York Collection).

⁵⁸ Harry J.W. Belvin to David Gardner, 20 May 1973 (York Collection).

struggled to keep his position as chief and as hostility grew between Belvin, his supporters, and the Choctaw opposition.

Tensions ran high within Choctaw Nation, and many meetings held both by Belvin's supporters and opponents ended in shouting matches and violent outbursts. It was not uncommon for people to threaten each other with offers to "take it outside" and settle their differences through fighting (Albert Collection). Belvin himself was known to verbally attack his opponents by questioning their legitimacy as Choctaws.⁵⁹ At one meeting, he got into a shouting match with some women in attendance, and was shoved off the stage by Carter Camp, a member of the American Indian Movement (York Collection). At another meeting, "a handful of young Indians" began heckling Belvin about the problems with the election procedures (Albert Collection). They urged Belvin to finalize the Election Committee and Ordinance, and questioned the delay in doing so. Belvin attempted to justify the delay, stating it was a result of the bureaucratic hoops the Nation had to jump through. "We're still a restricted tribe," he explained, to which an unknown member of the audience immediately shouted "That ain't no lie!"⁶⁰ That meeting, like others, ended abruptly and without resolution of the overarching issues.

When the election finally occurred, those that were allowed to vote cast their ballots on August 14, 1971, did. 1,191 votes were cast for Belvin and 1,346 votes went to his five opponents. Since Belvin received less than half the votes cast, many called for a run-off election to determine the true winner. However, the Election Ordinance did not call for a run-off election in such a situation, and none would occur. Further scandal

⁵⁹ Harry J.W. Belvin to Jimmy Sam, 8 June 1971 (Albert Collection).

⁶⁰ "Young Choctaws Challenge Belvin," Durant Daily Democrat, 9 September 1971 (Albert Collection).

erupted when it was reported that the names on the ballots were not rotated. In public elections, the names on the ballot are rotated so that one person's name is not at the top on every single ballot. Yet, in the Choctaws' election, Belvin's name appeared at the top of all absentee ballots, something he contributed to being an error made by the printer (York Collection). Despite the controversy, Belvin was declared the winner and elected to a four-year term as the first popularly elected Chief of the Choctaw Nation.

Belvin's 1971 to 1973 Term

Belvin promised to undertake constitutional reform to create a new governing document for the Nation, but this goal was never realized (Lynch 2002a, 79-82). He firmly believed the 1866 Constitution was defunct, and vehemently opposed acknowledging any legitimacy of the document. Eastman Amos, a Choctaw council member in Marlow, Oklahoma, learned this firsthand. After sending a letter to Chief Belvin requesting he adopt the 1866 Constitution as the current governing document for the Nation, Amos received a response from the chief stating: "There is no such thing as a Choctaw constitution and by-laws in existence today. That was all abolished, done away with, under the Act of April 25, 1906."¹⁰ While the DOI pushed for constitutional reform and stated it was ready and willing to help draft a new tribal governing document, the Choctaw government failed to take charge to redraft a tribal constitution (York Collection). On the other hand, the Choctaw opposition movement advocated for responsible constitutional reform. They wanted a constitution that would represent

¹⁰ Harry J.W. Belvin to Eastman Amos, 21 September 1971 (York Collection).

Chapter 5: Efforts to Gain Control of the Nation from 1971 to 1975

Belvin won reelection and maintained his position as chief of the Choctaw Nation for the next four years, but he and his administration became increasingly isolated from the people he was appointed, and then selected, to represent. While he campaigned hard on a platform of Choctaw self-determination and self-rule, for the most part throughout Belvin's latest term in office—serving not as an appointed BIA chief, but as the first popularly elected Chief of the Choctaw Nation in over sixty-five years—the policies and programs of the Choctaw Nation would remain unchanged.

Belvin's 1971 to 1975 Term

Belvin promised to undertake constitutional reform to create a new governing document for the Nation, but this goal was never realized (Lambert 2007a, 79-82). He firmly believed the 1860 Constitution was defunct, and vehemently opposed acknowledging any legitimacy of the document. Eastman Amos, a Choctaw man of Marlow, Oklahoma, learned this firsthand. After sending a letter to Chief Belvin requesting he adopt the 1860 Constitution as the current governing document for the Nation, Amos received a response from the chief stating: "There is no such thing as a Choctaw constitution and by-laws in existence today. That was all abolished, done away with, under the Act of April 26, 1906."⁶¹ While the DOI pushed for constitutional reform and stated it was ready and willing to help draft a new tribal governing document, the Choctaw government failed to take charge to redraft a tribal constitution (Bartlett Collection). On the other hand, the Choctaw opposition movement advocated for responsible constitutional reform. They wanted a constitution that would represent

⁶¹ Harry J.W. Belvin to Eastmon Amos, 21 September 1971 (York Collection).

all Choctaws, and work to better the Choctaw people (York Collection). They believed a constitution should set up election procedures and voting rules, and that it should call for open financial policies and incorporate checks and balances into the Choctaw government.

Chief Belvin's victory was seen by the Choctaw youth as a speed bump—they would not let it prevent them from attaining their ultimate goals. “The Choctaws have put up with stuff like this for 65 years . . . This is the 66th year, and it will go down in our tribal history as the FIGHTING 66th YEAR. WE ARE GAINING EVERY DAY IN OUR FIGHT FOR RIGHT.”⁶² The opposition movement urged every Choctaw to participate in tribal, state, and federal elections as a means to have the interests of the Choctaw people better represented in government. Each vote gained was a step closer to their goals, and the youth tried their hardest to increase voting. “Hit your enemies with Indian votes. And support your friends in office with Indian votes.”⁶³ Over the next four years, Choctaws would repeatedly advocate for fairer election procedures.

The opposition movement began circulating petitions calling for Belvin's removal from office. Six Choctaw organizations worked to gather signatures for the removal petitions (Albert Collection). This included the Spiro Council of Choctaws, the Durant and Tulsa chapters of the Choctaw-Chickasaw Alliance, the Oklahoma City Council of Choctaws, the Southwest Council of Choctaws, and the Central Choctaw Council (York Collection). These petitions made several allegations against Chief Belvin. One of the biggest complaints was that the Choctaw people wanted access to accurate tribal financial records. The Choctaws wanted a voice in how tribal money

⁶² Hello Choctaw newsletter, 8 August 1971 (York Collection).

⁶³ Oklahoma City Indian News, 24 September 1971 (York Collection).

was spent and how tribal land and mineral assets were managed. Another reason was that the people “have been denied the right to a fair vote” for representation, and that the 1971 election was unfairly conducted. It reiterated that Belvin had tried to terminate the tribe through legislation in Congress. Further, the petitions alleged that Belvin was rude and wrote abusive letters to tribal members, and that he used his position to unfairly target his political opposition and deny them access to tribal programs. In response to these allegations, Belvin announced his office would begin releasing status reports on tribal affairs.⁶⁴ Belvin was never removed from office, but it is clear that several Choctaws thought he should be. The petitions were initiated at the annual meeting of the Choctaw-Chickasaw Alliance in Tuskahoma, Oklahoma—the heart of the Choctaw Nation (Bartlett Collection). They obtained anywhere from 1,150 to 2,000 signatures in support of their efforts to remove Belvin from office.



Figure 13: Charles Tate, co-founder of the Choctaw-Chickasaw Alliance, appearing in “Angry Tribe Seeks Voice in Politics,” Randy Pruitt, The McAlester Sunday News Capital, 9 February 1975 (York Collection).

⁶⁴ “Choctaw Chief Blames Government for Tribal Problems,” Pearl Wittkopp, Tulsa Tribune, 8 September 2003 (Albert Collection).

The Upcoming Election

In addition to engaging in activism related to land status, the Choctaw-Chickasaw Alliance advocated for fairer election procedures. It desperately wanted to restore popular elections, and it passed resolutions advocating for election reform, which were then forwarded to U.S. Senator Dewey Bartlett (Bartlett Collection). On February 8, 1975, Senators Bellmon and Bartlett, along with Thomas Ellison of the BIA, met with the Alliance members about the election procedures for the next tribal election. After discussing their issues with the federal officials, the member of the groups chose six representatives—three Choctaws and three Chickasaws—to voice their concerns and protect their interests. David Gardner was one person chosen as a representative. They then met with Mr. Ellison, Chief Belvin, and Jack Ahtone of the DOI to come to a consensus over the election regulations. After meeting and discussing their issues, the parties agreed that both David Gardner and Chief Belvin would submit their proposed recommendations to the BIA, which would then incorporate these suggestions into a revised election ordinance that aimed to please both factions.

David Gardner and the Alliance made several suggestions to improve the 1971 Election Ordinance. First, they urged the creation of representative and impartial election boards. They also wanted to reform the absentee ballot process, and called for more security to ensure absentee ballots were handled properly. Their suggestions included an expanded voter registration window, a provision calling for runoff elections if one candidate did not receive more than half the votes in the primary election, and for candidates' names to be rotated on the ballots. The group wanted election records, including voter registration lists and the number of registered voters, to be accessible to

all candidates. They aimed to increase the number of polling places available to registered voters. Additionally, they advocated for the election ordinance to include a provision allowing each candidate to appoint a watcher at any given precinct to ensure the election board was properly conducting the election. Finally, this group wanted the age for eligible candidates for the office of chief to be lowered from thirty-five to thirty years old.⁶⁵

Other Choctaw political groups lobbied for similar provisions, although their interests were not totally aligned with the Alliance. Claude Gilbert and Randy Jacobs urged Thomas Ellison to adopt some—but not all—of the recommended amendments. Both said the 1971 Election Ordinance needed to be overhauled, and largely agreed with Gardner's recommendations. In marked contrast from the Alliance, however, this group urged that ballot boxes be placed only in locations within Choctaw Nation—they felt the Alliance's stance on this issue was politically motivated.⁶⁶

The debate over polling place locations provides some insight into the politics of the urban opposition movement. While many groups disagreed with Belvin's political philosophy, there is a marked difference in opinion over this issue between those opposition groups located within the exterior bounds of the Choctaw Nation and those located outside of the Nation's boundaries. The urban youth movement urged the Election Committee to create polling places in locations such as Oklahoma City, Dallas, and Ardmore. Gardner's campaign in particular believed that voters located outside of the Choctaw Nation were the most likely to vote for him (Lambert 2007a, 83). This was

⁶⁵ David Gardner to Thomas Ellison, 26 March 1975 (Bartlett Collection).

⁶⁶ Claude Gilbert to Thomas Ellison, 23 April 1975 (Bartlett Collection).

largely seen by opposition coming from within the Nation as a way to influence its outcome.

The 1975 Election Resolution would amend several key provisions. First, it expanded the registration period by thirty days, allowing voters to register from May 15, 1975, through July 31, 1975 (York Collection). In order to remedy issues involving vote tabulations, the new resolution also provided candidates the option of appointing watchers to witness the election and vote tabulation at any precinct of their choosing. It specifically called for voting by secret ballot, and clarified many of the procedures relating to absentee ballots, including requiring the names on all ballots be rotated.

The new resolution provided additional safeguards for challenging the results of the election in case of a dispute. It allowed for recounts if the vote was challenged, and called for a runoff election in the event that one candidate did not receive over half the votes in the primary election (York Collection). Finally, the two political factions agreed to revise the qualifications for candidates for chief. Now, anyone over the age of thirty who was a Choctaw by blood (and who did not have any felonies) was eligible to run for office. The resolution was approved by Chief Belvin on May 8, 1975, and by the BIA Area Director Ellison on May 9, 1975. Unlike before, where the framework for conducting the election served as a basis for questioning the legitimacy of the election, these regulations were developed as a compromise. Disputes over the provisions of the Election Resolution did not arise as they had previously. Even so, the 1975 Election quickly became a hotly contested race.

The 1975 Race for Chief



Figure 14: Gardner Campaign Bumper Sticker circa 1975 (York Collection).

Age and conflict had taken its toll on Chief Belvin. In 1975, he failed to run for reelection, thus ending his 27 year long career as Chief of the Choctaw Nation. Instead, he would put forth Calvin Beams to run in his stead. Several contenders would throw their hat into the race for chief, but the leading challenger for the 1975 race was David Gardner (Lambert 2007a, 82). He faced stiff competition in Calvin Beams. Gardner aimed to implement many goals, and supported “reinstating a constitutional democracy for the tribe” (Lambert 2007a, 82). A primary election was scheduled to take place on August 9, 1975.

Although many people ran for the position, after the primary only David Gardner and Calvin Beams remained in the race. There were some inconsistencies in the results of the primary election, but the contentions over the race were minimal compared with the election held four years prior (York Collection). Questions included a dispute over the number of votes Calvin Beams actually received. However, the number of votes in question was not significant enough to affect the results of the primary election. No candidate received a majority of the ballots cast during the primary

✓ Beames
 — Gardner
 Blaylock
 Anderson
 Collins
 Coleman
 Victor
 Casey

Figure 15: Primary Election Results, August 1975 (York Collection).

election in their favor. The runoff election between Gardner and Beames would occur two weeks later, on August 23, 1975.

Gardner's beliefs about which direction the Choctaw Nation should go were very different from Chief Belvin's. In fact, Gardner's greatest strength was his vision and goals for the Choctaw

Nation (Lambert 2007a, 82-83). His campaign was based upon several goals

which he wanted to implement to benefit the Choctaw people. First and foremost, Gardner believed in expanding and developing tribal lands, as he saw a strong land base as "the tribe's best safeguard against termination."⁶⁷ Gardner also wanted to establish tribal industries on tribal land to combat unemployment and poverty, as well as conduct studies into tribal resources to be better prepared to manage those resources. Whereas Chief Belvin never thought the Nation could be self-sufficient, stating "we've been more or less terminated whether they (tribal members) like it or not" even after the Choctaw Termination Act was repealed,⁶⁸ Gardner believed the promotion of tribal businesses could and would revitalize the economy of southeastern Oklahoma and help the Choctaw people free themselves from the grips of poverty. His campaign touted him as "the solution to tribal pollution" (York Collection).

⁶⁷ News Release, Gardner Campaign, 20 June 1975 (York Collection).

⁶⁸ "Choctaw Chief Blames Government for Tribal Problems," Tulsa Tribune 8 September 1973 (Albert Collection).

Gardner also promised to better include Choctaws in the Nation's decision-making process, promising to "go to the tribal members, rural and urban, to seek answers through public hearings to solve tribal problems," and emphasizing that "maximum participation from tribal members is essential" to fulfilling his goals for the Nation.⁶⁹ Gardner wanted to develop and expand programs for tribal members, especially for youth, urban, and senior members of the Nation. He wanted to strengthen programs related to education, health, housing, and employment. His goals included cultural and language revitalization, as well as historic preservation and promotion of tribal activities, which likely helped convince many Choctaws to vote for him (Lambert 2007a 83-84, 86). Finally, Gardner was a strong advocate of constitutional reform and governmental transparency. Ultimately, the Choctaws supported Gardner's vision of what the Choctaw Nation could be, and elected him to serve as the next chief of the Choctaw Nation.

Choctaw Nation Building In Action

David Gardner won the election of 1975 by a large margin. Although his term as chief ended prematurely due to his untimely passing in 1978, he worked to implement several of his goals for the Choctaw Nation. Gardner secured the Presbyterian College in Durant, Oklahoma, to become the new Choctaw Nation headquarters, which "became a powerful symbol of Choctaw aspirations to rebuild a large and powerful tribal government" (Lambert 2007a, 88). Since his time in office, several of his seven goals for the Choctaw Nation have come to fruition including the publication of a Choctaw newspaper, usage of the Choctaw Capitol at Tuskahoma, dividing the nation into

⁶⁹ News Release, Gardner Campaign, 20 June 1975 (York Collection).

districts with elected representatives, establishment of tribal industries, and teaching the Choctaw language. Gardner's time in office marks an important change in the structure of the Choctaw tribal government as well as the ideologies behind the Choctaw government.

Gardner's election into office marks the beginning of the Nation's shift in ideology towards self-determination and nation-building. Actualizing self-determination involves asserting a nation-to-nation relationship with the United States on a more equal footing in order for Native people to determine their own future (Cornell and Kalt 1998, 188). This is markedly different from Chief Belvin's approach, which mirrors that of the appointed chiefs in office from 1907 to 1970, when the position of chief had no real political authority.

Engaging in nation-building provides an opportunity for Native peoples "to reenvision their futures and rebuild their governments and their economic strategies so as to realize those futures (Cornell and Kalt 1998, 188). There are six steps to engage in nation-building: (1) identifying a problem, (2) realizing that things can be different, (3) deciding it is up to the people to make a change, (4) believing things can be changed, (5) developing compelling solutions to effectuate change, and (6) deciding to take action (Cornell et. al. 2005, 13-15). "Both 'taking off,' and sustaining the effort it involves, happen when the nation adopts the story of capable self determination—'we are the kind of people who can, do, and will build a successful society'—as its own." (Cornell et. al. 2005, 16). This is what the opposition movement did when it sought to put the Nation on a new path of their own making.

Four factors affect a Nation's call to action: situations, culture, knowledge, and leadership. The situations a tribe faces involve both internal and external factors, including tribal, state, and federal policies and legislation. Situations help to motivate people to action—the people have to ask what they can do, realize that things can be different, and realize it is up to them to change the situation. In the case of the Choctaws, the main situation that spurred action was the Choctaw Termination Act. Attempts to terminate the Nation motivated Choctaws to act to prevent this from happening, and made them realize that they must take action to change the course of the Nation. Second, the opposition movement recognized it must take action in a culturally appropriate way, and sought to increase cultural revival in addition to reforming the tribal government.

Knowledge and leadership are the other key factors in effectuating change. Both are indispensable, as leaders must know how to accomplish change and how to develop effective solutions to tribal problems.

Successful nation building requires that leaders and decision makers know what they are doing and that citizens have knowledge of constructive paths so that their leaders are held to the tasks of nation building and serve the community as a whole instead of just themselves. Knowledge about what is necessary and what works tells a nation what needs to be done, focusing the effort to change things on what's most likely to be effective and move the nation forward. (Cornell et. al. 2005, 22)

The opposition movement put forth a well-educated and motivated candidate to accomplish its goals. In doing so, it was able to persuade people to take action and reenvision the future of the Nation.

Through their efforts to publicize governmental wrongdoings, the opposition movement effectively sought to reenvision the future of the Choctaw Nation—in the face of termination and assimilation, this group sought to continue the Nation, rebuild

its government, and create economic strategies to create a viable future for the Nation. They identified a problem, realized that the Nation could follow a different course, decided it was upon them to change the course of the Nation, and believed the Nation's future could be different. The opposition movement developed plans to tackle the Nation's problems as evidenced by Gardner's goals for the Nation, and decided to take action by pushing for election reform and putting forth a candidate to represent their views. They accomplished this feat by engaging in several different actions which helped to push the Nation in this direction. First, by publishing newsletters such as Hello Choctaw, the opposition effort sought to publicize issues relating to the Choctaw people. These newsletters also served as a platform to voice the opposition movement's political ideology to the broader Choctaw population. In addition to utilizing newsletters to disseminate information about tribal issues, Choctaws used both their larger kinship and church networks to pass information among themselves and promote their political position.

Second, opposition efforts made effective use of networking in order to further broadcast their messages. They engaged in formal and informal organization as they created regional groups to oppose termination. These organizational meetings provided a means for Choctaws in favor of nation-building to gather, discuss the future they wanted for the Nation, and come to consensus on ways in which they could effectuate change within the Nation. They also provided a mechanism for individual Choctaws to formally organize in opposition to tribal policies, thus providing a united front against termination and corruption.

This urban-based opposition effort is one example of urban Choctaws creating and maintaining a connection with their larger Choctaw community. As Reyna Ramirez found, urban-based Natives often seem detached from their indigenosity, which often is conflated with a geographic landscape (Ramirez 2007, 21-22). However, moving outside of Indian Country does not cause one to lose their indigenaity—rather, these urban Natives often exercise community relationships through hub-making, or the utilization of formal and informal organization to provide a shifting source of community transversing the boundary between urban and rural (2-3). These hubs, which exist within multiple locations rather than a fixed place, provide a mechanism for urban Natives to create and maintain relationships both with other urban Natives and with their Native community, even while living outside of the community. Urban Choctaws used these groups and their larger church and kinship networks to pass information among themselves, showcasing how hub-making is utilized to unite Urban Natives with their larger indigenous community.

Lastly, Choctaws engaged extensively in lobbying—both at the tribal level and the federal level—in order to bring light to the issues they saw within the tribal government and push for change. In doing so, they were able to effectively urge federal action, help push favorable federal legislation through Congress, and gain footing to stand against the tribal government. The opposition movement utilized the platform it had created to get the candidate it believed could effectuate this change into office. Ultimately, their efforts and vision have created real change within the Choctaw Nation, and served as the impetus behind the revitalization of the Nation's government.

Conclusion

The 1970s were a time of great change for the Choctaw Nation; a time where old assimilationist policies were overturned and the government began to work for the Choctaw people again. Since the 1970s, the Choctaw Nation has grown exponentially. The ability of the government to provide for its people has greatly increased, and the tribe today has jumpstarted the economy of Southeastern Oklahoma through its many enterprises. Today, the Choctaw Nation employs over six thousand people (Choctaw Nation 2014). Its tribal enterprises bring in hundreds of millions of dollars in revenue annually, which goes to fund programs meant to better the lives of Choctaw citizens. Programs exist for healthcare, housing, employment services, and cultural services, just to name a few. Additionally, the Choctaw Nation aims to help all Choctaws take advantage of educational opportunities, and its programs help Choctaw students attain their educational goals.

The Choctaw Nation land base is growing, with an increase by over 44,000 acres within the past two years (Choctaw Nation 2014). In the 2014 State of the Nation, Chief Gary Batton stated: “[o]ur culture, history and language are alive and well . . . A renewed sense of fulfillment and pride in our culture is sweeping the land.” Even today, forty years after Gardner’s election, his message and the ideology of the opposition movement reverberates through the Choctaw Nation. None of this would have happened had it not been for a group of people who felt the need to take a stand for what they believed in. The Oklahoma City Council of Choctaws, Southwest Council of Choctaws, Choctaw-Chickasaw alliance, and other groups at the time successfully combatted termination and worked to save the Choctaw Nation and return it to the people. Without

these people, there would be no Choctaw Nation today. This paper seeks to shed light on the important events which have defined how the Choctaw Nation has come to be and who Choctaw people are today. In doing so, it helps us to understand the frailty of governing establishments and the duties we owe as a people to protect and safeguard our Nation.

We need, and we deserve, a hard working team capable and willing to deal with the complex problems that we Indian people face on a daily basis. We ask for no miracles. We ask for no impossible accomplishments . . . We ask for Indian advocates, Indian people, dedicated, willing to work hard, willing to sacrifice, willing to speak-out-----loud and clear for our causes . . . Let us then resolve to advocate, support, work toward, enhance, dignify, promote and utilize any other force which will unite us. We deserve to survive. We deserve to live as an Indian people. In order to do this, in the face of our adversaries, we must unite as a team. A team so formidable that none dare try to separate us . . . Let it be said that it was here, at this place that Indian people became a viable, identifiable, influential and assertive people – full of confidence, dignity and honor and a people that others strive to emulate. “Ya-oke” Indian people.

—Chief C. David Gardner⁷⁰

⁷⁰ Keynote address, draft, 34th Annual Convention, National Congress of American Indians, 19 September 1977 (York Collection).

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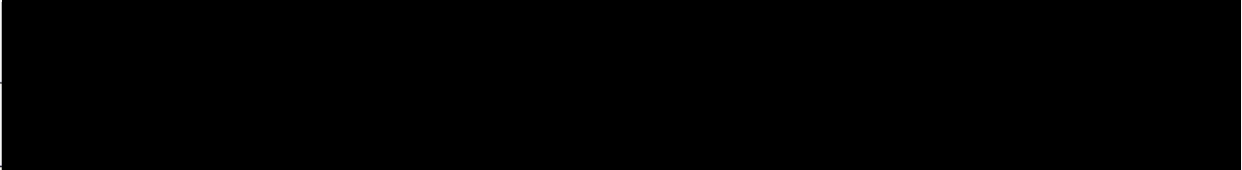
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Norman, Oklahoma

2015