

The Resurgence of the Choctaws in the Twentieth Century

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Abstract

After the Civil War, the Choctaw Nation experienced a rapid transition from a cultural, tribal identity to a political, national one. Railroads and white entrepreneurs entered its territory and propelled it into a market driven economy. Individual monetary interests conflicted with communal property rights, and allotment of tribal land finally destroyed the Nation's land base. The dissolution of the tribal government with Oklahoma statehood would have destroyed the nation altogether except for the need to oversee the final disposition of tribal land, coal and timber resources. Long-term coal leases meant that the government had to maintain a semblance of fiduciary responsibility to the Choctaw Nation. In 1959 the appointed Choctaw Chief attempted to have the relationship between the Nation and the federal government terminated without losing services to tribal members. The termination legislation passed, but services were lost as well, and a groundswell of opposition to termination in the 1960s, including a significant and vocal group of urban based Choctaws, led to a resurgence of national, political Choctaw identity and the repeal of termination.

In 2001 the Choctaw Nation of Oklahoma operated with about 5,000 employees and an annual budget of over \$366.5 million. Currently the Choctaw membership is approximately 128,000.¹ Although the Nation operates much as a major corporate entity in American society, it predates the United States. Choctaw

leaders signed treaties with various colonial governments, and its government certainly predates the United States Constitution. Choctaw identity as a nation, however, varies with the vagaries of its own political organization and according to policies of the United States government. The history of the Choctaw Nation serves as a case study of how Indian tribes, as sovereign nations, have been caught up in one of the great tensions in the political history of the United States, states rights and centralized government, and how contemporary Indian tribes have moved from a sense of tribal identity in the early nineteenth century, to an increasingly individualistic attitude toward tribal government in the assimilationist era of the late nineteenth-early twentieth century, to an emerging sense of national identity based on political issues in the 1960s and 1970s. Choctaw history also demonstrates how, in an economic sense, the tension between ideas about communal property and individual property has affected ideas about tribal identity.

As groups that entered into treaties with the United States government, contemporary tribes possessed a unique relationship with the United States government. In 1831 Supreme Court Justice John Marshall originally defined the tribes as “domestic dependent nations,” that were completely under the sovereignty of the United States government.² Their powers as sovereign entities *vis a vis* the United States government are affirmed in an opinion rendered by the U.S. solicitor general with respect to the Indian Reorganization Act of 1934. The opinion stated that “those powers which are lawfully vested in an Indian tribe are not, in general, delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereignty which has never been extinguished.”³

In 1830 the Choctaw Nation faced an unusual situation demonstrating the double edged sword of sovereignty—the painful choice between keeping their homeland, or retaining their right to their own government. Earlier in the 1820s, Choctaw leaders had attempted to adapt the trappings of civilization in order to co-exist with their white neighbors as a sovereign nation. Missionaries had exposed the Choctaws to Christianity from the American Board of Commissioners for Foreign Missions, who began their first mission in Choctaw territory in 1818, and from the Methodist Church, whose first mission was in 1824. Missionary barrels containing donations of clothing from east coast supporters of the missions represented a source of European style clothing in native communities because the missionaries traded clothes for corn and labor.⁴

By the early nineteenth century, many Choctaws, especially the elected chiefs, were firmly ensconced in the American market economy as providers of raw materials or services. Nathaniel Folsom, for instance, operated a successful tavern for travelers at Pigeon’s Roost on the Natchez Trace, the main road from Natchez to Columbus.⁵ By 1826, one district leader had developed a code of laws, and the nation had established a form of constitutional government.⁶ The role of the Choctaw lighthorse, a peace-keeping force, had already been

institutionalized in compliance to the thirteenth article of the Treaty of Doaks' Stand in 1820.⁷

Despite evidence of Choctaw adaptation to white, Christian civilization, in 1830 the state of Mississippi extended its laws over the Choctaws, making it a crime to declare oneself chief of an Indian tribe and extending state jurisdiction over Choctaw citizens.⁸ The choice that tribal leaders faced was to subject themselves to state law in order to retain their land base, or to move west where they could continue as a self-governing nation. The Indian Removal Act of 1830 and federal policy of clearing lands east of the Mississippi River of their Indian occupants forced the Choctaws westward. Although most Choctaws resisted removal, a small group of Choctaw leaders ultimately signed the Treaty of Dancing Rabbit Creek on September 27, 1830. The treaty provided that individual Choctaws would be compensated for their lands, and that Choctaws who wanted to remain could take individual allotments and "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so...."⁹

Some 15,000 Choctaws chose to leave Mississippi for what is now Oklahoma, while approximately 5,000 people remained behind, many with the hope of reclaiming their lands.¹⁰ These claims would have future import for the Nation in Indian Territory. In 1837 the Chickasaw Nation, having sold its land in northern Mississippi and Tennessee, paid the Choctaws \$535,000 for the western part of its territory, and became a political district of the Choctaw Nation.¹¹

Despite their adaptations to white society, the Choctaws retained a very important cultural value in their dealings with the United States government. Although Cyrus Kingsbury, a missionary, would declare by 1859 that the Choctaw Nation was a Christian one, its land base remained in common.¹² Both in the initial removal treaty at Doaks Stand in 1820, and in the Treaty of Dancing Rabbit Creek in 1830, the land that the Choctaws ceded was tribal, communally held land, and they received title in fee simple to communally held lands in the west. This cultural notion of communal property became the crux of the argument concerning the changes in Choctaw political identity and the emergence of Choctaw nationalism in the 1970s.

In 1855 the tribe signed a treaty that set several important precedents in the transition of the Choctaws to a monetary based economy. Articles 2 through 10 established the Chickasaw status as a separate tribe, although the two tribes continued to hold their land in common.¹³ Articles 11 through 13 allowed the Choctaws to file a suit against the Federal Government to recover the money that the government had collected from the sale of the lands that the tribe had ceded in Mississippi under the Treaty of Dancing Rabbit Creek.¹⁴ And, Article 18 opened the Indian Territory to the development of railroads, which introduced new demands for land and offered new access by non-Indians to the territory.¹⁵

The so-called Net Proceeds case importantly influenced the transition of the Choctaws into a money-driven economy. Pursued most actively by Peter Pitchlynn, scion of a prominent mixed blood family, it essentially transformed

the monetary claims of individuals who were promised payments under the nineteenth article of the Treaty of Dancing Rabbit Creek into a national claim, but Pitchlynn and other individual members profited from a complex series of negotiations for legal fees.¹⁶ The treaty also opened Choctaw lands to railroad development, which in turn inspired a rapid influx of white Americans into Choctaw territory and their acquiring rights to use Indian lands, a circumstance that would lead to the ultimate capitulation to American greed.

The transition in Choctaw life proved most dramatic in the post-Civil War years during Reconstruction. Having sided with the South, Confederate officials pressured Choctaw and Chickasaw leaders into signing treaties. In Article 3 the two tribes ceded the western part of their lands beyond the 98th parallel, which they had leased to the government for the settlement of western tribes in their 1855 treaty. Article 6 opened their territory to additional railroad expansion.¹⁷

Railroads transported a rapid influx of white settlers into Choctaw territory. Rich coal and asphalt deposits in the northeastern part of Choctaw land attracted major attention from non-Indian entrepreneurs. John McAlester developed mining operations that led to the establishment of the town in Oklahoma that bears his name. In 1872 the first major development of the coal and asphalt industry began with a lease from Ena-ho-katubbee to the Osage Coal and Mining Company, and a community began to grow around McAlester's settlement, which was also at the crossroads of the Texas and California trails, major roads for cattle drives and westward migration.¹⁸

The legislative body of the Choctaw Nation sought to maintain control over the fast increasing number of non-citizens within its boundaries. The Choctaw government passed a number of laws concerning intermarriage between Choctaw citizens and non-citizens and imposed fees and permits for grazing rights,¹⁹ but increasingly Choctaw individuals sold timber and stone to fencing and railroad construction, although these sources were considered as communal property. Chief Coleman Cole asked the legislature to legislate against "the practice with and among some of our citizens of leasing lands, laying off town lots, surveying land, marking trees or laying off boundary lines" should be stopped. He noted that "There seems to be an abiding and growing disposition there to ignore the holding of our lands in common and to regard it rather individualized."²⁰ In 1877 Chief Cole tried to have McAlester and his associates arrested for failure to pay part of their lease money to the Choctaw Nation.²¹

The insatiable appetite of non-Indian settlers and entrepreneurs for Choctaw land and resources was accompanied by the federal policy of assimilation of Indians into American society. That policy was embodied in the General Allotment Act of 1887, sponsored by Senator Henry Dawes of Massachusetts. Using the Creek Nation as an example, Dawes noted that although the Creeks lived free of debt and had their own schools and hospitals, "they have gone as far as they can go, because they own their land in common . . . there is no enterprise to make your home any better than that of your neighbors. . . . There is no selfishness, which is at the root of civilization."²² An element of greed had

already permeated the Choctaw Nation, apparent in the fact that individual citizens of the nation had acquired control over large areas of land. Some individuals, mainly more acculturated mixed bloods, had acquired control over large areas of land, which they were leasing to non-Indians. The five eastern tribes of the Indian Territory strongly resisted the idea of allotment. Resistance came from both conservative elements of the tribe who maintained their cultural value of communal landholdings and from Choctaws who possessed extensive grazing leases. In the end, their persistent objections influenced Congress to exempt the territory of the eastern tribes in Indian Territory from the provisions of the Dawes Act.²³

Nevertheless, Congress empowered the Dawes Commission in 1893 to approach the tribes to negotiate with them to accept the allotment of their lands.²⁴ After three years of being ignored and scheduling meetings to which no tribal officials showed up, Choctaw and Chickasaw leaders finally began meeting, and in 1897 they signed the Atoka Agreement, which provided for the allotment on an equitable basis of all tribal land to individual land holders. Individuals could take a 160-acre homestead and utilize the rest of the land for income producing purposes. Congress integrated the Atoka Agreement into the Curtis Act of 1898,²⁵ which set the conditions for allotment of lands in Indian Territory.

The Curtis Act also maintained a vestige of communal interest in the coal and asphalt deposits within the nation, the income from which would be paid into the United States Treasury, to be disbursed according to rules established by the Secretary of the Interior, where it would be dispersed for the common good of the Choctaw and Chickasaw nations through per capita payments.²⁶ This provision preserved a communal resource for the Nation in the face of allotment of communal land.

During the years leading up to the Curtis Act of 1898, the United States government significantly subverted Choctaw national sovereignty. The Curtis Act abolished Choctaw courts, and federal courts assumed jurisdiction over Indian Territory.²⁷ The process of allotment demanded a tribal roll of members, but the right of the nation to determine its own membership was subsumed when the federal government established a citizenship court, effectively usurping the Choctaw tribe of its sovereign right to determine its own membership. The law determined that the Choctaws who had remained in Mississippi were entitled to share in the tribal estate, and the Dawes commission traveled to Mississippi to enroll Choctaws there. Fraud and chicanery accompanied the process, as lawyers posted notices throughout the southeast offering to represent applicants for tribal membership in exchange for part of the land rights to which they might be entitled.²⁸

The process of settling the Choctaw estate moved at an excruciatingly slow pace in the face of political clamor to open the Indian Territory to more extensive white settlement and ultimate statehood. In order to expedite the process, the Dawes Commission negotiated a supplementary agreement with the Choctaw and Chickasaw governments in 1902. This agreement facilitated the allotment

process by providing for 160 acre allotments to be held in trust. The excess lands would be sold by the government, and all proceeds would be distributed on a per capita basis to all tribal members. The agreement provided that the coal and asphalt resources would be held as communal property, to be sold by the government at public auction for the benefit of the tribe within a period of three years.²⁹ In 1906 further legislation spelled out the final details of the dissolution of tribal governments for the five tribes. The Act specifically excluded coal and asphalt lands from allotment, and also set aside the timber reserve for future sale.³⁰

In 1907 the new statehood for Oklahoma dissolved the governments of the Five Tribes. In addition, the communally held resources provided in the supplementary agreement maintained a governmental responsibility to the Choctaws that ultimately contributed to their emerging national identity in the 1970s.

Although the federal government, by the 1902 agreement, had agreed to sell the coal and asphalt assets at public auction and to prohibit further leasing, it withdrew its commitment in 1904 by changing the method of sale to sealed bid and withholding all leased land.³¹ The U.S. government rejected all the bids submitted, and in 1906 suspended sales.³² In 1912 the surface rights to the lands were offered for sale, but the mineral rights were still reserved to the tribes.³³ The Department of the Interior offered the coal and asphalt at public sale in 1918³⁴ and again in 1921³⁵ but prices remained low, and less than 65,000 acres had been sold by 1938.³⁶ Historian Angie Debo noted, "The Choctaws and Chickasaws are still the unwilling owners of 381,077.05 acres of unsold coal and asphalt valued at \$10,088,649.57."³⁷

The communal estate of the Choctaw in the late 1890s included not only coal and asphalt but also timber, which was valuable for railroad ties. Subsequent to the supplementary agreement in 1902, a significant stand of timber in the Choctaw and Chickasaw Nations had been overlooked. The legislation in 1906 authorized the Secretary of the Interior to segregate this timber and land, reserve it from allotment, appraise it and sell it at public auction or on sealed bids for cash.³⁸

After Oklahoma statehood in 1907 and through the early twentieth century, the Choctaws suffered a significant loss of land. Often exploited by greedy individuals who became custodians of the estates of "incompetent" Indians whose lands and resources were maintained in a trust status, many Choctaws were impoverished while their erstwhile guardians reaped the profits of their land. By the early 1930s, many Choctaws lived in remote log cabins, with few material possessions.³⁹ Their living conditions remained similar as they had been before European contact, but now they were impoverished in a capitalistic economy, rather than being self-sufficient hunters and farmers. The monetary value of the tribal coal and asphalt resources was mainly on paper. In fact, the burgeoning oil industry of the early twentieth century had drastically reduced the value of coal and asphalt. Timber remained as the only major tribal resource

of value, which was finally sold in the 1920s. The government's attempt to liquidate the Choctaw tribal estate and assimilate tribal members into American society was being thwarted by the coal and asphalt resources that had seemed at first economically valuable but that ultimately proved worthless. The existence of these resources, however, committed the government to an on-going relationship with some semblance of the Choctaw Nation.

In 1940 the tribe filed suit in the U.S. Court of Claims to recover more than \$2 million that the government had expended from their trust funds for expenses involved in carrying out the provisions of the Atoka Agreement, plus interest on the funds, for a total claim of over \$4 million. Included in the claims was an item of \$68,165.03 for expenses incurred in the sale of coal and asphalt lands and deposits. The Court denied the claim, noting that although the Atoka Agreement had contained a provision to protect Choctaw assets from government charges, but the Supplementary Agreement did not. The Court also maintained that the charges were all legitimately used for the well being of the Choctaws.⁴⁰

The outbreak of the Second World War prompted a general concern about the country's energy resources, and in 1942, the government reconsidered the Choctaw coal resources. A number of tribal members sent letters to the Senate Committee on Indian Affairs opposing the proposed leasing. Kathleen Hunter wrote from Oklahoma City to Senator Elmer Thomas, a member of the Committee, saying, "I am a widow and have three children to support and need my proportionate share of these properties now."⁴¹ Walter Colbert wrote to Thomas asking for a per capita payment.⁴² Although several tribal members, in statements and letters, expressed their desire to have the coal and asphalt sold and the tribal government completely dissolved and the assets distributed per capita, the possibility of leasing coal as fuel for a blast furnace in Texas made leasing attractive. William Zimmerman, Commissioner of Indian Affairs, definitely favored tribal leasing.⁴³

A telling exchange occurred during the course of the hearings. Senator William Langer of North Dakota, a Committee member, asked Elmer Thomas, the Chair, "Should not the Government keep its promises, Senator?" to which Thomas replied, "Well, that is not debatable. It should, of course, but then it hasn't, it isn't, and it won't."⁴⁴

Although leasing was proposed, purchase proved more practical, and in 1944, Congress authorized and appropriated \$8,500,000 for the purchase of the Choctaw coal and asphalt.⁴⁵

If natural resources gave Choctaws an entree into the American capitalistic economy, the creation of the Indian Claims Commission in 1946 gave them a new legal venue for their claims that they had been unfairly deprived of lands. Peter Pitchlynn had previously utilized the U.S. Court of Claims with the Net Proceeds case initiated in 1881, and in 1900 the Choctaw Nation was drawn into a complex series of legal actions resulting from the sale of the Leased District, i.e., the land beyond the 98th parallel as compelled by the Treaty of 1866.⁴⁶ The Indian Claims

Commission offered a new venue to rehear previous claims, and the Choctaws took advantage of the opportunity. The act creating the Indian Claims Commission provided, however, that only federally recognized tribes could bring claims.⁴⁷ Although the Act of 1906 had ostensibly dissolved the Choctaw government, the final disposition of lands and assets and the ability of the Choctaw Nation to bring claims before the Indian Claims Commission depended upon some level of federal recognition of a Choctaw government. In 1948 the Secretary of Interior appointed Harry Belvin as the chief of the Choctaw tribe, along with chiefs of the other four tribes in eastern Oklahoma.⁴⁸

After 1946, the Nation pursued two avenues to recover money from the United States government, and the per capita payment became an increasingly important part of Choctaw life. The first source of revenue was the Congressional appropriation for the sale of the coal and asphalt resources. Although the bill for sale of the resources authorized a payment of \$8.5 million, the initial payment authorized by Congress was only \$1.5. Senator Elmer Thomas vowed to fight for the full amount.⁴⁹ Thomas received a steady stream of letters inquiring about the progress of legislation concerning the sale.⁵⁰ The interests of many Choctaws had shifted from the concern for tribal identity to the possible monetary reward based on the distribution of Choctaw communal resources to individuals. One person said, "I ask you to do your duty and cause them to pay the full amount one has waited for settlement [for] 47 years..."⁵¹ Belvin estimated that the \$8.5 million plus the more than \$1 million in the Choctaw trust fund would amount to a per capita payment of approximately \$330 to each tribal member.⁵² The final per capita payment for the coal and asphalt sale affirmed the value of tribal resources for individual Choctaws.

The opportunity for a new source of tribal money came in 1951 when Belvin and tribal attorneys took advantage of the opportunity to refile before the Indian Claims Commission their earlier Court of Claims suit, now asking the recovery of \$753,609.41 in administrative costs charged against the funds from the sale of their assets. Among the expenses was a claim of \$38,416.27 for expenses incurred with the sale of the coal and asphalt. The Indian Claims Commission allowed suit was a renewal of an earlier suit filed before the U.S. Court of Claims.⁵³

For individual Choctaws, the failure of the tribe's suits against the government were off-set by the government's purchase of the coal and asphalt in 1944 and the per capita payments in 1949, and thereafter. But Harry Belvin's appointment in 1948 and his ad hoc creation of a democratically elected tribal Council and a constitution to reestablish a functioning tribal government went against sentiments expressed to Congress in the hearings in 1942 against the continuation of a tribal government. According to Belvin, the Bureau of Indian Affairs recognized a tribal council and sought its sanction for his recommendations. But ultimately the Area Director of the Bureau of Indian Affairs opposed this attempt to create a Choctaw government.⁵⁴

Belvin's ongoing antagonism with the area director led the Chief to turn to the legislative process to restructure the relationship of the Choctaws to the

federal government. He appealed to Representative Carl Albert to sponsor a bill that would terminate BIA authority over the Choctaws. What Belvin wanted was relief from BIA oversight of tribal resources while preserving a form of communal government based on those resources. He expected that individual Choctaws would still be eligible for various federal services. Although the coal and asphalt assets of the tribe had been sold to the government, the reservation of mineral rights on unallotted lands resulted from the feeling that "one never knows where oil might be found in Oklahoma."⁵⁵ Such speculative feeling about possible economic gain provided the impetus for a continued tribal identity, while personal antagonism inspired a political action.

Politicians and the Bureau of Indian Affairs established federal policy in the 1950s for the termination of relationships between the United States government and Indian tribes, and Belvin's initiative proved consistent with that policy.⁵⁶ Albert accepted Belvin's proposition and sponsored a bill to place tribal resources in a private trust fund in order to terminate federal supervision over the Choctaws.⁵⁷ He offered it as an amendment to the 1906 act providing for the dissolution of the governments of the Five Tribes.

Albert reassured constituents that ". . . this was not a general termination bill and will not affect the trust or restricted lands that are owned by individual Choctaw Indians . . . The bill applies only to the relatively few tribal assets that remain in tribal ownership."⁵⁸ Those assets included the Choctaws' three-fourths interest in 7,731 acres of unallotted tribal land and 8,610 acres purchased for and held in trust by the federal government for the Choctaws, any other unreported land held by the government, and one half of the mineral rights in these lands. The lands and reserved mineral rights would be placed in a corporation to be organized under state law. The proceeds of the sale of land, together with the approximately \$433,000 in the tribal trust, would be distributed in a per capita payment to the living tribal members on the Dawes rolls and their heirs.⁵⁹

Despite Albert's reassurance, the bill raised questions about the future of the Choctaws' relationship with the federal government. The vast majority of tribal members were interested in distribution of funds on an individual basis.⁶⁰ The transition from tribal to individual identity for Choctaws seemed to be virtually complete. Communally held tribal resources provided only the prospect of individual gain through per capita payments.

The legislation reaffirmed the existence of a tribal entity, albeit one now based on a vestige of original tribal communal land holding. This entity was a political one with decision-making powers over limited communal assets rather than a governing body over a group of people.⁶¹ The termination act proved, however, to be a replay of the Atoka Agreement of 1897 and its supplement in 1902. The government committed itself to the sale of Choctaw resources and distribution of the income, leading to dissolution of the tribal government. This time, the plan would fail because of circumstances arising from the 1902 agreement. It proved almost impossible for the federal government to identify and locate the heirs of the original allottees and to clear title to land for the sale of the mineral reserves beneath them.

Relations between Belvin and the Bureau of Indian Affairs proved to be contentious. Belvin accused Area Director Paul Fickinger of the Muskogee office for being “very dilatory in pursuing his duty,” with regard to sale of the Choctaw resources. Fickinger had not effected a reappraisal of the remaining Choctaw resources so they could be offered for sale.⁶²

The termination act, contrary to Belvin’s understanding, led to individual Choctaw loss of BIA services, especially their being ineligible for loans from the Bureau of Indian Affairs.⁶³ By 1967, Belvin was asking Oklahoma Congressman Ed Edmondson to sponsor legislation to repeal the termination legislation, citing as reasons the fact that a list of stockholders in the proposed corporation could not be compiled because heirs of original allottees could not be identified, and because the disposal of tribal property could be effected under the original 1906 act. Also, “Repeal of the Act would be in accord with the majority opinions expressed in the 1966 and 1967 opinion polls.”⁶⁴

Although the original act had been set to expire in 1962 and had been twice amended to remain in effect to allow sufficient time for the sale of assets, the cumbersome processes of government had not effected the liquidation of Choctaw assets, and the termination act had cut Choctaws off from government services. Belvin again sought to redefine the Choctaw relationship with the U.S. government through the legislative process. He proposed to Oklahoma Senator Mike Monroney that the 1959 act be amended to protect Choctaw tribal property but also to continue the office of principal chief and preserve the tribe’s tax exemption.⁶⁵

Congress proceeded, however, with the complete repeal of the termination legislation. The proposed sale of assets had created an administrative nightmare. Heirs of deceased allottees proved often difficult to find, contributing to the problems of clearing title to land. Many Choctaws had expressed their desire to keep their tribal government. Retention of federal recognition was necessary to access services for individual Choctaws, and repeal of the termination legislation was necessary for “the economic betterment of the tribe.”⁶⁶ Senator Fred Harris of Oklahoma also supported the repeal legislation. He noted that the 1959 act, as amended, would terminate the tribe as of August 25, 1970. His argument was premised on humanitarian grounds and a sense of the importance of tribal identity. He declared that “We now know that the actual results of termination are contrary to the well-being of the American Indian. The end of Federal assistance to the tribal entity destroys the Indian community and the Indian’s sense of dignity.”⁶⁷ Carl Albert in his testimony before the House Committee on Interior and Insular Affairs expressed a contrary opinion of the significance of the termination act, an economic one, i.e., “that the Act will, when it becomes effective, terminate the eligibility of individual Choctaw members for certain federal services now provided Indians because of their status as Indians.”⁶⁸

The fall out of the proposed termination legislation for many individual Choctaws was a rise of political activism in the Choctaw Nation. An important source of the activism was in the urban population in Oklahoma City. As early as

the 1930s, a number of Choctaws had moved from their rural homes to the major urban area in the state of Oklahoma. (An organization formed adopted the name of the Oklahoma City Council of Choctaws.) By 1970 it published a mimeographed newsletter, *Hello Choctaw*. Charles E. Brown, a full blood, was president. The newsletter portrayed itself as the voice of the "Average Choctaw." The newsletter became a means to question Belvin's actions. It stated, "For over 20 years . . . the Government has been appointing a "leader" for the Choctaw tribe. . . For over 20 years the AVERAGE CHOCTAW has not known the NAMES of the people who actually got the money that was taken out of the AVERAGE CHOCTAW'S tribal funds. . . For over 20 years the AVERAGE CHOCTAW has not known for sure how many thousands of dollars were taken out of his tribal funds in 'annual budgets' . . . For over 20 years the AVERAGE CHOCTAW has not known how much of his tribal land was sold or how much it was sold for. Government 'appointed' people had the power to sell the AVERAGE CHOCTAW'S TRIBAL LANDS without the AVERAGE CHOCTAW even knowing his lands were being sold or how much they were being sold for . . . The organization issued a challenge to Choctaws throughout the state to "organize YOUR OWN TRIBAL GROUP IN YOUR OWN COMMUNITY. . . ."69

New political forces in Choctaw country emerged as well. A new organization, Oklahomans for Indian Opportunity (OIO), founded by LaDonna Harris (Comanche), wife to Senator Fred Harris, grew out of President Lyndon B. Johnson's war on poverty, with its emphasis on community involvement. The organization received a federal grant with which it originated a rural development program that included a hog raising operation in southeastern Oklahoma in the former area of the Choctaw Nation. Belvin saw OIO and the new community based initiatives as a threat.⁷⁰ They provided a basis for a new Choctaw political identity, one especially important in light of President Richard Nixon's repudiation of the termination policy of the 1950s and Oklahoma Senator Henry Bellmon's legislation giving the Five Tribes in Oklahoma the power to select their own leaders.

At issue in this new political climate was the ability of the Choctaws to exercise their sovereignty through a popularly elected government. In the 1940s, tribal members had demanded per capita payments and the complete dissolution of the tribal government. In 1959 the termination act eliminated popular election of tribal chiefs. Belvin, as the appointed chief, could retain control over the political affairs of the Nation. By the early 1970s, however, an undated issue of *Indian Affairs* reported that "The Choctaws believe if they can get rid of this rubber-stamp official they can voluntarily elect a chief of their own . . ." The power of the BIA to appoint the tribal chief was a major infringement on the identity of the Choctaws as a self-governing people, and the newsletter urged Choctaws to organize their own clubs.⁷¹ The Oklahoma City Council saw itself as a leader in initiating a tribal organization and allowing members to elect their own leader.⁷² This commitment to election was the major statement of a resurgent sense of tribal self-government for the Choctaws.

In the political foment in the Choctaw Nation, a new statement for tribal identity emerged in a constitution drafted by a young Choctaw man, Mike Charleston. The initial paragraph is an eloquent statement of the hopes of a new generation of Choctaw leadership:

The purpose of the Constitution of the Choctaw Nation is to provide unity and direction of efforts for the re-establishment of a traditional Choctaw Tribal Government. The constitution is the basis of a tribal government responsible to all of the Choctaw people and representative of their desires, interests, and needs; and it provides the structure and method necessary for the operation of the government. The writing and distribution of this constitution is intended to act as a catalyst for the development of an acceptable tribal government resulting from the cooperation and actions of a great many Choctaw people.⁷³

Charleston's constitution is an eloquent statement for a generation of Choctaws who grew up in a period of a federal policy of assimilation and who still retained a commitment to Choctaw tribal identity. Although financial advantage in the form of per capita payments drew many Choctaws away from tribal identity, in the 1970s the core of that tribal identity persisted, changed by political forces but still embedded in the lives of Choctaw communities in the old Choctaw territory, and in the idealism of a younger generation.

The Choctaw Nation had entered a market economy after the Civil War, and as a result of the change involved the transition of Choctaw identity to individualism and distribution of tribal resources in per capita payments. The communal land holding pattern had been destroyed, but a cultural sense of community had remained, and economic poverty in the American sense represented a continuation of traditional Choctaw community ways of life. Political sovereignty and self-government emerged out of a conflict between the Bureau of Indian Affairs and its appointed leaders for the Tribe and an emerging political activism based both in rural community based community activity and an urban population which, although ostensibly acculturated, was vocally active in seeking Choctaw self-government in the form of popular elections.

Notes

1. State of Oklahoma. Oklahoma Indian Affairs Commission. *Year 2002 Oklahoma Indian Nations Information Handbook*, 13.

2. *Cherokee Nation v. Georgia*, 5 Peters 15-20, reprinted in Francis Paul Prucha, ed., *Documents of United States Indian Policy* (2nd ed., Lincoln: University of Nebraska Press, 1990), 58-60.

3. U.S. Department of Interior, *Opinions of the Solicitor: Indian Affairs* (Washington: U.S. Government Printing Office, 1946), 447. See Vine Deloria, Jr. and Clifford M. Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York:

Pantheon Books, 1984), Chapter 11, for a discussion of the Indian Reorganization Act's provisions and the significance of the solicitor's opinion.

4. Cyrus Kingsbury to Jeremiah Evarts, Elliot Mission, May 12, 1819, American Board of Commissioners for Foreign Missions, Vol. 2, Folder 26, Houghton Library, Harvard University, Boston, Massachusetts. Hereinafter cited as ABCFM.

5. Nathaniel Folsom Memoir, ABCFM, Vol. 3, No. 93; for an analysis of the effect of economic dependence of the Choctaws, see Richard White, *Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983).

6. American Board of Commissioners for Foreign Missions, *Report of the American Board of Commissioners for Foreign Missions, Compiled from Documents Laid Before the Board, at the Eighteenth Annual Meeting, Which was held in the City of New York, October 10, 11, 12, 13 & 15, 1827* (Boston: Printed for the Board by Crocker and Brewster, 1827), xxvi-xxvii; Kingsbury to ABCFM, Vol. 3, Folder 35; William Ward to Thomas McKenney, Aug. 9, 1826, National Archives-Office of Indian Affairs, M234, roll 169).

7. Charles J. Kappler, *Indian Affairs: Laws and Treaties*. (5 vols.; Washington, D.C.: Government Printing Office, 1904) II, 193-94.

8. *Code of Mississippi: Being an analytical compilation of the public and general statutes of the territory and state with tabular references to the local and private acts from 1798 to 1848. With the national and state constitutions, assigns of the country by the Choctaw and Chickasaw Indians, and acts of Congress for the survey and sale of the lands and granting donations thereof to the state.* By A. Hutchinson, (Jackson, MS: Published for the compiler by Price & Fall, State Printing, 1848), 136.

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