

Freedmen in the Indian Territory after the Civil War: The Dual Approaches of the Choctaw and Chickasaw Nations

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Introduction

I shall be discussing the tribal membership of “freedmen”, the ex-slaves owned and emancipated by two Native American groups—the Choctaw and the Chickasaw of the so-called “Five Civilized Tribes” living in the Indian Territory, now around the State of Oklahoma—and their descendants, and how these freedmen were—or were not—assimilated into the tribes of their former owners after the American Civil War. In contrast to the other three nations—the Cherokee, the Creek/Muscogee, and the Seminole Nations—who accepted freedmen in their territories as citizens in 1866, the Choctaw and the Chickasaw both refused to grant rights of citizenship to the freedmen in their territories until much later. The Choctaw Nation did not follow suit until 1883, and although the Chickasaw Nation decided to grant their freedmen rights of citizenship in 1873, these were never fully promulgated. The Chickasaw freedmen, then, belonged to neither the Chickasaw Nation nor the United States; they endured a ‘limbo of citizenship’ for over 40 years until 1907, when the Indian Territory was at last incorporated into the United States as the State of Oklahoma. The Choctaw and the Chickasaw legislatures termed the dilemma “The Negro Question.” For their part, the freedmen of the two nations referred to themselves as “slaves without masters”.¹

Why did the Choctaw and Chickasaw nations treat their freedmen more severely than the three other nations, and why did the Choctaw and the Chickasaw differ in their policies over the “The Negro Question”, that is, how to treat freedmen? These questions will be considered in my presentation today.

There are not many published research materials about the freedmen of the Five Civilized Tribes though there are some excellent studies: research on Cherokee and Chickasaw freedmen by Littlefield, May’s research about African Americans in the Creek and the Cherokee nations, Miles’ work on African Cherokees, Mulroy’s book on the Seminole freedmen, and Zellar’s study about the African Creek/Muscogee. Nevertheless, the research on the Choctaw and the Chickasaw freedmen leave some areas unexamined, notwithstanding the rigorous

work in the field by Gibson, James, Krauthamer, Littlefield, and Walton-Raji.²

I'm going to divide my presentation into three main parts. In the first part, I'm going to address the origins and identities of the freedmen in the Choctaw Nation and the Chickasaw Nation; how these two Native American nations originally came to own African American slaves; and, how the freedmen emerged as a demographic bloc within these nations, post Civil War. In the second and third parts of my presentation, I want to focus on the contexts, status and positions of the freedmen in the Chickasaw Nation and the Choctaw Nation. Finally, I shall be reviewing this study's principal conclusions, their possible implications, and highlighting the differences and similarities between the treatment of freedmen by the two nations.

I. Freedmen in the Choctaw Nation and the Chickasaw Nation

First of all, then, who exactly is covered by the term "freedmen"? The word generally applies to African American ex-slaves who were emancipated anywhere in the United States by, during and after the Civil War, and their descendants. A reasonable estimate would be that the number of freedmen after the Civil War reached about four million people. But today, I'm going to focus on those freedmen owned by and emancipated from Native American slave masters during the Civil War and its aftermath, and specifically, the ex-slaves and descendants with the Chickasaw and the Choctaw of the so-called "Five Civilized Tribes." Terminology is imprecise and can be thorny. The African Americans or 'blacks' owned by Native Americans before the Civil War and their descendants were, have been, and are known by a number of names: freedmen/freedwomen, freedpeople, free blacks, free(d) slaves, ex-slaves, former slaves, black Indians, Afro-(the name of the tribe), etc. Their ex-slave masters often called them "negroes" and ex-slaves sometimes called themselves "colored people," "negroes," "freedmans." This paper shall use the simplest term with the widest currency, "freedmen."

Before their removal to the Indian Territory in the 1830s and the 1840s, the Choctaw and the Chickasaw lived in their eastern homeland in southeastern parts of the current United States. From the 1830s, they were forced by the U. S. to relocate westwards to a newly-created Indian Territory, a region covering the present state of Oklahoma and exclusively set aside by the United States for the settlement of a number of eastern and plains Indian tribes. Like the three other indigenous groups, the Choctaw and the Chickasaw were defined as "nations". These "nations" were granted autonomy within U. S. territory, were guaranteed by federal treaties, and were viewed by Euroamerican whites as progressing in the political sphere (by adopting an American form of governmental organization and constitution), the economic sphere (via the use of Euroamerican textiles, goods, methods of agriculture and animal husbandry), the linguistic sphere (via the use of English), and in religious areas (the Christianization of some tribal members).

Credit for these transformations towards Euroamerican culture was given to the ‘civilizing influence’ of the “mixed bloods” born between native tribespersons and Euroamerican white people.

Generally, it was thought by contemporary observers, and sometimes, by recent scholars that “full bloods”—the opponents of “mixed bloods” in the Native American societies—tended to be small non-commercial subsistence farmers who had little or no higher/formal education, and so rejected westernization in favor of a traditional way of life. It was also considered that they didn’t, or wouldn’t, own slaves at all, or did so only on a small scale. In contrast, the “mixed bloods” tended to be planters—sometimes on a large scale—with higher education who favored commercial activities and westernization. Consequently, this group comprised the majority of slaveholders.³

I would like to stress the point here is that classification in Native American society or hierarchy such as “mixed bloods” and “full bloods” is not a factor of blood quantum alone, and that economic, political, cultural and historical circumstances and contexts also have defining roles, as does, perhaps above all, the self-consciousness of a person in his/her society. Time, however, demands that we make a detour around interesting questions about the definitions of “mixed” and “full blood.”

Of relevance today is that people of both the Choctaw and Chickasaw nations began to acquire African American slaves. Following the example of their white neighbors in southern states, the Choctaw and Chickasaw put their slaves to work on cotton plantations (on land selected for this use by individuals from tribal territory held in common) and in the house. For Euroamerican contemporaries, slave-owning was one of the ‘civilized’ attributes of the Five Civilized Nations.

Table A shows information about the population of the Indian Territory in 1860 and 1890. After 1800, a handful of elite or “mixed blood” planters among each tribe started to expand the slave-labor system. The slave population stood at 2,284 in the Choctaw Nation and 914 in Chickasaw Nation in 1860. The numbers of slaves owned by a minority of “mixed bloods” rose, whilst the number of slaves owned by the “full blood” members diminished both in proportion and in total, so that by 1860 only 2.7% of the total population of both the Choctaw and Chickasaw nations owned Afro American slaves, and the ratio between “full blood” and “mixed blood” slave masters was 1: 17 in the Choctaw and 1: 6 in the Chickasaw. Furthermore, “mixed blood” slave masters of each nation owned about 88.9% of the total number of black slaves, with some individuals owning as many as 100 slaves or more.⁴

The Choctaw and Chickasaw slaves were obliged to work in plantations and cotton fields, to tend their owner’s children or grandchildren, and perform various domestic chores. The slaves could marry, have children, and were given a free hand after work. Generally, slaves owned by Choctaw and the Chickasaw slaveholders were treated more moderately than we imagine though they obviously did not have the same rights as Indians. Many years after their

emancipation, many freedmen recalled the period of their enslavement in a positive light, and persisted in calling their Indian ex-owners “Ole Master.” For example, Frances Banks, a Choctaw freedwoman who was once the property of Choctaw Principal Chief Allen Wright (1866–70), remembered that slaves owned by Wright before the Civil War were never subjected to hard work until they had grown up. Choctaw freedmen Polly Colbert owned by Holmes Colbert recollected that even adult slaves were not worked as hard as they had been by the white masters from whom they were purchased and considered her Indian masters to be ‘kind.’ Kiziah Love, a Choctaw freedmen, and Matilda Poe, a Chickasaw freedmen, both testified that their masters had allowed slaves to attend church, and Love also recollected that all slaves had respected her master Frank Colbert and his wife, who she considered, were the most wonderful people she had ever met and that they had always tried to accomplish their master’s wishes. In sum, Kiziah Love believed her days as a slave to have been easier than her days of emancipation. Poe testified that she didn’t even think of herself as a slave and that her life then had been happier because although she had not been free, her workload had been lighter and food and clothing had been supplied.⁵

With the forced removals by the U. S. during the 1830s and 1840s to the Indian Territory, the Chickasaw re-built their nation first as “the Chickasaw District”. The Chickasaw assumed the same rights as the Choctaw citizenry in the four districts of the Choctaw Nation with its larger population (almost three times that of the Chickasaw) which previously settled since 1830. In 1855, the Chickasaw established an independent political entity with its own government—the Chickasaw Nation. The two nations continued to hold land holdings in common, shared dual citizenship rights and intermarried.⁶

Both the Choctaw and Chickasaw nations possessed a similar political system to the other three nations of the Five Civilized Tribes. “Nation” meant a pseudo western form of an autonomous racial organization to which only Native American tribal members who were not the citizens of the United States belonged. It had separation of powers based on the constitution: a bicameral legislative branch (called “the General Council” in the Choctaw Nation) consisting of a “Senate” and a “House of Representatives”; an executive branch whose head was called “the Principal Chief” in the Choctaw Nation with three “District Chiefs,” and “the Governor” in the Chickasaw Nation, staff, a Secretariat and Treasurer with two-year terms; and a judicial branch, consisting of a supreme court, district courts, circuit courts, etc. They also regulated their own law enforcement and tax collection.

After the Civil War broke out, many factions of the five nations allied actively or passively with the Confederate States of America and entered the war with the Union. As a result, it was considered that the relations—treaties—with the U. S. government so far had been abrogated. The Chickasaw nation and the Choctaw Nation both declared their independence from the United States of America, and entered into alliance with the Confederate States of America on June 12th, 1861.

I would like to draw your attention to the following fact: intertribal conflicts,⁷ destruction of property, loss of slaves and loss of life in the war were much smaller than the levels suffered by the 'Indian Nations' of the Cherokee, the Creek, and the Seminole. Despite a single incursion by the U. S. Army in 1864 and some looting of livestock and grain by northern guerillas, geography favored the southern part of the Indian Territory, and the Chickasaw and Choctaw did not see their territory become a devastated battlefield in the great conflict between the North and the South.⁸

After the Confederates and allied Indian armies surrendered in 1865, the federal government concluded treaties with the Five Civilized Tribes to re-establish relations in 1866. These treaties included articles obliging Indians to emancipate their black slaves. The Cherokee Nation, the Creek Nation, and the Seminole Nation accordingly—at least, publicly—gave freedmen citizenship on the basis of these treaties that same year. The Cherokee, the Creek, and the Seminole nations concluded treaties individually. However, the Choctaw and the Chickasaw, as they always had been treated as similar tribes under administrative dispositions of the U. S. federal government, concluded a joint treaty with the United States of America on April 28, 1866 in Washington D. C.⁹

This provided for the abolition of slavery, and gave U. S. railroad companies rights to build railroads through the territories of both nations. In regard to the emancipation of slaves, the joint-treaty with the Choctaw and Chickasaw differed in some important respects from the treaties concluded with the Cherokee, the Creek, and the Seminole. Whereas the latter treaties dictated that freedmen became citizens of whichever nation they had been owned in, articles two and three of the joint-treaty with the Chickasaw and the Choctaw provided two options to be decided upon. The terms of the first option were that within a period of two years, former black slaves would be given rights of citizenship and forty acres of land, after which the two nations would be paid 300,000 dollars from the U. S. to cede "the leased district" i. e. the western part of the Chickasaw/Choctaw nations held jointly by both tribes. The terms of the second option stated that, with help from the U. S. army, freedmen would be moved to "the leased district" which would be held by the U. S. for the settlement of freedmen and other plains tribes like Comanche, Kiowa, and Apache, etc. In the latter case, freedman choosing to leave the nations would receive a per capita payment of \$100 from the 300,000 dollars above mentioned. Whichever option was chosen, the \$300,000 paid for "the leased district" would be held in trust by the U. S. until the Choctaw and the Chickasaw made their decision on the future of their freedmen.

The devil in the detail of this treaty lay in its "joint" nature. It obliged the Choctaw and the Chickasaw to agree on a common policy concerning their freedmen: the solution to the freedmen problem depended on political affinity between these two governments at a critical moment.¹⁰ In the following sections of my paper, I shall provide details of the tortuous progress of the Choctaw

Nation and the Chickasaw Nation as each tried to make decisions concerning their freedmen.¹¹

Why had the U. S. allowed the Choctaw and Chickasaw a freer hand than the other nations in deciding the futures of their freedmen? A part of the answer might, once again, be attributable to geography. As an institution, slavery in the Choctaw and Chickasaw contexts had been both milder for their slaves and more solid than elsewhere. The Choctaw and the Chickasaw territories lay closer to the South (their southern border was Texas) and the two tribes had not been torn in loyalties as had the Cherokee and the Creek during the war.¹²

What happened to the freedmen themselves, who were theoretically emancipated from slavery? After liberation, most freedmen chose not to leave but to remain in the Indian county where they had labored and which many saw as their homeland. Mary Lindsay, a Chickasaw Freedwoman owned by Sobe Love, was asked by her old mistress to stay and continue to work in return for food, clothes, and housing. Lindsay accepted these terms because she had nowhere else to go. Over time, however, a feeling of injustice at this unremunerated work increased, until at last she joined members of her family in paid farm-work. Like Lindsay, many freedmen became wageworkers on the farms of “mixed blood” Chickasaws, sharecroppers, or small-scale independent farmers.¹³

Before moving on to the social circumstances of freedmen in both nations, I’ll summarize the main points of this section: the Choctaw and the Chickasaw became slave-owners of African Americans due to social changes worked by the influences of white American society; and after the Civil War, the U. S. Government forced them to free their slaves but permitted the Choctaw and Chickasaw a limited say in the future of their ex-slaves.

II. Refused citizenship of the Chickasaw freedmen

In this section, I will focus on a case study of the Chickasaw Nation and why, once it signaled its intention in 1873 to grant its freedmen citizenship in theory, it changed its practice to refuse to implement the reforms.

Chickasaw Governor Winchester Colbert (1858–60, 62–66) gave a joint speech with Choctaw Principal Chief Peter P. Pitchlynn (1864–66) addressed to both nations on July 12, 1866. This speech said that the biggest problem facing their nations was the “negro question” and the \$300,000 dollars compensation payable in return for accepting freedmen as fellow citizens. An independent colony of freedmen in a leased district so near to their territories would not, they feared, make a good neighbor. If this colony prospered, and attracted thousands of other freedmen from other regions, it could constitute a powerful entity within a few years. This threat, both Colbert and Pitchlynn agreed, could be dispelled if the freedmen remained in their ‘homelands’ and contributed their manpower there.¹⁴ This address shows us that the both leaders of the Choctaw and the Chickasaw were in accord in their intention to keep the freedmen in their

territories as fellow-citizens.

Nevertheless, on November 9, 1866 when the Act Confirming the Treaty of 1866 was enacted in the Chickasaw Nation, the new Chickasaw Governor Cyrus Harris (1856-58, 60-62, 66-70, and 72-74) signaled a change in course. Harris required that Chickasaw freedmen should be evacuated by the United States of America under the terms of the 1866 treaty which allowed the \$300,000 for the freedmen who agreed to leave. His intention was that the Chickasaw should allow the freedmen to leave and give them money only if they agreed to leave. The Refugee Act of November 10 stated that by the request of the Chickasaw legislature and Governor Harris, all intruders and refugees staying in the nation without permission and all illegal residents, refugees and blacks who had no security by being well-behaved citizens of the Chickasaw Nation, were to evacuate or be removed from the Chickasaw territory.¹⁵

July 10, 1868 saw the expiry of the time limit provided by the 1866 Choctaw/Chickasaw joint treaty for a decision on the future of the freedmen. On August 17, the Choctaw and the Chickasaw nations notified the Commissioner of Indian Affairs, N. G. Taylor of the U. S. Department of Interior that, as their nations had not passed any bills to fulfill their requirements of article 3 of the 1866 Treaty, the United States was therefore required to remove freedmen from their nations as per the terms of that treaty.¹⁶

However, the situation changed once more with Chickasaw Governor William P. Brown's (1870-72) declaration on November 9, 1870 that freedmen who resided in the Chickasaw nation would now be classified as Chickasaw citizens. And in January, 1873, the Chickasaw Nation under Governor Harris (re-elected as Governor in 1872) enacted a Bill to adopt the negroes of the Chickasaw Nation as full tribal members. The Chickasaw legislature declared on August 27, 1873 that the removal of freedmen from their nation should not be sped up. Better that the freedmen be absorbed into the Chickasaw nation, than that they establish an incendiary colony of freedmen from other states so close to Chickasaw territory.¹⁷

But still the matter was not settled. The government of Governor Benjamin Franklin Overton (1874-78, 80-84) who desired evacuations of all freedmen including blacks from both nations passed the Act Confirming the Treaty of 1866 on October 17, 1877. By this act, the Chickasaw legislature agreed that the United States would hold the \$300,000 for the welfare of freedmen who would now be evicted from the nation, as provided for by article three of the 1866 Treaty. There was more to follow. On October 22, 1885, the next governor Jonas Wolf passed an Act Rejecting the Adoption of the freedmen in the Chickasaw Nation. This act's argument ran as follows: the Chickasaw had been obliged to pay a heavy price in the war between whites (the Civil War); that, as a result of the Confederates losing this war, the Chickasaw Nation was now being compelled to emancipate its slaves by the same whites who, a generation before, had encouraged slave-ownership in the Five Civilized Nations; that the federal government had permitted freedmen to remain in the Chickasaw nation for many

years; and that the Chickasaw could not fairly be expected to provide for its freedmen, when white society had eschewed such responsibilities. The act was therefore a final refusal by the Chickasaw to accept its freedmen as citizens. Governor Wolf thereby signaled the Chickasaw Nation's intention to wash its hands of the question, and suggested that the U. S. Congress assist freedmen with their migration to suitable land, that is, "the leased district."¹⁸

Why did the attitude of the Chickasaw Nation to its freedmen perform these somersaults, and why did it finally refuse to adopt them? The most plausible reason for the vacillations, to my mind, was the increasing influx and infiltration by white and black populations in and near their territory. After the Civil War, many freedmen of the Chickasaw and the Choctaw refused to leave the nations, because they considered the lands their homelands. After the supposed emancipation, they had remained in the places where they had lived with their ex-masters, or cultivated small-scale plots of land in the nations, and kept requesting both their old masters and the U. S. government to grant them the status of citizens of the Indian Nation. Once again, the case study of Choctaw Freedwomen Mary Lindsey mentioned in section one, who was asked by her old master to remain and work even after her emancipation, provides a useful illustration.

The Indian Territory was vast and naturally fertile with forests, grazing land, coal deposits, oil reserves, and rich in farmlands and plantations established by the Five Civilized Tribes. This wealth attracted increasing numbers of diverse people. Many arrived with the construction of the railroads that brought non-Indian immigrants to the area, and conveyed cattle from Texas to the North. The Missouri, Kansas and Texas Railroad entered the Chickasaw Nation in the early 1870s. Boom towns mushroomed along railroad stations and rights of way, and grazing land in the Chickasaw Nation became important relay points for white cattlemen driving thousands of herd through the Chickasaw Nation from Texas to Kansas.

Internal factors added to the flow of labor and capital from outside the nation played its part. The population of non-Native Americans in the Indian Territory grew yearly and drastically after the Civil War, and at the same time the federal government attempted to unite various Indian Nations in the Indian Territory into one unit like a U. S. territory or state and thus to open surplus land for white occupation.¹⁹ Newcomers included not only white intruders as tenant farmers, cattle ranchers, miners, railroad laborers, illegal settlers, and outlaws, but also freedmen now working as tenant farmers or sharecroppers. This booming non-tribal population in the Chickasaw and Choctaw Nations became an important political issue for the Chickasaw government which needed to keep control of the non-Chickasaw population. Table A shows that the total number of the Chickasaw and the Choctaw Indians kept steady until the late 19th century: 4,260 Chickasaws and 13,666 Choctaws in 1860, and 5,223 Chickasaws and 11,057 Choctaws in 1890. However, African American and white American people in

their territory increased drastically during the same time: For blacks, the rise is from 914 to 3,676 in the Chickasaw Nation, and from 2,284 to 4,406 in the Choctaw Nation. For the white population, the rise is staggering: from 148 to 48,421 whites in the Chickasaw Nation and 804 to 28,345 whites in the Choctaw Nation. Therefore, the ratio of the African American to the Native American population in the both nations also radically grew 15.1% in 1860, 18.9% in 1867, 26.4% in 1870 and 49.6% in 1890. You will notice that the impact of the growing population of Afro Americans and Euroamericans was stronger in the Chickasaw Nation, which would account for the stronger counter-reaction there than in the Choctaw Nation.²⁰

Against the background of expansion in the non-Chickasaw populations, by the early 1870s class differences amongst the Chickasaw citizens were becoming apparent. Two political factions—the Progressive Party and the Pull Back Party—came into existence, each with its own ideas on how the demographic threat should be managed. Each political organization had its leaders, platform, county branches, and political rallies attended by party members.

The Progressive Party was generally supported by richer “civilized” and educated “mixed blood” planters, owners of timber forests, landholders (former slaveholders until the end of the Civil War), and also cattle ranchers. Cattle-ranching had become the mainstay industry of the nation during the 1870s. The Progressives tended to welcome—to a degree—the economic benefits afforded by a sizeable non-Native population, who could buy their agricultural products, timber, and coal. The native landowners could lease arable and grazing land to non-Indian tenant farmers and cattlemen, and hire the immigrants as laborers on their farms. In contrast, supporters of the Pull Back Party were poorer, “full blood”, subsistence farmers. These traditionalists used to be non/small-scale slaveholders, and they saw infiltration by the white and black populations as a threat to their way of life. As the pre-Civil War ownership of slaves by these small-scale “full blood” farmers had been small, they now had less necessity than many “mixed bloods” to replace their slaves by hiring manpower for fieldwork and domestic service.²¹

“Full blood” farmers’ resented the freedmen as rival sharecroppers, but another source of strong, if illogical, resentment took root: the Chickasaw people came to blame their ex-slaves for the disastrous after-effects of the Civil War—a war which had been fought, it was argued, to end slavery. Therefore, after the Civil War, the Chickasaw’s formerly benevolent attitude to their slaves took a dramatic turn for the worse. It was said that the Chickasaw freedmen received the worst treatment of the five tribes, and that their status was “below the beasts”, according to an official report of the U. S. Chickasaw Agent in 1887. Freedmen started to suffer severe discrimination from both Chickasaw and Choctaw citizens. Due to the uncertain legal position of the freedmen, their land improvements, livestock and property became the objects of ‘semi-legitimate’ acts of plunder. The notion even spread among Chickasaw people that it was not

a dishonorable act to murder blacks in the nation. Mob violence and lynching of former slaves occurred; and freedmen were killed “like the dog,” too.²²

The final decision against recognizing freedmen’s citizenship rights in the Chickasaw Nation should be placed squarely in this context. The ex-Governors—Colbert, Harris and Brown—tended to share “the Progressive” mind concerning their former slaves: that is, a fear that freedmen might form a haven near their nation. This haven could be insured against by enclosing Chickasaw freedmen within the Chickasaw Nation. The most important point here is that these three governors were ex-slaveholders and large-scale planters from powerful “mixed blood” families who naturally preferred to exploit the labor of freedmen. As mentioned above, Colbert advocated the recognition of freedmen from the beginning. Harris first asserted that freedmen should be excluded from the nation; however, he later changed his mind, and adopted Colbert’s position. I would like to point out after change in policy towards the former slaves under the Brown administration, an act to adopt freedmen was in fact enacted in Harris’s second term. Harris ran as leader of the Progressive Party in the election for Chickasaw Governor a third time, though he was defeated by Overton. This time, when the Pull Backs won over the Progressives, was the critical moment when the Chickasaw Nation cast its final vote to reject the freedmen.

So, why did the Pull Backs want the exclusion of freedmen against the policies of the Progressives? Governor Overton, a leader of the Pull Back Party, was a rich “mixed blood” person like the three ex-Governors of the Progressive Party. Like Colbert, Harris, and Brown, and he was a large-scale cattle rancher. Nevertheless, he was also a strong nationalist who insisted on the Indian race’s superiority to white race—the “Satan with a face of human-being”. He wished, therefore, to separate his nation from whites, especially lower class ones. He argued that, as the ancestral Chickasaw eastern homeland was now populated by illegal white squatters from states, it was only fair that all non-citizens of the Chickasaw nation from outer states should be excluded from their new territory.²³ The freedmen issue was imbedded within issues of tribal land ownership and usage.

In his election for Chickasaw Governor, Overton’s assertions won the day for the Pull Backs. He won over ex-Governor Harris of the Progressive Party and became Governor four times in 1874, 76, 80, and 82. His government enacted bills that excluded freedmen; prevented the inflow of whites, especially stock ranchers; regulated intermarriage between a tribal member and a non-Chickasaw person; and imposed fees and licenses on incomers. In 1876, he requested the Chickasaw legislatures to enact laws for the protection of small-scale “full blood” farmers.²⁴

To conclude this section: the Chickasaw sought to control the non-Chickasaw population in their territory by mobilizing the “full blood” majority with a stronger nationalistic inclination, In so doing, the Chickasaw government chose to reject the adoption of freedmen, contrary to the Choctaw policy.

III. Adoption of the Choctaw freedmen

In this section, I'd like to examine the Choctaw Nation and its policy to its freedmen, and to explore reasons why, in 1883, the Choctaw Nation passed a bill to adopt Choctaw freedmen, while the Chickasaw Nation did not. Like the Chickasaw they feared the growing white and black population in and near their territory, but throughout the late 1860s and the 1870s, the Choctaw Nation avoided joint political action with the Chickasaw Nation on the freedmen question, despite several demands from the Chickasaw to do so. On May 21, 1883, the Choctaw Nation General Council approved the Act to adopt the freedmen of the Choctaw Nation. Under the terms of the Freedmen Bill, signed by Choctaw Principal Chief Jackson F. McCurtain (1880–84), the Choctaw freedmen were adopted as citizens, and given 40 acres of land.²⁵

Since the end of the Civil War, the Choctaw Nation had experienced the same problems as the Chickasaw over demands on its farmlands, grasslands, woodlands, mineral resources, and the influx of non-Native American populations into their territory. Pressures on resources increased as freedmen took to sharecropping, and with the building of two railroads through the nation: the Missouri, Kansas, and Texas Railroad in the 1870s and the St. Louis and San Francisco Railroad during the 1880s.²⁶

Unofficial and loose political divisions between progressives and conservatives developed in the Choctaw Nation along similar lines as Chickasaw politics. The Eagle Party was the political voice of the richer, educated and “civilized” “mixed bloods”. They had been slave-owners until the end of the Civil War, and then planters, owners of forests, and landholders. This group tended to welcome the increase in labor and economic growth brought by the non-Choctaw population and the construction of railroads. The Buzzard Party, like the Pull Back in the Chickasaw, was supported by poorer “full blood” sharecroppers who saw the increase in white and black labor or tenant farmers as threatening their way of life and the land they owned. Because wealthy “mixed bloods” often owned or leased vast tracts of fertile land they tended to employ non-Choctaw laborers, including freedmen sharecroppers.²⁷

Against this background, then, there appeared some active principal chiefs who favored the adoption of freedmen in the Choctaw Nation up until the critical moment of decision in 1883. Allen Wright (1866–70) and Coleman Cole (1874–78) were known as supporters of adopting freedmen as Choctaw Nation citizens. “Full blood” Principal Chief McCurtain, leader of the Eagle Party was, contrary to the “mixed blood” Chickasaw Governor Overton of the Pull Back party, in favor of the final decision to give freedmen citizenship. The political stance of Chickasaw Governor Harris—who also insisted on adoption of freedmen as mentioned in section 2—and the stance of McCurtain were similar. Yet McCurtain was said to be “stronger,” “more aggressive,” and “more

magnetic” than Harris.²⁸ So, inevitably, McCurtain was confronted by Governor Overton of the Chickasaw Pull Back party over the issue of penetration by the railroad into the both nations. This confrontation encapsulated the broader issue of whether they would accept intruders into their nations.

I would like to consider four reasons behind the adoption of freedmen that occurred in the Choctaw Nation. One is the inauguration of the Eagle Party as a formal, active political party before the Buzzard party, whose formation was delayed few years. The Eagle became known as the official “Progressive Party” in 1885, earlier than the Buzzard Party which was not the “the National Party” until the late 1880s. This gave the Progressive forces a decisive head-start as they mobilized tribal opinion.

A second reason why the Choctaw Nation adopted freedmen at this time was the passage of a bill by the U. S. congress in 1882, freeing the Choctaw and the Chickasaw from having to act in unison over the future status of their respective freedmen. As a result, the Choctaw Nation could organize the recognition of Choctaw freedmen without having to consult with the Chickasaw legislature. As we saw in the previous section, in 1877 the Chickasaw government under Governor Overton had already acted independently by passing its Act Confirming the Treaty of 1866 requiring the United States to evict freedmen based on article 3 of the 1866 Treaty. On October 22, 1885, the Chickasaw Nation under the next Chickasaw Governor Wolf followed the Choctaw Nation to assume its official—and opposite—policy on freedmen by passing the Act Rejecting the Adoption of the freedmen in the Chickasaw Nation.²⁹

A third reason underpinning the Choctaw policy was timing. In the early 1880s, the Choctaw Nation had cause to fear the possibility of a “Negro Colony” close to its orders. Movement to settle freedmen on “the leased district”—land partitioned from the Indian Territory for their use—was promoted with ever-greater energy from 1881 by the Freedmen’s Oklahoma Association, founded in that year. Under the leadership of J. Milton Turner of St. Louis, one of its African American leaders, the Freedmen’s Oklahoma Association promised *one hundred and sixty* acres of land to every Freedman. During 1882, an increasing number of African Americans petitioned the U. S. Congress for permission to settle in the Indian Territory.³⁰

A fourth reason for the Choctaw adoption of its freedmen is a hypothesis connecting Eagle Party politicians with abolitionists in the Choctaw Nation in the 1850s. Some rich members of the Choctaw—mainly “mixed blood” planters—lived in the southern part of the nation, where the Choctaw Nation was separated from the State of Texas by the Red River. Some “mixed blood” families managed large plantations along the Red River, and exported staple products—notably raw cotton—to Texas and New Orleans. During the 1850s when political controversy over slavery raged in the United states, Texas complained that the Choctaw Nation was a nest of abolitionists and missionaries who aided and sheltered runaway slaves from Texas.³¹

John P. Kingsbury, an editor of *The Choctaw Intelligencer*, a weekly newspaper published in the Choctaw Nation, denied the charge. Kingsbury's father, however, was Cyrus Kingsbury, a very famous missionary among the Choctaw Nation. Both before and after removal to the Indian Territory, the elder Kingsbury was an active member and educator on the American Board of Commissioners for Foreign Missions, a joint international organization operated by the Presbyterian and Congregational Church. Cyrus Kingsbury also established mission schools for the Cherokee and then the Choctaw. Choctaw leaders educated in these schools supported his mission. Choctaw Principal Chief Wright, who favored freedmen adoption, was a protégé of Kingsbury from whom he received his English name and his education. Later, Principal Chief Wright became the founder of the Eagle Party in 1872 and as mentioned, was a strong supporter of adoption of freedmen.³²

Although there was no hard evidence of a nest of mysterious abolitionists in the Choctaw Nation who helped the escape of runaway slaves from Texas to the North, many of the missionaries in the Choctaw Nation before the Civil War originated in New England and had abolitionist sentiments. Therefore, from these close ties between missionary teachers and the young Choctaw students—who became tribal leaders in the future—it is possible to see a connection between the abolitionism of white missionaries and the decision of future Choctaw leaders of the Eagle Party later to favor their ex-slaves.³³

Before the adoption of freedmen, in addition to mission schools *only* for original Choctaw members established in the antebellum period, the Choctaw Nation established schools for Choctaw freedmen. The Choctaw provided buildings while the Christian missionary groups provided teachers and supplies with the aid of federal funds. The first school run by the Baptist Mission Board was founded in 1874, and the Tuskalusa Colored School (Tuskalusa Academy) was also open in 1875. It should be stressed that though the nation gave each Choctaw freedman forty acres of land and equal rights as Indians according to 1866 Treaty, these schools were *only* for freedmen, segregated from “original” Choctaw students in their “original” schools.

The key points here: in response to infiltration of the non-Indian population including freedmen farmers, and to the possible foundation of a freedmen colony—the same issues the Chickasaw faced—the Choctaw Nation leaders favored economic progress and the ‘liberal’ mindset of “mixed bloods.” Freed from the treaty obligation for joint action with the Chickasaw Nation, the Choctaw chose the opposite road to the Chickasaw: they adopted freedmen within the tribal territory.

Conclusion

What can we conclude from this study? The main findings of this study are as follows.

Firstly, Choctaw and Chickasaw freedmen generated by the emancipation of African American slaves owned by Choctaw and Chickasaw Native American tribes became the critical social issue for both these nations after the Civil War.

Secondly, the Chickasaw Nation decided to refuse the adoption of freedmen, in accordance with the wishes of the “full blood” majority and its nationalistic inclinations.

Thirdly, the Choctaw Nation took an opposite stance. Choctaw leaders of ‘liberal’ inclinations who favored economic growth, once freed from having to act in concert with the Chickasaw Nation, gave freedmen rights as citizens and allowed them to sell their labor within the tribal territory.

Finally, the two political struggles over the freedmen issue in the two nations led their two sets of voters and leaders to two different conclusions and two different decisions, despite the nearly identical nature of the ‘problem’. The commonalities are intriguing. Here I’d like to refer back to the treatment of African American slaves by the Choctaw and the Chickasaw. From the testimonies of freedmen it seems that before the Civil War many of the slaves were likely to be generously treated by slave-owners in both nations. So, after the Civil War, was the racial discrimination of the Chickasaw Nation—which denied recognition of its freedmen as fellow citizens, unlike the Choctaw Nation which acknowledged them—particular to the Chickasaw? The answer is no, which we can see from the segregation of the freedmen schools from schools for ‘purer’ Choctaw students. Even the Choctaw, then, did not view the freedmen as the equals of Native Americans. Rather, the freedmen were a distinct racial group to be placed under careful control. They never wanted to mingle with their ex-slaves.

I hope this study will contribute to our understanding of freedmen among Native American Society—a little-known, even today—and to how and why the tribal membership of many such a Freedman or Freedwoman has never been recognized by the Native American nations to whom their ancestors belonged.

Table A
Indian Territory Population (1860)

	Indian	Black Slaves	Whites	TOTAL
Choctaw	13666	2284	804	16754
Chickasaw	4260	914	148	5322
Cherokee	13821	2511	716	17048
Creek	13550	1532	596	15678
Seminole	2630	1000	35	3665
TOTAL	47927	8241	2299	58467

Indian Territory Population (1890)

	Indian	Freedmen	Whites	TOTAL
Choctaw	11057	4406	28345	43808
Chickasaw	5223	3676	48421	57320
Cherokee	22015	5127	29166	56308
Creek	9999	4621	3287	17907
Seminole	1761	806	172	2739
TOTAL	50055	18636	109391	178082

Source: Ashton, 27-47; Doran, 498, 501, 507; Debo, 13; Krauthamer, 100.

Notes

- 1 Thomas F. Andrews, "Freedmen in Indian Territory: A Post-Civil War Dilemma," *Journal of the West* 4, no. 3, (1965): 368; "Freedmen," *Oklahoma Historical Society's Encyclopedia of Oklahoma History and Culture*, <<http://digital.library.okstate.edu/encyclopedia/entries/F/FR016.html>> (25 Oct. 2007); United States. Cong. *Chickasaw Freedmen: Memorandum of the Case of the Chickasaw Freedmen, Brief and Argument by Their Attorney: The Laws of the Chickasaw Legislature and Acts of the Congress of the United States Together with a Memorial of the Chickasaw Nation and Freedmen*, 55th Cong., 1st sess. Doc. 157 (Washington: GPO, 1897), 6 (hereafter cited as *Chickasaw Freedmen*).
- 2 Arrell M. Gibson, *The Chickasaws* (Norman: University of Oklahoma Press, 1971); Parthena Louise James, "Reconstruction in the Chickasaw Nation: The Freedman Problem," *The Chronicles of Oklahoma* 45, no. 1, (1967): 44-57; Barbara Krauthamer, "In Their 'Native Country': Freedpeople's Understandings of Culture and Citizenship in the Choctaw and Chickasaw Nations," *Crossing Waters, Crossing Worlds: The African Diaspora in Indian Country*, Eds. Tiya Miles and Sharon P. Holland (Durham and London: Duke UP, 2006): 100-20; Daniel F. Littlefield, Jr., *The Cherokee Freedmen: From Emancipation to American Citizenship* (Westport, Connecticut and London, England: Greenwood Press, 1978); Littlefield, *The Chickasaw Freedmen: A People without a*

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- 3 Theda Perdue and Michael D. Green, *The Columbia Guide to American Indians of the Southeast* (New York: Columbia UP, 2001), 112.
 - 4 Sharron Standifer Ashton, comp. "1860 Indian Territory Slave Schedules: Population Schedules of the Eighth Census of the United States: Schedule 2, Slave Inhabitants-Chickasaw and Choctaw Indian Lands West of Arkansas," *Indians and Intruders* (Norman, Oklahoma: Ashton Books, 1996): 27-47; Thomas M. Bailey, *Reconstruction in Indian Territory: A Story of Avarice, Discrimination, and Opportunism* (New York and London: Kennikat Press, 1972), 154; Michael F. Doran, "Population Statistics of Nineteenth Century Indian Territory," *The Chronicles of Oklahoma* 53, no. 4, (1975): 498, 501, 507; Krauthamer, 100; Tina Miles and Celia E. Naylor-Ojurongbe, "African-Americans in Indian Societies," *Handbook of North American Indians Volume 14: Southeast*, Ed. Raymond D. Fogelson (Washington: Smithsonian Institution, 2004): 755-6; Perdue and Green, 104.
 - 5 Frances Banks, Interview, *The WPA Oklahoma Slave Narratives*, Eds., T. Lindsay Baker and Julie P. Baker (Norman and London: University of Oklahoma Press, 1996): 29; "Cultural Practice of the Oklahoma Freedmen," *The African-Native American History & Genealogy Web Page*. <<http://www.african-nativeamerican.com/Culture.htm>> (25 Oct. 2007); Miles and Naylor-Ojurongbe, *Ibid.*, 756; Walton-Raji, ed., "Polly Colbert—Choctaw Freedwoman," *The African-Native American History & Genealogy Web Page*, <http://www.african-nativeamerican.com/polly_colbert.htm> (25 Oct. 2007).
 - 6 Kent Carter, *The Dawes Commission and the Allotment of the Five Civilized Tribes, 1893-1914* (Orem, Utah: Ancestry. com, 1999), 69; Choctaw Nation vs. United States, 318 U. S. 423 (1943), <<http://supreme.justia.com/us/318/423/case.html>> 25 Oct. 2007.
 - 7 Each Nation except the Choctaw Nation and the Chickasaw Nation were divided into Confederate parties and Union/Loyal parties.
 - 8 Steve Cottrell, *Civil War in the Indian Territory* (Gretna, Louisiana: Pelican Publishing Company, 1995), 89; Gibson, 279; John D. Spencer, *The American Civil War in the Indian Territory* (New York: Osprey Publishing, 2006), 9, 11.
 - 9 Ratified June 28, 1866 and Proclaimed July 10, 1866. Charles J. Kappler, *Indian Affairs: Laws and Treaties, Vol. II-Treaties* (Washington: GPO, 1904), 918-931.
 - 10 Originally, such restrictions on the actions of both nations had been detailed in the Treaty of 1855 between the Choctaw Nation, the Chickasaw Nation, and the United States.
 - 11 Jeffrey Burton, *Indian Territory and the United States, 1866-1906: Courts, Government, and the Movement for Oklahoma Statehood* (Norman and London: University of Oklahoma Press, 1995), 107; Choctaw Nation vs. United States.
 - 12 Perdue and Green, 112.
 - 13 Mary Lindsay, Interview, *The WPA Oklahoma Slave Narratives*, Eds., T. Lindsay Baker and Julie P. Baker (Norman and London: University of Oklahoma Press, 1996): 29.

- 14 John Bartlett Meserve, "Governor Daugherty (Winchester) Colbert," *The Chronicles of Oklahoma* 18, no. 4, (1940): 354; Peter Pitchlynn and Winchester Colbert, Address, Washington, D. C., 12 July 1866.
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- 16 Littlefield, *Chickasaw Freedmen*, 53; *Chickasaw Freedmen*, 2-3, 6, 16.
- 17 Chickasaw Commission, 7; *Chickasaw Freedmen*, 22-3; Murray R. Wickett, *Contested Territory: Whites, Native Americans and African Americans in Oklahoma, 1865-1907* (Baton Rouge, Louisiana: Louisiana State UP, 2000), 11-2.
- 18 Chickasaw Commission, 8-9, 12-5; *Chickasaw Freedmen*, 3, 13.
- 19 This plan was finally realized by the establishment of the Dawes Commission in 1893 and the organization of the State of Oklahoma in 1907 (Miles, 757).
- 20 Ashton, 27-47; Bailey, 156, 167-8; Burton, 106; Doran, 498, 501, 507; Gibson, 283, 288-9; Angie Debo, *And Still the Waters Run: The Betrayal of the Five Civilized Tribes* (Princeton: Princeton UP, 1968 [1940]), 13; Krauthamer, 100; Wendy St. Jean, "The "Pull Back" Policies of Governor B. F. Overton: The Only Good White Man was an Evicted White man," *The Journal of Chickasaw History* 5, no. 3 (1999): 9, 11; Jean, "'You Have the Land, I Have the Cattle": Intermarried Whites and the Chickasaw Range Lands," *The Chronicles of Oklahoma* 78, no. 2 (2000): 184-6; John W. Morris, Charles R. Goins, and Edwin C. McReynolds, *Historical Atlas of Oklahoma*, 3rd ed. (Norman: University of Oklahoma Press, 1986).
- 21 Bailey, 22, 156, 167-8; "Britt Willis' Personal Reminiscences of the Indian Territory," *The Journal of Chickasaw History* 2, no. 1 (1996): 17; Duane Champagne, *American Indian Societies: Strategies and Conditions of Political and Cultural Survival* (Cambridge, Massachusetts: Cultural Survival, Inc., 1989), 220; Gibson, 283, 188-9; Jean, "Pull Back," 9-11; Jean, "You Have the Land, I Have the Cattle," 184-6; Meserve, "Governor Benjamin Franklin Overton and Governor Benjamin Crooks Burney," *The Chronicles of Oklahoma* 16, no. 2 (1938): 221-3; Claudio Saunt, "The Paradox of Freedom: Tribal Sovereignty and Emancipation during the Reconstruction of Indian Territory," *Journal of Southern History*, <http://www.amazon.com/exec/obidos/tg/browse/-/283155/ref=topnav_storetab_b/104-0575448-8690301> (25 Sep. 2004).
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- 26 Burton, 107.
- 27 Champagne, 221; Perdue and Green, 112.
- 28 Debo, *The Rise and Fall of the Choctaw Republic*, 2nd ed. (Norman and London:

- University of Oklahoma Press, 1961[1934]), 164-5; H. F. O'Beirne, ed., *Leaders and Leading Men of the Indian Territory with Interesting Biographical Sketches: I. Choctaw and Chickasaws: With a Brief History of Each Tribe: Its Laws, Customs, Superstitions and Religious Beliefs* (Chicago, 1891), 140.
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- 30 Andrews, 373-4.
- 31 James D. Morrison, "Note on Abolitionism in the Choctaw Nation," *The Chronicles of Oklahoma* 38, no. 1 (1961): 78-9; Kevin Sweeney, "Twixt Scylla and Charybdis: Environmental Pressure on the Choctaw to Ally with the Confederacy," *The Chronicles of Oklahoma* 85, no. 1 (2007): 73-5.
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- 33 "Freedmen"; "Freedmen School," *Oklahoma Historical Society's Encyclopedia of Oklahoma History and Culture*, <<http://digital.library.okstate.edu/encyclopedia/entries/F/FR017.html>> (25 Oct. 2007); Morrison, 83-4.