

Abstract-This paper is on the Political Re-Stabilization of Southeastern United States Indians, after the mass removal efforts of the 1800's. I will focus on the events and occurrences from the Cherokee, Chickasaw and Choctaw tribes. I intend to explore whether or not political traditions stayed intact after the move, as well as the extent to which the Indians asserted their right to self-governance. I will also gain perspective on how/if Anglo-American politics/culture entered into the natives' ways of government. It is also important to discover if the native groups own polity reflected their own cultural values. And, the ultimate question of success will be prodded for reasons why or why not. By documenting acts, treaties and wars I hope to gather enough understanding to come to conclusions helpful in understanding the re-stabilization of the core of and society, its government.

In this paper I intend to help shed some light on the subject of political re-stabilization of the Southeastern Indians of the United States, post removal efforts of the early and middle 19<sup>th</sup> century. After the initial removal efforts of the early 19<sup>th</sup> century, many of the fragmented tribes of the Southeast tried to put the pieces back together, with varying success. Some anthropological questions that are particularly revealing to this topic are; 1) did native traditions survive intact, 2) did the Indian groups, post removal efforts, assert their right to self governance, 3) did the new polity reflect the cultural values of the native peoples, 4) how influenced were the new systems of governance by the US polity and/or cultural values and 5) were the new governmental structures effective and lasting. I will address these questions specifically by looking into the histories of the Cherokee, Choctaw and Chickasaw (and Seminole when they provide a particularly helpful example,) I hope to answer these questions. By addressing such questions I hope to be able to come to a conclusion on the levels and degrees of political success that the Southeastern U.S. Indians achieved, post-mobilization and removal.

Ever since De Soto arrived on continental North America and began to venture into the interior, circa 1530, through the Civil War, into the 1900's and today the Native

Americans suffered at the hands of the Europeans, and Anglo-Americans (whites). Initially, De Soto and the Spanish brought two things that caused major damage to the population of the natives in the Southeast, disease and steel. From about the mid 16<sup>th</sup> century until the birth of the United States, white and Indian relations in the area were awkward at best (Dickens, 1976). The Indians were continually suffering at the hands of the Europeans due to the plantation boom and slave trade wars. The interminable push and shove for land and resources seems to have been boiling to a head. Around the time of President Monroe, who in 1817 said to congress "...no tribe or people have a right to withhold [land and natural resources] from the wants of others..." many treaties were signed to move the Indians off traditional lands. Most Indian groups trusted the U.S. government to faithfully uphold their end of the deals (i.e. Treaty of Indian Springs, to remove the Creek Confederacy from Georgia, the treaty of Dancing Rabbit Creek removing the Choctaw (Wells/Tubby, 1896), and the Treaty of New Echota, ceding the Cherokee lands). Fourteen years after Monroe's suggestions the boil spewed over, and former General Andrew Jackson, (now President) swiftly passed the Indian Removal Act of 1830. As a general, Jackson bribed, coaxed and duped Indian chiefs into signing away huge tracts of land. Many Indians had no concept of land ownership; they felt they belonged to the land. From about 1830 until after the turn of the century southeastern tribes were forced west, to "Indian Territory," currently lands around and including Oklahoma. Forced emigrations resulted in bloody conflicts, like the Second Seminole War (1835) and the tragic Trail of Tears (1838-39) for the Cherokee and Choctaw, where about 4000 Indians died in transit to the west, (Williams, 1993). (For perspective, it is now estimated that about as many people died in the attacks of September 11<sup>th</sup>.) Using

events like the Trail of Tears, the Seminole Wars, Creek War of 1813-14 and the defeat of Tecumseh's "Creek-dominated confederacy of tribes" ([www.cherokee.org](http://www.cherokee.org)) before the Battle of New Orleans, President Jackson and company intimidated many of the remaining Indians to pack up and move west.

The Southeastern Indians were forced to new lands in new conditions, which begs the question, were they able to continue with the old way of life? In the case of the Chickasaw, as far as traditional political ways, that consisted of a ruling king and his council (Gibson, 1971). When forced out to the frontier, the tribe became very fragmented and scattered into five camps. With the physical fragmentation came political fragmentation; the move led to a general decline in the Chickasaw leadership. The decline of leadership began in 1834, with the death of Levi Colbert, the most pronounced Chickasaw politician for over 30 years. He ruled the Chickasaw people through manipulating the king and council. Due to Colbert's long and domineering presence no one in the tribe seemed capable to succeed him. For many years after removal, 1838-39, certain high Chickasaw leaders made attempts to revive the king and council and rule the scattered communities. The attempts were arduous, and in the end futile; the king and council became but fiction somewhere along the trail of removal (Gibson, 1971). Also, unfortunately, the Treaty of Doaksville, in order to allow the Chickasaws to temporarily continue to live on Choctaw land (for a fee of \$530,000,) also had the effect of dissolving the Chickasaw Nation. The Chickasaws, living off of the government payments from selling their lands, and the interest, had become lazy and allowed the Choctaw to rule them with a free hand. Yet, the Choctaw were able to keep their old ways either, despite having albeit absorbed another tribe. An additional problem that spanned across all tribes

in the Indian territories was the inter-marrying of whites. Once the “mixed-bloods” began having families, traditional native ways fell by the way side, as most mixed-bloods “stayed in the community as white people” (Wells/Tubby, 1986). These two situations are representative of what happened to most of the Southeastern Indians.

There are exceptions though, like the Cherokee, who, before the removal efforts had an established effective constitution, good business dealings and even their own language. More specifically, the Keetowah division of the Cherokees had a stated purpose to “preserve tribal traditions,” (Ehle, 1988), but the extent to which they were actually able to do so upon voluntarily moving west is of constant debate. Debate stems from the accepted fact that they “urged” John Jones, a Christian Missionary, to accompany them on their trip (Mooney, 1992). Yet, it is also accepted as fact that the Cherokee were not traditional Christians (Ehle, 1988) they accepted these beliefs, but did not understand them; an interesting conflict. It seems to me that the removal, while grossly dishonest, wrong, and inhumane, accidentally turned the Cherokee into a more geographically centralized and business oriented tribe, but had much more deleterious effects for most other southeastern tribes.

Asserting the “intrinsic right to self governance,” (Peterson, 1984) a central value to the American Revolution can be seen in the polity of Cherokees and the Seminoles. The Choctaw made valiant attempts at it though, in the late 1800’s and through the early 1900’s the US government tried to undermine their system. A forgettable example of asserting the right to self-governance is in the case of the Chickasaw, during their first twenty or so years in Indian Territory. Under the Treaty of Doaksville, the Chickasaw Nation dissolved itself unto the Choctaw and their rule, with only few special liberties

usually concerning finances (Gibson, 1971). At least, if a tribe was going to be ruled by another entity, it should have been under these circumstances, voluntary and to another Indian nation. After some time of tenancy on the Choctaw lands the Chickasaw slowly spread to their own lands, but were still constricted by Choctaw laws (Gibson, 1971). I feel that this, combined with what seemed to be a growing favoritism of the Choctaw Nation Courts of natural Choctaws over Chickasaws in local disputes, helped fan the fires of nationalism within the Chickasaw community. A Commissioner of Indian Affairs that dealt with these two groups is credited with saying “ [the Chickasaws] feel as if they had purchased themselves into degradation...” and they, “...feel humiliated and broken-spirited under the operations of a government which they are told they share...” (Gibson, 1971). There must have been growing animosities between the two groups, surely including lifestyles. The annual Choctaws’ per person income was 2-5 dollars from working fields and trade, while the Chickasaws’ was between 12 and 15 dollars, (Wells/Tubby, 1986) from the monies and interest given to them from government sale of their lands (again credit that to Levi Colbert’s genius in working the government.)

The government of the Choctaw Nation of the west was based on a constitution developed from the Doaksville Treaty (Debo, 1961). This government, while structured suspiciously like that of the United States seems to nonetheless have been an assertion of rights and independence. This constitution expressly prohibited any “white man” from holding any office of any kind (Debo, 1961). The Choctaw were certainly ardent in attempting to keep their sovereignty although they were by nature, a protectorate of the United States. The half a dozen or so treaties signed by the Choctaw and the folks from Washington DC made sure of that. Keeping the Choctaw just dependant enough to have

influence. Even when the Choctaw accumulated the Chickasaw they barely changed their constitution to allow for special rights. Circa 1890, about thirty years after establishing a constitution and after solving their Chickasaw issues, the Choctaw were constantly being pressured to dissolve their nation. The Federal Government in 1885 decided that the unsigned and unused Indian lands, west of the 96° meridian (almost directly overtop of the Mississippi River,) should be open for white use. The Creeks, Seminoles and Cherokee accepted this idea and “leased” the land fairly soon after the request, but the Choctaw (and Chickasaw) representatives were instructed by popular demand to “actively and openly oppose and resist,” (Debo, 1961). The Choctaw were not ready to let whites to commandeer these lands as well. The whites only obtained leasing rights to these lands for a much higher cost, \$1.25 per acre, than were offered to the other three of the Civilized tribes ([www.cherokee.org](http://www.cherokee.org)). I feel that that the higher price was supposed to be a deterrent for the land-hungry whites, and to allow the Choctaw to continue controlling their interests, but the whites’ pockets were as deep as their desire for land. This seemed to be step one in a lengthy plan to disenfranchise the Choctaw, but that would take over another 40 years to complete.

The Cherokee Nation is probably the most noteworthy example of native self-governance before, and after removal, but the remaining Seminoles (those who were not driven out of Florida), are also a prime example of a successful post mobilization government. Before the Cherokee were trailed out to the Arkansas Territory they had their own constitution, 1827, that declared them sovereign. After removal, the Cherokee established a new constitution and grew stronger in the business quarter, mostly with whites. Some claim that the move increased a political factionism within the Cherokees,

mostly on the issue of slavery (Perdue, 1979). This may well have occurred, but as a whole, the Cherokees, under the guiding hand of Chief John Ross, were among the strongest of the Indian political entities in the country. Until the Civil War, in which most southern (or formerly southern) Indian groups joined on behalf of the Confederacy, the Cherokee governed themselves peacefully and successfully. The first sign of exterior dabbling in government affairs for the Cherokee was upon conceding defeat to the North. As a cost to rejoin the Union, and protection from whites, the Cherokees were forced to free their slaves, due to the Emancipation Proclamation (Mooney, 1992). The cost of reentering the Union was breaching the sanctity of the Cherokee self-governance. The Cherokees were instructed to cede western land, in what is now Kansas, to the Union for the purpose of selling to their former slaves. President Lincoln was skeptical and would not allow the Cherokees to conduct these businesses, so the Union acted as a middleman. Also, the Cherokee were to pay some reparations to white individuals, which were living on Cherokee lands (Mooney 1992). This was about the extent of government intervention with the Cherokees in the 19<sup>th</sup> century, likely because they were good business allies.

As for the Seminoles, the Federal Government (pre-Civil War) spent over twenty million dollars (figure not adjusted for today's inflation) to remove the Seminoles from Florida, before giving up with limited success ([www.seminoletribe.com](http://www.seminoletribe.com)). About three thousand Seminoles were captured and shipped up the Mississippi for relocation, but as most estimates suggest there were still several thousand left in the swamps of Florida (Williams, 1992). The Seminoles in the west were very scattered and inconspicuous. There had been instances where the western Seminoles were included in a treaty or had a penalty imposed on them by the United States, so I must conclude there was some sort of

governing body; most likely it was a small tribe oriented and traditional chief/council style. Those remaining in Florida, after some time of inactivity and reorganization from the three Seminole Wars and the Civil War, established an extensive system of self-government that has lasted, in crude form for the Seminoles inhabiting Florida today ([www.seminoletribe.com](http://www.seminoletribe.com)). This is puzzling because this group, being so isolated from other Indians would seem open and more susceptible to outside intervention. I suppose the US just had its fill with this group, after 60 years between the first and third Seminole Wars, and just allowed them to go about their business.

The trying times that the Indians encountered in their new lands were not limited to survival. The American influences that forced the Indians out to the periphery of “civilization” were also attempting to indoctrinate and acculturate those whom they removed. This is evident in many of the political structures of native groups that had been displaced. The “Civilized Tribes” were called just that because they, more than others, had accepted some “white aspects of life, like large-scale farming, Western education, and slave holding,” ([www.odur.let.rug.nl.com](http://www.odur.let.rug.nl.com)). I would add another element to that list, something of a political nature. That four of the Five Civilized Tribes had direct parallels in their constitutions drawn to the US Constitution or Bill of Rights is too much to discount to coincidence. The fifth of the Tribes, the Creek, I do not count on the basis that there is too much debate on the history of their governing structure in the West to merit conclusions at this point. It is widely accepted that the Cherokee had the strongest and best established governing institutions before the 1838-39 Trail of Tears, and although the move West “destroyed a once promising institution,” (Ehle, 1988) they set up a system that was relatively identical, just tailored to their new environment.

Although the Cherokee used a general council in the beginning of their new lives in the west, it was only to help establish the new set of laws and to quell the differences of two factions, which arose due to the move. Eventually, the Cherokees even kept the same Principle Chief from the east, in the person of John Ross. The practice of large-scale farming, and with farming slaves, transferred with the Cherokees to the west. Many Cherokee policies regarding slaves are so similar to those of the state of the Confederacy that the two could be interchanged with minimal confusion. The Anglo practice of holding titles to land transferred with the Cherokees, as they had already practiced this in the east as well (Perdue, 1979). They even developed a court system, relatively similar to a trail court, where a group of elders would consider a matter. Overall, American polity largely influenced the Cherokee when they set up their “new” system. After some time in their new home in the Arkansas Territory, the Cherokee even adopted a three-tiered government including legislative, executive and judicial ([www.cherokee.org](http://www.cherokee.org)). To be successful in business dealings with whites and the new country developing on top of them, the Cherokees had what appears to be little choice but to accept many of the white cultural values.

The Choctaw also fall into the same pattern as the Cherokee, but their early constitution was much more indebted to the American constitution. If one were to study, or even review the Choctaw constitution of 1861, that person may be so inclined to accuse the authors of plagiarism. Their constitution divided the government into the legislative, executive and judicial branches, and detailed the duties of each branch (Debo, 1961). In fact, this document actually included a “Bill of Rights,” which included freedom of assembly, religious liberty, and trial by jury. The 1861 constitution also

accounted for amendment by a majority of the Council and a majority vote of the qualified electorate. If that were not enough to prove a case of plagiarism, the principles such as the equality of man and the sovereignty of the people were explicit (Debo, 1961). This new constitution for the Choctaw, and applying to the Chickasaw, was a direct result of Anglo-American influence and reflective of their cultural values as well. Before removal, the Choctaw had the Skullyville constitution, which was based solely on tribal traditions. The only remnants of this old constitution I have been able to find in the new one were the proper names used to divide the territory. The Choctaw included in their new polity District Chiefs, the equivalent to a mayor or governor, who were elected by the voters for originally four-year terms, later reduced to two-year terms. These officers were subordinates to the Principle Chief, who would qualify as a president in modern translation (Wells/Tubby, 1986). The Choctaw officially instituted term limits in the early 1860's, where as the United States had traditional, informal restrictions until the XXII amendment in 1951. Like states' rights declined in the early years of the United States, the Districts' rights declined in much the same manner. The comparisons could go on, from the nature of the Choctaw constitution to the terms it uses (Senator, Representative, etc.) The polity of the Choctaw, and Chickasaw, of the west was, without doubt influenced by U.S. polity.

As I noted in addressing the previous question, the trend of new Indian polity was to be steered by U.S. governing and cultural bases, but there were some cultural values reflected in the western governments. The most common and obvious way was in the presence of "chiefs." The Cherokee, Choctaw, Chickasaw, and Seminole all used the term chief in their constitutions. Preserving traditional cultural values was a priority of

the Chickasaw, but did not materialize. In the new Chickasaw Nation, post Choctaw dependence, the Chickasaw Commission, the traditional apparatus of king and clan-based Council, the Chickasaw District Government and even the Bureau of Indian Affairs were all vying for control. The rank and file Chickasaw felt that the old style of king and clan-derived council was the only way to protect their “ancient rules and customs, which they so esteemed” (Gibson, 1971). Agent Upshaw, the local Indian Agent, is even credited with having said that the Chickasaws themselves long for their government of the east (Gibson, 1971). Although this was the preferred method of governing, this level was erased in 1845 due to a failed coup. King Ishtehotopa held a general meeting of all the aspiring ruling factions, at which he proposed the Chickasaw Commission be voided. He gathered his allies and took a vote and won. This effectively crushed the Chickasaw Commission, but also assured an early demise for the domineering and anarchist king and council (Gibson, 1971). So with two down, the District Government took hold and due to the Bureau of Indian Affairs’ “thin and permissive” (Wells/Tubby, 1986) involvement at this time, the District government stood alone. This government directed the Chickasaw towards Anglo-American cultural values like education, law and order, and advancement within society. Fortunately though, the District Government also pushed for tribal unity, which due to the early awkward settlement patterns by the tribe had been sketchy at best. In the spirit of the Americans, this government also created a mounted land and order corps, mostly in order to regulate the whiskey traffic (Gibson, 1971). The more years that passed, the more the Anglo-American culture made their way into Chickasaw political life. In 1848 the second constitution under the Chickasaw District Government began with “We, the Chickasaw people...” (Gibson, 1971). This trend of cultural and

political assimilation continued, as evidenced by increasing specialization of public positions. The final straw for Chickasaw independence from US rule seems to have been when, due to conflicts with the treaties with the Choctaw, the Chickasaw asked the US Congress to intervene and officially establish them as a separate Nation. This however, was not a good idea, for it opened the floodgates of US intervention in Chickasaw issues and lands. The Chickasaw sought a helping hand and received a leash that was to be continually tightened. It seems that of the other displaced southeastern tribes, they learned the lesson not to ask the white government for help. Again, willingly siding with the Confederacy in the Civil War also contributed to the strong-arming.

The most revealing aspect of a governing body is its endurance through time and adversity. The persistence and success, or lack thereof, in any particular style of government is not only a measure of the government's validity but the will of the people whom it governs as well. In 1893 the U.S. Congress approved the Special Commission to the Five Civilized Tribes, or the Dawes commission. This commission was charged with and authorized to conduct negotiations, but only if they resulted in the dissolution of the tribal governments of the Indian Territories (Wells/Tubby 1986). The Cherokee government of the east, pre-removal, would very likely have been able to span time and in modified form still exist today, if not for the efforts of President Jackson and the Congress resulting in the Indian Removal Act and the Treaty of New Echota. The removal commenced after the cession of Cherokee lands in the Echota treaty. With the slate wiped clean for the Cherokee government, they started anew. The new government, much similar to the old one has lasted, in only slightly amended form, almost consistently to the present (Mooney, 1992). The degree of independence, although a self proclaimed

sovereign nation, for the Cherokees had changed greatly since their system was established due to US intervention. Very wise and coyly the Cherokee council during times of intimidation went underground to emerge when the heat was off (Perdue, 1979). This is remarkable that an Indian tribe, after being transplanted and losing about a quarter of their population, on the Trail of Tears, could have such longevity. I am convinced that their longevity is due to incredible leadership; leaders who were able to play politics in DC, and hold their people's faith and trust. Also, the willingness of the members of the Cherokee Nation to put their faith in their local representatives established security and validity in their government.

The Choctaw however, with a nearly identical governing structure to the United States, did not last past 1903. A Second Choctaw Removal was initiated in late 1903, and with twenty thousand dollars in federal money, over half of the Mississippi Choctaw further west, to Indian Territory. The US government initiated this removal based on its decision to "terminate the existence of the Choctaw Nation" (Wells/Tubby, 1986). In much the same manner of the first removal, the second mixed up the organization that had developed within the Nation. The state of Mississippi also had a hand in the decentralization of the Choctaw; it sponsored educational centers and boarding schools for the expressed purpose of indoctrinating the Choctaw youth to white ways. When these Mississippi Choctaw were moved west, they took the white ideology with them. The mixing of these two groups of Choctaw caused problems, mostly related to the dispersion of monies made from the selling of Mississippian Choctaw lands. This central issue spawned other issues and eventually, along with government urging, the Choctaw government, that had even managed to support the Chickasaw for so long, disbanded.

After thirty years of ambiguous rule and attempted governments, the Choctaw, ironically enough with the help of the federal government, re-established another Anglo-American based system in the middle of the twentieth century (Debo, 1961). This system stands today. The Chickasaw, though not faced with an insurgence of other Chickasaw, fell much to the same demise of the Choctaw. It was not until the 1960's that the Chickasaw were able to re-establish a governing body, under the strong leadership of Overton James, the first Governor of the new Nation.

The native groups of the American southeast have been pushed, shoved and violated in innumerable ways since contact with Europeans. In reviewing many of the abuses that took place I have some to some conclusions. The native traditions of governing, usually by a chief or council, were not strong enough traditions to stand up to the land hungry white man. The traditional system of government was based on a family type relationship with the people around and in a community. The whites used the chief and councils as an excuse, viewing those "primitive" methods as indicative of a people. The natives, when moved west were better off to abandon their traditional ways. Adopting the Anglo-American style of governing was a method of defense for the Indians, against worse digressions and penalties than they had already suffered just for being on prosperous land. When these native groups attempted to assert self-governance, seldom was the case that it was sustained. The Cherokee managed for a long time, because they were one of the first to adapt to the white ways, and subsequently indoctrinating themselves. It seems that all native southeastern groups when shifted to the west attempted to assert self rule, but federal government involvement with land deals had already chained many of those groups to the United States. The Choctaw struggled

for self-rule more than other Indian tribes and we targeted specifically, by the Dawes committee, for dissolution. It seems that the rule youngsters learn on the playground “if you run away you are only going to make it worse” applied here. If the natives were not able to maintain an assertion of their own rights it must be concluded that they will not be able to reflect much of their cultural values in polity either. The federal government specifically targeted the Indian culture, with the help of Christian churches, for extinction. During the late 1800’s the schools for Indian children tried to remove the native cultural values from the youth; this is equivalent to taking someone’s legs out from under them. Indian culture, in all areas, much less politics was being cut off at the knee. The sheer number of indoctrinated Indians and the inter-marrying/breeding of whites into native culture, the new systems of government were handily influenced by US policy and culture. The push for Indians to conform was not hitting their communities from both sides, inside the tribe and outside. Some tribes tried to mirror the US style governments and some tried to ignore them, neither method lent any more independence. The goals of the various Indian constitutions seem similar now, anything and everything to be free of oppression and restriction. U.S. policy and structural influence is easily noticeable in post-removal Indian governments, I think as an appeasement. I think that originally in Indian governmental structures US influences were supposed to be shown for misdirection. After enough time and pressure anything can happen, and I think that is why we see, especially in modern Indian constitutions, the blatant parallels to the US constitution. All of the factors I have concluded about so far lead to one final question; the question of success. None of the southeastern Indian tribes’ current constitutions or

governing documents are free from European or US influence. After being destroyed, then dominated and directed, the Indians were reality defenseless against “democracy.”

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The Political Re-Stabilization of Southeastern United States  
Indians;  
Post 1800's removal Efforts

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