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Andrew Jackson and Negotiations for The Removal of the Choctaw Indians



ARTHUR H. DEROSIER, JR. *

ON September 27, 1830 the commissioners representing the United States and the Choctaw Nation signed the Treaty of Dancing Rabbit Creek which, after ratification by the United States Senate, removed forever a large, highly civilized tribe from its ancient homeland in Mississippi to a less desirable region in the Indian Territory. Though the 1820's and 1830's saw the negotiation and ratification of many Indian removal treaties, the Choctaw treaty was particularly significant. The Choctaw were not a fierce uncivilized people which had declared war on the United States or ravaged undefended frontier communities. They did not have to be banished as a punishment for aggressive action or political duplicity as their Creek brethren to the east. The Choctaw were a peace-loving nation which could boast of political stability, economic prosperity, and friendly relations with the United States government. Furthermore, these Indians had rendered great service to the United States and covered themselves with military glory fighting alongside American soldiers in the Creek War and the War of 1812.¹ Yet, despite the praise heaped upon them by grateful Americans and the vows of perpetual friendship, they were eventually rewarded by removal from their beloved homeland.

The Choctaw Indians had negotiated eight previous treaties with the federal government ceding well over ten

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¹ John K. Bettersworth, *Mississippi: A History* (Austin, 1959), 134-39.

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million acres of land.² But these treaties differed significantly from the Treaty of Dancing Rabbit Creek in one important respect — the United States did not demand removal west of the Mississippi River, but only evacuation of the ceded lands. Therefore, the Choctaw treaty of 1830 signified an important departure from John C. Calhoun's Indian policy of education and self-removal with the emergence of militant ideas sponsored by impatient Westerners. Secretary of War Calhoun had introduced in 1817-18 an Indian policy which foresaw the eventual removal of all Eastern Indians, but only after they had been sufficiently educated to realize the wisdom of removing themselves to prevent amalgamation and extinction.³ It is significant to note that the Jacksonian Westerners did not alter in any way the basic goal of American Indian policy — the eventual removal of all aborigines to the Louisiana Purchase lands. However, prior to 1829 the approach was through indirection. Teach the need for removal by equating it with survival; allow the Indians time to see the light and they would gratefully move themselves to a new homeland farther west. Jackson and his cohorts scoffed at such logic and preferred the more direct approach. If the goal is the removal of Indians from the splendid farm lands of the Ohio, Tennessee, and Mississippi valleys, Jackson reasoned, then let us quit philosophizing and procrastinating and do the job as quickly and painlessly as possible.

The election of Jackson to the presidency in November, 1828 was received by the West as a panacea for all of the problems that had developed between the white settlers and the original inhabitants of the land. Finally, it was happily

² The eight previous treaties were the Treaty of Hopewell, 1786; of Fort Adams, 1801; of Fort Confederation, 1802; of Hoe Buckintoopa, 1803; of Mount Dexter, 1805; of Fort St. Stephens, 1816; of Doak's Stand, 1820; and of Washington, 1825.

³ Arthur H. DeRosier, Jr., "John C. Calhoun and the Removal of the Choctaw Indians," *Proceedings of the South Carolina Historical Association* (1957), 33-35.

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proclaimed, a Westerner who understood the issue was in office, and he would undoubtedly discontinue the unrealistic self-removal Indian policy of Calhoun and introduce a new policy which would immediately force all of the Eastern tribes to emigrate west. A policy of action would now end the stalemate of the past twelve years and solve the Indian dilemma for all times.

The state of Mississippi was especially happy with the election of 1828. Each of the previous land cessions by the Choctaw had whetted the appetites of the land-hungry, cotton-minded whites; now they saw an opportunity to grasp the rest of the state from the Choctaw and Chickasaw Indians. But President Jackson amazed and infuriated them⁴ by seeming to advocate a very moderate course of action during the early days of his administration. In his first inaugural address he stated: "It will be my sincere and constant desire to observe toward the Indian tribes within our limits a just and liberal policy, and to give . . . humane and considerable attention to their rights and their wants."⁵ He also refused to discharge from office the leading spokesman of moderation, Thomas L. McKenney, Chief of the Bureau of Indian Affairs.⁶ While seeming to toy with a moderate policy, Jackson actually was paving the way for radical changes by appointing as secretary of war his close friend, John Eaton, of Tennessee, a rabid advocate of removal.⁷ Also, through Eaton Jackson let it be known that other pressing matters needed his immediate attention and that the present Indian policy would be changed in due course.⁸

⁴ *The Arkansas Gazette* (Little Rock), May 6, 1829.

⁵ James D. Richardson (ed.), *A Compilation of the Messages and Papers of the Presidents* (Washington, 1913), II, 1001.

⁶ *The Arkansas Gazette*, May 6, 1829.

⁷ Margaret L. O'Neill Eaton, "Autobiography" (manuscript in the Library of Congress, dictated in 1873), 30.

⁸ John Ford to Richard M. Johnson, July 6, 1829, Choctaw Emigration 1826-1833, Letters Received, MSS., Bureau of Indian Affairs, National Archives. Hereafter referred to as BIA, NA.

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On July 30, 1829 and through John Eaton again, the President made his new Indian policy known in private communiques. A Choctaw chief, David Folsom, was informed that the Indians could not survive if they continued to live in an area surrounded by civilized whites. Eventually, Eaton warned, the states would extend their laws over the nations and the Indian's culture would quickly disappear. Then, utilizing the idea of states' rights for political advantage, he gloomily continued by informing Folsom that in America's system of government the states had complete control over internal problems and the federal government could not interfere to protect those who might be injured in the administration of those rights. The only practical answer to the problem was for the Choctaw to exclude themselves from state controls by retiring across the Mississippi River.⁹ Eaton also wrote the Choctaw Indian Agent, William Ward, on July 31, 1829 that all whites, especially missionaries, who disputed the government's logic were to be excluded from the nation immediately.¹⁰

The majority of the white people in Mississippi overwhelmingly supported the new federal Indian policy. Celebrations broke out all over the state and bonfires, surrounded by happy frontier settlers who anticipated an immediate settlement of the Indian problem, dotted the countryside. While the celebrations continued, the Mississippi legislature convened in January, 1830 to take advantage of Jackson's states' rights theme. On January 19 both houses of the state legislature passed "An Act to extend the laws of the State of Mississippi over the persons and property of the Indians resident within its limits."¹¹ The law repealed all the rights, privileges, immunities, and franchises of the Indians and

⁹ John Eaton to David Folsom, July 30, 1829, Records of the Office of Indian Affairs 1824-1833, Letters Sent, MSS., War Department, National Archives. Hereafter referred to as WD, NA.

¹⁰ John Eaton to William Ward, July 31, 1829, *ibid.*

¹¹ *Journal of the House of Representatives of the State of Mississippi, at their 1830 Session, Held in the Town of Jackson* (Jackson, 1830), 86.

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announced that Mississippi law governed all persons within the limits of the state. If the Indians did not comply with the new law, they were subject to a maximum fine of one thousand dollars and up to twelve months in prison.¹²

The state government had no intention of carrying out the law of January 19, for it was passed solely as an effort to scare the Choctaw into migrating to the western lands given to them by the 1825 Treaty of Washington. In fact, the law could not possibly be enforced by the state, if the nation disobeyed it, without resorting to an Indian war which the almost non-existent Mississippi militia could not have won without the support of the federal government.

As Mississippi pretended to make preparations for the enforcement of the law,¹³ the Choctaw were thrown into utter confusion.¹⁴ They could not turn to the federal government for protection as Jackson had already disclaimed federal jurisdiction in internal state matters. Also, a war would have been foolish and useless. Panic-stricken over the prospect of a forced removal of their nation, their leaders assembled in a council in March, 1830 to decide upon a course of action.¹⁵ During a brief period of reaction in which vows to die fighting for the Choctaw birthright were uttered, the tribe purged from office all leaders who proposed that acquiescence to the whites was the only reasonable answer. One of the three mingos, Greenwood LeFlore, was unceremoniously deposed, whereupon the wily, resourceful LeFlore opened secret negotiations with Thomas

¹² *Southern Galaxy* (Natchez), February 11, 1830.

¹³ *Journal of the House of the State of Mississippi*, 86; A. Hutchinson (ed.), *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 1789 to 1848* (Jackson, 1848), 136.

¹⁴ William Ward to John Eaton, November 11, 1829, Choctaw Agency 1824-1833, Letters Received, MSS., BIA, NA; Choctaw Delegation to John Eaton, November 15, 1829, *ibid.*

¹⁵ *Southern Galaxy*, March 25, 1830.

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McKenney.¹⁶ He knew that the tribal leaders were so confused that they would find it impossible to agree unanimously on a course of action; therefore, he decided to work out an equitable settlement with the Indian Bureau and present it to the council for ratification. By such an action he would be a hero to his people and undoubtedly be restored to the rank of mingo.¹⁷

By April 7 LeFlore had drawn up a treaty which he sent to the leading reactionary mingo, Mushulatubbee, for his approval. The treaty proposed that every man and woman with a child would be given 640 acres of Choctaw Mississippi land to sell to the state, and every young man would be given 320 acres for the same purpose. In addition, every leader would be given by the government a broadsword, a suit of clothes, and fifty dollars annually for four years. Also, every man was to receive a good rifle and plenty of rifle powder and lead, an axe, hoe, plow, blanket, and brass kettle, while every woman would receive a spinning wheel and a loom. Lastly, all of the Indians' possessions would be moved free of charge to the new lands, and the government would feed and clothe the migrants for twelve months after the evacuation of their present lands. When the proposed treaty failed to please Mushulatubbee, LeFlore added a verbal promise that the United States would defend the emigrants with soldiers and probably give the nation fifty thousand dollars annually forever.¹⁸ On April 9 the treaty was accepted by Mushulatubbee and the Choctaw Council. In an unusual burst of enthusiasm over the fact that someone had been able to bring order out of chaos, the Council elected LeFlore as mingo of the whole nation.¹⁹ This was

¹⁶ Thomas L. McKenney to Greenwood LeFlore, January 15, 1828, Records of the Office of Indian Affairs 1824-1833, Letters Sent, MSS.; Thomas L. McKenney to Greenwood LeFlore, February 15, 1828, *ibid.*

¹⁷ *Southern Galaxy*, April 8, 1830.

¹⁸ Greenwood LeFlore to Mushulatubbee, April 7, 1830, Choctaw Agency 1824-1833, Letters Received, MSS, BIA, NA.

¹⁹ *Southern Galaxy*, April 8, 1830.

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an honor never before bestowed on a Choctaw leader, even the tribal hero Pushmataha.

LeFlore immediately sent copies of the proposed treaty to President Jackson and Governor Garrard C. Brandon of Mississippi.²⁰ However, the federal government found the treaty entirely too generous.²¹ It was estimated that the implementation of the treaty would cost at least fifty million dollars.²² Therefore, upon Jackson's recommendation, the United States Senate overwhelmingly rejected it in May, 1830.²³

The Choctaw proposals did produce two important results. In the first place, the War Department became thoroughly convinced that the Choctaw finally realized the inevitability of removal to the Indian Territory. Eaton reasoned that he did not have to acquiesce to their demands; they were ready to sign any treaty he might suggest. He wrote the Choctaw on July 25, 1830 scolding them for excessive demands and concluding that "it is high time there should be an end of the argument."²⁴

The second and more important result of the Choctaw proposals was that Andrew Jackson was now convinced that the time had come to negotiate a final removal treaty. To effect this end, Jackson decided to talk with the Choctaw leaders while he was vacationing in Franklin, Tennessee during the month of August, 1830.²⁵ He instructed Secretary Eaton to inform the mingos of his desire and to "invite"

²⁰ Greenwood LeFlore to Governor Brandon, April 7, 1830, Governor's Documents, Series E, Letters Received, MSS., Mississippi Department of Archives and History, Jackson, Mississippi.

²¹ Richardson, *Messages and Papers of the Presidents*, II, 1041-42.

²² *Niles' Register*, September 4, 1830, p. 19.

²³ It was felt that no treaty could be ratified when the United States was not even present at its negotiation.

²⁴ John Eaton to Choctaw Indians, July 24, 1830, Choctaw Agency, Field Papers 1830-1833, Letters Received, MSS., BIA, NA.

²⁵ John Eaton to Head Men of Choctaw Nation, June 1, 1830, Records of the Office of Indian Affairs 1824-1833, Letters Sent, MSS.

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them to Franklin to discuss the preliminary arrangements for a final treaty.²⁶

The Choctaw were disgruntled with the President for disregarding their recent proposals and doubted the wisdom of journeying to Tennessee to prepare the way for a less desirable treaty. For that reason they delayed an answer and debated the President's suggestion throughout the months of June and July. Most of the tribe voiced its opposition to the trip, and LeFlore wrote Eaton that the rank and file of the nation were so incensed by the prospect of removal that any chief who urged the acceptance of the President's invitation would probably be killed. But in an effort to keep alive the possibility of a treaty negotiation, he quickly added that "we should be very happy to see you and converse with you face to face, but still we cannot go, as the nation is opposed to our going."²⁷ On August 16 the Choctaw leaders expanded LeFlore's offer to negotiate by writing President Jackson: "We wish our father the President would send us a talk by some good men, who will give us time to call a full council, and who will explain to us the views of the government on the subject of the removal of our people west of the Mississippi."²⁸ Certainly it is obvious that the Choctaw mingos were following a dangerous and unpopular course of action by opening the way for negotiations against the almost unanimous desires of their people. Although LeFlore's motives may have been selfish,²⁹ the offer of the other leaders was statesmanlike;

²⁶ Andrew Jackson to John Eaton, No Date, Choctaw Miscellany 1830-1833, MSS., BIA, NA.

²⁷ Greenwood LeFlore to John Eaton, August 10, 1830, Choctaw Agency 1824-1833, Letters Received, MSS, BIA, NA.

²⁸ Choctaw Chiefs to Andrew Jackson, August 16, 1830, *ibid.*

²⁹ After the Choctaw were removed to the Indian Territory in 1831-1833, LeFlore remained in Mississippi on a sizeable piece of Delta land and became a prosperous planter. For a number of years, he had been corresponding with Thomas McKenney about collaborating with the whites to move his brethren to the West if he could receive land in the state of Mississippi and remain behind. McKenney willingly picked up LeFlore's suggestion and

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the invitation to negotiate was the key to the entire Choctaw removal story of 1830, for it made possible all that followed.

Jackson was angered by the Choctaw refusal to negotiate in Franklin.³⁰ But he realized that the refusal to negotiate outside of the Indian Nation did not eliminate the possibility of securing a much more favorable treaty than the one proposed in April by LeFlore. He suppressed his anger and wrote LeFlore a very friendly letter in which he accepted the Choctaw offer to talk and suggested that commissioners representing both sides meet in the nation in September, 1830.³¹

To represent the United States, President Jackson appointed the Secretary of War and John Coffee,³² another close personal friend, both of whom were with Jackson in Franklin.³³ The commissioners immediately commenced the

wrote the mingo in 1828: “. . . you should keep your eye on the time when your term of office expires and like Moses and Aaron rise up and point your people to a godly land. It is the full intention of the government to do great things for you . . . by appointing you to office in the Government of the Indian Territory; or if you prefer it give you handsome reservations here.” Thomas L. McKenney to Greenwood LeFlore, January 15, 1828, Records of the Office of Indian Affairs 1824-1833, Letters Sent, MSS. Since LeFlore did remain behind and in the possession of “handsome reservations,” he has been damned by historians as a scoundrel and a traitor. Grant Foreman wrote: “He [LeFlore] with emissaries of the President, hatched a conspiracy . . . to seize the government [of the Choctaw Nation] and agree to a treaty purporting to give up their lands in Mississippi.” Grant Foreman, *A History of Oklahoma* (Norman, 1945), 13.

³⁰ John Eaton to Major Donnelly, August 4, 1830, Andrew Jackson MSS., Library of Congress.

³¹ Andrew Jackson to Greenwood LeFlore, August 23, 1830, Ratified Treaty File No. 160, Dancing Rabbit Creek, Commissioners Journal, MSS., BIA, NA.

³² General John Coffee was a fellow Westerner and one of Jackson's closest personal friends. Marquis James refers to Coffee as Jackson's “friend of friends.” Marquis James, *Andrew Jackson, Portrait of a President* (Indianapolis, 1937), 31. Coffee fought beside Jackson in the Creek War and the War of 1812, speculated in land in Tennessee and Alabama, and was living a comfortable life on a plantation in the latter state when he was pressed into service by the President as an American commissioner to assist John Eaton at Dancing Rabbit Creek. As a militant Westerner, he desired the immediate removal of all Eastern Indians.

³³ *Papers Relating to the Claims of the Choctaw Nation against the United States, Arising under the Treaty of 1830* (Washington, 1855), 50.

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arduous task of selecting a treaty site and completing innumerable details, such as securing supplies, transportation, and living quarters. At the suggestion of the Choctaw leaders,³⁴ Secretary Eaton chose Dancing Rabbit Creek as the location for the negotiations. The actual site was situated in Noxubee County between the two prongs of the creek.³⁵ Once the site was determined, the commissioners informed the Choctaw that they would meet with them on September 15, 1830.

During the first two weeks of September, Eaton and Coffee busied themselves with the problem of food and supplies for the Indians. It was estimated that between five and six thousand men, women, and children would attend the negotiations. To feed and control so large a gathering in the middle of the wilderness, Eaton decided to use the resources of the United States Army. As the Indians entered the treaty ground they were to be sectioned off into companies of one hundred and put under the command of an army captain. It was the officer's responsibility to draw the rations and distribute them to each of the aborigines in his company. In this way Secretary Eaton hoped to eliminate the possibility of waste and dishonesty, for each company commander was responsible for the supplies and conduct of the Indians under his command. When this task was completed, the commissioners then procured the supplies from the surrounding army posts. Each Indian who journeyed to the treaty site was to receive one and one-half pounds of beef and one pint of corn, and each company a quart of salt as rations for each day the negotiations were in progress.³⁶

By mid-September the Indians began flocking to the

³⁴ H. S. Halbert, "The Story of the Treaty of Dancing Rabbit," *Mississippi Historical Society Publications*, VI (1902), 374.

³⁵ *Ibid.*, 373.

³⁶ John Eaton and John Coffee to War Department, September 16, 1830, Ratified Treaty File No. 160, Dancing Rabbit Creek, Commissioners Journal, MSS., 36-37.

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treaty ground. They were followed by the worst elements of white society. There were gamblers, saloon keepers, frontier rowdies, and prostitutes, all of whom were solely interested in separating the Indians from their meager possessions. They set up their tents on one side of the treaty ground and hawked their wares under the protection of the United States government. An army captain wrote his wife that "I never saw so many kinds of gambling as was going on when the treaty was being negotiated. Faro tables were numerous and the whites and Indians were betting promiscuously. . . . Two noted desperadoes, Red-headed Bill and Black-headed McGrews, were there."³⁷

One of the most ridiculous, yet important, decisions made by Eaton and Coffee before negotiations began was to order all missionaries from the treaty grounds on September 15. This was done, according to Eaton, because the presence of missionaries would be "improper," for they were negotiating a treaty and not holding divine religious services.³⁸ Following his line of thought, one would have to assume that white prostitutes and saloon keepers were "proper" elements of society to be present at a treaty negotiation. Eaton's reasoning fooled no one, for it was well-known that the commissioners feared the political influence of the Protestant missionaries and not their preaching. The missionaries complained bitterly about the decision and asked him to reconsider.³⁹ The Secretary of War answered sarcastically:

Much as we commend the laudable and praiseworthy vocation in which you are engaged . . . we cannot reason ourselves to the belief that the present is a proper time, place or occasion, for such undertakings. . . . The few days assigned for our object, which we feel to be of higher

³⁷ Halbert, "Treaty of Dancing Rabbit," 377.

³⁸ John Eaton and John Coffee to War Department, September 15, 1830, Ratified Treaty File No. 160, Dancing Rabbit Creek, Commissioners Journal, MSS., 37.

³⁹ Cyrus Kingsbury to John Eaton and John Coffee, September 16, 1830, *ibid.*, 37-38.

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importance than any act of a temporal kind that ever has occupied their attention, surely cannot impede the benevolent march of mind and morals, that lies before you.

He ended the letter by again informing the missionaries that they must leave the treaty ground, which they did two days later.⁴⁰

At noon on Saturday, September 18, amidst a carnival atmosphere, the commissioners opened the treaty negotiations with the almost six thousand Indians who had gathered on the creek. John Coffee addressed the Indians in a very paternalistic manner. He did not praise or curse them as commissioners had done on other similar occasions, but in a rather laborious manner simply told them what they must do to survive. His talk showed how confident the government was that the Choctaw would offer little or no resistance. He told them a lot of talking, delaying, and negotiating was needless. All the Choctaw had to decide was whether to sign a treaty with the United States, or refuse and return to their homes. If the Indians declined to negotiate, Coffee asserted, then "let us be done with the subject and disperse."⁴¹ At the conclusion of the opening talk, the commissioners adjourned the proceedings for the week-end and asked the Choctaw to spend the next two days discussing their predicament so that on Monday morning the American agents could be told whether or not the Indians were ready to conclude a formal treaty.⁴²

At a council meeting on Sunday, the Choctaw leaders decided to entrust the negotiations to a commission of twenty. The twenty representatives were to be chosen from all of the Choctaw districts on an equal basis, but LeFlore rejected the proposal and caused a quarrel that almost split the Indian ranks. His main complaint was against the equal distribution on the commission. He reasoned that since he

⁴⁰ John Eaton to Cyrus Kingsbury, September 18, 1830, *ibid.*, 39-43.

⁴¹ John Coffee to Choctaw Indians, September 18, 1830, *ibid.*, 45-46.

⁴² *Ibid.*, 48.

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was the main chief he should control the selection of all the members. When the quarrel threatened to become violent, Eaton and Coffee intervened and urged a compromise. The suggestion was accepted and finally the commission membership was partially altered to allow LeFlore to be generously represented by ten of the twenty.⁴³

On September 21 the Indian commissioners informed the Secretary of War that they were ready to listen to any proposals President Jackson had to offer, but they did not intimate that they would accept his suggestions.⁴⁴ The next day Eaton and Coffee presented the Indians with a proposed treaty which they declared to be acceptable to the United States and yet fair to the red men. They called upon the Choctaw to evacuate their Mississippi lands and emigrate *en masse* to the lands acquired by the Treaty of 1825. This suggestion would exclude the Choctaw from lands in western Arkansas acquired by the Treaty of Doak's Stand in 1820 but subsequently relinquished to the United States in the Treaty of Washington in 1825. Most Choctaw believed that they were still the legal owners of the Arkansas lands. The Indians would receive money, schools, churches, farm and household utensils, subsistence for a full year, transportation west, and full pay for improvements to the land in Mississippi. The American commissioners also very shrewdly offered a bribe to each leader if he would accept the treaty.⁴⁵ Each mingo would receive four extra sections of land in Mississippi or the Indian Territory; each captain would receive one extra section; and each sub-captain or principal man would receive one-half of a section. The proposal also stipulated that all of the leaders who took advantage of this

⁴³ John Eaton and John Coffee to War Department, September 19, 1830, *ibid.*, 49.

⁴⁴ Choctaw Chiefs to John Eaton and John Coffee, September 21, 1830, *ibid.*, 49.

⁴⁵ John Eaton and John Coffee to Choctaw Chiefs, September 22, 1830, *ibid.*, 50.

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generous offer would be allowed to choose the exact location of their new lands.

Eaton and Coffee retired from the treaty ground to allow the Choctaw to discuss the terms of the recommended treaty. They were quite sure that the Indians would quickly accept their offer and conclude a treaty the very next day. But the commissioners had somewhat underestimated the resistance, for the next morning the Indians informed the startled whites that they unanimously rejected the President's offer for two conflicting reasons: they wanted a perpetual guarantee that the United States would never seek to dispossess the Choctaw from their lands in the West and were very dissatisfied with the western lands which they felt were uninhabitable for an agricultural people. Peter Pitchlynn, the chairman of the Choctaw Commission, stated: "There was great surprise at being informed they could not retain the lands, which by the treaty of 1820, had been secured to them. We have concluded not to treat for a sale of our lands."⁴⁶

John Coffee immediately rose and subjected the Indians to a tongue lashing that would have warmed the heart of Andy Jackson. But Eaton realized that, despite the fact that the commissioners had underestimated the Choctaw resistance, the federal government could not possibly fail in the end. The Choctaw leaders were putting up a bold front; they had to leave Mississippi if they were to survive – and they knew it. Therefore, in an unconcerned and unruffled manner Eaton informed the twenty Indian commissioners that they were bluffing and that it would not work. He told them that they must move west or consent to be governed by Mississippi law. If they resisted, the armed might of America would completely destroy them in a matter of weeks. Eaton concluded by stating that he

⁴⁶ Choctaw Chiefs to John Coffee and John Eaton, September 23, 1830, *ibid.*, 51.

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was weary of their procrastinations and that he and Coffee were quitting the treaty grounds and leaving on the morrow for Washington.⁴⁷ As was expected, the Choctaw resistance crumbled and the commissioners begged Eaton to stay a few days longer so that a treaty could be concluded. The Secretary of War had called their bluff. Probably for the first time the rank and file of the nation realized fully that a westward trek was inevitable.

On September 26, 1830 the Choctaw and American commissioners met for the last session of the treaty negotiations. The differences between the two sides were discussed and a compromise effected.⁴⁸ The red men succeeded in securing a perpetual guarantee of their new home, but they failed to get all the land in the West that had been ceded to the nation in the Treaty of Doak's Stand.⁴⁹ The treaty stipulated that the new Choctaw Nation would be within the following boundaries: "Beginning near Fort Smith, where the Arkansas boundary crosses the Arkansas River; running thence to the source of the Canadian fork, if in the limits of the U. S., or to those limits; then due South to Red River, and down Red River, and to the Western boundary of the territory of Arkansas; thence North along that line to the beginning." In return for these lands, which the nation already possessed before 1830, they must cede to the United States all of their 10,423,130 acres of land east of the Mississippi River.⁵⁰

The rest of the twenty-two article treaty can be broken

⁴⁷ John Eaton to Choctaw Chiefs, September 23, 1830, *ibid.*, 53.

⁴⁸ John Eaton and John Coffee to War Department, September 26, 1830, *ibid.*, 54.

⁴⁹ The remainder of their lands eventually went to the Chickasaw Indians in the Treaty of Pontotoc.

⁵⁰ Charles C. Royce (ed.), *Indian Land Cessions in the United States in Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution 1896-97* (Washington, 1899), 726.

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down into four general categories.⁵¹ The first included the articles relating to the actual removal itself. Once each year for three years, approximately one-third of the nation would be transported to the Indian Territory so that by the end of 1833 all emigrants would have been removed. The government of the United States promised to remove not only the emigrants themselves, but also all of their possessions, including livestock. The government would furnish all of the necessary transportation facilities and supplies, plus full subsistence for twelve months after arrival in the Indian Territory.

The second series of articles related to federal protection of the Indians in their new home. The United States would guarantee domestic tranquility in the nation and protection from foreign invasion. It was also promised that no whites, especially traders, would be allowed into the nation without the consent of the Choctaw government, except for an Indian Agent who would be appointed by the President for a four year term. The treaty also promised to bar the sale of any alcoholic beverages in the nation.

The third category listed the payments promised by the United States to the Choctaw: (1) continuation of all annuities in force before the Treaty of Dancing Rabbit Creek, (2) an annuity of \$20,000 per year for twenty years, (3) payment by the United States of all costs incurred in educating forty Choctaw children a year for twenty years, (4) an annual payment of \$2,500 to be used to employ three teachers for their schools, (5) a donation of \$10,000 to erect a centrally located Council House in the nation, a church, and schools, (6) a gift, after removal, of 2,100 blankets, 1,000 axes, 400 looms, and enough rifles, ammunition, hoes, and other personal articles for all.

⁵¹ The copy of the Treaty of Dancing Rabbit Creek used in the following survey of its contents is in the Unsigned Journal of Commrs. Eaton and Coffee, September 15-27, 1830, Ratified Treaty File No. 160, Choctaw, Dancing Rabbit Creek, September 27, 1830, MSS., BIA, NA.

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The fourth and most important category concerned land gifts to the mingos and land reservations for those members of the tribe who wished to remain in Mississippi. Each mingo was to receive four sections of land, plus \$250.00 annually as long as he remained in office. The captains, sub-captains, and principal men were to receive lesser amounts of land but no money gifts. Article Fourteen was possibly the most important article in the treaty. It stipulated that if families or individuals desired to remain in Mississippi, they might do so if they registered with the Indian Agent within six months after the ratification of the treaty. Each adult who registered was entitled to 640 acres of land; each child over ten who was living with a family was to receive 320 acres; and each child under ten living with a family, 160 acres. If an Indian failed to register within six months, or if he went to the Indian Territory and then returned, he was forever barred from registering under Article Fourteen.

On September 27, 1830 the Treaty of Dancing Rabbit Creek, one of the most important Indian treaties in American history, was signed.⁵² Once the concluding formalities were completed and the commissioners had returned to Washington, conflicting rumors began to circulate, some to the effect that the Choctaw were opposed and others that they were satisfied with the treaty. Some of these reports were that the Choctaw had been forced by American soldiers to sign the treaty against their will. Colonel George Gaines, who had been at the treaty site with Eaton and Coffee, wrote that the treaty was despised by most of the Indians.⁵³ It was also reported that a sub-chief named Little Leader had been very indignant and had threatened to kill any chief

⁵² Signing of Treaty of Dancing Rabbit Creek, September 27, 1830, Ratified Treaty File No. 160, Dancing Rabbit Creek, Commissioners Journal, MSS., BIA, NA.

⁵³ Anthony W. Dillard, "The Treaty of Dancing Rabbit Creek Between the United States and the Choctaw Indians in 1830," *Alabama Historical Society Transactions, 1898-1899*, III (1899), 104-05.

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who signed the obnoxious document.⁵⁴ Furthermore, some rumors were that two-thirds of the Choctaw so disliked Eaton's offer that they went home before the treaty was concluded and contended that the treaty was signed by only a few traitors and was not binding on the nation.⁵⁵ A trader in the Choctaw Nation, Robert H. Grant, wrote to Peter Pitchlynn that many had left the treaty ground because: "There was a strong, and I believe universal feeling, in opposition to the sale of any portion of their remaining country in Mississippi."⁵⁶

There were just as many reports emanating from the Indian nation that the Choctaw were pleased with the treaty. M. Mackey, the Choctaw Interpreter, wrote that he heard nothing in the nation to substantiate the rumors of opposition and that most of the Indians liked the treaty and felt it was as fair as any that they had expected to receive from the commissioners. He added that the treaty was as honest as any the Choctaw had ever received from the government during the forty-five years that he had been associated with the Choctaw Indians.⁵⁷ Many others in the nation also expressed essentially the same sentiments.⁵⁸ The *Arkansas Gazette* paraphrased an editorial by Greenwood LeFlore which was published in the *Cherokee Phoenix*: "LeFlore repels the charge, that bribery was resorted to for the removal of this people, and with respect to himself; *good faith to them* prompted the course he chose, as the only effectual way of preserving an ignorant and disbanded people from the worst of miseries."⁵⁹

⁵⁴ Halbert, "Treaty of Dancing Rabbit," 385.

⁵⁵ January 8, 1838, Choctaw Claims Journal of Commissioners Murray & Vroom. Also General Deposition and a list of the Heads of Families Claiming Land under the 14th article of the Treaty of 1830, MSS., 152.

⁵⁶ *Papers Relating to the Claims of the Choctaw Nation*, 51.

⁵⁷ M. Mackey to William Ward, December 8, 1830, Choctaw Agency 1824-1833, Letters Received, MSS, BIA, NA.

⁵⁸ *Ibid.*; William Ward to Office of Indian Affairs, December 13, 1830, Office of Indian Affairs, Register of Letters Received 1824-1833, MSS., WD, NA.

⁵⁹ *The Arkansas Gazette*, April 27, 1831.

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Despite the arguments as to whether the nation was for or against the treaty, it is likely that the predominant feeling was one of sadness. The Choctaw realized that they had no choice; they had to accept the American demands. The alternative was resistance which would end with the extermination of the Choctaw Nation or an eventual removal west under less fortunate circumstances. Therefore, the Indians sadly accepted their fate and prepared to move during the three years allowed in the treaty. Perhaps Chief David Folsom summed up the feelings of his people best when he wrote the Presbyterian ministers in the nation and asked them to accompany the Indians west. "We are exceedingly tired," he wrote, "we have just heard of the ratification of the Choctaw Treaty. Our doom is sealed. There is no other course for us but to turn our faces to our new homes toward the setting sun."⁶⁰

The rumor that the red men intended to take up arms against the federal government prompted the Secretary of War to send a company of cavalymen into the Choctaw country.⁶¹ The cavalry rode throughout the whole nation and was unable to detect any organized resistance to the new treaty.⁶² When this was reported to Eaton he quickly instructed William Ward to release the troops for duty elsewhere on the frontier.⁶³

When the American commissioners returned to Washington, the Treaty of Dancing Rabbit Creek was forwarded to the Senate for ratification. Eaton reported to Congress, "We sought through persuasion only, to satisfy them that their situation called for serious reflection. . . . No secret meetings

⁶⁰ Czarina C. Conlan, "David Folsom," *Chronicles of Oklahoma*, IV (December, 1926), 353.

⁶¹ John Eaton to Andrew Jackson, December 1, 1830, Letters to the President of the United States 1800-1840, MSS., WD, NA.

⁶² Greenwood LeFlore to Office of Indian Affairs, November 19, 1830, Office of Indian Affairs, Register of Letters Received 1824-1833, MSS.

⁶³ William Ward to Office of Indian Affairs, December 2, 1830, *ibid.*

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were held, no bribes were offered, no promises made.”⁶⁴ In early February, 1831 the treaty was brought before the Senate, and on February 25, 1831, by a vote of thirty-five to twelve, it was ratified.⁶⁵ Finally, after more than thirty years of negotiations, the Choctaw had relinquished their precious homeland for other lands in the relatively unknown Indian Territory.

The policy followed by the Jackson administration in 1829 and 1830 to rid the Old Southwest of the Choctaw Indian problem, was not radically new nor was it wholly conceived during that short two-year period. It was not even as serious a departure from the traditional policy of the four previous administrations as appears at first glance. Rather, the militancy shown in Indian affairs by the Jackson officials represented the completion of an evolving Indian policy from Thomas Jefferson’s desire to move all Eastern Indians across the Mississippi River, through John C. Calhoun’s implementation of this desire by educating the Indians to realize the need for removal, to Andrew Jackson’s forcing removal as the only alternative to war or subjection by state legislation. The latter was a culmination of what had gone before, though Jackson the Westerner undoubtedly speeded up the evolutionary process which, through the educational program of Calhoun, would have taken at least another generation to complete. Much remains to be done by the historian on the subject of Andrew Jackson and the removal of the American Indian. It is the most neglected chapter in the study of this fascinating era.

⁶⁴ John Eaton to Andrew Jackson, December 1, 1830, Letters to the President of the United States 1800-1840, MSS, WD, NA.

⁶⁵ *Niles’ Register*, February 26, 1831, p. 460.