



The Relations of Negroes and Choctaw and Chickasaw Indians

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THE RELATIONS OF NEGROES AND CHOCTAW AND CHICKASAW INDIANS

In the discussion of the relations between these elements of the United States population it is necessary to give the early history of the Choctaws and Chickasaws, the story of the removal of these Indians to the West, and the Negro slaves who were an integral part of the exodus. Essential also in this treatment is the growth of slavery into an institution and the desolation, poverty and economic destruction following the Civil War and emancipation.

I. EARLY HISTORY

The Choctaw Indians, who constituted the most numerous branch of the great Muskogean linguistic stock, occupied the central and southern part of the present state of Mississippi, and a large tract of territory in southwestern Alabama at the beginning of the historic period.¹ In their most flourishing days they occupied middle and southern Mississippi, with their territory extending for some distance east of the Tombigbee River in Dallas County, Georgia.² Their lands on the north were adjacent to the hunting grounds of the Chickasaws with whom they were ethnically related; and on the east they were bounded by the settlement of the Creeks who likewise are of Muskogean³ stock.

The domain of the Chickasaws, who were closely related to the Choctaws through their Muskogean ancestry, and with whom their history is inseparably interwoven, was east of the Mississippi River, south from the mouth of the Ohio, across western Kentucky and Tennessee, and as far

¹ Angie Debo, The Rise and Fall of the Choctaw Republic (Norman, Oklahoma, 1934), p. 1. (Hereinafter cited as Debo, Choctaw Republic.)

² Frederick Webb Hodge, Handbook of American Indians North of Mexico (2 vols., Washington, 1912), I, 228.

³ This family name is spelled variously as Muskogec, Muscogee, Muskhogies. Muscogulee.

as central Mississippi. They claimed land far beyond this region over which they ordinarily roamed.

The ancestral history of the Choctaws is legendary. The most acceptable historical data account for the Choctaws and Chickasaws as descendants of a people called Chickenmacaws, who were among the first inhabitants of the Mexican empire, and traveled east with a tribe of Indians called Choccomaws.

The southwestern Indians which included the Choctaws and Chickasaws, came into possession of runaway Negro slaves⁸ soon after the Europeans settled in this country.⁹ It is noteworthy that these Negro slaves were neither adopted nor sold, but instead only exchanged their white masters for Indian owners.¹⁰ The tribes, after intermingling and intermarriage with the white traders adopted many institutions of civilized life; particularly did they take to Negro slavery, being alert to recognize the worth of slaves as servants. Thus they came to be slaveholders for the same reason as their white neighbors did,¹¹ and purchased slaves from them at enormous prices.¹² Prior to removal in 1831, a census of the Choctaws by Major Francis U. Armstrong showed 512 Negro slaves.¹³

- ⁴ Joseph B. Thoburn, A Standard History of Oklahoma (5 vols., Chicago and New York, 1916), vol. i, 104. (Hereinafter cited as Thoburn, A Standard History.)
- ⁵ L. R. Morris, (ed.), Oklahoma Yesterday, Today, Tomorrow (Guthrie, Oklahoma, 1930), p. 41.
 - ⁶ Debo, Choctaw Republic, p. 2.
 - 7 James H. Malone, The Chickasaw Nation (Louisville, 1922), p. 17.
- ⁸ Carter G. Woodson, "The Relations of Negroes and Indians in Massachusetts," Journal of Negro History, vol. v (January 1920), 45.
 - ⁹ Hodge, op. cit., II, 600.
- 10 Kenneth W. Porter, "Notes Supplementary to Relations between Negroes and Indians," Journal of Negro History, vol. xviii (July 1933), 289. (Hereinafter cited as Porter, "Notes.")
- 11 Kenneth W. Porter, "Relations Between Negroes and Indians within the Present Limits of the United States," Journal of Negro History, vol. xvii (July 1932), 321. (Hereinafter cited as Porter, "Relations.")
 - 12 Malone, op. cit., p. 417.
- 13 Joseph B. Thoburn and Muriel H. Wright, Oklahoma—A History of the State and Its People, 4 vols. (New York, 1929), vol. i, 297, note 2. Hereinafter cited as Thoburn and Wright, Oklahoma.)

Slavery took various forms among the different tribes and with individual members of tribes. Among the full bloods slaves exercised many privileges, and in many instances their condition of servitude was hardly discernible, while among the mixed bloods they were required to be slaves indeed in all manner of work. Most of the instances of cruelty to Negroes by Indians can be traced to the Chickasaws. In 1816, they killed several slaves for minor offenses by whipping or burning them.¹⁴

At the request of the War Department in 1830, John L. Allen, sub-agent for the Chickasaws reported that proceeds from exports had been used in the purchase of luxuries, including slaves. The report further stated that he had had trouble restraining the whites from stealing the Indians' slaves, horses, and cattle.¹⁵

II. REMOVAL

The removal of the Indians from their home in the South by the United States Government is one of the most tragic chapters of American history. It was a harsh fate for a people who had occupied their rich lands in perfect freedom to relinquish all their rights to them because of a condition urged on more by covetousness on the part of white settlers than by necessity. Pressure from the white pioneers, however, forced the issue. The Choctaws, by the treaty of Doak's Stand, signed in 1820, exchanged the southwestern portion of their lands for what is now southern Oklahoma and a southwestern section of Arkansas.¹⁶

In 1828 an exploring expedition of Choctaws and Chickasaws in company with representatives of the United States Government visited the lands designated by the treaty. The Chickasaw delegation, headed by Levi Colbert who was ac-

¹⁴ Porter, "Relations," pp. 321-323.

¹⁵ LeRoy E. Stewart, A History of the Chickasaws, 1830-1855 (unpublished Master's Thesis, University of Oklahoma, 1938), pp. 30-31.

¹⁶ Debo, Choctaw Republic, p. 49.

companied by his black slave, 17 found that portion of land south of the mouth of the Canadian River most suitable to them

In October 1831, the first of the large parties began to move. Each Indian owner was allowed rations and ferriages for his slaves during removal and after arrival in the West; in the case of self-emigrating parties, the owner was allowed traveling expense for his slaves. In 1831, according to Major Armstrong's report, 467 slaves had been removed.¹⁸

Some of the leaders, having received special land grants under the Treaty of Dancing Rabbit Creek, sold these lands and purchased slaves with the proceeds. One such party was made up by Peter P. Pitchlynn and Samuel Garland, and consisted of about fifty most of whom were slaves who had been thus purchased.¹⁹

Negro slaves removed to the Indian Territory by the first Indian emigrants, as a rule, were owned by those of mixed white and Indian blood, though some of the full bloods came to own slaves in a course of time.²⁰ Sarah Harlan, mixed blood Choctaw woman in her reminiscences of the days of removal recounts her journey to the West with her father in care of her trusted loyal slaves, who left nothing undone to assure her comfort and safety.²¹ The government had let a contract with a private enterprise to remove them, and arranged for their personal expenses and one year's subsistence issued every three months on a per capita basis, with the same rations for slaves as for Indians. The slaves had regarded removal with superstitious dread, and felt that it was the end of their existence. By 1833

¹⁷ Grant Foreman, Indian Removal, The Emigration of the Five Civilized Tribes of Indians (Norman, Oklahoma, 1932), p. 269. (Hereinafter cited as Foreman, Indian Removal.)

¹⁸ Morris, (ed.), Oklahoma Yesterday, Today, Tomorrow, p. 37.

¹⁹ Foreman, Indian Removal, p. 95.

²⁰ Thoburn, A Standard History, i, 252.

²¹ Sarah Harlan, Memoirs, pp. 2-4, manuscript copy (Archives, Oklahoma Historical Society.)

nearly 12,500 Choctaws and 1,000 slaves had been removed.²² Although the expense of transportation was allowed them, many removed at their own expense in order to provide themselves with many items of comfort. Colonel George Colbert and Pitman Colbert at their own expense removed a large number of people with their slaves. A second party of about 3,000 with many slaves included, came by way of steamboat.

In December 1838, many of the more wealthy members crossed into this area. Among them was Jackson Kemp, who brought thirty slaves. In 1840 Benjamin Love prepared a roll of those wishing to be removed which showed 340 slaves, ninety-five of whom belonged to Love, fifty-one to Delia White, forty-four to Simon Burney, twenty-nine to Susan Colbert, twenty-six to James Colbert, eighteen to David Burney, and the rest to other members of the tribe.²³

III. SLAVERY AS AN INSTITUTION AMONG THE CHOCTAWS AND CHICKASAWS

Slavery did not become established as an institution in the Indian Territory until the Indian tribes from the southern states brought slaves with them that they might be useful in the work of opening up farm lands and plantations. The Chickasaws established themselves in a position comparable to the idle rich. Hence, the slaves they brought were more for the luxury of personal servants than for any future insight for personal gain. The Choctaws of mixed blood opened up extensive plantations and grew wealthy from the cultivation of cotton with their large number of slaves. The full blood Choctaws depended upon their stock for a livelihood and found slave labor of little value to them.²⁴

²² Thoburn, A Standard History, I, 264.

²³ J. B. Meserve, "Governor Benjamin Franklin Overton and Governor Benjamin Crooks Burney," Chronicles of Oklahoma, vol. xvi (June 1938), 226.

²⁴ Thoburn and Wright, Oklahoma, I, 297.

Slavery as it existed in the Indian Territory was not materially different from slavery in some of the most advanced Southern States. The owners were mainly humane, and the brutal type was the exception to the rule. There were marked instances of devotion and fidelity. For example, Uncle Phil, a Choctaw slave, remained with and provided with food and clothing the orphaned children of his owner after the latter's death. He kept the farm and operated the ferry as faithfully as when the master was alive, rather than seek his freedom which he might have safely done since at that time there were no fugitive slave laws in the Indian Territory.²⁵ There were other instances in which both faithlessness and depravity of slaves were in evidence. though, as a rule they were devoted to their masters, even after emancipation,26 and in many instances the devotion was mutual. Cyrus Byington, a missionary in the Choctaw Nation gave an account of the whipping of a slave; however, these incidents were rare.27 Among most Indians the Negro slave's life of relative freedom and absence of severe labor was a favorable contrast with that of the plantation slave of the deep South, which accounted for the Indian slaves' being regarded as badly spoiled. Slave owners of Missouri and Arkansas considered slaves of Indians undesirable because they were difficult to control. 28

The Five Civilized Tribes,²⁹ a term used to designate collectively the Cherokees, Chickasaws, Choctaws, Creeks and Seminoles in the Indian Territory, so-called because of the advancement made by the tribes toward civilized life and customs, especially in the matter of constitutional government, became slaveholders for the same reason as their white neighbors.³⁰ Slavery took various forms among the

²⁵ Thoburn, A Standard History, I, 253.

²⁶ Czarina Colbert-Conlan, in an interview with the author April 21, 1945.

²⁷ Copy of letters of Cyrus Byington, vol. ii, 885 (Archives, Oklahoma Historical Society).

²⁸ Porter, "Notes," p. 307.

²⁹ The term appeared in the reports of the Indian Office as early as 1876

³⁰ Hodge, op. cit., I, 463.

different tribes and also with individual owners within the tribe. However, when the Choctaws and Chickasaws adopted slavery as an institution, they adopted all its features, and as a result there was little or no amalgamation of Indians and Negroes.

In point of advancement the Choctaws and Chickasaws were second only to the Cherokees, who were regarded as the most progressive of the Five Civilized Tribes. Most of the instances of cruel treatment of slaves could be charged to the Chickasaws. For trivial reasons in 1816 they had murdered some of their slaves by whipping and burning. Like the Cherokees, moreover, both the Chickasaws and Choctaws were insistent on racial purity.

The Creeks had an entirely different attitude toward their slaves. There was frequent intermixture of Indian and Negro blood among them, and their children were brought up on equality with their full blood offspring.31 Among the Seminoles, who were seceders from the Creeks, the slave's position was the highest. Their slaves, having been acquired by purchase from the Spanish and the English and as runaways, had a better knowledge of the white man and his customs than their masters. For that reason they were used as interpreters and mediators in negotiations with whites, which gave them a standing superior to slaves owned by the other four tribes. Creek slaves were accepted as equals by their masters socially and politically. They lived in villages and in many instances away from their owners; they owned stock, and the slaves often supplied the owners with products which were comparatively small in proportion to the size of the crop.

There was frequent intermarriage between Indians and Negroes, even among the most prominent individuals in the tribe. Because of this it was difficult to distinguish Indian from slave; hence the estimate of slaves was always inaccurate and uncertain.³² Thus at one extreme were the

³¹ Porter, "Relations," pp. 322-323.

³² Porter, "Relations," pp. 323-325.

Chickasaws, the aristocracy of the Five Civilized Tribes, who regarded their slaves in the same manner as white owners, and at the other extreme the Seminoles, who considered their slaves as members of their households, on equality with their masters, counsellors, and in extreme cases rulers of their masters in dealing with whites.³³

Since the economic welfare of the Choctaw Nation depended largely upon its agricultural interests which were fostered by slave labor, its Council passed with reference to slavery a number of laws which reflect how completely the Choctaws had become allied with the institution as it existed in the South. In 1838, the Choctaw National Council passed a law prohibiting the co-habitation of any member of the nation with a Negro slave.³⁴ Intermarriage with Negro slaves was prohibited by a law passed in the beginning of the Choctaw constitutional form of government.³⁵ Slaves were also prohibited by law from owning property or arms except "a good honest slave," and only then with the written permission of his owner.

To keep their slaves in the position of peaceful servitude in spite of the rising wave of abolitionism the council passed a law prohibiting the teaching of slaves to read, write and sing or gather without the consent of the owner. In 1858 a law was enacted to the effect: "The General Council shall have no power to pass laws for the emancipation of slaves without the consent of their owners, unless the slaves shall have rendered to the Nation some distinguished service—in which case the owner shall be paid a full equivalent for the slave so emancipated." Other laws passed provided that slaves brought to the Indian Terri-

³³ Porter, "Notes," pp. 319-320.

³⁴ Constitution and Laws of the Choctaw Nation, printed at Doaksville, 1852, p. 20.

³⁵ Thoburn and Wright, Oklahoma, I, 299.

³⁶ Constitution and Laws of the Choctaw Nation, printed at Doaksville, 1852. p. 20.

³⁷ Acts and Resolutions of the General Council of the Choctaw Nation, (Fort Smith, Arkansas, 1858), p. 22.

tory would continue as slaves; that owners treat their slaves with humanity; and that no person of Negro blood would be eligible to hold office under the Choctaw government.

Almost simultaneously with removal, however, the activities of anti-slavery agitators started in the southern part of the Indian Territory. The early abolitionists were usually missionaries, who were urged by their headquarters to oppose slavery. Other missionaries openly fostered slaveholding, while still a few others took a neutral attitude.³⁸

During the era immediately preceding the Civil War Texas and Arkansas manifested much interest in the Indian Territory in order to keep the Indians allied to the slaveholding South. On July 12, 1861, the Choctaws and Chickasaws made a treaty of alliance with the Confederacy.³⁹ The Indians did little actual fighting during the conflict. They took part in the battles in Arkansas and Missouri; and in the Creek Nation they met the Federal troops in the battle of Honey Springs. At the outbreak of the Civil War there were three military posts in the Indian Territory, namely, Fort Washita, Fort Arbuckle, and Fort Cobb.

The end of the Civil War found conditions deplorable in the Indian Territory. Among the Choctaws and Chickasaws, some had been loyal to the Union, others had taken refuge in Kansas to escape the ravages of war, and the majority had allied themselves with the Confederacy by which act they had forfeited the rights of the nations to lands, annuities and monies as had been guaranteed them under their treaty agreements with the United States Government. They had been deserted by their Negro slaves in time of war, and with the cessation of hostilities, those

³⁸ Thoburn and Wright, Oklahoma, I, 300-301.

³⁹ Manuscript of one of the original triplicate copies of the Confederate Treaty with the Choctaws and Chickasaws is in the Museum of the Oklahoma Historical Society. Text of Treaty is in the War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies. (130 vols. Washington, 1880-1891) Fourth Series I, 445-466.

slaves had returned in large numbers destitute and broken.⁴⁰ To add to their woes they were disturbed by the intrusion of a large number of free Negroes from adjoining states who had been encouraged by their former masters to move to the Indian Territory.

IV. THE CONDITION OF THE FREEDMEN AT THE END OF THE CIVIL WAR

For more than twenty years after their emancipation, the freedmen remained in the Choctaw and Chickasaw Nations with no clearly defined legal status. The Indians, not being citizens of the United States, were not directly affected by the Emancipation Proclamation. Hence the status of their freedmen in relationship to the Thirteenth and Fourteenth Amendments was held to be in doubt.41 In clarifying their own status they reasoned that the Indians had never lost their right to govern themselves, although the government had passed laws regulating trade and intercourse with them, and that they were considered as a distinct political community. Thus, the Fourteenth Amendment made United States citizens of the freedmen and excluded the Indians. The Choctaws, at first, attempted to give them the equal protection of their courts, but the United States, at first denied, and later demanded that by the fourth Article of the Treaty of 1866, the laws should be equal in operation for the Choctaws, the Chickasaws and the Negroes alike, with no distinction made affecting Negroes at any time. 42 In general the freedmen were treated as United States citizens and under the criminal jurisdiction of Federal Courts. 43 The slaves of the Choctaws and the Chickasaws had been freed by the Treaty at Washington in 1866, and their admission into the tribes had been made possible. The two In-

⁴⁰ Daily Oklahoman, Oklahoma City, Oklahoma, April 22, 1899.

⁴¹ The Cherokee Advocate (Tahlequah, Cherokee Nation, Indian Territory), March 24, 1874.

⁴² The Branding Iron (Atoka, Choctaw Nation, Indian Territory), March 1, 1884.

⁴³ Debo, Choctaw Republic, p. 102.

dian nations had not carried out the provisions of the treaty in its entirety.⁴⁴ In the nation no law had been passed for their emancipation because their constitution provided that individual slaveholders should be reimbursed for their slaves when manumitted, and with the tribal finances in dire conditions, such a matter was unthinkable.⁴⁵ While the Choctaws had granted their freedmen suffrage and citizenship rights, they did not permit the freedmen full participation in the political life of the nation since their voting privileges were limited.⁴⁶ The land to which they were entitled was not allotted and there was no legal title to any plot of ground. They were allowed minor political offices as deputy or constable and were accepted as competent witnesses on a few specified occasions.

The situation in which the freedmen of the Choctaw and Chickasaw Nations found themselves was identical with that of the slaves of the South. They were socially and economically stranded. As the Indians suffered from the ravages of war, it was a natural consequence that their slaves, many of whom had escaped to Kansas in time of war and returned penniless and destitute, should suffer. At this time, the number of ex-slaves among the Choctaws and Chickasaws was about 3,000 of the total number of 7,000 ex-slaves in the Indian Territory. In February 1864, more than five hundred ex-slaves were at Fort Gibson, where rations were issued to them by the United States Government. In spite of the Indians' destitute economic condition, most of the former masters were ready to aid their exslaves when they could.

⁴⁴ Acts, Bills and Resolutions of the Choctaw Nation, Book 6, No. 1, Frank Phillips Collection, University of Oklahoma, Norman, Oklahoma. (Hereinafter cited as Choctaw Acts.)

⁴⁵ Annie Heloise Abel, *The American Indian Under Reconstruction* (vol. iii of the *Slaveholding Indians*) 287 (Hereinafter cited as Abel, *Slaveholding Indians*, vol. iii.)

⁴⁶ Choctaw Acts, Book 6, No. 1.

⁴⁷ Abel, Slaveholding Indians, vol. iii, 272-273.

⁴⁸ The Cherokee Advocate (Tahlequah, Cherokee Nation, Indian Territory), February 21, 1874.

The transition from a slave system to a wage system was not effected without disorder. The Chickasaws and Choctaws had looked upon their slaves as being directly responsible for their war reverses and the mistreatment among them, though often spoken of with over-emphasis, was common.⁴⁹ The free Negroes were guilty of pillaging since there was no demand for their labor by which they could pay for their necessities. The Vigilance Committee also committed violent acts.⁵⁰

The most pressing problem in the Indian Territory was that of the condition of the freedmen. The Choctaws had granted the Negroes suffrage and citizenship rights, and a promise of lands in case of allotment, but had failed to provide lands for their descendants, only mentioning those alive at the time of the Fort Smith Conference of 1865. Among the Chickasaws, the freedmen were much worse off. The Chickasaws were determined that they would not adopt their freedmen. They did not prepare a roll of freedmen for allotment nor did they provide educational opportunities for them. During the school year of 1885-86 the Choctaws established thirty-four schools for freedmen with an enrollment of 847.⁵¹

By 1890 there were four distinct social groups in the Choctaw and Chickasaw nations: the white non-citizens, the whites who had intermarried and by virtue of that intermarriage were citizens, the full bloods, and the Negro freedmen who, although in a deplorable condition, were thrifty and inclined to hold themselves aloof from other Negroes.

In 1893 the act creating a commission, attached as a rider to the Indian Appropriation Bill, was passed. It later became known as the Dawes Commission, so named because of its first chairman. Its duty was to negotiate agreements with the Five Civilized Tribes, for the allotment of

⁴⁹ Debo, Choctaw Republic, p. 99.

⁵⁰ Abel, Slaveholding Indians, vol. iii, 273.

⁵¹ Choctaw Acts, October 30, 1886.

their lands in severalty and the abandonment of their separate tribal existence. It was the work of the Dawes Commission to persuade the Indians to cede to the United States all lands not allotted.⁵²

With regard to adoption of and subsequent allotment to freedmen, the Choctaws' attitude was one of acquiescence since time and experience in dealing with the Federal Government had taught them that submission to terms set up by it was to the best interest of the tribe. In controversies regarding freedmen, the government, with one important exception, was influenced by northern persons in sympathy with the freedmen. The exception was the case of many Negroes who claimed to be illegitimate descendants of Choctaw fathers and Negro mothers. Congress provided that illegitimate children should take the status of their mother, which action was upheld by the Supreme Court when the Freedmen's Association sought to have the action declared void. The Choctaws felt that the first mistake was made in 1896 when the determination of citizenship was placed beyond tribal jurisdiction.53

The Chickasaws' attitude on adoption can best be explained by the fact that in their entire history they did not consent to the adoption of their freedmen, but allowed them to farm the lands under permits granted as for adoption. Some idea of the bitterness of the Chickasaws is indicated in the resolution passed in their Legislature:

Whereas the United States has failed to remove said freedmen, agreeable to said treaty, and left them here among us for a long time recognized by us as other United States citizens, and whereas the Chickasaw people in justice to their posterity have not made said laws, rules and regulations as provided for the following reasons:

That the Chickasaw people cannot see any reason or just cause why they should be required to do more for their freed slaves than the white people have done in the slave-holding states for theirs.

⁵² Loren N. Brown, "The Establishment of the Dawes Commission for Indian Territory," Chronicles of Oklahoma, vol. xviii (June 1940), 175-177.

⁵³ Debo, Choctaw Republic, pp. 275-276.

That it was by example and teaching of the white man that we purchased, at enormous prices, their slaves and used their labor, and were forced by the result of their war to liberate our slaves at a great loss and sacrifice on our part and we do not hold or consider our nation in any wise responsible for their present situation.⁵⁴

With regard to allotment of lands and the reopening of the tribal rolls to admit their former slaves to membership as Chickasaw Indians, Douglas H. Johnston, Chickasaw Governor, speaking for the Chickasaws, said:

Again, the African race is prolific. The Indian race, under present conditions, is not. The numbers of the Chickasaw tribe have been decimated, at first by destructive wars, now by their changed conditions of life, and it will be but a few generations until the full blood Indian will be no more, but as the Indian citizen vanishes, the Negro "Chickasaw," if such he is made by Congress, will multiply, and the time will not be far distant, if this iniquity is visited upon us, when the name of Chickasaw will carry with it approbrium and reproach instead of honor.

Our people have no prejudice against the Negro as such and have always treated him, freedman as well as slave, with kindness and forbearance; but we do object to his classification as a member of our tribe, and the white race under similar condition would have the same feeling.... Such unjust legislation will rob us of the greater part of our heritage... it will also rob us of something far dearer, the pride of race, which our people have so long cherished... if then the greedy hand of despoilers cannot be kept from us, far better to give them our lands and money, but keep our rolls pure, so that in the future, as in the past, a Chickasaw can hold his head aloft among the people of the earth and say "I am an original American and a Chickasaw." 55

With the advent of Statehood in 1907, many of the Choctaws and Chickasaws took their places as outstanding leaders. It is noteworthy that their freedmen, with the same spirit of forbearance, tenacity of courage and faithfulness to principle, have made their contribution to the history and progress of the State of Oklahoma.

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54 Malone, op. cit., p. 417.

⁵⁵ Messages of Douglas H. Johnston, Chickasaw Governor (Archives, Oklahoma Historical Society).