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Building More than an Economy: Histories of Choctaw-US Laws, Land, and Development in Oklahoma

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Building More than an Economy:
Histories of Choctaw-US Laws, Land, and Development in Oklahoma

A dissertation submitted in partial satisfaction of the

Requirements of the degree Doctor of Philosophy

in Anthropology

by

Megan Alexandria Baker

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ABSTRACT OF DISSERTATION

Building More than an Economy:

Histories of Choctaw-US Laws, Land, and Development

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by

Megan Alexandria Baker

Doctor of Philosophy in Anthropology

University of California, Los Angeles, 2023

Professor Jessica R. Cattelino, Chair

Despite today's era of political and economic revitalization due in part to American Indian economic development, Oklahoma Choctaw people still contend with land dispossession facilitated by state and federal governments. Considered alongside the state of Oklahoma's contentious relationship with tribal nations today, this dissertation examines how US settlers have utilized the collusive power of history and law to constitute settler sovereignty and facilitate Indigenous land dispossession. By ethnographically examining the legal life of settler historical production and how it continually reshapes the conditions for landownership among Choctaw people living in their post-removal homelands, it reveals how US and state laws – informed by anthropological and historical scholarship that proclaim the decline of Indigenous sovereignty and legitimate the settler regime of private property – have continually worked to dispossesses

Choctaw people of their lands throughout time. Nevertheless, despite the relegation of Choctaw sovereignty to the past in scholarly publications and its minimization in the present by state actors, Choctaw people who maintain Choctaw ways of life consistently challenge such claims and efforts. Furthermore, the dissertation addresses the discrepancy between the massive, underutilized archival sources created by Oklahoma Choctaws and published scholarship. Consequently, it argues for the usage and development of tribal histories that are attentive to the work of settler colonialism and that draws upon overlooked and underutilized archival materials. By holding an ethnographic study of contemporary Choctaw economic development, a critical historiography of the Choctaws and Five Tribes, fieldwork on Choctaw archival materials and their repositories, and the wide breadth of tribal history informed by cultural knowledge within the same frame, the dissertation importantly highlights the interrelated relationship between the production of history, US law, and ongoing land dispossession in an era of resurgent American Indian political-economic power.

The dissertation of Megan Alexandria Baker is approved.

Erin Katherine Debenport

Mishuana R. Goeman

Shannon E. Speed

Jessica R. Cattelino, Chair

University of California, Los Angeles

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2019 "Our 'Choctaw' Heritage: Indigenous Sovereignty and Racialization in Southeastern Oklahoma." Native American & Indigenous Studies Association, Hamilton, NZ, June 29.

CHAPTER 1: Introduction

"Lawlessness" was the word of the land throughout Oklahoma following the US Supreme Court's 2020 *McGirt v. Oklahoma* ruling, which held that the Muscogee Creek reservation boundaries that were established by their 1832 removal treaty had never been disestablished. The ruling was in direct contrast to the State of Oklahoma's and Oklahoma history books' historic claim that the reservations of the Five Tribes (Choctaw, Chickasaw, Cherokee, Muscogee (Creek), and Seminole) had been disestablished. If reservations had been disestablished like Oklahoma history books and textbooks claimed, then the state had uncontested jurisdiction over all Native people living in Oklahoma; otherwise, if reservations still existed, Native people living on them would be under federal jurisdiction and subject to different laws and regulations like other Native reservations across the United States. State jurisdiction to govern Native people on Native lands was at stake with *McGirt*, and it was not something the State wanted to lose. But for the Muscogee (Creek) Nation and other Five Tribes with similar legal circumstances due to their treaties, greater recognition of tribal sovereignty and their authority to govern their own lands were at stake.

In the months leading up to the 2020 ruling on *McGirt*, the State of Oklahoma undertook a public relations campaign to undercut a ruling that would affirm the Muscogee Nation's reservation status. The State's brief in *McGirt* claimed that reservation affirmation "risks reopening thousands of state convictions…cases that the federal government may be unable to retry because of statutes of limitations, stale evidence, or insufficient resources."[1] This argument claimed that the fallout of the Supreme Court ruling in favor of the Muscogee (Creek) Nation would reopen criminal cases pertaining to Native Americans who committed crimes within the

[1] Brief for Respondent, p. 43, *McGirt v. Oklahoma*, 591 US __ (2020), https://www.supremecourt.gov/DocketPDF/18/18-9526/138118/20200313143331033_18-9526bs.pdf.

boundaries of the Five Tribes and were prosecuted by the State of Oklahoma rather than under tribal jurisdiction. Not an argument based in law, this claim regarding reopened criminal cases seemed to be aimed at scaring the Supreme Court into ruling in the State's favor despite the State's own lawlessness in overstepping its authority regarding criminal jurisdiction. Outside of the Supreme Court, the state's claim influenced public perception of the case through its conflation of tribal sovereignty with disorder. By the end of this dissertation, I will show that this conflation has deep roots in US law and history.

Before and after the 2020 ruling, Oklahoma Governor Kevin Stitt and other state officials continued to make claims about "rampant crime" and "lawlessness." Such claims, however, were refuted by journalists, both before and after the ruling, on the grounds of both law and practice.[2] Even Republican-appointed Supreme Court Justice Neil Gorsuch's majority opinion directly addressed and refuted this claim.[3] Nevertheless, Oklahoma Governor Kevin Stitt perpetuated the narrative that lawlessness in Oklahoma stemmed from the practice of tribal sovereignty. While trying to convince tribes to accept state jurisdiction on reservation land in January 2021, he stated "[a]s things stand today, crimes are going unpunished, and convicted criminals are seeking to be set free."[4] During his annual State of the State in August 2021, Stitt claimed that the *McGirt*

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[2] Responding to the State's submitted brief in *McGirt v. Oklahoma*, journalist Rebecca Nagle was unable to verify through public records the State's claim that "thousands" of state convictions that could be overturned if Creek Nation's reservation status was affirmed. After calculating numbers from an open records request from the Oklahoma Department of Corrections, Nagle found that only approximately 300 inmates of 1,887 Native Americans incarcerated by the state would qualify for a new trial due to the Supreme Court decision affirming reservations – not "thousands". For more, see: Nagle, Rebecca, "Oklahoma's Suspect Argument in Front of the Supreme Court," *The Atlantic*, May 8, 2020. https://www.theatlantic.com/ideas/archive/2020/05/oklahomas-suspect-argument-front-supreme-court/611284/

[3] In Justice Gorsuch's majority opinion, he noted that the state of Oklahoma had repeatedly overstepped and extended its criminal jurisdiction beyond what federal law allowed. Rather, the state made law and enforced it for so long that it assumed to be actually legal. The opinion pointedly condemned the State's action in stating, "Unlawful acts, performed long enough and with sufficient vigor, are never enough to amend the law." Opinion of the Court, p. 42, *McGirt v. Oklahoma*, 591 US __ (2020), https://www.supremecourt.gov/opinions/19pdf/18-9526_9okb.pdf

[4] Douglas, Kaylee, "Gov. Stitt calls for tribes to enter formal negotiations with state following *McGirt* ruling," NEWS4, January 22, 2021. https://kfor.com/news/local/gov-stitt-calls-for-tribes-to-enter-formal-negotiations-with-state-following-mcgirt-ruling/.

ruling "threatens Oklahoma sovereignty and creates a public safety nightmare for victims and law enforcement."[5] In March 2022, Stitt appeared on Fox News' Tucker Carlson Tonight show and proclaimed that "[state] police have lost jurisdiction" while failing to mention that Native offenders' cases simply moved from state court to tribal or federal courts. Furthermore, Stitt omitted the fact the Five Tribes had responded to the ruling by immediately massively expanding their public safety offices with new officers and tribal prosecutors, as well as by entering into cross-deputization agreements with state, federal, and local law enforcement agencies.[6] Despite the expansion of tribal public safety programs and tribal courts to manage their increased caseloads, "lawlessness" continues to be the State's unrelenting narrative regarding the Supreme Court's affirmation of the Five Tribes 'sovereignty.

While politically frustrating for the tribal nations in Oklahoma that have made massive contributions to the state and its economy, that I will discuss shortly, Governor Stitt's claims about "lawlessness" are nothing new to the Five Tribes. Such claims have been levied against tribal sovereignty since the late-1800s. Known then as "Indian Territory," the lands of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek) and Seminole nations were an object of settler desire but were legally protected by key articles within their treaties with the US regarding how they owned their removal homelands. Despite the Five Tribes' removal from their ancestral homelands in the 1830s and treaty assurances that their new homelands would not be encompassed by a US state, US settlers coveted the lands in Indian Territory and sought to materialize westward expansion by numerous means.[7] Even though the Five Tribes operated

[5] Stitt, Kevin. 2021. "Governor Kevin Stitt Speaks at the Tulsa Regional Chamber's State of the State," Speech delivered at Tulsa, OK. August 26, 2021. https://www.youtube.com/watch?v=QbYpjJRIKww.
[6] Spears, Nancy Marie, "Tribal law enforcement officials say *McGirt* strengthening public safety," Gaylord News, November 3, 2021, https://ictnews.org/news/tribal-law-enforcement-officials-say-mcgirt-strengthening-public-safety.
[7] With the end of the Indian Wars in 1890, Indian Territory was viewed as a lone island of "unconquered" land that US settlers sought to claim for themselves. This only increased the amount of proposed legislation to territorialize

their own constitutional governments and maintained sovereignty over their lands, US settlers continuously tried to force congressional bills to annex Indian Territory – measures that violated treaty clauses that precluded such actions. As part of these 19th century territorialization efforts, US settlers portrayed the governments of the Five Tribes as failures and hindrances to US industrialization. They argued that "rampant" crime in Indian Territory had to be curbed by the U.S (J. Burton 1997). Thus, when Governor Stitt deployed arguments about the ineptitude of the governments of the Five Tribes and "lawlessness" due to the change in jurisdiction following the McGirt ruling, he utilized a longstanding discourse trope deployed by the state to undermine tribal sovereignty and dispossess Indigenous nations of their lands.

In this dissertation, I examine how US settlers have utilized the collusive power of history and law in the constitution of settler sovereignty. When the Supreme Court of the US affirms the rights of Indigenous nations that have since become major political partners and economic contributors in the local community, why does that invoke the ire of the local state? In today's era of American Indian economic development, where Indian nations are experiencing revitalized political and economic power, I show how such a legal affirmation of Indigenous sovereignty reinvigorates a mode of political crisis within a settler state and reanimates long-standing jurisdictional struggles that are inherently about the constitution and legitimacy of settler governance. I argue that recent American Indian political-economic ascendency due to economic development shatters the illusion of settlement as a process that authors of history books and legal briefs claim to be long-resolved. But despite the relegation of Choctaw sovereignty to the past in publications, Choctaw people consistently challenge such claims in the way that they live their lives.

Indian Territory into a formal US territory. "Indian Territory" was a bit of a misnomer for it was not actual US territory.

Furthermore, the lived experiences of Oklahoma Choctaw community members living in the contemporary era of Choctaw economic development as well as the arc of their history in their removal homelands illustrate what I call the *limits of American Indian economic development* which is rooted in the settler colonial project of settlement. I follow the lives of Oklahoma Choctaw community members living through this current era of Choctaw economic development with all the transformations that it has brought into their lives and that of the nation that they engage with in their daily lives. Ethnographic study of state-tribal relations in an era of American Indian economic development illustrates the high stakes involved with and the consequences of state-tribal jurisdictional struggle, particularly as Oklahoma Choctaw people as opposed to non-Choctaw people largely bear the brunt of those ramifications which materialize in their daily lives in consequential ways that deeply affect their quality of life.

Little did I know that I would witness the ascent of Choctaw economic development throughout the course of my life spent between California, where I grew up, and Battiest, Oklahoma, where my dad's family lived. From the increasing number of different higher education programs that helped me pay for college and graduate school to the appearance of a new community center between the rural communities of Battiest and Bethel to the infrastructural changes like a newly paved former dirt road that appeared between my visits to Oklahoma, Choctaw Nation was slowly working to improve the life of its citizens and the communities within its boundaries. Choctaw Nation was clearly changing the landscape of the region and only later when I began a project to study Choctaw economic development. Trained as an anthropologist, my usage of ethnographic methods like participant-observation living in Oklahoma and interviews with community members and government officials helped me to understand the complex life of Choctaw economic development as its citizens experienced, how

it was marketed and how the wider public responded to it. My status as a Choctaw citizen who was legible to many community members because they knew my grandparents, dad, aunts, uncles and/or "troublemaking" cousins, or simply because they had seen me at community events with family, facilitated many of my research relationships. Only in working with community members and hearing their perspectives on the changes brought about by Choctaw Nation's growing economic development program was I able to begin discerning people's paradoxical struggles with land ownership in an era of economic prosperity and reinvigorated political authority. It is these struggles specifically that I document and seek to understand in this dissertation.

But to truly understand the deep roots of these struggles requires revisiting Oklahoma Choctaw history to understand narratives within that history uphold settler colonialism that Choctaw people must contend with in their everyday lives whether they realize it or not. Doing so not only helps to analyze history differently but also provides lessons from the past for contemporary Choctaw people and Native nations across Indian Country. To do this, I examine histories written about Choctaw people, as they were conceptualized and written about by scholars that did not engage Choctaw philosophies and ways of being to write such texts. Within these histories, I look for the dispossessive logics that are central to the arguments of those histories and how such logics have been reproduced by subsequent scholarship and to justify the creation of laws that facilitated Choctaw dispossession. Specifically, I focus on how scholarly works about Oklahoma Choctaws were cited in the creation of dispossessive laws that invariably created the impoverished conditions that necessitated American Indian economic development in the first place and how such scholarship afforded their authors' influence in crafting new laws and public policy.

In recognizing the integral role of settler knowledge production in creating the limits of American Indian economic development, I treat history as an ethnographic object. I seek to understand history's role in constituting settler sovereignty through the denial of – and attempts at the textual elimination of Choctaw sovereignty. An ethnographic eye towards the apparatuses of knowledge production that legitimated and authorized the marginalization of the Five Tribes in a scholarly register thus transforms the practice of history into a "fieldsite" for understanding the constitution of settler sovereignty. This is the everyday work of a tribal historian, which I found myself becoming in the process of historicizing Choctaw economic development within the arc of Oklahoma Choctaw history. Such an ethnographic practice entailed: reading archival documents (particularly underutilized collections); situating those collections and documents within the historiography; reinterpreting Choctaw history in light of such collections and documents; researching in and studying the institutions that house significant archival collections; interacting with archivists, fellow researchers, and other such individuals regarding Choctaw history; and investigating the ideological orientations of canonical authors of Choctaw historiography such as anthropologist John R. Swanton and historian Angie Debo.

Using the ethnographic data gathered during my time in the archives and experiences as a tribal historian, I show how settler histories advanced the notion that the Five Tribes had been "extinguished." This claim consequently enabled the state to claim jurisdiction over the people and lands of those nations. This supposed political extinguishment as claimed in influential scholarly books despite federal officials and congressional representatives actively working with officials from governments daily. In bringing this ethnographic view of the archive and work with Choctaw community members together, this dissertation reveals and interrogates the linkages between settler knowledge production about Indigenous nations, the dispossessive

function of the (now) universalized concept of private property, and federal laws that have effectually dispossessed Indigenous peoples of their lands. The result is a story of settler governance told from the experiences of generations of Choctaw people who have had their government undermined and lands dispossessed to make the settler state of Oklahoma possible.

American Indian Economic Development and Political Ascendency

Governor Stitt's maligning of tribal nations in relation to the *McGirt* ruling is just one instance of the state's wider adversarial response to the 38 tribal nation's recent political re-ascendency that is in part a result of their successful economic development projects. Over the past forty years, many American Indian nations across Oklahoma and Indian Country have transformed as a result of tribal economic development. Today, the 38 Oklahoma-based tribal governments are together the third largest employers in the state. Tribal gaming, in particular, has been pivotal in this shift. While gaming has been an integral component of Oklahoma Indian nations 'economic development programs, it has become one part of increasingly diverse business portfolios that include endeavors such as gas stations, cigarette shops, manufacturing, and even bottled kombucha. Indian nations have, in turn, used their massive revenue streams to provide for their people and the communities in which they share the land.

Throughout this dissertation, I describe American Indian economic development as a political project of a Native nation to provide through market mechanisms for the well-being of, at minimum, its historic human and non-human community through the assertion and practice of its sovereignty, as established prior to colonization and maintained through relations outside of the settler state. Casino gaming, for example, is possible because tribal sovereignty derives its authority from its nation-to-nation relationship with the federal government rather than state laws

that otherwise regulate it. It is tribal sovereignty that makes even opening casinos possible and in turn, allows tribal nations to operate vital revenue streams for economic development programs. Such economic development often extends its benefits to local and regional communities filled with non-tribal citizens. Despite these contributions, the state consistently challenges this arrangement.

Over the past thirty years across the United States, American Indian economic development has ushered in a new era of US-Indian relations and invited new modes of studying contemporary American Indian economic activity and its stakes for Native and non-Native communities alike. Choctaw economic development must be understood within this wider phenomenon of American Indian economic development. I will now provide a brief overview of its historical emergence and contemporary significance. "American Indian economic development," is generally understood as an outgrowth of the Red Power movement in Native communities across North America in the 1950s and 1960s (Miller 2013). Coinciding with the Civil Rights Era, these movements for Indian self-determination included actions like occupations at Wounded Knee and Alcatraz Island, fish-ins in the Pacific Northwest and the Trail of Broken Treaties (Mohawk 1991). Termination policies between 1950-1960 resulted in some Native nations having their tribal governments disassembled and the treaty-protected legal status eliminated, or at least close calls with such a prospect. Nevertheless, it was clear that Native nations and peoples sought to sidestep federal bureaucratic management over tribal assets – a form of settler state incursion into Indian peoples' lives throughout the early twentieth century – and reassert their right to self-determination (Deloria, Jr. and Lytle 1998). Tribal nations consequently organized and advocated for federal legislation that supported tribal sovereignty by allowing tribal nations to govern themselves as they thought best.

From the late-1970s onward, American Indian economic development became a means for Native nations to ensure economic self-sufficiency. Rather than grapple with federal paternalism in the form of budget and grant limitations, Native nations used the fungible quality of money from alternative sources of revenue to transform their material conditions as well as crafting and developing programs that aligned with their political philosophies and systems of organization (Berman 2003; Cattelino 2008; Colley 2018; Harvard Project on American Indian Economic Development 2007; Hosmer and O'Neill 2004; Lewis 2019). The forms that a Native nation's economic development program takes are contingent on factors such as population, location, and existing resources. Possible industries include resource extraction, manufacturing, land leasing, tourism, agriculture, administration, and businesses. These are not so different from city or state development projects, but there are some engagements that are exclusive to tribal governments due to their nation-to-nation relationship with the US government.

Casino gaming is one such key endeavor that is a product of the nation-to-nation relationship between tribal nations and the federal government. At the same time, the rise of tribal gaming that built on the momentum established by tribal smoke shops marked an important shift in federal-state-tribal relations. As gaming quickly became a cornerstone of modern American Indian economic development [even if it does not work for every tribal community (Akee, Spilde, and Taylor 2015)], its rise was not without conflict. Local and state governments, along with non-tribal gambling competition pushed back against tribal gaming as an enterprise (Castile and Bee 1992; Corntassel and Witmer, II 2011; Light 2008; Light and Rand 2005; Meister, Rand, and Light 2009). To resolve the issue, Congress passed the 1988 Indian Gaming Regulatory Act, which forced tribal governments into political and legal relationships with state governments if they wished to operate the most lucrative types of gaming. Political scientists

(Corntassel and Witmer, II 2011) have described this push as "forced federalism," arguing that Indigenous nations are more vulnerable to state and municipal policymakers as a result of state compacts. Increasingly, Choctaw Nation and other Indian nations have had to negotiate more with the State of Oklahoma rather than their federal counterparts. As I will now show, the situation has declined.

Oklahoma in an Era of American Indian Political Re-Ascendency

In July 2019, Governor Stitt published an op-ed in the *Tulsa World* pronouncing the need to renegotiate the terms of tribal gaming compacts with little prior notice and no consultation with the 38 tribes. Gaming compacts, initiated all over Indian Country after Congress passed the 1988 Indian Gaming Regulation Act, often provided a revenue-sharing scheme between states and tribal governments that operated casinos. A major source for many tribal nations' recent economic successes, casinos were targeted by Governor Stitt to bolster the state's income. The compact stated: "[t]his Compact shall have a term which will expire on January 1, 2020, and at that time, if organization licensees or others are authorized to conduct electronic gaming in any form other than pari-mutuel wagering on live horse racing pursuant to any governmental action of the state or court order following the effective date of this Compact, the Compact shall automatically renew for successive additional fifteen-year terms." Stitt claimed that tribal gaming compacts would expire in 2020. In particular, he proposed raising tribes' exclusivity fees – the percentage of gaming profit allocated to the state in exchange for exclusive rights for gaming – from the existing rate ranges of 4-10% to 20-25%.[8] This was a substantial increase for

[8] Murphy, Sean. "Oklahoma governor hit with tribal casinos suit." Arkansas Democrat Gazette, January 2, 2020. https://www.arkansasonline.com/news/2020/jan/02/oklahoma-governor-hit-with-tribal-casin/.

the 186 tribal casino operations in Oklahoma that gave the impression of a cash grab.[9] These fees are significant given how they have played an important role in the state's fiscal health. From 2005 to 2016 the state of Oklahoma received $250 million in exclusivity fees from Indian gaming, and the state, per the compact's terms, directed these revenues to public education (Dean 2017). Not only the tribal nations, but also the state and Oklahomans, have benefitted from the agreements.

Stitt's unilateral declaration regarding the expiration of tribal gaming compacts initiated a very public back and forth between the State and tribal nations that dominated tribal-state news coverage. Tribal governments rebuffed Stitt's claim and argued that the compacts automatically renewed at the beginning of the year, and most refused to negotiate new gaming compacts with the state. On December 31, 2019, the Choctaw, Cherokee and Chickasaw Nations filed a federal lawsuit seeking a judicial declaration regarding the status of the compact renewals. Oklahoma Native community members cheekily created Facebook Events calling for people to visit tribal casinos on January 1 in defiance of Stitt's claim that Class III gaming would be illegal at tribal casinos in 2020. Cherokee Nation Chief Chuck Hoskins cheekily posted a video of himself pulling a Class III electronic gaming machine lever at midnight on January 1, 2020.[10]

Stitt's adversarial engagement with tribal nations also resulted in the resignation of his own appointee for Secretary of Native American Affairs. In her widely circulated letter of resignation, Lisa Billy (Chickasaw/Choctaw) wrote that the Governor was committed to "an unnecessary conflict that poses a real risk of lasting damage to the state-tribal relationship and

[9] According to the National Indian Gaming Commission 2022 report, Oklahoma had 186. Meanwhile the more populous and larger state of California had only 114 tribal casino operations. For more, see: National Indian Gaming Commission ""

[10] Rowley, D. Sean. "Cherokee, Chickasaw and Choctaw tribes file lawsuit over gaming compact," *Cherokee Phoenix*, January 2, 2020. https://www.cherokeephoenix.org/news/cherokee-chickasaw-and-choctaw-tribes-file-lawsuit-over-gaming-compact/article_b3506fbe-d3ae-56dc-8383-0b655f6df765.html

our economy."[11] Governor Stitt responded to Billy's resignation by not appointing a new Secretary of Native American Affairs. Rather, he collapsed the position into the job of the Secretary of State.[12] Such a move by Stitt could be interpreted as disregard for tribal sovereignty, especially when considered alongside his stance on tribal sovereignty on *McGirt*.

Throughout Oklahoma, in the cities and small rural communities alike, tribal governments' regional impact on tribal gaming is clear. From the casino parking lots filled with out of state license plates to public school signs featuring tribal seals to indicate tribal investment to housing developments open to tribal members and the public, tribal nations' economic impact and investment in local communities throughout the state is apparent on the landscape. Tribal gaming, among many other enterprises, has facilitated many of these nations 'expansion of their economic and political power in state politics over the past forty years and became a potent reminder of the longevity of Indigenous sovereignty.

This renewed contention over tribal gaming and the State's claim about "lawlessness" on account of McGirt's affirmation of tribal sovereignty were clear indicators of Governor Stitt's adversarial stance toward tribal nations. In turn, the Governor's stance underscores the need to study the limits of Choctaw and wider American Indian economic development. Not only do tribal governments have their political legitimacy negated when they demonstrate economic ascendency (Cattelino 2010; Harmon 2013; Spilde 1999), but I show how the negation and undermining of tribal political ascendency that has been enhanced by their economic success, despite their demonstrated massive investments and revenue sharing to local communities

[11] Billy, Lisa. Lisa Billy to Kevin Stitt, Oklahoma City, OK, December 23, 2019. https://www.unitedforoklahoma.com/media/2030/191223-lisa-billy-resignation-letter.pdf

[12] Washington, Destiny. "Gov. Stitt names Brian Bingman as new Secretary of State and Native American Affairs," Fox News, October 12, 2020. https://okcfox.com/news/local/gov-stitt-names-brian-bingman-as-new-secretary-of-state-and-native-american-affairs

throughout the state. This is a feature of political life in settler societies that are tied to land. Just as the locals of Hobart, Wisconsin took issue with Oneida Nation purchasing land and placing it into trust (Kiel 2019), greater assertions of Indigenous political power nation-wide have stirred up settler resentment for Native nations that work to recover their historic lands. This is a function of what Aileen Moreton-Robinson has called a "white possessive logic" in which the "regulatory mechanisms of these [settler] nation-states are extremely busy reaffirming and reproducing this possessiveness through a process of perpetual Indigenous dispossession, ranging from the refusal of Indigenous sovereignty to overregulated piecemeal concessions" (Moreton-Robinson 2015: xi). For many, the State's efforts to undermine tribal sovereignty is a response that makes little sense, especially given the way that tribal nations have developed local partnerships and have done things for the benefit of the entire state, not just their enrolled citizens. Consequently, this dissertation shows how these anti-tribal actions by Oklahoma politicians, most clearly demonstrated by Governor Stitt's response to the 2020 tribal gaming compact renewal and *McGirt v. Oklahoma*, are products of a colonial triangulation of tribal, state and federal jurisdictions which simultaneously overlap and compete with one another to govern the same lands.

In a way, this is no surprise. Adversarial relations between the state and tribes are a fundamental feature at the level of local governance in settler societies like the United States (Biolsi 2001). As comparable local political entities, states and tribes often compete for local jurisdiction, which in turn produces political tension as seen with tribal nations and the State of Oklahoma. Furthermore, given the settler colonial context, such political tension is also existential due to being part of a larger settler colonial nation-state that requires the elimination of Indigenous sovereignty for the acquisition of their lands (A. Simpson 2014; Wolfe 2006). This

colonial relation, as shown in this dissertation, inherently informs both the roots and the limits of American Indian economic development.

The roots of the State of Oklahoma's anti-tribal stance, as I will show, are deep and can be traced through and in the histories of the Five "Civilized" Tribes in their removal homelands as the negotiated the emergence of Oklahoma. Close examination of the laws surrounding Oklahoma statehood and the settler-produced histories about the state's origins reveal the utility of constructing a history to claim political authority where there was none – as was the case in McGirt. Despite the numerous settler-produced histories of Oklahoma that proclaimed that the Choctaw, Cherokee, Chickasaw, Muscogee (Creek) and Seminole nations were "abolished," today, the Five Tribes 'contemporary economic and political prosperity fundamentally challenges this narrative as well as much of the State's claim to jurisdiction over Native people in the territories of those nations. Revisiting the primary sources and laws regarding these tribal and state entities from the 19th and 20th centuries to follow the actual history further testify to this reality. Subsequently, I argue that tribal economic development and the backlash against it are long-standing issues on account of a logical imperative of settler nation-states to abolish Indigenous sovereignty altogether.

Anthropologists importantly show the constitutive modes by which settler states develop their own sovereignty at the expense of the Indigenous nations. These sovereignties have been described as "nested," "interdependent," or simply as "entanglements" (A. Simpson 2014; Cattelino 2008; Dennison 2012) in which it is evident that settler states cannot exist without the Native people that they purportedly disavow, replace, and problematically inherit lands. Furthermore, anthropologists have highlighted the ways that settler colonial logics in regards to race, gender, and sexuality are integral components to the settlement of the continent by way of

enforcing new political arrangements to the pre-existing Indigenous political orders (A. Simpson 2014; Kauanui 2008; 2018; Sturm 2002). Importantly, these scholars have primarily examined these relations at the level of the nation-state. But while understudied, rural and local politics are also key for understanding the constitution of settler authority over Indigenous peoples. Navajo anthropologist Teresa Montoya (2019) has shown this with her examination of a proposal to create a new county in Arizona as part of an effort to ease poverty by geographically excluding the Navajo Nation from the new county's proposed boundaries. Scholars from other disciplines have also helped to understand the creation of settler jurisdiction (Ford 2011; Pasternak 2017). Here, I aim to show how Oklahoma, a largely rural state with 38 tribal nations and a unique historical formation that brought together Native-controlled Indian Territory with Oklahoma, is an illustrative location to understand the constitution of settler sovereignty in an era of American Indian economic development.

In following the state's contentious relationship with tribal nations that reveal the limits of American Indian economic development, this dissertation documents the lived impact of state-tribal struggles for jurisdiction on individual Choctaw people living and owning land in the Choctaw Nation of Oklahoma. While the Governor's stances have been largely unsuccessful, the actions in themselves are significant to note in the context of reinvigorated tribal political and economic power. This dissertation shows how, despite the massive strides that the Choctaw Nation has made due to recent economic development, Choctaw people still lose their lands and their government is constrained in its ability to rectify problems regarding individual land ownership. I show how the larger tribal-state struggles are directly linked to the everyday practices of making property and jurisdictional authority, an inherently colonial set of land-human relations that is at odds with the deeply held Choctaw political philosophies. I show that

this problem is structural, derived from the historic implementation of the private property regime upon Choctaw lands. This is the ongoing problem of settler colonialism. But rather than simply say that settler colonialism causes land loss in a general sense, I examine specific US laws, their ideological underpinnings, and how those laws were shaped over time, to show *precisely how* Choctaw people lose their lands in the era of American Indian economic development. Given the need to understand the specificity of the Oklahoma Choctaw experience to understand the creation of laws that cause Choctaws to lose their lands, I will now provide a brief overview of the contemporary Choctaw Nation of Oklahoma and its distinctly complex history.

Becoming the Choctaw Nation of Oklahoma (1830-present)

The experiences of the members of today's Choctaw Nation of Oklahoma stand in stark contrast to those of their ancestors who arrived in their removal homelands beginning in 1831. It is the third largest tribal nation in the United States with over 200,000 citizens. Located in the southeastern corner of Oklahoma, its reservation encompasses 10,922 square miles. It is the largest employer in the region with 86,738 employees across all its sectors including government, healthcare, and business in 2022.[13] The majority of these employees are non-Native. Given Oklahoma's overall population is 3.9 million and more than half the state's population concentrated around Oklahoma City and Tulsa which are both at least 2.5 hours from the Durant headquarters,[14] this represents a sizeable portion of the population given the ruralness of southeastern Oklahoma.

[13] Choctaw Nation of Oklahoma. 2022. "Choctaw Nation Economic Development Partnership 2021-2022 Report."
[14] 2023. "Cities in Oklahoma by Population," World Population Review. https://worldpopulationreview.com/states/cities/oklahoma

Choctaw Nation's financial contributions in the region and wider state have been substantial and allowed it to be reinvested in the Choctaw people as well as the local community. In fiscal year 2018, Choctaw Nation had an economic impact of $2,374,645,710. From that $2.3 billion, Choctaw Nation paid $26.3 million to the state which was then allocated directly to Oklahoma public education – a condition negotiated through the Choctaw-Oklahoma gaming compacts.[15] In that same year, Choctaw Nation spent $1.4 billion overall with $926 million of it spent within Oklahoma (Dean 2018). Since starting its Community Partnership Fund in 2019, Choctaw Nation has allocated $7,687,700 to funding local community projects like maintenance, public safety, recreation, and road improvements for individual towns and counties within the reservation.[16] The majority of people living on the Choctaw reservation are not Choctaw.[17] A sizeable portion of the Choctaw Nation gaming revenue was retained and reinvested within state boundaries for the benefit of all people who live in Oklahoma, whether they are Native or not. This has resulted in a massive transformation of the physical landscape of Southeastern Oklahoma with numerous major capital projects. To envision what this economic impact looks like, one need only drive through any of the towns in the 10.5 counties that make up Choctaw Nation's jurisdictional territory. Throughout the halls of the Choctaw Nation headquarter building, judicial center, travel plazas, and wellness centers, photos of 18th century Choctaw Nation and art by Choctaw artists adorn walls and fill hallways. Some art pieces were purchased outright from artists while others were commissioned specifically by Choctaw Nation. Both the photos and art demonstrate the diversity of Choctaw life and how traditions have shifted over

[15] "Model Tribal Gaming Compact between the Choctaw Nation of Oklahoma and the State of Oklahoma," November 24, 2004
[16] Choctaw Nation of Oklahoma. 2022. "Choctaw Nation Community Partner Fund Annual Report FY22." Htt ps://www.growchoctaw.com/clientuploads/fy22-community-partnership-fund.pdf
[17] "OKLAHOMA: 2020 Census," United States Census Bureau, August 25, 2021. https://www.census.gov/library/stories/state-by-state/oklahoma-population-change-between-census-decade.html

time. The Commerce division of the Nation operates the travel plazas, mini casinos, and the Durant casino-resort just 13 miles from the Texas-Oklahoma border. Collectively, these economic development projects are reinvested into the community by funding Choctaw Nation's wide array of social services including domestic violence, college readiness, cemetery restoration, and small business support.

To arrive at this point, Choctaw people in Oklahoma underwent tremendous changes since arriving in their removal homelands – which historically unprecedented at the time. This history provides numerous valuable insights into the history of the colonization of Indigenous polities who call the land that is now the United States home. Choctaw Nation's transformation from a polity that governed according to their own political philosophies and structures that were in place for generations of Choctaw people prior to European arrival to a "Native American tribe" with severely circumscribed rights within another nation-state. Oklahoma Choctaw history is particular and made it a precursor to major policy stances by the United States in numerous significant instances. Choctaw people were the first of the five removed from what is now the Southeastern United States with the signing of the 1830 Treaty of Dancing Rabbit Creek. Much of the Choctaw Nation's contemporary legal situation is rooted in the specificity of this treaty which laid the foundation for how the Choctaw Nation governed throughout the 19th and 20th centuries. Articles, or terms of this treaty continue to shape the present with its long-lasting legacy. Since not all Choctaw people left the homelands, many of the descendants of those who stayed make up the federally recognized Mississippi Band of Choctaw Indians and Jena Band of Choctaw Indians as well as several other state-recognized Choctaw communities. This dissertation is primarily limited to examining the experiences and history of Oklahoma Choctaws

given how removal established Choctaws' jurisdictional standing in contemporary Oklahoma alongside the other Five Tribes.

Despite signing the 1820 Treaty of Doaks' Stand that designated a swath of western lands for Choctaws in exchange for their eastern homelands, the boundaries of the Choctaws' land base in the west have been in constant flux. The 1830 Treaty of Dancing Rabbit Creek finalized Choctaw removal to a new western homeland of approximately 15 million acres. This effectually displaced the Caddo, Osage and Quapaw peoples who claimed this region as part of their homelands.[18] Prior to allotment, Choctaw removal occurred in three major waves: the first began in October 1831; the second was from 1832-1834; and the third was from 1844-1855. Immediately upon arriving in Indian Territory, Choctaws rebuilt their government and modified it to resemble more closely settler democratic governments. Despite these efforts, further land loss continued (Akers 2004; Kidwell 2008).

For the next 75 years, Choctaws governed themselves within much more autonomously than the Choctaw Nation of today. They had their own laws with a constitutional tripartite government that hosted annual elections, a police force called the Lighthorsemen, a mining industry, and the largest school system in the region. In later chapters, I will discuss these aspects in greater depth. In 1837, Choctaw leaders expanded their nation by signing a treaty with Chickasaw people to provide them with a district within the Choctaw Nation. This arrangement later resulted in the creation of the Chickasaw Nation as its own autonomous polity with the Treaty of 1855. However, the two nations would share a collective title to the land. This would later have significant political and legal implications when it came time to discuss Choctaw Nation's 18th century permit system and allotment in the early 1900s, which I will later examine.

[18] For more on the displacement of the Southern Plains tribes for the Five Civilized Tribes, see: (La Vere 2001).

Even after Oklahoma statehood in 1907, Choctaw Nation maintained its integrity as a nation by operating even after the federal government deemed their government non-existent (Lambert 2009). From 1907 to 1970, Choctaw people experienced a major reduction in their government that changed how it operated. Importantly, this was not the same as the abolishment of their tribal government as many historical texts claimed which I later examine. Instead, the Choctaw Nation continued to maintain its government although in a much more limited capacity with the offices of the Chief, National Attorney, Mining Trustee and others who were responsible for the management of collective tribal assets as well as to support individual Choctaws and their land-owning issues. Choctaw people continued to convene and negotiate the path for their future. They continued to select their own chief in spite of the US Congress passing a law to authorize the US President to select the leader of the Choctaw Nation.[19] Decades before *McGirt v. Oklahoma* or the 2018 *Carpenter v. Murphy* sat before the Supreme Court docket,[20] legal scholars Pipestem and Rice (1978) determined that according to the construction of the 1890-1907 laws regarding the Five Tribes and their governments laws, their governments continued to

[19] US Congress passed this law regarding the selection of the Five Tribes' chiefs in 19XX. Scholars have taken the passing of this law at face value and did not verify how the chiefs were selected within this process. For instance, the important Choctaw history text, *The Choctaw of Oklahoma* stated, "In 1906, elective government ended for the Choctaw, but the office of Principal Chief continued to be an appointive position until 1970" (Milligan 2003: 229). Even renowned Choctaw historian Clara Sue Kidwell wrote, "In 1906 Congress delivered the ultimate coup de grace in a law providing for the dissolution of the tribal governments of the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles in a prelude to Oklahoma statehood in 1907. The power to appoint Choctaw National chiefs now rested with the president of the United States" (2007: 127). But as archived correspondence between the chiefs from 1907-1970 shows, this was not actually true in practice. While the President had his name on the appointments, he delegated that authority to the Secretary of Interior. The Secretary relied upon reports from the local Superintendent of the Five Tribes which simply put forth the individual elected by Choctaw people. It is these kinds of small mistakes in Choctaw histories that obscure how Choctaw communities navigated the political terrain of this period in ways that maintained the longevity of tribal government.

[20] The Supreme Court heard oral arguments for *Carpenter v. Murphy* in 2018 but re-calendared it for October Term 2019. The Court then granted review for *McGirt*, which was a similar case that Justice Neil Gorsuch did not have recuse himself from as he did in Carpenter due to hearing it at the US Court of Appeals for the 10th Circuit. For more, see: Mann, Ronald. "Argument preview: Justices to hear second set of arguments on reservation status of eastern Oklahoma," SCOTUSblog, April 20, 2020. https://www.scotusblog.com/2020/04/argument-preview-justices-to-hear-second-set-of-arguments-on-reservation-status-of-eastern-oklahoma/

exist – again, despite the state of Oklahoma's insistence otherwise.[21] Choctaw people also maintained their distinct culture within families and through local institutions like the Choctaw churches that were established after removal.[22] They even taught Choctaw culture in public schools following the passing of the 1972 Indian Education Act (*Biskinik* 2018).

In the early 1950s and 1960s, Choctaw people called for the severing of the US government's management of Choctaw affairs; this resulted in termination legislation that would altogether sever the nation-to-nation relationship between Choctaw people and the US government that was originally established by their historic treaties. Rather than a genuine desire to extinguish their Choctaw identities, it was Choctaw people's frustration with the limited government of the time that helped to advance termination legislation that was then pursued by the chiefs and allies in Congress.[23] When people recognized the dangers of this legislation, a grassroots campaign against termination emerged and ushered in a new chapter in Choctaw governance (see Hardin 2015; Lambert 2009).

After the repeal of the Choctaw termination legislation in 1970, the Oklahoma Choctaw people have experienced a massive transformation and expansion of their government. In accord with its 1983 constitution, the Choctaw Nation of Oklahoma now has a tripartite government

[21] Section 28 of the Act of April 26, 1906 noted "That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effector for all purposes authorized by law, until otherwise provided by law" on the condition that 1) tribal legislatures were not in session for more than 30 days, 2) acts by the legislature would not be valid until approved by the President of the US or 3) contracts regarding tribal land or spending tribal funds would not be valid until approved by the President. For more, see: (Pipestem and Rice 1978).

[22] Choctaw churches are differentiated from regular churches in that they are historically Choctaw churches. They were established post-removal by Choctaw communities. Until recently, sermons were delivered in the Choctaw language. They were an institution that maintained Choctaw culture. For more, see: (M. Baker 2017)

[23] Significantly, Choctaw Termination was not a part of the 1953 Termination bill that initiated federal policy to end all federal obligations to Native nations and their communities. This would have extinguished the nation-to-nation relationship and further assimilated Native peoples into US society. For more on Termination as federal policy, see: (Fixico 1990). For more on Choctaw Termination, see: Choctaw Nation Historic Preservation. 2022. "A New Chahta Homeland: A History by the Decade, 1950-1960," *Biskinik*. https://www.choctawnation.com/biskinik/a-new-chahta-homeland-a-history-by-the-decade-1950-1960/

structure with executive, legislative and judicial branches. It is geographically divided into twelve districts, each of which is represented by a Councilmember in Tribal Council. After decades of only working to selling tribal lands and distributing per capita payments after Oklahoma statehood in 1907, governing the Choctaw Nation has gone from the amount of work that quite literally fit inside "the top drawer of the chief's desk" (interview, 8/17/2016) to its now sprawling headquarter campus that houses its main government building, judicial center, regional health clinic, community center, food distribution center, wellness center, childcare center and its recently opened Head Start, which provides school readiness for children ages 3-5 of economically disadvantaged families. Chahta Anumpa Aiikhvna (School of Choctaw Language) teaches the Choctaw language in 44 public high schools within its jurisdictional boundaries with a mix of Choctaw and non-Choctaw students via satellite as well as in community classes in major cities across the United States. Land within the boundaries of Choctaw Nation was not treated as typical reservation land until *McGirt* was applied to the Choctaw Nation in 2020, which I will discuss in great depth in the next chapter. While the Nation's capital is 92 miles away in Tuskahoma, Choctaw Nation operates primarily in Durant where its flagship casino-resort is located near the intersection of Interstates 69 and 70. This is a prime location for the casino-resort since it is just under an hour and a half drive from downtown Dallas (less if one drives as fast as the typical Texas driver). Durant also happened to be the only town in Choctaw Nation that welcomed the Choctaw government (personal communication, Thompson 5/4/2023). In addition to these key locations, the tribe also maintains multiple offices in each of its twelve districts.

Choctaw Nation operates numerous businesses to fund much of its government operations, most famously, its Choctaw Casinos which can be found all over the Choctaw

Nation. Its presence is also well known throughout the Dallas-Ft. Worth metropolitan area where billboards next to highways advertise the casino just over the Oklahoma-Texas border. While gaming is a major source of revenue for Choctaw economic development, it is just one business in an ever-diversifying portfolio, with travel plazas, grocery stores, ranches, and the Cultural Center being only a few examples of the major businesses operated by the Nation's Commerce division.

From the increasing amount of Choctaw Nation-published materials, advertisements, and billboards advertising "Choctaw Country," tourism has become another major focal point for expanding Choctaw economic development. Choctaw Nation recently announced the construction of "Choctaw Landing," a resort in Hochatown, a once-quiet town that has boomed into a major outdoor tourist destination that capitalizes on the Beavers Bend State Park and the quiet forests for hunting season. All of the different business, including supporting small businesses run by tribal members through programs like its "Chahtaprenuer" Small Business Development, has provided the Choctaw Nation with what Courtney Lewis (2019) calls "economic sovereignty" in her ethnography of Eastern Band of Cherokee Indians economic development. Driving through the little towns in the reservation quickly shows how the revenue from business endeavors has been reinvested among Choctaw people and all-over southeastern Oklahoma.

Despite Choctaw Nation's very clear contemporary and historic presence throughout its reservation in southeastern Oklahoma, many Choctaw people living outside the reservation do not know it in the same way. Rather, they come to learn about Oklahoma Choctaw people and their history through the work of anthropologists and historians whose work I will review in Chapter 2. Among these scholars is John R. Swanton, a highly regarded Smithsonian

anthropologist who completed his doctoral dissertation in 1900 and published his seminal book *Source Material for the Social and Ceremonial Life of the Choctaw Indians* in 1931. Horatio Cushman (1899) engaged with living Choctaws between 1884-1890 in preparation for his history. There is also Angie Debo, a highly revered Oklahoman historian known for detailing Oklahoman politicians and community members' theft and grafts of the Five Tribes land in the state among many other works. A lawyer who worked on the creation of the Dawes Rolls for the Five Tribes, Grant Foreman (1971; 1974) provided a matter-of-fact account of Indian Removal and an abbreviated history of each of the Five Tribes. Linguists have studied the Choctaw language to varying utilities given how not all their work has been used by Chahta Anumpa Aiikhvna, the School of Choctaw Language (Broadwell 2006; Haag and Willis 2001; 2007; Kickham 2015; Williams 1999).

More recently, Choctaw scholars like Donna Akers (2004), Clara Sue Kidwell (2008) and Valerie Lambert (2009) have each covered key periods of Choctaw history and filled in the gaps in Oklahoma Choctaw history that Debo covered in her 1948 canonical history. All three importantly emphasized Choctaw Nation's nation-state status throughout the 20th century which Debo claimed had ended in 1907. These Choctaw histories were also complemented by broader histories of Native people in both Oklahoma and the US Over the decades in which these texts have circulated, they comprise the short list of the most referenced works in the field, making them canonical regarding Oklahoma Choctaws. When in stock, their books are sold at the Choctaw Nation headquarters gift shop and Capitol Museum.

For all the important historical and cultural information that has been provided by these scholars, there remains a tremendous amount of archival material that exists in archives throughout the state of Oklahoma but was never brought to bear on their analysis. This

incompleteness speaks to the many omissions and gaps that remain in understanding the full scope of Choctaw history. When one considers the vast amount of archival material within the field of Native American history, particularly in light of the constant complaints of lack of archival material created by Native people and weighed alongside the many tomes written about Native people with much less archival material, there is an unexplained gap for the amount of material that exists. In addition to contextualizing the limits of Choctaw economic development, the second aim of this dissertation is to understand the incompleteness of Choctaw history stemming from underutilized archival collections as well as the political ramifications of the absence of scholarship on Oklahoma Choctaw history. To understand the need for a more complete Choctaw history than what currently exists, I will now return to McGirt and the relevance of the scholarship that informed the case and the decision.

McGirt and the Legal Specificity of Choctaw and Five Tribes History

The *McGirt* majority opinion, which ruled that the Muscogee (Creek) reservation was never disestablished, opens with the line: "On the far end of the Trail of Tears was a promise." This promise was that the Muscogee (Creek)'s homeland would be secured forever. Nevertheless, for 113 years, the state of Oklahoma had violated that promise. The opinion stated that since Congress alone had the power to disestablish an Indian reservation and because it had never passed legislation to do so, the Muscogee (Creek) reservation was still intact and thus the state had no jurisdiction over those lands. The *McGirt* decision laid bare the simple fact that the state of Oklahoma claimed jurisdiction over Indian lands where it had none since its establishment.

Despite the tweets and memes on social media that assumed that the McGirt ruling was #LandBack and the celebrations across Indian Country, there would not be a change in land ownership.[24] Privately held lands within the boundaries of the Muscogee (Creek) Nation did not automatically become reservation lands owned by the tribes. Also immediately implicated in the Court's decision were the other Five Tribes that the Muscogee (Creek) Nation is associated with. Formerly known as the "Five Civilized Tribes,"[25] the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole nations, collectively made up historic Indian Territory and today's eastern Oklahoma. This geographic and historic relationship between these nations were effectually what drove some to claim that eastern Oklahoma was #LandBack. These nations more importantly share significant similarities in their treaties and histories of acculturation, removal, remade homelands, and recently reinvigorated political forms. It is this specificity to place, history and treaties that is integral to understanding McGirt's historic legal uniqueness even as it applies to the rest of Indian Country as law. And to understand this legal history in greater depth, I will now turn to Choctaw history and its role in laying the foundation for what would become the state of Oklahoma alongside the actions of the other Five Tribes.

Choctaw legal exceptionality developed as a result of many significant interactions with Europeans and Americans during the early stages of contact and colonization. Choctaws were among the groups of Native peoples that met Spanish conquistador Hernando De Soto in 1540;

[24] The Indigenous-led organization NDN Collective describes the Land Back movement as "a movement that addresses the root pain of colonization–the theft of Indigenous lands, alienation of lands for resource extraction, the violence and genocide committed against Indigenous peoples for statehood and capitalism, and the hundreds of years of devastating aftereffects. The movement for Land Back has existed for over 10 years, with ownership or control by no single group or organization. The Land Back narrative has spread throughout Turtle Island and surrounding island nations, with increasingly visibility in the United States and Canada." For more, see: (Pieratos, Manning, and Tilsen 2021).

[25] Despite the common usage of the term "Five Civilized Tribes," I do not use it in this dissertation due to its derogatory implications to other tribes that did not change their governmental forms like the Cherokee, Chickasaw, Choctaw, Creek and Seminole nations.

they invited Protestant missionaries into their communities so they would provide their children with a Western education to supplement their own teachings; and were early adaptors of the plantation economies, slavery, and written constitutions into their polities. Similar engagements with Europeans also occurred simultaneously in the neighboring Five Tribe nations. This is, in part, how these nations received the moniker, "the Five Civilized Tribes." But the most important first was that Choctaws were the first to negotiate a removal treaty with the United States. Subsequently, Choctaw people would become the first nation to be removed to what would become Indian Territory. In the following section, I will provide background on the major moments that shaped the critical legal protections that shaped Choctaw land: removal, allotment, and territorialization/Oklahoma statehood.

Removal

The US had never undertaken Indian removal at such a large scale, and Choctaw removal proved to have a steep learning curve for federal officials. Settlers did all that they could to seize the Five Tribes' ancestral homelands. Removal, importantly, hinged upon early European ideas regarding the supposed inferiority of Native people that early anthropological scholarship later built upon. Removal also relied upon the convergence of federal/state laws and private individuals making conditions on the ground so terrible that the Five Tribes would be scared into signing a removal treaty. The scale of removal itself was a novel and massive undertaking. When it came to negotiating a Choctaw removal treaty in 1830, the two US Commissioners' singular instruction from President Andrew Jackson was "fail not to make a treaty". This historical context is critical to understanding the conditions in which Choctaw leaders secured such strong

terms in a removal treaty. And it was these strong treaty terms that would reshape dimensions of the present despite the state of Oklahoma's efforts to undermine it.

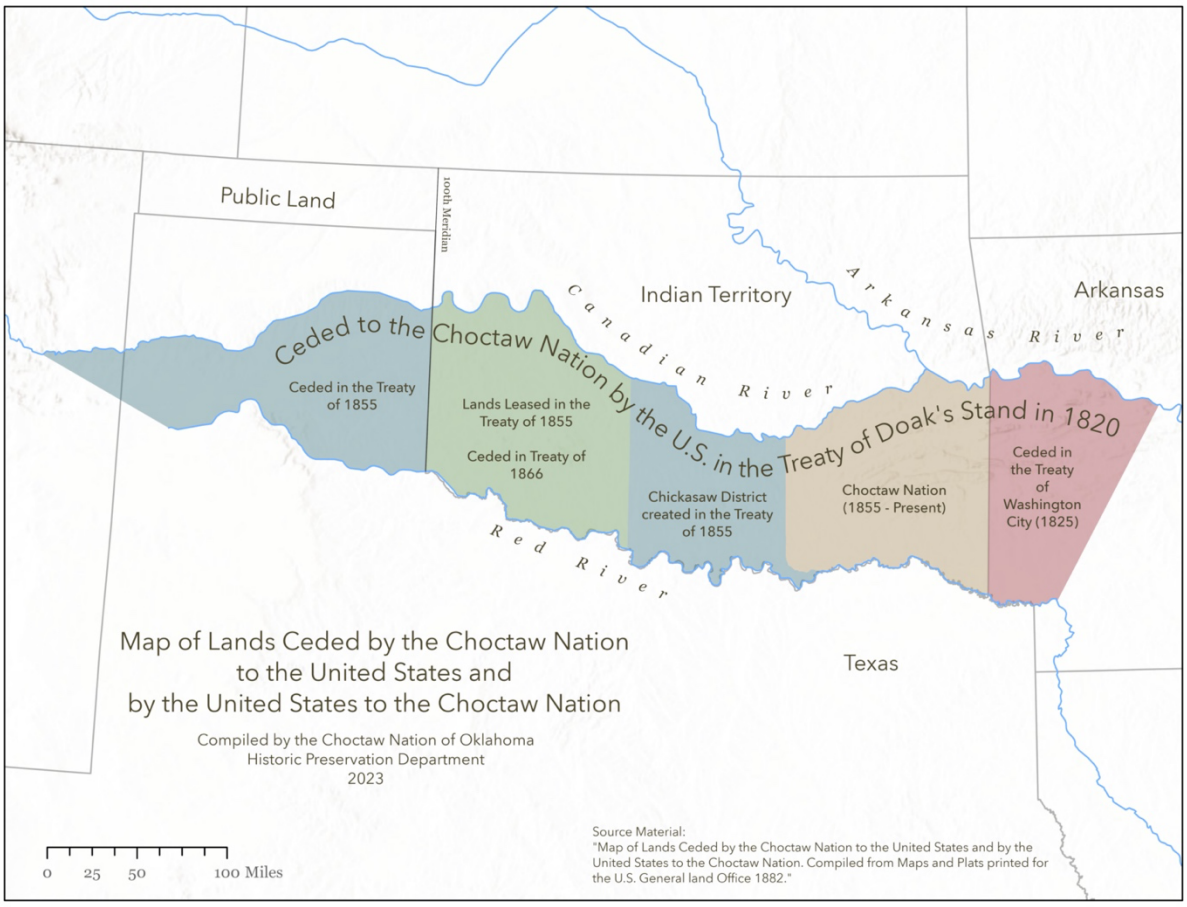

Figure 1: Adapted from "Maps of Lands Ceded by the Choctaw Nation to the United States and by the United States to the Choctaw Nation," Box 1, Folder 2, Patrick J. Hurley Collection, Western History Collections, University of Oklahoma, Norman, OK. Map compiled by the Choctaw Nation of Oklahoma Historic Preservation department, 2023. Used with permission.

When Choctaw leaders initially signed the 1820 Treaty of Doak's Stand with the United States, they exchanged 5.169 million acres of their homelands for 13 million acres in the west. This tract of land spanned between the Arkansas River to the Red River. In today's geography, this would include part of Western Arkansas and all of southern Oklahoma (see Figure 2). This swath of land would later be chipped away for numerous reasons. Choctaw Nation later lost

some of the land in current-day Arkansas with the 1825 Treaty of Washington City. Throughout this time period, they faced incredible pressure to remove themselves from their homelands, an idea first introduced legally with the Treaty of Doak's Stand. In 1817, Mississippi formally became a US state. White settlers increasingly encroached on Choctaw treaty lands and lobbied US Congress to remove the Native nations within it. In 1830, that land base would dwindle even further with the signing of the Choctaw removal treaty, the Treaty of Dancing Rabbit Creek. In 1837, the Choctaw and Chickasaw nations negotiated a treaty to create a district within Choctaw Nation for the Chickasaws who were unable to find other suitable land to settle in for their removal from the homelands. In 1855, the two nations signed a treaty to separate them into two distinct polities rather than the one. They also decided to share the fee simple title to the lands initially secured by Choctaw leaders. While the nations were politically separated, the nations ' boundaries were flexible for their citizens who could live anywhere between the two nations. These decisions would later have significant political ramifications when debates regarding allotment came up, which will be illustrated in Chapter 4.

The 1830 Treaty of Dancing Rabbit Creek set the terms of Choctaw removal and established the boundaries of their land cessions. It built upon the 1820 Treaty of Doaks' Stand which had secured ownership for a "tract of country west of the Mississippi River, situate between the Arkansas and Red River" for a possible Choctaw removal (see Figure 1). This western land cession encompassed the entirety of contemporary southern Oklahoma, parts of the Texas panhandle and Arkansas. But when US officials brought a proposal to Choctaw people for another land cession that included their removal from their homelands at their convening at the well-known Choctaw hunting grounds known as Dancing Rabbit Creek, most Choctaw people vigorously opposed these plans to remove Choctaws from the homelands that they had always

known and where their ancestors were buried. This majority left in protest, believing that was the end of the discussion (Halbert 1902). Despite this clear opposition to removal by the majority of Choctaw people, a small group of elite Western-educated Choctaws remained behind and negotiated a removal treaty based on the conditions on the ground: the increasing influx of white settlers into their lands, growing US power on the continent, and the commissioners' threats of violence if Choctaw people did not leave. All these factors served as warnings for this group of Choctaw leaders that this might be the best opportunity to negotiate a relatively advantageous removal treaty (Halbert 1902).

In exchange for leaving their ancestral homelands, Choctaw leaders ensured that the removal treaty had safeguards to protect Choctaw sovereignty in the new homelands. Among the Muscogee (Creek), they also did the same and these safeguards are integral to understanding the legal basis for *McGirt* and its aftermath that Choctaw Nation is now a part of. Although the treaty negotiations defied the desires of the majority of Choctaw people who did not want to be removed (Halbert 1902), those Choctaw leaders nevertheless crafted what is arguably one of the strongest removal treaties that exists between the US government and American Indians. Article 4 of the treaty clearly outlined the US role in protecting Choctaw sovereignty over their territory. It stated that the United States was obliged to secure "the jurisdiction and government of all the persons and property that may be within their limits west, so that no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation of the Red People and their descendants." It also assured that "no part of the land granted them shall ever be embraced in any Territory or State."[26] Given how the State of Mississippi unilaterally extended its jurisdiction over Choctaw people in the January before the meeting at Dancing Rabbit Creek and how the

[26] "Treaty of Dancing Rabbit Creek," (1830).

federal government failed to do anything about this,[27] treaty negotiators clearly understood the significance of this article that would preclude further state jurisdictional extensions over the new homelands. Another novel aspect of the treaty was Article 14's allowance for a small group of Choctaws to remain in the homelands on the condition that they become citizens of the State of Mississippi and the US But the most significant feature was Article 2 that "conveyed to the Choctaw Nation a tract of country west of the Mississippi River, *in fee simple to them and their descendants* (emphasis added), in inure to them while they shall exist as a nation and live on it."

"Fee simple," the term applied to the clearest form of land title that has the maximum amount of rights as recognized by US law, meant that all Choctaw people owned their lands according to the western-recognized system of land ownership. This was communal ownership by the people, not fee simple ownership of property by individuals or households. This was a notable departure from Choctaw philosophies that did not treat land as an alienable object but was undertaken in an attempt to further protect the new Choctaw homelands from outside entities. This communal ownership was a legal novelty that meant that one individual – or even a minority of Choctaws – could not one day decide to give up this patent. With a fee simple title to the new homelands, the entire nation had to come to a collective consensus regarding changes to its land base. And as it would turn out, this new form of communal fee simple ownership made subsequent US attempts to undermine Choctaw ownership even more difficult and provided Choctaws with an added layer of protection.

Allotment

[27] An Act to Extend the laws of the State of Mississippi over the persons and property of the Indians resident within its limits, Mississippi (1830).

Most notably, the communal fee simple title was the main root of the Five Tribes' exemption from the 1887 General Allotment Act, which would have divided up Choctaw lands into individually owned plots and effectively destroyed what Choctaws had protected for so long. And while allotment later took place in 1906, it took 11 years of negotiations to establish the allotment protocol to which Choctaws had major input in directing, which cannot be said for many other Indian reservations in this same time period. Instead, US Congress had to go to greater lengths to institute allotment in the lands of the Five Tribes, which I will delve into further detail in Chapters 1 and 3.

In 1893, Congress established the Commission of the Five Civilized Tribes to dismantle their governments and allot their treaty lands to their citizens. Colloquially referred to as the "Dawes Commission," it was named after Henry L. Dawes, the recently retired Massachusetts Senator who introduced the General Allotment Act and a commissioner alongside two other lawyers and former military men. As Secretary of the Interior Hoke Smith instructed the Dawes Commission, "success in your negotiations will mean the total abolition of tribal autonomy of the Five Civilized Tribes and the wiping out of the quasi-independent governments within our territorial limits. It means, also, ultimately, the organization of another territory in the United States and the admission of another state or states in the Union" (as quoted in Carter 1999). At the forefront of the Dawes Commission's tasks was the elimination of the Five Tribes and the Creek Nation's sovereign ability to govern. This was to be accomplished through allotment – the privatization of communally held land. In January 1894, the Dawes Commission arrived in Choctaw Territory before moving onto speak with Muscogee (Creek), then Cherokee, Chickasaw, and last Seminole (for more, see Carter 1999).

Finding all the minute points and shifts in US law and policy regarding Choctaw land would prove to be arduous and complicated since the US Congress went to great lengths to find work-arounds to the treaty-protected unique land protections for Choctaw land. Nevertheless, one can see the evidence of structural land dispossession when one follows how Choctaw people went from living in our ancestral homelands with boundaries negotiated over thousands of years with other Indigenous nations to holding communal fee simple title to 26.3 million acres in our new homelands to approximately 6.9 million acres in 1898 to the mere 135,263 acres owned by individual Choctaws in 2016.

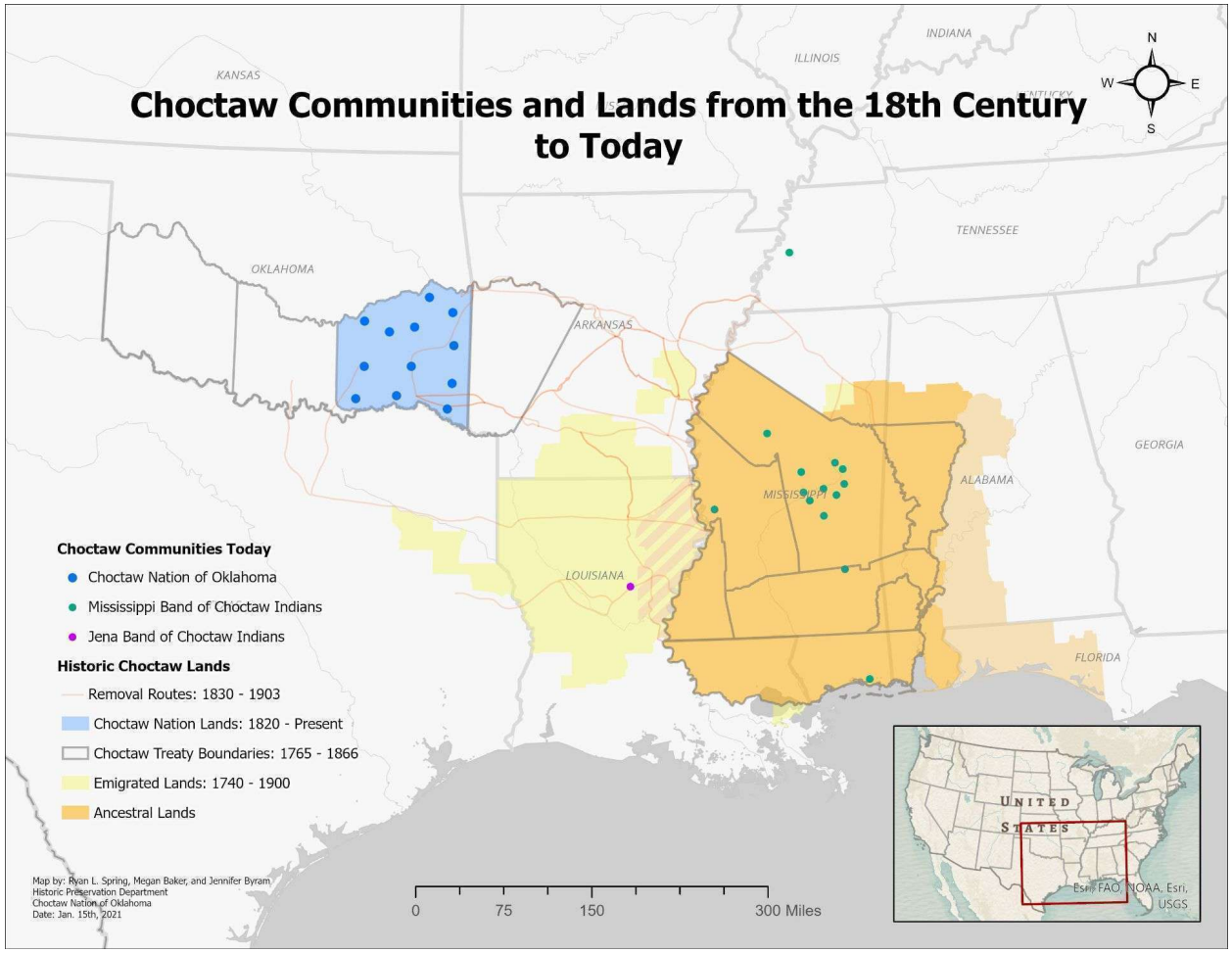

Figure 2: "Choctaw Communities and Lands from the 18th Century to Today." Map created by Choctaw Nation Historic Preservation, 2021. Used with permission.

Territorialization/Oklahoma Statehood

Following the US Civil War, US efforts to territorialize Indian Territory ramped up. This led the Indian nations of Indian Territory to work together to collectively respond to these efforts with their own lobbying efforts and the publication of their collective protests. In one 1875 protest, representatives from Indian Territory including Choctaw delegate Peter P. Pitchlynn, challenged the pretexts of territorialization efforts. The Indian Territory representatives argued that each of the territorialization bills put before Congress "pretends to be designed for the better protection of life and property in the territory; to carry out certain treaties; or to confer on us some imaginary blessing which we do not want, and against which we are constantly drive to protest; while in truth, each of them is a Trojan horse in whose belly lurks railroad grants, land speculators, and squatters, lying in wait to bring swift and certain destruction to the rights of the Indians."[28] Fully aware of the way that these US congressional members were willing to violate treaties to transform Indian Territory for the benefit of the railroad industries, these representatives flagged the contradictions between the claims of the bill and the political machinations behind the scenes of territorialization legislation.

Despite the protests of many in the Five Tribes, the State of Oklahoma came into being through the forced consolidation of Oklahoma and Indian Territories. In the state's oft-retold mythology, the conjoining of Indian and Oklahoma territories is called a shotgun marriage so they could enter the Union as one state (Wright 1930). In the tumultuous period that ended up being the lead-up to Oklahoma statehood, prominent citizens of the Five Tribes came to together to develop an alternative to settlers' calls to disassemble Indian Territory. They proposed that

[28] Ross, D. H., W. P. Adair, J. A. Scales, P. P. Pitchlynn, J. D. Harris, Lewis Glewbery, Antotolby, D. O. Fisher, G. W. Stidham, Jno. R. Moore, D. M. Hodge, John Jumper, James Factor, "Protest of the Indian Delegation against the Establishment by Congress of a Territorial Government of the United States over the Indian Territory," February 10, 1875, 2. 2755.64, Box 4, Phillips Pamphlet Collection, WHC, Norman, OK.

Indian Territory become its own state called "Sequoyah." Such a state would have been the only Indian-run government in the Union, a unique political composition compared to the other 47 states that made up the United States at the time (Goble 1980; Leeds 2007). Despite hosting a constitutional convention and the creation of the Sequoyah constitution, President Theodore Roosevelt rejected the proposal outright and suggested that Oklahoma and Indian Territories enter the union as one state.[29] Nevertheless, such a move reflects the dynamism and capability of Indian governments to work within the burgeoning American political system to ensure they would be able to govern their lands as their treaties contracted. Furthermore, the Sequoyah constitution was famously incorporated into the Oklahoma constitution, which Oklahoma historian Danney Goble (1980) argued made it one of the most progressive state platforms in the United States at the time. The Five Tribes and the social and physical infrastructures that they built (i.e. courts, school systems, roads) became part of the state of Oklahoma and invariably helped provide the state of Oklahoma with a foundation for its government.

The 1906 Oklahoma Enabling Act, an outgrowth of the 1890 Oklahoma Organic Act, authorized the establishment of the state of Oklahoma combined Oklahoma and Indian territories. But in recognition of the sovereignty of tribes of Indian Territory, the Act clearly stated that the new Oklahoma constitution's authorization was contingent on the fact that "nothing in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property or other rights by

[29] Republican President Roosevelt's rejection of admitting Indian Territory (as the state of Sequoyah) and Oklahoma Territory as states can be attributed to his refusal to admit two new western states with the potential of both being Democratic (Goble 1980:189).

treaties, agreement, law or otherwise."[30] According to the US Congress, these tribes were clearly not disestablished. Rather, they had to carve out different ways of managing their affairs in ways that looked out for the best interests of Choctaw people.

At each of these key turning points that illustrate the legal protections that Choctaw Nation secured for itself and its people, Choctaw people were still dispossessed of their lands. This continual land dispossession – despite legal protections – is significant to understanding the contemporary land loss in the era of political and economic success that has been the era of American Indian economic development. Even after contemporary Choctaw economic development began in the 1980s, allowing Choctaws to make massive strides in improving the lives of their citizens and began supporting the region infrastructural and economically, Choctaw Nation remains largely constrained in what it can do regarding the loss of individual Choctaw landowners 'lands. Despite economic development, land loss still continued on account of the complex matrix of federal and state laws which tribal government had relatively little control over.[31] This was also Choctaw land that was never supposed to surrender or be encompassed within a state – one of the articles of their removal treaty. The fact that Choctaw people have experienced massive land loss is obvious, but understanding how this has occurred is critical to understanding the limits of Choctaw economic development.

[30] An Act To enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted to the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, Public Law 234, US Statutes at Large 34 (1906): 267-285.

[31] On December 31, 2018, President Trump signed legislation that amended the 1947 Stigler Act to remove the ½ blood quantum requirement to keep Indian land inheritance in restricted status. Relevant to all the Five Tribes, they all worked with the Oklahoma delegation to pass this amendment. Because there was the ½ requirement for land to stay in restricted status, the children with less than ½ blood quantum would inherit their parents' land and the land would immediately lose its restricted status. This meant the land reverted from federal jurisdiction to state/county jurisdiction and made it eligible for taxation. This proved to be a problem for those who were unaware of the change and caused land loss. For more, see: Gernand, Bradley. "Passage of the Stigler Act Amendments of 2018 a Huge Win for the Five Tribes," *Biskinik*, February 2019.

Significance of Tribal Histories

An understudied facet of Choctaw life and history concerns the land loss that people have experienced since removal. Within Choctaw historiography, monographs have focused their studies of Choctaw governments to which land loss has been consequential (Akers 2004; Debo 1975; Kidwell 2008; Lambert 2009; Pesantubbee 2005). This dissertation turns instead to examine the US law and policies and how the State of Oklahoma with its own competing interests created the conditions in which Choctaw people continually lost lands. This would, in turn, produce conditions of poverty throughout the 20th century and into the present. While the federal government was a major actor in Choctaw land dispossession, the state's role is perhaps more relevant from 1907 onward. Consequently, this dissertation briefly traces the matrix of federal government and state officials (in the form of congressional representatives) that facilitated Choctaw land dispossession in the new homelands that were promised to never be encompassed by a US state. I primarily focus on Choctaw land privatization initiated by allotment and follow allotment's effects throughout the 1900s. Additionally, I highlight how the ideologies that have become ascribed to the notion of private property have facilitated their land dispossession and worked to undermine the sovereignty of their government. Private property, a hallmark value of US society, is importantly a tool of settler colonialism. Often treated as an a priori and universal concept, property in settler colonial states must be understood in relation to Indigenous nations and how it was used to dispossess them of their lands. Thus, in studying the institution of private property among Choctaw people and by following how Choctaw people have experimented with the imported concept (that was also forged partly through colonialism), we learn more about the nature of US law and the function of property to the settlement of the North American continent.

Colonization is a formative force in the legal development of the United States that fundamentally refashioned land into a commodified object which it was not prior to the colonization of the Americas. In Chapter 4, I delve into Choctaw political structures prior to colonization. The process of claiming Indigenous land for settlement necessitated legal innovations that would sanction, authorize, and legitimize European conquest of the continents. In particular, the origins and historical function of property in the United States has been erased in legal education with major consequence to contemporary understandings of property. In her comprehensive review of property-law casebooks used in US law schools since 1888, K-Sue Park (2022) shows how the erasure of histories of colonization and enslavement in the US property system are integral to the formation of the systems, practices, norms and ideals that are central tenets of Anglo-American law. In the processes of claiming Indigenous land, she highlights how the racializing Doctrine of Discovery, the production of monetary value for land, and the development of the mortgage were radical modifications of transplanted British property law that was integral to conquest.

These legal tools used in the project of claiming Indigenous lands would in turn become the basis for the US property system. From this system, a new economy that hinges on the commodification of land emerged. Because textbooks have obscured these origins(along with slavery) (Park 2022), many do not recognize the racial violence that is inherent to the US legal system, especially regarding property. Once attuned to such a foundational truth, the structural nature of Indigenous land dispossession that perpetuates Choctaw land loss becomes much more evident. Furthermore, one is able to recognize how the colonial process for Choctaw people has not ended; it is indeed “a structure, not an event” (Wolfe 2006). The land losses experienced by Oklahoma Choctaw people are not isolated, individual events. Rather, they are interconnected to

the multi-faceted processes of colonization which Choctaw people have had to contend with throughout their lives in both macro and micro levels. And it is in understanding this that provides Choctaw people with the best tools for confronting issues regarding property today.

Like the generations of Choctaw people who used their education to protect Choctaw sovereignty through the production of treatises and scholarship that critically reflected on the state of Choctaws and the structures that underpinned their most pressing issues by examining it in relative context to the wider United States and global politics. From my study of Choctaw history, I highlight the themes deployed by the state of Oklahoma to undermine Choctaw sovereignty to help contextualize the state's current response to *McGirt*, which gets to the heart of many of the Choctaw Nation's political struggles today. Grounded in analyses of primary sources that have not been revisited for decades, I highlight the false alarms produced by the State of Oklahoma to show the false narrative that they perpetuate in order to undermine tribal sovereignty.

Examined through the multitudes of experiences that Choctaw people have with land loss and constrictions of their ability to govern themselves, this dissertation offers a study of US settler law – how it crafts and deploys the history of Indigenous people and how histories provide the foundation for law. Like other scholars of Indigenous politics, I show that at the heart of settler societies is Indigenous land dispossession and the continual need to dismantle Indigenous sovereignty (Barker 2017; Cattelino 2008; Dennison 2012; Kauanui 2018; Pasternak 2017; A. Simpson 2014). The way that callous landlords and letters from the county that transform major land loss by Choctaws that are made routine and mundane in everyday life is a result of these settler laws governing land. In recognizing how central the subjugation of Indigenous people was and is for the proliferation of a settler society on Indigenous land, one can better understand the

political-economic dynamics of the present. In seeing precisely how Choctaw life has been circumscribed by US laws, we can see how the larger political and economic systems rely on the limitation of Indigenous nations, their sovereignty and the life possibilities of their people as a whole.

Guided by Audra Simpson's assertation that ethnography in settler colonial contexts requires historical and ethnological accounting (2014: 97) and Trouillot's (2003)'s call to shift how the West is studied by turning to the methods of history and anthropology as they gave authority and power to speak for and about Choctaw people in the service of settler states that used their knowledge to remake the world, this dissertation traces how property was instituted over time as well as attends to how property transformed Choctaw political life. To do this, this dissertation situates and historicizes property within Choctaw communities, specifically as it has evolved throughout our history. In foregrounding Choctaw laws that held communal landownership as the foundation of our ancestors' lives and by tracking how the settler concept of property chipped away and undermined this foundational tenet of our polity, the western conception of property's destructive force becomes evident.

This dissertation is composed of three major components critical to understanding how history and law underpin the paradox of land loss in an era of economic development. First, it shows the function of law in the settler colonial society that Choctaws continue to live in as well and how it is deployed to continually dispossess Choctaw people of their lands. This line of inquiry reveals the interconnected relationships between economic development, property, and dispossession. Second, I focus on the specificity of Choctaw history to elucidate its significance to the current political moment. The archival study of Choctaw history here is not simply background information, but it allows me to show precisely how Choctaws' legal distinctiveness

serves as the foundation for the Five Tribes 'recent economic and political re-ascension in Oklahoma as well as the state-tribal tensions that they experience. Furthermore, in doing this, I provide understudied details of Choctaw history that changes some of the common narratives that currently circulate. Third, I consider the political stakes of knowledge production, particularly how early practitioners of anthropology and history undermined Choctaw sovereignty and facilitated land dispossession throughout the 19th century and into the present. These three components together illustrate just how much the colonial ideologies inculcated in the system of private property saturate the experiences of all people living in Oklahoma and settler states like the US Together, this methodological combination of ethnographic and archival work reveals how property is the cultural, ideological, and legal apparatus that makes settler governments even possible. It additionally shapes the power – or lack thereof – of Indigenous nations to care for their citizens. Also, it is the experiences of everyday Choctaw people of the present and past, their status as so-called "civilized Indians," and as I will later show, their histories that reveal this exceptionally well.

Methodology

Throughout my formal fieldwork and when I was just a community member who happened to know many things about Choctaw history and land loss, many Choctaw people wanted to know: why did their family no longer own their allotted lands? While I could answer some questions based on their specific individual cases, I did not know the answer to some of them. The questions to which I had no answers transformed this dissertation from a simple study of Choctaw economic development to a study of its origins and deep history in order to understand contemporary struggles with land loss. As I would come to see more clearly, Choctaw

people and their attempts to retain their homes are connected to larger political and economic processes of settler states and global capitalism in ways that helped to make today's world. This dissertation project provides some of this history and uses it to make sense of our contemporary moment – one where land dispossession is still a major issue. As it would turn out, the history of Choctaw land loss, which I began to track to help make sense of the land loss experienced by family, friends, and fellow community members, would go back much further than any of us expected.

This dissertation also developed out of my commitment to the traditional Choctaw community where my family is from and to tell their stories of community organizing that I grew up with but never heard outside of stories told by family and friends in the region. To understand the paradoxical discrepancy between the Nation's recent economic prosperity and the landownership struggles of family and friends, I developed an ethnographic study of Choctaw economic development and the parallel development of tribal-state tensions. While spending time with and interviewing community members, I also noticed that their narrations of Choctaw history often circulated pan-Indian narratives rather than the particulars of Choctaw history. Choctaw and non-Choctaw people alike assumed that Choctaw allotment was brought about by the 1887 Allotment Act when it was the 1898 Curtis Act; that Choctaw termination was part of wider Termination legislation when it was their termination legislation was specific only to Oklahoma Choctaws. While Choctaws were certainly a part of these historical moments, the history and legal specificity of such major legislation are critical to understanding Choctaw peoples' particular land issues. I found such misunderstandings contributed to their confusion regarding how and why they experienced land loss as well as the legal mechanisms that made such losses possible.

To correct misunderstandings of Choctaw history that developed out of key settler scholars who worked within ideological frameworks invested in the elimination of Indigenous sovereignty, I utilized archival methods to understand the legal specificity of Choctaw land loss. Initially, I began archival research to find answers about specific instances of land loss that community members told me about in interviews, but the massive, understudied trove of Choctaw-created records from the removal period (1830s) to the present presented me with a new challenge. The consecutive months of archival research as well as numerous follow-up trips spent primarily in the Western History Collections, Oklahoma Historical Society and Carl Albert Center helped me understand the structural nature of Choctaw land dispossession. To ensure my research addressed Choctaw community needs, I integrated tribal history with an ethnographic study of Choctaw historiography into my study.

The dissertation is built upon over two years of fieldwork spread over several periods: June 2016-April 2017 and July 2019-October 2022. During those periods, I primarily lived in Durant, Oklahoma with family who worked for Choctaw Nation and later in my own place in the adjacent town of Calera. On occasional weeks and weekends, I would spend time in McCurtain County where I stayed with my aunt in the house that my grandparents lived for the latter half of their lives in Battiest. My participant observation and interviews were conducted primarily during the June 2016-April 2017 period while my archival research and ethnography of the archives spanned the July 2019-October 2022 period. I interviewed Choctaw Nation government employees and officials as well as Choctaw individuals that I met through family, at the local community centers in Battiest/Bethel, Broken Bow, and Idabel as well as with the help of the Choctaw Nation Historic Preservation department. From my interviewees, I sought to understand how they experienced and observed the arc of Choctaw economic development that has changed

the landscape of southeastern Oklahoma. While they described the numerous ways that Choctaw Nation had grown in the past thirty years, numerous people expressed discontent with the Nation's economic prosperity and instances when it was unable to help them, particularly regarding land and housing issues. After talking with government officials and gaining experience working for Choctaw Nation's Historic Preservation department, it became clear that US policies and laws severely constrained what the Choctaw Nation could do for their citizens. This was due to the fact that the tribe also faces major hurdles around land ownership and stewardship, given the legal specificity of Choctaw treaties and the process by which Oklahoma became a state. To help community members understand these tensions and how they affected their everyday lives, I turned to archival research to learn the precise modes of land dispossession and how US laws both reflected and reinforced these patterns of land loss.

I began my archival research journey at the University of Oklahoma's Western History Collection (WHC), where I first reviewed the collections of all Choctaw chiefs. My chronological approach of these collections provided me with a strong sense of the political trends of each administration and identify the long-standing issues that multiple administrations struggled with. These individual collections were notably not equal. Some had only a few typescripts of their writing published in local newspapers while others had folders of similar material along with drafts of speech they gave. After reviewing all the chiefs' collections, I moved on to the collections of notable individuals where I spent four months pouring over the correspondence files between Choctaw Nation government officials (i.e., attorneys, delegates) and the Bureau of Indian Affairs and Oklahoma Congressmen.

At the Western History Collection, the collections of Choctaw governmental officials with less glamourous titles of "Mining Trustee" and "National Attorney" than "Chief of the

Choctaw Nation," particularly that of Hampton Tucker and Patrick J. Hurley, proved to be incredibly important to understanding the dynamics of contemporary Choctaw Nation as well as reshaping my understanding of 19th century Choctaw Nation. Reading through these individuals' correspondence, writing drafts and their collection of published materials provided insights into this period in ways that published histories that drew on these same collections I had reviewed did not quite convey. This underscored to me the imperative that I re-read these collections for myself and to write a new history from them.

After completing as much as I could at the WHC, I moved downstairs to the Carl Albert Center (CAC) which housed congressional collections, especially those from Oklahoma. Here, I examined the collections of the Oklahoma congressional delegations for four months as well as multiple week-long follow-up research trips. The most significant collection was that of Oklahoma Representative for District 3 Carl Albert who was in office from 1949-1970. His district included both the Choctaw and Chickasaw Nations and proved to be a genuine advocate for their leaders and individuals alike. Here, his meticulously kept correspondence files provided me insights into the everyday lives of Choctaw people through the letters that they wrote to Carl Albert. To find solutions to their problems, which were mostly regarding land ownership and poor economic conditions in southeastern Oklahoma, Carl Albert would forward the letters to BIA officials who would correspond with him about them. These correspondence files gave such clear insight into how Choctaw Nation worked in the 20th century and helped answer questions raised by interviews or conversations with community members about this less studied era of Choctaw history. In that, these correspondence files provided me with many of the insights in the following pages of this dissertation.

My research at other archives developed out of whatever I was learning from the collections at the WHC and CAC. During the weekdays, I worked at the Western History Collection/Carl Albert Center; on Saturdays, I worked at the Oklahoma Historical Society (OHS). There, I looked at the collections related to whatever I was working on at the time. I later gained access to scans of the Choctaw national records held by OHS that had been microfilmed on a hard drive and I no longer had to travel to Oklahoma City to review that microfilmed material. At the National Archives, I primarily focused on correspondence from the Central Classified Files which also provided valuable correspondence on the conditions of daily life in Choctaw Nation from 1907-1939. The Oklahoma State University Archives holds the Angie Debo Collection which gave me insight into her personal motivations in writing Oklahoma history and the conditions in which she wrote extensive body of work. The Gilcrease Museum holds the Peter P. Pitchlynn Collection, who served as a diplomat/lobbyist for Choctaw Nation throughout the 19th century as well as the Grant Foreman Collection, who was an important Five Tribes historian. Both were critical to understanding the 19th century and Foreman's Collection allowed me to understand the sources that he drew on better. The Broken Bow Kiamichi Country Genealogical Society at the Broken Bow Public Library gave me access to local newspapers on microfilm whenever I stayed at my aunt's house in Battiest in the southeastern-most part of Choctaw Nation, two hours from Durant. The Kansas Historical Society and the Cornell Rare and Manuscript Collections both held collections related to the development of railroads in Choctaw Nation in the 19th century.

Almost two years of cumulative archive research broken up over the past six years revealed to me an untapped collection of sources written by Choctaws themselves. In this dissertation, I use these archival documents to trace the longue durée of land dispossession and

identify numerous legal and extra-legal mechanisms used by American settlers to claim Choctaw land. I also use Choctaw Attorneys' legal case files, correspondence, congressional hearings, and significant local businessmen's correspondence to provide a political-legal history of Choctaw economic development to situate and historicize the contours of its contemporary forms. Working with Choctaw archival documents and knowing the historiography, it became clear that there were major gaps in understanding numerous points in Choctaw history that accounted for the way that Choctaw philosophy would have shaped decision-making by individuals and the collective.

The COVID-19 pandemic hit at the transitional period between the end of the period I had allocated to focus on archival research in Oklahoma City and Norman and new interviews from Spring 2020 onward. My sudden inability to conduct new ethnographic research with community members forced me to reorient the project. As I continued to process my archival research and reviewed my notes from my time there while working as a Cultural Research Associate for the Choctaw Nation Historic Preservation department (which I started in December 2019), I could spend more time with the questions raised by the material I found. As I learned from the vast quantity of Choctaw archival materials as well as other types of material culture over the past 3.5 years working for Historic Preservation, I was also taking note of what was and was not cited in the Choctaw historical canon, especially the hundreds of folders of Choctaw language materials that not been translated.[32] My colleagues in Historic Preservation also helped me to further understand the limits of the early ethnologies of Choctaw on numerous topics and showed me the nuances of the time period that non-Choctaw people would not know to think of

[32] As part of my work with Choctaw Nation, I worked with Ms. Teri Billy of the Chahta Anumpa Aiikhvna to translate some of these documents which detailed Choctaw peoples' immediate responses to allotment as well as its lead up and aftermath. Although relevant, their usage is not included in this dissertation.

and what they had found to be proven wrong. My knowledge of the primary sources that were used to write anthropological and historical texts about Choctaws and how those sources have and have not been used clarified to me why the general Oklahoma public and Choctaw people had misguided ideas about Choctaw history. As COVID restrictions ended and I could return to the archives, I continued to build on it to show the role of history in the paradox of land loss in the era of American Indian economic development.

Summarily, I combine an ethnographic study of contemporary Choctaw economic development, a critical historiography of the Choctaws and Five Tribes, fieldwork on Choctaw archival materials and their repositories, and the wide breadth of tribal history informed by cultural knowledge combined with over fourteen months of research. It is only in holding all these components within a singular frame that one can begin to understand how Choctaws' experiences with structured land dispossession are fundamentally tied to the legal and cultural forced incorporation of the settler notion of property into the Choctaw polity.

Dissertation Overview

To understand how economic development by tribal nations might produce political tension between Indigenous peoples and the State of Oklahoma, Chapter 1 shows how US laws regarding land ownership among the Five Tribes contributed to poverty among Choctaw people. It then shows how Choctaw people have lived through the transition from poverty to today's era of reinvigorated Choctaw political power and economic ascendency. Laws governing land ownership are also importantly shown to be about the jurisdictional struggle between the Five Tribes and the State of Oklahoma and how the State's historic legislative attempts to expand their

jurisdiction produced the poverty that contemporary American Indian economic development responds to and has reinvigorated their political antagonisms.

Chapter 2 considers the stakes of Choctaw history and how settler scholars and their scholarship on Choctaws perpetuated narratives of Choctaw decline that shaped law and policy that affected Choctaw people both indirectly and directly. Through an examination of the scholarly careers of John R. Swanton and Angie Debo, I show how their methods of knowledge production informed US laws and policies regarding Choctaw people in ways that contributed to the poverty among Choctaw people in the 20th century. Recognizing the need to nevertheless use these texts, I then draw on lessons from an elder to read such works against the grain.

Tracing the impact of more recent scholarship on Choctaws, Chapter 3 delves into the deep roots of Choctaw people's continual experiences with land dispossession. In particular, I examine the function of private property in settler states: to transform land into alienable property – which goes against Choctaw conceptions of land and its role in Choctaw society. To understand how property became integrated into Choctaw society and its consequences, I revisit two important texts: Richard White's (1983) *The Roots of Dependency* and Sandra Faiman-Silva's (1997) *Choctaws at the Crossroads*. With these texts, I examine how they, like Swanton and Debo, contributed to misrepresentations of Choctaw history regarding private property. At the same time, I recognize the books' contributions to understanding some aspects of Choctaw history and read against the grain to glean important aspects of Choctaw Nation in the 18th and 20th centuries. I then build upon this method by

Chapter 4 provides a reinterpretation of a significant moment in Choctaw history regarding its foray into economic development: its 1872 proposal to use coal mining for tribal economic development. I argue that Choctaw Nation's efforts to turn coal mining into a national

endeavor was its first economic development project. By pinpointing economic development to this period, I show the coal mining period of Choctaw history was pivotal turning point in Choctaw history from which there are also lessons for the present day with the aftermath of the McGirt ruling and current challenges to contemporary Choctaw economic development.

In the concluding chapter, I revisit how Choctaw people have constantly been a part of the knowledge published about them and how integral it is to develop Choctaw histories that is grounded in Choctaw philosophies to properly reflect on how far Choctaw people have come and will go.

CHAPTER 2: Origins and Limits of 21st Century Choctaw Economic Development

On the same April 1, 2021 afternoon that the Oklahoma Criminal Court affirmed that the Choctaw Nation of Oklahoma's reservation status still existed much like McGirt did for the Muscogee (Creek) Nation,[33] Joyce received a call from her new non-Choctaw landlord. Although he did not officially own the house yet, he informed her that he would be renovating the two-bedroom house in Durant that she was renting with two roommates. If she did not want to move out right away, he would let her stay with a rent increase – from $500 to $950/month. This was the house that Joyce had first rented when she moved to Durant years ago when she got a job as a Choctaw language teacher. She shared the house with two roommates, and over the years, it was where hundreds of traditional Choctaw breads known as *banaha* were made for the annual Labor Day festival, where family and friends gathered for baby showers, holiday parties, and where countless friends and family stayed while in town, whether just for an evening or all summer-long. Joyce, who usually spent her summer vacation in her hometown of Battiest, had spent the last two summers at this house to recover from two consecutive knee surgeries. Staying in Durant rather than rural Battiest made it easy for the tribal transport van to pick and drop her off twice a week for physical therapy at Choctaw Nation's nearby regional medical center. But that spring afternoon, those would soon become distant memories conjured up by conversation or a drive through the neighborhood.

Taken aback by the prospect of a steep rent increase and the new landlord's pushiness, Joyce called me to ask about the legality of her problem. It was supposed to be a celebratory day because the courts had affirmed Choctaw authority and jurisdiction by applying the 2020 McGirt ruling to the Choctaw Nation context (and I had planned to spend the evening reading Indian law

[33] Sizemore v. State, 2021 OK CR 6. http://www.okcca.net/cases/2021/OK-CR-6/

lawyers' Twitter and long-form commentary on the development). Instead, I spent the afternoon angrily scrambling to understand local rental laws to help Joyce out. As I scrolled through legal webpages, I noted the irony. While Choctaw Nation celebrated a legal victory that affirmed their sovereignty over their homelands, one of its elders was grappling with housing trouble on the Choctaw reservation, which the treaty stated would never be encompassed within the state.

The seeming contradictions of Edith's situation are further clarified when one considers the status of Choctaw Nation today, a regional economic powerhouse and major political actor in state politics. With a long-awaited Cultural Center and a new third casino tower opening later that summer, as well as the recent *McGirt* legal victory that had expanded Choctaw Nation's police force, it might seem as though Choctaw Nation would have had no problem supporting tribal members with housing issues. This was what Joyce's landlord had insinuated in their conversation. He even added that as a Choctaw Nation employee, she should have known that housing prices were going up in the region due to all the jobs that the Nation was bringing in at the casino and other government offices. With these remarks, he seemed to blame Joyce and Choctaw Nation for the predicament that he – the out-of-state, non-Choctaw landlord capitalizing on the economic boom that Choctaw Nation had brought to the region – had directly caused her by almost doubling her rent. Although Choctaw Nation offers elder housing and numerous housing programs (which they are currently expanding) in which Joyce could have participated in, the waitlists for them are long and they hadn't even broken ground on the new apartments that Choctaw Nation was planning to build.[34] Furthermore, for her and her

[34] Despite Choctaw Nation's numerous housing programs for tribal members and building around 1,000 homes since initiating economic development, it is still not enough to meet all the needs in the region which has also experienced a rising cost of living. In January 2023, Choctaw Nation broke ground on a multi-family housing development for tribal employees in the Durant area as part of its efforts to mitigate the regional housing demands. See: Gonzalez, Hannah, "The Choctaw Nation breaks ground on housing complex," KXII, January 19, 2023, https://www.kxii.com/2023/01/20/choctaw-nation-breaks-ground-apartment-complex/

roommates to find housing within a month in the midst of the COVID-19 pandemic was a highly improbable task. Choctaw Nation's limited ability to act quickly on housing issues such as this one was in part due to a complex matrix of US and state laws and policies that constrain the Nation's ability govern the entirety of its territory as it did from 1830 to 1907. Despite legal and economic successes that have benefitted the region overall, as massive recent economic growth indicates, the political authority to fully execute economic development projects remain limited.

Divided into two parts, this chapter delves into the historic roots of the State of Oklahoma's recent adversarial response to American Indian economic development that has reshaped the dynamics of state politics. It examines how Choctaw Nation's recent economic development is a direct result of a historic and ongoing jurisdictional struggle over land between the Five Tribes and the state. Part I covers the state-tribal relations and their historic struggle over jurisdictional authority over the lands in eastern Oklahoma/Five Tribes territory. It begins with a sketch of that struggle as it has played out during the COVID-19 pandemic, highlighting how it taps into the State of Oklahoma's historic relationship with the Five Tribes. I then chart the legal history of these jurisdictional struggles that began with Oklahoma statehood. After reviewing this legal history, I argue that the legislative debates in Congress regarding the Five Tribes' lands reveal the longstanding nature of this power struggle. With this, I provide the necessary contextualization for understanding today's fraught political environment between the State and tribes as it developed under Governor Stitt's administration (2019-present).

Part II delves into consequences of implementing these laws for Choctaw people throughout the 20th century. It shows how the state's land restrictions expanded their jurisdiction by effectually dispossessing Choctaw people of their lands. This would have significant consequences and contribute to regional poverty. Drawing on Choctaws' lived experiences as

they encountered these laws while trying to assert their own rights over their allotments, I show how seemingly mundane laws directly caused land loss for Choctaw individuals and families. In their inception, these laws were fiercely fought for by Oklahoma legislators – a stark contrast to their bureaucratic and procedural implementation that had devastating long-lasting ramifications for generations of Choctaw families. It shows how the legislative efforts of Oklahoma representatives to convert land from federal/tribal to state jurisdiction to undermine Indigenous sovereignty directly produced the poverty experienced by many Choctaw individuals and families throughout the 20th century as well as affected the social-political dynamics within the Choctaw community and their government. Summarily, I argue that the State of Oklahoma's struggle to claim jurisdiction over the lands of the Five Tribes 1) is a longstanding issue; 2) produced the poverty that contemporary Choctaw economic development combats today and 3) remains the source of the contemporary tribal-state struggles.

Joyce's housing situation highlights the seeming contradiction of Choctaw economic development as well as the many challenges that Choctaw people have had to deal with since Oklahoma statehood, including the loss of the ability to live on Choctaw treaty lands, encroaching state jurisdiction, and economic conditions that have compounded Choctaw peoples' initial displacement from their ancestral homelands. Given these developments, I reveal the politics that undergird the seeming contradiction of the major political-legal victory of *McGirt* for the Five Tribes together and Choctaw economic power on one hand and the limitations on Choctaw Nation's ability to provide material housing support for individual Choctaw citizens on the other hand. To understand the stakes of this further, the next section highlights how the adversarial relationship between the State of Oklahoma and Indian nations in Oklahoma played out during 2020.

PART I: Jurisdiction and Tribal-State Relations

Not since 1907 has the State of Oklahoma and the Indigenous nations within it had such a year as eventful as 2020. January 1, 2020 marked Oklahoma's 38 Indigenous nations' rejection of Governor Kevin Stitt's claim regarding the expiration of tribal-state gaming compacts. In response to Stitt's attempt to force Indigenous nations to renegotiate by making the incorrect legal claim that the contracts expired at 11:59 pm on December 31, 2019, all 38 Indigenous nations stood their ground regarding their interpretations of the compact that was affirmed by a federal judge months later and made a pact to not negotiate with the Governor. The legal battle between the Governor and the Indigenous nations continued in the background as the COVID-19 pandemic preoccupied much of the public's attention beginning in mid-March. This also proved to be an arena in which state governing tactics diverged with those of tribal governments, who tended to take much stronger precautionary public health measures. As months of closed tribal government offices passed, July 6 marked the next major turning point in tribal-state relations with the Supreme Court's landmark *McGirt vs. Oklahoma* ruling.

In the months prior to the July 2020 *McGirt* ruling, how the state of Oklahoma and the 38 Indigenous nations located in the state managed the COVID-19 pandemic quickly diverged, revealing the relevance of jurisdiction. The stakes of governance were quickly revealed to be matters of life and death. Throughout the pandemic, but especially during the early days, the state's public health response was consistently lenient regarding pandemic restrictions compared to other states. Even notoriously conservative Texas, just thirteen miles south of Durant, had a mask mandate throughout the state in the early days while Oklahoma left mask requirements up to individual businesses and institutions. One month before the *McGirt* ruling, the state's second-largest city, Tulsa, even welcomed then-President Donald Trump in hosting the first massive in-

person gathering in the United States since lockdowns had begun one month before. This stood in stark contrast to Indigenous nations in Oklahoma which used their sovereignty to enforce greater preventative measures for stemming the spread of COVID-19 and materially supporting people through the pandemic's early economic turmoil in 2020.

For example, in March 2020, the Choctaw Nation of Oklahoma closed all non-essential businesses and public government service programming – including its casinos. The year 2020 was set to have two major openings: the Choctaw Cultural Center and the Sky Tower extension at its flagship Durant casino-resort. Like many other economic entities during the early pandemic period, Choctaw Nation businesses took a considerable hit. The decision to close the casino was not one made lightly given that in 2019, 54% of the Nation's annual revenue came from its businesses which include gaming.[35]

Throughout this period, Choctaw Nation paid all of its approximately 10,0000 employees their full salaries regardless of whether they could work from home or not. Additionally, the tribe's workforce was deployed to provided necessary services for tribal members and the local community. For example, tribal employees used one of the Durant casino parking structures for drive-through COVID testing, provided free fruits and vegetables to Choctaw families, and made free testing available for its workers. Tribal government and casino employees were all eligible to receive vaccines when they become available across the country. The nation also offered pay incentives to employees to receive their COVID-19 vaccines through its regional medical center.

During the 2021 COVID-19 vaccine rollout, Choctaw, Citizen Potawatomi, Chickasaw, and Osage nations opened vaccines to the general Oklahoma public after first prioritizing their

[35] Choctaw Nation of Oklahoma (2019) "State of the Nation," https://www.choctawnation.com/sites/default/files/2020-06/CNO_State_of_the_Nation_2019_booklet.pdf

respective citizens. Meanwhile, Oklahoma was still in an earlier phase of vaccine rollouts.[36] Since the pandemic began, tribal nations have used their funds to support public health – things that the State of Oklahoma would otherwise have to cover. Regardless of this fact, Governor Kevin Stitt continued his assault on tribal sovereignty by trying to negotiate new gaming compacts. This is even despite pending federal lawsuits filed by Chickasaw, Cherokee, Choctaw and Muscogee (Creek) nations against such negotiations in defiance of their contributions to mitigating the public health emergency in ways that supplemented the state's own weak responses.

Oklahoma was not the only state to experience heightened tensions between tribal and local governments that were brought out by differing approaches to COVID-19 prevention and protection. Many tribal governments implemented more stringent precautions against the disease given the pandemic's disproportionate effect on Native communities owing to a myriad factors like ruralness and low funding for Indian Health Services.[37] In South Dakota, the Cheyenne River Sioux and Oglala Sioux nations separately put-up checkpoints to restrict entry into their reservations to prevent the rapid spread of COVID-19 in early April 2020. South Dakota Governor Kristi Noem denounced the tribes' assertions of tribal sovereignty by sending letters to the tribal leaders of both nations threatening "necessary legal action" for supposed interference "with traffic on US and state highways through its travel checkpoints" if the checkpoints were not removed within 48 hours.[38] Instead, Noem took no direct legal action and appealed to the

[36] Kaur, Hameet. 2021. "Anyone in Oklahoma can now get the Covid-19 vaccine, thanks to several Native tribes." CNN, March 16. https://www.cnn.com/2021/03/16/us/oklahoma-tribes-offers-vaccine-to-all-trnd/index.html
[37] The interplay between tribal and federal governments produced gaps that most negatively affected the efficacy of tribal governments to handle the pandemic. For more see, Hoss (2020).
[38] Kristi Noem to Harold Frazier, May 8, 2020. https://www.newscenter1.tv/content/uploads/2020/05/5-8-20-Correspondence-from-Governor-Noem-to-Chairman-Frazier.pdf

federal government which resulted in a series of injunctions by the tribes against the federal government.[39]

In Arizona, Pima County officials clashed with the Pascua Yaqui who sought to provide on-reservation early voting for their tribal members in the 2020 state and federal elections. Since county officials refused to respond to tribal requests for on-reservation early voting sites, they effectually condemned many Yaqui voters living on the reservation to two hours commutes to the nearest early voting facility or risk voting on election day when there would be crowds and greater difficulty to maintain social distancing.[40] Notably, South Dakota and Arizona are both states with large Native populations.

While COVID-19 brought tribal-state jurisdictional issues across the United States into public view, these struggles over jurisdiction have long been a feature of tribal-local relations. In his study of the application of federal Indian law in bordertowns around the Rosebud Indian Reservation in South Dakota, anthropologist Tom Biolsi established the validity of "the assumption that the deadliest enemies of Indian tribes are local non-Indians in and around Indian country" (2001: 1). One of the most significant Supreme Court cases was *Oliphant v. Suquamish Tribe* (1978) that ruled that Indian governments could not prosecute non-Indians who committed crimes on Indian land. Although Congress later modified the laws to allow tribal governments to prosecute non-Indians under certain conditions, the timing of *Oliphant* was significant.

In her analysis of *Oliphant*, historian Alexandra Harmon (2019) importantly noted that as tribal governments gained more resources to exercise sovereignty and maintain their

[39] Fugleberg, Jeremy. "South Dakota COVID-19 checkpoints highlight fractures, strength in tribal relations" Park Rapids Enterprise, September 23, 2020. https://www.parkrapidsenterprise.com/news/south-dakota-covid-19-checkpoints-highlight-fractures-strength-in-tribal-relations

[40] Pascua Yaqui Tribal Council. "We need early voting site on the reservation especially amid COVID-19," July 17, 2020. https://tucson.com/opinion/local/pascua-yaqui-tribal-council-we-need-early-voting-site-on-the-reservation-especially-amid-covid/article_90b1b034-a9e6-5cf1-826b-9c323d69a4c7.html

jurisdictional authority in the 1970s, in part due to revenue from early economic development endeavors, the State of Washington pushed the Supreme Court to limit the scope of Indian jurisdiction. It is this same phenomenon that Harmon traces that I follow in the case of Oklahoma. Furthermore, these efforts to limit tribal jurisdiction can be better understood by revisiting the analytical category of "the bordertown" which Biolsi had studied within the closed system of federal Indian law that precluded that settlement was a finished project. Indigenous community organizing collective The Red Nation expands the definition of the bordertown by arguing that in settler colonial societies like the United States, every place is a bordertown because Indigenous presence represents the failure of the settler colonial project to eliminate Indigenous people in order to claim and govern over lands (Estes et al. 2021: 8). This contradiction highlights how in settler societies, Indigenous presence is structurally antagonistic to the settlers living in a nation that displaced Indigenous people. Consequently, when Indigenous nations assert their sovereignty in ways that testify to their enduring political authority in the present like the Oglala Lakota's COVID-19 checkpoints at their reservation boundaries or the Muscogee (Creek) Nation's claim that its reservation's status continued into present-day Oklahoma in the *McGirt v. Oklahoma*, this challenges some of the authority of states.

The day after the July 2020 *McGirt* ruling during the height of the pandemic, Governor Stitt decried the loss of state authority in criminal jurisdiction over eastern Oklahoma, especially since the recognition of reservations meant that the ruling could be applied to civil jurisdictional issues like taxation and regulatory authority. While *McGirt* only applied to the Muscogee (Creek) Nation, in the months after the ruling, Oklahoma courts would rule that the rest of the Five Tribes still had their reservations – it was this ruling regarding the Choctaw reservation that came

down the day that Edith learned of her housing situation. Due to the Five Tribes' similar histories and legal protections for their lands that I previously outlined, they hold a unique status in the state and within federal legislation regarding their lands. It was their territories that collectively make up eastern Oklahoma that Governor Stitt bemoaned that the state was supposedly losing control over.[41] Governor Stitt and his legal team have fought at every turn against the *McGirt* decision by trying to support federal legislation that would effectively overturn the ruling and submitting a petition to the Supreme Court to overturn the decision, which is further discussed in this dissertation's conclusion.[42]

While the pandemic and the period following the *McGirt* ruling could have been a time in which the state and tribes worked together to mitigate a disease that recognized no borders or jurisdictions, those efforts were undermined by Governor Stitt, himself an enrolled citizen of the Cherokee Nation.[43] The ironies and contradictions encapsulated in the major players of today's politically fraught environment between the State of Oklahoma and Indian nations is deeply rooted in Oklahoma's unique history. The historical formation of the state of Oklahoma in 1907, as mentioned in the Introduction, would have incredibly important bearing for today's antagonistic relationship between the state of Oklahoma and the Indian nations located within its borders, particularly the *McGirt v. Oklahoma* case and its impact on local politics. Summarily,

[41] Journalist Rebecca Nagle investigated these Governor Stitt's claims regarding the loss of control and found that a much more limited scope. See: Introduction, footnote 2.
[42] In 2022, *Oklahoma v. Castro-Huerta* made its way to the Supreme Court to limit the scope of the Supreme Court's *McGirt v. Oklahoma* ruling by ruling that state jurisdiction over non-Indians extends to the Five Tribes' reservation.
[43] While an enrolled citizen, Stitt has demonstrated a notable anti-tribal orientation although this is not to say that all enrolled citizens act in the best interest of tribal governments. Nevertheless, Stitt's disregard for tribal sovereignty perhaps goes back to his ancestor Francis Dawson, a noted white person with no kinship ties to Cherokees, who bribed a commissioner to be added on the Cherokee by blood roll. After being denied by Cherokee Nation, he filed a lawsuit with the United States to be added on the Cherokee Dawes rolls. The US court then forced Cherokee Nation to add him on their rolls despite not being Cherokee. Such instances of fraud were not uncommon on the rolls of the Five Tribes. For more, see: (Brewer 2020).

the temporal alignment of *McGirt* and the 2020 gaming compact dispute is a revealing illustration of how state-tribal jurisdictional tension. It is particularly useful for seeing how it is a response to the way that American Indian economic development has shifted the political-economic dynamics between tribal nations and the state over the past forty years.

State vs Federal Jurisdiction and the Making of Poverty in the Allotted Lands of the Five Tribes

Oklahoma statehood marked the beginning of the State of Oklahoma's legal struggles to wrest land from the Five Tribes. Despite history books that claimed the Five Tribes had been abolished with Oklahoma statehood, which I will examine in Chapter 2, the Five Tribes' governments continued to manage their own affairs and look after the interests of their people after statehood. Testifying to the continued existence of the Five Tribes' governments, the State of Oklahoma developed a piecemeal method to chip away at their continued political authority, which was tied to their legal authority over their lands in Oklahoma. Given this, the State focused on the Five Tribes' land allotments that were divided up among their citizens immediately before statehood. Although individual Indians held the title to their allotments, the management of those land parcels was under the jurisdiction of the federal government since it was the US's responsibility to handle tribal affairs. Although Native scholars have extensively examined how allotment was a means to assimilate Native people into the legal structure and social milieu of US settler society (Chang 2011; Deloria, Jr. and Lytle 1998; Hoxie 2001; Otis 1973; Ruppel 2008), their analyses do not fully account for the legal specificity of all the Five Tribes.

In contrast, this section shows that the specific legal procedures involving allotment among each of the individual Five Tribes are a notable departure from broad federal Indian

policies that have been overlooked in historical studies of allotment. I attend to these departures by following the minute shifts in the legal differences for the Five Tribes to reveal how state-tribal jurisdictional struggles are a feature of political life in settler societies. Subsequently, I also trace precisely how these jurisdictional struggles in the Oklahoma-Choctaw legal history produced the very poverty that the descendants of Choctaw allottees experience today.

Initially in 1906, all of the allotments of the Five Tribes were held in "restricted" status, meaning that the federal government determined how the land was managed rather than the individual owner. Importantly, this also meant that these lands were under federal jurisdiction and subject to federal laws – not that of the new state of Oklahoma. Since half of the state had been allotted out to members of the Five Tribes alone (not accounting for lands allotted to the members of the other 33 other tribal nations in Oklahoma), it meant that half of the state was under federal jurisdiction, not state control. For the state of Oklahoma, this meant they could not subject those Indian lands to a critical source of state revenue – property taxes. In short, tribal/federal jurisdiction over Indian lands hindered the State of Oklahoma's own political and economic ability to govern the entire state.

Allotment was one of the most consequential pieces of legislation to affect American Indian lands and especially so for the Five Tribes. It is most famously known through the 1887 Dawes Act, which applied to most tribal nations in the United States. The system of private property that allotment instituted significantly overlaid the myriad of Indigenous peoples' practices of land stewardship and relationality that constitute their sovereignty. But as explained in the introduction, the Five Tribes were exempt from the General Allotment Act on account of their collective fee simple ownership of their post-removal homelands. Nevertheless, federal officials continued to push for allotment among the Five Tribes, so they negotiated with them on

a case-by-case basis. Fending off allotment among the Five Tribes required prolonged negotiations between the members of the Dawes Commission, each individual nation, and their citizens. This effort would in turn create different sets of conditions for allotment among the Five Tribes. In the case of the Choctaw and Chickasaw nations which owned their lands together, their lands were allotted through the 1898 Atoka Agreement. The Act of April 26, 1906 (also known as the Five Civilized Tribes Act) later unified the individual allotment agreements of the Five Tribes and included a stipulation that Indian allotted lands would be held in "restricted status." This restricted status exempted those lands from any kind of state taxation, and this stipulation was significant for relations with the state of OK. But this restricted status also had a twenty-five-year time limit. The idea was that individual Indians were to be given a parcel of land where they would establish their own farms and learn the ways of "civilized" life, at which point restrictions would purportedly no longer be necessary to protect their ownership.

Ideologies of Civilizational Discourse and Allotment

The civilization discourse that is core to the philosophy behind allotment was also a central tenet in justifying the European colonialism and imperialism as well as continuous of both (Hoxie 2001; Justice and O'Brien 2022). In this section, I will briefly provide an overview of the power of civilization discourse that dominants early scholarship on the Five Tribes. Early anthropology incorporated already circulating racial essentialisms regarding Indigenous peoples and their relationships to land, arguing that they were uncivilized people who had to be brought into civilization and modernity (McCarthy 2016; A. Simpson 2014). John Locke developed a theory of property that used Indigenous people as a foil to white settlers to legitimate Indigenous land dispossession (Cattelino 2018). Indigenous people were constructed as 'of nature',

'undeveloped', and 'savages' that failed to make land "productive" (Conklin and Graham 1995; Cronon 1983; Stark 2016). Invoking Lockean conceptions of property-making that required land to be taken out of a "state of nature," settlers delegitimize Indian nations' legal authority and claims to their lands, arguing that only white men (and perhaps those Native men who acted indistinguishably from them) had the capacity to work the land and make it productive (Leibhardt 1991; Tully 1995).

As the settler colonial project progressed, the racialization of Indigenous peoples, which collapsed distinct polities into a singular racial group, became an increasingly important mechanism. Ascribing race to groups of people also attached civilizational ideologies to them and most important to Native people, shifted the recognition of Indigenous nations from political entities to a biological form known as "race". Indian 'savagery,' rendered as a racial characteristic to Indigenous people, indicated an "incapacity" for private property, and this became enshrined in law through allotment, removal, and…, which legally authorized Indigenous land dispossession and was enshrined in law (Bhandar 2018; Nichols 2018).

Private property was a central pillar of the civilizational project when it came to Native people, whose prior relations to land often did not include the same type of exclusive property rights. In the hierarchy of human development that anthropologists developed, those without property were deemed inferior and of a lower tier of human progression (L. D. Baker 1998; 2010; A. Simpson 2011; Stocking, Jr. 2001). Therefore, if Indigenous peoples were to attain civilized status – like that of the settler – they needed to adopt and integrate the European private property system into their own lives. When the first Choctaws encountered Europeans, they were quickly confronted with this logic and continued to live according to their own ways. But in the early period of European colonization in the 17th and 18th centuries, Europeans recognized their

need for alliances with Native people. But as Europeans grew in number and individuals integrated into Choctaw society through inter-marriage, the civilization discourse became increasingly prevalent and mobilized change to contend with the increasing power of settlers on the continent. For the Five Tribes, they sought to challenge their relegation to the savage category by demonstrating that they too could govern themselves as the "civilized" men of Europe. Such a demonstration entailed presenting Choctaw governance in the legible form of the constitutional, democratic government and engagement in the market economy, including the use of chattel slavery which transformed people into property – a departure from traditional Choctaw philosophy.[44] Nevertheless, despite immense opposition and Choctaw leaders' best efforts to forestall allotment in the removal homelands during the late 1800s, Choctaw leaders opted to undertake allotment in order to maintain their autonomy from the US. One advantageous outcome of their negotiations was the restricted status for the allotted lands of the Five Tribes.

It was this same restricted land status that the Oklahoma congressional delegation continually found issue with due to the way that those restrictions limited state jurisdiction. An outgrowth of the allotment agreements that were robustly negotiated within their respective Five Tribes communities, these restrictions were meant to protect individuals' land holdings from businessmen and locals that wanted those lands for themselves. Many of those interests were also represented by the Oklahoma congressional delegation.[45] Members of the delegation argued that since many allotments owned by members of the Five Tribes were held in restricted status, this was a financial issue for the state. When Choctaw individuals initially received their

[44] Chattel slavery differed the enslavement of captives that Choctaws and other Southeastern peoples practiced. For more on Choctaw slaveholding practices throughout time and their social-political consequences, see: (Krauthamer 2015; Roberts 2021; Yarbrough 2021)

[45] From 1907-1970, the Oklahoma congressional delegation summarize the complex interests of the state. Former legislators included members of the Five Tribes like Hastings (Cherokee). District 3 Representative Carl Albert was notably supported of the Choctaw and Chickasaw Nations which were both in his district.

allotments, all the parcels that were distributed were held in restricted status and were supposed to stay so for a period of 25 years. The Choctaw national government originally set the terms of allotment with the 1898 Atoka Agreement, which included the Choctaw government's involvement in the creation of the lists of their citizens known as rolls and set the time table for the process.[46] Members of the Dawes Commission and US Congress worked hard to reach this level of agreement, but it quickly reneged on particular tenets of the allotment terms. In 1906, Oklahoma congressional representatives quickly moved to change the original terms for the Five Tribes' allotment by removing land restrictions on the lands of inter-married Choctaws and Freedmen after two years.[47] Unhappy with the amount of restricted land under federal jurisdiction, the State turned to introduce the concept blood quantum to determine restricted land status.

Jurisdictional Authority and the Superintendent of the Five Tribes

In 1908, the Oklahoma congressional delegation and BIA officials came to a compromise regarding a reduction in the amount of land in restricted status by introducing blood quantum as the determining criterion for eligibility for land restrictions. This new law removed restrictions on the surplus and homestead allotments of individuals with less than ½ blood quantum as well as removed restrictions on the surplus lands of individuals with ½ to ¾ blood quantum.[48] This ultimately released approximately 12 million acres from restricted status and, importantly, transferred the jurisdiction from tribal/federal to the state of Oklahoma (see Vollmann and

[46] An Act for the protection of the people of the Indian Territory, and for other purposes, 30 Stat. 495 (1898).
[47] An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes, 34 Stat. 137 (1906).
[48] An Act for the removal of restrictions foam part of the lands of allottees of the Five Civilized Tribes, and for other purposes, 35 Stat. 312 (1908).

Blackwell 1989). But this conversion of jurisdiction for a significant portion of the allottees proved to be not enough since the Oklahoma delegation continued to introduce federal legislation adjusting the blood quantum criteria for restricted status in 1928 and 1933 until finally settling on land restriction for only the homesteads of individuals with a blood quantum of ½ or more in 1947.[49] The state's concern regarding restricted land has been a continual issue because it meant they lacked jurisdictional authority over it. As the State sought to fiddle with these restriction criteria, Choctaw people lost their lands. This contributed to the need for wider legislation to solve issues regarding land loss on account of allotment.

The State of Oklahoma responded to its lack of jurisdiction due to federal land restrictions by turning to Congress to change the land restriction criteria for the Five Tribes' land allotments. In particular, the Oklahoma congressional delegation constantly worked on legislation to reduce the amount of restricted land in Oklahoma in order to provide the state with a larger land base. Nevertheless, it received constant pushback by Bureau of Indian Affairs officials, who had their own obligations to manage Indian lands in the interest of their wards. To further understand how tribal-state jurisdictional tension is long-standing and rooted in struggles over land, and how this involves the federal government, this section considers two important congressional debates regarding the federal jurisdiction over Native people and their lands. First was a proposal to expand the jurisdictional power of the Superintendent of the Five Civilized Tribes regarding restricted lands and second was the 1934 Indian Reorganization Act's exclusion of Oklahoma tribal nations. The exclusion became part of the IRA at the behest of the Oklahoma delegation. The Oklahoma delegation later developed an Oklahoma-specific version of the Indian Reorganization Act, known as the 1936 Oklahoma Indian Welfare Act. The two debates

[49] An Act relative to restrictions applicable to Indians of the Five Civilized Tribes of Oklahoma, and other purposes, 61 Stat. 73 (1947).

over these two pieces of legislation illustrate how the State of Oklahoma has pushed against the Five Tribes' continued tribal jurisdiction to strengthen the state's own political and economic authority. As we shall see, this tribal-state jurisdictional struggle resulted in laws that produced the endemic poverty experienced by Choctaw people. As stories about individuals featured later illustrate, contemporary economic development by Choctaw Nation still must combat the poverty that was created and to some extent foreseen in this tribal-state-federal struggle over land.

In 1916, Oklahoma congressional representative William Hastings introduced a bill to confer upon the Superintendent of the Five Civilized Tribes the authority to authorize actions regarding individual Indians' restricted lands. The Superintendent, was a key office in the 19th century, given that it was responsible for centralizing and managing any and all issues that the Five Tribes faced. This office was importantly based out of Muscogee, Oklahoma which made him a more accessible BIA official than those in Washington DC. At the time, an individual citizen of one of the Five Tribes with restricted land had to acquire approval from the federal Commissioner of Indian Affairs if they wanted to: 1) make an agricultural lease on his homestead for more than one year, or upon his surplus for more than five years; 2) make a natural resource lease upon his land; 3) pay a claim out of his money managed by the BIA; or 4) sell any part of his land.

In practice, this process often looked as follows: a Five Tribes allottee writes a letter to the federal Bureau of Indian Affairs field office in Muskogee requesting to pay a carpenter $25 from his individual account which is held and managed by the federal government. One of the field officers summarizes the request in a report and forwards it to the Superintendent of the Five Civilized Tribes who also forwards it to the Commissioner of Indian Affairs in Washington DC.

By this time, the Commissioner has delegated decision-making on such individual account issues to a clerk assigned to handle the request. That clerk was often unfamiliar with conditions in Oklahoma. Often, the Commissioner also knew nothing of the specificity of these kinds of requests himself because he was preoccupied with larger BIA issues. The clerk's authorization decision would then be returned to the field office for implementation. This often took a great deal of time and many times, individuals needed decisions to be made with a short turnaround time. It was this behind-the-scenes process that thousands of Five Tribes individuals went through unbeknownst to most of them and that can be found in the correspondence files of Oklahoma congressional representatives as well as the BIA's Central Classified Files held at the National Archives in Washington DC.

In 1916, there were approximately 25,000 living individuals from the Five Tribes with restricted land who all had to go through this process to authorize changes to their lands and/or accounts. [50] To have such a tedious and long processes for all these individuals' lands quickly added up. While reviewing finding aids and going through the materials at the National Archives, I found that the correspondence regarding the removal of restrictions fills up hundreds of boxes in the Five Civilized Tribes files within the BIA's Central Classified Files (1907-1939) which is well over 2,000 boxes. In contrast, single tribes without such an administrative burden as the Five Tribes might fill up three boxes for the same period. This great administrative labor required to fulfill individual requests by allottees of the Five Tribes was in large part why the Oklahoma congressional delegation introduced legislation that would cut out the conferring approvals from

[50] US Congress, House of Representatives, Committee on Indian Affairs, *Five Civilized Tribes of Indians: Hearings before the Committee of Indian Affairs of the House of Representatives on H.R. 108 To Confer Upon the Superintendent of the Five Civilized Tribes Certain Jurisdiction*, 64th Congress, first session, March 9 and 24, 1916, 3-17.

Washington DC, which I turn now to analyze. Additionally, it would remove the element of DC administrators' inability to recognize the specificity of Oklahoma.[51]

The point of this legislation to authorize local decision-making rather than waiting for BIA officials in Washington DC was difficult for the other members of the Committee on Indian Affairs to understand since they were unfamiliar with the situation with the Five Tribes which had many allotments held in restricted status at this time. Representative Hastings, a Cherokee citizen who had served in multiple offices for the Old Cherokee government prior to Oklahoma statehood, anticipated questions regarding why such land restriction issues did not exist in states like Arizona, North Dakota, or any others with large populations of Native people. Hastings stated, "I said to the committee at that time that the great difficulty was that when we get to talking about the Five Civilized Tribes you get the wrong idea. You are dealing here with an entirely different situation from that which ordinarily confronts you. We have here five civilized tribes of Indians with a century of civilization behind them."[52] He continued to elaborate the distinctiveness of the Five Tribes' governments and the political authority they wielded in the region and that continued to exist in Oklahoma. He reminded his fellow congressmen of the distinctive histories of the Five Tribes and how their old governments were akin to national governments like Russia. Here, Hastings highlights the unique nature of allotment in Oklahoma and how it should be administered by the Bureau of Indian Affairs. The complex nature of this work is important for understanding how the Five Tribes departed from other tribal nations in the management of their allotments and the impact that they had on local politics throughout the 20th century.

[51] Ibid.
[52] Ibid, 11.

Working with Hastings, Representative Ferris of Oklahoma also stressed the significance of this legislation given that one-third of the Native population in the US at the time resided in Oklahoma. As Ferris reminded his fellow congressmen in 1916, "[Congress] should remember that [Oklahoma] has been a colonization area for Indians for the last 75 years. They are collected together there, and their problems have to be solved by you."[53] Here, Ferris reminded Congress of its responsibility to figure out a solution for managing all of these Native people because it had created the issue in the first place by passing legislation removing them from their lands. Ferris' statement indicates how quickly Congress had completely shifted its concerns regarding the management of tribes and how it forgotten their legal obligations towards them.

Such a shift in orientation from war to procedural management marked a new era of tribal-US relations (Hoxie 2001; Chang 2011). Since the closing of the frontier and ending of the Indian Wars in 1890, tribal nations' issues moved from the realm of international to domestic. In lieu of framing tribal-US relations as colonialism, Historian Manu Karuka (2019) uses the term "continental imperialism" to highlight the nation-status of tribes to which the US had to fight against in a piecemeal manner to claim their lands for their nation. This shift from conquering Native nations to managing them and their affairs in the hopes that they would dissolve is a critical context for understanding how they managed these nations. This was especially the case after Indigenous nations had been domesticated and it affected how they treated Native issues and the laws. The confusion experienced by many representatives in the Committee of Indian Affairs throughout these debates is important to see how the unique legal history of the Five Tribes, which has important ramification for the US, could be obscured and overshadowed by the

[53] Ibid, 23.

hundreds of other nations which did not have such specific and powerful treaties that facilitated vastly different histories of engagement with the United States.

Ultimately, the bill to confer greater authority to the Superintendent of the Five Tribes did not pass. During the Assistant Commissioner Edger B. Meritt's testimony, he noted his concern about placing all the decision-making responsibility for individual allotments as part of the Superintendent of the Five Tribe's role. He argued that providing the local Superintendent with this authority made, as opposed to the more distant Commissioner, the position liable to be swayed by local associations whether personal, social, or political and "might deprive him of that independence absolutely necessary to withstand local pressure." He then cited a 1915 report by the Superintendent at the time, Gabe Parker, who noted that he faced "every pressure imaginable" by those who wanted to separate Indians from their money but also the Indians themselves to get to move the money from the department to individuals, guardians, administrators.[54] With this compelling testimony regarding the need for distance from Oklahoma for making decisions regarding restricted status lands, the authority to manage restricted status lands remained within the office of the Commissioner of Indian Affairs.

Emergent Poverty and the Indian Reorganization Act and the Oklahoma Indian Welfare Act

Ten years later in 1926, Congress had to confront the growing issue of poverty among Native peoples nationally. As I will show in this section, the failure of the 1916 proposal to shift jurisdictional authority issues to the Superintendent of the Five Tribes would leave land issues unresolved and thereby contributed to the increasing amount of land loss experienced by Choctaw landowners. Poverty in Native communities across the United States had risen

[54] Ibid, 28.

significantly and had been meticulously documented with supporting data in the Commissioner of the Bureau of Indian Affairs' annual reports. Because of treaties signed with Native nations, it was the responsibility of Congress to address the issue and find a solution. After years of criticism from Native people about the inefficiency of the BIA, Congress commissioned an investigation into issues regarding the Indian Service and how Congress could improve living conditions among Native people. In 1926, Congress authorized a commission of scholars to research the issue of Indian poverty throughout the United States.[55] This commission was composed of scholars who set out and conducted fieldwork in Native communities across the United States. They published the final 847-page report titled "The Problem of Indian Administration" in 1928. Also known as the Meriam Report, their findings were a clear indictment of the federal policy of allotment. Ultimately, the commission found allotment to be the source of Indian poverty and recommended a shift to corporate tribal land ownership.[56] This recommendation called for an overhaul of the federal Indian policy that had worked toward the assimilation of Native people into US society. As a result, allotment and other assimilatory federal policies became the target of reform by the Commission of Indian Affairs as well as the Indian Reorganization Act.

In 1934, US Congress passed the Indian Reorganization Act (IRA) to alleviate poverty among Native people. Championed by Commissioner of Indian Affairs John Collier, this legislation represented a major shift in federal Indian policy which had previously pushed for Indian assimilation. Hallmark policies of federal assimilation included the operation of Indian boarding schools to provide Native children with a Western education and allotment, and the

[55] Institute for Government Research, "The Problem of Indian Administration," John Hopkins Press: Baltimore: 1928.
[56] Ibid.

division of tribal land lands into discrete parcels deeded to individual Native people. Allotment operated from the logic that Native people had to be transformed from community-oriented to individual-focused people.

Prior to his appointment as Commissioner, John Collier was a figure in the Indian reform movement and advocated for policy that would provide Native people with the means to support themselves – including by providing them with a land base that they governed according to their own traditions. As Commissioner, Collier championed this position – much to the chagrin of government officials who had spent the past several decades implementing assimilation policies premised on the inferiority of Native nations and their peoples to white society. The IRA's goal of reinstituting traditional governments (according to templates approved by the Bureau of Indian Affairs) as well as providing them with land to live and govern themselves was alarming for private businessmen interested in securing Indian land for themselves and their congressional representatives given that Oklahoma had the largest Native population at the time (Blackman 2013). For the Oklahoma congressional representatives who primarily represented the interests of the non-Indian population, the political authority of their state hinged on the untruth that the Five Tribes had been disestablished. Consequently, a revival of these governments and their land holdings posed both a logistical problem and challenge to state authority.

As Jon Blackman's (2013) comprehensive legislative history of the IRA in Oklahoma shows, while many Native peoples across Indian Country benefited from the Indian Reorganization Act, Oklahoma Native people were not eligible for six of the legislation's provisions due the Oklahoma congressional delegation's concern regarding the impact on Indian assimilation in the state. As a result, within the IRA, they secured exemptions for Oklahoma Natives in six provisions. During the hearings and debates regarding the Wheeler-Howard bill,

the Oklahoma delegation revealed their concern regarding the status of Native people in Oklahoma. In particular, Representative Elmer Thomas helmed the Oklahoma delegation's opposition to the IRA. The delegation articulated concern about the reversal of assimilation policies through their arguments about the return of Native governments. For representatives of other states with smaller Native populations, this was less of a problem. But for Oklahoma, home to one-third of the United States' Native population and with the Five Tribes holding title to their removal homelands in eastern Oklahoma, reversing assimilation policy was a problem. It was in the interest of the majority of politicians in the State of Oklahoma to have the Five Tribes allottees assimilate completely into Oklahoma society so their lands could be placed under the state's jurisdiction rather than that of the federal government. In having such a large Native population and with citizens of the Five Tribes holding many parcels of restricted land that was exempt from state taxation, a revitalization of tribal governments would greatly impact them.

The Oklahoma exemption in the Howard-Wheeler bill was a clear articulation of the anxiety felt by Oklahoma legislators regarding the status of Indigenous sovereignty. Choctaw and that of the other Five Tribes, clearly still held immense power over the state, that implicitly challenged the power of the state. Given these conditions, one can see how the state of Oklahoma and its politicians understood the need to exercise jurisdiction over its individual citizens and the land legally associated with them. By claiming authority of the individuals, the land also became part of the state's jurisdiction by extension. And for Oklahoma legislators, blood quantum would become the means to dilute and disappear the Indigenous sovereignty that the Five Tribes citizens maintained.

To work around the Oklahoma delegation's concern about the reversal of Indian assimilation in Oklahoma that the Indian Reorganization Act represented, the Oklahoma

delegation worked on a similar bill that later became known as the Oklahoma Indian Welfare Act (OIWA). During the bill's development and throughout the process of implementing the law, Commissioner Collier and various bill proponents solicited the tribes for their input on the bill and held listening sessions with tribal members (Blackman 2013). This period of consultation in 1934 revealed the stark differences between the Five Tribes and the rest of the 33 tribes that called Oklahoma home. Unlike the populous Five Tribes that held fee simple titles to their territories that covered half of the state, these 33 nations' legal situations were more akin to those of the tribes that had been subjected to the IRA and did not have the same legal authority over their lands as the Five Tribes continued to have after statehood. Nevertheless, their land holdings were a major factor for non-Indian Oklahoman citizens. Throughout the debates for this bill, the Five Tribes' land restrictions reemerged as a contentious issue. White individuals opposed the bill on the grounds that the federal government's purchasing of land would remove those as taxable lands for the state and thereby reducing one of the state's revenue sources. Many of these individuals made their opinions known in their letters to congressional representatives, newspaper op-eds, and attendance at local hearings regarding the OIWA legislation (Blackman 2013: 93). Many Native people throughout the state also attended local hearings and wrote letters to the congressional delegation advocating for the continuation of restriction laws. Some who were more educated sought to end the restrictions for themselves, feeling that they had assimilated into dominant society enough to not need them.

Another major tenet of the Oklahoma Indian Welfare Act (OIWA) was that it provided the opportunity for tribes to "re-establish" tribal governments. While other tribes took up this opportunity, the Five Tribes notably did not since they still operated their own governments, albeit in limited capacities. This is further evidence for the longevity of the governments of the

Five Tribes in the 20th century despite popular narratives that claimed they had been abolished, which I delve into further in the next chapter. While the OIWA offered opportunities for tribes to reorganize their governments according to its tenets, none of the Five Tribes did so since they had a system in place that remained locally influential.

The significance of the 1934 Indian Reorganization and the 1936 Oklahoma Indian Welfare Act is threefold. First, the debates in Congress regarding the application of the Indian Reorganization Act in Oklahoma reveals the anxiety that Indigenous sovereignty posed to state legislators and their authority. Second, the implementation of the Oklahoma Indian Welfare Act would prove to facilitate Choctaw land loss on account of its eligibility criteria, even though further land loss was entirely contrary to the intent of the laws, which sought to provide Indian nations with a base to manage their own governments. As the older generation of allottees aged and were no longer able to work, many applied for "Old Age Assistance" within the Oklahoma Department of Welfare. Those who had leases and/or still had their allotments were denied benefits because it was considered a source of income. Only once their allotments were sold could these individuals receive welfare from the state. This induced many individuals without other sources of income to sell their allotments in order to survive, contributing to increased Choctaw land loss throughout the 20th century.[57] Second, the state's negotiations over land restrictions in themselves highlight just how significant changing jurisdictional authority from tribal/federal to state was for the State's own political power. Third, the IRA and OIWA both clearly established an important connection between economic well-being and Indian sovereignty to govern their people as they saw best which the US government obviously recognized.

[57] W.O. Roberts to Carl Albert, February 13, 1951. Folder 67, Box 13, Departmental Files, Carl Albert Collection, CAC.

The political acumen of the Five Tribes in the 19th century to secure their removal homelands in fee simple proved to be relatively successful given how difficult it became for the State of Oklahoma to try to flip the Five Tribes' allotted lands from tribal/federal to state jurisdiction. These congressional debates regarding the management of restricted Indian land and their governments also reveal the significance and high stakes of Indian issues for the overall state of Oklahoma. These restriction laws were underpinned by the logic of Indian inferiority and need to learn the ways of private property for a period of years that originally helped the state justify stripping Indian governments of their political authority. Yet once the Five Tribes' governments were reduced, the notion of Indian inferiority hindered the state's ability to immediately claim jurisdiction over those same restricted Indian lands since responsibility for the land was placed under federal wardship and management.

Although Indian governments had little authority regarding individual allotments parceled out to their enrolled members, the federal government had a fiduciary responsibility to manage those lands that later lawsuits could hold the US government accountable.[58] This in turn led state representatives to push for a removal of restrictions in order to acquire more land over which it could hold jurisdiction. The State of Oklahoma's efforts to pass new legislation to reduce how much Indian land was held in restricted status subsequently created new sets of criteria and sets of policies for individual Choctaw people to navigate – in addition as well as in combination with more widely known issues stemming from allotment like "fractionated land interests," as mentioned in Chapter 1. Ultimately, these shifts made it more difficult for Native

[58] In 2015, the Choctaw and Chickasaw Nations were award $186 million settlement to resolve Choctaw and Chickasaw claims of mismanagement of national funds and natural resources held in trust. It was the fifth largest trust settlement lawsuit to date. For the mismanagement of individual Indian accounts, the US government settled a class action lawsuit in Cobell v. Salazar for $3.4 million, the largest settlement with the US government in its history.

people less familiar with the laws or altogether unaware of changes to the laws to stay informed on how to maintain their restricted land status. Combined with the low education rates in these rural areas and low wages that made working with lawyers difficult, many Choctaw people would in turn lose their lands. With no land and little support from their limited tribal government that was primarily focused on selling remaining tribal lands so Choctaw people in need could at least receive per capita payments, the shifts to land restriction laws initiated by the state of Oklahoma contributed to the conditions that would lead to poverty in Choctaw communities living in their territory.

This short but focused examination of important moments in the legal history of Choctaw land restriction laws reveals how these new policies created an unclear legal terrain for Choctaw people to navigate that ultimately resulted in the loss of their allotted lands for many families. These two significant debates which were supposed to respond to the repercussions of allotment for Indian people highlight how Oklahoma representatives used it as an opportunity to expand their jurisdictional authority over the lands of the Five Tribes. With expanded state jurisdiction, the State would be allowed to tax lands that they were previously precluded from taxing due to federal jurisdiction over Indian lands and provide it greater revenue for its operations. But even more important, these efforts to wrest jurisdiction from the federal government would cause land loss for many Choctaw people who were unaware of these changes taking place far away in Washington DC. Loss of land had economic consequences. The combination of insecure housing due to land loss, low wage labor that made up the majority of work opportunities throughout Choctaw territory and underfunded rural education contributed to the regional poverty that many Choctaw people living in the Choctaw homelands experienced during their lives.

As I have shown in Part I, the widespread presence of tribal/federal jurisdiction in the state of Oklahoma has had important stakes for the state government. The explosive nature of contemporary tribal-state issues like McGirt, tribal gaming compacts, and public health management during the COVID-19 pandemic underscore the tension and stakes of state/tribal jurisdictional authority in Oklahoma. All of this goes back, in large part, to land as property. Furthermore, I have shown that this contention is long-standing and stems from the state's historic relationship with the Five Tribes which had sovereignty over the region long before the state was even an idea.

Part II: Competing Jurisdiction and the Creation of Poverty in Choctaw Nation

Although land restrictions were unique to the Five Tribes, they did not shield the Five Tribes from the consequences of allotment. Scholars have shown in other American Indian contexts (Chang 2011; Justice and O'Brien 2022; Meyer 1999; Ruppel 2008; Stremlau 2011) that allotment had profound intergenerational impacts. The consequences of allotment would reshape the socio-economic dynamics of Choctaw communities which would have implications for the contemporary Choctaw Nation. As BIA commissioners testified in subcommittee hearings and members of Congress debated changing the criteria for land restriction laws for the Five Tribes as I sketched out above, Choctaw original enrollees continued to live their lives, largely unaware of the debates in Washington DC. They married, had children, and passed away. As time advanced and laws governing land restrictions were passed unbeknownst to many, it was largely around these major pinnacle moments in life that Choctaw families would find their lives interrupted or completely upended by such laws. As the 1928 Meriam Report found, inconsistencies in how allotment was implemented as well as outright theft of allotments were

major contributing factors to the land loss and subsequent poverty in Native communities across the United States. In short, Choctaw land loss was a major contributing factor in creating poverty in the rural parts of Choctaw territory that is now southeastern Oklahoma.

Since Oklahoma statehood, Choctaws and the Five Tribes have struggled with the State of Oklahoma over jurisdictional authority, and Choctaw people have borne the brunt of the consequences of this jurisdictional struggle with the resulting land loss. While Bureau of Indian Affairs' reports provided the raw number of individuals and acreage affected by the non-Indian people and private companies' pursuit of the Five Tribes' lands that would expand the jurisdictional authority of the State at the expense of tribal citizens,[59] these numbers do not fully capture the personal effects of that land loss which would then alter the course of the everyday lives of Choctaw families and their descendants. To provide a sense of how individuals and generations of families were impacted by changes in federal policy regarding restricted lands, Part II delves into the stories of Choctaw land dispossession caused by shifting laws for Choctaw allotments, including land restrictions criteria. I also include examples of land loss associated with allotments due to taxation, guardianship and eminent domain, which I examine in greater depth below. These stories show the material impacts of the US laws, particularly how Choctaw people had to contend with a shifting terrain of laws governing their allotments. These accounts are sourced from Choctaw individuals' correspondence with officials from the Choctaw government and/or Bureau of Indian Affairs as well as congressional representatives who represented the district in which Choctaw peoples lived. The stories of land loss and their consequences are divided into two sections: the generation of original allottees as they experienced issues with restricted status on their allotments from 1907-1970 (the period in which

[59] Find report in National Archives files…

the Choctaw government existed in its most limited capacity) and the second generation of Choctaws whose parents or grandparents were the original allottees listed on the Dawes Rolls that received land allotments that lived with the repercussions of allotment policies.

Bureaucratic land loss and the production of poverty in Choctaw Nation (1907-1970)

Ever since Oklahoma became a state in 1907, Choctaw people have had to contend with the undermining of the allotments by individual actors as well as state bureaucracy. From 1907-1947, Oklahoma political leaders focused on federal legislation efforts to expand the state's jurisdiction by converting federally-managed restricted land into regular fee simple in the allotted lands of the Five Tribes.[60] The result of this work was land loss for Choctaw people; in turn, land loss contributed to unstable housing conditions. Combined with low wage labor in the region and a lack of infrastructure, poverty became a hallmark of the region. That poverty would become the basis for economic development by today's Choctaw Nation. "Economic development" is used here in the sense that Choctaw Nation and other American Indian nations use the term: to refer to the transformation of the collective well-being of the nation, particularly in the realms of education, local business, and social services.

For 20th-century Choctaw people in their Oklahoma homelands, poverty drove their need and demand for economic development. For many years, southeastern Oklahoma has been home to the poorest counties in Oklahoma. This next section turns to examine some of the specific policies that facilitated the conditions for poverty among Choctaw people living in Choctaw territory. Rather than poverty being pathologically tied to Native people, I show that it was

[60] The 1947 Stigler Act was the last law passed regarding the Five Tribes' land restrictions in the 20th century. In 2018, it was modified to remove the blood quantum criteria to maintain restricted status because that requirement caused Choctaw people to lose their lands over time due to increased marriages to non-Choctaw people.

specific policies regarding land restrictions that created the conditions of poverty that many Choctaw people experienced in the 20th century. In the context of Choctaw Nation, this largely stemmed from allotment, which individualized land ownership and made it alienable, or, able to sell to non-Indians. I turn now to consider the cases of three Choctaw people impacted by the loss of their family's allotments. Land ownership, as previously discussed, became a major pillar in creating wealth in the United States. Thus, for Choctaw people who no longer had the same access to their own land originally secured by treaties with the United States, this would have major consequences. This land loss was not a uniform process, and it was the complex matrix of US and state laws that would produce this land loss as well as the economic norms and practices backed by those laws. While there certainly was a large share accomplished by theft and land grafts that have been well-documented by Angie Debo across the Five Tribes as well as in BIA investigations,[61] there were also both the mundane and procedural land loss that I will now examine.

Throughout the 20th century, various legal and illegal techniques were used to dispossess Choctaw people of their allotments. As shown in Part I, while BIA officials recognized some of these issues and tried to reconcile them with legislative changes, attempts at fixes would also produce other sets of issues that resulted in Choctaw people still losing their lands. For Choctaw families, the loss of these lands would have ramifications for the descendants of such individuals who lost their lands in this way. The following section charts out the different procedural ways that Choctaw people lost their allotments. These three stories were not the spectacular methods of land dispossession like white men tricking non-English speaking Choctaw people into signing title transfers or instances of squatting by white settlers; rather, they illustrate how bureaucratic

[61] See: Debo (1973) and Choctaw Nation, 1907-1939, Central Classified Files, RG 75, National Archives, Washington DC.

implementation of these laws resulted in land loss that would have intergenerational effects for these individuals and their descendants.

These accounts of procedural local land loss are significant not only because this history has been understudied, but because the sources in themselves are significant for understanding what regular Choctaw community members lived throughout the early to mid-20th century. Twentieth-century Choctaw histories tend to focus on the dealings of Choctaw leaders (Kidwell 2007; 2008; Lambert 2009), so these letters provide insight into the lives of less influential members of Choctaw Nation and day-to-day issues affecting community members. It gives us insight into how these community members perceived their issues and shows how much they did not know about what happened in Washington DC, even though such laws would greatly impact their lives.

These letters also importantly show how Choctaw people were continually involved in local affairs.[62] Their participation and actions documented in these letters defy the persistent perception that the early and mid-20th centuries were low in political participation and involvement by Native people in Oklahoma – the so-called "decline" that I discuss further in Chapter 2. Choctaw individuals' work in various business and government sectors as well as high government offices like the US House of Representatives demonstrate that 20th century

[62] The existence of these letters regarding land issues are significant not only for their content but they also illustrate how Choctaw people were continually involved in local affairs. Their participation and actions go against the persistent perception that the early and mid-20th centuries were low in political participation and involvement by Native people. Choctaw people, who became involved in various sectors and attained high government offices including the US House of Representatives, demonstrate that 20th century Oklahoma was an important era of action of working within existing institutions. Here, I document some of these issues as people reached out to government officials. These letters collected from the correspondence files of the local congressmen. The non-recognition of these actions was perhaps due in part because of few studies of Oklahoma politics, let alone of what Native people were doing.

Oklahoma was an important locus for action where Choctaw people worked within existing institutions to effect change for the larger community.[63]

Inheritance and a Loss of Restrictions

In 1911, five-year-old Daniel Howell's father passed away. His death set in motion a series of events that would leave Daniel with $2000 owed on his father's land seventeen years later.[64] Calvin Howell, Daniel's father, was documented on the Dawes Rolls as Roll no. 896 with ¼ degree of Indian blood. Daniel was born after the March 26, 1906 closing date for the Dawes rolls and was not listed on the Dawes rolls as a result. As a result, Daniel was not considered by the federal government to be an "enrolled Choctaw" (a federal designation distinct from tribal citizenship). This lack of status as an enrolled Choctaw would complicate his inheritance of his father's land.[65]

In 1928, Daniel and his legal guardian, John Beaver, were notified that Daniel's father's land was offered for sale by the county. Apparently, the county decided that after Calvin Howell's death in 1911, this marked the end of the land's restricted status. As a result, the land, which Daniel inherited, began to accrue debt from 1911-1928. The $2000 debt is equivalent to approximately $62,983 today – far beyond Daniel's ability to pay.[66] Beaver sought the aid of Hampton Tucker, the Choctaw Nation Tribal Attorney, to resolve the taxation issue. Howell's case was just one in a larger wave of correspondence received by Tucker regarding taxation of

[63] Perhaps, part of the reason for the non-recognition of these actions was perhaps due in part because of few studies of Oklahoma politics, let alone of non-prominent Native people's involvement and participation in local politics overall.
[64] $2000 in 1913 is now worth approximately $61,396 today.
[65] Prior to the 1983 Choctaw constitution, "enrolled Choctaws" was a term only applied to individuals who were listed on the Choctaw Dawes Rolls and did not denote membership in the Choctaw Nation of Oklahoma. That enrollment also meant that they had received a land allotment. The descendants of enrollees who were the heirs to allotted lands given to enrollees had to constantly identify themselves in reference to the original enrollee.
[66] https://www.in2013dollars.com/us/inflation/1911?amount=2000

Choctaw land. Since the Act of May 27, 1908 regarding Choctaw land restrictions stipulated that land restrictions would exist for 21 years from its passage into legislation, 1928 became a year of reckoning regarding county taxation and Choctaw land restrictions, causing a flurry of chaos and uncertainty for Tucker and the Choctaw national government.[67]

The discrepancy between federal and state jurisdiction regarding the taxation of allotments proved to be a critical site of land loss for many Choctaws who were unaware of how these laws worked. Not only was Daniel denied the opportunity to own his own land in his own name because he was born after the enrollment period for the Dawes Rolls, but he also would face challenges to his inheritance of his father's allotment. Although Choctaws' treaty had secured the new homelands for those Choctaws and their descendants, Daniel was just one of many of those descendants that had those lands denied to them. Then, with the death of Daniel's father, the protections to those same lands would be revoked and left Daniel, his father's heir, a complicated set of problems concerning the land. Although Daniel was Choctaw by blood on account of his father, he did not inherit the restricted status on the land that his father had while he was still alive. The restricted status, which meant that the land was under federal jurisdiction and not subjected to state land taxes, was revoked upon his father's death. With the revocation of restricted status, the county where the land was located could now tax the property. Unaware of this, Daniel's father's allotment accrued unpaid property taxes that had to be taken care of if Daniel wanted to sell or lease the land for himself.

Illegal Taxation and Guardianship

[67] "Indian Lands, Taxation of, 1913-30" Folder 3, Box 7, Hampton Tucker Collection, WHC.

Similar to Daniel, Lylie Robinson of Eagletown experienced trouble with her allotment on account of taxation. Lylie's case differed on account of an illegal form of taxation and due to the involvement of a guardian. On April 25, 1950, Lylie wrote to her congressional representative, Carl Albert for aid in recovering her allotment from an illegal sale. Born Lylie Colbert to mother Timesy Bohanan and father Simpson Colbert in Eagletown, Lylie was one year old when she was enrolled on the Dawes Rolls in 1905 and four years old when she was issued her allotment certificate in 1909.[68] Sometime between 1909 and 1914, ten year old Lylie and two of her stepsiblings from her father's previous marriage were placed under the legal guardianship of Harris Ward.[69] Although Lylie's parents were still alive, guardianship for fullblood Choctaws was not an uncommon practice following allotment due to the paternalistic logic that full-blooded people had to learn about property and civilization. Many fullblood Choctaws (both under the age of 18 and over) had court-appointed guardians who were legally responsible for managing the assets of their ward despite living parents. Whether those guardians acted in their wards' best interest would turn out to be rare.[70]

On February 21, 1914, Harris Ward put up all the rights, title, and interests of his wards' allotments in McCurtain County for public auction at the front door of the county courthouse.[71] This public notice of sale for Lylie's allotment by her guardian in 1914 is significant because of how it noted that all of the rights and interests in the land were also up for auction. Allotments were not valuable for simply the land itself; mineral, timber, oil, and rights to natural resources on that land could also be sources of money for allottees. One could sell the rights altogether but

[68] Lylie Colbert (roll no. 852), Choctaw New Born by Blood, Dawes Enrollment Card no. 931. Letter from Lacey Bobo to the Commission of the Five Tribes, September 1, 1909, Five Civilized Tribes Land Allotment Packets.
[69] Guardian no. 492
[70] Guardianship, as Angie Debo (1973) famously showed, was rife with corruption and become a means to usurp the lands of the Five Tribes.
[71] "Notice of Sale of Lands and Timber," Daily Ardmoreite Vol. 20, No. 103, February 6, 1914, p. 2. https://gateway.okhistory.org/ark:/67531/metadc153850/hits/?q=%22lylie%20colbert%22

leases to resource exaction companies could also provide money to the allottee as long as the resource could be extracted. If managed in the best interests of the allottee, an allotment, depending on the qualities of the parcel, could provide the allottee with a source of passive income that could supplement insufficient resources or help those unable to work.[72] This allotment income stream is what the aforementioned 1936 Oklahoma Indian Welfare Act required Five Tribe welfare applicants to give up in order to receive welfare payments from the state. While the homestead Lylie wrote to Albert about in 1950 was not included in this particular sale, it was clear that Lylie's land holdings dwindled because of someone else. Later in 1940, the county sold part of her 79.28-acre homestead allotment for taxes. However, as a fullblood Choctaw, Lylie's allotment was classified as "restricted" and could not be taxed by the state. If Lylie's allotment land could not be taxed, it also could not be delinquent. Selling the property for non-payment for taxes contradicted her status. Lylie understood these stipulations regarding her land and got in touch with a BIA district agent to figure out the issue. She would learn in the process of trying to recover her land that she would need to pay at $35 court fee to initiate any proceeds that would help her.[73] Lylie had no source of income, and such a fee placed an undue burden on her. Subsequently, she turned to her local congressman, Carl Albert so he could take the issue of the fee with the BIA office.[74]

Knowing that the country treasurer had no "rights to put up this land for tax sale," Lylie was aware of the injustice of the sale. Doing his diligence for his constituent, Congressman

[72] When many allottees in the other Five Tribes received allotments, particularly the Creek Nation, received their allotments, the oil reserves in them had not yet been discovered. After their discovery, many white settlers clamored for oil leases if not for the entire allotment. Oil leases could provide thousands of dollars to the allottees in a single month. But in Choctaw Nation allotments, resources were largely limited to timber and quartz.
[73] Letter from B.C. Schrock to Lylie Robinson, April 20, 1950, Box 9, Folder 39, Departmental Files, Carl Albert Collection, CAC.
[74] Letter from Lylie Robinson to Carl Albert, April 25, 1950, Box 9, Folder 39, Departmental Files, Carl Albert Collection, CAC.

Albert forwarded Lylie's letter to the Five Civilized Tribes Area Director and US Probate Attorney based out of Durant so they could remedy the issue.[75] Originally thinking there was a fund at the BIA to help cover such fees, Albert found out from the probate attorney that the $35 court fee could not be waived because the county clerk did not have the authority to do so nor was there a BIA fund to cover such fees.[76] Exactly one month from the date that Lylie wrote her letter, Carl Albert regretfully informed her that she would have to pay the fee before the US Probate Attorney could help her recover her homestead allotment land.[77]

Lylie, who had ten children (including stepchildren), by the end of her life, is just one of many Choctaw people that found their allotments taken from them by "erroneous" county tax sales. Whether Lylie's case was a genuine accident or intentionally placed on tax rolls despite their exemption cannot be ascertained; regardless, Angie Debo (1973) documented this in different counties throughout the Five Tribes' territory. By adding Choctaw lands onto county tax rolls as done with Lylie's allotment, the county registrar committed land theft and extended the jurisdiction of the state parcel-by-parcel. A subset level of government within the state, the county was the state office that many Choctaw people interfaced with frequently. It was through the county office that many came to learn of federal and state laws. Unilateral extensions of county authority through placing Choctaw land allotments onto county tax registers are in themselves outright theft which both BIA officials and US government officials resigned to do nothing to mitigate on behalf of their Indian wards despite acknowledging the problem, thereby forsaking their fiduciary duty and obligation to uphold treaty promises. And while the

[75] Letter from Carl Albert to W.O. Roberts, May 2, 1950, Box 9, Folder 39, Departmental Files, Carl Albert Collection, CAC.
[76] Letter from Horace D. Payne to Carl Albert, May 22, 1950, Box 9, Folder 39, Departmental Files, Carl Albert Collection, CAC.
[77] Letter from Carl Albert to Lylie Robinson, May 25, 1950. Box 9, Folder 39, Departmental Files, Carl Albert Collection, CAC.

complexity of administering land restrictions for the federal government and local state offices proved to be an avenue for land loss and financial theft, other outright modes of claiming land also affected many other Choctaw people through major infrastructure projects.

Eminent Domain

The Pine Creek Reservoir was one of many infrastructure projects undertaken by the US government throughout the mid-1900s to mitigate regional flooding as well as bring development to impoverished regions by making electricity more locally accessible and creating recreation areas for tourism. Today, the dam is located on the Little River between current-day Choctaw and Pushmataha counties within the boundaries of Choctaw Nation in southeastern Oklahoma. Authorized by the 1958 Flood Control Act, dam construction began in spring 1963.[78] Lettie (née Hoyopatubbi) and Esias Willie of Wright City were both affected by the dam's construction; their land was just one of many affected parcels of restricted Choctaw land; in Chapter 4, I will also consider Pine Creek Lake's larger impact on the Choctaw communities of Slim and Rufe. Collectively, these experiences illustrate how land development became a potent mechanism for further dispossessing Choctaw people who were removed to this area of their lands despite holding individual land titles.

Over the course of a year from 1963-1964, Lettie and Esias Willie received multiple visits from US Army Corp representatives regarding their land and the construction of the Pine Creek reservoir. Esias Willie first brought this issue to the attention of the Commissioner of Indian Affairs by letter correspondence in June 1963. Their land that would be affected by the dam's construction was part of Lettie's homestead and was where the couple had made a home

[78] Department of the Army Tulsa District Corps of Engineers, "Pine Creek Lake," n.d. Tourism Folder, Historic Oklahoma Collection, OHS.

for themselves. Describing their home, Esias wrote: "this place is nice place good place for raising cattle and hog and we had plenty pine pole and cedar post on this place good fishing place good for every thing." He noted that lots of people had wanted to buy this land and it had caused them plenty of trouble.[79] In May 1964, the US Army Corps of Engineers visited the couple at their home. The men brought papers to authorize the purchase of Lettie's homestead allotment to make way for the dam's construction. Their appraisement of the land came out to a mere $6,200. According to Lettie's letters to the Bureau of Indian Affairs, the low appraisement price would not even be enough to cover the cost of purchasing a new plot of land and building a new house on it. Lettie and Esias had purchased their house and 40 acres around it for about $10,000, so the appraisement price did not even cover that. After a later visit from another Army Corp representative in February 1964, Esias wrote again to Commissioner of Indian Affairs informing him that they wanted at least $40,000-50,000 for their home and lands.

In 1969, Pine Creek reservoir was filled with water.[80] Correspondence in the file associated with Esias and Lettie's land issues did not explain how their issues were resolved. Esias sent his last letter to the Commissioner of Indian Affairs in 1964. Six years after Esias sent that last letter regarding Lettie's land to the Commissioner of Indian Affairs, Lettie passed away in 1970. Esias passed in 1972. The couple had no children and Esias made no mention of a will in his letters, so the land likely went to a next closest relative. It could have been left alone but given the description that Esias made of the plentiful land, it might have caught the attention of other people wanting more land. Given that non-Choctaw people often had more means than the

[79] Esias Willie to John C. Crow, February 3, 1964, Choctaw Nation, 1907-1939, Central Classified Files, RG 75, National Archives, Washington DC; Esias Willie to John C. Crow, May 5, 1964, Choctaw Nation, 1907-1939, CCF, RG 75, NA; Esias Willie to John C. Crow, June 28, 1963, Choctaw Nation, 1907-1939, Central Classified Files, RG 75, National Archives, Washington DC.
[80] Department of the Army Tulsa District Corps of Engineers, "Pine Creek Lake," n.d. Tourism Folder, Historic Oklahoma Collection, OHS.

Choctaws of this region, the likelihood that a non-Choctaw person purchased the land is more likely. Since Esias and Lettie's land was held in restricted status, that would have meant that their lands passed from federal to state jurisdiction. Under state jurisdiction, Esias and Lettie's parcel of land could be added to the county tax roll and the money from those taxes would go to the state of Oklahoma.

These stories of Daniel, Lylie, Lettie, and Esias are just a small sampling of the different ways that Choctaw families and individuals lost their lands due to US laws crafted by Oklahoma legislators working for Oklahomans that wanted to diminish the land base of the Five Tribes. Many Choctaw people today were often too young to understand precisely the legal issues that their parents and grandparents had faced, which this section has detailed. Subsequently, the archived correspondence between Choctaw community members and members of the federal government has been critical to understanding this period. Now, I will turn to consider the experiences of the next generation of Choctaw people who also suffered land loss as well as important political-social effects of changes from the mid-1900s onward.

Experiencing Choctaw Economic Development (1936-present)

Given that land loss contributed to poverty among Choctaw people, the experiences with that poverty help to understand the great need for Choctaw economic development. Some of the most drastic accounts of Choctaw economic development can be seen by examining the experiences of elders that grew up in Choctaw communities in some of the poorest parts of Choctaw Nation. In Choctaw Nation, those regions are concentrated in its southeasternmost corner including McCurtain, Choctaw and Pushmataha counties, which are consistently among

the poorest counties in the state.[81] Perhaps coincidentally, these places are also where Choctaw culture remained most prominent.[82]

This section draws on interviews with Choctaw community members who have lived in the region for most of their lives and experienced 20th century Choctaw economic development since its beginnings in the late 1970's. To understand the impact and significance of economic development on the lives of Choctaw community members, I selected interviewees for their connection to Choctaw culture, using indicators like being Choctaw first language speakers or having grown up with first language speakers. To understand the impact for the Choctaw people who have lived in Oklahoma their whole lives, the next section delves into the experiences of several Choctaw elders to understand the extent of the impact of the Nation's economic development in the region. Their experiences also give insights into different aspects of Choctaw life – changes to the land, community and regional population. Simultaneously, these experiences help to understand how Choctaw cultural revitalization has happened as well as important social dynamics of contemporary Choctaw Nation.

"Tody"

[81] High poverty levels in Choctaw Nation, particularly in these counties were part of the rationale supporting Choctaw Nation's designation in a 2014 federal economic development initiate to which Choctaw Nation was the first tribal nation to be selected. For more, see: Lee, Trymaine. 2014. "Promise Zones' offer new hope to struggling Choctaw youth" https://www.msnbc.com/the-reid-report/choctaw-nation-promise-zones-msna277166

[82] While such stories of stark contrast are compelling for understanding the experiences of many of Choctaw people who live in Oklahoma, they are also not representative of all Oklahoma Choctaw experiences, which prove to be varied and diverse, as demonstrated throughout this project. This is also not to say that people that lived outside these regions did not possess cultural including, including being fluent in Choctaw. For instance, one could have gone to Long Beach, California in the 1980-1990s and meet fluent Choctaw speakers that could advise researchers on studying the Choctaw language (Williams 1999), or to Del City to meet grassroots organizers working towards the revitalization of the Choctaw government (Lambert 2009). There were also Choctaw people who had experiences much like their non-Choctaw counterparts to which being Choctaw was inconsequential on their life trajectories. Some families that drifted away from Choctaw, whereas being a Choctaw person who grew up speaking the language and living among other such families might not have impacted their childhoods whereas others' entire lives revolved around being a part of a Choctaw community for both better and worse.

Curtis "Tody" Billy described his childhood living out in the rural woods of Broken Bow as a "paradise" (interview, 9/8/2016). Born in 1951, he and his six siblings spent their days outdoors with their animals and not working. Climbing trees and running through the woods were among Curtis's favorite past times. In the forest, wild berries, fruits, and nuts were widely available; a garden and domesticated animals were other sources of food for the family. Buying groceries in town usually only happened twice a month. This, he noted, also meant that he did not have a lot of candy growing up. A well provided the family with ice-cold drinking water. The well, along with a large bucket, also served as a refrigerator for their dairy products. Since their home did not have electricity because they were "kind of way off the grid," they used "battery-type, dry-cell battery or had a huge battery" and kerosene lamps. If someone got sick, home remedies were used; visits to the doctor in Talihina were only for a persistent illness, which meant that, as Tody said, "you were almost dead then." Trips to town or other communities to visit family could be accomplished by catching a ride with the mail carrier. Ultimately, much of his family's life could be summed up as "if you didn't have, you went without." While they did not have a lot of things like running water, indoor plumbing, or electricity for much of his life, Tody saw his life as fulfilling and unlike many others' childhoods – even that of his children.

Tody's family lived on his grandfather's allotment in the Ouachita Mountains for several years before moving closer to town on the land where his mother had grown up. They ended up selling his grandfather's allotment to the Dierks Lumber company, the major regional business that was later bought out by the Weyerhaeuser Company, one of the largest private landowners in the United States.[83] Since the allotment had belonged to his grandfather, Tody's dad and his siblings were heirs to the allotment. In legal terms, this is referred to as a "fractionated interest."

[83] Weyerhaeuser, "Land," Weyerhaeuser. https://www.weyerhaeuser.com/index.php/land/

In practice, this meant that all the children of the original allotee, their father, were partial owners to the land. If they wanted to sell part of or all the land, they would all have to agree to the sale and its terms. Since all the heirs lived in different places, some of the siblings sold their interest to the those that remained. Eventually, the remaining heirs decided to sell the land altogether to the Dierks Lumber Company.

For a few years, Dierks allowed Tody's family to continue to live on their land since the company was primarily concerned with acquiring the land's timber. But when Tody was in either third, fourth, or fifth grade, the family decided to live closer to town and moved onto his mother's land. There, they built a new home and while it was being constructed, the family rented a house. That was the first time that Tody lived in a house with electricity. After Weyerhaeuser acquired Dierks in 1969, their old house on his grandfather's allotment was torn down so the land could be clear cut – Weyerhaeuser's standard procedure at the time. Clear cutting for lumber completely changed the land. The forest around their old home was no longer the "huge garden" that Tody grew up with; it just became rows of pine trees. While Tody would later bring his children and grandchildren back to hunt and fish, the land was not the same.

Throughout Choctaw Nation, the forests have been important resources for Choctaw people but with the industrialization that resulted primarily through railroad construction and coal mining from 1870 onward, the value of timber as a commodity increased. The rapid claiming of timber as a resource would prove detrimental to Choctaw people overall. The General Council of the Old Choctaw government passed legislation that nationalized the forests and forbid the sale of lumber to individual companies as well as for export. And while these laws were passed, it still did not stop individual citizens from continuing to sell timber from their lands. As the timber in the western parts of Choctaw territory was depleted, lumber companies

began focusing on the forests in the Ouachita Mountains that cover present-day McCurtain, Pushmataha and Choctaw counties. New railroad lines moved into this territory as part of the effort to transport timber from these areas (Faiman-Silva 1988; Miner 1989). Following allotment and Oklahoma statehood, individuals who held allotments in this region became targets for land acquisitions or leases that would allow the acquisition of timber from the land. It was land theft and grifts like these that Oklahoma historian Angie Debo meticulously documented in her landmark book *And Still the River Runs* (1948). Underdevelopment of this rural region with limited work opportunities also proved to be a source of poverty for many Choctaw people which in turn facilitated the sale of Choctaw allotments (Faiman-Silva 1988), a topic which I will revisit in Chapter 3.

While Tody's family did not have much materially, they had enough to get by and their lives were enriched by living in a Choctaw community that helped each other and where Choctaw culture flourished. Tody grew up speaking Choctaw as his first language; he did not learn English until he started attending school at six years of age. Although his parents and older siblings knew English, they did not speak it at home. From church to the store, the people all around him only spoke Choctaw. Upon entering school, Tody recalled learning English from his peers. He remembered, "sometimes, when we rode the school bus, other Choctaws were there, and they would speak. Sometimes they would tell us how to say something in English or 'this is what they mean.' We got a lot of tutoring with other Choctaws."

In his lifetime, Tody has seen a massive social transformation with a clear decline in Choctaw first language speakers. While there are people who understand the language, many do not speak it – a consequence of the perception among many that the Choctaw language was not helpful for getting a job in non-Choctaw society. Nevertheless, Tody remained committed to

speaking Choctaw and maintaining the culture. In 1973, Tody took a church youth group to the annual Choctaw Indian Fair hosted by the Mississippi Band of Choctaws to learn more about some of the traditions that had fallen out of popularity in the early 1900s. There, he and the students learned stories, chants, social dances, and about other traditions from the Mississippi Choctaw elders. After the trip, they taught what they learned to Choctaws around McCurtain County. They even established a Choctaw dance group and stickball team that would travel throughout the state at schools, organizations, and tribal festivals. This included the annual Choctaw festival, where Tody and his wife helped to establish the Choctaw Village that is still used today. Tody was also able to integrate this into the Indian Education program in Broken Bow High School where he worked as the Indian education coordination and school counselor for thirty years. During that time, Tody also developed an Indian Arts and Crafts class and founded the American Indian Leadership Youth Council that is still popular and recently hosted its 24th annual powwow in 2023 after a two-year COVID hiatus. All of this work was integral to Choctaw cultural revitalization that continues today.

Currently, Tody lives near Durant working as a Choctaw language teacher for Choctaw Nation's School of Choctaw Language. He primarily works with college classes but helps with other things as needed. His wife Teri currently serves as the Assistant Director of the Language School. Together, they were recruited to work for the Choctaw language program given their many years working as educators for Broken Bow public schools. In addition to their work in schools, they organized Choctaws to learn cultural things like social dancing and stickball, which had become practiced less by the 1960s. This work was recognized in 2018, when the Broken Bow stickball team chose to name their field after Tody for his dedication to Choctaw culture.[84]

[84] "Broken Bow Stickball Field Honors Man who Helped Keep Chahta Culture Alive," *Biskinik*, January 2019. https://www.choctawnation.com/wp-content/uploads/2022/06/jan-2019-biskinik.pdf

Once at Choctaw Nation's language program, both Tody and Teri aided in the publication of a new Choctaw dictionary aimed at helping new language learners and the language program's expansion into a full-fledged School of Choctaw Language that teaches the Choctaw language in public schools and colleges across Choctaw territory along with community classes across the United States and online. Being Choctaw has always been a part of Tody and his family's lives and they have shared with the wider community for years. One legacy of their lifetime of work has been that Choctaw Nation has increasingly integrated Choctaw language and culture into their programs, which was not something that was always prioritized when Choctaw economic development first began in the 1980s.[85] This work would not have been possible without the revenue from Choctaw economic development, underscoring its critical role in revitalizing Choctaw language and culture. With such cultural revitalization, Choctaw people have been provided more opportunities to learn about Choctaw history and apply those lessons of the past to the present.

Dora

An institution of the Choctaw Nation Headquarters building, Dora builds community wherever she goes. As she makes her way through the building, she speaks to employees and visitors alike in Choctaw. A translation specialist for the School of Choctaw Language, she is a passionate advocate for her first language, working to get everyone in that building to speak at least a few phrases of Choctaw. During the early days of the return to the office after the COVID lockdowns, Dora found it difficult to stay in her office all day instead of visiting with people from all over the building, including employees in the Chief's office. One can often hear her

[85] When Chief David Gardner was in office, he was interested in revitalizing Choctaw language and culture but after his passing, this was not an area of focus by his successor, Chief Hollis Roberts. See: (Milligan 2003).

voice in the daily Choctaw Language videos sent to every Choctaw Nation employee at 10:00 AM or see her in the video skits posted on the School of Choctaw Language Facebook page. Her patience and gentleness for those learning Choctaw is in part what makes her beloved among her fellow employees and community members. In the countless hours I have spent trying to follow her conversations with my aunts and dad over the years since she moved in with my aunt and cousin, it always seemed to me that her laughter was more frequent when she speaks Choctaw. In the years of family gatherings that she is always invited to on account of our family's de facto adoption of her, it was always clear to me that being around other Choctaws, especially first language speakers, was when Dora seemed the happiest.

Dora grew up with her grandparents who only spoke Choctaw and lived in a Choctaw community; this experience engrained her with a deep love for the language, culture, and people. She grew up just north of Fort Towson, a town named after the nearby fort by the same name that was established in 1824. Describing the economic conditions that she grew up in as we sat on the couches that we also slept on when staying at my aunt's house in Durant, she stated that they were "poor. We were really poor" (interview, 8/8/2016). Dora's grandparents only went to town once a month. If she needed to go to the doctor, she went to a medicine man rather than the clinic in Talihina where they went primarily for shots.

Living with her grandparents since she was young was in part why she knew and never let go of knowing and speaking Choctaw. She recalled how she spent much of her time with elders, listening to them talk rather than playing with kids her own age. Since her parents were not around and later passed away when she was a teenager, her grandparents were a major part of her life until their deaths in her late teens/early twenties. As aunts and uncles also passed and her

siblings moved to places unknown to her, Dora was left to navigate the difficult paths of life without the same Choctaw community that she grew up with.

While reminiscing on this past, she quietly noted "back then, it seemed like people used to help each other. You don't see a whole lot of that nowadays" (interview, 8/8/2016). This comment came as a bit of surprise for me as I thought about all the services and financial support that Choctaw Nation provides for tribal members. After asking her to clarify in light of what Choctaw Nation offers today, Dora elaborated her point. She continued:

> It used to be a long time ago, if someone got sick, especially church members, they would…you know a lot of people didn't have telephones back then. So, they would drive to your house or even walk and let you know 'so-and-so is real bad sick, so I just wanted to come tell you.' And so, they would start making plans. 'Why don't we all go over?' The men would cut wood. The women would come and cook and clean and take care of the ill and stuff like that. They used to do everything like that." She then followed that up by noting how people would butcher a whole hog together and even that was no longer done like the old days (interview, 8/8/2016).

In mentioning butchering a hog, Dora jogged memories of the year that my dad purchased a hog from an uncle who raised them for Christmas and having to process many hunks of meat into sausage with my mom. After I reflected momentarily on how long ago that was, I asked her how one might even acquire such a hog today. After a pause, she responded:

> I don't know 'cause people don't have them like they used to. Even me, I've raised a few myself but when they got big, I had to either kill it and eat it or one of the churches might want it to buy it so they can kill it for their big meeting. See – all of that, things like that – just don't go on anymore. Even churches, whether they have Sunday school conventions or fifth Sunday meetings, they would start on Friday night and go all the way through Sunday night. That's where we had a lot of hog killing and all that going on. But see, they don't do that anymore. It's not as much fun as it used to be (interview, 8/8/2016).

Dora's description of the Choctaw community that she knew when she was younger harkens back to descriptions of Choctaw life up until the 19th century. When Choctaw people lived in villages, they worked together. The role of the chief was offered to the individual who

could best provide for all the people. It was not about his individual accumulation of personal wealth but his promise to ensure that all Choctaw people had food, a home, and everything they needed to live as Choctaw people. After allotment, in which communities became more spread out, Choctaw people modified their way of living and applied it into an individual practice known as "iyyi kowa." This was a day set aside for the whole community to come together and help a family that might be in need.[86] And as time progressed, churches of numerous denominations became important hubs for the Choctaw community to fellowship with one another, speak Choctaw, eat traditional foods, and even served as sites of political organizing.[87]

Most notable of Dora's reflections was her identification of how outmigration from the small Choctaw communities affected the present-day community. The changes that she pointed out aligned with the changes that I had seen with my own extended family and their home churches in Battiest and Broken Bow. While families certainly still gather at Choctaw churches like Oka Chukma and McGee Chapel to celebrate holidays as their parents and grandparents did and they still host gospel singings, they are a shell of the old gatherings that would last all weekend and the singings that would go until 3am. Laments over these changes by elders is almost assured whenever one gets them talking about the "old days." The old Choctaw churches that used to have sermons delivered entirely in Choctaw are now in English. Christmas and Easter services at Choctaw churches now include only a small sampling of each of the many families that used to fill the humble church. Here, in the space of Choctaw churches, Oklahoma

[86] Choctaw Nation Historic Preservation, "'Iyyi Kowa': A Choctaw Concept of Service," *Biskinik*, Iti Fabvssa, December 2012. https://choctawnationculture.com/media/32768/2013.12%20'Iyyi%20Kowa'-%20A%20Choctaw%20Concept%20of%20Service.pdf

[87] Clara Sue Kidwell (2007) and Valerie Lambert (2007) have both shown how Choctaw community members used the Choctaw church networks to organize against Choctaw Termination as well as facilitated the resurgence of today's government. Further documentation of the grassroots organizing accomplished through the churches can further be found in the Carl Albert Collection at the Carl Albert Center for Congressional Research.

Choctaw people fought for and maintained their political distinctiveness as Choctaw people as well as their nation's sovereignty.

Counterintuitive to the history of Native people and Christianity which emphasizes the very real destructive force of imposing religion on Native peoples, Choctaw churches hold a special place in the hearts of the Oklahoma Choctaws. Unlike other churches that were not historically populated by Choctaw people, the Choctaw iteration are the historic churches organized by Choctaw people since the 19th century. As I have argued elsewhere (M. Baker 2021), Choctaw churches were a key institution for maintaining Choctaw culture, including the political distinctiveness that colonialism sought to eliminate.

Churches were not only integral to maintaining the coherence of the Choctaw community but were also important sites of political activism throughout the 20th century. In the absence of the clan system that fell apart due to the trauma of removal, churches connected groups of Choctaw people and became a critical site for maintaining kinship relations. After allotment when families became spread out across the land, churches hosted countless gatherings where Choctaw people could just be Choctaw people. At their churches, they spoke exclusively in Chahta anumpa, hosted hog fries with traditional foods like banaha, tanchi labona and fried potatoes, and sang the hymns that their ancestors sang as they traveled the Trail of Tears from the ancestral homelands to the new removal homelands. In the latter half of the 20th century, candidates running for Chief added Choctaw churches to the roster of places to visit since not everyone could attend regional conventions. It was at churches where Choctaw people organizing against Termination stood in front in front of the congregation and made their speeches urging people to write letters to members of Congress and sign petitions calling for a repeal of Choctaw termination (Lambert 2007). For many who live outside of Oklahoma and

who do not understand this history, Choctaw Nation's adherence to Christianity is among the most critiqued aspects of the contemporary Nation. But for many elders, being Choctaw is synonymous with these churches and the communities that they maintained. Nevertheless, the Choctaw way of life that many elders who grew up in Choctaw communities experienced was also not immune to changes brought about by economic shifts.

As economic conditions remained less than ideal, many in the generation born between 1930-1950 sought work away from their homes. In McCurtain County, where many historic churches are concentrated, it was either the sawmill or the chicken farm that offered jobs, albeit low-wage for many Choctaws in the region. For those who wanted different opportunities, they would have to find jobs in other parts of Oklahoma or outside of the state altogether. This outmigration for better economic opportunities worked against the isolation of Choctaw communities that had previously helped maintain Choctaw culture. Even today, Choctaw Nation has also contributed to outmigration from smaller communities outside of Durant despite opening casinos near such communities. Since Choctaw Nation began its gaming operations, jobs, especially those requiring advanced degrees with higher salaries, are largely concentrated at the Durant Headquarters, Cultural Center and casino-resort. As a result, scores of Choctaw people have moved there to secure one of the higher paying jobs. [88]

As Choctaw Nation has reinvested in the region with a goal of keeping Choctaw people in the region by providing local learning and work opportunities as well as for people whose families left so they can come back, the Choctaw community has become supported institutionally. In addition to the church, which has since been weakened by younger generations moving away, Choctaw Nation has provided a new space for community to gather. Across the

[88] For more on the population trends due to economic development by Choctaw Nation, see: Baker (2017).

reservation, Choctaw Nation operates community centers with their spacious, modern facilities. From Indian taco fundraisers to funeral dinners to princess pageants to the weekly senior lunches, community centers host a range of Choctaw Nation-sponsored events and community-created events. Since economic hardships throughout the 1900s pushed Choctaw communities to leave home the Choctaw Nation altogether, the tribal government has worked against this outmigration by creating local jobs and investing in the local community to improve the quality of life in southeastern Oklahoma. Today, Choctaw people who grew up outside the reservation are returning to Choctaw Nation, bringing in the skills that they learned elsewhere. Consequently, Choctaw communities are also rebuilding and reconnecting again.

Betsy

Similar to Tody's childhood, Betsy[89] also grew up in the rural forests of McCurtain County in the unincorporated community of Bethel. Born in 1936, she lived in Choctaw Nation her whole life and witnessed all the changes during that time. She also experienced this life as a fullblood, or "identifiable" Choctaw and who grew up speaking Choctaw for most of her life. For eight years of her childhood, she attended Wheelock Academy, the former Choctaw Nation-operated school converted into a US boarding school. There, Betsy and her sister were forbidden from speaking Choctaw. At Wheelock she learned how to cook and clean – the kind of skills that might enable her to find low-wage jobs. During those eight years, Betsy was not allowed to return to her home and stayed at the school, 46 miles by modern highways from her family living in Bethel. These collective experiences are integral to understanding how she experienced the world.

[89] Pseudonym

When asked about the recent changes in Choctaw Nation that she had seen over her lifetime, Betsy departed from her peers regarding the changes brought about by Choctaw Nation's economic development with a comment about the recent annual Choctaw Nation Labor Day festival at Tuskahoma. She stated, "I went to Tuskahoma. There's not even enough Indians. There's a looooooot of white men" (interview, 9/7/2016). Unlike other individuals' responses to this question which typically remarked on the physical and economic changes to the landscape of southeastern Oklahoma, this elder's immediate instinct was to point out the shift in population dynamics within the Nation. Her pithy comment on the presence of white men importantly pushes for reflection on the evolution of Oklahoma Choctaw political gatherings in the 20th century and social-political dynamics of contemporary Choctaw Nation.

Essentially an annual family reunion for all Choctaw people, the September Labor Day holiday weekend is synonymous with the Nation's annual festival at Tushkahoma. Prior to the pandemic, the contemporary Labor Day festival began on Wednesday with the Princess Pageant and culminated with a free lunch after the Chief's State of the Nation on Monday morning. After a two-year pandemic hiatus, the festival was shortened to Friday to Monday in 2022. During the festival, Choctaw Nation offers many of its government services like informational tents on education services, promoting healthy living, and getting new membership/Certificate of Degree of Indian Blood (CDIB) cards to tribal members who come in from all over the country for the weekend. Given that the festival is an event put on by the Choctaw government, the weekend is a blackout holiday in which all employees are expected to work at least one four-hour shift over the weekend. Since the majority of Choctaw Nation employees are not Choctaw people, this is

perhaps one dimension as to why the elder viewed there to be so many white men at the Choctaw festival.[90]

For many Choctaw families, the Tushkahoma capital grounds are storied with histories of camping out for the conventions, meetings, and gatherings of Choctaw people throughout the decades. Some surmise that the contemporary Labor Day festival is an outgrowth of the much older traditional Green Corn Ceremony.[91] As the ceremony went underground as Christianity increasingly became engrained in Oklahoma Choctaw life, the end of the summer growing season nevertheless remained an important time for Choctaws to gather. In the Old Choctaw Government, new legislative sessions began in October – after the beginning of the Choctaw new year. Located between the towns of Clayton and Talihina in the heart of Choctaw territory, Tvshka Homma, or more commonly Tuskahoma, is the capital of the Choctaw Nation. Although Choctaw Nation's capital changed multiple times during the 1800s, Tuskahoma is the current capital. While Durant primarily serves as the headquarters for many governmental and business operations today, Tushkahoma remains an important site for Choctaw political culture.

In 1884, General Council began meeting in its new red brick two-story building for its annual meetings. After building renovations were completed in 1938, that Council building was re-dedicated as a museum of Choctaw history and culture. Today the historic building is home to the Choctaw Capital Museum and listed on the National Register of Historic Places.[92] In 2023, the small tribal council building near the old capitol building that oversaw much of Choctaw Nation's recent economic and political rise was torn down to make way for a new and larger

[90] Such a composition of citizen to non-citizen employment ratio is also found in the Florida Seminole community. See: (Cattelino 2008)
[91] Historic Preservation, "Green Corn Ceremony," *Biskinik*, March 2010. https://choctawnationculture.com/media/27429/2010.03%20Green%20Corn%20Ceremony.pdf
[92] "Choctaws to Dedicate Rebuilt Council House," *McAlester News-Capital*, May 31, 1938.

building that could better accommodate community member attendance and modern operations like livestreaming. In addition to the old and new council houses, the sprawling capital grounds also have a traditional-style Choctaw village, amphitheater, cafeteria, arts and crafts building, green house, war memorials, the stickball field that hosts the annual Labor Day tournament and other intermittent events, and other recreational fields used during the annual festival and youth camps. Throughout the year, a range of events are held, including the annual Trail of Tears remembrance walk, Easter egg hunt, youth camps, and memorials for veterans. At Tuskahoma, generations of Choctaw people have gathered in times of fellowship and serious collective decision-making.

Throughout the 1900s, Choctaw people convened to debate and decide a course of action regarding ongoing issues with the federal government. While smaller conventions would be held in all the different communities throughout Choctaw Nation to help accommodate those who could not travel far, Tuskahoma remained a central gathering place. Take for instance, the fourth annual educational meeting of Choctaws held at the old capital in 1938 that was also a re-dedication of the recently rebuilt Council House. The two-day gathering was advertised in local newspapers as a "annual reunion" featuring addresses from US government officials and tribal leaders, a session of the Choctaw Advisory Council, historical sketches of numerous Choctaw leaders, plays staged by various Choctaw schools and different Indian clubs, an "old-time" Choctaw ball game between teams from Goodland School and Jones Academy, "dances by members of the tribe who are expert in the art," and barbeque and basket picnic on the council grounds.[93]

[93] "Choctaw Meeting," Folder 1, Box 13A, Hampton Tucker Collection, WHC.

While individuals might impart their opinions on chief and members of council that they might run into while walking around the Labor Day festival today, the political debates are much less the focus of the weekend. Although Chief's State of the Nation is the major event on the Monday after most of the festival activities have ended, it primarily provides a recap of the past year and short announcement about future endeavors – not the same robust back-and-forth debates of the past. Rather, the cultural-political aspects of today's Labor Day can get overshadowed by the fun of the carnival rides, county fair foods, tournaments, competitions, 5k run, and nightly concerts with major country music artists. Since the carnival and concerts are free, it also draws a large non-Choctaw crowd from around the state and outsiders from all over the country. Perhaps it was this dimension of the Labor Day festival that Betsy's matter-of-fact comment on white men alluded to. Nevertheless, Betsy's comment importantly marked the demographic changes to southeastern Oklahoma and how that importantly bears on how Choctaw experience life in the region.

The life histories of the three Choctaw elders who have lived in Choctaw Nation for most of their lives detailed in this section provides insight into the ways that Choctaw Nation has changed since Oklahoma statehood. Through the arc of their lives, they enable us to see the political, social, and economic changes that Choctaw people have experienced throughout the 21st century. The individual struggles with land dispossession experienced by Daniel, Lottie, Esias, and Lylie provide insight into the mundane and procedural ways that many Choctaws lost their allotments and homes. In their recollections of their lives, Tody, Dora and Betsy reveal the changes to important parts of Choctaw life they had observed, including shifts in community, church, and political gatherings.

Conclusion

Despite the unexpected interruption to their lives, Joyce and her friends found a new rental house very quickly. This came as a bit of a surprised to me given how many different people had told me stories about the tightening of Durant's housing market in recent years. But Joyce's network of Choctaws went to work, asking their friends about possible vacant rentals and passing along phone numbers from houses with "for rent" signs in the front yard. Joyce ended up having her choice of places because people knew and were eager to rent to three elderly ladies who would take care of the property. In less than two weeks from when Joyce first called me, my cousin and I were helping her pack up her dresser and loading it onto her son's truck to move to the new house less than a mile away. The new, more spacious house would come in handy for when Joyce's roommate had her grandkids for the weekend. Joyce declined to put up a fight with her former landlord, much to my chagrin. Life just moved on because that's all there is to do in these situations, so why make a big fuss?

As landmark of a decision as *McGirt* was for the Five Tribes' governments, Indian Country and US territoriality more generally, it had little impact on Joyce and many Choctaws' day-to-day life. It wasn't going to affect the way that Edith's landlord had pushed her out. People might perhaps have noticed an increased presence of tribal police. Others might have noted the growing divide between Governor Stitt and the Five Tribes on the news. But it wasn't too different from the strife first created by the tense 2020 gaming compact negotiations. Some tribal citizens living and working on the reservation might have filed for tax refunds from the state since it taxed reservation land when it was not supposed to, but it certainly wasn't #LandBack as individuals on social media were quick to claim. And it was no remedy for the fact that for the past 113 years, multiple generations of Choctaws had to live with the ramifications of the state of

Oklahoma claiming jurisdiction where it had none. Given *McGirt*'s scope was in regard to criminal jurisdiction, it also would not have helped Joyce's housing situation.

Nevertheless, this chapter has importantly shown how Indigenous sovereignty in Oklahoma poses an existential threat to the State of Oklahoma. This is why Choctaw economic development and legal victories like McGirt remain severely limited. By following how the State of Oklahoma used US law to limit tribal jurisdiction to expand their own and caused land dispossession in the process. While these laws caused land dispossession and poverty among Choctaw communities in the state, Choctaw people's experiences with land possession and poverty ultimately pushed them to revitalization their government. The formal re-establishment of Choctaw government would then in turn undertake robust economic development that would contribute to their recent political and economic re-ascendency in Oklahoma.

Contemporary Choctaw economic development has proven to be a major challenge for the Choctaw Nation in terms of working with the State of Oklahoma and reconciling the changes to Choctaw life that its citizens experience. This Chapter has examined how the need for economic development came about due to the loss of land by Choctaw people. Allotments, which were supposed to help Native people manage their own lands proved to be a disaster and only resulted in poverty for many Choctaw people. It has also sketched out some of the impact that Choctaw Nation's economic development program has on the lives of its citizens. Collectively, this chapter has shown how the State of Oklahoma and its pursuit of jurisdiction over Indian land resulted in land loss and conditions of poverty for Choctaw people, historically and in the present.

CHAPTER 3: The Stakes of Tribal Histories

> *"If anything, the persistent if unspoken message here seems to be that we should be taken by the "practical advantages" of ignoring the written law. How much easier it would be, after all, to let the State proceed as it has always assumed it might…None of these moves would be permitted in any other area of statutory interpretation, and there is no reason why they should be permitted here. That would be the rule of the strong, not the rule of law."*
>
> – Justice Neil Gorsuch, Opinion of the Court, *McGirt v. Oklahoma*, p.28

In the State of Oklahoma's brief in *McGirt v. Oklahoma*, the state's lawyers put forth the argument that the recognition of reservation boundaries would upset the existing order of things and would require a restructuring of the administration of criminal jurisdiction in the state. In essence, the State of Oklahoma's brief argued that they should be allowed to maintain jurisdiction over Native people because that is how things had been done for 113 years. Justice Gorsuch refuted the validity of such an argument in succinctly writing: "Unlawful acts, performed long enough and with sufficient vigor, are never enough to amend the law." This dispute is not only one about law, but also about history and its weight. In its briefs, the state provided a revisionist history of Oklahoma to support and justify its argument seeking to retain criminal jurisdiction over Native people.

Supreme Court cases, rightfully studied for their immediate legal and socio-political ramifications, are also significant in what they tell us about the interpretation of history and how that history might inform the Court's decision. And for non-specialists who do not understand the unique nature of Oklahoma history, as are most members of the Court regarding federal Indian law, this proves to be even more of a challenge (see Miller and Dolan 2020). One of the key revelations of the McGirt ruling for the general public was that the State of Oklahoma had claimed jurisdiction to prosecute people when it did not legally have the authority to do so. But with such a ruling, it also called for a greater reckoning with what the public had come to know

about the historical legal foundation for the Five Tribes and the emergence of the state of Oklahoma.

The *McGirt* ruling raised two major historical questions as it related to what the general Oklahoma public understood about the Five Tribes and their reservations: why did people think the state had jurisdiction when it did not, and why did history books say that the Five Tribes no longer had sovereignty? In the days following the decision, the Five Tribes were in a public relations frenzy trying to educate the public about the history of their reservations. They also had to debunk Governor Stitt's claim that *McGirt* had caused "chaos" to descend upon Oklahoma because affirmed Indian reservation status supposedly meant that state police had no jurisdiction whatsoever and could not do their jobs – even though reality was much calmer.[94] Former special district court for the Muscogee (Creek) Nation, former Supreme Court justice for the Cherokee Nation, and Cherokee legal scholar Stacy Leeds assured a national audience:

> When practical law enforcement issues arise, the tribes and state and federal officials will partner to work out the details. With or without *McGirt*, Oklahoma is home to 38 federally recognized tribes, most with tribal courts and law enforcement of their own. Hundreds of tribal-state cross-deputization agreements are already in place that address arrest powers, extradition, and 911 emergency response. Oklahoma's criminal docket will decline to some extent. The Native American population in Oklahoma is just over 9 percent. Conversely, federal and tribal criminal dockets will increase and a ramp up in capacity will be required over time.

Leeds also importantly reminded readers of the historical usage of the term "lawless". She argued the Five Tribes "share a common history where external narratives and scare tactics of "lawlessness" inside tribal jurisdictions have been invented and recycled to justify incursions on

[94] Prior to the *Sizemore* ruling that applied *McGirt* to the Choctaw Nation, Choctaw Nation anticipated the ruling's impact on their criminal justice system. KTEN reported, "Chief Batton and tribal leadership set up a committee to examine law enforcement, child welfare and judicial affairs. The Nation has also set aside $2 million to help guide future efforts when it comes to the *McGirt* ruling. One of the first actions is to hire more police, social workers, prosecutors and defenders." Bates, Baylee. "Choctaw Nation braces for possible jurisdictional changes" KTEN, September 3, 2020. https://www.kten.com/story/42589322/choctaw-nation-prepares-for-possible-jurisdiction-change

tribal sovereignty and limit Indigenous autonomy. It is necessary, so the story goes, to bring in non-native police powers and non-native legal institutions for the sake of bringing law and order to Indian Country." As I will show in this chapter and Chapter 4, "law and order" was a rallying pretext for settlers to intervene in the affairs of the Indian Territory as well as justify abrogating treaties and annexing those lands.[95]

Just as the State had claimed in its brief, reporting on the 2020 decision highlighted people's surprise at the idea that many of them now lived on an Indian reservation when many (including Choctaw people) thought reservations did not even exist in Oklahoma. Following the Supreme Court's ruling, Choctaw Nation newspaper staff writer Bradley Gernand investigated this feeling of surprise among people who believed that the reservations did not exist by turning to Oklahoma history textbooks. In his review of the four textbooks approved for use in Oklahoma public schools, he found that they all said that the Five Tribes' governments and sovereignty had been disestablished.[96] Also interviewing a Durant High School history teacher for the piece, the teacher remarked that every textbook had stated that the tribes lost their sovereignty in 1907 and that "[McGirt] is the first we've ever heard that the situation might be different." Gernand's work highlights the damage of incorrect history, that was then replicated and ultimately negatively affected the Choctaw Nation. It underscores how both the historical erasure of these tribal governments and the rewriting of Oklahoma history helped to promote a narrative of Oklahoma exceptionalism over the Five Tribes that also claims the occurrence of events that never happened and despite the day-to-day work of government proving otherwise.

[95] Stacy Leeds, "What the Landmark Supreme Court Decision Means for Policing Indigenous Oklahoma." *Slate*, July 10, 2020. https://slate.com/news-and-politics/2020/07/supreme-court-mcgirt-oklahoma-tribal-courts.html
[96] Gernand, Bradley, "Supreme Court Ruling Could Rewrite History," Biskinik, October 2020. https://www.choctawnation.com/biskinik/supreme-court-ruling-could-rewrite-history-textbooks/

In this chapter, I chart the historical knowledge production, with particular reference to Five Tribes history texts that informed later textbooks. These histories have served as a powerful force in constituting the State of Oklahoma's ability to act as though it had jurisdiction over tribal members in criminal court when it did not. By locating the power of historical knowledge production, we can see the power of settlers, especially those committed to Oklahoma as a political project, and how history has been used to shape the political context in which tribal governments operate. Furthermore, examining settler historical production reveals how their Choctaw people can be miseducated and led to misunderstand the course of key historical events of their own nation.

Historical Erasure and Choctaw Archival Records

In Gernand's opening of his article, he states that the US Supreme Court "has rewritten history" with its ruling. In some ways, this could hold true for people who were generally unaware of Choctaw history. But for those who know the archival record, as I came to in the process of researching mechanisms of Choctaw land dispossession, the issue is not that history has been rewritten. Rather, much of Choctaw history has yet revisited and rewritten in a manner that addresses the complexity of Choctaw law and the role of land dispossession in changing the course of Choctaw life – a task I take up for a significant turning point in Choctaw history in Chapter 4. While cursory histories like Clara Sue Kidwell's (2008) *The Choctaws in Oklahoma: From Tribe to Nation, 1855–1970* that follow the broad swathe of Choctaw tribal history have been critical and facilitated some understanding of what Choctaw people were doing during the 20th century, more remains to be done. Accounting for the very specific details of Choctaw history is even more important when Choctaw historians themselves have contributed to the

problem of misinterpreting that history with their own work.[97] Additionally, easily locatable archival records testify that state, federal, and tribal officials fully understood that Choctaw and other Five Tribes' sovereignty had not been extinguished by Oklahoma statehood existed, but these records were conveniently ignored in the State's brief. Consequently, this chapter interrogates how those involved in writing the brief obscured the massive archival documentation that testifies to the longevity of Choctaw sovereignty in the 20th century, and also examines this archive's relative neglect by scholars.

Part I examines how Choctaw people are made known to the world in two significant ways: within the institutions that house archival documents of their history and through the scholars that wrote from those documents. I examine how settler scholars' framings of the issue of the abolished sovereignty of the Five Tribes influenced the scholars that followed. To do this, I focus on how the two foremost scholars of the anthropology and history of Choctaws shaped understanding of them and their sovereignty: John R. Swanton and Angie Debo. Furthermore, I also consider how the expertise on Choctaws consequently gave them opportunities to shape federal policies and laws that directly impacted the very people they wrote about.

Part II considers how scholarly texts circulate among Choctaw people and how they are used in everyday life. It examines how Choctaw people engaged and challenged these modes of settler historical production. Lastly, it considers a way to use texts that clearly have limitations to them in order to help understand Choctaw history.

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[97] Well-known Choctaw historian Clara Sue Kidwell, who wrote a book on missionaries and Choctaw Nation and another 19th century Choctaw government herself stated the governments of the Five Tribes were disestablished. In her chapter revisiting the Termination era of Choctaw government (1950-1969), she states "In 1906 Congress delivered the ultimate coup de grace in a law providing for the dissolution of the tribal governments of the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles as a prelude to Oklahoma statehood in 1907" (Kidwell 2007: 127).

The public surprise regarding the history of reservations raised by *McGirt* importantly underscores the stakes of historical production and shows what happens when tribal histories are obscured. It was not the state alone that created these narratives, but the local historians and scholars that took up a narrative of Oklahoma exceptionalism that displaced the Indian nations that actually laid the foundation for early Oklahoma. As Ojibwe historian Jean O'Brien (2010) argues in her book about settler historical production, *Firsting and Lasting*, local texts – including historical markers and memorials – do powerful ideological work to shape public memory and perception regarding the place of American Indians in history. As discussed in the Introduction, Indigenous sovereignty in Oklahoma is integral to the state's origin story and trajectory to statehood. Furthermore, today, tribal nations are very active in federal, state, and local affairs in the present with their respective economic development programs, so one cannot simply ignore them.

Furthermore, the Five Tribes of the 1800s demonstrated a level of organization that looked just like settler governments which in turn challenged conventional ideas held by settlers about Native peoples.[98] One could not just say that these particular Natives with their strong treaties, written democratic constitutions, cadres of lawyers who insisted on the primacy of Choctaw laws, and their fee simple title to their lands were uncivilized and incapable because they clearly demonstrated that they had a robust, complex society on par with US settler society despite limitations on their sovereignty by US laws. Only President Theodore Roosevelt himself could stop these nations from gaining US statehood for the proposed all-Indian State of Sequoyah in 1906 on the eve of Oklahoma statehood with his presidential veto. Given these

[98] And this is not to say that non-constitutional Native governments in the 1800s were inferior because they were just as sophisticated and complex. They just were not legible to settlers in the same way as the Five Tribes' governments were at that time.

historical turning points in the early formation of the state, Oklahoma history requires a bit more gymnastics to craft a "settled" history that makes it seem like Indigenous peoples are firmly in and of the past, and no longer relevant.

To further understand how settler historians used history to strengthen settler political legitimacy, I draw on Michel-Rolph Trouillot's (1997) work on the politics of historical production. Analyzing how histories failed to capture the significance of the Black liberation via the Haitian Revolution, Trouillot points out that we must pay attention to the silences created by the processes of historical production – the sources, the archives, the narrative, and the final version of history that people reflect upon after the fact. The problem of the silences in Choctaw history is not the same as giving voiced to oppressed silenced peoples in the archival record which historians and historical anthropologists have dwelled upon (Axel 2002; A. Burton 2006; Dirks 1992; Stoler 2010).

Rather, I show in this chapter that the *production* of the silences in the face of an overwhelming body of archival sources produced by the very people being studied is integral to legitimating the settler colonial project. To do so, I have taken an ethnographic approach to historiography, comparing the arguments against the extensive archival record that I had slowly became acquainted with in the process of understanding understudied aspects of Choctaw history. This approach has meant reading more recent ethnographies of Choctaws very deeply and triangulating these histories in relation to the people that I knew. Taking this stance towards archives, archival documents, and historiography, opened up an avenue for me to follow the linkages between each of these to produce particular knowledges about Choctaw people.

This chapter illustrates the interconnected way that institutions and scholars effectually produced the notion of Choctaw decline in two parts. In Part I, I consider how the State of

Oklahoma's move to claim the old Choctaw Nation records of the 19th century was part of the state's claim of ownership over Indian history and placing their sovereignty firmly in the past. Drawing on archival research done at the Oklahoma Historical Society, I argue that the claiming of the Five Tribes records was a move loaded with symbolism meant to transform the Five Tribes' sovereign nationhood, a sovereignty that inherently challenges the legitimacy of the state's existence, into entities of the past. By literally seizing the documents that testify to their government's daily operations that evidence them as a viable radical alternative to settler society, the State was able to integrate the Five Tribes into their political structure. Part II examines the anthropological and historical work done by "experts" whose writings about Choctaws effectually domesticated Native people. Consequently, such texts gained so much authority that they attained canonical status on the subject of the Five Tribes that has since skewed perceptions of Oklahoma Choctaw history today. In particular, I focus on the works of John Reed Swanton and historian Angie Debo whose works became the early canon of Choctaw Studies and would shape the scholarship that would follow and respond to them, including that of Choctaw scholars.

Part I: Choctaw History as Oklahoma History

In 1907, the year of Oklahoma statehood, Oklahoma Historical Society (OHS) custodian W. P. Campbell initiated outreach to the US Department of the Interior to acquire the government records of the Five Tribes for the newly formed Oklahoma Historical Society. This request rested on the assumption that the Five Tribes' governments no longer existed.[99] Despite the existence of legislation and government operations that disproved the idea that Five Tribes' governments had been extinguished, a false narrative would become entrenched by prominent state historians like

[99] Frank Pierce to Robert Owen, January 3, 1908, W. P. Campbell Collection, box 10, folder 35, OHS.

one-time OHS Director Joseph Thorburn and his frequent collaborator Choctaw historian Muriel Wright, both of whom made the same claim in their Oklahoma history textbooks used in public schools across the state.[100] Over time, the state of Oklahoma and the general public came to believe that the Five Tribes no longer existed as sovereign nations even though, as shown in the previous chapter, this was never legally the case.[101] This section considers the role of Oklahoma institutions in the obfuscation of Choctaw history that rendered their longevity and sovereignty unseeable in plain sight. An examination of such state institutions underscores how ethnographic examinations of historiography are integral to understanding how McGirt was a moment of significant historical reckoning.

Despite such rumors and misinterpretations, the continued existence of the Five Tribes' governments was acknowledged by those who worked with tribal nations. For example, after Oklahoma officially gained statehood in 1907, OHS Custodian W. P. Campbell's letter to Oklahoma Senator Robert L. Owen was forwarded to the Department of the Interior (DOI), the US government office that managed the affairs of Native nations and peoples. A top federal official in Indian Affairs, DOI Acting Secretary Frank Pierce's responded to Owen by flagging that the Five Tribes' governments had not ended, but instead would continue into perpetuity.[102] Referencing the 1906 Five Tribes Act, a law that ensured that the Five Tribes' governments would not be disestablished despite stipulations in previous legislation, Pierce notably remarked

[100] See: Joseph B. Thoburn and Isaac A. Holcomb, *A History of Oklahoma* (San Francisco: Doub & Company, 1908) and Muriel Hazel Wright, *The Story of Oklahoma* (Webb Publishing Company, 1930). Written for a general audience, the mischaracterize legislation regarding the Five Tribes, in part leading to their conclusions regarding the disestablishment of the Five Tribes' governments.

[101] For more, see: Bradley Gernand, "Supreme Court ruling could rewrite history textbooks," *Biskinik*, September 2020, https://www.choctawnation.com/supreme-court-ruling-could-rewrite-history-textbooks and Megan Baker, "Iti Fabvssa: Supreme Court's *McGirt* decision affirms tribal treaty rights," *Biskinik*, October 2020, https://www.choctawnation.com/sites/default/files/Iti%20Supreme%20Court%E2%80%99s%20McGirt%20decision%20affirms%20tribal%20treaty%20rights.pdf

[102] Frank Pierce to Robert Owen, January 3, 1908, W. P. Campbell Collection, box 10, folder 35, OHS.

that he felt that the Five Tribes' government records should remain with the federal records so there would be a complete collection of the federal administration of all tribes.[103] This letter not only reveals that Bureau of Indian Affairs had a specific plan for the Five Tribes' national records but it is also a clear acknowledgement by a federal official that the Five Tribes' governments had not been disestablished legally. Based on his writing, it seemed that for DOI Acting Secretary Pierce, it was only a matter of time before the Five Tribes' governments would be revived. These governments' sovereignty had not yet been disestablished – despite whatever Oklahoma state government officials did or what Oklahoma historians were writing to the contrary.

While the mundane procedures used by employees of an archival institution to acquire more documents for its collection might seem of little scholarly interest, this particular administrative move is significant for understanding the factors that contributed to the assumption that the Choctaw Nation had ceased to exist following Oklahoma statehood. Between 1898 and 1906, the Five Tribes' ability to govern as sovereign nations was severely undercut by allotment, a massive reduction in their government operations due to…, and the looming threat of statehood for Oklahoma Territory. Although the Five Tribes initially protested and challenged the assumption that Indian Territory would become a state within the United States (given the assurances that they would not be incorporated into the US in their removal treaty), desperate attempts to forestall statehood arose, such as the aforementioned Sequoyah movement, which proposed to create an Indian state that would join the US as a separate state.[104]

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[103] Frank Pierce to Robert Owen, January 3, 1908, W. P. Campbell Collection, box 10, folder 35, OHS.

[104] As part of an attempt to secure their political rights that had been significantly curtailed since the Reconstruction treaties of 1866, representatives from each of the Five Tribes and other relocated Indigenous nations in the region organized a constitutional convention for the State of Sequoyah – a singular government that would encompass Indian Territory and represent the interests of all the Indian nations within its boundaries. When the Sequoyah proposal and constitution was submitted to President Theodore Roosevelt for consideration for US statehood, he noted his preference that Oklahoma Territory and Indian Territory be combined and enter as a single state. In 1907, Oklahoma and Indian Territories were brought together to become the state of Oklahoma. For more on the legal functionality of the state, see: Leeds (2007).

As the state of Oklahoma and US absorbed the Five Tribes into their respective political systems, the work to legitimate the abrogation of treaties and land theft was left to historians and cultural practitioners like artists and novelist. Here, I focus on academic historians. Part of the legitimation project was creating a new narrative about the origins and history of the state of Oklahoma. In settler societies like the United States, in which settlers came from elsewhere to take over the lands of the Indigenous people and create a new society in place of the Indigenous one, history becomes a critical site for justifying and legitimizing the settlers' theft of Indigenous land. Dakota historian Philip Deloria touches upon the settler imperative to revise history in his (1999) *Playing Indian*. He argues that the discipline of history is challenging in settler societies because the process of fashioning a distinct identity for the new nation-state and its citizens often poses a moral quandary for historians relaying events that led up to nationhood. US settlers sought to claim the continent for themselves, but in practice, they stole it from Indigenous nations. Consequently, the state and its citizens must find a way to reconcile this foundational fact according to their moral sensibilities.

Histories of dispossession and genocide that were foundational to the establishment of settler states create an uncomfortable relationship for settler states and their past (Deloria 1999; J. M. O'Brien 2010). Throughout time, representations of Indigenous peoples and how their lands were seized can be found in numerous forms within settler scholarship on Native people. Whether through wholesale erasure and exclusion, non-specific mentions of Indigenous peoples only at the beginning of monographs, or a misrepresentation of Native histories altogether, these forms of settler history not only obscure the violence committed against Indigenous nations, but are in themselves forms of violence.[105] History is a critical site of justification for violence

[105] Historical work in Black Studies has been foundation in helping to understand the violence of archives and history and how to account for it. See: (Finch 2015; Haley 2016; Hartman 1997; 2008).

against Indigenous peoples and claims of their "inferiority" are compounded by the Enlightenment social theories that justify US settler colonialism (Cattelino 2018). Indigenous people must then struggle against their historical erasure in order to assert their sovereignty. This is part of the task at hand for Choctaw Nation and other Five Tribes' PR campaigns working to counter Governor Stitt's vilification of the McGirt ruling. But what is especially remarkable and noteworthy about the case of the Five Tribes in Oklahoma, however, is the fact that their presence and history are well-known and well-documented in the archival record by both US government officials and the Indigenous nations themselves.[106] To understand this paradox, I will now examine how prominent state historians represent the Five Tribes within Oklahoma history and elaborate on the consequences of such representation.

Given Oklahoma's origins beginning as the sovereign territory of the Five Tribes, a total and outright erasure of Indigenous nations is not possible given the unique history of the Five Tribes and their treaty territories that became known as Indian Territory. Oklahoma history always requires a tacit recognition of Indigenous peoples and their treaties to be trusted to tell its own history (relatedly, see Simpson 2011). Due to their status as one of the Five Civilized Tribes, these nations had distinguished themselves as Indigenous nations in North America and central to the narrative of Oklahoma statehood. As Ojibwe historian Jean O'Brien (2010) has shown in southern New England, settler historians erase the presence of Indians to narrate their inheritance of Indigenous land and give rise to modernity brought about by settlers. The authors of Oklahoma histories craft similar narratives (with some modifications) that account for the

[106] Hawaiian, Lakota and Cherokee have been identified as having the largest archival material repositories, especially in their respective languages. Based on my own work with Choctaw archival material at archives across Oklahoma (which have been archived alongside Cherokee nation materials), I would argue that same for Choctaw materials. Whereas each of these nations have many scholars working with these rich archival materials, Choctaws have comparatively fewer scholars working on Choctaw history. For more on Hawaiian, Lakota and Cherokee archival materials, see: Noelani Arista (2020).

Five Tribes' history of "civilized" status. Across the most prominent Oklahoma histories, the narrative is often that although the Five Tribes were central to the creation of Oklahoma, their glory days were tragically over.[107]

While these histories meticulously document the theft, graft and violence that undermined the Five Tribes' political authority over their own lands, those governments – along with their sovereignty – are presented as forever gone.[108] Ultimately, these classic histories conclude that the Five Tribes' governments ended with statehood.[109] From there and over time, these texts serve as authoritative sources on the Five Tribes. Furthermore, what used to be national histories are collapsed within the frame of culture, and thus the realm of the anthropological rather than straight-forward facts of history (A. Simpson 2014; Adams-Campbell, Falzetti, and Rivard 2015). These (mis)representations of history and of Indigenous sovereignty are critical to track because they continually affect and shape the lives of Indigenous peoples and their struggles to assert their sovereignty today. While archival materials testify to the enduring existence of tribal governments, historical misrepresentations of Oklahoma still circulate as authoritative texts in law and public memory, and contribute to the loss of recognition of the sovereignty as well as land loss.

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[107] Bradley Gernand, "Supreme Court ruling could rewrite history textbooks," *Biskinik*, September 2020, https://www.choctawnation.com/supreme-court-ruling-could-rewrite-history-textbooks

[108] See: Angie Debo, *And Still the Waters Run* (Reprint edition. Princeton, NJ: Princeton University Press, 1973); Angie Debo, *The Rise and Fall of the Choctaw Republic* (Norman: University of Oklahoma Press, 1975); Danney Goble, *Progressive Oklahoma: The Making of a New Kind of State* (Norman: University of Oklahoma Press, 1980); H. Craig Miner, *The Corporation and the Indian: Tribal Sovereignty in Indian Territory, 1865–1907* (Norman: University of Oklahoma Press, 1989); Muriel Hazel Wright, *The Story of Oklahoma* (Webb Publishing Company, 1930).

[109] Responding to such histories as they have been told about Choctaw Nation, Choctaw scholars have argued that Choctaw nationhood was maintained throughout this period and into the present. See: Donna L Akers. *Living in the Land of Death: The Choctaw Nation, 1830-1860* (East Lansing: Michigan State University Press, 2004); Clara Sue Kidwell, *The Choctaws in Oklahoma: From Tribe to Nation, 1855–1970* (Norman: University of Oklahoma Press, 2008); Valerie Lambert, *Choctaw Nation: A Story of American Indian Resurgence* (Lincoln: University of Nebraska Press, 2009).

Claiming Documents and History & the Paradox of Choctaw Archival Documents

In 1934, twenty-seven years after Oklahoma Historical Society Custodian W. P. Campbell began his project, Congress authorized the transfer of the Five Tribes' national records from the Bureau of Indian Affairs to the custody of the Oklahoma Historical Society (OHS).[110] During the period between statehood in 1907 and the transference of Choctaw national records from the BIA to OHS, Choctaw Nation's government operations were significantly reduced by US Congress, and the office of the chief became an appointed position by the US president. These gave credence to the idea that Choctaw Nation's government had been abolished, but in practice this was not true. The Choctaw National government could not be officially terminated until Choctaw affairs were settled. While the majority of Choctaw lands were redistributed to individual Choctaws by allotment, Choctaw Nation still held title to a large swathe of lands that had been exempted from allotment due to the natural resources they held that made them valuable. In particular, the US government could not dismantle Choctaw government until Choctaw Nation sold all of its coal lands for a reasonable price and the proceeds of that sale were distributed to Choctaws via per capita payments – an issue that will be discussed in Chapter 4.[111] While the Choctaw Chief, National Attorneys, the Department of Interior, and Oklahoma congressional delegation negotiated this throughout the early 20th century in community gatherings, meeting

[110] An Act to authorize the Secretary of the Interior to place with the Oklahoma Historical Society, at Oklahoma City, Oklahoma, as custodian for the United States, certain records of the Five Civilized Tribes, and of other Indian tribes in the State of Oklahoma, under rules and regulations to be prescribed by him, H.R. 5631, Public No. 133, (1934).

[111] Choctaw Nation employed Hampton Tucker as the Mining Trustee up until 1929-1949 and was responsible for the sale of the coal lands that were a critical part of the Choctaw economy throughout the mid-1800s and into the early 1900's. See: Boxes X-X, Hampton Tucker Collection, Western History Collection, University of Oklahoma; Carl Albert Collection, Box 6, Folder 56: "Correspondence regarding Choctaw-Chickasaw coal sale payments, Jan-Feb 1949." For further discussion of the events leading up to Choctaw Termination in the 1950s, see: (Lambert 2007).

rooms and in letters that fill hundreds of boxes in congressional archives, the historians of the time did not engage these actions in their histories of Choctaw Nation.

When OHS acquired the Choctaw national documents, it undertook the massive task of making the records accessible to the public. It transferred documents into microfilm and made them documents available for public viewing at their Oklahoma History Center in Oklahoma City. Through this process, those records are often used to tell a multicultural history of Oklahoma that obscures the colonialism that Indigenous nations still contend with every day. I provide the acquisition history of the Choctaw national records by the Oklahoma Historical Society here because it is critical to understand how material structures like archives themselves shape interpretations of the past, and how Indigenous peoples have to work against those narratives as they navigate archives themselves (Trouillot 1997). This is particularly significant when Indigenous people themselves must then navigate these archives to learn and understand the past in order to reclaim it (Mt. Pleasant, Wigginton, and Wisecup 2018). Despite being home to thirty-nine Indian nations and former Indian Territory, settler constructions of Indigenous histories in Oklahoma exist in set narratives that seemingly condone settler colonialism and its physical and epistemological violences against them. State textbooks, public monuments and college football games glorify the history of land runs – monuments to Indigenous land dispossession. The political and historical incorporation of Indian Territory into Oklahoma history is also significant, since Choctaw sovereignty itself was erased through settler narratives of Choctaw history. The framing of these documents as a historic relic to a long-gone Choctaw government fundamentally reshapes public understandings of Indigenous sovereignty, pre-constitutional forms of political authority, and their place in Oklahoma politics today.

The Choctaw national records archived at the Oklahoma Historical Society are particularly important because they are administrative records of the Old Choctaw government that was in power from 1831-1907. The majority of the 483 book volumes of Choctaw national records in OHS's custody were scanned into 90 rolls of microfilm. Despite missing a range of years and sequences in the records, the surviving volumes include a range in types of records: census rolls, correspondences with US officials, marriage licenses, records of mining output, jail reports, and handwritten notes of court testimony among many others. A handful of these documents are also written in Chahta anumpa, the Choctaw language, and placed into a single roll of microfilm despite their differing topics. As a collection that spans over 90 years of Choctaw government records and accounting, it is an unprecedented collection of Indigenous governance that has been made accessible to the public and to historians. Only the Kanaka Maoli, Lakota and Cherokee archives are comparable in size.[112] The massive number of archival records proved to be an issue for the Bureau of Indian Affairs' Muskogee office which crammed all of the old government records of the Five Tribes in their closets and the attic. In 1947, while some of the Five Tribes' government records were still in the custody of the Muskogee office, BIA official C. L. Walker directed the burning of nine tons of those records – which could explain some of the missing records within the existing collection.[113]

In response to Cherokee Chief J. B. Milam's letter alerting Oklahoma Senator Elmer Thomas of the burnt records, Thomas requested that the Commissioner of Indian Affairs burn no

[112] Hawaiian, Lakota and Cherokee have been identified as having the largest archival material repositories, especially in their respective languages. Based on my own work with Choctaw archival material at archives across Oklahoma (which have been archived alongside Cherokee Nation materials), I argue the same for Choctaw materials. Whereas each of these nations have many scholars working with these rich archival materials, Choctaws have comparatively fewer scholars working on Choctaw history. For more on Hawaiian, Lakota and Cherokee archival materials, see: (Arista 2020).

[113] Review of the Choctaw national records reveals missing time gaps for numerous record books which were numbered chronologically.

more records. In his letter, Thomas noted the records' "value in connection with the historical records being maintained in the Historical Building in Oklahoma City" as well as their "value for reference purposes in connection with matters pertaining to the several tribes and should not be destroyed". [114] Thomas's valuation statements are insightful for seeing how the Senator who constantly interacted with Five Tribes' officials while in Congress understood their history and political standing. First, by stating that the records' value was derived for their historical nature which was relevant to the OHS, Thomas reveals his perception that the Five Tribes governments were of the past and their records derived value for their relation to history and how they could serve merely as referential material to understand the past.

Contrary to the archival absence that is often referenced when it comes to writing Indigenous histories, Choctaws have an abundance of records and correspondences by leaders and influential individuals housed in archives across the United States.[115] In addition to such official documents, there are also the collections of the non-Choctaw people who engaged with Choctaws, including traders and missionaries accounts archived in places across the US like the Newberry Library in Chicago, Illinois and the Beinecke Library in New Haven, Connecticut. With such an array of archival holdings across the United States, the task of tracking down all of these documents is monumental. Given these vast collections and the relative availability of the

[114] Elmer Thomas to J. B. Milam, July 25, 1947, Folder 3, Box 45, Grant Foreman Collection, OHS.
[115] Not included in the Choctaw National Records collection are the collection of correspondence between Choctaw leaders and federal government officials, intellectuals, and businessmen. These are often housed in their own named collections; many of these are the archive sections of the Oklahoma Historical Society and Western History Collection. At the Gilcrease Museum, the Peter Pitchlynn Collection is one of their largest archival collections. These documents are instructive not only because they encompass a timespan that includes both the pre- and post-removal periods of Choctaw history. From the US government records from 1907 onward, the Central Classified Files at the National Archives are filled with correspondence between individual citizens, Choctaw leaders and federal officials. Not included are the writings, documents and records held by individual Choctaw leaders and citizens. Following statehood, records of Choctaw affairs can be found in the correspondence files of Oklahoma congressional representatives who served as intermediaries between tribal officials and the federal government (particularly the Bureau of Indian Affairs). These congressional archives are housed at the Carl Albert Center.

Choctaw National records at the Oklahoma Historical Society, it is surprising to learn that scholars use the Choctaw Nations Records far less than one might expect given scholars' lack of citations that link to these collections.

The trove of archival documentation is a product of Choctaws' history as one of the so-called "Five Civilized Tribes." Compared to other Indigenous nations in North America, Choctaws were among the first to interact with European explorers and traders following their meeting with Hernando de Soto in 1540. During the early American colonial period, Choctaws traded with the French and many learned English. As trade increased, Euro-American settlers then integrated into Choctaw society and networks. Choctaws allowed missionaries to build schools in their territory, so their children could learn English to avoid the pitfalls of not fully understanding Euro-American politics (Kidwell 1997; White 1983). Choctaw participation in the settler market economy, as well as engagement in plantation-style agriculture, led settlers to call Choctaws a 'civilized' people.[116] Due to a demonstrated proficiency in being able to navigate Choctaw and US settler society, a subset of individual Choctaws became part of an elite class that held important leadership positions from the 18th century onward. Under their direction before and after removal, these leaders refashioned Choctaw politics into a form legible to US settler society and its markers of "civilization." These developments led to a refashioning of Choctaw political institutions to look like settler institutions so they could be recognized and treated as nations. Despite an outward appearance of conforming to settler society, these new governmental forms were still aligned to Choctaw life philosophies.[117] After removal, as

[116] This created a sense of hierarchy among Indigenous peoples that have since been weaponized to pit Indigenous nations against one another.
[117] Choctaw Nation Historic Preservation, "A New Chahta Homeland: A History by the Decade, 1840-1850" *Biskinik*, March 1, 2021. https://www.choctawnation.com/biskinik/a-new-chahta-homeland-a-history-by-the-decade-1840-1850/

Choctaw Nation reestablished itself in Indian Territory, Choctaw leaders in the executive and legislative branches quickly expanded their government bureaucracy and began keeping meticulous government records while promoting English and Choctaw literacy in their government-run school system.

The very existence of the Choctaw National Records collection at the Oklahoma Historical Society is significant because it indexes the extent and sophisticated nature of Choctaw governance in the 19th century. Not only do these documents demonstrate the innovations and strategies that Choctaws undertook in order to retain political authority over their lands in the face of encroaching US colonialism, they also demonstrate a range of Choctaw intellectual thought. Some of this aligned with more traditional Choctaw epistemologies while others followed Western education. Western education was especially entrenched with Choctaw Nation's first boarding school. In 1825, the Choctaw leaders and the US government worked in partnership to open Choctaw Academy in Kentucky, the first federally controlled boarding school. The school provided Choctaw students (often the children of prominent leaders) an education in classic politics, law, and the sciences. Some of the most prominent Choctaw leaders like Peter Pitchlynn were educated at Choctaw Academy. With such a classical education, it helped to usher in an unprecedented era of English literacy which would have lasting legacy on Choctaw governance.[118] The history of how writing was used by Choctaw people and language shift in Choctaw communities, which I will detail briefly in the next section, is integral to understanding my practice of reading archives ethnographically.

[118] For more, see: Christina Snyder, *Great Crossings: Indians, Settlers, and Slaves in the Age of Jackson* (Oxford, UK: Oxford University Press, 2017); Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983).

Training in the English language was not the only education that this generation of Choctaws gained through their interaction with US settlers. Once Choctaw was transformed into a written language with the help of missionaries, Choctaw society increasingly reliant on written Choctaw, especially in the government. While still in their homelands, Choctaw leaders like Moshulatubbee allowed missionaries to enter Choctaw communities on the condition that they only teach subjects such as English and math. No religious teaching was a condition for missionaries' presence in the community (Kidwell 1997; White 1983). This illustrates the utilitarian relationship that Choctaws had with missionaries, using them to teach the next generation of Choctaw leaders the skills and knowledge needed to navigate US politics to protect their lands. Missionaries struggled to convert Choctaws and, in an effort to encourage conversation, missionaries learned the Choctaw language to reach more people. In particular, the American Board of Commissioners for Foreign Missions (ABCFM) chartered by the Massachusetts legislature in 1812, dispatched missionaries across the world, including Indigenous communities in North America. ABCFM missionaries were present before removal and followed Choctaws to Indian Territory (Coleman 1996; Kidwell 1997).

Most noted of those missionaries that joined Choctaws in their new homeland was Cyrus Byington. Living among Choctaws, he and other ABCFM missionaries established some of the first missionary schools in Indian Territory. Byington, most famous for developing written Choctaw and compiling Choctaw dictionaries and grammar books, greatly facilitated written literacy in Choctaw Nation. His preaching circuit, in which he also served as a doctor to the isolated communities in the Kiamichi mountains, helped to establish the strong Choctaw church system that persists into the present (Coleman 1996; S. Faiman-Silva 1997).

As written Choctaw and English literacy spread throughout the nation, Choctaw people demanded schools in their local neighborhoods (Morrison 2016). As Choctaw government was reforming itself in a new homeland, General Council allocated tribal funds for a network of schools that included day, neighborhood, district and boarding schools. Within twenty years since their forced removal, Choctaw Nation established the largest school system in Indian Territory. While not every Choctaw person knew written Choctaw, it is clear that a significant portion of them did. Choctaw and English literacy throughout the Choctaw Nation produced the massive governmental records that are now housed at the Oklahoma Historical Society and the hundreds of boxes filled with correspondence by Choctaw people with one another, US government officials, and others in archives across the United States. It was a consequence of US statehood and the reduction of the Choctaw national government's authority to manage their schools that contributed to the decline in both English and Choctaw literacy among Choctaw people.

The post-removal period is a notable era in Choctaw history given how its sovereign authority had the most potent power following European contact. It featured many significant events like the rise of its own mining industry, the introduction of the railroad, which are notable even within wider American Indian history. While removal was certainly a watershed moment in Choctaw history with massive repercussions and a key moment in US history about which there is much scholarship (Akers 2004; Banner 2007; Derosier 1981; Foreman 1974; Saunt 2020), the remarkable story of rebuilding and renewal in a new homeland seems to have been of less interest. Only a few books explicitly focus on the post-removal 1831-1907 Indian Territory period: Angie Debo's *Rise and Fall of the Choctaw Republic*, Clara Sue Kidwell's 2008 *The Choctaws in Oklahoma: From Tribe to Nation, 1855–1970* and Devon Mihesuah's 2009

Choctaw Crime and Punishment, 1884–1907. The paradox of Choctaw history is that there are many archival documents from 1830-1907 period and yet, they are understudied phenomena within American Indian historiography. Choctaw tragedy is not the only story to be told and this is why Choctaw history written by Choctaw people with an understanding of both contemporary and historic Choctaw Nation is a necessity.

Part I of this chapter has reflected on the claiming of Choctaw history by the State of Oklahoma, particularly the massive trove of archival documents of the Old Choctaw national government from 1830-1907. Furthermore, it has considered those documents in relation to Choctaw historiography and the noted the paradoxical relationship of plenty of documentation and relatively few monographs. Part II now turns to consider the ways that these archival documents have (and have not) been used in the production of Choctaw histories that become embedded within Oklahoma history as part of the making of Oklahoma exceptionalism. But even more importantly, I consider how this ideology of Oklahoma exceptionalism manufactured through local histories that drew upon a key ethnology of Choctaw people, John R. Swanton's *Source Material for the Social and Ceremonial Life of the Choctaw Indians* which did its own ideological work of undermining Indigenous sovereignty to help establish American anthropology and legitimate it as a scholarly discipline.

PART II: The Persistence of the Narrative of Choctaw "Decline"

On January 4, 2014, President Barack Obama declared the Choctaw Nation of Oklahoma one of five "Promise Zones," a new anti-poverty program aimed at facilitating economic development in impoverished regions across the US over the course of ten years. Responding to the Promise Zone designation, Chief Gary Batton declared it another tool for bolstering

numerous ongoing economic development endeavors throughout southeastern Oklahoma. Since Choctaw people succeeded in drawing attention to the prospect of Choctaw Termination and had the law regarding it repealed in 1969, this helped to reinvigorate interest in the workings of Choctaw government and got many community members to organize regarding Choctaw affairs.

Nevertheless, when MSNBC covered Choctaw Nation's designation with a two-part series and photo essay on poverty in the Nation, its economic development successes were minimized. Instead, the authors crafted a narrative in which the legacy of governmental policies of removal, allotment, and assimilation in conjunction with cuts to social-welfare programs were so overwhelming that it suggested that only federal intervention could possibly enact substantial change. The Promise Zones program was thus framed as a sort of last-ditch attempt to alter the future of Choctaw youth. The journalist further suggested that the tragedy of poverty was magnified in the face of impending Choctaw cultural decline as elders passed on and Choctaws married non-Choctaws. By playing down Choctaw Nation's economic and political achievements over the past thirty years which have reinvigorated the cultural life of the Nation, the MSNBC series reiterates a tired narrative of Choctaw "decline" through a focus on contemporary Choctaw poverty.

This narrative of Choctaw decline, as it turns out, is not a new one. If one were to read the published histories of Choctaws, one will continue to find some histories that celebrated the complexities of the 19th-century Choctaw government that was established quickly after removal. Even authors sympathetic with the Choctaw Nation, however, describe its demise. The closing of Arthur H. DeRosier's (1981) *The Removal of the Choctaw Indian* laments white pioneers' greed and "almost pathological hatred for the Indian, a hatred that colored all of his relations with the legal residents of any Indian territory" that ended the Choctaw Nation. In DeRosier's writing,

Choctaw people were powerless to stop white settlers from overtaking their new homelands. The final lines of the book were: "The die was cast. Events in the years that followed would only increase the influx of white settlers onto Indian lands until, finally, the once mighty Choctaw Nation would be proud and powerful no more, except in their hearts."[119] In the concluding paragraph to Angie Debo's (1975) *The Rise and Fall of the Choctaw Republic*, she wrote that with the events of Oklahoma statehood, "the Choctaw Nation may be said to have passed out of existence as a separate political entity, and the history of the Choctaw people became fused with the greater history of the State of Oklahoma."[120] This fatalistic conclusion would be one picked up and repeated in different ways by scholars that would later study Oklahoma Choctaws, which I will later chart out.

How Choctaw people and their nation's sovereignty have been represented in scholarship is of immense importance. In her critique of Native writers who provide multiculturalist renditions of Native stories that fail to integrate analyses of the colonial conditions in which Indigenous nations must navigate, Dakota scholar Elizabeth Cook-Lynn (1996) argues, "Indian Nations are dispossessed of sovereignty in much of the intellectual discourse in literary studies, and there as elsewhere their natural and legal autonomy is described as simply another American cultural or ethnic minority. Scholarship shapes the political, intellectual, and historical nation-to-nation past as an Americanism that can be compared to any other minority past."

Foundations of the Choctaw Canon: Swanton

If one were to peruse the bookshelves of the Choctaw culture-oriented offices at the Choctaw Nation like the School of Choctaw Language or at the Headquarter building's giftshop,

[119] DeRosier (1970), 167.
[120] Debo (1961 [1934]), 290.

one is likely to find a copy of John Reed Swanton's *Source Material for the Social and Ceremonial Life of the Choctaw Indian*. It was one of the reference books that Choctaw language teachers like my aunt and cousins received when they started working for the School of Choctaw Language. Among anthropological studies of the tribe, Swanton holds perhaps the greatest amount of authority among scholars, especially anthropologists, for his examination of Choctaw people up until their removal in the 1830s. As an anthropologist, he specialized in Native peoples of the Southeast and Pacific Northwest regions in the United States. His work with the Haida, Tlingit, Dakota, Tunica and Muskogean languages were significant contributions to linguistic anthropology along with his combining of archeology and ethnography to deepen understanding of Southeastern Native peoples. He was also essentially a lone figure in studying the southeastern with his monographs on the Creek, Chickasaw, Choctaw, Natchez and smaller communities like the Caddo, Tunica and Catabwa.

Although anthropologists of the time primarily focused on fieldwork as their primary methodology, Swanton was willing to work with early colonial documents and maps to better understand precolonial southeastern nations (Desanti 2012). By his retirement in 1944, he had published over 200 articles and numerous monographs. Upon Swanton's death, fellow anthropologist Alfred Kroeber remarked on his legacy on the region, stating: "he erected his largest monument: the Southeast…to such a degree that it remains undisputedly his and that mention of the area automatically brings to all of us the association of his name" (Fenton 1959). This immense body of work established him as a prolific and responsible scholar to his peers and contributed to his legacy as a prominent figure in early American anthropology. He was also a founding member of the American Anthropological Association. Swanton's almost unquestioned authority by fellow anthropologists of his time period laid much of the groundwork for his

impact on how Choctaw people would become known to the world and in influencing how later generations of scholars would engage or not engage with studying Choctaw people.

Swanton received his doctorate in anthropology from Harvard, where he was one of the first to receive the degree. While finishing his coursework, Swanton also spent two years at Columbia University studying with Franz Boas, who is regarded as the father of American anthropology. After completing fieldwork on the Northwest Coast, Swanton went to work for the Smithsonian Institute's Bureau of American Ethnology, a federally funded institution in Washington DC. During his tenure, he not only completed fieldwork that would develop into his large body of scholarship, but he also chaired a fact-finding committee regarding Spanish conquistador Hernando De Soto's expedition to the Americas.[121] The further that Swanton got into his career, the less fieldwork he was able to do. In his examination of Swanton as a figure that shaped the work he did in Native communities, Desanti (2012) noted the quality of Swanton's work shifted due to the amount of time that he had to conduct his fieldwork. Comparing his fieldwork on Haida and Tlingit peoples in the Pacific Northwest, Swanton showed greater care during the early stage of his career when he had more time to devote to gathering and transcribing oral stories in the language, and then translating narratives afterwards. Such shifts in Swanton's work practice is a reminder of how knowledge production does not exist in vacuum of pure scholarship; rather it is critical to consider the external conditions in which scholarship is produced.

[121] As the four hundredth anniversary of Spanish conquistador Hernando de Soto's arrival in North America, Congress passed a resolution calling for a report on the precise history. Swanton, appointed to the commission by the president because of his expertise on the Southeastern Native peoples who encountered de Soto, served as chair to the commission. The research culminated in a report that rewrote old narratives and included work based on the archival research done by the commission. For more see: United States De Soto Expedition Commission, *Final Report of the United States De Soto Commission*.

Perhaps the most significant aspect of Swanton's 1931 *Source Material for the Social and Ceremonial Life of the Choctaw Indians* was that Swanton conducted his fieldwork and wrote the text after the US removed the majority of Choctaw people to Indian Territory (Carleton 2001; Swanton 2018). Strikingly, this fact remained in the background of all his research. As an ethnological account of Choctaw life, *Source Material for the Choctaw* was developed out of early European accounts of encounters with Choctaws in combination with fieldwork conducted in the early 1900s in Mississippi. Swanton's primary interlocutors were two Mississippi Choctaws: Olman Colby and Simpson Tubby, a Methodist preacher. Swanton's written sources included the historical works of former missionary turned historian Horatio Cushman, Mississippi-local historian Henry S. Halbert, and Choctaw missionary Rev. Alfred Wright among other (usually out of print) accounts and many other primary sources from 17th and 18th century European explorers and traders. By crafting his ethnology from this wide range of materials, Swanton is often described as a precursor to the formation of ethnohistory as a disciplinary method of study and it was this method that anthropologists replicated when they served as expert witnesses regarding the precise history of Indian tribes in Indian Claims Commission cases.[122] Swanton's culling of historical sources is described as so thorough that "the job is virtually done for all time; for ordinary purposes, one consults Swanton rather than the primary sources" (Steward 1960: 333). This work bolstered his authority as the foremost anthropological expert on Choctaws as well as the wider Southeastern region. Melding his 20th century interlocutors' reflections on Choctaws' past and oral stories along with 17th and 18th century

[122] Indian Claims Commission, established by federal legislation in 1946-1978 and was a venue for Indian nations to present cases regarding treaty violations. It served to process for Indigenous nation to file grievances and possibly receive financial compensation for lost lands. It spurred demand for anthropological and historical research and led to the foundation of the American Society for Ethnohistory. For more, see (Tanner 2007).

written sources, Swanton presented his readers with a portrait of Choctaw people suspended in time.

Given the way that some Choctaw people have pushed back on Swanton's *Source Materials*, he clearly is not held in quite as high regard by Choctaw people as he was by his fellow anthropologists that did not challenge his claims.[123] While an incredibly important work for its history of Choctaw people from contact until removal, Swanton's fieldwork methodologies and conclusions are nevertheless flawed. In his introduction to the 2001 reprint of Swanton's 1931 Smithsonian Bureau of American Ethnology Bulletin, Mississippi Choctaw Tribal Historic Preservation Officer Kenneth Carleton outlines the fallacies of Swanton's methods which led to his incorrect conclusions about Choctaw life. Importantly, he points out that "Swanton is just as likely to use historical data from the 1730s right alongside data from his own field work from the second decade of the twentieth century without regard for the fact that things had changed in two hundred years" (2001: ix). He also points out how Swanton over relied on his or other's twentieth century informants "to try and explain or elucidate institutions and structures that had not existed among the Choctaw for 170-plus years, rather than turning to the contemporary descriptions that are available" (ix). Carleton also notes that Swanton drew heavily on the published and unpublished work of Henry R. Halbert, a historian who also studied Choctaw history and was in the process of writing a book on Choctaws but died before completing it.[124] Carleton's critique of Swanton's usage of then-contemporary informants as evidence for what Choctaw people were doing in the century is critical to understanding the limits of Swanton's ethnology of Choctaws. Carleton's critique of Swanton's method, as it would

[123] Later anthropologists would heavily critique this type of work and is not used as much or replicated today.
[124] While Halbert died before the completion of his Choctaw history manuscript, Halbert left drafts of chapters which Carleton notes are referenced by Swanton although never as Halbert's text (ix). These draft manuscripts are now held at the Alabama Historical Society and have yet to be published.

turn out, is not a one-off methodological issue in the study of Choctaws. The usage of sources about Choctaw people from a later century as primary sources to understand a previous century would continue to be employed to write Choctaw histories.[125]

While Swanton's work remains undoubtedly the most complete study of Choctaws, Patricia (Galloway 1986) also highlighted the limits of both Swanton's fieldwork and archival research. An archivist who studied many of the primary Spanish and French sources that Swanton referenced – and perhaps more importantly – what he did not reference, Galloway best understands the limitations of Swanton's conclusions based on his evidence and conditions in which his fieldwork was conducted in the early 1890s. Take, for instance, her examination of Swanton's claim that Choctaw people did not have very many ceremonies. Galloway persuasively argued:

> I am convinced that Swanton believed the Choctaw to have had "very little ceremonialism" because the French and the English who described them were not allowed to see it. Tallying the times when the French visited the Choctaw in their villages and reported what they saw, one discovers that these visits never took place at times when such ceremony would have gone on, that in fact the Choctaw always seemed to be unavailable at the time that they would have been having a green corn ceremony, mourning rites, or something of the kind. In fact, the first description of Choctaw stickball play, which was certainly at least as firmly established an activity in the eighteenth century as it was later, is from a source no earlier than the nineteenth century. It is therefore no wonder that Swanton had to turn to nineteenth-century sources for description of social institutions.

As Galloway has shown through her examination of Swanton's work, understanding the context of sources and their interpretation is incredibly important to understanding the limitations of

[125] The Indian-Pioneer Papers, a common source for 19th century Indian Territory, has proved to be a troublesome set of sources for post-removal Choctaw history. This is because historians, particularly non-Choctaw ones, have leaned on them to provide accounts of the 19th century even though the interviews were collected in the 1930's. Take for instance, Yarbrough (2021) which uses a Creek account of living in the region to be a Choctaw individual's account of living in that time period. Just as Carleton argues, the usage of these sources in this way perpetuates the notion of a timeless Choctaw rather than understanding that the ones referenced speak to a very particular subset of Choctaws living in a post-statehood period that most likely has a significant impact on how they understand the changes that Choctaws experienced during that transition from autonomous nation to individuals living within the state.

Swanton's work. This dissertation builds upon Galloway by not only tracing Swanton's limitations but by following the legacy of Swanton through the scholars who built upon his arguments and subsequently had a role in the everyday lives of Choctaw people through the public policy that they became connected to. Given these source limitations, Swanton's work leaves much to be desired.

With these materials collected and combined into his account of Choctaw people, Swanton came to one significant conclusion that he argued early in his introduction – that there was little unique about them. Given his archival and ethnographic knowledge of the Southeast region, on which he was considered an authority, Swanton plainly stated that "there were few customs observable among them sufficiently striking to attract the attention of the European travelers – little "copy stuff," (1). In his testimony regarding primary sources, Swanton argued that Europeans made little note of anything particularly spectacular or oppressive. All these facts lead Swanton to make an influential conclusion about the Choctaw: "Absence of pronounced native institutions made it easy for them to take up with foreign customs and usages, so that they soon distanced all other of the Five Civilized Tribes except the Cherokee, who in many ways resembled them, and became with great rapidity poor subjects for ethnological study but successful members of the American Nation." (Swanton: 2001 [1931]: 2) With these words, regardless of whether he intended to or not, Swanton condemned the study of Choctaw people. Given that his fellow anthropologists viewed Swanton's work to be "a kind of taxonomy that represented real drudgery, but which will not have to be done over again" (Fenton 1959), Swanton's work would come to stand alone and as the most authoritative source to those in academia. In turn, Swanton's condemnation of the uniqueness of Choctaw people meant there

was little worth studying – which readers and some scholars would also come to believe to be a fact.

Now that we have examined how Swanton came to know Choctaws, let us consider the content and arguments that Swanton advanced and how they lived on through the scholarship that built upon his work. I turn to the work of the beloved Oklahoma historian, Angie Debo.

Angie Debo and Choctaws in Oklahoma History

A prolific public intellectual, Oklahoma historian Angie Debo proved to be a powerful force in Oklahoma historical production. For many of her readers, Debo was (and still often is) considered to be an ally to Indigenous peoples due to her writing about the oppression that Native people in the state experienced. Nevertheless, a throughline in her writing was the way that she advanced the notion of Oklahoma exceptionalism. But, as this section will chart out, the notion of Oklahoma exceptionalism is inherently connected to Indigenous land dispossession and the undermining of Indigenous nations' sovereignty. In particular, it will delve into these contradictions of Debo's writing as well as the long-term effects of the settler colonial ideologies that are imbued within her scholarship. In doing this, I show how Debo's work, like that of John R. Swanton, impacts how the Choctaw Nation is able to assert its sovereignty today.

Angie Debo's 1934 *The Rise and Fall of the Choctaw Republic* was her first book and a product of her doctoral dissertation. After completing a master's in history at the University of Chicago in 1924, Debo returned to her home state of Oklahoma for her doctorate. There, she worked with the eminent Oklahoma historian Edward Everett Dale at the University of Oklahoma. Educated at Harvard University for his doctorate, Dale trained under the famous US historian Frederick Jackson Turner. Dale's historical work was notable for the way that he

applied Jackson's so-called "frontier thesis" to understand the state of Oklahoma's unique origins that merged American Indian and settler histories, in turn shaping the subfield of western history.[126] While an undergraduate at the University of Oklahoma, Debo also took classes with Dale who encouraged her to study Native histories (Loughlin 2005). The combination of this training alongside her return the University of Oklahoma to complete her doctorate under Dale's direction, highlights the influence of the frontier thesis on how Debo interpreted and wrote Native histories. Debo completed her dissertation and published her monograph in 1934 with the University of Oklahoma Press as the sixth volume in its *The Civilization of the American Indian* series, part of the University's initiative to become a center for Native American history (Schrems and Wolff 1991). Like Swanton, Debo anticipated the disciplinary shift in history that became known as the "New" American Indian history due to her research methodology that included the usage of ethnologies, primary sources created by Native people, oral histories, and even fieldwork among Native people (Carleton 2001; White 1989). After its 1934 publication, *Rise and Fall* became considered a landmark Native history in the then-burgeoning field of American Indian History and it helped to establish Debo's status as a premier historian of American Indians. From there, Debo would continue to write Native American histories, including a Creek history titled *The Road to Disappearance* (1979). By the end of her career, she had authored nine books, co-edited one, and edited three as well as thousands of articles on Native American and Oklahoma history. Such a comprehensive catalogue made her respected among her peers (Loughlin 2005).

[126] Frederick Jackson Turner's frontier thesis argued that the settling of the frontier, unclaimed Indigenous lands through westward expansion, was a formative experience that informed US national identity and distinguished them from Europeans. The process of settlement essentially gave Americans a distinct national culture that informed its institutions. See: (Turner 1920) In short, the colonization and settlement of Indigenous land was a defining experience that shaped its history and culture into what it is today. For a critique of Turner's frontier thesis, see: (Karuka 2019)

As its title suggests, *The Rise and Fall of the Choctaw Republic* charts out Choctaws political ascent in the 18th and 19th centuries to its supposed downfall with the onset of Oklahoma statehood. Chapter 1, titled "The Primitive Choctaws," opens with an ethnological description of Choctaw people that includes origins stories, pre-contact political organization, and kinship structure. This chapter was sourced from early ethnological accounts like Swanton's, which later aforementioned scholars like Patricia Galloway deemed faulty due to its sourcing issues. The arc of the book captures the process of removal and the nation-building that happened in its aftermath. Along the way, it documents that immense challenges of interacting with the United States, from the difficulty of getting the United States to fulfill treaty obligations like the removal of US settlers from Choctaw territory, the integration of the Chickasaws into the Choctaw political system, the Treaty of 1855, the impact of the US Civil War, the Treaty of 1866 and its repercussions that included the introduction of the railroad, Choctaw Nation's work in establishing a coal industry, territorialization efforts, and the lead up to allotment before culminating in Oklahoma statehood.

To narrate this history, Debo primarily draws upon federal sources like the annual reports of the Commission of Indian Affairs and correspondence between federal officials primarily housed in the National Archives in DC. Written before the federal recognition of the smaller Choctaw communities in Mississippi and Louisiana, the book is clearly a history of the Oklahoma Choctaws rather than a writ-large Choctaw history book. It did not delve into the histories or experiences of Choctaw people living in either of the regions even though they were clearly Choctaw people and were connected to those living in Choctaw people living in the removal territory.

Within the subfield of Oklahoma history, American Indian history quickly became a central pillar to the field due to the state's large Native population and unique historical formation as the relocation homelands for many Indian nations. As part of the University of Oklahoma's efforts to carve out a distinct regional identity for itself in the 1920's, President William Bizzell pushed for the study of Oklahoma exceptionalism with particular focus on Native American history. These efforts to make the university a center for the preservation of Native heritage and identity resulted in institutional support for the field of American Indian history. As a result, the University of Oklahoma leant prestige and credence to the significance of studying Oklahoma history, which contributed to the field's proliferation and national recognition (Hurtado 2001; Loughlin 2005). In turn, the university's investment in Native American history raised the profile of Oklahoma historians that provided them with opportunities that would play significant roles in shaping the lives of Native people in Oklahoma and the wider United States.

After being deemed experts by writing Oklahoma Native histories, several Oklahoma historians became involved in federal Indian policy. Consequently, this provided them the ability to influence the everyday lives of Native people. Grant Foreman served as a lawyer for the Dawes Commission who helped to create the Dawes Rolls and witnessed firsthand the chaos of allotment spoken to in detail in the previous chapter. Although never formally trained as historian, Foreman was greatly impacted by his experience with the allotment. With major research support by his wife Carolyn Foreman, he published *Indian Removal* (1832), history of the removal of the Five Tribes, and *The Five Civilized Tribes* (1834), an abbreviated history of the Five Tribes. These two texts have since become canonical to the study of the Five Tribe and Oklahoma history. Once at the University of Oklahoma, Edward Dale taught the University's

first Native American history class and quickly became the foremost Oklahoma historian (Hurtado 2001). His expertise in Native American history led to his appointment as an expert researcher for the committee that produced the 1928 Meriam Report which investigated American Indian poverty and would later provide the rationale for the 1934 Indian Reorganization Act. While a bit of an outlier, another significant historian was Muriel H. Wright who was Choctaw. She was also the granddaughter of former Choctaw Principal Chief Reverend Allen Wright, a member of the Choctaw Advisory Council from its inception in 1934 until 1944, a collaborator with journalist-cum-historian Joseph Thoburn on Oklahoma history textbooks and the editor of the Oklahoma Historical Society's Chronicles of Oklahoma scholarly journal. Throughout the 1900s, these historians were each other's colleagues and were in constant contact with each other as they produced more historical knowledge about Oklahoma and the Native people that lived there. Among these historians, Debo was a well-regarded colleague.

After the success of her second book, the Indian Rights Association, an organization committed to supporting communities, commissioned Debo to conduct a survey on the economic conditions that fullbloods of the Five Civilized Tribes faced in 1949. Debo saw the report as a follow-up to her second book *And Still the Waters Run* which meticulously documented the land grafts that happened immediately after the allotment of the Five Tribes' lands, especially at the behest of important businessmen and politicians that brought the state of Oklahoma into being. This work raised Debo's public profile as a historian and a champion of the Indian cause. It also was a likely root cause for some of the career setbacks she experienced in her life.[127] But given

[127] In 1937 the University of Oklahoma Press contracted with Debo to publish her second monograph that would become *And Still the Rivers Run.* Despite high praise in peer review by D'Arcy McNickle (who was referred by BIA official John Collier who was originally solicited as an outside reader), the lawyer who reviewed the manuscript prior to publishing noted his concern about possible libel lawsuits. Throughout the book, Debo detailed the names and role that prominent politicians, businessmen and government officials had in various schemes to steal recently allotted lands from members of the Five Tribes. Given that many of these people were still alive and active in local politics and society, the University President Bizzell recommended that the book not be published, citing possible

her work on the Five Tribes, she proved to be an important figure for understanding their experiences.

Debo's report proved to be critical to the formation of Oklahoma public policy. To write this report, Debo conducted fieldwork during the summer of 1949 by visiting the homes of fullbloods of the Five Tribes along with examining Bureau of Indian Affairs records at its Muskogee office. The report significantly documented the economic conditions in which members of the Five Tribes lived, particularly the fullblood contingent, which was seen as not properly adapting to American society. It importantly captured a moment in the midst of massive land loss for citizens of the Five Tribes. It covers how members of the Five Tribes were managing farm loans and most importantly, the impact of the land restriction regime that originated with the allotment process in the early 1900s. Lastly, the report revealed Debo's personal ideologies regarding what she perceived to be the downward trajectory of the once prominent Five Tribes.

The Five Civilized Tribes of Oklahoma: Report on Social and Economic Conditions

In her background to the survey, Debo recaps the history of the Five Tribes, stating, "Congress therefore passed a series of laws under which their tribal governments were dissolved, their land holdings were broke up into individual allotments, their public funds were divided per capita, and they became citizens of the United States and subsequently of the state of Oklahoma" (1). Written this way, Debo presents the governments of the Five Tribes to be a matter of the past and many of them satisfactorily adjusted to the new society. She also praises how the Five Tribes' history became "an important part of the state's cultural heritage" and that "Oklahoma's proud

political repercussions within and outside of the university. It was not until the original editor for the book moved to Princeton University Press that the book was published. For more, see (Schrems and Wolff 1991).

acceptance of the Indians can be relied upon as an asset in any plan for rehabilitation" (1). As she saw it, the problem that members of the Five Tribes were faced with was the concern of individual fullbloods who were "unable to make the transition" (1).

Throughout the report, Debo switches between the Five Tribes as her examples, treating each as interchangeable. While it makes for a compelling report, Debo fails to account for the historical and ethnographic specificity of each tribe and does not consider the various factors that produced the difficult circumstances in which they later found themselves. In absenting the geographies of the lands in which the members of the Five Tribes lived, Debo denies accounting for geographical contingencies that shaped how people lived and how it affected decisions that leaders made. In collapsing the specificity of the histories of the Five Tribes and their legal differences that stemmed from unique treaty notes, it obfuscates the intricate and unique history of each tribe. This underscores the need to expand upon the Five Tribes literature that dominates peoples' understanding of each of these nations with their unique cultures, histories, and traditions. While this chapter and wider dissertation delve into greater detail into the histories that have shaped contemporary Choctaw Nation, these sources deserve to be examined in greater detail to chart out the driving factors of Choctaw history.

After her report's publication in 1951, Debo sent a copy of it to Oklahoma Congressman Carl Albert. From 1949-1977, Albert served as the representative for District 3, which encompassed the 1855 Choctaws and Chickasaw treaty land boundaries and subsequently became a critical ally and advocate for Choctaw people. Throughout his congressional career, Albert worked closely with Choctaw and Chickasaw leaders to sponsor bills and support them whenever issues with the Bureau of Indian Affairs arose as well as serving as a correspondent between individual Choctaws living in his district. Albert had a keen interest in Choctaw affairs

and followed issues closely. Subsequently, when he received Debo's report and her accompanying letter that urged him to follow through with the report's recommendations to improve the Five Tribes' fullbloods' conditions, he responded by letting her know that he had already read the report and was an "ardent admirer" of her work.[128]

Albert made it clear that the historical work she had done left quite the impression on him after he first read *The Rise and Fall of the Choctaw Republic*. Albert had also read the report that Debo made which included policy recommendations regarding the management of the Five Tribes' land. After exchanging initial introductory letters with one another, Albert mentioned that he and fellow Oklahoma Congressman William G. Stigler had introduced a bill "for the rehabilitation of the Five Civilized Tribes" which failed. They introduced an edited version of the bill which Albert believed that this new bill "would at least be a good beginning point in carrying out the recommendations which you make."[129] It is evident that Debo's scholarship had made her an authority on the issues facing the Five Tribes. This expertise in turn afforded her the ability to advice on public policy that would directly affect Choctaw people.

Oklahoma history provided to be an important site of regional identity formation that I argue was also the development of a distinct regional settler identity. While scholars like Debo importantly wrote of the land theft committed against Native people and caused professional backlash for doing so, they nevertheless contributed to the wider project of settlement through their historical knowledge production that emphasized Indian decline that gave rise to a multicultural Oklahoma society. The Oklahoma exceptionalism that saturates Debo's work advanced a modified version of the infamous frontier thesis that claimed that the settlement of Oklahoma gave Oklahoma its regional character. Such character-making consequently made the

[128] Letter from Debo to Albert, May 2, 1951, Folder 48, Box 11, Departmental Files, Carl Albert Collection, CAC.
[129] Letter from Albert to Debo, May 7, 1951, Folder 48, Box 11, Departmental Files, Carl Albert Collection, CAC.

denigration and attempts to eliminate Indigenous sovereignty a central part of Oklahoma history and culture.

Part II: Living Historiography

Bleary-eyed and tired from an early departure time and two-hours of driving winding backroads, I arrived early to the monthly 10:00 am Tribal Council meeting. After making a customary round of hellos to my district councilman, chief, assistant chief and other acquaintances, I took a seat towards the back of the room. That August 2016 meeting day, I was particularly eager to hear how Councilmembers would discuss news regarding the *Chickasaw-Choctaw Nations vs. Oklahoma* water rights case that dominated the local news cycle that summer. Once seated with my notebook out, I glanced around the small council room, looking around for familiar faces who might have entered while I was rummaging through my bag. While not familiar, one person stood out.

Standing at the back of the other side of the room was a college-aged man. Wearing a bandana tied across his forehead, he wore a t-shirt that I recognized as popular at the time among Choctaw students attending the local university, Southeastern Oklahoma State. The shirt was brown with a screen print of a red outline of Choctaw Nation's jurisdictional territory with the word "Chahta" prominently featured in the center of the outline. The shirt's usage of 'Chahta', the Choctaw word for our people, gestured at a reclamation of our language and our understanding of ourselves as a people. The man's outfit and disposition reminded me of one of those male Indian activist types that proliferated that summer during the early days of Standing Rock as it grew as a social-political movement. As I reflected on "student-activist" archetypes, I took notice of the book in his hand.

As he stood waiting for the meeting to begin behind the three rows of audience chairs, he held a copy of Choctaw historian Donna Akers' (2004) *Living in the Land of Death*. Covering the 1831-1860 period of Oklahoma Choctaw history in which the US government moved Choctaws to Indian Territory and Choctaws remade a new home, *Living in the Land of Death* is most notable for its methodology that utilized Choctaw culture and language as sources to narrate and contextualize Choctaws' decisions made during the most tumultuous period of our history. As I assessed the combination of the book with the comportment of this young "student-activist," he made sense to me considering the arguments of the book, its methods, and how I understood the monograph to recognize and honor generations of Choctaw people for their work in maintaining and asserting Choctaw sovereignty throughout time.

In the scholarly field of Choctaw history and culture, a historian might consider Akers' work radical. At the time of her writing, this method was not necessarily seen as "proper" disciplinary historical method and instead was a method of "ethnohistory" rather than history. She was an avowed feminist and paid particular attention to the impact of American colonialism on Choctaw women. As I understood her work, Akers showed cared for Choctaw people and their revitalization through her narration of history and a robust engagement with Choctaw epistemologies. Choctaws were especially conservatively written about since ethnologist John Swanton declared Choctaws to be "poor subjects of ethnological inquiry" (2001 [1931]: 2). Angie Debo's analysis had little critique of the United States as a political project. Akers, who also critiqued Debo for this approach, lambasted the double standard in which non-Native historians writing American Indian histories rarely learned Native languages to write these histories. Akers' intervention was one that underscored the importance of the Choctaw cultural revitalization. Her writing had a palpable, righteous anger about colonialism's impact on

Choctaw people. It was this particular quality that I imagined was what drew both the young man and I to her work. I could see her being a Choctaw activists' go-to historian given how she emphasized the importance of cultural and language revitalization which aligned her with Indigenous resurgence movements across settler states in North America. These were the very qualities that made her book my top choice whenever anyone asks me for recommendations on Oklahoma Choctaw history.

The image of this young Choctaw man – holding Akers' book at a tribal council meeting on water rights during the early days of Standing Rock – exemplifies how scholars' interpretations of Indigenous people are central to how they can become known to the wider world. Why this young man was carrying that book that day remains unknown to me. Perhaps he was reading it for class, or perhaps for pleasure. Perhaps he held it as a source of inspiration given the meeting's subject. Regardless, in that particular moment, the book still held significant meaning in the context. Akers' argument regarding the integrity of tribal knowledge to the interpretation of history afforded the book a particular political meaning as an object and communicated the man's politics to those familiar with the book and its historiographical context. Akers' book was not just a text that helped people learn more about Choctaw history within a longer history of US colonialism; in that instance, it transcended its content to serve as a point of connection between the young man and myself as interpreters of the text. It crystallized and came to symbolize a certain political orientation and stance about the meaning of history and how that informs such critical moments for tribal nations – like that morning's discussion of Choctaw-Chickasaw water rights that had been subverted by state and private entities.

While these texts and the scholarship they contain are immensely important, they remain heavily contested and challenged. For practitioners of history who draw on these texts to make

an impact on policy, they are not static books on bookshelves, but rather are heavily annotated and consulted as part of the work of asserting Choctaw sovereignty that is constantly challenged by settler states and their subdivisions. For example, Swanton, despite its limitations, is incredibly useful to understand early Choctaw political organization. Furthermore, it is on the individual to draw on alternative modes of history that are often not as recognized to cut through the analysis informed by colonial ways of knowing that undermine Indigenous sovereignty. I turn now to the 19th century Choctaw Nation and how it engaged in economic development in this time period to further help us understand the contemporary moment.

In her review of Choctaw historiography, Choctaw historian Donna Akers calls for Choctaw histories that draw on the Chahta anumpa language, cultural practices and oral histories as historical sources (Akers 2004: 97). Akers argues that such sources are critical for understanding the diversity of Choctaw perspectives and insight into Choctaws' responses to US colonialism. When Indigenous languages, cultural practices, and oral histories are not used as sources, the practice of historical writing contributes to the colonial project of Indigenous erasure. In writing a history of Choctaw removal with such a methodological intervention, Akers provides a fuller understanding behind the motivations and cultural responses to Choctaw removal. This shift can be described as using an 'Indigenous methodology,' as Maori scholar Linda Tuhiwai Smith (2012) advocated for. Akers' *Living in the Land of Death* has become one of the most significant Choctaw histories given its integration of Choctaw epistemologies, or cultural perspective, to interpret primary sources. Nevertheless, since Akers published this critique in 2004, engagement with Choctaw histories in such a manner has been minimal.[130] Her

[130] The most notable books published after Akers' book are historian Clara Sue Kidwell's 2008 *The Choctaws in Oklahoma* which primarily relies on US government documents and archived papers of Choctaw chiefs written in English and anthropologist Valerie Lambert's 2007 ethnography of modern Choctaw Nation when Choctaw

call for scholars to use Choctaw language documents continues to be unheeded with an absence of citations to Choctaw language documents. This is particularly striking since scholars of American Indian history often claim that the lack of documents in the Choctaw language is a limitation within the field. Ironically, given the people involved for the archival correspondence that I reviewed for this project, it was primarily in English and provided few opportunities to use the Choctaw language documents that Akers references. Thus, the paradox for Choctaw history is that the records exist, but that they are underutilized.

Re-interpreting Choctaw Sources

After the Tribal Council meeting began that summer morning, the young man became a memory that only appeared in my mind when I came across a different Choctaw holding another book just a few weeks later. This image is that of Curtis Billy, a Choctaw elder, historian, a maternal cousin whose father was my grandmother's brother, and whose childhood was discussed in Chapter 1. While some academic historians might not recognize him to be a historian given his lack of formal training (he spent his first career working as an elementary school educator), Billy knew more about Choctaw history than anyone and many Choctaw people have consulted with and learned from him. As he often like to say, he "grew up Choctaw" and that was something not everyone will know unless one grows up around other Choctaw people during this time. Not only was he a first language Choctaw speaker who grew up in Broken Bow, home to many other full-blood first language speakers, but he actively worked to revitalize Choctaw culture. While working as a counselor for Broken Bow public schools, he traveled with others to the Mississippi Choctaw reservation to learn various aspects of Choctaw

language documents are largely outside the scope of the project. One reason for this is in part because of the availability and vast quantity of English language materials in addition Choctaw-language primary sources.

culture like stickball, social dancing and songs. When he and his group returned, he organized Choctaw students and family members to learn all these cultural practices. His "dance troupe," as they called themselves, would travel to schools and demonstrate stickball and social dances. He was also able to teach Choctaw culture in local public schools due to a state grant throughout the 1970s and 1980s. Until very recently, at the annual Labor Day festival, Curtis and his family managed the Choctaw Village, an expansion of the cultural demonstrations of their Broken Bow public school teacher days.

Visiting Billy at home that particular day, I asked him about some aspect of Choctaw culture, trying to work out theories I had about Choctaw culture change. As he sat in his chair considering my questions, he reached over to the pile of books on the side table next to him, grabbing US ethnologist Horatio Cushman (1899) *History of the Choctaw, Chickasaw and Natchez Indians*. As he flipped through the book, a part of me was taken aback. I was decidedly struck by the way that he used Cushman as a source for our own knowledge of ourselves as Choctaw people. While I would later learn of Billy's method of writing between the lines, combining his own knowledge that was passed onto him by his elders and life experiences, watching him carefully pour over the Cushman suddenly invoked the memory of the young man at the tribal council meeting. Juxtaposed against each other was an elder and one of the foremost historians of Choctaw history consulting an old ethnological text against the young man and his radical history text with its methodology that centered Choctaw knowledge.

In this moment, I realized that despite the flaws in the old texts like that of Cushman, Swanton, or Debo, the texts still retained knowledge that our ancestors held that we are no longer able to access in this day and age. Many of the things that our ancestors knew are long gone. But some of those knowledges were still held in those flawed texts. It was a matter of reading it

carefully, looking for the moments in which one could decipher when a Choctaw interlocutor might have intentionally misled the anthropologist or visitor to their community. Tody drew on his knowledge of Choctaw people that he had grown up with all of this life and used them as comparison points. He knew all these old texts well and it showed in the well-used copies with creased pages and frayed edges on the books beside him. The longer that I worked with Tody in various capacities, whether providing information for a museum exhibit on old French objects or listening to him talk during Labor Day, the more I understood his method of history that was very much rooted in Choctaw experiences throughout time. With that, Tody, offered another methodology for doing Choctaw history.

Conclusion

To rectify the incorrect history in Oklahoma textbooks that the State of Oklahoma had used for its arguments for the *McGirt* case, Choctaw journalist Bradley Gernand and I worked together to provide Oklahoma high school students with an abbreviated Choctaw history from a Choctaw perspective as part of my work with the Historic Preservation department. In particular, we drew attention to the robustness of Choctaw Nation in the 19th century and its response to allotment and statehood as well as less known parts to that history such as the coal mining industry. The result of this work was a publication by Choctaw Nation of Oklahoma, which is known as the Oklahoma History Supplement and is available for public usage.[131]

As this chapter has shown, Choctaws have to live with the consequences of what historians, anthropologists and other scholars have written about us. Their ideologies about the incapacity for proper governance and ability to adapt to "modern society" in turn became

[131] "Oklahoma History Supplement," Choctaw Nation of Oklahoma, October 3, 2020. https://www.choctawnation.com/news/posts/ok-history-supplemental/.

crystalized in laws that governed how Choctaws would live and how they could manage their own affairs. These laws would then wreak havoc in the lives of fullblood Choctaws who were subject to racializing laws that dictated how they would manage their lands as Debo's 1950 report showed.[132]

Here, I have brought together textual criticism within the same frame as the living people who must contend with the legacy of texts. Unlike the ethnohistorians who frequently use the present to understand practices of the past, I seek to understand the present experiences of land loss with the ideological foundation that makes that dispossession possible hundreds of years since the arrival of Europeans on North American soil.

[132] In his constituent correspondence files, US Representative Carl Albert received many letters written by Choctaw people regarding the loss of their allotments due to the laws put in place on the recommendation of people like Debo.

CHAPTER 4: Histories of Choctaw Impoverishment and the Problem of Property

On a sunny spring day, I accompanied Ms. Teri Billy on a two-hour drive to McCurtain County so she could run some errands and show me the area where her grandmother grew up. After Ms. Billy took some pictures of the current Choctaw Academy United Methodist Church, our second stop was just around the corner from the nearby Rufe post office. As we stood on the edge of the road just a little way from the fence that marked the property line, Ms. Billy pointed out a small well-worn path among the tall grasses that led to the original site of Choctaw Academy Church. The church she had just photographed at our first stop was its second home. As Ms. Billy had driven down the backroad before our arrival, she indicated where the fields of tall swaying grasses we had passed used to be another Choctaw community – Slim. Somewhere among these property-line fences and roads should have been the lands where her grandmother, Fannie Gibson, would have received a land allotment where she would have raised her family.

In the 1960's, the US Army Corp of Engineers told the Choctaw community of Slim that they would have to sell their lands to make way for the Pine Creek Dam. Despite protests and hold outs, Choctaw people in the area were eventually forced out. The Choctaw community of Rufe was just one of many now-emptied areas that used to be the home communities of the Choctaws who were descendants of those who had made the region their home after removal. As Choctaw people recovered from the turmoil of removal and the early difficult years in the new homeland by organizing into communities, churches became the heart of Choctaw communities. Churches eventually came to function as critical sites for maintaining Choctaw culture, language and forms of political organizing – which was why Ms. Billy was photographing churches that day. Around the corner from the current Rufe post office that Ms. Billy and I stood near and on the other side of the road, the original Choctaw Academy United Methodist Church once stood

and served as an important cultural and political site for the Slim community. But now, after Pine Creek dam's construction, this Choctaw community no longer really existed outside of the memory of its old inhabitants and their neighbors.

In the history of region that she had provided me before our outing to the original site for Slim, Ms. Billy recounted stories of Choctaws she knew growing up and how they lost their lands. Her grandmother Fannie was born in 1908. This birth year was significant because it was after the closing of the Dawes Rolls in 1906, which listed all the individuals who would receive an allotment. Being born after its closing meant that Fannie would not receive her own allotment as her siblings had. Consequently, she lived with her mother on her allotment until she married and moved to nearby Wright City. Where she had lived in Slim was later claimed by the Army Corps to make way for a dam that was supposed to bring economic development to the region. Land loss was a profound part of Fannie's life and shaped the contours of it. As Ms. Billy recalled her grandmother's life, she reflected on the wider region Rufe community that she lived near with her grandmother. She stated:

> We always drove by that place where they grew up. I don't know…they did build that Pine Creek Lake. They had to sell out because the lake supposedly was going to – oh that was the other thing: when they built Pine Creek Lake. They were going to cover so much territory – oh gosh that makes you so mad just to think about it – so that forced a lot of Choctaws in that Rufe area. They had to sell it because the engineer came in and said 'you have to sell out because we're building this dam. We're building this lake and it's going to be under water.' And that was, what, like in the 70's? My grandmother and I, we drove by the area, and she said, 'they said all this was going to be under water and it's not,' and it wasn't. White people living all over the place. I guess [that's] what I was thinking and [it] made me mad.

Not too far from the building rubble that we faced as we talked, Ms. Billy indicated where the cemetery used to be. There, several generations of Choctaw families that called Choctaw Academy their home church were once buried; those people had since been exhumed

and relocated to the new Choctaw Academy church and cemetery just over a mile away. To have been exhumed and relocated, as it would turn out, was a lucky fate. Other old Choctaw cemeteries and communities like Sardis and Hochatown currently sit at the bottom of the man-made lakes throughout this water-rich southeastern corner of Oklahoma. Those lakes are also now some of the most popular vacation spots in the state and with Texans. These lakes were the result of dams that were part of District 3 Oklahoma Congressmen Carl Albert's work to bring economic development to this region from the late 1950s until his retirement in 1977. And for what Carl Albert worked on throughout the 1960 and 1970s, it would come into fruition fifty years later as the region has become a tourist destination[133] – much to the dismay of Choctaw families now dealing with the rapid growth of the local tourist industry along Highway 289 with no urban planning and Ford F-150s with Texas license plates speeding down the highway.

Ms. Billy went on to note some of the landmarks of Rufe and how people moved as a result of the dam's construction – but not the flooding that officials claimed would happen. She pointed to an area where one Choctaw family had lived and stated, "It was a big issue having to talk about, having to move away. Some of the Choctaws in that area moved." Here Ms. Billy paused momentarily and mulled over a realization as she continued speaking. "Yeah, the general store never did move. That guy since, his grandfather, no, his dad ran the store. But his son that inherited it. His name was Bill Barwell. He still lives right behind the general store. But he shut down the general store probably, sometime in the last years probably. But they didn't move. They didn't move." As she thought about Choctaws being made to move, she paused to ponder why only Choctaws were forced to move while the white communities in the same area were not relocated. She continued:

[133] Brandes, Heide. 2020. "Hochatown: Southeast Oklahoma's Unlikely Tourism Hub." *NonDoc* (blog). November 23, 2020. https://nondoc.com/2020/11/23/hochatown-southeast-oklahoma-unlikely-tourism-hub/.

> But the reason why it [was] just brought to my mind is that being told you had to re-locate. Because it was for the Corps of Engineer. And I mean, if we drove up there – the lake is about right here, and there's a lot of people. And a lot of Choctaws had to leave, before the white people came in. But who did they sell the land to? Now that I think about it, to the government? The government turned around and re-sold it? That's why I am asking you. I don't know.

Although I was aware of numerous relocations of Choctaw communities to make way for other dams throughout this region, the history of Pine Creek dam that Ms. Billy was telling me was completely new to me. Sensing her frustration after recounting the difficulties of her grandmother's life and the land loss that her community experienced, I quickly racked my brain for a response to the questions directed at me. I stammered that there must be "lots of documentation" and "paperwork" for the Army Corps to undertake such an endeavor. In that moment, I did not have an answer for her. But in asking me these questions, Ms. Billy unknowingly offered me a way to use my research skills to help community members understand the legal situations regarding their own lands and also answer the question: precisely how did the US government authorize and legitimate the acquisition of Choctaw people's lands?

While a seemingly simple request for information on laws that facilitated Choctaw land dispossession, answering her question entailed revisiting the arc of Oklahoma Choctaw history. Even though I could easily look up the law that approved the building of the dam, I know that was not exactly what she was asking for (even though she did want to know that as well). As I examined her face as she asked her questions and considered the exasperated tenor in her voice, I sensed her desire to know the deeper reason for continual Choctaw land loss. As we stood at the site of a former Choctaw community that lost their homes, both of us were keenly aware of our people's history of land dispossession. Both of us routinely taught the history of Choctaw removal formally in classrooms and presentations and informally in casual conversations with fellow community members and strangers. We both had answers that touched on prejudice,

racism, and white people's desire for Indigenous people's lands, but those did not feel like adequately comprehensive explanations. I could have said 'settler colonialism' which was a narrow, academic answer but we would not have been satisfied with that either. It provided no testimony to the sacrifices that our ancestors had made so we could stand where we were that day and to have the jobs that we had. Rather, we needed an answer attentive to uniqueness of our Choctaw experiences that contextualized it within the larger history of Indigenous land loss. During the car ride back to Durant, in-between periodic unrelated conversations, I thought about how I could find Ms. Billy the answers she sought and to tell that the story of Oklahoma Choctaws in a way that would help her, and other Choctaw community members understand our history differently than what already exists. One facet of this dissertation has been to provide Ms. Billy the more complete explanation for Oklahoma Choctaws' unending land dispossession and impoverishment stemming from land loss that we both sought that spring day. This chapter undertakes the second dimension of Ms. Billy's request to understand the continual nature of Oklahoma Choctaw land loss.

Land loss has been unending; it is the concepts that uphold the structural nature of land loss that I aim to understand in this chapter. To get at the core of this structural land loss requires understanding the legal concepts that make dispossession possible in the first place. Consequently, I examine how the concept of property was transformed by the process of colonizing North America and how it has been integral to facilitating Choctaw land loss over time. As discussed in Chapter 1, allotment was US policy specifically aimed at fundamentally dismantling Indigenous polities by transforming them from communal-oriented communities into a multitude of self-interested individuals. This, as I will show, is in stark contrast to the Choctaw philosophies that have organized Choctaw society for hundreds of generations and

which we still see traces of today. Indigenous nations that are connected to lands desired by settler, stand in the way of settler acquisition of land. Consequently, settlers developed an arsenal of conceptual retoolings and ideological justifications for their interventions into Indigenous nations in order to sever the relationship between Indigenous peoples and their lands. Paying attention to this, as well as considering how property has functioned within the arc of Choctaw history, we can see how the institution of settler colonial property relations onto Choctaw lands is the real source of Choctaw impoverishment.

This chapter is divided into two parts. Before delving into the origins of Choctaw land dispossession as Ms. Billy's questions prompted, Part I will first review some of the existing explanations for Choctaw land loss and impoverishment offered by existing scholarship that might help to explain Ms. Billy's question. Within the vast literature on American Indian economic development, two texts speak specifically to Choctaw impoverishment and provide a jumping off point to understanding the deep roots for Choctaws' contemporary situation: historian Richard White's *The Roots of Dependency* and anthropologist Sandra Faiman-Silva's *Choctaws at the Crossroads*. First, I examine how these books explain the process by which Oklahoma Choctaws were pushed into uneven political relationship with the US and how that has ultimately resulted in poverty. Then, I consider their holistic offerings to the practice of studying Choctaw history by offering critiques of their arguments and highlighting their contributions to understanding Choctaw history and contemporary life. Furthermore, I consider how they build upon the existing historiography and the underlying work that they do within the larger political milieu. Given these texts' limitations in explaining the current challenges with Choctaw economic development, Part II offers a different approach for understanding the history of Choctaw impoverishment that is rooted in Choctaw philosophy and historic and contemporary

experiences.[134] Part II considers issues surrounding property among Choctaw people and how it came to be in Choctaw life. I argue that property, in settler colonial context, has to be recognized for the work it does to facilitate land dispossession. Understandings this is integral to situating contemporary Choctaw land loss. Consequently, I develop a critique of property that is rooted in Choctaw philosophies for living. It is writing from a Choctaw understanding of the world that we can produce Choctaw-centered critique and offer insights on the formation of the modern world. Together, these two parts help to understand how Choctaw sovereignty is tied to land, how scholarship can work to sever that relationship, and more importantly, how to use such scholarship against the grain to continue to build the Choctaw intellectual tradition. With that, we are provided with methodological and analytical tools to re-narrate Choctaw histories from a Choctaw understanding of the world that simultaneously informs a wider understanding of the function of property in constituting settler political power in a settler society like the United States.

Part I: Explanations for Choctaw Impoverishment

From Oklahoma statehood onward, the Five Tribes' impoverished conditions were a preoccupation of the white public. From the white businessmen actively vying for resource-rich Indian lands to the white philanthropists seeking to improve the conditions of once noble Native people,[135] the romanticized narrative of Five Tribes' tragic decline became a key justification for interfering in developing new laws regarding the governance of their lands by the Bureau of Indian Affairs (BIA). In March 1948, BIA Superintendent of the Five Civilized Tribes W. O.

[134] Footnote on the ethnohistorical method of upstreaming
[135] Oil was found in the removal homelands of the parts of all Five Tribes but was especially concentrated in Creek lands. This made them targets for land theft through a variety of means. For more, see: (Boxell 2021).

Roberts addressed these concerns with an internal report titled "The Five Civilized Tribes: Progress and Problems." In his forward, Roberts highlighted the issue at hand: "The major problem in Indian administration at Muskogee is to be found in answering the question of whether the social and economic development of Indians in the Five Civilized Tribes is keeping pace with their land tenures. All reports substantiate the assertion that a very considerable number are unwilling or unable to assume the common and usual expressions of ordinary citizenship" (2). Written twelve years after the 1936 Meriam report, the report noted a persistent problem for the BIA office in Muskogee, Oklahoma: although a small minority among each of the Five Tribes were able to integrate into US society, the vast majority maintained in the communities established prior to statehood. In a section titled "Welfare," Roberts opined about the "serious poverty" among the Five Tribes, a consequence of their removal from their homelands. Citing the work of lawyer-turned-historian Grant Foreman, Roberts noted that "from the earliest days there was hardship" (27). Although these nations were able to establish new governments that allowed them to develop "culturally and in worldly good," they nevertheless had "difficult conditions" by 1912. As Roberts states, "[i]t is evident, however, that from the first not all families were able to adjust to the new environments in such a promising way."[136] Completely omitting the history of white intervention in the Five Tribes affairs and lands that resulted in a reduction in their governments as well as Oklahoma statehood that occurred in this interim period between removal in 1830 and 1912, Roberts laid out a narrative of perpetual

[136] The sentence that follows this is: "There is little of record of the conditions prior to Statehood except letters of travelers, some reports of Military Officers and tradition. But such writings as are available (see Grant Foreman, Wordell) indicate that from the earliest days there was hardship." Even though the records of the Five Tribes' respective governments – which were housed in the attic of the same Muskogee field office building that Roberts operated out of – clearly testified to the Five Tribes' ability to recover and create new institutions and do well for their people following removal until statehood (see Chapter 2), Roberts still claimed that there was only hardship in this period. His citation to Foreman, whose historical work focused on removal and the early days of removal, illustrates the limits of Foreman's work.

poverty among the Five Tribes. Throughout the text, he cited reports by third party groups that had documented how many in the Five Tribes were "far from satisfactory condition" and noted how the loss of land contributed to this condition (28).[137] This internal BIA report reveals not only how the significant the issue of the Five Tribes' impoverished conditions were for the BIA to resolve, but it also highlights the preoccupation of non-Indian people with the economic conditions of the Five Tribes. The association of the Five Tribes with poverty has been continual Five Tribes in Oklahoma, which includes Choctaw people.[138]

Contemporary scholars have continued an interest in the impoverishment of the Five Tribes, including that of Choctaws. Rather than straightforward histories that document how land was lost and showing causal relationships between land loss and impoverishment, cursory examinations of different moments in Choctaw history have instead been treated as a heuristic to understand broader historical-social phenomenon. Development has been an important analytical framework for scholars studying Choctaw history. Two such books examine two different moments in Choctaw history to help contextualize their impoverishment: historian Richard White's *The Roots of Dependency* and anthropologist Sandra Faiman-Silva's *Choctaws at the Crossroads*. These two texts bring us to two critical turning points in Choctaw history: the early development of trade with Europeans and the period right before Choctaw Nation began its contemporary economic development, respectively. While scholars have used "dependency" and "core-periphery" theories to explain the arc of Choctaw history and the impoverishment, these analytical frameworks are limited in helping understand the limits to Choctaw Nation's contemporary economic development, and particularly the State of Oklahoma's adversarial

[137] The BIA's role in causing these impoverished conditions would later be exposed in Angie Debo (1973)'s *And Still the Rivers Run*.
[138] Roberts, W.O. 1948. "The Five Civilized Tribes: Progress and Problems," Bureau of Indian Affairs, Folder 60, Box 9, Indian Affairs, 1924-1952, William G. Stigler Collection, CAC.

response to their political and economic revitalization. Rather, understanding this particular phenomenon requires grappling robustly with the very minute details of the Choctaw context to be able to situate and explain their experiences. Consequently, this section now turns to review the limits of the analytical frameworks used to understand the history of the impoverishment of Choctaw people to get closer to the explanation for Choctaw land loss that Ms. Billy sought out in Slim.

The Roots of Choctaw Dependency

Published in 1983, historian Richard White's *The Roots of Dependency* offered a look into the complex relationship between human influences on the environment and the effect of those environmental changes to societies. Lauded for its sweeping analysis and in-depth historical work, White examines how "dependency" was established in three American Indian communities spanning the three decades since European arrival on the North American continent: Choctaws in the 18th century, Pawnees in the 19th century, and Navajos in the 20th century. Dependency, according to White, meant "increasing reliance on a capitalist core, lack of economic choice, and profound political and social changes within their societies" (White 1983: xix). Engaging dependency theory to contribute to the understanding of wide global social-political change within the discipline of history, White draws on Wallerstein's (2011 [1974]) articulation of dependency theory to show how the collapse of these nations' subsistence systems made them reliant on the capitalist core of the United States. White argues that the interplay between environmental changes brought about by European trade and Native peoples' responses to those changes to be the source for American Indian dependency. White's analytical attention to the environment as a historical actor is a significant methodological intervention to the narration

of 17th and 18th century Choctaw interaction with Europeans in their lands. Despite its contributions that I will soon detail, his argument regarding Choctaw dependency misses the mark due to its failure to understand the tightly intertwined relationship between colonialism and capitalism. This section will provide an overview of the book, highlight its contributions to Choctaw historiography as well as its limits for understanding Choctaw "dependency", and then reads against the grain of White's narrative to provide a reinterpretation of that history that is not only derived from a Choctaw understanding of the world, but also attendant to the specificity of settler colonial capitalism that Choctaw people continue to live under today.

In *Roots of Dependency*, White's extensive primary source work puts him in direct conversation with John R. Swanton, the renowned anthropologist of Choctaw people whose work was examined in Chapter 2. To understand the complex interplay of political alliances between the Choctaw and the French, British and Spanish forces as they expanded their influence on the North American continent, White delves into the same primary sources used by Swanton to provide an ethnological account of Choctaw people such as the accounts of Bernard Romans. Notably, these are also now difficult to access texts due to being long out of print. In the text, White provides important insights into the narrative Swanton provided of Choctaw people, particularly on Swanton's sources on 17th and 18th century European engagement with Choctaw people. He takes clear note of the contradictory logics of the primary sources written by Europeans which Swanton cited to diminish Choctaw actions. White also identifies inconsistencies in European travel logs and bring them forward to better understand the motivations of Choctaw people in their encounters and dealings with Europeans. Engaging with the primary texts so closely, White also offers rebuttals of other scholars' examination of those same sources. Such rigorous engagement with the sources provides a more even reading of

Choctaw actions, unlike his predecessors writing about Choctaw people. Given White's keen attention to detail, his assessment of these two critical centuries in Choctaw history is integral to Choctaw historiography.

White's account of the 17th and 18th century Choctaws is also significant for challenging existing conventions of wider American Indian historiography by demonstrating Choctaw's sophisticated method of playing European powers against each other. He shows how Choctaws challenged the dominant – almost-universal at that time – historical claim that inter-Indian factionalism distracted them from working together against the Europeans. He argues that rather, factionalism between the diverse Choctaw communities was the very thing that "maintained the necessary exchanges and contacts with both the French and English without leading the nation into complete dependence on either" (White 1983: 64). In this way, White shows the great complexity of Choctaw society of this time and pushed against a monolithic representation of Choctaws. Scholars of Choctaws would later build upon White's intervention to provide greater insight into the motivations of Choctaw leaders throughout this tumultuous period.[139]

Another important historiographical intervention is White's attention to the environmental impact of European-Choctaw trade in the region and how those factors informed Choctaw people's responses to the political and environmental changes going on around them. He shows how the French and British had to manufacture an uneven trade relationship with Choctaws because they initially had an inelastic demand that ensured a balanced trade relationship. It was only when the British introduced liquor as a commodity that demand from Choctaws became unbalanced and therefore pushed an uneven trade relationship that gave

[139] Patricia Galloway (1998) importantly revisited the same sources as White and wrote a Choctaw history covering 1500-1700. Historians Greg O'Brien and James Carson both analyzed the post-contact period of Choctaw history. For more, see: (Carson 1999; G. O'Brien 2005; 2015).

Europeans an upper hand over Choctaws. This, combined with the social effects of liquor, pushed Choctaw people to overhunt deer for hides demanded highly by Europeans. Overhunting gave way to changes where Choctaw people hunted and them doing so unsustainably. This only multiplied the unevenness to their relations and shifted Choctaw people to become more dependent on European trade. Following the environmental changes to the land underscores the importance of including land as a historical actor and how it can change analyses.

Beyond these contributions, White's overarching argument for the book is where he departs in his understanding of the system that Choctaw and other Indigenous people struggled against as Europeans sought to settle the North American continent. Making an overarching historical claim about the nature of dependency, White argues "dependency resulted not from a single material and economic process that obliterated or subordinated all else, but rather from a complex interchange of environmental, economic, political, and cultural influences understandable only within specific histories" (White 1983: xix). In other words, there is no universal explanation for dependency. Rather, White argues that the dependency is contingent on the context; there is no singular explanation for the phenomena which he argues that the early dependency theory theorists of Latin America claimed. This specific argument comes across as a move to avoid identifying capitalism as the process that fundamentally transformed societies across the globe and what has produced today's modern world. Rather, White sidesteps claiming a singular process caused dependency by rendering capitalism as just another type of economy that exists in the world. It is this move that poses a problem for understanding the experiences of the nations under study here, including Choctaw Nation.

In using the term "market relations" to describe Europeans' complex system of market economy that increasingly integrated ideologically oppressive dimensions as just another

economic system that is comparable to Indigenous nation's subsistence economies, White fashions a false equivalency between these economic systems. Doing this absolves White from factoring in capitalism's multi-faceted dimensions which operated on multiple levels as part of its expansion across the world. In particular, ideologies that justified conquest and oppression was central to the expansion of capitalism and how it displaced peoples across the globe. Favoring a materialist analysis of dependency, White accounts for colonization's impact on Choctaw lands. This in itself is a novel contribution within the discipline of history, particularly American Indian history. And yet, such an analysis does not fully lend itself to understanding the introduction of a completely new form of ideological power that instituted a new arrangement of power between Choctaws and European settlers that struggled to live on the same land.[140] This particular shortcoming underscores the significance of factoring in the settler colonial context.

The acquisition of Indigenous land by settlers marked the beginning of a total project that became multifaceted in its approach to undermining the Indigenous nations that already lived in North American. White follows one dimension of this project: the interaction between Indigenous peoples and European-American settlers. Nevertheless, the settler colonial project of settlement also entailed the introduction and institution of completely retooled concepts that were premised upon the denigration of Indigenous peoples to justify colonial presence. One central reconceptualization was around property, which I will detail later in this chapter. Given these factors, White's understanding of dependency is limited given the way it does not consider how it functions in relation to U. S. imperialism on the continent.[141]

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[140] Such a move is akin to that made by Pekka Hamalainen (2009) who conflated European empire and colonialism to be the same as that of the Comanche despite distinct ideological differences.

[141] In contradistinction to White, US historian William G. Robbins advocated for analyses shifting from the Turnerarian individual-focused transformation of the West to a structural analysis of large-scale processes that facilitated the constitution of western U.S history as a single field of study. He argued that capitalism was the force that consolidated expansion of the Western US on account of its integrating and homogenizing qualities which "diffuses differences, erodes contrasts, and undermines regional identity" (Robbins 1994: 19).

White's *Roots of Dependency* was a landmark book for American Indian history and revitalized the field in important ways. Historians of American Indian economics drew on White and in their own work, critiqued the explanatory power of development for changes to American Indian economic life. For scholars taking up dependency theory, it was a welcome departure from modernization theory, which argued that human development had a linear progression that placed Native people as an early stage of development. It helped to expose how capitalism's incursion into "developing" parts of the world was the root cause of poverty and cultural shifts. As an analytical framework, dependency theory enabled scholars to see how American Indians, like Latin American and African peasants, became a periphery to the development of larger nations like the United States (O'Neill 2004). To understand how poverty came to be synonymous with American Indians, scholars drew upon dependency theory to focus on the specificity of American law and federal Indian policies and how they produced (unintendedly or inevitably as some scholars suggest) economic consequences. Dependency theory lent itself to focusing on American Indian economies, leading scholars who took it up to trace how the various attempts at American Indian assimilation into Euro-American society made them economically reliant on the federal government.

But when scholars of American Indian economic life weighed the merits of dependency theory as an analytical framework, they critiqued its limitations in accounting for American Indian agency. Theoretically, dependency theory could not help much in terms of mitigating the historiographical treatment of American Indian nations as passive participants of history. This along with dependency theory's focus on how historical political and economic rationales of a few empires/nations gave rise to conditions that forced poverty upon subjugated communities, scholars of American Indians critiqued it for not being attentive enough to historical and

individual community specificity. They sought to ascribe greater agency to American Indians, highlighting their roles in producing historical and contemporary Indian-settler relations (O'Neill 2004; Hosmer 1999). They also noted how the incursion of Euro-American settler economies changed the gender dynamics of American Indian societies.[142] Their scholarship sought to transcend the discourse of development (Escobar 2011), embarking on a project of foregrounding American Indians as active participants in their world that did not just acquiesce to Euro-American dominance; they transformed and took up aspects of the changing world around them to maintain kinship and other key social institutions in unexpected forms (Berman 2003; Cattelino 2011). In refashioning dependency theory in this way, these scholars were able to show how American Indians transformed capitalism into forms suitable for them in order to maintain their ways of life.[143]

In American Indian Studies scholarship, asserting Indian agency has been a key intervention for it pushes back against the dominant notion that Indians were passive victims of history. Nevertheless, the overcorrection to assert agency has also had the consequence of obscuring American Indians' experiences with settler colonialism and the effects of the institution of private property. Scholars' recent analytical focus on American Indian agency in

[142] Silvia Federici (2004) illustrated how European capitalism relied upon an exploitative set of labor relations based on gender and how it functioned as part of the development of capitalism.

[143] An outgrowth of this scholarly project of asserting American Indian agency has in turn led some to argue that American Indians had the capacity for institutions like capitalism. Miller (2013) argues that American Indians were not communal societies and actually had early forms of private property and ideas of property rights. Transforming the complex systems of ownership and mapping it into the modern notion of private property, this is a conflation that decomplexifies and obscures the historical imposition of capitalism upon diverse economies in the world (Mitchell 2002). While part of an effort to illustrate that American Indians have capacity for "modernity" and a right to exist as part of the contemporary US society with no limitations, such a position takes an uncritical stance to the project of modernity, which was a project of dispossession for people across the globe (Rodney 1972; Escobar 2011; Mitchell 2002). While an extreme position, it is not so far off from what tribal leaders seem to think and one can see how it logically builds upon the work of scholars of American Indian economic life who asserted Indian agency, made visible the multiplicities of history, and showed how Indians transformed capitalism to their own ends. Additionally, an approach like Miller's vacates Indian nations from larger global processes in which they are interconnected given American empire's location on their lands.

transforming economies for themselves helps to understand the rise of institutions like the Harvard Project on American Indian Economic Development which emerged simultaneously to such scholarship. American Indians' unique nation-to-nation relationship with the federal government seems to exceptionalize American Indian economic development, which may explain its lack of engagement with wider scholarship on development and indigeneity across the globe. Nevertheless, in the process of taking up notions like the nation uncritically, it reifies the categories that have been deployed to dispossess Indian peoples of their land (Chakrabarty 2007). This indicates the need to critically engage the terms that American Indian economic development projects use and engage themselves.

For Choctaw readers, *Roots of Dependency* is especially significant for its narration of the 17th and 18th century Choctaw history and its critical analyses of the primary sources consulted to write that history. Meanwhile, less useful for understanding Choctaw dependency is the book's overall argument. In particular, White's book does not provide an analysis of the significance of the ideological work of settler colonial relations as it gained traction on the continent and relation to other colonial projects which is key. Nevertheless, it is not an irredeemable text; rather the analysis needs some modifications. When White's dependency argument is put in conversation with American Indian Studies, it reveals the distinct function of dependency in settler colonial contexts. Consequently, to fully understand dependency in the Choctaw context requires different analytical frameworks to explain how it operates historically. In turn, studying Choctaw history must be attentive to the distinct form of colonialism that is settler colonialism, how it reshapes capitalism in the United States and its political imperatives to sustain the project.

The Choctaw "Internal Colony"

When anthropologist Sandra Faiman-Silva arrived in Talihina to study Choctaws living in the timberlands of southeastern Oklahoma in the early 1980s, she documented the period immediately before and after the advent of contemporary Choctaw economic development. While Choctaw economic development is not her object of study, she importantly provides of a view of the phenomenon from an outside point of view. *Choctaws in the Crossroads* tells a story of Choctaw transformation from a sovereign nation into an ethnic minority whose labor was being exploited by regional corporations. Her ethnographic research was focused on the easternmost part of Choctaw Nation in Pushmataha, McCurtain and LeFlore counties where the timberlands and many fullblood Choctaw first language speakers were concentrated.[144] Like Richard White, Faiman-Silva draws heavily on the work of Latin American theorists of dependency, particularly that regarding core-periphery relationships. Drawing on this body of scholarship, she argues that Choctaws have been peripheralized by a core represented by US corporations. In her view, Choctaws had been effectively transformed into an internal colony by the US and transformed again into an ethnic enclave by the lumber industry that not only dispossessed Choctaw people of their allotments to harvest lumber throughout the 20th century but also exploited their labor. Over time, multinational corporations like Weyerhaeuser and Tyson Foods dominated in the region, exploiting legal loopholes that resulted in the underdevelopment of the region and made the people living there dependent on them.

To show Oklahoma Choctaws' arc of transformation from a sovereign nation to an ethnic group, Faiman-Silva provides an overview of Choctaw history, noting how the Choctaws'

[144] While she does not state this explicitly, Faiman-Silva portrays the Choctaws living in the timberlands of Pushmataha and McCurtain counties were the last bastions of Choctaw culture – largely on account of their kinship and housing arrangements and comparatively higher percentage of first language speakers. Consequently, the experiences of these Choctaw people who she studied are taken to represent the whole of Choctaw Nation. The experiences of Choctaws living in the rest of the nation are not really considered into her argument.

political authority increasingly diminished. The Choctaw history that she provides is source largely from Debo who emphasized the abolishment of the Choctaw national government following statehood. This is a critical lynchpin in Faiman-Silva's argument regarding the ethnicization and incorporation of Choctaw people into the US body politic. She argues, "with the demise of the tribal government, land allotment, and eventually, Choctaw citizenship, the Choctaws became simply an impoverished rural enclave. What was formerly an independent "nation" was now a weakened "tribe" and would become just another ethnicity entering the US melting pot, like other ethnicities before and since: at the bottom of the social hierarchy" (94). It is this relegation to the bottom of US society that makes Choctaw people especially vulnerable to corporations. She highlights how corporations, from the railroads to the timber companies, used US laws to acquire what they wanted, and this was also accompanied by illegal means. This brings her to her ethnographic present in which multinational timber corporation Weyerhaeuser dominates and has exploited the Choctaws living in this southeastern-most corner of Oklahoma for the corporation's benefit. As a low-wage workforce that is also continually subjected to land dispossession schemes by neighbors and the timber companies, these are key factors in Choctaw people's exploitation and impoverishment.

Multiple factors led Faiman-Silva's understanding of the interconnected relationship between Choctaw impoverishment and their ethnicization. Land loss due to land restriction laws and inheritance laws – issues that were touched on in Chapter 1 – were a major source for the limited housing supply in the region. This rise of these timber corporations and their economic domination of the region combined with federal policy that sought to assimilate Choctaws combined with a decline in the blood quantum of its members were indicators for Faiman-Silva that Choctaws were no longer part of a sovereign nation. Rather, after Oklahoma statehood when

their sovereignty was so-called extinguished, Choctaw people concentrated in this timber region became a "domestic dependent niche, serving private-sector interests as a source of cheap, readily available labor" (102). Putting this in conversation with sociological scholarship regarding ethnic groups, Faiman-Silva then moves to conflate tribes with other US ethnic minorities who have their identity imposed on them by an outside group (200). Unprotected by the federal government or holding their land as a reservation, this status that made them particularly vulnerable to the timber companies in the region that exploited them as a low-wage workforce. This is a critical misrepresentation of Choctaw sovereignty and their status within the US.

Faiman-Silva's argument regarding the reduction of Choctaw indigeneity into that of ethnicity misunderstands the political relationship that they have maintained over the centuries with the United States. Justifying her claim that Choctaws are now an ethnic group, she argues that "ethnic minority status signifies the stripping away of prior sovereign rights and the merging into parity with other US ethnic groups." But as Indigenous scholars have long argued, indigeneity is a concept altogether different from that of race or ethnicity (Barker 2017; Deloria, Jr. and Lytle 1998; Kauanui 2018; Moreton-Robinson 2015; A. Simpson 2011). As Kanaka Maoli scholar J. Kehaulani Kauanui succinctly puts it, "one of the tenets of any claim to indigeneity is that indigenous sovereignty—framed as a responsibility more often than a right—is derived from original occupancy, or at least prior occupancy. Like race, indigeneity is a socially constructed category rather than one based on the notion of immutable biological characteristics" (Kauanui 2016). Faiman-Silva's claim of Choctaw ethnicization rests on the assumption that the federal government was able to strip away the sovereignty of Indigenous nations. But, Choctaw sovereignty, which is derived from their attachments to land and is a prior to the establishment of

the US, continues to exist – regardless of their ability of exercise it fully within a settler state. Consequently, this helps us to see the high stakes of Faiman-Silva's argument regarding the ethnicization of Choctaw people. In misrepresenting their enduring political status, Faiman-Silva effectually argues their political endurance out of existence.

Faiman-Silva did not come to this conclusion alone; her argument was a logical conclusion to the histories that claimed that the Choctaw Nation had been extinguished as a sovereign nation that her argument built upon. Here, anthropologist John Swanton and historian Angie Debo's claims regarding the "decline" of Choctaw Nation that I discussed in Chapter 2 are important arguments that Faiman-Silva built upon with her own claims. In considering the political utility of that argument for the benefit of state that sought to subsume and displace Indigenous nations, Faiman-Silva's work ultimately contributes to a body of knowledge claiming that Indigenous people's political status has effectively been eliminated. Ultimately, Faiman-Silva's argument aligns with State of Oklahoma's revisionist histories that served the basis for its arguments in *McGirt* as well as its efforts to undermine Native governments.

Furthermore, Faiman-Silva's ethnography highlights a central contradiction of work itself – her argument hinges on the absence of tribal sovereignty, but it was tribal sovereignty that brought her to the region in the first place. It was Choctaw Nation that operated the clinic that her then husband worked at and which gave her access to a research field site to write her then dissertation. Faiman-Silva's overall argument is especially hard to reconcile when we consider how her research was largely made possible with the assistance of tribal government officials like Chief Hollis Roberts and Tribal Councilman Billy Paul Baker. Although she learned and experienced the everyday assertions of Choctaw sovereignty such as the Nation's burgeoning economic development program while conducting her fieldwork, her writing insisted on the non-

existence of the Nation's sovereignty. Again, the context in which knowledge is produced is incredibly significant to understanding the real-world stakes of arguments, especially their implications for Choctaw people that must live with the consequences of such arguments. Here, the textual very quickly becomes materialized in legal arguments that can reshape the political landscape altogether. The disappearing of Choctaw sovereignty found in scholarship like Faiman-Silva's 1988 ethnography perpetuates a narrative that benefits the state of Oklahoma which has a vested interested in the elimination of Indigenous nations as well as the larger project of settlement that requires the disappearance of Indigenous sovereignty. When Faiman-Silva set out to do her research, she sought to mitigate the negative legacy of anthropology on Indigenous peoples. In practice, she contributed to it on account of her insistence on the extinguishment of Choctaw sovereignty. In her well-intentioned attempt to draw attention to how Choctaw people have exploited by multi-national corporations, she also obscured post-removal Choctaw peoples' accomplishments in maintaining their ways of life and government throughout the 20th century and especially as they ramped up their economic development efforts in the late-1980s.

Scholarship and Understanding Choctaw Impoverishment

Contemporary conditions of poverty in the Choctaw Nation cannot be understood without situating it within Choctaw history. As these two texts have shown, the analytical frameworks for understanding and narrating that history are not inconsequential. They lead scholars to very particular conclusions. Within the argument of both books, the interactions between Choctaw people and settlers are the root cause for the impoverished conditions among Choctaw people at two different points in Choctaw history. In White's argument, land loss was understood as a by-

product of colonization in which Choctaw people were agentive historical actors that influenced the outcome. For Faiman-Silva, corporations were powerful actors in transforming the region and who were contributors to the economic conditions in the Choctaw timberlands in southeastern-most Oklahoma. But as I will show in Part II, the acquisition of Choctaw land is so much of the driving force behind the undermining of Choctaw sovereignty and this is incredibly analytically important when trying to understand or write Choctaw history. Consequently, analytical focus on land and techniques for acquiring it to legitimate a new state is necessary to understand how the structure of settler colonialism is what is at work today and is what informs much of the force against Indigenous sovereignty in contemporary Oklahoma politics.

These critiques of White and Faiman-Silva's texts as well as the overall body of work by scholars like Swanton and Debo is not to decry the usage of their work. Both offer important insights into the time periods examined. White's archival work is rigorous and provides important insights into 17th century Choctaw society that can be read against the grain to understand better. Faiman-Silva's ethnographic research documents a critical time period of Choctaw life that is corroborated by the stories that community members tell today as well as provides important data on poverty in the early days of Choctaw economic development. Nevertheless, I draw attention to how these texts also have a life outside of their pages as part of the colonial project of settlement as well as how colonialism has shaped the way that people think about Choctaws and other Indigenous peoples. It is easy to say that books about Choctaw people have racist parts to it, and another to actually show how those "racist parts" do actual damage to people in the world. I offer the latter. The knowledge that they produced about Choctaw people of the past has directly shaped public perception of Choctaw people in the present. This is inescapable. Grappling with the contradictions of these works and makes for

more rigorous Choctaw histories. Put differently, these texts and the theories that inform their arguments have real and very material stakes for Choctaw people today.

Part II: Settler Colonial Property and Choctaw History

Over the sound of sizzling bacon and while scrambling eggs for our Christmas morning breakfast, I absentmindedly tuned into the conversation between my dad and aunt as they sat in the living room. It was Christmas 2016, the same year that I had conducted fieldwork for my master's thesis. They talked over my sister laying on the mattress between them, not yet ready for the start of the day. Throughout the conversation between the two, my dad asked questions about various Choctaws that they knew and owned land. My dad had long wanted to return to Battiest where he and my aunt grew up and was on a quest to find someone looking to sell their house or have him take over the payments for their place. On his eighteenth birthday, my dad left Oklahoma to start a new life elsewhere but constantly returned to visit with family and friends. Now retired, my dad was figuring if and how to return for good. My eldest uncle who lived in Michigan was also interested in moving back to Oklahoma once his youngest granddaughter graduated high school. She was a high school freshman at this point, so time was ticking. Although my dad owned land near the church that he and all his siblings grew up attending, it was not cleared. If he wanted to live there, he would need to build a house and put down new water and sewer lines. But he was not interested in undertaking such a project and wanted a place that he could move into.

The house we were in belonged to my two aunts. Between my father's seven brothers and sisters, my eldest aunt received title to it after my grandfather's passing since she moved back home to Battiest to take care of my grandfather as he became less able to care for himself in the

isolated, rural area. The house is an eternally-coveted "Indian home" built with brick by the federal government during the 1970's.[145] Originally three bedrooms and one bath, the house was always a flurry of activity during the holidays. Given our large extended family, in its heyday, two mattresses fitting three kids each would be laid out in the living room at night and folded up every morning. It was not the original home that my dad and his siblings had grown up in since they moved around to different homes based on what they could afford. The only reference to one of such homes was the painting of a white house hanging in the dining room. By 2014, this house had a covered porch and a handicap bathroom added on – paid in part by Choctaw Nation for my elderly grandfather. Since my aunt lived with my grandfather, our whole family converged to this house during the holidays, especially Christmas. While I grew up in southern California, I spent almost every summer and Christmas in Oklahoma, so this house was the one I associated most with Oklahoma.

As my father was deciding whether to purchase a place in Battiest so he and my mom could split their retirement between Oklahoma and California, the region was growing as a tourist hotspot. Southeast of Battiest, new businesses were constantly popping up along the part of Highway 259 that bisects the community of Hochatown. Just north of the popular regional state park Beaver's Bend, Hochatown was booming in part because of its popularity with rich Texans who would drive up for fishing and hunting vacations. In the past ten years, cabins, breweries, "Girls Gone Wine," and joke signs about Bigfoot living in this forested region slowly proliferated. Beavers Bend was a product of the Broken Bow hydroelectric dam and part of local Congressman Carl Albert's project to bring industry and jobs to the region through major

[145] In 1969, the US Department of Housing and Human Development initiated a Native American mutual help home program in which the federal government would facilitate building a house provided that a family had at least one acre of land, met eligibility requirements, and showed proof of Indian descent. Families would also have to assist in the construction of the home. For more on mutual help homes in Choctaw Nation, see: (Biskinik 1988).

infrastructural projects. It was one of the many in the region along with Pine Creek Lake that Ms. Billy told us the history of at the beginning of this chapter. It is also where Choctaw Nation is slated to open its new resort, Choctaw Landing, as previously mentioned in Chapter 1. The Hochatown of today is the fruition of Albert's vision in the 1950's. The only problem was the cost it came to many Choctaws throughout time.

Beneath the water of Broken Bow dam is the original Hochatown, a community originally established by Choctaws after their long journey on the Trail of Tears in the 1830s. Like the old Choctaw communities at Slim near Pine Creek Lake and Sardis under Sardis Lake,[146] these communities were relocated by the Army Corps of Engineers. But unlike Slim, Hochatown was actually inundated by water. Prior to the construction of the dam, my dad spent two summers working for University of Oklahoma archeologist Don Wycoff, who was commissioned to assess and excavate the area projected for dam flooding. He and my uncle living in Michigan spent those two summers looking for projectile points, getting 25 cents for each one that they found. They could not have known that the summer job that gave them spending money during the year would later contribute to their troubles finding a place when they wanted to return home once retired. Vacation cabin rentals and Airbnb's can now be found all over McCurtain County where Broken Bow is located. They have even worked their way up to Battiest, despite being over a windy mountain and at least twenty miles from Hochatown. For locals with much less disposable income looking for a place to live, available land and pre-existing homes has become increasingly hard given that they are competing with out-of-state investors looking to make money through rentals. Often it is only by knowing people in the tight-knit Choctaw community that have lived here for over a hundred years that makes it possible to

[146] Choctaw filmmaker Colleen Thurston's short film examines the inundation of the town of Sardis in Choctaw Nation. See: Thurston, Colleen. 2020. "Sardis." https://www.rmpbs.org/blogs/native-lens/native-lens-sardis/

secure a home at a lower-than-market rate. Even construction contractors who can fix old church buildings are difficult to secure since most are busy building new facilities in Hochatown.

As my dad and aunt's conversation weaved through the trial and tribulations of family friends and their dealings with their lands, lawyers, wills, and family squabbles over regarding all those things, I slowly began to connect the threads of their conversation with things I had heard them talking about during previous conversations. As I continued to cook breakfast, I wondered, who else spent Christmas mornings talking about property in the way that we did?

The conversations between my aunt and dad like this one used to be background noise to me as a kid. But once I worked on the master's thesis iteration of this project, I realized just how much my family and the older Choctaw people that I spent time around casually talked about property. Whether a passing comment to not go past the fences that marked off a distant cousin's property line or my dad loaning a family friend money so they could pay outstanding taxes on their land, property issues stemming from being allotments were part of the fabric of everyday life for Choctaws living in our historic territory.[147] In casual conversations during a podcast interview or at the dance arbor at the Cultural Center, fellow community members were liable to ask me if I could explain their families' property issues after giving me a brief sketch of them. After noting that I was not a lawyer who could give legal advice, I would often direct people with unclear inquiries to the county courthouse so they could find some of the answers they sought. I would also refer them to lawyers and legal services that might be able to help them since Choctaw Nation did not help with such issues back then – which my dad found out when

[147] This experience tends to be regional and based on my kinship relations. Given that my family and their lands are concentrated in eastern Choctaw Nation where many Choctaw communities still live in the areas that their ancestors moved into after removal, I heard stories and issues with land in this region the most. Whenever I moved to Durant, two hours west of McCurtain County, I mostly talked with people who talked about historic allotments that they had no legal connection to since the land had since been sold. This is also a consequence of how Durant has become a hub that people from other parts of Choctaw Nation move to due it being the home to Choctaw Nation's headquarter campus and flagship casino-resort that provides most of the jobs in town.

he had an issue with the land restrictions on his parcel of land in Battiest.[148] Perhaps this is just a normal part of rural life, but it also made it no less real that Choctaws' concerns about their property often affected where and how they lived on their families' allotments or not. During casual conversations and interviews about people's experiences with Choctaw Nation's economic development, interlocutors would weave in anecdotes about their property problems to highlight a contradiction in Choctaw Nation's recent, fantastic economic transformation. I considered all of this alongside the major land dispossession events in Choctaw history like removal, allotment, and 20th century dam construction. Consequently, Choctaw peoples' quotidian preoccupation with land-as-property became mine.

Settler Colonialism and Choctaw History

The arc of Choctaw history easily exemplifies how Patrick Wolfe's (2006) description of settler colonialism: "a structure, not an event" in which "the primary motivation for elimination is not race (or religion, ethnicity, grade of civilization, etc.) but access to territory." The perpetual land loss alone illustrates Wolfe's argument, but when we consider his thesis that a logic of elimination is also at work, it helps to contextualize the political antagonism between the State and Indigenous nations. Wolfe himself cited Choctaws and the rest of the Five Tribes as prime examples of this thesis. Despite their assimilatory actions that demonstrated their capacity for "civilization," they still had to be removed because they otherwise signaled being permanently emplaced in their homelands, which was sought by white settlers (397). Drawing on Wolfe, this dissertation has provided a sketch of the structural land dispossession of Oklahoma Choctaw people since removal into the present. One key facet of the structure has been the

[148] In the 1980's, Choctaw Nation also did not help individual community members with their case on account of the often prolonged nature of such cases. See: (S. Faiman-Silva 1997).

conceptualization of land as private property. This land-as-property formulation is a fundamental difference between Indigenous polities and the settler society that dispossessed Indigenous peoples of their lands. Over time, these dispossessive logics were expanded and normalized to such a degree that it has become a common sense idea in the world. It would also then get exported across the world to bring even more land into the world economy, as Faiman-Silva sought to show with her ethnography.[149]

Following the legal mechanisms by which Oklahoma Choctaw people have lost their removal homelands proved to be a major task in itself as I would find working in the archival material. I also found that existing histories of Choctaws did not utilize them in great depth. Instead, the ups and downs of the Choctaw national government have been the primary focus of most Oklahoma Choctaw histories (Debo 1975; Kidwell 2007; 2008; Morrison 2019). Only one book has even tackled the major endeavor that is a monograph on the entirety of Oklahoma Choctaw history: James C. Milligan's (2003) *The Choctaw of Oklahoma*. Commissioned by Chief Gregory Pyle and Choctaw Nation's Tribal Council, this volume provides an overview of Oklahoma Choctaw history that culminates with a detailed account of the economic development programs run by Choctaw Nation. Sourced from old government records held in archives across the state and interviews with then-government leaders, Milligan's volume focuses on the government rather than the external factors that shaped the conditions in which Choctaw Nation had to operate. This is important context for understanding the arc of Choctaw history. Other monographs on Oklahoma history include biographies of significant leaders (Baird 1986) or significant topics or historical moments in Choctaw history like Choctaw schools (Morrison

[149] Economist Hernando de Soto argued that Third World nations could develop by instituting private property regimes in their lands. He experimented with this in Peru. Eventually, the International Monetary Fund adopted this as part of their development schemas. For more, see: (Mitchell 2002).

2016), law and punishment in Old Choctaw Nation (Mihesuah 2009), the Civil War and its political consequences due to Choctaw slaveholding (Krauthamer 2015; Yarbrough 2021). Within these histories, land loss is rendered as a consequence of the increasing inability of the national government to remain autonomous from the United States rather than the analytical focus on land – especially how settlers sought to secure Indigenous land for themselves. To complement Milligan's brief overview of 19th century Choctaw government operations and robust detailing of Choctaw economic development from 1970-2002, this chapter emphasizes the necessity of foregrounding land dispossession in analyses of Choctaw history to understand the whole arc of Oklahoma Choctaw history and what makes Choctaw economic development necessary in the first place.

Attention to Choctaw leaders' concerns regarding further land dispossession provides better insights into the political motivations of individual leaders as well as shifting the focus away from racial-determinative analyses that dominate much of the historiography of the 19th century Choctaw government. Historian Jeff Fortney (2014) importantly critiques the reductive nature of blood-determinism as an explanatory agent to understand the arc of Choctaw history from the 17th to 19th centuries. In his examination of the life of Robert Jones, a prominent figure in 19th century Choctaw politics and one of the richest men in Indian Territory, his white parentage does not explain his political motivations. Rather, Jones' allegiance was to the Choctaw Nation and its sovereign ability to exist as a nation. It was nationalism that motivated his ventures into the plantation economy.

Furthermore, to re-interpretate Choctaw economic development in a manner that moves beyond the limits of dependency theory and to allow for greater analysis of Choctaw agency, I argue that the analytical focus needs to be on land. It is settler colonialism that has made land

dispossession a continual process for Choctaw people who have dealt with it since the arrival of the first Europeans on the continent. For Oklahoma Choctaws, removed from our ancestral homelands beginning in 1831 and forced to make a new home in the east, land is of key analytical importance to understanding their experiences as a nation. As I argued in the previous chapter, the structured land dispossession that Choctaw people experience is what produced the poverty that they then must contend with. Subsequently, land has to be the analytical guide to understanding Choctaw economic development. Not only is land the source of Indigenous sovereignty as Indigenous Studies scholars have argued (Coulthard and Simpson 2016; Dennison 2012; Estes 2019; Kauanui 2018; Pasternak 2017; L. B. Simpson 2014), but it is *land* that European-cum-US settlers sought to claim as their own since their arrival in American continents. Historian Patrick Wolfe (2006) argued that land is the irreducible element of settler colonialism, and offered the now-adage, settler colonialism is a "structure, not an event". Settlers want land and will eliminate the Indigenous peoples in the way of that land. Coulthard (2014) built upon this and articulate settler colonialism as a "structured land dispossession". In studying Indigenous peoples, one necessarily must examine land and how settler claimed possession of Indigenous land and sought to undermine Indigenous governance and sovereignty through that process. which inform my examination of the specific and particular ways that land dispossession has shaped Choctaw life today.

In Chapter 1, I examined how the State of Oklahoma's jurisdiction over Choctaw lands produced US laws regarding Choctaw lands, particularly the land restrictions on allotments. After the suspension of the government, this created a complex and confusing constellation of intersecting laws that resulted in many Choctaw people losing the titles to their parcels of land. This form of land loss was piecemeal, occurring at the individual level and across generations of

Choctaw families. This land loss, I argued, was the root of the poverty that 20th century Choctaw economic development has had to mitigate. This chapter builds upon Chapter 1 by delving into the logics that undergirded the allotment process: the institution of private property in Choctaw lands or the transformation of land into property. The colonial imperative to turn land into an alienable object, as I will show, is a fundamental transformation that facilitated European and later American settlement of the North American continent. This was a fundamental transformation of Choctaw and wider Native societies that I chart out through the Choctaw experience. But to understand the multifaceted function of private property is invariably connected to how settler colonial logics also operate within the interrelated concepts of land-as-property, development, and capitalism. In doing this, I aim to challenge the normalization of Indigenous land dispossession that has been imposed and integrated into Choctaw and Native communities across the US and world. Challenging the foundational concepts of the settler society that Choctaw people live in today must importantly come from a Choctaw episteme or understanding of the world. Foregrounding a Choctaw episteme allows one to understand the motivations and desire of Choctaw people as they came up against increasing encroachment on their lands by settlers and their laws.

Here, I turn now to examine two other explanations for Choctaw impoverishment as elaborated by two monographs before revisiting the explanatory power of settler colonialism to offer some considerations for reinterpreting Choctaw history in a manner that draws on Choctaw political thought. The explanatory power of settler colonialism which helps us to see the structural nature land dispossession and the colonial imperative to undermine Native governments which are an existential threat to settler states

Transforming Land into Property

Legal scholar K-Sue Park points out the function of private property to the constitution of settler colonial authority in North America. She argues, "in America, property was the conceptual and material antecedent to colonial sovereignty, which depended on the creation of private property to come into being." (2022: 7). While Europeans arrived in the Americas legally armed with the Doctrine of Discovery, a papal bull that decreed that those the nation that found the land could claim it for themselves, this was not enough to constitute their political claim to the lands that they found. It also required the development of legal systems and laws that would legitimate the theft of Indigenous land. This was not a singular process, but rather piecemeal and developed over long durations of time. Integral to the colonial project was the knowledge that was developed about colonized peoples to justify intervention in their affairs and lands. Knowledge production was critical to this project.

Civilizational discourse was central to the settler colonial project; within that property was identified as a pillar of civilization. In her examination of how major western social theorists utilized Indigenous peoples as transits to craft their theories of money and property that inform contemporary society, anthropologist Jessica Cattelino (2018) clearly charts out how these theories were central to the settler colonial project to dispossess Indigenous peoples of their lands and undermine their sovereignty. She begins with the Enlightenment-era writings of John Locke who provided important arguments that legitimated the conquest of the Americas. In his famous essay in *Second Treatise of Civil Government*, "On Property," Locke argues that exclusive rights to land are secured by labor. When a man mixes his labor with land, that land becomes property. This formulation effectively for Indigenous land dispossession (Tully 1994). Cattelino then turns to founding figure in US anthropology Lewis Henry Morgan and his *Ancient Society* (1877) in

which property is central to his theory of human development. Morgan argues that there are three distinct conditions that were "connected with each other in a natural as well as necessary sequences of progress": savagery to barbarism to civilization (3), to which human societies followed a similar trajectory: society to nation to state. At the evolutionary end was the state where a robust system of property existed. Morgan understood the Haudenosaunee people that he studied as a people living in an early stage of human development that existed alongside civilized society as found in Europe. Karl Marx's collaborator Engels built upon Morgan's theory of social development in his foundational *Origins of the Family, Private Property and the State* (1884). He argued that Morgan found a "materialistic examination of history" in America illustrating what Marx had already posited 40 years prior (4). This enabled Engels to argue xx. Collectively, these social theorists developed ideas baked into western civilization of which the United States is a part.

So often treated as an a priori and universal concept, property in settler colonial states must be specified in relation to specific Indigenous nations and how it was used to dispossess them of their lands. In historian Allan Greer's history of property and dispossession in early colonial North America, he argues against the notion that a singular European property regime replaced Indigenous ones. Rather, the historicized approach to studying property formation of this period that he provides reveals a give-and-take process rather than complete domination. This is especially true for the 16th to 19th centuries that the book covers. While Greer shows how the Native peoples that make up his three case studies were able to influence property formation, he neglects to engage how Indigenous forms of land tenure were part of different modes of being in the world that settler sovereignty needed to extinguish altogether (A. Simpson 2011). Such vastly different weights of these projects are significant and are necessary to understanding the

institution of property in the Americas. They were, and continue to be political alternatives, to the hierarchical world order that the Europeans sought to impose on peoples across the world and which still structures the modern world today – which Greer also acknowledges but does not delve into in his conclusion (433). While Greer acknowledged the field of settler colonial studies, a more engaged practice of understanding Indigenous land tenure should delve more deeply into the stakes of colonial-worldmaking that abstracted particular colonial practice into universals. In his examination of the British institution of the law of property in nineteenth century Egypt, political scientist Timothy Mitchell argues that the abstraction of property affords it its power and "seems to stand as a conceptual structure, based not on particular claims or histories but on 'principles true in every encounter'" (Mitchell 2002: 11). Ironically, Greer's study of property formation takes up the abstracted version of property as universal rather than situating it deeply within the colonial process to which modern property is still connected. It is this kind of conflation of the settler form of property that has been abstracted and naturalized that a Choctaw account of the history of colonial property ultimately challenges.

With this objective in mind, scholars of settler colonial property have importantly argued that the transformation of land into an alienable object known as property is central to the colonial project. According to Patrick Wolfe (2006), the settler colonial project is concerned with acquiring Indigenous land, eliminating the Indigenous polities connected to such lands and replacing them with a new settler society that inherits an ownership to those lands. Colonizing land required a wholesale change in how it was conceptualized. Here, scholars of the settler colonial property offer key insights into the transformation of land into property. In K-Sue Park's (2016) examination of the development of the mortgage as a financial instrument in America, she points out how historical transformation and usage in the US facilitated Indigenous land

dispossession. She argues European settlers used the mortgage to transform land, so it had a fungible quality that allowed it to be leveraged in relation to debt. Prior to the development of the US mortgage, it was impossible in English law to alienate one's land through a debt transaction, underscoring the significance of how the US-based mortgage, a new financial-legal instrument, functioned as a powerful tool of settler colonialism. The treatment of land in this way would later be used to secure large swathes of land.[150]

Given Park's illustration of the inalienability of land in Europe with her examination of the mortgage, the alienability of land was developed through the process of colonizing North America. Political theorist Rob Nichols (2020) builds on Wolfe and argues that in the US settler colonial context, dispossession is a broad macro-historical process related to the specific territorial acquisition logic of settler colonization. In North America, where Indigenous peoples have not treated land as an object to own but as a relation, Europeans had to transform land into an object for their acquisition. Consequently, this required Europeans to adopt the land-as-property formulation. Nichols lays this out as follows: "in a standard formulation one would assume that "property" is logically, chronologically, and normatively prior to "theft." However, in this (colonial) context, theft is the mechanism and means by which property is generated: hence its recursivity. Recursive dispossession is effectively a form of property-generating theft" (2020: 9). Nichols helps to understand that dispossession is made possible due to the transformation of land, a non-propertied relation, into alienable property. Together, Park and Nichols help to understand that property prior to colonization is not the same form as that developed as part of settler colonialism in North America. This is further illustrated by the US

[150] Since land became a money equivalent that could be seized to pay one's debts, Thomas Jefferson weaponized debt to force Indigenous nations into land cessions. Land cessions then became how individual Choctaw chiefs got their debts relieved. It is this context in which the first Choctaw-US treaties developed. For more, see:

government's move to use allotment to divide up Native lands into individual parcels that subsequently acquired by many settlers, as shown in Chapter 1. With this reframed understanding of property as a tool of Indigenous land dispossession, we can see how the institution of land-as-property fundamentally undergird Choctaw peoples' continual struggles with it. Even more importantly, it provides the historical context for contemporary struggles, we must also understand how land became conceptualized as property and capital.

Here, Greer is in agreement with such scholars who argue that property-making was not a coherent, nor a state-sponsored part of the colonial project. Rather, the development of property in North America was a piecemeal process that overlapped, contradicted, and differed in how it functioned depending on the locale and time period. It is this piecemeal nature of instituting private property that the State of Oklahoma illustrated with its efforts to change land restriction laws for the Five Tribes in 20th century that I showed in Chapter 1. Even though Indigenous peoples influenced property formations in the 16-19th centuries, the fact remains that the settler colonial form of property is what maintains Indigenous dispossession today and that the legal form of property is part of the ongoing process of settlement and Indigenous land dispossession. Greer's overemphasis on the push and pull between Indigenous peoples and colonists effectually glosses over the ongoing work of settler colonialism as well as the profound political violence of instituting a legal system that would facilitate the elimination of Indigenous peoples and their ways of life that were and are fundamentally configured on principles that clashed with that of settler society. Consequently, understanding this deep political antagonism requires an engagement with Indigenous conceptions of land, especially as they resisted the impositions and work of empire. The imposition of the regime of property has spanned centuries and I rather

show that continual work is necessary to maintain the settler regime of property that legitimizes settler sovereignty in US settler society.

Within these theorizations of human life, the figure of the Indian is critical. To challenge such configurations and assert the ongoing life of Indigenous peoples, Kanaka Maoli anthropologist Kauanui (2016) pushes for a foregrounding of Indigenous life and the ways that it endures despite settler colonial processes aimed at Indigenous elimination. Chickasaw theorist Jodi Byrd (2011) argues that "indigenous critical theory could be said to exist in its best form when it centers itself within indigenous epistemologies and the specificities of the communities and cultures from which it emerges and then looks outward to engage European philosophical, legal, and cultural traditions in order to build upon all the allied tools available. Steeped in anticolonial consciousness that deconstructs and confronts the colonial logics of settler states carved out of and on top of indigenous usual and accustomed lands, indigenous critical theory has the potential in this mode to offer a transformative accountability" (xxx). To develop a Choctaw critique of the constitution of settler sovereignty, this dissertation has drawn on Choctaw political thought and philosophies to understand how colonialism has stripped Choctaw people of their lands and constrained their ability to live as Choctaw people. For Indigenous polities, land is what their sovereignty is derived. Although there are many Indigenous polities and no universal definition to Indigenous sovereignty, they nevertheless share characteristics that I will sketch out how sovereignty in an Oklahoma Choctaw context. Consequently, I offer this theory of Choctaw sovereignty and property.

Choctaw Critiques of Property

Informed by this historical-theoretical work on property, one is able to provide a Choctaw genealogy of property to understand the relationship between property, Choctaw land dispossession, and the rise of Choctaw economic development. In this section, I situate and historicize property within Choctaw specificity as it has evolved throughout our history. When we foreground Choctaw laws that held communal landownership as the foundation of our ancestors' lives and track how the settler concept of property chipped away and undermined this foundational tenet of our polity, property's destructive force becomes evident. Methodologically this led me to focus my research on the legal instruments and mechanisms by which US settlers dispossessed Choctaws of their land throughout time. Laws like land restrictions as I mentioned earlier had to come from somewhere, and this is why archival research has been integral to telling this story. This study of how property was instituted over time as well as how it transformed Choctaw political life was also guided by Audra Simpson's assertation that ethnography in settler colonial contexts requires historical and ethnological accounting (2014: 97).

As Chapter 1 has shown, the move to transform communally-held Choctaw land into individualized, alienable parcels through the process known as allotment was the precursor to the poverty that Choctaw Nation's economic development must combat today. Given how White provided insights into how Choctaw people reacted to property, this section now turns to build on these insights to develop a Choctaw critique of the property.

As the central mechanism for Choctaw land dispossession, property is at the root of the land loss that Ms. Billy sought to understand in the case of the Choctaw communities of Slim and Rufe. While Choctaws did not officially hold land in the private property form until allotment in 1907, it is important to revisit its introduction to Choctaw society. This moment lies

in the early interactions between Choctaws and European nations, newly arrived on the continent. Methodologically, this section reinterprets White's presentation of colonial-era Choctaw society, particularly its system of property. In doing so, I demonstrate the utility of existing scholarship on Choctaw people, especially when it is read against the grain.

Having highlighted the limits of the work of Swanton in Chapter 2 and Richard White's account of early Choctaw-European interaction in Part I of this chapter, I will now revisit their work and read against the grain to show how they can inform a Choctaw-centered critique of the regime of private property as a tool of land dispossession. One of the central tenets of Choctaw philosophy is that of balance; Swanton documented this with his examination of Choctaw moieties (81). Social protocol to marry outside of the iksa clan system facilitated social balance that was the central organizing principle of Choctaw society. The ideal of balance was also inscribed in the prescribed roles of men and women in society. With that, it was the responsibility of leaders to ensure this social balance as well as provide for the people within the village.[151] White corroborated this with his discussion of Choctaw chiefs and their obligations to the community (1983: 42). Whether war, civil or captain, these leaders' authority was contingent on the individuals' ability to redistribute goods within the community. Chiefly authority within the Choctaw political system depended on allotting food from communal hunts and the communal grain reserves. They managed any food surplus and ensured those that did not have enough as well as any visitors were provided for as needed. White also noted this method for selecting leaders was also common among the Creek, Chickasaws, and Cherokees. Responsibility to ensure that nobody went without what they needed to live underscores the community orientation and how exclusive rights did not trump the needs of the entire community. Given

[151] Choctaw Nation Historic Preservation, "Early Political Structure," Biskinik, Iti Fabvssa, April 2010. https://choctawnationculture.com/media/27432/2010.04%20Early%20political%20structure.pdf

these core philosophical tenets to Choctaw society, one can understand how land did not factor as an object to which an individual could claim indefinite exclusive rights.

Property in the Choctaw society governed by centuries of Choctaw philosophies and understandings of the world is notably distinct from the Western notion of property that many Choctaw people are familiar with today. This especially applies to land. Families' claim to land was contingent on their usage of it; when they no longer grew food on it, it returned to the community for others to use it. Land ownership was not forever. This system of land usage is often referred to as usufruct rights. Unlike modern conceptions of property, land could not be owned or alienable. While this distinction seems subtle, it is significant for understanding it in relation to the system of private property that was imported and instituted throughout the continent by European and later American settlers. This in itself was distinct historical shift that must be noted and discussed. Choctaw people carried this philosophy with them with removal and also implemented this land use structure in the new homelands.

As individual members of Congress introduced numerous bills to allot Indian lands in Indian Territory that would later fail, Choctaw people actively protested those efforts and organized with other tribes against such bills applying to Indian Territory. Leaders responded to these legislative actions with published protests and memorials against allotment. In one such protest, leaders from the Five Tribes including Choctaw diplomat Peter Pitchlynn argued, "our people have not asked for or authorized this, for the reason that they believe it could do no good and would only result in mischief in their present condition. Our own laws regulate a system of land tenure suited to our condition, and much safer than that which is proposed to be established." Allotment entailed a fundamental shift to existing practices of communal land ownership that had been part of how Choctaws and the other Five Tribes held their lands. They

continued by pointing out the difference in how they understood their relationship to land in stating: “improvements can be and frequently are sold, but the land itself is not a chattel. Its occupancy and possession are indispensable to holding it, and its abandonment for two years makes it revest to the public domain. In this way every one of our citizens is sure of a home.” Here, the social responsibility of ensuring that all people had what they need to live remained an integral part of their social structure in the 19th century. Changing this would be a turn away from the ways that these tribes governed for centuries and destructive to what they had built. Firmly opposed to such a change, they pointed out a serious consequence to allotment: “[t]he change to individual title would throw the whole of our domain in the hands of a few persons.” It was clear the Five Tribes leaders were opposed to allotment and were adamant about being able to govern their own lands as treaties had promised. They continued, “[i]n your treaties with us you have agreed that this shall not be done without our consent; we have not asked for it, and we call on you not to violate your pledges with us.”[152] Reminding Congress and other US leaders of the treaties they signed together, these leaders made a grounded appeal based in law. It was clear that Choctaw and other Five Tribes were completely uninterested in changing their entire mode of being in the world by dividing up their lands.

Communal land holding was central to how Choctaws understood their relationship to the lands they lived and to each other. Choctaws demonstrated their commitment to this tenet for Choctaw political organization when they collectively owned their removal homelands in fee simple and in their decades of organizing against US Congress’s efforts to force the allotment of their lands. And even in the absence of communal land after Choctaw people very begrudging

[152] Bushyhead, D. W., P. N. Blackstone, George Sanders, Pleasant Porter, Ward Coachman, D. M. Hodge, Peter P. Pitchlynn. “Protest of the Representatives of the Indian Territory.” 2755.67, Box 4, Phillips Pamphlet Collection, WHC, OU.

were forced to accept allotment, Choctaw people upheld the principle of ensuring that all members of the community had what they needed to live despite the poverty that many found themselves in. In Chapter 1, Dora recalled how the Choctaw community of her youth upheld the practice of iyyi kowi by working together to provide fellow community members with whatever they needed when they needed it. It was clear that many Choctaw people were committed to living as their ancestors had despite the many challenges that they would face in order to do so.

Conclusion

Choctaw experiences with land dispossession have yet to end and economic development proves to be insufficient for alleviating such a structural issue. Not only do Choctaw people have to contend with US laws that facilitate their land dispossession, as illustrated in Chapter 1, but they also have to live with the effects of major land dispossessive projects like the construction of dams that displace communities and families from the places that their ancestors made a new home and which also that housing market around them when they become popular. The stories Ms. Billy told of her grandmother not receiving an allotment when she was born and how the land that her great-grandmother's was seized to make way for a dam that was supposed to bring economic development to the region, reveal two kinds of dispossession. In Fanny and Teri's lives, multiple displacements were at work – removal, allotment, economic pressures to find livable wages elsewhere. Not only that but the displacements interrupt generations of Choctaws. The absence of an allotment pushed Fanny's family and her descendants limited the assets they could have had. Fanny and her granddaughter Teri are just one Choctaw family among many who have since been spread all over the region, state and continent. Across generations and for

so many living in this region that is among the poorest counties in Oklahoma,[153] land dispossession remains an acute problem. And for those who do not own land or are not able to build houses on their lands, housing also can quickly become precarious.

This chapter highlights the relevance of settler colonialism to make sense of these accounts of continual land dispossession experienced by Choctaw people and how US laws, informed by settler logics aimed at eliminating Indigenous sovereignty, facilitated that land loss in the 19th and 20th centuries. Given the steady and continual land loss by numerous methods that also work in tandem with each other, it forces us to the consider how settler colonialism remains a necessary analytic to understand that structural land loss and undermining of Choctaw Nation's sovereignty by the State of Oklahoma to continue land dispossession. As Teri's grandmother Fannie, the communities of Rufe and Slim experienced, and the individuals' whose stories were told in Chapters 1, Choctaw land dispossession in the new homelands has been continual and compounding. Furthermore, such land loss contributed to the conditions conducive to regional poverty. Subsequently, an analytical focus on land is necessary to understand the historic factors that gave rise to contemporary economic development in Choctaw Nation today.

In this chapter, I have argued that the privatization of Choctaw lands is the root cause of Choctaw poverty that gave rise to American Indian economic development. By analyzing what I call settler colonial property relations, this provides a more robust explanation for the continual land loss experienced by generations of Oklahoma Choctaw people than what existing scholarship currently offers that Ms. Billy and I sought that day. In the histories that describe

[153] When Choctaw Nation was spotlighted for being selected as a site for economic development in 2014, MSNBC covered economic hardship in the region, stating "About 23% of those living in the Choctaw Nation live below the poverty line – 7 points higher than the national average. In some communities the poverty rate balloons to around 50%. Many children here are impoverished, living in homes without running water. In McCurtain County alone, which has among the highest population of Choctaw, about 34% of the children live in poverty." See:

Choctaw history, land loss is often seen as a consequence of colonialism rather than the driving factor. It is this narrative that has to be addressed in future accounts of Choctaw history.

To tell Choctaw history differently than the way that canonical scholars have, is to be attentive to the inherent dispossessive function of private property in relation to Indigenous lands and undermining Indigenous sovereignty. In this next chapter, I now turn to provide an example of such a history by providing a new account regarding a key moment in the history of Choctaw economic development: 19th century coal mining.

CHAPTER 5: 19th Century Choctaw Economic Development and the Present

Walking across a hotel restaurant at a conference, I was stopped by a historian who had attended the panel I was on early that morning. On the panel, I delivered a paper examining the 19th century Choctaw permit system. The man, who lived in Texas where the conference was held, mentioned that he had been to the Choctaw Casino in Durant, which I only mentioned briefly during Q&A. Then he enthusiastically went on about how he and his wife drive up to the casino and marveled at how "modern" it was. As he talked, the three years of annual mandatory guest services trainings that I had done while working for Choctaw Nation kicked in despite being at the conference on my own personal time. Behind the polite smile that had become second nature due to the public facing parts of my job was a disappointment that he had nothing to say about the Choctaw Nation's historically novel 19th century permit system for US citizens to reside in territory. If anything, this man's effusive praise was an indicator of Choctaw Casino's success in marketing the casino and delivering on guest services since their efforts had transformed one visit into an annual tradition for the couple. While I was happy for my colleagues in the Commerce division in that regard, I had also hoped that the historian might have more to say about Choctaw Nation's history given that we were at a history conference. As I walked away after the interaction's denouement, I filed the memory away with the other three years of instances of people asking if I worked at the casino whenever I mentioned I worked for Choctaw Nation and ten years' worth of instances of other Native people telling me that they had been to my nation's casino. Perhaps the immediate association of Choctaw people with its flashiest economic development endeavor, the casino, cannot be helped at this juncture of Choctaw history.

Choctaw Nation of Oklahoma's contemporary economic situation clearly dazzles and provides an easy conversation starter with patrons and locals in Oklahoma/Texas, as my experience at this history conference over 350 miles away on the other side of Texas illustrates. One can easily find Choctaw Casino adverts and billboards at both Dallas-Fort Worth and Love Field airports and along highways throughout the 4th largest metropolitan area in the US The star of its economic development program is the flagship casino-resort in Durant, OK, which was the Academy of Country Music's prestigious 2019 Casino of the Year. Its concert hall is a regular host of nationally acclaimed country music stars like Carrie Underwood and Oklahoma-raised Blake Shelton, comedians like John Mulaney and Chris Rock, and other mainstream artists like Journey and KISS. Inside, there are 20 bars/lounges and 16 restaurants that includes a fine dining steakhouse that serves Choctaw Ranches steaks, a Guy Fieri-branded restaurant, and national chains like Starbucks and Papa John's Pizza. There is also a family friendly section with an arcade, bowling alley, and the only movie theater in town. The most recent addition, the Sky Tower is home to a family pool with splash pad and separate swim up bar with private cabanas available for rent. Long gone are the pool day passes that tribal members and locals used to purchase; now one needs to purchase a night at the casino to receive a maximum of four pool wristbands. Casino-resorts can also be found in Pocola and Grant while there are smaller casinos in larger towns like Broken Bow, Idabel, McAlester and Stringtown. There is also fifteen "Casino Toos" attached to Choctaw Travel Plazas. Surrounded by rural Oklahoma with fewer entertainment options on account of their ruralness, each of these casinos draw in a wide range of people for a steady stream of revenue that goes towards Choctaw economic development. This constellation of casinos spread across Choctaw Nation had an earlier iteration with a different endeavor that hard launched Choctaw Nation's turn to gaming: bingo.

The opening of the Choctaw Bingo Palace in 1987 is often cited as the beginning of Choctaw economic development. According to James Milligan (2003)'s overview of Oklahoma Choctaw history that was commissioned by Choctaw Nation, today's "unprecedented era of improved economic prosperity" is described to have been initiated by receiving a loan to finance the construction of the Choctaw Bingo Palace in 1986. While not the Nation's first business venture,[154] the Bingo Palace's immense success as well as status as a beloved institution in the hearts of many former employees who still work for Choctaw Nation today helped to cement its legacy as the beginning of Choctaw economic development. Its successes provided Choctaw Nation the financial ability to pay off their loan within seven years and finance numerous new endeavors like the first Travel Plaza and Smoke Shop which were constructed across the highway from the Bingo Palace (Milligan 2003: 308). Bingo also provided many current Choctaw Nation employees the necessary experiences for later running Choctaw Nation's casino gaming endeavors.[155] Since the massive success of bingo, gaming has since become a fixture of everyday life in Choctaw Nation for the way it has provided Choctaw Nation much needed revenue that gets redistributed throughout the reservation through various services, programs, and scholarships.[156] The story of Oklahoma Choctaw success in economic development

[154] In 1986, Choctaw Nation purchased, renovated and operated the Arrowhead Lodge and Resort near Lake Eufaula in Canadian, Oklahoma. Under Chief Belvin, Choctaw Nation founded Choctaw Nation Enterprises, Inc., a non-profit for construction business and purchased an industrial park to develop industry west of Talihina. Before this foray into business ventures, Choctaw Nation mainly applied for federal grants to undertake governmental support for Choctaw people. For more, see: (Milligan 2003).

[155] For more on Choctaw Nation's entry into gaming, see: Choctaw Nation Historic Preservation. 2022. "A New Chahta Homeland: A History by the Decade, 1980-1990," *Biskinik*. https://www.choctawnation.com/biskinik/a-new-chahta-homeland-a-history-by-the-decade-1980-1990/

[156] The Choctaw Casinos website's About Us section states: "As a nation, we're proud to contribute to the prosperity of our home, Southeastern Oklahoma, and communities across the globe. Our profits serve the Choctaw people with educational programs, health services, job opportunities, and more. Your business helps us live out the Choctaw spirit every day." This is also a persistent part of its messaging. After a sponsored trip in 2021, a Dallas-based influencer posted on Instagram with the caption: "When Choctaw Nation (third-largest federally recognized tribe in the United States and the second-largest Native American Indian reservation in area- 6,952,960 acres -after the Navajo) invited me to experience @ChoctawCasinos newly built Sky Tower located at its reservation, I had no idea what to expect! I was, however, fascinated by its heritage and history and wanted to learn more (you guys know no

facilitated by gaming runs parallel to their Mississippi Band of Choctaw Indians brethren as well as nations across Indian Country at the same time.[157] But while gaming has been a critical component to the Choctaw Nation's increased political and economic presence throughout the region, it is not the first major industry that Choctaw people engaged in.

But despite the spectacular nature of gaming and striking rapid transformation of Choctaw Nation and the lives of many of its citizens (especially those living on the reservation) that has become the pinnacle of Choctaw economic development, gaming was not Choctaws' first foray into the endeavor. When today's economic development is considered within the whole arc of Oklahoma Choctaw history, some of the understudied parts of Choctaw history re-emerge. Rather, it can be argued, as I will in this chapter, that coal mining was Choctaws' first economic development project. And as it would turn out, this endeavor played a major role in cohering the Choctaw community well into the 20th century despite the State of Oklahoma's attempts to undermine their government. Following statehood, it was the Choctaw coal mines that also helped to secure the longevity of Choctaw government to exist as it does today. As a national industry, coal mining importantly highlights the vitality and strength of the 19th century Choctaw government that helps to put today's government in perspective. Given these important results of Choctaw coal mining, I bring renewed attention to an understudied period of Choctaw history. Furthermore, noting the discrepancy between coal mining and gaming as being framed as the beginning of Choctaw economic development, highlights how Choctaw people's own

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one loves blackjack more than me LOL)! Not only is the Sky Tower the ***epitome*** of modern luxury but I was also pampered at its spa by the most amazing masseuse, and wined and dined with epicurean delights that rival any major city in the world. Proceeds from the casinos serve the Choctaw people with educational programs, health services, job opportunities, and more (needless to say, it was the first time I experienced guilt free black jack!). I am gathering more photos and videos to share about the heritage of the Choctaw, stay tuned! Thank you, #ChoctawNation for your hospitality! I will most definitely return 💜"

[157] For more on Mississippi Band of Choctaw Indians economic development which began before that of the Choctaw Nation of Oklahoma, see: (Osburn 2014).

understanding of history can be off when wider histories overlook major moments like the coal mining in 19th century Choctaw Nation.

Coal mining by Choctaw Nation challenges many historiographical assumptions within Choctaw history as well as that of American Indian economic development. By situating the trajectory of the post-removal Choctaw national government and considering it in relation to more contemporary instances of American Indian economic development, Choctaw Nation's economic activity throughout the 19th century proves to be unique and a bit of an outlier for the time period that can be understand differently within the historiography of American Indian economic development. Furthermore, by examining Choctaw coal mining as a response to numerous attempts to dispossess Choctaw people of their removal homelands by US settlers throughout the 1800s, the structural nature of Choctaw land dispossession is also much clearer. With structural land dispossession underpinning and undermining the work of historic and contemporary Choctaw economic development, this furthermore helps to understand the limits of American Indian economic development that I showed in Chapter 1.

This chapter delves into Choctaws' first venture into economic development – its foray into coal mining in the 19th century – and considers the impact of the experiment to gain insights into the dynamics of contemporary Choctaw economic development. First, I make the case that Choctaw coal mining was a form of economic development – which appears to be a historical anomaly at first glance from other Native communities. Then, after providing a brief historiographical and historical background of coal mining in Choctaw Nation, I turn to a critical moment in that history: its contentious beginnings. Here, I offer a new interpretation and narration of this history of Choctaw coal mining using the analytical and methodological tools I argued for in Chapter 3. This entails foregrounding how Choctaw philosophy might bear upon

key leaders' understanding of Choctaw history up until that point that would in turn inform their decision to undertake coal mining as a national project. Importantly, this history is sourced from the underutilized archival collections that previous scholars also studying this period cited much less than the governmental reports, particularly that of former Mining Trustee Hampton Tucker and by paying revisiting the archival records regarding J.J. McAlester's marriage to Rebecca Burney which enabled him to operate mines in Choctaw territory. Utilizing such collections helps to work against the interpretative problems I flagged in Chapter 2. In examining the two central figures in this history, Choctaw chief Coleman Cole and intermarried white citizen J.J. McAlester, I argue that coal mining offered Choctaw Nation an opportunity to provide themselves with a source of revenue that would decrease their dependence on the US as well as forestall foreign intervention by the United States in their political affairs. By revisiting archival sources and reading them with an attentiveness to land dispossession and foregrounding leaders' commitment to maintaining its political autonomy from the US, I provide a history from a Choctaw perspective in which the origins of Choctaw management of coal mining within its boundaries in greater historical depth to illuminate the interconnected nature of tribal sovereignty, citizenship and jurisdiction.

A New History in the History of American Indian Economic Development

The presumption that American Indian economic development is solely a contemporary phenomenon is an understandable one; nevertheless, Oklahoma Choctaws' experiment with a nascent form of it in the 19th century offers a different view in the history of American Indian economic development. Within the arc of general American Indian history in the US, it might even seem like a contradictory claim given that Native people across the continent endured

profound physical violence on account of the Indian Wars that were driven by the ideology of manifest destiny (Blackhawk 2008; Cook et al. 2021; Ostler 2020). In the past thirty years, the phrase "American Indian economic development" has become loaded with the positive affects of self-determination, resurgence, and hope, making it seems out of place within an era of history filled with profound violence and dispossession which should not be dismissed but nunanced as does the case of the Choctaw. Nevertheless, as I have established at numerous points throughout this dissertation, the scale of the Five Tribes' experiences set them apart from other tribal nations at the same time period. From the schools they allowed missionaries to establish in their homeland to their constitutional governments, the Five Tribes undertook endeavors that set them up to scale up their governments in a form legible to US society. Prior to and following removal, the Five Tribes' removal negotiations established important legal precedents that complicated processes of land dispossession for US settler and their government. Unlike other tribes of the same time period, Choctaws had a constitutional government and significant individuals within their nations traded and were engaged in the wider US market economy. Such distinct experiences contributed to Choctaw Nation developing its own distinct national economy.

While scholars of American Indians history have examined the arrangements of economic life in American Indian communities across the continent (Berman 2003; Harmon 2013; Hosmer 1999; Hosmer and O'Neill 2004; Raibmon 2005), the Oklahoma Choctaw's venture into coal mining is a sharp departure from those forms of Indigenous economies. Native communities with resource extraction economies often developed such economies after allotment, firmly in the 20th century (Allison 2015; Curley 2023; Dennison 2012; Powell 2018; Rosier 2004). Not only was it an industrial form of development in which Choctaw people managed an outside labor force, but more significantly, it was undertaken in the 19th century.

While Choctaw people did not exclusively plan and operate the mines, Choctaw Nation's management of coal industry within their homelands through leases and royalties quickly became an integral source of revenue that could be redistributed in the community. The redistributive nature of this revenue is what constitutes it as a form of economic development, as I have previously defined. Coal mining would eventually fund Choctaw Nation's many schools, courts, police force, and other government operations. This illustrates how Choctaw Nation had developed its own national economy (which was also connected to the Chickasaw Nation due to their 1855 treaty). Only Cherokee Nation was its only other true peer in terms of creating a distinct national economy with numerous industries and its own banking system (Denson 2015; Ramage forthcoming; Reed 2016).[158]

Given these elements, Choctaw coal mining as a mode of economic development appears to be a historical anomaly within the history of American Indian Economic Development. Despite efforts to reframe and historicize American Indian economic development by showing how Native people have engaged in market economies (see Hosmer 1999; Hosmer and O'Neill 2004; Raibmon 2005), the bulk of scholarship on American Indian economic development emphasized recent efforts by tribal nations specifically to engage in economic development, especially following US legislation that has facilitated it (Andersen 2009; Braun 2013; Cattelino 2008; Colley 2018; Cornell and Kalt 1998; 2003; Harvard Project on American Indian Economic Development 2007; Jorgensen 2007; Kennedy et al. 2017; Lewis 2019; Miller 2013; Trosper 2022).[159] Late 20th century American Indian economic development was understood to complement US federal legislation to lessen Bureau of Indian Affairs management of tribal affairs and that facilitated greater self-determination for tribal governments to manage their own

[158] Cherokee historian Julie Reed frames Cherokee redistribution of services as a form of social welfare.
[159] Importantly, some of these sources historicize gaming as the latest chapter in longer histories.

political affairs. Empowered by legislation of the Nixon administration, tribes could manage their own affairs more autonomously.

Coal was documented in what would become Choctaw territory prior to the people's arrival but the full extent of its holdings was less known. This natural resource would give rise to an opportunity for the Old Choctaw national government to venture into industrial development to bring in revenue to operate and open new schools that people demanded in their communities. This, would in turn, make coal mining the beginnings of Choctaw economic origin point that would force us to contend with what is considered "American Indian economic development" within that historiography and how it has been written. Much less widely known about, the Old Choctaw Nation of Indian Territory that governed from 1834-1907 undertook what political scientists of contemporary American Indian economic development would describe as "nation building" given their largely self-contained governance structure and their notable degree of autonomy from the United States. While still somewhat limited by the conditions of their treaties with the US, the Old Choctaw Nation was certainly held more autonomous political power than today's Choctaw Nation given that it was not a part of the United States. One could interpret Choctaw coal mining as an exercise in the civilization project and progressive movement in the scale of development. But given that it was a centralized national endeavor, I contend that it fits the criteria of American Indian economic development.[160]

And yet, despite the novelty of Choctaw coal mining era (1872-1948) within the broad field of Native American history, scholars have yet to make coal mining in Choctaw Nation the

[160] Perhaps a seemingly anachronistic framing applied to the 19th century, this form of economic development was part of the process of working with an even more important political transformation introduced by the colonial process: the institution of the land-as-property regime beginning with the early days of colonization. As this chapter will show, Choctaw Nation under the leadership of Chief Coleman Cole (1874-1878) undertook what can described as economic development throughout the 19th century until Oklahoma statehood in 1907 – a time period outside of temporal scope of what people might consider to be "American Indian economic development."

focal subject of study. Rather, it often discussed as part of other larger political projects: railroads (Miner 1989; Masterson 1988; Voss 2013), mining in Oklahoma (Hightower 1984), or a part of a longer history of Choctaw Nation (Debo 1975; Kidwell 2008) and Oklahoma (Goble 1980). As these texts have examined this period of Choctaw history, many have described the period as one of domination by railroads and coal companies. While these are certainly inseparable, it is not coal mining that is the focal point. While Debo and Kidwell certainly discuss coal mining while narrating 19th century Choctaw history, their narratives primarily follow how the white men that are central to the opening of the railroads and coal mines were able to do so. This is in part is due to their sources, which are primarily federal correspondence, annual reports to the Commissioner of Indian Affairs, the collections of those prominent white men who started coal companies, and only the typescripts of editorials from chiefs during the time period. In her overview of Oklahoma Choctaw history, Kidwell devotes little space to the political possibility of forestalling the introduction of the railroad, which I will offer in a new narration of this period in the next section. But importantly, she notes that it was coal mining that helped to ensure the political vitality of the Choctaw government following statehood, which I will return to at the end of this chapter.

In their descriptions of Choctaw Nation in this period, these historians that cover Choctaw coal mining illustrate the influence of earlier anthropological and historical writing on their own work. Like Debo and Swanton, they infer that Choctaw people were not up to par with their Euro-American counterparts with their own versions of this. Take for instance, how each of these narratives begin with descriptions of how "traditional" Choctaws still held the land in common like their earlier ancestors and they continued "simplistic" and "premodern" modes of economic activity. They cited the presence of "primitive" roads and no banks as a function of

their limited access to the outside and civility. Such descriptors referencing their "less developed" ways in the vein of social theorists discussed in Chapter 3. The inescapability of these theories that have since been critiqued for the colonial work that they do highlight the challenge of disentangling the ideological underpinnings of anthropological scholarship that historians then built upon intertextually. In their narrations of how Choctaw Nation shifted with the introduction of railroads and the development of the mining industry, Goble (1980), Voss (2013) and Hightower (2013) extensively cite Debo (1975) and her description of the conditions in which Choctaw Nation responded to these developments. Her description of this period is a quick overview that does not go into depth regarding the major issues simultaneously facing Choctaw Nation and this is reflected in her citations which do not include primary sources that document how the national government approached managing this mining industry. In simply citing scholarship that understands Choctaws through primitive/modern binaries without further critique, these scholars fail to investigate or factor in a possible Choctaw understanding of these events and how that might inform their responses. Without analytical frameworks that address the settler colonial relationship between the US and Choctaw Nation, these scholars overlook the significance of Choctaw Nation's communal land holding practice. They are not understood in relation to the deeply held Choctaw political philosophy that informed this relationship to land nor as a political strategy to protect their lands from US settlers who sought to claim Choctaw land for themselves and their own well-being (see also Simpson 2014). The limits of these analyses underscore the need to for an analytic attentive to how and why Choctaw Nation governed the way that it did and what informed those decisions. Here, an analysis that foregrounds the imperative to prevent further Choctaw land loss while maintaining their political

system that does not treat land as property is necessary to understand how Choctaws viewed coal mining.

With these historiographical considerations that are integral to understanding the terrain in which Choctaw coal mining has become known, I turn now to the historical context for the emergence of coal mining as an economic development endeavor for Choctaw Nation. Given the exceptional quality of Choctaw treaties that enabled Choctaw Nation to have a high degree of political autonomy, we come to a key moment of curtailment of those treaties with an another: the Treaty of 1866.

Post-US Civil War Choctaw Economy and Choctaw Coal Mining

Once settled into their new homelands, Choctaw people expanded in population as well as in the complexity of its government. In Spring 1834, after a sufficient portion of Choctaws had been removed to Choctaws' new territory, representatives from Choctaw Nation's three districts convened to develop a new constitution (Morrison 2019). As discussed in Chapter 2, schools were among the first things that Choctaw people built and its school system quickly became the largest west of the Mississippi River (Morrison 2016). After the signing of the Treaty of 1837 which granted Chickasaw Nation land and politically integrated them into a district within the Choctaw Nation, another constitution was drawn up and ratified in 1838. Throughout this period of increasing industrialization and westward expansion for the United States, US settlers constantly threatened to intervene in the Five Tribes' affairs. Slavery, whether pro or anti stances, quickly became the pretext for justifying such intervention. Given that slavery was an institution within the Five Tribes, Indian Territory was dragged into the ongoing debates in the US despite their initial attempts to remain neutral as the conflict between slave and non-slave

states ramped up [although this is not to say that individual citizens did not push for greater Choctaw involvement in the Civil War because many did (see: Fortney 2016)]. As the events leading to the US Civil War ramped up and threatened the autonomy of their nations, the Choctaw and Chickasaw Nations ultimately allied with the Confederacy as part of its efforts to maintain its autonomy as a nation (Abel 1993; Fortney 2014; Kidwell 2008; Krauthamer 2015; Littlefield, Jr 1980; Roberts 2021; Yarbrough 2021). The fall of the Confederacy would in turn have major consequences for the Choctaw and Chickasaw Nations that were concretized in the 1866 reconstruction treaties.

By 1868, Choctaw Nation was feeling the effects of its post-Civil War debts in combination with other financial issues. Prior to the US Civil War, the infamous "Net Proceeds" lawsuit mediated much of how the Choctaw Nation engaged with the United States given how large a sum of money it was (see Kidwell 2008; Scott 1999). The lawsuit sought to recover two payments from the US: a payment of $1.8 million and another for $250,000 in bonds. These stemmed from removal process in the 1930s, particularly the inadequate compensation for livestock and improvements on Choctaw lands as well as the recovery the profits made by the United States from the sale of former Choctaw lands to white settlers. Securing these funds was a major motivator for the Choctaw Nation. But Choctaw Nation's alliance with the Confederacy put the Nation's case for receiving the funds was at risk, especially as the US used the 1866 treaty negotiations as an opportunity to leverage terms that would undermine Choctaw sovereignty.[161] After the war, Choctaw Nation began seeing increased financial issues. In 1867, General Council passed authorized using school funds to defray the expenses of that current

[161] These negotiations were importantly connected to Choctaw Nation's Leased District that was also a part of the 1866 treaty negotiations. For more, see: Kidwell (2008) and Scott (1999).

session of the council.[162] In addition to a possible loss of the Net Proceeds case that had been taken up to Washington DC, Choctaw Nation's allegiance with the Confederacy also included financial support for the cause. This primarily took form in purchasing Confederate bonds that became worthless after their loss in Civil War. Consequently, Choctaw Nation lost that money held in those bonds completely. In his annual address in 1868, Chief Allen Wright noted how some of the annual money allocated for schools in the Apukshunubbi District during the Civil War did not get spent so that money was invested in Confederate bonds, which ended up being an entire loss to the nation. The lack of substantial revenue to operate government affairs also underscored the need to resolve the "Net Proceeds" case in which the United States owed Choctaw Nation. Given these financial circumstances, Chief Allen Wright proposed in his annual address in 1868 that council should develop ways for raise revenue. He suggested "taxing the chartered bridges, and ferries, saline works, stable horses, jacks" as well as "the privilege of carrying firearms in times of peace and the use of stone, coal and timber by other than citizens of the Nation, etc."[163] The post-Civil War period marked a needed shift in how Choctaw Nation handled its affairs given its limited funds and thus a shift in how it approached taxation.

In addition to these financial troubles, the Treaty of 1866 introduced an entirely different set of issues. Most notable was Article 6's allowance for one north-south and one east-west railroad to pass through their territory which Choctaw Nation resisted in the years prior to the Civil War. For years, US companies lobbied Congress for a right-of-way to build a railroad through Indian Territory, but the US government refused to grant one on account of the Five Tribes' treaties. Indian Territory was often described an "iron wall" blocking direct access to the

[162] "A resolution borrowing a certain amount of the school fund of the Nation," November 16, 1867. *Constitution and Laws of the Choctaw Nation*, Wm P. Lyon and Sons, New York: 1869, 469.
[163] Wright, Allen. "Message Delivered at the regular Oct. Session of General Council of the Choctaw Nation 1868," Book 415, Choctaw National Records, OHS, 119.

Gulf of Mexico (Masterson 1988; Miner 1989; Voss 2013). For US companies, the 1866 Treaty provided a long-awaited partial opening to Indian Territory for settlers to legally enter. The allowance for two railroads completely changed the landscape both physically and politically for the Choctaw Nation as it had for tribes across the United States (Karuka 2019). Nevertheless, Choctaw people and leaders sought to navigate it as best as they could and even use it as a tool for their own people's empowerment.

Recognizing the threat of railroads given how they were being put up all over the North American continent (especially with the completion of the transcontinental railroad in 1869), Choctaw leaders considered ways to control railroads on their own terms. As early as 1854, General Council passed a resolution to appoint a committee composed of individuals in council and out of it "to take into consideration the Territorial bill and Railroad projects" and then to report back with recommendations that deemed "advisable for the welfare of our people."[164] To preempt a railroad built through their territory not on their terms, the Choctaw General Council passed an act in October 1869 to create a commission to consider an Arkansas railroad company's proposal to construct a railroad in the eastern part of the Nation. This commission resulted in a venture for two Choctaw-Chickasaw owned railroads, the Choctaw and Chickasaw Central Railway Company and the Choctaw and Chickasaw Thirty-Fifth Parallel Railway Company.[165] To create support for the endeavor, Council directed the publication and circulation of a pamphlet regarding the railroad proposal in both English and Choctaw.[166] Nevertheless,

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[164] "Resolutions in relation to the Territorial Bill and Railroads," November 7, 1854. *Constitution and Laws of the Choctaw Nation*, Wm P. Lyon and Sons, New York: 1869, 131.
[165] "A resolution proposed to appoint a committee to consider and report on the proposition offered by certain railroad companies to build a railroad," October 1869, Choctaw House. Choctaw Nation Papers, Native American Manuscripts, Western History Collection, OU.
https://digital.libraries.ou.edu/cdm/singleitem/collection/choctawnat/id/5083/rec/6
[166] 1870 "Resolution authorizing the National Secretary to have Charters of the thirty-fifth parallel and the Central, Choctaw and Chickasaw Railroad Companies translated into Choctaw" April 1870; "Charter of the Choctaw and Chickasaw Thirty-Fifth Parallel Railroad Company," Choctaw, Hargrett Collection, Gilcrease Museum.

despite these efforts, the railroads failed to come into being because the Chickasaw legislature failed to come to an agreement regarding the railroad.[167] An endeavor like a Choctaw-Chickasaw railroad jointly managed with outside US companies was also significant because it indicated how Choctaw people were not averse to technical and economic changes that the railroads would bring. While this endeavor failed, it illustrates how closely Choctaws were following the outside machinations to build a railroad through their lands and how they actively worked to prevent unwanted outside incursions into their territory.

Permits & Property

On August 22, 1872, a US citizen and white man James Jackson McAlester applied for the permit that would facilitate his role in opening of Choctaw lands in Indian Territory to coal mining, railroad companies, and greater white settlement. McAlester, for whom the now-Pittsburg County town is named, has since become known as the founder of the Oklahoma coal industry and was a major figure in ushering the railroad into Indian Territory. But the permit that he acquired that day was not the one required for him to sell goods, wares, and merchandise. That sales permit, one of which McAlester already had obtained in 1869, had been signed into law in 1867 by Chief Allen Wright, that required whites who entered Choctaw Territory and who wanted to sell goods, wares and merchandise to write to the chief and inform him of what the applicant planned to sell. Such a permit needed to be applied for every year.[168] The sames permit permit required to operate a store was a parallel to an earlier 1868 law regarding permits that required white men who were simply living in Choctaw Nation to apply for the permit annually.

[167] Letter from William Byrant to J.D. Coy, October 21, 1870, Book 415, Choctaw national records, OHS, 140.
[168] "An Act entitled an act regulating the granting of permits to trade, expose goods, wares or merchandise, for sale within the Choctaw Nation, and to reside within the same, and for other purposes," November 20, 1867.

This law required the testimonies from seven Choctaw households in the neighborhood that the petitioner wanted to live in.[169] McAlester had obtained that particular sales permit in 1869 through his employment with the trading firm Reynolds and Hannaford.[170] That enabled McAlester to set up a tent that later became a store where he sold goods to passing railroad workers. McAlester named it Crossroads, after its location as the crossing point of the Texas and California roads which had been developed after being surveyed for a possible coming railroad. This sales enterprise gave McAlester the foothold he needed to kickstart the coal mining industry in Indian Territory. But according to the terms of that particular permit, McAlester only had permission to live and sell goods in Choctaw Territory.

Rather, the permit he acquired that day in 1872 was one of greater political significance: a marriage permit. This permit would become how McAlester gained influence in Choctaw affairs despite his US citizenship. According to an 1840 law, "no white man shall be allowed to marry in this Nation unless he has been a citizen of the same for two years." Securing a marriage required "a license from some judge or the district clerk, and be lawfully married by a minister of the Gospel, or some other authorized person before he shall be entitled and admitted to the privilege of citizenship."[171] Signed by James S. Cheadle, the County and Probate Judge of Tobuksey County in the Choctaw Nation, the marriage permit testified to the fact that McAlester

[169] "An Act entitled an act annulling all permits heretofore granted to white men to live in this Nation and require of them the same annually," February 19, 1863. *Constitution and Laws of the Choctaw Nation*, Wm P. Lyon and Sons, New York: 1869, 379.
[170] "Our History," McAlester's Golden Anniversary Celebration, October 1949: McAlester Anniversary Inc, McAlester, OK, Box 5, McAlester Celebration Collection, WHC.
[171] The law had further protections against fraud by implementing a $100 fine per offence by any officers or ministers of the Gospel that did not follow the terms for performing the marriage. The law also sought to protect Choctaw women by stating that no white man "shall have the disposal of her property without her consent; and any white man parting from his wife without just provocation, shall forfeit any pay over to his wife such sum or sums as may be adjudged to her by the district court for said breach of the marriage contract, and be deprived of citizenship." "An Act in relation to white men marrying in the Nation, &c." October 1840, *Constitution and Laws of the Choctaw Nation*, Wm P. Lyon and Sons, New York: 1869, 76.

had fulfilled these requirements to marry an Indian woman and thus was authorized to marry Rebecca Burney, a Chickasaw woman with Choctaw citizenship. [172] Rebecca Burney, previously married, came from the Burney family, a prominent Chickasaw family that resided within Choctaw Nation and who all held Choctaw citizenship due to the arrangements of the 1855 treaty between Choctaw and Chickasaw Nations.[173] Her brother, Ben C. Burney, would later serve as Governor of the Chickasaw Nation from 1878-1880, a protégé of Governor Benjamin Franklin Overton. Marriage to a Choctaw citizen transformed McAlester from an outsider into an "inter-married citizen," thereby enabling him to carry out his plan to get rich from mining and selling some of best coal west of the Mississippi River.

All these different kinds of permits issued by Choctaw Nation illustrate two important points. First, Choctaw Nation's permit system demonstrates how quickly Choctaw people created a new system of governance just forty years after their removal via the Trail of Tears. Choctaw elder and historian Curtis Billy describes this post-Removal era as a "Golden Age" for Choctaw governance. Immediately after their arrival, Choctaws built the first schools in Indian Territory and collectively approved constitutions revamped their pre-removal 1826 constitution that modified older models of Choctaw political organization to look more like settler democratic governments while still adhering to most important tenets of Choctaw political philosophy, as discussed in Chapter 3. This included the division of their territory into three districts, each with their own district chiefs and courts. To ensure the security of their new homeland, Choctaws knew they would have to regulate white settlers. Thus, they developed their intricate permit system to prevent further land loss and keep the US government from interfering in their internal

[172] Letter copy book of deeds, cases, and suits of J.J., Box 18, James J. McAlester Collection, WHC.
[173] Prior to the establishment of the Chickasaw Nation, Chickasaws existed as a district within the Choctaw nation. Because many Chickasaws lived within Choctaw boundaries following the 1855 treaty that separated the two nations, Chickasaws residing in Choctaw territory were recognized as Choctaw citizens and had the same rights.

affairs. As early as 1836, General Council passed a law preventing non-Choctaw Native people from settling or purchasing land to live in the Nation without their permission.[174] Subsequent legislation governing non-Choctaw citizens included: preventing other non-Choctaw Native people from settling in Choctaw Nation (1836); prohibiting white men from raising livestock in the Nation (1849); requiring white men who lived with Choctaw women to marry her lawfully or "be compelled to leave the Nation, and forever stay out of it" (1849); removing Creeks from the Nation (1858); requiring sheriffs to give prompt notice to the white men living in their respective counties without a permit (1859); removing "all the intruding tribes of Indians, white persons, and free negros that are now residing within the limits of the Choctaw Nation, contrary to the laws of the same" (1860); the aforementioned permit required for living in Choctaw Nation that required the testimony of seven households (1863); numerous individual permits issued to those with particular trade skills (1863, 1864, 1865); bills to expel individuals (1864); regulations for freed slaves following the end of the Civil War (1865); and a management plan for Cherokee and Creek refugees from the Civil War (1865).[175] Second, the very fact that permits were issued by the Choctaw government rather than the US government is significant in itself since that was the

[174] "An Act preventing any Indian not a Choctaw to settle in the Nation without permission from the General Council," October 9, 1836, *Constitution and Laws of the Choctaw Nation*, Wm P. Lyon and Sons, New York: 1869, 73.

[175] "Requiring white men who wish to work in the Nation to obtain a written permit from the Chief or the Agent; and so rendering any one hiring a white man without such permit, liable for any depredation that such white man may commit," October 8, 1836; "Prohibiting white men to raise any stock in the Nation," October 9, 1949 ; "Compelling white men living with an Indian woman to marry her lawfully," October 11, 1849; "Directing the removal of Creek Indians beyond the limits of this Nation," October 11, 1858; "Relative to white men living in the Nation without license," October 17, 1859; "For the removal of some Indians, white men, and free negroes from this Nation," October 31, 1860; "An Act entitled an act annulling all permits heretofore granted to white men to live in this Nation and require of them the same annually," February 19, 1863; "An Act granting a permit to Newton Smith, a blacksmith by trade," October 13, 1863; "An Act entitled as an act giving G.S. Lee a permit," October 12, 1864; "An Act entitled an act giving permits to Templeton" January 20, 1865; "An Act entitled an act giving permits to several persons therein named"; "An act entitled an act relative to certain person to leave the Nation," July 11, 1864; "An Act entitled an act temporarily providing for such persons as have been to the present time considered as slaves," October 14, 1865; "An act entitled an act providing for the mode of dealing with Refugees committing depredations in the Choctaw Nation," October 19, 1865, *Constitution and Laws of the Choctaw Nation*, Wm P. Lyon and Sons, New York: 1869.

case for other reservation communities. It is here again that we see the power of the Five Tribes' removal treaties affording them greater autonomy over their own affairs. Collectively, these permits testify to the strength and autonomy of Choctaw governance in the pre-Civil War period. But J.J. McAlester would upend this system once he secured the rights of citizenship as granted to him through his marriage to Rebecca Burney.

While a marriage permit may be viewed as mundane and a minor matter, it had major political implications for the Nation, which carefully regulated inter-marriage between Choctaw and non-Choctaw citizens for years. As feminist anthropologist Annette Weiner (1976) has shown in the Trobriand Islands, marriage has always been an institution of political significance. For Indigenous polities, white settlers have employed marriage as a potent mechanism of Indigenous land dispossession. In Indigenous polities across North America, the political authority of women in matriarchal Native societies increasingly became circumscribed as white men joined their polities through intermarriage (Barker 2017; Kauanui 2018; A. Simpson 2014; 2016; Rifkin 2011). This was certainly the case for Choctaw women as Choctaw-European interaction became increasingly important (Akers 2004; Carson 1997; 1999; G. O'Brien 2005; Pesantubbee 2005; Thompson 2019). The effect of intermarriage is a reminder of how colonialism has always been and continues to be a gendered project, instituting heteropatriarchal norms to constrain and govern Indigenous life at the most intimate and public levels (Stoler 1995; 2002). And as time would show, marriage became a key tool for white settlers to gain access to land, gain Choctaw citizenship, and work to disrupt Choctaw modes of governance to further dispossess Choctaws of the very lands that the 1830 Treaty of Dancing Rabbit Creek had

secured for them.[176] McAlester's marriage to Burney opened up a world of political possibility that gave him the reins to undo the system that Choctaws had so meticulously developed.

The category of inter-married citizen mapped onto pre-existing Choctaw laws governing marriage. These old laws had made it easy for outsiders to integrate into Choctaw society – as long as they followed Choctaw political and social protocols. This technique worked for hundreds of years prior to removal and several important leaders like Peter Pitchlynn came from such unions. But with the intermingling through marriage, there would also be an infusion of political ideas like that about private property and heteropatriarchy that would fundamentally change Choctaw ideas about political organization. As an inter-married citizen of the Choctaw Nation, McAlester was granted the rights afforded to all Choctaw citizens – the right to use communal land and participate in Choctaw government. This access to communal land through citizenship was key.

Citizenship in 19th century Choctaw Nation is also instructive for understanding how racialization has obscured the actual meaning of tribal sovereignty for the many – general public and Choctaw people alike. Today, citizenship in the Choctaw Nation of Oklahoma is limited to those who can prove lineal descendancy to individuals who were listed as "Choctaw by blood" on the Dawes Rolls that were created in anticipation of allotment in 1898. At the time, this is a narrowing of the eligibility for citizenship which used to be encompassing previous to 1898 given that it was a political designation. With that, those who were not Choctaw by blood could become citizens and this was most commonly done through marriage. While General Council

[176] The marriage of McAlester and Burney is not a simple marriage of one white man and a Chickasaw woman, which we often understand to be about two people of two races brought together. Rather, it is important to understand McAlester's whiteness not as a racial category but as a structural position in relation to property.

also naturalized people from time to time during the earlier years in Indian Territory,[177] intermarried dominated the naturalized citizens. In 1868, Choctaw Nation's population was at about 14,000 people with 101 of them being white men with Native wives.[178] Despite small numbers, such men posed a threat to Choctaw Nation given how they sought to undermine its political organization.

Intermarriage gave McAlester the opening he needed to begin a coal revolution in Choctaw territory. McAlester, born in Arkansas, first learned of coal deposits while he served as a soldier in the Confederacy. In the tales that surround McAlester's knowledge of coal in Choctaw Territory, Captain Oliver Weldon gave him a memorandum book kept by a geologist who was part of a government exploring party passing though Indian Territory.[179] From this book, McAlester learned the best places to mine coal, which he planned to do once he arrived in Indian Territory. Prior to his marriage, Choctaw sovereignty over their own territories came between McAlester and the coal riches he planned, which he would have to find a way to navigate. But upon gaining citizenship due to his marriage, McAlester and other white men who had married into Choctaw Nation like Daniel Morris Hailey, could secure land for themselves. Once that was done, they could bring in other white settlers to mine the coal. And this is exactly what they did.

Back in 1830, Choctaws' removal treaty granted the entire Choctaw people communal fee simple title to the new removal homeland. Fee simple title, which was recognized by US law,

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[177] See: "Permitting Mrs. Ward and family, and John and William Cooper, to remain in the Nation," October 1841; "Granting rights and privileges of certain Cherokees," 1847, *Constitution and Laws of the Choctaw Nation*, Wm P. Lyon and Sons, New York: 1869.
[178] Wright, Allen, "Message Delivered at the regular Oct. Session of General Council of the Choctaw Nation," 1868, Book 415: Correspondence of Chiefs Wright, Bryant, Cole, Garvin and McCurtain - Choctaw Nation, Choctaw National Records, OHS, 123.
[179] "Our History," McAlester's Golden Anniversary Celebration, October 1949, McAlester Anniversary Inc., Box 5, McAlester Celebration Collection, WHC.

protected the removal homeland from annexation by the United States and helped provide Choctaws with a sense of security regarding the status of their homelands – as long as the US and its people followed their own laws. In 1874, General Council reiterated this principle by passing a bill that stated that no citizen of the Chickasaw or Choctaw Nations had a right to grant a right-of-way to any railroad company, on account of the fact that the two nations "forever secured and guaranteed the lands now occupied by them in common, so that each and every member of either tribe have an equal undivided interest in the whole collectively, and that for no citizen is entitled to exclusive or separate pecuniary interest in the lands or natural resources."[180] As sketched out in Chapter 3, communal land holding in Choctaw territory meant that no person had exclusive right to the lands. All Choctaw people were allowed to live on land as long as they used it. There was no patent office within the national government for it was not necessary given their land-use arrangements that determined whoever used the land could claim it. This would become a loophole for the white men looking to secure coal riches for themselves. Given that 1860 Constitution stated that citizens who found any mines were granted "exclusive right and privilege to work the same, as long as he may choose, within one mile in any direction form his works or improvements, provided, however, he does not interfere with the rights of the former settler."[181] Consequently, white men like McAlester were able to secure large swathes of land in the northwest part of Choctaw Nation that encompasses the still existing towns of McAlester, Krebs, Hartshorne, Lehigh, Poteau, Wilburton, Savanna, and others in the region. While these men certainly did not have exclusive rights to the land, the mine operations that they opened on

[180] "A proposed bill that no citizen of this nation has the right to grant a right a way to any railroad company or corporate community." Nov. 2, 1874. Acts, Bills and Resolutions of the Choctaw Nation, 1874, Choctaw Nation Papers, WHC. https://digital.libraries.ou.edu/cdm/singleitem/collection/choctawnat/id/5334/rec/16
[181] Constitution of the Choctaw Nation, January 11, 1860, Article VII, Section 18.

them would ensure that they utilized the land and thus securing their access to them and the coal beneath their surface.

In this section, I have provided an overview of the Choctaw permit system to show its role in turning coal mining in Choctaw Nation into a project for the benefit of the overall nation. The marriage permit in particular had the most devastating impact for white men who married Indian women to acquire citizenship rights would then use it to create wealth for themselves by individuating what had previously been communal land and working to change laws to make those plots of land exclusive. With this, we can see how property's institution in Choctaw lands has a significant gendered dimension. It is not just about financial transactions, but it also utilizes contracts that establish a particular set of gender relations. Marriage then became a key tool for white settlers to gain access to land, acquire Choctaw citizenship, and disrupt Choctaw modes of governance to further dispossess them. Meanwhile throughout much of the United States at this time period, married women were not allowed to hold property. Within Choctaw society that Choctaw people abided by for generations, Choctaw women had much more authority over how and where they lived. The patriarchal limitations on women of US society was clearly at odds with settler society; unfortunately, women's authority provided white men with a way to undermine Choctaw society. It was McAlester's marriage to Burney that afford him a way to undermine the system that Choctaw people had so meticulously developed.

Coleman Cole vs. J. J. McAlester

White men, who married Indian women to gain access to the rights of citizenship would in turn use this citizenship to secure land they had previously been excluded from to then create

wealth for themselves by extracting and selling the coal within it.[182] McAlester acquired his first coal property shortly after his marriage to Burney in 1872. McAlester and his intermarried associates used this broad allowance to secure access to coal in the region for their own private enterprises as well as sway the railroad company to lay railroad track through the areas where their coal was located. In 1873, McAlester orchestrated an agreement between William Pusley, a Choctaw land owner, and Robert S. Stevens, the general manager of the Missouri, Kansas and Texas Railroad Company, to move Choctaw coal out of Indian Territory. Once the railroad was completed in 1874, the Missouri, Kansas and Texas (MKT) railroad (also commonly referred to as the KATY), cut through Cherokee, Creek and Choctaw territories and crossed the Red River in Denison, Texas.

The construction of the MKT Railroad and its early impact clearly left an impression on Choctaw people so they elected someone who would work to mitigate its effects. In October 1874, Coleman Cole of the "Buzzard" political party was elected principal chief.[183] The son of the prominent Robert Cole who signed numerous treaties including Dancing Rabbit Creek, Coleman grew up with and deeply understood continual Choctaw land loss. After many Choctaw

[182] To further illustrate the danger that intermarried-citizens posed to Choctaw sovereignty over their territory and citizens is the case of Daisy Crockett Coleman. Although it took place in the different context of allotment, her case shows how inter-married citizens tried to acquire land by any means. In 1906, Mary J. Thompson applied to the Dawes Commission to enroll her daughter and two granddaughters as citizens of the Choctaw Nation. All four of them were white women who claimed citizenship through Mary, whose first husband was John Moore, a Choctaw man with whom she had no children. As the wife of a Choctaw man, she was placed on a roll of the inter-married citizens and granted the rights of citizenship. Moore passed away and she later remarried a white man and gave birth to her daughter Daisy Crockett who would later have the two daughters with James Coleman, a white man, also included in Mary's enrollment application. Months later, the Dawes Commission denied Daisy Crockett Coleman and her daughters' application for enrollment as Choctaw citizens. Taking their case to the Attorney General, Daisy Crockett Coleman's case was heard by the US House and Senate which passed a bill in 1927 to add the three of them to Choctaw citizen rolls despite none of them being Choctaw. In his case notes, Choctaw National Attorney Hampton Tucker refuted Daisy Crockett Coleman and her daughters' claim since inter-married citizen rights ended when a marriage between a Choctaw and white ended. Choctaws vehemently opposed this act but were left little recourse, illustrating how much authority Choctaws had lost over their own citizenship rolls. For more, see: Folder 3, Box 11, "Opening Rolls," Hampton Tucker Collection, WHC, OU.

[183] Buzzards were a nationalist party that supported adhering to the 1830 Treaty of Dancing Rabbit Creek. For more, see: (Debo 1975; Mihesuah 2009).

people left for their new treaty lands in the early half of the 1830s, Coleman Cole opted to stay in the ancestral homelands with his grandmother. During this time, Cole witnessed the theft of Choctaw lands by US settlers – including that of his grandmother Shumaka Cole. In 1838, Cole served as a witness regarding the theft of his grandmother's land and after applying for a plot of land in Mississippi – as was her right under Article XIV of the Treaty of Dancing Rabbit Creek. With no recourse and knowing that this was what the US was pushing,[184] Shumaka Cole opted to received scrip and moved to Indian Territory in 1845 (Meserve 1936). Coleman accompanied his grandmother and settled near the town of Atoka. Fluent in Choctaw and English, Cole was a fullblood Choctaw and viewed as a traditionalist. He was also deeply religious and involved with the Presbyterian church.

Seeing how inter-married citizens were profiting individually from coal mining and bringing in white laborers, Principal Chief Coleman Cole took decisive steps to curb the flood of white settlers entering the Territory and profiting off the burgeoning industry at the expense of Choctaw people. Cole sought a solution that would curb the influence of white people who exploited the Nation's resources as well as empower Choctaw people through education. Cole also recognized how coal mining had become a powerful industry within the Choctaw Nation and its connection to the MKT Railway. His solution drew on all these factors. Since his role in the executive branch preempted him passing laws unilaterally, he sought to rally support for his cause in the local newspaper.

In the June 12, 1875, edition of *The Vindicator*, the McAlester-area newspaper run by McAlester-associate Daniel Hailey, Principal Chief Coleman Cole declared that General Council should develop Choctaw national schools more robustly and fund this by developing their natural

[184] Article 14 was notoriously underenforced and even sabotaged by the US Agent placed in charge of compiling lists of Choctaws who opted to remain in Mississippi. For more see:

resources. He wrote, “The time has arrived that the General Council of the Choctaw nation will have to wake up on the subject of education. The General Council should take some active steps toward establishing more boarding schools. The question arises, how can it be done? I will answer, by developing our sure mineral resources.” This turn to mineral resources was significant because it marked a pivot from previous Choctaw leaders’ strategies for funding education. During the Civil War in which Choctaws had allied themselves with the Confederacy, they converted their school funds into Confederate bonds that became worthless after the war. Seven years earlier in 1868, Chief Allen Wright proposed using money from lawsuits to fund their schools.[185] But given how that lawsuit dragged on in court, Choctaw leaders were forced to find other revenue sources for their school system.

Coal and other mineral resources provided an opportunity for a new source of funding for schools. Continuing in the editorial, Cole wrote: “Let the agency law of the Choctaws be so amended and enlarged that the National Agent be empowered to open coal mines for the special benefit of school purposes, and all revenue derived from coal to be applied in establishing one good number one boarding school. We have vast quantities of stone-coal and other valuable mineral, and this would be an admirable plan for utilizing them.” Calling on General Council to pass legislation on coal mining since he could not unilaterally decide given his role as the executive branch of Choctaws’ tri-partite constitution government, Cole’s call initiated Choctaw Nation’s turn to resource extraction as a mode for gaining greater economic power in a period of ever-changing economic conditions. Choctaws, who prided themselves (and continue to) on education and throughout time have demonstrated a commitment to it.

[185] Wright, Allen, “Message Delivered at the regular Oct. Session of General Council of the Choctaw Nation,” 1868, Book 415, Choctaw National Records, OHS, 118-119.

But this turn to resource extraction quickly created a new set of issues. While mining leases and operations brought in critical revenue to Choctaw Nation, this new economic endeavor was undercut by individuals seeking their own personal advancement rather than that of the collective Choctaw people. In a scathing 1875 editorial, an anonymous Choctaw citizen criticized the diminishing control over lands in Choctaw territory, particularly those with coal. They wrote, "Our laws are very good, but I am sorry so say that some second rate white men, such as Bob Ream and Jas. McAllister continue to violate them with impunity, notwithstanding the Agency Law requires that no person or persons shall ship coal &c., without entering into contract with the national authorities, simply because the judgement of the courts are pending upon the constitutionality of the act." The author proceeded to call for a change in the constitutional loophole that allowed McAlester to gain so much control over land. They continued, "The Choctaw people have a right to this country, and they mean to hold it and educate all their Choctaw children if possible. The patent is vested in the whole people, and that important documents is secure in our National Secretary's office."[186] This editorial illustrates the growing rift between everyday Choctaw people witnessing how quickly Choctaw Nation was changing due to mining and the propertied interests of white intermarried men like McAlester who found loopholes to exploit communally held Choctaw land for his own benefit.

As time progress and McAlester operated coal mining lease which brought in white workers and Chief Cole responded by closing these loopholes. On September 1, 1875, Cole announced the Marriage Act that would charge a $50 fee for whites to marry Choctaw/Chickasaws and required a character testimony from ten Choctaws by blood. A year later at his 1876 annual address, he announced "I will not issue permits to white people hereafter

[186] "Letter of Tushkahoma to Editors Vindicator," *The Vindicator*, August 28, 1875. Folder 3, Benjamin F. Overton Collection, WHC.

until Congress provides a better way of regulating this business. When we bought this land or soil from the United States Government, we never bought the white people with it, and they must know as well as I do, that if they reside here they must pay for that privilege – and if they do not they are intruders. We cannot have our timber, grass, &c., destroyed by white intruders." In appealing to Congress, Cole signaled the limits of Choctaw jurisdiction when it came to white people who were increasingly entering Choctaw Nation with hopes of marrying Choctaw women to secure their own parcels of coal lands. But these would prove to be less effective now that McAlester had secured so much land and the railroads and secured right of ways through the federal government.

The next month in October 1875, Chief Cole passed along a resolution from General Council requesting that the Secretary of the Interior demand that the coal mines and lumber manufacturing stop while the Choctaw and Chickasaw legislatures could figure out how to manage the industries.[187] Cole recounted how an injunction was brought to the Choctaw Supreme Court against the National Agent's authority to collect royalty on coal that resulted in a decision that the National Agent did not have the right because the Chickasaw legislature did not approve the law which governed their collectively held territory. The result was no law nor National Agent to protect the two nations from "a class of United States citizens who are using every means to despoil our people of as much coal, lumber, etc. as they can without paying the Nation for them, on the ground of having contracts with private citizens of the Nation."[188] Embarrassed and noting that this was detrimental to the financial and political interest of the

[187] "A resolution requesting the suspension of working on coal, lumber, and ship. Approved when Choctaws and Chickasaws agree on the terms of Royalty." October 26, 1875. Choctaw Nation Papers, WHC. https://digital.libraries.ou.edu/cdm/search/collection/choctawnat/searchterm/1875/field/all/mode/all/conn/and/order/date/ad/asc

[188] Letter from Coleman Cole to the Secretary of the Interior, October 27, 1875, Book 415, Choctaw national records, OHS, 162.

Choctaw Nation and people, Cole was desperate to stymie the losses. This led him turned to the authority of the Secretary of the Interior over US citizens to resolve the issue. Fortunately, an official writing on behalf of the Secretary of the Interior reviewed the legality of the treaties and noted that contracts made by individuals of the Choctaw Nation to sell coal or lumber were void and gave no rights to purchase. In turn, the US Agent was directed to prevent the further removal of lumber and coal under such contracts [189]

In 1875, Chief Cole published another editorial to *The Vindicator* advocating for developing Choctaw Nation's mineral resources in order to open more boarding schools for Choctaw children.[190] He wrote, "The next General Council of the Choctaw nation should appoint some of its ablest men on a school committee, and also a committee of ways and means to draft a bill to develop the coal and other mineral resources of our country, and apply every dollar to school purposes. Let us educate, or we will be a lost people: Let our rising generation be prepared to meet the great change that will in course of time take place with the United States Government. At present, we are in no condition for that change." For Cole, resource extraction could be the means to provide for Choctaw children, ensuring that they had an education to navigate a world in which Indigenous peoples had to become increasingly weary of broken treaties by the US government. The next year in 1876, Cole's ushering to use coal money for students led to an allocation of part of the coal/lumber/stone export royalty to be spent on 9 Choctaw boys attending Roanoke College in Salem, Virginia for one year.[191]

[189] Letter from J.Q. Smith to Coleman Cole, December 14, 1875, Book 415, Choctaw national records, OHS, 215.
[190] Letter of Tushkahoma to Editors Vindicator, June 9, 1875, *The Vindicator*, June 12, 1875, Folder 2, Coleman Cole Collection, WHC.
[191] "A resolution that part of royalty on coal, lumber, and stone shipped out of this nation shall be spent on 9 boys at Roanoke College, Salem, VA, for the period of one year." October 30, 1876. Choctaw Nation Papers, WHC. https://digital.libraries.ou.edu/cdm/singleitem/collection/choctawnat/id/5407/rec/8

Chief Cole's fateful decision to use coal mining as a source of revenue for education is akin to contemporary economic development by Choctaw Nation and numerous Indigenous nations across North America. The turn to this type of economic activity became increasingly necessary as the US government increasingly failed to fulfill their legal obligations to Indigenous nations. Here it is critical to note that this becomes necessary in the absence of treaty promises made by the US government, which stated that it would provide for Choctaw children's education. Chief Cole and members of General Council were acutely aware of the US's unreliability to deliver on treaty terms. Consequently, they were forced to find another way to ensure that future generations would not experience a profound land loss as their parents had with losing the homelands. Mining, in Chief Cole's view and in this compromised context, could possible prevent further land loss for Choctaw people. Ultimately, as mining increased and brought in white settlers, the decision to open Choctaw lands to the mining industry – including for Choctaw national industry – would prove to also increase Choctaw land dispossession that would later give way to poverty in Choctaw Nation for Choctaw people.

In October 1877, Chief Cole delivered his final message as outgoing chief. After commending what Choctaw people had accomplished in the past forty years, Cole touched upon his conflict with McAlester and his affiliates and how they sought to sow distrust with their false reports. He then addressed the fundamental issue of these men's endeavors: "There seems to be an abiding and growing disposition there to ignore the holding of our lands in common and to regard it rather as individualized. I would say just that all the restraints be thrown around our people that is necessary to correct this evil. We cannot divide our lands in severalty without destroying our nationality."[192] Cole condemned the accumulation of lands to then lease out to

[192] Cole, Coleman, "Gov. Cole's Message," October 1877, Book 415, Choctaw national records, OHS, Oklahoma City, OK, 186.

coal companies for their own personal profit rather than providing for the people as he sought to do with his plans to use mining for economic development. In stating that dividing the lands would destroy "our nationality," Cole makes clear that private property via "land in severalty" was antithetical to a Choctaw mode of being. For generations, Choctaws did not have private property and what McAlester and its intermarried white citizens sought to institute more permanently in Choctaw Nation.

While Coleman Cole was just one of many Choctaw people, he represented a swathe of people that do not find themselves represented as well as the educated ones who could write newspaper articles as McAlester and his friends did. Cole, who grew up in the Choctaw homelands where he saw his family and friends lose their claim to their homes and experienced removal himself, deeply understood the implications of J.J. McAlester and his group of intermarried white citizens using communal Choctaw lands for their individual benefit. Transforming land into a commodity as these men sought to do was fundamentally the opposite of what generations of Choctaw people did and how they understood their relationship to land. Having already experienced the loss of the ancestral homelands, one could surmise that Cole had learned the lessons of losing those lands and sought to prevent the same from happening in the new homelands. While dealing with McAlester, Cole also had to contend with all the intruders that he had no jurisdiction over because they were US citizens. From Cole's perspective, it was a repeat of one of the worst times in Choctaw history and he did all he could within his power and urged the Choctaw legislature to take more decisive action in this regard.

Cole understood the impact of US citizens on the Nation and thus was weary of their presence in the Nation. One of Cole's parting suggestions was that the legislature needed to manage this better given its deep implications for the nation. Cole understood that individual

citizens' leasing of lands, laying off town lots, surveying land, marking trees, or laying off boundary lines to be "compromising the rights of our Treaty stipulations and our local laws and regulations" that should be stopped at once. [193] He also pointed out that the bringing in of white people was not an individual matter but a national one. He cautioned "Our citizens must not be permitted to introduce whatever 'white persons' they please, without obligation or responsibility to the government. We cannot expect to do as we please as individuals, with that which does not belong to us. If I use that which belongs to others, I ought to pay for what its use is worth to me."[194] With this, Cole proposed the creation of a government department dedicated solely to a permit system for white people brought to work in the Nation. As with using natural resource development as a solution to the Nation's financial issues, Cole provided a solution for both financial and jurisdictional issues through the expansion of the Nation's permit system. But despite these parting words, the issue of white men in Choctaw territory would endure as an issue for Choctaw Nation.

Creating Lawlessness in Choctaw territory

The development of the coal mining industry in Choctaw Nation was significant not only for bringing revenue to Choctaw Nation, but the influx of non-Choctaw people that were brought into the boundaries of the Choctaw Nation from 1874 onward. Primarily hired to work in the coal mines because Choctaw people did not want to work in the mines, these coal miners came from eastern United States and all over Europe (Gunning 1975). In 1868, two years after the end of the US Civil War, the Choctaw court system had been reimplemented after the interruption by the war. Chief Allen Wright reported that according to the district chiefs that there were less

[193] Ibid, 186-187.
[194] Ibid, 191.

crimes by Choctaw citizens as well as occasional crimes committed on public roads by people passing through the territory. Given this problem. Wright urged Council to do something about this issues else US citizens that might want to do business in Choctaw territory would believe that Choctaw people were committing the crimes when it was travelers through the Nation.[195]

In addition to the railroad, another significant tenet of the Treaty of 1866 was the allowance of US federal court jurisdiction to extend over Indian Territory as long as those courts did not interfere with the tribal judiciary system. This would prove to be disastrous for Choctaws when it came to the administration of law between the Choctaw legal system and that of the United States. Criminal cases that involved a US citizen were dealt with by the Federal Court of the Western District of Arkansas in Fort Smith. The court's location placed an undue burden on the Choctaw criminal system which had to defer to federal officials when US citizens were involved (Debo 1975).[196]

The mines operating in Choctaw Nation depended on outside labor that was limited by the work permits that Choctaw Nation issued. These workers quickly pushed against the regulations of these permits and soon these workers called on the United States to intervene in Choctaw Nation's system of governance (see Gunning 1975). Those who violated their permits or committed crimes had to be removed by the US Marshalls since Choctaw Nation did not have jurisdiction over US citizens living in their lands. Choctaw Nations soon found out that they could not rely on US Marshalls to remove non-Choctaw citizens from the boundaries of the Choctaw Nation. The inadequacies of the US government to take care of its citizens committing crimes gave rise to crime in Indian Territory. Here, "lawlessness" quickly became the word of the

[195] Allen Wright, "Message Delivered at the regular Oct. Session of General Council of the Choctaw Nation 1868," n.d., Book 415, Choctaw National Records, OHS.
[196] This issue of jurisdiction and criminal law continues to be an issue throughout Indian Country today. For more, see: (Riley 2016).

time. This also proved to be an opportunity for US citizens interested in annexing Indian Territory into the US body politic. In nearby Fort Smith, the Western Independent reported that in Indian Territory, "stealing horses is an everyday occurrence, and murder and robbery seem equal to that sin. It is dangerous to travel alone where villains from four quarters of the United States congregate" (Shirley 1968: 23). Accounts akin to this were replicated in newspapers all over the United States in reference to Indian Territory, giving the region the reputation of lawless. In turn, settlers used this claim to justify intervention in Indian Territory (J. Burton 1997; Stern 2020).

I opened this dissertation with a discussion of the way that Oklahoma Governor Kevin Stitt emphasized "lawlessness" in the aftermath of the McGirt ruling and the need for "law and order" to illustrate how these claims are not new ones. Rather, "lawlessness" is an old discourse meant to undermine and intervene in the sovereignty of Indigenous nations to govern in accord with treaties that established the nation-to-nation relationship between Indigenous nations and the United States. It was used in the 19th century to justify the annexation and integration of Indian Territory into the settler polities of Oklahoma and the United States.

Legal scholar Burton (1997) shows how the United States, as a political entity, used the federal courts in Indian Territory to expand their own political authority through the dismantling of the Five Tribes as political institutions. Burton's intervention in the historiography of the legal status of Indian Territory is significant because it draws out the complexities of each of the forces within the federal government – the House, the Senate, and the Indian Office – and by showing how each meted it out with one another to strip the Five Tribes of their authority. And more importantly, he challenges what he calls the "interpretative conformity" of scholarship written on the history of Indian Territory and the origins of the state of Oklahoma that do not delve into the

complexities of each of the Five Tribes' governments. In highlighting the limits of canonical texts of Oklahoma history like Roy Gittinger (1917) and Joseph Thoburn (2018) which do not delve into the legal specificity of Indian governments, Burton shows how the actual events became obscured due to a failure to fully engage all available sources.

As I argued in Chapter 2, Burton points out the high stakes of historical production for a settler state like the State of Oklahoma. While the Five Tribes' significance and accomplishments are recognized, they are not examined in the depth as other parts of Oklahoma history – even though there are adequate archival materials to examine and narrate such histories. Such discursive maneuvers are informed by an ideological imperative within settler colonialism to maintain a mode historical production that minimizes the role of Indigenous sovereignty to the formation of the state which is a tension that the state consistently has had to contend with throughout its history to maintain its authority. For years, the broad interpretations without delving into the complexity of each of the Five Tribes' governments have been unchallenged. Subsequently, the work of this dissertation is to delve into the specificity of Choctaw history to better craft a history true to Oklahoma Choctaw experiences.

Conclusion

In this chapter I have shown how as early as 1840, Choctaw Nation had the hallmark features of self-determined tribal nations to exercise an early form of economic development which changes understanding for the timeline of the history of American economic development. It had the necessary government apparatus and operated as its own nation with a constitutional tripartite government. The massive archive of national records as discussed in Chapter 1 testify to the complexity of Choctaw governance and their ability to enter a new industry to generate

revenue that allowed them to govern as they found to best align with Choctaw political values. In turn, Choctaw Nation of the 19th century challenges historiographical understanding of American Indian economic development writ large.[197] Furthermore, it is clear that Choctaws' foray into coal mining as a means of economic development very quickly connected to another major struggle for the national government: jurisdiction – the struggle that Choctaw Nation now faces with the State of Oklahoma. Jurisdiction gets at the heart of the struggle for Indigenous sovereignty. I examined the events leading up to Choctaw Nation entry the coal mining industry, particularly as a solution for its shortage of cash necessary to maintain its existing governmental operations. Attuned to the relationship between land dispossession and private property, this account foregrounded land dispossession as a guiding logic for the actions of Choctaw leaders.

Furthermore, I developed this narrative by focusing on the early period of Choctaw Nation's coal mining endeavor by foregrounding attention to land dispossession and people's disposition to keep further land loss from happening. While many of these sources have been cited by other historians, I supplement them by integrating sources not used before as well as by re-interpreting them. The result is a brief historical account about how Choctaws started coal mining as a form of economic development in which it became a central economic project of the nation as to help create a national economy. In providing this account of what can be considered early Choctaw economic development, it changes how we understand 19th century Choctaw Nation and Indian Territory. The temporal reframing of economic development underscores how land has been a site of constant struggle between Choctaws and the settler society that built itself upon their lands. Furthermore, Choctaws' historic relationship to land is the crux of

[197] While the Cherokee, Creek and Seminole governments also had a major governmental apparatus, the Choctaw-Chickasaw nations involvement in the coal mining industry is a notably different for the time period. Oil would later be found in Creek nation which would speed up the allotment process, but Creek nation did not manage the oil industry to the same extent that the Choctaws managed coal mining.

understanding Choctaw economic development. From the first treaties to removal to allotment to statehood to laws governing former allotments, Choctaws have faced land dispossession in various forms. Subsequently, this intervention in how we understand the history of economic development shows how land has been a site of constant struggle between Choctaws and the settler society that built itself upon their lands. In addition to illustrating the mechanisms by which Choctaws were dispossessed of their lands, this version of history that I have researched and written also gives us a critical perspective on economic development.

As it turned out, the coal mining industry as it was regulated ultimately contributed to an increase in challenges to Choctaw sovereignty after 1876. Although Choctaw leaders sought to use economic development for education, individuals with deep interests in the system of private property undermined the very sovereignty that made their riches possible.

J. J. McAlester's role in developing Choctaw Nation's mining industry is one major turning point in bringing the notion of individualized land ownership at a large scale to Choctaw Nation. The Choctaw Nation's usage of coal mining as economic development was a critical move that would have lasting unintended repercussion. It created an opening that white settlers would later be exploited to takeover of Choctaw lands as part of their effort in brining Indian Territory into the United States through the creation of a new state. These efforts by settlers ultimately limit Choctaw Nation's ability to govern its own lands today. I recount this history here because history is *not just* multiple narratives about the past that we can learn from. They also have important political force and *do* critical work in lending a sense of legitimacy to settler sovereignty. With an ethnographic eye towards archives and historical production, we can see their integral role in maintaining Indigenous land dispossession. Furthermore, it has a great to deal with why, despite plentiful archival sources, this history is obscured. Therefore, with my

new interpretations of archival material used to write a history that answers questions about the relationship between economic development, property, and land dispossession, I also produce work that upholds and supports the Indigenous sovereignty that makes the lives of my interlocutors easier.

CONCLUSION

> "I intend it to show that the disregarded sometimes live the most remarkable lives, but there's so much we have to unsee to see that in its entirety."
>
> Billy-Ray Belcourt, *A Minor Chorus* (2022)

In 1993, linguistics doctoral student Robert Williams came to live in the home of Juanita Baker (née Billy) so he could study structural changes to Choctaw language within different generations of speakers (1995). For months, he lived in her house and accompanied her when she would go out as part of his fieldwork with Choctaw first language speakers. She introduced him to her family and friends, who he would recruit for his study. In the end, Williams worked with 25 Choctaw speakers for his dissertation project. To assist in his analysis of the language data that he collected, Williams solicited Juanita's sister-in-law Edith Gem (née Baker) of Long Beach, California to consult on his research. In addition to the knowledge she shared, Edith left her mark on his work by using the names of her two grandchildren, Matthew and Barbara, in example sentences. As mentioned in Chapter 3, anthropologist Sandra Faiman-Silva came to McCurtain County in 1988 to study Choctaws and received help from Choctaw Nation District 2 Councilman Billy-Paul Baker – a cousin-in-law to Juanita. He introduced Faiman-Silva to people and communities in his district who she wrote about in her dissertation and later book. Also mentioned in Chapter 3, University of Oklahoma archaeologist Don Wycoff arrived in McCurtain County in 1964 to excavate the areas that the US Army Corps had planned to inundate with water after constructing new hydroelectric dams. During a couple of those summers dedicated to excavating, my uncle and dad got part-time jobs helping with the Broken Bow dam excavations. This work laid the literal foundation for the rise of Hochatown and tourism in the region that has contributed to housing insecurity. Being involved in the acquisition

of knowledge about Choctaw people, culture and lands was apparently nothing unfamiliar to individuals in the Baker family.

By the time I began studying Choctaw history in 2016, my grandmother Juanita, aunt Edith and cousin Billy-Paul had all passed. In the process of reading archived correspondence and published works on Choctaws, I could once again encounter traces of their presence, knowledge, and advocacy to ensure the longevity of the Choctaw way of life they had known all their lives and brought into my own. When I asked family members what they remembered of these researchers who came to our community, lived with our family, and whose research careers benefited from the knowledge held by Choctaw people, many could not recall them. While my dad did not remember the name of the researcher that lived with my grandmother Juanita, he did recall that Williams gave her a copy of his dissertation. Aside from that, no one could remember much about them or their studies aside from the fact that they were studying the language. It was almost as if they had never come in the first place. The non-legacy of their work on the everyday lives of Choctaw people showed me that I wanted the opposite for my own work with Choctaw people.

Numerous Choctaw individuals throughout history have contributed to the scholarly study of them as a people. They served as informants to scholars and casual students of Choctaw life like Swanton, Halbert, Cushman, Foreman, and Debo. Early Choctaw scholars like Muriel and Allen Wright were also historians, albeit their accounts of Choctaw history were told through the lens of their own class experiences. The Wrights demonstrated an entitlement to speak for all Choctaw experiences despite their evident class experiences that consequently narrowed their understanding of the experiences of other Choctaw community members that found themselves in different sets of living conditions (Loughlin 2005). The more everyday Choctaw community

accounts were much more difficult to find, and they were who I searched for, hoping for a morsel of a story associated with someone I grew up with. As I tried to figure out the real places associated with ethnographic pseudonyms, compared written accounts of the layout of people's houses with the houses of people I knew (or very often, their grandparents), and asked around about the details of people's lives whenever I came across stories that seemed familiar, I was always searching for the Choctaws and communities that I knew in published works. When considered alongside my experiences with seeing family and friends' knowledge of Choctaw life undervalued or not respected as the critical knowledge that it is, I sought to highlight and show others the significance of the things that they had done to maintain Choctaw ways throughout their lives.

In this dissertation, I have made four key arguments to understand the challenges and paradoxes of contemporary Choctaw economic development: 1) the political antagonism of tribal-state relations in Oklahoma greatly informed the creation of laws that undermine tribal sovereignty are the root cause for the impoverishment of Choctaw people; 2) Choctaw economic development undertaken by today's Choctaw Nation of Oklahoma responds to the impoverishment caused by tribal-state political antagonism but despite that, contemporary individual Choctaw people's struggles with land ownership reveal the limits of Choctaw and broader American Indian economic development; 3) the histories that are cited in the creation of laws that undermine Choctaw sovereignty demonstrate an ideological commitment to the Western system of private property which was tooled to ensure Indigenous land dispossession for the creation of the settler society that is now the United State; 4) crafting a history of Choctaw people that is rooted in Choctaw philosophies and ways of being have to be attentive to how private property came to be normalized among Choctaw people.

Through an ethnographic account of contemporary Choctaw economic development that drew on not only archival research on the events of history but the material impact of historiography, I have shown how despite fantastical economic successes that are shared locally, Choctaw Nation's assertions of its sovereignty over its territory – which was long-thought to be settled – poses an existential threat to settler entities that have higher stakes at the more local state level. These, I show, are deeply rooted in concepts that are foundational to modern society, particularly that of private property. Private property, as it is deployed in settler society and throughout the world today, is at odds with the Choctaw philosophies that informed Choctaw life. But in studying property through Choctaw experiences reveals its deeply colonial function that has in turn shaped contemporary society and world.

Through the experiences of Oklahoma Choctaw people who have contended with Choctaw land dispossession in various forms throughout their lives, I have worked to show that Choctaw sovereignty resides in its people. Despite the US government's efforts to abolish, diminish, and constrain their ability to exercise that sovereignty, it endures. While interlopers, government officials and scholars can collude to claim that their governments no longer existed, Choctaw people continued to live as Choctaw people. They are the ones who have maintained Choctaw sovereignty by continuing to gather, speak the language, and raise new generations of Choctaw people according to the philosophies that their ancestors lived by in a new context. A tribal government could be almost inconsequential to them as they continued to live as Choctaws – which Chapter 1's stories of Tody, Dora and Betsy testify to. They lived through grinding poverty and difficult times, but these were also some of the happiest times of their life because they could just be Choctaw people. And when the time came when their knowledge of Choctaw ways became valued for what it was, they have kindly shared their knowledge to help revitalize

old ways for the benefit of all Choctaw people. Doing this has also helped to change wider understanding of the past and how history had been narrated, which I have offered in this dissertation.

In examining the ramifications of these scholars' claims and providing a corrective for their errors as part of an effort to help tribal members gain an understanding of the past grounded in Choctaw philosophies, I have shown that the influence of academic scholarship is never far from Choctaw people's daily lives. Reflecting on the limits of contemporary Choctaw economic development that Choctaw people contend with daily, I assert the everlasting significance of history on the struggles that people face today. In the state of Oklahoma, Native history – especially that of the Five Tribes – is constantly contested. It is evident that settlers cannot simply act as though Indigenous nations do not exist because very often, these nations are the very entities propping up the state financially, politically and infrastructurally. The longevity of the problem of the Five Tribes for the State of Oklahoma from its inception to the present that I have shown illustrates how Indigenous sovereignty that makes possible that of the state. Furthermore, the purported decline of the Five tribes that is constantly written about but does not actually exist in practice reveals the high stakes of Indigenous sovereignty. Despite popular emphasis on the pioneers and their land runs, Indigenous sovereignty in this region made the state of Oklahoma possible. This history cannot be omitted, and thus for settler sovereignty which claimed authority over "incapable" and "uncivilized" Native people, history became a site in which the Five Tribes and their sovereignty could be undermined. Consequently, it is the responsibility of a Choctaw historian to account for this in their own modes of historical production.

Nevertheless, writing Choctaw history is no simple task. Just because a Choctaw person studies history does not it mean that the history they write is automatically a Choctaw history. Rather, I have worked in this dissertation to show that writing Choctaw history entails understanding the full scope of Choctaw history and draws on the political philosophies that generations of Choctaw worked to maintain into the present. It entails reading existing texts against the grain and it takes time and consultation. And for all that work, it remains one interpretation of Oklahoma Choctaw. Not all Choctaw people will necessarily agree with its core arguments or even some its basic premises, but that is for Choctaw people to contend with, and I welcome it.

In writing an Oklahoma Choctaw history, I have been attentive to what many Critical Indigenous Studies scholars call for: knowledge production that centers Indigenous epistemologies, or Indigenous ways of knowing of the world (Andersen 2009; Dennison 2012; Moreton-Robinson 2016; A. Simpson 2014; Warrior 1994). In this mode of scholarship that examines the world from Indigenous peoples' specific understandings of the world, this means that writing a Choctaw history has to come from an understanding of longstanding Choctaw values, which are not necessarily the same as those in the contemporary capitalist society that Choctaw people live in and contend with today. Writing history in this way also provides a different kind of critique that is grounded in centuries of Choctaw experiences in the world and is true to the Choctaw people's beliefs before settlers dominated the land and imposed their way of thinking onto the world in such a sustained way that it has become seen as empirical. In Chapter 3, I gleaned a Choctaw philosophy of being in the world and how private property is at odds with that philosophy that guides generations of Choctaw people.

Lastly, this dissertation has been a rebuttal of the scholarship written about Choctaws that does not fully understand their lives and experiences and the full history of their ancestors. It shows that while one can read existing scholarship, if it is not aware and critical of the conditions in which knowledge is produced, that scholarship can become a tool in the project of settlement. This is what canonical works on Choctaw people ultimately did. Colonial ways of knowing Indigenous people structure how Choctaw people have been made known to the world and that has to be actively considered in the practice of historical production. Writing Choctaw history that is attentive to the contradictions and complexities of that history requires working with the entirety of the vast archival material that exists with Choctaw rather than select parts of it. The very unique aspects of Choctaw political and social organization matter to the contours of our history. Attentiveness to that history reveals the uneven ways that colonialism finds expression and how it bears on the contemporary conditions with which Choctaw people today must contend. In other words, the specificities and nuances in how Choctaw history is understood and how it can be examined are integral for gleaning insights into the making of the modern world. From Choctaw history that integrates Choctaw philosophies, we can also learn about the nature of law, jurisdiction, and sovereignty as they developed in a settler state and exported across the world.

BIBLIOGRAPHY

Abel, Annie Heloise. 1993. *The American Indian and the End of the Confederacy, 1863-1866*. 1st edition. Lincoln: University of Nebraska Press.

Adams-Campbell, Melissa, Ashley Glassburn Falzetti, and Courtney Rivard. 2015. "Introduction: Indigeneity and the Work of Settler Archives." *Settler Colonial Studies* 5 (2): 109–16. https://doi.org/10.1080/2201473X.2014.957256.

Akee, Randall K. Q., Katherine A. Spilde, and Jonathan B. Taylor. 2015. "The Indian Gaming Regulatory Act and Its Effects on American Indian Economic Development." *The Journal of Economic Perspectives* 29 (3): 185–208.

Akers, Donna L. 2004. *Living in the Land of Death: The Choctaw Nation, 1830-1860*. East Lansing: Michigan State University Press.

Allison, James Robert. 2015. *Sovereignty for Survival: American Energy Development and Indian Self-Determination*. New Haven: Yale University Press.

Andersen, Chris. 2009. "Critical Indigenous Studies: From Difference to Density." *Cultural Studies Review* 15 (2): 80–100. https://doi.org/10.5130/csr.v15i2.2039.

Arista, Noelani. 2020. "Ka Waihona Palapala Manaleo: Research in a Time of Plenty: Colonialism and the Hawaiian Language Archives." In *Indigenous Textual Cultures: Reading and Writing in the Age of Global Empire*, edited by Tony Ballatyne, Lachy Paterson, and Angela Wanhalla, 31–59. Durham: Duke University Press.

Axel, Brian Keith. 2002. *From the Margins: Historical Anthropology and Its Futures*. Durham N.C.: Duke University Press.

Baird, W. David. 1986. *Peter Pitchlynn: Chief of the Choctaws*. Norman: University of Oklahoma Press.

Baker, Lee D. 1998. *From Savage to Negro: Anthropology and the Construction of Race, 1896-1954*. Berkeley: University of California Press.

———. 2010. *Anthropology and the Racial Politics of Culture*. Durham NC: Duke University Press.

Baker, Megan. 2017. "(Re)Developing Sovereignty: Choctaw Reconfigurations of Culture and Politics through Economic Development in Oklahoma." Master's thesis, UCLA. https://escholarship.org/uc/item/9148g45r.

———. 2021. "I Do What I Do for the Language: Land and Choctaw Language and Cultural Revitalization." In *Allotment Stories: Indigenous Land Relations Under Settler Siege*. Minneapolis: University of Minnesota Press.

Banner, Stuart. 2007. *How the Indians Lost Their Land: Law and Power on the Frontier*. Cambridge, Mass.: Belknap Press.

Barker, Joanne. 2017. "Introduction: Critically Sovereign." In *Critically Sovereign: Indigenous Gender, Sexuality, and Feminist Studies*, 1–44. Durham: Duke University Press.

Berman, Tressa. 2003. *Circle of Goods: Women, Work, and Welfare in a Reservation Community*. Albany: SUNY Press.

Bhandar, Brenna. 2018. *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*. Durham: Duke University Press.

Biolsi, Thomas. 2001. *Deadliest Enemies: Law and the Making of Race Relations on and off Rosebud Reservation*. Berkeley: University of California Press.

Biskinik. 2018. "Broken Bow Stickball Field Honors Man Who Helped Keep Chahta Culture Alive," October 2018. https://choctawschool.com/home-side-menu/history/broken-bow-stickball-field-honors-man-who-helped-keep-chahta-culture-alive.aspx.

Blackhawk, Ned. 2008. *Violence over the Land: Indians and Empires in the Early American West*. Cambridge: Harvard University Press.

Blackman, Jon S. 2013. *Oklahoma's Indian New Deal*. Norman: University of Oklahoma Press.

Boxell, Mark. 2021. "From Native Sovereignty to an Oilman's State: Land, Race, and Petroleum in Indian Territory and Oklahoma." *The Journal of the Gilded Age and Progressive Era* 20 (2): 216–33. https://doi.org/10.1017/S1537781420000808.

Braun, Sebastian Felix. 2013. *Buffalo Inc.: American Indians and Economic Development*. Reprint edition. University of Oklahoma Press.

Brewer, Graham Lee. 2020. "The Cherokee Nation Once Fought to Disenroll Gov. Kevin Stitt's Ancestors." *High Country News*, February 24, 2020. https://www.hcn.org/articles/indigenous-affairs-the-cherokee-nation-once-fought-to-disenroll-gov-kevin-stitts-ancestors.

Broadwell, George Aaron. 2006. *A Choctaw Reference Grammar*. Lincoln: University of Nebraska Press.

Burton, Antoinette, ed. 2006. *Archive Stories: Facts, Fictions, and the Writing of History*. Durham: Duke University Press.

Burton, Jeffrey. 1997. *Indian Territory and the United States, 1866–1906: Courts, Government, and the Movement for Oklahoma Statehood*. Revised Edition. Norman: University of Oklahoma Press.

Byrd, Jodi. 2011. *The Transit of Empire: Indigenous Critiques of Colonialism*. Minneapolis: University of Minnesota Press.

Carleton, Kenneth. 2001. "Foreward." In *Source Material for the Social and Ceremonial Life of the Choctaw Indians*, v–x. Tuscaloosa: University of Alabama Press.

Carson, James Taylor. 1997. "From Corn Mothers to Cotton Spinners: Continuity in Choctaw Women's Economic Life, A.D. 950-1830." In *Women of the American South: A Multicultural Reader*, 8–25. New York: NYU Press.

———. 1999. *Searching for the Bright Path: The Mississippi Choctaw from Prehistory to Removal*. Lincoln: University of Nebraska Press.

Carter, Kent. 1999. *The Dawes Commission: And the Allotment of the Five Civilized Tribes, 1893-1914*. Orem: Ancestry Publishing.

Castile, George Pierre, and Robert L. Bee. 1992. "Introduction." In *State and Reservation*, 1–9. Tucson: The University of Arizona Press.

Cattelino, Jessica R. 2008. *High Stakes: Florida Seminole Gaming and Sovereignty*. Durham: Duke University Press.

———. 2010. "The Double Bind of American Indian Need-Based Sovereignty." *Cultural Anthropology* 25 (2): 235–62.

———. 2011. "'One Hamburger at a Time': Revisiting the State-Society Divide with the Seminole Tribe of Florida and Hard Rock International." *Current Anthropology* 52 (S3): S137–49. https://doi.org/10.1086/656556.

———. 2018. "From Locke to Slots: Money and the Politics of Indigeneity." *Comparative Studies in Society and History* 60 (2): 274–307. https://doi.org/10.1017/S0010417518000051.

Chakrabarty, Dipesh. 2007. *Provincializing Europe: Postcolonial Thought and Historical Difference - New Edition*. Princeton: Princeton University Press.

Chang, David A. 2011. "Enclosures of Land and Sovereignty: The Allotment of American Indian Lands." *Radical History Review*, no. 109 (January): 108–19. https://doi.org/10.1215/01636545-2010-018.

Coleman, Louis. 1996. *Cyrus Byington: Missionary and Choctaw Linguist*. Kearney: Morris Publishing.

Colley, Brook. 2018. *Power in the Telling: Grand Ronde, Warm Springs, and Intertribal Relations in the Casino Era*. Seattle: University of Washington Press.

Conklin, Beth A., and Laura R. Graham. 1995. “The Shifting Middle Ground: Amazonian Indians and Eco-Politics.” *American Anthropologist* 97 (4): 695–710. https://doi.org/10.1525/aa.1995.97.4.02a00120.

Cook, Kealani, Nick Estes, Christine M. DeLucia, Alicia Ivonne Estrada, Amber Hickey, Rauna Kuokkanen, Forrest Hylton, et al. 2021. *Violence and Indigenous Communities: Confronting the Past and Engaging the Present*. Edited by Susan Sleeper-Smith, Jeff Ostler, and Joshua L. Reid. Evanston, Illinois: Northwestern University Press.

Cook-Lynn, Elizabeth. 1996. “American Indian Intellectualism and the New Indian Story.” *American Indian Quarterly* 20 (1): 57–76. https://doi.org/10.2307/1184942.

Cornell, Stephen E., and Joseph P. Kalt. 1998. “Sovereignty and Nation-Building: The Development Challenge in Indian Country Today.” *American Indian Culture and Research Journal* 22 (3): 187–214. https://doi.org/10.17953/aicr.22.3.lv45536553vn7j78.

———. 2003. “Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations.” Tucson, Ariz.; Cambridge, MA: Native Nations Institute; Harvard Project on American Indian Economic Development. https://nnigovernance.arizona.edu/sites/default/files/attachments/text/JOPNAs/2003_CORNELL_kalt_JOPNA_reloadingdice.pdf.

Corntassel, Jeff, and Richard C. Witmer, II. 2011. *Forced Federalism: Contemporary Challenges to Indigenous Nationhood*. Norman: University of Oklahoma Press.

Coulthard, Glen, and Leanne Betasamosake Simpson. 2016. “Grounded Normativity / Place-Based Solidarity.” *American Quarterly* 68 (2): 249–55. https://doi.org/10.1353/aq.2016.0038.

Cronon, William. 1983. *Changes in the Land: Indians, Colonists and the Ecology of New England*. New York: Hill and Wang.

Curley, Andrew. 2023. *Carbon Sovereignty: Coal, Development, and Energy Transition in the Navajo Nation*. Tucson: University of Arizona Press.

Cushman, Horatio Bardwell. 1899. *History of the Choctaw, Chickasaw, and Natchez Indians*. University of Oklahoma Press.

Dean, Kyle D. 2018. “Choctaw Nation of Oklahoma 2018 Economic Impact.” Choctaw Nation of Oklahoma. https://www.growchoctaw.com/doingbusiness/economic-impact/.

Debo, Angie. 1973. *And Still the Waters Run*. Reprint edition. Princeton, NJ: Princeton University Press.

———. 1975. *The Rise and Fall of the Choctaw Republic*. Norman: University of Oklahoma Press.

Deloria, Jr., Vine, and Clifford M. Lytle. 1998. *The Nations Within: The Past and Future of American Indian Sovereignty*. Reissue edition. Austin: University of Texas Press.

Deloria, Philip J. 1999. *Playing Indian*. New Haven: Yale University Press.

Dennison, Jean. 2012. *Colonial Entanglement: Constituting a Twenty-First-Century Osage Nation*. Chapel Hill: The University of North Carolina Press.

Denson, Andrew. 2015. *Demanding the Cherokee Nation: Indian Autonomy and American Culture, 1830-1900*. Reprint Edition. University of Nebraska Press.

Derosier, Arthur H. 1981. *The Removal of the Choctaw Indians*. Knoxville, Tenn.: University of Tennessee Press.

Desanti, Brady J. 2012. "Arriving at a Common Groud: John Reed Swanton and American Anthropology." Ph.D. dissertation, University of Kansas.

Dirks, Nicholas B., ed. 1992. *Colonialism and Culture*. Ann Arbor: University of Michigan Press.

Escobar, Arturo. 2011. *Encountering Development: The Making and Unmaking of the Third World*. Princeton: Princeton University Press.

Estes, Nick. 2019. *Our History Is the Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance*. S.l.: Verso.

Estes, Nick, Melanie Yazzie, Jennifer Nez Denetdale, and David Correia. 2021. *Red Nation Rising: From Bordertown Violence to Native Liberation*. Oakland: PM Press.

Faiman-Silva, Sandra. 1997. *Choctaws at the Crossroads: The Political Economy of Class and Culture in the Oklahoma Timber Region*. Lincoln: University of Nebraska Press.

———. 1988. "Tribal Land to Private Land: A Century of Oklahoma Choctaw Timberland Alienation from the 1880s to the 1980s." *Forest & Conservation History* 32 (4): 191–204. https://doi.org/10.2307/4005036.

Federici, Silvia. 2004. *Caliban and the Witch*. Brooklyn: Autonomedia.

Fenton, William N. 1959. "John Reed Swanton 1873–1958." *American Anthropologist* 61 (4): 663–68. https://doi.org/10.1525/aa.1959.61.4.02a00120.

Finch, Aisha K. 2015. *Rethinking Slave Rebellion in Cuba: La Escalera and the Insurgencies of 1841-1844*. Chapel Hill: The University of North Carolina Press.

Fixico, Donald L. 1990. *Termination and Relocation: Federal Indian Policy, 1945-1960*. University of New Mexico Press.

Ford, Lisa. 2011. *Settler Sovereignty: Jurisdiction and Indigenous People in America and Australia, 1788–1836*. Harvard University Press.

Foreman, Grant. 1971. *The Five Civilized Tribes: Cherokee, Chickasaw, Choctaw, Creek, Seminole*. Norman: University of Oklahoma Press.

———. 1974. *Indian Removal: The Emigration of the Five Civilized Tribes of Indians*. Norman: University of Oklahoma Press.

Fortney, Jeffrey L. 2014. "Robert Jones and the Choctaw Nation: Indigenous Nationalism in the American South, 1820-1877." Ph.D. dissertation, Norman, OK: University of Oklahoma.

———. 2016. "Serving the Choctaw Cause: Robert M. Jones, Sovereignty, and Pragmatic Diplomacy During the American Civil War." *American Nineteenth Century History* 17 (2): 215–33. https://doi.org/10.1080/14664658.2016.1215016.

Galloway, Patricia K. 1986. "The Direct Historical Approach and Early Historical Documents: The Ethnohistorian's View." In *The Protohistoric Period in the Mid-South: 1500-1700: Proceedings of the 1983 Mid-South Archaeological Conference*, edited by David H. Dye and Ronald C. Brister, 14–23. Jackson: Mississippi Department of Archives and History.

———. 1998. *Choctaw Genesis, 1500-1700*. Lincoln: University of Nebraska Press.

Gittinger, Roy. 1917. *The Formation of the State of Oklahoma (1803-1906)*. Berkeley: University of California Press.

Goble, Danney. 1980. *Progressive Oklahoma: The Making of a New Kind of State*. Norman: University of Oklahoma Press.

Gunning, I.C. 1975. *When Coal Was King: Coal Mining Industry in the Choctaw Nation*. Eastern Oklahoma Historical Society.

Haag, Marcia, and Henry Willis. 2001. *Choctaw Language and Culture: Chahta Anumpa, Volume 1*. Norman, OK: University of Oklahoma Press.

———. 2007. *Choctaw Language and Culture: Chahta Anumpa, Volume 2*. Volume 2 edition. Norman, Okla: University of Oklahoma Press.

Halbert, Henry S. 1902. "Story of the Treaty of Dancing Rabbit Creek." *Publications of the Mississippi Historical Society* 6: 373–402.

Haley, Sarah. 2016. *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity*. Chapel Hill: The University of North Carolina Press.

Hamalainen, Pekka. 2009. *The Comanche Empire*. New Haven: Yale University Press.

Hardin, Randi Dawn Gardner. 2015. “Hello Choctaw! : Termination, Self-Determination, and Choctaw Tribal Governance.” MA Thesis, University of Oklahoma. https://shareok.org/handle/11244/323756.

Harmon, Alexandra. 2013. *Rich Indians: Native People and the Problem of Wealth in American History*. Chapel Hill, NC: The University of North Carolina Press.

———. 2019. *Reclaiming the Reservation: Histories of Indian Sovereignty Suppressed and Renewed*. Illustrated edition. Seattle: University of Washington Press.

Hartman, Saidiya. 1997. *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*. New York: Oxford University Press.

———. 2008. “Venus in Two Acts.” *Small Axe: A Caribbean Journal of Criticism* 12 (2): 1–14. https://doi.org/10.1215/-12-2-1.

Harvard Project on American Indian Economic Development. 2007. *The State of the Native Nations: Conditions under U.S. Policies of Self-Determination*. 1 edition. New York: Oxford University Press.

Hightower, Michael J. 1984. “Cattle, Coal and Indian Land: A Tradition of Mining in Southeastern Oklahoma.” *Chronicles of Oklahoma* 62 (1): 4–25.

———. 2013. *Banking in Oklahoma Before Statehood*. First Edition. Norman: University of Oklahoma Press.

Hosmer, Brian C. 1999. *American Indians in the Marketplace: Persistence and Innovation Among the Menominees and Metlakatlans, 1870-1920*. Reprint edition. Lawrence: University Press of Kansas.

Hosmer, Brian C., and Colleen O’Neill. 2004. *Native Pathways: American Indian Culture and Economic Development in the Twentieth Century*. Boulder: University Press of Colorado.

Hoss, Aila. 2020. “COVID-19 and Tribes: The Structural Violence of Federal Indian Law.” *Arizona State Law Journal* Online 2. https://doi.org/10.2139/ssrn.3674261.

Hoxie, Frederick E. 2001. *A Final Promise: The Campaign to Assimilate the Indians, 1880-1920*. Lincoln: University of Nebraska Press.

Hurtado, Albert L. 2001. “Romancing the West in the Twentieth Century: The Politics of History in a Contested Region.” *Western Historical Quarterly* 32 (4): 417–35. https://doi.org/10.2307/3650800.

Jorgensen, Miriam, ed. 2007. *Rebuilding Native Nations: Strategies for Governance and Development*. Tucson: University of Arizona Press.

Justice, Daniel Heath, and Jean M. O'Brien, eds. 2022. *Allotment Stories: Indigenous Land Relations under Settler Siege*. Minneapolis: University of Minnesota Press.

Karuka, Manu. 2019. *Empire's Tracks: Indigenous Nations, Chinese Workers, and the Transcontinental Railroad*. Oakland: University of California Press.

Kauanui, J. Kehaulani. 2008. *Hawaiian Blood: Colonialism and the Politics of Sovereignty and Indigeneity*. Durham: Duke University Press.

———. 2016. "'A Structure, Not an Event': Settler Colonialism and Enduring Indigeneity." *Lateral* 5 (1). https://doi.org/10.25158/L5.1.7.

———. 2018. *Paradoxes of Hawaiian Sovereignty: Land, Sex, and the Colonial Politics of State Nationalism*. Durham: Duke University Press.

Kennedy, Deanna M., Charles F. Harrington, Amy Klemm Verbos, Daniel Stewart, Joseph Scott Gladstone, and Gavin Clarkson, eds. 2017. *American Indian Business: Principles and Practices*. Seattle: University of Washington Press.

Kickham, Elizabeth A. 2015. "Purism, Prescriptivism, and Privilege: Choctaw Language Ideologies and Their Impact on Teaching and Learning." University of Oklahoma.

Kidwell, Clara Sue. 1997. *Choctaws and Missionaries in Mississippi, 1818–1918*. Revised edition. Norman: University of Oklahoma Press.

———. 2007. "Terminating the Choctaws." In *Beyond Red Power: American Indian Politics and Activism since 1900*, edited by Daniel M. Cobb and Loretta Fowler, 126–41. Santa Fe: School for Advanced Research Press.

———. 2008. *The Choctaws in Oklahoma: From Tribe to Nation, 1855–1970*. Norman: University of Oklahoma Press.

Kiel, Doug. 2019. "Nation v. Municipality: Indigenous Land Recovery, Settler Resentment, and Taxation on the Oneida Reservation." *Native American and Indigenous Studies* 6 (2): 51–73. https://doi.org/10.5749/natiindistudj.6.2.0051.

Krauthamer, Barbara. 2015. *Black Slaves, Indian Masters: Slavery, Emancipation, and Citizenship in the Native American South*. Chapel Hill: University of North Carolina Press.

La Vere, David. 2001. *Contrary Neighbors: Southern Plains and Removed Indians in Indian Territory*. Norman: University of Oklahoma Press.

Lambert, Valerie. 2007. "Political Protest, Conflict, and Tribal Nationalism: The Oklahoma Choctaws and the Termination Crisis of 1959-1970." *American Indian Quarterly* 31 (2): 283–309.

———. 2009. *Choctaw Nation: A Story of American Indian Resurgence*. Lincoln: University of Nebraska Press.

Leeds, Stacy L. 2007. "Defeat or Mixed Blessing - Tribal Sovereignty and the State of Sequoyah." *Tulsa Law Review* 43 (1): 5–16.

Leibhardt, Barbara. 1991. "Allotment Policy in an Incongruous Legal System: The Yakima Indian Nation as a Case Study, 1887-1934." *Agricultural History* 65 (4): 78–103.

Lewis, Courtney. 2019. *Sovereign Entrepreneurs: Cherokee Small-Business Owners and the Making of Economic Sovereignty*. Chapel Hill: University of North Carolina Press.

Light, Steven Andrew. 2008. "Indian Gaming and Intergovernmental Relations: State-Level Constraints on Tribal Political Influence Over Policy Outcomes." *The American Review of Public Administration* 38 (2): 225–43. https://doi.org/10.1177/0275074007304384.

Light, Steven Andrew, and Kathryn R. L. Rand. 2005. *Indian Gaming and Tribal Sovereignty: The Casino Compromise*. Lawrence, Kan.: University Press of Kansas.

Littlefield, Jr, Daniel F. 1980. *The Chickasaw Freedmen: A People Without a Country*. First Edition. Westport, Conn: Praeger.

Loughlin, Patricia. 2005. *Hidden Treasures of the American West: Muriel H. Wright, Angie Debo, and Alice Marriott: Loughlin, Patricia: 9780826338020: Amazon.Com: Books*. Albuquerque: University of New Mexico Press. https://www.amazon.com/Hidden-Treasures-American-West-Marriott/dp/082633802X.

Masterson, V. V. 1988. *The Katy Railroad and the Last Frontier*. Reissue edition. Columbia: University of Missouri.

McCarthy, Theresa. 2016. *In Divided Unity: Haudenosaunee Reclamation at Grand River*. Tucson: University of Arizona Press.

Meister, Alan P., Kathryn R. L. Rand, and Steven Andrew Light. 2009. "Indian Gaming and beyond: Tribal Economic Development and Diversification." *South Dakota Law Review* 54: 375.

Meserve, John Bartlett. 1936. "Coleman Cole." *Chronicles of Oklahoma* 14 (1): 9–21.

Meyer, Melissa L. 1999. *The White Earth Tragedy: Ethnicity and Dispossession at a Minnesota Anishinaabe Reservation, 1889–1920*. Lincoln: Bison Books.

Mihesuah, Devon A. 2009. *Choctaw Crime and Punishment, 1884–1907*. Norman: University of Oklahoma Press.

Miller, Robert J. 2013. *Reservation Capitalism: Economic Development in Indian Country*. Lincoln: Bison Books.

Miller, Robert J., and Torey Dolan. 2020. "The Indian Law Bombshell: McGirt v. Oklahoma." SSRN Scholarly Paper ID 3670425. Rochester, NY: Social Science Research Network. https://doi.org/10.2139/ssrn.3670425.

Milligan, James C. 2003. *The Choctaw of Oklahoma*. Abilene: H. V. Chapman.

Miner, H. Craig. 1989. *The Corporation and the Indian: Tribal Sovereignty in Indian Territory, 1865–1907*. Norman: University of Oklahoma Press.

Mitchell, Timothy. 2002. *Rule of Experts: Egypt, Techno-Politics, Modernity*. Berkeley: University of California Press.

Mohawk, John C. 1991. "Indian Economic Development: An Evolving Concept of Sovereignty." *Buffalo Law Review* 39 (2).

Montoya, Teresa. 2019. "#WeNeedANewCounty: Enduring Division and Conquest in the Indigenous Southwest." *Journal for the Anthropology of North America* 22 (2): 75–78. https://doi.org/10.1002/nad.12116.

Moreton-Robinson, Aileen. 2015. *The White Possessive: Property, Power, and Indigenous Sovereignty*. Minneapolis: University of Minnesota Press.

———, ed. 2016. "Introduction." In *Critical Indigenous Studies: Engagements in First World Locations*. Tucson: University of Arizona Press.

Morrison, James D. 2016. *Schools for the Choctaws*. Durant: Ameba Publishing.

———. 2019. *The Choctaw Constitutions*. Durant: Choctaw Nation of Oklahoma.

Mt. Pleasant, Alyssa, Caroline Wigginton, and Kelly Wisecup. 2018. "Materials and Methods in Native American and Indigenous Studies: Completing the Turn." *Early American Literature* 53 (2): 407–44. https://doi.org/10.2307/90022198.

Nichols, Robert. 2018. "Theft Is Property! The Recursive Logic of Dispossession." *Political Theory* 46 (1): 3–28. https://doi.org/10.1177/0090591717701709.

O'Brien, Greg. 2005. *Choctaws in a Revolutionary Age, 1750-1830*. Lincoln: University of Nebraska Press.

———, ed. 2015. *Pre-Removal Choctaw History: Exploring New Paths*. University of Oklahoma Press.

O'Brien, Jean M. 2010. *Firsting and Lasting: Writing Indians out of Existence in New England*. Minneapolis: University of Minnesota Press.

O'Neill, Colleen. 2004. "Introduction." In *Native Pathways: American Indian Culture and Economic Development in the Twentieth Century*, edited by Brian C. Hosmer and Colleen O'Neill. Boulder: University Press of Colorado.

Osburn, Katherine M. B. 2014. *Choctaw Resurgence in Mississippi: Race, Class, and Nation Building in the Jim Crow South, 1830-1977*. Lincoln: University of Nebraska Press.

Ostler, Jeffrey. 2020. *Surviving Genocide: Native Nations and the United States from the American Revolution to Bleeding Kansas*. New Haven (Conn.): Yale University Press.

Otis, D. S. 1973. *The Dawes Act and the Allotment of Indian Lands*. Edited by Francis Paul Prucha. Reissue edition. University of Oklahoma Press.

Park, K-Sue. 2016. "Money, Mortgages, and the Conquest of America." *Law & Social Inquiry* 41 (4): 1006–35. https://doi.org/10.1111/lsi.12222.

———. 2022. "The History Wars and Property Law: Conquest and Slavery as Foundational to the Field." *The Yale Law Journal*.

Pasternak, Shiri. 2017. *Grounded Authority: The Algonquins of Barriere Lake against the State*. Minneapolis: University of Minnesota Press.

Pesantubbee, Michelene E. 2005. *Choctaw Women in a Chaotic World: The Clash of Cultures in the Colonial Southeast*. Albuquerque: University of New Mexico Press.

Pieratos, Nikki A, Sarah S Manning, and Nick Tilsen. 2021. "Land Back: A Meta Narrative to Help Indigenous People Show up as Movement Leaders." *Leadership* 17 (1): 47–61. https://doi.org/10.1177/1742715020976204.

Pipestem, F. Browning, and G. William Rice. 1978. "The Mythology of the Oklahoma Indians: A Survey of the Legal Status of Indian Tribes in Oklahoma." *American Indian Law Review* 6 (2): 259–328. https://doi.org/10.2307/20068073.

Powell, Dana. 2018. *Landscapes of Power: Politics of Energy in the Navajo Nation*. Durham: Duke University Press.

Raibmon, Paige. 2005. *Authentic Indians: Episodes of Encounter from the Late-Nineteenth-Century Northwest Coast*. Durham: Duke University Press Books.

Ramage, Noah. forthcoming. "Phoenix in the Flame: The Triumph of Cherokee Politics from Reconstruction to Denationalization." Berkeley: University of California, Berkeley.

Reed, Julie L. 2016. *Serving the Nation: Cherokee Sovereignty and Social Welfare, 1800–1907*. Norman: University of Oklahoma Press.

Rifkin, Mark. 2011. *When Did Indians Become Straight?: Kinship, the History of Sexuality, and Native Sovereignty*. New York: Oxford University Press.

Riley, Angela R. 2016. "Crime and Governance in Indian Country." *UCLA Law Review* 63: 1564.

Robbins, William G. 1994. *Colony and Empire: The Capitalist Transformation of the American West*. Revised edition. Lawrence, Kan: University Press of Kansas.

Roberts, Alaina E. 2021. *I've Been Here All the While: Black Freedom on Native Land*. Philadelphia: University of Pennsylvania Press.

Rodney, Walter. 1972. *How Europe Underdeveloped Africa*. Black Classic Press.

Rosier, Paul C. 2004. "Searching for Salvation and Sovereignty: Blackfeet Oil Leasing and the Reconstruction of the Tribe." In *Native Pathways: American Indian Culture and Economic Development in the Twentieth Century*, edited by Brian C. Hosmer and Colleen O'Neill. Boulder: University Press of Colorado.

Ruppel, Kristin T. 2008. *Unearthing Indian Land: Living with the Legacies of Allotment*. Tucson: University of Arizona Press.

Saunt, Claudio. 2020. *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory*. Illustrated edition. New York: W. W. Norton & Company.

Schrems, Suzanne H., and Cynthia J. Wolff. 1991. "Politics and Libel: Angie Debo and the Publication of And Still The Waters Run." *The Western Historical Quarterly* 22 (2): 185–203. https://doi.org/10.2307/969205.

Scott, Kirk. 1999. "The Choctaw 'Net Proceeds' Delegation and the Treaty of 1855." *Fairmount Folio: Journal of History* 3. https://journals.wichita.edu/index.php/ff/article/view/48.

Shirley, Glenn. 1968. *Law West of Fort Smith: A History of Frontier Justice in Indian Territory 1834-1896*. 5th edition. Univ of Nebraska Pr.

Simpson, Audra. 2011. "Settlement's Secret." *Cultural Anthropology* 26 (2): 205–17. https://doi.org/10.1111/j.1548-1360.2011.01095.x.

———. 2014. *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Durham: Duke University Press.

———. 2016. "The State Is a Man: Theresa Spence, Loretta Saunders and the Gender of Settler Sovereignty." *Theory & Event* 19 (4). https://muse.jhu.edu/article/633280.

Simpson, Leanne Betasamosake. 2014. “Land as Pedagogy: Nishnaabeg Intelligence and Rebellious Transformation.” *Decolonization: Indigeneity, Education & Society* 3 (3). https://decolonization.org/index.php/des/article/download/22170.

Smith, Linda Tuhiwai. 2012. *Decolonizing Methodologies: Research and Indigenous Peoples*. 2 edition. London: Zed Books.

Spilde, Katherine A. 1999. “‘Rich Indian’ Racism Is a Direct Attack on Tribal Sovereignty.” *Hocak Worak*.

Stark, Heidi Kiiwetinepinesiik. 2016. “Criminal Empire: The Making of the Savage in a Lawless Land.” *Theory & Event* 19 (4). https://muse.jhu.edu/article/633282.

Stern, Alexandra Elise. 2020. “Reconstructing Indian Territory: Federal vs. Native Power and the Contested Expansion of American Sovereignty, 1861 - 1907.” Ph.D., California: Stanford University.

Steward, Julian H. 1960. *John Reed Swanton 1873-1958*. Washington, DC: National Academy of Sciences.

Stocking, Jr., George W. 2001. *Delimiting Anthropology: Occasional Inquiries and Reflections*. 1st edition. Madison: University of Wisconsin Press.

Stoler, Ann Laura. 1995. *Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial Order of Things*. Durham: Duke University Press.

———. 2002. *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule*. Berkeley: University of California Press.

———. 2010. *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense*. Princeton: Princeton University Press.

Stremlau, Rose. 2011. *Sustaining the Cherokee Family: Kinship and the Allotment of an Indigenous Nation*. Illustrated edition. Chapel Hill: The University of North Carolina Press.

Sturm, Circe. 2002. *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma*. Berkeley: University of California Press.

Swanton, John R. 2018. *Source Material for the Social and Ceremonial Life of the Choctaw Indians*. S.l.: Forgotten Books.

Tanner, Helen Hornbeck. 2007. “In the Arena: An Expert Witness View of the Indian Claims Commission.” In *Beyond Red Power: American Indian Politics and Activism since 1900*, edited by Daniel M. Cobb and Loretta Fowler, 178–200. Santa Fe: School for Advanced Research Press.

Thoburn, Joseph B. 1916. *A Standard History of Oklahoma, Vol. 1: An Authentic Narrative of Its Development From the Date of the First European Exploration Down to the Present Time*. American Historical Society.

Thoburn, Joseph B., and Isaac A. Holcomb. 1908. *A History of Oklahoma*. San Francisco: Doub & Company.

Thompson, Ian. 2019. *Choctaw Food: Remembering the Land, Rekindling Ancient Knowledge*. Durant: Choctaw Nation of Oklahoma.

Trosper, Ronald L. 2022. *Indigenous Economics: Sustaining Peoples and Their Lands*. Tucson: University of Arizona Press.

Trouillot, Michel-Rolph. 1997. *Silencing the Past: Power and the Production of History*. Boston: Beacon Press.

———. 2003. "Anthropology and the Savage Slot: The Poetics and Politics of Otherness." In *Global Transformations*, 7–28. Palgrave Macmillan, New York. https://doi.org/10.1007/978-1-137-04144-9_2.

Tully, James. 1994. "Aboriginal Property and Western Theory: Recovering a Middle Ground*." *Social Philosophy and Policy* 11 (2): 153–80. https://doi.org/10.1017/S0265052500004477.

———. 1995. *Strange Multiplicity: Constitutionalism in an Age of Diversity*. Cambridge ; New York: Cambridge University Press.

Turner, Frederick Jackson. 1920. "The Significance of the Frontier in American History." In *The Frontier in American History*. New York: Henry Holt and Company. https://www.historians.org/about-aha-and-membership/aha-history-and-archives/historical-archives/the-significance-of-the-frontier-in-american-history-(1893).

Vollmann, Tim, and M. Sharon Blackwell. 1989. "Fatally Flawed: State Court Approval of Conveyances by Indians of the Five Civilized Tribes--Time for Legislative Reform." *Tulsa Law Journal* 25 (1): 1–62.

Voss, Robert J. 2013. "Railroads and Coal: Resource Extraction in Indian Territory, 1866-1907." Ph.D., Nebraska: The University of Nebraska - Lincoln.

Wallerstein, Immanuel. 2011. *The Modern World-System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century*. Berkeley, Calif.: University of California Press.

Warrior, Robert. 1994. *Tribal Secrets: Recovering American Indian Intellectual Traditions*. First edition edition. Minneapolis: Univ Of Minnesota Press.

Weiner, Annette B. 1976. *Women of Value, Men of Renown: New Perspectives in Trobriand Exchange*. Austin, Tex: Univ of Texas Pr.

White, Richard. 1983. *The Roots of Dependency: Subsistance, Environment, and Social Change among the Choctaws, Pawnees, and Navajos*. Lincoln: University of Nebraska Press.

———. 1989. "Indians, Outlaws, and Angie Debo. Prod. by Barbara Abrash and Martha Sandlin. Institute for Research in History, 1988. 58 Mins. (PBS Video, 1320 Braddock Place, Alexandria, VA 22314-1698)." *Journal of American History* 76 (3): 1010–12. https://doi.org/10.2307/2936566.

Williams, Robert S. 1999. "Referential Tracking in Oklahoma Choctaw: Language Obsolescence and Attrition." *Anthropological Linguistics* 41 (1): 54–74.

Wolfe, Patrick. 2006. "Settler Colonialism and the Elimination of the Native." *Journal of Genocide Research* 8 (4): 387–409. https://doi.org/10.1080/14623520601056240.

Yarbrough, Fay A. 2021. *Choctaw Confederates: The American Civil War in Indian Country*. Chapel Hill: The University of North Carolina Press.