The 1830 Treaty of Dancing Rabbit Creek:
Native Decision Making in the Creation of an Indian Removal Treaty

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Abstract

The 1830 Indian Removal Act stated that the five major tribes of the southeastern United States were to be removed west of the Mississippi. The Treaty of Dancing Rabbit Creek, created in the same year, was the first treaty signed after the 1830 statute and outlined the removal of the Choctaw Nation in Mississippi. Included in that document is an article, article fourteen, that allows the Choctaw people to stay in Mississippi and become US citizens, something distinctly missing from other removal treaties. The most recent historiography has stated that the inclusion of article fourteen was due to unilateral decision making by US officials. A closer examination of the events leading up to Dancing Rabbit Creek and the almost two week negotiations in Noxubee County, Mississippi finds that Choctaw leadership was the driving factor behind including article fourteen in the Treaty of Dancing Rabbit Creek.
The passage of the Indian Removal Act of 1830 by Congress began the process of pushing the southernmost Native American tribes of the United States to territories west of the Mississippi River. The Treaty of Dancing Rabbit Creek, signed in Noxubee County, Mississippi, in September of the same year, was the first following the Indian Removal Act. This treaty involved the Choctaw Nation, native people originally occupying much of what is present-day Mississippi. In addition to being the first signed after the Indian Removal Act, it also was the only agreement that allowed some native peoples to stay east of the Mississippi. The inclusion of article fourteen in the treaty allowed Choctaw people who wished to stay behind to do so as long as they became US citizens. No other agreement that resulted from the Indian Removal Act included similar terms.¹

Scholarly studies on Choctaw removal have often associated article fourteen with decisions made by US officials. Specifically, historians have argued that the article was included not due to Choctaw leadership negotiation but rather because of US officials unilaterally deciding to place the provision into the treaty. Scholarship on this topic has traditionally looked more broadly at Choctaw removal in the 1830s rather looking more specifically at the treaty making.² Analyzing the events leading up to the signing of the treaty in coordination with letters


² Scholarship on Choctaw removal has traditionally rested heavily on Angie Debo’s original 1934 work, The Rise and Fall of the Choctaw Republic (Norman: University of Oklahoma Press, 1961. First published 1934 by University of Oklahoma Press). Having been produced at a time when there was little other historical analysis of native groups, Debo was unique in looking at social factors and analyzing the Choctaws through the tribe rather than through the lens of US policy. However, because of the uniqueness, strength of writing, and long-term acceptance of this seminal work, little has challenged the arguments made about the treaty of Dancing Rabbit Creek that Debo originated. Most historians since The Rise and Fall
and accounts from participants and bystanders that were present at Dancing Rabbit Creek provides a fuller understanding of the treaty making process. Choctaw leaders were much more active participants than scholarship up until this point has acknowledged. The Choctaws were the driving factor in the inclusion of article fourteen in the Treaty of Dancing Rabbit Creek.

In March of 1830, two months before the passage of the Indian Removal Act, the Choctaw principal chief sent a letter that outlined agreeable terms for the native people in order to facilitate removal negotiation. The Choctaw leaders saw the likelihood of removal policy and acted quickly in order to begin discussing a fair treaty. Soon after this first treaty was sent, in late May of 1830, Congress passed the Indian Removal Act. The act provided for “the relocation of all indigenous people east of the Mississippi River to points west”. The act focused on natives in the southern United States; specifically, the act was targeting the Five Civilized Tribes that had all undergone more vigorous processes of Americanization than other native groups in the US. These tribes were the Cherokees, Chickasaw, Choctaw, Muscogee (Creek), and Seminole. President Andrew Jackson, first elected in 1828, was committed to Indian removal as a major policy early in his presidency. Jackson was the driving force of both pushing the bill through Congress and then enforcing the bill and bringing about removal. Due to his major role and focus on removal, historians treat Jackson as impactful in all facets of the policy. This leads to history on removal being one-sided and lacking depth in how and why intricacies in the policy came about; instead all policy is attributed to Jackson.

have acknowledged Debo, accepted the argument, and used it wholly in their own works, further cementing Debo’s as the correct interpretation.

Arthur DeRosier, a Choctaw historian that often looked at the significance of President Andrew Jackson in the removal period, wrote the 1970 book *The Removal of the Choctaw Indians*. DeRosier does not place much significance in actions taken by Choctaw leaders in the months leading up to Dancing Rabbit Creek. While acknowledging the initial treaty sent by the Choctaw leadership to President Jackson in March 1830, six months before the treaty was signed at Dancing Rabbit Creek, DeRosier does not posit importance on that initial treaty offering. Instead he focuses on discussing how Jackson used the Choctaw removal as an “evolution of . . . [US] policy toward Indians.” However, Jackson’s views on the initial treaty reveal that Choctaw leaders created more power for themselves in the treaty making process. In a May 6 letter to the Senate on the proposed Choctaw treaty, Jackson stated that “the Indians convened of their own accord” and that “some agreement should be concluded with the Indians.” Jackson’s letter to Congress outlined that because of this March treaty, Choctaws should be negotiated with. Furthermore, Jackson described the significance of the Choctaw tribe and that giving the

4 The Literature produced at the time Arthur DeRosier wrote *The Removal of the Choctaw Indians* (Knoxville: University of Tennessee Press, 1970), the early 1970s, focused on Indian removal analyzed Andrew Jackson’s rise to the presidency and the changes he brought to native peoples. In doing so, it often neglects the decision making, agency and the impact native groups had on Jackson and US policy making more generally. Other works that similarly focus on Jackson policy in relation to the Choctaw include W. David Blair’s *Peter Pitchlynn: Chief of the Choctaws* (Norman: University of Oklahoma Press, 1972). In the years following the 1970s, more literature looked through the lens of native positions rather than the ability of Jackson to unilaterally decide Native American policy.

5 The Indian Removal Act was not signed into US law until May 28, 1830. Choctaw leadership began the conversation for creating a removal treaty more than two months before removal was officially US policy.


Choctaws a treaty with liberal terms would be valuable as an example for other tribes: “The Choctaw is one of the most numerous and powerful tribes within our borders, and as the conclusion of a treaty with them may have a controlling effect upon other tribes it is important that its terms should be well considered.”

In preempting the negotiations, and simply because of their status as a tribe, the Choctaw had maneuvered so that President Jackson was more willing to negotiate evenly. By this initial treaty alone the Choctaws have created power and leverage for themselves in the upcoming meeting in Mississippi in September of 1830.

The initial treaty sent by Choctaw officials in March also allowed for the identification of important terms to be included that were especially important for the Choctaw. The Choctaw leaders had created a treaty with fairly grandiose and unrealistic accommodations including “all heads of households . . . receiv[ing] 640 acres each,” and “an ax, plow, hoe, blanked and brass kettle.” While the terms were quite favorable for the Choctaws, President Jackson proposed “accompanying amendments” instead of outright disavowing the treaty. By creating the initial treaty, beginning the negotiations for the terms, and starting with favorable accommodations, the Choctaw leaders situated themselves to have power in the treaty making process. The initial March treaty sent to President Jackson helped to allow for the inclusion of the fourteenth article in the eventual Treaty of Dancing Rabbit Creek.

In the third week of September, 1830, six thousand Choctaw people converged on Noxubee County, Mississippi at the fork in Dancing Rabbit Creek for the treaty negotiations

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8 Ibid.


10 Jackson to U.S. Senate, May 6, 1830.
regarding removal. The six thousand amounted to a significant minority of the Choctaw population, and all social, economic, and regional groups within the Choctaw nation were present. Leading the Choctaw side of the negotiations were two chiefs, Greenwood LeFlore and Mushulatubbee. Earlier in 1830, LeFlore was elected principal chief over the entire nation, a position that had previously not existed. LeFlore was appointed principal chief in anticipation of removal, in order to ensure the tribe was prepared for negotiations with the US government. He was also representative of the Americanized sections of the Choctaw nation as a mixed-blood, landowning farmer in Mississippi. Mushulatubbee, the other main negotiator for the Choctaws at Dancing Rabbit Creek, was dissimilar to LeFlore. Mushulatubbee was pure-blooded and lived a more traditional Choctaw life. Mushulatubbee was the chief of the southern Choctaw towns, in contrast to LeFlore’s northern Choctaw ties. The combination of these two chiefs leading negotiations resulted in a balanced and well-represented Choctaw leadership.

Andrew Jackson sent two of his very trusted aides to Mississippi in order to negotiate with the Choctaws; those two men were John Coffee and John Eaton. Coffee was a militia general from Tennessee, and Eaton was Jackson’s recently appointed Secretary of War. Both men were close friends with President Jackson, Coffee more so, and following the Treaty of Dancing Rabbit Creek, were the primary negotiators for the other treaties that resulted from the Indian Removal Act. Based on letters between Coffee and Jackson, Coffee seemed to be the leader of the two officials as he was the official most often relaying Jackson’s wants to the Choctaws.

After all parties had arrived on the fifteenth of September, the two US officials met with a significant number of Choctaw leaders. While LeFlore and Mushulatubbee were definitively the primary negotiators, there were also “sixty Choctaw councilmen . . . [and] seven Choctaw
female elders” ever-present for the communications with the two US officials. In addition to the sixty councilmen who were relayed information from the English-speaking Mushulatubbee and LeFlore, the female elders were present in order to communicate what had transpired in negotiations to the rest of the six thousand Choctaws at Dancing Rabbit Creek. This immediate diffusion of information displays the egalitarian and democratic nature of Choctaw decision making. The Choctaw were able to create a power dynamic by sheer quantity of people at the event. With the number of councilmen and elders present at the talks with Coffee and Eaton, plus the other six thousand Choctaws present, a sense of scope and strength of the Choctaw nation was impressed upon the US officials, supporting Jackson’s understanding of the Choctaw Nation as “one of the most numerous and powerful.”

While most historians of Choctaw removal describe the treaty making to be one sided, with the US officials having full control and coercing the Choctaw leaders to sign the deal, a closer analysis of the event shows Choctaw similarly participating in the creation of the treaty. In a letter immediately following the signing of the treaty, John Coffee states that “the terms allowed them are liberal . . . yet I think it a good treaty for the U. States.” In acknowledging the favorable terms for both groups, Coffee qualified the negotiations with the Choctaws. Furthermore, if it were true that the US coerced the native leadership, Coffee would have been less willing and have no reason to give the Choctaws liberal terms after almost two weeks of


12 Jackson to US Senate, May 6, 1830.

13 John Coffee to Andrew Jackson, September 29, 1830, Andrew Jackson Papers: Series 1, General Correspondence and Related Items, 1775-1885, Library of Congress Manuscript/Mixed Material.
negotiations. Similarly, in describing the terms as good for the United States after this long deliberation, Coffee is acknowledging the full negotiation process that occurred, that there was back and forth between the two groups and compromise. Due to the timeline of the events at Dancing Rabbit Creek, favorable terms for the Choctaws would not have occurred without native leaders exercising treaty making power.

Another argument historians have used in order to prove the coerciveness of the US officials is to point to Choctaw sadness following the treaty. The Choctaws did not want negotiations to turn to violence with the US, and the signing of the Indian Removal Act in June created an environment where if there was not a treaty signed soon, violence or very poor terms for the Choctaws were likely to befall the native nation from Mississipians eager to claim the natives’ land. Therefore, the Choctaws could be at the same time sad because of the implications of Dancing Rabbit Creek, and simultaneously try to create the best terms for themselves because of the realistic possibility of future catastrophe. Simply because there was “a feeling of sadness [that] seemed to pervade the nation” does not imply that Choctaws were not participants in the creation of the treaty’s terms.\(^\text{14}\) A realistic approach to negotiations in order to gain the best terms for the Choctaw people, like the inclusion of article fourteen, coincided with being upset about having to sign a treaty that cedes away the entirety of the Choctaw homeland.

While most scholarship on Choctaw removal has not placed significant decision making power in the hands of the Choctaw leaders at Dancing Rabbit Creek, historians often acknowledge the larger timeline and events that transpired and simply posit power in the US officials that were present. Dancing Rabbit Creek does not fit as nicely into the broader narrative

\(^{14}\) DeRosier, Removal, 128.
of removal as the other treaties to result from the 1830 Indian Removal Act do.\textsuperscript{15} Instead of having a more forceful, drawn out, or violent interaction with US officials due to the US pushing removal upon the southeastern tribes, the Choctaws were fairly quick and more willing to sign a treaty. The other treaties that occurred after the Indian Removal Act didn’t include any stipulations similar to article fourteen. In having article fourteen, the Treaty of Dancing Rabbit Creek was worthwhile for the Choctaw people to sign. Both the US officials and the Choctaw people were able to accept the treaty as having benefits for each group. The other treaties coming from the Indian Removal Act did not similarly benefit both sides. In stating that the US officials present at Dancing Rabbit Creek were the sole drivers of the treaty terms, historians are able to place this treaty in the broader narrative of large scale US coercion during Indian Removal instead of recognizing the benefits to Choctaws. Sources in the last twenty-five years or so have given a greater timeline, acknowledged the initial March treaty sent to President Jackson, and described the scene at the treaty making in September, but still passively accept the previously ascribed argument that US officials solely decided to include article fourteen. By relying on the larger narrative surrounding Native American removal, and the Choctaw fitting into that narrative, historians have continued to place all decision making power in the hands of the US officials.

With the passage of the Indian Removal Act, the Choctaw nation sought to create a treaty that allowed for Choctaw people to stay in Mississippi instead of all Choctaws being forced to

\textsuperscript{15} The other removal treaties include the 1835 Treaty of New Echota with the Cherokee Tribe, the 1832 Treaty of Cusseta with the Muskogee (Creek) Tribe, and the 1832 Treaty of Pontotoc with the Chickasaw Tribe. The Seminole Tribe of Florida did not sign a treaty as they fought in what is now known as the Second Seminole War (1835-42). The Seminoles did not agree to the Indian Removal Act and fought against the US army that was attempting to remove them.
move westward. Article fourteen of the treaty of Dancing Rabbit Creek of 1830 does just that. In contrast to what the present historiography states, Choctaw leaders had a major role and were the primary driver to include article fourteen. While the current history of Choctaw removal does not give credence to Choctaw negotiating power, a closer analysis does not diverge from the present history. Instead, treaty making power is discovered with a contextual approach to Choctaw specific actions, instead of understanding Choctaw exclusively in the larger lens of all Indian removal. By sending an initial treaty to President Jackson six months prior to the eventual Dancing Rabbit Creek and showing strength in a massive turnout at the treaty processions, the Choctaw leadership used tactics in order to create the best possible deal for themselves and their people. These tactics were factors that helped to create a setting in which US officials could agree to the inclusion of article fourteen.
Bibliography


I hereby declare upon my word of honor that I have neither given nor received unauthorized help
on this work.

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At Dancing Rabbit Creek, a traditional gathering place of the Choctaw people, on September 27, 1830, an infamous treaty was signed for the removal of the Choctaw people from their homeland. This treaty was the most important of the pacts between the United States and the Choctaw as it resulted in the removal of a large part of the tribe from their traditional Southeastern homeland in present-day Mississippi. The significance of the site arises from its association with the signing of the Dancing Rabbit Creek Treaty, which served as a model for treaties of removal with the Chickasaw, Cherokee, C... May 28, 1830. The President signs IRA. On May 28, 1830, President Andrew Jackson signed the Indian Removal Act into law. It was strongly supported by Americans living in the southern states because of their eagerness to obtain the land of the so-called "Five Civilized Tribes", the Cherokee, Chickasaw, Choctaw, Creek, and Seminole. Sep 27, 1830. The Treaty of Dancing Rabbit Creek was signed by the Choctaw and the United States Government. This was the first removal treaty signed under the Indian Removal Act. The treaty gave the US about 11 million acres of the Choctaw Nation in exchange for about 15 million acres in the Indian territory. Feb 24, 1831. Treaty of Dancing Rabbit Creek. The Treaty of Daning Rabbit Creek was proclaimed.