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Choctaw Beer: Tonic or Devil’s Brew?

Steven L. Sewell

Abstract. Originally a drink of the Choctaw Indians, Choctaw beer was a concoction composed of hops, barley, tobacco, fishberries, and a small amount of alcohol. When thousands of coal miners found work in the Choctaw Nation in the 1880s, they quickly adopted “choc” as their favorite libation. Miners argued that Choctaw beer was a tonic necessary to maintain their health. Despite the Federal government’s repeated attempts in the 1890s to suppress the manufacturing and distribution of “choc,” Choctaw beer remained readily available long after the Choctaw Nation no longer existed. To this day Choctaw beer remains an important component of the cultural history of Oklahoma. Federal government documents of the era only offer brief references to Choctaw beer. These documents only discuss law enforcement issues related to Choctaw beer, ignoring the rich and colorful culture that developed around Choctaw beer. Local newspapers published in the Choctaw Nation provide the best source material for research on Choctaw beer. This article is largely based on material drawn from those newspapers.

Introduction

On May 24, 1895 The Hartshorne Sun declared that “a pint is a pound the world around, but if it is Choctaw beer it more nearly approximates a ton.” One individual who imbibed the concoction noted that Choctaw beer “had a wallop comparable to the kick of a mule” (Indian-Pioneer Papers 105, 430-431). The Krebs Banner observed that “a few swigs of the stuff will make an ordinary cotton tail [sic] rabbit spit in the face of a bull dog [sic]” (August 10, 1906). These statements attest to the potency of Choctaw beer, a beverage popular in the 1890s in the Choctaw Nation, now southeastern Oklahoma (Fig. 1). Despite the efforts of the federal government to stop its production and consumption, thousands
consumed Choctaw beer on a regular basis, to such a degree that it became known as the "territorial beverage" and the "national drink" (Wilburton Gazette, February 24, 1905; South McAlester Capital, September 7, 1899).

Choctaw beer, commonly known as "choc," was originally a drink of the Choctaw Indians (Poe 1986). While the ingredients used to manufacture "choc" varied, the most commonly utilized recipe included a mixture of barley, hops, tobacco, fishberries, and a small amount of alcohol. Choctaw beer was easily made with ingredients "readily obtained at the grocery store" and, as the Wilburton Gazette noted, "can be prepared by any housewife" (Wilburton Gazette, May 4, 1906). Regardless of the exact formula, Choctaw beer was a tonic necessary for good health. Local doctors frequently agreed and defended the claims of those
who consumed Choctaw beer. After the authorities arrested one woman for manufacturing Choctaw beer, she told the judge that she had made the beer under the advice of her doctor and showed the judge a doctor’s note to prove it (Edwards 1965; Hartshorne Sun, May 10, 1895; Clark 1955; Aldrich 1952; Wilburton Gazette, May 4, 1906).

Others argued that the water of the region was so laden with minerals that converting it into Choctaw beer was the only way to make it palatable. One newspaper in the town of Coalgate lent support to this claim by noting that “the water is so hard that when you want a drink you have to break off a piece and then pulverize it with a sledge hammer before drinking it” (Poe 1986; Coalgate Nonpareil, May 18, 1894). Dew Wisdom, an Indian agent who was responsible for enforcing prohibition in the Choctaw Nation in the 1890s, frequently complained about such explanations used to justify the manufacturing of Choctaw beer. He noted that according to the miners “the water is always bad in the immediate [vicinity of the] mining centers, but good in the adjacent neighborhoods” (Wisdom 1894).

**Government Efforts to Ban Choctaw Beer**

A prohibition on alcohol in Indian Territory dated back decades. The federal government banned alcohol in Indian Territory in 1803. The Choctaw Nation adopted a similar law in 1834, becoming the first Indian tribe to pass such an ordinance. The language of the ordinances was key, as they banned the introduction of “spirituous liquor” into the Choctaw Nation (Muskogee Daily Phoenix, June 18, 1933; Thoburn and Wright 1929; Edwards 1965). In 1886 Choctaw prohibition law was amended to include production of Choctaw beer (Debo 1934).

The legal situation became vastly more complicated in 1891 when Judge Bryant, who presided over the Federal Court for the Eastern District of Texas, and having jurisdiction over a portion of the Choctaw Nation, declared it was not illegal to ship malt liquors into Indian Territory. This led to the opening of many beer saloons in the southern and western sections of the Choctaw Nation. Acting contrary to Judge Bryant’s ruling, the Indian agent ordered the saloons closed and began to seize beer stocks. But when he attempted to turn over the seized beer to the United States Marshal for Indian Territory, the marshal refused to accept it. When Choctaw enforcement officers seized Choctaw beer from United States
citizens in Lehigh and Coalgate, those affected responded by filing lawsuits in the new Federal Court in Muskogee. The legal situation became even murkier when Isaac C. Parker, Federal Judge for the Western District of Arkansas, ruled that beer was illegal within his jurisdiction, which included eastern parts of the Choctaw Nation, but that the prohibition did not apply to United States citizens residing in Indian Territory. In this confused legal environment the Choctaw Nation became a haven for beer brewers (Debo 1934; Commissioner of Indian Affairs, Annual Report 1892).

In 1892 the United States Congress tried to remedy the situation by amending the federal prohibition law. Congress added a clause banning introduction of “ardent spirits, ale, beer, wine, or intoxicating liquors of any kind” into Indian Territory (Indian Chieftan, March 24, 1892; Commissioner of Indian Affairs, Annual Report 1892, 104). This action briefly closed the saloons until some enterprising individual reasoned that the ban on introducing did not apply to manufacturing and sale. The United States attorney for the Federal Court at Muskogee, Clifford L. Jackson, weighed in on the issue when he refused to prosecute the beer dealers, ruling that Choctaw beer did not fall under the law against “introducing” (Debo 1934). While government officials haggled over the law, brewers began to sell what they called “Jamaica ginger,” which soon was “being sold and drank” throughout Indian Territory (Indian Chieftan, March 24, 1892).

The year 1894 began with the opening of a new United States court in South McAlester. Of the more than two hundred criminal cases on the first docket in January, thirty-four were for selling or introducing “spirituous liquors” into Indian Territory (Coalgate Nonpareil, January 11, 1894). In May 1894 Choctaw beer brewers won a major victory when the United States Supreme Court ruled that beer was not a “spiritous liquor” and therefore it did not come under Indian Territory prohibition statutes (Coalgate Nonpareil, May 4, 1894). But at the same time the Supreme Court ruled that the prohibition against providing alcohol to Indians in Indian Territory remained in effect. The Coalgate Nonpareil noted that “it is a difficult matter for a saloon man to tell who are Indians in this country, and such being the case, considerable discretion is taken in enforcing the law” (August 10, 1894). In the months following the Supreme Court ruling, there was a resurgence in Choctaw beer production and sales, leading the South McAlester Capital to report that “Choctaw beer is again as plentiful in Hartshorne as strip pit water” (April 25, 1895).
In 1895 the United States Congress closed the Choctaw beer legal loophole when it passed legislation that banned the manufacturing and selling of any “vinous, malt or fermented drinks of any kind” in Indian Territory. This action by Congress briefly closed many saloons, leading the Hartshorne Sun to report that “the beer joints ... have about quit operations. O, my, what will we do? It is coming hot weather and [with the] water so poor, the doctor will be run to death” (Debo 1934; Hartshorne Sun, May 10, 1895). The Hartshorne Sun later commented that “strict observance of the law is all right as a general principle, but there are occasions when it entails an absurdity” (June 8, 1895).

The wrangling over whether Choctaw beer was an intoxicating liquor became a protracted affair that lasted for years. Marshals continued to raid establishments selling “malt drinks,” arresting the proprietors for introducing and selling intoxicating liquors (Indian Citizen, September 9, 1897). Judge William H. H. Clayton, in South McAlester, continued to convict and sentence individuals for “introducing,” “manufacturing,” and “disposing” (South McAlester Capital, October 20, 1898). By late 1898 Judge Clayton’s docket was overflowing with these cases (South McAlester Capital, November 10, 1898). The South McAlester Capital noted that “Judge Clayton rightly looks upon Choctaw beer as an intoxicant and he proposes to eliminate it if possible from the economy” (South McAlester Capital, December 8, 1898).

Because most men spent much of their time down in the mines, women dominated the Choctaw beer industry. Many women brewed Choctaw beer to supplement the family income, but the activities of these women caused the Indian agent to label them as “troublesome” (Debo 1934; Brown 1980; Clark 1955-56; Aldrich 1952). In October 1898 the South McAlester Capital reported that “Anna Hall, of Hartshorne, pleaded guilty yesterday to making and selling Choctaw beer. Anna has done a hull [sic] lot of this kind of business and she went to jail because of these transgressions.” The Capital also noted that “Mrs. Harley of Krebs is almost as well known ... as any of the unimportant personages who figured in the Spanish-American imbroglio. Mrs. Harley sells, it is stated by good authority, Choctaw beer” (South McAlester Capital, October 26, 1898). The Capital also lamented that “it was a sad picture” when sixty-nine-year-old Antoinetta Dominicini “was led to jail last night ... for selling Choctaw beer” (South McAlester Capital, March 2, 1899). In 1904 the authorities in Wilburton arrested a Mrs. Thompson and a Mrs. Aurora McBee for manufacturing Choctaw
beer. The *Wilburton Gazette* observed that “these are said to be very shy old girls and [they] have been under suspicion for a long time” (*Wilburton Gazette*, October 7, 1904).

Those caught violating prohibition laws frequently received relatively light sentences. Many violators received the minimum sentence of thirty days and a dollar fine; hence criminal penalties provided little incentive to stop production. On the other hand some individuals did receive a harsher sentence. When one Frank Pardon was sentenced for manufacturing Choctaw beer, the *South McAlester Capital* reported that “he that drinketh corn tea because the water was bad” will “rusticate” for ninety-one days in the Fort Smith jail (*South McAlester Capital*, May 25, 1899).

**CHOCTAW BEER GETS RENAMED**

As the authorities cracked down on Choctaw beer manufacturers, enterprising individuals sought to avoid arrest by renaming their product “Rochester Tonic” and by proclaiming that their product was non-intoxicating. This was little more than a ruse to most individuals. The *Canadian Advertiser* declared that “Rochester Tonic” was intoxicating and noted that “this statement can be verified by more witnesses than [one] can find standing room in the United States court room” (September 2, 1898). The *Indian Citizen* noted that the non-intoxicating drinks sold in the Choctaw Nation were “non-intoxicating only so far as the label goes.” The newspaper went on to comment that “after a man drinks a couple bottles of this hog-wash, he is in fit trim to fight his grandmother.” Commenting on the establishments that sold these so-called non-intoxicating drinks, the *Indian Citizen* declared that “the average grog shop is wholesome compared to these slop-joints” (June 1, 1899).

Louis Cohn, who had been convicted of introducing and disposing of intoxicating liquors, appealed the conviction. Cohn argued in his appeal that Judge Springer had ruled that the government had to prove that malt liquors were intoxicating. Cohn argued that his “hop ale” contained only two percent alcohol and that it was non-intoxicating. Everyone in the Choctaw Nation eagerly awaited the Appeals Court ruling “in the now famous hop ale case.” But in 1899 the United States Court of Appeals dealt Cohn a setback when it reversed Judge Springer’s decision in a two-to-one ruling and declared that all malt and fermented liquors were prohibited in Indian Territory. Commenting on the decision, Judge Clayton noted that the ruling applied not only to
Choctaw beer, but also to “Rochester Tonic,” “Vegetable Bitters,” “Malt Nutrines,” and “numberless other pretended health restoratives.” The key point in the ruling was when the Appeals Court declared that all malt liquor was prohibited, “without regard to its intoxicating qualities” (South McAlester Capital, June 15, 1899; Indian Citizen, June 15, 1899).

The Appeals Court ruling was not the final word on the legality of Choctaw beer. The South McAlester Capital noted that it all depended on which judge heard the case. The newspaper pointed out that if “they are tried before Judge Clayton or Judge Thomas they will be held as being guilty of introducing and selling intoxicants, while if they come before Judge Springer or Judge Townsend the reverse will be held” (South McAlester Capital, June 15, 1899). Only a few weeks after the Appeals Court ruling, the Coalgate Courier reported that “most of the judges and ministers will take a layoff next month, but the Choctaw beer makers and sellers and other sinners will continue business” (August 3, 1899). Louis Cohn, whose appeal had kept the dispute alive, simply moved a few miles north to Wagner and opened a new establishment. The Wagner Record ran a full-page advertisement to announce the grand opening (Coalgate Courier, August 24, 1899).

A month after the Appeals Court ruling prohibiting malt liquors in Indian Territory, vendors in the Cherokee and Creek Nations began selling a product called “mist.” The Coalgate Courier noted that “mist” made those who imbibed it just as drunk “as when they call it beer” (July 20, 1899). Two months later the Department of Agriculture ruled that “mist” was “typical beer” containing five percent alcohol (Cherokee Advocate, September 23, 1899; Coalgate Courier, September 28, 1899).

After the Department of Agriculture declared “mist” intoxicating, beer brewers had to find a new name for their product. In May 1900 they began marketing a new drink known as “Simco’s Meade.” Brewers announced that “Simco’s Meade” was non-intoxicating and they won a victory when the beer was “passed upon by the [United States] Attorney General as [a] non-intoxicant.” The decision to declare “Simco’s Meade” legal was based upon a Department of Interior ruling that declared liquors containing less than three and one-half percent alcohol to be non-intoxicating (Coalgate Courier, May 4, 1900; June 7, 1900).

Brewmeisters producing Choctaw beer continued to use health concerns as an explanation for their activities. In June 1900 a Mrs. Quinn of Coalgate was caught with a “fresh keg” of Choctaw beer.
When the raid occurred, Mrs. Quinn informed the authorities that she had brewed the beer for her sick daughter and that the numerous men at the house were doctors visiting her ailing daughter. The local deputy made no arrests due to the illness of the daughter, but he did take down the names of the “doctors,” whom he suspected were practicing medicine without a license from the Choctaw Medical Board (Coalgate Courier, June 7, 1900). The South McAlester Review tried to explain all the beer drinking by reprinting an article first published in the North American Review that contended beer drinking was driven by a craving for the “elements left out in the manufacture of white bread” (South McAlester Review, December 23, 1899).

The creativity in renaming Choctaw beer reached a new high in 1901. A new brew called ‘Nixey,” so named because “there is nothing in it,” began to appear in McAlester and other localities in the Choctaw Nation. When the authorities in McAlester arrested the local “Nixey” sales agent, forty people signed a petition asking that he be released on the grounds that “Nixey” was a harmless non-intoxicating drink (McAlester News, July 19, 1901).

Unable to put an end to the Choctaw beer industry, legal authorities discovered that the fines associated with the industry brought in considerable revenue. Records of court proceedings began to look more like account ledgers than legal records. Income derived from fines and court costs poured into government coffers (Wilburton Gazette, September 2, 1904; Wilburton News, October 27, 1904). Receipts increased further when the permissible amount of alcohol was reduced to 2% (Hartshorne Sun, October 20, 1904).

Despite all of these efforts Choctaw beer continued to flow freely throughout the region. The Poteau Journal noted that “if any one thinks Poteau is a dry town his error of judgment might be corrected by his remaining out of doors a few hours” (Poteau Journal, June 9, 1904). The region remained disreputable enough that in 1905 Carrie Nation paid a visit to Hartshorne. This visit by the prohibition movement’s most famous firebrand drew considerable attention in the region. A local newspaper declared “the curious will have an opportunity to see her and to procure one of her hatchets” (Headlight Journal, February 9, 1905).

Despite the law enforcement efforts to suppress the Choctaw beer trade, on May 4, 1906, the Wilburton Gazette reported that the “Choctaw beer season formally opened last week.” According to the Gazette, “many old offenders [were] gathered in.” Those arrested included a woman named Mary Barons, “known to the boys as
‘Mother.’” Her beer was well-known for its potency, which the Gazette attributed to its “liberal portions of fishberries, snuff, snipes and miscellaneous chews of tobacco” (Wilburton Gazette, May 4, 1906).

In 1906 a new concoction called “Uno” appeared in Indian Territory. Drug stores that sold “Uno” claimed that although “Uno” looked like, smelled like, and tasted like beer, it was a non-intoxicating beverage. Law enforcement authorities were not convinced and began to raid “Uno joints.” Local newspapers had fun with the new beverage’s name, declaring that “if Uno is slain its bier [sic] will be drenched with the tears of the thirsty, whose burning coppers were beginning to cool under copious draughts of ice-cold—oh, you know!” (Muskogee Times-Democrat, January 25, 1906).

Even though a local chemist declared “Uno” contained only 1.9% alcohol and thus by legal definition was non-intoxicating, Judge Clayton ruled that “Uno” and all its “allied drinks” were prohibited in the Choctaw Nation. Two of those “allied drinks” were “Longhorn,” and “Tee-total,” which sellers claimed were non-intoxicating. Once again the law was unclear as Indian Territory courts declared these drinks legal, while the federal courts prosecuted those involved in the trade (Muskogee Times-Democrat, February 9, February 26, June 23, July 11, July 19, 1906; Wilburton Gazette, July 27, 1906).

**STATEHOOD AND CHOCTAW BEER**

With statehood approaching in 1907 a debate ensued over prohibition provisions in the statehood bill pending before Congress. The debate was heavily colored by the ongoing controversy over Choctaw beer and its “allied drinks.” The prohibition provision in the statehood bill declared it illegal to sell “intoxicating liquor of any kind, including beer, ale, and wine” (Wilburton Gazette, June 22, 1906).

While the debate raged on, the Wilburton Gazette noted that while Indian Territory had “the most stringent laws, ... the Choctaw beer ... joints” were only “spasmodically raided” (July 5, 1907). The newspaper reported that while the marshals would “march some poor old Polish woman up to the Commissioner’s office,” they had failed to crackdown on horse-thieves and whiskey peddlers. The Gazette hinted that corruption played a role in these activities when it declared that “when a Deputy Marshall [sic] accepts a bribe of $10 per month from an old Polish woman for making Choc and through a mistake she gives him $20, he should
either give $10 of it back or issue a permit for another month” (August 23, 1907). In a similar comment the Gazette noted that “if the Choctaw beer makers should go on strike for thirty days the Deputy Marshals would all starve out” (August 30, 1907).

A certain degree of socioeconomic class bias also seems to have filtered into enforcement of prohibition laws. The Wilburton Gazette noted that the while the authorities were waging an aggressive war against the “miserable Choctaw beer sellers,” the “paper-collared” gentry drank their 33% alcohol “bitters” and “cordials” with impunity (April 26, 1907).

During World War I and after the Choctaw beer industry continued to flourish despite the efforts of the law enforcement community to eradicate the trade. Raids continued, but so did production. Krebs remained a center of production for “choc” and “other spirits of fermenti” (Oklahoma Miner, February 19, 1914, May 24, 1917). During the 1919 Red Scare the Oklahoma National Guard complained that Italian women were making “choc” for the “agitators.” Italians, many of whom had settled in the area to work in the mines, continued to brew and drink Choctaw beer into the late-1920s. Tom Caswell, Chief of Police in Krebs in the 1920s, noted that many Italians drank “choc” and that some sold it for 25 cents a quart. In 1928 Governor Henry S. Johnston called for a government investigation of lawlessness in Krebs. During the investigation Pittsburg County District Attorney W. E. Gotcher admitted that Choctaw beer had been a problem in Krebs for years. Choctaw beer experienced a sort of renaissance in the depression-wracked 1930s as individuals turned to it as a way to make a living (Brown 1980).

In 1933 the Twenty-First Amendment repealed federal prohibition. While Oklahoma remained technically a dry state, the citizens of Oklahoma approved a proposition which legalized the sale of 3.2% beer, which was defined as non-intoxicating (Gibson 224). But long after the repeal of prohibition one could still get “choc” in Krebs “simply by asking some of the right people in town” (Brown 1980).

CONCLUSION

Choctaw beer was an important part of the culture of the Choctaw Nation. While “choc” originated with the Choctaws, it quickly became the favorite drink of every nationality and ethnic group in the Choctaw Nation. Despite the government’s efforts to eliminate Choctaw beer, the beverage remained so popular that law enforcement officials found it impossible to suppress the trade.
Long after the Choctaw Nation was no longer a sovereign power, Choctaw beer continued to be produced and drunk. Choctaw beer was sold as late as 1981 in Krebs at a local institution known simply as “Pete’s Place.” Law enforcement officials turned a blind eye to this illicit activity so local and state luminaries could continue to enjoy Choctaw beer. This all came to an abrupt end following a story in the state’s leading newspaper, the *Daily Oklahoman*. Choctaw beer returned to Pete’s Place in 1995 following the conversion of the restaurant to a brewpub (Real Beer Media, 2006). Pete’s Place Web site notes that their Choctaw beer is brewed from the same recipe from days long past, but with one difference, “the Choc served these days is legal” (Pete’s Place, 2006). More than a century after its heyday Choctaw beer remains an indelible aspect of the culture and history of what today is southeastern Oklahoma.

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